

How to Organise and Win a Moot



THE MOOTING MANUAL

*By Terry Gygar and Anthony Cassimatis
(Butterworths 1997 pp 166 \$32)*

The Mooting Manual is a practical do-it-yourself guide to organising, and competing in, a mooting competition. The Manual's opening chapter reveals that the modern moot developed during the fourteenth century in London's Inns of Court to train students of law in the art of advocacy. In Australian law schools the moot continues to be an important, practical adjunct to legal studies. However, the authors suggest that the moot may be utilised in other educational settings as a tool to assist students in the presentation of clear and logical oral argument.

The Manual has two objectives: to assist those organising a mooting competition and to provide advice to those competing in the moot itself. The authors suggest that for the moot organiser and competitor alike, the goals of developing analysis and research skills and persuasive oral argument should be borne in mind both in conceiving and analysing mooting problems.

Organising a moot is no small matter and the Manual provides every assistance to those burdened with the task. From determining the objectives of the mooting competition to planning and setting an appropriate moot problem to providing draft marking guides, the Manual is comprehensive in setting out the requirements and alternatives available to moot organisers.

The Manual examines two models of mooting problem: the 'separate subject moot' and the 'integrated incremental moot' (based on the models used by the University of Queensland and Bond University respectively). Separate chapters are dedicated to each. The more commonly employed separate subject or 'appellate' moot involves arguing an appeal from a hypothetical scenario. The legal issues arising from the problem must correspond with the level of understanding of the participants in the moot. The advantage of this model lies in its ability to tie together legal analysis, court procedure and advocacy in a single sitting. For this reason, the appellate model is usually used in mooting competitions. Alternatively, the integrated

moot, involving a higher degree of co-operation between moot organisers and law school lecturers, promotes progressive training in advocacy in conjunction with tuition in substantive law subjects. Through this model various aspects of legal analysis, court procedure and advocacy can be highlighted so as to develop specific skills. A further chapter of the Manual is dedicated to establishing a high school mooting program.

For the competitor, the Manual provides invaluable advice on preparing and presenting legal argument. Some of the advice offered is common sense and may appear mundane, such as that concerning standards of dress and punctuality. However, much of the material in those chapters directed at the competitor provides insightful tips on organisation, analysing and researching a moot problem, and presenting an effective argument. In this respect, much of the authors' counsel will prove useful to students commencing legal studies. The importance of thorough research to answering any legal problem is emphasised, considering particularly the time constraints on preparation in mooting competitions. Other essential elements of successful mooting — structuring an argument, identifying points that must be won, advocating in a convincing and persuasive, rather than an aggressive, fashion and answering questions from the bench — are discussed at length with practical examples to illustrate important points.

At the conclusion of some sections, summaries and suggestions for further reading assist both impulsive readers eager to glean winning tips and those who care to read more about advocacy and rhetoric.

The Manual, though predominantly a guide for the novice, presents useful insights into preparing and presenting legal argument and structuring mooting problems. The clear and practical advice it provides ensures that The Mooting Manual will enjoy high circulation at the commencement of any mooting season.

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