



Explanatory notes for students
Markets, Corporations and Regulators Moot Court
EMLE 2nd term Rotterdam 2022-2023

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 because 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 who both give a presentation providing economic arguments substantiating their position.
- 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? Depending on the exact assignment they have 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 teamwork. Please keep in mind that the court can only be convinced by economic arguments.
- Each group of presenters consists of 5 students, as is shown in the table on page 4. 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.
- 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 30 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. The remainder of the session will be a 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, therefore you are all expected to be familiar with the case materials. Given that you are a class of 25 people, it will be almost impossible for each of you to speak in all sessions and in any event, you will have to follow the instructions of the lecturer closely, 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 mandatory in *all* sessions.
- 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 (2,5 hours). 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 and more specific instructions will be available – per session – on Canvas around 10 days in advance of the specific session.

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



Date, time & classroom*	Case & lecturer
Mon 16 January 2023 / 09.00 – 11.45 (Sanders L0-10)	Case 1 – Visscher
Mon 23 January 2023 / 13.00 – 15.45 (Sanders L0-10)	Case 2 – Faure
Mon 30 January 2023 / 9.00 – 11.45 (Palace of Justice, The Hague)*	Case 3 – Kerkmeester
Mon 13 February 2023 / 09.00 – 11.45 (Polak 1-17)	Case 4 – Oded
Mon 6 March 2023 / 09.00 – 11.45 (Sanders L0-12)	Case 5 – Weterings

* Location of Session 3 – Palace of Justice, the Hague (Prins Clauslaan 60)

Walking route from The Hague Central Station to the Palace of Justice (approx. 10 minutes):

- On platform 12 there is an exit on the left after about 30 meters. Exit the station via this exit.

- Walk straight past the National Archives and the Central Bureau for Genealogy (on your right) and follow the footpath (Prins Willem-Alexanderhof) between the Ministry of Foreign Affairs and the Koninklijke Bibliotheek.

- At the end of this path cross the Prins Clauslaan. You are now in front of the Palace of Justice.

- The main entrance is located at No 60. If you walk along the front of the building, you will find it on your left.



Reception area

You enter the Palace of Justice through the revolving door. On the right side there is a small waiting area with a number of seats. For the safety of everyone in the building, your bag and clothing will be checked. Just as it happens at airports, there is a scanning device for luggage and a person detection gate. At the direction of a security guard, you should put your bag and other loose items in a container. Also, all objects that have metal parts must be in a tray (such as laptops, mobile phones and keys). These trays then go through the scanner on a conveyor belt. You have to go through a detection gate. After the gate you can remove your belongings from the belt. Please note that the safety procedure may take some time, so be sure that you will be present at the Palace of Justice well ahead of the starting time of the Moot Court at 9.00h AM.

Hall on the ground floor

After the security check you will arrive in the hall. That's where the reception is located. The ushers there can tell you exactly how to get to room E4, where the Moot Court will be organized. After you have been referred, you can take a seat in the waiting room that belongs to room E4. On the left behind the courtrooms you will find the coffee corner. You can go here for drinks, such as coffee, tea, soft drinks, cakes and sandwiches.