**Introduction to Mooting Seminar**

**– Supporting Documents**

We hope all of you enjoyed our Introduction to Mooting Seminar! We are so glad that the turnout was so high and people are so enthusiastic to learn about mooting. We are aware that this is a lot of information to take in at one time. We have prepared this document outlining the key points made by the BPP team and to cover any parts they may have missed due to time. We advise you to also take a look out our **Mooting Handbook** in addition to this to understand the guidelines Bar and Chambers have for mooting within LSE before our Practice Non-Competitive Moots which are coming up soon. We look forward to seeing as many of you as possible in (moot)court!

Your Bar and Chambers Committee,

GAUTHIER JACQMIN

Chambers President

ATUL JOHN

Master of the Moots

EMAAN HASSAN

Mistress of the Moots

SAMMY SETH

Chambers Events Officer

**Research**

**Overview of research tools**

* Westlaw (a God-like resouce);
* LexisLibrary;
* Textbooks;
* Law journals;
* Law reports (esp. Appeals Cases);
* Heinonline;
* Online blogs and social media

**How do I start researching?**

* Read the problem over several times slowly.
* Highlight/underline (whatever your preference);
* Think about the key issues involved;
* ‘Have I learnt this in lectures?’
* Look at the cases mentioned and write them down: *Entores Ltd v Far East Corporation* [1955] 2 QB 327.
* Read the relevant chapter in at least one textbook:
* Ewan McKendrick, *Contract Law* (11th edn, Palgrave, London 2015):

1. Good at explaining law succinctly;
2. Copious reference to cases;
3. Somewhat argumentative as well;
4. Look at the references used and use them to guide your next step.

* Ewan McKendrick, *Contract Law: Text, Cases, and Materials* (5th edn, OUP 2012)

1. Wide array of materials;
2. Footnotes;
3. Acts as a guide to more focused research.

**Case research: Websites**

* Westlaw is always a life saver. Why?

1. Provides case summaries;
2. Informs you about judicial treatment;
3. Case history: followed by/distinguised/mentioned by etc..
4. It can guide your further reading as well.

* Lexislibrary is also very good, and it includes very old cases.
* Look at arguments deployed by counsel**.**

**A guide to authority of cases**

* There exists a hierarchy in the authoritativeness of the law reports:
* Top drawer of the hierarchy: the official reports:

1. Appeals Cases (AC), Queen’s Bench Div. (QBD), Chancery Law Reports (Ch), Family Law Reports (Fam)

* Second-tier: All-England Law Reports (All-ER) and Weekly Law Reports (WLR) if case is not in the official reports above.
* Third-tier: Specialist law reports, e.g. Industrial Relations Law Reports.
* Fourth-tier: If it is not in any of the above reports but reported elsewhere, then that report may be used.
* Fifth-tier: The official transcript, obtained from BAILII.

**Documentation**

* Use labelled file dividers
* Have a clear index
* Ensure the folder itself is labelled with your name and the name of your Junior/Senior
* See mooting handbook for more points with regards to documentation.

**Etiquette**

* You shouldn’t present your arguments as your own ideas/opinion. The best way to achieve this is by saying “in my submission”, “it is my submission that” or “it is submitted”.
* Expressing thanks. During the course of the moot your partner or the opposition may attempt to assist you, for which you must express thanks. The judges might for example say he is familiar with the facts of a case to which you are referring to and therefore spare you the need to summarise the facts for the moot court. Even if the intervention from the judge or your opponents is essentially unhelpful, you must still express thanks. Try to stick to the following phrases;
* “I am grateful to Your Lordship/Your Ladyship/my learned friend”
* “I am grateful”
* “I am obliged to Your Lordship/Your Ladyship/my learned friend”
* “I am obliged”

**Avoid conflict**

* Disagreeing. There will be times you must disagree with someone else and you must do so “with respect” or “respectfully”, but only use this phrase where appropriate. If overused, or said in the wrong tone, this might actually give the impression you have no respect for the judge or your opponent

**Good Manners**

* These points are really just common courtesies, but with so much to think about before a moot, they can easily slip even the most conscientious person. Note:
* Do not interrupt the judge. If the judge interrupts you in the course of your oral submissions, do not interrupt him, even if you can see where he is going with his point.
* Stay silent during your opponent’s submissions – do not shuffle paper to distract, cough or tut. You will almost certainly disagree with their points, but the judge will not appreciate constant flow of noises.
* Pay attention to your partner’s submissions. Look attentive and avoid staring.
* Listen attentively to any feedback.

**Oral Advocacy**

* When the judge is ready, the Senior Appellant opens the moot
  + First: Introductions
    - “May it please the court”
    - Introduces herself and her learned friend
    - Introduces her learned friend opposite
  + Next: “a summary of the facts?” (y/n)
  + BE READY TO GIVE A SUMMARY OF THE FACTS
* “With your Ladyship’s permission, may I proceed with my submissions”/ “Obliged”
* “It is submitted”/ “In my submission”
* “This approach is confirmed by Mr Justice Simon Brown in Director of Public Prosecutions and Vivier, found at tab 2 of the (A/R) bundle”
  + Give the judge time to get to the section
* “May I proceed to my second submission?”

**Concluding**

* “My submissions demonstrate…”
* Appellants: “reverse the decision of the learned judge”
* Respondents: “uphold the decision of the learned judge”

“Unless I may be of any assistance to your Ladyship I hereby conclude my submissions

* No drama, this is not America
  + - * DO. NOT. READ.
  + Mooting is a conversation with the judge
  + Speak formally but naturally
    - * + Eye contact is important
      * Lead the judge
  + Minimise case references: what do you *need* to use?
  + Read your judge’s body language: is she finding the passage in your bundle?
  + Is she “with you” ?