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KARTAVYA

CELEBRATION OF 70TH CONSTITUTION DAY
MOOT COURT COMPETITION



RULES AND REGULATIONS
&
MOOTING MANUAL

COORDINATING AND ORGANIZING UNIVERSITY:

NATIONAL LAW UNIVERSITY, DELHI

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TIMELINE

16.08.2020	<i>Release of the moot Problem</i>
17.08.2020- 12.09.2020	<i>Registrations</i>
25.08.2020	<i>Last date for seeking clarifications</i>
27.09.2020	<i>Submission of Memorials</i>
06.10.2020	<i>Release of list of teams qualifying memo rounds</i>
15.10.2020	<i>Payment of Registration Fees</i>
17.10.2020 – 19.10.2020	<i>Oral Rounds</i>
Link for Registration	https://forms.gle/GYaCTwo52qWYS06a7
Email for all Communication and Queries	constitution.moot@nludelhi.ac.in
Problem	<i>Available on the webpage of National Law University, Delhi</i>
Postal Address	<i>National Law University Delhi, Pocket – 1, Sector – 14, Dwarka, Delhi PIN - 110078</i>

RULES AND REGULATIONS

Introduction

Mooting is an excellent skill to learn, and it will assist you to think and analyze the law in the style of an advocate – looking for loose threads, analyzing legal logic and presenting your conclusions in a sensible and effective manner. Taking part in the Moot will certainly help you improve your written and oral communication skills.

I. Aim and Purpose

- a. To expose students pursuing the undergraduate degrees to the nuances of court system in India.
- b. To provide a real-life experience cum training in doing cutting-edge research, presenting ground breaking arguments (oral and written) and contributing to the development of jurisprudence in the concerned area of laws.

II. Subject, Date and Venue

The 70th Constitutional Year celebrations Moot Court Competition 2020 will be held virtually, in two stages – Memorial Qualification Round and Oral rounds. The case for the Competition can be downloaded from the website of <https://kartavya.ugc.ac.in> or nludelhi.ac.in.

III. Dress code

- a. Gentlemen: Western formals, i.e., white shirt, black trousers and tie.
- b. Ladies: Indian formals, i.e., white sari or salwar-kurta, or Western formals, i.e., white shirt, black trousers/skirt.

IV. Language

The language of the competition will be English.

V. Eligibility

The competition is open to a student of any Higher Education Institution in India.

VI. Team Composition

- a. Each team shall consist of 3 members (2 speakers and 1 researcher). This number cannot be modified under any circumstances.
- b. Each team shall allocate the role of speakers and researcher among themselves which will be followed during the entire competition. The team shall notify this arrangement at the time of registration to the organizers through the registration form and such arrangement cannot be modified during the competition under any circumstances.
- c. Each team will have a team code. Teams shall not disclose their identity or that of their region/city etc.; such disclosure shall invite automatic penalties including disqualification. The Administrator's decision in this matter shall be final.

VII. Registration

Teams must register online on the [link](#) also provided on the website of National Law University Delhi. Only one team per College will be allowed to participate.

VIII. Rounds

- a) There will be 2 (two) rounds of the Competition i.e. Memorial Qualification Round and Oral Rounds.
- b) A total of 16 teams will qualify the Memorial Qualification Round and will proceed to the Oral Roundsto be held through *virtual conferencing*.
- c) There will be 2 preliminary rounds, Semi-Finals and Finals.
- d) 4 Teams with highest total marks [decided on the basis of total marks scored by a team during the rounds as mentioned in XI(b.)] will proceed to the SemiFinals.
- e) Only those teams who qualify for the Oral Rounds will be required to pay a sum of Rs.1000/- per team as registration fee through the link that will be sent later through a separate e-mail.
- f) Certificate of Participation will be awarded to all the teams that will register and successfully submit the memorials on the due date.
- g) Other Prizes includes a Trophy and Certificate under each of the following heads:
 - i. Winners
 - ii. Runners-up
 - iii. Best Memorial
 - iv. Best Speaker

IX. Memorials

1. The following requirements must be strictly met. Non-conformities will be penalized:
 - a) Each team must prepare both the memorials, i.e., 1 for Petitioner and 1 for Respondent.
 - b) Once the memorials are submitted, no revisions, supplements, or additions will be allowed.
 - c) Memorials must be submitted on typed A 4 size paper and must contain:
 - I. Table of Contents
 - II. Index of Authorities
 - III. Statement of Jurisdiction
 - IV. Statement of Facts (*not exceeding 1 page*)
 - V. Statement of Issues
 - VI. Summary of Arguments
 - VII. Arguments Advanced (15 pages)
 - VIII. Prayer
 - d) Arguments advanced must not exceed 15 (fifteen) pages.
 - e) Memorials must have a one-inch margin on all sides of each page. Font size should be 12 with font Times New Roman and 1.5 paragraph spacing. Footnotes must be in font size 10, singlespaced and double-space between two footnotes.
 - f) Page numbering should be on the bottom middle side of each page.
 - g) Covers must be placed on briefs as follows:

Petitioner: Pale Blue Color

Respondent: Pale Red Color
 - h) The cover page of memorials must state the following
 - The Case Title
 - Identify the brief as Petitioner or Respondent
 - Name and Year of the Competition
 - Team Code on the top-right corner of the page
2. Submission and Penalties
 - a. The teams should submit the soft copy of both the memorials, in both ‘.docx’ and ‘.pdf’ format, by 23:59:59 on 27th September, 2020 at

constitution.moot@nludelhi.ac.in with the subject line as “Submission of Memorials”.

- b. Late submissions will be subjected to a penalty of 1 mark per hour, first deduction being made at 00:00:01 on 28th September, 2020. Submissions are allowed till 9 am on 1st July, 2020 and any submissions made beyond that will not be considered.
- c. Violation of formatting rules will carry a penalty of 0.5 mark per violation [points mentioned under IX(1) and IX(2)].
- d. The maximum total penalty imposed will not exceed 5 marks.
- e. The memorials will be checked for plagiarism on Turnitin or similar platforms. If the similarity index is 20% or more in ‘Summary of Arguments’ or ‘Arguments Advanced’ from any source on the internet or from other memorials, it may lead to disqualification of the team. This does not include text quoted from cases or statutes.

X. Oral Rounds

After releasing the names of Top 16 teams that Qualified for Oral Rounds, the selected teams will be notified further details through one or more e-mails from the coordinating committee. Google Meet will be used as a platform for the competition. The participant will receive a link for the argument room through email. Each participant must join the room minimum 15 minutes before starting of each round. During this time period, attendance will be taken and other information [X(d) & (e)] will be filled by the bailiff.

In each oral round a team will be represented by 2 speakers who will present arguments and do the rebuttals / sur-rebuttals – all within the prescribed time limit of that respective round.

(Total 30 + 30 = 60 minutes)

- a. The order of speaking must be strictly followed as follows:
 - i. Speaker 1 – Petitioner
 - ii. Speaker 2 - Petitioner
 - iii. Speaker 1 - Respondent
 - iv. Speaker 2 - Respondent
 - v. Rebuttal
 - vi. Sur-rebuttal

- b. Each team will get total of 30 minutes to present their case. Every minutes of extra time will attract automatic penalties, unless allowed by the Judges. The time includes questioning by the judges.
- c. In case of internet connectivity issues, the time limit can be extended upto 1 additional hour. If the problem still persists, the scoring will be done by considering the completed arguments of the team that is facing such issues. If no arguments could be made then the other team will automatically get a 'win' for that particular round.
- d. The division of this time is at the discretion of the team members, subject to maximum all-inclusive (arguments + rebuttal/ sur-rebuttal) of **18 minutes per speaker**. Division of time shall be informed to the bailiff before the starting of the round and cannot be altered at any subsequent stage of the preliminary round. Both speakers must compulsorily speak.
- e. Rebuttal or sur-rebuttal shall be done by only one speaker. This shall be informed to the bailiff before the starting of each round. It cannot be altered during the entire round, though the team can change it in the next round (eg.Semi Finals).
- f. The oral arguments need not be confined to the issues presented in the memorials.
- g. There will be a minimum of Two Judges in each room for the preliminary rounds.
- h. After 2 preliminary rounds, the top 4 teams [based on total marks as given in XI.(b)] will qualify for the Semi Finals.
- i. All rounds will be conducted in the manner specified above.
- j. The score sheets for all the rounds will be sent to the coordinating committee by the judges of the respective rounds through e-mail after the completion of each round.

XI. Scoring

- a. Memorials will carry 20% and oral submissions will carry 80% of evaluation.
- b. Total marks will be a sum of the oral scores for that round and the memorial scores.
- c. Memorials shall be the original work of team members.
- d. Each judge shall score as follows:

Sr	Criteria	Speaker 1	Speaker 2
1	Knowledge of facts and identification of issues	15	15

2	Knowledge and understanding of legal principles directly applicable to issues	25	25
3	Logical reasoning, clarity, brevity and ingenuity of arguments	20	20
4	Presentation, court etiquette and advocacy skills	15	15
5	Management of time	10	10
6	Response to questions by the Judges	15	15
	Marks Allotted	-	-
	Maximum Marks	100	100

e. Memorial Scoring

- i. Memorials shall be marked with respect to contents and compliance with rules.
- ii. Each memorial shall be marked for a maximum of 50 marks.
- iii. The memorials will be judged as follows:

Sr No	Criteria	Maximum Marks
1	Proper and articulate analysis of issues arising out of facts	25
2	Understanding and ability to explain the legal principles clearly	25
3	Presentation and content of argument	25
4	Use of legal sources: (custom, precedent, and general principles of law) and the comprehensiveness of legal research	15
5	Variation in approach (new points of law/unique interpretation of facts/law)	10
	Total marks for the memorial	100

MOOTING MANUAL

INTRODUCTION

Congratulations on your participation in the 70th Constitutional Year celebrations Moot Court Competition 2020. Mooting is an excellent skill to learn, and it will assist you to think and analyze the law in the style of an advocate – looking for loose threads, analyzing legal logic and presenting your conclusions in a sensible and effective manner. Taking part in the Moot will certainly help you improve your written and oral communication skills.

This guide has been prepared with the simple aim of answering some of the basic questions most people have when they first try their hands at mooting, and attempting to give some guidance as to how mooters can improve. This guide has been prepared with its primary focus upon helping students to develop their advocacy techniques, and is based around the rules and style of the Moot Competition.

This style involves three basic ideas:

- Students compete in teams of two students who present oral arguments in each round of the competition. One student will be known as the Senior Counsel and one as the Junior Counsel, though these titles are meaningless for the moot except that the Senior Counsel speaks first.
- Each team is presented with a problem to prepare based on a hypothetical factual scenario.
- The teams present their arguments in front of the judges.

APPROACHING A MOOTING PROBLEM

A moot problem is always based in facts. The aim of a moot is not merely to present a legal dissertation to the judge, but to explain what the result should be when the law is applied to the facts of a particular case. Therefore, it is important to be aware of exactly what the facts of your moot problem are. Rechecking the facts often will be an important part of any preparation, but to begin with, you will almost certainly be reading the facts to identify the applicable law and the likely legal issues.

One method that is often helpful is both students to do some general reading first, then to split up the topics and have each student do specific research. Once each student has prepared a

draft research paper, outlining the law in their area, the students can swap. Each student will then work on a new area and build on the existing draft research papers.

It is essential that time spent on moot preparation is productive and not wasted. A division of responsibilities between team members to fully utilize the limited time available is recommended.

In developing the case jurisdictional issues should be kept in mind -

- i. The power of the Court to hear the case; and
- ii. The power of the Court to make some specific order.

If necessary, students should consult the relevant statute governing the court that is the forum for their moot topic. Remember that at an appellate level the focus is on the decision that has been made by the lower court supported by reasons, and whether that decision is right or wrong.

RESEARCHING A PROBLEM

Having garnered a basic understanding of the topic, your next task will be to do some preliminary research to hone your knowledge of the relevant law. This can be a difficult process, particularly where it is not clear exactly what the legal issues are, but persistence and analysis are all that are needed to overcome this first hurdle.

1. *Identification of issues* after reading the given problem thoroughly. What is in question? What is it that the parties are in disagreement and what is needed to be decided by the court?
2. *Think-* What area of law / subject does it deal with? Which legislation may have answer to these questions?
3. *Go to the library-* take out a text book on the subject and read the relevant pages which you may think may have an answer to the questions in the problem. Note down the cases mentioned or other books and articles referred in the text or in the footnotes.

Materials that may be used in legal research may be divided primarily as legal materials and nonlegal materials. Legal materials are further classified in Primary and Secondary legal materials.

Primary legal research materials include the Constitution, Statutes, and Judicial decisions.

Secondary legal research materials include books, commentaries, encyclopedia, yearbooks, journals, Reports etc.

Locating a relevant statutory provision / judicial decision and other relevant legal material in a Library:

2. *Gazette of India / Gazette of State*: Contain Official notifications of Bills, Statutes, Joint Committee/ Select Committee Reports, subordinate legislation (i.e., Rules framed under various Acts) You need to know the date of notification for locating relevant document and you may consult the librarian to know which section of the gazette contains what information. Gazette of India is now available online also.
3. *Acts of Parliament* – Yearly publication contains Acts of Parliament passed in a given year.
4. *General Statutory Rules and Orders*
5. *Lok Sabha Debates / Rajya Sabha Debates*
6. *Manuals*-e.g., AIR Manual: Central statutes in force are listed alphabetically in various volumes. The text of provisions is given in the main body and the footnotes under each section give summary in a couple of lines of cases decided under it.
7. *Local Laws*: There are compilations of local laws (State legislations) available – take the local laws of the relevant state.
8. *Reporters* - e.g., AIR (for Supreme Court and High Court judgements), SCC / SCR/ SCJ / SCALE / Judgement Today, etc for SC decisions. Each Reporter contains a nominal table of cases as well as a subject index. Consult the former if you know the name and year a case and the court that decided it. If you do not know that, consult the subject index that is arranged alphabetically statute wise as well as contain some key words. These may be freely accessed online also from the websites of Supreme Court of India, various High Courts and Indiakanoon. Decisions of district courts are also now uploaded on their respective websites under the name of the concerned judicial officers.
9. *Digests* - 50 Years Digest (for cases from 1900-1950), Ten year Digest, Quinquennial Digest, Criminal Law Digest, Yearly Supreme Court Digest, etc. Contain summary of cases in the given period according to Subject/ Statute list arranged alphabetically.

10. *Indexes* - Index to Indian Legal Periodicals, Index to Legal Periodicals, Index to Foreign Legal Periodicals, etc. Contain lists of books / articles in journals published in a period – arranged author-wise or subject-wise.
11. *Words and Phrases* – contains meaning of various phrases used in legal language.
12. *Law Dictionaries* - e.g., Black’s Law Dictionary. Contains meaning of specific legal words.
13. Reports of various Expert bodies like Reports of the Law Commission of India, National Human Rights Commission, Minorities Commission, Women’s Commission, etc. Useful for arguing for different interpretation of law or for striking down laws etc.
14. *Annual Survey of Indian Law* - Contains summary and critique of important cases on main areas of law in a given year.
15. *Journals* –general journal, e.g., Journal of Indian Law Institute. Specialised journals, e.g., Family Law journals. Indian and Foreign.
16. *Encyclopedia* - Britannica
17. *Year Books*
18. *British Humanities Index*- for articles in newspapers and other popular journals
19. *Social Science Index* – for criminology, sociology and political science articles etc.
20. *Monographs*

COMPUTER RESEARCH

Use materials only from AUTHENTIC websites, i.e., where the information upload is controlled by experts on the field like Universities, government, Commissions, NGOs, etc. You may find links to various websites by entering your research phrase on google and other search engines but beware that they will give you links to both authentic and non-authentic websites and you must collect the required information only from the authentic site. For example, many a times the first reference is from Wikipedia but remember that anybody may upload information on this site and hence, it may or may not be correct and authenticated information. While it is may be a starting point to gather some basic knowledge on a topic, it is not a website to be quoted and relied on any authoritative fora like courts or legal writing.

It is important to learn to phrase your query appropriately. Too general or too narrow phrases may give you access to hundred thousands of web links or no results. Some search engines gives the option of searching within results and you may filter your research through narrowing down your search within a wider category.

CD based legal databases may be accessed from specified computers in the libraries of Faculty of Law and Law Centre-I. SCC ONLINE, MANUPATRA, Legal Pundits are good databases for accessing decided Indian Cases of higher judiciary and legal articles. INDIAKANOON gives free access to the decisions of the Supreme Court and High Courts and has an easy search engine. Jstor, Westlaw, and LexisNexis contain judicial decisions and legal articles from different parts of the world.

INTERNET Resources: Some good starters depending on the field of research can be the following:

Indian:

- A Gateway to Government of India: <http://indiaimage.nic.in/>
- Indian Supreme Court Judgments: <http://judis.nic.in/supremecourt/chejudis.asp>
- National Human Rights Commission of India: <http://nhrc.nic.in>
- National Commission For Women: www.ncw.nic.in
- Women's Studies Network: <http://www.britishcouncil.org/india-governance-networks-wsn.html>

International:

- American Association of Law Schools: <http://www.aals.org>
- Amnesty International: www.amnesty.org
- Asian Centre for Human Rights: <http://www.achrweb.org/theme/child.htm>
- Child Rights Information Network: <http://www.crin.org>
- Clinical Legal Education Association: <http://www.cleaweb.org/resources/index.html>
- Human Rights Watch: <http://www.hrw.org>
- International Humanitarian Law: <http://www.ihlresearch.org>
- International Juvenile Justice Observatory: <http://www.oijj.org/home>
- American Bar Association: <http://www.abanet.org>
- Library Access system: www.copac.ac.uk
- Official website of UK government: www.homeoffice.gov.uk
- Public Interest Law Initiative: www.pili.org
- Stanford Encyclopedia of Philosophy: <http://plato.stanford.edu/contents>
- The Internet Encyclopedia of Philosophy: <http://www.utm.edu/research/iep>

- UN Crime Prevention & Criminal Justice:
http://www.undcp.org/odccp/crime_cicp.html
- UN Human Right <http://www.unhchr.ch/html/menu2/6/crc/>
- World Legal Information Institute: <http://www.worldlii.org>

THE ORAL ELEMENT OF THE MOOT

The oral part of the moot is what most people associate with the concept of mooting. Therefore, it is important to be well prepared and confident, not only about what you will be arguing, but also about Court etiquette.

The moot is a formal appearance, which is intended to replicate a courtroom experience.

1. Dress

Counsel should dress formally for appearances in a courtroom. For a moot, students generally tend to wear suits though this does not mean that you should buy something special for the moot! It is more important to look neat and tidy than to be wearing an expensive suit.

2. Punctuality

Arriving to your moot at least ten minutes early is important to give you the opportunity to settle any nerves and allow for any last minute alterations before the moot commences. There is really no excuse for being late. It is unprofessional to be late for a moot in the same way that it is for a real trial. You do not want to upset an impatient judge before the moot even begins.

3. Modes of Address

You will refer to the judges in the moot as “Your Honour” or “Your Lordship”.

4. Citations

Cases should be cited in full, unless the Court invites you to dispense with citations or to use abbreviated citations. If you will be referring to a case a number of times throughout your submissions, it may be helpful to ask the Court if you can refer to that case by an abbreviated name, following its complete citation the first time it is mentioned.

Example : AIR 1984 SC 571 – "AIR" refers to the *All India Reporter*, "1984" is the year of judgement (AIR does not use a volume-based classification), "SC" refers to the Supreme Court of India, and "571" is the first page number of the report within the volume.

5. *Correct forms of speech*

In a moot situation you are not putting forward your own beliefs or opinions on the case at hand. Rather, you should be submitting to the court the interpretation of the law and its application to the facts of your case, based on precedent. Counsel should never use phrases such as "I think", "I believe", or "I suggest" when presenting their argument. Examples of the correct way of presenting arguments are "Counsel for the applicant will submit, "It is our submission" or even just "I submit".

6. *Good manners*

Exemplary manners are required at all times. During the moot, when your opponents present their argument, you should sit and listen in respectful silence. You should also pay attention to them while they are speaking, to ensure you can comment to the bench on the points that they raise. You should not make any loud noise or comments while your opposition is speaking, including ruffling through papers and talking to your partner. You should also refrain from using any suggestive gestures, such as rolling your eyes or screwing up your face, in response to the things being said by your opposition.

STRUCTURING THE CASE

One of the most important parts of your oral argument is actually the structure, including the internal structure of your arguments and the external structure of your speech. A standard speech can be neatly divided into three parts:

- Introduction
- Arguments
- Conclusion

1. *Introduction*

The introduction is perhaps the most important part of your presentation. In the first three minutes you are on your feet, the judges will form a view on the quality of the presentation they are about to hear. First impressions are important.

The purpose of your opening is to set the agenda for your speech.

The introduction, although short, should be very well structured and should include:

- The overview
- The conclusions the court will be asked to reach
- A summary of the facts
- An outline of the important legal principles
- An outline of the framework of your argument

2. Arguments

You must present your argument in a logical way, following the summary that you have already given the Court. Your arguments should focus upon the contentious issues in the area that you are addressing. You are trying to address to the judge's satisfaction by answering the questions that they are most interested in – which will almost always be the difficult areas of the law – and to structure this in such a way so that it is clear to the Bench.

There are many ways to approach the basic structure of your arguments, but the most obvious one is to:

- Determine the particular arguments that you will be trying to make under your area of law.
- Breakdown each of these arguments into the constituent steps that you need to achieve in order to prove this argument.

This basic two-step process is simply a case of saying that, this is the law, these are facts to which the law applies. Another important thing to remember is that you must be clear in telling the judge when you are moving on to a new submission. This is called signposting. When you finish up with one submission, you should not just quickly move on to the next. Instead, you must tell the judge what you are doing – this is as simple as saying “And now I will move on to my second submission”.

3. Conclusion (Prayer)

During your conclusion you should sum up what you have said, reinforcing the major points that you have submitted to the court. You should be aiming to highlight the essential issues that are raised by the case and the way that you think they should be resolved. The closing

statement should be strong and concise; it should not attempt to restate any argument in detail. If you are submitting alternative arguments to the Court then remind the Court that they could side with any one of these alternatives.

Prayer is one of the most important parts of a memorial as well as during oral rounds. It consists of what you are seeking from the Court, of what you want the decision of the Court to be. Essentially, your task is to sum up the reasons why the Court should accept your submissions and find in favour of your client.

PRINCIPLES OF ADVOCACY

This last section will endeavor to describe some of the basic principles of advocacy and to highlight the important points to concentrate on when mooting. These principles apply to most types of public speaking, and by the end of this moot, they will become second nature.

The Basics

The three most basic elements of your presentation will be your voice, your eye contact and your body language.

It is important to understand and be able to use the power of non-verbal communication to be a successful advocate. Research shows that nonverbal languages account for more than 50% of the impact of the message. You have a number of non-verbal channels that you can learn to use effectively. You need to be effective in using the power of eye-contact, facial expression, body posture and gesture. The other powerful non-verbal channel at your disposal is the voice. The voice has a number of attributes that you can learn to control and through which you can bring added meaning and persuasiveness to your message.

(a) Eye Contact

In every moot, you should be endeavoring to make as much eye contact with the Judges as is possible. For this reason, it is a good idea to be familiar with your speech and arguments, so that you don't need to rely upon your notes too much. Eye contact is one of the things that almost every judge will take note of. It is essential that you do not try to write out your whole speech word for word and simply read it to the judges. It is tempting to do so, because it can be scary to stand up and speak without one, but it will only harm your presentation.

Instead, you should have dot points summarizing your arguments, the names of legislation and case law which you can refer to if you need to. By the time you get to the competition, you will know your material inside out and you shouldn't need to refer down to your notes very often.

Some people find it very difficult when they start mooting to maintain eye contact, even though they know their material well. If you find that this is a problem, you might like to try speaking without a script so as to convince yourself that you're able to do this. Other speakers do not need to rely upon their written notes, but have a tendency to stare at the wall or above the judge's head. If you find this is a problem for you it will simply be a matter of concentrating on keeping your eyes on the judges themselves.

(b) Voice

Voice can often be one of the most difficult parts of advocacy to get right. You are aiming for two things: first, to maintain a confident voice and not disclose your nervousness or discomfort; second, to modulate your voice so as to emphasize important points and provide some variety in your speech. This will get better with practice.

Most importantly – SLOW DOWN! One thing to keep in mind is that most people speed up when they are nervous. Make a conscious effort to speak slowly. In fact, it is very difficult to speak too slowly. So, you may feel like you are... speaking... too... slowly... but really, you will probably be at a good speed for presentations.

(c) Body Language

Body language can also be difficult to perfect, particularly since it tends to involve subconscious actions. This is often simply a matter of hearing from judges as to whether or not there is anything you do that is particularly distracting, such as pointing with one finger, or pulling your tie. Your team mates should be able to provide feedback on this as well.

QUESTIONING FROM JUDGES - ADVANCED ADVOCACY

The moot will most often come down to which team is best able to answer questions. In fact, even a team with weak preparation but capable of answering questions effectively and confidently will often perform well against a team with strong preparation. Almost certainly, answering questions is the crux of mooting.

When the judge opens his or her mouth to speak, you must immediately close yours, even if you are in the middle of a sentence. Never interrupt a judge. Never! Even if the judge is going on and on, or if they are giving you a barrage of questions. When the judge is speaking, look him or her directly in the eye.

Do not:

- Look away (“I am about to lie”)
- Fidget (“Whatever”)
- Shuffle your papers (“Get on with it”)
- Roll your eyes (“Please take ten points off me”)

There are three basic ideas to keep in mind: flexibility, simplicity and answering directly.

It is very important for mooters to know the arguments they are presenting to the bench very well, so that they can address issues raised by the bench or answer questions put to them adequately.

