



**Mooting Handbook**

**LSESU Law Society  
Bar and Chambers**

**2019/20**

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## **Welcome!**

Welcome to LSE Bar and Chambers! We hope you are as excited as we are for the year ahead – the Bar and Chambers committee has a lot of diverse and exciting events lined up for you. Regardless of whether you are a law or non-law student, whether you have previous mooting experience or not, and whether you're working towards becoming a barrister or a solicitor, mooting is for everyone! We would like to stress that whether you are a third-year student who has not engaged in mooting previously, or a first-year keen to become involved, it is never too late to start mooting.

This handbook serves as an introduction to the basics of mooting. First, it answers the most common question you will have at this stage - what *is* a moot? It then goes on to lay out how you should conduct the legal research process and breaks it down in basic steps which makes approaching a moot problem a little less daunting. It also explains how to prepare the documents you will need in a moot such as skeleton arguments and bundle preparation.

The next section of this handbook looks at submissions (your legal arguments). We look at a mock-up version of a skeleton and give you hints and tips of what to do when drafting your own. Moot court room etiquette is then explained, as are the fundamentals of public speaking. We also provide examples of how to address a court at the beginning of the moot; how to introduce your learned friends; and how to anticipate and respond to judicial interventions, but of course, all these improve drastically with practice.

Do keep a lookout for the weekly newsletters by the Law Society and follow us on Facebook for the latest news on our upcoming events and competitions. Please feel free to get in touch with us with if you have any questions about mooting, law, studies – anything at all!

We wish you the very best in your mooting journey and look forward to seeing you at our various events!

Sincerely,

**Gauthier Jacqmin**  
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**Emaan Hassan**  
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## **Bar and Chamber Events**

Information about Bar and Chamber events is available on the Law Society website: <https://www.lsesulawsoc.com> and our Facebook page <https://www.facebook.com/LSEBarAndChambers>. Do also keep a look out for weekly updates in the Law Society newsletter sent to your inboxes every Monday.

**Internal competitions** are advertised throughout the year via the Bar and Chambers website, newsletter, and Facebook page. Each competition, administered by either the Master or Mistress of the Moots, has its own rulebook; this is made available to participants upon registration. Details of the registration process, to which our **registration policy** applies, are available on the website. Internal competitions include the Ambassadors' Moot, Herbert Smith Freehills Novice Moot, and the Church Court Chambers Moot.

**External mooting** achievements are publicised via the "LSE External Mooting Team" Facebook page and newsletter. The EMT participates in the most prestigious moots across the country, including OUP-BPP, Inner Temple Inter-Varsity, ESU-Essex Court Chambers, Bristol Inter-Varsity, and London Mooting League.

**Training sessions** are held throughout the terms, and include the Introduction to Mooting Seminar, non-competitive moots, and skeleton feedback opportunities.

**Panel discussions** are planned with the LSE Careers Department. Most bar-related career events are held in Lent Term. These include a panel on mini-pupillage applications, and a Chambers visit.

**Our Registration Policy** applies to all our activities. All events that require registration are capped. In the interest of fairness, **registration deadlines are strictly enforced** and we allocate spots on a first-come, first-serve basis. We do however keep a "waiting list" for those who do not secure a place in case registered members drop out. We will close registration once either the event cap has been reached or the deadline for registration has passed. **Please note that we do not send confirmation of registration** prior to closing registration.

## **1. Introduction**

### **1.1 What is a Moot?**

A moot is a legal competition based on a moot problem. It is a mock court hearing where mooters represent the “Appellant” and the “Respondent” in an appeals process. A moot is normally set in the Supreme Court or Court of Appeal. “Mooters” present arguments representing each side of the fictional legal argument and mooting is primarily concerned with the skills of advocacy, rather than following formal court procedures. Therefore witnesses and juries are not used. Questions of law, not questions of evidence, are important.

Mooting helps to build confidence in public speaking, legal research, and presentation/organisation skills, which are valuable transferrable skills for any future career. Many future employers greatly value these skills and so we recommend that everybody gets involved with at least one moot this year.

### **1.2 Participants in a moot**

Participants are divided into two teams of two. One team represents the Appellant and consists of two speakers: the Senior Appellant and Junior Appellant. The other team represents the Respondent and also consists of two speakers: the Senior Respondent and Junior Respondent. The main difference between the two positions is the time for which they speak. The order and length of submissions will vary between competitions, but this is a fairly common format:

**First speaker:** Senior Appellant (12 minute speech)

**Second speaker:** Senior Respondent (12 minute speech)

**Third Speaker:** Junior Appellant (10 minute speech)

**Fourth Speaker:** Junior Respondent (10 minute speech)

NOTE: all competitions offered at LSE (and external moots) have their own rulebook. It is your responsibility to **check the rules of the competition for which you are registered** as to your allotted submission time.

Despite the difference in name, there is no advantage in being Senior over Junior: simply the fact that the senior will go first and therefore may need a little bit more time than the junior in order to introduce the moot problem and lay out what both the Senior and Junior's arguments will be.

Following the Junior Respondent’s submissions, counsel for the Appellant may be permitted a **right of reply**. A right of reply is an optional extra 2 minutes of speaking time (again, check the rules for the time) for the Appellants, allowing them to respond to the Respondent’s submissions. It is not the same as a rebuttal in public speaking. Instead, it is a final opportunity to clarify any discrepancies the other side have attempted to create in your argument and address any concerns the judge raised that perhaps you didn’t address carefully enough in your submissions.

There is normally only one judge in practice non-competitive (PNC) moots and the early rounds of competitive moots. As you progress through the stages of the competition this could increase to three judges. Moot judges will be senior law students, academics and in the case of final rounds, practicing solicitors, barristers and judges.

You will usually be told which party wins on the “law” – the party with the most compelling legal argument – and the party who wins on the “moot” or is perceived to be “the better advocate” – this team or individual mooter(s) will then proceed to the next round.

**Note that it is possible to win the moot without winning on the law, highlighting how mooting is not just about legal knowledge and content, but also about preparation, delivery, and style.**

### 1.3 Moot problem

*An example of a moot problem can be found below.*

The moot problem is a fictional set of facts upon which your legal arguments will be based. **Moot problems are not about the facts of the problem themselves, but about the points of law to which the facts arise.**

The moot problem will be sent to all mooters typically a week before the moot and will include:

- The identity of the moot court
- A fictional set of facts (which have been decided at a fictional first instance trial)
- The findings of the lower court (and, if the moot is being held in the Supreme Court, the Court of Appeal's decision)
- Two grounds of appeal, the first to be taken by the Senior, the second by the Junior.

*"I have received the problem: now what?"*

1. **Identify** which **role** (Appellant/Respondent) you represent, which **ground** (senior takes the first; junior takes the second) you will be preparing, and in which **court** the dispute is held.
2. **Read, read and read again**, making sure you understand every sentence. The lower court's dictum will often provide you with important clues as to the key arguments on appeal.
3. Highlight the key legal concerns that you will research and from which you will create your skeleton argument. This step is less about focusing on the *facts* and more about focusing on the *legal arguments*.
4. **Discuss** the moot problem with your partner soon after you receive it. This allows you to sensibly divide the legal research.
5. Proceed to **legal research** (*see below*) before crafting your argument.

No matter how well a moot problem is written, it will invariably favour one side. **Remember that only one side can win on the law, but that the problem is designed around an unsettled (ambiguous or rapidly developing) area of law.** Crucial here is the fact that there is no "right answer." There are only **stronger and weaker arguments to be made.**

Recall too that you do not need to win on the law to win the moot. In other words, the weakness of your legal case will not prevent you from winning the moot. Some mooters even prefer to have the weaker legal argument as they can craft more creative arguments and showcase steadfast advocacy skills in difficult situations.

Identity of court

**IN THE SUPREME COURT OF THE UNITED KINGDOM**  
ON APPEAL FROM THE COURT OF APPEAL (CRIMINAL DIVISION)

BETWEEN:

Names of the  
parties, and which  
side they are on

R.

Respondent

-and-

Sir Cameron Jones

Appellant

Sir Cameron Jones, an eminent antiquarian, had a special interest in the relics of English saints. He travelled to Bugthorpe Manor in Berkshire, to make the acquaintance of its owner, Lady Bugthorpe, an impoverished elderly widow. Lady Bugthorpe had an outstanding collection of religious relics, including what purported to be the finger bone of St. George, the patron saint of England.

Lady Bugthorpe was overwhelmed at the honour of being visited by such an eminent figure. Not lacking in considerable personal charm, Sir Cameron persuaded Lady Bugthorpe to give her the relic. In what she later described to the police as a 'moment of madness', she handed the relic over to him 'as a present'. Sir Cameron thanked her and left with the relic as quickly as politeness allowed.

The day after Sir Cameron's visit, on suddenly coming to her sense, Lady Bugthorpe telephoned the police. They quickly arrested Sir Cameron and charged him with dishonestly appropriating property, namely the finger bone, belonging to another, namely Lady Bugthorpe.

At his trial, counsel for the defendant argued that the acceptance of a gift could not be appropriation within the meaning of the Theft Act 1968, and that, even if it could, a human finger bone was incapable of 'belonging to another' within the meaning of the Act. No question arose as to the defendant's dishonesty.

Facts

The trial judge, her Honour, Judge Phalange QC, directed the jury inter alia that, on order for them to convict the defendant of theft:

- a) it was immaterial that the victim, Lady Bugthorpe, gave the relic to the defendant, since the victim who receives a gift may appropriate the property which is the subject matter of the gift.
- b) The expression 'property belonging to another' as used in the 1968 Act, could apply to a relic of this kind, since the common law rule that there was no property in the body applied only to a corpse awaiting burial.

The defendant appealed to the Court of Appeal on the ground that the trial judge had erred in directing the jury in this way. The Court of Appeal, however, affirmed the trial judge's direction in its entirety.

Court of Appeal  
decision

The defendant now appeals to the Supreme Court on the grounds that:

- 1) A person who receives a valid gift from another cannot be held, within the meaning of s3 of the Theft Act 1968, to be a person who 'appropriates' the property which is the subject matter of the gift.
- 2) A relic consisting of human bone cannot be 'property belonging to another', as that expression is used in the Theft Act 1968, since the common law rule that there was no property in a body applied, not only to a corpse awaiting burial, but to human body parts generally.

Grounds of appeal (senior will take 1<sup>st</sup>  
ground, junior will take 2<sup>nd</sup>)



## 2. Legal Research

### 2.1 Structured argument

As a basic starting point you should aim to structure your arguments in the following way:

1. **Legal** submission- concise summary of your submission (**Point**)
  - A. **Authority**- the legal 'rule'- relevant legal principles/tests from appropriate authorities (**Evidence**)
  - B. **Application** of legal rule to the present moot facts (**Explanation**)

### 2.2 Research process

Once you have familiarised yourself with the moot problem, you can begin your research. It is important that you undergo the following steps:

**START** by reading the relevant chapter of a textbook (although preferably the practitioners' text, e.g. *Chitty on Contracts* on Westlaw and Lexis). This will provide you with a good knowledge base of the area of law in question and will set out the overarching principles to bear in mind.

- Make sure the text you choose is **up to date**. For example, at this stage in your research, try not to use Herring's *Criminal Law* from 2010 (especially if you are researching joint enterprise!).
- Remember that moot problems will generally concern a contentious or **unsettled point of law**, otherwise they wouldn't be any fun to argue! So don't expect the textbook to have all the answers - it should be more of a starting point to give you an overview of the law.
- There is a section on Westlaw where you can specifically locate the most recent decisions on this point of law and you can filter these from highest authority (e.g. Supreme Court). **Judges will absolutely expect you to have the most recent decisions** present in your arguments and so if you are reading a case from 1900, maybe have another look because there will without doubt have been some additional cases.
- Additionally, **even if a leading authority does not help your legal argument, it is important to address it**. Too many people try to shy away from this because they believe it will weaken their case. Judges advice has always been to tackle these things head on and lay out the most recent decision, and if it works against your argument, state the MANY ways in which it can be distinguished from your case.

**THEN**, look for primary resources. The textbook will point you to the leading authorities on the matter, including key judgments, useful academic articles, and any relevant statute law, which should be the next step in your research process, to formulate your argument.

- **Note** that there may also be some authorities listed in the moot problem itself. You will want to pay particular attention to these.

When dealing with **case law**:

- **Read the judgement in full.**



- One technique is to read for the facts then read for the judges' reasoning. You can skim the facts, as unless they are very similar to your own, you are unlikely to find much in the way of help in the facts.
- Reading for the facts means looking at the case summary and at how the judges summarise the events of the case. This will help you separate the useful facts (from which you can draw parallels or differences) from the irrelevant ones.
- Reading for the judges' reasoning is a skill you will develop as you read more case law. Consider **both** the majority and minority decisions. **How** did the judge come to her conclusion?
- Check that the case **is still good law** and hasn't been overturned by a higher court. This is easy to see on Westlaw as there will be a green C box at the top of the case if it is still good law, there will then be a yellow box for partial judicial treatment and then a red box for negative judicial treatment, which essentially means it has been overruled.
- Look at how many cases have followed the decision and in what circumstances
  - Westlaw has a section in the case summary called 'key cases citing' – this is a list of all subsequent cases which have cited the decision in their judgements. A very useful tool for finding more authorities.)
- Take a note of **which court the case was decided in**. For example, a Supreme Court decision will take precedence over a Court of Appeal decision.
- It is not recommended that mooters cite lower courts decisions, for instance Crown court or county court. There may be exceptions, but on the whole, since that decision won't be binding on the court you're in, it is unwise to cite it.
- Also take a note of **when the case was decided**. The court will usually be reluctant to deviate from old, well established precedent but may be willing to overturn a newer rule (if they have the authority).

#### When reading **articles**:

- Remember that while the views of academics may carry certain weight, they are not legally binding. They may be helpful however if you are dealing with a complex change in the law and you feel it would provide clarity to the court by referencing the academic piece of work.
- However, they may provide you with ideas for your argument.

Don't worry too much if you're finding it difficult to find authorities to support your side! **Mooting is all about demonstrating good advocacy and powers of persuasion**, so you can still win a moot even if you lose on the law. There will not be a magical authority that fits your case perfectly every time. Sometimes the best thing to do is to distinguish your case from the current authorities and use persuasive authority from other jurisdictions etc.

### **3. Skeleton Arguments**

#### **3.1 What is a skeleton argument?**

A skeleton argument is a written outline of your argument (submission). It should introduce the judge to both your and your partner's arguments briefly. It should also refer to each of the authorities on which your team relies.

You will normally be **limited to one page for your own skeleton**. Check your competition rules for any special skeleton argument requirements.

In external mooted competitions, the page limit imposed on skeleton arguments may exceed one page. This provides the opportunity to expand your skeleton argument. That said, it should nevertheless remain concise and simply provide a more detailed summary of your submissions.

You should develop your arguments in relation to the issues which underpin your overarching submissions. Taking a step-by-step approach, you should explain specifically how the authorities you have cited relate to the facts and state in more detail how they support your argument.

It should be noted that skeleton arguments, even when in an expanded form, should never be regarded as a substitute for your oral submissions. It is important to build upon the submissions made in your skeleton argument. However, it is good practice to refer to your skeleton argument when making your oral submissions as a means of sign-posting to the judge where you are in your submissions.

#### **3.2 Guidance**

You will need to have one main submission and one alternative submission identify the argument in the alternative. Lawyers would never submit just one choice for a judge. Counsel will always submit their first argument followed by 'if your *Lordship* does not find my first ground compelling, I submit in the alternative...'.

Your submissions must be concise and precise. Avoid mistakes, ambiguities and colloquialisms at all costs. Also consider which cases are most authoritative, to avoid citing too many cases and overwhelming the judge during your oral submissions.

#### **3.3 Citations**

When presenting a legal principle and using a case to back it up, the full citation of the case must initially be given to the court. This includes the issue number and volume of the legal report where the case is recorded. For example, using a fictional case of *Smith v Smith* [2014] UKSC15; 2014 2 AC 16), one would say: "In the case of Smith **and** Smith, which was a 2014 case reported in Volume 2 of the Appeal Cases, at page 16. Your Lordship can find the relevant case at Tab 2A (e.g.) of your Lordship's bundle."

After giving the full citation of a case for the first time, it is normal procedure for the Senior Appellant to ask if full case citations may be dispensed with. Judges will normally agree to this, whereupon you need not, nor subsequent speakers, must give the full citation every time you mention that case or any further cases, but you would just have to mention the case name.

There are many different citations e.g. WLR, inc. specialist courts. If you ever get confused and need help on figuring out what they stand for, this website will greatly help you:

<http://www.legalabbrevs.cardiff.ac.uk/>

## **4. Bundle of Authorities**

### **4.1 What is a bundle?**

A bundle is a folder containing all the authorities upon which your team will rely. You must refer the judge to this during the course of your oral submissions to support your argument. The better your bundle is, the easier this should be. Judges are known to mark down teams for poorly made bundles. Check the rules of your competition to see whether you should compile an independent bundle (with just your authorities) or a combined bundle (including your partner's authorities). Also check the competition rulebook for guidance as to the sets of bundles you need to prepare – this depends on whether the competition requires you to provide bundles for more than one judge and/or your learned friends opposite.

### **4.2 Your bundle structure**

The first page of your bundle should be a contents page, followed by a copy of your team's skeleton arguments, the moot problem, and then the relevant authorities in order of citing and quoting. These should all be in different sections (i.e. dividers) and do not use plastic wallets as these infuriate Judges. If both senior and junior will be referring to the same case, put the case in the order the senior will refer to it and the junior will just need to use it in this place – there is no need to include two copies, just use different colour tabs.

### **4.3 Guidelines**

On the **cover**: label your bundle clearly with the **party** you are representing and your **name**.

#### **Inside:**

1. Include a contents page – a List of Authorities.
2. Arrange the contents in a logical order – usually the order that you will refer to the cases.
  - a. If both senior and junior will be referring to the same case, put the case in the order the senior will refer to it and the junior will just need to use it in this place – there is no need to include two copies.
  - b. Use dividers to separate the authorities by numbers
3. **Use PDFs of the actual case reports – not the Westlaw copies.**
4. You are allowed to **print double sided**, unless otherwise stated in the competition rulebook. (*For 2018/19 internal moots and practice non-competitive moots, we will generally allow for double sided printing, so as to reduce paper wastage; please read the respective competition rulebooks for more guidance*).
5. Highlight the relevant passage in a neat, clear manner (i.e. do not use a highlighter that is running out of ink. The preferred colour is yellow).
6. Place a labelled sticky tab next to each highlighted passage for your and the judges' convenience and keep the tabbing system consistent, i.e. if you start with numbers, don't change to letters.

Organising your bundle in this way will help the judge find the passage to which you are referring quickly and maximise the time you have for submissions.

Direct the judge to a particular tab with something like: “May I draw your Lordship’s attention to the highlighted passage at Section 1, tab A in the Appellants’ bundle”. ***Wait and watch the Judge to make sure he is turning to the right page and wait until he has got there before you start reading to him. If you skip ahead, be warned he will probably ask you to wait. Then go on to*** read out the passage, always keeping intermittent eye-contact in between reading and then go on to discussing its significance.

#### 4.4 Dos and Don’ts

- **DO copy the correct version of the case report.**  
Cases will be reported by more than one law reporting agency so you need to ensure the copy you include in your bundle is the one you have cited in your skeleton. Additionally, make sure you do not print the Westlaw Word document (or equivalent off another website), but the PDF of the original case report.
- **DON’T print the whole case** – *please read the respective competition rulebooks for more guidance.*  
While the previous policy was to print the whole case, reflecting real practice, this wasted significant paper and caused severe printing costs. Instead, the new policy this year will be to print the first page and the pages of the passage(s) to which you will be referring. Furthermore, participants are required to send the PDF of the entire case reports they will be using to the competition administrator (the Master or Mistress of the Moots) and the opposition least 24 hours in advance of the moot, during the Document Exchange (see Section 5). Failure to do this may see penalties awarded.
- **This is because there is no need for the Judge to stay within the passage you have directed him to, he may well turn the page over and reference an opposing point, that is why it is key to read the whole case throughout and prepare for responses to challenges.**
- **DON’T leave it too late.**  
A bundle can take anywhere between half an hour and a couple hours to assemble properly (including printing the cases, highlighting the passages, placing labelled sticky tabs, labelling the bundle, etc). You want to be able to spend your final hours before the moot going over your argument and practising with your partner – not stressing about printing!

#### 5. Document Exchange

In every moot competition, deadlines will be set for Document Exchange – whereby you exchange Skeleton Arguments and Lists of Authorities with your opponents. This is to notify each other in advance of the moot, the key arguments and authorities you will be employing on the day itself.

Out of courtesy and to avoid any penalties, take note of the deadlines (which can be found in the respective competition rulebooks) and ensure you email the requisite documents out to your opponents on time.

Do read your opponent’s skeleton so you can better prepare your oral submissions to directly address any contentious areas.

## **6. Moot Court Etiquette**

A moot is a mock court, and the rules of etiquette help to foster the requisite order, professionalism and solemnity of real court.

### **6.1 Dress**

Men

- Suits, preferably dark navy, charcoal or black

Women

- Primarily a business skirt/ and blouse or trouser suit (preferably in black, navy or grey)
- Primarily dark heels, but dark flats are appropriate too. Open toed shoes, however, are not.

### **6.2 Forms of address**

The required forms of address sound awkward when you first begin, but you must master them.

**Judge:**

<b>Tribunal</b>	<b>“Direct” form of address</b>	<b>In place of “you”</b>	<b>In place of “your”</b>
Single male judge	“My Lord”	“Your Lordship”	“Your Lordship’s”
Single female judge	“My Lady”	“Your Ladyship”	“Your Ladyship’s”

**Your opponents:**

- “My learned friend opposite”
- “My learned friend Mr/Ms [X]” (never use first names)
- “Leading/junior counsel for the Appellant/Respondent”

**Your partner:**

- “My learned friend”
- “My learned junior/senior”

### **6.3 Vocabulary**

You shouldn’t present your arguments as your own ideas/opinion. The best way to achieve this is by saying “in my submission”, “it is my submission that” or “it is submitted”.

**Expressing thanks.** During the course of the moot your partner or the opposition may attempt to assist you, for which you must express thanks. The judges might for example say he is familiar with the facts of a case to which you are referring to and therefore spare you the need to summarise the facts for the moot court.

- “I am grateful to Your Lordship/Your Ladyship/my learned friend”
- “I am grateful”
- “I am obliged to Your Lordship/Your Ladyship/my learned friend”
- “I am obliged”

**Disagreeing.** There will be times you must disagree with someone else and you must do so “with respect” or “respectfully”, but only use this phrase where appropriate. If overused, or said in the wrong tone, this might actually give the impression you have no respect for the judge or your opponent.

## 6.4 Good manners

These points are really just common courtesies, but with so much to think about before a moot, they can easily slip even the most conscientious person.

Note:

- **Do not interrupt the judge.** If the judge interrupts you in the course of your oral submissions, do not interrupt him, even if you can see where he is going with his point.
- Stay silent during your opponent's submissions – do not shuffle paper to distract, cough or tut. You will almost certainly disagree with their points, but the judge will not appreciate constant flow of noises. Make sure your phone is turned off.
- Pay attention to your partner's and your opponents' submissions. Look attentive and avoid staring.
- Listen attentively to any feedback.

## 7. Oral Submissions

### 7.1 Basics of speaking in court

Mooting is a form of public speaking. No one is a 'natural' public speaker: anyone can become good at public speaking with practice.

There **five fundamental attributes** to good mooting are: stance, eye contact, vocal volume, pace of delivery and tone of delivery.

#### *Stance*

- Do not slouch over your papers
- Stand straight or lean very slightly forward from the waist to best project your voice
- Stand still. Do not shift your weight from foot to foot
- Hold your head up, even if you are looking down
- Push your shoulders back so you do not appear hunched
- Do not gesticulate too much. Try to keep your hands down, either at your sides or behind your back, sometimes you are given a lecturn and this can help control your hands.
- If you must hold notes, keep them in line with your waist, but in general it is better to keep notes on the lecturn/ table in front of you and then just glance down every now and then
- Keep your hands out of your pockets

#### *Eye Contact*

Look the judge(s) in the eyes as often and as long as you can. The aim is to try and **engage them** in a conversation. From previous experience, mooters would say that there is 80% eye contact with the Judge, 20% glancing at your notes/ moot problem/ authorities.

Maintaining eye contact with the judge will also help you **read his/her reactions** to what you are saying, afterall it is designed to be a conversation between you and the judge. You will be able to tell whether they are following a submission, and if not, you can rephrase or repeat without being prompted, which the judge will appreciate. This will also allow you to see when the judge is writing something down and you can earn favour by giving him time to finish before launching into your next point.

### *Vocal volume*

Judges need to be able to hear you. Speak up but avoid booming. You can probably judge how loudly you need to speak by the size of the room, but just make a conscious effort to speak louder than you would in an ordinary conversation and project your voice from your lungs, not your throat.

### *Pace of delivery*

Speaking too quickly makes you sound nervous and if submissions are covered too quickly, the judge and other mooters, let alone any audience, will not be able to follow. The judge must be able to follow and understand your line of reasoning and therefore the golden rule is to speak slower than you normally would in a conversation. Indeed, it must be distinguished from public speaking in the sense that you want to help the Judge, rather than bombard him with points. Often the best mooters take a calm and slower approach that means the Judge can easily follow the mooters' reasoning and it will make you appear more in control of what you are saying.

### *Tone of delivery*

The judge will start to lose interest in your submissions, if you deliver them in a flat monotone. Vary the pitch of your voice in the way you normally would in conversation. This will be most natural when you are at your calmest. However, do not harass the Judge by overdoing it and being too forceful, they will not like it!

## 7.2 Structure of oral submissions

You must arrange your oral submissions logically if you want to maximise impact. Here is an indicative structure:

- Introduce the subject of the argument
- Background of the factual history
- Division, in which the mooter outlines their argument
- Support your argument by use of authorities
- Address any areas for concern and the opposing points of view
- Conclude your argument by summing up.

As Appellant counsel, you should spend the vast majority of your moot speech building your positive argument. You will not have heard Respondent counsel's submissions and should be wary of anticipating the detail of their argument. The bulk of Appellant refutation should take place in the reply at the end of the moot. Senior and Junior Respondent must address the Appellants' arguments in the course of their speech, so leave time to do this.

Some mooters find it useful to imagine having a conversation with the judge. The judge should be seen as a sceptical party with whom you hope to build a rapport with and persuade them.

## 7.3 Opening Remarks

### *First speaker*

→ Introduction



The first mover must introduce the moot – this will always be Senior Appellant. You must introduce the movers from both teams; explain the background to the moot; outline the division of labour between the Appellant counsel; and ensure that the judge has received any skeleton argument or bundle of authorities.

You might begin:

*‘May it please Your Lordship, I am John Smith and I appear on behalf of the Appellant in this matter, Mr Charles Dickens, together with my learned friend Mr Kowalski. The Respondent, Mr Henry Cecil, is represented by my learned friends Mr Doe and Ms Mustermann’*

#### → Background

After the introductions, the first speaker should briefly explain what the moot is about – the facts of the problem. Given that the judge will almost certainly have read the problem, a short statement of this nature should suffice by way of background. The convention is to ask the judge if they would like a summary (‘would your Ladyship like to be reminded of the facts of this case?’). If they answer in the affirmative, keep your account short and cover only the key facts. If not, you may proceed with your first submission.

#### → Division

You should advise the judge as to how you and your junior have split the grounds of appeal. *‘May it please your Lordship, I will address the court on the first ground of appeal, and my learned junior will address the court on the second ground’.*

#### *Subsequent speakers*

If you are the first speaker for the Respondent (i.e. the Senior Respondent), introduce yourself and your partner and explain the division of legal argument. No need to repeat the formalities made by the senior Appellant.

Junior Appellant and Respondent may continue *‘My Lord, I will now address the court on the second ground of appeal’*. Again, no need to repeat the above formalities made by the senior Appellant and Respondent.

## **8. Judicial Interventions**

### **8.1 What is a judicial intervention?**

A judicial intervention is a question asked by the moot judge and how you respond to these interruptions is part of the skill involved in mooting. You should expect the judge to interrupt you several times during your submission and should therefore factor this time into account. For example, if you are given 15 minutes to speak, apportion at least 5 to responding to judicial interventions.

It is important that judges interrupt you to test your knowledge and familiarity of the law and to make sure movers are not simply reciting a speech. The winning team in a moot is normally the one that gives the more cogent, articulate and direct response to judicial interventions, even if their prepared submissions are less compelling. Judicial interventions therefore present you with a real opportunity to influence the judges and you should welcome them.

## 8.2 Preparation

If you have prepared properly for a moot you should be able to deal with almost anything the judge throws at you. There are several things you can do to help prepare you for interventions:

- **Look for the weaknesses in your case.** Judges need to ask you questions, even in the unlikely event that your case is watertight. Identify all weaknesses as this is what the judge is most likely to target. You can aid your responses by preparing answers to such criticisms.
- **Look carefully at your opponents' authorities and skeleton arguments.** These will give you a good idea of what the opposing arguments are and what the judge is likely to challenge you with. The Judge will likely say, "The Respondents here argue X... and if that is the correct interpretation, this affects your point Y..."
- Prepare with your teammate – talking through your arguments with somebody else will highlight any weaknesses and therefore prepare you for the judge to pick up on these as well.
- Attend practices submissions and preparation seminars. Practice makes perfect is a good motto to live by in mooting.

## 8.3 How to answer the judge

- Listen carefully to the question – otherwise you won't be able to answer it! Let the judge finish his question before you begin speaking, even if you know what he is going to say.
- Make sure you understand the question – seek clarification if you need it.
- Answer the judge's question right away. Do not tell them you will address the question later. They want the information now, so give it to them.
- If you really do not have an answer, respond with something to the effect of '*My Lady, I am not familiar with the detail of that case, but on this issue I rely on the decision in [x] and my learned friends opposite have not cited any authority which undermines it*'. Then move on (swiftly).
- At the same time, do not feel afraid to ask the judge for a few seconds to think about the question. This is better than diving into it unprepared and running the risk of not answering the question directly.
- Don't waffle. Be clear, concise and polite.

No matter how well you prepare, you might be faced with a question you simply do not know the answer to. Don't let this unnerve you for the rest of the moot – even the best QCs will at some point be faced with questions they don't know the answer to. Even if you don't know the answer, **you must provide an answer**. You can look to your partner to see if they can answer the question. A brief look should tell you whether this is the case and you should say 'My Lord, may I please speak briefly to my learned friend,' but this should only be done in the most extreme circumstances. If your partner can help, you will be displaying admirable teamwork. This approach however doesn't work well if the judge has spotted a weakness in your argument, as you will be expected to defend your position.

You could also explain politely that the point will be covered by your learned friend in their submission and ask if the judge is willing to wait or would like that submission now. They are unlikely to ask for it immediately and this will give your partner a few minutes to formulate their response.

## 9. Internal Competitions

Internal competitions are open to all LSE students who are members of the LSESU Law Society.

“Internals,” as they are known, each have their own rules, sponsors, and prizes. Be sure to **read the respective competition rulebook in full** once it is available to you. Details about registration can be found in the Law Society newsletters and our Facebook page.

**Please note that practice non-competitive (PNC) moots qualify novices to participate in LSE internals.**

## 10. The London Inter-Varsities

To foster a spirit of friendly competition, LSE partakes in two annual intervarsity moots: the LSE-UCL Moot and the LSE-KCL Moot. LSE **sends two teams, one advanced and one novice, to each London Intervarsity**. Both teams train (independently of each other) with EMT judges and the Bar and Chambers Executives.

The advanced team usually consists of EMT mooters, although advanced mooters who impress in practice PNC moots or internals may also compete on the advanced team. Two novice mooters will also be invited to represent LSE on the novice team. More details about which moot will qualify you to participate in the London Intervarsities will be available to you in Lent Term.

## 11. Experience Level and Scoring

We aim to recommend moots according to experience level: novice, intermediate, and advanced.

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1. A **novice** mooter is an individual who is new to legal competition. She may have participated in the Introduction to Mooting Seminar or have read through this handbook ahead of competing in a practice non-competitive (PNC) moot. She may also have participated in a few PNCs or even the preliminary rounds of an internal moot.

What we recommend:

- As a novice mooter, take every opportunity available to acquaint yourself with the substance and style of mooting competitions. Peruse the website for competitions tailored to you and keep up the good work 😊
  - Several opportunities are novice-specific: LSE-HSF Novice Moot (Lent), and the “novice” team of both London Inter-Varsities.
  - For the very first time this year, an Introduction to Mooting Seminar and PNCs will again be held in the first few weeks of Lent term, giving students and novice mooters another chance to try mooting, or to simply gain more experience.
2. An **intermediate** mooter is an individual who has participated in a few PNCs and internal competitions. She may have progressed to the second or final round of a moot, or perhaps she even won a small Internal competition.

What we recommend:

- As an intermediate mooter, your advocacy skills are good, but can be improved. PNC moots are not only for novices! Register for those to hone your skills that will help you get into the semi-finals and finals of LSE Internals.
- In the past, the advanced teams that we send to the London Inter-Varsities include external mooting team members and intermediate mooters. As these teams are determined by PNC performance, watch out details about which PNC will determine the advanced teams.

3. An **advanced** mooter is an individual who participates in PNCs to maintain her mooting skills, competes in Internals, and regularly receives judicial commendation. She regularly progresses to the finals of internal competitions, winning a few along the way. She may even be a member of the EMT.

What we recommend:

- As an advanced mooter, your written and oral advocacy skills are pretty stellar. Your system of legal research and analysis works for you, and you have developed a style with which you are comfortable (and which others' take note of when you submit!). Although you do not *need* to participate in a PNC, you may want to do a couple to maintain your skills in Michaelmas term.
- Competitions that may interest you include: Atkin Chambers, Church Court Chambers, and EMT competitions.

Judges for PNC moots and internals use the **LSE Moot Scoring Guidelines**. The clerk will print these out for the judge. As you prepare for a competition, have a look at these and note how your written and oral advocacy skills are being assessed. The Guidelines **give skeleton arguments and moot performance equal weight**.



**Bar and Chambers of the Law Society**  
**Moot Scoring Guidelines**

**Candidate Entrance Details**

	Name	Total score (skeleton)	Total score (moot)	Adverse marks?	TOTAL SCORE
Senior Appellant					
Junior Appellant					
Senior Respondent					
Junior Respondent					

**APPELLANTS: Skeleton Argument**

	Understanding of the law (max 15 points ea.)	Coherence of arguments (max 15 points ea.)	Clarity of expression (max 15 points ea.)	Presentation (max 5 points ea.)	Compliance with requirements (max 5 points ea.)	Total score
Senior Appellant Skeleton						
Junior Appellant Skeleton						

**RESPONDENTS: Skeleton Argument**

	Understanding of the law (max 15 points ea.)	Coherence of arguments (max 15 points ea.)	Clarity of expression (max 15 points ea.)	Presentation (max 5 points ea.)	Compliance with requirements (max 5 points ea.)	Total score
Senior Respondent Skeleton						
Junior Respondent Skeleton						



**Bar and Chambers of the Law Society**  
**Moot Scoring Guidelines**

**APPELLANTS: Oral Advocacy (Moot)**

	Content of oral argument (max 5 points each)	Response to questioning (max 5 points each)	Structure and strategy (max 5 points each)	Style and presentation (max 5 points each)	Courtroom etiquette (max 5 points each)	Total score
Senior Appellant						
Junior Appellant						

**RESPONDENTS: Oral Advocacy (Moot)**

	Content of oral argument (max 5 points each)	Response to questioning (max 5 points each)	Structure and strategy (max 5 points each)	Style and presentation (max 5 points each)	Courtroom etiquette (max 5 points each)	Total score
Senior Respondent						
Junior Respondent						