

QUESTIONS TO EXPECT FROM THE COURT

Mock ICJ

- * **Questions seeking information about the facts.** You should be prepared to answer such questions with reference to the paragraph or page in the *compromis* (record) where the fact can be found. You should also be aware of the facts that are absent from the record. Judges are likely to ask you about these missing facts.

- * **Questions about policy considerations.** These are questions about the *ramifications or consequences* of your arguments and the rule or rules you are asking the court to adopt.

- * **Questions about the sources of international law.** By now, you should be able to discuss capably the sources of law listed in *article 38 of the ICJ statute*. You should expect some questioning on the definition and weight of some or all of the types of authority described in that article.

- * **Questions about the authorities cited by both parties.** When a judge asks you a question about a treaty or other authority, the judge wants something more than a dry recitation of the facts or language of that material. *The judge wants to know how that authority relates to your case* (i.e., is analogous to or distinguishable from your case).

- * **Questions raised by opposing counsel, either directly or indirectly.**

- * **Hypothetical questions.** You will be ready to deal with hypothetical questions if you have considered possible extensions of the law to various factual situations *other than* your case.

- * **In trying to predict questions from the bench, keep in mind some common sense concerns of the court:**
 - What is your case about?
 - What result do you want?
 - What rule do you want the court to adopt?
 - Is there any other rule that would satisfy you?
 - How would your rule work?
 - What are the practical consequences of the rule?
 - Can the rule be administered?
 - How far does your rule go?
 - Where does the rule meet a limiting principle?
 - Can the court do what you are asking it to do?
 - Why should the court do that?
 - What values and interests would be advanced by adoption of the proposed rule?