

CURRENTS

INTERNATIONAL TRADE LAW JOURNAL

WRITE-ON COMPETITION PACKET

FALL 2011

(IF ACCEPTED, YOU WILL START *CURRENTS* IN FALL 2011)

Identification Number:

I. Introduction

Congratulations! Your commendable grade point average enables you to take part in the *Currents: International Trade Law Journal* write-on competition.¹ *Currents* membership is an outstanding opportunity for those interested in scholarly writing to participate in the production and publication of a student-run scholarly journal that focuses exclusively on international trade issues. The *Currents* experience will strengthen your research, writing, and editing skills, while adding a significant boost to your resume, as well as offer you with the opportunity to get published.

You should have gained a solid foundation in legal research and writing skills from completion of Legal Research and Writing I and II during your first year of law school. The note you will write for the competition will build upon these skills, while presenting some unique challenges. The format is new for everyone, so do not feel intimidated if it seems awkward at first. Take your time, and simply incorporate the skills you already possess into this new format. A good resource is *Scholarly Writing for Law Students: Seminar Papers, Law Review Notes and Law Review Competition Papers* by Elizabeth Fajans and Mary R. Falk (West Publishing Co. 2005). *Scholarly Writing* is available in the South Texas library at the reference desk and in the South Texas bookstore for purchase. Another source to assist you in taking a position is *Writing a Student Article* by Eugene Volokh of the UCLA Law School.² Back issues of *Currents* are also a valuable source and are available in the *Currents* office in room 219 located on the second floor next to the student organization offices.

A copy of your Note, Research Exercise, and this Write-On Competition Packet is due **no later than 5 p.m. (17:00 hrs) on Friday, August 5, 2011**. You may choose to submit your Write-On in either electronic or hard copy format. For those choosing to submit in ELECTRONIC COPY format, an **E-MAIL** of your Note, Citation Exercise, scanned/printed Research Exercise, and signed Write-On Competition Pledge must ALL be **received no later than 5 p.m. (17:00 hrs) on Friday, August 5**, by Sammy Miles at smiles@stcl.edu. For those choosing to submit in HARD COPY format, your Note, Citation Exercise, scanned/photocopied Research Exercise, and signed Write-On Competition Pledge must ALL be **received no later than 5 p.m. (17:00 hrs) on Friday, August 5**, by Sammy Miles at **room 224**. You will be assigned an Identification Number when you submit your paper. **NO LATE PAPERS WILL BE ACCEPTED.** Good Luck!

¹ Please carefully review the *Currents: International Trade Law Journal* Section of the STCL Student Handbook for eligibility requirements. In addition, *Currents* candidates must have at least two remaining enrollment periods, which may include summers.

² This article is located at 48 J. LEGAL EDUC. 247 (1998).

II. Assignment

Part 1

In Subheading III, there are six endnotes that need to be properly Bluebooked. Please use what you have learned in your Legal Research and Writing courses, along with rules within the Nineteenth Edition Bluebook to complete the Citation portion of the write-on competition. To complete this section, you might have to research additional information that is not provided within the given citation to correctly Bluebook each citation. Be sure to also include the Bluebook Rule numbers that assisted you in creating the corrected citations.

Part 2

You must write a five to seven page note for the write-on competition. A note is a detailed analysis of a recent issue concerning international trade law and can be written from any angle. The position you take is irrelevant, provided that your position is well supported. Your note should include a table of contents, a brief background section, a section analyzing the topic presented with a suggestion and/or opinion of your own regarding the law on the subject, conclusion, and proper Nineteenth Edition Bluebook endnotes. Finally, include a cover sheet with your identification number and title only.

Research for the write-on note is closed. You may cite only the materials included in the attached source list, although others may be considered in the course of your research. In selecting a write-on topic, we have attempted to select an interesting and controversial topic. As with many legal issues there is no “right” or “wrong” answer to the international topic selected. Feel free to analyze and develop your theme from any angle or approach you deem appropriate. Be creative in conceptualizing your note and its title. The idea is to find and write about a common thread that runs throughout the articles. Your job is to write a persuasive note that supports whatever position you take on the issue. The substance of your work is obviously critical, but so is the form. This is especially true in the law journal context where countless hours are spent ensuring that not one period or comma is out of place. Do not spend so much time trying to arrive at the “best” possible answer, only to turn in a note that contains less than perfect citations, spelling, and grammar.

Part 3

In Subheading V, the research exercise provides three citations to be researched that must be completed by printing out only the first page and corresponding page of the source you found the citation in and attaching it to your packet. Be sure to utilize any research skills you have obtained in Legal Research and Writing, as well as utilizing any research tools, i.e. the internet, electronic databases, STELLA, etc. A large portion of your responsibility in *Currents* is the ability to research obscure international articles and topics and be able to produce a physical copy of the source. There are no guidelines or restrictions for the research exercise.

III. Citations

The following are the citations for the Fall 2011 write-on competition that need to be properly corrected and Bluebooked (please remember to include the Bluebook Rule you used for the corrected citation, and please remember additional information may be needed to correctly Bluebook each citation):

CITATION #1

(April 15, 1994) *Uruguay Round Agreement, Agreement on Implementation of Article VI of the General Agreement on Trade and Tariffs*, [HEREINAFTER GATT Agreement] 145- 148, available at http://www.wto.org/english/docs_e/legal_e/19-adp.pdf

CITATION #2

See paragraphs 222-234 of *Survey of State Practice Relevant to International Liability for Injurious Consequences Arising out of Acts Not Prohibited by International Law*, U.N. Doc.A/CN.4/384, October 1984.

CITATION #3

See *Kloiber* at 517, (note 70)

CITATION #4

See also USA Today, *RETAILERS, CONSUMERS HUNGRY FOR ORGANIC BEEF*, [June 30, 2004], exemplifying the growth and demand for organic beef, http://www.usatoday.com/money/industries/food/2004-06-30-organic-beef_x.htm

CITATION #5

for an in depth explanation of the portfolio theory, see R.J.Gilson & R.H.Mnookin, at 313–97 (1985) *Sharing Among the Human Capitalist: An Economic Inquiry into the Corporate Law Firm and How Partners Split Profits*, 37 *STANFORD LAW REVIEW* 313.

CITATION #6

Chile ARTICLE 2129, (Cód Civ) código civil

IV. Selected Topic and Sources

The topic for the Fall 2011 write-on competition concerns the following situation³:

In May 2010, Kevin Chen, a Taiwan passport holder, and his Taiwan corporation, Landstar Tech Company Limited, pleaded guilty in Miami to charges of conspiring to illegally export dual-use commodities to Iran.

Chen and Landstar Tech pleaded guilty for conspiracy to illegally export military and dual-use commodities to the Islamic Republic of Iran in violation of the embargo imposed on Iran, the International Emergency Economic Powers Act, and the Arms Export Control Act. Chen faces a maximum statutory term of 20 years in prison and a maximum fine of \$1 million. Landstar Tech also faces a statutory maximum fine of \$1 million.

Chen, a Taiwan national who was residing in that country during the time of the acts charged, by and through his corporation, Landstar Tech, communicated and coordinated with co-conspirators in the United States, Iran, Hong Kong and elsewhere and facilitated the attempted export of dual-use goods from the United States to Iran. In so doing, Chen communicated with and took requests for U.S. manufactured goods from customers in Iran. Chen and Landstar Tech then purchased those U.S.-manufactured goods from U.S. companies and misrepresented to those companies the ultimate end-user or consignee of the goods.

Specifically, Chen and Landstar Tech conspired to export 120 circular hermetic connectors and 8,500 glass to metal seals of various item numbers. The circular hermetic connectors and the glass to metal seals were manufactured in the United States and are dual-use commodities. Dual-use commodities have both civilian and military uses.

Chen ultimately failed to deliver the circular hermetic connectors or the glass to metal seals to his customers in Iran due to the intervention of U.S. Department of Commerce agents. Chen has been in federal custody since his arrest in February of this year and will remain in custody pending his sentencing.

In your response, analyze the situation with the sources listed (there is no need to analyze sources not on the list), and decide whether the current state of international law is adequate to curb the future illegal export of defense materials. If not, then proffer a new strategy for dealing with illegal arms dealers, using international common law, U.S. and global acts, and any sanctions available through the World Trade Organization. Design a proper and legitimate state response on this issue.

³ <http://www.justice.gov/opa/pr/2010/May/10-nsd-566.html>

SOURCES:

1. Department of Justice, Taiwan Citizen Pleads Guilty to Conspiring to Export Missile Components from the U.S. to Iran, <http://www.justice.gov/opa/pr/2010/May/10-nsd-566.html>.
2. See 50 U.S.C.S. 1701-06 (hereinafter “International Emergency Economic Powers Act”).
3. KATHARINE ORLOVSKY, Note: International Criminal Law: Towards New Solutions in the fight Against Illegal Arms Brokers, 29 Hastings Int’l & Comp. L. Rev. 343 (Spring 2006).
4. Arms Export Control Act, Title 22, U.S.C. Section 2778(b).
5. Tara L. Dunn, “Surviving United States Export Controls Post 9-11: A model Compliance Program”, 33 *Denv. J. Int’l L. & Pol’y* 435, 495 (2005).
6. Westreich, J. Donald, Regulatory Controls on U.S. Exports of Weapons and Weapons Technology: The Failure to Enforce the Arms Export Control Act, 7 *Admin L.J. Am. U.* 463 (1993).
7. *United States v. Reyes*, 270 F3d 1158 (7th Circuit, 2001).
8. Kittrie, Orde F. Symposium Paper – A nuclear Iran: The Legal Implications of a Preemptive National Security Strategy: Emboldened by Impunity: The History and Consequences of Failure to Enforce Iranian Violations of International Law, 57 *SYRACUSE L. REV.* 519 (2007).
9. *Nissen*, No. 90-2209, U.S. Court of App. 5th Circuit, 1991.
10. Bruce Zagaris, *Avoiding Criminal Liability in the Conduct of International Business*, 21 *Wm. Mitchell L. Rev.* 749 (Spring 1996).
11. James E. Bartlett III, *Export Controls and Economic Sanctions*, *The International Lawyer* Vol. 43 p. 311 (Summer ’09).
12. Jefferey A. Meyer, SECOND THOUGHTS ON SECONDARY SANCTIONS, 30 *U. Pa. J. Int’l L.* 905.
13. Iranian Transactions Regulations, 31 C.F.R. 560.
14. Broude and Teichman, Outsourcing and Insourcing Crime: The Political Economy of Globalized Criminal Activity, 62 *Vanderbilt L. R.* 795 (4/2009).
15. *U.S. v. Groos*, 616 F.supp 2d 777, 785-87 (2008).
16. Thomas M. Franck, *On Proportionality of Countermeasures in International Law*, 102 *A.J.I.L.* 715 (Oct. 2008).
17. *Heinz Golitschek v. U.S.*, 1986 U.S. App. LEXIS 35032 (2d Circuit 1986).
18. See Generally, www.wto.org/index.htm

19. WTO, World Trade Report 2009: Trade Policy Commitments and Contingency Measures, available at http://www.wto.org/english/res_e/booksp_e/anrep_e/world_trade_report09_e.pdf.

20. International Security and Development Cooperation Act of 1885, Section 505.

****NOTE:** You are not limited to using just the pin cites in the sources listed above.

V. Research Exercise

The following are the citations to research for the Fall 2011 write-on competition where the sources must be found and printed out (FIRST PAGE AND CORRESPONDING PAGE ONLY):

CITATION #1

CHRISTOPHER STEVENS & JANE KENNAN, UNIV. OF SUSSEX INST. OF DEV. STUDIES, BOTSWANA BEEF EXPORTS AND TRADE POLICY IV (2005).

CITATION #2

ROSSELLA BREVETTI, Commerce Department Proposes Package Of Changes in Antidumping, CVD Practice, 27 ITR 1326 (2010)

CITATION #3

UNIDROIT Study LVIII-Doc. 25, at 25.

VI. Deadlines and Instructions

Notes, signed Write-On Competition Pledge, and all exercises are due Friday, August 5, 2011 by 5:00 p.m. in person or by email to Sammy Miles in room 224 or at smiles@stcl.edu. **No late papers will be accepted.** If Ms. Miles is unavailable, attach a separate sheet with your name to your paper and slide it under the door. Your memorandum should be between 5 and 7 pages, double spaced, at 1 inch margins, 12 pt. font, Times New Roman, authenticated with adequate endnotes using the most recent edition of the Blue Book.

Page Limit – The page limit does not include the endnotes, title page, and the table of contents sections.

Do not place your name on the note; identify yourself only with the identification number assigned to you when you received your package (the last four digits of your social security number). The note you turn in must be your own work. You may not collaborate with other students or seek help from attorneys, professors, or anyone else. Any questions regarding the write-on competition should be directed to Sammy Miles.

Results will be posted on Friday, August 12, 2011 on the door of the Currents office (room 219) and on the cork board outside of room 224. If selected to be a member, you must attend a mandatory orientation meeting which will be announced with the posting. If you are unable to attend, please contact Chi-Ming Ling, Editor-in-Chief, at chiming.ling@gmail.com, or Adam J. Flood, Managing Editor, at adam.flood@stcl.edu. It is your responsibility to stop by and confirm your status; you will not be independently notified. Finally, be sure to complete the attached Write-On Competition Pledge Form and submit it with your note.

GOOD LUCK!

WRITE-ON COMPETITION PLEDGE

I hereby pledge that the note I have submitted for the write-on competition is exclusively my work and that I have not corroborated with nor received assistance from any other person in its preparation.

I have read and I understand the requirements for *Currents* eligibility and acknowledge that in the event I do not meet the requirements that I will not be eligible for *Currents* candidacy despite the fact that I have turned in a note for the write-on competition.

Signature

Print name

Identification Number: _____

Date: _____

Please provide the following contact information:

Telephone number	
Email address	
STCL student box number	