

Summer School with Moot Court 2014 in Hạ Long

Moot Court Rules

I. Rules

1. Memorials

Each team must prepare memorials (summary, written pleadings with heads of arguments) in support of the case of the Applicant as well as the Respondent.

Memorials shall be submitted to the Panel before the Hearing.

2. Oral Pleadings

The order of pleadings shall be Applicant team, Respondent team, rebuttal by Applicant team, rebuttal by Respondent team. All team members must act as oralists. No team shall plead for longer than 30 minutes. One oralist may not use more than 5 minutes.

The scope of a team's oral pleading is not limited to the scope of its memorial.

II. Guidelines for preparing the memorials

1. Getting started

The most difficult part is usually figuring out where to start. Begin by familiarising yourself with the facts of the hypothetical case to be argued. Read this over a few times until you have a firm grasp of what's going on. Once you're familiar with the facts, you'll be able to identify the basic key issues.

2. Preliminary research

Now that you've got the basic issues that must be addressed, you can start with the preliminary research. The best place to start is by reading through the ECHR judgment, on which the case is based (K.U. v. Finland, application no. [2872/02](#)).

It may also be a good idea to revise the materials presented and discussed during the Summer School lectures.

3. Summary Report

It is advisable for each team to draw up a preliminary summary report of the ECHR judgment K.U. v. Finland at an early stage in the preparation. The members of both teams should complete a report on all the issues, for both the Applicant and the Respondent. The purpose of this research report is to provide for a broad range of ideas on what issues to canvass in the memorials, and to ensure that the teams agree on what the key issues are. It may also help the team decide on how to allocate the work between the team members, as one person may be particularly interested in a particular issue.

4. Researching the problem

The team should divide the work between the team members, and one member will prepare memorials for both the Applicant and the Respondent on the particular issue. When research-

ing, consider the sources of law that the Court will apply. Additional information on the topic may be researched on the internet.

Remember that you're preparing arguments for both the Applicant and the Respondent, so you need to keep in mind both sides.

5. Writing the memorial

When you feel comfortable enough with the information, begin writing the memorials. Make sure that all your arguments are supported with facts from the case and legal authority.

You may use *google drive* in order to work simultaneously on the memorial.

Creating a good structure for your arguments is essential. Memorials don't have as rigid a format as required by heads of argument submitted in a domestic court. Teams can decide on what will suit them best. Make your structure clear by using headings and subheadings, and bear in mind which arguments are being argued in addition to the others and which are being argued in the alternative. It is usually most effective to begin your memorials with your strongest arguments.

6. Editing the memorials

Don't underestimate how long it will take to edit the memorials. It may be helpful for the team to decide together on certain things at the outset. This will result in the document looking standardised, and will save you from wasting time later by having to make these changes.

7. Working as a team

Even though each team member is responsible for a particular issue, it is still essential that the team meets to read over and discusses what each member has written. Draw up a schedule as a team for when different aspects of the work must be completed. Working as a team is useful for helping with the development of the argument, and for the purpose of editing.

It is also useful to practise presenting the argument orally and having the other team members question you on particular issues. This is the best way to establish whether there are problems with the argument and gaps which need to be fixed. It is also a good way to ensure that the team is familiar with all the issues, and that one team member is not arguing a point which contradicts something said by the other team member.