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What a Wonderful World This Would Be: A Hybrid-Team Proposal for Advocacy Competitions

Christopher W. Behan

Professor of Law

Southern Illinois University Simmons Law School

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I. Introduction

341. Interschool advocacy skills competitions have long been a staple of experiential learning in legal education. Their proliferation worldwide shows their value; even a cursory examination of websites from law schools across the globe reveals multiple examples of schools touting the success of their competition teams in national and international competitions.² The arena of competition improves educational outcomes for

1 Professor of Law, Southern Illinois University Simmons Law School; B.A., magna cum laude, Brigham Young University; J.D., magna cum laude, J. Reuben Clark Law School, Brigham Young University; L.L.M. (criminal law specialty), commandant's list, The Judge Advocate General's School of the Army. The author gratefully acknowledges the work of research assistants Justin Kay (Southern Illinois University Simmons Law School Class of 2022), Matthew Ellefson (Southern Illinois University Simmons Law School Class of 2025), and the suggestions and editing assistance of Valery Christiansen Behan (J.D., magna cum laude, J. Reuben Clark Law School, Brigham Young University).

2 *Excellence in Appellate Advocacy*, [UNIVERSITY OF PENNSYLVANIA CAREY LAW SCHOOL](#) (December 7, 2023); *Moot Court Team Wins Religious Freedom Competition in Italy*, [UNIVERSITY OF NOTRE DAME LAW SCHOOL](#) (March 12, 2018); Andrea Shieber, *Student Vimbai Sibani Wins the Law School's Mock Trial Advocacy Competition*, [UNIVERSITY OF KENT LAW SCHOOL](#) (February 17, 2020); *University of Ghana Wins Again at African Human Rights Moot Court Competition*, [UNIVERSITY OF GHANA](#) (October 5, 2017).

participating students and prepares them for some aspects of legal practice in ways that traditional classroom instruction cannot.³

342. During the COVID era, domestic and international travel restrictions made it almost impossible to hold traditional in-person competitions.⁴ Competition directors and law schools responded to the restrictions by pioneering the use of internet-based video-conferencing technology to host innovative online competitions that brought together competitors, coaches, and judges in combinations that would have been cost-prohibitive for live competitions. For example, the International Children’s Rights Moot Court Competition, traditionally held in the Netherlands, was able to expand from eight teams to forty-eight teams by going online; competition rounds frequently featured teams from different continents, with panels of judges simultaneously participating from all over the world.⁵

343. The Kerala Law Academy in India inaugurated a National Trial Advocacy Competition held virtually, which has continued with a fourth annual competition in 2023.⁶ In the United States, several law school advocacy directors worked together to create the largest invitational in mock trial history: The All-Star National Bracket Challenge began with 64 schools via Zoom and grew so large an All-Star National Challenge was held the following weekend with 34 additional schools.⁷ Even with the return to live competitions in the post-COVID era, some competitions take place virtually because of the financial and administrative benefits.⁸

344. Schools, competition directors, and coaches collaborate to administer these competitions, just as they have always done with traditional live competitions. Although we have seen considerable innovation in the creative administration of competitions, the basic format remains the same: teams from different schools compete against each other in a tightly controlled advocacy skills simulation, either in-person or virtually.

345. Drawing on my own coaching experience in interschool competitions, this article suggests a next step in the evolution of interschool advocacy skills competitions: a model in which hybrid teams comprised of members from multiple institutions collaborate with each other using internet-based communication platforms to prepare for

3 Daniel J. Herron, Ruth Wagoner, and Jo Ann Scott, *Enhancing Critical Thinking Skills Through Mock Trial*, 14 *ATLAN L.J.* (2012).

4 Julia Brodsky, *Virtual Jousting: If There’s a Silver Lining to COVID-19, It Might Be the Rise of “Remote Trial Advocacy”* *FORDHAM UNIVERSITY SCHOOL OF LAW* (2021).

5 *Children’s Rights Moot Court 2021: 7 to 16 June 2021*, *UNIVERSITEIT LEIDEN*.

6 *33rd All India (4th Virtual) Moot Court Competition*, *KERALA LAW ACADEMY*.

7 *Virtual Mock Trial Competitions Bring Lessons to the Real World*, *QUINNIPIAC UNIVERSITY* (January 28, 2024).

8 Colleen P. Graffy, *Pandemic Pedagogy and Its Applications for International Legal Education and the HyFlex Classroom of the Future*, 46 *S. ILL. U. L.J.* 45, 55 (2021).

competitions against other similarly constituted teams. The competitions themselves could take place either in-person or virtually, depending on available resources. This model reflects the reality of modern interjurisdictional law practice, wherein attorneys from multiple jurisdictions and locations often come together and collaborate as ad-hoc teams in negotiations, arbitrations, hearings, trials, and appeals.⁹ Additional benefits for students include increased cross-cultural competency, enhanced ability to work in culturally diverse teams, and experience in synergistic value creation — all forged and refined in the crucible of competition.¹⁰

346. The remainder of this article is organized as follows. Part II examines the pedagogical value of interschool competitions, including weaknesses inherent in current non-collaborative competition models. Part III analyzes three experiments in alternative competition formats. Part IV proposes a collaborative competition model using hybrid teams for interschool advocacy skills competitions, drawing from best practices from cross-cultural collaborations in international business and education. Part V concludes the article.

II. Pedagogical Strengths and Weaknesses of Interschool Advocacy Skill Competitions

Strengths

347. Multiple justifications exist for holding interschool advocacy skills competitions, but the educational value for participants is perhaps the strongest of them.¹¹ The primary underlying goals are to improve learning outcomes by preparing students to enter the “real world” of work or practice. In this respect, law school and undergraduate advocacy skills competitions are like competitions hosted by other academic disciplines such as science, engineering, or business.¹²

348. Competitions are crucibles in which classroom theory and the reality of practice are brought together in an environment that exposes weaknesses and rewards

9 Dr. Paola Cecchi-Dimeglio and Peter Kamminga, *The Changes in Legal Infrastructure: Empirical Analysis of the Status and Dynamics Influencing the Development of Collaborative Law Around the World*, 38 J. LEGAL PROF. 191, 213 (2013).

10 Dr. Shahrokh Falati, *The Makings of a Culturally Savvy Lawyer: Novel Approaches for Teaching and Assessing Cross-Cultural Skills in Law School*, 49 J.L. & EDUC. 627, 652 (2020).

11 Stephanie LaRose, *A Step Toward Aligning Legal Education with Practice*, 97 MICH. B.J. 58, 59 (2018).

12 28th Design/Build/Fly Competition, AIAA (December 31, 2023); National Investment Banking Competition History & Mission, NIBC (December 31, 2023); ASA Bayesian Statistical Science Paper Contest, INSTITUTE OF COMPETITION SCIENCES (December 31, 2023).

strengths.¹³ The possibility of winning teams or individual awards spurs the intensity of learning and experience in ways that are not possible in a typical classroom setting.¹⁴ Striving against others for a prize or recognition drives students to a higher level of performance than they would otherwise attain; adversarial competition is a natural characteristic of the human condition.¹⁵ Nonetheless, winning or placing in the competition is secondary to its teaching value: a student's learning is enhanced regardless of the outcome of the competition.¹⁶

349. Advocacy skills competitions offer multiple learning opportunities for students.¹⁷ Some competitions, such as appellate moot court or pretrial motions advocacy competitions, include both a written and an oral phase; to succeed in the competition, students must demonstrate proficiency in both types of skills, just as a practicing lawyer would.¹⁸ Other competitions, such as arbitration or trial advocacy competitions, concentrate primarily on oral advocacy skills, including motions arguments, opening statements, witness examinations, and closing arguments.¹⁹ Regardless of format, all competitions place a premium on ethics, professionalism, and proper behavior towards the court, opposing counsel, and witnesses. Ultimately, student competitors learn valuable skills that prepare them well for the practice of law.²⁰

Weaknesses

350. As with all types of formal competitive activity, there are downsides to advocacy skills competitions. For example, it seems well-nigh impossible to conduct such a competition without courting controversy about the fairness and balance of the problem or case file, the ethics or behavior of competitors and coaches, scoring systems, the integrity or competence of competition judges, or how to handle allegations of misconduct

13 Tim Eigo, *Less Speech, More Debate*, 49 ARIZ. ATTY. 26, 27 (2013).

14 Simon Rattle and Bob Baker, *Cooperative Learning in a Competitive Environment: Classroom Applications*, 19.1 INT'L J. OF TEACH. & LEARN. IN HIGHER ED. 77, 79 (2007).

15 Olena Aleksandrova, Yurii Omelchenko, and Olena Popovich, *Competition as a Factor of Social Development*, STUDIA WARMINSKIE 55 (2018).

16 Yana O. Alimova and Natalia M. Golovina, *Moot Court Competition and Their Role in Practice Oriented Training of Law School*, 6.2 KUTAFIN L. REV. 237, 248 (2019).

17 Anar Ahmadov, *When Great Minds Don't Think Alike: Using Mock Trials in Teaching Political Thought*, 44 POLITICAL SCIENCE AND POLITICS 625, 626 (2011).

18 *About Us*, STANFORD MOCK TRIAL (January 29, 2024); Maria R. Voskobitova, *Online Simulations for Teaching Professional Legal Skills*, 8.4 KUTAFIN LAW REVIEW 519, 541 (2020).

19 Daniel J. Herron, Ruth Wagoner, and Jo Ann Scott, *Enhancing Critical Thinking Skills Through Mock Trial*, 14 ATLANTIC L.J. (2012).

20 Robert A. Kearney, *Unscripted Mock Trial and Full-Scale Litigation in a College Setting*, 45 S. ILL. U. L.J., 233, 236 (2021).

and other grievances that may arise during a competition.²¹

351. It is easy to understand how controversies and complaints can arise. On one hand, competitors desire a level playing field in which the skill of the participants, rather than the merits of the case, determines who wins or loses. On the other hand, for many competitors and coaches, the desire to win at any cost is a human characteristic that is difficult to suppress.²² Sportsmanship — if that is an appropriate term for professional behavior during an advocacy skills competition — also plays a role: some teams and individuals are capable of winning or losing with grace and dignity; others seem unable to compete within the boundaries set.²³ Even with competition rules and standards of professional ethics, some cannot accept a loss without alleging either that the other side cheated or the competition was somehow flawed or unfair.²⁴

352. Competitions can also create perverse incentives for success, in which unrealistic advocacy practices are rewarded and style trumps substance.²⁵ Many experienced coaches lament that they feel they are preparing their students to succeed in the artificial environment of a competition, rather than preparing them for real-life practice.²⁶ Some of these weaknesses are unavoidable. It is difficult, for instance, to write a competition problem so complete or well-balanced that the participants can be judged solely on the merits of their case. Moreover, the time limits for competition rounds — especially in trial skills competitions — require coaches and competitors to focus on quickly earning performance points rather than patiently building a case over the course of hours.

353. Additionally, there is the issue of scoring and judges. Most competition judges are volunteers taking time away from busy law practices. They may have a solid grasp of basic advocacy principles yet lack the time to learn the case file well enough to appreciate how the legal positions of the parties and available arguments are affected by the artificial aspects of the case file.²⁷ Scoring ballots, accordingly, necessarily focus much

21 Edward D. Ohlbaum, *Model Rules of Conduct for Mock Trial Competitions*, [TOURNAMENT OF CHAMPIONS](#) (2011).

22 Yubo Kou, *Toxic Behaviors in Team-Based Competitive Gaming: The Case of League of Legends*, [ASSOCIATION FOR COMPUTING MACHINERY, INC.](#), 81, 88 (2020).

23 Edward D. Ohlbaum, *Model Rules of Conduct for Mock Trial Competitions*, [TOURNAMENT OF CHAMPIONS](#) (2011).

24 Yubo Kou, *Toxic Behaviors in Team-Based Competitive Gaming: The Case of League of Legends*, [ASSOCIATION FOR COMPUTING MACHINERY, INC.](#), 81, 88 (2020).

25 Anar Ahmadov, *When Great Minds Don't Think Alike: Using Mock Trials in Teaching Political Thought*, 44 [POLITICAL SCIENCE AND POLITICS](#) 625, 626 (2011).

26 Gerald Lebovits, Drew Gewuerz and Christopher Hunker, *Winning the Moot Court Oral Argument: A Guide for Intramural and Intermural Moot Court Competitors*, 41 [CAP U. L. REV.](#) 887 (2013); Mairi N. Morrison, *May It Please Whose Court: How Moot Court Perpetuates Gender Bias in the Real World of Practice*, 6 [UCLA WOMEN'S L.J.](#) 49, 65 (1995).

27 Edward D. Ohlbaum, *Model Rules of Conduct for Mock Trial Competitions*, [TOURNAMENT OF CHAMPIONS](#) (2011).

more on external performance factors than on the substance or merits of a case.

354. The desire to level the competitive playing field creates additional issues. One example is the limited-assistance rule, a rule that forbids appellate advocacy coaches from attempting to change the substance of a team's arguments during pre-competition practices; the rule is widely felt to be honored more in its breach than its observance. The appellate limited-assistance rule is rooted in the desire to have competitors judged against each other, rather than their opponents' coaches.²⁸ The mock trial version of the rule prohibits competitors from consulting with their coaches during breaks in competition rounds.²⁹

355. In my opinion, the disadvantages of the limited assistance rule outweigh its benefits. First, it is unrealistic and difficult to enforce. Second, it does not replicate real practice, in which junior attorneys almost always can consult with their seniors at all phases of legal proceedings. Third, unlike participants in many other types of competitions, advocacy skills competitors are deprived of the benefits of coaching and correction during a competition round. This deprivation particularly hurts competitors when opponents employ novel yet unrealistic strategies, engage in actual or borderline unethical behavior, or violate advocacy norms.

356. Another issue with advocacy skills competitions is their absence of real-world context. Competition fact patterns and files represent a distinct phase of the case, frozen in time, without the natural case development or personal interactions with opposing counsel and judges that would occur during the preparatory steps and initial phases of an actual case.³⁰ Some of these issues are also unavoidable: it would be an administrative and logistical nightmare to hold a large, multi-phase competition that included all phases of a real trial, from pleadings to discovery and trial to appeal.

357. These contextual voids create issues at competitions, including unrealistic or untenable arguments from participants who are not adequately coached, are unprepared, or do not fully understand the law or procedure of a case. Nancy Schultz points out that students have a tendency to lose the forest for the trees and need good coaching to help them avoid "create[ing] arguments, or witness exams, that seem to have no identifiable purpose . . ." and to guide them in understanding the significance of details in a case file and how to use them.³¹ Contextual voids also provide incentives for advocates to

28 Sanford A. Greenberg, *Appellate Advocacy Competitions: Let's Loosen Some Restrictions on Faculty Assistance*, 49 J. LEGAL EDUC. 545, 546 (1999).

29 *Rules of the 49th Annual National Trial Competition*, Article VII.6.I, TEXAS YOUNG LAWYERS ASSOCIATION (2022).

30 Alex Kozinski, *In Praise of Moot Court-Not!*, 97 COLUM. L. REV. 178, 180 (1997).

31 Nancy L. Schultz, *Lessons from Positive Psychology for Developing Advocacy Skills*, 6 J. MARSHALL L.J. (2012).

make up facts to fill in the gaps, which, in addition to the questionable ethics of the practice, can create competitive disadvantages for opponents in competition rounds.³²

358. Other issues are created by the absence of interaction with opponents prior to the competition rounds. It is much easier for competitors to make ad hominem attacks or treat opponents with disrespect if they have neither prior interaction with them nor the likelihood of subsequent contact with them.³³ In some respects, unfortunately, this aspect of trial competitions may be an all-too-realistic mirror of the decline of civility among practicing lawyers worldwide.³⁴

III. Experiments With Alternative Competition Formats

359. As a long-time director of mock trial advocacy programs, I have wondered whether different competition models could offer the pedagogical benefits of interschool competitions while minimizing or overcoming some of the drawbacks and weaknesses of legacy competition formats. For the past twelve years, I have experimented with small-scale competition formats that rely heavily on collaboration and mutual respect among faculty members and competitors.

The Foundation: Mutual Respect and Faculty Collaboration

360. When I first began coaching mock trial teams in interschool competitions, I was surprised by the intensity of the competitive atmosphere and the attendant rules-related gamesmanship from some schools and coaches. Soon enough, I found other coaches who felt similar levels of dismay about the perverse incentives of mock trial competitions. I recall several conversations in which coaches lamented how behavior that was rewarded at advocacy competitions would not be tolerated in courtrooms in their home jurisdictions. Some grouched that their roles as mock trial coaches had devolved to preparing students to succeed in an artificial mock-trial competition environment that differed considerably from real-life practice, particularly with respect to civility, ethical behavior, and acceptable approaches to the presentation of witnesses and evidence.

32 Edward D. Ohlbaum, *Model Rules of Conduct for Mock Trial Competitions*, [TOURNAMENT OF CHAMPIONS](#) (2011).

33 Maria Bengtsson, Jessica Eriksson, and Joakim Wincent, *Co-opetition Dynamics: An Outline for Further Inquiry*, [20.2 COMPETITIVENESS REVIEW: AN INT'L BUS. J.](#) 194, 202 (2010).

34 Shannon Gormley, *Uncivil Dispute*, [83 ORSBB](#) 18, 19 (2023).

361. These private conversations paralleled public debates in the world of advocacy teaching. Competition ethics and practices became a regular feature of discussions at the annual Educating Advocacy Teachers Conference (EATS) at Stetson University College of Law, an ecumenical gathering of advocacy teachers begun by Charles Rose, former Director of Stetson's Center for Excellence in Advocacy. Spearheaded by the late Edward Ohlbaum, one product of these public discussions was a comprehensive set of Model Rules for Mock Trial Competitions (hereinafter, MRCMTC).³⁵ Along with new rules came a shared commitment to incentivizing fair play and professionalism during advocacy competitions and a comprehensive approach to doing so: increasing the quality of competition case files, competition scoring to reward professionalism, awards for teams displaying professional behavior,³⁶ increased penalties for teams that cheat or flout the rules,³⁷ and so forth.

362. From my personal observation, these collaborative efforts have made a positive difference in the world of interschool advocacy competitions. The atmosphere is better than it was when I first started coaching in the early 2000s. Improving advocacy competition pedagogy and providing additional opportunities for students both rest on a foundation of mutual respect and collaboration among advocacy directors, professors, and coaches.

Round-Robin Jury Competitions

363. Beginning in 2012, a group of colleagues from several law schools throughout the United States collaborated to develop a new type of competition, a round-robin, voir-dire-to-verdict jury trial competition.³⁸ These competitions are designed to be small in scale, involving teams from between two and four schools. Each school competes against all the others in a round-robin format. Several competitions have been held throughout the United States, including an online competition in April of 2021.

364. These competitions are small-scale because they are both time and resource intensive. The inclusion of voir dire — and in some competitions, jury deliberations on damages — means that each round takes at least four hours. In addition, the competition format requires the competition host to find panels of lay jurors for each trial round. The jurors are not merely passive observers: their ballots determine who wins

35 Maureen A. Howard and Jeffery C. Barnum, *Bringing Demonstrative Evidence in from the Cold: The Academy's Role in Developing Model Rules*, 88 [TEMP L. REV.](#) 513 (2016); Edward D. Ohlbaum, *Model Rules of Conduct for Mock Trial Competitions*, [TOURNAMENT OF CHAMPIONS](#) (2011).

36 *NTC Official Scoring Ballot and Scoring Criteria*, [NAT'L TRIAL COMPETITION](#) (January 29, 2024).

37 Edward D. Ohlbaum, *Model Rules of Conduct for Mock Trial Competitions*, [TOURNAMENT OF CHAMPIONS](#) (2011).

38 Chris Behan, *Egyptian Dogs and Kangaroos: SIU and UMKC Trial Competition Experiment*, [ADVOCACY TEACHING BLOG](#) (2012).

and loses each round. Depending on the competition format, juror ballots have been based on perceived attorney effectiveness, a liability determination on the merits, or liability and damages on the merits.

365. The focus of this competition format is case analysis and trial preparation under realistic time constraints. To avoid over-rehearsed trial presentations that emphasize style over substance, teams receive the case file only two or three weeks before the competition. Coach-scripted speeches and examinations are strictly forbidden; coaches agree to serve as advisors and mentors and to leave case analysis and trial preparation primarily to the students.

366. A salient feature of these competitions is collegiality and cooperation, with educational value for the students deliberately placed at the forefront. There are no protest committees or challenge procedures; instead, coaches and competitors agree beforehand to a zero-tolerance policy for unethical or untoward behavior at trial. For example, during one competition a coach listening to a round overheard a competitor from their own school ask a question during a witness examination that required the witness to make up a significant material fact. The witness obliged. The coach interrupted the proceedings, asked the judge to dismiss the jury, and explained the error. With the approval of both coaches, the judge called the jury back in, reprimanded counsel and the witness from the bench, and gave the jury an instruction to ignore the question and the answer. There were no further problems in the round or in the competition. Moreover, the presence of lay jurors, whose votes are dispositive in determining the winner of the round, tends to promote high standards of professional behavior in the competition rounds.

367. In round-robin jury competitions, the limited-assistance rule is replaced by an active coaching model. Answering questions, mentoring, and giving advice on matters of substance and strategy are permitted and encouraged, not only before the competition, but during trial breaks, on the theory that in real life, junior attorneys can receive assistance from more experienced counsel during trials.³⁹

368. Both the faculty and student experiences in the small-scale round-robin jury competitions has been overwhelmingly positive. Students enjoy the opportunity to conduct voir dire, interact with lay jurors, consult with faculty coaches and mentors during the competition, and receive feedback after the trial from judges and jurors about their presentation strategies and advocacy choices.

369. Flexibility is another important feature of these competitions. With a small number of participating schools whose coaches tend already to have mutual trust and strong relationships with each other, it is easy to innovate during the design process or make

39 David Taylor and Chris Behan, *The Dogfight: NIU Huskies Square Off Against SIU Salukis in Dual-Meet Jury Trial Competition*, [ADVOCACY TEACHING BLOG](#) (2013).

changes during the competition itself. For example, one such innovation was the fielding of a hybrid four-person team with members from two different schools during a competition in 2015.

IV. Hybrid Competition Teams: Three Experimental Case Studies

370. A hybrid competition team includes students from two or more schools. Teams use remote communication tools, including videoconferencing software and file-sharing programs, to communicate with each other and prepare to compete. The teams compete just as any other team would during a competition. This section of the paper introduces and analyzes three experiments with hybrid competition teams.

Domestic Experiment: A First Step

371. During the planning phase of a round-robin jury trial competition in 2015, Wes Porter, then a law professor and director of trial advocacy programs at Golden Gate University School of Law, suggested experimenting with a hybrid competition team to ensure the competition had an even number of teams. The idea was inspired by his experiences as a trial attorney with the Department of Justice in Washington, D.C. He often worked on long-distance case preparation with attorneys from different field offices throughout the country, before traveling on location to try the case as part of an ad-hoc team assembled for the purpose. Teamwork, communication skills, adaptability, and flexibility were professional attributes necessary to succeed in these trials. Professor Porter conjectured there would be significant pedagogical value for students to prepare for and compete in ad-hoc hybrid teams from different schools.

372. Golden Gate University and the Southern Illinois University School of Law each contributed two team members for the hybrid team, which was one of four teams from three schools that participated in the competition. Students were given email and contact information for each other, but they received no specific instructions other than to work together to prepare and practice for the trial. The hybrid team received the case file at the same time as the other teams. Hybrid team members from the two schools met each other in person for the first time at the competition.

373. Because of the largely hands-off coaching model during the pretrial preparation phase of these competitions, coaches for both schools had very little interaction or involvement with the hybrid team. Left to its own devices, the team somewhat predictably decided the easiest course of action was to split into two separate partnerships organized by the school: one for the plaintiff, the other for the defense. These partnerships

worked separately on case analysis, theme development, or trial preparation. Other than emailing copies of witness examination outlines to help the other partnership prepare to serve as witnesses, the partnerships had only minimal contact with each other until they met at the competition itself.

374. Although the hybrid team held its own and performed competently, it did not achieve its full potential at trial. In fact, it was the only team in the competition to lose all its rounds. The team members had not crossed boundaries to work with members from the other school. They competed as semi-autonomous partnerships rather than a unified team of four. The only time they truly collaborated was during witness examinations where one partnership served as the other's witnesses, but even then, the failure to work together on trial preparation meant that attorneys and witnesses were not always on the same page during examinations. Moreover, each partnership experienced surprise to hear for the first time the other's case theories and themes spoken aloud during voir dire and opening statements at trial.

375. The hybrid team experienced virtually no competitive or pedagogical advantage during this competition. In large part, this was because the team received so little guidance and direction from the professors. Because they were not required to work together within a structured framework, they understandably chose the path of least resistance and worked separately. When they met each other at the competition, it was too late to develop the rapport, camaraderie, familiarity, and trust that are essential to effective functioning as a team. As the saying goes, "when the time to perform arrives, the time to prepare has passed."⁴⁰

376. Although the potential of a hybrid competition team remained unrealized in this competition, the idea remained dormant in my mind, waiting for another opportunity to further develop it.

Two International Experiments: Two Steps Forward

377. For many years, my former colleague Cynthia Fountaine had a grant to provide comparative law training to Russian students. The training consisted primarily of online lectures from American faculty members to Russian students gathered in a classroom at Udmurt State University in the City of Izhevsk. In 2020, after a visit to Izhevsk, Professor Fountaine proposed expanding the grant to include advocacy training. Her proposal was for a joint group of American and Russian faculty to coach a group of Russian students to apply for and compete in the 2021 Nuremberg International Criminal Law Moot Court Competition. I was included in the faculty group.

⁴⁰ Howard Putnam, *When the Time to Perform Arrives, the Time to Prepare Has Passed*, [SPEAKER'S OFFICE](#).

378. Although her proposal was accepted, two obstacles immediately presented themselves. First, there were not enough Russian students at Udmurt State who felt confident enough in both their written and verbal English skills to field a complete competition team. Second, the COVID pandemic hit, and the Nuremberg competition moved to an online format.

379. The rules for the Nuremberg competition permitted students from multiple campuses to join as a team.⁴¹ Because of a competition calendar that stretched into the summer well past final examinations for the spring semester, we could not find enough students from the SIU School of Law to fill out the Udmurt team. Accordingly, we used our professional international education networks to form a hybrid team representing three countries and four law school campuses: two students from Russia's Udmurt State University; two students from Kenya's University of Nairobi School of Law, one each from the Parklands and Mombasa campuses; and one American student from Southern Illinois University School of Law.

380. The all-female team nicknamed themselves The Wonder Women, a name they proved worthy of during the competition season. Using videoconferencing technology, social media, and online work-sharing software, they became a unified team with a shared identity: they overcame cultural and educational differences, language barriers, personal hardships caused by the pandemic, and time zone disparities. They researched and wrote legal briefs for both sides, sharing the work equally among team members. They spent endless hours meeting online, stitching together multiple drafts of the briefs, and editing them into stylistically unified final submissions.

381. On the strength of their writing, they were invited to participate in oral arguments - a distinction granted to fewer than half the competing teams. In preparation for oral arguments, they met many times online with coaches, guest judges, and on their own to practice and refine their arguments.

382. In the initial phases of building the team, the professors from the three universities handled most of the communication. We set up a WhatsApp group and scheduled regular team meetings via Zoom. Prior to the release of the problem, we conducted several training sessions on written and oral advocacy skills. Once the problem was released, we had to step aside and let the students take care of writing the brief on their own. By then, they had coalesced into a team. They made their own arrangements for communicating with each other, sometimes using different communications programs or platforms that worked better for their circumstances; for example, they often found it easier to use Google Meet than our team Zoom account for their partnership meetings and practices. The two Kenyan students even arranged to meet personally with each other, although it required a five-hour train ride to do so.

41 Nuremberg Moot Court: FAQ, [NUREMBERG MOOT COURT](#) (January 29, 2024).

383. Overall, I felt this first foray into coaching a hybrid team from different countries, systems, cultures, and schools worked well. As previously mentioned, the team's written materials scored high enough to earn an invitation to participate in oral arguments. Their performance in oral arguments was commendable: they split their first two preliminary rounds and lost a close third round to a team that advanced to the elimination rounds. The team earned a final ranking near the top 25% of all teams that participated in the competition.

One Step Back

384. In 2022, we assembled another team from the same three countries and entered the competition again. Two students were from separate campuses of the University of Nairobi (Parklands and Kisumu), two from Udmurt State University, and one from the University of North Texas Dallas College of Law. The team's proposal was accepted, and they were invited to participate in the competition.

385. This team did not coalesce quite as well as the previous year's team. As coaches, we did not participate as much in the initial phases of team building as we had the previous year. We directed the team to select a team leader and advised them to create a set of standards and internal rules for communicating and working with each other. We did not, however, require the students to provide us with a copy of their standards and internal rules for our approval or guidance. We simply gave them the deadlines for submitting the brief and told them to contact us if they needed anything.

386. Despite instructions to the contrary, the team members divided responsibilities along national lines rather than engaging in true cross-cultural collaboration. The team members formed themselves into a Kenyan partnership, a Russian partnership, and a lone American who did not quite fit into either partnership.

387. Nonetheless, the contrast with the prior year was stark. It became evident that some greater level of faculty supervision and involvement was necessary to help the students bridge time zones and cultural gaps to coalesce as a team.

388. Cynthia Fountaine noted that the team's failure to coalesce was most likely the result of reduced involvement by the coaches at the beginning:

I think I would do things more like we did the first time, which was to facilitate bonding opportunities for the team, especially at the beginning. I think it worked better for us, the coaches, to be more involved, especially in the early stages. I think it is important to stress that each team member will be responsible for a discrete portion of the drafting, but as a team, they are all responsible for the whole. They need to be invested as a team, rather

than individuals. I think our second team did understand this, but I don't think they ever coalesced as a team that was competing together.⁴²

Lessons Learned from Alternative Competition Format Experiments

389. This subsection briefly summarizes lessons learned from a decade of experimenting with alternative competition formats:

- Flexibility Creates New Opportunities for Students
- Faculty Trust and Collaboration Increase Pedagogical Benefits of Interschool Competitions
- Active Coaching and Mentoring Improve the Competitive Experience
- Properly Supervised, Hybrid Teams Can Succeed

V. Proposed Model For Hybrid-Team Interschool Competitions

390. Drawing on lessons learned from experimenting with alternative competition formats, this section proposes and evaluates a new competition format: the collaborative hybrid-team interschool advocacy competition. In this model, hybrid teams comprised of members from multiple institutions collaborate with each other using internet-based communication platforms to prepare for competitions against other similarly constituted teams. Faculty members from different institutions work together to write the case file, administer the competition, create common expectations for all competitors, and provide active coaching and mentoring to assigned hybrid teams.

Theoretical Foundations

Collaboration Among Academics and Institutions

391. As we have already seen, collaboration among academics is the foundation for creating new opportunities for students; professional relationships formed by professors from different institutions can lead to creative suggestions and opportunities for

⁴² Email from Cynthia Fountaine, Assoc. Dean for Academic Affairs, Univ. of N. Tex. Dall. Coll. of Law, to author (January 31, 2024) (copy on file with author).

students to interact across systems, cultures, and even countries.⁴³ Some benefits of academics collaborating to improve these competitions have already been realized in the form of improvements to competition standards on ethics and professionalism, new competition tournament formats, and the use of online platforms to host competitions.

392. There are natural limits, however, to the benefits of interschool competitions. For example, competition among institutions can perpetuate inequity. Matt O’Leary and Phil Wood note that Darwinian models in which institutions compete against each other for honors and awards create a “survival of the fittest” mentality favoring institutions that have greater resources and whose students come from places of privilege; these competitive models may actually exacerbate inequalities, particularly for institutions with lesser resources that provide broader access to students. To counter this tendency to inequity, O’Leary and Wood recommend models in which academics and institutions work collaboratively with each other, and with students:

This alternative sits more comfortably within a community-led, collaborative endeavour, with the potential not only for academics to work together, but for them to work with students as co-producers of new practice. Change here is seen as a constant striving for better pedagogies, for better ways of working with students to create vibrant academic communities.⁴⁴

Collaboration Among Team Members

393. The internal collaborative processes of good teamwork create an experience in which the whole is greater than the sum of its parts. Collaboration produces four primary types of value: (1) associational value, which comes from developing relationships with others; (2) transferred resource value, in which one partner receives a benefit from another partner; (3) interaction value, which is manifested by intangibles such as trust or increased learning opportunities; and (4) synergistic value, in which more is accomplished together than could have been accomplished separately.⁴⁵

394. These benefits are especially pronounced in a properly managed experiential learning environment. Business educators have written about the value of experiential learning in group projects, in which group work enhances all four aspects of the learning cy-

43 Haiyun Hu, *An International Virtual Team Based Project at Undergraduate Level: Design and Assessment*, 19 MKTG. EDUC. REV. 17, 18 (2009).

44 Matt O’Leary and Phil Wood, *Reimagining Teaching Excellence: Why Collaboration, Rather than Competition, Holds The Key To Improving Teaching And learning In Higher Educ.*, 71 EDUC. REV. 122, 126-132 (2019).

45 Morgane Le Pennec and Emmanuel Raufflet, *Value Creation in Inter-Organizational Collaboration: An Empirical Study*, 148 J. BUS. ETHICS 817, 822 (2018).

cle — experiencing, reflecting, thinking, and acting — but especially experiencing and acting, which are difficult to provide in a traditional classroom environment.⁴⁶

395. When students are formed into teams, they learn from each other through the mutual engagement of the participants in a coordinated manner to solve a problem. In a true collaboration, students take responsibility for their learning; this is to be distinguished from cooperative endeavors, in which students merely take responsibility for an assigned part rather than the overall success of the endeavor. Students of lower talent benefit by receiving help from students with higher talent, who in turn benefit by externalizing their knowledge.⁴⁷ Team members generate their own norms and are in turn affected by the norms of the team.⁴⁸ When conflicts inevitably arise among team members, the team must decide whether to distrust each other and fail,⁴⁹ or to resolve conflicts by creating a common understanding.⁵⁰ In an educational environment, professors provide oversight and external accountability to ensure students have clear expectations and structural review procedures so team members do not drop out of the collaborative process, dominate it at the expense of others, or fail to engage with each other in meaningful and productive ways.⁵¹

396. Adding the element of competition to collaborative team learning can bring out the best in a team. With an external goal in play, such as team recognition, a ranking, or a trophy, competition can increase the motivation of the team to succeed. In a study of an international business competition, the study authors observed students liked that their project was being ranked internationally and felt it did not interfere with their learning; the authors noted that the competition element seemed to improve scores.⁵²

46 Vas Taras et al., *A Global Classroom? Evaluating the Effectiveness of Global Virtual Collaboration as a Teaching Tool in Management Education*, 12.3 ACAD. MGMT. LEARNING & EDUC. 414, 418 (2013).

47 Murat Akpınar et al., *Learning Effects of an Int'l Group Competition Project*, 52 INNOVATIONS EDUC. & TEACHING INT'L 160, 162 (2015).

48 Vas Taras et al., *A Global Classroom? Evaluating the Effectiveness of Global Virtual Collaboration as a Teaching Tool in Management Education*, 12.3 ACAD. MGMT. LEARNING & EDUC. 414, 418 (2013).

49 Morgane Le Pennec and Emmanuel Raufflet, *Value Creation in Inter-Organizational Collaboration: An Empirical Study*, 148 J. BUS. ETHICS 817, 822 (2018).

50 Murat Akpınar et al., *Learning Effects of an International Group Competition Project*, 52 INNOVATIONS EDUC. & TEACHING INT'L 160, 162 (2015).

51 Vas Taras et al., *A Global Classroom? Evaluating the Effectiveness of Global Virtual Collaboration as a Teaching Tool in Management Education*, 12.3 ACAD. MGMT. LEARNING & EDUC. 414, 431 (2013); Haiyun Hu, *An Int'l Virtual Team Based Project at Undergraduate Level: Design and Assessment*, 19 MKTG. EDUC. REV. 17, 18 (2009); Murat Akpınar et al., *Learning Effects of an Int'l Group Competition Project*, 52 INNOVATIONS EDUC. & TEACHING INT'L 160, 162 (2015).

52 Murat Akpınar et al., *Learning Effects of an Int'l Group Competition Project*, 52 INNOVATIONS EDUC. & TEACHING INT'L 160, 164 (2015).

Cross-Cultural Collaboration

397. Preparing law students to participate and succeed as professionals in a globalized work environment requires the development of multiple competencies, including cultural intelligence and the ability to work collaboratively with team members from different backgrounds, countries, and governmental and social systems.⁵³ As Leslie Seawright has written, “Living and working in a globalized world where work happens over thousands of miles and multiple time-zones is a reality that our students will surely face.”⁵⁴

398. To develop cross-cultural competency, students must become familiar with other countries, people, cultures, and working styles. Challenges to cross-cultural collaboration include “difficulties related to cross-cultural communication; coordination and collaboration under the conditions of geographic dispersion and time zone differences; differences in work styles; and teamwork in low-media-richness communication environments.” Grappling with and overcoming these challenges helps develop cultural intelligence and prepares students to work with people from diverse backgrounds and environments as professionals.

399. One of the best ways to develop these competencies is to provide cross-cultural experiences and international work assignments in which participants work together as equals, facing a common set of problems and obstacles. Ultimately, obtaining knowledge of and familiarity with other cultures increases cultural competency and decreases prejudice, misunderstanding, and xenophobia.

400. In 1954, G.W. Allport identified four conditions under which intergroup contact is most effective: (1) equal status within the contact situation; (2) cooperation between representatives of different groups; (3) common goals; and (4) support of authorities.⁵⁵ In the context of collaborative advocacy competitions with hybrid teams, these conditions apply to designing competitions, forming teams, and establishing structures and procedures for faculty oversight of the process and support to the student participants.

53 Vas Taras et al., *A Global Classroom? Evaluating the Effectiveness of Global Virtual Collaboration as a Teaching Tool in Management Education*, 12.3 ACAD. MGMT. LEARNING & EDUC. 414, 431 (2013); Morgane Le Pennec and Emmanuel Raufflet, *Value Creation in Inter-Organizational Collaboration: An Empirical Study*, 148 J. BUS. ETHICS 817, 822 (2018).

54 Leslie E. Seawright, *Teaching Technical Writing: Opportunities for International Collaboration*, 4.2 INT’L J. ENG’G PEDAGOGY 28 (2014).

55 Vas Taras et al., *A Global Classroom? Evaluating the Effectiveness of Global Virtual Collaboration as a Teaching Tool in Management Education*, 12.3 ACAD. MGMT. LEARNING & EDUC. 414, 420 (2013).

Recommended Elements of Collaborative Competitions with Hybrid Teams

Competition Design

401. As we have seen earlier in this paper, mutual respect, coupled with a desire to collaborate among professors and members of the bench and bar, are the foundation stones of a competition involving hybrid teams. Gray and Sites have identified three factors that are critical to collaborative endeavors: (1) the right type of partnership; (2) the right type of partner; and (3) careful management of the partnership process.⁵⁶ Institutional collaborators must themselves practice and model the type of teamwork they hope to see practiced by the hybrid teams that will be formed from among their students. This requires creative input by all, true agreement on pedagogical objectives and competition goals, establishment of communication protocols among institutions and participants, clear and distinct assignments for all collaborators, and accountability standards.

402. Competition design is flexible and should reflect the creativity and professional experiences of the people planning and implementing the competition. If participating coaches and competition directors want to experiment with including one or two hybrid teams in a traditional competition or smaller-scale competition, as Wes Porter and I did a decade ago, there are no impediments to doing so if competition rules and other participants understand and agree to the arrangement.

403. If coaches and directors want to experiment with cross-cultural collaborations, hybrid teams are the ideal vehicle. Where possible, all students should stretch themselves by having to learn a new skill, set of rules, or substantive legal doctrine. Options include the use of international courts or forums, which often employ rules and procedures that are a hybrid of the legal systems of member states;⁵⁷ setting the competition in a fictional jurisdiction with fictional (but realistic rules) created and agreed on by competition organizers; or setting the competition in a host country's jurisdiction and dispute resolution system, yet using scenarios and fact patterns that are similar to what visiting students might face in their home jurisdictions.

404. Standards for judging and evaluating competitors will be similar to those used in traditional interschool competitions but should also include elements recognizing and rewarding teamwork and professionalism by participating teams. For example, a scoring element could recognize team integration and harmony, rewarding teams that

56 Morgane Le Pennec and Emmanuel Raufflet, *Value Creation in Inter-Organizational Collaboration: An Empirical Study*, 148 J. BUS. ETHICS 817, 822 (2018).

57 Kenneth J. Keith, *The Development of Rules of Procedure by the World Court Through Its Rule Making, Practice and Decisions*, 49 VUWLR 511, 514 (2018).

draw from and use the strengths of all team members and perhaps penalizing teams that rely on the work of a dominant team star. Importantly, competition scoring and individual judging standards should not penalize competitors for cultural differences in their advocacy presentations.

Team Selection

405. Referring to Gray and Sites' three factors for a successful collaboration, competition organizers should work together to form the right types of partnerships and partners; in other words, to create teams that have as even a distribution as possible from across schools, countries, and experience levels.⁵⁸ The goal is to avoid schools or countries competing against each other, but rather to form hybrid teams that develop their own identities and compete against other similarly constructed teams. This requires deliberate attention to balance and team composition. For example, in an engineering technical writing project involving students from two different university campuses in the United States and Qatar, professors ensured that there were two Qataris and four to five Americans on each team, reflecting the overall population balance of participants.⁵⁹

406. Organizers should work for a balanced range of experience and skill levels on each team. This requires a careful and accurate advance assessment of team members, coupled with frank communication and input from competition organizers. Organizers should be particularly sensitive to strength of personality and student personality traits that suggest successful leadership and collaboration rather than domination or a tendency for withdrawal. Furthermore, Cynthia Fountaine recommends actively screening and recruiting students for collaboration and the desire to participate in cross-cultural experiences.

407. Instructors should also supply some training in cross-cultural issues. In the US-Qatari collaboration referenced earlier, students at both universities received instruction on intercultural and collaborative communication that focused on cultural stereotypes, international experiences, and communication styles.⁶⁰ Ideally, this instruction would be given collaboratively, with representatives from all schools and countries involved in the competition participating equally.

58 Morgane Le Pennec and Emmanuel Raufflet, *Value Creation in Inter-Organizational Collaboration: An Empirical Study*, 148 J. BUS. ETHICS 817, 822 (2018).

59 Leslie E. Seawright, *Teaching Technical Writing: Opportunities for International Collaboration*, 4.2 INT'L J. ENG'G PEDAGOGY 28, 29 (2014).

60 Leslie E. Seawright, *Teaching Technical Writing: Opportunities for International Collaboration*, 4.2 INT'L J. ENG'G PEDAGOGY 28, 29 (2014).

Communication, Accountability, and Practice Protocols

408. Literature on cross-cultural business and engineering project collaborations involving hybrid teams of students from different countries is instructive on the importance of teams developing their own communication and accountability protocols. In a project involving approximately 6,000 students from across the world in International Management courses, the project organizers were able to collect significant amounts of data from surveys of students. This data revealed that prior to the project, the most identified expected barriers to team performance were cultural, language and time zone differences, and other communication barriers; a significantly lower number of students viewed coordination problems as potentially significant challenges. Following the project, the numbers were largely reversed, with students seeing coordination as their biggest challenge; in fact, most students shared that the next time they would pay more attention to the technical aspects of coordination, including laying out team rules early in the project, being more proactive with respect to decision-making, procrastinating less, and communicating and checking on team members' progress more frequently.⁶¹

409. Writing about a different project involving American and Chinese students, Haiyun Hu wrote that structured cross-cultural team relationships were highly valued by students. Hu noted that facilitating those relationships required external structure from professors; cross-cultural communication challenges can easily discourage students from working together. Teams had to develop their own communication protocols, but also keep a record of their communications with each other in case professorial intervention was needed; the process was supervised by instructors.⁶²

410. These observations match my own experiences in all three of the hybrid team experiments discussed earlier in this paper. In two of the three competitions, we instructed the students to be accountable to each other. Although we advised them to stay in touch and work with their team members, we largely left them to their own devices, unmonitored except for occasional group communications initiated by professors. In both instances, the students divided themselves by school and/or national identities, divided the work accordingly, and essentially operated as autonomous partnerships within a larger dysfunctional team environment. In contrast, the competition in which instructors played an active role in team communications from the outset ensured the team had developed the necessary cohesion to stay together when it was time for the instructors to step aside as they worked on their written competition briefs.

61 Vas Taras et al., *A Global Classroom? Evaluating the Effectiveness of Global Virtual Collaboration as a Teaching Tool in Management Education*, 12.3 ACAD. MGMT. LEARNING & EDUC. 414, 424-427 (2013).

62 Haiyun Hu, *An Int'l Virtual Team Based Project at Undergraduate Level: Design and Assessment*, 19 MKTG. EDUC. REV. 17, 18 (2009).

411. Thus, I recommend creating a structured process in which team members are internally accountable to each other for the development of team communication and collaboration standards, yet externally accountable to an instructor. One way to do that is an assignment memorandum requiring the team to submit a document to the instructor with the following information:

- Team name.
- Names of all team members and contact information (email, WhatsApp, and/or other communication media selected by the team).
- A one-paragraph personal profile of each student.
- A timeline and schedule for regular team meetings, acknowledging and respecting time-zone differences. The timeline and schedule should go from the date of assignment to the competition itself.
- Agreed communication platform for communication.
- Identify team members responsible to create email or WhatsApp groups.
- Identify team members responsible to create and maintain online document-sharing sites.
- Agreed procedures for internal accountability and external monitoring by an assigned professor.
- Timeline for regular email reports to assigned supervisory professor.
- A shared and signed commitment to equal distribution of assignments and performances in the advocacy competition.

412. In addition to the assignment memorandum, the competition organizers could schedule a “getting to know you” session for team members using an internet-based virtual meeting platform that permits breakout rooms. After receiving the assignment memorandum, students could be placed into breakout rooms with the production of the document as the goal of their meeting.

413. Finally, if teams will be assigned coaches or mentors, competition organizers should clearly indicate this to students and require an additional commitment to work with coaches or mentors for practice sessions.

Active Coaching and Mentoring

414. Finally, the hybrid-team format lends itself to experiments in active cross-cultural mentoring and coaching of students. Instead of students working exclusively with their school’s professors and coaches, they could be assigned to hybrid teams of coaches from multiple institutions (including their own). Cynthia Fountaine and I witnessed the

benefits of collaborative coaching when we worked with our hybrid team that included Russian, Kenyan, and American students. Our practice rounds included judges from all three countries, plus a couple more of our friends from other countries who agreed to sit in on a practice round. The students received consistent advice on persuasive advocacy principles from attorneys and professors who practiced in both inquisitorial and adversarial systems, some of whom used languages other than English in their practice. This was of inestimable value to them in competition rounds, where judging panels frequently included judges from multiple countries and traditions.

415. In addition to coaches, students could also be given mentors who practice law in the jurisdiction that is hosting the competition. Active coaching and mentoring throughout all phases of the competition will help ensure a greater understanding of acceptable legal practices in the host jurisdiction. For this reason, I strongly recommend that limited-assistance rules play no part in collaborative interschool competitions with hybrid teams.

VI. Conclusion

416. Legal education has long recognized the pedagogical benefits of advocacy skills competitions. Their worldwide prevalence and growing influence are evidence of their value to educational institutions, the bench, and the practicing bar. Nonetheless, there is always room for improvement and evolution in these competitions. When competition directors and advocacy skills professors and coaches share mutual trust and respect, they can work to improve competitions to better enhance the educational experience for students.

417. Drawing on a series of competition experiments dating back more than decade, this article proposes a new competition format that focuses on cross-cultural collaboration (whether domestic or international) by forming hybrid teams composed of students from different schools and having the teams — but not the countries or the schools — compete against each other. Literature from business education journals has documented the real and perceived value of forming students into cross-cultural teams, having them develop their own accountability standards and culture, and then working together to achieve an objective.

418. As noted by Murat Akpınar, the time is right for these collaborative hybrid competitions: “One possible future idea would be to create multicultural teams where each group has members from different countries. Students would then be using more virtual communication possibilities and be exposed to working in real multicultural learning

environments.”⁶³ Law schools can lead the way in this next iteration of global cross-cultural collaborative education by working together to create these competitions for their students.

⁶³ Murat Akpınar et al., *Learning Effects of an Int’l Group Competition Project*, 52 INNOVATIONS EDUC. & TEACHING INT’L 160, 170 (2015).