

**THE DONALD G. H. BOWMAN NATIONAL TAX  
MOOT RULES**

## **TABLE OF CONTENTS**

1.	Definitions .....	1
2.	Organization of the Competition .....	3
	2.1 Administration and Language .....	3
	2.2 Implementation and Interpretation of Rules.....	3
3.	Participation and Eligibility .....	3
	3.1 Team Eligibility .....	3
	3.2 Team Composition and Selection .....	3
	3.3 Outside Assistance to Teams .....	3
	3.4 Assistance from Other Students .....	4
	3.5 Use of Opposing Team's Facta .....	4
	3.6 Use of own Law School Contingent's Facta .....	4
4.	Factum Markers .....	4
	4.1 Selection of Factum Markers and Marking of Facta .....	4
	4.2 Factum Markers Affiliated with Participants.....	4
	4.3 Commentary by Factum Markers.....	5
5.	Judges.....	5
	5.1 Judging Panels and Selection of Judges .....	5
	5.2 Judges Affiliated with Participants .....	5
	5.3 Commentary by Judges .....	5
6.	The Moot Problem.....	6
	6.1 Questions of Clarification .....	6
7.	Factum .....	6
	7.1 General Requirements and Submission of Factum .....	6
	7.2 Format of Factum.....	6
	7.3 Parts of the Factum.....	7
	7.4 Citation .....	7
	7.5 Length and Size .....	7
	7.6 Cover.....	7
	7.7 Submission of Factum.....	7
	7.8 Translation of Facta .....	8
8.	Oral Argument.....	8
	8.1 Oral Argument Rounds .....	8
	8.2 Oral Argument General Procedures .....	8
	8.3 Extension of Time at Judges' Discretion .....	8

8.4	Order of the Oral Argument .....	9
8.5	Scope of Oral Argument .....	9
8.6	<i>Ex Parte</i> Procedure.....	9
8.7	Oral Courtroom Communication and Activity at Counsel Table .....	9
8.8	Written Courtroom Communication.....	9
8.9	Use of Electronic Devices .....	10
8.10	Spectators .....	10
8.11	Scouting .....	10
8.12	Audio and Videotaping.....	10
8.13	Written Materials .....	10
9.	Competition Scoring.....	10
9.1	Preliminary Round(s) .....	10
9.2	Raw Scores.....	11
9.3	Raw Score – Factum.....	11
9.4	Raw Score – Oral Argument.....	11
9.5	Total Team Score.....	11
9.6	Semi-Final Round .....	11
9.7	Final Round.....	11
9.8	Release of Scores.....	12
10.	Penalties .....	12
10.1	General Procedure.....	12
10.2	Application of Penalties.....	12
10.3	Non-Discretionary Penalties .....	12
10.4	Discretionary Penalties .....	12
10.5	Notice to Teams .....	13
10.6	General .....	13
10.7	Power to Promulgate Additional Measures.....	13

## 1. Definitions

**"Additional Participant"** means an additional student Participant from a Law School.

**"Additional Time"** means an extension of time Judges may grant at their discretion to Participants pursuant to subsection 8.3 of the Rules.

**"Advisor(s)"** means any individual who assists a Participant in preparing for the Competition. This includes, but is not limited to, reviewing a Factum or draft Factum, listening to any part of a Participant's argument, discussing the Moot Problem, and providing any assistance outlined in subsection 3.3.2.

**"Appellant"** means the Team arguing on behalf of the Appellant.

**"Chair"** means the Chair of the Committee as stated in the in the Competition Notice(s).

**"Committee"** means the judges and practitioners responsible for the Competition, as stated in the Competition Notice(s).

**"Competition"** means the Donald G.H. Bowman National Tax Moot and shall consist of the preparation and filing of Facta and the Oral Argument. For greater clarity, for purposes of subsection 3.2.3, the Competition does not include social events, dinners, and receptions following the completion of the Competition.

**"Competition Notice(s)"** means notice(s) issued by the Committee to Participants, Law Schools, Judges, and/or Competition Volunteers.

**"Competition Volunteers"** means volunteering students and practitioners during the Competition who are not members of the Committee.

**"Competition Website"** means <https://www.bowmantaxmoot.com>.

**"Eligible Student(s)"** means all students registered at a Law School.

**"Factum"** or **"Facta"** means the document that shall be prepared and filed by each Team in accordance with section 7 of the Rules.

**"Factum Markers"** means the markers of factum pursuant to section 4 of the Rules.

**"Final Round"** means the final round of the Competition.

**"Judges"** means practitioners, tax professionals, professors and judicial judges who will be judging Moots pursuant to section 5 of the Rules.

**"Judging Panel"** means a panel of Judges who will be judging a particular Moot.

**"Law School"** means schools with an LL.B., J.D., B.C.L, or LL.L. program in Canada, or elsewhere.

**“Law School Contingent”** means a team consisting of four (4) Eligible Students from one Law School - two (2) Eligible Students paired together as the Appellant Team and two (2) Eligible Students paired together as the Respondent Team.

**“Moot”** means a single oral presentation between two (2) Teams, one representing the Appellant and one representing the Respondent.

**“Moot Problem”** means the questions in issue as stated in the Competition Notice and written by the Committee with respect to the case appealed to the Bowman Moot Court for Tax.

**“Oral Argument”** means the oral presentation of the Participants before the Judging Panel of a Moot made in accordance with section 8 of the Rules.

**“Participant(s)”** means the Eligible Students participating in the Competition.

**“Penalty”** or **“Penalties”** means the consequence of a Rule violation.

**“Preliminary Round”** means the first round of the Competition that is open to all Participants which is determinative of which Teams will advance to the Semi-Final Round.

**“Raw Score(s)”** means Raw Score – Factum and / or Raw Score – Oral.

**“Raw Score – Factum”** means the score of each Team’s Facta calculated pursuant to subsection 9.3 of the Rules.

**“Raw Score – Oral Argument”** means the score of each Participant calculated pursuant to subsection 9.4 of the Rules.

**“Reply Submission”** means an optional three (3) minute reply submission by the Appellant following the conclusion of the Respondent Team’s submissions pursuant to subsection 8.2.3 of the Rules.

**“Respondent”** means the Team arguing on behalf of the Respondent.

**“Rule(s)”** means these Donald G.H. Bowman National Tax Moot Rules.

**“Scheduled Opposing Team”** means the opposing Team in a Moot.

**“Semi-Final Round”** means the semi-final round of the Competition which is determinative of which Teams will advance to the Final Round.

**“Team”** means a team of Eligible Students recognized by the Committee that registers to compete in the Competition, pursuant to section 3 of the Rules.

**“Team Number”** means the official number assigned by the Committee to each fully registered and paid Team in accordance with section 3 of the Rules.

**“Tied Teams”** means Teams with tied scores pursuant to subsection 8.1.1 of the Rules.

**“Total Team Score(s)”** means the Raw Score – Factum added to the Raw Score – Oral for each Participant of the Team.

## **2. Organization of the Competition**

### **2.1 Administration and Language**

2.1.1 The Competition is presented and administered by the Committee.

2.1.2 One or both Participant(s) on a Team may elect to present the Oral Argument in English or French. Such election must be indicated on the registration form and submitted by the due date specified in the applicable Competition Notice.

2.1.3 One or both Participant(s) on a Team may elect to write their section of the Factum in English or French. Such election must be indicated on the registration form and submitted by the due date stated in the applicable Competition Notice.

### **2.2 Implementation and Interpretation of Rules**

The Committee shall administer the Rules and shall serve as the final arbiter for the interpretation of the Rules.

## **3. Participation and Eligibility**

### **3.1 Team Eligibility**

- (a) Each Law School participating in the Competition shall register one Law School Contingent except as provided for in subsection 3.4:
- (b) Each Participant shall either represent an Appellant Team, or a Respondent Team; and
- (c) No Participant shall be allowed to argue, or switch between, Appellant and Respondent Teams.

### **3.2 Team Composition and Selection**

3.2.1 Each Team shall be composed of two (2) Participants. The two (2) Participants must form their own Teams and be from the same Law School in accordance with subsection 3.1.

3.2.2 Each Team shall be assigned a Team Number by the Committee in accordance with the Competition Notice(s). Teams shall use only their Team Numbers for identification purposes in their Facta and during the Competition.

3.2.3 No Team shall reveal their Law School affiliation in their Facta or at any time during the Competition. Teams that directly, or indirectly, reveal their Law School affiliation by including the names of Participants or geographic origin in their Facta or by stating their geographic origin during the Competition may be deemed to be in violation of this subsection of the Rules. In the interests of fairness to other Teams or Participants, any Team or Participant who violates this subsection of the Rules may face immediate expulsion from the Competition.

### **3.3 Outside Assistance to Teams**

3.3.1 Subject to subsection 3.4, all research, writing and editing must be the work product of the Team and no one else.

3.3.2 Outside assistance rendered to a Team in the preparation of the Competition shall be limited to discussion of the Moot Problem, suggestions as to research sources, and consultations regarding oral advocacy technique. Assistance shall be limited to general commentary on argument organization and structure, the flow of arguments, and format.

### **3.4 Assistance from Other Students**

3.4.1 Notwithstanding subsection 3.3.2, each Law School Contingent may also utilize an Additional Participant from its Law School. Except for Oral Arguments on the day(s) of the Competition, the Additional Participant is permitted to perform any of the other activities that other Participants on the Team may be engaged in, including research, peer coaching, and/or Factum writing.

3.4.2 The Additional Participant may only engage in oral arguments on the day(s) of the Competition where a Participant on the Law School Contingent, acting in good faith, is unavailable due to some force majeure. Upon the occurrence of said force majeure, the name of the Additional Participant must be revealed to the Committee, in writing, as soon as reasonably possible, having regard to the circumstances. The nature of the force majeure must also be documented, if reasonably possible, having regard to the circumstances.

### **3.5 Use of Opposing Team's Facta**

3.5.1 Subject to subsections 3.6 and 8.13, no Team shall be allowed to view or otherwise become privy to any Factum other than the respective Appellant or Respondent Facta of a Scheduled Opposing Team.

### **3.6 Use of own Law School Contingent's Facta**

3.6.1 Each Law School Contingent is permitted to view or otherwise become privy to the Factum of that particular Law School Contingent's Appellant and/or Respondent Factum in its preparation for the Competition.

## **4. Factum Markers**

### **4.1 Selection of Factum Markers and Marking of Facta**

4.1.1 Factum Markers shall consist solely of delegated non-members of the Committee who are not students at law.

4.1.2 Factum Markers shall not act as Judges.

4.1.3 Each Factum shall be reviewed and graded by two (2) Factum Markers.

4.1.4 In urgent or unusual circumstances, a Factum may be reviewed and graded by one (1) Factum Marker at the discretion of the Chair.

4.1.5 Factum Markers shall act objectively and fairly, and shall maintain the integrity of the Competition at all times.

### **4.2 Factum Markers Affiliated with Participants**

4.2.1 Anyone involved as an Advisor is disqualified from being a Factum Marker.

4.2.2 Factum Markers must disqualify themselves from marking a Team:

- (a) if they have a personal or professional relationship with a Participant of a Team or someone affiliated with that Team; and
- (b) that relationship might jeopardize their impartiality, or has a reasonable potential to create bias or impropriety.

#### **4.3 Commentary by Factum Markers**

- 4.3.1 Factum Markers shall not provide any Participant with direct feedback. Factum Markers shall not reveal to any Participant the results of their individual determinations or the Participant's scoring. All Factum Markers are under a strict obligation of confidence to Participants, and others, except the Committee.
- 4.3.2 All written comments of Factum Markers must be made in good faith, in a professional and constructive manner.
- 4.3.3 Where available, the comments described in 4.3.2 will be released at the conclusion of the Competition or a reasonable time thereafter.

### **5. Judges**

#### **5.1 Judging Panels and Selection of Judges**

- 5.1.1 A panel of at least three (3) Judges shall be utilized whenever possible for the Preliminary Rounds. Panels of three (3) Judges shall be used to judge the Semi-Final Round and Final Round of the Competition. Deviations from the three (3) Judge panel for the Preliminary Rounds shall be approved by the Committee, or the Chair in urgent or unusual circumstances.
- 5.1.2 In constituting the Judging Panels, priority will be given to judicial Judges. As such, some Judging Panels may be constituted with more than one judicial Judge, even where there are professors or practitioners available.

#### **5.2 Judges Affiliated with Participants**

- 5.2.1 Anyone involved as an Advisor is disqualified from being a Judge.
- 5.2.2 Judges shall disqualify themselves from judging a Team:
  - (a) if they have a personal or professional relationship with someone affiliated with that Team; and
  - (b) if that relationship might jeopardize their impartiality, or has a reasonable potential to create bias or impropriety.

#### **5.3 Commentary by Judges**

- 5.3.1 Judges in either the Preliminary Round, the Semi-Final Round or Final Round of the Competition may provide direct feedback (whether written or verbal) to Participants regarding their performance at the completion of the Competition or at a time shortly thereafter.

#### **5.4 Time**

- 5.4.1 Having regard to the timely and efficient running of the Competition, the total amount of time that may be devoted to verbal feedback from all Judges on any given Judging Panel during the Competition shall be five (5) minutes per Team.



- 5.4.2 During the Competition, Judging Panels should refrain from giving feedback about the merits of the Moot Problem, as this may create an inequity among Participants.

## **6. The Moot Problem**

### **6.1 Questions of Clarification**

- 6.1.1 Questions of clarification regarding the Moot Problem must be submitted to the Committee in writing before the delay stated in the applicable Competition Notice(s).
- 6.1.2 The Committee will make a best efforts attempt to respond to any questions of clarifications and shall circulate the question(s) and response(s) to all Participants by way of Competition Notice(s).

## **7. Factum**

### **7.1 General Requirements and Submission of Factum**

- 7.1.1 Once submitted to the Committee, Facta may not be altered in any way.
- 7.1.2 Once submitted, all rights in and to the Facta will become the property of the Committee. The Committee may seek to have the winning Facta published in a legal journal or published on the Competition Website or distributed electronically or in print for future Competition years. Subject to any other editorial and publication requirements of the journal in question, authors of the winning Facta may be allowed a short period of time to correct mistakes and make revisions prior to any publication.

### **7.2 Format of Factum**

- 7.2.1 The Factum shall be typed and submitted on white, standard letter size paper (8.5 by 11 inches) as well as electronically in DOCX (e.g. Microsoft Word document) format. Electronic submission in a format other than DOCX (such as PDF) will result in a Penalty.
- 7.2.2 The font and size of the text of all parts of the Factum, including headings and footnotes, must be Times New Roman, 12-point.
- 7.2.3 The text of all parts of each Factum must be double-spaced, except for headings and footnotes which can be single-spaced. There must be double-spacing between each heading and the body-text of the Factum.
- 7.2.4 Quotations to sources of fifty (50) words or more in any part of the Factum shall be block quoted (i.e. right and left indented 0.5 inch from preceding text) and must be single-spaced.
- 7.2.5 Each page of the Factum shall have margins of at least one (1) inch, or two point five four (2.54) centimetres, on all sides, excluding page numbers.
- 7.2.6 The paper copy of a Factum shall be bound and shall,
- (a) in the case of the Appellant Team's Factum, have a **beige** cover;
  - (b) in the case of the Respondent Team's Factum, have a **green** cover; and
  - (c) in no case, contain anything that may identify the names of any Participants or the name of any Law School in accordance with subsection 3.2.3.

### 7.3 Parts of the Factum

7.3.1 Each Factum shall consist of the following parts:

Table of Contents;  
Overview;  
Statement of Facts;  
Points in Issue;  
Arguments in Brief;  
Order Requested;  
Table of Authorities; and  
Appendices (if any).

### 7.4 Citation

7.4.1 Each Factum shall adhere to the most current edition of the *Canadian Guide to Uniform Legal Citation*.

### 7.5 Length and Size

7.5.1 The entire Factum (excluding the cover page, table of contents, table of authorities, and appendices) shall not exceed twenty (20) pages.

7.5.2 The entire electronic copy of the Factum shall not exceed 5MB.

### 7.6 Cover

7.6.1 Each Factum should bear on its cover the following, and only the following:

- (a) the Team Number;
- (b) the name of the court (i.e. the Bowman Moot Court for Tax Appeals);
- (c) the appropriate style of cause;
- (d) the year of the Competition; and
- (e) the title of the document (i.e. "Factum for Respondent" or "Factum for Appellant").

### 7.7 Submission of Factum

7.7.1 By no later than 4:00 pm EST on the day stated in the Competition Notice(s) that will be provided to the Participants, one (1) electronic copy of each Team's Factum must be received by the Committee, in DOCX (e.g. Microsoft Word document) format, by email at bowman.moot@dentons.com;

7.7.2 By no later than 4:00 pm EST on the day stated in the Competition Notice(s) that will be provided to the Participants, ten (10) paper copies of each Team's Factum, in accordance with subsection 7.2.6, must be received by the Committee at the following address:

Chair of the National Bowman Moot  
Dentons Canada LLP  
Suite 400, 77 King Street West  
Toronto, ON M5K 0A1

- 7.7.3 Teams should request a 'delivery receipt' or similar delivery confirmation for their Facta – both electronic, and hard-copy – as proof of successful delivery. In the event of a dispute or query, the Facta will be deemed 'received' upon such proof of successful delivery.

## **7.8 Translation of Facta**

- 7.8.1 The Committee does not provide translations of Facta. Each Team is responsible for obtaining its own translation of any opposing Team's Facta, if required.

## **8. Oral Argument**

### **8.1 Oral Argument Rounds**

- 8.1.1 The Oral Argument consist of three (3) general levels: a Preliminary Round, a Semi-Final Round, and a Final Round.
- 8.1.2 The Preliminary Round shall be open to all Participants;
- 8.1.3 Advancement through the Competition shall be, subject to sub-section 9.6, as follows:
- (a) The two (2) Appellant Teams and the two (2) Respondent Teams with the highest Total Team Score(s) in the Preliminary Round shall advance to the Semi-Final Round.
  - (b) The Appellant Team and the Respondent Team with the highest Raw Score – Oral in the Semi-Final Round and the highest Total Team Score(s) in the Preliminary Rounds shall advance to the Final Round; and
  - (c) In the event of Tied Teams, then the Team with the highest Raw Score – Factum (among those Tied Teams) shall advance, and be deemed to have broken said tie.

### **8.2 Oral Argument General Procedures**

- 8.2.1 Each Team's Oral Argument shall last for thirty (30) minutes.
- 8.2.2 Subject to subsection 8.2.3, each Participant shall be expected to prepare a fifteen (15) minute oral presentation.
- 8.2.3 The Appellant shall be permitted the Reply Submission. It is the Appellant's responsibility to indicate to the Judging Panel their intent to provide a Reply Submission immediately following the conclusion of the Respondent Team's Oral Argument.
- 8.2.4 Interpreters shall be provided where Oral Argument will be delivered in English and French.

### **8.3 Extension of Time at Judges' Discretion**

- 8.3.1 Judges may allow, at their discretion, Additional Time not exceeding two (2) minutes per Participant.
- 8.3.2 Participants who are permitted this Additional Time are expected to utilize such time to either answer a Judge's question(s) or conclude their submissions.
- 8.3.3 In the spirit of the Competition, and in the interest of allowing each Participant an equal amount of time to present their Oral Argument, Judges are strongly encouraged to allow each Participant a similar amount of time.

8.3.4 No Additional Time is permitted for the Reply Submission.

#### **8.4 Order of the Oral Argument**

8.4.1 The order of the Oral Argument for the Preliminary Round, the Semi-Final Round and Final Round of the Competition shall be:

Appellant 1 > Appellant 2 > Respondent 1 > Respondent 2 > optional Reply Submission from either Appellant 1 or Appellant 2.

#### **8.5 Scope of Oral Argument**

8.5.1 A Team's Oral Argument must be limited to the scope of that Team's Factum. A Team may expand upon issues raised in their Factum, but the Oral Argument must still relate to the written submissions found in the Factum.

#### **8.6 Ex Parte Procedure**

8.6.1 In extreme circumstances, such as when a Team fails to appear for a scheduled Oral Argument, the Chair, after waiting ten (10) minutes, may allow the Oral Argument to proceed ex parte.

8.6.2 In an ex parte proceeding, the attending Team presents its Oral Argument, which is scored by the Judges to the extent possible as if the absent Team had been present and arguing.

8.6.3 At the discretion of the Chair or the Committee they may schedule an additional ex parte proceeding for the absent Team later in the Competition, if time, administrative concerns, and fairness to other Teams permit, otherwise the absent Team forfeits the Competition.

#### **8.7 Oral Courtroom Communication and Activity at Counsel Table**

8.7.1 Every courtesy shall be given to oralists during Oral Argument. Subject to subsection 8.8, communication at the counsel table shall be in writing as to prevent disruption, and Teams shall avoid all unnecessary noise, outbursts, or other inappropriate behaviour which distracts from the argument in progress.

8.7.2 Any violation of subsection 8.7.1 may be taken into account by the Judge(s) in determining their final score(s).

#### **8.8 Written Courtroom Communication**

8.8.1 Written communication during Oral Argument shall be limited to

- (a) written communication between a Team's members seated at the counsel table; and
- (b) a Team member at counsel table handing an unmarked document to an oralist when that oralist has been questioned about such document during the course of the Oral Argument.
- (c) No other written communication may take place among the oralists, Team members seated at counsel table, or spectators.

## **8.9 Use of Electronic Devices**

- 8.9.1 Subject to subsection 8.9.2, a Participant may, during Oral Argument, refer to notes contained on a portable electronic device (such as a tablet or laptop), use such portable electronic device to take notes, or use such portable electronic device to time their submissions.
- 8.9.2 The use of portable electronic devices (such as phones, tablets and laptops) in a courtroom for the purposes of any form of wireless electronic communication or online web browsing, by a spectator or Participant, is strictly prohibited.

## **8.10 Spectators**

Subject to subsection 8.11, and the availability of space, the Competition is open to the public.

## **8.11 Scouting**

- 8.11.1 No Participant, including an Additional Participant, may attend any Oral Argument other than those in which a Team from their Law School is competing until completion of the Team's Preliminary Round.
- 8.11.2 If a Team advances to the Semi-Final Round, no Participant from that Team's Law School, including an Additional Participant, may attend any Oral Argument other than those in which a Team from their Law School is competing until completion of the Semi-Final Round.

## **8.12 Audio and Videotaping**

- 8.12.1 The Committee reserves all rights to the audio and videotaping, or any other form of audio or visual reproduction, of any Oral Argument, or part thereof.
- 8.12.2 Pursuant to the registration details of the Competition, all Participants have consented to the taping and broadcasting of their Oral Argument, and waived any moral rights in that regard.

## **8.13 Written Materials**

- 8.13.1 Pursuant to the registration details of the Competition, all Teams participating have consented to the publication of their Factum on the Competition Website, or distribution of such Factum in print or electronically. Pursuant to the registration details of the Competition, all moral rights in such Factum have been waived.

## **9. Competition Scoring**

### **9.1 Preliminary Round(s)**

- 9.1.1 Subject to subsection 8.1.1, scoring shall consist of two parts: (1) the Raw Score – Factum, and (2) the Raw Score – Oral.
- 9.1.2 All Facta shall be reviewed and assigned a score by each Factum Marker on a total of 20 points in accordance with the "Marking Guide – Factum" attached as appendix "A".
- 9.1.3 Each Judge shall assign each oralist a score on a total of 40 points in accordance with the "Marking Guide – Oral Argument" attached as appendix "B".

## **9.2 Raw Scores**

9.2.1 Subject to section 10, the calculation of Raw Scores shall be subject to the deduction of Penalty points.

## **9.3 Raw Score – Factum**

9.3.1 The calculation of the Raw Score – Factum for each Team shall be determined:

- (a) by the Factum Marker's score for that Factum, if a single person; or
- (b) by averaging the Factum Markers' scores (if there is more than one Factum Marker), pursuant to section 4 for that Factum.

9.3.2 The top Factum will be decided based on the Raw Score – Factum. In the event of a tie, then the Total Team Score (pursuant to sub-section 9.5) shall be used to break that tie.

## **9.4 Raw Score – Oral Argument**

9.4.1 The calculation of the Raw Score – Oral Argument for each Participant shall be determined by averaging the score for that Participant assigned by each Judge pursuant to section 9.1.3.

9.4.2 The top oralist will be decided based on the Raw Score – Oral Argument. In the event of a tie, then the Total Team Score (pursuant to sub-section 9.5) shall be used to break that tie.

## **9.5 Total Team Score**

9.5.1 The Total Team Score shall be the “Raw Score – Factum” added to the “Raw Score – Oral Argument” for each Participant of the Team during the Preliminary Rounds, and therefore expressed as a number out of 100.

## **9.6 Semi-Final Round**

9.6.1 A determination of the Teams that will enter the Semi-Final Round shall be based on a determination of the top two (2) Appellant Teams and top two (2) Respondent Teams as determined by a calculation of the cumulative Total Team Score from the Preliminary Round.

9.6.2 The Appellant Team and the Respondent Team with the highest:

- (a) Raw Score – Oral Argument in the Semi-Final Round; and
- (b) Total Team Score(s) in the Preliminary Round shall then advance to the Final Round.

## **9.7 Final Round**

9.7.1 The winning Team for the Competition shall be determined during the Final Round. The winning Team shall be determined solely on the basis of the Raw Score – Oral Argument during the Final Round.

9.7.2 In the event of a tie among the Teams in the Final Round, then the Raw Score – Factum shall be used to break said tie.

## **9.8 Release of Scores**

- 9.8.1 Total Team Scores shall be released and made available to the Participants as soon as practicable following the completion of the Competition.

## **10. Penalties**

### **10.1 General Procedure**

- 10.1.1 The following is a list of Penalties which shall or may be imposed by the Committee upon Teams and Participants in the Competition. Only the Committee has the authority to impose non-discretionary or discretionary penalties. The Committee's decision is final and cannot be appealed from.

### **10.2 Application of Penalties**

- 10.2.1 All Penalties apply against each Raw Score, e.g. a Penalty of one (1) point shall be applied to the score that each Factum Marker or each Judge (as applicable) would have given that particular Factum or Oral Argument.

### **10.3 Non-Discretionary Penalties**

- 10.3.1 For the following violations, Penalties shall be assessed without discretion by the Committee:
- (a) Violation of subsection 7.7 (submission of Factum) - Any Factum received by the Committee following the designated submission time shall be subject to a three (3) point Penalty per day.
  - (b) Violation of 3.2.3 (indication of Team identity in Factum) – 3 points;
  - (c) Violation of subsection 7.2 (format of Factum) – 1 point per type of violation;
  - (d) Violation of subsection 7.5 (length and size) – 2 points per page (or part thereof) over the specified maximum length and/or 1 point for exceeding the size limit;
  - (e) Violation of subsection 7.6 (cover) – 1 point per type of violation; and
  - (f) Violation of subsection 7.7 (number of Facta) – 2 points per Facta not submitted.

### **10.4 Discretionary Penalties**

- 10.4.1 Aside from subsection 10.3, the Committee may assess up to three (3) point Penalties for:
- (a) any contravention of the Rules; and
  - (b) inappropriate behaviour of Participants during the Competition.
- 10.4.2 The size of the Penalty shall correspond to the degree of the violation in the sole judgment of the Committee.
- 10.4.3 Participants may bring potential violations to the attention of the Committee, in writing.

**10.5 Notice to Teams**

- 10.5.1 The Committee may notify Teams of the imposition of such Penalties prior to the beginning of the Preliminary Round, if possible; or as soon as practicable if incurred after the beginning of the Preliminary Round or if discovered pursuant to subsection 10.4.2.

**10.6 General**

- 10.6.1 Questions concerning the interpretation of the Rules must be submitted to the Committee in writing. Where time is of the essence, or if in the best interests of the Competition, the Chair shall make any decision that is ordinarily subject to referral or approval of the Committee.

**10.7 Power to Promulgate Additional Measures**

- 10.7.1 The Committee may promulgate such other measures as may be deemed advisable for the orderly conduct, quality, integrity and reputation of the Competition or to correct deficiencies in the Competition. Modifications shall not violate the spirit of the Rules or the best interests of the Competition.