HOW TO MOOT

Moot Court is a simulated appellate advocacy experience where students argue legal issues in front of a panel of judges, often a simulated version of the Supreme Court of the United States. You are serving the role as an appellate "judge" by attending this practice today. Appellate -level practice has key differences from trial practice:

- Trial courts (either a judge, or a jury) find facts, hear witnesses, and consider evidence to make a factual determination of whether and how a law should be applied.
- Appellate courts review whether the law was applied correctly at trial (without evidence, witnesses, or juries).
- Trial lawyers speak to the finder of fact (judge / jury) and tell the story of their case by presenting witnesses and evidence; appellate lawyers do this through oral argument (a conversation) with a panel of judges.

How Oral Argument Works

Oral argument is not just a prepared speech — it is intended to be interactive. Successful advocates must engage with judges' questions. Interruptions are welcomed — as a judge, you should feel free to interrupt an advocate to clarify your understanding of their points as needed.

Practice Structure

The team has written and submitted a brief on behalf of one side before oral argument (OA) practices begin. The student coach then creates a bench memo for the judge's reference, which summarizes the relevant facts and law at issue. Please read the bench memo before the practice, and bring it with you to reference during OA. Here's what to expect:

1. Each team must argue both sides of every issue at competition — in most practices you'll see a team do OA for both Petitioner and Respondent (15 minutes /issue / side).
2. Judges (coaches, peers, practitioners, you!) ask questions during OA.
3. After the full OA presentation, the panel of judges provides feedback to the advocates on areas of substantive and stylistic strength or which need improvement.

Guidance for Judges

As a judge, your main tasks are to: (1) ask questions during OA; and (2) provide feedback after the arguments conclude. If you are unsure of what feedback to provide, it is always helpful to focus on things that were (If you want to ask questions, here are some you might ask (please also feel free to ask any others that come to mind!):

- What is the strongest contrary authority, and how do you distinguish it from your facts?
- If we adopt your rule, what are the practical or public policy consequences?
- How should we balance precedent with fairness in this case?
- What is the limiting principle of your argument?
- Why should we adopt your interpretation over your opposing counsel's?

That said, participation as a judge is optional, and you are welcome to just observe!
Thank you for attending our practice!