

ERA-CCBE Young Lawyers Contest

Competition on EU law in practice – test run 2018

RULES

I. Introduction

Project Purpose: The main aim of the competition is to bring together future lawyers from different European countries at a time when they are undergoing entry level training to enable them to share common values and to exchange new experiences/discuss new perspectives in areas of common interest.

The Project beneficiaries are trainee and newly qualified lawyers from all Bars belonging to the Council of Bars and Law Societies of Europe.

The Project Leaders are the Academy of European Law (ERA) and the Council of Bars and Law Societies of Europe (CCBE).

The Project aims to:

- Promote a forum of discussion on European and International Law subjects.
- Promote exchanges of experiences between the participants.
- Obtain and spread interesting and useful theses on the chosen subjects.
- Encourage the development of the critical thinking and communication skills.
- Promote and foster relationships among participants from across the European Bars represented in the competition

II. History

A similar, very successful competition has been organised for some ten years by the European Judicial Training Network for teams of trainee judges and prosecutors. The EJTN competition is named after the Greek goddess of Justice – Themis – and covers different areas of judicial cooperation (civil, family, criminal) as well as judicial ethics and professional conduct. The Themis grand final usually focuses on fundamental rights issues (Charter and/or European Convention on Human Rights). The tasks of the teams include the delivery of a written paper on a given or chosen subject, an oral presentation of this paper and a discussion with the jury and/or a competing team (adversarial presentations at final levels).

III. Background description

The contest should be organised annually in two steps, with a number of parallel semi-finals followed by a grand final with the winners of the semi-finals. The semi-finals should be organised at regional level; the grand final would be organised by ERA either at ERA's headquarters in Trier or in a major city of a Member State. It is proposed to organise a trial run of the contest in 2018 which, if successful, will be expanded and established on a regular

basis. In this first go, it will not be possible to implement a fully-fledged two-stage run so the focus will be on a one-off final. The trial run is proposed for maximum eight teams from as many Member States as possible.

The tasks should reflect the specific professional needs and interests of legal practice; the contest might include a moot court-type scenario, a negotiation exercise or even a project-based challenge. The topics covered should be chosen from a range of areas of EU law, including judicial cooperation and the four freedoms of the Single Market, data protection, migration, etc. The most noble of the CCBE's missions should figure prominently: the defence of the rule of law, human rights, and access to justice. An indication of the legal instruments that may apply in the tasks will be provided to the participants no later than two weeks prior to the start of the event.

IV. Participants

1 - General

Contestants will be nominated by participating bars but will not be running in national teams. Instead, to enhance the transnational character of the contest, the six to eight teams will each be composed of three or four nominees from different Member States with different legal traditions, assigned to the teams by the Project Leaders with the aim to ensure a level playing field between competitors with different levels of skills and experience.

Team members must be trainee lawyers or, in jurisdictions in which initial training does not include a period of legal practice, newly qualified lawyers. A person is considered a "trainee lawyer" if he or she is regarded as such under the national law, including in the form of an induction or apprenticeship period, and if s/he has not attended initial training activities for more than two years. The training institution to which the trainee belongs shall certify his/her status, according to the above, at the moment of registration. A person is considered a "newly qualified lawyer" if they, at the date of registration, are in their first year of practice, such year commencing with the date when they were first admitted to the Bar irrespective of whether or not they are in such employment at the date of registration. Newly qualified lawyers are only eligible to participate if they are from a jurisdiction in which initial training does not include a period of legal practice.

It is not allowed to run in the contest more than once.

The teams will prepare any written paper/report and the oral presentations independently.

English is the official language of the competition. No translation or interpretation is provided or permitted.

Each Bar has the right to register up to three participants. Registrations are processed in order of their arrival at ERA in Trier. Bars wishing to enter more than three participants are strongly recommended to nominate further candidates who will be part of a reserve list. If, after the

deadline for registration the quorum of 24 nominees (3*8 teams) is not reached, ERA will use the reserve list with a view to ensuring the greatest possible degree of diversity in the composition of the participants. If the reserve list does not allow to reach the quorum, the number of teams will be reduced or the number of participants per team will be slightly rearranged. (e.g.: several teams with 3-4 candidates).

The deadline for registration of participants is 12 April 2018. This deadline has been extended to 30 April 2018.

2 - Process of participants' registration

2.a) Fully complete the registration form

An incomplete registration form will not be accepted as a valid entry.

2.b) In order to register one or several participants each Bar must certify the nomination by appending to the application form the Bar's stamp. The form should be dated and signed by an authorised signatory from the Bar and the completed form sent to the address shown on the website.

2.c) If a Bar wishes to submit more than three participants in the competition the nomination of reserve participants must comply with the paragraph above.

3 - Applications will be registered according to the date they are received by ERA.

ERA will send to all applicants an acknowledgment of receipt as soon as possible, whether or not the application is accepted.

A final table of all registered participants and their allocation to the teams will be published on the ERA website one week after the deadline for submission of applications, confirming officially the registration of all teams.

ERA will put the participants in contact with the other members of their respective team.

V. Format

The format of the trial run will be a one-day contest with three rounds – four parallel quarter finals, two semi-finals and a final round with the two best remaining teams. At each level, a different task will have to be mastered, which can take the form of a written report on a legal question, a negotiating exercise or an oral debate with another team in front of the Jury. The trial will start in the afternoon of day 1 and finish in the afternoon of day 2.

Individual points criteria for the rating of performances will be prepared for the jury. Jurors are also expected to communicate between each other on the reasoning behind their attribution of scores.

First round (afternoon of day 1): Written report and oral defence session

In the first phase, each team will be asked to prepare a written report on a practical question relating to European law that has to be submitted to the Project Leaders at the latest three weeks before the day of the trial run (date of receipt). Each team will be given the task 10 weeks before the day of the trial run (date of receipt). The teams will be able to select in advance between two different areas of European law.

The written report must not exceed 15 pages in Word format, Times New Roman, size 12, line spacing 1.5. For the avoidance of doubt, all written references such as summaries, side comments, annexes, bibliography or endnotes shall be included in those 15 pages. A cover page may be added in addition to the above limit.

The written reports will be rated by the full Jury.

In the second phase, the quarter finals will consist of four parallel sessions of two hours each with two participating teams in which these will defend their written reports, including answering questions asked by the opponent team. As teams dealing with two different areas of law might be opposing, team members are expected to have a minimum knowledge in the other area of EU law of the contest chosen by the other team.

Each session will be chaired by a member of the Jury who will rank the teams on the basis of their oral performance and their written reports. The written report will count for 2/3 of the mark and the oral performance for 1/3.

Second round: Negotiation exercise

The second round will consist of a negotiation exercise based on an M&A or similar business law case. The teams working in four parallel sessions will each be assigned to one of the parties/companies involved. They will have the remainder of day 1 to prepare their respective positions. The purpose of this round is not so much to delve too deeply into the intricacies of the law but to present an original point of view and to show the ability to argue and defend ideas. On the morning of the second day, they will take part in a 90-minute negotiation in the presence of a Jury member (jurors will assess different teams in the oral defence and negotiation exercises). The jurors will assess the performance of the teams according to the following criteria:

- Quality
- Originality
- Anticipation of future problems and solutions
- Critical thinking
- Communication skills
- Clarity, attractiveness and persuasiveness of oral skills and consistency

- Reference to the relevant case law of the European Court of Justice

At the end of the second round, the Jury will deliberate and announce the two teams selected to go through to the third and final round.

Third round: Oral pleadings

In the final round, the winners of the previous rounds will confront each other in an oral debate in the style of a moot court pleading. The teams will be asked to take the opposing stance in relation to a case study or topic which will be provided to them at the close of the second round. Each team will have at least one hour to prepare their pleading.

The oral debate will be public and take place in front of the Jury.

A random draw conducted by the chair of the Jury will define the starting team. Each team will have thirty minutes for its pleadings, which will be followed by a Q&A session in which Jury and team members may engage. Each team, in reverse order, will have fifteen minutes to close this session.

The Jury will assess the teams' overall performance on according to the criteria listed above.

VI. Jury

The Jury will be composed of maximum five persons. Jurors should be well-regarded professionals and experts in the areas of law and advocacy skills to be assessed.

Jurors will be appointed by ERA and the CCBE. The Bars are invited to submit a list of potential members of the jury at the beginning of March . A curriculum vitae should be sent to ERA .

A paper containing instructions for jury members, based on the present Rules, will be sent by ERA to the jurors.

At the beginning of the trial run, a meeting will be organised with all jurors in order to elect the Chair of the Jury.

The jury members will present their assessment of all teams at each stage of the competition, explaining the decision taken. It will also be their responsibility to monitor the enforcement of the present rules during the length of the Final and to announce the winning team of the competition.

VII. Financial Regulations

All accommodation and catering costs for jurors and participants during the trial run will be

covered by the project. ERA will provide its conference venue as a contribution in kind, and ERA and the CCBE will offer their staff costs for the realisation of the project also as a contribution in kind.

Participating Bars will be asked to cover the remaining costs per participant of c. €640. It is assumed that each participating Bar or law firm delegating a participant will cover the travel costs of their participants.

A financial help is possible under the conditions set by ERA's Scholarship Programme and is limited to the grant of two scholarships per contest.

VIII. Award to candidates and Jury Award

All candidates having participated in the Young Lawyers Contest will be awarded a voucher for free admission to an ERA open conference of their choice taking place before the end of 2019. Participants will be granted a certificate of attendance mentioning the number of training hours. They will also benefit from a free membership of one year to the Friends of ERA Association which gives rise to a certain number of benefits.

The candidates of the two winning teams will be awarded a second voucher for an ERA conference of their choice organised before the end of 2020. Free membership of the FoE Association will be extended by another year (two years in total).

Annex 1: Programme

Day 1 of trial run

14h00 Opening & welcome
Introduction

First round

14h15 Defence of teams' written reports (four parallel sessions)
- Presentations by teams
- Questions from the juror
- Questions from the teams

16h15 Session ends

Second round

17h00 Distribution of case materials to the teams
Preparation of negotiation exercise

19h00 Dinner

Day 2 of trial run

8h30 Oral negotiation

10h00 Session ends

10h15 Announcement of teams for the final round
Teams receive case file for final round

Third round

11h15 Oral pleading by Team 1

11h45 Oral pleading by Team 2

12h15 Questions by Jury and team members

12h45 Response by Team 2

13h00 Response by Team 1

13h15 Deliberation by Jury

13h30 Announcement of winning Team and prize award

13h45 Lunch

Annex 2: Participating Bars in prospect

- Austrian Bar
- Barcelona ICAB (tbc)
- BRAK
- Czech Bar
- DAV
- DBF
- Finnish Bar
- Greek Bar
- Portugal Ordem dos Advogados
- Romanian Bar
- Slovenian Bar