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## PUERTO RICAN BAR ASSOCIATION MOOT COURT COMPETITION

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March 12, 2014

Re: **Third Annual Moot Court Competition and National PRBA Conference**

Dear Invited Guest:

On behalf of the Puerto Rican Bar Association of Florida, Puerto Rican Bar Association of New York, and the Puerto Rico Lawyers Association (collectively "Bar Associations"), we are honored to invite your law school and law student organizations (collectively "Participants") to compete in the **Third Annual Moot Court Competition to be held on October 10 - 11, 2014 in Orlando, Florida**. The Moot Court Competition will be the main focus of a national conference of the Bar Associations.

In previous years, the following Florida, New York and Puerto Rico law schools have participated in the Moot Court Competition: University of Florida, Florida A&M University, Barry University, Fordham University School of Law, Cardozo Law School, Inter American University of Puerto Rico, and Pontifical Catholic University of Puerto Rico. We are inviting you to take part in an historical event and add your institution to the list of these prestigious law schools.

On October 11, 2014, the Bar Associations will be hosting a Gala dinner with hundreds of attorneys in attendance in which an Award Ceremony will be held to honor the Participants. The Gala will be held at the Holiday Inn Disney, 1805 Lake Buena Vista, Orlando, Florida 32830. Your registration for the Moot Court Competition will include tickets for all of the students on the participating team (2 or 3). Please note that you may purchase additional Gala tickets onsite. Please be aware of the following **important deadlines**:

**Registration forms** - August 18, 2014

**All briefs** - September 26, 2014

**Oral arguments** - October 11, 2014

We look forward to your participation in this year's competition. If you have any questions please contact us at [prba.mootcourt@gmail.com](mailto:prba.mootcourt@gmail.com) or refer to page 5 of the Competition Rules for additional contact information.

Very truly yours,

*Anthony Suarez*

Anthony Suarez, Esq.

President, Puerto Rican Bar Association of Florida



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### **COMPETITION RULES**

#### ***Completion of Registration Form***

The attached registration form must be submitted by email at [prba.mootcourt@gmail.com](mailto:prba.mootcourt@gmail.com) by August 18, 2014. All payments may be submitted online at [www.flmcc.org](http://www.flmcc.org) or by check made payable to the Puerto Rican Bar Association. For further details, please see the attached registration form.

#### ***Composition of Teams***

The teams must consist of two or three law students. All participating law students must provide their information on the registration form. If you wish to substitute a team member, you must inform us prior to the competition.

#### ***Eligibility of Participants***

- a. Must be a Candidate for a J.D. and currently enrolled in law school during the semester of the competition;
- b. Students on a team need not necessarily be attending the same law school, however, all Participants must be full-or part-time law students; and
- c. Must be in good academic standing in their law schools.

#### ***Competition Briefs***

Each competing team must submit a brief for either the appellant or the appellee, according to the assigned position to that team. All assignments will be provided within a week of registration. Upon registration, each team is agreeing to argue any side assigned to them. (Please see the notice of disqualification below). Each team should make its best argument regardless of whether the trial or appellate court found such argument persuasive. All briefs must comply with the federal rules of appellate practice, with the following limited changes:

- a. Briefs are limited to 25 pages of text. These 25 pages do not include cover page, table of contents, table of citations, table of authorities, certificate of service, and certificate of typeface compliance. All other subparts are included within the 25 pages of text.



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- b. Briefs must contain the Participant's contact information.
- c. Each brief must contain a short recitation of the facts.
- d. Each team must deliver an electronic PDF version of their brief to Anthony Suarez Esq. no later than 5 p.m. EST, on September 26, 2014 to [prba.mootcourt@gmail.com](mailto:prba.mootcourt@gmail.com).
- e. Each brief must contain a certificate of service certifying that a copy of the brief will be furnished to the representative of the other Participants. Contact information for all that participate will be provided to the primary faculty advisor or coach, as identified on the registration form.

### ***Brief Scoring***

All grading will be anonymous. The committee will score the briefs on a scale of 100 points. Knowledge of the law and persuasiveness will be the primary standards in grading. Form, style and appearance will also be considered.

### ***Oral Arguments***

The committee will assign each team member's position within a week of the completed registration process (see registration form for details on this process). All arguments are limited to 45 minutes per side. Each team shall divide the allotted time between two team members as it deems fit. The petitioner shall present argument first. The petitioner may reserve up to five minutes for rebuttal. Bailiffs and clerks will be available to indicate the use of allotted time. The judges may, in their sole discretion, extend a speaker's time.

The oral arguments will be judged by the panel of judges: Each judge will individually score each team member, after which each team member may receive a maximum of 100 points. An average score for the team will be calculated from each judge's score sheet. The scores received from the panel will be averaged, resulting in the team's oral score for the argument. The competition will be taped and televised via internet by a national news service.

Additional local media coverage is expected, including media from Puerto Rico. A student's decision to enter and participate in the competition constitutes consent of videotaping and publication with no monetary compensation. This consent grants the Bar Associations the nonexclusive worldwide rights to reproduce distribute and sell any visual material in connection with the student's participation in whole or in part in any media. Consent also grants the Bar Associations the right to use the student's image in connection with the published competition materials.

Only team members are prohibited from utilizing electronic devices i.e. computers, mobile phones, or any other electronic communications devices anywhere in the courtroom. Should the team members want a photo taken, they can make a request in advance to the committee.



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### ***Total Scoring***

- The team's score will be computed by weighing the oral argument two-thirds (66%) and the brief one-third (34%)
- The winner will be the team that receives the highest score in averaging all the ballots.
- If there is a tie, the team with the highest oral score will be the winner.

### ***Best Advocate***

The Bar Associations will present an award to the best individual advocate. The score will be tabulated from the judge's tally sheets.

### ***Best Team***

The Bar Associations will be presenting an award to the best team, based on highest total score.

### ***Best Brief***

The Bar Associations will be presenting an award to the best brief submitted. The score will be determined by the committee of brief graders.

### ***Monetary Awards***

- Any monetary award provided by our sponsors will be presented upon receipt of the funds from that sponsor.
- The winner will be announced and awards presented immediately following the question and answer session with the panel of judges.

### ***Administration***

The Bar Associations' joint committee ("Committee") will be administering the competition. Please direct all questions regarding the Competition Rules to Anthony Suarez Esq., President, Puerto Rican Bar Association of Florida. Please be aware that the Committee reserves the right of admission.



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### *Disqualification:*

**Notice:** Deciding not to argue the particular side/point of view which your team was assigned will automatically disqualify your team and no refunds will be given. Any concern regarding the content of the competition is to be directed to the Committee before completing the registration. Once a team is registered, the team has officially committed to the competition. In the event of an emergency, Participants may send an alternate team member. The team must immediately notify the Committee of the change or the team will be considered withdrawn from the competition, in which case, the fees will not be refunded.

This Moot Court competition is designed to bring attention to an issue with national implications. We hope that it serves the purpose of raising awareness about Puerto Rico's current political status to an international level by discussing the legal issues with the community at large.

We thank you for your interest and hope to see you in Orlando, Florida for this exciting endeavor.

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**The briefs must be delivered to Anthony Suarez at [PRBA.MootCourt@gmail.com](mailto:PRBA.MootCourt@gmail.com). If you encounter any technical difficulty, or have any concerns please do not hesitate to contact the following persons:**

**Anthony Suarez**  
President, PRBA of Florida  
517 W. Colonial Drive  
Orlando, FL 32804  
407-841-7373

**Iara Rodriguez**  
Liaison, PRBA of Florida  
407-574-7787  
[iara.rodriquez@aga-advisors.com](mailto:iara.rodriquez@aga-advisors.com)

**Neysa Alsina**  
Liaison, PRBA of New York  
[neysa.alsina@gmail.com](mailto:neysa.alsina@gmail.com)

**Erica K. Ramos**  
Student Liaison PRBA of Florida  
[ericakristine\\_09@yahoo.com](mailto:ericakristine_09@yahoo.com)





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*\*The people depicted in this problem are purely fictional and were prepared solely for the educational exercise being conducted in this competition.*

### **MOOT COURT COMPETITION PROBLEM**

This year's problem presents an interesting question yet to be addressed by the U.S. Supreme Court and involves constitutional issues and the unique political status of Puerto Rico, a U.S. territory.

Defendant Enrique Guerra-Pujol stands accused for the commission of crimes punishable by death. Specifically, Defendant was charged on Feb. 21, 2014 with violating, inter alia, 18 U.S.C. § 924(j) (firearm murder in relation to a crime of violence) and 18 U.S.C. § 1513(a)(1)(B) (killing a person in retaliation for providing law enforcement officials with information relating to the possible commission of a federal offense), offenses which are both punishable by death under the Federal Death Penalty Act of 1994, as amended, 18 U.S.C. § 3591 et seq.

Defendant has moved to declare the federal death penalty inapplicable in Puerto Rico and makes three arguments in challenging the applicability of the federal death penalty in Puerto Rico:

- (1) Because Article II, § 7 of the Constitution of Puerto Rico expressly prohibits capital punishment, the federal death penalty is "locally inapplicable" within the meaning of section 9 of the Puerto Rican Federal Relations Act, 48 U.S.C. § 734;
- (2) Applying the federal death penalty to U.S. citizens residing in Puerto Rico, without their consent, and in view of their utter lack of representation in the enactment of Federal law, violates Defendant's fundamental right to Substantive Due Process under the US Constitution; and
- (3) Applying the federal death penalty to U.S. citizens residing in Puerto Rico, without their consent, and in view of their utter lack of representation in the enactment of Federal law, also violates the International Covenant on Civil and Political Rights (ICCPR), an international treaty duly ratified by the United States on June 8, 1992.



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### QUESTIONS PRESENTED

- (1) Is the Federal Death Penalty Act of 1994 "locally inapplicable" within the meaning of section 9 of the Puerto Rican Federal Relations Act?
- (2) Does application of the federal death penalty in Puerto Rico violate Defendant's right to substantive due process, especially given the fact U.S. citizens residing in Puerto Rico lack equal voting representation in Congress?
- (3) Does Defendant have standing to invoke the International Covenant on Civil and Political Rights?

### *Relevant Cases*

Federal District Court: US v. Acosta Martinez, 106 F.Supp.2d 311 (D. Puerto Rico 2000)

Federal Court of Appeals: US v. Acosta-Martinez, 252 F.3d 13 (1<sup>st</sup> Cir. 2001)



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### **REGISTRATION FORM**

#### **THIRD ANNUAL MOOT COURT COMPETITION**

This original registration form must be received on or before August 18, 2014 along with the fee of **\$250.00** made payable to the Puerto Rican Bar Association and mailed to Anthony Suarez, Esq. (The fee is non-refundable). Please e-mail a copy of this registration form to Anthony Suarez at [PRBA.MootCourt@gmail.com](mailto:PRBA.MootCourt@gmail.com). If you have any questions regarding payment options, the registration form, competition rules, or team substitutions, please contact us at [prba.mootcourt@gmail.com](mailto:prba.mootcourt@gmail.com) or Anthony Suarez, Esq. directly at (407) 841-7373.

#### **Law School / Law School Student Organization:**

*\*Should the designated school moot team not be able to attend, but individual students show interest in competing independently, please contact the above referenced e-mail or phone number for further details.*

#### **PRIMARY FACULTY REPRESENTATIVE/COACH**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**TEAM MEMBERS:** (Each team may have a maximum of three members and a minimum of two.)

1. Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone: \_\_\_\_\_

2. Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone: \_\_\_\_\_

3. Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone: \_\_\_\_\_