

## Introduction to mooting

This is a quick summary of the basics of mooting, which should help the novice mooter avoid any embarrassing mistakes! It should be read together with your mooting competition rules.

### Introduction

- Each mooting team consists of two mooters: a lead counsel and a junior counsel, the difference being that the lead counsel speaks first and for longer.
- The two opposing teams are the *appellants* (appealing against the decision in the lower court) and the *respondents* (responding to the appeal).
- The appellants sit on the left hand side of the judge as the judge sees it. The judge will usually be a lecturer or postgraduate student, or there may be a judging panel.
- The appellants speak first, and the leading counsel for the appellants should introduce all four mooters, possibly as follows: *'My Lord, I am X and this is my learned junior Y and we appear for the appellants, Z plc who are the plaintiff / defendant in this case. My learned friends opposite, A and B, appear for the respondents.'*
- The lead counsel for the appellants should then proceed with a quick summary of the facts of the case, and the grounds of appeal before commencing his/her arguments.
- The speeches then proceed in the order as outlined in the mooting rules.

### Research and using authorities

- It is often easiest to begin by looking at cases cited in the problem and in course textbooks. Other useful facilities include *Lexis*, *Lawtel*, CD-Roms and the Legal Journals Index (for relevant articles). Ask library staff or your Mooting Officers for assistance with these.
- Only ten cases may be cited per team. Remember that this is a *maximum* - it is all too easy to become lost in lists of irrelevant cases, and moots can sometimes be won with only two or three good citations.
- It is always best to cite a case in its own right rather than quoting it from another case.
- Cases that are not binding on the court may be persuasive anyway. E.g. Cases from Australia, Canada or New Zealand and Privy Council cases.
- Non-lawyers should ask for an explanation of the court structure and rules about precedents.
- Never cite case headings or arguments of counsel as authorities - only the judgments carry any legal weight.

### The content of the speech

- In problems with two grounds of appeal, it is generally easiest if each counsel deals with one ground. However, it is best if you plan your speeches together and bounce arguments off each other.
- You only have a set time to convince the judge of your argument, so focus first on your strongest points. Conclude by restating your main points.
- Legal authorities should be used to back up points made and these can be quoted from. However, such quotations will be included in the timing. Ensure that if the judge wishes to find a quotation he is given a precise reference (i.e. volume, page number, paragraph) and time to find it.

## Presentation tips

- The judges will be influenced in their decision by how well each side presents their speeches.
- It is a good idea to dress smartly, as this also helps with the atmosphere of the moot.
- Speeches always look better if delivered from cards or notes rather than a script - scripts can become hard to follow when the judge interrupts with questions.
- It is better to look the judge in the eye when delivering your speech rather than at your notes.
- You are trying to convince the judge of your arguments, so try to interact with the judge. Talk *to* the judge rather than *at* the judge.
- Speak slowly and clearly, and give the judge time to understand your arguments fully.
- Always stand to speak to the judge, even when answering a question - it shows respect!
- Never interrupt or speak over the judge.

## Giving the speech

- Before citing a case, mooters should ask the judge if he wishes to be acquainted with the facts of the case. If so, a quick factual summary and the decision of the case should be given. This is not usually included in the speech timing.
- The judge should be addressed as '*My Lord*' or '*My Lady*', where you might otherwise address him/her by name. Use '*Your Lordship*' or '*Your Ladyship*' instead of '*you*' or '*your*'.
- Cases should be referred to as *Donoghue and Stevenson*, rather than *Donoghue v Stevenson* or *Donoghue verses Stevenson*.
- The judge may interrupt mooters with questions at any time. Do not talk over the judge, and always answer politely and respectfully. However, do not be afraid to disagree with the judge, particularly if you can back up your argument with legal authority. Alternatively, thank the judge for pointing out something you have missed. The question and answer are not usually included in the speech time, so be sure to answer the judge fully.
- Ask the judge's permission to continue at certain stages where you feel it is appropriate. This may be phrased as '*With your Lordship's permission, I will now move on to my second point...*'
- The role of a barrister in court is not to give opinions, but to assist the judge in his/her decision making by giving submissions and suggestions. Do not tell the judge what you *think* or *feel*, tell him/her what you *submit* or *suggest* and the reasons for your submission.
- Where possible, respond to your opponents' arguments. There are a number of ways in which legal arguments can be criticised, and it is particularly important for the respondents (and the appellants in their five minute closing speech) to point out the flaws in the other side's arguments, as well as restating your own.

## Important note:

All mooting teams should be particularly aware of the mooting rule that a list of the case law authorities which you intend to rely on must be given to your opponents and the mooting officers by

Late citations will usually mean disqualification from the moot.

## Further Information

### Books:

- *Blackstone's Book of Moots*  
Tim Kaye and Lynne Townley, Blackstones, London, 1996, ISBN 1-85431-516-1
- *Cavendish Guide to Mooting*  
Gary Watt and John Snape, Cavendish Publishing, London, 1997, ISBN 1-85941-318-8
- *Learning the Law* (chapter 11)  
Glanville Williams, Stevens, London, 1982, ISBN: 0-420463-00-3

### Online:

If you have access to the internet, a more detailed step by step 'How to Moot' guide is available from **MootingNet** at [www.mootingnet.org.uk](http://www.mootingnet.org.uk) and there are also details of the help available to mooters by email.

## Contacting the Mooting Officer(s)

The mooting officer(s) can be contacted for help and assistance as follows:

Best of luck with your mooting!