

Activity Based Learning for attainment of expected outcome

Moot Court

What is Moot Court?

Moot court is a co-curricular activity in which participants take part in simulated **court** or arbitration proceedings, usually involving drafting memorials or memoranda and participating in oral argument.

A moot court competition simulates a court hearing (usually an appeal against a final decision), in which participants analyse a problem, research the relevant law, prepare written submissions, and present oral argument.

Moot problems are typically set in areas of law that are unsettled or that have been subject to recent developments. They usually involve two grounds of appeal, argued by each side.

Note that.....

- The procedure imitates that followed in real courts: the judge enters, the mooters and the judge bow to each other, the clerk announces the matter, the mooters give their appearances and are then called on in turn to present their submissions, the judge asks questions of the mooters, the court adjourns, and the judge then returns to deliver a brief judgment and some feedback.
- Mooting is not the same as public speaking or debating, although it shares some common elements with these activities.
- It is a specialized application of the art of persuasive advocacy.
- It has been part of the process of training lawyers for centuries and plays an important role in legal education at many law colleges.

Why Moot Court?

Mooting enables students

- ✓ to engage with and think deeply about interesting and topical legal issues;
- ✓ to enhance their advocacy, legal research and writing skills;
- ✓ to work closely with and learn from their peers; and
- ✓ to demonstrate their interest in advocacy and competence as an advocate to prospective employers.

*Most students find mooting to be intellectually rewarding and highly enjoyable.
It can be nerve-racking and frustrating but it is a lot of fun.*

Basic Tips of Mooting

- ❖ It is critical to engage with the bench. This requires you to bring many skills together including maintaining eye contact with the judge, speaking at an appropriate volume and pace, responding directly and accurately to questions and holding the judge's interest. It also incorporates a cardinal rule of mooting: never, ever talk while the judge is talking.
- ❖ Remember that it is accepted to ask a judge to repeat a question if you do not understand it, and that it is always best to say 'I regret I am unable to assist your Lordship/Ladyship on that point' when you really do not know the answer.
- ❖ Mooting is not just about presenting propositions of law. An important aspect is applying those propositions to the facts in order to argue for the result you want. You should be very familiar with the moot problem and be able to take the judge to relevant paragraphs in it.
- ❖ You will often make extensive use of authority in delivering your submissions. You need to know what principle a given case stands for and if a case is binding on the court before which the moot is being argued.
- ❖ A critical aspect of mooting is time management. You need to be able to expand or contract your submissions depending on how interventionist the judge is.

Glimpses of Moot Court Activity Conducted at Sardar Patel Institute of Technology, Mumbai



Recommended to read the sample moot court cases supplied with the course material.

Note: These are examples of Moot Court Activity submissions by students. May not be appropriate from legal point of view. These are given to you for understanding the format and scope of Moot Court competition.

Thank You