CMMUN ICJ Rules and Procedures

[Attributed to THAIMUN – PREM will adopt the ICJ handbook compiled by ISB for the IASAS conference in November 2017 and acknowledges their excellent work with thanks]

Introduction

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. Its seat is the Peace Palace in The Hague, Netherlands. It began functioning in 1946 and is authorised by national admission to the United Nations under Article 93 of the Charter. Non-state members may also join the ICJ by ratifying the ICJ Statute. Often called the "World Court", the ICJ has national-level jurisdiction to arbitrate disputes between UN member states, as well as offer advisory opinions on lesser such matters. Issues may include sovereignty, boundary disputes, maritime disputes, trade, natural resources, human rights, treaty violations, treaty interpretation, and more.

MUN ICJ simulations are designed to be as similar to the actual courts as possible. It is an opportunity for students to interact with the international legal system and engage in debate about transnational justice as their respective delegations.

Purpose and Function

To help insure that the goals of the United Nations are maintained by finding solutions to international disputes before the disputes emerge into large scale conflicts. The ICJ has two roles: 1) to settle disputes in accordance with international law of those states which are members of the UN, and 2) to give advisory opinions on legal questions referred to it by authorized international agencies and organs.

ICJ at CMMUN

In order to ensure smooth running courts, two cases will run simultaneously allowing each individual case to take up one day of proceedings.. The two presidents of ICJ will preside

over an individual case. The advocates of the cases not being heard on a day will act as judges. Judges do not represent their governments, but are considered independent judicial agents. For more information regarding case schedules, an updated version can be found in your welcome packet.

Composition of the CMMUN ICJ

● President of the Court (2) - the lead judge of the case.

● Judges – hear the case presented by the advocates and together, make a ruling on the case.

● Advocates (4) – Counsel for the two parties present in the dispute. For both the applicants and respondents extensive research is the key.

○ Applicants (2) – the party who is applying to the court. The advocates represent the person or country who is making an appeal to the court. The burden of proof is upon the applicant. It is up to them to give evidence and present a case that convinces the majority of the judges in deliberation that their interpretation of the situation/law is correct. The applicant party should be clear and concise in what they want out of the ruling.

○ Respondents (2) – the country who is responding to the charges or accusations brought forth by the applicant. In the ICJ case, it is not so much a matter of who will win the case, but instead, whether or not the Applicant Party meets the burden of proof to have their statement of prayer implemented. Therefore, the respondent should focus on undermining the Applicant party's case, and essentially make it seem unsubstantiated.

○ Registrar – In charge of all relevant documents, and record-keeping within the court. For CMMUN, these responsibilities will be undertaken by the president of the court, with the assistance of the lead page.

General Court Rules

● Respect the decisions/authority of the judges

● Only one advocate can speak at a time per side; dialogue between advocates is NOT appropriate

● Advocates MUST stand to speak. Only one advocate should be standing at a time.

- Do not interrupt unless you are making an objection.

- Neither the applicants or respondents should talk to the judges without the presence of the other.

- Advocates must ask the judges for permission to submit physical evidence.

- All physical evidence must be labelled with a number (applicants) or letter (respondents).

- Be on time at the beginning of each session and from any break.

- Place any suit jackets and bags away from judges' or advocates' desks.

General Steps of Preparation for Judges

- Study the Sequence of Courtroom Proceedings and Terminology.

- Conduct extensive research and familiarise yourself with the topic or issue.

- Keep relevant documents in a folder to stay organised!

- Arrange meeting with advocates to go over trial proceedings.

- Decide upon the language/strategy you will use in the case.

General Steps of Preparation for Advocates

- Study the Sequence of Courtroom Proceedings and Terminology

- Research the issue or Topic

- Submit list of any Stipulations for consideration (at least one week before the trial begins)

- Submit List of Witness (at least one week before the trial begins.)

- Submit List of Real Evidence (at least two days before the trial begins)

● Outline arguments necessary to establish the evidence presented as CREDIBLE

● Prepare visual aids or handouts for the courtroom.

Brief Sequence of Proceedings - CMMUN-ICJ

Opening Statements – each side tells the court what you intend to show/argue by the presentation of your case. In the presentation of the opening statements, it is permitted for respective parties to yield the floor to their colleagues. Judges present their general legal opinions on the case in alphabetical order according to surnames.
Judges may pass on the first round, but must speak on the second
○ Applicants - introduce their case and its main arguments. Overheads or other visual aids outlining the case or the main arguments are HIGHLY suggested.
○ Respondents - introduce the response and main counter-arguments. Overheads or other visual aids outlining the case or the main arguments are HIGHLY suggested.

Presentation of Evidence- Witnesses and Pleadings (the "Body of the Case") - This procedure is repeated until all of the evidence are motioned and presented.
○ Applicants/Respondents present their Evidence – Objects, documents or individuals
■ The Applicant/Respondent then gives a pleading of their evidence, establishing its credibility and importance to the case
■ The judges, then the opposing advocates, inquire and ask questions about the evidence presented

Rebuttal - Each side is given an opportunity to refute the positions supported by the opposing side. In the presentation of the rebuttal, it is permitted for respective parties to yield the floor to their colleagues.
○ Applicant's Rebuttal
○ Respondent's Rebuttal

Judges' Questions

Closing Arguments
○ Applicant's – interpretation of the evidence, presentation of the "prayer", and if necessary the amount of damages each side wishes to ask for and why. Again, visual aids are highly suggested here.
○ Respondents – interpretation of the evidence, presentation of the "prayer", and if necessary the amount of damages each side wishes to ask for and why. Again, visual aids are highly suggested here.

Judges Deliberate - Advocates vacate courtroom
○ Judges need to be clear about what the verdict is and the reasons why they made the ruling. The amount of damages awarded need to be included (if applicable.)

Verdict is read to advocates
○ Both the majority, and dissenting opinions (if applicable) are read aloud

Rules in CMMUN-ICJ

President- The president's primary role is to act as the head judge for the trial. All "final says" will be made by the president. They will also assist in guiding judges through their deliberations, weighing of evidence, and questioning periods. They will make recommendations and give advice as they see fit. The President acts 5 much in the same way as a standard MUN chair but also decides whether objections are sustained or overruled. In other words they are the lead judges that act as "the foreman of the jury."

● Head arbitrator of the court: The president of the court acts as the head judge in every case put before them. This means that questions asked, or objections raised during court proceedings must be addressed through the president.

● Oath of witnesses: The president will conduct the oath for all witnesses in court. The oath exists as follows: "I solemnly affirm that the evidence I am about to give shall be the whole truth as best I know it."

● Final deliberations: It is the role of the president to guide all judges through the case. While presidents do receive an equal vote, they will not be present during final deliberations. Once deliberations are finished, the president will be invited back to cast their vote.

Judges- Judges require a sense of fairness, responsibility, intuition, an understanding or willingness to learn about the topic being addressed in court and diligence in learning courtroom procedures and terminology. The judges sit through the case, inquire during pleadings, and weigh the evidence presented by the advocates. The judges are also responsible for presenting the final verdict for the case, detailing the final solution to the dispute.

● Weighting of Evidence: During the case the advocates will present evidence to the judges. Judges will have to 'weigh' this evidence and consider its credibility. Most historical sources from texts or history books are considered credible. However, at times, the judge(s) may have to make critical decisions about the weight that should be given to the evidence if it is shown

to be particularly valuable or questionable by either the prosecution or defense. In particular, the judges have the right to question the advocates about their credibility or authenticity of the evidence or witness they have chosen to help argue their case. When the advocates ask to have evidence admitted, the judges may, on rare occasions, award very little or limited "weight" to the evidence. That means they are recognizing it, but not giving it too much importance towards the ruling of the case. This is done privately and individually by each judge, shared during their deliberation.

● Questioning by judges: Technically, at any time during the testimony of a witness a Judge or Jury member may ask a question of the witness. However, rather than interfere with the flow of testimony, it is prudent for the Judge or Jury to wait until all direct testimony and cross-examination of a witness is completed, at which time judges will have the opportunity to ask questions of the witness. A judge's questions must adhere and pertain to what was stated by the witness during the examinations. Following these questions, the lawyers will be given a very brief opportunity to ask further questions of the witness. Because of time constraints, follow up questions by counsel members must be kept to a minimum by the judge.

● Objections: When an advocate objects to the attempted presentation of certain evidence, (i.e. "I object, your honor, Hearsay!") the counsel is usually objecting to the admissibility of the 6 pieces of evidence. If the objection is sustained, the judge agrees with the counsel making the objection, and the statement, document, etc. cannot be heard/seen or "admitted into evidence." If the objection is overruled, the judge opposes the objection, and the statement, etc., can be heard/seen or considered as evidence by the "finders of fact" (the Judges).

○ Call a short recess if you believe the judges need time to think about or discuss an objection or issue, or if the advocates motion towards a short recess and the president deems the justification for the recess fit.

● Some Key Suggestions for Judges
○ Take control. Do not let the advocates argue you with you.
○ Speak loudly and clearly.
○ Be familiar with the structure and terminology of the court.
○ Understand the basics of the case which is being presented.
○ Take notes during the proceedings. Write down questions to ask the advocates.
○ Keep an open mind.

Advocates- Each set of advocates must know the court procedures and terminology extremely well, understand how each witness and piece of evidence will contribute to their legal strategy, think ahead to possible counter-arguments you will face from the opposing counsel, understand how to make good arguments, and in general be very organized. It should also be noted that, for CMMUN, a maximum of 5 pieces of evidence from both sides are permitted.

This encompasses both, “real” evidence, as well as witnesses. Elements of ICJ that are specific to ICJ are as follows:

●Professionalism of Advocates: Advocates should never take anything personally–always act as a professional. A reprimand from the judge or advisor will undermine your credibility and the credibility of your arguments.

● Stipulations: Stipulations are an important part of the case. These are issues of fact or law to which solutions are agreed upon before the trial begins. This means that both parties will have discussed and agreed upon the contents of these facts. During the trial these facts will be considered as unchangeable and advocates will not have a chance to object to them. Please discuss with opposing counsel those relevant issues of fact and of law which an agreement can be reached before the case is presented. It will save you and the court vast amounts of time. The judge will be asking the advocates for any stipulations you have both agreed upon. These stipulations must be in writing on a single form at least one week before the trial and approved by the supervisor.

● Burden of Proof: The Burden of Proof is shouldered by the “applicants” or “prosecution” in this trial. This means that it is up to the applicants to “prove beyond a reasonable doubt that 7 is guilty of the charges at hand.” The burden of proof means that the evidence and arguments presented by the advocates must be considered as truthful, to the degree of a simple majority. Each piece of evidence presented is subject to this scrutiny. The totality of the evidence is “weighed” in the same manner at the end of the case. Of course, some evidence is given more weight or credence than others, but the evidence as a whole must show beyond a reasonable doubt that is guilty. At the end of the trial, if the applicants have met their burden, they win. If the applicants have not, they lose.

● Opening Statements: The purpose of the opening statement is to tell the court what you intend to show/prove by the presentation of your case. This is the opportunity to outline a side’s overall case. It is best to say, “We intend to show…” rather than “We will prove….”. Never make assertions or promises to the court that you cannot keep. Please remember that time may be split between different members of an advocate party.

●Body of the Case: Organisation is the key. During the presentation of your case - the examination of evidence and the presentation of your witnesses - be sure you are organized. The body of your case is like a well-written paper, with an introduction, a series of paragraphs as the body of the work, and a conclusion. You are preparing for the summation or closing arguments. Each paragraph builds to the conclusion in a rational, intelligible order.

● Presenting Evidence: The presentation of evidence during trial is governed by principles called rules of evidence. Judges use a balancing test carefully weighing whether a trial would be fairer with or without a piece of evidence in question. We generally deal with two types of evidence, “real” and “testimony”. Real evidence consists of objects of any kind which includes papers and documents. Testimony is the statements of competent witnesses. All evidence should be submitted to the judges during the case for their consideration.

● Witnesses and Witness Testimony: The character of the witness is to be chosen by the counsels for each side. The advocates should be able to supply the witnesses with information about their character. The character does not have to exist, but the position they hold or expertise they are supposed to have should be as authentic as possible. The witness and advocates must be able to work together and communicate often. The advocates should be able to coach the witness as to what to say and how to say it under direct examination. Choose your witnesses well in advance. Questioning your own witnesses is done during direct examination. Cross examination is when you question an opposing side’s witness after the witness has been questioned by opposing counsel during their direct examination. In some cases, time may not allow for cross-examination. Instead, rebuttal time can be used to point out weaknesses or counter-arguments to the evidence presented by the opposing counsel. The first point to note regarding direct examination is that witnesses should be very well prepared, i.e. well-coached. Witnesses should know what questions you intend to ask them on direct examination, what answers are expected (as long as they are truthful), and, most importantly, 8 what questions to expect on cross-examination. Cross- examination of a witness, which follows direct examination of the witness, is meant to create a dispute about the witness’s statements, and/or to place the witness’s credibility (believability) into question. This includes the witness’s demeanour.

● Leading Questions: During direct examination, you must follow two basic rules. First, unless a witness is established as an expert, you cannot ask LEADING questions. Whether a witness qualifies as an expert is decided by the court after the witness is asked several specific questions (called voir dire) about his/her expertise in the field –education, years of practice, publications, number of times used as an expert witness in other cases, etc. Leading questions are those questions which suggest the answer by the very nature of the questions. “You saw him, didn’t you?” “You are a good student, are you not?” Again, only experts in the field can be questioned using leading questions on direct examination. Therefore, when possible it is can be beneficial to place experts on the stand. If a leading question is asked when it has not been deemed appropriate to ask a leading question, the party who is not questioning is encouraged to make an objection to the question, and justify it.

● Hearsay: Advocates cannot ask hearsay questions. Hearsay is difficult to define. Basically, you cannot ask a witness about an out of court statement or act allegedly made by someone

other than the witness. It is testimony a witness provides that is not based upon personal knowledge but is a repetition of what someone else said. It is usually not admissible because it is impossible to test its truthfulness on cross-examination. The principles directed at achieving truth generally fall under the headings of trustworthiness and relevance. The basic criterion for admissibility of evidence is trustworthiness. The object is to ensure that only the most reliable and credible facts, statements, and/or testimony are presented to the jury.

● Some Quick Pointers for Questioning Witnesses: Try to reinforce the credibility of your witnesses for truth and accuracy, while attempting to establish that the credibility of certain opposing witnesses is poor. Never ask a witness a question to which you yourself do not know the answer. Never ask a witness "Why!?" Do not argue with a witness. Finally, sometimes, it is best to know when to stop. It is a wise lawyer who knows when to say either "No further questions," or even "No questions your honour". Strategy and timing are very important.

● Weighting, Real Evidence, and Authentication: Weighting of evidence can be very important to the case. If the judge is convinced by a legal team's arguments enough, they may "weigh" the evidence more. If judges are not convinced by the authenticity or credibility of evidence, they may choose to weigh the evidence less. Such decisions by the judges can have a profound influence on the case. Therefore it is important that the advocates for both sides clearly show why the evidence they are using is believed to be credible and reliable. Written documentation and other tangible evidence are presented in the following manner: First, the item must be marked "A", "B", "C" (applicants) or "1", "2", "3" (respondents). Once the council has introduced the document "as evidence" then he or she must authenticate the piece of 9 evidence. That is, the counsel should establish the writer or maker, or source of the evidence. It is the responsibility of the legal counsel to use the author, date, book it came from, cultural background of the author, context, or whatever relevant information possible to help establish the authenticity or credibility of the evidence. If the advocates do not do this, the opposing team will likely convince the judges it should be given little or no "weight."

● Closing Arguments: Closing arguments allow the advocates to put everything together and argue what it all means, says, or concludes. Each side will have about 15 minutes to sum up its case and tie together the evidence and the legal elements. The prosecution goes first. The "prayer" must be stated by both legal teams. The "prayer" is what each side is requesting for a judgement. Usually, it is best for the advocates to state what they think the issues are, what the answers to those issues are, and what the decision (or their prayer from the court) should be. If damages or prison terms are involved it is incumbent upon the advocates to state what amount or sentence they think the court should award and why.

● Some Additional Suggestions for Advocates

○ The role of Advocates is to present evidence and relevant laws. Judges interpret the law. Use visual aids to present your main arguments to the court – make sure the arguments are easy to see and clearly stated.
○ Research thoroughly and have specific reasons to back up your arguments. The more specific and credible the source, the more persuasive.
○ Think ahead to the objections and counter-arguments you will face. Write these down and discuss how you will counter these counter-arguments.
○ Establish the authenticity and credibility of the evidence and witness testimony.
○ Advocates should speak slower than they think they need to and enunciate key arguments or use pauses to allow key arguments to "sink in"
○ Don't object too often – you may lose credibility. However, it is your responsibility to object. The judges will not do it for you.
○ Be familiar with the structure and terminology of the court.
○ Advocates should try to argue that the "weight" judges give to the evidence by the opposing advocates should be minimal. (The judge will generally not weigh historical evidence minimally, unless the opposing team has severely discredited the source in its rebuttal or cross-examination.)
○ All advocates need to remember that decision of the judge, once again, is final and is not open for debate.
○ Advocates should address the Judges when making their arguments ○ Advocates can benefit by reiterating their key arguments or charges

Courtroom Terminology

● General 10
○ Stipulation – relevant issues of fact or law to which an agreement can be reached before the case is presented. For instance, the definition of "aggression."
○ Burden of Proof – the burden or goal of the applicant. The proof that is necessary to persuade the court that the accusations made by the applicant are true enough to take some sort of action.
○ Preponderance of Evidence – the least stringent type of Burden of proof in which the applicant must persuade a simple majority of the judges that its position carries its weight or is persuasive by at least 51%.

● Objections and Responses to Objections:
○ Objection – a plea made by one advocate disagreeing with the procedures or evidence of the opposing party. Generally, objections are made in regards to admissibility of evidence.

○ Sustained – What the judge says when he or she agrees with the objection made by an advocate.
○ Overruled – What the judge says when he or she disagrees with the objection of an advocate.
○ Below is a list of permissible objections in CMMUN MUN:

Ambiguous/vague	Usually, an ambiguous contract means that a specific term, word, phrase, question or definition is vague or unclear and requires further explanation or facts.
Answer Exceeds	When an answer to a question exceeds the concern and scope of the question itself.
Argumentative	When questions do not reduce facts and are prejudicial.
Assumes facts not in evidence	Witnesses have to testify on facts and evidence included in the evidence packet.
Badgering the Witness/advocate	When questioners are quarrelling with, displeasing, provoking, or harassing the witnesses or advocates on the stand.
Continued Objecting	When objections against as a side are continuous, and impair the participation and presentation of arguments by the side.
Hearsay	When information stated by a third party, outside the court's presence. When testimony a witness provides that is not based on personal knowledge but is a repetition of what someone else said. Usually such information is not admissible because it is impossible to test its truthfulness under cross-examination. Difficult to define. Many exceptions are possible.
Improper argument	When a team states false information that can be proven untrue and incorrect.
Leading Question	When a question is asked suggesting what exactly is the witness supposed to answer.
Relevancy	When a question asked is irrelevant or is questioned for its pertinence along with the testimony presented to the court.
Speculation	When a guess, conjecture, supposition, or assumption is presented on a discussion, case, or evidence.

● Evidence and Examination of Evidence
○ Credibility – the degree of truthfulness or accuracy of a piece of evidence.
○ Testimony – evidence which comes from a witness.

○ Marking of Evidence - Process of admitting Evidence to the court by number or letter. Ex, “Evidence 1,” “Evidence A.”
○ Weight of the Evidence – refers to the degree to which evidence can be considered by the judges.
○ Admission of Evidence – advocates are required to ask the judge to admit each piece of evidence by number or letter. Opposing counsel can object to the evidence being admitted on grounds of authenticity, reliability, accuracy, and/or relevance. Judges who feel that either he or a jury would give certain evidence undue weight or would be greatly prejudiced by seeing it or hearing it would not allow that evidence to be presented.
○ Authentication of Evidence – a term which applies to the job of the advocates to establish the origins and credibility of a given piece of evidence.
○ Direct Examination – questioning of your own witness
○ Cross-examination – questioning of the oppositions witness
○ Rebuttal – counter arguments made by each side after examination of evidence.

●Arguments, Closing Arguments, and Verdict
○ Pleadings – The case is being introduced to the Court through the pleadings. The pleadings are documents that are not considered evidence, are in general short speeches concerning the case from each side’s point of view and each speech should last approximately 10 minutes. In other words, pleadings are what each side is trying to persuade the judges to accept from the evidence that they have already presented. This is similar to an MUN “For” speech, but for your presented evidence. Pleadings are not evidence. It is common knowledge that the first word belongs to the Applicant Party.
○ Statement of Prayer – The specific requests or damages which a side is asking the court to approve which are presented during the closing arguments. This is similar to writing a 12 “resolution” to your case, as in, what a party believes would solve the issue and what must be done about it.
○ Deliberation – time taken to consider whether the applicant’s case has met the burden of proof.
○ Majority Opinion – the name given to the decision which receives the most votes. ○ Separate, But Concurring Opinion – the name given to a decision by some judges in which they may agree with the decision but disagree on the reasons why.
○ Dissenting Opinion – Written statement by judges in the minority who dissent with the majority.
○ Separate, But Dissenting Opinion – Written statement by Judges who dissent, but disagree on the reasons why.

Order of Proceedings

1. **OPENING STATEMENTS**

a. PRESIDENT calls the court to order

i. ADVOCATES make their opening Statements

1. In all proceedings the applicants will proceed first, followed by the respondents

2. PRESENTATION OF EVIDENCE – PHYSICAL EVIDENCE

a. REAL EVIDENCE - The evidence will be presented in an alternating fashion between the opposing parties. Applicants present the first piece of evidence, along with their pleading. Each piece of evidence must assigned a letter and be presented in the following manner:

i. Advocates present a piece of evidence:

1. If the applicant is presenting: "Your honor the country of would like to present source (A…)"

2. If the respondent is presenting: "Your honor the country of would like to present source (1…)"

ii. A copy of each piece of evidence must then be presented or shared with the JUDGES. Each piece of evidence must be labeled.

iii. The applicant will then present and might choose to do so by reading the document or text, stating the author, date of publication and the such. The presentation of the evidence is not a pleading. 13

iv. ADVOCATE'S pleading: The advocate then explains their interpretation of the credibility and importance of the evidence presented. The pleading is similar to an MUN "For" speech for the evidence you are presenting.

b. QUESTIONING - After the ADVOCATE has finished presenting, there will be time allocated for points of inquiry regarding the evidence and the pleading made by the applicant. i. The Advocate must state that he/she is finished with their pleading and presentation of the evidence.

ii. The PRESIDENT will open the floor for points of inquiry or points of information to the panel of JUDGES.

iii. If and only if the judges are finished asking questions, the president will open the floor for points of inquiry from the opposing party.

c. The presentation of the evidence will alternate between the applicant and respondent party, until the trial comes to a suspension in order for the judges to deliberate and weigh the evidence that has been presented to them.

3. **FIRST REBUTTAL**

a. Rebuttal

i. ADVOCATES have the opportunity to counter the evidence presented by the opposing ADVOCATES during their presentation of evidence.

b. Purpose:

i. Discredit the witnesses or real evidence presented by the opposing ADVOCATES by focusing on its limitations

ii. Provide counter-arguments to the arguments presented by the respondents iii. No new evidence for their case can be brought up, unless it is used to counter the respondent's evidence which has been presented.

4. **TESTIMONY of the WITNESSES**

a. ADVOCATES: "Your honor (country) would like to call to the stand."

i. The applicants then DIRECTLY question the witness

1. Purpose:

a. To establish the credibility of the witness 14

b. To get the witness to provide evidence to support the charges they have brought to the court.

ii. Opposing ADVOCATES now question the witness

1. Purpose: a. To call into question the credibility of the witness

b. THIS PROCESS IS REPEATED FOR EACH WITNESS

c. THIS PROCESS IS REPEATED FOR EACH ADVOCACY

d. After ALL witnesses AND evidence has been presented, the ADVOCATES announces the completion of their case i. "Your Honor, we rest our case"

5. **SECOND REBUTTAL**

a. There will be a second round of rebuttals to be entertained, which will allow for both the Applicant parties and Respondent parties to counter the newly presented evidence as well as the testimonials given by the witnesses in the trial.

b. Judges will take turns to ask questions of the advocates about their witnesses, evidence, or arguments that will clarify the case for them.

6. **LAWYERS SUBMIT EVIDENCE TO THE COURT**

a. ADVOCATE rises and ask the court to ADMIT the real or physical evidence they have used to make their case.

i. ADVOCATE: "Your honor, (country) would like to ask the court to admit evidence A through F (for example)."

b. Unless evidence is missing or not labeled, the judges will declare that the evidence presented is in order.

c. THIS PROCESS IS REPEATED FOR BOTH ADVOCACY

7. **CLOSING ARGUMENTS**

a. The PRESIDENT invite the ADVOCATES to begin their closing arguments:

i. Applicants then present their closing Arguments in which they should summarize the charges, their main arguments and evidence

1. Visual aids are highly suggested here. 15 2. Presentation of the "prayer" – what the applicants would like out of the case. This is the time for the applicants to outline the amount of damages they wish for and why. ii. Respondents then present their closing arguments, in which they should summarise their case for the dismissal of the charges 1. Visual aids are highly suggested here.

8. **JUDGES DELIBERATE AND WRITE VERDICT**

a. All JUDGES will be asked to state their opinion, along with their reasoning (examples of evidence, their weight, etc.)

1. Speaking for 1-2 minutes in turn without interruption.

ii. At the end of this, JUDGES will inquire into each other's positions, before reaching a final verdict via vote.

iii. Dissenting and Concurring opinions will be entertained, as such JUDGES will divide into these groups and prepare their statements for a chosen JUDGE to present formally

b. Judges need to be clear about what the verdict is and the reasons why they made the ruling. The amount of damages awarded need to be included (if applicable.)

c. If there is a dissenting opinion, it may also be read (at the PRESIDENT'S discretion)

9. **VERDICT IS PRESENTED** (and Damages, if applicable)

Graveyard: During the case, the judge must decide some very complex issues and may need to ask the "counsels to approach the bench" or declare a "one minute recess" to meet with the bailiff and/or advisor.

- Neither side is allowed to ask the witness about their personal relationship to the respondent. Instead, questions should be directed at what they represent about the respondent.