



## **2021 Supplemental Rules for the North American Region of the Manfred Lachs Space Law Moot Court Competition**

### **A. Role of Faculty Advisor**

1. Each team shall have a Faculty Advisor. *See* Official Rules Article 3(7). The role of the Faculty Advisor is important, but it must not extend past a supporting role. “The Faculty Advisor shall confine himself or herself to a supporting role, limited to a *general* discussion of issues and suggestions as to research sources, and shall guarantee that the Memorials in their final versions are *solely the work of the students* comprising the team.” *Id.* 3(9) (emphasis added). Importantly, “only the two registered students on the team, and the alternate member, if applicable, may participate in preparing the Memorials, including both the *research, drafting and editing* of the Memorials.” *Id.* 5(7) (emphasis added). The role of the Faculty Advisor must be limited by these rules. The Faculty Advisor may not conduct research but may generally guide research. The Faculty Advisor may not draft or edit the Memorials in either a draft or final format. The Faculty Advisor may read drafts of the Memorials and discuss them with the students in a general manner. The Faculty Advisor, however, should not provide specific written edits on the drafts. Otherwise, the drafting of the Memorials will not be “solely the work of the students.” This is a fine line. By way of example, a Faculty Advisor could read a Memorial and comment that a certain section could use some changes and additional support; the Faculty Advisor may generally discuss the issues that should be revised or expanded and may suggest cases that the students should review. The Advisor should not, however, make specific editing suggestions, or provide analysis of cases. When in doubt about the limits of their role, the Faculty Advisor

should contact the Regional Organizer. This rule also applies to Assistant Faculty Advisors (coaches), if any.

## **B. Competition Divisions**

1. After registered teams submit their Memorials, teams will be placed in an even number of divisions by the Regional Organizer. Separate panels of judges will grade the Memorials and Orals for each Division. The goal is to have the same number of teams in each Division. If an uneven number of teams have registered, however, one Division will have one more team than the other Division. This will be determined by the Regional Organizer.

## **C. Rules for Memorials (See International Rules, Article 5)**

1. Each Memorial is graded by at least two space law experts who grade separately. Thus, each team's applicant Memorial will be graded by multiple graders, and each team's respondent Memorial will be graded by multiple graders. These Memorial scores will be averaged to reach the final score for each Memorial. If any grader's score is 4 or more points lower than the next lowest grade for that Memorial, that judge will be asked to reevaluate the score. Then penalty points, if any, are assessed.
2. Format of Memorials shall be in accord with the Uniform System of Citation ("Bluebook").
3. Penalty points: Penalty points are addressed in Article 10 of the Official Rules and by the Annex on Penalties to the Official Rules. In the North American Region, however, not all potential penalty points will be enforced. Specifically, violations of Article A-3, paragraph 2 (following the Uniform System of Citation), will not result in the assessment of penalty points. Other provisions of the Annex will be enforced in accordance with the Official Rules, which provides the Regional Organizer with discretion regarding the imposition of penalty points. Article 10(2).
4. Article 5(2) relates to compliance with the Uniform System of Citation. Although penalty points will not be enforced for each specific violation, failure to comply with these rules will likely lead graders to be more critical of the content and lower the overall score. Teams should strive to comply with these rules even if specific penalty points will not be assessed.

5. Do a word count on your Argument section using Word to ensure you don't exceed the Rule 5(4) 9,000-word maximum. Exceeding that limit warrants an assessment of penalty points. When you do the word count, ensure that you count the Footnote words as well.
6. E-Mailing of Memorials. Memorials must be submitted by email. Ensure they are emailed not later than the due date (date of receipt). The subject of your email should be: "Team XX Memorials". Insert your team number for the "XX." The Regional Organizer will provide an email address to which the Memorials are to be sent. Attach your Memorials to the email with the following names for the files: "TeamXX-applicant.doc" and "TeamXX- respondent.doc". Please do not break your Memorials into parts -- Do not send applicant Memorial part 1, 2 and 3, etc. One document should be the applicant Memorial and another document the respondent Memorial. Attach both to the same email.
7. Absent advance approval, Memorials must be emailed as WORD documents. Do not send PDFs or versions in some other software format.
8. The International Rules provide: "Memorials shall not in any way identify the team, its members, the law school, faculty, university or other participating institution except with the Team Number as assigned by the Regional Organizers or the Moot Court Committee. The electronic versions of memorials shall not have any electronic identification of the team, its members, the law school, faculty, university or other participating institution." To ensure compliance with this Rule, it is important that teams do not use electronic "tags" in the electronic files of the Memorials. This applies to information in the file "Properties," the "Summary" window of "File-Properties," and elsewhere. Please check these areas to ensure there is no electronic identification of the school, team member, etc.

#### **D. Rules for Oral Arguments (See International Rules, Article 7)**

1. If a team is not arguing during a round, it shall not sit in on any other oral arguments. Nor shall a representative of a team view the oral arguments of another team. In general, until after the competition is over, a team shall not discuss with any other team the oral argument performance of another team or questions asked by judges.

2. Students shall avoid talking to the judges during the competition about substantive matters related to the competition. Post-competition discussions with the judges are encouraged.
3. During the oral arguments, each argument will be held before a panel of at least two judges. Usually, three are used. Since each team will argue twice, a total of four to six judges will grade each team's oral argument. Those oral grades will be averaged, and this will be the score for the orals. Judges grading the oral arguments will not grade Memorials. They are directed to grade the students solely on the oral advocacy skills.
4. Each side will argue 30 minutes in total, including questions from the bench. Each agent must argue for at least 12 consecutive minutes and at least two minutes but no more than six minutes may be reserved for rebuttal or sur-rebuttal.
5. Immediately after each oral argument, if requested, each team will have no more than 30 seconds to state whether the opposing team has violated any rules applicable to oral argument. If such a challenge is made, the opposing team will have no longer than 30 seconds to respond. The judges will resolve each such challenge during deliberation and, if appropriate, will assess any penalty points. The decision of the judges is final and may not be appealed at any time.
6. Prior Viewing of Teams and Recusal: To the extent reasonably possible, judges should not view a team they have viewed in a previous Oral Round. If a judge views a team twice, the Organizer should strive to ensure the judge views the team's opposite side. If a judge knows a student on a team based on an internship, teaching, etc., the judge shall advise the Organizer and evaluate whether the judge should recuse himself from the Round. This determination is not subject to challenge.

## **E. Preliminary Rounds**

1. In the Preliminary Rounds, each team argues twice, one argument for each side of the Problem. The final scores for the Preliminary Rounds will be based upon the oral and written grades. Memorials count 50%, and oral arguments count 50%.
2. At the end of the Preliminary Rounds, if there are two divisions, the top four teams in each Division are identified and ranked from the top team (#1) to the lowest team (#4). If there are four divisions, the top two teams will be identified. If there are

more than four divisions, supplemental rules will be published in advance. This ranking will be based on the total of the combined average Memorial and oral argument scores. If there is a tie, the team with the best oral score will be declared the winner. If a tie remains, and the tied teams argued against each other in a Preliminary Round, the team with the higher oral score in that argument will advance. If a tie remains, the team with the highest of the individual Memorials scores will advance. If a tie still remains, the tie will be broken by a coin toss with the Regional Organizer selecting the team that will make the call.

## **F. The Quarter-Final Round**

1. The Quarter-Final and Semi-Final rounds are head-to-head arguments with the team with the most points in each argument advancing.
2. The oral argument pairings will be determined by the Preliminary Round ranking. The #1 team in a Division will argue against the #4 team in that Division. The #2 team in a Division will argue against the #3 team in that Division. If there are four divisions, then the top two teams in each division will face each other. After the oral argument pairings are determined, the side each team argues will be determined by a coin toss with the higher ranking team making the call unless a pairing involves teams that have argued against each other in a prior round. In that case, those teams will switch sides for the Quarter-Final Round.
3. Judges for the Quarter-Final Rounds of a Division will be either experienced judges who did not grade Preliminary Rounds, or judges who graded the Preliminary Rounds for the other Division. Thus, no judges of the Quarter-Final Rounds will have previously viewed a team being graded.
4. In judging this Round, the bench will consider only the oral arguments for this Round. The judges will give specific scores to the oral arguments as in the Preliminary Rounds. The Regional Organizer will then average all grades received at the Quarter Final Round orals for each team. The Regional Organizer will then calculate a final score to identify the winning team by weighing the Memorial scores at 25% and orals scores at 75%. The team with the highest resulting Score will be the winner of each Quarter Final Round. Oral argument grades from Preliminary Rounds will not be considered. The team with the most points in each argument will advance to the Semi-Final Round. After the scores are calculated, the judges will meet with the teams to announce the winner.

## **G. Semi-Final Rounds**

1. The advancing teams from each argument will advance to the Semi-Final Round. The oral argument pairings will be determined by a drawing. The Organizer will have pieces of paper to be drawn with the following notations: Court 1 Applicant; Court 1 Respondent; Court 2 Applicant; and Court 2 Respondent. Each team will choose a student to draw. The Organizer randomly will determine the order of the draw.
2. If the drawing results in a pairing between teams that have argued against each other in a prior round and they are arguing the same side they argued in the prior round, then those teams will switch sides for the Semi-Final Round.
3. Prior to the Semi-Final Rounds starting, the Organizer will visit each courtroom and determine whether any of the judges viewed a team in their court room previously. If that is the case, the Organizer will endeavor to switch the rooms the judges are viewing, or use other available judges in order to have Semi-Final judges who have not viewed one of the teams previously. Having viewed a team previously, however, is not grounds for disqualification.
4. In judging the Semi-Final Round, the bench will consider only the oral arguments in that round. Oral argument grades from prior rounds and Memorial scores will not be considered by the judges in that round.
5. After the scores are calculated, the judges will meet with the teams to announce the winner.

## **H. The Final Argument**

1. The teams winning each Semi-Final Round will argue against each other in the Final round. A coin toss will determine which team argues as Applicant and which team as Respondent, with the Regional Organizer selecting the team that will make the call. If this results in a pairing between teams that have argued against each other in a prior round and they are arguing the same side they argued in the prior round, then those teams will switch sides for the Final Round.

2. To the extent reasonably possible, judges will be used in the Final Round who have not previously viewed any teams in the competition.
3. In judging the Final Round, the bench will consider only the oral arguments in that round. Oral argument grades from prior rounds and Memorial scores will not be considered.

## **I. Awards**

1. The following awards will be presented: Best Team; Second Place; Best Oralist; Best Memorials; Quarter- Finalist; Semi-Finalist; and Best New Team. The Best New Team is the team with the highest combined Memorial and Oral scores in the Preliminary Rounds that has not participated in this competition within the last five years. Based on the sponsorship of the Young Scholars Fund, the Best Oralist may be determined by separate scores from the Preliminary Rounds. The Best Memorial will be selected by a panel of three judges established by the Regional Organizer for this purpose. The team from each Division with the highest Memorial scores in that Division will have their Memorials submitted to this panel. If there is a tie within a Division for the best Memorial scores, the Memorials from the tied teams will be submitted to the panel. Each of these three judges will read the submitted Applicant and Respondent Memorials and select the team with the best Memorials.

## **J. General Schedule**

1. The schedule will be provided by the Regional Organizer to all Registered Teams no later than the close of Registration for the competition. In the event that the in-person competition is canceled, the Regional Organizer will provide all Registered Teams with a schedule to conduct virtual arguments.

## **K. Support of the Winning Team**

1. The Regional Organizer will ensure that the winning team (2-3 competing students) obtains the necessary funds for travel, stay, and participation in the World Finals. Teams should expect to receive sponsorship of up to \$7,000 for such costs from the Regional sponsor(s). This level of funding has usually been sufficient, and funding above \$7,000 is not guaranteed. If additional funding is required, the school and

team will be responsible, although the Regional Organizer may also seek additional funds for travel if necessary.

**L. Invitation of Teams from Developing Countries or Underrepresented Communities**

1. A team representing a university or institution from a developing country or underrepresented community may request a full or partial waiver of the registration fees by submitting a financial hardship application in writing to the Regional Organizer.



## **Virtual Argument Agreement**

By participating in a Virtual Argument, each team agrees to the following:

- Participants shall continue to abide by Article 7 of the International Rules, and Section D of the North American Supplemental Rules
- Participants certify that they will not receive outside help during their argument, including any unauthorized persons or materials either (1) out of view of their camera, or (2) virtually through their computer or other device
  - This includes communication with a faculty advisor, assistant, or third team member, from the time Court is in session and until Court is adjourned
- Any communications directed at the judges must be made in front of all participants
  - Communications between two agents of the same team may be made in private
- No one other than registered faculty advisors, assistants, or third team members may view the virtual argument
  - These attendees who are not part of the virtual argument must turn off their camera and microphone
- Both teams of agents must keep their cameras on at all times, but should mute their microphones unless it is their time to argue
- No participant shall knowingly cause disruption, either visually, by audio, or by any other abuse of the teleconference system
- The Regional Organizer reserves the right to hear complaints or suggestions from teams participating in virtual arguments, and to circulate additional guidelines as needed.

Best Practices for Virtual Argument:

- If an agent is speaking, and cannot hear a question from the judges, please ask them to repeat themselves.
- Please keep the chat window open for any additional communication.
- If an agent is speaking, and is disconnected, then upon reconnecting the time keeper will confirm their time back.
- If an agent is speaking, and believes the entire panel of judges may not have heard their previous point, the agent may ask the panel to confirm if they heard the agent's previous remark.
- Agents should keep their camera on at all times, but mute themselves when it is not their time to argue.