

# ***2017 JAPAN NATIONAL RULES SUPPLEMENT TO OFFICIAL RULES***

## **PREAMBLE**

*Japan International Law Students Association, in coordination with  
International Students Law Association,*

*Seeking to educate students and lawyers across Japan about the principles and  
significance of international law,*

*Encouraging the development of professional skills in written and oral  
advocacy,*

*Promoting the social responsibility of law students and lawyers,*

*Striving to foster international understanding and cooperation,*

*Being committed to achieving these goals in an environment of mutual respect  
among all of the individuals and teams involved;*

*Calling upon everyone engaged in the Jessup Competition to abide by the  
Japan National Rules, the rules of any institution hosting the Japan National Round, and  
the laws of Japan,*

*Adopts the following Japan National Rules:*

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## **National Rule 1.0 Organization of the Competition**

### 1.1 National Administrator (N.A.)

The N.A. is the agent of the Executive Director and responsible for planning, arranging and entrusting any stages of the Jessup Japan National Rounds. N.A. has the right to determine the representative institution to the Jessup International Law Moot Court Competition International Rounds.

### 1.2 Japan International Law Student Association (JILSA)

(a) Under the authorization of N.A., the JILSA arranges and manages the Japan National Rounds.

(b) The N.A. may choose the following executive students from the JILSA.

(1) Executive of Rules

(2) Judge Coordinator

(3) Chief Scorekeeper

(4) Bailiff Coordinator

(5) Any other necessary counsels

(c) The JILSA Statute stipulates its rules, organization and management of the JILSA.

### 1.3 Team Advisor (T.A.) Council

(a) The T.A. is a consultant of a society, a professor of a seminar or team coach of participating institutions.

(b) The N.A. may convene the T.A. Council once every year.

(c) JILSA may convene the T.A. Council once every year.

(d) Through consensus of the T.A Council, it may choose a N.A. and management members within

10 persons.

#### 1.4 Authority and functions of JILSA

(a) JILSA shall have careful discussion and advise N.A. on the following issues.

- (1) Preliminary Rounds Judges for Oral Hearing
- (2) Semi-final and Final Rounds Judges for Oral Hearing
- (3) Judges for Memorials
- (4) National Rules Supplement to Official Rules
- (5) Venue of National Rounds
- (6) Making a National Rounds Bench Memorandum

(b) Each member of JILSA can convene this association.

#### 1.5 Venue

N.A may decide venue of National Rounds, considering opinions of participating institutions. JILSA may determine venue in more detail.

#### 1.6 Interpretation of Rules

N.A.'s and the ILSA Executive Director's interpretation of this Rules Supplement is final.

#### 1.7 Responsibility

- (a) Consisting institutions of JILSA must inform JILSA of their representative person's address, including e-mail address, by the specified date separately.
- (b) Mail or e-mail to the representatives constitutes the official documents to their belonging institutions.

(c) Consisting institutions must inform JILSA of the name of their T.A. by the specified date separately.

## **National Rule 2.0 Participation and Eligibility**

### 2.1 Participating Institutions

Participating Institutions mean the institutions which made participating registration to National Rounds in that period, among consisting institutions based on JILSA Statute.

### 2.2 Participation as Joint Team and its Position

Each institution may enter one Team, regardless of the number of colleges, departments, faculties, or schools within that institution, and the Team may include students from one or more of its colleges, departments, faculties, or schools (for example, by allowing a student in an international relations program to compete on the Team with students from its law faculty).

### 2.3 Council pleading both Applicant and Respondent sides in one team

Team wishing a council pleading both Applicant and Respondent sides in one team must notify the N.A. by the specified date.

## **National Rule 3.0 Team Registration for National Round**

### 3.1 Deadline

Each Team must complete registration no later than the designated date, via e-mail to the designated e-mail address by JILSA ([jilsa.rules@gmail.com](mailto:jilsa.rules@gmail.com)).

### 3.2 Team Registration

(a) In addition to the registration required by Official Rule 3.1, each Team shall complete the registration process via e-mail to the designated e-mail address by JILSA and remit the registration fee for Japan National Round. Once teams paid the fee, teams cannot demand refund.

(b) JILSA determines sum of additional registration fee at 35,000 yen.

(c) Teams which have outstanding debt for fee under Official Rule 3.1 are not eligible to compete in Japan National Round.

### 3.3 Team Number

When distribution of official team numbers by ILSA Executive Office, under Official Rule 3.5, is later than the deadline of memorials submission at the Japan National Round, for the purpose of Japan National Round, JILSA may assign the Team a 3-digit Team Number identifying each Team during the National Round.

## **National Rule 4.0 Judges**

### 4.1 Designation of Judges

(a) Under the authorization of N.A., Judge Coordinator shall select persons who serve as Judges for Memorials and Oral round for Japan National Round.

(b) Each institution and council of JILSA may recommend persons who serve as judges for Japan National Round.

#### 4.1.1 The Eligibility of Judges

(a) The person to be judges in oral or memorial round should have extensive international law knowledge and high level legal mind. But one and over person should meet Requirement (1) and two and over person should meet Requirement (1) or (2) or (3).

(1) The person who takes part in higher education as international law expert.

(2) The person who takes part in international law business as public worker.

(3) The person who has qualifications as judicial officer, learned international law, and has high-level and specialized international knowledge.

(4) The person who learned international law, experienced business very related to the theme of the Compromis, and has high-level and specialized international knowledge.

(5) The person who takes part in research of international law in graduate school, and is on register of doctor degree.

AND

The person who takes part in research of international law in graduate school, is on register of master degree and have experienced international law moot court.

(b) If observance of preceding article hinders admiration of the competition, the person to be allowed by N.A. Can be added to judges in oral or memorial round.

#### 4.1.2 Team Advisor

If appropriately, T.A. gets eligibility to judge of Oral Round, except for such as round that the Team they advise competes any round in which a team the T.A.'s team has competed or will compete against in another Oral Round.

#### 4.1.3 Prior Viewing of Teams

Notwithstanding Official Rule 5.5(a), in the Advanced Rounds, N.A. may permit judges to view one or more Teams which they have previously judged, if such viewing serves the best interests of the Competition.

#### 4.2 Announcement of Judges

(a) JILSA shall not disclose the names of Judges for Memorials and Preliminary Rounds until the date of Competition.

(b) JILSA shall disclose the names of Judges for Semi-Final and Final Rounds at the same time of

announcement of Team advancing Semi-Final and Final Rounds.

(c) JILSA may commission to act as Judges for Semi-Final and Final Round in advance. In that situation, JILSA may disclose the name of Judges before Competition date. If appropriately, neither Official Rule 5.2 nor 5.4 apply.

#### 4.3 Duties on Participating Institutions

If Team noticed violation of Official Rule 5.2 and 5.4, the Team must notify JILSA immediately.

#### 4.4 Bench Memorandum

Judges must keep the contents of Bench Memorandum strictly confidential from Teams, except for JILSA.

Members of JILSA, who got to know the contents of Bench Memorandum, must not take part in writing Memorials or practice Round of their schools.

### **National Rule 5.0 Clarification**

If ILSA failed to publish Clarification under Official Rule 2.16 by the date JILSA specified, during Japan National Round, the Clarification are not applied.

### **National Rule 6.0 Memorial**

#### 6.1 Submission

(a) Each Team shall send the following copies of their Memorials by the date JILSA specified.

(i) 10 hard copies of both Applicant and Respondent Memorials, via speed postal service

(ii) Data of both Applicant and Respondent Memorials, via e-mail to the designated e-mail address  
by JILSA

(b) Besides above mentioned, Each Team shall send a CD-R or CD-RW which contains the same copies of Memorial, together with 20 hard copies.

(c) If JILSA confirmed a fact that Team failed to submit Memorials under (a) (1) and (1), JILSA shall notify the Team of late arriving or failing to arrive of Memorials.

(d) Time of arrival of e-mail is used to apply penalties.

#### 6.1.1 Appeal against Failing to Arrive of Hard Copies of Memorials

(a) Hard copies of Memorials are assumed to be submitted on postmark date.

(b) Team, wishing to complain a notice of late arriving or failing to arrive, shall submit record of postal service by the designated date.

#### 6.1.2 Appeal against Failing to Arrive of E-mails

(a) If Team received a notice of late arriving or failing to arrive, Team, which has submitted CD-R or CD-RW pursuant to 6.1 (b) of this Rule, may submit evidence showing the Team has sent e-mail before or on the designated date.

(b) Team, except for above mentioned, does not have a right to plea.

#### 6.1.3 Identification of Memorials

All electronic and hard copies submitted to JILSA must be identical.

#### 6.2 Format

Pursuant to Official Rule 6.4 (b), all pages of the electronic Memorial date must be letter size, 8.5 x 11 inches (21.6 x 27.9 cm), with equal margins of at least on inch (2.54 cm) on all four sides.

Besides that, hard copies of the Memorials must be printed in A4 size paper and submitted to JILSA.

### 6.3 Languages

(a) Memorials must be written in English. Team may write Memorials in Japanese by N.A. permission. N.A. shall take into account the following factors for permitting.

(1) At Japan National Round in last year, their Memorials (both Applicant and Respondent) ranking is a smaller number than the half of participating Teams.

(2) Team which has participated less than 3 times within these 5 years.

(3) Other exceptional reasons

Judges shall score both English and Japanese Memorials fairly. When estimating legal arguments in English Memorials, in light of Official Rule 5.3, Judges may consider the fact that Teams, participating Japan National Round, learn legal study in Japanese, not in English.

(b) Team wishing to write the Memorials in Japanese must specially petition JILSA for permission to write in Japanese with written documents showing factors above mentioned by the specified date. Without this petition, Team must write their Memorials in English.

(c) JILSA must announce the condition for permitting Japanese Memorial, which N.A. authorized, to Teams.

(d) Team shall write all part of their Memorials, including Cover Pages and Annexes, in either English or Japanese which Team chosen. If appropriately, titles of papers in footnotes, proper names and so on, however, are exempted from this clause.

(e) Besides Official Rule 6.4 to 6.15, Team permitted to write Memorials in Japanese must obey the Annex to this Rule.

#### 6.4 Binding

Memorials must be securely fastened by at least two staples along the left side of the Memorial so that the stapling will hold throughout the Competition. Team should use the kind of staples, which can fasten Memorials completely. JILSA may fasten Memorials again, if it is necessary to prevent missing pages, wounding by staples and so on.

### **National Rule 7.0 Oral Rounds**

#### 7.1 Registration of Counsels

For the purpose of the Japan National Round, each Team shall notify the name whose make oral pleadings at courtroom by the specified date.

#### 7.2 Of Counsel

The person acting as counsel must be one of the Team Members registered.

#### 7.3 Oral Pleading by Other Person Already Notified

Any request to make a change on the role in the Team notified pursuant to 7.1, must be submitted to JILSA before opening of Oral Pleading at courtroom.

#### 7.4 Scouting

At the Preliminary Rounds, Team Members or persons directly affiliated with any Team may only attend Rounds the Team or Team, against whom they would not compete at the Preliminary Rounds. Such attendance will permit taking of memos during the round, as an exception to 7.13(b) of the Official Rule. Without permission of entering courtroom by JILSA, no one can enter courtroom.

#### 7.5 Failing to Appearance of Opposing Team

If Team appeared late over 5 minutes at each Round, Team would lose their Oral Pleadings time by that time.

#### 7.6 Supervision by N.A.

If unforeseeable accidents happen, it depends on N.A. decision.

#### 7.7 Audio and Videotaping

N.A. and JILSA may take photograph and video-shooting at courtroom unless any Team explicitly refuses. N.A. and JILSA have the copyrights on the photograph, video and so on.

#### 7.8 The language used in Oral Pleadings

In Oral Pleadings, Each Judge and Counsels must use English.

#### 7.9 Timekeeping in the Courtroom

The official time of the Round is the time indicted by the Timekeeper. Timekeeper indicates how much time left by the timecard JILSA distributes.

### **National Rule 8.0 Qualifying Tournament Pairing Procedures**

#### 8.1 Duty to Return the Memorials of Opposing Team

Each Team must return the Memorials of Opposing Team to bailiff immediately after the conclusion of each round. Any violation of this clause constitute the penalty under 10.3 (j) of this Rule. Where it is impossible to return the Memorials, the N.A. shall determine whether or not the penalty applies.

## 8.2 Pleading Option

At the Semi-Final or Final Rounds, the Team with pleading option 10 minutes to select which side it wishes to plead. If the Team with pleading option failed to select, then the opposing Team has 10 minutes to select a side. Should both Teams fail to select, then the higher-ranked Team will argue Applicant and the lower-ranked Team will argue Respondent.

## 8.3 Conclusion of the Japan National Round

Determination of National Champion is the conclusion of the Japan National Round.

# **National Rule 9.0 Competition Scoring**

## 9.1 Semifinal Rounds Procedures

At the Semi-Final Round, judges shall determine only the winner at that Round.

## 9.2 Ranking

- (a) Ranking of the Applicant Memorials and the Respondent Memorials are announced separately.
- (b) Ranking of the Applicant Oralists and the Respondent Oralists are announced separately.

## 9.3 Reporting of Results

JILSA shall send the Reporting of Results, under Official Rule 10.14, to the Teams immediately after the conclusion of the Japan National Round. However, JILSA shall notify the Total accumulated Win-Loss records at the Preliminary Rounds to the Team at the reception after the Final Round.

# **National Rule 10.0 Penalties**

## 10.1 General Procedures

Penalties under Official Rule 11.0 and embodied below are strictly applied. However the Penalties on the Disqualification Deadline, Violation of anonymity in Memorial and Plagiarism, under Official Rule 11.1(e), are exempted from application at the Japan National Round.

#### 10.2 Memorial Penalties

(a) Executive of Rules shall conduct examination on alleged Memorial Penalties. And then, N.A. may impose the Memorial Penalties.

(b) Except for the penalties on 6.2 of this Rule, should the contents of date copy of the Memorial be inconsistent with that of hard copy, the penalty imposition shall be based on the date copy.

(c) JILSA shall notify the result of the penalty imposition the Team, with the reasons, prior to the end of the first day of the Japan National round.

(d) Pursuant to Official Rule 11.1, Team may appeal any penalty imposed.

(e) JILSA shall make a provisional notice on the penalty imposition 3 days before the Japan National Round. Duration of the appeal under Official Rule 11.1 shall begin with the acceptance of official notice on the penalty imposition on the previous day or the first day of the Japan National Round.

(f) More than 1 week before the Deadline of Memorial Submission, Executive of Rules must send the written document on the criterion to the penalty imposition to Team.

#### 10.3 Oral Round Penalty

(a) N.A. may delegate Executive of Rules to impose the Oral Round Penalty.

(b) Executive of Rules shall conduct the examination on the alleged Oral Round Penalty.

(c) Bailiff shall assist the examination, where Executive of Rules requested.

(d) Only the Team and the Judges may notify an infraction of the Rules.

(e) Team wishing to appeal an infraction of the Rules may notify Executive of Rules in writing

within 15 minutes of the conclusion of that Round.

(f) Team imposed the Oral Round Penalty may appeal. However, Team must appeal within 15 minutes of the notice.

(g) Where the Team or the Judges appeals any violation of the Rules, Executive of Rules may conduct the examination on that alleged infraction of the Rules. Executive of Rules shall report the result of that examination to N.A.

(h) The notice of the decision on Oral Round Penalty imposed, with that reasons, shall be notified immediately to the Team affected and the Judges.

(i) Pursuant to Official Rule 11.8, the N.A. may assess 2, 3, or 6 point Discretionary Penalties, corresponding to the degree of the violation in the judgment of the N.A.

(j) Violation of 8.1 of this Rule shall constitute 15 points penalty.

## **National Rule 11.0 Awards**

### 11.1 Awards

At the Reception after the Japan National Round, JILSA shall announce the names whose get the following awards.

- (1) Japan Champion/ The Minister for Foreign Affairs Cup
- (2) First Runner-up Team
- (3) Second Runner-up Team
- (4) Best Oralist Award/ The Tsutsui Wakamizu Cup (Overall the Competition)
- (5) Best Oralist Award (Applicant/Respondent)
- (6) First Runner-up to Best Oralist Award (Applicant/Respondent)
- (7) Second Runner-up to Best Oralsit Award (Applicant/Respondent)
- (8) Best Memorial Award (Applicant/Respondent)

(9) First Runner-up to Best Memorial Award (Applicant/Respondent)

(10) Second Runner-up to Best Memorial Award (Applicant/Respondent)

(11) JILSA Special Award

#### 11.2 Announcement of Ranking

JILSA has discretion on the announcement of the any other ranking.

### **National Rule 12.0 Revision of Japan National Rules Supplement to Official Rule**

(a) Revision of this Rule requires the decision by the N.A. However, where JILSA consider that decision inappropriate, JILSA shall report on that matter to the T.A. Councils. The decision by the N.A. shall be removed when the T.A. Councils also consider the decision inappropriate.

(b) JILSA and Constituting Institutions may request the N.A. to revise this Rules.

(c) N.A. shall notify its decision on the revision to JILSA within 1 month. And then, JILSA must notify the revision to each Representative of Constituting Institutions within 1 month.

### **Annex: Japan National Rules Supplement to Official Rule 6.0 and 10.0**

#### 1.0 Memorial

The following rules shall be applied to the Team, which N.A. permits to write their Memorial in Japanese under 6.3 of this Rules.

#### 1.1 Format

Pursuant to Official Rule 6.4, all pages of the electronic Memorial date must be letter size, 8.5 x 11 inches (21.6 x 27.9 cm), with equal margins of at least on inch (2.54 cm) on all four sides. Besides that, hard copies of the Memorials must be printed in A4 size paper and submitted to JILSA. The

font and size of the text of all parts of the Memorial, including footnotes, must be in MS Mincho 12-point for Japanese (Hiragana, Katakana and Chinese character) and in Times New Roman 12-point for other languages. The text of all parts of the Memorial, except for the Cover Page, Table of Contents and Index of Authorities, must be single-spaced, and (within 35 characters per line) and less than 30 lines per page, in the horizontal. Quotations to sources outside of the Memorial may be block quoted (i.e. right and left indented) if the quotation (excluding footnotes) has at least one hundred words.

Teams taking advantage of advanced features of Microsoft Word –including Track Changes and Comments- must accept or remove it prior to submission. And N.A. shall accept any tracked changes and remove any comments found in an affected Memorial before submitting it to judges.

## 1.2 Memorial Content

### 1.2.1 Parts of the Memorial

The Memorial must contain the following parts;

- (1) Cover Page;
- (2) Table of Contents;
- (3) Index of Authorities;
- (4) Statement of Jurisdiction;
- (5) Questions Presented;
- (6) Statement of Facts;
- (7) Summary of Pleadings;
- (8) Pleadings;

## (9) The Conclusion/ Prayer for Relief

### 1.2.2 Legal Argument Limited to Pleadings

Substantive, affirmative legal argument or legal interpretation of the facts of the Competition Problem may only be presented in the "Pleadings" part of the Memorial. Summaries of such arguments may be included in the Questions Presented and the Summary of Pleadings.

### 1.2.3 Index of Authorities

The Memorial includes "the Index of Authorities". "The Index of Authorities" must list all legal authorities cited in any part of the Memorial and must indicate the page number(s) of the Memorial on which each authority is cited.

### 1.2.4 Statement of the Facts

Judges will take the following into account in evaluating the Statement of Facts.

A well-formed Statement of Facts should be limited to the stipulated facts and necessary inferences from the Competition Problem. The Statement of Facts should not include unsupported facts, distortions of stated facts, argumentative statements, or legal conclusions. The Competition Problem typically omits certain facts which might be relevant or dispositive to the outcome of the case. Participants will be judged on their ability to conform the facts to their arguments without creating new facts or drawing unreasonable inferences from the Competition Problem.

### 1.2.5 Summary of Arguments

A well-formed Summary of the Pleadings should consist of a substantive summary of the Pleadings of the Memorial, rather than a simple reproduction of the headings contained in the Pleadings.

### 1.3 Length

- (a) The total length of the Pleadings section, including the section title, any section headings, section sub-headings, the required Conclusion/Prayer for Relief, associated footnotes, signature block, or other language a team might elect to include, must be no longer than 19,000 words.
- (b) The Summary of Pleadings section, including the section title, any section headings, section sub-headings, conclusion, associated footnotes, signature block, or other language a team might elect to include, must be no longer than 1400 words.
- (c) The Statement of Facts section, including the section title, any section headings, section sub-headings, conclusion, associated footnotes, signature block, or other language a team might elect to include, must be no longer than 2400 words.
- (d) Manipulation of the word count is prohibited and will be subject to appropriate penalties pursuant to Annex 2.1 and Official Rule 11.8(a). For example, a Team may not, in order to reduce word count, remove spaces between words or abbreviations in citations where a space would normally occur using standard citation formats, use hyphens inappropriately, utilize non-breaking white spaces, or use macros or otherwise modify the on-board word processor dictionary.

Executive of Rules shall conduct the word count using the standard “Word Count” feature in Microsoft Word.

### 1.4 Restriction of Footnote and Endnote

- (a) Footnotes must be used to identify the source of statements or propositions made in the body of the Memorial. Footnotes may include substantive pleadings in addition to the text of the citation itself. Footnotes are included in the word limit of Annex Rule 1.3. Endnotes are not

permitted.

Examples of proper footnotes:

Certain Norwegian Loans (Fr. v. Nor.), 1957 I.C.J. 9, 23-24 (July 6) [hereinafter Norwegian Loans].

Certain Norwegian Loans (Fr. v. Nor.), 1957 I.C.J. 9, 23-24 (July 6) [hereinafter Norwegian Loans]

(holding that France's reservation in its declaration denying the Court jurisdiction over issues essentially within the national jurisdiction as understood by France could be utilized reciprocally by Norway).

## 1.5 Cover Page

### 1.5.1 Information printed in Cover Page

The front cover of each Memorial must have the following information:

- (a) The Team Number;
- (b) The name of the court (i.e., "International Court of Justice");
- (c) The year of the Competition
- (d) The name of the case; and
- (e) The title of the document (i.e., "Memorial for Respondent" or "Memorial for Applicant").

### 1.5.2 Team Number

The Team Number must be in the upper right-hand corner followed by "A" if an Applicant Memorial or "R" if a Respondent Memorial (e.g., Team Number 000 would put "000A" in the top right hand corner of the front cover of its Applicant Memorial).

## 1.6 Anonymity in Memorials

Names of participants, and the nations or school name of Teams, may not appear on or within the Memorials. Signature pages are prohibited. The N.A. shall strike all references to Team Members, and countries or school names of Teams, from Memorials before submitting them to judges.

## 2.0 Memorial Penalty

### 2.1 Penalty Points

Memorial Penalties may be imposed by the N. A. and shall be deducted from each of the individual judges' scores on a Team's Memorial. In the event that a Memorial is scored by only two judges under Rule 10.6, penalties shall be deducted from each of the two judges' scores prior to calculating the third score. The minimum adjusted raw score that any Team may receive from any individual Memorial judge is fifty points. No further reduction may be made to scores after the minimum score is reached, regardless of unallocated Penalty points remaining.

In instances where only one Memorial is in violation of the Rule, Memorial Penalties may be deducted from the scores of the offending Memorial only.

Penalties shall be assessed for violations of other Rules concerning the Memorials by reference to the following table:

|  |   |   |
|--|---|---|
| Official Rule 6.1<br>& National Rule 6.1 | Tardiness in submitting Memorial                | 5 points for first day, 3 points per day thereafter |
| Official Rule 6.1                        | Resubmission in Memorial                        | 2 points  |
| Annex 1.1                                | Formatting Violations:<br>Use of incorrect font | 1 point per type of violation, up to a              |

|                    |   |   |
|--------------------|---|---|
|                    | <p>Use of incorrect font-size</p> <p>Use of improper line spacing</p> <p>Use of improper block quote</p> <p>Use of endnotes</p> | maximum of 5 points                                       |
| Annex 1.1          | Failure to remove Tracked Changes or Comments   | 5 points (one-time penalty)                               |
| Annex 1.2.1        | Failure to include all parts of Memorial, or inclusion of an unenumerated part  | 2 points for each part                                    |
| Annex 1.3.(a)      | Excessive length: Pleadings   | 5 points per 100 words over, up to a maximum of 15 points |
| Annex 1.3.(b)      | Excessive length: Summary of Pleadings  | 2 points (one-time penalty)                               |
| Annex 1.3 (c)      | Excessive length: Statement of Facts  | 2 points (one-time penalty)                               |
| Annex 1.5.1, 1.5.2 | Failure to include necessary and correct information on Memorial Cover Page   | 2 points (one-time penalty)                               |
| Annex 1.6          | Violation of anonymity in Memorial  | Up to 10 points (one-time penalty)                        |

## 2.2 De Minimis Rule

The N.A. may waive or reduce the penalty for a de minimis Rule violation.

