

## HS MCC Guidelines for student-judges and jury-judges

### 1. Introduction

The Hugo Sinzheimer Moot Court Competition is unique from many other international and European moot court competitions, since the case is based on the law of one of the participating countries as well as European law. In order to maintain a fair competition the students of the so called 'law-host country' do not participate as a regular team, after all they would have an advantage in understanding the national context and doctrine much better than the other participants. Instead they participate as judges and have a competition between them about who is the best judge.

Consequently, the Hugo Moot courts exist of jury-judges (experts from the field) and is chaired by a student-judge. This poses certain challenges, both for the student-judges (they have to chair over experts with much more authority they have) and the jury-judges (they need to test the teams, but also give room to the student-judges to ask questions etc.). In order to make this function in a satisfactory manner for all, we have drawn some guidelines on what is expected from student-judges and jury-judges and how to interact with each other during the hearings and the judges-deliberations.

### 2. The Student-judge is chair of the court

One of the aspects, the student-judge is evaluated on, is leading the hearing. Therefore, the student-judge is the chair of the court. In this function it is expected that the student-judge:

- opens the hearing, including (at least)
  - a check on the names of the representatives
  - explanation of the order of the hearing (who speaks when and for how long, etc.)
  - short introduction of the case (legal issues, claims – not the facts)
- manages time
  - in general regarding the time table set for the moot sessions
  - in particular making sure that both sides get equal speaking time
  - in particular making sure all judges can use their allocated speaking time (see below point 3)
- keeps order in the court room
- delivers a preliminary judgement which includes
  - a decision regarding each of the claims (granted or rejected)
  - a brief motivation about the decisions on each of the claims, which must include references to the (decisive) arguments raised by the parties that have convinced the court and therefore resulted in the announced decision

### 3. Court room rules (behaviour ethics between judges)

The HS MCC court room rules are based on the following ethics between judges.

- The chair (student-judge) leads the hearing and decides who gets to speak when and for how long
- all judges should get time to ask questions.
  - HS MCC Court ethics prescribe that the chair asks questions first, followed by the judge with the highest level of seniority (sitting on the right of the chair) moving to the judge with the lowest level of seniority (sitting on the left of the chair)
  - based on the time schedule for the Hugo Moot 20 minutes have been reserved for the judges to ask questions. Since the Hugo Moot is also a competition among student-judges, the chair (student-judge) has max 10 minutes to ask questions. The other 10 minutes are to be divided equally among the other judges, unless agreed differently between the judges before the hearing started. This is different for the Finals; then the chair (student-judge) asks the first question, after which the remaining time is to be divided between the jury-judges.
  - During the opening pleas in the quarter finals the judges are asked to limit their questions to a minimum and absolutely necessary questions only. During the semi-finals judges are more free to ask questions. The time schedule anticipates a maximum of 5 minutes which is estimated to be 2-3 questions in total. The judges will divide this questioning time on a fair basis. During the opening pleas in the finals, the questions can be more intensive.

#### 4. Plea notes and other materials

Parties are allowed to hand over plea notes and other materials they deem necessary, for as long as:

- 1) the opposition also receives the same documents
- 2) the opposition is not making any objections.

It is the task of the chair of the court to actively check on this.

#### 5. Recess – judges deliberations

There will be 25 minutes of recess for deliberation among the judges in order to take decisions on the claims and to formulate short motivations. The time should be used as follows:

- 20 minutes deliberation
- 5 minutes for the student-judge to write the preliminary judgement which needs to be delivered right after the recess.

HS MCC ethics should be taken into account. These are:

- the HS MCC court rules unanimously. There exist no dissenting or alternative opinions.
- the chair (student-judge) leads the deliberations for which the following structure should be followed
  - the judge with the lowest level of seniority starts to share his/her findings/opinions, moving to the judge with the highest level of seniority
  - the chair shares his/her thoughts as last
  - no decisions are taken until every judge has shared, freely and independently, his/her thoughts

- after the first round, the chair decides who continues the discussion
- in principle the deliberations on a claim are finished when consensus is reached
- when no consensus can be reached (given the limited amount of time for the deliberations) the chair takes a final decision, which will be supported by all judges

## 6. Preliminary verdict on the claims

After the teams have presented their case and the judges have deliberated, the chair (student-judge) will deliver a preliminary judgement on the claims. The judgement should include the following:

- a verdict (reward or reject) on each of the claims
- short motivation on the verdicts – why it was rewarded or rejected
- the motivation **must** refer to arguments raised by the parties that were convincing or conclusive for the court to reach the decision as presented.