

# LA JUSTITIA

## MOOT COURT PREPARATION

### HOW TO PREPARE

1. Establishing which team you are on and whether you are senior/lead or junior
2. Establishing the time you will have to make your argument [10 mins]
3. Establishing the procedure set out in the rules for the moot competition
4. Reading and researching the moot problem
5. Preparing your argument
6. Preparing your skeleton argument and list of authorities
7. Preparing your court bundle.

### PREPARING THE ARGUMENT

#### INTERPRETING YOUR MOOT PROBLEM

1. Read through the problem carefully
2. Make a note of the **facts of the case and a timeline** of the facts to get this clear in your head in relation to your point of appeal (remember there will be 2 points of appeal argued)
3. Remember the facts are **not in dispute** and so you can not argue against them
4. Some facts may seem trivial to start with but will play a crucial part in the argument
5. Researching the law
6. Get the background to the legal topic
7. Evaluating the information
8. Finding legal authorities

## RESEARCHING THE LAW

1. Get the background to the legal topic
2. Evaluating the information
3. Finding legal authorities

## USING LEGAL AUTHORITIES

1. Citing the correct authorities
  - a. When arguing you need to use relevant authorities to support it.
  - b. This means primary legal sources i.e cases and legislation.
  - c. Secondary sources such as books and articles are usually not be cited as support for your argument.
2. Always remember which court you are in and what cases are binding. If you are in the Court of Appeal, judgments made in the House of Lords/Supreme Court are binding on you and so you can not ask for the court to overrule them or argue that they were incorrectly made.
3. You will need to distinguish your case on the facts. Likewise you can not ask the court to be bound by a decision made in a lower court you must establish why the decision is a sound legal precedent and why it should be upheld.

## FORMAT

- You need to think about the structure of your argument and this has be logical and clear.
- Speech and notes: Some people find it useful to write out word for word what they are going to say to help them practice. It is a good idea to take in shorter notes or cards rather than the whole of your speech as **it may be difficult to keep eye contact** with the judge and keep your place.

## **SPEECH AND NOTES**

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## **SKELETON ARGUMENT**

- This must be a short and structured list
- It should include enough information to help the judge determine the structure and content of your argument but not go into too much detail.
- It should also signpost which authorities you are going to use to establish each point.
- At the top of the skeleton argument you must include:
  - Parties names of the case
  - The date of the case
  - The court and whether you are acting as lead or junior for respondent or appellant.

## **BUNDLE**

- Use a good folder that is easy to open.
- You don't want a judge to have to handle paper that can fly everywhere
  - Use a clear copy of the authorities.
  - You do not want to just have a big pile of pages and the judge to waste your time trying to get to the right section.
  - Remember to put numbers on the tabs and put these in your notes so that they can go directly to them
  - If highlighting is allowed then highlight the section you are going to quote so that the judge doesn't have to read the whole page and you do not have to remember and quote paragraphs numbers

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