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INTRODUCTION

Mooting is a fantastic opportunity to taste life as a barrister or solicitor advocate. Whether or not you want to become a barrister after leaving University, the skills you acquire from mooting will be invaluable for effective public speaking, applying the law to practical situations, arguing your points effectively and etiquette. In collaboration with an expert panel of authors and judges this has been produced to help you successfully moot.

OUR EXPERT PANEL

Our expert panel consists of the following contributors:

- Sir Bernard Eder
- Peter MacDonald Eggers QC
- Luke Wygas QC
- David Pope
- Dan Hill

A brief biography of their backgrounds and links to the interviews we conducted can be found at the end of this guide (refer to Further Reading).
WHAT IS A MOOT?

Are you considering taking part in a moot competition, but don’t really understand what it is?

A moot is a competition aimed at law students. It is a simulated appeal court hearing where you, the law students, are the ‘mooters’ who represent the parties to the appeal hearing by taking the role of advocate. The hearing will take place in a ‘moot court’, either a mock up of the Court of Appeal or the Supreme Court, and you will represent either the appellant or the respondent in the case on an established area of law, such as criminal, tort or contract. It will be your role as mooters to research the legal problem thoroughly and produce a sound legal argument that you will present to the moot judge. You will need to find the best and most effective argument to persuade the judge to find in favour of your client, just as you would if it were a real live case.

WHY SHOULD I TAKE PART?

Good question! After all, it is hard work and involves many hours of research on top of your university commitments. Yet mooting has risen immensely in popularity over the past 25 years and continues to rise year on year. Students are increasingly recognising that the benefits of mooting far outweigh the commitments, and anyone set on a career as a barrister should know that evidence of participation in mooting is essential to gaining that all important pupillage. So, the real question should be: why wouldn’t you take part?

Our expert panel said:-

Oral disputation in open court lies at the heart of our legal system. Whether you pursue a legal career or not, the ability to speak in public is very important. Public speaking lies at the heart of our democracy!

Sir Bernard Eder

The more moots people do, the more comfortable they become with public speaking. The same can be said for a barrister. The more times you appear in court, the more comfortable you are with presenting arguments in court.

Peter MacDonald Eggers QC

The main reason to take part in a mooting competition is to get something wrong, because there’s no better way of learning than getting something wrong. It’s a relatively safe environment in which to make mistakes.

Luke Wygas QC
STRUCTURE OF A MOOT

The moot structure will depend partly on the moot organiser, but generally the court will comprise of a moot judge or panel of judges. They could be university lecturers, judges, solicitors or barristers, invited to reside over the moot proceedings. You will be provided with the facts of the moot court hearing. They will have been heard and decided by a lower court, and your moot scenario will be based on the points of appeal. It will be your role as mooters to play the part of the advocate who would represent the parties in a real case. Mooting usually involves a team of 2 advocates who will represent either the party appealing the case (appellant), or the party responding to the case (respondent). You will be required to read the facts of the appeal, research the law and then represent your client in court by arguing the points of law to the mock judge.

HOW TO RESEARCH FOR A MOOT

The crucial starting point for researching a moot is not to leave it until the last minute. A moot competition is not something that can be researched quickly. It will take many dedicated hours of hard work, but the rewards will be worth it.

INITIAL PREPARATION

Your moot organiser will present you with the facts and relevant information in the moot scenario. This will outline the court in which the moot is to be heard, the parties, the facts of the case, the decision of the lower court and the points on which that decision is being appealed.

- **Identify which party you are representing.** The respondent in the lower court may not necessarily be the respondent to the appeal so check with the moot organiser if you are unsure. It is better to ask the question than spend hours preparing an argument for the wrong side!

- **Read and fully absorb the moot facts.** Read it a few times if necessary and make notes as you go along. Identify the area of law it relates to and the particular questions to be answered. These will focus around the points of appeal.

- **DO stay focused on the points of appeal.** You are to assume the facts of the case were established by the lower court and are therefore not in question, so don’t waste valuable research time by questioning or researching established facts. The moot scenario will give you just enough detail to argue the points of appeal. Do not make up or assume extra facts to support your case if they are not mentioned in the moot scenario.
DETAILED RESEARCH

Once you have identified the main legal principles, this phase of your research involves finding the most relevant authorities, reading them in detail and drafting your submissions.

- **Use all available sources to search for relevant authorities.** A good starting point is Westlaw UK Insight which provides an introduction and overview of your area of law and identifies key cases, legislation and law textbooks (see *Researching on Westlaw UK*).

- **Identify the key legal textbook for your area of law and read the relevant sections thoroughly.** This will further compound your knowledge and identify key authorities.

- **Keep a note of all potential authorities for your submissions.** You will need to read these thoroughly to identify their relevance to your moot problem.

- **Try to identify the main key case for your submissions.** Westlaw UK Insight and your key legal textbook should point you to this. Read law report in full. Then check for any future cases that have cited your key case as an authority and read their law reports.

- **Read ALL the authorities fully, including the full case law reports.** The law reports and summing up of the Judges may provide valuable details that you would not have found from reading the Case Analysis alone.

---

**KEY TIPS:**

- **Find the leading case.** Once you’ve got this, legal databases will tell you which cases have cited that case, so you can get to the right area of law quickly and find a case that suits your legal argument. *Luke Wygas QC*

- **Look abroad,** particularly jurisdictions such as Hong Kong or Singapore, to see whether they have adopted a different approach to a legal issue. *Sir Bernard Eder*

- What I tended to do as an advocate was to try to **find the oldest case** that dealt with the issue, whether for or against, then identify relevant keywords and adopt an online ‘keyword search’ which should produce a list of all the cases dealing with that issue. I then read every single case the research identified. *Sir Bernard Eder*
RESEARCHING ON WESTLAW UK

Westlaw UK can play an important role in putting together your legal argument by providing an encyclopedia of the law, cases and legislation, secondary sources such as books and journals, and resource tools such as Insight, Current Awareness and the Index of Legal Terms. The steps below suggest how to get the best out of Westlaw UK for that all important key to successful mooting – effective research!

STEP 1 – SET UP A MY WESTLAW UK PROFILE

My Westlaw UK folders provide a personalised area on Westlaw UK to save and collate research. If you don’t already have one, consider setting up a profile on Westlaw UK to save all your moot research in one place. Click My Westlaw UK in the very top row of blue links* to produce a pop up screen, then Create Profile in the bottom left of the pop up to set up your personal profile. Once you have created your profile, log in via the same pop up screen and the My Westlaw UK link will change to My Folders.

* If there is no My Westlaw UK or My Folders link to the left of the Services Tab, Contact your law librarian or Westlaw UK student representative.

Once you log in via My Westlaw UK, you can access the Folder functionality by clicking the My Folders link. Here you can set up folders to store research. Consider setting up a ‘Moot Research’ folder to save all the potential authorities in one place and refer back to them later.
STEP 2 – INSIGHT

Your moot may be based on an area of law you are unfamiliar with so Westlaw UK Insight is a good place to start your moot research. Insight is an ever-evolving online legal encyclopedia that aims to provide a comprehensive introduction and overview of the law. Any changes to the law are reflected within 15 minutes so you can be sure that any authorities you identify for your moot are completely up to date.

Insight consists of:

- **Introduction and Overview of Topic**
  This provides a vital first introduction to your area of law, with links to primary law embedded within the text.

- **Key Legislation**
  Insight lists all the Key Acts and European Directives that deal with your area of law. Save this into your My Westlaw UK folder, or right click and open them in a new tab to read the analysis documents alongside your Insight article.

- **Key Cases**
  Insight also lists Key Cases. As suggested by our expert panel, identifying the leading case is a key part of effective moot research. Right click to open the case in a new tab, or save it to your Moot Research folder to read later.

- **Secondary Sources**
  Provides a list of any key texts that deal with your area. Link into these on Westlaw UK, or find the title in your University’s law library.

- **Analysis**
  The Analysis section provides Key Areas of Complexity and Uncertainty, Latest Developments, Possible Future Developments, Human Rights and European Union Aspects and Further Reading. The Analysis section is particularly useful to see at a glance where the law may be ambiguous and require further investigation.
STEP 3 – PRIMARY LAW - CASES

Once you have identified the key case from your Insight article or law text books, you can find this on Westlaw UK. The dedicated Westlaw UK Cases Tab contains court decisions dating back to 1865.

Find your key case by searching in the Party Names or Citation field.

Search results are returned in reverse chronological order, so the most recent Cases will appear at the top of the list.

Westlaw UK Status Icons will help identify if the Case is a good authority for your moot. Ideally, your key case should have the icon to show that it has received judicial consideration from subsequent cases.

There are 4 Status Icons in the Cases Tab:

- Positive or neutral judicial treatment
- Mixed judicial treatment
- Overruled or reversed on appeal
- Appeal outstanding.

Investigate the Case in more detail by clicking on the Case Analysis link highlighted in yellow. Westlaw UK’s Case Analysis contains useful analysis documents to help understand the facts and context of the case, as well as links to the full text law reports available on Westlaw UK.
STEP 3 – PRIMARY LAW - CASES (CONTINUED)

Case Digest provides the facts and outcome of the case. The Appellate History & Status identifies the appeal history of the case.

Related Cases will identify cases by the same party names but on different but related points of law. Use the Graphical History to see how these related cases link together to help understand a complex appeal history.

Significant Cases Cited are past cases of significant legal importance that were cited as an authority by this case. All Cases Cited lists all other cases cited as an authority.

Significant Legislation Cited is any legislation (either entire Acts or certain sections) of significant importance cited by this case. Legislation Cited lists all other legislation cited as an authority. Investigate the legislation and pay particular attention to any Sections highlighted as significant (See STEP 4 - PRIMARY LAW – LEGISLATION).

Key Cases Citing are key future cases that have cited this case as an authority. Make a list of these and read them in full for potential authorities for your moot. All Cases Citing lists all other cases that cited this case as an authority.

Journal Articles link to secondary sources that deal with the case in more detail. Right click and open these in a new tab to investigate in more detail or save them into your Moot Research Folder. Books links to Westlaw UK’s practitioner titles that deal with the case or the points of law challenged in the case in more detail.

KEY TIPS:

The Law Reports are listed in the upper left hand corner of the Case Analysis. Link into these to read the full text.

Westlaw UK places law reports in order of their legal significance or hierarchy, so use the first law report in the list to ensure you are using the best available authority.

Read the WHOLE law report for relevant cases. It is vitally important to thoroughly research key cases if you plan to use them as an authority for submissions. Don’t be caught out by a Judge on a point you weren’t aware of because you only read the Case Analysis.
STEP 4 – PRIMARY LAW – LEGISLATION

The most common Status Icons for Legislation are:

- Law In force.
- Not yet in force.
- Partially in force.
- Partially repealed.
- Amended/Repealed.
- Prospective law.
- Superseded by a later version.
- Repealed.

Find Legislation using the Act/SI Title field in the Legislation Tab.

Check the search results for Annotations available. Annotations provide General Library Notes and extra information to explain in greater detail how certain Sections of your Act should apply.

Check the status icon next to each Section to ensure that it is still in force.

KEY TIPS:

- Does your Act have the Annotations icon? Check the Annotations at Section level to find out more about how the law should be applied. There could be Key Concepts, General Library Notes, Government explanatory notes and extracts from key cases here.

- Check through the Legislation Analysis documents. There may be Modifications that change how a particular provision applies.

- Check Cases Citing for cases that have specifically cited a Section of the Act.
STEP 5 – ADVANCED SEARCHING TIPS

You can also find documents that match certain search criteria for your moot. Try clicking Advanced Search in any of the Westlaw UK Content Tabs to expand the possible search fields.

Fill in as many search fields as possible to return more specific search results, thus reducing valuable moot research time.

Consider using Terms and Connectors to link words together and improve the quality of your Free Text searches. Westlaw UK’s Terms and Connectors can be found in the List of Connectors link.

You can also narrow down searches by looking for authorities that cite key cases you have already identified during your moot research. Use the Cases Cited (Party) or Cases Cited (Citation) field to find authorities that have cited a case.

Alternatively, narrow down authorities that have cited certain legislation by using the Legislation Title field.

Narrow the search even more if you know the section number of the legislation. Use the Legislation Provision No drop down field and then enter the relevant Section Number to the right.

Use these techniques in ALL Westlaw UK’s tabs for best results.
STEP 6 – SECONDARY SOURCES - JOURNALS

Secondary sources can also be useful to cite as persuasive authorities. Find journals that have cited your key cases or legislation using the Advanced Search feature (See STEP 3 – ADVANCED SEARCHING).

The Westlaw UK Journals offers two services: full-text articles and article abstracts.

The full-text articles service contains thousands of articles in full text from journal titles. The article abstracts service includes the Legal Journals Index and Financial Journals Index, and contains over half a million abstracts of articles from English language legal journals published in the United Kingdom and Europe, providing seamless integration to full text journal articles (where available) and direct links to relevant case law and legislation.

KEY TIP:
If you would prefer to display only Westlaw UK’s full text articles, check the Full Text filter to the left of your search results to remove abstracted articles from the list.

STEP 7 – SECONDARY SOURCES - BOOKS

Westlaw UK contains the finest in comprehensive analytical book titles as well as Common Law library titles. There are approximately 20 book titles available to view through your University’s academic subscription. Use Free Text to search across all the books available on your subscription. Search results will be ordered alphabetically by book title, then in table of contents order.

Alternatively, browse into the book of your choice by selecting it from the highlighted books to the rear of the Books Tab.

Filter by SUBJECT AREA on the left hand side to view only books specific to your moot subject.

Click the icon for more information about each title.
**STEP 8 – CURRENT AWARENESS**

Westlaw UK’s Current Awareness contains the most up to date information and is ideal for last minute checks on the validity of your submissions and legal arguments.

Current Awareness contains press releases, abstracts of newspaper articles, case notes, legislation, official government publications, bills and much more, all from the last 90 days.

Current Awareness is Westlaw UK’s most reactive tab, updating the law within 5 minutes. It is a good place to check your research is completely up to date and incorporates any pending law changes that could otherwise have undermined your submissions.

**STEP 9 – INDEX OF LEGAL TERMS**

Situated to the bottom right of Westlaw UK’s home page, the Index of Legal Terms (ILT) is Westlaw’s dictionary of law definitions.

If you need to check the definition of a legal term to apply in your moot, the ILT will search across Westlaw UK content and return results from legal dictionaries, cases, legislation and journals.
STEP 10 – NATURAL LANGUAGE

Situated below the checkboxes on Westlaw UK’s home page, Natural Language is a useful alternative to Free Text searching.

Natural Language will search across the whole of Westlaw UK’s content but returns only the top 100 most relevant results for your search terms or phrase.

Natural Language performs a relevancy search for the phrase you type so there is no need to use Westlaw UK’s List of Connectors.

KEY TIP:

Use Natural Language for searching phrases, or to ask Westlaw UK a question.

PUTTING IT ALL TOGETHER

Your dedication and hours of research have produced some promising authorities and potential arguments to put in front of the moot judge, but now it is time to put it all together and formulate your submissions. You may have noticed over the course of your research that the moot is based on a point of law that is ambiguous or not firmly decided. Moot organisers do this to allow plenty of scope for argument. However, some moot scenarios have one strong side and one weak one. Don’t worry if you get the weaker side as this often has better scope for inventive submissions. The moot judge will be looking at the quality, presentation and delivery of your argument, not whether you win the case. You can win the case, but still lose the moot!
SUBMISSIONS

The submissions are the points of argument you will present to the judge to try and persuade them to find in favour of the party you are representing in court. Moot competitions tend to limit the number of submissions per mooter to 3. If your moot does not do this, you should certainly consider no more than 5. There will be a strict time limit on your submissions and you may not otherwise get through them in time. Also bear in mind that judges will question you on your submissions to test whether you can think on your feet. It is very important that you don’t follow a script or speech, as you may struggle to get back on track. Our experts have some tips on this point:

KEY TIP:

“...Make sure you understand your own notes but don’t write them verbatim. It is too easy to get ‘knocked off course’ if you have verbatim notes. I recommend having a piece of paper for each submission, with each sub-point on that paper, and everything else tabbed up so you can easily find it. ...If the judge then says, during your first point, that he agrees with you and asks you to move on, you can easily do so. Alternatively, if the judge asks you to deal with point 3 before point 1, you can easily change the order around”.

Luke Wygas QC.

“An advocate’s main weapon is brevity. I would generally write out what I was going to say - often word for word. I would then shorten it, then shorten it again, then virtually memorise it. That gives you an overall structure or framework for your speech – although I would not necessarily stick to it. Flexibility is also crucial.”

Sir Bernard Eder.

“What you should do is have bullet points so you know you are following the right track, but you should know the points so well, you will be able to formulate the argument as you go along. I personally think having written text is unhelpful.”

Peter MacDonald Eggers QC.
SKELETON ARGUMENT

The skeleton argument is a document on which you will outline your submissions and the authorities that you intend to rely on. You can find an example of the scope and format of a typical skeleton argument in *Mooting and Advocacy Skills by David Pope and Dan Hill*.

List each submission separately. Write a brief outline of your submission and finish it with the authority upon which the submission is based. Your completed skeleton argument will have to be given to the moot organisers beforehand, and will be exchanged with your opposing team’s skeleton argument.

Once you receive the skeleton argument from your opposing team, read it carefully and research the submissions and authorities on which they hope to rely. Research thoroughly and consider any points you can use to rebut them. Even if you do not have a right of response to their submissions, you may have the opportunity to address and rebut them to the judge.

KEY TIP:

“Don’t get over awed by the other side’s skeleton argument. It may well be that you are on the losing side of the argument right from the outset and I don’t think that really matters. You are there to win the moot, not to win the argument”.
*Luke Wygas QC*

“Don’t make your skeleton argument too detailed. This is for 2 reasons: (1) It allows you a degree of flexibility in what you are going to say; and (2) to the extent that it is acceptable, you don’t reveal to the other side exactly what you are going to say”.
*Luke Wygas QC*

JUDGE’S BUNDLE

The judge may expect to be presented with a bundle of the authorities you intend to refer to during your submissions. Place your authorities in a suitably bound folder with appropriately referenced tabs that will allow the judge to easily locate the authorities to which you are referring. Ideally take at least two bundles: one for the judge and one for yourself. Your own version can carry your annotations and extra notes to refer to during your submissions.

KEY TIP:

Print the Official Transcript of your law report and put this into a judge’s bundle as a digital transcript has no authority in court. Use the *View PDF of Case Report* icon to open a scanned copy of the official printed law report. You can then print this for your judge’s bundle.
MOOTING GUIDE

THE DAY OF THE MOOT

The day of your moot has finally arrived! Never fear, the many hours of research and advance preparation you have put in will stand you in good stead for the day. Here are a few tips to remember for that all-important day of the competition.

COURT ETIQUETTE

One of the features you will be marked on during the moot is your courtroom etiquette. Though not an exhaustive list, these generally comprise:

TIMELINESS
An obvious point perhaps, but do not be late for your moot. You will also be timed on your submissions so make sure you practice them beforehand and time yourself so that you can be sure to adhere to the strict time limits allowed.

DRESS
Wear professional business dress, as you would in a real case. You will lose marks if you dress casually or look scruffy.

FORMS OF ADDRESS
Check with your moot organiser the court in which your appeal is to be heard and use the appropriate form of address to the judge. For example, a Supreme Court judge would be addressed as “My Lord” or “My Lady”. To refer to the judge in place of “you”, use Your Lordship or Your Ladyship. Refer to your opponents as “My Learned Friend/s”.

STANDING UP AND SITTING DOWN
Stand when the judge enters the room and to give your submissions. Do not sit down until you have completed your submissions and the judge has indicated that they have no further questions.

MANNERS
• Turn off your mobile phone
• Do not interrupt the judge or your opponents
• Pay attention
• Make eye contact
• Listen attentively to feedback

KEY TIP:

“Don’t attack your opponent personally. You can say their argument is wrong and give reasons why, but do not attack your opponent. I never attacked my opponent”.

Sir Bernard Eder

“Don’t grandstand! They are not interested in someone jumping up and down, getting excited and thumping tables. No waving hands, not too much modulation of the voice, and stand still! The paying client may love the idea of a lion in court, but judges aren’t interested in a lion; they want someone to present argument. We are all rather over influenced by television and what we like to see, but this is not what the judges like to see”.

Sir Bernard Eder
HANDLING JUDGE INTERVENTIONS

Possibly one of the greatest challenges of mooting is how to handle judge interventions. One of the aspects on which you are marked will be your ability to handle the judge’s questions effectively, so it is an important part of your performance.

Our expert panel stress the importance of spending as much time as possible researching the moot problem so that you can anticipate the judge’s questions and prepare possible answers in advance. Putting the hours into your research and preparation beforehand will pay off and increase your confidence during the moot.

No matter how thoroughly you prepare, there will be instances where the judge catches you off guard. The important thing to remember is not to panic! Stay calm and think carefully. Ask for some time to consider the question, or to check your notes. Don’t under any circumstances tell the judge you will address their question later. Don’t be tempted to waffle or try to guess an answer, as you will make the situation worse. It is far better to politely address the judge and say that you don’t know the answer, than try to make something up.

Our expert panel have some handy tips below:

KEY TIPS:

“Do take some time to think about the question before you start speaking.” You may believe that any time you spend thinking gives the impression that you don’t know what you’re talking about or is an incredibly long time. That is not the case. In 2 or 3 seconds you can do a lot of thinking and, in that time, no one has really noticed you are not saying anything.”
Luke Wygas QC

“One tactic I’ve also learnt is to ask for a moment to think about the question. No one will say no, and then you’ve got an immensely long period of time to think and/or note bullet points, then answer the question.”
Luke Wygas QC

“Don’t be afraid to say something like: “My Lord, I have the answer to that, may I just spend a moment to find it in my notes”? Then you can rifle through your notes and no one will mind. It’s even acceptable to apologise and say you can’t locate it, but that the answer is ... whatever it is.”
Luke Wygas QC

“Answer the judge’s questions. It is no good an advocate saying: “I will come to that in due course”. If the judge is asking questions, you answer the question. You are not coming to it later, you come to it now.”
Sir Bernard Eder

KEY TIP:

“The best way to address a tricky question from the judge is to spend more time thinking about the problem than the judge, so that you already thought of the question and had an answer prepared.”
Luke Wygas QC

“Advocacy is very hard work. Another tip is to be completely and utterly on top of the material and go over it over and over again so that you know what your argument is going to be. I’m afraid that confidence is therefore based on rather grunging hard work!”
Sir Bernard Eder
WHAT MOOT JUDGES LOOK OUT FOR

You don’t have to win the case to win the moot. The general criteria for determining the winner of a moot is:

**OVERRIDING CRITERIA**
• To be persuasive

**GENERAL CRITERIA**
• Speaking at an appropriate pace and volume and maintaining eye contact
• Being courteous to the judge and opponents, and addressing them appropriately
• Being concise and speaking in plain language
• Submissions structured in a logical manner
• Demonstrating appropriate manners and etiquette
• Dealing effectively with judge’s interventions and questions
• Working as a team
• Abiding by the rules of the competition, such as exchanging skeleton arguments on time, and adhering to time limits

**SPECIFIC CRITERIA**
• Effectively outlining the issues and how you propose to deal with them
• Introducing and using authorities effectively, distinguishing where necessary
• Referring to and expanding on the arguments in the skeleton argument
• Making effective submissions that support the relevant argument
• Accurately applying the law to the facts set out in the moot problem
• Responding to and undermining the opponent’s argument

Our expert panel, all of whom have judged moots, gave the following suggestions:

**KEY TIP:**

What we are looking for as judges is not the strength of the legal case, as the advocates can’t help that. **What judges are really looking for is the quality of the argument.** That comprises the written argument, the legal content, the legal research that has been done, the formulation of the argument and, of course, the oral presentation of the argument.

*Peter MacDonald Eggers QC*

What we are looking for is the quality of the argument. The oral presentation comprises the structure of the argument, the tone of the argument, the language and ‘simplicity’ of the language in which the argument is put. The ability to understand the legal concepts and to communicate those concepts to the judges and the ability to answer questions when they are thrown at you.

*Peter MacDonald Eggers QC*

All of that is terribly important so, in a sense, allowances are made for the fact that there is a weak side to the argument or if you are arguing a weak case. I think what judges are most impressed by is putting forward arguments that are not obvious but are relevant to the points being debated.

*Peter MacDonald Eggers QC*

Last but not least, do your best and have fun. Whatever the outcome, enjoy the experience and do approach the judge/s for feedback.

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1 David Pope and Dan Hill, Mooting and Advocacy Skills (3rd edn, Sweet & Maxwell 2015) 177.
ADVOCATE:
A person who pleads the case of another in a court of law. In a
moot setting, this could be referred to as advocate or counsel.

APPEAL COURT:
A court of law empowered to hear an appeal from a lower court.
This could be either the Court of Appeal or the Supreme Court.

APPELLANT:
The party appealing a court decision.

AUTHORITIES:
The primary or secondary sources you will rely on when making
your submissions.

BARRISTER:
A person called to the Bar and qualified to practice as an advocate.

BREVITY:
Concise and exact use of words in writing or speech.

CITATION:
Reference to a legal source such as a case, paper or journal.

COUNSEL:
A lawyer who pleads the case of another in court. In a moot
setting, you could be referred to as counsel or advocate.

COURT BUNDLE:
A collection of all the authorities to be relied on in court.

COURT OF APPEAL:
The second most senior court in the English legal system.

ETIQUETTE:
A customary code of polite behaviour. Courtroom etiquette will
cover a number of codes such as how you should dress, how to
address the judge and what to bring to court.

HIERARCHY:
In relation to law reports, the ranking of their legal significance or
importance.

JUDGE:
The person who simulates the role of a judge in a moot court.
They can be senior law students, law lecturers, practising lawyers,
barristers or real judges.

JUNIOR COUNSEL:
The mooter who pleads the second point of law in court.

LAW REPORTS:
A series of printed reports containing judicial opinion from case
law decided by courts.
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<thead>
<tr>
<th>MOOTING GUIDE</th>
<th>GLOSSARY OF MOOTING TERMS</th>
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<tbody>
<tr>
<td><strong>LEADING COUNSEL:</strong></td>
<td>The mooter who pleads the first point of law in court. Can also be referred to as senior counsel.</td>
</tr>
<tr>
<td><strong>LOWER COURT:</strong></td>
<td>A court of lower hierarchy from which the moot appeal has originated.</td>
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<tr>
<td><strong>MOOT:</strong></td>
<td>A mock court hearing set up to examine a hypothetical case as an academic exercise.</td>
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<tr>
<td><strong>MOOT COURT:</strong></td>
<td>A simulated appeal court hearing or arbitral case.</td>
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<td><strong>MOOT PROBLEM:</strong></td>
<td>See ‘Moot Scenario’.</td>
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<tr>
<td><strong>MOOT SCENARIO:</strong></td>
<td>Fictitious details of a case to be heard in a moot competition.</td>
</tr>
<tr>
<td><strong>MOOTER:</strong></td>
<td>The law student who plays the role of advocate in a moot competition.</td>
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<tr>
<td><strong>PRECEDENT:</strong></td>
<td>An authority established by a previous legal case that is binding for subsequent cases.</td>
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<tr>
<td><strong>PRIMARY LAW:</strong></td>
<td>Cases and legislation.</td>
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<tr>
<td><strong>PRIMARY SOURCES:</strong></td>
<td>See ‘Primary Law’.</td>
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<tr>
<td><strong>PUPILLAGE:</strong></td>
<td>A period of two years in which law students undertake barrister training at a barrister’s chambers.</td>
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<td><strong>RESPONDENT:</strong></td>
<td>In a moot, this will be the party responding to the appeal. Be careful as this may not be the respondent from the lower court. If a respondent lodges an appeal to a higher court, the claimant would become the new respondent!</td>
</tr>
<tr>
<td><strong>SECONDARY SOURCES:</strong></td>
<td>Books, journals or other sources of law that are considered secondary in authority to primary law.</td>
</tr>
<tr>
<td><strong>SENIOR COUNSEL:</strong></td>
<td>The mooter who pleads the first submissions in court. Could also be referred to as leading counsel.</td>
</tr>
<tr>
<td><strong>SKELETON ARGUMENT:</strong></td>
<td>A written document given to the court in advance of the hearing, which summarises the submissions to be addressed and the authorities that will be relied upon.</td>
</tr>
<tr>
<td><strong>SOLICITOR ADVOCATE:</strong></td>
<td>A solicitor with additional qualification to appear in court as an advocate.</td>
</tr>
<tr>
<td><strong>SUBMISSIONS:</strong></td>
<td>The points of argument (either written or oral) that will be submitted to the judge by the advocate. These are usually outlined in advance on a skeleton argument.</td>
</tr>
<tr>
<td><strong>SUPREME COURT:</strong></td>
<td>The most senior court in the English legal system.</td>
</tr>
</tbody>
</table>
MOOTING GUIDE

FURTHER READING

For more in-depth mooting help, why not try the following Sweet & Maxwell book titles:

- Mooting and Advocacy Skills
- The Devil’s Advocate
- The Path to Pupillage
- Pupillage Inside Out

OUR EXPERT PANEL

Sir Bernard Eder
Currently the General Editor of Scrutton, was one of the great commercial silks at the bar, recently retired from the High Court Bench. Subsequently appointed as International judge at the Singapore International Commercial Court and now also returned to Essex Court Chambers as an arbitrator/mediator.

Peter MacDonald Eggers QC

Luke Wygas QC
Luke specialises in construction and construction-related professional negligence and has experience in IT, insurance and commercial disputes. Luke has worked in the construction industry, based mainly in the Far East, prior to being called to the bar; this experience has influenced the work he is now most involved in.

David Pope
LL.B (Hons) (Edin), LL.M (Harvard) of Lincoln’s Inn, Barrister. Senior Visiting Fellow, University College London. Co-author of Sweet & Maxwell’s Mooting and Advocacy Skills.

Dan Hill
MA (Cantab) Head of Learning and Development and Associate Professor at the University of Law. Co-author of Sweet & Maxwell’s Mooting and Advocacy Skills.
IMPORTANT CONTACTS

CUSTOMER SERVICE WESTLAW UK
customer.service@westlaw.co.uk
Telephone - 0800 028 2200

CUSTOMER SERVICE SWEET & MAXWELL
TRLUKI.CS@thomsonreuters.com
Telephone - 0845 600 9355