INTER-AMERICAN SUSTAINABLE DEVELOPMENT LAW
MOOT COURT COMPETITION

2012 OFFICIAL RULES

Fundação Getúlio Vargas – Rio
Law School
Center on Law and Environment

and

Tulane University
Law School
The Payson Center for International Development

and

Universidad de los Andes
Facultad de Derecho
Grupo de Derecho de Interés Público
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DEFINITIONS

Additional Copy shall mean that brief which is submitted to the Board in accordance with Rule 7.3 (e).

Bench Memorandum shall mean the memorandum prepared by the Board in order to provide judges with a background of the Problem as well as legal issues raised in the Competition.

Board shall mean the administrative board for the Competition, composed of faculty, administration, and student chairs from FGV and Tulane. (See Rule 1.3)

Certification shall mean the certification by each Team that its members have complied with the rules for writing the brief, as required under Rule 7.3 (f).

Competition shall mean the 2012 Inter-American Sustainable Law Moot Court Competition.

Competitor shall mean each of the individual members of a Team.

FGV shall mean Programa de Direito e Meio Ambiente - Fundação Getúlio Vargas Law School.

Tulane shall mean the Payson Center for International Development of Tulane University Law School.

Memorial shall mean that brief which is submitted to the Board in accordance with Rule 7.3 (d).

Problem shall mean the hypothetical case for the Competition.

Rules shall mean these Official Rules for the 2012 Inter-American Sustainable Law Moot Court Competition.

Team shall mean a team that has officially registered to attend and compete in the Competition.

Team Member shall mean each of the individual members of a Team.

Team Number shall mean the number assigned to each Team for identification purposes.
RULE 1. ORGANIZATION OF THE COMPETITION

1.1 General. The Competition is an annual moot court competition established to develop appellate expertise in international sustainable development law. Based on a Problem drafted by the Board, each Team will present a written brief and participate in oral argument sessions before a panel of judges.

1.2 Date and Location of the Competition. The oral argument sessions for the 2012 Competition shall be held in Rio de Janeiro on the dates determined by the Board. The Board reserves the right to determine another time or location as circumstances require.

1.3 Board. The Board for the Competition is composed of faculty, administration, and student chairs from FGV and Tulane. The Board is responsible for implementation of this Competition and the enforcement of its official rules. The Board may make its own rules and procedures.

1.4 Deadlines. Each year the Board shall distribute or otherwise make available to Teams a list of deadlines for the Competition. For 2012, the relevant deadlines are as follows:

- November 15th, 2011: Registration deadline
- January 5th, 2012: Deadline for Clarifications of Rules and Problem
- January 20th, 2012: All Team briefs due by 5:00 p.m. (ADT)

1.5 Fees. The fees for participation in the Competition shall be determined by the Board. For 2012, the fee for each Team shall be $200.00 USD.

a. Alternate Currencies. The Board may, in its discretion, permit a Team to pay the fee in another currency, although this practice generally will not be allowed.

1.6 Visa Information. It is the sole responsibility of each Competitor to ensure that he or she has the necessary visa for travel to Brazil, if required and if travelling from abroad. The visa that is required for participation in the Competition is that of a tourist (not student). Questions about obtaining a visa should be directed to the nearest Brazilian embassy or consulate.

RULE 2. PARTICIPATION AND ELIGIBILITY

2.1 Team Composition. Each Team shall be composed of two or three law students, each of whom must comply with Rule 2.4 at the time of brief writing and oral argument. There are to be no alternate Team Members. Each Team Member must argue in at least one preliminary round (see Rule 8.4 (a)).

2.2 Number of Teams. Each school may enter only two Teams each Competition year. The Board reserves the right to limit the total number of Teams that may participate in a given year due to space limitations.

2.3 Eligible Law Schools. All ABA-accredited law schools in the United States and all international law schools shall be eligible to participate in the Competition.
2.4 **Team Member Eligibility.** Each Team Member must be a registered, full-time student seeking a legal degree and in good standing at his or her respective school.

2.5 **Substitution of Team Members.** There shall be no substitution or addition of a Team Member after the release date of the Problem, except for extreme hardship upon written permission of the Board. The Board recognizes that some schools may not have constituted a team by the release date of the Problem. In such event, this Rule 2.5 applies as soon as the team is constituted.

**RULE 3. TEAM INFORMATION**

3.1 **Registration.** Each Team shall register in the manner established by the Board. All fees, if any, must be remitted to the Board before any Team may be registered.

3.2 **Team Numbers.** Upon registration, each Team shall be assigned a Team Number. This number should be referenced in any correspondence with the Board. To preserve anonymity, the Team Number will be used during the Competition and Teams may not reveal their schools to the judges.

3.3 **Team Notification.** For purposes of the Competition, any notice to a Team’s coach or a Team Member designated for receipt of notices shall constitute notice to all Team Members.

3.4 **Party for Representation.** The Board shall assign a party position to each register Team for purposes of writing the brief (see Rule 7.1). However, Teams will argue both sides of the Problem during the preliminary oral argument rounds of the Competition and should therefore prepare accordingly.

**RULE 4. OBSERVERS; AUDIO/VIDE0 RECORDING**

4.1 **Observers.** Visitors may observe oral argument rounds when there is sufficient space in the room and with the Board’s approval. Those wishing to observe should check in at the hospitality desk prior to the round. The Board may refuse entry to any visitor who arrives after a round has begun. *Note: Observers and coaches are not permitted to take written notes of any sort during oral arguments; observers are not permitted to wear or expose any symbol that might allow judges to identify the universities pleading the specific round.*

4.2 **Audio/Video Recording and Visual Aids.** Audio and/or video recording of oral arguments is prohibited. Visual aids are not permitted during oral arguments.

**RULE 5. JUDGES**

5.1 **Eligibility and Selection.** Judges, law professors, researchers at social science faculties, and attorneys who are licensed in their home country to practice law are eligible to serve as judges.
during the Competition. Judges will be selected by the Board. In exceptional circumstances (e.g. weather delays, unavailability of otherwise eligible judges, etc.), the Board reserves the right to select a judge for the Competition who does not meet the eligibility criteria above.

5.2 Confidentiality. Judges have a duty not to disclose confidential information about the Problem, the Bench Memorandum, and other Competition documents. Judges also have a duty to keep confidential their scoring deliberations.

5.3 Scheduling. The Board shall, to the extent possible, avoid scheduling a judge to assess a Team which he or she assessed in a previous round of oral arguments. The Board shall also, to the extent possible, avoid scheduling a judge to assess a Team with which he or she shares an association outside the scope of the Competition.

5.4 Number of Judges for Oral Arguments. The Board shall, to the extent possible, ensure a panel of no fewer than three (3) judges for scoring each round of oral arguments. Where this is not possible, the Board shall make reasonable efforts to ensure a panel of at least two (2) judges.

RULE 6. PROBLEM

6.1 Authorship. The Problem shall be prepared by the Board and provided to each Team for its use in, and prior to, the Competition.

6.2 Clarifications. Any and all requests for clarification of the Problem should be addressed to clarification@fgv.br

6.3 Use in Other Competitions. Schools may not use the current Problem for intramural runoff competitions for the current year’s Competition. Schools may use the current Problem, after completion of the Competition, for intramural competitions or other academic purposes, with appropriate attribution.

RULE 7. BRIEFS

7.1 Number of Briefs. Each Team may write only one brief. The Board shall assign a party position to each registered Team for purposes of writing the brief (see Rule 3.4), but Teams should be prepared to argue all sides of the Problem during preliminary rounds of oral arguments. Note: Only Team Members who will actually be arguing may participate in writing the brief.

7.2 Research Parameters. Team Members may use any materials available for public use and of the type generally used by attorneys to prepare briefs. Available for public use means accessible without privilege or reliance on a personal connection unique to a Team or any Team Member. The use of the work product of any person other than a Team Member to prepare the brief is strictly prohibited.

7.3 Length and Form of Briefs. Each Team is required to electronically submit in PDF format
a Memorial (see Rule 7.3 (d)), an Additional Copy of the Team brief (see Rule 7.3 (e)), and a Certification (see Rule 7.3 (f)).

**a. Format.** All briefs shall comply with the rules of the Inter-American Court, except as modified by these official rules.

- All text shall be double-spaced in 12 point Times New Roman typeface.
- All footnotes shall be double-spaced in 10 point Times New Roman typeface.
- Margins on all sides shall be exactly one inch (1”).
- Briefs may use single-sided or double-sided pages.
- Each page after the cover page shall be numbered in the lower right-hand corner (or lower left-hand corner as appropriate for double-sided pages).
- Total length of the brief (excluding the Cover Page, Table of Contents, Table of Citations, and Appendices) may not exceed twenty-five (25) pages.

**b. Constituent Parts.** Each Team’s brief shall include a 1) Cover Page; 2) Table of Contents; and 3) Table of Citations (or Authorities). Teams may also include an Appendix or Appendices to recite the text of statutes, constitutional provisions, regulations, or other materials as desired.

**c. Citations.** All citations shall be complete and in the form generally prescribed in each Team’s home country. For example, Teams from the United States should cite according to the latest edition of the Harvard Law Association’s Uniform System of Citation (“Bluebook”).

**d. Memorial.** Each Team shall electronically submit to the Board a copy of its brief (herein termed “Memorial”), which shall be used solely for the purpose of judging compliance with this Rule 7. On this copy only the Cover Page shall include both the Team Number (in the upper right-hand corner) and the school name and the names of individual Team Members (in the lower right-hand corner).

**c. Additional Copy.** The Additional Copy of the brief shall be an identical reproduction of the Memorial except that no identification of the Team or any Team Member shall be included on the Cover Page (the Team Number, however, is required). No identifying material shall appear anywhere in the Additional Copy.

**f. Certification.** Each Team submitting a brief in the Competition shall electronically certify that its brief has been prepared in accordance with these Rules and that the work product is solely that of the Team’s members (see Appendix 1).

To prevent a breach of anonymity, Teams should include their Certification as a separate attachment (do not include as part of the Memorial or Additional Copy).
7.4 Service of Briefs.

a. Service upon the Board. Each Team shall electronically serve upon the Board the following items:

i. The Memorial, clearly marked “Memorial” (see Rule 7.3 (d));

ii. The Additional Copy of the brief (see Rule 7.3(e)); and

iii. The Team Certification (see Rule 7.3 (f)).

b. Deadline and Format. All items listed under Rule 7.4 (a) shall be sent in PDF format to clarification@fgv.br before 5:00 p.m. (CDT) on January 20th, 2012 (see Rule 1.4).

7.5 Late Penalties. Briefs postmarked after the deadline may be accepted but are subject to a one-point deduction per day late (or fraction thereof).

7.6 Service on Opposing Teams. Teams are not required to serve copies of their briefs to opposing Teams. Copies of all briefs will be made available to Competitors on the Competition’s web site.

7.7 Revision of Briefs. Teams may not revise their briefs after submission to the Board.

RULE 8. SCORING

8.1. Briefs. The Board shall score all briefs submitted and select the best brief for each party opponent in the Competition. The brief score shall be used with scores from the preliminary rounds of oral arguments to determine advancement to the semifinal rounds (see Appendix 2 and Appendix 3).


a. Time and Place. All rounds of oral arguments shall be held on the FGV campus in Rio de Janeiro from March 1st through 3rd.

b. Number of arguments. Each Team will argue at least two (2) preliminary rounds and should be prepared to argue each party position at least once. At the conclusion of the preliminary rounds, the four Teams with the highest total preliminary scores shall advance to the semifinal rounds (see Appendix 2 and Appendix 3).

c. Ties. Ties shall be broken in favor of the Team that has the highest aggregate point differences over its opponents in the three preliminary rounds (see Appendix 4). In the
event that tying Teams have the same aggregate point difference over their opponents, the tie shall be broken in favor of the Team having the higher brief score.

8.3 Final rounds.

a. **Time and place.** The semifinal and final rounds will take place on a schedule announced by the Board.

b. **Arguments.** Four (4) Teams shall progress to the semifinal rounds and the party they represent will be randomly selected. The best Team in each semifinal round will be selected by the judges based on the oral argument and will advance to the final round of the Competition.

8.4 Order, Timing and Results of Oral Arguments.

a. **Participants.** Any two members of a Team may participate in any argument, but two members must participate in each argument. In the case of three-member Teams, each member must argue at least once during the preliminary rounds. Each Team must address all the issues in the arguments, dividing them among the two Team participants any way it chooses, and determine the order of issues argued. A Team Member not participating in an argument may serve as of counsel.

b. **Time allowed for arguments.** Oral argument shall be limited to a total of thirty minutes (30) per Team consisting of fifteen (15) minutes for each Team member, except as discussed below. Judges, at their discretion, may interrupt arguments to ask questions but may not allow additional time. Each party, by advance notification to the judges and bailiff, may reserve up to five (5) minutes for rebuttal. Rebuttal time may be subtracted from either or both of the two arguing Team Members’ regular time allotment of fifteen (15) minutes.

c. **Results.** The Best Oralist for each courtroom in the preliminary rounds will be announced by the judges. The Best Oralist of the combined preliminary rounds will be announced by the Board after the conclusion of the rounds and must have argued in at least two of the three rounds to qualify. The scores for each Team will not be announced, but shall be determined by the judges without knowledge of the brief score, and shall be arithmetically weighed and combined with the brief score by the Board under the formula described in Appendix 3 with scores computed to decimals or fractional points, as necessary, to determine the four schools which will advance to the semifinal rounds. The winning Teams for the semifinal and final rounds will be announced by the Board at the conclusion of each round. A list of all brief scores and final overall scores after the preliminary rounds will be sent to participating Teams, under request, within three months after the Competition. However, no individual Team Member’s scores will be distributed.
RULE 9. AWARDS

The Board may bestow such awards as it deems merited.

RULE 10. FACULTY OR OTHER ASSISTANCE

No Team shall receive assistance prior to filing its brief, including research, writing or any aspect of preparing the brief. No Team shall receive assistance of any kind during an oral argument at the Competition or during any recess thereof. To maintain Team anonymity, coaches may not communicate with their Team during the oral arguments.

RULE 11. PENALTIES

11.1 General. The Board may assess such penalties, including disqualification, as it deems reasonable and appropriate in its sole discretion for failure to comply with the Rules or deadlines set pursuant to these Rules and other rules made pursuant to Rule 9 hereof.

11.2 Uniformity. All briefs in the Competition shall be subject to uniform penalties for each type of violation. However, penalties may be levied in whole or fractional points depending on the severity of the infraction.

11.3 Minimum Penalty. The minimum penalty for any infraction shall be one-half (1/2) point deducted from the brief score or oral argument score, as appropriate.

11.4 Maximum Penalty. The maximum penalty for any infraction shall be disqualification of a Team. The Board may elect to disqualify a Team’s brief score or oral argument score, or both, depending on the nature of the circumstances and the severity of the infraction(s).

11.5 Maintenance of Records. The Board shall maintain records of the penalties imposed pursuant to this Rule for at least six (6) months.

12. INTERPRETATION OF THE RULES

Requests for interpretation of these Rules should be addressed to clarification@fgv.br Pursuant to Rule 10, Teams may not receive faculty assistance prior to the filing of the brief; therefore, any questions related to brief writing are to be submitted by the Competitors and not by the coach or advisor. Requests should be made at the earliest date possible. All interpretations of these Rules and any waivers, consents, assessments of penalties, decisions or other actions taken by the Board in its administration of the Competition shall be in its sole and absolute discretion. Such interpretations, waivers, consents, assessments of penalties, decisions or actions shall be final, and all participants shall be bound thereby.
APPENDIX 1. FORM OF CERTIFICATION

We hereby certify that the brief for [insert school name] is the product solely of the undersigned and that the undersigned have not received any faculty or other assistance in connection with the preparation of the brief. We further certify that the undersigned have read the official rules of the Competition and that this brief complies with said rules.

____________________
Team Member

____________________
Team Member

____________________
Team Member
APPENDIX 2. CRITERIA FOR BRIEF SCORING

Briefs will be scored with consideration of the following parameters:

1) Technical shall comprise seventeen percent (15%) of the total score. These include—
   - Correct citation (see Rule 7.3 (c));
   - Spelling;
   - Punctuation;
   - Grammar; and
   - Capitalization.

2) Strength of argument shall comprise eighty-one percent (80%) of the total score. These criteria include—
   - Thoroughness of research;
   - Depth of analysis; and
   - Overall persuasiveness of argument.

3) Compliance of the Measuring Brief with Rule 7 shall comprise two percent (5%) of the total score.

APPENDIX 3. PRELIMINARY ROUND SCORING

For preliminary rounds, each Team’s brief score shall constitute seventy percent (70%) of the Team’s total score for the preliminary rounds. The oral arguments shall constitute the remaining thirty percent (30%) of the total score for preliminary rounds, with each round comprising either ten percent (10%) or fifteen (15%) depending on the number of rounds. In each preliminary round oral argument, each Team Member’s individual score shall constitute 1/2 of the Team’s score for that round.

APPENDIX 4. EXPLANATION OF AGGREGATE POINT DIFFERENCES

Aggregate point differences shall be computed in the manner illustrated by the following example: If Team A defeated its closest first round opponent by a score of 80-75 and lost its second argument to the winning Team by a score of 78-80 and lost the third round to the winning Team by a score of 82-83, its aggregate point difference for the three rounds is +2 points (i.e., the net of the +5 point difference in its first argument, the −2 point difference in its second argument, and a −1 point difference in its third argument).