



**RULES OF THE 2008
INTERNATIONAL ENVIRONMENTAL
MOOT COURT COMPETITION**

Latin American & Caribbean Rounds

**The Latin American Rounds will be held on February 12–15, 2009
at
Belo Horizonte, Minas Gerais, Brasil**

JOINTLY PROMOTED BY:

UNIVERSIDADE FEDERAL DE MINAS GERAIS

CENTRO UNIVERSITÁRIO NEWTON PAIVA

AND

STETSON UNIVERSITY COLLEGE OF LAW



IMPORTANT DATES

Problem distributed June 20, 2008**

Teams select client Rolling basis starting on 21 September, 2008, At 12:00 a.m. BRT (GMT -3 hours) and continuing until all teams have been selected or been assigned a side, but no later than November 01, 2008.

Memorial due November 21, 2008, 11:59 p.m. BRT (GMT –3 hours)
(electronic version must be received by this date)

Regional Rounds Check In February 12,

Orientation Meeting February 12

Preliminary Rounds February 12, 13 and 14, 2009

Advanced Rounds February 15, 2009

Final Rounds and Awards February 15, 2009

International Finals (Gulfport - Florida, USA) March 25–28, 2009

**The Record and Clarifications are available on Stetson’s Web site (@ <http://justice.law.stetson.edu/environmental/>) and on the Latin American and Caribbean Rounds Web site (<http://gedi.objectis.net/stetson>).



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A. REGIONAL COMPETITION COMMITTEE, NATIONAL COMPETITION COMMITTEE AND FORUM

1. “Regional Competition Committee” Defined:

The Regional Competition Committee is comprised of five members. Members of the Regional Competition Committee will not be actively affiliated with any team registered to participate in the Competition.

2. “International Competition Committee” Defined:

The International Competition Committee is comprised of Professor Royal C. Gardner, Professor Brooke Bowman, and Associate Dean John F. Cooper of Stetson University College of Law, and other members who may be appointed to serve. Members of the International Competition Committee will not be actively affiliated with any team registered to participate in the Competition.

2. Powers of the Regional Competition Committee:

- a.** The Regional Competition Committee has the sole discretion to enforce all Regional Rounds Competition rules.
- b.** The Regional Competition Committee has the sole discretion to interpret the Regional Rounds Competition rules. No interpretation of the Regional Competition rules is valid unless obtained in writing from the Regional Competition Committee.
- c.** The Regional Competition Committee has the sole power to resolve any dispute that may arise during the Competition.
- d.** The Regional 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.

e. The Regional Competition Committee decisions will, where applicable, be in accordance to the International Rounds Rules. To ensure such conformity the Regional Competition Committee may consult with the International Competition Committee.

3. Powers of the International Competition Committee:

a. The International Competition Committee has the sole discretion to answer questions about the Record and all other papers that constitute the Problem.

b. The International Competition Committee has the sole discretion to enforce the rules of the International Rounds, to interpret such rules, to resolve disputes and to change and supplement such rules.

4. Participation of Competition Committees Members:

Unless each affected team consents, members of the Competition Committees, Regional and International, will not judge memorials or oral arguments.

5. Questions and Inquiries:

Any questions or inquiries about the Competition should be directed to the Regional Competition Committee in writing, except for those concerning the Record and all other papers that constitute the Problem that will be answered by the International Competition Committee in accordance with topic 3.a above. 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.



6. Contact with the Competition Committees:

The Regional Competition Committee shall be reached as follows:

By Mail: Centro Universitário Newton Paiva

Attn: Prof. Dr. William Ken Aoki

Av. Presidente Carlos Luz, 220, Caiçara

31230-010 – Belo Horizonte/MG – BRAZIL

By Fax: Centro Universitário Newton Paiva

Attn: Prof. Dr. William Ken Aoki

+ 55 31 9306 0442

By e-mail: To: Mr. Matheus Henrique Costa Maia
(stetsonlar2009@gmail.com) and copied to mhenrique.m@hotmail.com

For urgent matters only, by telephone: (** 55 31) 9306-0442

The International Competition Committee may be reached as follows:

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

727-347-3030

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

7. 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. TEAM COMPOSITION

1. “Team” Defined:

- a. A “team” consists of two or three persons, each of whom satisfies the criteria listed in Section B (2).
- 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.
- c. Only two team members may present arguments or otherwise participate in any particular round (all three may argue, but only two in any argument).
- 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.

2. Qualifications of Team Members:

- a. Teams from Latin America and Carib are eligible to participate in the Regional Rounds.
- b. No team member may hold a law degree from a U.S. law school.
- c. 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 Regional Competition Committee will determine on an individual basis whether potential team members meet these criteria. Students from courses other than Law will have their acceptance evaluated by the Regional Rounds Committee.
- d. 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. Under special circumstances, the Regional Competition



Committee may consider students that do not comply with this rule eligible to participate in the competition.

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 Regional 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. 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.

C. 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 Regional Rounds will conclude with the announcement of:

1. the Latin American Rounds Champion;
2. runner-up;
3. best overall memorial;
4. runner-up memorial;
5. third place memorial;
6. at least the top three oralists in the Preliminary Rounds;
7. best individual oralist in the Final Round; and
8. the teams advancing to the International Finals (two teams).

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.

D. REGISTRATION

1. Sides:

a. Each team must submit either an Applicant or Respondent memorial.

b. The team may choose—on a first-come, first-served basis described in Section D (2) below—which side to represent on the memorial.

c. The team will then represent the side for which they write the memorial in all oral rounds.

d. If a school has entered two teams, one team must write for Applicant and the other must write for Respondent. The acceptance of the second team will depend on acceptance by the Regional Competition Committee. For deciding upon the acceptance of the second team the



Regional Competition Committee will take into account the number of teams registered.

2. Selecting Sides/Giving Notice:

a. Beginning at 12:00 a.m. BRT on September 21, 2008, and ending at 11:59 p.m. on November 1, 2008, a representative of each team must send to the Regional Competition Committee by e-mail a statement indicating which side (Applicant or Respondent) the team desires to represent in the Competition.

b. Early submissions will not be accepted.

c. Sign-ups are on a first-come, first-served basis, as we must have an even number of Applicant and Respondent teams.

d. The Regional Competition Committee will notify teams about their assignments as they are requested. Notifications will be made on a rolling basis, usually within 72 hours of receipt of a request, except for the second team of each school as per rule D.1.d.

e. Teams that do not indicate a preference will be assigned a side. If a school enters two teams, the team that responds first will be given its choice of side; the other team from that school must then represent the other side.

3. Competition Fees:

a. After notified of their respective team sides, teams will be instructed on how to proceed with the payment of the registration fees.

b. The Registration fees are:

- For Brazilian teams: R\$ 200,00 (two hundred reais).

- For other teams: 120 USD (one hundred and twenty US Dollars)

c. Registration will only be considered completed until the Regional Competition Committee confirms the receipt of fees.

- d. Team's Registrations give team members the right to participate in other academic activities conducted in conjunction with the competition without payment of other fees.
- e. The bank account used for payment of registration fee, is disponible at: <http://gedi.objectis.net/stetson>

E. MEMORIALS (BRIEFS)

1. 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.
- c. The bench memorial will not be provided to persons who judge the memorials.

2. Format:

- a. The memorial may not exceed 6,500 words on 8-1/2 x 11-inch pages or 8.27 x 11.69-inch pages, 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 november 15, 2008.

(2) Citations: Teams should make a good effort to comply with proper uniform citation format, preferably, but not necessarily, in conformity with to the most current version of either The Bluebook: A Uniform System of Citation or the ALWD Citation Manual (Aspen Publishers).

(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 the 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.



3. Number and Service on Regional Competition Committee:

a. Every team must send a copy of the memorial to stetsonlar2009@gmail.com and copy it to mhenrique.m@hotmail.com as an e-mail attachment in Word or WordPerfect format. The email shall be received by november 21, 2008, 11:59 p.m. BRT. In addition copies to opposing teams of the preliminary rounds, previously assigned by the Regional Competition Committee shall be sent on the same date. The content of the e-mails attachment should not differ from the content of the hard copies submitted to the Regional Competition Committee (however, the affidavit should not be attached). **Do not send the memorial in PDF.**

b. Teams must submit three hard copies (this number includes the original) of their memorial to the Regional Competition Committee, which shall be posted no later than November 22, 2008, AND shall arrive to the Regional Committee no later than November 29, 2008.

c. All memorials sent to the Regional Competition Committee should be addressed to:

Centro Universitário Newton Paiva
Attn: Prof. Dr. William Ken Aoki
Av. Presidente Carlos Luz, 220, Caiçara
31230-010 – Belo Horizonte/MG – BRAZIL

4. Copies of Memorials:

Copies of the bound, printed memorial must be identical reproductions of the original memorial.

5. Service on Other Teams:



Teams should not send hard copies of their memorial to any other team.

6. No Changes after Submission:

Once the memorials have been submitted to the Regional Competition Committee, 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 Competition. However, the memorial score will not be used to determine the Final Round winner.
- d. Memorials will be graded for both content and style. The factors memorial judges will consider include, but are not limited to: legal substance; style; form; use of authority and extent of research; issue analysis; logic and reasoning; clarity and organization; persuasiveness; thoroughness; and compliance with Competition rules. The compliance with rules will be evaluated by the Regional Competition Committee and not by judges.
- e. Memorial scores will not be released until after the Competition is completed. At that point, the Regional Competition Committee will release a list that reflects each school's ranking.
- f. The minimum score on any memorial will be 60.

8. Official Language:

Each memorial must be submitted in English.

9. Use of Recycled Paper Encouraged:



In keeping with the subject matter of the Competition, the Competition Committees 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 in Belo Horizonte, Minas Gerais State, Brazil on February 12-15, 2009
- b. Courtroom assignments will be provided upon arrival.
- c. Preliminary Rounds will be held on February 13 and 14. We anticipate that the last Preliminary Round on February 15 will begin at approximately 8:00 a.m.
- d. Please have one team representative check in and pick up important Competition materials no later than 6:30 p.m. on February 12 during the opening ceremony. An orientation meeting will be held on the same date at 8:30 p.m. Please also contact the Regional Competition Committee upon your arrival in Belo Horizonte.
- e. Directions to the Competition Site will be sent to the teams.

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.
- 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 cocounsel.

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 an "Applicant" or "Respondent" table card that also contains 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: poise and courtroom manner; analysis, organization, and clarity; thoroughness; control of argument; persuasiveness; professionalism; response to questions; and knowledge of facts and controlling law.

6. Critiques:

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



7. Announcements:

- a. During the Preliminary Rounds, the winner of each round will be announced at the conclusion of that round.
- b. After all Preliminary Rounds have been completed the two teams advancing to the Final Round will be announced.
- c. The winner of the Final Round, as well as the two teams advancing to the International Finals, will be announced during the Awards Reception.

8. Bye Teams:

- a. In case a team drop from the Competition, and leave an odd number of competing teams, or in case an odd number of teams otherwise be registered and ready to compete, the Regional Competition Committee may invite a bye team into the Regional Competition to ensure that an even number of teams is competing.
- b. A bye team may be composed from students from a school already represented by two other teams.
- c. A bye team may not advance past the Preliminary Rounds and its members will not be eligible for any award. Bye teams will not write a memorial; the memorial score used for a bye team will be the average of all memorials submitted by teams in the Competition.

9. Official Language:

All oral arguments will be conducted in English.

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. During the Preliminary Rounds, each team will represent the SAME side in each round (e.g., teams that wrote for the Applicant will argue for the Applicant in each round).
- f. The Regional Competition Committee will endeavor to make the schedules for the preliminary rounds available before January 22.
- 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. When determining which teams advance, Applicant teams will be judged against other Applicant teams; Respondent teams will be judged against other Respondent teams.
- j. Given that parameter, the teams with the best won-lost records will advance to the Final Round.
- k. 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.
- l. If a tie occurs on ballots, the team with the highest positive point differential over its opponents during the four Preliminary Rounds will advance.
- m. The Regional Competition Committee will not change pairings simply because teams from the same school are scheduled to argue against one another.



2. Semifinal Rounds:

The two top Applicant and the two top Respondent teams of the Quarterfinals will advance to the Semifinals. The semifinals rounds will be held on the morning of February 15.

3. Final Round:

- a. The top Applicant and the top Respondent team from the semifinals will meet in the Final Round.
- b. In case both Applicants or both Respondent teams win their respective semifinal round, the team winning by highest percentage of judges' ballots and the team losing by the lowest percentage of judges' ballots during the semifinal round will advance to the Final.
- c. If a tie occurs on ballots, the team with the highest positive point differential over its opponent and the team with the lowest differential of points over its opponent will advance to the Final.
- d. 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.
- e. The winner of the Final Round will be designated the Regional Rounds Champion.

4. Advancement to International Finals:

The two teams advancing to the Regional Final Rounds will advance to the International Finals, to be held March 25–28, 2009, at Stetson University College of Law's Gulfport – FL, campus.



H. OUTSIDE ASSISTANCE

1. Assistance on Memorials:

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 may seek assistance within their schools regarding English grammar and spelling.

2. Affidavit:

- a. Each team member must sign a copy of the enclosed affidavit, which must be submitted with the original memorial to the Regional 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 G (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 rules must be submitted in writing to the Regional Competition Committee no later than 5:00 p.m. BRT, on October 25, 2008.
- b. Should the allegedly offensive conduct occur within one week of the first oral argument, the complaint should be submitted within twenty-four hours of its discovery.
- c. The complaint or challenge should be directed to the Regional 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 Regional Competition Committee will, if necessary, contact other affected teams and issue a ruling.



e. The ruling of the Regional 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 Regional 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 Regional 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 Regional 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 H will waive the complaint or challenge.

J. MISCELLANEOUS

1. Use of Problem:

a. 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 International Competition Committee. The International Competition Committee has granted permission for the problem to be used in the Australian Rounds, North Indian Rounds, South Indian Rounds, the North American Rounds, the Latin American Rounds, and the Southeast Asian Rounds to select teams to participate in the International Finals.

b. The International Competition Committee will not grant any team permission to use the current year's problem to select that school's Competition team.

2. Scores:

Scores will not be made available, either orally or in writing, until the Competition is completed. After the Competition, the Regional 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 will not reimburse participants for costs associated with the Competition.



ADDENDUM A:

AFFIDAVIT

We have read the Rules of the 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: _____

(Print clearly) _____

Coaches: _____

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

Signatures _____

of team _____

members: _____

Date: _____

Memorial Word _____

Count: _____

Memorial Number: _____