



HERBERT
SMITH
FREEHILLS



HERBERT SMITH FREEHILLS DISABILITY MOOTING CHAMPIONSHIP: OXFORD v CAMBRIDGE

RULES

1. Competitors and eligibility

- (1) The competition is open to all matriculated students of, and all visiting students at, the University of Oxford and the University of Cambridge.
- (2) Competitors enter the competition and compete in teams of two. Competitors must find their own partners.
- (3) Competitors in a given team must be from the same University but need not be from the same College or reading for the same degree.
- (4) Competitors must conduct all research and preparation for the competition without assistance from any other person.
- (5) To enter the competition, teams must, by 5 pm on Tuesday of Third Week of Michaelmas Term (29th October 2019), submit (a) a one-page skeleton argument; and (b) a motivational statement to mooting@law.ox.ac.uk. The motivational statement should be no longer than 250 words and should explain why the applicants want to take part in this particular competition. The email should include the names of both team members, the names of their colleges, and their email addresses. The skeleton argument should be for *either* the appellant *or* the respondent (at the discretion of the team). The skeleton argument should address both grounds of appeal.

2. Skeleton arguments and selection to compete

- (1) The Championship Organising Committee will select the 18 teams that submit the best skeleton arguments in accordance with rules 1(5), 2(3) and 2(4) to compete in the oral rounds of the competition.
- (2) Skeleton arguments will be used for selection purposes only and will not be provided to any of the judges or to any of the other competitors.

- (3) The skeleton argument must be no longer than one side of A4 paper (12 point Times New Roman font; text single-spaced; character spacing normal; margins of 2.5cm on all sides of the page) and must not cite any cases not referred to in the moot problem. Citation of additional legislation and academic material is permitted. Citation must comply with OSCOLA.¹
- (4) The skeleton argument must set out:
 - (a) the court and the names of the parties;
 - (b) the party on whose behalf the skeleton argument is submitted;
 - (c) the major arguments that counsel intend to make, accompanied by appropriate reference to authorities; and
 - (d) counsels' names.
- (5) The skeleton argument need not include a summary of the facts.

3. Format of the oral rounds

- (1) The competition will take place on the 15th and 16th of November 2019 in Oxford.
- (2) 18 teams will compete in the Group Stage of the competition, four teams in the Semi-Final, and two teams in the Grand Final.

Group Stage

- (3) Teams from the University of Oxford will be randomly assigned to one of three groups: Group A, Group B, and Group C.
- (4) Teams from the University of Cambridge will be randomly assigned to one of three groups: Group D, Group E, and Group F.
- (5) Each team will argue the moot problem against the other two teams in its group, arguing once on behalf of the appellant and once on behalf of the respondent.
- (6) The judge of each moot in the Group Stage will:
 - (a) award each team a score out of 20, calculated on the basis of a maximum of 10 points for understanding of the law and the moot problem and a maximum of 10 points for skill and style in presenting arguments; and
 - (b) award the team that performs best in each moot an additional 10 points.
- (7) No draws will be permitted.
- (8) The two teams in Groups A, B and C that have the highest total score when their points from the two Group Stage moots are combined will qualify for the Semi-Final, as will the two teams in Groups D, E and F that have the highest total score when their points from the two Group Stage moots are combined.

¹ <https://www.law.ox.ac.uk/research-subject-groups/publications/oscola>

Semi-final stage

- (9) In the Semi-Final:
- (a) the two qualifying teams from Groups A, B and C will moot against each other; and
 - (b) the two qualifying teams from Groups D, E and F will moot against each other.
- (10) A coin will be tossed by the Faculty Mooting Co-ordinator or, alternatively, by a member of the Organising Committee, to determine which team argues on behalf of the appellant and which on behalf of the respondent.
- (11) The judge of each moot in the Semi-Final will award each team a score out of 20, calculated on the basis of a maximum of 10 points for understanding of the law and the moot problem and a maximum of 10 points for skill and style in presenting arguments.
- (12) No draws will be permitted.
- (13) In each Semi-Final moot, the team with the higher score will qualify for the Grand Final.

Grand Final

- (14) A coin will be tossed by the Faculty Mooting Co-ordinator or a member of the Organising Committee to determine which of the two qualifying teams will argue on behalf of the appellant and which on behalf of the respondent.
- (15) The Grand Final will be judged by three or four judges.
- (16) Each judge of the Grand Final will award each team a score out of 20, calculated on the basis of a maximum of 10 points for understanding of the law and the moot problem and a maximum of 10 points for skill and style in presenting arguments.
- (17) No draw will be permitted.
- (18) The team with the higher score will be the winner of the Herbert Smith Freehills Disability Mooting Championship: Oxford v Cambridge. The other team will be the runner-up.

4. Conduct of moots

- (1) Skeleton arguments will not be used in the moots.
- (2) No case that is not mentioned in the moot problem may be cited during the moots, save to the extent that other cases are referred to in the cases provided to teams.
- (3) Academic writing may be incorporated into oral arguments but no academic writing or other material may be handed up to the judge.
- (4) It is permissible to refer to legislation. But no legislation may be handed up to the judge.

- (5) One member of each team that has a bye in the Group Stage will be required to keep time in one of the other two moots. Volunteers will be sought to keep time in the semi-final moots. It would be very helpful if mooters brought a watch or mobile phone for keeping time. Time sheets and time warning cards will be provided.
- (6) The order and maximum duration of argument will be as follows:

<i>Stage of proceedings</i>	<i>Maximum duration</i>
Submissions of leading counsel for the appellant	10 minutes
Submissions of leading counsel for the respondent	10 minutes
Submissions of junior counsel for the appellant	10 minutes
Submissions of junior counsel for the respondent	10 minutes
Reply by one counsel for the appellant	3 minutes

- (7) Leading counsel is counsel who addresses the first ground of appeal. Junior counsel is counsel who makes submissions on the second ground of appeal.
- (8) Either counsel for the appellant may give the Reply.
- (9) Sur-replies are not permitted.
- (10) The maximum durations indicated include time taken answering questions from the judge, and must be strictly observed (judges will be instructed to deduct points where the maximum duration is exceeded).
- (11) Except in the Grand Final, judges are not required to give reasons for decision on the points of law raised by the moot problem but may offer general mooting feedback to the teams.
- (12) At each stage of the proceedings, the clerk will display a warning sign when '5 minutes' remain, '3 minutes' remain and at 'Time'.
- (13) Counsel will dress professionally. Gowns must be worn at all stages of the competition.
- (14) Competitors who are eliminated from the competition at the Group Stage must also attend the competition venue for the Semi-Final and Grand Final. They must remain at the competition venue on this date until the Grand Final is completed. The Law Faculty regards it as unacceptable for competitors who are eliminated to not be present for the remainder of the competition as doing so is inconsistent with the Law Faculty's commitment to mooting and is disrespectful to the judges and to the competitors who progressed further in the competition. Competitors who are eliminated from the competition who wish not to be present for the entire competition should seek permission from the Faculty Mooting Co-ordinator.

- (15) The Faculty Mooting Co-ordinator and the Organising Committee will be entitled to refuse entry to the drinks reception to any competitor who fails to comply with rule 4 (14).

5. Prizes and Rewards

- (1) The winning team will receive a cash prize of £500.
- (2) The runner-up team in the Grand Final will receive a cash prize of £300.
- (3) The quantum of the cash prizes may be varied without notice due to circumstances beyond the Faculty's control.
- (4) The members of all teams will be entitled to attend the Celebratory Dinner.
- (5) The members of all teams will be entitled to attend the Drinks Reception (subject to rule 4 (15) above).

6. Complaints, Appeals and Penalties

- (1) All complaints and appeals concerning the competition must, within ten minutes of the conclusion of the moot in which the matter giving rise to the complaint or appeal arose, be submitted to the Faculty Mooting Co-ordinator for determination.
- (2) In respect of any alleged breach of these Rules, the Faculty Mooting Co-ordinator will:
 - (a) determine whether there has been a breach; and
 - (b) determine what penalty, if any, is to be imposed for the breach.
- (3) The Faculty Mooting Co-ordinator may impose the following penalties in his absolute discretion:
 - (a) subtract points awarded to any team in a given moot; and
 - (b) disqualify a team.
- (4) All questions concerning the interpretation of these Rules must be submitted to the Faculty Mooting Co-ordinator for determination.
- (5) The Faculty Mooting Co-ordinator may at any time determine such amendments to these rules as may be necessary or convenient for the efficient organisation, administration or conduct of the competition.
- (6) All determinations made by the Faculty Mooting Co-ordinator will be final and conclusive and binding on all competitors.

7. Clarification or correction of the moot problem

- (1) Requests for clarification of facts or correction of errors in the moot problem may be made by email to the Faculty Mooting Co-ordinator.

- (2) Requests made under the preceding rule must be made by 9AM on Friday 8th November.
- (3) Late requests for clarifications or corrections will not be accepted.
- (4) The Faculty Mooting Co-ordinator may issue a clarification or correction of the moot problem on his own initiative at any time prior to the commencement of the competition.