

**THE JEFFREY G. MILLER NATIONAL
ENVIRONMENTAL LAW MOOT COURT COMPETITION**

2025 OFFICIAL RULES

October 15, 2024

The following represent the official rules of The Jeffrey G. Miller National Environmental Law Moot Court Competition (“Rules”).

RULE I. ORGANIZATION OF THE NATIONAL ENVIRONMENTAL LAW MOOT COURT COMPETITION

The Jeffrey G. Miller National Environmental Law Moot Court Competition (“Competition”) is an annual inter-law school appellate moot court Competition sponsored by the Elisabeth Haub School of Law at Pace University (“Pace”). The purpose of the Competition is to develop expertise in environmental law appellate advocacy. The Competition is coordinated by the National Environmental Law Moot Court Board (“Board”), which is composed of Pace Law students their faculty and staff advisors at the Elisabeth Haub School of Law at Pace University.

RULE II. THE PROBLEM

The Problem is prepared by the Board and provided to each Team for its use in preparing for participation in the Competition.

- A. Use of Problem for other than the Competition.** Schools may not use the current Problem for intramural runoff competitions or other academic purposes for the current year’s Competition; they may, however, use past Problems. Schools may use the current Problem, after completion of the National Environmental Law Moot Court Competition, for intramural competitions or other academic purposes, with appropriate attribution to Pace Law School.
- B. Questions about the Problem.** The Board will accept questions relevant to the Problem until the deadline specified in the **2025 Fact Sheet**.

RULE III. THE TEAMS

- A. Number and composition of Teams.** Each school may enter only one team (“Team”). The Team shall be composed of two or three law students, all of whom must be registered current law students seeking a *Juris Doctor* degree and in good standing at their respective schools 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.

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- B. Substitution or addition of Team members.** There shall be no substitution or addition of Team members 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 (on or about October 2, 2024). In this instance, Rule III (B) applies as soon as the team is constituted by October 26, 2024.
- C. Team numbers.** Upon registration, each Team will be assigned a Team number. This number should be referenced in all 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. Points will be deducted for non-compliance with this rule during the competition.

RULE IV. THE BRIEFS

- A. General.** Each Team may write only one brief. The Team may choose which side to argue for the brief but will argue all sides of the Problem during the Competition's preliminary rounds. Only the members of the Team who will be arguing may participate in writing the brief. The use of the work product of any person other than a Team member to prepare the brief is strictly prohibited. Work product does not include materials of the type generally used by attorneys to prepare briefs and that are available for public use. "Available for public use" means accessible without privilege or reliance on a personal connection unique to the Team or Team member. Both Measuring Brief and Non-Measuring Briefs must be emailed to NELMCC at nelmcc@law.pace.edu by Thursday, Nov. 21, 2024, 11:59PM EST.
- B. Length and form of briefs.** Each team is required to email PDF attachments of a Measuring Brief and the Non-Measuring Brief as specified in Rule IV (C). Teams must format briefs exactly as follows (1 point will be deducted for each non-compliance).

BRIEF [Numerical number here] _MEASURING

BRIEF [Numerical number here] NON MEASURING

- 1. Format.** All briefs shall comply with Federal Rules of Appellate Procedure 28 and 32, except as modified by these Rules.¹ All text and footnotes shall be in 12-point Times

¹ Briefs of Appellants and Appellees shall comply with Federal Rules of Appellate Procedure 28(a)(2)-(9), 28(d) and 28(e). Excluded are 28(a)(1), 28(a)(4)(C), 28(a)(10), 28(b)-(c) and 28(f)-(j). References to the record under FRAP 28 should be to the record of the court. The applicable parts of Rule 32 are Rule 32(a)(1)-(4), with the exception of 32(a)(1)(A), 32(a)(2)(F) and reference to cover color. For the purpose of this Competition, Teams should use the cover colors on briefs specified as follows: **CRYSTAL STREAM PRESERVATIONISTS, blue; HIGHPEAK TUBES, INC., red** and **UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, green**; The name of the court shall be the United States Court of Appeals for the Twelfth Circuit.

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New Roman type. The total length of the brief, excluding Cover Page, the Table of Contents, Table of Authorities and Appendices, may not exceed thirty-five (35) pages. All citations shall be complete and, in the form, prescribed in the latest edition of the Harvard Law Association’s Uniform System of Citation (“Bluebook”). Appendices may be used to recite the text of statutes, constitutional provisions, regulations, and materials that are not available.

- 2. The Measuring Brief.** As set forth in Rule IV (C)(1)(a)(i), each Team shall submit to the Board the Measuring Brief via email to nelmcc@law.pace.edu. The Measuring Brief (marked “Measuring Brief” on front cover) shall be used solely for the purpose of judging the criteria of this section. The Measuring Brief must comply with Rule IV (B)(1). The cover shall include the Team number at the upper right-hand corner, with the school’s name and the names of individual Team members appearing at the lower right-hand corner. The name of the party for which the Team is writing the brief must also appear on the front cover.
- 3. Non-Measuring Brief.** The Non-Measuring Brief will be identical to the Measuring Brief except that no identification of the Team or its members other than the team number shall be included on the outside cover. Briefs shall not be signed; nor shall any identifying material appear in the Non-Measuring Brief. Each team must submit by email its Measuring Brief and Non-Measuring Brief in PDF file format as specified in Rule IV (C)(2).
- 4. Certification.** Each Team submitting a brief in the Competition shall certify that such brief has been prepared in accordance with these Rules and that the work product is solely that of the Team’s members.² The certification shall be on the last page of the Measuring Brief page. No certification shall be included in any other brief except the Measuring Brief.

²The certification shall state:

We hereby certify that the brief for _____ Law School 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 Competition Rules and that this brief complies with these Rules.

Team Member

Team Member

Date _____

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party they represent will be randomly selected. The best Team from each trio in the quarterfinal round will be selected by the judges based on the oral argument and will advance to the semifinal round of the Competition.

3. The best Team from each trio in the semifinal round will be selected by the judges based on the oral argument and will advance to the final round of the Competition on February 22, 2025.

D. Order, timing, and results of arguments.

1. **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 in any way it chooses, and determine the order of issues argued. A Team member not participating in an argument may be of counsel. It is highly encouraged that Teams have three members.

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quarterfinal round.

4. The winning Teams for the quarterfinal, semifinal and final rounds will be announced by the NELMCC Board at the conclusion of each round.
5. **Calculation and Announcement of Scores** for. A single listing of all final brief scores and final overall scores after the preliminary rounds will be emailed to participating Teams via the NELMCC LISTSERV before moving on to the quarterfinal and semifinal rounds. No individual Team member's scores will be distributed. A challenge made after that time is waived.
6. **NO Computers**, laptops, mobile phones, videotaping, audiotaping, and other electronic devices are prohibited during oral arguments. Devices should be turned off by competitors until the conclusion of the round.
7. **Visitors in courtrooms.** Visitors may observe NELMCC rounds when there is sufficient space in the room and if the visitor has been approved prior to the commencement of the round by the NELMCC Board. Those wishing to observe must check in at the hospitality desk prior to the round. Visitors must turn off all mobile/smart phones or any other electronic devices as they are prohibited. Visitors may not take photographs or videotape during the oral arguments.
8. **Final round** recording will be available at the end of the competition on the NELMCC website.

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