

# HELSINKI INFORMATION LAW MOOT COURT

## 2022 Rules of Procedure (Version 10/09/2021)

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### 1. GENERAL PRINCIPLES

#### 1.1 Aim and scope of the competition

The Helsinki Information Law Moot Court (“**Moot**”) is intended to allow for teams of students to compete in a mock trial based on information law. It is an educational program.

#### 1.2 Teams

Teams should consist of 2-4 active mooters and may optionally include up to 4 research members. All team members must fulfil the eligibility requirements as set out below. Teams must clearly indicate whether a member will take the role of active mooter or research member at the time of registration.

To be eligible, team members must:

be registered as an active degree student at an associates, undergraduate or master’s level (or equivalent);

1. not currently be considered as a practicing lawyer in their local jurisdiction;
2. not be a member of a legal professional body (e.g. a bar association or roll of solicitors);
3. not have worked full-time as a legal professional for more than 60 cumulative months (including traineeships and/or clerkships).

In case of doubt, the organisers will decide.

4. Each university may only be represented by a single team and each team should normally consist of students from a single university. Where a team contains students from two or more universities, those universities may not have members on more than one team.
5. Teams may also include one or two coaches, who do not have to be associated with a university. However, the coach should normally be able to show some connection with the team/university.

Teams are responsible for their own costs.

#### 1.3 Expiry of deadlines

Deadlines expire at the indicated date at 23:59 in Helsinki.

#### 1.4 Fair play

Participants are expected to act comply fully with the standards of academic honesty, fairness and integrity. They must show respect to all other participants, judges and organisers.

As the moot is a student competition, over-coaching and unfair strategies must be avoided at all stages. Coaches should avoid contributing to the development of substantive legal points and should limit themselves to a general discussion of the issues and helping to guide students through procedural issues.

Violation of fair play procedures can result in sanctions or disqualifications, where deemed appropriate.

### **1.5 Language of the moot**

The language of the moot will be in English. All written and oral submissions must be made in English. Sources used should predominantly be in English. Where a team wishes to rely on a source or authority that is not in English in the oral argument, they must provide an English translation to the judges and the opposing team in sufficient copies. This translation does not need to be certified and may be done by members of the team, but mistranslation may result in sanctions or disqualification if there is a deliberate attempt to mislead.

### **1.6 Organisers**

The moot is organised by Sam Wrigley and Tobias Bräutigam, both affiliated with the University of Helsinki.

## **STRUCTURE OF THE COMPETITION**

### **2.1 Distribution of the problem and registration**

The problem will be distributed via the <https://infolawmoot.fi/> website (“**Website**”) in accordance with the timetable, as made available via the Website (“**Timetable**”).

### **2.2 Registration**

The deadline for registration will be provided in the Timetable. When registering, teams must nominate a contact person and provide an email address of that person, used for communication about the Moot. Teams are encouraged, but not required, to nominate a team member to act as the contact person.

Teams should be fixed at the point of registration. Any subsequent changes to teams (including the changing of research members to active mooters) will only be allowed exceptionally (*e.g.* in case of sudden illness) and must be specifically approved by the organisers.

Teams will be given a team identification code after registration.

### **2.3 Clarification questions**

Questions for clarifications may be submitted to the organisers via a form made available on the Website. These questions must be submitted by the deadline provided in the Timetable. The answers to the questions will be published on the Website by the date noted in the Timetable.

### **2.4 Submission of writing pleadings**

Teams must submit two written pleadings, one on behalf of the applicant/claimant and one on behalf of the defendant. Each memorandum should be submitted separately and in both document (*e.g.* .docx or .odt) and PDF format. Submissions should be made by email to submissions [at] infolawmoot.fi before the date indicated in the Timetable.

The pleading for each side must include:

- the team’s identification code, as provided by the organisers, in a header or footer on each page;
- a title page with the team’s identification code and whether the submission is on behalf of the applicant/claimant or the defendant;

- the main argumentation (max 5,000 words, not counting references);
- a list of references. The citation style should allow for easy and clear identification of each document to which they will refer and should be used consistently. The preferred referencing style is OSCOLA; and
- a translated copy of any non-English-language authorities decisive for their argument relied upon (if applicable).

To ensure that participants can be scored anonymously, the memo must contain the team's ID code, but should not contain any other identifying information. The inclusion of identifying information (including names of participants, participating university or country) other than the identifying code may be grounds for non-consideration.

After the closing date, the first-stage judges will review the written submissions and score them (see section 3, below). To qualify for the oral round, a team's written pleadings must score above the qualifying level (to be determined each year by the judges). The primary goal in this procedure is to ensure that teams which come to Helsinki are familiar with the facts and main legal considerations of the problem.

A maximum of 8 teams will then be invited to the oral proceedings. If more than 8 teams score above the qualifying level, the judges will invite the 8 teams with the highest scores. If the scores do not clearly indicate which teams should be invited to the oral proceedings, the organisers will hold qualifying rounds (using video call software and in line with the rules for oral proceedings below) to determine which teams will be invited.

Late submissions will not be considered, unless exceptional circumstances apply, in which case the judges may be entitled to apply a penalty of up to five points for the written phase.

## **2.5 Oral proceedings**

After the written proceedings, successful teams will be invited to the oral proceedings by the date indicated in the Timetable. Teams that are invited may be accompanied by their coach(es). The details of the location, time and modalities will be confirmed in the invitation each year. Teams shall bear all the costs associated with coming to Helsinki.

There are three judges per hearing. The judges will nominate a time keeper and a chair, who will lead the proceedings.

Each team should include 2 speakers during a hearing. As teams consist of 2-4 team members, they may allocate roles (applicant/claimant or respondent) in their team as they wish. Non-pleading team members may attend the hearings but must not help the pleaders. During the hearing, teams will only be required to present for either the applicant/claimant or the respondent.

The organisers will distribute a timetable for the oral proceedings in good time before the date. This timetable will include the following information

- when and where each round is occurring
- the time of each team's first round
- the respective role (claimant/applicant or respondent) of a particular team in a hearing
- the judges present

The precise nature of the match-ups will depend on the number of teams participating and will be announced by the organisers after the completion of the written round.

Each hearing will last for 90 minutes and will use the following format:

- The team for the applicant will present their main arguments (maximum 25 minutes)
- The team for the respondent will present their main arguments (maximum 25 minutes)
- The team for the applicant will be invited to reply (maximum 15 minutes)
- The team for the respondent will be invited to reply (maximum 15 minutes)

The final 10 minutes shall be reserved for the judge's discretion.

Teams are responsible for keeping the time. The judges will nominate a timekeeper among themselves, who will keep track of the time and give a warning when the speakers' time has reached 1 and 0 minutes remaining. When time runs out, speakers must cease talking, unless given discretionary time from the judge to finish, for example if there were a lot of questions from judges. Where an extension is granted, judges will grant a similar extension to the other team unless there is a compelling reason not to do so. Time may not be carried from one stage of the hearing to another, nor may it be reserved for later use.

Judges are entitled to interrupt speakers and ask questions at any point. Judges should be brief.

Teams may divide the oral submissions between their members in any way they choose, but the time will not be paused while speakers change.

The scope of the applicant's reply must be limited to the respondent's main arguments. The scope of the respondent's reply must be limited to the applicant's reply.

Speakers may use notes, but should not read from a prepared speech. Where a speaker wishes to read an extract from a text, they should make sure to provide a copy of the extract for the opposing team and for each judge. Each extract should be clearly labelled and identified, with the appropriate passage sufficiently indicated. The extract should be presented in such a way that its accuracy can be verified if necessary.

Oral submissions are not limited to written submissions. However, teams must explicitly mention new authorities on which they wish to rely in the orals as part of their speeches. A team wishing to rely on new sources should provide a written list of such sources to the organisers by the date indicated in the Timetable, unless that source appears in another team's memo.

After both teams have completed their submissions, judges will retire to make their decision. Decisions shall normally be given within an hour of the conclusion of the hearing.

### **3. JUDGING**

#### **3.1 Scoring of the written proceedings**

During the written proceedings, scores will be awarded based on each team's individual merit. Scores should not be based on how well a team has done by comparison to another team or by comparison to any form of average score. The general purpose of the score is to indicate how well the team has responded to the legal problem, particularly in terms of substantive legal analysis and style.

The written proceedings will be scored on a scale of 0-50 on the following criteria:

- Correct legal analysis and argumentation (maximum 35 points). This will include a consideration of, for example:
  - Did the team correctly identify and apply appropriate weight to the legal issues in the problem?
  - Is the law correctly identified and applied?
  - Is the argument credible and well-supported by appropriate sources?
- Presentation and style (maximum 15 points). This will include a consideration of, for example:
  - Are the submissions laid out in a comprehensive, logical clear and easy-to-follow manner?
  - Do the presentations meet the required standards of grammar, spelling and linguistic accuracy?
  - Are the citations correct and consistent?
  - Is the style interesting, engaging and eloquent?
  - Are answers given to judges questions to the point, well understandable and sufficiently eloquent?

Submissions will be scored by the judges, who will each give a score for each team.

Judges will have the discretion to apply penalties where appropriate, for example for:

- Non-conformity with the formalities (e.g. length of submissions)
- Failure to provide adequate or appropriate citations
- Excessive use of sources in languages other than English
- Late submission
- Showing disrespect for the other team or the judges

Judges will provide a score sheet for each team, indicating how many points were scored and why any penalties were applied. They will also include a brief explanation of how and why they reached this score.

Judges will pay no consideration to whether or not the teams contain native English speakers, but will take into account that the Moot is not a language competition.

### **3.2 Judging of the oral proceedings**

After the oral proceedings, each judge will give up to 50 points to each speaker. As there are three judges, the maximum amount of points per participant in one hearing is 150 (3x 50) and the maximum of points per team is 300.

The oral proceedings will be judged on the following criteria:

- Correct legal analysis and argumentation during the main argumentation (maximum 35 points). This will include a consideration of, for example:
  - Did the speaker correctly identify and apply appropriate weight to the legal issues in the problem?
  - Is the law correctly identified and applied?
  - Is the argument credible and well-supported?
  - Did the speaker respond well to questions from the judge?

- Did the speaker use the time for the reply well?
- Did the speaker address the relevant issues in the reply?
- Presentation and style (maximum 15 points). This will include a consideration of, for example:
  - Are the submissions laid out in a comprehensive, logical clear and easy-to-follow manner?
  - Do the presentations meet the required standards of grammar and linguistic accuracy?
  - Is the style interesting, engaging and eloquent?
- Did the speaker seem confident in the material and their arguments? Judges may take into account whether an argument was understandable, but should not give native speakers extra (or minus) points on behalf of their English skills.

### **3.3 Registration of points and feedback**

After a hearing, the judges will retreat to a room dedicated for judges. The chair will encourage an open debate about the hearing, where different aspects on the strengths and weaknesses of the speakers are brought forward. Each judge will after that provide an individual score on a scoring sheet.

The chair is responsible for collecting those scoring sheets and submitting them to the organisers within 30 min after the end of the hearing.

Judges will then announce the winners of the hearing, as well as the total scores achieved. Judges are further encouraged to provide a brief explanation of how and why they reached their decisions to the speakers. Judges will not announce the scores of individual speakers.

Team members who wish to obtain their score sheets may do so by contacting the organisers.

### **3.4 Appeals**

As moot courts are relatively subjective, teams will not be allowed to appeal unless they believe that there is an exceptional reason. This may include, for example, a situation where a judge has unfairly discriminated against a competitor or team.

All appeals should be made to the organisers, who have discretion to decide how to handle the case. No appeal from this decision will be possible.

### **3.5 Publication of results**

After the scoring has been completed, the organisers will publish which teams have progressed/won.

## **4. THE WINNER**

The winner of the final round shall be the winner of the competition. Prizes will be awarded, as decided on a year-to-year basis.

## **5. INTERPRETATION OF THE RULES, DEROGATIONS AND COMPLAINTS**

### **5.1 Interpretation of the rules**

The interpretation of the rules of procedure will be performed by the organisers.

## **5.2 Derogations**

The organisers will be entitled to derogate from the rules of procedure where appropriate.

## **5.3 Complaints**

Any complaints arising during the competition should be directed to the organisers, who will be responsible for resolving them fairly.

## **6. OTHER**

You will find information regarding the processing of personal data of participants, judges and coaches on the Website.

Where prizes are provided by third-parties or sponsors, the organisers will not share winners' information with the sponsors other than necessary for administering the prizes. This will generally consist of sharing of the email address for the relevant team's contact person.

The moot's privacy policy is available at <https://infolawmoot.fi/data-protection-and-privacy-policy/>.