

SETTING UP A MOOT COURT

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Topic. The first step in the organisation of a moot court is the selection of the topic. The topic is usually related to a particular branch of law (such as commercial arbitration, EU Law, Public International Law, etc.) or a general legal or interdisciplinary issue. The selection of the legal field will largely depend on the preferences and legal background of the organisers (law faculty, professors, professional organisation, etc.).

Name and logo. The name can depend on the topic, the field of law or it can be given in honour of a distinguished professor or other person. If personal names are used, the consent of the professor or their successors, state, faculty, university should be obtained. In any case it is recommended to verify whether the selected name of the competition is already in use before the final decision. The name of the moot court also affects the ability to select an acronym and to develop a logo for the competition.

Language. The working language of the competition should be selected. The decision will depend on whether the competition is local or international. There are no obstacles to holding a local competition in a foreign language so that the students can practise foreign professional terminology and to study legal sources in a foreign language. In addition, a competition can be organised in multiple languages, but this would require additional efforts for the organisers to provide translations (both for written memorandums and for oral hearings). It should be noted that such a decision could potentially increase the organisational costs of the competition.

Time. During the organisation of the moot court, it is important to determine the time of the competition. Competitions are usually held three to four weeks from the last class or exams, or during holidays or the week before holidays. Furthermore, it is important to verify if there is any other similar tournament being held at the same time.

Timetable. During the establishment of the timetable, it is important to ensure that there is enough time for the preparation of the participants, for the evaluation of the written submissions and the planned rounds and phases of the competition, the discussion, questions and answers to the judges, rebuttals, and breaks between rounds. It is also important to ensure that coaches do not judge their teams.

Venue. The venue of the competition should be approved in advance and its availability should be verified at the planned time of the competition. The venue can be at the law faculty, university, courtrooms, the premises of professional associations, etc.

Case. This is usually a contemporary problem from practice of a selected legal or interdisciplinary field. It should be determined whether the analysed case will be real or fictional, ongoing or previous, different levels of complexity and how many issues are going to be covered (so-called: cut and dry case vs. too easy case).

Written or/and oral phases. The moot court organiser must decide what learning outcomes are pursued with the competition and choose whether or not they will have a written or oral phase or both. If the organisers opt for both phases, this will entail the engagement of a larger number of participants (students, coaches, judges).

Learning outcomes. If the organiser decides to only have a written phase of the competition, then the learning outcomes will be the analysis of the case, the detection of the legal issues and questions, research of scientific, judicial and other databases, grammatically and technically accurate writing, proper citations and references. If the organiser decides to hold only an oral phase, then the learning outcomes will be the development of oral advocacy skills, legal argumentation, the pace of giving accurate responses, development of different styles of arguments (aggressive, reserved, etc.) time management, dress code considerations, polite behaviour and conduct with judges and opponents, control over emotions and body language in stressful situations. If the organisers opt to include both types of learning outcomes, then they will all apply for the individual written and oral phases.

Rounds. Moot courts generally have several phases, the first of which includes all participants, and the elimination phase which includes only those participants who successfully advance from the earlier stages, or who have obtained the highest scores in previous rounds.

Number of participants. The number of participants relates to the total number of contenders and students in individual teams. The number of students per team should be at least two and it is desirable that the number of teams in elimination rounds is even, to facilitate the selection for further rounds of the competition.

Participants. The type of participants will depend on whether the teams are composed of the representatives of the faculties or self-organised teams. It should be defined in advance who is considered a student, i.e., whether this would be a person studying at the undergraduate, graduate or postgraduate levels, or if all levels would be included. The status of the student could change from the moment of registration for the moot court to the day of the competition itself, so the determination of the eligibility criteria is important in this respect. In addition, it is

important to determine any limitation to the number of teams which can participate from the same institution, country or region, as well as those of different age groups, etc.

Judges and coaches. The professional profiles and backgrounds of judges and coaches should be determined in advance, i.e., whether they should come from academia, the judiciary, the NGO or a mixture of all. In addition, it should be determined whether certain judges can also serve as judges at the moot court. Namely, there could be a doubt of a conflict of interest if a coach of a team appeared as the judge in a round including the main competition of their team. Generally, coaches are allowed to judge in the moot court for organisational reasons, as long as they are not judging the written submissions or oral pleadings of their team.

Rules. The rules of simulation are a very important segment of the moot court. Firstly, it is important to decide who should make the rules (one vs. more persons/organiser or judges/lawyers, students). The rules should regulate all phases of the competition, such as:

- INTRODUCTIONS
- PRIVACY AND DATA REGULATION
- RULES
 - Registration
 - The problem
 - Teams
- WRITTEN MEMORANDA
 - Memoranda
 - Formatting of Memoranda
 - Submission of Memoranda
 - Scoring of Memoranda
- ORAL HEARINGS
- ASSISTANCE
- AWARDS
- INTERPRETATION OF THE RULES
- CONTACT DETAILS

Scoring. The number of points granted for both phases and as well as number of points granted by each judge are a very important element of the organisation of the moot court. The decision on this depends on the learning outcomes which are pursued by the competition. In addition, it should be noted that the level of objectivity will depend on the judges and their knowledge of the field of law, the case and the country they are from, as well as other considerations. As a general matter, the score for the written phase refers to the technical components (grammar, references, etc.), legal reasoning and writing style. The oral phase is generally graded based on

time management, knowledge of the case, accurate application of the normative rules to the concrete factual situation, style of argument and presentation, etc.

Awards. The moot court awards can be monetary and symbolic, such as certificates or medals. Some moot courts award individuals privileged conditions for LL.M. studies, participation in the school of law, internships, etc. In addition to the winners of the moot court, usually there are awards for the best written submissions, best speaker, the overall champion, rising star, etc.

Certificates. Certificates of participation, awards and appreciation for the judges, coaches, sponsors and donors of the moot court should be designed.

Financing. Although in ideal scenarios the decision on the type and level (local, national or international) of organisation of the moot court should depend on the development of skills and competences of students, in reality these decisions depend on the financial resources available to the organisers. Moot courts are usually financed by the law faculties, universities, law firms, professional organisations and associations. However, today there are several options to incorporate financial resources available to the organisers. Fundraising activities through social media or through signing sponsorship agreements allowing sponsors and donors to place their logos on the promotional materials of the moot court.

Promotion. Promotion of the moot court is also a very important element in organising a moot court. It can take place through social media, personal professional connections or open requests.

Additional remarks. Focus could be placed not only on organising an international moot court but also to organise a local moot court or in class moot courts. Of course, organising a moot court competition on the local level, particularly in class, is easier than doing it for an international moot competition. Actually, it is a frequent activity within the development of some subjects in the law degree, creating teams with the students for a 'simulated trial activity'. In any case, each level has more or less the same following organising steps.