

INTERNATIONAL COMMERCIAL ARBITRATION MOOT 2023

Sponsored by WongPartnership LLP
Organised by the NUS Mooting and Debating Club

COMPETITION RULES AND REGULATIONS

A. Introduction

1. **Goals.** The Competition is intended to stimulate interest in the practice of international commercial arbitration, and to create awareness of this mode of dispute resolution. The Competition is designed to be educational, with a parallel objective of promoting oral and written advocacy skills.
2. **Organiser and Sponsor.** The Competition is organised by the National University of Singapore (“NUS”) Mooting and Debating Club (“the MDC”), and sponsored by WongPartnership LLP (“WongPartnership”).
3. **Eligibility.** The Competition is only open to first- and second-year NUS, Singapore Management University (“SMU”) and Singapore University of Social Sciences (“SUSS”) law undergraduates, first and second year NUS approved graduate programme students and first and second year SMU and SUSS J.D. students. **Prize winners from past International Commercial Arbitration Moots are not eligible to participate in the Competition.**

B. General Provisions

4. **Language.** The Competition shall be conducted only in the English language.
5. **Venue.** Due to Covid-19 safe distancing measures, the preliminary and semi-final rounds of the Competition will be held online via Zoom. The finals will be held at the Faculty of Law, NUS. Details on the conduct of the oral hearings are set out in Section D below.
6. **Kickstarter & Demonstration Moot.** The kickstarter event during the Competition consists of an introductory talk on arbitration and a demonstration moot organised by WongPartnership on **27 January 2023 at 4-5:30pm** online via Zoom.
7. **Interpretation of Rules.** MDC's and WongPartnership's decision(s) as regards the interpretation of rules shall be final. MDC's and WongPartnership's decision(s) on any matter relating to the conduct of the Competition which is not expressly provided for in the Rules shall be final as well.
8. **Amendments to Rules.** MDC and WongPartnership reserve the right to modify, amend or change any of the Rule(s), at any time, without prior notice to any party, as may be deemed expedient by them for the conduct of the Competition. Any modification, amendment or change of any Rule(s) will be communicated to each Participant by MDC via email.
9. **Penalties.** MDC and WongPartnership reserve the right to take any action that they deem appropriate for the breach of any of the Rule(s) by any Participant. MDC and WongPartnership also reserve the right to take any action that they deem appropriate

against any Participant who has been found by MDC and WongPartnership to have committed any unethical and unprofessional conduct in the course of the Competition.

10. **Registration.** Students who wish to participate in the Competition must register with MDC via the online weblink to be provided in due course. Applications must include the following details: name, law school, matriculation number, year of study, mailbox number, mobile number and email address. **The close of registration is 27 January 2023 (by 11:59pm)**. Any registration received after this date shall be deemed to be ineligible, unless expressly approved by MDC and WongPartnership.
11. **The Problem.** The Problem will be issued to participants together with these rules. The Competition involves a contract-related problem based on a hypothetical situation. All relevant facts are given in the Problem. No additional facts may be introduced into arguments (whether written or oral) unless they are a logical and necessary extension of the given facts or are publicly available facts. Any introduction of a fact that is not a logical and necessary extension of the facts given in the Problem or is not a publicly available fact will be deemed to be in breach of the rules of the Competition and the Arbitrators retain the discretion to penalise the Participant accordingly.
12. **Clarifications.** Any request for clarifications must be sent by email to the following email address: mdc.icam@gmail.com, and be received by **30 January 2023, 6pm**. Answers to request(s) for clarifications (if any) will be distributed to all Participants by **1 February 2023, 6pm**. WongPartnership retains the sole discretion to decide whether to provide answers to any requests for clarifications.

C. **Written Memorandum**

13. Participants will be informed as to which side they are on by the MDC via email by **28 January, 12pm**. Each Participant must submit one memorandum setting out arguments in support of either the claimant's or the respondent's position to MDC by **8 February 2023, 6pm** via email to the following email address: mdc.icam@gmail.com. **Participants who fail to submit the required memorandum by the deadline will be deemed to be disqualified from the Competition, unless expressly approved by MDC and WongPartnership.**
14. **Word limit.** Each memorandum must not be longer than **1,000** words, including table of contents (if necessary) and any citations. Memorandums which contain insufficiently detailed arguments may also be penalised by the Arbitrators or disqualified at WongPartnership's discretion.
15. **Format.** The memorandum must be typed with a **minimum font-size of 12 point (Times New Roman)** and with **double line-spacing**. **All margins must be at least one inch or 2.5 cm**. Each memorandum should contain a cover page which must identify prominently the name of the Participant and whether it is for the claimant or the respondent.
16. **Style.** The memorandum is intended to be skeletal submissions to aid the Arbitrators in deciding the dispute. It is not intended to be an academic dissertation and the use of

lengthy citations is not encouraged. Footnotes and endnotes are strongly discouraged and should be used only where absolutely necessary.

17. Judging Criteria. The memorandum will be evaluated on the basis of the quality of the analysis, persuasiveness and coherence of the argument, thoroughness of research, clarity and cogency of writing, and adherence to the formatting and style requirements set out above. Participants are reminded that the inclusion of any statement of fact that is not a logical and necessary extension of the facts given in the Problem or is not a publicly available fact in the memorandum will be penalised.

18. Memorandum revision. A memorandum may not be revised, changed, altered or modified once it has been submitted to MDC, including for typographical or grammatical errors, missing pages or for problems caused by faulty computer software.

D. Oral Hearings

19. Venue. As mentioned above, due to Covid-19 safe distancing measures, all oral hearings of the Competition, save for the finals, will be held online via Zoom.

19.1 The **preliminary round** of the oral hearings will be held on **10 February 2023, 6:30pm**;

19.2 The **semi-final round** of the oral hearings will be held on **17 February 2023, 10am**; and

19.4 The **final round** of the oral hearings will be held at the Moot Court of the Faculty of Law, National University of Singapore **in the week of 27 February 2023**, with the date and time to be confirmed at a later date.

20. Duration of Oral Arguments. The duration of oral arguments differs for each round, as set out below. The time permitted for presentation of oral arguments **includes** time for any rebuttal or surrebuttal as well as questioning by the Arbitrators. Each Participant is responsible for reserving time for their rebuttal or surrebuttal as he/she deems necessary. Any extension of time is solely at the discretion of the Arbitrators. **Participants who exceed the time limit will be penalised accordingly unless the Arbitrators have expressly permitted an extension of time.**

21. Preliminary rounds.

21.1 **Duration.** Each Participant is given up to **11 minutes** in the preliminary rounds to present his/her oral arguments to the Arbitrators.

21.2 **Assigning Rounds.** Participants will present oral arguments for the side (either claimant or respondent) for which they have submitted a written memorandum. However, Participants who proceed to subsequent rounds may be required to

represent a different party for those rounds. The pairing of opposing counsel will be determined by a draw of lots. Participants will be given due notice of their opposing counsel by MDC via email (no later than 3 days before the scheduled hearing date).

- 21.3 **Exchange of memorandum.** Participants are required to exchange the memorandum with their opponents **at least 48 hours** before the scheduled hearing. Participants who do not receive their opponents' memorials by the stipulated deadline should contact the MDC via email.
- 21.4 **Use of new authorities.** Participants **must** inform his/her opponent of any new authorities which he/she intends to rely on that have not been cited in his/her memorandum **at least 24 hours** before the scheduled hearing. **Failure to comply will be penalised accordingly by the Arbitrators.**
- 21.5 **Contingency Preliminary Rounds / Memorandum Grading.** In the event that the number of registrants is in excess of 100, WongPartnership may in its discretion organise an additional preliminary or quarter-final round or take the memorandum grading into consideration.

22. **Subsequent rounds.**

- 22.1 **Quarter-finals (if any).** The top sixteen participants in the preliminary rounds will advance to the quarter-finals (if any). Each Quarter Finalist is permitted **up to 12 minutes** to present his/her oral arguments to the Arbitrators.
- 22.2 **Semi-finals.** If a quarter-finals round is held, the top eight Quarter Finalists will advance to the semi finals. Otherwise, the top eight participants in the preliminary rounds will advance to the semi-finals. Each Semi Finalist is permitted **up to 12 minutes** to present his/her oral arguments to the Arbitrators.
- 22.3 **Finals.** The top four Semi Finalists will advance to the Finals. Each Finalist is given **up to 15 minutes** to present his/her oral arguments to the Arbitrators.
- 22.4 **Pairing of Counsel.** For the semi-final and final rounds, Participants will be paired in teams of two. The pairing of counsel will be determined by a draw of lots. Participants will be given due notice of their allocated team member and the legal issue assigned to each team member respectively by MDC via email (no later than 5 days before the scheduled hearing date). Notwithstanding the pairing of counsel for the purposes of oral arguments, Participants will be assessed on an individual basis. While Participants will be assessed on an individual basis, Participants are expected to co-ordinate their arguments with those made by their team member. Arbitrators may give regard to the coordination and alignment of each team's arguments for scoring purposes.
- 22.5 **Assigning Rounds.** For the semi-final and final rounds, Participants may be required to represent a different party (claimant or respondent) from that for

which they represented in the preliminary or semi-final rounds. The pairing of opposing counsel and whether a Participant presents arguments for the claimant

or the respondent will be determined by a draw of lots. Participants will be given due notice of the party which they would be representing and their opposing counsel by MDC via email (no later than 5 days before the scheduled hearing date).

22.6 **Exchange of skeletal submissions.** Participants are required to prepare a one page (minimum font-size of 12 point) skeletal submission setting out in point form their intended points of argument and authorities relied on. These skeletal submissions are intended solely to assist the Arbitrators during the oral hearing and will **not** be scored, i.e. participants will **not** be evaluated on the quality of their skeletal submissions. Participants are required to: (i) submit their skeletal submissions via email to the following email address: mdc.icam@gmail.com; and (ii) exchange their respective skeletal submission with their opponents at least **48 hours** before the scheduled hearing. Participants who do not receive their opponents' skeletal submissions by the stipulated deadline should contact the MDC via email.

23. **Scope of arguments.** Participants are not limited to the scope of the memorandum / skeletal submissions in their oral arguments. The scope of the claimant's rebuttal is limited to responses to the respondent's oral arguments, and the scope of the respondent's surrebuttal is limited to responding to the claimant's rebuttal. If the claimant waives rebuttal, the respondent may not appear for surrebuttal. No legal issues which were not raised in the substantive oral arguments may be raised in the rebuttal or surrebuttal.

24. **Exhibits.** No exhibits that are not part of the given Problem or any additional material may be used during the oral hearings, unless the express permission of the Arbitrators and the opposing counsel has been obtained.

25. **Judging criteria.** Participants will be evaluated on the basis of the quality and coherence of the oral arguments, the presentation style (which includes persuasiveness, clarity and structure), and the ability to respond substantively to the Arbitrators' questions. Participants are reminded that the inclusion of any statement of fact that is not a logical and necessary extension of the facts given in the Problem or is not a publicly available fact in their oral arguments will be penalised.

E. Awards

26. **Memorandum competition.** The Participant with the highest score for the memorandum will receive \$350. The winner will also be given a two weeks' internship at WongPartnership.

27. **Oral competition.** The winner of the Finals of the oral competition will receive \$1,600 in prize money. The 1st runner-up will receive \$800, with the joint 2nd runners-up receiving \$400 each. All finalists will also be given a two weeks' internship at WongPartnership.