

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

WRITTEN SUBMISSION ROUND: OCTOBER - NOVEMBER 2022

VIRTUAL ORAL ROUNDS: 18 - 26 FEBRUARY 2023

These rules contain the rules governing the Competition as a whole, including the rules and procedures for the Virtual Oral Rounds.

A. Competition Committee

1. The Competition Committee members for the 2023 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:
 - enforce all Rules;
 - interpret the Rules;
 - resolve any disputes that may arise during the Competition; and
 - 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 website, 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. Decisions taken by the Competition Committee in the exercise of its powers under the Rules will be final.
6. Materials relevant to the administration of the Competition will be posted on the website: www.ianfletcherinsolvencymoot.com
7. Any questions or enquiries about the Competition shall be made in writing (email is satisfactory) to the Competition Committee. If a question or enquiry affects participating teams, the question or enquiry and its answer will be emailed to participating teams.
8. The Competition Committee's email address is: fletchermootregistrar@insol.org

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. Teams must register by 17:00 Greenwich Mean Time (GMT) on **21 October 2022**.
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.

Graduate or undergraduate students who are not enrolled in a Law degree but who are pursuing some other course of study in Law may be eligible to participate at the discretion of the Moot Coordination Committee.

No team member may have previously been or may be currently a licensed legal practitioner.

Any questions regarding eligibility should be addressed to fletchermootregistrar@insol.org.

4. The same team must prepare the Written Submissions and appear in the Virtual 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 production of a medical certificate. No substitution will be permitted after the commencement of the Virtual Oral Rounds unless the number of team members drops below two.
5. Each team may have up to two coaches. Coaches must be listed during registration.
6. The Written Submissions Round 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. Teams selected to participate may receive coaching in preparation for the Virtual Oral Rounds.
9. Only two team members may present argument during a moot in the Virtual Oral Rounds.
10. 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 Virtual Oral Rounds.

11. 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 Virtual 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(s).
2. The moot problem will require consideration of the UNCITRAL Model Law on Cross-Border Insolvency (1997) and may require consideration of other UNCITRAL model laws and legislative instruments relating to insolvency (“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](#) and case law on that legislation.
4. The moot problem will be posted on the competition website by 15 September 2022.
5. The same moot problem will be used for the Written Submissions Round and all rounds of the Virtual Oral Rounds, 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), and also saved as a .PDF file, unless alternative arrangements are made with the Moot Registrar. Each team shall give file names in these formats:
 - Appellant submission: *teamTTAppellantsubmission.docx*
 - Respondent submission: *teamTTRespondentsubmission.docx*

Where TT is the team's number.

Both the word document and the pdf file should be sent to the registrar by the deadline.

3. The Written Submissions have no cover sheet or back sheet, but shall be headed in the style in Attachment C. 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 (team number) given to them in advance by the Moot Registrar.
5. The Written Submissions shall be typed in size 11 Arial 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 9 Arial 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 **2,500 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 at fletchermootregistrar@insol.org by no later than 17:00 GMT on **28 October 2022**.
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. Virtual Oral Rounds

1. Teams that progress to the Virtual Oral Rounds will need to pay a registration fee of £300, payable by **16 December 2022**.
2. Teams have until 16 December 2022 to withdraw from the competition and receive a refund. After 16 December 2022, the registration fee will be non-refundable.

Requests to withdraw should be made in writing to the Fletcher Moot Registrar (fletcher moot registrar@insol.org), and must be received by the deadline.

3. Each team will be assigned a fresh team number by the Moot Registrar for the Virtual Oral Rounds. 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.
4. The selection of teams for the Virtual Oral Rounds will be notified to teams **by 2 December 2022**.
5. Each team selected for the Virtual Oral Rounds will participate in a preliminary round in which they will participate in two moots, arguing in one for the Appellant and in the other for the Respondent. The preliminary round will determine which teams advance to the Quarter-final or Semi-Final round (depending on numbers of competing teams). No team will argue against the same team twice in the preliminary round.
6. The scope of the oral arguments is not limited by the written submissions, and the judges of the Virtual Oral Rounds will not have copies of such documents. Instead, each team will be required to prepare an Outline of Arguments in accordance with Section F for each of their Appellant and Respondent submissions.

F. Outlines of Oral Arguments

1. Each team shall electronically file an Outline of Arguments for the Appellant by no later than 17:00 GMT on **Friday 20 January 2023**. Electronic filing means that the outlines shall be emailed to the Moot Registrar at fletchermootregistrar@insol.org.
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 electronically file the relevant Outline of Arguments for the Respondent, responding to the Appellant's outline(s) that they have received, by no later than 17:00 GMT on **Friday 3 February 2023**.
4. The Moot Registrar will email each Respondent's outline to the relevant Appellant team by 21:00 GMT on the same day.
5. Outlines shall be typed in Microsoft Word for Windows (with .doc or .docx file extension), and also saved as a .PDF file, unless alternative arrangements are made with the Moot Registrar. Each team shall give a file name to its Appellant outline in the form *teamTTAppellantoutline.docx*, and its Respondent outline *teamTTresponsetoteamUU.docx* where TT is the team's number and for its Respondent outline, UU is the team to whom they are responding. The word document and PDF should both be sent to the registrar.
6. Outlines have no cover sheet or back sheet, but shall be headed in the style in Attachment C. The name of the law school shall not appear on the outline. Outlines shall be typed in no smaller than 11-point Arial font with any footnotes typed in no smaller than 9-point Arial font. Outlines shall not exceed four 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 H5.

G. Virtual Moot Procedures

The Competition Committee reserves the right to supplement the Revised Rules with additional guidelines related to the virtual format of the competition on Zoom, which will have the same force as these Revised Rules.

1. Oral arguments will be heard between **Saturday 18 February and Sunday 26 February 2023** via the Zoom video conferencing platform. As this is an international competition, virtual moots will need to be scheduled across time zones at times convenient to the judges. *Teams may therefore be required to compete at unsocial hours.* A draft schedule will be provided to teams during January 2023.
2. Each moot will be organized as a separate Zoom event with event invitations circulated to teams by the Moot Registrar in advance. All participants **MUST** check-in to the Zoom event **15 minutes prior to the start of each scheduled round**. Oral arguments shall start promptly at the time designated in the event invitation.
3. On Friday 17 February 2022 at a time or times to be designated by the Moot Registrar, there will be a Test Login Session. The Test Login Session is solely to ensure that all teams are able to access the Zoom video conferencing platform. At least one member of each team must check in and join the Test Login Session, though the Competition Committee strongly advises that all individuals participating check in and join the Test Login Session to familiarize themselves with the process and ensure that any technical difficulties are identified and resolved in advance of the Virtual Oral Rounds.
4. Each team shall submit a list of participants who are expected to attend the Virtual Oral Rounds via email to fletchermootregistrar@insol.org. Each team is limited to a total of five participants per moot. Participants may include only registered team members (whether they are making oral arguments or not) and that team's coaches. The list shall include the first and last name of each participant, the Zoom display name of each participant, and an indication for each moot in the preliminary round of the role each participant will play (mooter, non-mooting team member, coach). Neither participants nor coaches will be permitted to observe moots in which their respective team is not competing. Spectators are not permitted to attend any moot apart from the final and the award ceremony which will take place in a Zoom webinar format.
5. Each team member and coach or coaches must log in to the Zoom video conference separately, but they may be in the same physical location subject to local COVID regulations.
6. All **non-participating team members** shall format their Zoom user display name according to the following format:

[first name] [last name] - Team [number]

e.g. "Joanna Smith - Team 12"
7. All **competing team members** shall format their Zoom user display name according to the following format:

[first name] [last name] - Team [number] - [Snr/Jnr][Appellant/Respondent]

e.g. "Joanna Smith - Team 12 - Snr Appellant"

Under no circumstance should any Zoom user display name disclose the participant's school affiliation.

8. Judges, bailiffs, and team members who are actively participating in a given moot must have their webcam turned on throughout the moot. Only the judges and the participant actively making their oral argument should have their microphone enabled during the moot. **All other participants should mute their microphones when not participating.** To minimize any possible distractions, all non-participating team members and coaches must turn off their webcams and mute their microphones during the moot.
9. Any two members of a team may participate in a given moot, and two members must participate in a given moot. However, the two members participating in a given moot may not communicate with a third team member, coach, or any other third party during the moot.
10. Team members who are actively participating in a given moot are expected to dress in formal business attire.
11. Team members who are actively participating in a given moot may choose whether to sit or stand while arguing.
12. The use of virtual backgrounds is not permitted during the moot. Participants should ensure that the room in which they are arguing looks professional, is free of distractions, and includes nothing that could identify the participant's school.
13. The recording of moots is expressly prohibited. The Competition Committee may decide to record the final round and earlier rounds of the competition. A student's decision to participate in the Virtual Oral Rounds constitutes consent to videotaping, screenshotting, photography or other recording of any and all rounds. Videos, screenshots, photography, and audio recordings may be posted to the competition website, used in print publications and otherwise distributed by INSOL International and the International Insolvency Institute.
14. Each team has thirty minutes in which to present its arguments. Each speaker shall speak for at least ten minutes. Otherwise, the division of argument time is left to the discretion of the team.
15. Senior Counsel for each team will announce the time breakdown for the team when entering appearances. In the case of the team representing the Appellant, this allocation of time will include the time, if any, not exceeding five minutes reserved for rebuttal (for the Appellant) or, **in the case of a moot problem in which there is a cross-appeal only**, surrebuttal (for the Respondent).
16. 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 - i.e., rebuttal should be confined to responses to arguments raised by the Respondents.

As a general rule, the Respondents do not have a right of surrebuttal. Exceptionally, surrebuttal will be permitted by the Respondents in the case of a moot problem in which there is a cross-appeal and it must be confined to responses to arguments raised by the Appellants on the cross-appeal.

17. 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.
18. 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.
19. A bailiff/timekeeper will be present in the virtual 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.
20. The bailiff/timekeeper shall announce that time is up 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.
21. The bailiff/timekeeper's time is the **only official time of the moot**. Timekeeping will continue in the event of minor technical failures (e.g. lags, glitches). Judges may add time at their discretion. If the arguments cannot be continued due to technical failure, then the participants should immediately notify the Moot Registrar by email to fletchermootregistrar@insol.org and the Competition Committee will determine how to proceed. 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 (smartphones, tablets, laptops or similar) must be turned off and must remain off until the end of the moot. Counsel may use Zoom's chat function to communicate with each other during the moot.
22. 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.
23. 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.
24. Judges will identify any potential conflict of interest at the time of scheduling of Virtual 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.
25. Judges will be provided with a copy of the problem and the Outlines of Argument before the hearing of each moot. The teams will announce appearances at the start of the moot. See above Rule G15.
26. After oral argument has ended, the judges will be placed into a breakout room on Zoom to complete the process outlined in Rule G27 below.
27. Judging process and criteria:

- (i) Each judge shall complete a marking sheet for each participant in a moot (a copy of which is Attachment B) and email their marking sheets to the Moot Registrar.
 - (ii) The presiding judge will add up the marks awarded by all judges and email the sheet to the Moot Registrar. The winning moot team will be announced during the judges' feedback session after the moot has concluded.
 - (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) When all scores have been received by the Moot Registrar, the judges will be returned to the virtual court. The presiding judge will announce the winning team, but details of scores will not be made available, either orally or in writing, to the participants until the Competition is completed, after which the Competition Committee will provide scores and rankings to each school's designated representative.
28. 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. Quarter-Final, Semi-Final and Final Rounds

1. At the conclusion of the preliminary 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. The eight highest-ranked teams from the preliminary rounds will participate in the quarter finals.
3. The four highest-ranked teams from the quarter finals will participate in the semi-finals. The top-ranked team will moot against the third-ranked team and the second-ranked team will moot against the fourth-ranked team. The team with the higher ranking will have the option of appearing for the Appellant or the Respondent in each semi-final.
4. The winner of each semi-final will moot in the final. The team with the higher points in the semi-final will have the option of appearing for the Appellant or the Respondent in the final. In the event that equal points are awarded to the winners of the semi-finals, appearance as Appellant or Respondent in the final will be determined by the toss of a coin.
5. The procedural rules in Section G above will also apply in any quarter-final, semi-final and final rounds. However, teams may amend their Outline of Arguments until final outlines are exchanged in accordance with further supplemental rules that the Competition Committee will issue to the semi-finalists during the Virtual Oral Rounds.

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 LAWMOOT COMPETITION 2021

WRITTEN SUBMISSIONS: MARKING SHEET

Team Number

APPELLANT or RESPONDENT *

*strike out whichever is not applicable

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

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

ORAL ROUNDS: MOOT MARKING SHEET

Hearing No _____,

between Team ____ (Appellant) and Team ____ (Respondent)

Criteria

1. Content of oral argument (/30)
 - Logical structure, effective overview and conclusion
 - Understanding of legal issues, their interrelationship
 - 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
 - Understands, addresses and rebuts points of opponent
2. Speaking ability and delivery, including formal aspect of answering questions (/40)
 - Courtroom style and manner of delivery - 'conversation' with the bench while sufficiently formal and professional
 - Overall persuasiveness
 - Speaks with conviction and sincerity
3. Substantive aspect of answering questions from the bench (/30)
 - Understands object of questions
 - Answers questions correctly, concisely and without evasion
 - Sufficiently flexible to the needs of the bench, while effectively integrating answers into argument
 - Remains composed during questioning

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%

Please use the criteria above to mark each participant out of 100, based on a break down of up to 30 marks for criteria 1 & 3, and up to 40 marks for criteria 2.

Name	Mark out of 100
Senior Counsel for the Appellant	/100
Junior Counsel for the Appellant	/100
TOTAL:	/200

Name	Mark out of 100
Senior Counsel for the Respondent	/100
Junior Counsel for the Respondent	/100
TOTAL:	/200

Attachment C

IAN FLETCHER INTERNATIONAL INSOLVENCY LAWMOOT COMPETITION 2021

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

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

Between

Xxxxxxx,¹

AppellantAnd

Yyyyyyy,² Respondent

SUBMISSION / OUTLINE OF ARGUMENTS³ FOR [APPELLANT/RESPONDENT]⁴
REPRESENTED BY TEAM TT⁵

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

¹ Where the names Xxxxxxx are taken from the problem.

² Where the names Yyyyyyy are taken from the problem.

³ Strike out whichever is not applicable of - Submission OR Outline of Arguments.

⁴ Strike out whichever is not applicable of - Appellant OR Respondent.

⁵ Where TT is the team number.