
Moot Courts

What, where and
why.

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Moot Courts are a significant part of a Law Student's study life. They are the closest to reality simulations of what a law student studies theoretically. It is this transition from theory to practice, that Moot Courts are exciting events for Law Students. But the excitement comes coupled with challenges that test the participants' abilities to the core.

Gurukul India in an attempt to broaden its horizons brings to you a brief about the Mooting scenario in the country.

What is a Moot Court?

A Moot Court is a real-life simulation of a court where law students almost like their professional counterparts, argue in front of a panel (or a bench) of judges. A Moot Court typically involves drafting memorials or memoranda and taking part in oral arguments. It does not involve actual testimony by witnesses, cross-examination, or the presentation of evidence, but is focused solely on the application of the law to a common set of evidentiary assumptions to which the competitors must be introduced. It is debating taken to the next level.



What exactly happens in a Moot Court?

A Moot Court as stated previously, is very close to what actually happens in a real court. Except some minor/major differences, organizers attempt to make it possibly most realistic. The focus of the competition could be anything under the sun. From domestic issues like municipal law to international ones like maritime law, human rights and arbitration; moots offer the participants a plethora of legal aspects and an opportunity to delve deep inside them. A typical moot team comprises of three members: two speakers and one researcher, who are pitted against another team to argue the 'case'. Each speaker usually speaks between 10 to 20 minutes, covering two to three issues. After the main submissions are completed, there will usually be a short round of rebuttal and surrebuttal. Depending on the format of the moot, there may be one or two rounds of rebuttal and surrebuttal. In larger competitions, teams have to speak in up to ten rounds. The knockout stages are usually preceded by a number of preliminary rounds to determine seeding. Teams almost always have to switch sides throughout the course of the competition. The scores of the written submissions are taken into consideration for most competitions to determine qualification and seeding, at least up to a particular knockout stage. Points are awarded separately for the memos and speaking skills.



And what happens before the competition day?

A Law School or a Law organization usually is the conducting body of such a competition. Certain moots are invitation-only which implies only students from invited law schools can participate. But most of them are open for all; anyone can register on first-come-first-serve basis. The organizers release a moot problem which is a collection of facts. Based on this problem, the teams are supposed to draft their memos.

A memo or a Moot Court Memorial is a team's formal and technical document. Usually a team must have two memos; one for the plaintiff and the other for the defendants. This is in lieu of the fact that teams have to switch sides in the course of multiple rounds. A typical memo consists of concerned facts, the team's arguments and a prayer (the relief the team pleads from the court). Teams should be very prudent with regards to the Memo because a good memo is half the battle won.



Why take part in a Moot?

The most obvious reason to take part in a Moot Court competition is because it is one of the few outlets of practical experience in a law school. Apart from that, it enhances the research, writing and speaking skills tremendously. Since in a proceeding you can never know what you may be prompted at, especially in a rebuttal, you learn spontaneity. There are practical benefits too. In top level Moot competitions, the bench consists of many retired Judges from the High Courts and even the Supreme Court. To participate in such high profile events, lets you build networks that'll matter a lot. A Moot Court winner can also add that achievement in his CV because it makes the CV more attractive.

What does it take to be a good Mooter?

Moot Courts are challenging events because they require prodigious preparation. A good Mooter is always the one who prepares well. The following tips and tricks may be useful in that context:

1. This is a team sport. Know your team well and be known to them well.
2. Research, research and research. This should be a continuous, consistent and comprehensive process. Never stop. Even when you think you've done enough.
3. A great Memo is half the battle won. Also, know your memo word by word, page by page. Let it reflect what you as a team is. Not what you aren't.
4. Rehearse. Practicing in front of your faculty or seasoned mooters will help enormously.



What are the most prestigious Moot Court competitions in India?

A. Surana and Surana Moots

Surana and Surana International Attorneys is one of the top law firm in India with over 70 lawyers and consultants. The Surana and Surana Moots are one of the oldest, largest and most prestigious Moot Court competitions on the national level. The firm also organizes international moots in which participants from SAARC nations compete with Indian students. Many times Surana and Surana moots are held in collaboration with the top law colleges of India. Many Judges of the Supreme Court and High Courts have participated in the functions related to these Moot Courts. These competitions can be based on a number of legal aspects like corporate law and technology law.



B. K K Luthra Memorial Moot Court

This Competition is the only exclusive International Criminal Law Moot Court held in India. Since 2005, the Competition has been held annually at the Campus Law Centre premises in the memory of Late Sh. K. K. Luthra, Senior Advocate, an eminent criminal lawyer, whose legal career spanned from 1949 till his demise in 1997.

In 2005, over 16 top institutions from all over India participated in the inaugural edition of the Competition. In 2009 the Competition became International and saw participation from over 40 institutions.

The last 5 editions of the Competition has seen participation from over 60 Universities as also participation from International Universities such as Fitzwilliam College, Cambridge, Northumbria University Law School, University of Warwick, Bangor University Law School, United Kingdom, The George Washington University Law School, USA, Universitas Gadjah Mada, Indonesia, Pakistan College of Law, Pakistan, Sri Lanka Law College, Sri Lanka, Kathmandu School of Law, Nepal, London College of Legal Studies (South), Bangladesh and Hankuk University, South Korea.



C. D M Harish Memorial International Moot Court Competition

This competition is organized by Government Law College, Mumbai in association with DM Harish Foundation. DMH is India's first International Moot Court Competition and was started in the year 2000 as a National Moot Court Competition. It was opened to international participants ten years before. A unique feature of the competition is a Panel Discussion that is held on a topic revolving around the subject of the 'Compromis' which

witnesses the representation of eminent personalities of international stature from the fields of law, politics, media, etc.



D. M C Chagla Memorial GGLC National Moot

The Government Law College, Mumbai hosts this event annually and it is held in association with the Chief Justice M. C. Chagla Memorial Trust. Late Mr. M. C. Chagla was appointed as the First Indian Chief Justice of the Bombay High Court. It began as a city-level moot court competition, which was later expanded to a state-level competition. Due to the overwhelming response that the competition received, it has been raised to a national platform since its 18th edition.

And international Moots?

A. ELSA Moot Court Competition

The ELSA Moot Court Competition (EMCC) is a simulated hearing of the Dispute Settlement System of the World Trade Organization and deals with international trade law issues. The competition is organized since 13 years and is open to law students from all over the globe. The students have to examine a fictive case and draft submissions for each party. In March of each year, the teams will be assigned to one of the Regional Rounds all over the world: America, Asia-Pacific, Europe and Africa (since 2013/2014). The best students of each region will be qualified for the Final Oral Round taking place in May/June each year at the WTO Headquarters in Geneva, Switzerland. The students get the chance to present their legal skills in front of the best WTO law experts.

B. Philip C. Jessup International Law Moot Court Competition

2016 will be the 57th year of the Philip C. Jessup International Law Moot Court Competition. Jessup is the world's largest moot court competition, with participants from over 550 law schools in more than 80 countries. The Competition is a simulation of a fictional dispute between countries before the International Court of Justice, the judicial organ of the United Nations. One team is allowed to participate from every eligible school. Teams prepare oral and written pleadings arguing both the applicant and respondent positions of the case. Most students must first compete in qualifying competitions (mostly held in January-March) to earn the right to advance to the White & Case International Rounds held every spring in Washington, D.C.



C. Willem C. Vis International Commercial Arbitration Moot

Since 1994, it has been held annually in Vienna, Austria attracting more than 300 law schools from all around the world and spurring the creation of more than twenty pre-moots each year before the actual rounds are held in Vienna. The object of the Vis Arbitral Moot is to foster study in the areas of international commercial and arbitration laws and encourage the resolution of business disputes by arbitration. The problem for the moot is always based on an international sales transaction subjected to the United Nations Convention on Contracts for the International Sale of Goods, 1980 (also referred to as the United Nations or the Vienna Sales Convention, or CISG) and also involves

procedural issues of arbitration. The moot consists of submitting written memoranda prior to the moot on designated dates for both sides of the dispute (Claimant and Respondent in legal terminology). The oral arguments phase of the moot is held in Vienna.



