

MUCH MOOTING IN THE INN

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Since taking over as Master of the Moots I have been impressed with the standard of mooting at Gray's Inn; so I should not have been surprised when the Inn team of Jessica Franklin and Laura Williamson deservedly won the Inter-Inn Mooting Competition last term in a criminal problem dealing with the law of homicide, in which Mr Alastair Hodge and I assisted Mr Justice Newey, who presided. (Report overleaf) It was well argued on both sides and the result was close, which set me reflecting on what makes a good mooter.

MASTER THE BRIEF

The basic requirement, as for all legal practice, is that you have mastered the brief – you are familiar with the facts, you are clear about the issues to be argued and you have read and considered the relevant authorities. If you have not done that basic work, it will show and you will be at a serious disadvantage when a judicial question interrupts your flow, and come it will, for that is what judges do.

CLARITY AND STRUCTURE

Keep your argument as simple as you can, then it will be clear even to a judge who may be unfamiliar with the particular area of law. There is much to be said for the old dictum – tell them what you are going to say, say it, tell them what you have said and sit down. If you sketch out your argument at the start, then the judge knows where you are going and it is easier to follow detailed submissions. When you refer to an authority, it helps if you can locate the point you want in the headnote (if there is one) and then if you go straight to the particular passage on which you want to rely. If time permits, remember to point out the fatal weakness in the other side's case!

RESPONDING TO INTERVENTIONS

The most difficult skill in mooting, and the thing that more often than not in a well argued moot separates winners and losers, is handling judicial interventions. The judge may of course simply be asking a question because he does not know the answer, but it is much more likely that the question is designed to test you and your argument. Don't panic or be stampeded into an ill thought out answer but it is important (you are after all a lawyer and not a politician) to answer the actual question you have been asked; failure to do so is both obvious and unimpressive. This is a skill which really will assist in real practice, too.

WHAT NOT TO DO

What is to be avoided? Do address the court and speak of other counsel correctly: failure to do so always looks unacceptably casual. Don't rush too quickly to your authorities – judges are rarely as interested in them as you are – but make sure that you have first clearly set out your arguments and then use authority to support them. Always avoid trying to be funny, especially at someone else's expense, and keep an eye on the time so that you don't finish lamely.

FINALLY ...

Above all moots are meant to be enjoyed; so, although you will be nervous, try to relax and remember that when you start you almost certainly know your case better than the judge does. Make his task as pleasant and easy as you can and you are more likely to reap your due reward. And then of course you will want to do it again and then next year I shall be able to report another Gray's Inn success. So our congratulations to our winners this year – it was greatly deserved.