

# JOHN H. JACKSON MOOT COURT COMPETITION



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b  
UNIVERSITÄT  
BERN

University of Bern J.H.J. Moot Court Team

20th Edition, 2021/22

Institute of European and International  
Economic Law

Hallerstrasse 6, 3012 Bern

# KEY INFORMATION

## APPLICATION REQUIREMENTS

The John H. Jackson (J.H.J.) Moot Court is open to all students of the Bern law faculty. Students from disciplines other than law are also welcome to participate. In order to receive optional ECTS awarded, the oral pleadings should already coincide with being enrolled into the Master curriculum (MLaw). Undergraduate (Bachelor) students are welcome upon prior consultation. A successful participation requires:

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

## REGISTRATION

The J.H.J. Moot Court is a great opportunity to learn specific aspects of WTO law in a practice-oriented manner. All interested students are invited to apply for participation by sending an e-mail to [andrea.schlaepfer@iew.unibe.ch](mailto:andrea.schlaepfer@iew.unibe.ch) with a letter of motivation and a CV by 31 August.

Soon after the deadline, short interviews with the applicants will take place. Consider applying even if you think that your knowledge in the field is not yet good enough. Applicants' motivation and dedication are very important to us. Accordingly, all interested students should apply!

If you have further questions, please contact Mr. Andrea Schläpfer.

[andrea.schlaepfer@iew.unibe.ch](mailto:andrea.schlaepfer@iew.unibe.ch)

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## USEFUL INFORMATION

### Preliminary Timeline

- Mid-September: Competition launch and publication of the case on the website
- December: Team Registration deadline with ELSA
- January: Deadline to dispatch electronic copies of the written submission
- February-March: Regional selection round (one week) with oral pleadings
- June-July: International final oral round (one week) with the pleading finals, academic conferences, sightseeing and award in Geneva

John H. Jackson Moot Court Competition: <https://johnhjacksonmoot.elsa.org/>

WTO Host: [https://www.wto.org/english/news\\_e/news18\\_e/tech\\_27jun18\\_e.htm](https://www.wto.org/english/news_e/news18_e/tech_27jun18_e.htm)

## MOOT-COURTING AT THE UNIVERSITY OF BERN

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

Every year, the European Law Students Association (ELSA) organizes a Moot Court in WTO law. Universities from all over the world participate in it. The Competition is a rewarding exercise during which participants will improve their written and oral skills in English in the course of preparing their submissions. 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 your carrier following the footprints of participants to past editions of the J.H.J. Moot Court, who now work for prestigious law firms, governments, academia or the WTO.

As part of the Department of commercial law at the Law Faculty, the Institute for European and International Economic Law (IEW) coaches the annual University of Bern J.H.J. Moot Court Team. In previous years, the Bern teams had the opportunity to travel to European cities to compete against other teams. The final oral round is traditionally held in Geneva at the premises of the World Trade Organization.



# WORKING AT THE INSTITUTE

## WORKING PROCEDURE

During the Moot Court participants benefit from the challenge of an independent working procedure. The J.H.J. Moot Court Team consists of two to four students. The team will draft written submissions and prepare for the oral pleadings both as a team and individually.

The fall semester will be used to draft the submissions based on the case which is published in mid-September on the ELSA J.H.J. Moot Court website. Teams have enough time to get acquainted with the topic to prepare the case. The deadline for the written submission will be at the end of the fall semester in January. After submission, teams draw up oral pleadings for the regional rounds which are held in two European Universities in February-March. In previous years the Bern team travelled to Kiev, Naples, Vienna, Bucharest, Prague and Cluj-Napoca and competed against other European teams. 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 World Trade Organization. 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 recognized leading practitioners and scholars.

## COACHING

The Team will benefit from competent coaching throughout the competition. The coaches will assist the team on a regular basis with academic and organizational support. Team meetings will take place to discuss the arguments and progress in writing. In the preparation of your oral pleadings, you will have sufficient opportunities to practice your speeches and to improve your oral advocacy skills in front of leading academics and practitioners.



# WORKING AT THE INSTITUTE

## 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 allows participants to exchange ideas with and get valuable impulses from leading scholars, practitioners, post docs and PhD students from both institutes and encourages participants to deepen their knowledge in the fields of economics, political science and law. This includes continuous feedback and academic guidance.

## WORKPLACE

Another major advantage of participating in the Moot Court is that you will have your own desk at the IEW/WTI with access around the clock.

## TAKE A MILE COURSE À LA CARTE

In the second semester WTI Master in International Law and Economics (MILE) modules are available as a weekly course. In case there are overlapping issues with the J.H.J. Moot Court Case and the Courses taught at the MILE, there is the opportunity to join a one week tailor made course for preparation: a thematically self-contained learning experience! You'll get to attend the lectures alongside the MILE students.

## LIBRARY

The IEW and WTI have a joint library, providing an excellent collection of literature on international trade issues. Through the University of Bern Library System, extensive opportunities for e-Research, including access to a large number of online journals, trade-related law sources and electronic databases exist. Students, research fellows and faculty benefit from subscriptions to these databases.



# ABOUT THE JOHN H. JACKSON MOOT COURT COMPETITION

## ABC OF THE MOOT COURT

The J.H.J. Moot Court Competition (formerly known as ELSA Moot Court Competition or EMC2) is one of the most pertinent competitions in the world. Past editions had over 380 students from 32 different countries participating, representing 99 universities.

The five Oral Regional Rounds are the All-American Regional Round (for North and South America), the Asia-Pacific Regional Round, the two European Regional Rounds, and the African Regional Round. The best 20 teams from all over the world are then qualified to participate in the Final Oral Round which will take place at the WTO Headquarters in Geneva, Switzerland.

As a simulated hearing of the Dispute Settlement System of the WTO. It focuses on the application of international trade law to a case that was prepared by experts inspired by real-life legal issues uniquely for the competition and focuses therefore on the application of the law in a given field to a common set of evidentiary assumptions to which the competitors must be introduced.

Interested students from all over the world send in their written submissions for the complainant and the respondent. After the written preliminary round, the teams have an opportunity to present their oral submissions against opposing teams both for the complainant and the respondent in front of a Panel which consists of experts in the field.



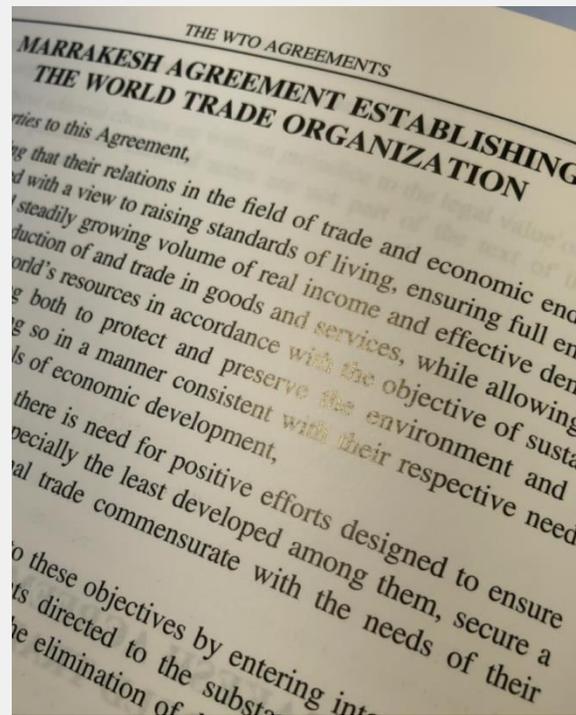
# ABOUT THE JOHN H. JACKSON MOOT COURT COMPETITION

## WTO LAW AND THE J.H.J. MOOT COURT

Over the past decades, international trade law has become one of the fastest growing areas of international law. The World Trade Organization (WTO) oversees the implementation, administration and operation of international trade rules provided for in a number of agreements concluded in the WTO framework and establishes a binding mechanism for its members to settle their trade-related disputes. WTO law governs the rights and obligations of governments to regulate international trade in goods and services and requires them to protect intellectual property.

The Moot Court provides an introduction to the law and policy of the WTO. Depending on the case, it offers an examination of the multilateral system of the WTO and its agreements covering trade in goods and services, as well as trade-related intellectual property rights. The structure, decision-making processes, negotiating techniques and dispute settlement procedures of the WTO are carefully looked into. In-depth analysis of the case law 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 trading system. Sovereignty, economic development, environmental, labour and human rights protection, globalization and its impact on the protection of societal values are topics that are discussed with a view to identifying the linkages in and gaining a better understanding of the real-life areas interacting with trade regulation. During the analysis of the case, parallels can be drawn with the regulation and policy formulation of trade at national and regional levels deriving from, among other things, Switzerland's external trade relations or the common commercial policy of the European Union in light of their relationship and consistency with WTO law.



# ABOUT THE JOHN H. JACKSON MOOT COURT COMPETITION

## THE UNIVERSITY OF BERN TEAMS IN PAST YEARS

The team of the University of Bern successfully participated in the European Regional Rounds in previous years. Several times, the team of the University of Bern has made it to the semi-finals and finals of the Regional Round. Besides that, in 2011, the team proceeded to the final round held in Geneva. The team also received an award for the Best Written Submission.

Cases in previous years dealt with:

- Measures related to electric vehicles charging points and Infrastructure
- WTO-consistency of customs unions and free trade areas
- Tariff restrictions on food imports from developing countries
- Agricultural subsidies, restrictions on pesticides and conservation of natural resources
- Compulsory licensing of pharmaceutical patents
- Measures relating to telecommunication services and data protection
- Measures relating to conventional fuels, biofuels and air pollution
- Eco-cement, countervailing duties and safeguard measures
- Measures affecting financial services and influencing exchange-rates
- Measures relating to environmental farming and animal welfare



# PARTICIPATION

## PARTICIPATION COSTS

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

## ECTS

The preparations and the written submission during the fall semester will be rewarded with 10 ECTS and the oral rounds during the spring semester with 5 ECTS.

## FRIENDSHIP AND DEDICATION

The J.H.J. Moot Court 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.



# TESTIMONIALS BY FORMER PARTICIPANTS

## **JONAS BAUMANN, TEAM 2014-2015**



My participation in the ELSA Moot Court Competition 2014-2015 was probably my best university experience. 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.

## **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.

# TESTIMONIALS BY FORMER PARTICIPANTS

## **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 team-mates 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.

## **JEAN-FRANÇOIS MAYORAZ, TEAM 2011-2012**



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.

## **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!

# TESTIMONIALS BY FORMER PARTICIPANTS

## 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.

# TESTIMONIALS BY FORMER PARTICIPANTS

## SARA MONTEIRO, TEAM 2010-2011



I participated in the ELSA WTO Moot Court in the year 2011/2012. 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. 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. ;)

# TESTIMONIALS BY FORMER PARTICIPANTS

## 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 as both 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 key 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.

## 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 team work. 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 team work.

# TESTIMONIALS BY FORMER PARTICIPANTS

## 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 their 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 long-lasting friendships based on many shared experiences and emotions.