



**INSOL International™**

**IAN FLETCHER  
INTERNATIONAL INSOLVENCY LAW MOOT COURT COMPETITION**

**LONDON  
7-9 FEBRUARY 2020**

**RULES**

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## **A Competition Committee**

1. The Competition Committee members for the 2020 competition are the nominated representatives of INSOL International and the International Insolvency Institute.
2. Competition Committee members shall not assist any team registered in the Competition.
3. The Competition Committee
  - (i) has the sole discretion to:
    - a. enforce all Rules;
    - b. interpret the Rules;
    - c. resolve any disputes that may arise during the Competition; and
    - d. answer questions about, and clarify, the problem.
  - (ii) has the power to change or supplement the Rules, if any changes or supplements are necessary. The Rules will be posted on the competition web site, and changes or supplements will be communicated to participating teams as quickly as possible.
4. The Competition Committee may, at its discretion, disqualify a team if it considers that there has been any behaviour that is considered a serious violation of these Rules or of the spirit of the Competition.
5. Members of the Competition Committee may delegate any appeals to an Appeal Committee. Members of the Appeal Committee will not judge any Oral Rounds in the moot.
6. Materials relevant to the administration of the Competition will be posted on the website < <https://www.qut.edu.au/law/about/news-events/international-insolvency-law-moot> >.
7. Any questions or enquiries about the Competition shall be made in writing (e-mail is satisfactory) to the Competition Committee. If a question or enquiry affects participating teams, the question or enquiry and its answer will be e-mailed to participating teams.
8. The Competition Committee's address is:

Ian Fletcher International Insolvency Law Moot Competition  
Attn: Moot Registrar  
INSOL International  
6 - 7 Queen Street  
London EC4N 1SP  
Email: Fletchermootcoordinator@shaw.ca

## **B Team Composition**

1. The competition is conducted in the English language. It is open to teams from professionally accredited law schools. Each eligible law school may register only one team in the Competition. The closing date for registration is **4 October 2019**.
2. Each team shall notify the Moot Registrar (see Rule A8) of an email address, which will be used for all correspondence and service of documents.
3. A team consists of no less than two and no more than four law students, who shall be enrolled as full-time or part-time students either of a first degree in law, including Juris Doctor (JD), or for any postgraduate qualification in law below the level of commencing a doctoral program in the law school they represent at the time of the Competition. However, no team member may have previously been or is currently a licensed legal practitioner. Any questions regarding eligibility should be addressed to [FletcherMootCoordinator@shaw.ca](mailto:FletcherMootCoordinator@shaw.ca) . The Competition Committee's decision regarding eligibility will be final.
4. The same team must prepare the Written Submissions and appear in the Oral Rounds. Teams shall not alter members after submission of the list of team members, except upon written permission of the Moot Registrar based on a showing of hardship or a medical certificate. In the Oral Rounds, no substitution will be permitted after the commencement of the first argument unless the number of team members drops below two.
5. Each team may have up to two coaches.
6. The Written Submissions Round and Oral Rounds shall be the work of the student team members only. See below Rule D12.
7. In the Written Submissions Round, a team may receive the following assistance only on the written submissions:
  - (i) Team members may discuss general principles of international insolvency law with their coach and with others affiliated with their law school.
  - (ii) The coaches may provide general feedback on the overall structure, clarity of expression, and persuasiveness of arguments made in drafts but not the final written submission. Coaches may not assist with the actual writing or the research.
8. In the Oral Rounds, a team may receive coaching in preparation for the Oral Rounds.
9. Only two team members may sit at the Bar Table and present argument during a moot in the Competition. During Oral Rounds, no communication is permitted between counsel and other members of the team or coach. Communication between co-counsel is permitted.
10. The use by counsel, whether directly or indirectly, of electronic devices (iPhones, iPads, tablets, laptops or similar) is not permitted at the Bar Table. See below Rule G12.

11. All team members may participate in every aspect of the Competition relating to preparation for the written submissions and the oral rounds, including practice moots, research, and drafting of submissions for the Written Submission Round and Outlines of Argument for the Oral Rounds.
12. Each team will be assigned a team number by the Moot Registrar. Teams shall identify themselves within their written submissions only by use of this anonymous identifier. During the Oral Rounds, team members shall avoid identifying their law school to the judges.

### **C The Moot Problem**

1. The forum is an appellate court in the hypothetical jurisdiction of Nuzilia. Members of Nuzilian courts are addressed as Your Honour.
2. The moot problem will require consideration of the UNCITRAL Model Law on Cross-Border Insolvency (1997) and UNCITRAL Model Law on Recognition and Enforcement of Insolvency-Related Judgments (2018) (“Insolvency Model Laws”).
3. The moot problem may require consideration of legislation based on the UNCITRAL Insolvency Model Laws as adopted in jurisdictions listed on the UNCITRAL website: < <http://www.uncitral.org/uncitral/en/index.html> > and case law on that legislation.
4. The moot problem will be posted on the competition website by **6 September 2019**.
5. The same moot problem will be used for the Written Submissions Round and all rounds of the Oral Round, including the final.
6. The current moot problem may not be used by any participating law school, or any other party, for any reason, including intra-school competitions, without the prior written consent of the Competition Committee.

### **D Written Submissions Round**

1. Each team shall prepare ONE set of Written Submissions on behalf of the Appellant, and ONE set of Written Submissions on behalf of the Respondent.
2. The Written Submissions shall be typed in Microsoft Word for Windows (with .doc or .docx file extension), unless alternative arrangements are made with the Moot Registrar. Each team shall give a file name to its Appellant submission in the form: *teamTTAppellantsubmission.doc* and to its Respondent submission in the form: *teamTTRespondentsubmission.doc*.
3. The Written Submissions have no cover sheet or back sheet, but shall be headed in the style in **Attachment D**. The names of the team members, their law school, or any other identifying information shall NOT appear anywhere in the document.
4. Teams shall identify themselves within their Written Submissions only by use of the anonymous identifier given to them in advance by the Moot Registrar.
5. The Written Submissions shall be typed in size 12 Times New Roman font style. The text must be 1.5 line spaced. Submissions shall have a margin of at least 2.5cm on every side of the text.
6. Citations must be in footnotes and use a standard legal citation format to enable the authority or source to be identifiable and locatable. Footnotes shall be typed in no smaller than size 10 Times New Roman font style, single-spaced.

7. The Written Submissions shall consist of numbered paragraphs.
8. A bibliography or separate list of authorities is not required.
9. The word count for **each** submission shall not exceed **2,000 words** in length. This word limit includes the heading, titles and sub-titles, citations, and footnotes. The word count shall be indicated at the end of the submission. The indication of the word count does not count towards the word count.
10. The Written Submissions shall be received by the Moot Registrar by 17:00 Greenwich Mean Time (GMT) on **18 October 2019**.
11. No alterations to the Written Submissions are permitted after this deadline.
12. All research, writing, and editing relating to the Written Submissions shall be work of the registered team members. Team members are to conduct themselves in a manner that is fair, honest, and consistent with the principles of professional and academic integrity.
13. The Written Submissions shall be assessed anonymously by judges, selected by the Competition Committee from the legal profession and/or academia.

## E Oral Round

1. Each team will be assigned a team number by the Moot Registrar. Teams will use this number on their Outlines of Argument. The names of the team members, their law school, or any other identifying information shall NOT appear anywhere in the document. Participants will avoid letting judges know from which law schools their teams appear.
2. The selection of teams for the Oral Rounds will be notified to teams by **8 November 2019**.
3. The general round will provide for each team to participate in up to four moots, arguing for the Appellant and for the Respondent.
4. The scope of the oral arguments is not limited by the written submissions, and the judges of the Oral Rounds will not have copies of such documents. Instead, each team should prepare an Outline of Arguments in accordance with Section F for each of their Appellant and Respondent submissions.

## F Outlines of Arguments

1. Each team shall electronically file an Outline of Arguments for the Appellant by 17:00 GMT on **16 December 2019**. Electronic filing means that the outlines shall be emailed to the Moot Registrar, at [FletcherMootCoordinator@shaw.ca](mailto:FletcherMootCoordinator@shaw.ca).
2. The Moot Registrar will email the relevant team's Appellant's outline to the team(s) that will be arguing against that team as Respondent by 21:00 GMT on the same day.
3. Each team shall file the relevant Outline of Arguments for the Respondent, responding to the Appellant's outline(s) that they have received, by 17:00 GMT on **10 January 2020**.
4. The Moot Registrar will email each Respondent's outline to the relevant Appellant team by 21:00 GMT on the same day.
5. Written submissions shall be typed in Microsoft Word for Windows (with .doc or .docx file extension), unless alternative arrangements are made with the Moot Registrar. Each team shall give a file name to its Appellant outline in the form *teamTTAppellantoutline.doc*, and its Respondent outline *teamTTresponsetoteamUU.doc* where TT is the team's number and for Respondent outline, UU is the team to whom they are responding.
6. Outlines have no cover sheet or back sheet, but shall be headed in the style in Attachment D. The name of the law school shall not appear on the outline. Outlines shall be typed in no smaller than 12-point Times Roman font with any footnotes typed in no smaller than 10-point Times Roman font. Outlines shall not exceed **four A4 pages** in length. They should consist of numbered paragraphs. They may be single-spaced, with a single-spaced blank line between paragraphs.
7. An Appellant's Outline of Arguments shall:

- (i) briefly identify the issues said to arise for determination on the appeal; and
  - (ii) set out the arguments for the Appellant, giving a reference to any authorities relied upon and, in particular, where it is contended that the judge below erred in law, the precise error or errors of law, and the basis in principle or authority for that contention.
8. A Respondent's Outline of Arguments shall:
- (i) not repeat matters set out in the Appellant's outline of argument; and
  - (ii) summarize the Respondent's answers to the Appellant's arguments and give reference to authorities relied on.
9. An Outline of Arguments shall not include a separate list of authorities.
10. Amendments to Outlines of Arguments are not permitted except in accordance with Rule H6.



## **G Moot Procedures**

1. All moots in the Competition will be held in the venue/s advised by the Moot Registrar.
2. During Oral Rounds, all persons in the Court who are not actively involved in the hearing itself (*ie* members of the Bench, the bailiff and counsel) shall be seated behind the Bar Table.
3. Speakers, reserves, or any persons affiliated with a team shall not attend any moot other than one in which their team is participating while that team is still competing.
4. Each team has thirty minutes in which to present its arguments. Each speaker shall speak for at least ten minutes.
5. Senior Counsel for each team will announce the time breakdown for the team when entering appearances. This allocation of time will include the time, if any, not exceeding five minutes reserved for rebuttal (for the Appellant) or surrebuttal (for the Respondent).
6. At the start of each moot, each team will hand up to the bench an Appeal Book (1 copy per each member of the Bench) containing:
  - (i) photocopies of the relevant material from all authorities and other materials referred to in argument, (*eg* legislation); and
  - (ii) an index, or some other means (*tabs etc*) for finding relevant material.
7. Counsel will be heard in the following order:
  - (i) Senior Counsel for the Appellant
  - (ii) Junior Counsel for the Appellant
  - (iii) Senior Counsel for the Respondent
  - (iv) Junior Counsel for the Respondent
  - (v) One or other Counsel for the Appellant may then exercise a right of reply (rebuttal), during which no new arguments may be raised – *ie*, rebuttal should be confined to responses to arguments raised by the Respondents
  - (vi) One or other Counsel for the Respondent may then exercise a right of reply (surrebuttal), during which no new arguments may be raised – *ie*, surrebuttal should be confined to responses to arguments raised by the Appellants in rebuttal.

8. A judge may interrupt Counsel at any time to ask a question. Judges are expected to ask sufficient questions to test Counsel's understanding of matters relating to the problem, while allowing them fair opportunity to present their argument.
9. Counsel shall not, except in response to questions, introduce arguments not contained in their outline, but should be prepared to answer questions on all points relevant to the problem, whether contained in their outline or not.
10. A bailiff/timekeeper will be present in the court, and display a card showing the time remaining when there is 5 minutes, 1 minute and no time left, after which Counsel shall stop unless allowed to proceed by the bench. Extensions should not exceed a total of 2 minutes for each Counsel.
11. The bailiff/timekeeper shall show the TIME card at the end of any extra time allotted to Counsel. As far as practicable, both teams will receive the opportunity for similar periods of extension of time, if appropriate.
12. The bailiff/timekeeper's time is the only official time of the match. Teams may use watches and stopwatches for their own reference so long as they make no sound and do not transmit information. All electronic devices must be turned off and removed from sight at the Bar Table and must remain off until the end of the round. See above Rule B10.
13. The Appellant may waive rebuttal time at the close of the Respondent's argument. However, the Appellant may not reallocate rebuttal time after the start of the moot.
14. The Respondent may waive surrebuttal time. However, the Respondent may not reallocate surrebuttal time after the start of the moot.
15. Wherever possible, each moot will be held before a panel of three judges appointed by the Competition Committee. However, for the purposes of these Rules, judging panels may be composed of either three or two judges.
16. Judges will identify any potential conflict of interest at the time of scheduling of Oral Rounds, and the Moot Registrar will ensure that as far as possible no conflicts arise. Where a team believes that there is a conflict, they may raise it with the Moot Registrar for resolution. See below Rule I3.
17. Judges will be provided with a copy of the problem, the outlines of argument, and the relevant cases before the hearing of each moot. The teams will announce appearances and hand up their Appeal Books at the start of the moot. See above Rules G5 and G6.
18. Judging criteria:
  - (i) Each Judge shall complete an individual marking sheet for each participant in a moot (a copy of which is **Attachment B**).

- (ii) The presiding judge will add up the marks awarded by all judges using the marks totalling sheet (a copy of which is **Attachment C**).
  - (iii) The winning team in each moot is the team that has the highest total marks. A draw is possible, but judges are asked to reconsider the marks before announcing a draw.
  - (iv) The presiding judge will announce the winning team, but details of scores will not be made available, either orally or in writing, to the competitors until the Competition is completed, after which the Competition Committee will provide scores and rankings to each school's designated representative.
19. A verdict on the issues of law raised by the problem is not expected, but each judge may provide a short oral critique of the mooters' performance at the end of each moot.

## H Knock-Out Rounds

1. At the conclusion of the general round, the teams will be ranked according to
  - (i) Number of wins and losses, and where equal on that basis;
  - (ii) Ratio of total points scored over points scored against them.
2. If there are sufficient teams in the competition, the eight highest-ranked teams from the rounds will participate in the quarter-finals. The top-ranked team will moot against the eighth-ranked team, the second-ranked team moot against the seventh-ranked team, and so forth. The team with the higher ranking will have the option of appearing for the Appellant or the Respondent in each quarter-final.
3. For the semi-final, the winner of the first quarter-final will moot against the winner of the fourth quarter-final, while the winner of the second quarter-final will moot against the winner of the third quarter-final. The team with the higher points awarded in the quarter-final will have the option of appearing for the Appellant or the Respondent in each semi-final. In the event of equal points awarded to the winners of the relevant quarter-finals, the option will be awarded to a team based on the toss of a coin. The winner of each semi-final will moot in the final. The team with the higher ranking will have the option of appearing for the Appellant or the Respondent in the final.
4. If, following the general round, there are insufficient teams for a quarter-final, then the four highest-ranking teams from the general round will qualify for the semi-final. The top-ranked team will moot against the fourth-ranked team, and the second-ranked team will moot against the third-ranked team. The team with the higher ranking will have the option of appearing for the Appellant or Respondent in each semi-final. The winner of each semi-final will moot in the final. The team with the higher points will have the option of appearing for the Appellant or the Respondent in the final.
5. If, following the general round, there are insufficient teams for a semi-final, then the two highest-ranking teams will go through to the final. The team with the higher ranking will have the option of appearing for the Appellant or Respondent in the final.
6. The procedural rules in Section G above will also apply in the knock-out rounds. However, teams may amend their Outline of Arguments until final outlines are exchanged in accordance with this Rule:
  - (i) A team appearing for the Appellant in the quarter-final round shall give a copy of its final outline to the Respondent team no later than 30 minutes after the teams for the quarter-finals are announced and the relevant Appellant team is identified.
  - (ii) The Respondent team shall give a copy of its final outline to the Appellant no later than 30 minutes after receipt of the Appellant's outline for the quarter-final round.

(iii) A team appearing for the Appellant in the semi-final round shall give a copy of its final outline to the Respondent team no later than 30 minutes after the teams for each semi-final are announced and the relevant Appellant team is identified.

(iv) The Respondent team shall give a copy of its final outline to the Appellant no later than 30 minutes after receipt of the Appellant's outline for the semi-final round.

(v) A team appearing for the Appellant in the final round shall give a copy of its final outline to the Respondent team as soon as the finalists are announced.

(vi) A team appearing for the Respondent in the final round shall give a copy of its final outline to the Appellant team no later than 30 minutes after receiving the Appellant's outline.

6. Electronic copies of all outlines shall be sent at the same time to the Moot Registrar.

## **I Dispute Resolution**

1. Any dispute about the conduct or administration of the Competition, the interpretation of the Rules or the conduct of a particular moot shall be referred to the Competition Committee as soon as possible after issues for dispute arise, and at the latest, before the winners of the Competition are announced.
2. The decisions of the Competition Committee, its Appeal Committee if any, the Moot Registrar, and the Judges are final and are not open to appeal.
3. A judge's alleged conflict of interest shall be reported to the Moot Registrar before that particular moot starts. Otherwise, the allegation will not be heard.

**Attachment A**  
**IAN FLETCHER INTERNATIONAL INSOLVENCY LAW MOOT COMPETITION**  
**2020**

**WRITTEN SUBMISSIONS: MARKING SHEET**

**Team Number ....**

**APPELLANT or RESPONDENT \***

\*strike out whichever is not applicable

<b>Criteria</b>		<b>Comments</b>	<b>Score</b>
Legal Analysis	<ul style="list-style-type: none"> <li>• Knowledge and understanding of the relevant area of law and practice</li> <li>• Understanding of legal issues, their interrelationship</li> </ul>		<b>/20</b>
Research	<ul style="list-style-type: none"> <li>• Skills in finding and researching sources of relevant areas of law and /or practice</li> </ul>		<b>/30</b>
Argument	<ul style="list-style-type: none"> <li>• Logical structure, effective overview and conclusion</li> <li>• Legal arguments relate to the facts</li> <li>• Legal arguments based on a sound knowledge of the law</li> </ul>		<b>/30</b>
Style	<ul style="list-style-type: none"> <li>• Clear and concise</li> <li>• Correct citations</li> <li>• Correct acknowledgement of all sources</li> <li>• Logical/easy to follow</li> <li>• Persuasive legal argument</li> </ul>		<b>/20</b>
		<b>TOTAL</b>	<b>/100</b>

As general guidance: the cut-offs to distinguish different levels of achievement are:

High Distinction = 85%; Distinction = 75%; Credit = 65%; Pass = 50%; Fail = less than 50%

Thus, as a mark out of 20, the cut-off is: High Distinction (HD) = 17; Distinction (D) = 15; Credit (C) = 13; Pass (P) = 10.

Thus, as a mark out of 30, the cut-off is: HD = 25.5; D = 22.5; C = 19.5; P = 15.

**Attachment B**  
**IAN FLETCHER INTERNATIONAL INSOLVENCY LAW MOOT COMPETITION 2020**

**ORAL ROUNDS: INDIVIDUAL MOOT MARKING SHEET**

**MOOT No.....,**

**between Team .... (Appellant) and Team .... (Respondent)**

**Name: .....** (Senior/Junior\* counsel for Appellant/Respondent\*)  
\*strike out whichever is not applicable

<b>Criteria</b>		<b>Comments</b>	<b>Score</b>
Content of oral argument	<ul style="list-style-type: none"> <li>• Logical structure, effective overview and conclusion</li> <li>• Understanding of legal issues, their interrelationship</li> <li>• Legal arguments relate to the facts, are based on a sound knowledge of the law, and are reasonably arguable in the current state of the law</li> <li>• Understands, addresses and rebuts points of opponent</li> </ul>		<b>/30</b>
Speaking ability and delivery, including formal aspect of answering questions	<ul style="list-style-type: none"> <li>• Courtroom style and manner of delivery – ‘conversation’ with the bench while sufficiently formal and professional</li> <li>• Overall persuasiveness</li> <li>• Speaks with conviction and sincerity</li> </ul>		<b>/40</b>
Substantive aspect of answering questions from the bench	<ul style="list-style-type: none"> <li>• Understands object of questions</li> <li>• Answers questions correctly, concisely and without evasion</li> <li>• Sufficiently flexible to the needs of the bench, while effectively integrating answers into argument</li> <li>• Remains composed during questioning</li> </ul>		<b>/30</b>
		<b>TOTAL</b>	<b>/100</b>

As general guidance: the cut-offs to distinguish different levels of achievement are:  
 High Distinction = 85%; Distinction = 75%; Credit = 65%; Pass = 50%; Fail = less than 50%  
 Thus, as a mark out of 30, the cut-off is: HD = 25.5; D = 22.5; C = 19.5; P = 15  
 Thus, as a mark out of 40, the cut-off is: HD = 34; D = 30; C = 26; P = 20.



**Attachment C**  
**IAN FLETCHER INTERNATIONAL INSOLVENCY LAW MOOT COMPETITION**  
**2020**

**ORAL ROUNDS**  
**MOOT MARKS-TOTALLING SHEET**

**MOOT No.....**

The total marks awarded to each speaker by each judge shall be added together and then the totals for each team shall be calculated. The team with the highest number of marks is the moot winner.

**Please announce the winning team but do not announce the details of the marks – but you are encouraged to give the mooters some general feedback on matters of presentation and style.**

	<b>Appellant – Team ....</b>		<b>Respondent – Team ....</b>	
	<b>Senior Counsel</b> INSERT NAME	<b>Junior Counsel</b> INSERT NAME	<b>Senior Counsel</b> INSERT NAME	<b>Junior Counsel</b> INSERT NAME
Judge 1				
Judge 2				
Judge 3*				
<b>Counsels' Totals (/300)</b>	INSERT FOR PURPOSES OF JUDGING TOP MOOTER	INSERT FOR PURPOSES OF JUDGING TOP MOOTER	INSERT FOR PURPOSES OF JUDGING TOP MOOTER	INSERT FOR PURPOSES OF JUDGING TOP MOOTER
<b>Team Totals (/600)</b>				

\* If only 2 judges sit, insert the average of Judge 1's and Judge 2's marks here.

**Signature of presiding Judge:**

**Attachment D**

**IAN FLETCHER INTERNATIONAL INSOLVENCY LAW MOOT COMPETITION  
2020**

**STYLE GUIDE FOR HEADING for WRITTEN SUBMISSIONS and for  
OUTLINE OF ARGUMENTS for ORAL ROUNDS**

IN THE <as taken from the Moot Problem> COURT OF NUZILIA

Between

Xxxxxxx,<sup>1</sup> Appellant

And

Yyyyyyy,<sup>2</sup> Respondent

SUBMISSION / OUTLINE OF ARGUMENTS<sup>3</sup> FOR [APPELLANT/RESPONDENT]<sup>4</sup>  
REPRESENTED BY TEAM TT<sup>5</sup>

**NB:** The name of the Law School **shall not** appear on the outline.

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<sup>1</sup> Where the names Xxxxxxx are taken from the problem.

<sup>2</sup> Where the names Yyyyyyy are taken from the problem.

<sup>3</sup> Strike out whichever is not applicable of – Submission OR Outline of Arguments.

<sup>4</sup> Strike out whichever is not applicable of – Appellant OR Respondent.

<sup>5</sup> Where TT is the team number.