

WHAT IS A MOOT COURT?

Anđelija Tasić, Darko Dimovski

Centre for SEELS/Faculty of Law, University of Niš

Even though it is thought that moot court (from the Scandinavian word for ‘meeting’¹ or ‘gemōt’, an old English name for a judicial court²) is a new, modern education tool, it seems that the benefits of this kind of learning tool were well-known even in the 18th century in the US (Rachid, Knerr, 2000). The advantages of this kind of extracurricular activity were obvious even centuries ago.

Moot court is the simulation of the court trial, with pre-prepared hypothetical cases on different topics.

Mooting is a lifestyle or even a state of mind; it has a long history and unique traditions.

Anhelina Andrieieva, student at Faculty of Law, “Mykolas Romeris” University

The topic of the moot court usually depends on the type of the moot court – whereas the national moot courts (competition) are aimed at the more nationally oriented branches of law, such as criminal or civil law, regional or international moot courts tend to focus on cross-border subjects such as human rights, EU law or Public International Law in general. Hypothetical cases usually refer to some recent, up-to-date topic or a case which has drawn public attention (Collins, Rogoff, 1991).

The moot court can be seen in two ways – as a learning tool and as a competition. As a learning tool, mooting can encourage student engagement, enhance learning, and provide students with a practical understanding of the real-world application of often abstract course material and concepts (Kammerer, 2018). It is considered that mooting improves critical and analytical skills, introduces students to new ways of thinking, increases interaction with their fellow students, and enhances student interest in course lessons and materials (Ringel, 2004). In both methods, the preparation and the students’

The most interesting/important thing about participation in the moot court is recognizing the personal growth – realizing how far you’ve come from the first time reading the hypothetical case until the final match of the moot court competition.

Umma Kosovac, student at Faculty of Law, University of Sarajevo

outcomes are similar. The preparation implies the students’ and their coaches’ hard work and diligent approach. Passion and ambition go without saying. The outcomes are also similar: broadening of

¹ *European Law Moot Court - History*, <https://europeanlawmootcourt.eu/history/>

² <https://www.merriam-webster.com/dictionary/moot>,

knowledge and the growth of self-confidence as the most important. When speaking about the competition, the judges are usually recognized practitioners who give valuable advice and remarks.

There are usually two parties – appellant and respondent. The competition commonly consists of two parts – written and oral. The written phase considers analysing the legal framework, understanding the context, and sometimes answering the other team’s claims. The oral stage usually has three parts – expressing the arguments, answering judges’ questions, and rarely, another team, and rebottle. The expression of arguments should be well-prepared and aim to introduce the judges and the other team to the argumentations, especially at competitions where there is no previous exchange of written documents. While answering the question should represent how the team copes with the pressure, but also cooperate among themselves, the rebottle usually decides the domination of one team over another

The aim of mooting is the presentation of legal arguments on a hypothetical case in a persuasive way. Critical thinking and the capability of arguing is highly recommended and awarded.

The most important thing in the moot court is the teamwork. Without a good team and without good cooperation, a good result cannot be achieved.

Amila Mrkonja, student at Faculty of Law, University of Sarajevo

There is a difference between a moot court and a mock trial. While a mock trial involves a jury, a moot court is held in front of the court. There is no presentation of evidence and the involvement of any other, except the representatives of the two parties.

