

## **MOOTING: A PERSONAL PERSPECTIVE**

***Joshua Lintern***

**3<sup>rd</sup> Year LLB law Student  
President: Law and Criminal Justice Society  
Winner: Internal Mooting competition 2011  
Semi-finalist: Inner Temple Inter Varsity Competition  
Participant: WLR/ICLR, OUP/BPP and Jessup Competitions**



Mooting is largely discussed, and introduced to us all in our first year of legal study, as a prerequisite for a career in practising law. Undoubtedly the origins of this assertion are deeply woven in truth, as I am sure many Solicitors and Barristers will confirm. However, personally speaking, this was not what compelled me to participate time and time again. Mooting for me is much more than a tick in the box on an application form clutched in the hands of a prospective future employer. For me it represents the developing and sharpening of a legal state of mind, as well as the maturing of wit and composure. It signifies an alternative way to study, to learn, to grow and to experience.

My intention, when writing this piece, is not to describe at length the history and procedures of mooting; if this is what you are looking for there are a number of good texts on this subject that I have listed at the end of this article. Instead my objective is to share some of the experiences that I was fortunate enough to gain, with people I feel privileged to have worked with.

### **How I Started In Mooting**

I was made aware of mooting by my overly eager A Level Law Teacher. Instead of merely sticking to the curriculum, which would be far too boring and circular in his mind, he insisted on talking about his experiences at University including numerous tales about mooting, subjects he did and didn't like and other things he felt important. During one such digressive talk my Law Teacher even brought in his old mooting video for us all to watch. At first mooting seems remarkably strange. I recall thinking

when I watched this video that it was like an incredibly poorly scripted, low budget, legal drama on a remarkably dull piece of law about someone going back on their promise to pay their decorator more money, or something.

My next encounter with mooting was Welcome Week, during my first year at Plymouth University. I couldn't wait for things to start and to begin 'reading law' and I approached all events with enthusiasm, one such event was the Mooting Workshop. The Mooting Workshop consisted of a demo moot, performed by a number of participants from the previous years' competition. Piers Norsworthy - a local barrister with spades of charisma, judged this demo moot. The demo moot showed one team, who were obviously very well prepared, present a coherent, and what seemed to be, sound legal argument. Piers also gave a number of helpful tips and generally inspired interest amongst us all. This encouraged me to sign up to the Beginners Moot Cup, the Internal Competition and a mysterious sheet marked 'Further interest' which eventually transformed into the Jessup International Law Moot Court Competition.

### **My First Moot**

Terrified would be an understatement of how I felt walking the 300 or so metres across campus towards my first moot. Zoe, my first mooting partner, and I spent, what I think we would both agree to be, an obscene amount of time preparing for it. Despite this, I still felt nervous when making my submissions, or to be more accurate, my semi-formed partially coherent ramblings, during which my legs and hands would not stop shaking. Ann Lyon, who acted as our moot judge, was very friendly and made the experience that much less scary and daunting. She was very kind and gave some really positive feedback. The first moot really should not put anyone off as like anything worth doing there is a learning curve. Mooting, like many things in life, is something that gets easier with practice, persistence and patience. Further, again akin to many things in life, mooting is an activity in which you learn from your mistakes. At this point it seems logical to outline some of the blunders I have witnessed as well as some of the errors I have made.

### **Lesson Number One: Always Remain Respectful**

Despite its inherently competitive nature, mooting must be undertaken with the upmost respect to the Judge, the law and your opponents (known within a moot court as the 'learned friends on the opposite'.) This seems rather straightforward and

fitting, however, when it comes to trying to achieve the upper hand over your opponents this strict rule can sometimes fall by the wayside. I have, unfortunately, made this very oversight within the throws of attaining victory against my opponents.

This mistake was made during the semi-final of the Internal Mooting Competition. The subject matter of the moot was, unfortunately, Judicial Review. The case, for my part, was involved with whether the fictitious National Agricultural Trust had the requisite standing to be able to make a claim for Judicial Review. The nature of the Agricultural Trust was crucial as the case could fall within the remit of standing if comparable with a multi-national corporation that represents interests akin to Greenpeace or fully outside of the remit if comparable to a small cause like the Rose Theatre Group. The only real guidance given on the National Agricultural Trust was the narrow description given within the scenario. My opponents googled the National Agricultural Trust, not realising it was fictional, and found a much more fitting description that assisted their argument, however, as the Trust was fictional the website they found was not about the Trust in the given facts. I decided that after my opponents finished their submissions that I would start by correcting their error and inviting her ladyship's attention (played by Julia Cox from Devon Chambers) to their mistake. However, instead of being thanked for this direction I was instead met with a long pause, a stern look and a reply saying: 'I don't care about that, proceed with your submissions.' This is because the remark I made seemed more like a 'bitchy' comment rather than something of any relevance. From this I have learnt that unless my learned friends on the opposite seriously misstate the law then it is not my place to correct them, particularly in such an untactful and confronting manner.

### **Lesson Number Two: Try to Remain Still, Do not Fidget**

This may seem an obvious thing to do when engaging in public speaking in any capacity, however, it is surprising how many people still cannot remain still. The best example I can give of this would be a 'severe sway-er' who acted as Lead Counsel for Exeter University during the Weekly Law Report Moot Competition. Although speaking clearly and presenting a very strong argument, he found it habitually regular to place all of his weight upon one foot and then sway to the other. As the moot went on, the swaying sped up and the Lead Counsel started to lean more and more into my and his Junior Counsel's personal space. This metronome movement was declared by the Judge (Martin Meeke QC) as thoroughly distracting. Spectators at the back of the court feared a tumble by the mooter from Exeter during the height of this wobble, as did I at some points. This is, however, a rather extraordinary

example of fidgeting, it is much more common for people to display smaller nervous twitches than this.

I think the most common nervous habit I have witnessed of mooters is, to put it colloquially, 'a one person Tango with the desk in front of them'. As the tension builds a lot of people tend to move towards the desk, then back, then towards, almost in perfect timing with the Judges interventions. It is of course obvious that everyone is nervous before a moot, I think most would admit that, but there are ways of concealing it. During a moot it is important that you command the court, to put it dramatically. The best way of doing this is to take up as much space whilst standing still and formally as possible. Throw your shoulders back, keep your neck up and use your hands (within reason) to emphasis your points. Further, if like me you have some serious nervous twitching habits, the best advice I can give you to overcome this is just to concentrate on wiggling your toes (I know it sounds crazy). The idea is that by concentrating on that invisible twitch you will not show some of the more obvious signs of nerves. Try it out; see if it works for you.

### **Lesson Number Three: Pause *Before* Charging in with an Answer**

When the Moot Court Judge decides to interrupt you during the course of your submissions it is vital that you take a breath and really establish what you are being asked. It is all very well preparing and presenting a perfect answer with the delivery of a QC but if it is not the answer to the question asked it will not assist you when it comes to scoring. Further, sometimes an intervention by the bench can be a welcome break from submissions allowing a step back to be taken and time to catch breath. The best example I could give to confirm this point is the critical mistake I made during my submissions at the Jessup International Moot Court Cup Competition. One of the Judges asked me a difficult question on the submissions I was making. Instead of pausing, collating my thoughts then forming a comprehensible and articulate answer I decided it would be best to ramble quickly and think even faster. At the end of the rambling the Judge looked at me confused and said 'Sorry, is that it?' I was initially confused by what was meant by this, so I reiterated a few points I thought I had already made clear. After the moot it turned out that I hadn't made these points clear as I had in fact stopped dead, mid-flow and mid-sentence, because of the rambling. To this day I have never repeated such a thing and I have learnt that it is important to be relaxed and present the answer in the most coherent and concise way possible, such things can only be achieved when thinking

in a pragmatic way. Pragmatism is unfortunately not something that can be achieved by jumping on the first thought that appears without weighing its merits.

#### **Lesson Number Four: Learn From Your Mistakes**

It is all very well making these mistakes, it is even very well witnessing mistakes being made, but what is the point if these opportunities are not capitalised on and good use is made of them, then how can you ever learn? I made a lot of mistakes when I first started out; I cringe at the thought of looking back at my first moot and comparing it to how I would undertake it now. But nonetheless, I'm glad I made them.

#### **Did it Get Better?**

In a word, yes. It got so much better. I feel that every moot I enter I leave feeling that bit more experienced. In my time mooting I have mooted before Lawyers that practise in the International Court of Justice, Senior Partners in Global Law firms, Barristers practising in London and locally, Judges, Records and respected Lecturers. Such moots seem a long way from mooting in a modified room in the Babbage building on a cold rainy day in Plymouth. The thing is though, such moots really aren't that far away, by this I mean they are not out of reach. Sometimes when starting out at the beginning of any venture it is difficult to foresee the end result, or even the mid-way point, however, External Mooting Competitions organised by the Law and Criminal Justice Society, are accessible to those who are experienced at mooting and who work hard. As previously stated mooting, like most other skills in life, is something that is refined through practice and persistence.

On the face of it, despite the amount of work, the increased stress and the fear of looking into the eyes of someone and arguing that blue is in fact green, it is amazingly fun. As soon as you sit down, having presented your submissions, you are overwhelmed with adrenaline and a satisfying? feeling of accomplishment. This is something that anyone who has done mooting can attest to. Enjoyment is central to why you should engage with mooting. The reality is that often in life it is difficult to endure elective tasks, particularly when so much is going on elsewhere with your life. As such when something is enjoyable and doesn't feel like a chore it is much more likely that you'll stick with it.

Mooting teaches many invaluable skills, skills that are otherwise practically unattainable. Mooting forces you to work closely with another colleague, it forces you

to study subjects to depths far beyond that encountered during the normal course of reading Law and, perhaps most importantly, it teaches you to think like a Lawyer.

### **So, It Really Helps?**

Some students find it very difficult to comprehend why they should spend so much time on extra curricular activities, like mooting. The short answer is the time spent on mooting is not merely time spent but it is invested. For example, in more than half of my exams, at both stage one and stage two of study, I have answered a question on an area of law that I have covered in detail during a moot. This is by no means a coincidence. As you can imagine a good exam question will be about a subject that is current, contentious and a focus of academic debate. A good moot has the same properties; it is clear that usually a favoured topic for mooting is a topic that is likely to come up in exams. Further, after studying a topic for a moot and presenting it, it is likely that you will have a depth of knowledge far superior on that given subject than your non-mooting counterparts.

One of the more obvious benefits of mooting is the increased ability to present a coherent and articulate speech before a congregation of individuals. Public speaking, needless to say, is an exceptionally transferrable and useful skill to have. The ability to explain a complex point of law in a simple and well formed way is undoubtedly a good skill to hold. Further to the obvious implications of mooting, it is also useful because it allows one to appreciate all facets of an argument. This skill is invaluable.

Finally, and in most people's minds probably most importantly. It increases your employability. As previously mentioned many people go into mooting as it certainly does enhance your CV. There is no doubt in the fleshing out abilities of having mooting on your CV, that is to say it certainly takes up some space upon it. However, in my mind the increased employability aspect goes far beyond print. Firstly, if you plan to work in the area where you went to University, mooting gets your 'face out' there in the local legal community. Many moots, both internally and nationally, are judged by local professionals. These legal professionals usually have a passion for mooting or strong connections with the University and Law School, this makes them receptive to students working hard and trying to achieve something. Beyond this, mooting also gives you something to talk about to professionals when you do get the opportunity to meet them. The likelihood is that the professionals you will be speaking to have engaged in mooting as well so immediately it is certainly something you have in common.

Lastly, and in my mind the most overlooked part of mooting by far, are the relationships that you build and lessons learned from working with different people. In my time mooting I have collaborated with 6 mooting partners. Every single one of whom I have learnt a lot from. My internal mooting partner, and current Mooting Officer, Emma Pierce, was the one who pointed out my worst habit. Whenever I was nervous mooting, or if a judge was asking me a particularly difficult question, I would move around the jug/cup of water in front of me. In the Internal mooting semi-final Emma took great pleasure in telling me that I moved the cup of water no less than 27 times before she got bored of counting. Needless to say I no longer do this.

In summary, I feel personally I have progressed and changed so much since my first moot. If I had not taken up the challenge to get involved in mooting I certainly would not feel as able or confident to do half of the things that I do now. I would not have met a lot of the people that I now know, and I certainly would not be joining an Inn of Court and taking the first steps towards a career as a Barrister. My advice would be **just do it, get involved, try it, dive in**. You won't regret it, I promise you though, you will regret it if you don't.



From Left **Alex Jordan (Health and Safety Officer)**, **Lucy Nash (Deputy Mooting Officer)**, **James Simmons (Mooting Finalist and Debating Officer)**, **Kayleigh Clark (Secretary of the LCJS)**, **Me** and, finally, **Emma Pierce (Mooting Officer and my mooting partner)**.

**Websites:**

Plymouth University's Law and Criminal Justice Society's Internal Moot Competition  
– [www.lcjs.co.uk/mooting](http://www.lcjs.co.uk/mooting)

The OUP and BPP Mooting Competition -  
<http://www.oup.co.uk/academic/highereducation/law/mooting/>

The Weekly Law Report/ Incorporated Council of Law Reporting Mooting  
Competition –  
<http://www.iclr.co.uk/learning-zone/mooting>

Inner Temple Interschool Mooting Competition -  
<http://www.innertemple.org.uk/>

United Kingdom Student Law Association Moot  
<http://www.uklsa.co.uk/mooting>

Jessup International Law Moot Court Cup  
<http://www.ilsa.org/jessuphome>

**Books:**

Snape. J. and Watt, G., '*The Cavendish Guide to Mooting*' (Routledge)

Snape. J. and Watt, G., '*How to Moot: A Student Guide to Mooting.*' (Oxford University Press, Second Edition, 2010)