

The Rule of Moot Shanghai 2023

1 Introduction

- 1.1 Moot Shanghai (the "MSH") is an annual competition of teams representing law schools from mainland China and other jurisdictions.
- 1.2 The Organizing Committee (the "OC") is the management team of MSH 2023, who are responsible for the organization work, logistics and other arrangements for MSH 2023.
- 1.3 MSH is a pro-bono event. The OC does not receive monetary compensation. The staff receive nominal compensation and reimbursement of their reasonable expenses. Professionals who participate in MSH as organizers, judges, speakers do not receive monetary compensation. Contractors like caterers, drivers, third-party venues, photographers etc. are paid at market price.
- 1.4 MSH 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 MSH should be interpreted in the light of this goal.
- 1.5 The oral hearings will be held IN PERSON during March 14-17, 2023
- 1.6 MSH will be conducted in English.

2 Registration

- 2.1 Online registration opens from January 4, 2023 via [Online Form](#).
- 2.2 MSH hosts limited teams and a waiting list is maintained. Waitlisted teams move up if any participating team decides to withdraw from MSH.
- 2.3 MSH caps the percentage of teams representing schools in mainland China at 50%. Teams from mainland China register beyond the cap will be waitlisted.
- 2.4 Teams that are not registered in either the 30th Willem C. Vis International Commercial Arbitration Moot (the Vis Moot) OR the 20th Vis East Moot will be waitlisted directly.
- 2.5 The pairings in the general rounds will evade pairings of teams that are scheduled to meet in the Vis Moot or the Vis East Moot. Teams shall provide

information of their potential pairs in the Vis Moot or the Vis East Moot when such information is available.

- 2.6 Team may decide to withdraw without prejudice by January 28, 2023. Any withdrawal or no-show after this date will be considered a misconduct and may affect the school's registration in future MSH.
- 2.7 MSH reserves the right to refuse or remove the registration of any team, and such refusal or removal is in the absolute discretion of the OC. When exercising this discretion, the OC 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 MSH).
- 2.8 MSH will announce the List of Participating Teams for MSH 2023 by February 1, 2023.

3 The Problem

- 3.1 MSH, 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 MSH 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 contradiction between them. No additional facts may be introduced into MSH unless they are logical and necessary extension of the given facts or are publicly available true facts, and may 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 students registered at that school or institution. Students may be registered either for 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 OC.

- 4.3 Each participating law school or other institution may enter one team. The OC may at his/her absolute discretion approve more than one team representing one school or institution for the narrow purpose of paring.
- 4.4 Each team shall bear their own travel expenses or other related costs, and there is no financial support available in MSH 2023.

5 Oral Hearings

- 5.1 The oral hearings of MSH 2023 will be held IN PERSON. The published schedules of oral hearings will be Beijing time (GMT+8).
- 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, 30 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 45 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 In case a team fails to appear for a scheduled oral hearing, the arbitral tribunal after notifying the OC and waiting for 15 minutes will conduct the oral hearing *ex parte*. The attending team may present its arguments and will be scored as if the absent team were present. The team that fails to appear at the scheduled oral hearing forfeits all points for the round. If only one oralist from the team appears for the oral hearing, the single oralist shall be allowed to plead and receive an individual score for purposes of calculating individual oral pleading scores.
- 5.5 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.
- 5.6 Some arbitrators or arbitral tribunals will ask one team to present its argument on all of the issues before the other team is permitted to present its argument. Other arbitrators or arbitral tribunals 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 tribunal would normally ask it to present its arguments on that issue before the claimant responds to it.

- 5.7 The arbitrators or arbitral tribunals 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.
- 5.8 No exhibits may be used during 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.

6 Scoring

- 6.1 Each arbitrator will score each of the oralists on a scale of 50 to 100. The scores of the two oralists 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 oralist by an arbitrator is entirely within the discretion of that arbitrator. There is no requirement that the arbitral tribunal agree scores. However, the arbitral tribunals may, and are strongly encouraged to, discuss scoring at the end of a hearing and prior to submitting the scores to the OC.
- 6.3 As part of the OC's measures to ensure consistency of scoring, any significant differences in the score of any individual member of the arbitral panel 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 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)

*The Awards listed are subject to changes.

8 Interpretation

8.1 For interpretation of these rules, requests may be addressed to the OC. All interpretations, as well as any waivers, consents, or other decisions are at the discretion of the OC.

8.2 The OC reserves the right of final interpretation.