INTER-AMERICAN SUSTAINABLE DEVELOPMENT LAW MOOT COURT COMPETITION

2015

Universidad de los Andes
Law School
Public Interest Law Group
Bogotá, Colombia

Getulio Vargas Foundation
Law School - Río
Law and Environment Program
Río de Janeiro, Brazil

Tulane University
Law School
Payson Center for International Development
New Orleans, United States of America
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DEFINITIONS

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

Adviser shall mean the third competitor in a three-person Team who does not argue in a particular oral argument round but who may nevertheless be seated with the other two competitors during the round.

Bench Memorandum shall mean the memorandum prepared by the Board to inform the judges on the legal issues raised in the Competition.

Board shall mean the administrative council for the Competition, composed of faculty and administration members from the Public Interest Law Group of the Universidad de los Andes Law School (G-DIP/UA), the Center of Law and Environment Group of the Getulio Vargas Foundation Law School in Rio de Janeiro (CDMA/FGV Direito Rio) and the Payson Center for International Development of Tulane University Law School (CPDI/UT) (See Rule 1.3).

Certification shall mean the document that the members of each Team must complete in order to comply with the rules for writing the brief, as required under Rule 7.3 (f).

Competition shall mean the “2015 Inter-American Sustainable Development Law Moot Court Competition.”

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

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

G-DIP/UA shall mean the Public Interest Law Group of the Universidad de los Andes Law School.

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

CDMA/FGV Direito Rio shall mean the Center of Law and Environment Program of the Getulio Vargas Foundation Law School in Rio de Janeiro.

Problem shall mean the hypothetical case for the Competition.

Rules shall mean these Official Rules for the 2015 Inter-American Sustainable Development Law Moot Court Competition

Team shall mean a group of competitors that has officially registered to attend and participate in the Competition representing an institution of higher learning.

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.

Team Trainer shall mean the person who is authorized to advise their team in developing a theory of the case, writing the brief, and presenting oral arguments. Team Trainers can be either alumni or faculty members of the participating universities.
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 rounds returns to Rio de Janeiro, Brazil and the third annual Competition shall be held at the building of the Getulio Vargas Foundation, March 02-06, 2015. 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 and administrative personnel from G-DIP/UA, CDMA/FGV Direito Rio and CPDI/UT. The Board is responsible for implementation of this Competition and the enforcement of its official rules. The Board may establish 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. All times are in GMT-3. For 2015, the relevant deadlines are as follows:

- December 13, 2014 at 9:00 p.m. Registration and Fee Deadline.
- December 19, 2014 at 9:00 p.m. Deadline to request clarifications of the Rules and Problem.
- January 10, 2015 at 9:00 p.m. Official responses to requests for clarification of the Rules and Problem will be published.
- January 30, 2015 at 9:00 p.m. All team briefs due.

1.5 Registration and Payment of Fees. The registration process and fees for participation in the Competition shall be determined by the Board. For 2014, the registration fee for each Team shall be $250.00 USD. Payment must be made by the Team Trainer or a Team Member who has been designated to receive notifications in accordance with Rule 3.2. There will be three methods of payment: (i) Online Payment; (ii) Bank Deposit (Brazilian teams only); and (iii) International Wire Transfer (Non-Brazilian teams only). All payments may be made at the following website: http://direitorio.fgv.br/cdma/moot-court-competition/2015.

Upon payment of the registration fee, the same Team Trainer or designated Team Member must confirm the registration by sending an e-mail a message to mootcourt@fgv.br. The e-mail message must contain the following information:

- Name of the law school being represented.
- Team Members’ and Team Trainers’ first and last names, e-mail addresses, and Identification numbers. Note: Persons of non-Brazilian nationality must include their Passport number or the number of the document with which they will enter Brazil. This document must be same as that with which they will identify themselves at the
Participating Teams are duly registered once they pay the registration fee and send the registration confirmation e-mail with all required information.

a. **Alternate currencies.** Payment of the registration fee in alternate currencies shall not be allowed unless specially authorized by the Board.

1.6 **Visa Information.** It is the sole responsibility of each Competitor to ensure that he or she has the required visa, if any, for travel to Brazil. Questions about obtaining a visa should be directed to the nearest Brazilian embassy or consulate.

1.7 **Official Languages.** The official languages of the Competition are Spanish, English, and Portuguese. Competitors may address the Board, and may write their Briefs, in any of the three languages. The oral argument sessions will utilize simultaneous translation services for this purpose. The Board shall communicate with Teams in their language, except as discussed in Rule 7.6.

**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, in conformity with Rule 8.4 (a).

2.2 **Number of Teams per University.** Each university may register up to two Teams. 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 duly accredited law schools may participate in the Competition.

2.4. **Team Member Eligibility.** Each Team Member must be a registered, full-time law student in good standing at his or her respective university. L.L.M. students may also compete.

2.5 **Substitution of Team Members.** There shall be no substitution or addition of Team Members after the release date of the Problem, except for cases of extreme hardship and upon written permission from 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 applies as soon as the team is constituted. In any case, Teams must be constituted and registered by December 13, 2014 (See Rule 1.4).

**RULE 3. TEAM INFORMATION**

3.1 **Team Number.** Once registered, each Team shall be assigned a Team Number, which should be referenced in any correspondence with the Board. To preserve anonymity, the Team Number shall be used during the Competition and Teams must not reveal to the judges the name of the University they represent.
3.2 **Team Notification.** For purposes of the Competition, any notice to a Team Trainer or the Team Member designated for receipt of notices shall constitute notice to all Team Members.

3.3 **Party Representation.** For purposes of writing the Brief, the Board shall assign a party position to each registered Team (see Rule 7.1). However, Teams should be prepared to argue both sides of the Problem during the oral argument rounds of the Competition. Assignment of a party position will be made two days after the registration deadline, in accordance with Rule 1.4.

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

4.1 **Observers.** Visitors may observe oral argument rounds when there is sufficient space in the auditorium and if there are no objections from the Teams, Team Trainers or Judges. Those wishing to observe should check in at the hospitality desk before the round begins. No one may enter the auditorium once oral arguments begin. **Note: Observers and Team Trainers must not take written notes of any kind during oral arguments. Observers are not permitted to wear or carry 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. The Board, if it considers it necessary, may make an official recording of oral argument rounds.

**RULE 5. JUDGES**

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

5.2 **Confidentiality.** Judges have a duty not to disclose information about the Problem, the Bench Memorandum, and any other Competition documents. Such information is considered confidential. Judges also have a duty to keep their scoring deliberations confidential, including from other Competition judges.

5.3 **Scheduling.** The Board shall, to the extent possible, try to avoid scheduling a judge to assess a Team that he or she assessed in a previous round of oral arguments, except for the semi-final and final rounds. The Board shall also, to the extent possible, try to 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 ensure a panel of at least two (2) judges.
RULE 6. PROBLEM

6.1 Authorship. The problem shall be prepared by the Board and will be provided to each Team for use before and during the Competition.

6.2 Clarifications. Requests for clarification of the Problem should be sent to mootcourt@fgv.br, no later than December 19, 2014 (See Rule 1.4). Each Team may ask up to five (5) clarification questions. In order to request a clarification, Teams must have previously registered and paid the registration fee. All clarification questions and answers shall be published in the official languages of the Competition on January 10, 2015 on the following website: http://diretorio.fgv.br/cdma/moot-court-competition/2015.

6.3 Use in Other Competitions. Universities may not use the 2015 Problem to select Team Members for the 2015 Competition. Universities may use the 2015 Problem after the 2015 Competition for intra-school competitions or other academic purposes, as long as such use makes appropriate authorship attribution, including the names of the Board members.

RULE 7. BRIEFS

7.1 Number of Briefs. There may only be one Brief per Team. The Board shall assign a party position to each registered Team for purposes of writing the Brief (see Rule 3.4). However, all Teams should be prepared to argue both sides during oral argument rounds. Note: Only Team Members who will be participating in oral argument rounds may participate in writing the Brief.

7.2 Research Parameters. Team Members may use any research materials available for public use, and may also consult materials of the type generally used by attorneys to prepare briefs. Available for public use means materials that are accessible to any person, without such access depending on a personal connection to a Team or any Team Member.

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

a. Constituent Parts. Each Brief must include: 1) a Cover Page; 2) a Table of Contents; 3) a 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 deemed necessary.

b. Format. All briefs shall comply with the rules of the Inter-American Court of Human Rights, except as modified below by these Official Rules.
   • All text shall be double-spaced in 12 point Times New Roman typeface.
   • All footnotes shall be single-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.

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. **Memorials.** 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 Rule 7. On this copy only the Cover Page shall include both the Team Number (in the upper right-hand corner) and the university name and the names of the individual Team Members (in the lower right-hand corner).

e. **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 documents:

   i. The memorial, marked as “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 mootcourt@fgv.br by January 30, 2015 at 9:00 PM Central Standard Time (GMT-3) (see Rule 1.4).

**7.5 Late Penalties.** Briefs received after the deadline shall not be accepted, unless authorized by the Board due to extraordinary circumstances. In any case, Briefs received after the deadline are subject to a one-point deduction for each day (or fraction thereof) it is late. For example, if a Brief is submitted at 9:01 PM Central Standard Time, one point is deducted. If the Brief is not turned in as of 9:00 PM the next day, another point is deducted.

**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 February 10 2015 on the Competition website, in their original language. The Board is not obligated to translate Briefs into other official languages of the Competition.

**7.7 Revision of Briefs.** Teams may not revise or modify their Briefs once they have been submitted
to the Board.

RULE 8. SCORING

8.1. Briefs. The Board shall review and score all submitted Briefs, and shall select the best Brief from each side. The Brief score shall be added to the scores from the preliminary rounds of oral arguments to determine which Teams will advance to the semifinal rounds (see Appendix 2 and Appendix 3).

8.2. Preliminary Rounds.

a. **Time and Place.** Preliminary rounds shall take place on the building of Getulio Vargas Foundation in Rio de Janeiro, Brazil, March 02-06, 2015.

b. **Number of Rounds.** Each team shall participate in three (3) preliminary rounds and should be prepared to argue each party position at least once. At the end of the preliminary rounds, the four Teams with the highest total preliminary scores will advance to the semi-final rounds (see Appendix 2 and Appendix 3).

c. **Ties.** Ties shall be broken in favor of the Team that has the highest aggregate point difference over its opponents in the preliminary rounds (see Appendix 4). In the event that tied 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 Semifinal and Final Rounds.

a. **Time and Place.** The semifinal and final rounds shall take place at the date, time and place determined by the Board.

b. **Rounds.** Four (4) teams shall advance to the semifinal round and the party to be represented by each will be randomly chosen. The judges will select the best Team from each semifinal round based on their oral argument, and those two teams will advance to the final round of the Competition. Ties will be resolved in accordance with Rule 8.2, along with consideration of Team scores from the preliminary rounds. The winning team shall be selected based solely on oral arguments. All Teams participating in the Competition shall attend the final round.

8.4 Order, Timing and Results of Oral Arguments.

a. **Participants.** Any two Team Members may participate in each oral argument round, but two Team Members must always participate in every oral argument round. In the case of Teams with three Team Members, each Team Member must participate in at least one preliminary round. Each Team must address all the relevant issues of the Problem in their oral arguments, but have the discretion to determine the order in which the issues are argued, and may divide the issues among the two participating Team Members any way the participating Team Members choose. A Team Member not participating in a particular oral argument round may serve as of counsel. During oral argument rounds, Team Members may communicate with each other only in writing.

b. **Time allowed for arguments.** Oral arguments shall be limited to a total of thirty (30) minutes
per Team, consisting of fifteen (15) minutes for each Team Member. Each party, by advance notice 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. The bailiff shall inform participating Team Members about their remaining time when there are 10, 5, 3, and 1 minute remaining.

Judges, at their discretion, may interrupt arguments to ask questions, but are not required to allow additional time.

c. **Results.** The best oralist of the Competition shall be announced by the Board and must have participated in at least the preliminary and semifinal rounds. The best oralist in the final round shall be chosen separately from the best oralist of the Competition. In any case, the best oralists shall be chosen based on the average of their scores, using decimals or fractions if necessary to determine the winner.

The scores for each Team shall not be announced, but shall be determined by the judges without knowing the Brief scores. The Teams that advance to the semifinal and final rounds shall be announced by the Board at the end of each oral argument round. The Board will add the judges’ scores to the Brief score, using the formula described in Appendix 3, using decimals or fractions if necessary to determine the four teams who will advance to the semifinal round.

Three months after the Competition, Teams may request a list of the participating Teams with their respective Brief scores and preliminary round scores. However, the Board will not disseminate individual Team Members’ scores.

**RULE 9. AWARDS**

The Board may bestow such awards as it deems merited.

**RULE 10. FACULTY OR OTHER ASSISTANCE**

No Team may receive assistance prior to filing the Brief beyond the orientation given by their Team Trainer, including research, writing, or any aspect for preparing the Brief. No Team may receive assistance of any kind during the presentation of the oral arguments. To maintain Team anonymity, Team Trainers may not communicate with Team Members in the rooms where the oral arguments are being held.

**RULE 11. PENALTIES**

11.1 **General.** The Board, if it considers it to be reasonable and appropriate, shall impose penalties for non-compliance with the rules and deadlines established in the Official Rules, up to and including disqualification.

11.2 **Maximum penalty.** The maximum penalty shall be Team disqualification. The Board may also elect to disqualify a Team’s Brief score, oral argument score, or both, depending on the circumstances and the severity of the infraction(s).

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

**RULE 12. INTERPRETATION OF THE RULES**

Requests for interpretation of the Official Rules should be addressed to [mootcourt@fgv.br](mailto:mootcourt@fgv.br). Pursuant to Rule 10, Team Members, and not Team Trainers, must submit any questions related to the Rules. 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 shall be in its sole and absolute discretion. Such interpretations, waivers, consents, assessments of penalties, decisions or actions shall be final and binding for all participants.
APPENDIX 1. CERTIFICATION FORMAT

We, the undersigned, certify that the brief for [insert school name] is solely the product of the undersigned Team Members. We have not received any kind of assistance in connection with the preparation of this brief, in accordance with Rule 10. We further certify that the Team Members have read the Official Rules of the Competition and that this brief complies with said Rules.

________________________________________
Team Member

________________________________________
Team Member

________________________________________
Team Member
APPENDIX 2. BRIEF EVALUATION CRITERIA

Briefs shall be evaluated and scored in accordance with the following parameters:

1) Formal aspects of the Brief, in accordance with Rules 7.3 and 7.4, correspond to twenty percent (20%) of the total score. This shall include:

   • Citation in accordance with Rule 7.3 (c).
   • Spelling.
   • Punctuation.
   • Capitalization.
   • Other parameters described in Rules 7.3 and 7.4.

2) Strength of argument corresponds to eighty percent (80%) of the total score. This shall include:

   • Rigor and thoroughness of research.
   • Depth of analysis.
   • Overall persuasiveness of argument.
   • Adequate identification of applicable law.
APPENDIX 3. PRELIMINARY ROUND SCORING

For preliminary rounds, the Brief score shall constitute sixty (60%) percent of the Team’s total score. Oral arguments shall constitute the remaining forty (40%) percent of the total score, and each preliminary round corresponds to fifty (50%) percent of said forty (40%) percent of the total score. In each preliminary round of oral argument, each Team Member is evaluated individually. That is to say, each presentation will constitute half (1/2) of the Team’s total score for that round.
APPENDIX 4. AGGREGATE POINT DIFFERENCE FORMULA

In accordance with Rules 8.2 (c) and 8.3 (b), the Board shall resolve ties between Teams advancing to the semifinal and final rounds in favor of the Team that obtains the greatest aggregate point difference. To this end, the aggregate point difference shall be calculated by subtracting a Team’s score in each of its oral argument rounds from the scores of the other Teams in said rounds. Afterwards, the obtained results are added together.

The following are two examples:

- Team X and Team Z have the highest score after the semifinal rounds, with 87 points each. Team X won its first preliminary round 85-82, its second preliminary round 94-73, its first semifinal round 91-90, and its second semifinal round 83-80. Therefore, Team X has +28 in aggregate points (+3 in the first round, +21 in the second round, +1 in the third round, and +3 in the fourth round). For its part, Team Z won its first preliminary round 86-81, its second preliminary round 92-85, its first semifinal round 80-79, and its second semifinal round 94-91. Therefore, Team Z has +16 in aggregate points (+5 in the first round, +7 in the second round, +1 in the third round, and +3 in the fourth round). In this way, Team X advances to the final round in first place, and Team Z advances in second place, and Team W, which before the tie-breaker had been in second place, is eliminated.

- Team A and Team B have the fourth highest scores after the preliminary rounds with 91 points each. Team A won its first preliminary round 80-75, and its second preliminary round 80-78. Therefore, Team A has +7 in aggregate points (+5 in the first round, +2 in the second round). For its part, Team B won its first preliminary round 95-85, and lost its second round 90-93. Therefore, Team B also has +7 in aggregate points (+10 in the first round, -3 in the second round). Because Teams A and B are still tied, Rule 8.2 (c) comes into play, and each Team’s Brief score is considered. In this case, Team A has a lower Brief score than Team B, so Team B advances to the semifinal rounds and Team A is eliminated.