A Caribbean Perspective About Participating in the 2020 John H. Jackson Moot Court North American Round in the Middle of the COVID-19 Pandemic

By:

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For the second time, the Law Faculty of the Cave Hill Campus, University of the West Indies, fielded a team of three students – Sarah Baksh, Kara John, and Matthew Chin Barnes – to participate in the All American Regional Round of the 2020 John H. Jackson Moot Court Competition (JHJMCC), a moot court based on the law of the World Trade Organization. Mr Westmin James (Lecturer, Law Faculty, Cave Hill) coached the team, and Dr. Jan Yves Remy (Deputy Director of the SRC at the Cave Hill Campus) provided support. Due to COVID-19, the

combined North and Latin American Regional Rounds which had been scheduled to take place at the Universidad de Guadalajara, Mexico, had to be conducted virtually, the first time in the Competition's history.

The team qualified as finalists in the North American Round but did not make it to the final (Global) round, scheduled for June 2020. Nonetheless, they won several awards for their regional participation including Kara John winning best orator in the final. The team also won the award for best-written submissions. Sarah Baksh Eleanor Roosevelt said, "You gain strength, courage and confidence by every experience in which you really stop to look fear in the face. […] You must do the thing you think you cannot do."

Indeed, that quote perfectly sums up the purpose of submitting myself to the Moot Court experience. Participating in the John H. Jackson Moot Court Competition was facing my biggest fears. Moot Court terrified me because I did not feel comfortable with my oral advocacy skills as I feared public speaking and questioned my ability to think on my feet. These were skills that could not be learnt nor improved sitting in a classroom. This could only be achieved through practical experience. Preparing for the JHJMCC developed my research, writing, analytical and oral skills. Research and writing improved my knowledge in the relevant sub-area of law which fueled my confidence and translated to an improvement in my ability to think on my feet. A key component in improving my oral advocacy skills actually came from a tool my coach, Mr. Westmin James, employs. His preference is that his students know their submissions from memory. The process of memorisation brought me a deeper understanding of my submissions. Once I understood the applicable law and the core of my arguments, my oral skills improved. I spoke with more confidence, I handled questions better and with every practice session, I became more acquainted with the relevant material. At the conclusion of the Regional Rounds of the competition, I felt nothing but pride. I had done the thing I thought I could not do. Naturally, there were still some nerves when presenting but I was able to assuage them enough to deliver a competent and cogent argument to the panellists. Even if persons do not share a similar fear, the skills gained from Moot Court are useful and cannot be taught within a classroom. All in all, the practical experience of Moot Court is indispensable.

Kara John (Best Orator Grand Final)

“Breathe… in slowly, then out slowly”, I tell myself as I log in into my first appearance in the virtual round of the JHJMCC. That is perhaps the best advice and skill that partaking in the Moot Court Competition has given me. For all the intensity, hard work, long hours of practice and research, the most important skill that I used and developed while participating in the live moot was knowing when to pause, breathe, think, contextualize and answer in seconds. For months, my teammates and I eagerly practised and anticipated our trip to Puerto Vallarta, Mexico, where we would be able to compete against other remarkable law schools and to meet and interact with amazing academics, diplomats and scholars in the field of WTO law.

Thinking of Mexico and the opportunities kept us up an hour later researching and helped us get up an hour earlier to practice our submissions. Therefore, when we were informed that the moot was going to take place virtually, because of COVID-19, we were devasted and a little de-motivated to say the least. However, we were able to pick ourselves back up. It was motivational words from each other and reminding ourselves that we as a team can overcome this obstacle and this moot that got us back on track. Those demotivated days were hard. However, overcoming that obstacle made us closer as friends and as a team. That comradery and trust in a peer, (and friend), is the most important thing that the moot competition gave me. When you are put in front of the panel, with your submissions waiting to tumble from your lips, your pre-learned answers stewing in your mind and yours and your partners’ nervous energy permeating the space, (even virtually), everything is tense and it feels like you may forget everything. Despite months of research and practice, which are invaluable, you only have two things at your disposal: the information in your mind and the support of your teammates. When the panellists are picking apart your carefully curated arguments and finding holes in your submissions, you must know when to be still and retreat into your mind and find the answers.

I found, after, that the answer is almost always there if you pause, breathe and think. Mooting taught me the skill of reconfiguring what I already knew to skilfully answer questions on the spot. For the moments when the answer

cannot be found, I was able to dutifully place my trust in my teammates who were always able to direct me to the correct answer. The synergy of trust in yourself, your peers and knowing when to pause helped me through the moot court experience and made me thoroughly enjoy battling it out with the panellists. For example, I will always cherish the memory of answering a panellist with his own words in a paper he had written, words that my teammate found just hours before our last appearance. Mooting, for that moment when you see the panellists smile because you've hit the nail on the head with a tricky question, is a once in a lifetime experience that builds confidence and comradery that I will take with me for the rest of my life and into my careers.

Matthew Chin Barnes (Team Captain)

Out of the plethora of Googleable 'overcoming adversity' quotes available, the anonymous "**The best views come from the hardest climbs**" proves the most apt in describing our 2020 experience at the JHJMCC. Standing on top of the mountain, a few weeks removed from the North American Regional Finals, I am in awe of what we were able to accomplish and could not be any prouder of my team.

In only our University's second year in the competition, we made it to the regional finals, taking home several awards including best written memorials and best oralist. From being a researcher on our maiden voyage in 2019 to captain in 2020, I experienced first-hand the proverbial mountain we had to climb between year one and two. My biggest take away from this experience, is that while the competition tests your knowledge, logical reasoning and oral advocacy skills, it is a team's tenacity and not its location, that is the key to success. A team must take an "I will not give up" approach to research, to the coach's process and most importantly to each other. This is because these competitions start testing you long before the beginning of the regional rounds.

It tests you from the second the fact pattern is released with the obscure corner of WTO law weaved into its fiction; a corner you will start knowing very little about. It will keep you up at night, mulling over its intricacies. It will make you feel inadequate, ill prepared, and quite frankly stupid. You will start questioning whether its very existence was merely to antagonize you. This, however, is the

unique process of the learning through mooting. It allows you to go from knowing nothing to intimately knowledgeable about a point of undecided jurisprudence. We discovered that, in our case, the SPS Agreement and the COVID – 19 pandemic, are not obscure, but in fact touch many facets of our daily life.

You will need a tenacious approach to your coaches' process. You need to buy into their system, have faith in their teachings as they will not lead you astray. While it feels like they are attacking your soul when they shred your carefully crafted arguments with ease, this is part of the process and only for your benefit. Being tenacious in this humbling experience, allows you to learn from direct constructive criticism. This will make you sharper and more resilient, not only for the competition, but for the legal career to come.

Lastly, a tenacious approach needs to be taken with your teammates. Not giving up on one another and relying on each other is paramount to a successful moot, as you will not get very far climbing alone. Your teammates are your coaches, your researchers, and your sounding board at 2 a.m., all in one. They are your support system, be it during the holidays when submissions are due the first week of January, or your strength when your moot is nearly cancelled because of a global pandemic. Be sure to take and give care with them, it will make the experience all the more worthwhile and, most importantly, memorable. While awards and accolades are nice, when it is all said and done, it is the journey and who you took it with that will stand out when you're taking in the view from the top of the mountain.

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