

THE
JOHN H. JACKSON
MOOT COURT COMPETITION
25TH ANNIVERSARY



GUIDELINES FOR ORAL PLEADINGS



The European Law Students' Association

25th EDITION | 2026 - 2027

Guidelines for Oral Pleading of the 25th Edition of the John H. Jackson Moot Court Competition

1. General remarks

- 1.1. The Moot Court simulates a panel hearing in the WTO, which is an **international organisation** that provides a forum for the negotiations and settling of trade disputes. Please dress and act accordingly
- 1.2. As a representative in your Government's delegation, you should be tactful and diplomatic in your **language and behaviour**.
- 1.3. You will deliver your presentation sitting down.
- 1.4. The Panel always has an odd number of Panellists: three (3) in the Preliminary Rounds and the Quarter-Finals; three (3) or five (5) in the Semi-Finals of a Regional Round and five (5) or seven (7) in the Semi-Finals of the Final Oral Round; five (5) or seven (7) in the Grand Final of a Regional Round and seven (7) in the Grand Final of the Final Oral Round (Rule 5.6.1). Where a Panel cannot otherwise be completed, ELSA International may engage a Panellist to sit virtually, who has the same functions as a Panellist present in the room (Rule 5.6.2).

2. The Oral Pleadings

- 2.1 Tips for delivering your oral argument
 - 2.1.1 The oral pleadings are the most important part of your performance that weighs most in your overall score. Remember that your task is to **tell a story** that would persuade the Panel.
 - 2.1.2 Do not read everything from your notes. You must be comfortable with your presentation and maintain eye contact with the Panel. Use cue cards to assist you. Remember that your oral presentation is not a simple recast of the written submission. Approach your argument as a conversation with, not a lecture to, the Panellists.
 - 2.1.3 Do not waste precious time during the pleadings looking for provisions or paragraphs unless specifically asked by a Panellist.

- 2.1.4 Have your WTO Agreement texts, Written Submissions, notebooks, texts and other Treaties in the correct order.
- 2.1.5 Place Tags or “Post-it notes” in the sections you need or which you might want to refer to during your presentation.
- 2.1.6 Practise your oral presentation many times aloud. You may want to video record your Team’s presentations to see your mistakes.
- 2.1.7 Be ready to be faced with difficult questions on factual and legal aspects of the Case as the Panel members are WTO Law, Policy, or Economics experts.
- 2.1.8 Sometimes Panellists will ask numerous questions and may not allow you to finish your oral submissions. You may have to adjust your oral presentation on the spot.
- 2.1.9 Remember that the Timekeepers are responsible for the Timekeeping and will notify you about the amount of time left. Don’t forget to keep an eye on them! However, it is also your responsibility to monitor your own time since the Timekeepers are present to primarily assist the Panel and not the competitors.
- 2.1.10 Do not forget to ask for additional minutes **before the end of your time**. If asked after the end of your presentation this time will not be granted.
- 2.1.11 Many non-native English speakers are concerned with the quality of their language skills and if this presents a disadvantage. The WTO is an international institution whose official languages are English, French, and Spanish. The use of these languages is also a problem for several permanent delegates in their daily work. The best advice we can give you is to ensure that your oral submissions are well-structured and simple. Do not try to use too many fancy and/or technical words if it is not necessary, or especially if you do not know the meaning of them.
- 2.1.12 Emphasise what your point is and express your submissions with the appropriate conviction, keeping in mind that the WTO is a diplomatic organisation.
- 2.1.13 If you need to take a moment to gather your thoughts, consult your team members or your notes, or find the right word, do not hesitate to ask the Panel to give you some time for that.

- 2.1.14 Remember that you are not allowed to present any visual aids, presentations, documents, treaties, other legislation, amicus curiae briefs or handouts to the Panel or to the other Team (Rule 5.1.7).
- 2.1.15 During the Oral Pleading you must refer to your Team before the Panellists by its designated Team number (Rule 3.5.5). Panellists will not discuss or ask about your country of origin or the institution you represent (Rule 5.8.1).
- 2.1.16 You may use one (1) electronic device to consult documents relevant to the Oral Pleading and one (1) additional device for timekeeping. All devices must be in flight mode and in silent mode. The Panel may issue penalty points if a device causes a disturbance (Rule 5.9).

2.2 Communication with the Panellists

- 2.2.1 Panellists in the WTO are international trade law experts, economists, trade diplomats, trade or policy negotiators, or sometimes industry experts (e.g. a scientist in a dispute on a public health issue) – they are **not judges**. Therefore, you should refer to them as "Madam **Panellist**" or "Mister **Panellist**" or simply by their name e.g. "**Ms. Jones**" or "**Mr. Smith**". The nametags of each Panellist will be placed on the Panel table.
- 2.2.2 In addition, the Chair of the Panel should be addressed as either "**Madam Chair**" or "**Mister Chair**"; or "**Madam Chairperson**" or "**Mister Chairperson**".
- 2.2.3 A unique aspect of the WTO Dispute Settlement **mechanism is the courtesy that disputing "diplomatic" delegates** show to the Panel or one another, for example:

"Mr Panellist ("Madam Chair" or "Mr Smith"), it is the position of my Government or it is the position of (Country Name), that ...".

or

"My colleague for the Country of (Country Name) presented to this Panel that ...".

- 2.2.4 The following expressions are **not used** when presenting submissions to a WTO Panel:

"Your Excellency", "the Honourable Panel in EC-Chicken Cuts Case..."; "this Honourable Panel"; "Your Honour"

and other terms used either in municipal courts or the International Court of Justice. Therefore, students should ensure that these terms are not used during their oral presentations.

- 2.2.5 Be selective and creative with the initial words of your response, otherwise, it will appear to the Panel that you are either overly nervous, don't understand the question, or worse don't know the law. Sometimes students preface their answer to every question with "Thank you for your question" a sentence that most John H. Jackson Moot Court Competition Panellists intently dislike.

3. Questions from the Panel

- 3.1 A presenter may be asked many questions during **oral submissions and rebuttal and surrebuttal**. Such questions can frustrate a presenter, break motivation or even ruin concentration. Relax, calm down and do not panic – if you need to take a moment, then ask the Panel for additional time as they will usually grant such a request (**keep in mind however, that the clock is ticking**).
- 3.2 It is highly recommended that competitors understand the larger policy and/or international relations issues that may be at play in relation to the trade dispute at hand. Panellists like to pose policy-based questions, particularly at more advanced rounds of the competition.
- 3.3 Recalling that Panels consist of diplomats, albeit with WTO Law expertise, these individuals are highly trained in non-verbal communication skills. Why is this important? For example, if a Panel's question relates to something that is not on point with the competitor's submission, and the presenter displays his/her annoyance via facial expressions, a Panel is likely to interpret such a reaction as either:
- 3.3.1 Lack of WTO Agreement and/or previous WTO case knowledge;
 - 3.3.2 Lack of John H. Jackson Moot Court Competition Case facts and/or issue knowledge;
 - 3.3.3 Unwilling to assist the Panel (a true diplomatic faux pas);

3.3.4 Arrogance or even ignorance.

Remember that you are on show to potential future employers, so maintain a professional exterior at all times.

- 3.4 A Presenter is permitted to seek assistance from a fellow team member to answer a question from the Panel. This does not mean that you can ask your colleague to whisper the answer to you. A question from the Panel may be referred for answering by your fellow team member (**but once again keep the time allocation issue in mind**) for example: **“Madam Chair, I will ask my colleague Mr X to address/answer your question in his allocated time.”**.
- 3.5 Panellists will be instructed **not to ask** several questions in one statement. Furthermore, each presenter should be given time to answer each question before the next is asked by the Panel.
- 3.6 **However, it is a tough competition, and the Panellists, who are highly qualified in WTO Law, Economics, Policy and the Dispute Settlement process often ask many questions in order to understand your argument, test your knowledge or even guide you.**
- 3.7 Panellists will ask questions, and may do so at any time during the Oral Pleading, including during the Rebuttal and the Sur-Rebuttal (Rule 5.6.4). Some Panellists intervene throughout, while others prefer to wait until the Team has completed its presentation. This means that you must very quickly assess the Panel’s questioning style and adjust your presentation accordingly.
- 3.8 Remember that **time shall not be stopped** when a question is asked or answered!
- 3.9 Furthermore, the art of diplomacy and advocacy is to persuade the listener to your point of view. Therefore, never pass over any questions and remember to answer them all the moment they are asked. It is better to take 20-30 seconds for preparation and answer the Panel’s question than to give an incorrect answer or try to avoid answering the question altogether.
- 3.10 At the same time, try to avoid saying things like **“I will answer that question later”**; or **“I will get back to it”**. Firstly, there might not be enough time later for you or any member of your Team to answer the question. Secondly, the Panel may be trying to steer you to the “proper issue” via questions and finally, it is simply “bad form” to avoid questions from the adjudicators. However, if there is no way you can

answer the question right when it is asked, **make sure that you indeed answer it later!**

- 3.11 If neither you nor your Team Members cannot answer the question, it is better to be honest and say so, for example:

"Unfortunately, the delegates of (Country Name) are unable to assist the Panel with their question."

- 3.12 However, it is permissible to give some form of an answer, for example: "My colleague Mr X will address that issue in full, but if I can give the Panel a brief answer?"

- 3.13 A simple point but one often forgotten, **if you ask the Panel a question**, such as the point above, **make sure you wait for a response before launching into your statement.**

- 3.14 Recalling that the presenter submitting does not have to be the person to answer a question, therefore, if the question is related to the argument that your colleague has or will present, he/she can answer in his/her allocated time and the original Presenter can continue his/her presentation.

4. The Procedure during the Oral Pleading

- 4.1 The Venue

The competition Hearing Rooms will look like the following:

PANEL

COMPLAINANT
<i>Seat 1</i>
1 st Presenter
<i>Seat 2</i>
2 nd Presenter
<i>Seat 3</i>
3 rd Presenter
<i>Seat 4</i>
4 th Team Member

RESPONDENT
<i>Seat 1</i>
1 st Presenter
<i>Seat 2</i>
2 nd Presenter
<i>Seat 3</i>
3 rd Presenter
<i>Seat 4</i>
4 th Team Member

TIMEKEEPERS

COACHES and GUESTS

Please note that all four (4) Team Members are permitted to sit at their Parties' table, but only three (3) Team Members are permitted to present oral submissions.

Coaches must be seated at the location designated by ELSA and may not be seated with or near their Team. They may not communicate with their Team, the other Team, the Timekeepers or the Panellists during the Oral Pleadings, and may not use any electronic device (Rules 3.4.4, 3.4.5 and 5.9.4).

ELSA Members and Timekeepers will be present during all Preliminary Rounds and Elimination Rounds. During the Preliminary Rounds only the Panel and other Panellists, the Timekeepers, the pleading Teams, their Team coaches, the organisers and the International Board of ELSA may be in the room. The Quarter-Finals, Semi-Finals and Grand Finals are open to the public (Rule 5.1.6).

4.2 Opening of the Panel Hearing

- 4.2.1 Timekeepers lead the Panel into the Hearing Room and make a formal announcement that the Panel session is open, for example:

“Please stand, the WTO Panel in the “Case Name” is now in session. The Panellists sitting in this session are (Timekeepers will announce the name of the Panellists who will act as the Panel Chairperson). Please be seated.”

- 4.2.2 The Panel Chairperson will welcome delegates to the Hearing and then will introduce him/herself and members of the Panel, for example:

“Good morning. My name is XX and I will chair this Panel. I am joined by my fellow Panellists, Ms. XX and Mr. XX. On behalf of the Panel I welcome both delegations to this hearing.”

4.3 Confirmation of Appearances and Time Allocation

- 4.3.1 The Team Appearance is not included in the forty-five (45) minutes available for the Main Oral Pleading and shall not exceed three (3) minutes. During the Team Appearance each Team must indicate to the Timekeepers how it wishes to allocate its forty-five (45) minutes among its orators, and how it wishes to allocate its five (5) minutes of Rebuttal or Sur-Rebuttal. What is said must match the Team Appearance Sheet (Rules 5.2.1 and 5.2.2).

- 4.3.2 The Panel Chairperson will then request the Appearance, for example:

“The Panel now wishes to hear the Appearances from the Complainant in this matter.”

- 4.3.3 Complainant Delegation Head (the nominated Team Captain) will make the opening statement, for example (and if you have four members in your team):

Complainant – Delegation Head: “Good morning members of the Panel, my name is Ms. XX and together with my colleagues Ms. XX, Ms. XX and Mr. XX we represent the Complainant in this matter, the Government of (Country Name). Today my colleagues and I will present four issues. Ms. XX will address the issues of “ABC” and will speak for fifteen (15) minutes; Ms. XX will address the issues of “DEF” and “GHI” and will speak for eighteen (18) minutes; and I will address the issue of “JKL” and will speak for twelve (12) minutes. Mr. XX will not present oral

submissions today. With the Panel's permission, I will present the Rebuttal, using the full five (5) minutes."

- 4.3.4 The Panel Chairperson will thank the Complaint Delegation Head. He/She will then request the Respondent Delegation Head to present Appearances and time allocations, for example (and if you only have two members in your team):

"Thank you, Mr. XX. May we now have the Appearances for the Respondent in this matter?"

- 4.3.5 The Respondent Delegation Head (the nominated Team Captain) will make the opening statement, for example:

Respondent - Delegation Head: **"Good morning members of the Panel, my name is Mr. XX and together with my colleague Mr. XX we represent the Respondent in this matter, the Country of (Country Name).**

Today my colleague and I will respond to the four issues presented by the Complainant. Mr. XX will respond to the issues of "DEF" and "GHI" and will speak for twenty-two (22) minutes, and I will respond to the issues of "JKL" and "ABC" and will speak for twenty-three (23) minutes. With the Panel's permission, I will present the Sur-Rebuttal, using the full five (5) minutes."

- 4.3.6 The Panel Chairperson will thank the Respondent Delegation Head. He/She will then check with the Timekeepers if the Appearances presented by the two Delegation Heads reflect the Appearance Sheets, for example:

"Thank you, Mr. XX. Timekeepers are there any anomalies in the oral statements made by the Delegation Heads and their "Team Appearance Sheets?"

- 4.3.7 Timekeepers will respond to the Panel Chairperson, for example:

"Mister/Madam Chairperson, the oral statements presented by the Delegation Heads are all in order (or state any anomaly that has arisen and be guided by the Panel Chair if any corrections are required due to a discrepancy(ies))."

- 4.4 During the Oral Submissions

- 4.4.1 It is the role of the Timekeepers to monitor on the Panel's behalf the time of speaking per each Presenter. Each Orator must at least speak 7 minutes during the main OPs.
 - 4.4.2 Furthermore, the Timekeepers will monitor on the Panel's behalf that only one Team member presents the rebuttal/sur-rebuttal.
 - 4.4.3 The Timekeepers will show the remaining time with time signs, which will be displayed to the Panel and the teams. The Timekeepers will show the time left for the speaker, not the team.
 - 4.4.4 The maximum time allocated for one speaker is 25 minutes. When 25 minutes (per speaker) has been reached, the Timekeepers will display the TIME sign and interrupt the Panel to advise that time for the speaker to present has expired.
 - 4.4.5 Before a Team presents main oral arguments beyond the allocated 45 minutes, an orator may ask the Panel Chair for an extension. Each Complainant orator may request an extension once, before the end of their pleading time, and a maximum of two (2) minutes may be awarded to any given orator. At the end of the Complainant's pleading the Timekeepers add up the extensions the Panel granted to the Complainant, and that total is the extension to which the Respondent Team is entitled. For example, if the first orator is granted one (1) minute and the second orator is granted two (2) minutes, the Respondent Team is entitled to three (3) minutes, whether or not the Complainant used all of that time (Rules 5.3.3 and 5.3.4).
 - 4.4.6 The Respondent Team may divide its extension freely among its orators, and the two-minute limit per orator does not apply to it. The time is not awarded automatically: a Respondent orator must request it before the end of their allocated time, and the Panel Chair will typically grant the request. Each orator may request an extension only once, and no further extension is available once the Team's total has been used (Rule 5.3.4).
 - 4.4.7 An extension may be requested only during the Main Oral Pleadings. A request made after the allocated time has expired will not be taken into account, and no extension is permitted during the Rebuttal or the Sur-Rebuttal (Rules 5.3.5 and 5.4.2).
- 4.5 Primary Oral Submissions

- 4.5.1 Once the Panel Chairperson has ascertained if the Appearances and Statements are in order, he/she will ask the Complainant to commence oral submissions and request the Timekeepers to “start the clock” **for example:**

The complainant will commence and conclude oral submissions

Complainant - Delegation – First Presenter: “Good morning members of the Panel, my name is Ms. XX (the first part of this statement is made by the individual as the original reference was presented by the Delegation Head – this is the opportunity for an advocate to capture the Panel with his/her personality) and I will be addressing the issues of “ABC”... (presents submissions and answers Panel’s questions).” At the conclusion of submissions, the presenter states: “Mister/Madam Chairperson if the Panel has no more questions (wait for an acknowledgement from the Panel), that concludes my submissions. My colleague Ms. XX will now address the Panel.”

Second Presenter: “Good morning members of the Panel, my name is Ms. XX and I will be addressing the issues of “DEF & GHI” ... (presents submissions and answers Panel’s questions).” At the conclusion of submissions, the presenter states: “Mister/Madam Chairperson if the Panel has no more questions (wait for an acknowledgement from the Panel), that concludes my submissions. My colleague Mr. XX will now address the Panel.”

Final Presenter: “Good morning members of the Panel, as stated my name is Mr. XX and I will be addressing the issues of “JKL ... (presents submissions and answers Panel’s questions).” At the conclusion of submissions the presenter states: “Therefore members of the Panel, it is the submission of the Government of (Country Name) that the Respondent has breached “Rule 123 of the WTO Agreement” and requests that the Panel determine that their “456 measures be deemed WTO inconsistent”. If there are no further questions from the Panel (wait for the Panel’s acknowledgment or questions), that concludes the submission of the Complainant, the Government of (Country Name).”

- 4.5.2 The Panel Chairperson will thank the Complainant for its submissions and ask the Timekeepers if the Team kept within its nominated allocated time.

“Thank you, Mr XX. Timekeepers, did the Complainant Team present their oral submissions within the allocated time?”

- 4.5.3 Timekeepers are to advise the Panel Chairperson of any extension granted to an individual Presenter and of the total extension granted to the Team, for example:

“Mister/Madam Chairperson, the Panel granted the Complainant a total of three (3) minutes of extension across its orators.”

- 4.5.4 That total will be made available to the Respondent Team. A Respondent orator must ask for it before the end of their allocated time in order for it to be granted.

- 4.5.5 The Respondent will commence and conclude oral submissions, for example:

Respondent Delegation – First Presenter: “Good morning/afternoon members of the Panel, I am Ms. XX and I will be responding to the Complainant’s submissions regarding the issue of “ABC and JKL. (presents submissions and answers Panel’s questions).” At the conclusion of submissions, the presenter states: “If the members of the Panel have no more questions (wait for an acknowledgement from the Panel), that concludes my submissions and I will hand-over to my colleague Ms XX.”

Final Presenter: “Good morning/afternoon Members of the Panel, as stated my name is Mr. XX and I will be responding to the issues of “DEF and GHI” (presents submissions and answers Panel’s questions).” At the conclusion of submissions the presenter states: “Therefore members of the Panel, it is the submission of the Government of (Country Name) that the Complainant has not proved a breach of “Rule 123 of the WTO Agreement” and requests that the Panel determine that our “456 measures are WTO consistent.” If there are no further questions from the Panel (wait for the Panel’s acknowledgment or questions), that concludes the submission of the Respondent, the Government of (Country Name).”

- 4.5.6 The Panel Chairperson will thank the Respondent for its submissions and ask the Timekeepers if the Team kept within its nominated allocated Time.

“Thank you, Mr. XX. Timekeepers did the Respondent present their oral submissions within their allocated Time?”

- 4.5.7 Timekeepers to advise the Panel Chairperson any additional time utilised by an individual Presenter or the overall Team time, for example:

“Mister/Madam Chairperson, the oral submissions presented by the Respondent did not exceed forty-eight (48) minutes, which includes the additional three (3) minutes granted by the Panel.”

4.6 Rebuttal and Sur-rebuttal Submissions

4.6.1 The Panel Chairperson should acknowledge the Timekeepers statement and conclude the Primary Submissions and commence Rebuttal and Sur-rebuttal. He/She will ask the Complainant to commence with his/her presentation and request the Timekeepers to “start the clock”.

4.6.2 Each Team has a maximum of five (5) minutes for its Rebuttal or Sur-Rebuttal, including the time taken to answer the Panel’s questions. No extension is permitted at this stage (Rules 5.4.1 and 5.4.2).

4.6.3 The Rebuttal and the Sur-Rebuttal are presented by one Team member only, who must have been an orator during the Main Oral Pleading and must have been nominated for this during the Team Appearance. The Complainant’s Rebuttal is limited to the issues raised in the Respondent’s Main Oral Pleading, and the Respondent’s Sur-Rebuttal is limited to the issues raised in the Complainant’s Rebuttal (Rule 5.4.3).

4.6.4 The Complainant presents its rebuttal

Presenter: “Members of the Panel, the Complaint asserts that ...” If there are no questions from the Panel (wait for the Panel’s acknowledgment or questions), that concludes the rebuttal for the Complainant.”

4.6.5 The Panel Chairperson will thank the Complainant for its rebuttal and ask the Respondent to commence his/her sur-rebuttal.

“Thank you, Mr. XX. May the Panel hear the sur-rebuttal from the Respondent. Ms. XX you may present the Respondents sur-rebuttal. Timekeepers you may commence timing.”

4.6.6 The Respondent to present sur-rebuttal, for example:

Presenter: “Members of the Panel, the Complainant has asserted that..., but has failed to present clear and conclusive evidence. If there are no questions from the Panel (wait for the Panel’s acknowledgment or questions), that concludes the sur-rebuttal for the Respondent.”

4.7 Closing of Panel Hearing

- 4.7.1 It is the responsibility of the Panel Chairperson to indicate to the Timekeepers that having heard the Oral Submissions, the moot is now concluded.
- 4.7.2 Once the Panel Chairperson has made his/her announcement the Timekeepers should announce, for example:

"Ladies and Gentlemen, we ask all competitors and guests to please leave the Hearing Room in order for the Panellist to complete their Marking Sheets and prepare comments for the parties involved. Teams and guests will be recalled by the Timekeepers for the informal Feedback session whereby the Panel members will provide comments to the competitors on their style and structure only. Thank you for your cooperation."
- 4.7.3 One Timekeeper will escort the competitors and guests out of the Hearing Room, whilst the other will arrange with the Panel how to proceed.
- 4.7.4 Both Timekeepers should leave the Hearing Room to allow the Panel to mark individually and independently, however they should be stationed just outside the room in order to respond to the Panel Chairperson's instructions.
- 4.8 Recalling of Competitors and Guest for Panel Feedback
 - 4.8.1 Once competitors and guests have returned to the Hearing Room, it is at the discretion of the Panel how the feedback will be presented. Feedback must not concern the substantive aspects of the Case or reveal any of the contents of the Bench Memorandum, must not reveal individual scores, must not reveal the result of the round, and must not discuss or inquire about the country of origin of the Teams or the institution they represent (Rule 5.8.1).