

General Outline of a Moot Court Argument

INTRO

May it please the court, my name is _____ and I represent the Petitioner/Respondent _____(name)_____.

[REBUTTAL REQUEST & PROCEDURAL BLURB (for Petitioner ONLY)]

With the court's permission, I would like to reserve 2 minutes for rebuttal. Thank you. This case is on appeal from the District/Circuit Court (name of court). The District/Circuit Court denied Petitioner's request for _____, holding _____.

ROADMAP

Your honors, _____ is a violation of international law and we ask that you _____ for (the following) two/three reasons:

1. First, [substantive legal argument – strongest point]
2. Second [substantive legal argument]
3. And Third, as a matter of public policy OR as public policy dictates, [policy argument]

ARGUMENT

1. With respect to the first point your honors . . . OR First, . . .

CONCLUSION

Since [first point], [second point], and [third point], Petitioner/Respondent respectfully requests that this Court finds _____ a violation of international law. Thank you.

[REBUTTAL (for Petitioner ONLY)]

Respondent made one/two point(s) that I would like to address. (First) Respondent stated that . . . However, . . . OR Respondent contends that _____. However, . . .

MISCELLANEOUS SUGGESTIONS

- For Rebuttal:
 - o Attack misstatements and glossed-over weaknesses.
 - o Address concerns of the court.
 - o One to two points – most important point first.
- If you obviously and/or materially misspeak, say “rather, _____” OR “pardon me your honors, what I mean to say is _____” and correct yourself.
- If you are really hard-pressed for a transition, say, “which brings me to my second/third point” and find a way to fit what you were talking about into that point.
- If you are going to quote a case, drop the case language verbatim into your outline and KNOW the pin cite.
- If you aren't sure what the judge is asking, seek clarification.
 - o This can also be used as a stall tactic if you are unsure how to answer the question.

- Say something like, “Your honor, I want to make certain I understand your question, would you mind regarding-phrasing?”
- **DON’T:**
 - Say, “I don’t know” in response to a question.
 - If you don’t know the answer, say something more like, “Your honor, I am unable to fully answer your question at this time. However, I would be more than happy to submit a supplemental brief on the issue/matter/case.”
 - Smile or laugh or otherwise lose composure during argument (unless the judges are smiling and laughing and you feel it would be inappropriate to NOT smile and laugh).
 - Take a pen up to the podium.
- **DO:**
 - Outline your argument!
 - Try to reduce your argument to 2-3 pages.
 - Use headings and sub-heading. Bold, capitalize, etc. for ease of reference.
 - Use a manila folder to organize your arguments.
 - Take nothing but that manila folder up to the podium.
 - Listen carefully to opposing counsel’s arguments and the judges’ questions.
 - Take verbatim notes of both. Quote and/or directly address if appropriate.
 - Know, in advance of the argument, which points you are willing to concede (if any).
 - Preface your answers with the following:
 - Yes your honor, however . . .
 - No your honor.
 - Be cautious using this one – it can appear less-than deferential.
 - I (respectfully) disagree with your honor’s characterization/construction of . . .
 - Have your introduction, [procedural blurb], roadmap, and conclusion memorized.