



## Instruction for preparing Claimant/Defendant Statements

### Statements

1. Each participating team must prepare a written Statements for both sides: one for Claimant and one for Defendant. According to the facts of the Case, Luigi (Claimant) has sued the Dutch company AIUTARE.IT (Defendant).

### Format of Statements

2. Statements must be in Microsoft Word format and have a .doc or .docx file extension, must be presented 1,5-spaced throughout (text) with generous margins.
3. The font and size of the text of all parts of the Statements must be in a good sized font. For instance: Times New Roman 12; Garamond 12; Calibri 11, etc. In any case each Statement – for Claimant and for Defendant - should not exceed 12.000 words, including footnotes.
4. Headings and sub-headings throughout the Statements are encouraged and may be in a different font size, underlined and/or highlighted, however, it should be kept functional.
5. Footnotes must be single-spaced, in a good sized font. For example: Times New Roman 10; Garamond 10; Calibri 9, etc.
6. Each Statement must contain the following parts:
  - a) Cover Page.
    - i. Cover Page must expose the following information only:
      - In the top right-hand corner of the page, the country's team name followed by "C" for a Claimant Statement or "D" for a Defendant Statement.
      - The year of the HS MCC.
      - The title of the document (i.e., "Statement for Claimant" or "Statement for Defendant").
  - b) Table of Contents.
  - c) List of Sources/Authorities.



- i. The list of sources/Authorities must list all legal authorities cited in any part of the Statement and must indicate the page number(s) of the Statement on which each authority is cited. Citations appearing in the List of Sources/Authorities and footnotes of the Statement must include a description of each authority according to OSCOLA (see: [https://www.law.ox.ac.uk/sites/files/oxlaw/oscola\\_4th\\_edn\\_hart\\_2012.pdf](https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_4th_edn_hart_2012.pdf)).
- d) Statement of Relevant Facts.
  - i. The Statement of Relevant Facts should be limited to facts relevant to the 'Arguments' section in the Statement, and may not include unsupported facts, distortions of stated facts, argumentative statements, or legal conclusions. Each team will be judged on their ability to conform the facts to their arguments without creating new facts or drawing unreasonable inferences from the Case.
- e) Description of Relevant Legislation.
  - i. This section should contain a description of the legislation that is at discussion in this case.
- f) Questions.
  - i. In this section the legal questions the Court is asked to decide on the context of the Case are to be presented. They must be presented as neutral questions, i.e. teams should not state their position on the questions raised in this section.
  - ii. The questions must be precise, relevant to the facts and each question should ideally not be longer than one sentence. While each legal question might have further sub-questions, teams must state only the main legal questions in this section.
- g) Summary of Arguments.



- i. A good Summary of Arguments should consist of a substantive summary of the “Arguments” section of the Statement, rather than a simple reproduction of the headings contained in the Arguments section.
  - h) Arguments.
    - i. Substantive, affirmative legal argument or legal interpretation of the facts of the Case may only be presented in the ‘Arguments’ section of the Statement. This part contains the legal arguments that will back up submissions. It is the most important part of the Statement.
  - i) Pleadings (including Conclusion/Prayer for Relief).

#### **National judicial context**

7. The case will be pleaded before the Italian (Labour) Court. However, the choice of law of the parties is Dutch law. No specific procedural rules apply, other than those indicated in the instructions for oral pleas.
8. According to the Rules of the HS MCC students are challenged to reflect on and argue the case in light of EU Law and the European Convention of Human Rights of the Council of Europe, and the case law and dogmatic interpretations thereof in the literature. Dutch national law is used only as a background to build up the Case and to get access to EU labour law and the European Convention of Human Rights which need to be interpreted in order to find out how the Dutch law is to be applied.
9. Teams should primarily rely on arguments based on:
  - a. EU legislation
  - b. European Convention of Human Rights
  - c. case-law
  - d. relevant academic literature.
10. Case-law arguments should be developed and composed from the following sources: Court of Justice of the European Union, European Court of Human Rights, ILO bodies, The



European Committee of Social Rights, Human Rights Committee in relation to the International Covenant on Civil and Political Rights and International Covenant on Economic Social and Cultural Rights.

### **Submission of Statements**

11. Statements must be sent via e-mail to [hs.mss.cc@hotmail.com](mailto:hs.mss.cc@hotmail.com), which is monitored by the Law-Host Country contact person (dr. Beryl ter Haar for 2018).
12. The Statements must be submitted no later than 18:00 (6:00 p.m.) [Central European Standard Time, GMT+1] on the **1st of May 2018**.
13. Submission must occur in a single e-mail message with both Claimant and Defendant Statements attached as separate files with the following document filenames: country's team name followed by the first letter of the party, C for Claimant and D for Defendant. For example: HungaryC; HungaryD.
14. The submission of the Claimant and Defendant Statements must be in one email with the following information in the subject line: 'Country's team name' C + D.
15. The email should contain no further information.
16. No changes of any kind may be made after submission of Statements to the Law-Host Country contact person.
17. A team that fails to submit both of its Statements - Claimant and Defendant - by 18:00 (6:00 p.m.) [Central European Time, GMT+1] on the 1st of May 2018, risks disqualification. It is the responsibility of the teams to ensure that there are no technical problems with the attached files.
18. In case a team missed the deadline of submission, for whatever reason, its further participation is up to the discretionary decision of the Case Committee members that are also jury-judges. This decision cannot be appealed.



19. The team which submitted Statements will instantly receive a confirmation from the Law-Host Country contact person that files are readable and the team was qualified for HS MCC.

### **Penalties**

20. Non-compliance with the requirements of this Instruction will be penalised with a deduction of penalty points.
  - a. Submission after the deadline 5 points per day
  - b. Missing or additional part 2 points per violation
  - c. Incorrect order of sections 2 points (one-time deduction)
  - d. Incorrect spacing 2 point (one-time deduction)
  - e. Missing or unnecessary information on front page 1 point per violation
  - f. Exceeding the word limit of 12.000 words - 2 points deduction for every 100 words over the word limit
  - g. Use of endnotes 3 points (one-time deduction)

### **Publication Statements**

21. The Organising Committee reserves the right to publish (including webpage of the HS MCC) and disseminate Statements submitted for the HS MCC and will attribute the Statements to the relevant teams during such publication and dissemination.
22. Submission constitutes consent for such publication and dissemination.