

TYPES OF MOOT COURTS

Harun Išerić

Centre for SEELS/Faculty of Law, University of Sarajevo

Moot courts could be classified based on various criteria, like different competition levels and competition structure, competition length, area of law concerned, whether the competition is exclusive for teams from one university, if it is based on existing procedure and court/tribunal or not, etc.

An already existing procedure is often used as the basis for the simulation exercise – ***simulation of a procedure before a court*** carried out by students. Such simulation happens before established courts, like the International Court of Justice, International Criminal Court, Court of Justice of the EU, and European Court of Human Rights. On the other hand, the moot court could simulate a procedure, determined by organisers, before a fictional court/tribunal (e.g., Monroe E Price Media Law Moot Court Competition).

Besides the simulation of a procedure before a court, a moot court could be based on a ***simulation of the arbitration or mediation procedure***. In the case of Willem C. Vis International Commercial Arbitration Moot, the rules of arbitration are changed annually and another national arbitration procedure is selected.

As a kind of moot court, we could identify a ***simulation of working in-house in big lawyers' offices***. In this case, participants do not compete before a court/tribunal but are trying to simulate work in a lawyer's office, solving a case in favour of a client (e.g., *Law Academy – Liaison Project*). Students could also simulate a decision-making process in regional or international organisations, including the EU, aimed at developing a new piece of legislation.

Through the preparation for the competition, I learned to think and analyse in a 'legal' way, so that I plunged every existing hypothetical problem under case law and argued this with my colleagues in the team. Furthermore, as a team we have come across various interpretations of norms through just reading jurisprudence and we have created critical thinking about them.

Adriana Budan, student at Faculty of Law, University of Rijeka

This variety means that moot courts have different outcomes in terms of learning and teaching objectives. While outcomes of moot courts that are simulation of a court procedure or an arbitration or mediation procedure are focused on gaining in-depth knowledge of the legal issue discussed, dominantly wanted outcomes of the simulation of working in-house in big lawyers' offices are rooted around understanding the institution within, its procedure, and the importance of not necessarily legal mechanisms like lobbying.

Moot court competition could be structured in a way that is composed of qualifying tournaments (like national and/or regional) and the world championships. It is not a uniform rule that only a winner of qualifying tournaments qualifies for the world rounds (although it is for e.g., Philip C. Jessup International Law Moot Court). It could also be third-place winner and runner-up (e.g., Monroe E Price Media Law Moot Court Competition). Willem C. Vis International Commercial Arbitration Moot does not have qualifying rounds, but there are a number of influential and recognized pre-moots, organised for teams to meet, practice, argue, and exchange ideas.

Moot courts differentiate also on whether success in a written part (submissions) is eliminatory for the oral part of the Competition. For some competitions, to participate in the oral part of the competition, a competing team would have to achieve a minimum number of points for submissions or to be among a limited number of teams advancing to the oral hearing.

Moot courts also vary when it comes to their length. Mostly they run through the academic year and both semesters. This is especially the case with competitions that are organised on different levels like national, regional, and international. On the other hand, there are examples of moot courts that last much less, even one day (e.g., BPP National Speed Mooting Competition 2021). In this case, a moot court is composed in a way that participants are introduced to an issue shortly before the competition and are asked to argue with a randomly assigned side.

There are also moot court competitions exclusively between two universities, such as those between Oxford University and Cambridge University. A difference can be made on the type of moot court based on the language of the competition. Although competitions are held mainly in English, some are exclusively in French (e.g., René Cassin competition), Spanish, etc.

