

MAURICE A. DEANE SCHOOL OF LAW

HOFSTRA  LAW

**The Maurice A. Deane School of Law at Hofstra University
Moot Court Board**

presents

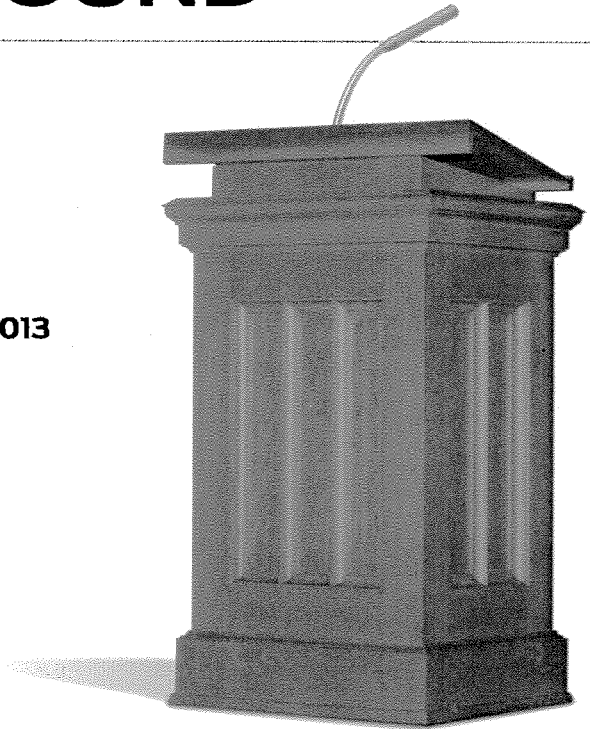
**INTRAMURAL COMPETITION
FINAL ROUND**

Finalists:

**Gabrielle Guzman
Michael P. Smith**

Date:

Thursday, January 24, 2013





**HOFSTRA MOOT COURT BOARD
2012-2013**

PRESIDENT & EDITOR-IN-CHIEF
ELANIE CINTRON

VICE PRESIDENT
KATHERINE BYRNS

CO-MANAGING EDITORS
EVGENY KRASNOV
CYNTHIA THOMAS

DIRECTOR OF STAFF AFFAIRS
EMILY RIVARD

DIRECTOR OF COMPETITIONS
MIREL FISCH

DIRECTOR OF ALUMNI AFFAIRS
ADAM KAHN

*DIRECTOR OF BUSINESS
AFFAIRS*
LAUREN MATTI

ASSOCIATE EDITORS
MELISSA CEFALU
ANDREW SEVANIAN

DIRECTOR OF TECHNOLOGY & SOCIAL MEDIA
TALI GELLERT

SENIOR STAFF

CYAVASH AHMADI
JULIAN BUFFA
FRANCISCO CEBADA
RACHEL GOLDENBERG

DANIEL NEYRA
PAULINA PROCHOWNICK
WILLIAM REINKEN
ARI RUBEL

NICOLE SAVACCHIO
JENNIFER SULLIVAN
JEFFREY WEINER

STAFF

STEPHEN ATWELL
PETER BARBERI
BRIAN BOKLER
BRENDAN FRIEDMAN
HANAIYA GHOLSON
ALEKSANDRA GONTARYUK

WILLIAM THOMAS HUGHES
BRITTANY JOHNSON
SHANTAE JOHNSON
PAUL LICCIERI
TINGTING LIU

KELLY MCGOWAN
MICHAL OVADIA
DAMIAN RACANELLI
PETER REITANO
CAITLIN STEINKE

HONORABLE PETER B. SKELOS

Peter B. Skelos is an Associate Justice of the Appellate Division of the Supreme Court, Second Judicial Department. He received his J.D. from Fordham University in 1980.

Before becoming a judge in 1995, Justice Skelos joined a solo practice started by Mr. Thomas F. Liotti, and the two formed a partnership.

Justice Skelos serves on the Appellate Division of the Supreme Court, Second Judicial Department since April 2004. Prior to that, he served as a New York State Supreme Court Justice since 1999, and as an Associate Justice of the Appellate Term since 2002.

Justice Skelos is a member of the Nassau County Bar Association, and serves as the Administrative Chair of its charity, the We Care Advisory Board. He is also a member of the Nassau County Criminal Courts Bar Association, the Nassau Women's Bar Association, and NYS Hellenic Lawyers Association.

Justice Skelos authored many significant and often-cited opinions. He has been an adjunct professor at Long Island University – C.W. Post College for the past 17 years and has taught at Hofstra University School of Law, the Nassau Academy of Law and at the NY Trial Lawyers Institute.

His career achievements and professionalism have been recognized by the Criminal Courts Bar association, the Italian Heritage Club, Nassau Jewish Lawyers Association, Fordham Law School Alumni, and Nassau Fraternal Order of Court Officers.

PROFESSOR JAMES E. HICKEY, ESQ.

Professor Hickey received his J.D. from University of Georgia in 1970s. He has practiced law with two Washington, D.C., law firms in the areas of international law, law of the sea, federal energy and natural resources law, antitrust law and administrative law. He has taught a general course in public international law at Cambridge University. He has twice been a visiting fellow at Cambridge University's Research Centre for International Law and has been a visiting scholar at the University of New South Wales law faculty. He has lectured or taught in the LL.M. program at the University of New South Wales, the Helsinki Summer Seminar of International Law, the Centre for Petroleum and Mineral Law and Policy, and Humboldt University. He has been a visitor and guest lecturer at many law schools including Warsaw University, Erasmus University Rotterdam, and Sydney University. He now teaches several classes on International and Environmental Law at Maurice A. Deane School of Law at Hofstra University.

Professor Hickey has over 50 publications. His books include *Energy Law and Policy for the 21st Century* (2000), *Government Structures in the U.S.A. and the Sovereign States of the Former U.S.S.R.* (1996), *The Environment: Global Problems, Local Solutions* (1994), and *Energy Law & Policy* (1989). He is on the board of editors of *Ius Gentium*, is currently chair of the ABA Special Committees on Electric Industry Restructuring, and vice chair of the ABA Committee on Hydro Power. He has served on the ABA Graduate Legal Education Committee, the ABA Special Committee on International Energy Law and the International Environmental Law Working Group of the American Society of International Law. He has been a consultant to the Energy Charter Secretariat, and special assistant to the National Petroleum Council (Water Availability Task Group), and a Foreign Member of the Ukraine Academy of Ecological Sciences.

KEVIN SCHLOSSER, ESQ.

Kevin Schlosser graduated Hofstra University School of Law in 1984. At the outset of his career he acquired intensive litigation experience, having been trained at two prominent firms based in New York City; Patterson, Belknap, Webb & Tyler, and Chadbourne & Parke.

Currently, Mr. Schlosser is a Member and the Chair of the Litigation and Dispute Resolution Department at Meyer, Suozzi, English & Klein, P.C. located in Garden City, Long Island, N.Y. Mr. Schlosser has been involved in all aspects of state and federal litigation since starting his legal career in 1984. An experienced civil litigator, Mr. Schlosser has engineered the legal strategy for a broad range of cases and arbitrations, including complex commercial disputes, business torts, fraud, breach of fiduciary duty, breach of contract, professional liability and malpractice claims, construction law, real estate and commercial landlord-tenant disputes, corporate and partnership disputes, ERISA, health law, Federal Fair Debt Collection Practices Act class actions, employment and restrictive covenants, intellectual property, products liability, insurance claims and defense, including disability insurance claims and the prosecution and defense of other tort-related claims. His clients consist of some of the largest companies in the world, as well as local businesses and individuals, including senior law partners, accountants, doctors and others in the professions. A proven appellate lawyer, he is also an accomplished trial attorney, whose victories include million-dollar recoveries and a record-breaking jury verdict.

In addition to his litigation experience, Mr. Schlosser also acts as general outside corporate counsel, advising corporate clients on the full spectrum of legal affairs. Mr. Schlosser receives referrals for most of his clients from other practicing attorneys (often former adversaries) and existing clients. Because of his experience in the Commercial Division of the Supreme Court in Nassau County, Mr. Schlosser is also frequently tapped to serve as local Long Island counsel to many other law firms in New York City and out of state.

THE PROBLEM

In the spring of 2011, following the so-called Arab Spring protests across the Middle East, a significant protest movement emerged in the East African nation of Wadiya. Wadiya is ruled by a repressive regime headed by Admiral-General Aladeen. The Aladeen government has refused to compromise with the emerging opposition, employing harsh measures to break up street demonstrations.

Since 2007, Knockhead Barton Inc. (“Knockhead”), a U.S. corporation, has supplied the Aladeen government with heavy equipment such as helicopters and armored trucks, which has been used for both civilian and military purposes. Knockhead delivers this equipment under an exclusive contract with the Wadiyan government. It does not provide the government with any weapons.

On June 18, 2012, a particularly large protest against the government took place in Aladeen City, the capital of Wadiya. There was a stalemate for some time between the protestors and the police. However, the police received significant backup from several armored vehicles that drove directly into the crowd, trampling several people. The government also deployed two helicopters carrying snipers, who started shooting directly at the crowds. The estimated death toll among the protestors was fifty-eight. Six police casualties were also reported.

American reporters discovered that the helicopters and armored vehicles that the Wadiyan police forces used were manufactured by Knockhead. Knockhead refused to terminate its relationship with Aladeen. Moreover, the Wadiyan government issued an Order barring any suits against Knockhead in Wadiyan courts.

Victims’ families brought suit under the Alien Tort Statute (“ATS”) against Knockhead in the Federal District Court for the Southern District of Appelladia. Plaintiffs sought damages from the company for aiding and abetting crimes against humanity, extrajudicial killing, arbitrary arrest and detention, and torture or other cruel, inhuman, and degrading treatment. Specifically, the plaintiffs claim that Knockhead provided essential equipment and materials to the Wadiyan government to carry out these crimes.

Defendant moved to dismiss. The district court denied the motion, and the circuit court reversed.

QUESTION PRESENTED

Whether corporations may be held liable under the Alien Tort Statute for violations of the law of nations.



The problem for this competition was written by the Managing and Associate Editors.

Hofstra Moot Court Board extends its gracious thanks to all members of the bench for donating their time and expertise to ensure a successful and challenging final round.

Special Thanks

Professor James E. Hickey, Jr.
Honorable Peter Skelos
Kevin Schlosser, Esq.

-and-

Professor Barbara S. Barron
Dean Eric Lane
Dean Mary T. Ruggilo
Dean Lisa M. Monticciolo
Anna Pellegrini
Gail Travers
Hofstra Moot Court Board Staff