



DO'S AND DON'T'S OF MOOTING

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Mooting at Gray's Inn is an introduction to appellate court advocacy. It focuses on disputed points of law on given facts. There are multi-moots, short moots for new students learning the practical groundings of advocacy, at which trainers assist and advise. Students graduate rapidly to the moots in the Inn's own competition, highly prized in every sense, and to senior moots in competition with the other Inns and against American Law schools.

DO moot and DON'T be shy

You need to acquire advocacy skills and experience, and to test yourself in arguing points of law before judges, who in turn will test your arguments and skill. Success and experience can assist in your future progress.

DON'T be worried about feeling nervous

You may well do so in court quite naturally, as appellate advocacy is intended to be a testing exercise, as indeed is legal argument at first instance, which it closely resembles. Advocacy is testing work in substance and style.

DON'T read from a script

You should know your arguments well enough to use your written material as notes, whatever form it actually takes. If you have to use it as a script you will probably not have thought enough about the case.

DO outline the topics

Outline the topics you will cover and the structure of your arguments so that the Bench can see where you are going.

DO know the facts

Know the facts of the case, but don't recite them.

DON'T recite the facts of the cases you cite

Know the facts of the cases you cite and the principles you wish to draw from them, so as to explain why that case helps your argument in the instant case; but don't recite the facts or read long excerpts; there will not be time.

DO think about the points in the case

Think about the weaknesses in your own case or the strong points in your opponent's. It is good advocacy to recognise and deal with obvious points of that sort, as there is no reply in our moots. Questions from the Bench may also focus on those points, so be prepared.

DON'T suppose that your submissions will be accepted at face value

You should have thought through the implications of what you say so as to be ready to deal with questions starting 'Doesn't that mean ...?' , agreement to which may scupper your argument.

DO keep an eye on the time

Be aware that time goes far more quickly than you think. You must be succinct, and recognise that there will be judicial interventions which will take up time. Be flexible enough to move on, and be prepared to say that you need to move on, even if you have not said all that you had prepared on a particular point, so as to be sure to cover your main submissions. DON'T try to make up time by speaking too quickly: gabbling loses attention.

DON'T drape yourself over the lectern

Stand up straight; stand still rather than bending and swaying.

DON'T use incessant hand gestures

This is distracting; some controlled use is fine.

DON'T lecture and DO vary your tempo, volume and emphasis

Try to converse and engage. Vary the tempo, volume and emphasis with which you speak, perhaps as the importance of the point varies, rather than going at single pace and volume as if automated. If in doubt about the tempo, and particularly if feeling nervous, you will gain confidence and attention by slowing down rather than speeding up at the start of your submissions.

All of this will help you appear and become confident even if you are a little tense and nervous.

DO read the moot guidelines, Master Jacob's Note on how to address judges, and the mark sheet.

And DO enjoy it! ■