



C L I F F O R D C H A N C E

Warwick Law Society Internal Mooting Competition.

Information for Judges and Participants

This year the Warwick Law Society Internal Mooting Competition will be judged differently from previous years and a scoring system is now to be introduced. This is to give all teams at least two chances to moot within the competition, thereby increasing their own mooting skills as well as to ensure that only the teams of the highest calibre will precede to the later rounds of the competition and will prevent a situation whereby the two best mooting partnerships face each other in the first round. It is also to ensure that there is uniformity to the way in which judges decide who wins the mooting competition. The scoring system is of greatest importance during the preliminary rounds, but it is still to be viewed as a good indication as to the winning team once the competition reaches the knockout stages.

This document is to highlight the qualities that Warwick Law Society wish to see in their mooters. The scoring system introduces set categories yet it is accepted that in some instances there will be an overlap and it is therefore at the judge's discretion how they wish to allocate the scoring for certain aspects.

Negative scoring is not encouraged. Mistakes that are made by mooters will prevent them from obtaining the highest score available to them, but it is not considered necessary to deliberately deduct points from the total score.

It should also be noted that those whom are novice mooters shall automatically receive a 3point advantage at the first instance of mooting. This refers to a novice partnership, not to individual mooters thus an experienced mooter paired with a novice mooter will not qualify for the advantage as it is considered that those with experience by default should be more adept to dealing with the mooting environment.

Points are to be allocated as follows:

Legal Argument = 25 points per individual.

In essence, legal argument refers to the individual's understanding of the law in question. Therefore, when assessing the quality of legal argument, the following aspects are to be taken into account

- Ability to understand the aspect of law in dispute
- Ability to use the most appropriate sources
- Ability to apply the law in the correct manner
- Ability to correctly cite cases, note whether a judgment is one which is in the majority, etc.
- Awareness of the strengths and weaknesses of the legal argument in itself, and thus where appropriate having considered matters of policy.
- Perhaps most importantly, the ability to structure one's argument in a manner which is both clear and concise. The argument should follow a logical progression, an issue which will be benefitted by having clear and distinct submissions.

Legal Creativity = 25 points per individual

In essence, legal creativity refers to the way in which the individual applies the law to the problem at hand. Therefore, when assessing the quality of legal creativity, the following aspects are to be taken into account

- Ability to apply the law to the facts in question
- Ability to interact with the moot problem and offer solutions.
- Originality of submissions, use of sources and interpretation of both judgments and statutes is to be highly commended.

Response to Judicial Intervention = 20 points per individual

When assessing the quality of a mooter's ability to respond to judicial intervention, the following aspects are to be taken into account

- Ability to understand the question being asked
- Ability to answer the question being asked
- Ability to respond using particular reference to judgments, statutory materials or another legal source.
- Ability to, where appropriate, accept a point being made by a judge and to emphasise a particular point of argument which transcends the concern raised.
- It should be noted that the ability to respond quickly will not necessarily result in gaining higher points. Answers should be reasoned and thought through, and thus the participant who takes time to address a point shall not be at a disadvantage. It should be further noted that mooter's are allowed to confer with their partner, and they are also allowed to address the point if it appears at a later stage of their argument but they should do so at the judge's discretion.

Style and Advocacy = 20 points per individual

Style and advocacy refers to the way in which the individual presents their submissions in a persuasive, commanding and appropriate manner. Therefore, when assessing the quality of style and advocacy the following should be taken into account

- Ability to articulate points clearly and coherently
- Ability to use persuasive language and tone of voice to emphasise one's argument
- Ability to put forward submissions and interact with points raised by both the judges and opposing counsel in a confident and efficient manner.
- Awareness of the judge. By this one means whether or not the individual has allowed for the judge to find a passage to which they have been directed, whether the judge is still following the legal argument, whether or not they have been reacquainted with the facts of the case etc.
- Ability to use correct courtroom etiquette and terminology. It should be noted by judges that whilst a somewhat minor point and a fairly simple concept to grasp, its importance should not be ignored and those who fail to correctly address judges should not be receiving high points in this category.

All of the above should be awarded per mooter. It should be noted that for the first two categories, a score of less than 10 would show very little appreciation and understanding of the legal issues surrounding the problem. A score of 10 – 15 should be awarded for average ability with a score of 15 – 20 being awarded for those whom are good. A score which is greater than 20 should be awarded in exceptional and impressive circumstances.

Similarly, in the latter two categories a score of less than 7 shows little ability. A score between 7-12 should be considered average with 13-17 being for good mooters. A score greater than 17 is to be awarded in exceptional and impressive circumstances.

It should be noted at this point that teams will have accumulated a score out of 180. Thus there is one final category of which a mooted partnership shall be judged as a whole rather than individually.

Presentation = 20 points per mooted partnership

Presentation is essential to all good mooted partnerships. In awarding marks for presentation, the following should be considered

- Appropriate courtroom dress. The rules of the competition state that this is preferably black suits with white shirts, however this is naturally at the judges discretion.
- A clear and well organised bundle. This includes index, skeletons and the legal sources which shall be used throughout argument. The bundle should be easy to navigate and it should ideally have relevant passages to be cited in argument underlined/highlighted. It is to be noted that participants are allowed to, for the purposes of the internal competition, print legal sources from internet sources such as WestLaw.
- A clear and well thought through skeleton argument highlighting the submissions which shall be made and the legal sources which are to be used. Issues relating to disclosure of skeletons can be found within the recently published rules of the competition if there is a dispute.
- Presentation is also to be determined whilst listening to the arguments of opponents. Good sportsmanship is to be required at all times regardless of whether a person is mooted themselves and thus a team which is either distracting or disrespectful shall be prohibited from receiving maximum marks in this category.

It is therefore envisaged that a team will receive an accumulative score out of a maximum 200 points. It is not expected nor likely that any team shall receive maximum marks, however it is considered that a team in excess of 160 points is a very good if not impressive partnership; a team in excess of 130 is a good partnership and one in excess of 100 is an average partnership. It is hoped that this is borne in mind when assessing the accumulative score of teams.

We thank you for having read this document and hope that it has provided useful and vital information in regards to the changes to the mooted programme this year. As those who have mooted/judged competitions before are aware, the changes being made whilst in some respects are not new, are very different and thus if there are any questions please do not hesitate to contact either Katy Seedhouse or Melissa Brown prior to the commencement of the internal competition. We accept that the new criteria for judging may be considered to be somewhat time consuming yet it should be an ongoing process throughout the moot, it is not expected to be an exact science and we hope that the benefits to the mooters in terms of fairness and constructive criticism will outweigh any potential inconvenience.

We look forward to the commencement of the internal competition and wish luck to all those participating, and thank all those who shall be helping along the way.

Sincerely,

Katy Seedhouse and Melissa Brown