

The Rule of Moot Shanghai 2019

1. Introduction

- 1.1. Moot Shanghai (the “Moot”) is an annual competition of teams representing law schools from mainland China and other jurisdictions.
- 1.2. The Moot is a pro-bono event. The organizers of the Moot do not receive monetary compensation. Staff receive nominal compensation and reimbursement of their reasonable expenses. Professionals who participate in the Moot as organizers, judges, speakers do not receive monetary compensation. Contractors like caterer, drivers, third-party venues, photographers etc. are paid at market price.
- 1.3. The Moot is an educational program, and is designed to be a forum for different legal education methods and practices and traditions of different jurisdictions, especially those between China and foreign jurisdictions, and to forge understanding, and friendship. The rules and procedures in the Moot should be interpreted in the light of this goal.
- 1.4. The oral hearings will be held March 25-28, 2019 in Shanghai, China. Venues include faculty buildings of the East China University of Political Science and Law, collaborating law firms, professional organizations, and an upscale location for the grand final hearing and the awarding ceremony.
- 1.5. The Moot will be conducted in English.

2. Registration

- 2.1. Registration in the Moot is a two-step process consisting of filing the registration application, and the payment of registration fee.
- 2.2. Online registration application system opens December 1, 2018. Teams get notice of their registration status in two business days after filing of registration application.
- 2.3. The Moot hosts limited teams and a waiting list is maintained. Waitlisted teams move up if registered decides to withdraw from the Moot.
- 2.4. The Moot caps the percentage of teams representing schools in mainland China at 50%. Teams from mainland China register beyond the cap will be waitlisted.
- 2.5. Teams that are not registered in either Willem C. Vis International Commercial Arbitration Moot (The Vis Moot)or The Vis (East) Moot will be waitlisted directly at filing of registration application. Teams that are not registered in the Vis shall disclose this information by sending an email

immediately after filing, or otherwise may be considered a misconduct and subject to prejudicial removal.

2.6.Registration fee is ¥2,000 CNY or \$ 300 USD. Fee is due when teams get email notice of successful registration. Fee for waitlisted teams will not be due until email notice of move-up. Bank account to pay to will be included in the email notice of successful registration or move-up. We provide invoice for amount paid in USD and “增值税普通发票（活动费）” for amount paid in CNY.

2.7.The registration fee is non-refundable. Return of registration fee minus any banking fee occurred may be issued for humane reasons when a team is not able to physically participate in the Moot in Shanghai. Such return will be approved in the absolute discretion of the Moot director. Teams requesting refund for humane reasons shall submit a formal and detailed statement of facts along with credible evidence. Teams requesting refund for humane reasons will be remove from the Moot without prejudice immediately pending approval of humane return.

2.8.The registration fee includes admission to the Moot and all hearing venues and events for up to six registered team members disregard of their role on the team. It also includes invitation to the grand final and awarding banquet on Thursday March 28, 2019. Additional accompanying persons are also invited, but will be asked to pay ¥700 CNY or \$100 USD per person at the hearing. Name tags will be issued to registered members and paid accompanying persons. Name tags must be presented for entering hearing venues and all events of the Moot.

2.9.Team may decide to withdraw without prejudice by Feb 11, 2019. Any withdraw or no-show after this date will be considered a misconduct and may affect the school’s registration in future Moot Shanghai. Registration fee is not refundable in case of withdraw.

2.10.The Moot reserves the right to refuse or remove the registration of any team, and such refusal or removal is in the absolute discretion of the director. When exercising this discretion, the director will have regard to, but not limited to, the past conduct of teams from that institution (e.g. any unjustified no-show, any past violation of any rules of the Moot, or promptness of the payment of the registration fee).

3. The Problem

3.1.The Moot, as a pre-moot event of the Vis Moot, adopts and distributes the moot problem and related case materials of the Vis Moot in their original form.

3.2.Identical to the Vis Moot, the problem will consist of the statements of claim and defense and the additional request with their exhibits, any order

of the arbitral tribunal issued prior to the date on which the Problem is distributed, and the clarifications issued by the Vis Moot Directors.

3.3. The facts in the dispute that is the subject matter of the Moot are given in the Problem. Facts alleged in the statements of claim and statement of defense including the exhibits to those statements, as well as in the clarifications, are taken to be correct unless there is a contradiction between them. No additional facts may be introduced into the Moot unless they are logical and necessary extension of the given facts or are publicly available true facts, and may be introduced in the Vis Moot under its rules.

4. Teams

4.1. Teams may come from either a law school or another higher educational institution that includes law as part of its program of study. A team is composed of at least two student registered at that school or institution. Students may be registered either for a first degree or an advanced degree and need not be from the country in which the institution is located.

4.2. No student who has been licensed to practice law is eligible to participate except with permission of the director of the Moot.

4.3. Each participating law school or other institution may enter one team. The director may at his/her absolute discretion approve more than one team representing one school or institution for the narrow purpose of paring.

5. Oral Hearings

5.1. The oral hearings will be held in Shanghai, China.

5.2. Each team will argue four times in the general rounds, twice as claimant and twice as respondent.

5.3. The oral presentation of each team is, in principle, thirty minutes. The team should allocate equitably the time available to the two individual advocates. However, the arbitral tribunal may exceed the time limits stated as long as neither team is allowed more than forty-five minutes to present its argument, including the time necessary to answer the questions of the tribunal. It will be the responsibility of the tribunal to ensure that the teams are treated fairly.

5.4. The arbitrators are requested to act during the oral hearings the way they would in a real arbitration taking into account that this is an educational exercise. There are significant differences in style dependent both on individual personalities and on perceptions of the role of an arbitrator (or judge) in oral argument. Some arbitrators, or arbitral tribunals, may interrupt a presentation with persistent or even aggressive questioning.

Other arbitrators, or arbitral tribunals, may listen to an entire argument without asking any questions. Therefore, teams should be prepared for both styles of oral presentation.

5.5. Some panels of arbitrators will ask one team to present its argument on all of the issues before the other team is permitted to present its argument. Other panels of arbitrators will ask both teams to argue one issue first before they both argue in respect of a second issue. Normally the party who has raised the issue will argue first. Therefore, normally the claimant would argue first, if it is to present its arguments on all of the issues before the respondent is permitted to argue. However, if the respondent has raised an objection to the jurisdiction of the Arbitral Tribunal or other such defense, the panel would normally ask it to present its arguments on that issue before the claimant responds to it.

5.6. The arbitrators will decide whether rebuttal arguments will be permitted. Whether or not rebuttal will be allowed can be expected to change from one argument to the next.

5.7. No exhibits may be used during the oral arguments that do not come directly from the Problem. Exhibits that are designed to clarify time sequences or other such matters may be used, but only if the arbitrators and the opposing team are in agreement. Where a team believes the opposing team is using an exhibit not complying with the previous sentence, it must raise an objection with the tribunal. The tribunal is empowered to determine whether the exhibit complies with the requirements of this paragraph. Objections must be raised during the course of the actual hearing, thereafter a team cannot raise any such objections. For technical reasons the exhibits may not consist of overhead or Power Point projections or require the use of a stand.

6. Scoring

6.1. Each arbitrator will score each of the orators on a scale of 50 to 100. The scores of the two orators will be added to constitute the team score for that argument. Therefore, each team could score a maximum of 200 points per arbitrator per argument, or a theoretical maximum of 2,400 points for the four arguments. Arbitrators will score the oral arguments without knowledge of the results of earlier arguments.

6.2. The individual score given to an orator by an arbitrator is entirely within the discretion of that arbitrator. There is no requirement that the arbitral panel agree scores. However, the arbitral panels may, and are strongly encouraged to, discuss scoring at the end of a hearing and prior to submitting the scores to the Moot Administration.

6.3. As part of the Moot Administration's measures to ensure consistency of scoring, any significant differences in the score of any individual member of the arbitral panel this will be drawn to the attention of that arbitrator and

the presiding arbitrator. The presiding arbitrator will be asked to advise whether the panel conferred with each other as referred to in the paragraph above. The arbitrator whose score varies significantly will be invited to confirm or amend the score given. The score will always remain at the discretion of the individual arbitrator. A significant difference is defined as a variance of 15 points.

6.4. The pairing the the general rounds will evade parings of teams that are scheduled to meet in the VIs or Vis East. Teams shall provide information of their potential pairs in the Vis or VIs East when such information is available. List of Participating Teams of the Moot will be available early February.

6.5. The pairings in the elimination rounds shall be determined by use of "power-seeding," i.e. the highest-ranked Team shall compete against the lowest-ranked Team; the second-highest-ranked Team shall compete against the second-lowest-ranked Team, etc. If teams to be paired in any elimination rounds have been paired and on identical sides in earlier rounds, changes may be made at the discretion of the director.

7. Awards given:

- The Champion Team
- The Runner-up Team
- Two Semi-finalist Teams
- Four Quarter-finalist Teams
- The Champion Individual Oralist
- The Runner-up Oralist
- The Second Runner-up Oralist
- Honorable Mention Oralists (Top 10% Oralists)

*Awards listed are subject to changes.

8. Interpretation

For interpretation of these rules, requests may be addressed to the Director of the Moot. All interpretations, as well as any waivers, consents, or other decisions are at the discretion of the Director in his/her conduct of the Moot.