

## Jessup Coaching Guide

### Introduction

The Philip C. Jessup International Law Moot Court Competition is the world's largest moot court competition. Every year, law students from nearly 700 law schools in 100 jurisdictions participate in the Jessup. The Competition involves a fictional dispute argued before the International Court of Justice. It offers students the opportunity to enhance their advocacy and writing skills, to deepen their knowledge about public international law, and to connect with people from around the world.

This document is intended to assist team coaches, in particular new coaches, by setting out some "best practices" regarding coaching in the Jessup Competition. Coaching is a large undertaking, but can also be extremely rewarding. Some coaches put much more effort and time into the Competition than others, but at some point, the knowledge of the students about the particular points raised by the problem is likely to surpass that of the coach. Watching this process happen, and being proud of the team members' accomplishments should give coaches a great feeling of satisfaction.

Please email us at [JESSUP@ILSA.ORG](mailto:JESSUP@ILSA.ORG) if you have any suggestions, corrections, or comments on this document.

### Anonymity

In order to prevent any potential, real, or appearance of bias, all teams are anonymous and known to the judges only by team number. Memorials cannot contain any team member names or references to the team's university or jurisdiction. During oral arguments, teams may not display any insignia that would identify them. However, teams are permitted to know the identity of *other teams*, and this is in fact encouraged as it promotes camaraderie among the competitors. *Please note: It is not automatically a conflict if one or more of the oral-round judges recognizes you, the coach. However, if your face or name are likely to be familiar to one or more judges at your National Rounds, it is best to sit in the back of the room towards the center, so as not to identify too closely with the team.* At the International Rounds, teams may want to speak only in English when judges are present, as judges may identify teams based on the language they hear.

### Rules

The full set of Rules is available at <https://www.ilsa.org/about-jessup/rules/>. Coaches should review all of the Rules, paying particular attention to the assistance allowed. Team Advisors may only provide assistance as permitted by Rules 2.9, 2.12, and 2.13, so be sure to familiarize yourself with these limits.

The general rule (2.9) is that advice is restricted to:

- (i) general instruction on the basic principles of international law;
- (ii) general advice on research sources and methods;
- (iii) general advice on Memorial writing techniques;
- (iv) general advice on oral advocacy techniques;
- (v) general advice on the organization and structure of arguments in the Team's written and oral pleadings;

- (vi) general commentary on the quality of the Team’s legal and factual arguments;
- (vii) advice on the interpretation and enforcement of these Rules; and
- (viii) advice as to pleading options or similar strategic decisions.

Teams may also receive the advice and guidance that is allowed in Rules 2.11 [Jessup Courses], 2.12 [Memorial Drafts] and 2.13 [Practice Moots].

Exceeding the prescribed role of the coach can result in penalties – up to and including disqualification from the Competition – against the team.

Coaches should also find out if their jurisdiction has issued a National Supplement to the Jessup Rules, which may modify the Official Rules to account for local circumstances. This is especially important for remote coaches (discussed at the end of this guide), who may be coaching for the first time in an unfamiliar jurisdiction. National Rules Supplements are also available under “Rules” on the Jessup Competitors homepage at <https://www.ilsa.org/jessup-competitors/>.

### **Composition and Dynamics of the Team**

Teams are comprised of between two and five students, subject to the eligibility rules in Rule 2.2 and 2.3. Each participating institution can use its own selection method to determine which students will represent that institution. A tryout process may involve English proficiency, a written submission, and/or oral pleading.

Some teams have only two students, either because of cost or because of low interest on campus. This puts a large burden on them, but does not mean the team will be unsuccessful. They will have extra work and should unforeseen circumstances arise, may mean the team has to withdraw from the competition. It is preferable to have four or even five students on the team, to split the workload and the burdens.

Defining the role of each student can be challenging. There is no “right way” of composing the team, but it is best to set out at the start what the roles will be and if they are subject to change (once the oral argument phase has begun, or even during the International Rounds, some teams limit the pleading roles to two students). Defining roles can avoid potential disappointment and misunderstanding. Be aware that if five different students plead during the oral arguments, only those that have argued at least two times are eligible for oralist awards. Find out at the outset if all team members wish to have a role in oral argument, or if one or more team members are more interested in the research and writing aspects of the competition. A few common team configurations are:

- 2 team members – each one must plead for both applicant and respondent and be responsible for half of each memorial
- 3 team members – as above, with the additional team member assisting with research, sitting as of council during oral argument and as back-up oralist
- 4 team members – each team members takes two issues on either applicant or respondent sides and pleads for one side only

- 5 team members – four team members split the issues as above and one person serves as researcher and back-up; some teams also have two students at an earlier point in their studies who together split one role and alternate in the oral argument phase

If you are fortunate enough to have a dedicated “research” member of the team, bear in mind that this student can be used in the “of counsel” role, sitting at the counsel table during oral argument, taking notes, and looking up case references or other materials that come up during the round. *Be careful not to overburden your researcher, requiring them to do all the research.* It is important that each member of the team take “ownership” of the Problem and the team’s argument.

As stated by Pierre de Coubertin, co-founder of the International Olympic Committee, “The most important thing in the Olympic Games is not winning but taking part.” Likewise, the Jessup journey is as important, if not more so, as the destination. While all teams want to succeed, it is important for the coach to make the students aware that Jessup is a team effort and success is never guaranteed. It can be beneficial for the team to spend time together outside of Jessup preparation. Camaraderie helps to establish cooperation. It is normal that there is some conflict between team members during the process. A coach should be prepared to mediate arguments or give the team members tools to solve issues. The experience of participating in the Jessup, and encounters with other students and with the judges can influence team members for life.

### **Preparation**

Each jurisdiction prepares differently, but some systems include running a class for credit, a loose seminar, or a club.

The earlier the coach and team can start preparing, the better, although this will partly depend on the university’s schedule and when the team members are selected. If possible, general preparations can be made as early as the spring, when the general topics for the following year are released. Going over the basic sources of public international law and the basics of the ICJ Statute will always be valuable. You can invite the team to watch and discuss the Final Championship Rounds, which are available on the Jessup YouTube Channel, so that they can improve their advocacy skills learning from the best former Jessup participants. However, keep in mind that the Championship Rounds do not always represent a “typical” Jessup oral argument round. This would also be a good time for the team members to develop or enhance their skills in researching international law.

In consultation with the team members, you should also develop a work schedule, which should be periodically reviewed and revised as necessary. It is important to be flexible to accommodate the needs of the students and their (and the coach’s) other responsibilities. The schedule should include full team meetings as well as individual meetings with team members. Some team members are likely to require more support and handholding than others.

### **Problem**

Once the Jessup Problem is released in mid-September, the team should meet and review it carefully. The authors of the Problem spend a lot of time on every single detail of the case so that it is drafted in a way that ensures, for each issue, as fair a balance as possible between the applicant’s and respondent’s side. Teams can make logical deductions, but do not allow team

members to take liberties with the facts or to make unwarranted inferences. This will cost them credibility with both Memorial and oral round judges.

The team should start by identifying the main issues contained in the Problem and make a list of any potential errors or points the team think should be clarified. One way to do this is to start drafting a Statement of Facts for the Memorials right away. Requests for corrections and clarifications must be submitted approximately one month after the release of the Problem.

The Problem should then be read in more depth, to identify potential arguments and side issues. Some of these may prove to be dead ends later, but team members should feel free to express their ideas in initial brainstorming sessions and to follow these up with research. Roles should be assigned to each team member, based on each team member's strengths and weaknesses, with reevaluation where necessary.

Team members should be encouraged to read and re-read the Problem throughout the course of the competition so that they never lose sight of the actual words, instead of what they think they remember it says.

### **Scoring**

Coaches should familiarize themselves with Jessup scoring rules. These can be found in Rule 10 of the Official Rules. In each round in which a team competes, the Memorials count for one-third and oral argument for two-thirds of the team's round points (nine for each round). The team with the highest number of round points wins the round. Rankings are done firstly on a win-loss basis and then on the basis of raw points (with any ties being broken by round points)

### **Memorials**

Teams submit two Memorials, one for Applicant, and one for Respondent, in early to mid-January. Carefully review Rules 5 and 11 with the team and set out deadlines for completion of each required section. If your team members are working on different sections of the Memorial separately, be sure to set aside adequate time before the deadline to merge sections together and review the formatting requirements. The referencing style should be uniform throughout the memorial. Be sure to allow for technological glitches. Making sure the team has a good plan in place can ensure they do not lose points unnecessarily by incurring penalties.

Have a look at the Memorial scoresheet, which will show you the different factors the judges evaluate when grading the Memorials.

<https://www.ilsa.org/Jessup/Jessup2024/Admin/2024%20MemorialScoresheet%20printable.pdf>

A coach may want to suggest that team members look at some of the Memorials that were awarded the Richard R. Baxter prize, many of which are available online (<https://www.ilsa.org/jessup-history/>). However, keep in mind that these Memorials may have been written under different Rules, as the Jessup Rules are updated every two years.

Memorials are best written in a clear manner, without paragraph-long sentences. You might want to consider the IRAC method - issue, rule, application, conclusion or the CREAC method - conclusion, rule, explanation, application and conclusion. Make sure that all legal arguments are properly footnoted and that they support the proposition set forth. It is easy for judges to click on links and

verify certain sources. That being said, judges often have a limited amount of time to read and review the Memorials and the clearly and more easily understood they are, the better. If a judge has to puzzle over sentences to figure out what the argument is, or to scroll through the Memorial frequently to refer to earlier sections, the team's score is likely to be lower. It is also important to have sufficient analysis, rather than a Memorial that is half comprised of footnotes.

It can be difficult to merge the different sections of the Memorial so that it transitions easily from one section to another. It is good to look at the big picture once in awhile and be sure there are no contradictions in the various arguments.

Some teams prefer to limit their argumentation to strong points, going into more detail, while others prefer to include many alternative arguments. Coaches can guide the teams in their strategic decisions, keeping in mind that balance is often best.

### **Oral Argument**

Once the Memorial deadline has passed, the team will then need to focus on the oral arguments. Coaches are encouraged to review the judging criteria for Oral Arguments at <https://www.ilsa.org/Jessup/Jessup2022/Admin/2022JessupOralRoundsScoresheet%20Final%20Finalable.pdf>.

Teams may want to consider holding one or more practices sessions in a virtual format, particularly if the National Rounds might be held this way. This also allows the team to use a wider range of judges.

Some teams like to start practice oral rounds before the submission of the Memorials, which can help to clarify the arguments. Be aware that before the Memorial deadline, only registered team advisors can serve as practice round judges. The general rules for who can serve as a practice round judges are contained in Rule 2.12.

The students should be encouraged to first work on an outline of their arguments, with an introduction and roadmap, setting out what their basic argument will be. Teams need to be prepared to speak for their full allotted time, just in case of a "cold bench" which does not ask many questions. However they will need, through practice, to become flexible. Jessup oral arguments are not about sticking to a script. Interaction with the judges is very important, as is maintaining eye contact with all three judges. Some judges will ask more questions than others, and be more interested in certain issues than others. The oralists must walk a fine line between satisfying the questions of the judges and trying to adequately satisfy the time management component.

Respondents can have a particularly difficult time preparing to respond when they will necessarily know in advance what their teammates are arguing, but keeping the practice rounds as varied as possible will help.

The standard model of an oral practice is a simple simulation of an actual oral round: timed argument with all four oralists pleading, followed by rebuttal and surrebuttal. This takes two hours or more, and can be exhausting for teams and coaches alike. Many teams prefer to vary the format. For example, one practice might be just the two Applicant (or Respondent) oralists (perhaps using the other team members as judges). Another practice might involve first Applicant facing off against

second Respondent. In the days before the National (or International) Rounds, the coach might consider having an “untimed” round, to allow oralists time to pursue and test every alternative argument they might raise. (Warning: This can be very long.)

It is helpful for the coach to bring in different types of practice round judges (for example academics and practitioners), to expose the team to as many different perspectives as possible. If you know who the potential judges of your national rounds will be, it can be helpful to target some practice to what they are likely to ask or to a style that will likely appeal to them.

Be sure to schedule enough time at the end of each practice session for detailed feedback, following the requirements (in Rule 2.13) that feedback be confined to general commentary on the advocacy style and technique of the oralists, and refrain from offering substantive answers or suggestions respecting specific arguments made in the moot that go beyond the general rules of international law.

Feedback should be constructive criticism and take into account the various personalities and natural styles of the individual team members. Don’t forget to give praise to team members, especially as you see them develop and improve.

### **Qualifying Rounds**

Should your team have Qualifying Rounds, coaches will want to prepare the team for any local differences. Be sure to read the Rules Supplement for your jurisdiction. In some jurisdictions, the names of the judges are available before the Rounds, in which case preparation can be done based on the potential interests of the judges. National Administrators also handle the exchange of memorials between the teams differently – in some jurisdictions these are emailed out in advance of the Qualifying Rounds.

### **Remote Coaching**

For several years, ILSA has permitted “remote coaching,” whereby a coach from one place coaches a team in another, via email and videoconference. If you will be remote coaching, please notify your team’s National Administrator to notify them that the team is being remotely coached, and to enquire about any local rules or customs.

Remote coaches face particular challenges in bonding with their team and with getting to know the individual members. It can be helpful to spend some time getting to know the local culture and background of your team members.

Remote coaches must also strike the appropriate balance between monitoring closely the work of the team while still complying with Rule 2.9. Since it is not possible to simply sit down with the students in person to go over what has been done, we encourage remote coaches to utilize multiple technological means, such as email, WhatsApp, and videoconference software to facilitate the exchange of information with team members.

### **Available Resources**

ILSA’s website gives access to many useful resources, including Team Resources with guides <https://www.ilsa.org/jessup-competitors/team-resources/>.

The Jessup YouTube page <https://www.youtube.com/@jessupilsa/featured> has the full version of several of the past Final Championship Rounds.

Every year basic materials are released on the ILSA website several weeks after the release of the Problem that give the participants a good starting point for their research. Materials are added to this on a rolling basis, so be sure to have team members check regularly for updates.

All Jessup participants are also given access to prominent legal search engines, such as LexisNexis, Hein Online, and Jus Mundi, and to some of the works published by Oxford University Press. This is subject to change from year to year.

The International Law Handbook published by the United Nations <https://legal.un.org/avl/handbook.html> contains the most important legal instruments in international law, some of which are either essential or often referred to in the context of the Jessup Competition.

Max Planck Encyclopedias of International Law (eBook) is a useful online resource. It is available to your team through the free Oxford University Press subscription ILSA provides to all competing teams. It might also be available via your university's library.