

# MANUAL ON THE ORGANISATION OF MOOT COURTS ON EU JUDICIAL COOPERATION IN CIVIL MATTERS HAVING CROSS-BORDER IMPLICATIONS

The Example of PAX Moot Court



# Private International Law in Motion 2.0

## PAX 2.0

Manual on the Organisation of Moot Courts on EU Judicial Cooperation in Civil Matters Having Cross-Border Implications

*The Example of PAX Moot Court*

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# 1 CHAPTER I – INTRODUCTION

This manual is designed to serve as a comprehensive guide for anyone involved in organising a moot court focusing on EU judicial cooperation in civil matters. While each moot court competition is unique, shaped by distinct objectives, rules, and participants, there are fundamental principles and practices that can be adapted to any setting. The insights in this manual are drawn from our extensive experience with the organisation of the PAX Moot Court. The first chapter provides an overview of the PAX Moot Court, setting the stage with specific examples and lessons learned. Subsequent chapters focus on the more general and practical aspects of moot court organisation, applicable to a variety of scenarios and useful for organisers of any moot court event.

## 1.1 PAX Moot Court

The PAX Moot Court is a student moot court competition focusing on private international law, which deals with matters concerning international jurisdiction and applicable law in civil and commercial cases that span across national borders. This field also covers the recognition and enforcement of foreign judgments. Against the backdrop of private international law, students argue complex and high-stakes disputes across a broad spectrum of legal relationships, including labour law, human rights, and environmental issues. Participants in the PAX Moot Court are afforded a unique opportunity to gain in-depth knowledge and practical experience necessary to navigate the nuances and intricacies of private international law.

Unlike other moot court competitions, which typically focus on the merits of a case, the PAX Moot directs its participants to cases that exclusively address disputes surrounding jurisdiction, choice of law, and issues related to the enforcement and recognition of judgments, other decisions, and/or documents. Consequently, participating teams are not assigned positions based on the overall merits of the case; instead, clear objectives are set for each side regarding the preliminary rulings on jurisdiction and applicable law they aim to achieve.

Participants conduct their pleadings in sessions before moot court judges consisting of practitioners and scholars in the field of private international law. Ultimately, the PAX Moot Court equips law students with the skills and knowledge necessary to address the complex challenges at the intersection of law and globalisation, enhancing their understanding of the nuances and complexities of private international law.

## 1.2 Historical Background

The PAX Moot Court is a continuation of the moot court competition initiated within the JUDGTRUST Project, supported by the EU Commission grant DG Justice (JUST-JCOO-AG-2017) ([Regulation Bla: a standard for free circulation of judgments and mutual trust in the EU \(JUDGTRUST\) \(asser.nl\)](#)). The project consisted of

fundamental and empirical research, a conference, and a moot court competition. The first three outputs focused on Regulation (EU) No 1215/2012 (the Brussels I *bis* Regulation). In addition to the Brussels I *bis* Regulation, the Moot Court competition cases involved various private international law instruments. The Moot Court originally began as part of an internal programme at Sciences Po University in Paris. Professor Horatia Muir Watt and H  l  ne van Lith were the initial organisers engaging several universities across France. The initial ‘French PIL Moot Court Edition’ expanded and ultimately partnered with the JUDGTRUST Project’s collaborators—the T.M.C. Asser Institute (the coordinator), the University of Hamburg, the University of Antwerp, and the International Legal Institute in The Hague (*Internationaal Juridisch Instituut*). Over time, this collaboration resulted in an increasing number of teams participating in the competition. In this context, the PAX Moot Court competition received funding from the European Commission through these projects.

To build upon and consolidate the successes of the JUDGTRUST Project, two successive projects were set up: the PAX Project and the PAX 2.0 Project. These projects shared the aim of deepening the understanding of, and continuing to raise awareness about, EU private international law within the legal community, including practitioners. A central goal of these new projects was to foster a culture of continuous learning and development, thereby enhancing knowledge and awareness of the latest developments in EU private international law. This commitment has been realised through ongoing judicial training programmes in civil judicial cooperation across the EU. The educational aspect of these projects has culminated in the organisation of PAX Judicial Training sessions and the creation of the PAX Moot Court competition, designed to prepare future legal practitioners to address complex issues, particularly those arising from the Europeanisation of private international law.

### 1.3 Partners, Executives and Organising Teams

The initial PAX Project was supported by the EU Justice Programme of the European Union (2014–2020) (JUST-AG-2019), with the Moot Court competition being one of its major outputs. The PAX Project is coordinated by the University of Antwerp. Its partners include the Asser Institute, Maastricht University, Sofia University “St. Kliment Ohridski”, Universit   Paris Dauphine, the University of Barcelona, and the University of Ljubljana. These same institutions are also involved in the current PAX 2.0 Project.

Various staff members from these institutions contributed to the organisation of the Moot Court Competition.

### 1.4 Moot Court Cases and Results

Seven iterations of the PAX Moot Court have taken place to date, each named after a notable scholar in the field of private international law. These names reflect

important figures—academics and practitioners alike—who have contributed to the development of EU private international law.

Under the JUDGTRUST Project, two moot court rounds were organised. The 2019 Jénard Round was held in The Hague, commemorating the 50<sup>th</sup> anniversary of the 1968 Brussels Convention, which addressed issues of jurisdiction and the enforcement of judgements in cross-border civil and commercial litigation. Mr P. Jénard, who played a key role in drafting this Convention and, was also the author of a renowned report to the Convention in his capacity as Director of the Belgian Ministry of Foreign Affairs. The case for this round concerned the adoption of a child by a same-sex couple, with one partner holding dual Polish-Canadian nationality and the other being Canadian. After moving to Poland, the family encountered legal difficulties relating to residence permits, the registration of their civil union, and joint property ownership. Participants in the competition were required to address questions of international jurisdiction and applicable law. The team from the University of Antwerp won the Jénard Round.

The 2020 Asser Round was named after Tobias Michael Carel Asser, an academic, lawyer, diplomat, and co-recipient of the Nobel Peace Prize in 1911, alongside journalist Alfred Hermann Fried. Because of the global pandemic, the 2020 Round was conducted online. The case concerned a Belgian-based company, and its subsidiary operating in the fictional sub-Saharan country of Almasia. The subsidiary had entered into a joint venture with a state-owned company in Almasia. However, in 2014, the Almasian government imposed martial law, resulting in significant deterioration of working conditions. Although a 2019 coup d'état improved these conditions, environmental damage remained unresolved. Miners sued both companies for pollution-related damages. Students were tasked with addressing issues of international jurisdiction and applicable law, with a particular focus on environmental damage. The team from the University of Cologne won the oral rounds of the 2020 Asser Moot Court competition.

From 2021 onwards, the competition continued as the PAX Moot Court. The 2021 Von Mehren Round originally scheduled to be held in Antwerp, took place online due to the ongoing COVID-19 pandemic. This round was named after Arthur von Mehren, a Harvard professor of international law and head of the United States delegation to the Hague Conference on Private International Law. It was the first competition funded by the PAX Project. The case involved the development and production of a COVID-19 vaccine by a United States-based pharmaceutical company, managed from Belgium. The company began testing in various locations, including a local laboratory, Vipimo, in the fictional Southeast Asian country of Hira. Although early trials showed promising results, a whistle-blower accused the company of exploiting Hira's population. Subsequently, production delays led to patent disputes with the company accusing the whistle-blower, one of its employees, of stealing the vaccine formula and initiating legal proceedings in both California and Belgium. Participants had to address private international law issues concerning jurisdiction and applicable law in both contractual



and non-contractual matters. The team from Singapore Management University won the oral rounds.

Paris hosted the 2022 Borrás Round, named after Alegría Borrás Rodríguez, a Professor of Private International Law at the University of Barcelona, who played a prominent role in institutes such as the European Group for Private International Law. The case involved a solicitor practising in both the United Kingdom and Singapore who invested in converting apartments into eco-friendly offices. After securing a loan from the Singapore Investment Bank, the solicitor became unemployed and defaulted on the loan repayments, leading to legal action, culminating in a European Order for Payment (EOP) and subsequent enforcement proceedings in France. Students were tasked with arguing a range of topics, including mediation, service of documents, EOP, international jurisdiction, and applicable law. The team from the University of Ljubljana emerged as the winners of the 2022 Moot.

To date, the PAX 2.0 Project has funded the organisation of two moot court rounds. The 2023 Peter Nygh Round, held again in Antwerp, was won once more by the University of Ljubljana's team. Peter Nygh was an international lawyer who led the Australian delegation to the Hague Conference on Private International Law. The case concerned issues of jurisdiction and applicable law in a dispute involving ASB Global's subsidiaries in Rotterdam (ASB NL) and Delaware, and their business relationships with Nigerian Compact Fuel (CFuel) and Greek Fine Global Shipping (FGS). CFuel encountered payment difficulties with ASB NL and uncovered environmental issues related to ASB Group's fuel quality. Disputes over fuel quality and payments led CFuel to sue ASB NL, while FGS disputed jurisdiction and counterclaimed for damages. Students were required to tackle challenges involving the delineation of the scope of application between the Brussels I *bis* and Insolvency Regulation, as well as issues relating to the taking of evidence and the applicable law governing contractual obligations and torts.

In 2024, the University of Ljubljana hosted the PAX Moot competition named after Petar Šarčević, a professor of private international law at the University of Rijeka. Šarčević led the Croatian delegation to the eighteenth session of the Hague Conference on Private International Law in 1996, was a panellist at the WTO, and co-founded the renowned Yearbook of Private International Law. The case involved MySteam, a popular United States-based social media platform, which was expanding its European activities through MyStream Europe in Tallinn, Estonia. Giulia, a 16-year-old Slovenian and Italian national, signed a contract to join MyStream's Creator Programme. The dispute arose over the videos she uploaded on MyStream: her father challenged the contract's validity, and her stepmother filed a claim for damages before a court in Ljubljana. Key issues included international jurisdiction and the applicable law on matters of capacity and legal standing, contracts, and torts. The Sofia University "St. Kliment Ohridski" team won the oral rounds.

This edition of the PAX Moot Court was notable for its accompanying half-day private international law conference, co-organised by the Centre of Private International Law at the University of Aberdeen's School of Law and the University of Ljubljana, aimed at fostering academic and professional dialogue among participants.

### 1.5 Rules and Schedules

While the rules of the PAX Moot Court have seen minor adjustments, several general rules and timelines are consistently followed. Participants are required to adhere to standards of academic honesty, integrity, and fairness throughout the competition. External assistance is generally not permitted, although teams may seek limited guidance from faculty members, provided it is confined to general suggestions or discussion of issues. Each participating university presents one team.

Teams begin preparing their submissions in mid-October, when the case is released. These cases, crafted by experts in private international law, involve fictional legal disputes. The competition is divided into two parts: the evaluation of written memoranda and oral rounds. During the written phase, teams submit two memoranda: one for the Applicant and one for the Respondent. Teams remain anonymous during this phase and use aliases for their submissions.

The oral rounds also consist of two arguments: one presented on behalf of the Applicant and the other for the Respondent. Each team designates two speakers for the oral pleadings. To ensure fairness, teams are instructed to refer to their opponents only as "Applicant" or "Respondent" and must avoid naming opposing team or counsel. The oral pleadings typically take place in April or May. The official language of the competition is English, and both the written and oral phases must be conducted in this language.

### 1.6 Conclusion

With renewed support from the European Commission, we are pleased to continue organising the PAX Moot Court under the new PAX 3.0 Project. Our aim is to build on the wealth of experience we have gained, continuously refining the competition to enhance the learning experience for participants. We also hope to share our insights with others interested in organising similar events. Moot court competitions offer an invaluable educational opportunity, particularly for students, by fostering critical thinking, public speaking skills, and a deeper understanding of legal principles. We hope this manual will serve as a helpful guide and inspire others to create successful moot court events of their own.

## 2 CHAPTER II – EXECUTIVE SECRETARY

Like all other moot court competitions, the PAX Moot requires ongoing communication between the participating teams and the organisers throughout all phases. Therefore, it is essential to have a dedicated individual to manage and oversee these communications. This role falls to the Executive Secretary. The position requires strong organisational skills, the ability to manage administrative tasks, and effective communication with participants, judges, and the Organising Committee (hereinafter referred to as “OC”). The Executive Secretary plays a pivotal role in ensuring a well-organised, fair, and enriching experience for all participants. This chapter will cover the appointment of the Executive Secretary (**sec. 1**), their tasks (**sec. 2**), team funding (**sec. 3**), team visas (**sec. 4**), and the PAX app (**sec. 5**).

### 2.1 Appointment of the Executive Secretary

Within the PAX Moot, the Executive Secretary is typically a member of the educational community (i.e., a student or junior staff member) of one of the project partners. Selection usually occurs before or at the beginning of the academic year, around August or September. The funding for this role is allocated to one of the project partners, who are responsible for organising the recruitment process. Several factors influence the selection.

*First*, the role is ideally given to someone already familiar with the PAX Moot and the PAX Project. Often, students from the recruiting institution will have previously participated in the PAX Moot and completed courses in private international law (hereinafter referred to as “PIL”). Candidates meeting both criteria are well-placed to start the role. Their experience as participants can bring valuable insights to improve the experience for future competitors. Another important factor is academic experience. Typically, the Executive Secretary is a student in their third or fourth year of study. At this stage, they are usually well-versed in managing their academic workload and other responsibilities, enabling them to effectively manage their time.

*Second*, the Executive Secretary must be able to dedicate an sufficient time to the project throughout the academic year. Various circumstances must be considered when assessing a candidate suitability. For example, final-year students often face increasing academic demands. Some may also need to choose specialisations or write their bachelor’s or master’s thesis. While participation in student organisations or part-time work cannot be held against a candidate, it is important to have an open conversation during the application process about their plans and availability for the PAX Moot. The role generally requires eight hours of work per week, though this varies depending on the competition phase. For example, after the submission of written memoranda, the workload may increase to 16–20 hours in that week. It is also essential that the Executive Secretary is fully available before and during the oral rounds of the competition, as they will draft the schedules and communicate with

judges. They must attend the oral rounds in person. Conversely, during quieter periods, such as the summer break or early stages of the competition, the workload may be as little as 3–4 hours per week.

*Finally*, prior experience in project management and strong communication skills are highly beneficial. Clear communication with successive secretaries and the OC is crucial for understanding the wide range of tasks involved (see sec. 2 below). A proactive attitude is also advantageous. Previous project experience helps candidates understand how to manage tasks, such as responding to emails, adjusting to different competition phases, and maintaining professional communication. Strong written and verbal communication skills are essential, as most tasks involve writing emails and relaying information to different stakeholders.

## 2.2 Tasks of the Executive Secretary

The tasks of the Executive Secretary vary depending on the phase of the competition. In this section, we will outline their responsibilities during the different phases of the PAX Moot: **2.1** Publication of the case and opening of registrations (October/November), **2.2** Registration deadline and submission of clarification questions (January), **2.3** Deadline for the submission of memoranda (March), **2.4** Oral rounds (late April), and **2.5** Communication of grading sheets (May). This categorisation is specific to the PAX Moot; other moot court competitions may follow different phases, and the Executive Secretary may have additional or different responsibilities. This section provides guidance and offers insights into the structure of the competition and the role of the Executive Secretary.

### 2.2.1 *Publication of the Case and Opening of Registrations*

The Executive Secretary should be briefed on their tasks before the case is published and registrations open, usually in September. During this time, they will be introduced to the OC, whose members are based in different countries, depending on the partner institution. The Executive Secretary will be given access to the competition's email ([info@paxmoot.eu](mailto:info@paxmoot.eu)) and social media channels, from which most tasks will be performed.

It is advisable for the Executive Secretary to familiarise themselves with how the competition was organised in the previous year. This can be achieved by: reading the Rules and Regulations, reviewing past email communications, checking MS Teams folders from previous editions, and exploring archived versions on the PAX website. Additionally, reaching out to the previous Executive Secretary for guidance can be beneficial.

When the case is ready for publication, the Executive Secretary will handle its release. The OC will provide the completed and reviewed case and the Executive Secretary will

be informed of where and how to publish it. After publication, they will draft an announcement for the PAX website and social media accounts.

For the team registrations, the 2024 PAX Moot instructed participating teams to register their students and coaches through the PAX website. The registration details were viewable in an MS Excel sheet, and the Executive Secretary was responsible for ensuring accuracy and completeness. These details will be used later in the competition, for instance, the contact person's email address is needed for all communication with the relevant team, whereas the names of the participants are used to calculate their individual and team scores.

In future editions, the PAX Moot has envisaged to bring about a significant change to the team registration process. By developing the PAX App (hereinafter referred to as "App"), the goal is to streamline and automate the registration process and the calculating the results. Teams will register via the App, i.e. "feed" data into it, and the Executive Secretary will use the data to create the pleading schedule for the oral rounds. Judges will also register through the App and input their scores directly, reducing manual data entry and the potential for human error.

The Executive Secretary will need to collaborate with the App developer to ensure the timely launch of the registration section. They will also create a news item on the website, informing teams that the registration has moved to the App and provide the corresponding link.

Once registrations are open, the Executive Secretary should work with the App developer to draft and set up an automatic reply email sent to the teams after registering. Usually, some teams may ask questions about the competition during this time. The Executive Secretary will also monitor the PAX email inbox daily, answering any queries from teams.

### *2.2.2 Registration Deadline and Deadline for Submission of Clarification Questions*

As the registration deadline approaches, the Executive Secretary should ensure that all teams have provided the necessary information during their registration. Whether an app or a website is used, the form that the Executive Secretary prepares together with the developer should indicate precisely the details that teams must enter. For instance, often a mistake occurs that teams provide the name of their contact person and input their phone number instead of their email. The Executive Secretary should then call or send a message to the contact person to request their email. In addition, the Executive Secretary may receive queries that should be addressed by email, such as: requests for an extension of the registration deadline, requests for changes in team composition, etc. Before responding to such requests, the Executive Secretary shall discuss them with the OC.

Upon the deadline for submitting clarification questions (CQs), the Executive Secretary will compile all CQs into a file and upload it to the MS Teams folder for the OC to review. After the OC provides responses, the final CQ document will be sent to the Executive Secretary who will then publish it on the PAX website and send an email notification to the teams.

### *2.2.3 Memoranda Submission Deadline*

The Executive Secretary is responsible for organising folders on MS Teams for all documents submitted by teams or the OC. This includes the memoranda. All memoranda submitted by the teams must be saved under its own folder.

Before the deadline, the Executive Secretary will send a communication email to the teams indicating how the submission documents should be titled, e.g.: team nickname | Claimant/Respondent | “written memorandum”, with the symbol “\_” used instead of a space. For example, “Avengers\_Claimant\_written\_memorandum”. In this way, it will be much easier keeping an overview when having to send the memoranda to the evaluators.

After the deadline, the Executive Secretary must distribute the written memoranda to the evaluators. This is a task requires attention to detail. The list of evaluators will be communicated to the Executive Secretary; the Executive Secretary can send a reminder/inquiry about the list to the relevant OC members before the submission deadline. The Executive Secretary must keep careful account of which evaluator received which submission because under Article 15 PAX Moot Court Rules, every memorandum must be evaluated twice, each time by a different evaluator. It is advisable to draft all emails before sending them to the evaluators to have the possibility of doing a final check.

During this period, the Executive Secretary will also send invitations to qualifying teams for the oral rounds, providing information to the teams regarding accommodation, the pleading schedule, the programme, etc. A similar email will be sent to all invited professionals who will serve as judges (“information sheet for judges”). Templates of these communications should be kept from year to year. The messages for the judges are very important to make sure they are all “on board” for the oral rounds.

### *2.2.4 Oral Rounds*

As the oral rounds approach, the workload will increase for the whole OC, including the Executive Secretary. In addition to handling requests for funding and visa invitations, the Executive Secretary will assist the hosting university in creating the pleading schedule—a significant task.

A sample sheet with the schedule brackets will be provided to the Executive Secretary. This is where the schedule needs to be created. They then must ensure that each team pleads 4 times (ideally twice per day), has a different opponent every pleading, has at

least one round in between their pleadings, and pleads in a different room at least once. The Executive Secretary should expect that this task may take up to a whole workday.

Once the schedule is finalised, the Executive Secretary will need to allocate judges to each pleading. Each pleading requires three judges, and several rules must be observed. These include: (1) no judge shall be scheduled for the same round twice, (2) a judge cannot adjudicate a pleading involving a team with which they are affiliated, (3) judges' availability must be strictly respected, (4) no judge shall adjudicate more than two rounds per day unless otherwise agreed, (5) no judge shall judge twice the same team on the same side of the pleading, (6) identical panels should not be replicated, and (7) judges from the same university or country should not be assigned to the same panel. This task is often extremely challenging, as it requires ongoing communication with the judges regarding their availability and frequent adjustments to the allocations. To ensure the smooth running of the competition, it is important that the Executive Secretary ensures compliance with these rules throughout the scheduling process.

The pleading schedule should be published as early as possible, allowing judges to confirm their availability and raise any concerns in case of potential conflicts. Furthermore, teams, judges, or OC members can flag potential errors, which can then be promptly corrected.

Ideally, the management of the written memoranda evaluations should be completed before the oral rounds begin. At the start of the year, the Executive Secretary should ensure that the App is used as a repository for the evaluations and is automated to process and consolidate the scores provided by the evaluators, thereby generating a ranking list. If this is not possible, the Executive Secretary will collect the evaluations manually and compile an MS Excel table for the calculations and rankings. It is important to have the top three teams for the written memoranda identified before the final round of the oral pleadings so that they can be announced.

The Executive Secretary is expected to attend the oral rounds in person at the designated venue. Ideally, travel dates should be chosen to ensure full availability during the competition days.

During the oral rounds, the Executive Secretary will perform a variety of tasks and is expected to be present throughout all rounds, as they may be needed at any time. The workload of the Executive Secretary may vary depending on whether the competition utilises an app. If no app is used, the Executive Secretary is generally responsible for collecting score sheets after each round and entering the data into the relevant software. For the PAX Moot, this is typically done using an MS Excel table, where several simple formulas are employed to simplify the calculation of results. Normally, the following results need to be calculated: total team scores per round, individual scores per round, individual pleader rankings, and team rankings (from the general

rounds). If an app or website automates these calculations, the Executive Secretary can focus on other tasks such as communication, accommodating last-minute changes, and assisting with logistics. However, even if an app or website is used, it is highly recommended that the results be double-checked to ensure accuracy. Regardless of the method used, it is important that the results for teams and individuals eligible for awards are thoroughly checked to ensure that the correct recipients are recognised.

### *2.2.5 Communication of Grading Sheets*

After the oral rounds have concluded, the Executive Secretary is responsible for compiling all the results into “grading sheets”. A template for the sheet is available on MS Teams and must be completed for each team. This should be done based on the scores collected in the PAX app. The sheets must be double-checked before being sent to ensure accuracy and avoid any confusion. Ideally, this process should be completed within two to three weeks after the competition has ended. Once the grading sheets have been communicated, the Executive Secretary may also be required to assist with minor administrative tasks.

### 2.3 Team Funding

When a moot court competition offers funding to teams requesting financial assistance, the Executive Secretary may act as the main point of contact between the teams and the OC for receiving and processing funding requests.

The PAX Moot offers such assistance. By early January, teams should have submitted their funding requests via email to the Executive Secretary. The Executive Secretary forwards all requests to a designated OC member, who will evaluate the requests and determine the level of funding available to the teams. The Executive Secretary is also responsible for sending confirmation emails to the teams, acknowledging receipt of the requests and confirming that they were properly submitted.

Only teams that participated physically in the oral rounds are eligible for financial assistance. After the competition, the Executive Secretary will liaise with the OC to confirm which teams are eligible for financial support. Following this, the Executive Secretary drafts an email outlining the instructions on how to submit receipts, expenses, and complete the reimbursement form. When the teams respond, the Executive Secretary reviews the submissions and forwards them to the designated project partner. If there are any mistakes, the relevant team will be informed and guided on how to rectify them. This process continues until the forms are correctly filled out and all receipts have been submitted. Only then does the Executive Secretary forward all relevant emails to the appropriate OC member, who processes the financial assistance requests. Teams should receive financial support within approximately a month after submitting their completed requests.



## 2.4 Team Visas

Another administrative task the Executive Secretary is likely to handle is issuing visa invitations to participating teams from non-EU countries that require them. The Executive Secretary typically receives these requests between January and March. The requests must be reviewed by a designated OC member, who will decide whether to issue an invitation. It is crucial that this process is handled promptly and efficiently to prevent teams from being unable to participate due to late visa applications. After receiving approval from the OC, the Executive Secretary drafts the invitation or may use a draft provided by the requesting team.

## 2.5 PAX App

The oral rounds of moot court competitions often prove to be the most challenging phase, not only for the participants but also for the organisers. In addition to managing the scores, the Executive Secretary may be asked to handle additional tasks such as communicating with teams and judges, managing logistics, and assisting with registration. Given the time pressure, the need for precise score calculation, and the long working hours, it is advisable to automate certain tasks where possible.

For future editions of the PAX Moot, the OC has proposed automating the calculation of pleading scores through an interactive app. Instead of registering through the website, teams and judges would register directly via the app, with all details being instantly available in its system. The Executive Secretary and the OC would create the pleading schedule in the app, allowing judges to enter their scores immediately after judging their respective rounds. Through this automated process developed by the app's creator, team and individual pleader scores would be calculated automatically and a ranking list of teams and individuals would be instantly generated. This process is expected to save significant time and effort for the Executive Secretary and other OC members, while also minimising the risk of human error in processing the large amounts of data involved in the evaluation process.

### 3 CHAPTER III – SCHEDULE

Organising a successful moot court competition is impossible without a well-planned schedule. The moot court requires coordination among various parties—organisers, students, coaches, judges, assistants, sponsors, vendors, etc.—and timing is essential for the smooth running of the entire event. Teams need ample time to prepare for the moot, as well as to organise their travel and accommodation. Organisers must allocate sufficient time to draft the moot problem, secure judges, assistants, venues, and vendors, and prepare all necessary materials. Furthermore, as the moot court is, at its core, a competition it requires clear, fair, and strict rules that apply to everyone. Consequently, deviations from the schedule are not an option. For these reasons, careful planning of the schedule is essential.

#### 3.1 Main Principles to Follow When Creating a Moot Court Schedule

Experience with the PAX Moot Court shows that certain key principles must be followed to ensure the schedule is optimal:

- **Principle of Predictability:** The schedule should be made available as early as possible and include as much detail as possible, allowing all participants to adequately prepare. Once published, changes to the schedule should be avoided.
- **Principle of Accessibility:** The schedule should be accessible at all times on the moot court's website (if possible) in an easily locatable section throughout the entire duration of the moot.
- **Principle of Awareness:** The schedule must take into account other events occurring at or around the same time, such as public holidays (e.g., Christmas, Easter), national festivals, major sporting events (e.g., football tournaments or the Olympics), concerts (beware large-scale events like of Taylor Swift tours), other moot courts, and standard exam periods. These events could limit availability of some teams and result in large numbers of people travelling to the same city or country. This could make booking flights and accommodation significantly more difficult for all participants, including teams and judges attending the finals.
- **Principle of Consistency:** Moot courts, including PAX Moot, are typically annual events. Therefore, there is a general expectation from participants (teams and coaches) that the schedule will follow a similar structure each year. While minor adjustments are made to improve the schedule (based on past experiences) and to comply with the principle of awareness, the overall pattern should remain consistent to ensure predictability and smooth operation.

In line with these principles, the following steps are suggested when constructing a moot court schedule:

## 3.2 Main Steps to Follow When Creating a Moot Court Schedule

### 3.2.1 *Step 1: Determine the Main Stages of the Moot Court*

The moot court schedule generally depends on the rules and stages set out for the competition. For instance, most moot courts, including the PAX Moot Court competition, involve several key phases:

#### **Phase 1: Publication of the Moot Court Problem**

This phase is inherently preceded by (i) determining the general theme of the problem, (ii) drafting the problem, and (iii) finalising the problem with specific questions for the students. Our experience suggests that the conclusion of one moot is an excellent opportunity to begin brainstorming ideas for the next. Drafting the moot court problem is a time-consuming and challenging task (as explained in Chapter 5). Therefore, we recommend allocating sufficient time for this initial stage—at least a month for the first draft and another month for refining the facts and legal issues.

#### **Phase 2: Selection of Teams and Registration**

The challenge during this stage is that the organisers need to know the exact number of participating teams as early as possible. We suggest opening registration early and setting a short but reasonable deadline for teams to register.

The registration period may vary depending on whether a registration fee applies. If a fee is required, teams should be allowed additional time to arrange payment, as securing funding from universities and/or sponsors (such as law firms or associations) can be a lengthy process. However, our experience shows that most teams participating in moot courts are highly professional and familiar with the moot, its rules, general issues, and typical structure. In the PAX Moot, teams know in advance that the problem will involve judicial cooperation in civil and commercial matters, with the applicability of EU instruments as the core issue. Thus, teams generally do not require extensive time to decide whether to participate.

The greater challenge lies in forming and preparing the team, a process that may take longer due to selection and training requirements. Given that the moot courts are often focused on specific issues (e.g., the PAX Moot, which is a private international law competition centred on judicial cooperation in civil and commercial matters), team selection can begin well before the publication of that year's problem. Preparation of the teams can commence as soon as the coaches decide, allowing team members to be selected before the problem is released. Additionally, an early start to team selection enables coaches to explain the moot court's rules, stages, and general principles, along with expectation for the students. This includes outlining how and

when teams will meet, how tasks will be divided among members, and other logistical details.

### **Phase 3: Clarifications – Clarification Requests and Answers**

Since moot court problems are based on fictional cases and students cannot communicate with actual clients to gather additional facts or documents, the clarification requests phase allows the organisers to address any inconsistencies or errors in the problem (if present) and provide students the opportunity to ask questions.

A key aspect of this phase is determining in advance (and specifying in the competition rules) whether teams are limited to a specific number of questions. On the one hand, allowing an unlimited number of questions enables teams to explore all potential aspects of the problem. On the other hand, receiving hundreds of clarification requests would require significant time to organise and respond to. Given that clarifications may be critical for understanding the case and its main legal issues, we recommend setting short deadlines for submitting clarification requests after the problem's publication, as well as for responding to them. This ensures that students have enough time to work on the problem with a comprehensive understanding of the case.

Ideally, we suggest a deadline for clarification requests of up to one month after the case is published. It is not necessary for the registration deadline to have passed by this point. This would simply mean that teams failing to register by the clarification request deadline would not be able to submit their own questions. However, as clarifications are provided only for essential and substantive queries, and organisers are free to clarify matters on their own initiative if needed, teams that did not submit requests are not deprived of any critical procedural rights. They will have access to the same facts and explanations as other teams.

### **Phase 4: Submission of Written Memoranda**

The main challenge in scheduling this phase largely depends on the rules of the competition, as some moot courts have separate deadlines for the submission of the written memoranda for the Applicant and the Respondent. The PAX Moot adopts a joint deadline for both memoranda, allowing students to work longer on the Applicant's memorandum and update it with new arguments they wish to use in defending the Respondent. It is also important to consider how long the written memoranda should be and the exact requirements for structure, citations, and so on.

Our experience shows that, depending on the complexity of the problem and the number of questions posed to the students, the written phase demands considerable research of legal authorities, case law, and development of well-structured arguments. If the deadlines for the Applicant's and Respondent's memoranda are different, there

should be at least a month between them, so students can shift their focus and argue the opposite thesis effectively.

In any case, the deadline for the submission of both memoranda must account for the oral rounds, leaving at least two months for students to prepare. This is because the type of work required during the written phase is quite different from that in the oral preparations. During the writing phase, students concentrate on constructing an argumentative text with clear theses, supported by doctrine and case law. At this stage, evaluators assess students' legal knowledge, writing skills, and persuasiveness. In contrast, the oral rounds focus on presentation, oral skills, quick reflexes in answering challenging questions, and presenting arguments clearly and persuasively. As a result, preparing for the oral rounds requires substantial time and a different approach, switching from writing to speaking. Evaluators also need sufficient time to review the memoranda.

### **Phase 5: Oral Rounds (Pleadings)**

When planning the schedule for a moot court competition, we recommend starting with the date of the oral rounds and building the rest of the schedule around it. This is because organising the oral rounds requires the most coordination among all parties involved. When planning the date of the oral rounds, the following considerations should be taken into account:

The oral rounds are the first time that teams, coaches, judges, and organisers meet in person. A moot court, aside from being an excellent opportunity to delve deeply into the legal field and become experts on specific topics of judicial cooperation in civil matters within the EU, also provides a valuable chance to make contacts, exchange information and views, and form friendships. The moot court is an experience, and it is essential to allocate time for participants to get to know each other. A welcome party or informal gathering at the start of the oral rounds would be an excellent way to facilitate this. After the announcement of the semi-finalists—when the competition ends for most teams—a cocktail party is also a good option. Alternatively, a celebration could be held after the finals. However, this depends on the venue for the finals, as hosting a party in a courthouse may be difficult or even prohibited. Regardless, teams should have the chance to celebrate their involvement and be proud of their achievements.

A crucial consideration is the need to secure appropriate venues and vendors. Organisers must remember that the oral rounds require multiple rooms for simultaneous sessions, spaces for teams to read, practise, or relax between pleadings, separate rooms for judges to confer, and venues for parties and major announcements. If possible, securing a prestigious venue for the finals will enhance the experience for the teams. In previous years, the PAX Moot have been held in notable locations such as the Courthouse in Ljubljana, the Palace of Justice in Antwerp, the Tribunal de Commerce in Paris, the Peace Palace in The Hague. Securing such venues requires early planning, so we recommend scheduling them as soon as possible.

The scheduling of the oral rounds largely depends on the number of teams participating. One option is to allow all registered teams to participate in the oral rounds, with the advantage that organisers will know early on how many people to account for. The downside is that having too many teams makes organisation more challenging, requiring more rooms, more judges, and more time. For instance, if 16 teams are competing, four rounds of each team can fit within two days, but with 160 teams, the situation is quite different. Alternatively, the competition rules could stipulate that only certain teams qualify for the oral rounds based on their written submissions. In this case, the grading of the written memoranda must take place earlier, allowing teams enough time to prepare for the oral rounds and plan their travel.

The schedule for the oral rounds should also consider that (i) some judges may be unavailable, so organisers should have backup judges ready to step in, and (ii) some pleadings may run longer than expected, so there needs to be enough time for teams and judges to move between rooms, especially if the venues are in different locations.

### **Phase 6: Grading and Results**

Organisers must carefully plan the time needed for grading. There are two main stages to consider: grading of the written memoranda and grading during the oral rounds. The timing of the grading of the written memoranda depends on whether these grades will serve as a qualification stage for the oral rounds. If they do, grading should be completed as soon as possible after the submission deadline to give teams and organisers sufficient time to prepare for the oral phase. If not, the grading of the written memoranda can take place after the oral rounds. However, we suggest not delaying the grading of the written phase too long, as the teams' enthusiasm may wane after the oral rounds, diminishing the impact of the written phase results if they are announced much later.

Grading of the oral rounds should occur almost simultaneously with the rounds themselves, as in real-life competition. The grades from the oral rounds determine which teams advance to the semi-finals and finals, which take place immediately after the general rounds.

#### *3.2.2 Step 2: Draft the Schedule*

In considering the phases of the moot, the organisers are responsible for drafting a schedule. An example of such a schedule would be the 2024 timetable for the PAX Moot competition:



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Publication of the Case	<b>6 November 2023</b>
Opening Registrations	<b>10 November 2023</b>
Registration Deadline <b>(CET)</b>	<b>21 January 2024, 23:59</b>
Deadline for Requests for Clarifications <b>(CET)</b>	<b>28 January 2024, 23:59</b>
Deadline for Submission of the Memorandums	<b>10 March 2024, 23:30 (CET)</b>
Grading of Written Submissions	<b>5 April 2024</b>
Oral Rounds	<b>24 - 26 April 2024</b>
Communication of Grading Sheets	<b>5 May 2024</b>

In this schedule, clear dates are provided for each of the main stages of the moot court. It is also important that the schedule specifies the exact time and time zone (acknowledging the possibility of participants from different jurisdictions with varying time zones) for each step. This follows the principles of predictability and clarity for all parties.

### 3.2.3 *Step 3: Publish the Schedule*

Adhering to the principle of accessibility, the schedule should be easy for all parties to locate and should be displayed in a clear section on the competition's website. For example, the PAX Moot website features the schedule on the main webpage: <https://www.paxmoot.eu/schedule>.

### 3.3 Conclusion

Planning the schedule for a moot court competition is no easy task, but with sufficient preparation and by considering the suggestions above, it can become less challenging for organisers. It is also important to remember that even the most well-prepared schedule can be disrupted by unforeseen events. However, the priority should always be to create an environment where students can grow professionally and enjoy the experience.

## 4 CHAPTER IV – RULES

### 4.1 Introduction: Importance of the Rules

Rules must be concise, clear, and free from ambiguity. If contradictory interpretations of any rules arise during a competition, the organising committee must address them promptly, ensuring, as far as possible, that no team is prejudiced. It is advisable to state explicitly that the final interpretation of the rules rests with the organising committee.

It is essential that the rules are communicated by the time the problem is released, at the latest and are well publicised. Moreover, they must be brought to the attention of judges and timekeepers, as the latter may clarify rules if judges are in doubt. Teams often know the rules well, having worked hard throughout the year in preparation, and may feel frustrated if judges misinterpret them. Ensuring judges and timekeepers adhere to the rules can be achieved by providing them with a short manual that includes practical instructions on competition conduct and highlights the key provisions of the rules.

### 4.2 Structure of the Rules and Items to be Covered

Drafting rules for an international Moot Court Competition requires addressing all stages of the competition. This includes:

- The timeline of the competition (or a reference to a separately published schedule);
- Enrolment, eligibility, and exclusions;
- Written submissions;
- Oral rounds;
- Awards.

If appropriate or necessary, the rules may also include definitions and overarching principles.

### 4.3 Enrolment, Eligibility, and Exclusions

The rules must clarify which institutions and students are eligible to participate. Institutions could include universities or colleges of higher education, potentially from anywhere in the world, unless the competition is restricted to a specific geographical area.

The rules should specify whether an institution may send more than one team and state the maximum number of members per team. While a minimum number could be set, enforcing this might be problematic if, for example, members drop out due to illness or other reasons. A reasonable minimum of two students per team could be established.



Additionally, the rules should specify the qualifications of team members, such as whether postgraduate or doctoral students are eligible, or those with prior legal practice experience. In the PAX Moot Court competition, students enrolled in undergraduate or master's programmes without a bar qualification are eligible. Exchange students may participate with their host institution's team. Ideally, the rules should also address whether individuals may participate in the same moot court competition more than once. In the PAX Moot, this is not considered an issue.

#### 4.4 Written Memoranda

##### 4.4.1 *Clarity on Issues to be Addressed*

The rules and the case should align. The case must clearly outline the issues participants need to address in their memoranda and pleadings, and the rules should provide further guidance on answering the case. The rules must define what is within the competition's scope and what is not.

Key questions to address include:

- Should participants deal with procedural issues of a particular court (national or the Court of Justice of the European Union)?
- Should participants consider national law? In private international law moot court competitions this is a dual question. The first part regards whether participants should address national private international law, or only EU and international instruments of private international law. The second part of the question concerns the discussion of national substantive law. Related to this, participants might also wonder whether they should address harmonised substantive law (such as conventions on transport or the Vienna Sales Convention). The rules should contain clear instructions on what is in and what is out of scope.
- Should future law or legislative proposals be considered?

Participants must adhere to the facts of the case and cannot invent facts. If participants believe relevant information is missing, they can request clarification.

The timeline should provide a deadline for submitting clarification requests. This deadline must allow students enough time to research and identify missing information while giving the organising committee sufficient time to respond, and allowing teams to incorporate new information before submitting their memoranda.

To manage the clarification process, the rules may limit the number of questions each team can ask, encouraging participants to prioritise their most important queries. Teams may be required to briefly justify the relevance of their questions, though only the questions and responses, not the justifications, will be published to maintain confidentiality.

Clarification responses should be comprehensive. The response “irrelevant” should be avoided unless answering the question would mislead students. The organising committee may consolidate similar questions, even if phrased differently.

#### *4.4.2 Anonymity*

For the written memoranda, teams should participate under pseudonyms to ensure evaluators assess submissions as impartially as possible. This also allows a clear separation between the written and oral phases, enabling teams to perform afresh during the oral phase, which cannot be anonymous for practical reasons.

#### *4.4.3 Form*

The rules should specify the format for submissions, including word or page limits and font requirements. They should clarify whether word limits include footnotes or whether page limits include bibliographies and annexes. In the PAX Moot, memoranda must comply only with the formal requirements outlined in the rules, but organisers may opt to impose additional compliance with existing procedural rules (e.g., Rules of Procedure of the Court of Justice).

#### *4.4.4 Time of Submission*

Balancing the submission deadline for written memoranda is challenging. On the one hand, students need ample time to engage with complex factual and legal issues. On the other hand, evaluators require sufficient time to grade the submissions. The timing depends on whether the written round serves to select teams for the oral round. In the PAX Moot, efforts are made to allow all teams to participate in both rounds, though experience shows that some teams fail to meet the submission deadline, creating a natural selection.

#### *4.4.5 Penalties*

The rules should specify the penalties for exceeding the memorandum length limit. Penalties could involve non-admissibility or mark deductions, with the latter needing to be severe enough to discourage violations. If penalties are too light, this might prejudice teams that do play by the rules, while causing more work for evaluators.

The rules must also contain a clear submission date and time for the written memoranda. Penalties should also be set for late submissions (e.g., minus one point per hour late). The penalty must be sufficiently severe to serve as a discouragement for violation, with a clear policy that memoranda submitted more than one day late may not be considered.

#### 4.4.6 *Evaluation*

Memoranda should be evaluated anonymously, for instance by the use of pseudonyms on the submissions of memoranda, with clear criteria for evaluators outlining the aspects they must consider and the weighting of each aspect. Each memorandum should be evaluated by more than one evaluator, independently. In the PAX Moot, memoranda are evaluated on: (1) legal analysis, (2) research and use of authority, (3) clarity of argument and persuasiveness, and (4) grammar and style. Given AI's ability to correct writing and style errors, the question arises how the latter aspect should be evaluated. Consideration could be given to taking as a starting point that the text should be error-free, and a points deduction system could be considered for excessive spelling errors.

#### 4.5 Pleadings

##### 4.5.1 *Timing*

The rules should specify the time allocated to each team for pleadings, including:

- Total time per team;
- Any restrictions on dividing time between team members;
- Whether rebuttals and surrebuttals are included;
- Maximum time for rebuttals and surrebuttals;
- Whether the judges' questions and students' answers count toward the team's time (in the PAX Moot, judges' speaking time does not count, but students' answers do, which is fair, but requires vigilance from the timekeeper).

##### 4.5.2 *Number of Pleadings*

The rules should state how many team members may plead in each session and clarify the scope of non-pleading team members' activities.

##### 4.5.3 *Content of Pleadings*

The rules must clarify what is within the scope of pleadings, as with the written memoranda. In the PAX Moot, teams are allowed to develop new arguments in their oral pleadings that were not included in the written memoranda.

A related question is whether written memoranda should be made available to judges or opposing teams. In the PAX Moot, memoranda are not shared to ensure teams are judged solely on their pleadings and to prevent the use of opposing teams' arguments. This, however, makes it more challenging for teams to respond to opponent's arguments, although it provides an opportunity for teams to distinguish themselves by responding effectively.

#### *4.5.4 Use of Electronic Devices and Other Materials*

Rules should clarify whether students are permitted to use electronic devices, such as timing devices or internet access tools. Although these tools may be used in real courtrooms, a moot court assesses participants' eloquence and clarity, making it reasonable to exclude electronic aids for clarity.

#### *4.5.5 Communication between Team Members and Coaches*

The rules should specify whether team members may communicate during pleadings. Considering that the competition is done in teams, and the amount of listening and preparation that are needed for rebuttal, communication should be permitted, but only in a manner that is not disturbing to the opposing team. Communication with coaches during the session should not be permitted.

#### *4.5.6 Scouting*

The rules should specify whether, during the general rounds, team members and coaches are allowed to attend sessions other than those in which their team is pleading. Banning attendance at other sessions prevents teams from cherry-picking, thus stopping poorly prepared teams from improving their performance by observing other teams' sessions.

#### *4.5.7 Questions by Judges*

Judges should be encouraged to pose questions to students during their pleadings, either by way of interruption or at the end of the session. In the PAX Moot, both methods are permitted, and there is no restriction on when during the pleadings the questions may be posed. Similarly, there is no limitation on the number of questions each judge may ask. However, judges are reminded in the rules that the time taken for responding to questions counts against the time allocated to each team. It is also acceptable for judges not to ask any questions. We leave it to the discretion of judges whether to pose questions to the pleading teams, considering their personal preferences and different interpretations of the role of a judge. Nevertheless, our experience shows that virtually all pleaders receive questions from the judges. This may be attributed to the fact that each pleading is judged by a panel of three judges. Whether judges are compelled or merely encouraged to ask questions depends on the evaluation criteria (see below).

#### *4.5.8 Content of Rebuttal*

The rules should clarify that rebuttals may only address issues raised during the pleading session, and no new points should be introduced. This approach is followed in the PAX Moot. Regarding surrebuttals, the rules should specify whether they can only address points raised in the rebuttal or whether they may address issues from the

entire session. In the PAX Moot, surrebuttals are limited to the issues addressed in the rebuttal.

#### 4.5.9 *Evaluation*

To manage participants' expectations and optimise their preparation, the rules should clearly outline how evaluation will be conducted. This includes:

- The maximum number of points that can be scored;
- The various aspects to be evaluated (such as knowledge of the law and facts, style, persuasiveness, language, and potentially responses to questions as a separate evaluation criterion).

#### 4.6 Pre-Moots

Organisers should decide whether pre-moots—practice rounds organised on the same problem as the main moot—are permitted, and specify this in the rules. Pre-moots offer additional learning opportunities for students. However, they may disadvantage students from regions where universities and law firms are farther apart, making travel more difficult or expensive. Furthermore, pre-moots could give some students an advantage if they later compete against teams they have already encountered in a pre-moot. In the PAX Moot, participation in pre-moots and other practice sessions are allowed. We made this decision due to the difficulty of controlling or preventing the organisation of pre-moots, and because we prioritise the learning objectives of the moot, seeking to create additional opportunities for teams to refine their legal arguments and practice their oral presentation skills.

#### 4.7 Use of Electronic Tools

##### 4.7.1 *Virtual or Online Sessions*

The rules should specify whether, and under what circumstances, teams are permitted to participate in the oral rounds remotely. Despite technological advancements, hybrid sessions—where one team and the judges are physically present while the other team participates online—have proven difficult to manage in practice. However, online participation expands access to the competition for teams that may not have the financial means to participate in person. This was the primary reason for allowing some teams to participate in the PAX Moot online, in exceptional cases, such as when visa issues prevented them from travelling despite their best efforts.

##### 4.7.2 *Use of Generative AI*

The rules should specify whether the use of generative AI is permitted at any stage of the competition, the extent to which generative AI may be used, and the disclosure required from teams if they rely on it within the permitted extent. The rules

should also outline penalties for failing to disclose the use of permitted AI or using it beyond the allowed scope. These penalties must be sufficiently severe to discourage violations. At present, the use of generative AI has not been addressed in the PAX Moot rules.

#### 4.8 Ranking

The rules should explain how rankings are calculated: whether by wins and losses overall, by wins and losses taking into account the points awarded by each individual judge, or by aggregating the points given by all the judges across all rounds in which a team participated. In the PAX Moot, we chose to calculate rankings by wins and losses overall. The advantage of this approach is that it mitigates individual differences in judges' assessments. The disadvantage is that a weak team in a weak pool during the general rounds may achieve more wins than a stronger team competing in a tougher pool.

The ranking of the best speakers should also be clarified and is usually based on the total points a participant received from all judges who observed their pleading. This calculation can be based on either the sum of all points or an average. It is important to consider that some participants may plead more frequently than others, depending on their team size and whether they plead in every session or only some.

#### 4.9 Certificates, Awards, and Prizes

The rules should indicate whether all participants will receive certificates of participation and which ranking positions will be awarded. In the PAX Moot, every participating team receives a certificate of participation. The winners of the best written pleadings award, the oral rounds, and the individual best pleader award are announced during the awards ceremony on the final day of the competition. In addition to their awards, all winners are featured in the Hall of Fame section of the competition's website. The runner-up in the oral rounds is also acknowledged.

Some competitions award prizes such as books, access to databases, or internships. It may not always be possible to specify these prizes in the rules, as the availability of internship spots, for example, may not yet be confirmed. This information could be provided on the Moot Court Competition's website.

# 5 CHAPTER V – CASE PREPARATION AND CLARIFICATIONS

## 5.1 General Instructions for the Preparation of a Competition Case

**Case Creation Team (CCT):** The CCT should be formed by one representative from each university (Partner) participating in the PAX project. The CCT should hold brainstorming sessions to develop a draft of the competition case. These sessions should focus on creating a case that is: (i) challenging for the students, (ii) relevant to the specific area of law within which the PAX Moot activity is organised, namely private international law, and (iii) connected to the country where the next edition of the competition is scheduled to take place. In terms of internal organisation, the CCT must appoint coordinator to oversee the case creation. If feasible (and compatible), this coordinator should ideally be from the host country of the next edition to ensure the case's pertinence. The draft should ideally be ready by the first week of September to allow for the timely recruitment of participants.

**Draft Development:** The case should involve complex, current legal issues that are actively debated in the European Court of Justice, national courts or legislative bodies. These issues should be nuanced, allowing for reasonable arguments on both sides (Applicant and Respondent). The legal questions must pertain to private international law, mainly in European private international law, and have broader implications beyond the specific facts of the case. The CCT should consider incorporating emerging or novel areas of law that will challenge students' legal research and analytical skills. It is important to provide sufficient details to establish the context and legal framework, while avoiding overwhelming the students with unnecessary information.

Once the draft is outlined, the CCT will develop a series of potential questions for the students to address. These questions should relate to key aspects of private international law, such as international jurisdiction, applicable law, service of documents, taking of evidence, interim measures, and the recognition and enforcement of judgements. At least one question should address applicable law, and another should cover international jurisdiction. As established, these questions should also engage students with contemporary issues (e.g., new technologies, environmental concerns, or labour law) and foster debate without favouring either party.

**Factual Complexity of the Draft:** The drafted case must include a detailed factual record with ambiguities, conflicting evidence, and multiple plausible interpretations. It should incorporate realistic details and context to make the case more immersive and true-to-life for the students. Given that the intended participants are senior law students and/or master's students, it is advisable to avoid overly simplistic or one-sided facts that lead to a clear-cut conclusion. Instead, the case should include legal twists that

influence the analysis and require students to adapt their arguments. The complexity of the case should be tailored to the students' level of experience.

**Competitive Dynamics:** In creating the case, the CCT must ensure that both parties (Applicant and Respondent) have equal opportunities to engage in balanced and dynamic discussion, with no undue advantage given to either side. The case should encourage creative legal strategies and the development of unique, persuasive arguments. Incorporating current events or hot-button issues to heighten students' engagement and enthusiasm is a key objective. By carefully considering these factors, the CCT can develop a moot court case that challenges students' legal skills, fosters spirited debate, and provides a realistic and rewarding educational experience.

**Initial Draft, Comments and Final Draft:** After the initial brainstorming meeting, the coordinator should write the first draft, which will be circulated to the rest of the CCT for comments and the selection of final questions. This should be completed within a relatively short time frame. After reviewing and incorporating the feedback, the coordinator will produce the final draft, which will then proceed to the General and External Review phase.

**Resolution of the Case:** Before the final draft is sent for General and External Review, the CCT should reconvene to resolve the approved questions. Once agreement on the case resolution is reached, both the draft and its resolution will move to the next phase. This is arguably the most crucial part of the entire process, as it determines the general baselines of the case and the possible interpretations that students and judges may consider during the oral rounds. Therefore, a thorough discussion by the CCT of the answers is essential. This is the ideal opportunity to detect and correct errors, resolve impasses, or address other issues that may arise from the case. The CCT should also explore various hypotheses that students might consider and correct any imbalance between the Applicant's and Respondent's cases. The final draft sent to the PAX Project partners should include both the case and the proposed answers.

**General and External Review Phase:** The General Review is conducted by the PAX Project partners, who review the final draft sent by the coordinator. Once approved, the draft should also be reviewed by an external expert, preferably a legal expert in private international law. This expert should provide insights and feedback to ensure the case's practical relevance and highlight potential points of interest.

Once this entire process is completed, a special document should be prepared outlining the guiding principles and scoring criteria for the judges to consider during the oral rounds. This document should also contain the expected answers from the students. This is done to standardise scoring and ensure objectivity, thereby upholding fairness and minimising the influence of individual or subjective interpretations.



**Instructions for Participants:** The draft case may include additional information that could assist the students:

- **Roles:** Clearly explain the roles participants will assume (e.g., attorneys, judges).
- **Expectations:** Outline what is expected from participants in terms of preparation and presentation. If necessary, clarify the goals each party should aim to achieve.

## 5.2 General Instructions for the Preparation of Clarifications

- **Questions and Validity:** It is recommended to set a maximum number of questions that each team can submit, e.g., five per team. Each clarification request should be written clearly, outlining the importance of the query and justifying the relevance of the requested answer, as well as its legal significance in the context of the case. Both the limit on the number of clarifications and the requirement for an explanation will encourage students to prioritise key issues and streamline their thought process.
- **Request Period:** Teams will be given a specific period to submit requests for clarifications. This time frame should be sufficient to allow a thorough review of the case and identify areas requiring further explanation.
- **Publication of the Clarifications:** Once the PAX Project partners have addressed the requested clarifications, a single document should be prepared that includes all the answers, grouped together and clearly and succinctly presented. This document will not indicate of which team asked which question. Special care must be taken to avoid providing contradictory responses or including unnecessary information.

## 5.3 Deadlines

- **Initial CCT Meeting:** The first meeting to discuss case preparation should ideally take place immediately after the conclusion of the current year's competition, typically around June or July.
- **Draft Completion:** The case draft should ideally be finalised by the second week of September.
- **Publication of the Case:** During the first week of October.
- **Clarification Request Deadline:** Set the deadline for clarification requests in November.

## 5.4 Length

- **Case Document:** The case document should be comprehensive yet concise, typically spanning one to two pages, and should include all necessary facts, legal issues, and procedural history.

- **Clarifications:** Responses to clarifications should be succinct, directly addressing the questions raised without unnecessary elaboration, typically limited to a few sentences per clarification.

#### **Extra: Ideal Timeline**

1. **June–July:** Initial meeting to discuss case preparation.
2. **August:** Brainstorming sessions for draft development.
3. **First Week of September:** Finalise and review the case draft.
4. **October:** Publish the case and open registration.
5. **November:** Receive and prepare answers to clarification requests.
6. **December:** Publish clarification responses.
7. **End of March:** Submission of memoranda.
8. **April / May:** Oral rounds.

## 6 CHAPTER VI – ORAL ROUNDS

### 6.1 Introduction

The oral rounds are typically the main event of most moot courts, including the PAX Moot Court. They offer participating teams the opportunity to present their arguments orally before panels of judges. This part of the competition allows students to practise public speaking in addition to improving their legal reasoning skills. During their pleadings, students are encouraged to respond quickly to opposing team's arguments and to answer questions posed by the judges. Besides the competition aspect, the oral rounds also serve as a social event where students from around the world meet and interact, along with the legal professionals (such as professors, judges, and lawyers) who participate as judges.

All teams wishing to qualify for the oral part of the competition must submit their written memoranda in advance. If organisational capacity allows, all teams that submit memoranda are eligible to participate. If this is not feasible, only the teams with the highest scores in the written round will qualify for the oral rounds.

Each team that qualifies for the oral rounds must appear at least four times during the general rounds: twice as representatives of the applicant and twice as representatives of the respondent. Based on their scores, the top four teams qualify for the semi-finals, with the top two teams competing in the final.

To present the oral rounds comprehensively, this chapter will outline the various stages of their preparation and execution. It will begin by covering the steps necessary for organisation, followed by the general rounds, the announcement of the semi-finalists, the semi-finals, and the final, all the way to the announcement of the winning team and prize recipients.

### 6.2 Organising Oral Rounds

#### 6.2.1 *Choosing an Organiser*

The first step in organising the competition is to select a partner university to host the next year's oral rounds and set the dates. In some moots, the institution responsible for organising the competition remains the same each year, while in others, the organiser alternates, with the competition moving between countries. Typically, oral rounds last three to four days and are attended by over hundred students, along with approximately 50 legal professionals who serve as judges to evaluate the students' performances. Therefore, it is important to begin planning well in advance to ensure that all aspects of the event are executed smoothly. Participating teams should be informed of the exact date of the competition as early as possible (at least several months in advance). Similarly, potential judges should also be notified early on, allowing them sufficient time to reserve the dates.

### 6.2.2 *Reserving Facilities*

Given the large number of participants, it is advisable for the host university to anticipate and reserve all necessary facilities for the oral rounds. These include not only rooms for the oral hearings but also appropriate spaces for other events, such as the welcome reception (e.g., a bar, café, or a more formal venue such as a town hall), the announcement of the semi-finalists (e.g., a large lecture theatre at the host university), and the final (e.g., the courtroom of the local court palace).

### 6.2.3 *Inviting Judges*

One of the challenges in organising the oral rounds is ensuring that sufficient number of legal experts are available to serve as judges. As previously mentioned, it is a good idea to inform potential judges early on about the venue and dates of the next year's oral rounds. In addition, formal invitations should be sent to potential judges, outlining the details of the event, their role during the competition, potential travel arrangements, and any reimbursement of travel expenses. If funds permit, it is advisable to book hotel rooms in advance to ensure that all judges stay at the same location.

By the deadline for the submission of memoranda (recommended to be approximately two months before the oral rounds), it is essential for the host university to know exactly how many seminar or lecture rooms are available for the hearings and how many judges will be able to participate. This information enables the university to determine how many teams can be accommodated and to communicate this to the Executive Secretary in a timely manner. If capacity is limited and all teams cannot be accommodated, the Organising Consortium sets a maximum number of teams for the oral rounds.

## 6.3 General Rounds

The general rounds usually commence with an opening ceremony, which not only serves as the official launch of the competition but also as the registration point for the teams and judges. The registration is particularly important for the organisers of the oral rounds, as it allows them to adjust the pleading schedules if any teams or judges are unexpectedly absent. The opening ceremony is typically held on the evening before the general rounds begin.

The general rounds take place over two days and are dedicated to the oral pleadings of all teams that have qualified for the oral rounds. As mentioned earlier, each team must plead four times (i.e., in four sessions) during the general rounds, representing the applicant twice and the respondent twice.

In different moot court competitions, the duration of sessions varies. For example, at the PAX Moot Court, each session consists of 80 minutes of oral pleadings, with 40 minutes allocated to each team. These 40 minutes are further divided between two

pleaders per side. Each team must also allocate a portion of their time for rebuttal or surrebuttal, depending on the party they represent. Sessions begin with the pleadings of the two representatives of the applicant, followed by the pleadings of the two representatives of the respondent, and conclude with the rebuttal and surrebuttal.

The results from all four sessions form the basis for calculating the scores that determine the top four teams advancing to the semi-finals.

### *6.3.1 Judges*

Judges play a vital role in the general rounds as they are responsible for evaluating the teams and determining which qualify for the semi-finals. Therefore, it is crucial to invite legal experts with significant expertise in the relevant field of law to act as judges. As mentioned earlier, judges should be invited well in advance. Experts from the host country and neighbouring countries are typically invited first, as their attendance involves less travel time and lower costs for the organiser. In addition to these “domestic” experts, project partners are also invited to serve as judges, providing them with an opportunity to discuss the project’s work and results. Furthermore, legal experts in private international law from other countries may also be invited to serve as judges.

When inviting judges, it is essential to calculate the number of judges needed for the competition. Based on previous experience, it is recommended that each session be evaluated by a panel of three judges. Thus, the number of judges required can be calculated based on the number of teams participating and the number of sessions each judge is expected to assess. It should be noted that some judges may cancel their participation in the days leading up to the competition. Therefore, the attending judges must be rescheduled during the days before the competition, or even during the event itself, to cover for any cancellations. According to the PAX Moot Rules, it is permissible to have only two judges (rather than three) on a panel for a session, but having three judges is preferable to ensure fairness and impartiality.

It is recommended that panels of the same three judges do not judge together more than once. Additionally, the same judge should not evaluate the same team more than once, or if unavoidable, should not evaluate the same team on the same side (i.e., as applicant or respondent) more than once. Specific competition rules must also be observed when forming judging panels. For example, in the PAX Moot Court, a judge cannot also be the coach of a competing team.

Judges should be provided in advance with clear and specific guidance on their tasks during the competition. In addition to listening carefully to the teams’ pleadings, it is preferable (if not required) for judges to ask questions during the session. Impartiality must be maintained towards both teams. Questions may be posed during or after each team’s pleadings. It is also important to clarify whether the time spent on questions and answers counts towards each team’s allotted time.

Based on previous years' experience, to ensure impartiality and fairness, it is recommended that judges do not provide feedback to the teams after each session or during the general rounds. This restriction includes both substantive feedback and advice on advocacy skills. Feedback may instead be given through the scoring sheets provided to teams after the competition, which can assist teams preparing for future competitions.

During or after each session, judges must complete a scoring sheet for each team. This is sometimes done individually, but judges may also consult with each other. It is important that the competition rules clearly define the criteria for judging each team's performance. This ensures that participants know in advance the exact elements by which they will be assessed. Judges typically evaluate:

- Legal knowledge;
- Knowledge of facts;
- Responses to judges' questions; and
- Style, poise, demeanour, organisation and time management.

In addition to the above, judges must adhere to certain other rules to maintain impartiality. A commonly recommended rule is that a judge should not participate in a general round involving a team from their own university or a hearing involving an opponent of their university's team.

### 6.3.2 *Teams*

The most important participants in the competition, without whom it cannot exist, are naturally the teams of competitors.

#### **Team Membership**

Different moot court competitions have varying numbers of competitors in each team. For example, in the PAX Moot Court, a team consists of two to four law students, all of whom must be enrolled at the same university or faculty. Only students enrolled in undergraduate or master's programmes are eligible to participate, and the PAX rules do not prohibit a student from competing in consecutive years.

#### **Team Performance in General Rounds**

It is important that teams arrive at the venue of each session (i.e., the designated room) on time—preferably 10 to 15 minutes before the session begins. This ensures adequate preparation (e.g., noting the name of the university and individual competitors) and smooth operation of the competition. Teams are also expected to remain available throughout the oral rounds, particularly in case of the last-minute absence of a team, where another team may step in as a substitute.

In each session of the oral rounds, two competitors per team participate. A team may consist of only two competitors who plead in all four sessions. If the team includes one or two additional members, these competitors must sit alongside their teammates during the oral rounds. For each competition, it must be clarified whether communication between the competitors pleading and the rest of the team is permitted during the session. Even if communication between teammates is allowed, communication with the coach is strictly prohibited. According to PAX Moot Court rules, written communication between all team members during a session is permitted. This allows not-competing team members to search for relevant information and communicate their findings or advice to help their competing colleagues. However, this assistance must come solely from teammates, not the coach. The coach attending the general round session must sit behind the team at all times, and any contact between the coach and the team during the session is strictly prohibited.

At the beginning of each session, teams must announce how much time each competitor will spend pleading and how many minutes are allocated for rebuttal or surrebuttal. Teams must adhere to these self-imposed time limits, as failure to do so will result in a deduction of points. Timekeepers are responsible for ensuring that the announced time limits are observed and for notifying both teams and the panel when time is up.

### **Use of Electronic Devices**

It is also important to clarify whether competitors are allowed to use electronic devices during the sessions. To ensure the competition tests the students' knowledge, the PAX Moot Court prohibits the use of electronic devices during pleadings, and teams may only use hard copies of reference materials.

### **Spectators at Sessions**

Another important consideration is who may spectate a particular session. Depending on the available capacity of the room in which the session is held, anyone may attend. However, there are specific restrictions for team members, coaches, and other spectators affiliated with the team. To prevent scouting, it is advisable to prohibit team members or coaches from attending sessions other than those in which their team is competing during the general rounds.

#### *6.3.3 Timekeepers*

Timekeepers are typically volunteers—often students from the host university—who perform a variety of tasks during the competition. The most important of these is timekeeping during the oral rounds, and they must be well prepared for this role. To ensure they are fully informed of the rules and procedures, it is advisable to hold a preparatory meeting for timekeepers in the days leading up to the competition, where they are briefed on the relevant rules and special considerations.

Timekeepers play a vital role in the smooth execution of each session. They are responsible for bringing scoring sheets to the session and collecting them afterward, signalling the final minutes (e.g., at 5, 1, and 0 minutes remaining) of the allocated time to the pleader, and informing the court when the time has expired. They are also essential for providing organisational assistance and resolving any technical issues that arise during the competition. It is important to involve a sufficient number of volunteers, as their help is also needed for other tasks, such as registering teams and judges.

#### 6.3.4 *Executive Secretary*

Good communication between the host university and the Executive Secretary is essential throughout the organisation of the oral rounds. The host university communicates all relevant information to the Executive Secretary, who, in turn, keeps the teams informed via email, the website, or social media. The Executive Secretary also assists the host university in inviting and corresponding with judges, preparing the pleading schedules, and, if necessary, helping students and judges obtain visas.

After each session, the Executive Secretary inputs the scores from the scoring sheets into a master list and maintains a running tally of wins and points for each team. This task requires a high degree of care, accuracy, and reliability, as the Executive Secretary is responsible for calculating all results during the oral rounds.

Another critical responsibility of the Executive Secretary is the preparation of the pleading schedules. Based on the availability of rooms and the number of judges, the Executive Secretary organises the schedule to ensure that each team competes in four sessions, each time against a different team and in front of a different panel of judges. This task requires close cooperation with the host university's organisational team. The schedule must also account for simultaneous pleading sessions, adequate breaks between sessions (at least 30 minutes, but preferably 45), and that sessions are not concluded too late in the day.

#### 6.4 Announcement of the Semi-Finalists

After the general rounds (held in the afternoon or evening of the second day), the semi-finalists are announced. The Executive Secretary calculates the results in advance and informs the organisers of the oral rounds which four teams will progress to the semi-finals. The names of the teams are written on slips of paper and placed in a bag. The Organising Committee members announce the results by drawing the slips of paper from the bag in front of the teams. The team announced first will act as the applicant in the first semi-final, while the team announced second will act as the respondent. Similarly, the third and fourth teams will act as the applicant and respondent, respectively, in the second semi-final.



The announcement of the semi-finalists is traditionally held at the host university, typically in one of the lecture theatres, and is followed by a banquet for students and judges, budget permitting.

### 6.5 Semi-Finals and Finals

The final day of the oral rounds is dedicated to the best teams that have advanced to the last stage of the competition. In the morning, the two semi-finals take place simultaneously. Historically, the semi-final pleadings have been held either at the host university or at the Court Palace in the host city.

After each semi-final pleading, the judges retire for deliberation. Each panel of judges will select a winner to advance to the finals. The results of the first and second semi-finals are announced by the respective panel presidents. Once the final teams are determined, a coin toss is held to decide which of the finalists will represent the applicant and which will represent the respondent.

In the afternoon, the oral rounds culminate with the final, which is typically held at the Court Palace in the host city, As previously mentioned. All participants, as well as the two finalist teams, their coaches, and a panel of three judges, are invited to attend.

For the pleadings in both the semi-finals and the final, the same rules apply regarding team members' performances, time limits, and judges' questions. Despite the formal atmosphere, judges are encouraged to question the teams and test their knowledge of the law and the facts of the case.

### 6.6 Announcement of the Results

At the end of the final pleadings, the judges retire to determine the winner. At this point, or shortly before, the Executive Secretary will also determine the winners of the other prizes.

The announcement of the winner and the prize-awarding ceremony will take place after the panel of judges has decided the winner in secret. The members of the Oral Rounds Organising Committee first announce the three teams that achieved the highest overall scores for their written memoranda (i.e., the highest total score after combining the Applicant and Respondent scores). The team with the highest score is awarded the Best Written Pleadings Award.

Subsequently, the Oral Rounds Organising Committee announces the three pleaders who achieved the highest scores during the general rounds, with the Best Pleader Award going to the pleader with the highest score. To be eligible for this award, a pleader must have argued in at least two sessions, speaking for at least 15 minutes in each pleading.

Finally, the president of the panel that judged the final round announces the winning team, concluding the announcement of results.

The winner, runner-up, and recipients of the Best Written Pleadings Award and Best Pleader Award may be included in the “Hall of Fame”, which is published on the competition’s website.

Additionally, every participating team is issued a Certificate of Participation.

#### 6.7 Other Aspects of the Oral Rounds

Alongside the careful organisation of the oral rounds sessions themselves, it is advisable to also consider the social aspects of the competition. If possible, it is beneficial to designate a space for the judges to stay before and after the sessions in which they are presiding. This a room serves as a gathering place where judges can socialise, work in peace, or prepare for upcoming sessions. Subject to availability, a similar space may also be designated for students. This allows teams to socialise in a common area while waiting for or after their sessions, providing an opportunity to meet new colleagues.

If financially and logistically feasible, it is advisable to organise lunch for both students and judges on both days of the oral rounds. This arrangement is particularly helpful for judges who may otherwise not have time for a meal due to multiple sessions in one day.