ELSA WTO Moot Court (EMC²)

Institute of European and International Economic Law

University of Bern
ELSA WTO Moot Court (EMC²) at the University of Bern

Moot courts are often offered as specialised courses at many law schools, especially in the USA, Australia and Canada and are an important mandatory part of a curriculum. For Switzerland this is a new trend, which is becoming more and more popular.

Every year, the European Law Students Association (ELSA) holds a Moot Court in WTO law. Student teams from all over the world participate. As part of the Department of Commercial Law at the University of Bern, the Institute of European and International Economic Law (IEW) annually coaches a team to represent the University of Bern at the EMC².

In previous years the Bern teams had a great opportunity to compete against other European teams in various cities across Europe. The final oral round is traditionally held in Geneva at the premises of the World Trade Organisation (WTO).

The ELSA WTO Moot Court is a rewarding exercise, where participants improve their written and oral skills in legal English. It is a unique opportunity to learn a new area of law, meet interesting people, but also an important indicator for employers, especially in the beginning of a professional carrier.

A Moot Court exercise is perhaps the closest experience available to students whilst at university to appearing in court. The knowledge and soft skills gained during a moot court will be indispensable for any legal career, be it with prestigious law firms, governments, academia or the WTO.

From the University of Bern...

... through Europe....

... to Geneva
WTO Law at the University of Bern

The law of the World Trade Organisation (WTO) deals with the global rules of trade between nations. It determines the rights of governments to regulate international trade in goods and services and requires them to ensure adequate protection of intellectual property rights.

The WTO oversees the implementation, administration and operation of international trade rules envisaged in a number of agreements concluded in the WTO framework and provides a binding mechanism for its members to settle their trade-related disputes. Over the past twenty years, international trade law has become one of the most fast-growing areas of international law.

The IEW currently offers two main courses on WTO law - a course on International Trade Regulation (ITR) every spring and the EMC² every autumn.

The ITR course provides an introduction to the law and policy of the WTO. Students also have an opportunity to learn about the structure, decision-making processes, negotiating techniques and dispute settlement procedures of the WTO. The course includes an in-depth analysis of the relevant case law and, where relevant, provides a forward-looking assessment of the future of the multilateral trade system (e.g. the role of regional trade agreements, such as TPP and the TTIP).

The EMC² provides an introduction to the WTO through a case-study. Depending on the issues addressed in the case students deal with specific agreements covering trade in goods and services, as well as trade-related intellectual property rights. Especially the dispute settlement procedure of the WTO is carefully looked into. As a simulation of WTO panel proceedings, the EMC² acquaints students with diverse situations of trade law in action.

The competition requires a forward-looking analysis of current negotiations at the WTO and their political context, overall contributing to a thorough understanding of the present and future of the multilateral trade system.

During the analysis of the case, parallels can be drawn with the regulation and trade policy formulation at national and regional levels deriving from Switzerland's external trade relations, the common commercial policy of the European Union, in light of their relationship and consistency with WTO law.
Getting Started

Working Procedure

The EMC² Team consisting of two to four students in the course of two semesters will work towards the written submissions and prepare for the oral pleadings both in a team and individually. The coaches will assist the team on regular basis with academic and administrative support.

The fall semester will be used to write the submissions based on the case which is annually published in September on the EMC² website. There is sufficient time to get acquainted with the topic to prepare their position. The deadline for the written submissions is usually at the end of the fall semester, i.e. in January.

In spring semester teams prepare for participation in the regional oral rounds, which are held in two European Universities during one week between end of February and mid-April. In previous years the Bern team had a great opportunity to travel to Bucharest, Prague and Cluj-Napoca and to compete against other teams from Europe.

If the team succeeds in the regional round, it will proceed to the International Final Round in May-June. The final oral round is traditionally held in Geneva at the premises of the WTO.

Participation in the final oral round gives an opportunity to meet students from all over the world and to plead against top world teams in front of the panel composed of the recognised leading practitioners and scholars.

Coaching

The University of Bern team benefits from competent coaching throughout the competition. Regular team meetings will take place to discuss the arguments and progress in writing. A field trip to Geneva to the WTO is usually organised in the fall semester.

During the Moot Court participants benefit from the challenge of combining individual work and teamwork to prepare the written submissions.
In preparation for the oral pleadings, the team will have sufficient opportunities to practice speeches and to improve oral advocacy skills. Such training sessions will take place both with WTI internal experts, but also include a possibility to practice in front of lawyers practicing WTO law.

**Research Support**

The IEW and the World Trade Institute (WTI) work closely together and are both based in the same building at Hallerstrasse, 6. This makes it possible for participants to exchange ideas with and get valuable impulses from leading scholars, practitioners, post docs and PhD students from both institutes and allows participants to deepen their knowledge in the fields of economics, political science and law.

**Library**

The IEW library is combined with that of the WTI, providing an excellent collection of literature on international trade issues.

Through close cooperation with the University of Bern, the WTI’s infrastructure provides extensive opportunities for e-Research, including access to a large number of online journals, trade-related law sources and electronic databases. Students, research fellows and faculty benefit from free access to these databases. Coaches will advise the team on all the useful resources and, if necessary, provide basic training on the use of available databases.

**Various events at the WTI**

The WTI holds regular seminars, brown-bags and conferences on the topics often relevant for the EMC². The team will have a unique opportunity to attend such events.

In case the issues raised in the EMC² overlap with the topics of the courses taught during the WTI Master in International Law and Economics (MILE), there is an opportunity for the team members to attend selected lectures on daily basis to ensure the best preparation for the competition.

**Your own desk**

Another major advantage is that members of the University of Bern team have their own desk at the IEW/WTI and unlimited access to it.
Participation

Registration fee

Participation costs are usually generously covered by the University of Bern. This includes participation fees for the EMC², accommodation costs and travel expenses to the place, where the regional round takes place as well as to the final round in Geneva.

ECTS

Participation in the first phase of the EMC² (written submissions) during the fall semester is rewarded with 10 ECTS and in the second phase (the oral rounds) during the spring semester - with 5 ECTS, i.e. in total 15 ECTS.

Friendship and dedication

EMC² is about professionalism, dedication and friendship. It is an excellent opportunity for you to develop written and oral advocacy skills, learn how to work in a team, express your competition spirit and meet students, practitioners and academics from all over the world.

FOR MORE INFORMATION

Additional information can be found under the following links:

IEW, KSL AND ILIAS:
www.iew.unibe.ch
www.ksl.unibe.ch
www.ilias.unibe.ch

ELSA MOOT COURT COMPETITION
http://elsamootcourt.elsa.org/

ELSA BERN
http://www.elsa-bern.org

WTO WEBSITE
https://www.wto.org

VIDEOS ON YOUTUBE (SEARCH FOR EMC²)
http://www.youtube.com/watch?v=BwmaAOlh7ho
https://www.youtube.com/watch?v=e4JAbVzYh58&list=PL_B90XaiDrqr19E5w9e2Mup1KheyTxS7&index=10
https://www.youtube.com/watch?v=BRzFxPrnE
The University of Bern
Teams in past years

The team of the University of Bern in 2010-2011 was the first one to represent our University in the Competition. It successfully participated in the European Regional Round, which took place on March 16-21, 2011 in Cluj Napoca, Romania. The team won the preliminary rounds and upon the victory in the semi-finals proceeded to the final oral round and finished the regional competition as a runner-up-team. The team also received an award for the Best Written Submission for Respondent.

The 2010-2011 team competed against top international teams in the Final Oral Round in Evian and proceeded to quarterfinals.

The team 2012-2013 competed in the Regional Round in Cluj-Napoca with great success, also finishing the regional competition as a runner-up-team and having the honour to win the Best Written Submission for Respondent. It represented the University of Bern in the Final Oral Round in Geneva.

Application and Registration Procedure

Application Requirements

The ELSA Moot Court is open to all students of the law faculty. Students from disciplines other than law are also welcome to participate. Participation makes most sense during the Master curriculum (meaning, that the second phase of oral pleadings should already fall into the Master, due to the awarding of credits). Undergraduate (Bachelor) students are welcome upon prior consultation. A successful participation requests:

- Participants should have good English language skills.
- Interest in international law / international economic law (meaning either prior knowledge or the will to delve into it)
- Availability and readiness to work
- Commitment to meet the deadlines and engage both in team and individual work

The application procedure starts in May. A new team is usually formed in September.

All interested students are invited to apply for participation by sending an e-mail with a short letter of motivation (max. 1 page) and a CV.

After the deadline, short interviews with the applicants will take place. Applicants’ motivation and dedication are very important to us.

Accordingly, all interested students should apply! Please, do consider applying even if you think that your knowledge in the field is not yet good enough. Moot Court is a great opportunity to learn specific aspects of WTO law in a practice-oriented manner.

If you have further questions, please contact the coaches: Ms. Tetyana Payosova and Mr. Andrea Schläpfer.

Coaches

Contact

tetyana.payosova(at)iew.unibe.ch
Tel +41 (0)31 631 34 87

Meetings by appointment.
Master of Law at the University of Bern. Master and Bachelor of Law from the Odesa National Law Academy (Ukraine).

Contact

andrea.schlaepfer(at)iew.unibe.ch
Tel +41 (0)31 631 34 87

Meetings by appointment.
Master of Law at the University of Bern. Bachelor of Arts in International Relations from the University of Geneva
Testimonials

Jonas Baumann
Team 2014-2015

My participation in the ELSA Moot Court Competition 2014-2015 was probably my best university experience so far. Apart from working in a great team on an interesting case, we had the opportunity to travel abroad and to compete against other teams from all over Europe.

Working on the written submission will deepen your knowledge in both legal research and legal writing, and the oral rounds will give you the unique opportunity to present and defend your case before qualified jurors and against an opposing party - a chance you normally get only after having worked for several years already.

And last but not least: you will have the possibility to meet great people - your teammates, other students and leading professionals in the field - and deepen your personal and professional network. I therefore warmly recommend to anybody interested in WTO Law to participate in the ELSA Moot Court Competition on behalf of the University of Bern.

Laura Bayley
Team 2010-2011

The EMC² moot court was by far the best time of my studies: Arguing with my peers about interesting subjects, getting my teeth into material I would otherwise never have contemplated and making wonderful friends that I hope I will keep for life was a very enriching experience. Even though the moot court tested our limits, it also honed our debating skills, our writing abilities and our capacity to concentrate for hours on end. The moot court is a game, but it was the best preparation for my working life the university was able to offer. Participating in the moot court was the best decision I ever made and I encourage every student of law who is interested in testing his or her boundaries to give it a go!

Csilla Horber
Team 2014-2015

My participation in the competition allowed me the unique opportunity of meeting and networking with academics, practitioners and fellow students from all around Europe sharing the same interest in international
economic law. My best memories are the cherished moments with my teammates and fellow ELSA participants. I strongly encourage anyone interested in WTO law to participate in the competition, for the substantive knowledge that we can acquire such as legal research, legal writing and oral pleading skills, as well as for the lasting bonds of friendship it can create. It is an incredibly rewarding experience on both a professional and personal level.

Brigitta Imeli
Team 2014-2015

As a student enrolled in the Public Management and Policy Master Program, participation in the ELSA WTO Moot Court opened me the door to a whole new field. Being a member of the Bernese team in the 2014 – 2015 term proved to be an experience of a lifetime.

Contrary to my early worries, my academic background did not appear to be a disadvantage during preparation. I was facing the same challenges as my fellow team members completing their Master of Law degrees. Months of concentrated work provided us with written and oral advocacy skills, as well as a precious base of knowledge in international trade law.

Importantly, participation proved me that I am able to argue and present in English – in a self-confident manner. Thus, I’ve learnt to enjoy public speaking.

Moreover, working as a team resulted in lasting friendships and countless funny moments we’ll hardly ever forget. The team had a desk – covered with articles (and sweets) - in the WTI’s library to prepare there for the weekly sessions. Sitting around it we’ve always been having fun, despite the demanding workload. After the oral round – held last year in Bucharest – we’ve worthy celebrated our performance throughout the prevailing six months.

Working together with outstanding coaches and to benefit from the World Trade Institute’s infrastructure was a great pleasure and opportunity. My current position as a junior research assistant at the Institute for European and International Economic Law I thank to a great extent to the participation in the ELSA WTO Moot Court. It also gave me the final incentive to start the MLaw program – a decision I am more than content with.

According to my experience, successful participation to a great extent depends on personal motivation. One mustn’t be too shy to apply for reasons of his inexperience, but take the challenge.
The ELSA Moot Court Competition in WTO Law offered me a unique opportunity to compete with other law students from all over the world and to experience the practice of a trade lawyer. Moreover, it requires you to work constantly on your legal skills including legal research, legal writing and oral pleading skills. Overall, it was a fantastic experience, which allowed me to take glance into the trade law community and a State-to-State dispute settlement. I can only recommend to participate in this Moot Court and to get a whiff of international trade diplomacy.

I participated in the ELSA WTO Moot Court in the year 2010/2011. Our team went all the way to the finals in Geneva/Evian and we were the runner-up team at the regional European round held in Cluj-Napoca, Romania.

Personally, I believe that my participation at the ELSA WTO Moot Court was the most beneficial and valuable experience during my time at the University of Berne. It was a very intense time and our team spent many hours in the library reading the legal texts and debating our strategy for both the written and the oral rounds.

As the topic was completely new to us, it took a while to get familiar with the legal basis of the case and understand the rules and procedures of the WTO and the Moot Court itself. This was really the main challenge, as all of us were working part-time and studying next to the Moot Court activity, which was very time-consuming. However, every hour that I invested into the ELSA WTO Moot Court was worth it. Not only did I learn a lot about WTO and international trade law, but I also developed my professional and personal competencies, i.e. my analytical skills, debating skills, time management skills and I became very fast in finding the right legal source under time pressure.

The whole experience made me step out of my personal comfort zone and made me realize that I am capable of more than I believe myself to be capable of.

The most valuable thing, however, were the people that I met during this time, foremost our team. The intense experience that our team went through created a strong bond between us and up until today, we are in touch and meet on a regular basis.
basis. Thanks to them I learned what you can reach if you work as a team. In addition, we had the privilege to meet both professors and law students from all over the world and got a deep insight into their own and their University cultures.

Even though I am not working in a legal field now, I keep meeting people who have participated in Moot Courts and it automatically creates a connection between you. In addition, it has made me less hesitant to take on new challenges, as I have learned that one is able to grow into new tasks, even though they might seem insurmountable at the beginning.

My personal advice to future participants: Do not hesitate to grab this unique opportunity and make the most out of it! It is a once in a lifetime chance to participate in an adventure, where you will learn much more than any university class can teach you. In addition, even if you feel like you have no clue what you are saying during the oral round, don’t worry! The other participants feel exactly the same way and the judges seem to make more sense of it than you do. ;)

Maija Kokkonen
Team 2013-2014

My participation in the ELSA WTO Moot Court during my exchange year in Bern (2013-2014) gave my studies a new direction and numerous experiences, which have helped me up to this day.

During the written rounds our team's research and argumentation skills improved. The oral rounds on the other hand provided each of us valuable experience as we got to present our arguments to the panel and make last minute changes to our pleadings.

Naturally our ability to work in a team was also tested from time to time, but the most challenging steps during the competition seemed to be, at least for our team, the finalizing of the submissions and fitting our work together. However, even these challenges turned into "lessons learned" at the end of the competition.

All in all after the competition I became more interested in international arbitration and international legal matters in general, which interest has been reflected in my studies and internships after the competition. I can only highly recommend all law students to take part in the ELSA WTO Moot Court. Remember to work hard as a team and make the most out of this unique experience! It will surely help you throughout the end of your studies and beginning of your career.
Marie Papon
Team 2010-2011

My participation in the 9th ELSA WTO Moot Court Competition (2010-2011) remains a very strong memory of my time at the University of Berne. This experience was very demanding, both intellectually and as regard to the time requested for a good preparation.

Working as part of a team in which each individual has his/her own way of addressing legal issues but has the same will to learn and excel was challenging and also rewarding. This was a great opportunity to get a concrete introduction to WTO law and helped me gain a better and more practical understanding of international economic law and policies. Furthermore, it allowed me to develop numerous skills such as legal research, legal writing and oral pleading skills.

In a more practical approach, my experience is that the written round is a rather long process during which the biggest challenge is to understand the stakes and gain an overview of the case as well as to make links between different relevant legal issues. It is a time of group discussions and reflections and includes a lot of drafting, correcting, changing mind, coming back to the starting point and questioning.

The oral rounds require a readiness to quickly adapt and respond. I remember having to change our line of argument between two rounds, which required a strong understanding of the case and of its related issues as well as of WTO law.

As per the influences at the professional level, I have the feeling that having participated in a Moot Court is a proof for employers that one is not afraid of new challenges and of pushing their own limits. Such an experience also helps gaining self-confidence and developing logical thinking which is a plus in any career. The ability to clearly express logically constructed arguments is fundamental for every lawyer and each lawyer-to-be should take any opportunity to train these skills. In sum, the ELSA WTO Moot Court is a very exciting and also intellectually rewarding experience.

Last but not least, Moot Court teamwork allows to develop strong and last lasting friendships based on many shared experiences and emotions.

Kathrin Rüegsegger
Team 2013-2014

After having participated in the local WTO Moot Court in the 2013, a moot court competition between the University of Berne and the University of Lausanne, I was very motivated to further work on my legal skills and bring them to a next level. I
therefore decided to take the challenge and sign up for the international ELSA Moot Court competition.

Participating in the Moot Court competition is an excellent opportunity to gain experience in appellate advocacy. The moot court allowed me to enhance my analytical skills by learning to break down complex legal issues to deal with great amount of information and cases. One of the biggest challenges was to have the written arguments challenged by a team from another (international university). This requires a lot of practice as well as a good coordination within the team. Having a good team is therefore very important for a successful outcome of the competition. I would therefore advise future participants to really focus on team building at an early stage and work out a strategy of how to best divide the workload between each other.

The biggest benefit for me was that the legal research, analysis, writing and oral advocacy skills gained during the competition since they can be applied in a wide range of practice areas. I found to have become much more effective and efficient in my studies as well as at my work.

Rami Teplitskiy
Team 2013-2014

I have participated in the ELSA moot in the winter of 2013-2014. Beforehand, the sphere of international law was totally unexplored by me.

The moot court has enabled me to gain new knowledge and capabilities. The written rounds improved my writing skills and my proficiency when it comes to precision in the use of terms and definitions.

Of course the experience was not without some challenges like working in a team with different characteristics of each member. These challenges taught me a lot and made me aware of the importance of teamwork.

The ELSA Moot Court changed my point of view on the WTO and international law and sent me on a quest to explore international organisations. The experience set me on a path that lead me to an internship in the Headquarters Committee on Contracts in the United Nations in New York and finally to a career in an international organisation operating in Australia.

My main advice to future participant is to come ready for hard work and try to create excellent teamwork.

Gabriela Wermelinger
Team 2012-2013

The ELSA WTO Moot offers a practical approach to law study. You will acquire sound knowledge in WTO law and will not only get to know the
legal but also the economic and political background of a complex case. The written and oral rounds will be stressful and they will demand a lot of self-sacrifice, but there will also be plenty of cheerful moments.

I made lifelong friends and I would not want to miss the practical and personal experience gained.

You will be able to argue on a complex legal matter both as the Complainant as well as the Respondent and you will learn to present it in front of a Panel composed of experts from all over the world. But above all, the EMC2 will give you the opportunity to meet great people from all over the world and to make lifelong friends. Moreover, you will be able to work with an amazing coach and will be provided a great workplace - both keys to a successful WTO Moot Court participation.

The Moot Court has been an outstanding experience to me and I would truly recommend everyone to take the opportunity and participate in an event that understands to connect people from all over the world and that inspires young academics to participate in a challenging competition set in a diplomatic environment.

Take my advice: Participate, you will love it.

Mara Wolf
Team 2012-2013

I participated together with Rika Koch, Gabriela Wermelinger and Gilles César Vogt in the ELSA WTO Moot Court in spring 2013.

While preparing our written submissions we quickly got fascinated by our topic concerning exchange rate manipulation and developed a very good team dynamics.

In order to prepare for the oral rounds, Tetyana, our coach, invited various experts and researchers from the WTI to ask us questions and imitate the oral pleadings.

At the Moot Court itself all of us were nervous but at the same time enjoying to present what we have been practicing over and over again. Apart from the pleadings we had time to get to know students from many different European Universities and to party together.

The main challenge for me was to fit the large amount of work into my schedule that was already filled with lectures and a part time job.

I think we learnt so much more about the WTO, its agreements and our topic than if we would have taken a lecture on the same subject. A great side effect is that it certainly enhanced everyone’s legal English skills.

I am still very much interested in financial services and at my current job at a law firm in Zurich I am among others responsible for clients who lost considerable amount of money due to the Swiss National Bank’s decision to discontinue the minimum exchange rate of CHF 1.20
per euro. The knowledge of this specific topic and in general of WTO law proved to be very useful. My advice: Don’t miss this opportunity and participate!

Rika Koch
Team 2012-2013

I participated in the ELSA WTO Moot Court in 2012/2013 as a part of the "Legendary Team Gold" together with Mara Wolf, Gabriela Wermelinger and Gilles Vogt. During the written and oral rounds I went through a process of personal and professional development.

In the written as well as in the oral rounds we had to learn how to work as a team. It is important to understand that a successful preparation is not only about law, but also about people and practical division of labour. Everyone has his/her weaknesses and strengths and the key task is to use these assets to the team's benefit. A good "team-vibe" is not a sufficient but definitely a necessary condition. Oh, and always remember: your coach knows best! ;)

The key challenge was to become acquainted with WTO law, which is a relatively new field of law for most Swiss law students, in a relatively short time. The team should think of the case not just from a legal perspective, but also from an economic/political point of view (these are often the most persuasive policy arguments). Finally, it is quite easy to underestimate the effort that is necessary to achieve the set goals, i.e. to prepare good written submissions and to elaborate the clear line of argument for the oral round.

Looking back I can say that I benefited from the participation in the ELSA WTO Moot Court in many ways. First of all, I learned how to structure a real legal written submission and an oral pleading. This is something, which is greatly neglected at regular university lectures, although it is so important in the daily life of lawyers. Secondly, it was THE opportunity to practice and develop oral presentation skills. Furthermore, pleading comes with a high level of self-awareness and confrontation, because it makes you realize how you react in a situation of exposure and under pressure. You learn a lot! Finally, we have got to go to Romania and then to the Final Round in Geneva, which was a lot of fun!

Perhaps, for the first time in my university education I enjoyed having reached a somewhat high level of specialization in a particular field of law. This Moot Court certainly deepened my interest in WTO and trade law and helped me to gain a lot of valuable knowledge in this field. Given that I currently work in this area it has certainly influenced my choice of work and considerably enhanced my chances to find work as a research assistant at the University of Zurich in this particular field.
Notes
QUESTIONS?
DO NOT HESITATE TO CONTACT US!

Tetyana Payosova
Tetyana.Payosova@iew.unibe.ch

Andrea Schläpfer
Andrea.Schlaepfer@iew.unibe.ch

Institute of European and International Economic Law
Hallerstrasse 6
Bern CH-3012