

MORRIS TYLER MOOT COURT OF APPEALS AT YALE LAW SCHOOL

THURMAN ARNOLD PRIZE FINALS



EXXON SHIPPING CO. v. BAKER NO. 07-219

QUESTIONS PRESENTED

A federal jury awarded \$5 billion in punitive damages against Exxon under federal maritime law for the accidental grounding of the tanker Exxon Valdez and the resulting oil spill. The Ninth Circuit reduced the award to \$2.5 billion.

1. May punitive damages be imposed under maritime law against a shipowner for the conduct of a ship's master at sea, absent a finding that the owner directed, countenanced, or participated in that conduct, and even when the conduct was contrary to policies established and enforced by the owner?
2. When Congress has specified the criminal and civil penalties for maritime conduct in a controlling statute, here the Clean Water Act, but has not provided for punitive damages, may judge-made federal maritime law expand the penalties Congress provided by adding a punitive damages remedy?

FOR PETITIONER

RAJ LAUD '08
ABBAS RAVJANI '09

FOR RESPONDENT

SUMON DANTIKI '09
JOSHUA JOHNSON '09

PANELISTS

HON. MARSHA BERZON
U.S. Court of Appeals for the Ninth Circuit

HON. BRETT KAVANAUGH
U.S. Court of Appeals for the D.C. Circuit

HON. SONIA SOTOMAYOR
U.S. Court of Appeals for the Second Circuit

MONDAY, MAY 5

4:30 PM

LEVINSON AUDITORIUM

This event is open only to the Yale Law School community; no press allowed.