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FAKULTETA ZA DRŽAVNE
IN EVROPSKE ŠTUDIJE

2012 Jessup Winners

Nataša Kolavčič

In May this year, I took part in a five-day international law moot court competition in Belarus called “Youth for peace”¹, which gave me the opportunity to meet many students from around the world. The *sui generis* moot court competition played an important role in helping me establish new acquaintances. I took great pleasure in listening to the stories of my new foreign colleagues and sharing common interests with them; one of those stories in particular caught my attention.

The story of Grigory Vaypan and Aleksandra Ivlieva, who were both law students at Moscow State University² at the time, is the type of story only a few can boast. Both students are part of a five-member team which won the Philip C. Jessup International Law Moot Court Competition³ this spring. At their final appearance at the White & Case international rounds in Washington D.C. they won the prestigious World Championship title and entered into history by being one of the best and few non-native, English-speaking competition winners.

The Jessup competition is regarded as the most acclaimed, most complex and highly demanding international law moot court competition in the world; winning such a competition opens up a lot of opportunities for one’s future law career.

The successful Russian students Aleksandra and Grigory, having made a huge number of extra-curricular achievements, could afford a short summer break to relax and prepare for further study at the prestigious Harvard University. Although the two students dealt with preparations and other duties regarding further study,

¹ Find out more about the International Law competition »Youth for peace« at <http://mitso.by/divisions/3812-international-law-competition> (page visited 20.9.2012).

² For more about Moscow State University, go to <http://www.msu.ru/en/> (page visited 20.9.2012).

³ Find more about the Philip C. Jessup International Law Moot Court Competition at <http://www.ilsa.org/jessuphome> and <http://jessup.whitecase.com/> (page visited 20.9.2012).

both of them (in honour of the European Faculty of Law and its students) took a little of their time to answer my questions.

The following interview is based on a presentation of Grigory and Aleksandra as members of the winning team and focuses on some highlights and lessons of “the Jessup”, along with other experiences. With the ambition to encourage all students to vigorously challenge their skills, both at home and around the world, and to continue to build successful international relations with other students, the interview also includes their valuable guidelines and recommendations for our students.

When did you first hear about the Philip C. Jessup International Law Moot Court Competition? Why did you become interested in it? What was your motivation?

The Jessup came into our lives when we were in our fourth year of studies (out of five) at law school. We ‘inherited’ the status of Jessup participants from our senior fellow students who had then become our coaches. Having themselves participated in a couple of previous Jessup competitions, they conveyed to us the understanding that the Jessup is the most prestigious, most thoroughly organised, most ‘mature’ moot court competition for law students. And, as we later discovered on our own, they were completely right. So, we felt it was worth trying to take part in the event which is well known to almost every law student around the world. Also, we were fairly tired of law school by that time (the most interesting and important courses were already over), and that is why for us the Jessup was, in a sense, an ‘escape from the routine’.

Was this competition your first moot court experience? If not, which competitions had you also taken part in?

For Aleksandra, the Jessup was her first mooting experience. Grigory had previously participated in the International Criminal Court Trial Competition in The Hague (a moot court on international criminal law) and in the Moscow-based Martens Moot Court Competition on international humanitarian law sponsored by the International Committee of the Red Cross. For those who are thinking of participating in moot court competitions, we would recommend first trying ‘junior’ moots (maybe local or national ones) before turning to ‘giant’ international moot courts such as the Jessup.

Do you think language is one of the crucial selective factors? In your opinion, what is more important: good arguments or good English?

Both are important. It is not rewarding to have good arguments but to be unable to convey them clearly and coherently to the judges, just as it is to be able to speak English fluently but without arguments to present. However, participants from non-English-speaking countries (like us) should not feel overly apprehensive about their lack of English vocabulary or slow speaking pace. The judges do not expect non-English participants to speak English in an eloquent and perfect manner; it is simply enough to be able to express oneself with clarity. What you say is more important than how you say it. Moreover, English skills tend to accelerate dramatically in the course of any moot court competition.

How much time did it take you to prepare for the competition? Which, in your opinion, was the most difficult part?

It literally takes all (well, almost all) the time you have. It's like having a baby – just as you can never take your eye off of your baby, you can never get the Jessup out of your head. Those who wish to achieve substantial progress in the Jessup would have to make this competition an indisputable priority for the whole season (from mid-September to late March/early April). When we were Jessup participants, we used to wake up every morning thinking about the researched legal issues, and used to go to bed every night drawing conclusions about new thoughts and ideas that we had found in sources or generated with the help of our teammates.

As to the second question, the most stressful part is certainly the oral rounds. However, there are various steps in the course of the competition season which are psychologically difficult, even if not that stressful: for example, in late autumn or early winter the time comes for each team to start briefing and begin to turn their research into actual arguments on paper. At that point, it was always hard to sit down and start drafting coherent arguments.

How did you feel during the competition when presenting your case?

For us (and we think for every other “oralist” (speaker) as well) it was much like driving a car for the first time – frightening but cool.

This is especially so at the moment you are called on by the judge and you are just about to start your oral argument. But then, as you proceed, the argument takes you in and there is no longer any time to be nervous. And the more oral rounds you perform, the more confident you become about your role as an Advocate, as a learned Agent who is truly an expert in the discussed issues. And this feeling of your own competence is worth any stress that you endure.

Are you satisfied with your performance and the result (rhetorical question)? Do you think this or other Moot Court competition experiences might help you complete your goals and plans for the future?

We would have been satisfied with the result if we had won the Jessup Competition in our first year, not in the third one (kidding). To be serious, experience matters a lot in every moot court competition so it is almost impossible to win straight away. And that is actually for better than for worse: every new season is invaluable because it gives you more experience and teaches you some basic lawyering skills. More generally, moot court practice is essential for every lawyer. Typical law school courses teach us the substance of law while mooting provides an insight into how lawyers identify and solve legal problems in real disputes (not merely remembering and reciting legal rules or legal doctrines). It is through moot courts that students can learn how to think strategically and analytically.

Can you let us in on your secret performance tactics or strategies, if there are any? What do you suggest students do during the oral round?

We discovered that it is easier for oralists to speak at the podium without any notes. This tactic is not secret. Rather, everyone can see that you are going out to the lectern without a single sheet of paper. This certainly has a demoralising effect on your opponents. But, more importantly, the oralist himself does not get distracted by trying to follow his notes or to find a passage to quote. We used to have notes in two successive Jessup Competitions (before abandoning them), and we never had an opportunity to read something out. Of course, there is a chance that a judge asks you to quote an exact phrase, but the chance is small and the benefit from having no notes outweighs the risk.

Another piece of advice would be to 'feel the bench'. The primary recipient of your oral argument is the judge or the panel of judges, so it is absolutely essential to be able and willing to address any concerns that they (not only you) have, and to deal with those issues that they (not only you) are interested in. Judges differ in substantive points of interest as well as in the manner and pace in which they pose questions to the oralist. Some benches are hesitant to interrupt the speaker frequently; other benches, on the contrary, are really 'hot'. The art of adaptation would then be indispensable for an excellent oralist, but this art is mainly acquired through actual practice.

Can you describe what have you learned from this experience? What did you love the most about this competition? Are you thinking about participating again?

Not again! We have done it three times already! Although we know some people who did more. However, we both are lifetime Jessup addicts, that's for sure (which means we are now vigorously waiting for the new Compromis to be released, even though we are not on the team). The best thing about the Jessup is that it is an intellectual battle between an oralist and a judge. The feeling you have when you know you have answered a smart question smartly is so satisfying! Interacting with the opposing side is also important, but at the core of the written and oral argument is persuasion – and it is the judge you are supposed to persuade and to counter any doubts they have about the position you are defending. After having been oralists, we really want to explore how it feels from the other side of the bench, and for this reason we will hopefully be judging the Jessup this year.

Name five words that come to mind when you think of your Jessup experience.

Aleksandra: Washington, roadmap, Your Excellency, co-agent.

Grigory: Prior preparation prevents poor performance.

Please briefly describe yourself and your teammates.

Last year, our team consisted of five members and one coach. The distribution of team roles usually changes throughout the competition season. Thus, up to the submission of memorials each member of our team was involved in research and drafting, so

tasks were divided along subject-matter lines. Conversely, during the oral rounds only two team members pleaded before the judges (Aleksandra and Grigory), while the other three (Elena, Natalya and Olga) acted as researchers and of-counsel.

Where do you see yourself in the future or what are your ambitions? Do you have any ‘secret dreams’ you would like to share with us?

We are still looking for our place in the legal profession; for now, suffice it to mention our ambitious plan is to improve the way public international law is researched and taught in Russia. Sadly enough, at present our international law scholarship is far behind. And we also wish the Jessup was not only a moot. If there were a real-life job where you had to do what we did in the Jessup, we would be the first to apply.

What kind of experience did you have interacting with students from other countries? Have you ever competed against a Slovenian team?

Yes, we have competed against a Slovenian team from the University of Ljubljana. And we lost to them in the Octafinals in 2010! The Slovenians were really strong at that time, way ahead of us. We learned a lot from them for our future performances. Similarly, we learned greatly from every other team we met. And this peer-to-peer learning is really part of the Jessup.

What have you heard about Slovenia and Slovenians? Have you ever been to Slovenia? Are you planning a visit?

Grigory was in Slovenia on vacation in 2008 (in Portoroz). The most memorable thing for him was the funny way Slovenians write down the name of their country (sLOVEnia). :) This is very special!

Can you give our students some advice on how to succeed in such a competition?

Be ready to devote tons of time and energy to the Competition. Be ready to do it more than once, because experience matters. And, most importantly, be ready to learn in the course of the Competition – to learn from other teams, from judges, and from your own performance in each round!

Final question; is there anything you want to say to our students?

Our general advice to our colleagues would be to think globally. As one contemporary scholar said, as a result of globalisation the world has moved to a “web of jurisdictions”. National jurisdictions are now so closely interconnected that an international way of thinking is vital for every lawyer. Good luck!

International moot court competitions combine different people from different parts of the world. Regardless of the diversity of the participants we can surely say that all of them share common goals: to acquire new knowledge, gain indescribable experience, test themselves and their abilities, and build up new friendships based on international networking.

To conclude, on the behalf of the European Faculty of Law we congratulate the Jessup winning team for their great success and thank Aleksandra and Grigory for their contribution to the first issue of our new student magazine. We wish them all the best in their studies at Harvard. We also encourage the two winners to visit our faculty in the future and to share, first-hand, their experiences with our students.

In addition, here are some photos of the winning team which were taken at the Final Round in Washington D.C. this spring.



Photo 1: The well-deserved happiness of the winners.



Photo 2: Moscow State University (Russia) won the 2012 White & Case Jessup Cup.