

## **Moot-court Reflective Report.**

We got put into teams of three, chosen from the members in our seminar group and were asked to prepare an appeal case which was set out in the elements of law unit manual. We got asked to prepare a case on behalf of a student (Jennifer), who failed her elements of law coursework, which resulted in her not being allowed to proceed on the LLB law course, because she was accused of plagiarism, by the university. The opposing team was supposed to be preparing a case on behalf of the university. I am going to give a report on how I prepared and delivered the argument that I would put forward, and also assessing how I felt it went and how it could be improved if we had the opportunity to do it again.

Our task was to prepare an appeal case for the appellant. Every member in the group had a point about the case to discuss, as we were going to present a case which stated that the university did not treat Jennifer fairly. The point that I had to discuss was that the university's treatment of Jennifer was not impartial. To start this, we all had to begin researching the point that we were going to discuss. Although, we were all individually researching our own point, one member of my co-council and I regularly had meetings to discuss our progress and how we felt it was going. It also gave us an opportunity to help each other if we felt we were struggling. The other member of our council did not want to meet us to discuss the case.

To begin the research, I looked at the case that we were given in the unit manual, and made notes on possible points that I could use, when I presented my argument. I highlighted the relevant facts of the case, which would help in proving the point that I would make about impartiality. I then made notes on what areas to research, to use as authority that I could state in my argument, to prove my point, like article 6 of the Human Rights Act 1998.

I started researching by looking on the student intranet, on the learning databases, Lexis Nexus and Westlaw. I began by searching for articles relating to impartiality and fair trials. The first legislation I looked for was Article 6 of the Human Rights Act 1998, which states that in law, everyone is entitled to a fair and impartial trial. While I was trying to find this, lots of other articles also appeared on the computer screen, which were not applicable for what I wanted to research. It took a long time to research everything that shown up, to read and then disregard the material that was not appropriate.

After finding legislation, I then went on to research previous cases which related to the point that I was researching, many different cases appeared, while I was researching. It was a long process of reading through the cases to find which ones were relevant to what I wanted to

find out. I eventually found a case which was relevant to the point that I was making. I saved the case, so I could later incorporate it into my argument, which I would make.

After gathering relevant information that I would use, I began to prepare an argument that I could use. I used a textbook, 'the Cavendish guide to mooting', to give me an idea how to begin my argument and basic ideas of how to present an argument to a moot judge. I made notes on how to address the judge, and introduce myself and my co-council when you begin your argument, and I passed these notes on to the other members of my council, so they would also know how to begin their argument.

I started to prepare my argument, by writing what I would say, when I presented my argument to the moot judge. I began by writing the introduction found in the text book, by introducing myself and the other members of my council. I then gave a brief summary of the three points that my council would be addressing, so the judge would know what our basic arguments would be. As I was the first appellant, I then went on to outline the basic facts of the case, which had already been established in the unit manual, which outlined the facts of the case. I did this, so the judge would be familiar with the case that we would be presenting, because it sounded more professional, even though I knew that the judge would already be familiar with them. I then went on to say, the reasons why this case was not impartial. As authority to prove the points I was making I used the Human Rights Act 1998, article 6, the right to a fair trial, and also a case that I found, *R v. Cambridge University Students* [1999]. This was the first case I used, even though it went against the point I was making, I thought it would be good authority, and I thought I could emphasise why this would mean that in the case that we were arguing, Jennifer was denied the right to a fair trial.

Before concluding my argument, I then prepared a brief summary of the points that I was raising, so they would be fresh in the moot judges mind, so then I could formally conclude my argument.

I prepared my whole speech well in advance, so I would have time to familiarise myself with my speech, so I would not just have to read it out when I had to perform it, so I would be able to make eye contact with the judge.

Although, I had already prepared my own argument, I then helped one member of my co-council to find authority for her part of the argument. While I was researching more cases I came across a better case for my part of the argument, which was more appropriate as it reinforced the point that I was making in my argument. I then changed the case in my argument from *R v. Cambridge University Students* [1999] to *R v. Chester* [1999]. This enabled me to present a stronger argument, which reinforced the point that I was making. One member of my co-council also used this

same case, but also found another case to incorporate into her argument.

One member of my co-council and I, met up regularly after we had both prepared our argument so we could practice what we were going to say when we presented our argument to the judge, and so we would know how it would go and any changes that needed to be made. The other member of our co-council did not want to meet us to do this.

All of the members of my council had prepared to deliver our argument well in advanced, and had spent a lot of time preparing it, so we were ready. However, when it was finally our turn to present our argument to the judge, it got postponed until the next day. This was disappointing as we had mentally prepared ourselves to deliver our arguments to the moot judge. However, we went back the next day to present our arguments, to discover that it had been postponed again, this time until the following week. This again was very disappointing, as we were ready to submit our arguments to the moot judge, so we could then begin to write our reflective report about it, but we then had to wait another week, before we could do this.

When we finally got to present our arguments to the judge, I did not realise how nervous I would feel. I presented my argument first. As I had adequately prepared my argument in advance, I was able to maintain eye contact with the judge, and was able to use the notes I prepared as a guide. I was pleased when I had finished my moot, because I had actually done it and because it was over.

I had already done a moot at the mooting and debating society, so I thought that it would be similar to this moot. However, I was a lot more nervous before presenting this moot. I think this was because I knew it would count towards the final mark of my overall grade for the unit.

I had spent a lot of time preparing for this moot, which was good because I knew exactly, the points that I wanted to make. Although I knew what I wanted to say, I did get confused while I was giving the facts of the case that I had cited, so I had to find my place in my notes that I had prepared. While I was preparing this speech, I tried to think of some questions that the moot judge might ask. I prepared the answers to some questions that the judge might ask. However, when I was presenting my argument, the judge did not ask the questions that I had prepared. I had to answer questions quickly, which I had not prepared for so had to think fast. With hindsight, I did know better answers to these questions because I had researched it, but when I got asked them, my mind went blank so I did not give the best possible answers to the questions that I had been asked. The judge had noticed this, as when I got feedback on my moot, it said that my argument was too scripted and I was not ready to answer questions. This is because I was very nervous, but after doing the moot I realised it was not that bad. If I was to do the moot again, I do not think that I would be as nervous, so I would be thinking clearly and

be better prepared for possible questions. This is something for me to improve on next time.

We also only had five minutes each to present our arguments. When I was practising my speech, I went over the five minute deadline by one and a half minutes, so I had to keep editing my speech so it would fit within the time limit. When I was giving my speech, I got told that I only had one minute remaining, so I had to miss out some of the facts that I was going to say, and go to the end of my speech and give a summary of the points that I had made, and also conclude my speech. This may have been because I did not leave any time for the judge to ask me questions. If I had to do this again, I would leave a few seconds, so the judge has time to ask me questions, and also so I have time to make all the points that I wanted to. If I was to present another argument, and I had more time in future, I would use two cases as authority for the point I would make. I would use one case to support my argument and one to contrast it to. This makes your argument stronger if you can use two cases to prove your point, but there was not enough time for me to do this with this moot.

I had prepared my speech in full, and had written it out. A better way of presenting an argument is just to make bullet points, so if you do forget what you wanted to say you can just glance at them. This is a good way to present a speech because it sounds better because it is not scripted, and so it is not just being read out, and it also allows the judge to ask questions, which does not interfere with what you have prepared to say.

While I was preparing my speech, I thought that it was difficult to familiarise myself with all the formal legal language that we had to use. While I was presenting my speech I thought I had not used as much formal language as I should of, because I felt silly using it. However, when I received feedback of my moot, it stated that I had good use of formal language. I was pleased about this because I did feel silly using it and I did not think I had used it enough in my speech. If I was given the opportunity to do the moot again, I would not worry about using legal language because everyone else in the room had to use the same language, so it is not embarrassing when everybody else has to talk the same way. Everyone else was also feeling nervous about using formal language, so everybody feels the same so there is no need to worry about it.

I thought that I had spoken to fast, while I was giving my speech, because I wanted it to end quicker. However, I also got feedback that I spoke with a good comprehensive pace while delivering my argument. I was also pleased about this because it is important to talk with a good pace while delivering your argument, because then everyone else can follow what you are saying.

I thought that I maintained good eye contact with the moot judge when I was giving my argument, and I also got good feedback on this. I

was particularly happy about this, because I previously did not have good eye contact with other presentations that I had delivered in the past. However, I did not realise that you were suppose to emphasise your point with gestures, like using your hands, so I would incorporate using my hands if I had to deliver this speech again to emphasise my point.

I also spoke with a 'flat' tone, probably because I was nervous and wanted to finish the moot. I would use more passion in my voice when delivering an argument in future, and use more tones in my voice when I am presenting my argument. This emphasises the point being made, and also makes it more interesting for the people who are listening to it. I would also take time to enjoy presenting my argument.

Although I used good authority to support my argument, using article 6 of the Human Rights Act 1998, there are problems associated with it because they are not absolute rights they are qualified rights. However, I did not raise this in my speech, as I used it like it was an absolute right and that Jennifer was deny a fair trial because this was broken. I used this to my advantage, and the opposition did not pick up on this point which was good, because it made my argument look stronger.

Although my council produced a skeleton argument in advance of our submissions, the members of the opposing council did not produce one, so we did not exchange skeleton arguments. It is important to exchange skeleton arguments, because they are a guide to what the other team will be discussing, and it can help make your argument stronger, if you know what the other team are doing and you can incorporate that into your argument and discredit it. In future I would like to exchange Skelton arguments.

Overall, I felt that the moot went well for a first attempt at one. Everyone was feeling the same way about doing it, so there was no reason to worry. If I was to do another moot I would not worry as much and enjoy doing it more, because it is good experience if anyone did want to go on to become a barrister, and would have to stand up in court. It is also a good way to improve on communication, presentation and team working skills, which are essential to most jobs, which you could eventually go into. Although, I worked in a good group who got the work done, next time I would like to work in a group who all got together to discuss the work that we were doing. Although some things did go wrong while we were performing our moot, this has enabled us to notice what our weak point are, and give us an opportunity to improve on them next time.

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