It’s a real moot

Although speaking in public and presenting a reasoned argument may appear daunting, the skills and benefits of mooting outweigh the fears of failure.

The news that the law school is organising a moot usually makes most students shiver, with many thinking of a good excuse not to take part and only a few competitive souls genuinely thinking it is a great idea. Yes, taking part in a moot will raise your heart rate but it is a risk-free opportunity to sharpen your presentation skills. And while it is a formal process intended to mirror that of a court case, it is organised by people whose aim is to train you up to become a lawyer, not by the opposite side out to get you.

The basics
A moot is a simplified form of mock appeal, where students argue the legal issues in a hypothetical case. There are normally two teams of two students, with one team representing the appellant and the other representing the respondent, but each mooter is judged on their own performance. A moot problem is distributed to the mooters in advance, containing the ‘facts’ of the case, details of the original trial and the two, or sometimes more, grounds of appeal.

The case will usually involve legal issues from one of the core legal subjects, although sometimes a fictitious statute is given for mooters to interpret and apply to the facts of the case.

Each mooter then researches and prepares a legal argument addressing the appeal ground which they have been assigned, and drafts a written document called a skeleton argument which is given to the opposing mooters and to the judge before the moot takes place.

The judge may be a lecturer, a lawyer or even a real House of Lords judge, depending upon the type of moot. There are a wide range of mooting opportunities available, from the very informal practice moots which many universities offer, to local, national and international competitions.

Why do it?
There are many good reasons to get involved in mooting if you are a law student. On a very practical level, if you intend to become a barrister or a solicitor advocate, then it is dangerous to commit your time, money and future to a career without the valuable practice of advocacy skills which mooting provides.

Even if you are sure that you do not want to be an advocate, mooting will improve your research skills, presentation skills, and confidence, all of which are transferable to many future careers or situations in life. Looking to the present, since so many moot problems are based on unresolved issues in core legal subjects, the in-depth research undertaken for a moot will help you to get to grips with such key issues, which may well improve your marks in coursework and exams.

Mooters often say that they never forget the authorities which they have researched for a moot. There is also a social aspect to mooting,
including the opportunity to meet students from other universities and, if you do well in competitions, real senior judges.

**Prepare yourself**

You’ve taken the plunge and signed up – what do you do next? Do not panic: there are many hints and guides available to help you to prepare for your starring role (see below for both paper and electronic resources).

Confidence as a mooter is all in the preparation; if you have done your research thoroughly, rehearsed your arguments so that you can make them without reading out pages of notes, and prepared the required documentation for the moot, then you should find that it is easier than you expect.

The first thing to do is to check very carefully which ground of appeal you need to prepare, and whether you are arguing for the appellant or the respondent; the judge will not be impressed if two people make the same argument!

Next, you will need to read through the rules for your moot, which should contain details such as the length and order of speeches, how long your skeleton argument should be, how many case authorities you may cite, whether you should send materials to the judge in advance of the moot, and when you should exchange skeleton arguments with the opposing team.

You will normally need to prepare a ‘bundle’ for the day of the moot, containing your skeleton argument, and full copies of all case authorities on which you intend to rely.

Successful mooters have well-prepared and well-organised bundles to present to the judge – use numbered or coloured tabs, highlight any passages which you are planning to quote, and aim to make it look professional. As for the skeleton argument, remember that it is meant to be brief – usually only one side of A4 paper – but must contain full citations of all your case authorities, plus the key points of your argument.

### Mooting books

- **Blackstone’s Book of Moots** – Kaye, T and Townley, L, Blackstone (1996)
- **Mooting and Advocacy Skills** – Pope, D and Hill, D Thomson, Sweet & Maxwell (2007)
- Flick through books in your law library or at a bookshop to see which style of writing suits you best before purchasing. See [www.mootingnet.org.uk](http://www.mootingnet.org.uk) for some reviews

### Formulating arguments

It is important to know the strengths and weaknesses of your own arguments and, once you receive your opponents’ skeleton argument, of theirs too. If you have considered this, then any questions which the judge asks should not throw you.

But it is also important not to prepare a full written speech, and...
Standing out

Making an impact… impress the judge with great presentation

then read it at the judge; mooting is not a test of your ability to read notes aloud, and judges often ask questions designed to test whether you know your material and understand your arguments. So, keep your notes brief and use ‘palm cards’ rather than clutching a large pile of A4 paper nervously. A good moother should be sufficiently well-prepared that if they drop their notes on the floor, they can still make their case with only the help of the skeleton argument. But this is easier than it may sound; practice explaining your arguments and authorities to a sympathetic friend and they will be more convincing than if you read a speech to them.

Selecting authorities
As you conduct your research, it should become apparent quite quickly that there are several key cases which support your line of argument, and also several very inconvenient ones.

Sadly, you must be able to deal with the cases which go against your argument as well as those which support it; a judge will be distinctly unimpressed if you try to mislead him as to the law!

You will often only be able to rely upon three or four authorities, but that should be sufficient if you choose them carefully.

It is unlikely that there will be a recent House of Lords decision which is directly relevant, since the point of a moot is that there should be no clear legal answer to the grounds of appeal. Make sure that you know whether you are referring to the majority or minority judgment, and when you find helpful quotes in judges’ speeches, you must be able to put them into their proper context.

Many successful mooters start their research by reading the relevant practitioner’s text (see below) but although very helpful, that is not enough; you need to immerse yourself in the relevant cases and research the academic debate on the issues.

Most moots concern very narrow points of law, which makes the amount of research manageable in the time available.

What are judges looking for?
Most moot competitions have guidance on the judging criteria, which will generally include the quality of your research and of your advocacy, as well as presentation. Some obvious and perhaps some less obvious pointers: dress smartly, proof read all documents which will be seen by the judge, know your way around your bundle, and do a run-through of your moot speech so that you can ask a truthful friend or relative whether you sway, wave your hands around or fidget when speaking.

But even if a moot is very informal, a judge will want to be persuaded by your argument and by the manner in which you present it. Learn and use the correct etiquette but avoid over-doing it. The best advocates are those who are natural and use simple language rather than appearing stiff and stilted.

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Be prepared for questions such as ‘what is the most important element of your argument’ or ‘what is the weakest part of your argument’; the ability to answer difficult questions shows that you have done the research properly and are not simply reading pre-prepared speech. Learn from the feedback from any practice moots you have had.

Online mooting resources
- Lawbore (www.lawbore.net) is City Law School’s portal, offers some brilliant material to help you with all elements of mooting
- Check out the how-to wiki, Learmmore (http://learnmore.lawbore.net) By choosing the ‘Mooting’ category you’ll find guides to help you deal with different types of moot judges (what do you do if your judge looks like he’s falling asleep!), a video tutorial demonstrating how not to moot, and a mooting beginners guide via a talking slide show. In addition to these, there are also some useful guides via the mooting topic guide in Lawbore, written by alumni who were extremely successful mooters – see www.lawbore.net/mooting
- The alumni guides in Mooting Tips will go through all the detail we couldn’t include here, including how to research, skeleton arguments, mooting etiquette, dealing with nerves, a big collection of FAQs and much more.
- Another great site is Mooting.Net (www.mootingnet.org.uk) which includes a wealth of information on technique, etiquette and the rest, but has lots of sample moot problems to practice on.

Claire de Ther (left), LLB programme director and senior lecturer, and Emily Alison (right), law librarian and head of information literacy, The City Law School