

**RULES OF THE 2007
INTERNATIONAL ENVIRONMENTAL
MOOT COURT COMPETITION**

North American Rounds



**The North American Rounds will be held on
November 7–8, 2007
at
Stetson University College of Law
Tampa, Florida**

IN COOPERATION WITH THE

American Bar Association
Section of Environment, Energy and Resources
and
Section of International Law
International Environmental Law Committees
Stetson Advocacy Board

Stetson University Institute for Biodiversity Law and Policy

Important Dates

| | |
|----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Problem distributed | May 22, 2007** |
| Teams select client..... | Rolling basis starting on May 29, 2007, at 9:00 a.m. Eastern time and continuing until all teams have been selected or been assigned a side, but no later than 5:00 p.m. on September 14, 2007. |
| Memorial due (must be received by this date) | October 16, 2007 |
| Protests concerning memorials | October 30, 2007 5:00 p.m. Eastern time |
| Preliminary Rounds (Tampa) | November 7, 2007 |
| International Dinner for participants, coaches, and guests (Tampa)..... | November 7, 2007 (at about 7:30 p.m.) |
| Fourth Preliminary and Final Rounds (Tampa) | November 8, 2007 |
| Awards Reception (Tampa)..... | November 8, 2007 |
| Distinguished Lecture and International Dinner (Gulfport)..... | November 8, 2007 |
| International Finals (Gulfport)..... | November 9–10, 2007 |

Check in will begin at 7:15 a.m. on November 7 and end at 7:45 a.m. that day. The **mandatory first event**, an orientation meeting for coaches and competitors, will begin at **8:00 a.m. on Wednesday, November 7**. 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 noon on November 8. The Awards Reception will last until approximately 2:30 p.m. that day.

All teams are encouraged to attend the Awards Reception, as we will be giving many awards and also will have items for all participants and coaches.

All teams also will be invited to a distinguished lecture and dinner on the evening of Thursday, November 8, 2007, at the Gulfport campus.

****The problem will be made available on Stetson's Web site, at: www.law.stetson.edu. Select the "International Programs" button, then the "2007 International Environmental Moot Court" link.**

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DIRECTIONS TO TAMPA CAMPUS ATTACHED AS LAST PAGE.

A. **COMPETITION COMMITTEE AND FORUM**

1. **“Competition Committee” Defined:**

The 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 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.

5. **Contact with the Competition Committee:** The 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

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. 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 North America and the Caribbean are eligible to participate in the North American 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 Competition Committee will determine on an individual basis whether potential team members from countries other than the United States meet these criteria.
- 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.

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. 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 North American Rounds will conclude with the announcement of:
 1. the North American Rounds Champion;
 2. runner-up;
 3. best overall memorial;
 4. runner-up memorial;
 5. third place memorial;
 6. at least the top five oralists in the Preliminary Rounds;
 7. best individual oralist in the Final Round; and
 8. the four teams advancing to the International Finals.
- 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. MEMORIALS (BRIEFS)

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.

2. Selecting Sides/Giving Notice:

- a. Beginning at 9:00 a.m. Eastern Time on May 29, 2007, and ending at 5:00 p.m. on September 14, 2007, a representative of each team must send to the Competition Committee, either by e-mail or fax, 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 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.
- 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. 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.

4. Format:

- a. The memorial may not exceed **6,500 words** on 8-1/2 x 11-inch pages (or, for non-U.S. teams, 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 May 22, 2007.

(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). Non-U.S. teams 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 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.**

5. Number and Service on Competition Committee:

- a. U.S. teams must submit six copies (this number includes the original) of their memorial to the Competition Committee.
- b. Non-U.S. teams must submit two copies (the original and one copy) of their memorial to the Competition Committee.
- c. **In addition, every team** must send a copy of the memorial to gardner@law.stetson.edu 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 in PDF.
- d. The memorials and e-mail attachments all must be **received** by the Competition Committee no later than 5:00 p.m. (Eastern Time) on October 16, 2007. 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"). We expect all memorials to be posted on the Stetson Web site no later than October 18, 2007.
- e. All memorials sent to the Competition Committee should be addressed to:

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

E-mail: gardner@law.stetson.edu

6. Copies of Memorials:

- a. Copies of the bound, printed memorial must be identical reproductions of the original memorial.
- b. Copies should be reproduced by any duplicating or copying process that produces a clear black image on 8-1/2 x 11-inch white paper (or, for non-U.S. teams, the standard paper used in the team's country).
- c. All copies are to be bound at the left margin in a manner that allows

the memorial to lie flat when open (such as spiral or comb binding; please do not use staples).

- d. Carbon copies may not be submitted.

7. Service on Other Teams:

Teams should not send copies of their memorial to any other team. As noted in paragraph 5 above, the Competition Committee will post each memorial on the Stetson Web site.

8. No Changes after Submission:

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

9. Grading:

- a. Each memorial will be scored by a panel of judges knowledgeable in the areas of international and/or environmental law.
- b. Individuals who judge the memorials will not judge the oral rounds.
- c. 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; grammar; spelling; form; use of authority and extent of research; issue analysis; logic and reasoning; clarity and organization; persuasiveness; thoroughness; and compliance with Competition rules.
- e. 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.
- f. The minimum score on any memorial will be 60.

10. English: Each memorial must be submitted in English.

11. 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.

E. ORAL ARGUMENT PROCEDURES

1. Time and Place:

- a. All oral arguments will be held on the Stetson University College of Law campus in Tampa, Florida, on November 7–8, 2007.
- b. Courtroom assignments will be provided upon arrival.
- c. The Tampa campus has the William Reece Smith, Jr. Courtroom, which is used by the Florida Second District Court of Appeal. Some classrooms and seminar rooms will also be used for oral arguments.
- d. Three Preliminary Rounds will be held on November 7. We anticipate that the Fourth Preliminary Round on November 8 will begin at approximately 9:00 a.m.
- e. Please have one team representative check in and pick up important Competition materials no later than 7:45 a.m. on November 7 at the Competition Headquarters on the Tampa campus.
- f. Directions to the Tampa campus are attached to the end of these rules. Directional signs will be posted the morning of the Competition.

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 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 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 four teams advancing to the International Finals, will be announced during the Awards

Reception.

8. Stetson's Participation:

- a. Stetson may not enter a team in the North American Rounds.
- b. If, however, a team should drop from the Competition, and leave an odd number of competing teams, or should an odd number of teams otherwise be registered and ready to compete, Stetson may also enter one or more bye teams into the Competition to ensure that an even number of teams is competing. 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. English; Interpreters; Practice Round for Non-U.S. Teams:

All oral arguments will be conducted in English. Stetson may attempt to provide some language assistance to teams for which English is a second language. Such assistance will be limited to translating words or phrases on an as-needed basis. In addition, Stetson may host one practice round for teams for which English is a second language. The practice round will focus primarily on aspects of appellate advocacy, not substance. No actual judges or U.S. teams—other than a Stetson bye team—will participate in any practice round. Any practice round will be held before the start of rounds on November 7.

- 10. Visual Aids:** Visual aids and other similar devices may not be used during oral argument.

F. 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).
- 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 Applicant team competes against highest-ranked Respondent team, etc.).
 - 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 on the door to the Competition Headquarters.***
 - 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 Competition Committee will not change pairings simply because teams from the same school are scheduled to argue against one another.
- 2. Quarterfinal and Semifinal Rounds:** There will be no Quarterfinal or Semifinal Rounds. Because the field is expected to be limited to 16 teams, each team will have the opportunity to argue four times in the Preliminary Rounds.
- 3. Final Round:**
- a. The top Applicant and the top Respondent team 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 North American Champion.

4. Advancement to International Finals:

- a. Four teams from the North American Rounds may advance to the International Finals, to be held November 9–10, 2007, at Stetson University College of Law's Gulfport campus.
- b. The two teams advancing to the North American Final Round will advance to the International Finals. In addition, based on the results of the Preliminary Rounds, the second-ranked Applicant and the second-ranked Respondent also will advance to the International Finals.

G. 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.

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 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.

H. CHALLENGES AND DISPUTE RESOLUTION

1. Memorials and Pre-Oral Argument Challenges:

- a. Any complaint or challenge of a memorial or any other pre-oral Committee must be submitted in writing to the Competition Committee no later than 5:00 p.m. Eastern Time on October 30, 2007.
- 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 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 H will waive the complaint or challenge.

I. 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 Competition Committee. The 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 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 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: _____

Tampa Campus Directions Link:

<http://www.law.stetson.edu/general/directions.htm#tampa>