

**RULES OF THE
2010–2011
STETSON INTERNATIONAL ENVIRONMENTAL
MOOT COURT COMPETITION**

International Finals



**The International Finals will be held on
March 17–20, 2011
at
University of Maryland School of Law
500 West Baltimore Street
Baltimore, Maryland 21201**

IN COOPERATION WITH THE

Environmental Law Program
University of Maryland School of Law

American Bar Association Section of International Law

American Bar Association International Environmental Law Committees
(Section of Environment, Energy, and Resources, and Section of International Law)

Environmental Law Institute

Beveridge & Diamond PC

Stetson Institute for Biodiversity Law and Policy

Important Dates

Problem distributed	July 7, 2010**
Deadline for requests for clarification of the Record.....	September 29, 2010
Memorial due (must be received by this date)	November 19, 2010
Deadline for protests concerning memorials	ten days after having been posted (memorials will be posted on the Stetson web page once all regionals have concluded)
Optional Orientation and Check-in	March 17, 2011
Preliminary Rounds.....	March 18–19, 2011
Joel Fedder Lecture and Dinner.....	March 18, 2011
Quarterfinal, Semifinal, and Final Rounds.....	March 20, 2011
Awards Ceremony and Closing Reception.....	March 20, 2011

Optional orientation and check-in will be from 5:30–6:30 p.m. on March 17. Check-in on March 18 will begin at 7:30 a.m. and end at 8:30 a.m. The **mandatory first event**, an orientation meeting for coaches and competitors, will begin at **8:45 a.m. on Friday, March 18, in Westminster Hall**. At least one representative of each team must attend. All members are invited to attend. A light breakfast will be served.

The Final Round will start at approximately 1:15 p.m. on March 20. The Awards Ceremony and Closing Reception will last until approximately 4:30 p.m. that day. Baltimore/Washington Thurgood Marshall International Airport is about 20–25 minutes from campus.

All teams are encouraged to attend the Joel Fedder Lecture and Dinner on March 18, as well as the Awards Ceremony and Closing Reception on March 20, during which we will be giving many awards and will also have items for all participants and coaches.

****The problem is available on Stetson’s web site, at: www.law.stetson.edu. Select the “International Programs” button, then the “International Environmental Moot Court” link.**

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A. COMPETITION COMMITTEE AND FORUM

1. “Competition Committee” Defined:

The Competition Committee is comprised of Professor Royal C. Gardner and Professor Brooke Bowman of Stetson University College of Law, Professor Robert Percival of University of Maryland School of Law, and other members who may be appointed to serve. Members of the Competition Committee will not be actively affiliated with any team registered to participate in the Competition.

2. Powers of the Competition Committee:

- a. The Competition Committee has the sole discretion to enforce all Competition rules.
- b. The Competition Committee has the sole discretion to interpret the Competition rules. No interpretation of the Competition rules is valid unless obtained in writing from the Competition Committee.
- c. The Competition Committee has the sole discretion to answer questions about the Record and all other papers that constitute the Problem.
- d. The Competition Committee has the sole power to resolve any dispute that may arise during the Competition.
- e. The Competition Committee has the power to change or supplement the Competition rules, should any changes or supplements become necessary. Changes and supplements will be communicated to participating teams as quickly as possible.

3. Participation of Competition Committee Members:

Unless each affected team consents, members of the Competition Committee will not judge memorials or oral arguments.

4. Questions and Inquiries:

Any questions or inquiries about the Competition should be directed to the Competition Committee **in writing**. To the extent a question or inquiry affects other teams, a copy of each written question and answer will be circulated to all participating teams. The deadline for requests for clarification of the Record is September 29, 2010.

5. Contact with the Competition Committee:

The Competition Committee may be reached at

By mail: International Environmental Moot Court Competition
Attn: Professor Royal C. Gardner
Stetson University College of Law
1401 61st Street South
Gulfport, Florida 33707

By fax: International Environmental Moot Court Competition
Attn: Professor Royal C. Gardner
727-347-3738

By e-mail: gardner@law.stetson.edu

6. Forum:

The problem will be set in the mock International Court of Justice (ICJ). To the extent that the Competition rules are silent, ICJ rules will apply. If an ICJ rule conflicts with a Competition rule, the Competition rule will prevail.

B. REGIONAL AND OTHER QUALIFYING ROUNDS

1. Teams Must Compete in Regional or Other Qualifying Round:

Except as provided below, a team must compete in a regional or other qualifying round before advancing to the International Finals. Regional Rounds are expected to be held in Africa, Central and Eastern Europe, Ireland, Latin America, North India, South India, North America (Atlantic), North America (Pacific), and Southeast Asia before the March 17–20 competition. Memorials submitted from Regional Rounds will be re-graded for the March competition. Any disputes arising out of Regional Rounds shall be resolved by the Regional Coordinators.

2. Advancement to the International Finals:

The top two teams from each regional or other qualifying round will be invited to participate in the International Finals.

3. Teams from Regions without a Regional Round:

In the interest of increasing participation in the Competition, the Competition Committee may establish additional Regional Rounds. In addition, the Committee may extend invitations to teams from regions

where a Regional Round is not held. Such teams will be invited to participate in the International Finals with the understanding that they will consider hosting a Regional Round at their schools in the following year.

C. TEAM COMPOSITION

1. “Team” Defined:

- a. A “team” consists of two or three persons, each of whom satisfies the criteria listed in Section C(2). [**Note:** Some regional rounds may permit up to five team members. While this is permissible in part to encourage broader participation, if a team advances to the International Finals, the team will be restricted to no more than three persons.]
- b. No person may be a member of more than one team, nor may any member of a team discuss the problem or related substantive matters with any member of a different team. Team members may only discuss the problem or related substantive matters with members of their own team.
- c. Only two team members may present arguments or otherwise participate in any particular round (all three may argue during the competition, but only two may argue in any particular round).
- d. All team members may participate in any other aspect of the Competition, including practice rounds, research, and drafting.
- e. Only two team members may sit at counsel table during a round. If there is a third team member, he or she may not communicate with his or her teammates during the round, even if the teammates are not arguing at that particular moment.

2. Qualifications of Team Members:

- a. No team member may hold a law degree from a United States law school.
- b. Each team member must be enrolled in a full-time or part-time Juris Doctorate or equivalent program in the law school they represent. The Competition Committee will determine on an individual basis whether potential team members from countries other than the United States meet these criteria.
- c. Except as noted above, members may not hold or be enrolled in any graduate legal program, such as an LL.M. or S.J.D. program,

or the equivalent.

3. Replacing Team Members:

No team member may be replaced after the team's memorial has been written or substantially written, except with the express written consent of the Competition Committee, which will require a showing of good cause.

4. Coaches and Advisors:

- a. Each team may have one or more coaches.
- b. If a school enters more than one team in the Competition, each team must have a different coach.
- c. Once the record has been released, coaches/advisors may not help the team members with drafting or editing of the memorial. A coach or advisor's assistance must be in accordance with Rule H.1.
- d. Nothing in this rule prevents non-coach, practice-round judges from seeing different teams; however, no person may share substantive information from one team with another team. For example, if an individual serves as a practice judge for one team, he or she may later serve as a practice judge for another team, but may not tell one team what the other team argued during its presentation.

D. SCORING AND AWARDS

1. Breakdown:

- a. Except for the Final Round, scores for each round will be determined by counting the team's memorial score as one-third of the total and oral score as two-thirds of the total.
- b. The oral score will be determined by a panel of judges that does not know the teams' memorial scores.
- c. In the Final Round, the winner will be determined based on the decision of the judges, who will not consider the memorial score.

2. Awards:

- a. The Competition will conclude with the announcement of the following awards:
 - (1) the Competition Champion;

- (2) runner-up;
 - (3) semifinalists;
 - (4) best overall memorial;
 - (5) runner-up memorial;
 - (6) third place memorial;
 - (7) top five oralists in the Preliminary Rounds; and
 - (8) best individual oralist in the Final Round.
- b. To be eligible for the best individual oralist in the Preliminary Rounds, a competitor must argue at least three times. For those who argue four times, the low round score will be dropped.
 - c. The same individual may not win both best oralist awards (the best individual oralist in the Preliminary Rounds and the best individual oralist in the Final Round).

E. MEMORIALS (BRIEFS)

1. Sides:

- a. Each team must submit **either** an Applicant or Respondent memorial to the Competition Committee by November 19, 2010 (for purposes of these rules, the Federal States of Albacares is the Applicant and the Republic of Repelmuto is the Respondent).
- b. Teams will prepare an Applicant or Respondent memorial based on rules for each Regional Round. For example, in the North American Rounds, a team may choose to write for either the Applicant or Respondent. In other regionals, the regional coordinator may leave the choice to a team's discretion, assign a side, or require teams to prepare memorials for both sides.

2. Problem:

- a. The hypothetical facts on which the Competition is based will be drafted by a person or group of persons knowledgeable in the field of international environmental law.
- b. The person(s) who drafts the problem will also prepare—or

supervise the preparation of—a bench memorial that will be provided to persons who judge oral rounds.

3. Format:

- a. The memorial may not exceed **6,500 words** on 8-1/2 x 11-inch pages (or the standard paper used in the courts of the team’s country), with one-inch margins at top, bottom, left, and right. **Footnotes DO count toward the word limit.** Note: Most word processing programs can provide you with a word count.
- b. The memorial must be typed and double-spaced. A team does not violate the double-spacing requirement by including written material properly that is single spaced, such as a block quote.
- c. Each memorial must include the following sections, which **DO** count toward the word limit: statement of facts, summary of argument, argument with point headings, and conclusion.
- d. Each memorial must also include the following sections, which **DO NOT** count toward the word limit: front and back cover pages, table of contents, questions presented, statement of jurisdiction, index of authorities, signature block, affidavit (see Addendum A), and appropriate appendices.
 - (1) **Limit on Use of Authorities:** Teams may not use—in memorials or oral argument—any case issued, order decided, or actions that affect the status of any treaty (for example, signature, accession, ratification, entry into force) after July 7, 2010.
 - (2) **Citations:** All citations must conform to the most current version of either *The Bluebook: A Uniform System of Citation* or the *ALWD Citation Manual* (Aspen Publishers). Teams from outside the United States should make a good effort to comply with proper citation format.
 - (3) **Cover Color:** Each memorial cover (memorials should have front **and** back covers) must be the following color:

Applicant:	Blue
Respondent:	Red
 - (4) **Identification :** To facilitate anonymous grading, names of the team members and the school they represent may appear only on the affidavit **that must be submitted with**

the original memorial (see Addendum A). The affidavit should be clipped to the outside of the original memorial; it should not be bound within the memorial. Do not include the names of team members or the affidavit in any copies. Names of team members and the school must not appear within the memorial itself. **Each team will be assigned an identification number that is to appear in the uppermost right-hand corner of its front memorial cover.**

4. Number and Service on Competition Committee:

- a. Every team must submit one hard copy of its memorial to the Competition Committee. The hard copy will be the official memorial. Any discrepancy between the hard copy and electronic copy, the hard copy memorial will take precedence.
- b. **In addition**, every team must send a copy of the memorial as an e-mail attachment in Word or WordPerfect format. The content of the e-mail attachment should not differ from the content of the hard copies submitted to the Competition Committee (however, the affidavit should not be attached). **Do not send the memorial as a PDF.**
- c. The memorials and e-mail attachments all must be **received** by the Competition Committee no later than 5:00 p.m. (Eastern Time) on November 19, 2010. The Committee will then post each memorial on the Stetson Web site (www.law.stetson.edu; select "International Programs," then select "International Environmental Moot Court Competition"), after **all** regionals have concluded.
- d. All memorials sent to the Competition Committee should be addressed to

International Environmental Moot Court Competition
Attn: Professor Brooke Bowman
Stetson University College of Law
1401 61st Street South
Gulfport, Florida 33707

E-mail: bowman@law.stetson.edu

5. Service on Other Teams:

Teams should not send copies of their memorial to any other team. As noted in paragraph 4(c) above, the Competition Committee will post the

memorials of advancing teams on the Stetson web site.

6. No Changes after Submission:

Once the memorials have been submitted to the Competition Committee, or to any regional competition, no revisions, supplements, or additions will be allowed. In addition, no written material outside the memorial will be accepted.

7. Grading:

- a. Each memorial will be scored by a panel of judges knowledgeable in the areas of international and/or environmental law.
- b. The scores will be averaged and that average will be the memorial score used throughout the International Finals. However, the memorial score will not be used to determine the Final Round winner.
- c. Memorials will be graded for both content and style. The factors memorial judges will consider include, but are not limited to: legal substance; use of authority and extent of research; issue analysis; logic and reasoning; clarity and organization; persuasiveness; thoroughness; style; grammar; spelling; citation frequency and form; and compliance with Competition rules.
- d. Memorial scores will not be released until after the Competition is completed. At that point, the Competition Committee will release a list that reflects each school's ranking.
- e. The minimum score on any memorial will be 60.

8. English:

Each memorial must be submitted in English.

9. Use of Recycled Paper Encouraged:

In keeping with the subject matter of the Competition, the Competition Committee encourages the use of recycled paper when preparing and submitting memorials.

F. ORAL ARGUMENT PROCEDURES

1. **Time and Place:**

- a. All oral arguments will be held at the University of Maryland Law School, Baltimore, Maryland, on March 18–20, 2011.
- b. Courtroom assignments will be provided upon arrival.
- c. The University of Maryland has several mock courtrooms. Depending on the number of participants, classrooms or seminar rooms may also be used for the Competition. Two Preliminary Rounds will be held on March 18, and two Preliminary Rounds will be held on March 19. All teams will have four arguments and will argue as an Applicant and Respondent during the Preliminary Round.
- d.. Please have one team representative check in and pick up important Competition materials **no later than 8:30 a.m.** on March 18 in the Atrium..

2. **Time per Team and Rebuttal Time:**

- a. Each oral round will be limited to sixty minutes; each team will have thirty minutes.
- b. Teams representing the Applicant in a round may reserve up to five minutes of their time for rebuttal by (1) informing the timekeeper before the round how much rebuttal time will be reserved and the time breakdown for each team member, **and** (2) requesting rebuttal time from the presiding judge at the start of Applicant's argument.
- c. Only one team member may argue on rebuttal; either participating member may give rebuttal. The team member arguing the rebuttal does not need to be designated in advance of the argument.
- d. Previously reserved rebuttal time may be waived by the Applicant following the close of Respondent's argument. However, the Applicant may not otherwise reallocate rebuttal time once the round begins.
- e. Sur-rebuttal by the Respondent will not be allowed.
- f. Each participating team member must intend to speak for at least ten minutes (in addition to rebuttal time).

- g. Nothing in this rule requires a 50/50 split of time between co-counsel.

3. Anonymity:

- a. Although counsel may introduce themselves to the tribunal in the usual manner, the team's law-school affiliation may not be mentioned at any time before, during, or **after** the oral argument (because some judges may preside in more than one round).
- b. Further, all team members, coaches, advisors, and observers must refrain from identifying a team's school at any time and in any manner, including, but not limited to, wearing any identifying items, such as school clothing, patches, or pins, or carrying identifying material (such as a notebook with a school logo).
- c. Each team will be provided with a table card with the school's team number. The card should be placed on counsel table facing the judges at the beginning of the round and should remain on the table throughout the round.

4. Contact with Judges:

- a. All team members and individuals affiliated with a team are prohibited from speaking with the judges before a round.
- b. Also, since individuals may judge more than one round, until a team is eliminated from the Competition, team members and individuals affiliated with the team should not speak with judges about any substantive matters or teams' identifications.

5. Judges and Judging Criteria:

- a. Barring unforeseen circumstances, each round will be judged by at least three persons.
- b. Judges will be provided with a copy of the bench memorial and the problem.
- c. Oral argument judges will **not** be provided with copies of the participants' memorials.
- d. Each judge will score each participating team member; the judges' scores for that round will be added to determine the team's oral-argument score for a round.

- e. The scores of all judges will be averaged to determine the oral-argument portion of a team's score.
- f. Each judge will receive a grading form outlining the factors to be considered during the judging process; the grading form will also identify what excellent, average, and below average scores should be in each category.
- g. The factors to be considered include, but are not limited to: organization and clarity; analysis and thoroughness; knowledge of facts and law; courtroom manner and style; ability to answer questions and control argument; persuasiveness; and professionalism.

6. Critiques:

Each judge will be requested to provide a short oral critique at the end of each round. Judges' scores will not be released until after the Competition.

7. Announcements:

- a. After all Preliminary Rounds have been completed, the eight teams advancing to the Quarterfinal Round will be announced.
- b. After the Quarterfinal Rounds have been completed, the four teams advancing to the Semifinal Rounds will be announced. Similarly, after the conclusion of the Semifinal Rounds, the two teams advancing to the Final Round will be announced.
- c. The winner of the Final Round will be announced during the Awards Reception.

8. Stetson and Maryland's Participation:

Stetson and Maryland may not enter a team in the International Finals.

9. English:

All oral arguments will be conducted in English. Judges may take into consideration that English is a team's second language in scoring the competition.

10. Visual Aids:

Visual aids and other similar devices may not be used during oral

argument.

G. SEQUENCE OF ORAL ROUNDS/ADVANCEMENT

1. Preliminary Rounds:

- a. Four Preliminary Rounds will be held.
- b. Each team will argue in each Preliminary Round.
- c. Each team will argue on- and off-memorial at least once in the Preliminary Rounds.
- d. During the first two Preliminary Rounds, teams will be power-protected based on memorial score (higher memorial scores compete against lower memorial scores).
- e. During the last two Preliminary Rounds, teams will be power-matched based on their record in the first two Preliminary Rounds (highest-ranked team competes against second highest-ranked team, etc.). The Competition Committee will alter the power-matched rankings so that teams will not compete against any team more than once during the Preliminary Round.
- f. ***We will endeavor, but cannot promise, to make the schedules for the first two rounds available the evening before the competition; we will post that information in the Atrium.***
- g. Each team will be scored on a combination of its average memorial score and average oral score (1/3 memorial and 2/3 oral).
- h. Each team's score will be compared to its opponent's score in that round, and the differential determined.
- i. The teams with the best won-lost records will advance to the Quarterfinal Round.
- j. In the event of a tie in won-loss records, the team winning the highest percentage of judges' ballots during the four Preliminary Rounds will advance.
- k. If a tie occurs on ballots, the team with the highest positive point differential over its opponents during the four Preliminary Rounds will advance.
- l. The Competition Committee will not change pairings simply

because teams from the same school are scheduled to argue against one another.

2. Quarterfinal Rounds:

- a. The eight highest-ranking teams from the Preliminary Rounds will advance to the Quarterfinal Rounds.
- b. The highest-ranking team will argue against the lowest-ranking team. The higher-ranked team will choose which side they wish to represent.
- c. The top four highest ranking teams will advance to the Semifinal Rounds, based on memorial scores and oral scores earned during the Quarterfinal Rounds. Advancement will be determined in the manner described in paragraphs G(1)(g)–(k).

3. Semifinal Rounds:

- a. The four highest-ranking teams will advance to the Semifinal Rounds.
- b. The highest-ranking team will argue against the lowest-ranking team. The higher-ranked team will choose which side to represent.
- c. The two highest-ranking teams will advance Final Round, based on memorial scores and oral scores earned during the Semifinal Round. Advancement will be determined in the manner described in paragraphs G(1)(g)–(k).

4. Final Round:

- a. The top two highest-ranking teams will meet in the Final Round.
- b. The winner of the Final Round will be determined solely on the basis of oral presentation in the Final Round. The judges will caucus to determine the winning team and the best oralist in the Final Round. The judges are not obligated to use score sheets.
- c. The winner of the Final Round will be designated the Competition Champion.

H. OUTSIDE ASSISTANCE

1. Assistance on Memorials:

- a. A team may receive only the following assistance on the memorial:
 - (1) Team members may discuss with their coach and with others affiliated with their school (as long as other rules contained herein are not violated) general principles of international environmental law.
 - (2) The coach may provide general guidance on the overall organization of the brief, but may not assist with the actual writing and may not edit the paper or correct citation format.
 - (3) Teams for which English is a second language may seek assistance within their schools regarding English grammar and spelling.
- b. A team may hold oral practice rounds before its memorial is submitted to the Competition Committee or to a regional competition.

2. Affidavit:

- a. Each team member must sign a copy of the enclosed affidavit, which must be submitted with the original memorial to the Competition Committee.
- b. By signing the affidavit and submitting a memorial to the Competition, each team member certifies that the memorial has been prepared in accordance with the Competition rules, and that it represents the work product solely of such team's members.
- c. A blank affidavit is attached as Addendum A.

3. Assistance on Oral Argument:

A team may be assisted in the preparation of its oral argument, except as limited by Section H(4).

4. No Collaboration with Other Teams:

- a. No member or coach of any team still eligible to participate or actually participating in the Competition may attend any practice or argument of another team or receive information from any person

who has attended such practice or argument.

- b. In addition, while a team is still active in the Competition, no team member, coach, or other affiliated person may “scout” other active teams.
- c. If a school sends two teams, and one team is eliminated but the other is still active, both schools will then be treated as one team, for purposes of this rule only.

I. CHALLENGES AND DISPUTE RESOLUTION

1. Memorials and Pre-Oral Argument Challenges:

- a. Any complaint or challenge of a memorial or any other pre-oral argument matter must be submitted in writing to the Competition Committee no later than ten days after the memorials have been posted on the Stetson web site.
- b. Should the allegedly offensive conduct occur after that time, the complaint should be submitted within twenty-four hours of its discovery.
- c. The complaint or challenge should be directed to the Competition Committee and should specify in as much detail as possible the nature of the complaint or challenge. No other person should be copied on the complaint or challenge.
- d. After reviewing the complaint or challenge, the Competition Committee will, if necessary, contact other affected teams and issue a ruling.
- e. The ruling of the Competition Committee will be final and may not be appealed.

2. Oral Arguments and Other Competition Challenges:

- a. Complaints or challenges concerning any oral argument or conduct during the Competition must be reported to the Competition Committee within ten minutes of the conclusion of the round in which the allegedly offensive conduct occurs.
- b. Conclusion of the round, for purposes of this rule, will be the end of the Applicant’s rebuttal period.
- c. Complaints or challenges that occur during the Competition that do

not relate to a particular oral argument should be reported to the Competition Committee as soon as possible, but in no event later than fifteen minutes before the next-scheduled oral argument round.

3. Conflicts of Interest:

A judge's alleged conflict of interest should be reported to the Competition Committee before that particular round commences. Otherwise, the conflict is deemed waived.

4. Penalties:

Penalties may range from warnings, to point deductions, to disqualification, depending on the nature and severity of the offense. Multiple offenses by a single team will warrant more severe penalties.

5. Waiver:

Failure to comply with the procedures in Section I will waive the complaint or challenge.

J. MISCELLANEOUS

1. Use of Problem:

The problem for this Competition may not be used by any participating school, for any reason, including intra-school competitions, without the express written consent of the Competition Committee. The Competition Committee has granted permission for the problem to be used in the African Rounds, Central and Eastern European Rounds, Irish Rounds, North Indian Rounds, South Indian Rounds, North American (Atlantic) Rounds, North American (Pacific) Rounds, the Latin American Rounds, and the Southeast Asian Rounds to select teams to participate in the International Finals.

2. Scores:

Scores will not be made available, either orally or in writing, until the Competition is completed. After the Competition, the Competition Committee will provide scores and/or rankings to each school's designated representative.

3. Professionalism:

All teams should conduct themselves ethically and with professionalism.

4. Costs:

All costs associated with the Competition should be borne by the schools of individual team members or by individual team members. Stetson and Maryland will not reimburse participants for costs associated with the Competition.

ADDENDUM A:

AFFIDAVIT

We have read the Rules of the Stetson International Environmental Moot Court Competition. Our memorial submitted was prepared in accordance with the Competition Rules; we have not received any unauthorized assistance. Please print each team member's name under the signature, as you would like the name to appear on participation certificates.

School: _____

Team Members: (1) _____

(Print clearly) (2) _____

(3) _____

Coaches: _____

(Please print your names as you wish them to appear on a certificate)

Signatures (1) _____

of team (2) _____

members: (3) _____

Date: _____

Memorial Word
Count: _____

Memorial Number: _____