

Explanatory notes for students
Markets, Corporations and Regulators Moot Court
EMLE 2nd term Rotterdam 2019-2020

This document serves as explanation about the course's sessions and tasks.

- This course is made of 5 'moot court' sessions. The term 'moot court' should not be interpreted literally, so the sessions are not necessarily in the form of a court with plaintiffs, defendants and a judge. The main idea is that there are two parties which both give a presentation with the economic arguments which substantiate their position. Obviously in your presentation there can/will also be legal aspects, but the goal of this course is to apply economic reasoning to concrete cases, hence the emphasis should be on the economic arguments.
- In each moot court, two groups of students (called 'presenters') have an active role, for example one group of students acts as plaintiff's attorneys and the other group acts as defendant's attorneys, or one group represents a company and the other group an NGO, a regulator or a competition authority.
- What are the presenters supposed to do? Well, depending on the exact assignment they are supposed to advocate their case! How do you do this? Based on a) the session materials, which must be studied carefully, b) your individual knowledge (focusing on law & economics), and importantly, c) based on team work.
- Each group of presenters consists of 5-6 students, as is shown in the table below. These students are supposed to work together in order to build a joint set of arguments to present at the moot court. After having studied the materials individually, you are supposed to meet with your colleagues and make a list of arguments on which basis you think you can win the case. The division of students per group is decided by us and cannot be changed/discussed.
- Another important point is how to organize the presentation. Generally, we leave it up to you (including whether you want to use PowerPoint or other visual aids). What is important is that **each group member has to present a part of the presentation**. Depending on how you developed the arguments during your group meetings, each team will decide how to divide the joint presentation.
- As a rule of thumb for timing the presentation, **each individual should keep his/her presentation to about 5 minutes**, so that a **group will be presenting for about 25 to 35 minutes** (give or take a few minutes). In this way the presentation of the arguments by the plaintiffs and the defendants will use up around the first hour of the session: in the remainder of the session there will be discussion, where *all* students (not only the presenters) are supposed to participate. The teachers may send more specific instructions for their session.
- The presentations are graded individually, which implies that the grades in the same team may vary. This is why everyone has to speak. However, part of the game is getting you to work in teams. This includes combining ideas of different people as well as dividing the task of presenting the advocacy to the moot court. Usually the teachers are in the position to appreciate the quality of individual contribution to the teamwork. Otherwise, poor teamwork will undermine the average quality of individual performance, which is the reason why we encourage you to work well as a team.
- As mentioned, we expect all students to be engaged in the session and to participate as much as possible in it, therefore you are all expected to be familiar with the case materials. Given that you are a class of 29 people, it will be almost impossible for each of you to speak in all sessions and in any event you will have to be disciplined – always stick to the instructions by the lecturer, including those on timing of interventions. Your involvement in all sessions,

also the sessions where you do not have to present, will help you to prepare for a final exam. Do not forget that attendance is anyway mandatory.

- In this moot court format, grades will be given only to the presenters based on the quality of the presentations (and, when required by the lecturer, the quality of the written statements preceding the presentations). Mere participation in the discussion by the non-presenters will not be graded, but *is* important.
- All students will present in two sessions.
- Apart from two presentations, all students will be required to take a final exam (3-hour). The exam will be composed of 5 essay type questions, out of which 4 need to be answered. It is up to a student to decide, which question he/she will skip.
- The grade for this course will be based on the 2 presentations (50% of the grade) and the exam (the remaining 50%).
- If a student is ill (medical documentation required) when he/she should have been one of the presenters, a note with his/her own part of the presentation will have to be handed in in writing. This will be graded in the same way as if it were an oral presentation. Maximum 1500 words.
- The study materials will be available – per session – on Google Drive around 1 week in advance of the specific session.
- More specific instructions per session will be in the materials per Session / Case on Google Drive.

Date, time & classroom	Case & lecturer
Mon 20 January 2020 / 09.00 – 11.45 (Polak Y2-09)	Case 1 – Visscher
Mon 27 January 2020 / 09.00 – 11.45 (CBB, The Hague)	Case 2 – Kerkmeester
Mon 10 February 2020 / 11.00 – 13.45 (Theil CB-4)	Case 3 – Oded
Mon 24 February 2020 / 09.00 – 11.45 (Polak Y2-09)	Case 4 – Weterings
Mon 2 March 2020 / 09.00 – 11.45 (Polak Y2-09)	Case 5 – Bayramli & Van den Bergh

	Lecturer	Roles to be played (number student) (note: see instructions per case for exact roles)
Case 1	Visscher	Team 1 (1-6): the attorney of the plaintiffs Team 2 (7-12): the attorney of the defendant
Case 2	Kerkmeester	Team 1 (1-6): the attorney of the plaintiffs Team 2 (7-12): the attorney of the defendant
Case 3	Oded	Team 1 (1-5): the attorney of the plaintiffs Team 2 (6-10): the attorney of the defendant
Case 4	Weterings	Team 1 (1-6): the attorney of the plaintiff Team 2 (7-12): the attorney of the defendant
Case 5	Bayramli & Van den Bergh	Team 1 (1-6): the attorney of the plaintiff Team 2 (7-12): the attorney of the defendant

Groups:

First name	Family name	1 st case	2 nd case	3 rd case	4 th case	5 th case
Aditeya	Bali	1		6		
Federica	Barontini	2			7	
Rik den	Boer	3		7		
Oğuz	Ceylan	4				7
Pitraporn	Chamsai	5			8	
André	Chaves	6				8
Maxine	Daems		7		1	
Maxime	de Latour		8			1
Meri Elisa	Djerf		9			2
Jakub	Dolina		10	8		
Bernardo	Gomes		11		2	
Joaquin	Gonzalez Carrillo		12		3	
Swasti	Gupta		1	9		
Ana	Khvedelidze		2			9
Andrii	Lasikov		3		9	
Lin	Li		4			10
Yunjia	Lin		5	10		
Jessica	Medina García		6		10	
Phuong	Ngô		7		4	
Iga	Olejnik		8			3
Gabriel	Rizza Ferraz		9			4
Adrien	Rolandeau		10		5	
Sanlap	Roy		11			5
Gabriel	Siqueira		12			6
Lara	Thomasi Horta			1		11
Ani	Vardanyan			2	11	
Yi-Ting	Wong			3	6	
Yi-En	Wu			4		12
John-Paul	Yezzo			5	12	
Total:	29	12	12	10	12	12