

AT MOOT COURT COMPETITION

Maša Marochini Zrinski

Centre for SEELS/Faculty of Law, University of Rijeka

First, what needs to be pointed out is that moot court is a law student's best introduction to a real practice and a chance to argue seminal issues of law before leading academics, practitioners, and most importantly, judges and the students gain substantive experience from practising oral argument.

When preparing for the oral part of the competition students should study the competition's rules and format for an oral argument. The rules set out the time limits and require the time period to be shared between members of the team. This needs to be decided when the students start preparing for oral presentations and during the preparation, they need to adjust the time, depending on the importance of the argument.

Also, when preparing the oral presentation, the team should try to practise the full oral competition, as well as try to anticipate the judges' questions and practice answering the questions – this will help them cope with the judges' questions at the competition, even if they don't ask them the same questions. If possible, the teams should organise a pre-moot with other

The key advice is to act in the moot court as it was a real litigation in the court and work as a team. Moot court is a simulation of court proceedings and students should act as councils of the real parties in the real court.

Remigijus Jokubauskas, coach, Faculty of Law, Mykolas Romeris University

teams to familiarise themselves with the real competition. Practice rounds should be as real as possible.

When starting the argumentation/presentation, the student who is presenting first needs to introduce who he/she is representing, himself/herself and in what capacity. The first speaker should also introduce the members of the team and indicate the division of arguments between the speakers.

After the introduction the first speaker should briefly state the facts of the case regardless of whether he/she represents the claimant or the respondent. This part of the argument sets the tone and establishes the theme. This part should take less than a minute, grab the judges' attention and state the principal facts of the case together with reasons why this team should win.

During the presentation oralists should speak ‘to’ the judges: do not speak ‘at’ them or to the members of the opposing team. They should make eye contact with all the judges and be confident but never arrogant.

Furthermore, speakers should not directly address the opponents or detract what they said, they should address the opponents in a very polite manner, as ‘esteemed opponents’, or ‘esteemed

Listen to what the opposing team is saying, don't miss chances for good contra-arguments. Don't interrupt the judges when they are asking questions, sometimes they want to elaborate them (which is helpful for understanding what they are asking). Work together with your teammates to come up with arguments for one another. Being polite never goes out of style. Strong arguments can be made without belittling the opposing team, that is not the essence of moot court (contrary to the movies and tv shows).

Bojana Arsenijević, coach, Faculty of Law, University of Niš

counsel for respondent/applicant’.

Speakers should be careful of their appearance, body language, argument structure, delivery, and responsiveness. Furthermore, they should not speak too fast, they should be clear, concise and keep (primarily) judges’ attention. Therefore, they should stop and change the tone when emphasising the most important arguments.

At the table, when presenting, students should have the materials and all the case studies in front of them, but the speakers should try not to look at notes while presenting.

Speakers should let the judges know where they are going with the argument as well as the reason for presenting the arguments, they should use ordinals as verbal signals and mention each point that they plan on covering but should not go into too much depth. The judges have the time to ask further questions or explanations if they feel the need.

Time management is of the utmost importance. Therefore, all the arguments should be prepared in advance and if, for some reason, the speaker finishes his/her presentation within the time set, he/she should not improvise to fill the time, but simply finish the presentation.

Even though most moot courts leave the time for the judges to ask the questions after all the speakers finish their presentations (or during presentation), some judges may ask for a fuller explanation of the arguments, so students should be prepared for that and be able to continue their argumentation after answering the question. If this interferes with their time management (so they lack the time to present everything they prepared) they should ask the timekeeper for some extra time as well as be prepared that the extra time will not allow them to say everything they prepared. In this situation, the speaker should focus on the most important arguments and

only briefly mention the less relevant ones, telling the judges they will give further explanation, if necessary, when answering further questions.

Also, the students must bear in mind that the moment a judge asks a question, the speaker must immediately cease speaking and never speak over a judge. Always thank the judge for the question, but do not get overly enthusiastic.

During the presentation of the opponents, the opposing speaker should sit upright and listen attentively to the arguments, looking only at the speaker or the bench and never react negatively to the opponent's arguments, let alone sneer. They should take notes.

After the opponents' presentation, there is usually time for rebuttal. During rebuttal, students should not repeat the statements for the presentation, they should use that time to present counter arguments to most important (strongest) opponents' arguments and if there is time, stress out its team's strongest argumentation (but only if the opponents gave the counter-arguments). The best rebuttals are concise and direct.

As stated, usually the judges ask questions after/during the presentations and the rebuttal. It is very important to listen to the judges' questions. If you do not understand the question, ask for it to be repeated or re-phrased.

Depending on the moot court competition questions of the judges may be addressed individually to the speaker or to the whole team. In this case, students should first decide who is going to answer the question. Other members of the team can help him/her in preparing the answer. When answering the judges' questions, speakers should be concise in reply to a question. Only in exceptional situations the students may say that they do not know the answer to the judges' question (for example when the question is something like: do you know the case AA and the decision of the court, - but even in such situation students should reply: I am sorry, I do not know that particular case but I can say something about the case BB), they need to do their best to try to answer the question. Questions should be answered directly and concisely but in a manner that supports the case.

At the end of the presentation the final speaker should, like the first speaker did, state what their conclusion is and what they want from the court to decide.

Finally, after the judges have reached their decision, the students should congratulate their opponents on their performance and shake hands.

Other important things to bear in mind during oral presentation of all members of the team:

- The goal of the presentation is to persuade the judges to resolve the issues in the team's favour, the speakers should focus on this;
- Speakers should dress appropriately, act professionally, use manners but be passionate about the case, speak confidently, and carry on respectful yet engaging conversation with the judges;
- When presenting the arguments, the speakers should be well prepared, clear, concise, persuasive and confident;
- During the presentations, speakers should be formal yet relaxed; speak clearly and eliminate hesitant speech; and show enthusiasm and passion for their case without being aggressive or defensive;
- The Timekeeper will indicate at intervals when the speakers have 10, 5, 2, and 1 minutes left. The speakers should pay attention to this.
- Speakers must be prepared that the judges might ask prepared and organised questions but sometimes also spontaneous and only tangentially relevant to the case;
- It is important that teams anticipate judges' questions and prepare responses for the judges.

Competitions are often stressful for students, so it is best to reassure the students of the hard work and dedication that the team has put during the preparations and to strengthen and boost their confidence before every round of competition. During the competition, I find it useful to take notes on the student's behaviour, how the judges react to their arguments, the questions that they are asked, and any areas that need adjustments between the rounds.

Mia Georgeivska, coach, Faculty of Law 'Iustinianus Primus' Skopje

