International Moot Court: An Introduction
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Moot court is an extracurricular activity that allows students to take part in simulated appellate court proceedings. International moot court competitions take place worldwide for participants ranging from high school students to legal professionals. Participants focus their arguments on a hypothetical case based on international law. Students participating in such competitions draft legal papers and participate in oral arguments, as if they were before the International Court of Justice, or another type of international law tribunal. The topics debated at international moot court competitions are current and broad-ranging; recent competitions have focused on issues of universal jurisdiction, the International Criminal Court, international maritime law, and international free speech law.

Participation in moot court has proven to be an exceptionally rewarding educational experience, which provides students with the opportunity to think critically about important issues and speak confidently in front of panels of judges. International moot court competitions provide an opportunity for both students and their teachers to understand complex international problems and expand their personal worldview, at the same time refining their research, writing, and oral advocacy skills.

This manual is intended for two primary audiences. First, it provides guidance for individuals or organizations interested in developing and hosting an international moot court competition. It provides general guidelines and suggestions, which will assist in the planning and can be tailored to the topics and venues of specific competitions. Second, it is written for teachers and students who are preparing to
participate in high school moot court competitions. Although the information is presented in the context of an international moot court competition, most of the strategies and tips may be applied to any moot court competition. Sections include an explanation of the general moot court structure, as well as guidance on preparing written legal arguments, preparing oral arguments, and what to expect on the day of the competition. The information presented includes practical tips from both students and teachers who have participated in moot court competitions.

Chapter 1 provides introductory background to moot court competitions and explains what makes an international moot court competition unique. Chapter 2, geared toward competition organizers, describes the considerations that go into organizing and running a successful moot court competition. Chapter 3 guides teachers and students through the introductory stages of involvement with a moot court competition. Chapter 4 provides a guide for research strategies and resources for sources of international law. Chapter 5 offers a guide to writing the moot court brief, known as the memorial in an international moot court competition. Chapter 6 provides guidance on preparing oral arguments. Chapter 7 describes what to expect on the day of the oral arguments of the competition. Finally, Appendixes include Felipe Torres v. The Prosecutor—a sample moot court case from the International Bar Association, and samples of Judging Score Sheets for oral arguments.

**Chapter 1**

**Background**

There is this gratifying feeling you receive once you know that you have answered a judge’s question well... I was proud to have my Principal and other friends from school come to the competition and see what I actually do. Adults realize that you are able to do something they would never dream of doing.

—High School Moot Court Competitor

**What Is Moot Court?**

Moot court is a pedagogical exercise designed to focus students on certain elements of bringing a case before a hypothetical appellate court. The term “moot,” meaning “hypothetical,” is used because the competitions are based on fictitious cases. Moot court provides students with the opportunity to practice their appellate advocacy skills by writing legal briefs and presenting oral arguments. Moot court differs from other “mock trial” competitions because it is based on appellate practice; therefore, it does not traditionally include the questioning of witnesses or the presentation of evidence.

During a moot court competition, students receive an appellate record, which contains facts of a hypothetical case often referred to as a “problem.” Students use the facts presented in the problem, along with additional research, to develop arguments for one or more sides.
of the issue. These arguments are then refined and presented during the competition in two forms. First, students prepare a written submission, often called a brief, which is mailed to the competition judges ahead of time to be read and graded. Second, students prepare and present oral arguments before a panel of judges, who consider both the quality of the written document and the oral presentation in determining a winner of the competition. In high school moot court competitions the written component is often eliminated, and student teams are judged only on their presentation during oral argument.

How Did Moot Court Begin?²

Moot court has been a tool for training students for the legal profession for hundreds of years. The first recorded reference to a moot court appears in the year 997 in England. Moots were common at the Inns of Court and Chancery in fourteenth century England; and in eighteenth century England, these Inns provided students with a forum for learning not only law but also history, scripture, music, and dancing. Several historians put the Inns of Court, for the study of law, on the same footing as Oxford and Cambridge universities. When formal legal education began in the United States in the late eighteenth and early nineteenth centuries, the practices followed were similar to those of the Inns of Court, with lectures by professors followed by moot court exercises. This modified English system continued until the case method was introduced at Harvard Law School in 1870. International moot court competitions began in 1959 with the Philip A. Jessup International Moot Court Competition. This prestigious annual international competition involves students from law schools throughout the world. Thus, moot court has expanded from competitions within a single school, to competitions between schools, states, and even countries.

What Types of Moot Court Competitions Are There?

Moot court competitions cover many areas of the law and greatly vary in sizes. For example, intramural competitions may be held at individual schools, with multiple teams from the same school competing against each other. Other competitions serve a geographic region, with schools in a particular city or region participating against one another on a particular topic. The problems for regional competitions may be based on the law of a particular state or the law of the country where the competition is being held. Many competitions are national, with teams representing schools from all over the country. These competitions may concern any aspect of the law of that country. For example, in the United States, national competitions are often based on problems of federal constitutional law, intellectual property law, or education law, among others. International moot court competitions, which involve students from schools in various countries, concentrate on aspects of international law, rather than the law of any particular nation. Topics often focus on current events that affect multiple countries.

What Is Unique About International Moot Court Competitions?

International Law Moot Court is a simulation of legal practice before an international court, usually the International Court of Justice, or

some regional human rights tribunal.\(^3\) The competition is based on a set of facts that presents issues that are not resolved in international law. Though much is similar to other moot court competitions, there are many unique aspects of international moot court competitions. Most important, international moot court has its own language. For example, it refers to the competition problem as the “compromis” and written legal argument submitted by the participants as the “memorial.” Furthermore, the sources of law are different: rather than founding arguments on the law of a particular state or country, the sources for international moot court competitions are various sources of international law, some of which are more persuasive than others.

**What Is the Value of Moot Court for High School Students?**

*It may seem daunting to stand before judges and answer their questions; but through this practice, you learn orating skills and develop self-confidence. At first, I was terrified to participate in Moot Court, now I realize how amazing the activity really is.*

—High School Moot Court Competitor

Moot court competitions provide valuable educational and life experience for the student participants. Participation in moot court enhances students’ research, writing, oral, and analytical skills. It teaches them to communicate more effectively and to think quickly on their feet. Moot court often provides students with the invaluable experience of arguing in front of real judges, justices, and seasoned practitioners. It also teaches them the importance of teamwork as moot court teams usually consist of two or three students who must work together for the team to succeed. Finally, it improves students’ time management skills. Moot court competitors must balance the demands of their preparation with schoolwork and other extracurricular activities. Thus, students learn to set goals and priorities and to work effectively under pressure, which simulates conditions most attorneys face in practice.

International moot court competitions provide additional benefits for both students and teachers. Because the topics of international competitions often concern matters of importance to all nations, preparing for such competitions involves researching international sources, and gaining new perspectives on complex legal problems that affect everyone. Furthermore, because participants come from many countries, competitions provide an invaluable opportunity for students and teachers to meet people who are different from themselves and who would expand their worldview.

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Moot Court Structure

Basic Moot Court Model

Moot court is structured to support its twofold purpose: to promote the development of written skills through the creation of briefs and verbal advocacy skills through the use of oral arguments. In all kinds of moot court competitions, participating students receive an appellate record, which contains the hypothetical problem that will form the basis for all arguments. Typically, students will craft arguments surrounding two distinct “issues” set forth by the court. The issues represent the questions that the court must resolve in order to reach a decision in the case. These issues will likely be outlined as the “Questions Presented” before the court. Students will use the information presented in the problem to craft arguments in support of their position on each issue. The problem will consist of a narrative record of the facts, which will read like a story of the persons, places, and events involved in the dispute. The problem may also contain lower court opinions in the same case, which explain how the issues were resolved at the trial level. Some competitions, including many international law competitions, may include additional documents within the problem packet from the lower courts that may be helpful in developing arguments. These additional sources may include pleadings, discovery material, motions, judgments, and opinions.

The team also receives a rule packet that sets out deadlines associated with the event and outlining the structure of the competition, which may vary. Some competitions assign the team a side to argue; others allow each participating team to pick a side. Most competitions require teams to prepare arguments for both sides of each issue.

The competition involves two components: written and oral. The written component is the brief, which contains all of the teams arguments for both issues, in support of one side of the dispute. To prepare for brief writing, students will research relevant legal authorities, craft persuasive arguments, and organize their arguments in a clear structure. The level of involvement of coaches and professors in the brief writing process will likely be specified in the rules packet. Students are generally prohibited from using outside assistance during the writing process, but some competitions permit teachers, attorneys, or coaches to comment on, or edit, the brief.

Briefs are submitted several weeks before the oral argument rounds of the competition and are evaluated by a panel of judges, often made up of practicing attorneys who have expertise in the particular area of the law or members of the moot court staff who are familiar with the problem. Sometimes each submission is assessed by multiple judges. Other times, each brief is read by only one judge, who follows a specific set of standards for grading. Briefs are graded according to a standard rubric that typically includes evaluation of content, organization, persuasiveness, clarity, writing style, and compliance with competition and controlling court rules. Every brief sub-

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5. Ibid.
6. The Jessup International Competition is one example of such competition.
7. Dickerson, “In Re Moot Court.”
8. Ibid.
9. Ibid.
mitted to the competition is judged along the same rubric, although different judges may read each submission.

After completing the brief, participating students begin preparing for the oral arguments. In most competitions, each team brings students to argue both sides of the issue. Each side typically has two oralists, two arguers for the “petitioner” who is bringing the claim, and two arguers for the “respondent” who is arguing against the claims. In most competitions, each side divides the argument into two distinct “issues,” representing two distinct questions that the court must consider in making their determination. Oftentimes, each oralist is responsible for one issue. For example, if the competition concerns the arrest of a suspected felon, the team representing the defendant might develop a theory that the arrest was unconstitutional. The first oralist might argue that arresting the client without a warrant violates his fourth amendment—right to privacy. The second oralist might then argue that the police officer’s treatment of the client violated his due process rights. Both of these arguments, though distinct, are both in support of the team’s theory that the arrest was unconstitutional. Each competitor’s oral argument typically lasts from ten to fifteen minutes.

Students prepare for oral arguments in the weeks before the competition by holding “mooting” sessions with their coach, teacher, and classmates. During practice, students present their arguments while judges interrupt them with questions to clarify their argument, confront the weaknesses in their position, or apply their theory to other hypothetical cases. This practice is the best way to prepare for the oral argument rounds of the competition.

On competition day, the moot court team travels to the competition site to compete against other teams who have been preparing in the same way. Each team will likely argue several times during the preliminary rounds of the competition, and will be judged on the presentation of both their petitioner and respondent arguments. Students will present before a panel of three or more judges who will assess them on their knowledge of the law and facts, ability to answer questions, and general poise and confidence. The two students representing the petitioner/applicant will proceed first with arguments for issues one and two; the respondents will then present arguments for both issues as well. The petitioner/applicant may reserve a short time for rebuttal, to address the arguments made by the opposing team, at the close of the round. Oral argument scores will be combined with the team’s score from their brief. Teams with the highest combined score will move on to the next round. The rounds of oral arguments will likely span several days. Some competitions allow two preliminary rounds for each team, and aggregate the scores in order to determine who proceeds to the quarterfinal, semifinal, and final rounds. Other competitions eliminate teams after only one round. How the structure is organized depends on the size of the competition. Quarterfinal rounds typically consist of eight competing teams, with the semifinals consisting of the top four, and the finals consisting of the top two.

The winner of the moot court competition is the team with the best score in the final round, which will be an aggregate of both the written submission score, and the oral argument score from the final round. The winning team often receives a trophy or plaque with their names engraved, and sometimes a cash prize.

**International Moot Court Model**

International moot court observes a similar structure to the basic moot court model but is a simulation of legal practice before an internation-
As in other competitions, the case is based on a hypothetical set of facts called the “compromis.” Instead of involving two private actors as petitioner and respondent, however, the competition usually involves two state actors. Similarly, preparing for an international moot court competition requires students to research relevant standards of international law and draft a written legal argument known as a “memorial.” As briefs, memorials are submitted weeks before the oral argument rounds, must meet specific requirements of the individual competition rules, and are judged by a panel of professionals.

International competitions also have an oral component, where participating students prepare and present oral arguments based on the memorial before a bench of law professors, judges, or practicing attorneys.11

**Basic Vocabulary**

Though many aspects of the of international moot court resemble the basic moot court structure, the former has a unique vocabulary that governs the competition. It is important to make note of these differences, especially when preparing for oral argument rounds. Below is a list of important differences in vocabulary between the basic moot court model, and international moot court.

**Factual Record:** All moot court competitions are based on a factual record. In the basic moot court model, this document is referred to as the statement of facts or the problem. In the context of international moot court competition, it is called the compromis.12

**Parties:** Moot court competitions involve two competing parties that disagree on one or more issues of law. These parties are sometimes referred to as Petitioner (the person making the claim) and Respondent (the person challenging the claim) in the basic moot court model. In international moot courts, the person making the claim is referred to as the Applicant while the opposing party is still called the Respondent.13

**Written Arguments:** Most moot court competitions involve the preparation of written argumentation. (For high school students, this aspect of the competition is often skipped in favor of the oral argument component.) The legal document prepared is often referred to as a brief. In the case of international moot court, this same document is referred to as a memorial.14

**Oral Arguments:** Moot court competitions involve appearing before a panel of judges during the rounds of oral arguments. Judges expect respect and deference from the oralist, beginning with addressing each judge by the proper title. In many moot court competitions, it is proper to address each judge as “your honor.” If it is clear that one judge (usually in the middle) is the leader, it may be appropriate to address him or her as “chief justice.” In international moot court competitions, the lead judge is addressed as “president.” Other judges may be addressed as “Madam” or “Mister.”15 The salutation “your excellency” is also used.16

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11. Ibid.
12. Ibid., 5.
13. Ibid.
14. Ibid.
15. Ibid.
16. Ibid.
Presented in Appendix I is a sample international moot court competition packet prepared by the International Bar Association, titled *Felipe Torres v. The Prosecutor*. The competition packet is included in full, including the rules, the compromis, the lower court opinions, and the supplementary materials. *Felipe Torres v. The Prosecutor* is referenced throughout this manual to provide examples of important aspects of moot court competitions and also help illustrate various strategies of analysis and argument. *Felipe Torres v. The Prosecutor* should be considered one example of a potential moot court exercise, rather than a guide for what every competition will look like.

International moot court competitions are modeled after many different governing bodies of international law. Most commonly, the competitions simulate the International Court of Justice (ICJ) or a regional human rights tribunal. *Felipe Torres v. The Prosecutor* was written as a case to be tried before the International Criminal Court (ICC). The ICC is a criminal court that tries people from countries all over the world who are accused of committing serious crimes. While similar to other kinds of international moot court competitions, cases tried before the simulated ICC also have additional components, including the examination of witnesses before the court. Although strategies for this component are addressed in this manual, examination of witnesses is not the focus.

Running a successful moot court competition involves three distinct components: pre-competition organization, evaluating briefs, and hosting and judging the oral argument rounds of the competition.

**Pre-Competition Organization**

Preparing to host a moot court competition requires many of the same considerations as hosting other similar events. Most important, you must choose a venue that will be appropriate for the oral rounds of the competition, and determine dates that the space will be available. Next, you need to solicit teams to participate in the competition, as well as practitioners and other volunteers to grade the briefs and judge the rounds of oral arguments. You must then develop a team of individuals to manage all of the aspects of the competition, and assist in the preparation of the competition materials, including the problem for the participants, and supplementary materials for the judges.

**Choosing Date and Venue**

Usually a moot court competition is hosted at the school or university sponsoring it. This space is ideal because it can often be reserved without cost, and provides ample room for the various aspects of the competition. When considering a venue, keep in mind three distinct

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17. Ibid.
requirements of competition space. First, a venue should have a large meeting space for teams to check in, and wait for the rounds to begin. A large atrium or conference room complete with tables and chairs may be appropriate. The hosts of the competition often provide food and beverages in this area for the teams when they arrive in the morning of the competition. Second, the venue should include an auditorium or something similar that can accommodate the members of all the teams and their guests. This room will serve as an appropriate location for “welcome” and opening speeches for the entire competition. This venue may also serve to accommodate the entire group to observe the final round of the competition.

Finally, the venue must have several medium- to large-size rooms to accommodate the various preliminary rounds of the competition. Considering that moot court teams often consist of 4 participants and their coach, and that each team will likely bring spectators, it may be advisable to find rooms that could fit at least 20 to 30 people. At schools and universities, rooms are most often booked by visiting the Registrar’s Office, or a similar office in charge of reserving facilities. Because many organizations use these spaces for conferences and meetings, it is advisable to reserve the space far in advance. You may inquire ahead of time as to the number of spectators to ensure that there is enough room to accommodate all guests. The rooms for the preliminary rounds also should include a podium for the oralists to stand at during their arguments, and at least one table to serve as the judges’ bench.

Sometimes the final rounds of moot court competitions are hosted in an actual courtroom setting, rather than a classroom. Depending on the school or university where the competition is hosted, there may be a designated space available that serves as a mock courtroom. Alternatively, the competition administrator may seek out local courthouses or tribunals to donate their space for a few hours for the final round. Providing a formal courtroom setting for the final round of the competition serves to celebrate the accomplishment of the final teams, and allows students to see what an actual courtroom looks like.

The dates for the competition may depend on the dates when space is available. It is, therefore, advisable to make arrangements as soon as possible, at the early stages of competition development. You may need to reserve rooms as much as six months in advance to ensure that the venue has the space that the competition requires. In addition to checking for venue availability, you should research the dates of national holidays, holy days, or other scheduled competitions that may interfere with drawing a large pool of applicants. Room availability and conflicting events are the two most important considerations when choosing a date for a moot court competition.

Choosing a Competition Committee
Organizing and running a moot court competition cannot be the work of one person. You need a group of individuals to manage the distinct components based on a common goal. Although a competition committee will generally have a leader, sometimes called the competition editor, who makes the final decisions, the success of the competition truly depends on the leader’s ability to delegate tasks among a committee of 5–7 other members. You should form the committee in the beginning stages of planning, so that the tasks may be delineated from the outset. When organizing a group to run a moot court competition, consider these potential roles within your committee.

**Competition Editor**—oversees all aspects of the competition and is responsible for writing the competition problem, communicating
Preparing and Writing the Competition Packet

Completing the competition packet is an involved process that takes several months. The competition editor will likely work on creating, editing, and revising the components over the course of all the planning stages of the competition. The competition editor should allow 3–4 months to complete the process of brainstorming, researching, writing, and revising the finished product.

The final competition packet released to the participants has to contain several components: the statement of facts (also called the “compromis” or the “problem,” depending on the competition) that the controversy is based on; a rules packet that outlines specific requirements and deadlines for this particular competition; and supplementary materials such as exhibits, testimony, or evidence, that may be helpful to the students in crafting their arguments.

The Statement of Facts/Compromis

The most important part of the competition packet is the “statement of facts” that the students will use to develop arguments for both the written and oral components of the competition. This part is basically a narrative story that presents the facts leading up to a controversy between two competing interests. Students will take the role of advocating for one side or the other in this controversy, and formulate arguments to persuade the court to rule in their favor. The editor of a competition may choose to use facts that have been developed through another moot court competition, or may choose to create a new problem.

The problem should be based on a subject that is current, and age appropriate for the participants. It may concern a current event—an issue that is presently before a court, or any other matter that is rele-
vant and interesting for the students. The competition editor will likely research and explore several possibilities before deciding on a topic that is appropriate. The problem should consist of two distinct issues, or legal basis for relief, both of which may be argued from two sides (applicant/petitioner, and respondent).

*Felipe Torres v. The Prosecutor* provides one example of such a fact pattern. In the case of *Felipe Torres v. The Prosecutor*, Mr. Torres was brought before the International Criminal Court, accused of war crimes of torture and willful killing based on eyewitness testimony. After his conviction, his counsel appealed the decision based on two legal theories for relief, each representing the one of the two “issues” in the case. First, the applicants seek to argue that the eyewitness testimony was insufficient to convict Mr. Torres. Second, the applicants seek to argue that the court failed to do the proper balancing test in determining a proper sentence. These two distinct legal arguments represent the two “issues” before the court in *Felipe Torres v. The Prosecutor*.

When choosing an appropriate problem for a high school moot court competition, consider the following:

1. Is the subject matter relevant and interesting to teenagers?
2. Are the broad concepts easily accessible and easy to understand?
3. Are there sources available to the students that clearly outline the relevant law?
4. Are there sufficient facts and details within the fact pattern to allow the students to make creative arguments?
5. Are the opposing sides of the argument well-balanced? That is, are there equally good arguments to support both sides?

Once the topic is determined, the editor will begin the task of creating a detail-intensive statement of facts. It is important to have an understanding of the governing law before beginning to write. This is necessary in order to make the facts well-balanced, so that both sides can make arguments that may win the day. Each side of the argument should have some facts within the statement of facts/compromis that support their position. For example, in the case of *Felipe Torres v. The Prosecutor*, one issue surrounds whether the prosecution’s one witness is sufficient to prove the case, and whether Felipe Torres’s witnesses, who failed to appear, should get the chance to testify. There are facts presented within the compromis that support the arguments of each side. Most important, the fact that Mr. Torres had no witness present to provide an alibi is a good fact for the prosecution. The fact that witnesses exist and can confirm his whereabouts is a good fact for Mr. Torres. The fact that Mr. Torres’s witnesses may be biased or unreliable is another good fact for the prosecution. Finally, the fact that the prosecution can only find one witness is a good fact for Mr. Torres. Providing a mix of good facts for each side within the fact pattern will provide the details necessary for two equally weighted arguments.

At the close of the fact pattern, the competition packet should specify the two legal questions, or issues, that the teams should use as the basis for their arguments. By explicitly defining the issues, the student participants will be able to divide the work between the four participants: the two students arguing in favor of the applicant/petitioner, and the two students arguing on behalf of the respondent.

**Supplementary Materials**

In addition to the statement of the facts, the competition packet will also contain supplementary materials that the students can use in preparing for the written and oral rounds of the competition. Moot court competitions for college and law students often involve an "open
universe,” meaning that the students do their own research, find cases and statutes that support their positions, and craft their arguments based on what they discover. This kind of competition often does not provide supplementary materials. In the context of a high school competition, the sources are often provided. This kind of competition is called a “closed universe” because the students may not use research or sources beyond the scope of the included materials.

Regardless of whether the competition operates in an “open” or “closed” universe, there will likely be supplementary materials. These materials should include any “evidence” related to the fact pattern that may be helpful in developing arguments. This may include testimony from witnesses at the trial level, e-mails or letters sent between the parties, or fictitious newspaper accounts of the events. These kinds of materials provide more of a real-life context for the fact pattern, and often lead to some of the students’ most creative arguments. In a “closed universe,” the supplementary materials should also include all of the case law, statutes, and international court decisions on which the students’ arguments should be based. These materials may be provided in hard copy, or the packet may include a list of the materials if they are easily accessible on the Internet or via another source. Many competitions find it easiest to post the materials on a competition website so that everyone can access them without wasting paper. Nevertheless, some teams without access to technology services may still require hard copies of all materials.

An “open universe,” in contrast, should lay a foundation for the types of sources of law that should be consulted, but leave it to the competitors to do the majority of the research. Especially when organizing a high school competition, it is important to make expectations clear and provide explicit guidance to support the students in the research process. Providing a list of cases, or a list of websites to visit, may be a helpful starting point.

Open Versus Closed Universe
Most high school moot court competitions are likely to operate within a “closed universe” model. The benefits of this choice are twofold. First, it evens the playing field between competing schools. Some schools may have access to incredible library and online resources, while others may not. Creating a closed universe ensures that the competition is judged on writing and oral advocacy skills, independent of a school’s resources. In addition, developing a closed universe also focuses the students’ attention on the best sources, allowing students to make the best arguments on both sides. A closed universe cuts out the time that would be wasted on irrelevant sources, which refocuses on the goal of the competition—to develop strong written and oral advocacy skills.

The benefits of the “closed universe” model are obvious. The hard work of research is done for the students, which gives them more time to focus on crafting their arguments. A closed universe also cuts out the worry that students may be “missing something” because every team has access to the same materials. A closed universe makes the competition more manageable for the students and for the teacher responsible for delegating tasks. Once each source is read through one or two times, the team can determine for which issue the source is relevant. The students responsible for arguing that issue then have the task of analyzing the case further. Closed universes allow teams to delegate tasks much earlier.

The detriment of the “closed universe” model is that it limits students to a certain number of possible arguments. Although different students may come up with creative ways of interpreting the supple-
mentary materials, or interesting policy arguments regarding these facts, these arguments will likely be the outliers in a series of similarly crafted arguments. Because students lack the ability to do their own research and incorporate additional sources, they must use only what they have been given. This results in a greater emphasis on the structure of arguments, and the polish of the argument, because many of the arguments will be exactly the same in substance.

The Rules Packet
The competition packet should also contain a list of all of the rules governing the competition. Most important, the rules packet should set forth the deadlines for the various components of the competition (deadlines for written submissions, the dates of oral arguments, etc.) and outline any penalties that may exist for failing to withdraw from the competition in a timely manner. In addition, the rules packet should be explicit about expectations for written submissions, including page limits, margins, and formatting rules. The rules packet may also outline the point system for written submissions, including any penalties for failing to follow the formatting guidelines. Furthermore, the rules should be explicit about what kinds of materials students are allowed to use in preparing their arguments, and what kind of assistance is appropriate from teachers and coaches. In determining what kind of information is appropriate to include, it is helpful to consult the rules from other competitions. (See Appendix 2 for sample rules.) No matter how many rules are presented in the competition packet, there are likely to be questions from the participating teams once the preparation for the competition gets underway. When answering questions, be sure to communicate your answers to all teams in writing, so that everyone has the same information.

Additional Information
Because international moot court competitions involve teams traveling great distances to participate, it may be helpful to include additional information about traveling and lodging in the competition packet. Information like the location of airports, local hotel information, and directions to the competition venue by various modes of transportation will all be useful. Oftentimes, hotels are willing to offer a discounted room rate for large groups. With this in mind, you may consider reserving a block of rooms.

Solicitation of Competitors
Whom to Solicit
Once the dates and venue for the competition have been decided, the committee should begin soliciting high school teams to compete. If you are taking over a pre-existing moot court competition, you will likely have a database of schools that have participated in the past to use as a basis for your solicitations. The committee should contact any school that has previously participated, or expressed interest to participate, with an invitation to attend. If you are hosting a new competition, gathering a list of potential schools to compete may be more challenging. Soliciting teams to compete in an international competition will require creative investigations. Web-based research may reveal which countries have national moot court programs, and contain a list of high schools that participate in those competitions. You also might ask other international moot court competition administrators for a list of the schools that usually participate in their competition.
Content of a Solicitation

A solicitation should contain all the information pertinent for a team in deciding whether they are interested—and able—to compete. (See Appendix 3 for sample solicitation letter.) Most important, the solicitation should provide information about the date and location of the competition. In addition, the solicitation should provide some background information about the competition, including how long it has been in existence, what past competitions have been about, and what kind of schools compete. If this is the first year of the competition, include some background about the kind of issues the competition plans to address or an explanation of why the competition was created.

The solicitation should also provide information about deadlines and registration fees, which are sometimes provided on a sliding scale—that is, schools who sign up early get a discounted rate. The registration fee is meant to cover the expenses associated with hosting the competition, including the office expenses associated with preparing competition packets, travel expenses for judges from out of town, food and drink provided on the mornings of the competition, and any fees that may be associated with reserving space. The fee should also include the amount of profit that the committee hopes to generate by hosting the competition. The registration deadline should be several weeks before the scheduled release of the competition problem, which will provide the time necessary to finalize and plan for the size of the competition. Finally, the solicitation should include a registration form for teams to complete with the necessary contact information, including the names of the team members, the address and phone number of their school, and contact information for their teacher/coach. (See Appendix 4 for sample registration form.)

Solicitations should be sent by post, and perhaps followed up with e-mail, depending on what contact information is available for the potential competitors. Many competitions also have websites that contain the information included in the solicitation, which can serve as a quick reference point for potential team members. If there is such a website, all communications with the participants should include the URL for the competition site.

Determining the Number of Participants

If you are planning a competition for the first time, it is a good idea to keep the event small. Moot court competitions can have as few as 16 teams and as many as 100. There is no set minimum or maximum number of competition teams. 16 teams provides a good base number, because it provides that half the teams will advance to the quarterfinals. It is important to have a “cap” for the number of participating teams in mind, and to observe deadlines for both sign-ups and drop-outs. The cap may be dictated by the size of the venue. When choosing the number of teams to solicit and the desired “cap,” keep in mind that it is easiest to organize a competition with an even number of teams, so that everyone has someone to compete against during each round of oral arguments. If you find yourself with an odd number of teams as the first round of oral arguments approaches, you may want to employ a “shadow team.” A shadow team is a team that argues one or more sides of the oral argument rounds for the purposes of evening out the competition teams, and providing each team with someone to argue against. The shadow team may consist of “understudy” participants from other teams, or the competition may develop an internal “shadow team” just in case the numbers are uneven. If you plan to use a shadow team from among the competing teams, it is important to
give the teams notice beforehand that their understudies may have the opportunity to compete, though not for points.

**Solicitation of Judges**
Prior to the deadline for written submissions, you should arrange for practitioners and other volunteers who are willing to assist during both the written and oral phases of the competition. Judges often consist of local practicing attorneys, as well as students and alumni from the school hosting the competition. In addition to soliciting from the alumni of the host school, you might contact the local prosecutor’s office, local defender’s services, or local bar associations for additional attorneys. Local attorneys may be available to participate in both phases—written and oral rounds—of the competition. Attorneys who are farther away may only be available to grade briefs, as that can be done by mail. Regardless of their location, every judge solicited should be invited to participate in all aspects of the competition.

The judges’ primary responsibility is to assess and grade the brief/memorials submitted during the written advocacy phase of the competition. To prepare these judges, the competition committee should prepare a grading rubric that outlines what criteria should be assessed and how points should be awarded. (See Appendix 5 for sample rubric.) In addition, you will need judges to sit on the bench for the oral argument rounds of the competition. To assist them in preparation for this role, the committee should also prepare a bench memorandum that outlines the facts, the governing case law, and provides sample questions to guide the judges.

Many competitions focus on finding prestigious judges for the final round of the competition. Securing celebrated practitioners often acts as a draw for competitors to sign up for the competition. Finding judges for the preliminary rounds of the competition, however, is equally important. The best judges are often practicing or retired attorneys who are familiar with both the subject matter of the fact pattern and with the structure and purpose of moot court competition. Practitioners can be enticed to judge the rounds through pro bono programs or continuing legal education (CLE) credit for the time they devote. In the United States, for example, many law schools have an administrative office that is specifically devoted to organizing the information and securing CLE credit for practicing attorneys. Law students and faculty members can also make good judges, and are vital candidates for the preliminary rounds.

**Developing the Grading Rubric and Bench Memorandum**
In the weeks prior to the deadline for the written submissions of the competition, the competition editor and associate editors should prepare a grading rubric. The grading rubric is an important tool for ensuring that all of the briefs submitted will be graded fairly, regardless of which judge scores the submission. The rubric should describe what factors the judge should consider in assessing the worth of an individual submission. For high school students, for example, the competition may choose to weigh more heavily on organization and writing style, rather than the substance of the law.

The associate editors should also prepare a document known as the “bench memorandum,” which acts as a “cheat sheet” for all aspects of the problem. It should begin with an overview of the facts that govern the case, which may be either copied directly from the competition packet or summarized for brevity. The bench memorandum should then explain the relevant law that will govern each issue (there should be two distinct issues presented within the competition packet). Us-
ing the governing law, the bench memorandum should then apply the law to the facts, outlining the best arguments to be made on both sides of each issue.

Finally, the bench memorandum should contain sample questions that would be appropriate to ask high school students arguing each side of each issue. This list of questions should not be exhaustive, but rather provide some limited guidance for subject and age-appropriate questions. Though this document becomes essential during the oral argument rounds, it is advisable to complete it prior to the deadline for written submissions. Having a bench memorandum available while grading briefs will provide the judge with a clear idea of the information and arguments that should be included in the submission. You should also provide the memo ahead of time to judges for the oral argument rounds so that they have time to familiarize themselves with the facts and law before the oralists present.

Preparing Judges
Grading the Briefs/Memorials

Unless the committee chooses to skip the written component of the competition, the first major task of the competition committee is to orchestrate the grading of the briefs/memorials. As mentioned earlier, the submissions may be graded by practitioners who are solicited through mailings or phone calls. The committee may supplement practitioner participation with additional help from law students and faculty—anyone familiar with the facts and law governing the competition. Although there is not likely to be any formal meeting with the judges prior to grading the written submissions, it is important to provide them with a clear list of expectations and strategies for grading the submissions appropriately. The judges should be instructed to follow the grading rubric. Moreover, they should be reminded to read the bench memorandum (if it is complete) prior to grading the briefs, as it lays out the facts, law, as well as the best arguments that should be included. The deadline for grading should be at least one week prior to the start of the oral argument rounds of the competition to ensure that all scores are available to be combined with oral argument scores. Written submission grades are usually based on a 100-point scale.

Although many judges may be available locally to pick up the briefs to be graded, others may be participating from a distance. It may be appropriate to mail the briefs to the judges who are not local, and to include a self-addressed stamped envelope for the judge to return the graded brief. Before any brief leaves your office, however, make a copy, just in case it is misplaced. As long as you have made a copy of each submission, it is unnecessary to ask the judges to return the entire brief. The grading sheet will suffice. Once all the scores are compiled, you (or another committee member assigned this task) should organize the scores into a spreadsheet that you can later use for combining the oral argument scores for a final score. There are many computer programs (such as Microsoft Excel) that provide formatting assistance for creating a spreadsheet, and even provide formulas for adding and averaging scores. The format of the spreadsheet is not important, as long as it contains a row for each team, and space to input the scores from each round.

Judging the Oral Rounds

The second major task of the student, faculty, and practitioner volunteers is to sit on panels to judge the oral rounds of the competition. Before judging rounds of a high school competition, each judge should be provided with a folder that contains a scoring sheet with a rubric of
areas to consider, and a bench memorandum. Finally, the competition committee should set clear expectations about how judges should relate to the students both during the oral arguments and during the commentary. Sometimes, the competition editor will request that the judges all arrive early on the morning of the competition, and hold an informal meeting to go over these practical tips and ground rules. Other times, the guidance may be included in a “tip sheet” in the judge’s folder. Here are some quick tips based on the unique nature of judging a high school moot court competition.

1. The problem governing the high school competition is likely to be more fact-intensive than law-intensive. Arguments often turn on the interpretation of various facts within the problem; thus questions should focus on these facts.

2. Some students may respond well to rapid questioning by the judges, while other students may be intimidated, or freeze up. Though the purpose of oral arguments is to engage in a dialogue, be mindful of students who are ill-prepared to relate in this way. Some students may read their arguments from a script, or may not respond well to being interrupted. While it is important to challenge the students to answer questions and engage with the judges, this must be done with a gentle hand.

3. Although constructive criticism is often helpful, try to keep comments positive following the oral argument round. If you have criticism about the competitors, try to phrase the comments generally rather than pointing out specific flaws in arguments.

4. Emphasize to the competitors that what they have accomplished, just by standing up in front of the judges, is difficult and impressive. It is also important to stress that the purpose of oral arguments is to engage in a dialogue, so students should be complimented by being asked lots of questions. It means that the judges are engaged, and recognize that the competitor is well-prepared and competent.

**Organizing the Oral Rounds**

**Competition Match-Ups**

Each team represented at the moot court competition should consist of four members: two students arguing for the applicant side (also known as petitioner) and two students arguing for the respondent. On each side, there should be one student arguing each issue, most often referred to simply as “issue one” and “issue two.” Students argue in teams of two. During the preliminary rounds of the competition, each student should have the chance to argue. Each team, therefore, should compete in at least two preliminary rounds before the competition committee determines which teams advance.

For each round of arguments, a competing team must be matched against another school that is arguing the opposing side. For example, if Team 1 has two students arguing the applicant side during the first round, they could be against Team 7 students arguing for respondent. In shorthand, this match-up is referred to as A1 arguing against R7. If Team 1 students argue for the applicant during the first round, then Team 1 other students arguing for respondent should compete during the second preliminary round. For example, Team 1 students arguing respondent may then be matched up against Team 5 arguing for the applicant. This match-up would be referred to as A5 against R1.

In determining which teams should compete against one another in the preliminary rounds, it is best to try to match up the teams randomly. Some pairings may be based on other requirements. For example, two teams that are each bringing many spectators may be paired...
against each other because they both need a large room to accommodate them. You should consider the total number of participating schools and divide that number in half to determine how many applicants and respondents are needed for the first round. For example, if a competition consists of 50 schools, then teams 1–25 might argue applicant and teams 26–50 would argue respondent during the first preliminary round. For the second round, the roles would switch. This ensures that there are an even number of schools arguing each side for the purposes of matching teams against one another. A team that argues against another during the first preliminary round should not argue against the same team during the second preliminary round. For example, if Team 3 argues for applicant in the first preliminary against Team 5 arguing respondent (A3 vs. R5), then Team 5 should not argue applicant against Team 3 arguing respondent in the second preliminary round (A5 vs. R3).

Although an even number of teams may register for the competition, there is no guarantee that there will still be an even number on the first day of oral arguments. Teams may drop out, be disqualified by missing competition deadlines, or may fail to show up in time to register on the morning of the competition. If you find yourself with an odd number of teams as the first round of oral arguments approaches, use a shadow team you have in reserve.

For quarterfinal and semifinal rounds, you may want to “seed” the competition pairs. For example, if there are 12 teams in the quarterfinal round, you may choose to rank the teams in order of preliminary round score, and pair them accordingly. The first place team would be up against the last place team, the second place team against the second to last, and so on. Although seeded match-ups are appropriate for the later rounds of the competition, you should make sure that teams are not facing each other for two rounds in a row. For example, if the applicant from Team 2 argued against the respondent from Team 6 during the preliminary round, they should not see each other again in the quarterfinal round. This ensures that students have the chance to gain knowledge and new perspectives from as many competitors as possible.

Assigning Judges and Other Personnel
In addition to matching up teams against one another for the competition rounds, you need to assign the clerks and judges for each round of the competition. The clerk is responsible for bringing the competitors to their room, explaining directions, and keeping track of time. The number of judges and clerks required for any competition depends on the number of teams competing. Every competition room should have three judges, one clerk, and two competing teams. If there are not enough people to have a separate clerk for each oral argument round, then one of the judges can fulfill these duties in addition to asking questions, but this is not ideal. In matching up judges with oral argument rounds, it is important to ensure that judges do not judge the same competitors more than once. Because there is a risk of prejudice in the final round if one team has seen a judge before, it is often advisable to solicit new judges for the final round, so that they are judging everyone for the first time. Students must have the opportunity to argue before different judges, who can offer them different questions and feedback.

The competition committee should prepare folders ahead of time that contain all the necessary materials for the clerks and the judges of each round. There should be one folder for each of the competition rounds. For example, if there are 20 teams competing in the competi-
tion, there will be 10 rounds, and therefore there should be 10 folders. On the front of the folder, list the two teams competing (by number) as well as the names of the judges and clerks scheduled for that round. Inside the folder, staple supplementary instructions for clerking procedures. (See Appendix 6 for sample clerking instructions.) The folder should also contain two copies of the grading rubric, which the judge will fill out for each side. (See Appendix 7 for a sample oral argument grading sheet.) Remember to label all of the grading sheets and folders with team numbers, rather than team names, to preserve anonymity.

**Competition Day Preparation**

In the days before the first preliminary round of the competition, and in the mornings preceding the subsequent rounds, there are several administrative tasks that the committee must attend to in order to ensure that things run smoothly on competition day. Here is a checklist of things to consider as the first day of competition approaches.

- Confirm the availability of all the rooms that have been reserved for the competition day. Visit the rooms to estimate their capacity.
- Send reminders via e-mail to all the judges and others who have volunteered to help. Confirm meeting times, locations, and attire (often business casual or business is expected).
- Assign each team a role, either petitioner/applicant or respondent. This will be the side they will argue during the first argument of the day, and they will argue the opposite side during the second round. Ensure that there is an even number of petitioners/applicants and respondents for each round, or arrange shadow teams to fill in the empty spaces.
- Call to confirm with the contact person at each competing school. Ensure that they are aware of the time and location for check-in. Let them know the side their team will argue in the first and second rounds. Confirm how many spectators the team will be bringing.
- Assign schools to compete against each other during the morning and afternoon rounds. Keep in mind that teams should not compete against teams they have already faced. Also, keep in mind the number of spectators and each room’s capacity.
- Print out enough grading sheets for each judge for each round of the competition. Arrange each set of judges sheets in an individual folder, which will be handed to the clerk.
- Confirm delivery of food and drinks for the first round, if applicable.

**Competition Day Check-In**

The busiest time of the entire moot court competition is likely the morning check-in for the oral argument rounds. To ensure that everything goes smoothly and that rounds begin on schedule, it is important to make expectations clear to competitors and judges alike. Within the rules packet, there should be some guidance about the check-in location for oral argument rounds, as well as a time frame for arrival. Competing teams should plan to register at least 20 minutes prior to the beginning of the first oral argument round. It may be advisable to suggest an earlier check-in time, as many teams often arrive after the check-in deadline. The committee may decide to impose consequences for teams who fail to check in on time, such as disqualification. If applicable, these penalties should be made explicit in the rule packet. Expectations must be similarly clear for the judges of the competition, without whom the competition cannot proceed, even if all the teams are present. Judges should be asked to report at least 10–15 minutes before the start of the round.
In addition to clear expectations, well-organized forms and folders are vital to the success of a competition check-in. At the check-in desk, there should be a list of all competing teams as well as all the judges scheduled to judge rounds that day. As teams and judges register, their names should be checked off the list. This is a time to stress that teams will be referred to by team number only. This is also a good time to remind each team about the times of the scheduled rounds of the day, and also the order in which their students will argue (applicant first, respondent second). If teams need to fill out any additional registration materials, that should be done at this time. The committee may also choose to offer a copy of the judging rubric, so that the competitors develop an understanding on the aspects of their argument that the judges will be considering.

If there are multiple rounds on a particular day, it is not necessary to have the teams check in again, as long as expectations are clear about what time the teams should report back to the meeting area. It may be necessary to complete the check-in procedures for the judges, however, if the judges are different for the second round.

**Room Logistics**

Clerks are responsible for ensuring that the rooms are set up appropriately for the competition rounds. As described previously, each competition round should take place in a room that can accommodate 25 or more people. At the front of the room, there should be a table to serve as the judges’ bench, with the appropriate amount of seats behind the table, facing the audience. There should also be a seat next to the judges’ bench for the clerk. Clerks do not need a table because they do no writing during the rounds, but rather hold up time cards. Facing the judges’ panel should be two additional tables, set apart, with seats for both applicant and respondent. Applicants should sit at the table facing the judges to the right, while the respondents occupy the table facing the judges to the left. Between the two tables, facing the judges table, should be a podium for the students to use when conducting their oral arguments. Behind the tables and the podium may be additional seating for spectators, teachers, and coaches. The clerk should emphasize that spectators may not interact with the competitors during the rounds and may not provide additional guidance or coaching once the round has commenced.

**Round Procedures**

When the clerk brings the teams to the room, she should explain the seating arrangements, the order of the oral arguments, and the use of time cards before the judges enter. The clerk should advise the students to look at—but not verbally acknowledge—the timecards, stop when time is called, and ask for permission to continue. When the round begins, the student arguing the first issue for the applicant will proceed to the podium to present his or her arguments. Once completed, the student arguing the second issue for the applicant will proceed, followed by the student arguing the first and second issues for the respondent. The judges will then leave the courtroom to deliberate and complete the scoring rubrics, and will come back to deliver comments and feedback.

Each student’s oral argument presentation must be completed with a time limit specified in the rules of the competition packet. With college and law school competitions, sometimes each student will have from 15 to 25 minutes to present their arguments. With high school competitions, however, it is more common for students to be given 10 minutes to complete their arguments. The clerk keeps track of the time
using a stop watch, and gives students periodic updates on their progress as they speak. For example, during a 10-minute oral argument, the clerk may hold up a time card indicating “5 minutes left,” followed by “3,” “1,” and “TIME.”

Scoring and Reporting
Following the oral argument round, all of the judges’ completed scoring sheets should be returned to the folder that the clerk was given at the beginning of the round. The clerk should then return the grading sheets to the competition committee at the check-in desk. Once all the scores are collected for the round, the competition editor, or an elected committee member, should bring all of the scores to a quiet place with no distractions. The scores should then be inputed into the spreadsheet containing the scores from the written submissions.

For each student competitor, there should be one score from each judge. For example, if the panel consisted of three judges, there should be three tabulated scores for each of the four competitors, totalling six scores (three times two competitors) for each team. Scores can be tabulated in a number of ways. One straightforward approach to tabulating scores is to find the average of all the scores for a particular round. For example, if a given round had three judges, that would result in three scores for each competitor on a team. Because moot court teams compete in teams of two, that would result in six individual scores for that round. If those six scores were added together, and then divided by six, that would result in the team’s average score for that round. Another method involves aggregating all six scores to determine a grand total for the day. The method of calculation is of little consequence, as long as the scoring is done consistently throughout all the rounds of the competition.

If there are no scores from written submissions, then the oral argument scores alone determine which teams proceed to the following round. Once all the scores have been returned, the committee may rank the teams according to score, and determine which teams will advance. Some competitions allow teams to advance by side of the argument. For example, a competition might advance the best five applicants arguments, and the best five respondent arguments, based on score. Under this scenario, it is possible that Team 1 students who argued applicant (A1) might advance to the quarterfinal round, while the Team 1 students who argued respondent (R1) would not. It is more common, however, for schools to advance as an entire team. Therefore, the scores from the two students arguing for A1 would be considered along with the scores from the two students arguing for R1 in determining advancement. The scores of all four students on each team can be aggregated, or averaged, in accordance with the methods described above.

If the competition contained a written advocacy component (brief or memorial), then the scores from the written submission are considered along with the oral advocacy scores in determining who advances to the next round. The committee member responsible for recording the scores should consult the previously prepared brief/memorial spreadsheet. Team advancement may be 50 percent based on written submissions, and 50 percent based on oral advocacy scores, or some other breakdown described within the rules of the competition packet. For example, if the brief/memorial is graded on a 100-point scale, then each round of preliminary arguments could be judged on a 50-point scale, which would result in a possible 200 points for the day. The eight teams with the highest combined scores should continue to the quarterfinal round of the competition. Here is an example of how the aver-
age scores from the oral argument rounds could be combined with the brief score to determine a final score for the preliminary rounds:

<table>
<thead>
<tr>
<th>Team</th>
<th>Round One Average</th>
<th>Round Two Average</th>
<th>Brief Score</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>42</td>
<td>39</td>
<td>85</td>
<td>166</td>
</tr>
<tr>
<td>2</td>
<td>38</td>
<td>49</td>
<td>80</td>
<td>167</td>
</tr>
<tr>
<td>13</td>
<td>43</td>
<td>31</td>
<td>95</td>
<td>169</td>
</tr>
</tbody>
</table>

Although the two preliminary rounds will likely be held on the same day, the quarterfinal, semifinal, and final rounds will likely be conducted on subsequent days to give the teams additional time to prepare. There are many methods of reporting scores to the teams, and notifying teams of advancement. One method is to specify a timeframe during which teams may call the committee to inquire about their possible advancement. Prior to the timeframe, the committee should have a definite list of the teams proceeding, and perhaps an approximate ranking of the rest to provide inquiring teams with more information. Another option for reporting is to provide that advancing teams be notified by a specified time. The committee could then call the advancing teams after the scores are tabulated, without having to field phone calls from all of the hopeful competitors. Even with this method, however, teams that did not advance will often call with questions or inquiries about their scores. The competition committee must decide whether or not individual team scores, or individual judging score sheets, should be released to the competing teams.

**Administrative Timeline**

<table>
<thead>
<tr>
<th>Time Frame</th>
<th>Tasks To Complete</th>
</tr>
</thead>
</table>
| 6 Months Before First Oral Argument Round | Venues:  
- Research potential venues to host the moot court competition.  
- Consult with local universities, as well as local courts and tribunals to see if they have space.  
- Reserve rooms necessary for the rounds of the competition, including small and large rooms for individual rounds, as well as meeting space. |
| 4-5 Months Before First Oral Argument Round | Committee:  
- Organize the members of the competition committee and delineate tasks.  
Teams:  
- Research other international high school competitions, the moot court programs of other countries, and other sources to determine potential schools to participate. |
| 3-4 Months Before First Oral Argument Round | Research:  
- Begin researching potential areas of law for the moot court competition problem.  
- Consult past compromis from other international moot court competitions for potential problems.  
- Begin drafting the various sections of the competition packet outlined in Chapter 3.  
Solicitation of Competitors:  
- Begin sending solicitations for schools to participate in the competition. |

(continued)
<table>
<thead>
<tr>
<th>Time Frame</th>
<th>Tasks to Complete</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-3 Months Before First Oral</td>
<td>Solicitation of Judges:</td>
</tr>
<tr>
<td>Argument Round</td>
<td>• Compile a list of potential alumni, attorneys, and volunteers to serve as judges for the competition.</td>
</tr>
<tr>
<td></td>
<td>• Send solicitations for judges to grade briefs/memorials and judge oral arguments.</td>
</tr>
<tr>
<td>Registration Deadline:</td>
<td>• Registration Deadline must be sometime prior to the release of the Competition packet.</td>
</tr>
<tr>
<td>Competition Packet Complete:</td>
<td>• Complete full draft of competition packet, including the rules and any supplementary materials.</td>
</tr>
<tr>
<td></td>
<td>• Revise and edit with the help of the competition committee.</td>
</tr>
<tr>
<td></td>
<td>Release competition packet to teams, leaving them 1 month to work on their memorial/brief (if applicable), and an additional few weeks to prepare for oral arguments.</td>
</tr>
<tr>
<td>1 Month Before First Oral</td>
<td>Bench Memo:</td>
</tr>
<tr>
<td>Argument Round</td>
<td>• Draft and revise bench memo for use during written and oral argument rounds.</td>
</tr>
<tr>
<td></td>
<td>• Develop and refine grading rubrics for grading briefs/memorials and oral argument rounds.</td>
</tr>
<tr>
<td>2-3 Weeks Before First Oral</td>
<td>Briefs/Memorial Due (If Applicable):</td>
</tr>
<tr>
<td>Argument Round</td>
<td>• Distribute briefs to graders with bench memo and rubric.</td>
</tr>
<tr>
<td></td>
<td>• Collect grades and tabulate scores in a spreadsheet.</td>
</tr>
<tr>
<td>1-2 Weeks Before First Oral</td>
<td>Administrative Tasks</td>
</tr>
<tr>
<td>Argument Round</td>
<td>• Confirm the availability of venue space of dates and times reserved, reserve additional space if necessary</td>
</tr>
<tr>
<td></td>
<td>• Confirm participation of judges and competitors.</td>
</tr>
<tr>
<td></td>
<td>• Final revisions of bench memos and rubrics for oral argument rounds.</td>
</tr>
<tr>
<td>3-5 Days Before First Oral</td>
<td>Administrative Tasks</td>
</tr>
<tr>
<td>Argument Round</td>
<td>• Confirm the number of guests for each participating school.</td>
</tr>
<tr>
<td></td>
<td>• Prepare registration forms, judging sheets, rubrics, etc.</td>
</tr>
<tr>
<td></td>
<td>• Match up teams to compete in the first round of oral arguments.</td>
</tr>
<tr>
<td></td>
<td>• Assign judges and clerks for each round, and supplement with committee members if necessary.</td>
</tr>
</tbody>
</table>
Preparing for a Moot Court Competition

Participating in a moot court competition is both a demanding and a rewarding endeavor. Students who participate gain valuable life skills of written and oral advocacy, as well as gaining self-confidence and learning about the world around them. Teachers have the opportunity to see their students tease out complicated legal issues, think on their feet, and receive compliments for their efforts. The most important tools for success in a moot court competition are preparation and practice. The competition season begins with choosing the moot court team, and receiving the problem in the mail.

Choosing a Competition Team

We held tryouts. The incumbent members of the team chose the new members. I would only speak up if I really took issue with their inclusion or rejection of a particular candidate; this has yet to happen.

—High School Moot Court Coach

Composition of a Moot Court Team

In high school moot court, the competition team typically consists of four members: two students to argue the issues from the applicant point of view and two students to argue the issues from the respondent point of view. The entire moot court team, however, may consist of many more students in various roles. Many teams have extra competitors to practice with the competition team and serve as alternates in case of emergency (much like an understudy in a play). These team members will likely conduct some of their own practice rounds to prepare, and may also serve as members of the bench team. The bench team is usually made up of 5–8 students, depending on interest. Their primary responsibility is to develop questions to train the team. In addition, parents, teachers, and lawyers can be part of the team by editing drafts of the memorial or by judging practice oral rounds. All of these roles are valuable and contribute to the success of the team on competition day.

Tryouts

Many teachers and coaches use tryouts to choose the members of the competition team. One way to do this is to find a short problem and ask students to prepare a brief opening statement on behalf of one of the sides. Teachers can prepare a tryout packet including basic directions on oral advocacy, the problem to be addressed, and a list of aspects of oral advocacy to include in their statement (i.e., an opening and closing statement, three strong arguments, etc.). Students who have competed in the past can judge the oral presentations. The teacher and the student judges may also ask each applicant questions to test their ability to think on their feet. Teachers may also want to interview the potential competitors to find out how interested they are in the program and what other time commitments they have that may inter-

19. One teacher suggested using a fact pattern derived from Queen v. Dudley & Stephens, a British case involving cannibalism at sea.
Preparing for a Moot Court Competition

Assigning Roles

Once the problem is released, the teacher, along with the team, must decide which competitor will argue which issue. Each moot court problem should consist of two distinct legal issues to be argued. Two students—one arguing for the applicant’s position and one arguing for the respondent—must argue issue one. Likewise, two students must argue issue two, one arguing for each position. Typically, the teacher reads the entire problem and assigns experienced competitors to tackle the more difficult issue, while new members of the team are given the less complex legal issue, or the issue with the most favorable case law.

Analyzing the Competition Packet

The most important thing is to know what you are actually arguing—there are a lot of details that you can get sidetracked with but in the end, you really only have to prove one thing.

—High School Moot Court Competitor

At first glance, the competition packet you receive may overwhelm you—and even your teacher—because it contains a lot of information to be analyzed and processed. The best way to digest the information is to take it piece by piece. First, read through the rules so that expectations are clear. Then, read the statement of the facts/compromise. This portion of the competition packet reads like a story, and will familiarize you with the controversy that is the subject of the case. Next, read through the lower court opinions to get a basic understanding of the law governing the competition, and the arguments that both sides will likely be making. Last, read any supplemental materials included. You will need to read the competition packet several times before you have mastered it. Later, you can make charts and lists to help you organize the facts and your sources of law.

The Rules of the Competition

Before diving into the substance of the problem, it is important to read the rules that govern the competition. The rules set forth the important dates for the competition—the date by which a team must withdraw, the date that written submissions are due, and the dates of the oral arguments. Knowing these dates helps you plan your preparation time. The rules also include the size of the team permitted and any restrictions on who may coach the team. Some competitions permit only the team coach to practice with the competition team. Others allow participation of several students (ordinarily members of the bench team, and understudy teams), as well as teachers, other coaches, and lawyers. High school competitions generally allow help from as many sources as are available.

The rules packet also outlines whether the competition is an "open universe" or a "closed universe." In the case of an open universe, you must do additional research to supplement the materials in the competition packet. In a closed universe, the sources of law are either included in their entirety as attachments to the packet, or presented in a list that includes URLs if they can be easily accessed on the Internet. These sources in the packet are the only ones you may refer to in preparing for the competition. Most high school competitions utilize a closed universe and penalize teams that consult additional sources.
Finally, the rules packet sets forth the specific requirements for written submissions, including length limit, and font and margin requirements. You must make sure to refer back to these requirements before handing in any written submissions, because failure to meet these requirements could result in penalties for an otherwise well-written paper.

The Statement of Facts/Compromis
The statement of facts, or the compromis, is the source of all information about the facts of the case, so you must analyze it closely. This document contains both the facts that support your position and the facts that undercut or challenge your position. Read every sentence carefully to assess the information and determine how you can best use the facts to make a convincing argument. In international moot court competitions, the compromis is a negotiated statement whereby the parties submit themselves to the jurisdiction of the court, pursuant to Article 36 of the Statute of the International Court of Justice.²⁰ Every statement of the compromis has been agreed on by both parties.²¹ You cannot therefore, argue or dismiss the facts that are unfavorable to your position. You also cannot “invent” facts that seem to be missing from the statement. Instead, you should analyze all the facts and interpret them in a manner favorable to your argument.

In the case *Felipe Torres v. The Prosecutor*, the compromis reveals background information about the state, the defendant, his arrest, and the procedural history of the trial. The form in which these facts are presented is typical for international moot court competition, in that each sentence is numbered in sequence. These numbers represent independent pieces of factual information that have been agreed to by both sides in the dispute.

In *Felipe Torres v. The Prosecutor*, most of the useful facts are presented in the sections describing the prosecution and defense evidence. The prosecutor’s evidence contains facts that support the charges, while the defense’s evidence contains facts that dispute them. *Felipe Torres* also contains neutral “factual findings” that do not favor either party. Regardless of which side you are arguing, you must understand all the evidence when forming your arguments.

In other moot court problems, the statement of facts might proceed in a narrative form, telling the story of the background information and procedure without the subheadings. It is important to recognize these various elements, regardless of the form, and organize them in such a way that they are useful for the entire competition team.

Method for Analyzing Facts

When analyzing the facts, you must first determine who the parties are and which party you will be representing in your oral arguments. Identifying the parties is an important way to frame your reading of the compromis. Every detail within the problem can be attributed to action on one side or the other. Every fact can be considered good for one side, and likely bad for the other.

The parties are usually first distinguished by the two names on the court documents. In *Felipe Torres v. The Prosecutor*, it is clear that Felipe Torres is one party; the other—the prosecutor—represents the International Criminal Court. Knowing these two parties helps us not only organize the facts in the compromis but also understand the

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²⁰ Hafez and Schijatvet, ILSA Guide to International Moot Court Competition, 7.
²¹ Ibid.
possible motivations of both parties. The prosecutor’s motivations are likely to preserve order and safety in all countries, and to hold someone responsible for crimes that have been committed. Felipe Torres’s motivation is to preserve his freedom and to clear his name. These motivations should be kept in mind both when preparing arguments and when anticipating an opponent’s arguments.

The second element to focus on when reading the compromis is the turning points of action. “What happened?” and “when did it happen?” should be two questions on your mind as you establish your own chronology of events. The facts may not necessarily be arranged in chronological order, so you may have to develop a timeline or chart to understand the order of events. Often, the decision in the case turns not only on what happened but on precisely when it happened. Creating a visual representation of the important events may help you develop your understanding of what facts are important. This kind of chart also may be helpful when preparing materials for oral arguments. Often, judges ask questions based on specific facts or a sequence of events. Having this information accessible in chart form provides a quick reference for answering these types of questions.

The Felipe Torres competition packet contains an example of such a timeline (see p. 112). This simple chart includes dates, both general (early December) and specific (January 20), and a general description of what happened and where. This kind of chart is usually created by the team members rather than provided within the competition packet.

The location of the action is an important and unique aspect of international moot court competitions. While traditional moot court problems involve action and events taking place within a particular state or country, international moot court fact patterns likely involve action occurring in two or more countries or geographical areas. When reading through the compromis, it is helpful to determine which action occurred in each country, as it may be helpful when applying the competing laws of the jurisdictions. You may also be given information about the geographical distance between the countries, which may be helpful to note as well.22

The Felipe Torres case provides a good example of how many different fictitious countries may be integrated into one moot court problem. By reading the facts one learns that President Palumbo is the leader of the country of Malenga and that Felipe Torres fled to the neighboring country of Bikindi.23 Further, it is noted that the Bikindi government offered to extradite the imprisoned soldier back to Lusota, the capital of Malenga. Within the testimony presented in the prosecution evidence, Ferdinand Namunga refers to the town of Garuda, and the Red House, which seems to be a specific location within the town. Within the defense testimony, Felipe Torres attests that he was in Otara, a city 30 miles away, during the time in question. The factual findings that follow provide context for all of the locations mentioned. When reading these facts, it is important to develop a list of all the relevant locations, and how they relate to one another. Distances, like the 30 miles between Otara and Garuda, should also be noted, as this could affect the probability that an actor traveled between the two places within a given period of time.

Finally, after reading the compromis, make some conjectures as to why the events occurred, and why the parties acted the way they did. This information is often not explicit in the problem, so making inferences will help you develop your theory of the case. Look at the

23. Felipe Torres v. The Prosecutor, 22.
chronology you have developed of events and actors, and develop an understanding of their possible motivations for acting. Determine at which points the actors had more than one option, and why they chose to act the way they did. This process involves the development of rational, reasonable motivations on behalf of your client, and the development of possible unethical, unlawful, and unreasonable motivations on behalf of your opponent.

In *Felipe Torres v. The Prosecutor*, the reader learns that Torres is an admitted member of the United Resistance Front, a rebel group attempting to overthrow President Palumbo. Why might they want to resist him? Could President Palumbo be painted as a tyrant, or someone who does not uphold the traditional values of Malenga? Do Torres and his comrades feel that they are not free under his rule? Another important fact is that the perpetrator of these crimes is allegedly “Archangel,” and Felipe Torres admits to being called Archangel, but says that he is a traffic guard who is not involved in prisoner life. Why might he be called Archangel? Is it possible that he has been misidentified as a guard who abused the prisoners? What are possible motivations for falsely accusing him? Torres also testifies that he was visiting his sick mother 30 miles away during the relevant time period. Is it possible that he visited her and also participated in the torture? Many of these questions may not have an obvious answer, but it is helpful to question the actions and accusations of both parties to look for inconsistencies and possible motivations. In doing so, the competitors must be careful not to invent facts, or make assertions based on their own interferences.

**Ambiguous and Missing Facts**

When reviewing the problem, you must look for ambiguous or missing information. In moot court some facts are left intentionally ambiguous to provide both sides of the argument with a reasonable interpretation that supports their case. If facts are ambiguous, try to interpret them in the way most favorable to your client. You also must anticipate how your opponent may interpret them and be ready with a counterargument as to why their interpretation is not as reasonable as yours. If you think a fact is unintentionally ambiguous, you may contact the administrator of the competition so that it can be clarified for all the participants.

There will also likely be some facts missing from the fact pattern, including details that would be helpful for understanding the events or the motivation of the actors. Do not invent facts to help your case. The judges will be familiar with the facts of the case. The misuse, or invention, of facts in your written or oral arguments will affect your credibility with the court, and cause you to lose points.

In *Felipe Torres v. The Prosecutor*, the facts reveal that neither Lieutenant Colonne, Felipe’s Commander, nor Goncalves, Felipe’s brother, were available to testify on Felipe’s behalf. Though the facts presented indicate that they “could” have provided information to exonerate him, the facts are ambiguous as to what their actual testimony would have been on the stand. A competitor for Felipe Torres would argue that their testimony would have put him at his mother’s house, far away from the camp, on the night in question. This competitor would argue that their sworn statements should be offered in place of direct evidence. The competitor for the prosecutor would argue that negative inferences should be drawn from their failure to appear, and that we have no way of knowing what their testimony would have been. This is one example of how each side would make use of an ambiguous fact.
**Lower Court Opinions: Application to the Law**

In addition to the fact pattern, a problem might consist of the trial court’s opinion and the lower appellate court’s opinion. Reading these materials is the first time that you see the facts in the compromise applied to the relevant legal standards. Usually, a moot court problem contains one opinion from the trial court level that supports one side of the argument, and an appellate opinion supporting the other side. This allows each competitor to have an introduction to their strongest arguments and relevant sources of law. When first reviewing the lower court opinions, look at the way the arguments are organized. Next, make a list of all the sources of law that the court considered (from case law, to statutes, to international standards). The sources referenced by the court will provide the basis for the sources you will cite in both your written and oral arguments. In cases where your problem is a “closed universe,” these sources will be the only ones available in preparing your arguments. For that reason, it is important to look at the sources that support your position, as well as all the others that seem to contradict your arguments.

*Felipe Torres v. The Prosecutor* does not contain a formal lower court opinion, but it does contain a “grounds of appeal” statement. This statement challenges the lower court’s ruling and gives some of the best reasons why the trial court erred, including an unjustified reliance on the testimony of Ferdinand Namunga and the court’s failure to take into account the difficulties with securing alibi information. This appeal statement also outlines the mistakes the trial court made in sentencing Mr. Torres. The information contained in the grounds for appeal provides a few good bases for arguments on behalf of Mr. Torres. The subsequent prosecutor’s response provides similar arguments for the prosecutor. Although competitors for both sides should look beyond the basic arguments outlined in these pages, the competition packet provides both sides with a good foundation for potential arguments.

**Using the Supplemental Materials**

In addition to fact patterns and lower court opinions, the problem packet may also contain supplementary materials to help the teams prepare to argue in the competition. These materials might include selected documents from the lower courts, such as pleadings or discovery materials—e-mails, letters, or testimony. You should first read through all these materials to see how they may be relevant to the facts. Later, you can examine these materials more closely to determine how they may be used for potential arguments. The supplementary materials are often not referenced directly in the lower court opinions, so it might not be clear how they should be used in preparing arguments. Use of supplementary materials requires creativity, and may result in unique arguments that other teams have not considered.

In *Felipe Torres v. The Prosecutor*, the supplemental materials include two witness statements, from Gonclaves Torres and Lieutenant Colonne, as well as the relevant statutes and laws of which Felipe Torres has been found in violation. While the witness statements undoubtedly will assist the competitors for Felipe Torres, the competitors for the prosecutor should read the statements carefully to find inconsistencies or holes in their stories. The attached statutes are helpful in that they outline the “tests” and considerations that must be met to prove each element of the crime.
International Moot Court: An Introduction

Preparing for a Moot Court Competition

Research Strategies and Resources for Open Universe International Competitions

International law research is unique compared to any other research project that you have previously experienced. In the domestic law context, the most important sources—statutes and decisions of certain courts—are systematically documented. You can look to legal databases like WestLaw and LexisNexis to search for relevant cases and statutes all in one place, using search terms similar to those used in Internet search engines. You can also turn to law libraries for research, where you find case law is organized into volumes chronologically by court system, and statutes are organized into volumes by state, and also by areas of law.

International law research is different because it requires you to utilize a variety of sources that are not centrally located. Some sources can be found on the Internet, others in encyclopedias, reports, or digests. If your competition has a “closed universe,” all of these research sources will be provided within the competition packet. If the competition has an “open universe,” the competition committee will likely provide some guidance on what kinds of sources you should consult, and where to find them. The following section explains some of the basics of, and provides some basic sources for, international law research.

Assigning Research Tasks

Once we get all that down, we can turn to the substance of the cases. We can pretty quickly divvy up the cases between the two issues.

—High School Moot Court Coach

When preparing to write a brief/memorial in an open universe, the first task is to determine what kinds of information and sources are necessary. This is best accomplished by a careful reading of the statement of the facts, lower court opinions, and issues presented in the competition packet. Once all of the competitors on the team have read the whole problem, the teacher will likely assign some major, general sources on the topic for the entire team to read to familiarize themselves with the area of law. For example, in the case of Felipe Torres v. The Prosecutor, a teacher/coach might first assign the entire team to read an article for an encyclopedia or journal that gives an overview of “war crimes.”

Once the teacher has divided the team groups by issue, they can conduct, more specific, focused research (two students researching the topics for issue one and two for issue two). For example, in the case of Felipe Torres v. The Prosecutor, one group of students would be assigned to research “war crimes” and specifically “willful killing,” while another group of students would be assigned to research “war crimes” and specifically “torture.” Over the course of research, students should take care to save their research in an organized fashion. It is often convenient to organize all of the information you gather into a “source book”—a binder of all the materials that you find relevant to the research issue. Many teams find it helpful to use binders, where they can hole punch all of their sources and keep them in one place. Student competitors are encouraged to “read with a pen” in hand, and highlight the parts of each case, article, or treaty that they think is relevant. Team members are also be encouraged to share their findings with the students working on the other issue, as this helps prevent duplicating work.


25. Ibid., 23.
Sources of Law
The relevant sources of law depend on the topic of the competition, and some guidance should be provided as to where to begin. It is often easiest to begin with the major sources of international law, which provide a basis for how the various courts function, as well as an overview of the major issues in international law. Here are a few examples of major sources that may serve as a starting point:


In addition to these basic sources, the next step is to consult sources that the court considers when making their determinations. These sources include cases, opinions, and articles that the team will use to begin crafting their arguments. Article 38(1) of the Statute of the International Court of Justice provides five basic categories of legal sources that serve as the bases of legal judgments. These are

1. international conventions (general or particular)
2. international customs that are accepted as law
3. general principles recognized by civilized nations
4. judicial decisions
5. teachings of highly qualified legal publicists of various nations

Although different courts (like the ICC represented in Felipe Torres v. the Prosecutor) have different sets of precedent, the above list presents an idea of the breadth of the potential sources for international law research.

Websites and Other Resources
Most high school competitions will involve a “closed universe” where students will not be expected to conduct their own research. In the case of an “open universe” competition, the competition committee will likely provide some guidance about what kinds of sources to use. Such sources will likely include:

- **Encyclopedias** that present basic definitions of international law topics. For example, Parry, Clive and John P. Grant (eds.), *Encyclopedia Dictionary of International Law* (1986).
- **General textbooks** on international law that provide an overview of specific topics, and may point to other helpful sources. For example, Martin Dixon, *Textbook on International Law*, 4th ed. (2000).
- **International Law Reports** and other digests that organize cases by court on specific subjects of international law. For example, “Judgments, Orders, and Advisory Opinions, 1930–1940. Series A/B.”

The bulk of international law research is necessarily catered toward the subject of the individual competition problem. For a general overview of the research process for international law, consult http://www.law.duke.edu/ilrt/. For a comprehensive list of sources of all types of international law issues, consult http://www2.lib.uchicago.edu/~llou/forintlaw.html.

Organizing Your Research
I try to teach the students to read cases the way lawyers do … And I tell them to highlight, write in the margins, attach Post-its®—whatever they need to do to remind themselves of the essential facts, the issues addressed, and the Court’s reasoning.

—High School Moot Court Coach
Regardless of whether the competition is an open or closed universe, you need a method for organizing and using all of the information that they find. All of the team’s materials should be organized into a source book so that all of the research is in the same place. Then the materials should be divided among the competitors based on which issue that are working on. Every principle, law, or case within the source book can be divided into four basic categories: (1) sources that are irrelevant to your issue, (2) neutral sources that provide basic background about laws and standards, (3) sources that support your position with similar facts or favorable interpretation of the law, and (4) sources that challenge your position with rulings, law, and facts that weaken your arguments. It is important to identify which sources apply to which issues early on in the research process so that you do not waste time reviewing documents that have no bearing on your arguments.

Neutral Sources
Among the sources of law relevant to your issue, you might have several neutral sources that lay out or explain standards of law without strengthening or weakening either side of the issue. For example, in Felipe Torres v. The Prosecutor, the sections from the Rome Statute on which the charges are based would be considered a neutral source. Such sources, which lay out the standards being applied, are useful to both parties in organizing their arguments. Both parties have to apply the criteria of the statute to the facts. One would likely be arguing that it meets all the requirements, while the other does not. Both sides have to read the statute, in addition to various interpretations of it through case law, to develop their arguments.

Argument-Strengthening Sources
The most valuable sources in your source book are the cases, opinions, and standards that support your position and reinforce your arguments. For example, if you were representing Torres in Felipe Torres v. The Prosecutor, it would be helpful to have another case tried before the ICC with similar facts where the court found that one witness was insufficient to support a conviction for willful killing. It might also be helpful to find a treaty that spells out the factors to be considered in the balancing test. Using the treaty as a basis, you can then look for cases that interpreted the treaty in a way favorable to your position. If you find such a case that reaches the result you want, you should focus on the similarities in the facts between the favorable case and the case you are now arguing. You should focus on the judges’ reasoning for applying the rule, and any policy arguments they used to support their ruling. Determine how the same logic could be applied to your facts to reach the same result.

Challenging Sources
Moot court problems are specifically written to have no clear “right answer.” The administrators of the competition will present an argument that has many strengths and weaknesses on both sides. Therefore it is important to identify some of the strongest materials that your opponents might use in crafting their arguments. Just as you should focus on the similarities between the present case and others that reach a favorable result, you must also find differences between the cases that reach the opposite. For example, in the case of Felipe Torres v. The Prosecutor, there could be a Case X with similar facts where a court determined that one reliable witness formed a sufficient basis for a conviction. If you are representing Torres during your arguments, you would have to think of
reasons why the judges should not apply the reasoning of *Case X* in the present case. Maybe the defendant had no alibi in *Case X*, or had no witnesses that were willing to testify on his behalf. Maybe the defendant had a history of committing bad acts. Any differences that you can spot between the present case and the unfavorable case can provide you with reasons to argue that *Case X* should not apply.

**COMPETITION TIMELINE**

### Preparation for Memorial

<table>
<thead>
<tr>
<th>Time Frame</th>
<th>Tasks to Complete</th>
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| In days following the release of the competition packet | • Read competition packet in its entirety.  
• Assign roles, with two students arguing the issues for applicant, and two arguing the issues for respondent.  
• Conduct preliminary research using the sources from the competition packet (in a closed universe) or with encyclopedias and reference books (in an open universe). |
| 3–4 weeks before brief/memorial is due | • Conduct additional research if necessary.  
• Begin to identify neutral, argument-strengthening, and argument-challenging sources.  
• Outline strongest arguments, and find support in legal sources for each argument. |
| 2–3 weeks before brief/memorial is due | • Meet with team to discuss issues and arguments to be included in the brief/memorial.  
• Consult with coach/teacher about the structure and substance of arguments.  
• Begin crafting arguments into paragraphs using the IRAC form. |

### Preparation for Oral Arguments

<table>
<thead>
<tr>
<th>Time Frame</th>
<th>Tasks to Complete</th>
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| 1–2 weeks before the brief/memorial is due | • Complete rough draft of all arguments using IRAC form, and develop headings for each section.  
• Read over teammates’ portions of the memorial/brief, and provide feedback so that everyone has the opportunity to refine their arguments. |
| 1 week before the brief/memorial is due | • Meet with team to revise and edit all sections of the memorial/brief.  
• Consult rules packet to ensure that the brief/memorial meets all requirements.  
• Refine cover pages, title pages, and source lists.  
• Submit the brief/memorial to the specified location and confirm its receipt. |
| 2–3 weeks before oral arguments | • Develop a basic organization of your argument using narrative or outline form.  
• Determine the 2–3 main arguments that you will make, and use them to craft a first draft of a roadmap paragraph.  
• Determine which cases and other sources you plan to reference, and read over the sources thoroughly.  
• Concentrate on memorizing the case names, the important facts, and the court’s decision in each case.  
• Begin meeting with the bench team to practice oral arguments. It is OK if you spend a lot of time looking down at your prepared materials |
| 1–2 weeks before oral arguments | • Participate in several practice rounds (2–4 per week) to prepare for oral arguments.  
• Encourage the bench team to ask easy and hard |

(continued)
Preparing the Team Brief or Memorial

We usually have a first meeting with the attorneys, after everyone has read the problem and sifted through the cases, to talk about framing the issues and arguments. After that first meeting, we jump right into first drafts. I tell them to accept that their first drafts should be and will be “[rough] first drafts,” but they need to get started creating arguments right away.

—High School Moot Court Coach

Preparing the brief or memorial for a moot court competition is similar in some ways to other kinds of writing that you have done in high school. Like a research paper, a brief/memorial requires you to take a position supported by research, and argue it aggressively. The purpose of the memorial is not merely to describe the relevant law and facts, but rather to persuade the reader to agree with your position. Although many high school moot court competitions may not have the written component, this chapter provides a basic guide for how to structure and organize a brief or memorial in the case that one is required.

Most important, when writing a brief or memorial you must consider how to paint the facts, research, and policy arguments in the light most favorable to your client’s position. You do not want to make any concessions, admitting that your client has done anything wrong, or that the case is weak. You must have your reader in mind, and craft your arguments to persuade her that your position cannot lose. Con-
sider your reader when crafting the arguments in your memorial, and
ask yourself the following questions.

1. **What if the reader is not familiar with this area of the law?** International moot court competitions employ various practitioners, teachers, and scholars to read and grade the memorials, some of whom may not be familiar with the complexities of the area of the law. Assume that your reader has no background on the law and explain the general principles in simple terms that are easy to understand. Define important terms before you discuss them. Be precise about your phrasing of rules and principles that you infer from your cases. Not only will this practice make your memorial easier to read, but it will also reflect a more complete understanding of the law of the case.

2. **How can I make my memorial clear for the reader?** Memorials do not win additional points for complex sentences and flowery language. The best memorials are written in short sentences and follow a specific, repetitive paragraph format (see the IRAC format on page 73). To make your writing clearer, avoid long drawn-out quotes from your sources in favor of paraphrasing the content. Quotations are more effective if used sparingly, so choose the most important phrases from the quote instead of quoting the whole sentence. Make sure you use headings to divide your sections, which lends organization and ease of reading to your memorial. Finally, make sure you edit your memorial extensively. Not only does editing allow the team to spot spelling and typographical errors, but it allows the team to tighten the sentences and make the memorial easier to read.

3. **How can I make my memorial stand out?** In addition to concentrating on making your memorial informative and clear, consider ways to make it enjoyable to read. Remember that the person reading your memorial has a large stack of similar memorials from other teams, many of whom repeat the same arguments over and over. Determine how you can make your team’s memorial stand out. Consider policy arguments that you doubt others could come up with. Consider creative ways of interpreting the facts or supplementary materials that will set your memorial apart.

**Memorial Structure**

A memorial follows a specific format that is unique to international moot court. Most have five components—preliminaries, statement of facts, questions presented, pleadings, and pray for relief—however the components may vary from competition to competition.

**Preliminaries**

The memorial should begin with the **preliminaries**, which include the cover page, the table of contents, and the index of authorities. The cover, or title page, ordinarily consists of the name of the appellate court to which the memorial is addressed (this should be made clear within your competition packet) as well as the parties at issue in the case and your team number. Remember not to write your team name on the cover, because briefs are graded anonymously. The rules of the competition packet might contain additional instructions about formatting the title page.

The **table of contents** should include all of the headings and subheadings that appear throughout your memorial, with references to the pages on which the headings appear. Be sure that this component is neat, organized, and accurate, for it is the first impression that the reader gets of the substance of your argument. Because the wording
of the headings and subheadings will likely change as you revise your memorial, you should leave construction of the table of contents for last, so that it reflects your final draft.

The final component of the preliminaries is an index of all of your authorities. If the competition is operating within a closed universe, the only materials referenced should be those that you were given in the competition packet. If the competition is an “open universe,” you should include every source consulted or referenced in the memorial. No matter the type of the “universe,” the keys to developing a successful index are accuracy and organization. Most important, make sure that every source is cited in the proper form, which should be specified in the rules packet. Update your index as you rework your memorial and double check the index against every source referenced in the final draft before the memorial is submitted.

Statement of Facts

The next major section of your memorial should be the statement of the facts. At first glance, this section seems simple, because you might assume that you simply have to summarize or paraphrase the facts in the compromis of the problem packet. But, remember, the statement offers you your first opportunity to persuade the reader. When developing this section, concentrate on portraying each fact with the most positive slant possible to support your client’s position. Yet, although advocacy and persuasion should always be your goal, you must avoid contorting the facts severely or inventing new supportive facts, as both of these will compromise the credibility of the memorial and result in a lower score. Similarly, although you may be tempted to ignore the most difficult or harmful facts to your position, doing so will also damage your credibility. It is best to acknowledge the unfavorable facts, and attempt to find a way to minimize or put a positive spin on them. Any fact that is referenced in the body of your argument should appear in your statement of the facts. For example, in *Felipe Torres v. The Prosecutor*, writers advocating the position of Felipe Torres will likely stress his lowly position as traffic control officer within the URF (United Resistance Front) forces, while the writers advocating for the Prosecutor will stress his nickname “Archangel” and paint a picture of a man with much control and influence over the URF forces and the prison camp. Similarly, the advocates for Felipe Torres will provide a detailed account of Felipe’s visit to his sick mother as a way to invoke sympathy from the reader. Advocates for the prosecutor will minimize Felipe’s alibi, perhaps only conceding that Felipe “claimed to be out of town.” Neither advocate in this example has misrepresented the facts; all of the details can be found within the factual record. By concentrating on the details that support the advocate’s position, however, they persuade the reader to believe their side of the story instead of their adversary’s. Hence, the statement of facts can become a subtle, but important, persuasive tool within the memorial.

Questions Presented/Submissions

*Questions presented*, also known as submissions in the international law context, are the next section in the memorial. This is the first place in the memorial where the reader is presented with the specific issues that will be addressed in the pleadings. Typically, moot court competitions involve two issues. These issues represent the two questions before the court, the two areas of law that the court will consider when making its determination. These two issues will be spelled out explicitly in the competition packet. You should take the issues and transform them into question form as explained below. There should
be one question presented for each issue. Each question should be short and precise, and begin with the word “whether.” For example, in *Felipe Torres v. the Prosecutor*, there are two grounds for appeal of the record that will form the basis for the questions presented. The questions might appear as follows:

1. Whether the Trial Court erred in finding that Felipe Torres was in the diamond mine on the night in question based on the testimony of only one eyewitness?
2. Whether the Trial Court erred in failing to consider Felipe Torres’s age, education, drug use, and regret when determining an appropriate sentence?

The team representing Felipe Torres should use the questions presented as an opportunity to question the reliability of Mr. Namunga’s testimony and to introduce some of the most sympathetic mitigating factors that support a lower sentence. The Prosecutor’s team should, in contrast, assert that Mr. Namunga is reliable, and that the Trial Court’s determinations were well-reasoned and appropriate. Hence, each side can use the questions presented as the first opportunity to subtly persuade the reader to their position.

**Pleadings**

The main body of the memorial is called the pleadings. It is in this section that you develop all of the arguments for your position and persuade the reader to rule in your favor. An effective pleadings section should convince the reader that your interpretation of the facts is correct, your sources of law are persuasive, and your arguments are stronger than your adversary’s.

While the content of your pleadings section is most important, structural elements will make the section easier to read and make your arguments clearer, and therefore more convincing. Briefs commonly use roman numerals (I, II, III, etc.) for each issue, capital letters (A, B, C, etc.) for the main topic sentences for arguments within each issue, and numbers (1, 2, 3, etc.) for the subparts within each main argument. No matter what system your team chooses, however, it is most important to be consistent throughout the entire body of the pleadings section.

Equally important as the structure of the entire pleading is the structure of the paragraphs within the pleading. Each paragraph should be devoted to a single legal argument that is founded on some source of law and applied to the facts of the case to reach a conclusion. The system traditionally used to organize these elements is called the IRAC—issue, rule, analysis, conclusion—formula. While the final version of an IRAC paragraph should read like a narrative, the numbers and labels are included in the examples so that you are able to identify the components.

1. **Issue**—The issue frames what the paragraph will be about, much like a topic sentence in research paper. This sentence should also state the conclusion that will be reached by the end of the paragraph.
2. **Rule**—The rule is the legal standard that you want the court to apply in this case. Rules can be based on a variety of sources of international law (case law, treaties, the general practices of several nations, etc.). It is important to state a rule in a straightforward and concise manner. Also, include the citation of your source so that the reader knows from where the rule came.
3. **Analysis**—The analysis part of the paragraph can be anywhere from 3–5 sentences. It involves taking the rule you developed and applying it to the facts of the case. It is an explanation of why the rule should result in a favorable verdict for your position.
4. **Conclusion**—This conclusion tells the reader the result that you want to achieve based on the rule and analysis. This sentence should mirror the wording of the issue sentence that begins the paragraph.

For example, if you were writing the memorial for the prosecution in *Felipe Torres v. The Prosecutor*, you would divide your pleadings into two sections, corresponding to the two issues or the two questions presented before the court. The first section should contain all of the team’s arguments related to the first issue. The issue heading might be:

“I. The Trial Chamber was correct to find that the defendant was present in the diamond mine on the night of December 26.”

Under that heading, the team would spell out their arguments through a series of IRAC paragraphs, with one paragraph for each argument that they have on the issue. For example:

**(Issue:)** The Trial Chamber was right to find that Felipe Torres was present in the diamond mine because there was an eyewitness, Mr. Namunga. **(Rule:)** Testimony from one witness is sufficient to support a war crimes conviction if the witness has personal knowledge of the defendant’s involvement. (Paramilitary Activities in and against *Malvia Malv. v. U.S.*, 1946 I.C.J. 15, 84, April 27).**28**(Application:)** In the case at bar, Mr. Namunga has personal knowledge sufficient to make him a reliable eyewitness. In *Malvia v. U.S.*, an eyewitness was considered to have “personal knowledge” because he had several conversations with the defendant. Similarly, in the case at bar, Mr. Namunga saw Felipe Torres’s face up close while in the diamond mine. In addition, Mr. Namunga could recognize Felipe Torres’s voice based on their previous encounters. Both of these facts demonstrate a personal knowledge sufficient to make Mr. Namunga a reliable witness. **(Conclusion:)** The Trial Chamber was correct in finding Felipe Torres guilty based on the testimony of a reliable eyewitness.

A complete pleadings section should contain arguments to answer both of the questions presented. Each argument should have its own IRAC paragraph.

**Pray for Relief**

At the end of the pleadings section, the memorial should include a pray for relief that summarizes the team’s position and asks that the court rule in their favor. An example of a pray for relief based on *Felipe Torres v. The Prosecutor* might include:

The agents of Felipe Torres respectfully request this Honorable Court—

Declare that the Trial Court erred in determining that Felipe Torres was present in the diamond mine on December 26 based on the testimony of one eyewitness.

Declare that the Trial Court erred in failing to the balance all of the relevant factors when determining Felipe Torres’s sentence.

Respectfully Submitted
The Agents
Felipe Torres

Your competition packet should provide more specific guidance about the format of the brief, for example, page or word count maximum.

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28. *Malvia v. U.S.* is a fictitious case included for the purpose of demonstrating an IRAC paragraph.
There may also be requirements with regard to font and margins. These rules are set to equalize the opportunity between all the competing teams by giving each team the same amount of space in which to convey their ideas. It also helps maintain the anonymity of the writers. It is important to pay attention to the structural guidelines set forth in the rules packet, as you will lose valuable points for failing to follow the directions, even if your work is well-written.

Chapter 6

Preparing for Oral Arguments

It’s a cliché, but most importantly, I remind them to have fun and get into the spirit of the competition. I can tell you that our team sincerely has a great time at the competition, win or lose (though they’re fond of winning). I try to keep them joking around and socializing when not competing to help them stay loose. All the hard work comes before we go to compete.

—High School Moot Court Coach

The most exciting part of an international moot court competition is the oral arguments. After the team has spent weeks researching the topic and writing the memorial, the oral argument rounds are the culmination of all their efforts. The best oral arguments build on the foundation of the memorial, and add something new. While the memorial has explained the law and applied the law to your facts, the oral argument provides the chance to have a real conversation with the judges about your submission. While preparing for this oral component, many aspects of the arguments presented in your memorial may change. Through practice, team members identify which of their arguments are the most compelling and concentrate on those, disregarding some of the weaker points. Teams also identify additional policy arguments and examples that will be compelling to the judges. The focus of the oral argument rounds should be getting the court interested in your arguments, answering whatever questions and concerns the judges have. These goals are best achieved through a combination of organization, practice, and personal style.
Roles in Oral Arguments

Many competitions will assign the team one position, applicant or respondent, for the purposes of writing the memorial. Regardless of which side the team has been assigned for the written component, it will likely argue both sides during the oral argument rounds. Typical oral argument teams for moot court competitions consist of four students: one to argue each submission/issue on the applicant side, and one to argue each submission/issue on the respondent side. These students are likely be the same students who wrote the memorial. Some international moot court competitions allow additional students to train with the team as alternates, while other competitions limit the team to the four competitors.

During the rounds of oral arguments, the two applicants present first (submission one and then submission two), followed by the two respondents arguments. You should follow this order during practice sessions. Because applicants argue first, they present the arguments they have prepared. Conversely, respondents have the opportunity to listen to their opponents’ arguments and hear the judge’s questions and concerns before they begin to present their arguments. If the respondents are listening closely, they may use their oral arguments to correct mistakes made by the applicant, respond to some of the applicant’s arguments, or refer to the questions asked by the judges to bolster their own arguments. Incorporating these features into your respondent oral argument shows the judges that you are really listening, that you understand the complexities of the submission, and that your argument is flexible and not simply memorized. Similarly, after the respondents have completed their initial arguments, the applicants have the chance to comment on or correct the respondent’s arguments in a 1–2 minute rebuttal. Both sides should try this strategy in practice rounds.

While the applicants and respondents will likely work in separate teams to prepare and refine their arguments, it is important for the whole competition team to practice together. By listening to the opposing side’s arguments, the team can identify weak and strong points, and use what they learn to refine their own arguments. Also, because the students on the opposing side will have an intimate understanding of the facts and the law, they are also in the best position to assess and challenge the other side’s arguments. If both the applicant and respondent teams work together during preparations, they have the best chance of presenting two competing, but strong arguments on the day of the competition.

Components of an Oral Argument

At first, I start out with a long narrative in which I write everything I would ever think of saying. Practicing with this narrative, I am eventually able to narrow it down to my introduction and conclusion verbatim and the rest in outline form. By the time of the competition, I have at least memorized my introduction, roadmap, recitation of the facts, and conclusion. For the rest, I rely on a few bullet points with the names of the cases and dates that I intend to use in my argument.

—High School Moot Court Competitor

Much like IRAC paragraphs within the pleadings of a memorial, the arrangement of a successful oral argument also follows a specific structure. First, during the opening statement, you have the opportunity to introduce your team, your position, and grab the judges’ attention. This opening may also involve a brief recitation of the facts. Next, during the roadmap paragraph, you lay out the foundation of your main arguments and tell the judges how these arguments are organized. You then present your best arguments in the body of the argument,
using the law and tying it to the facts to convince the judges to rule in your favor. Finally, in the closing, you sum up your argument, and have a chance to make one last impression on the judges.

**Opening Statement**

*Since I knew my arguments, I’d memorize almost all parts including the opening and closing statements. Then, I just needed bullet points on all topics that I wanted to bring to the judges’ attention.*

—High School Moot Court Competitor

The opening statements of the oral arguments are your opportunity to make a first impression on the judges. While much of the rest of the oral arguments will involve a back-and-forth conversation, you should memorize your opening and closing statements because you will likely be allowed to present these without interruption.

When presenting the first submission of either side, begin the opening statement by introducing yourself, your partner, and the submissions you will be arguing. For example, the applicants in *Felipe Torres v. The Prosecutor* might present the following opening:

*May it please the court. My name is John Smith of Team 5. I, along with my co-counsel, Mary Lee, will be arguing on behalf of the applicant, Felipe Torres. I will be arguing that the trial court erred in relying on the testimony of one witness when convicting Mr. Torres. My co-counsel will argue that the trial court also erred when balancing the mitigating factors when determining Mr. Torres’s sentence.*

You should memorize this part of your oral argument because it will allow you to make eye contact with the judges as you introduce yourself.

Because the opening statement follows a standard form that will likely be mirrored by every team, it is important to end your opening statement with a one-sentence theme of the case. This is called the “hook.” This theme should represent what you think the case is really all about, and should be woven into the entire argument. For example, in the case of *Felipe Torres v. The Prosecutor*, the team playing the role of applicant might develop a case theory that this was a case of mistaken identity. Therefore, following the basic introduction in the opening statement, the first applicant would say something along these lines: *Your Excellencies, this is a case of mistaken identity. The case of an innocent man who may spend his days in jail because of the mistakes of the trial court.*

The applicants could then integrate these themes—mistaken identity and injustice—into the remainder of their argument. In contrast, the competitors for the respondent would likely have a very different theme, for example:

*Your Excellencies, this is a case of a brutal and ruthless tyrant who is refusing to accept responsibility for his actions.*

The theme will differ depending on your position. The most important part is to have some kind of dramatic statement to hook the judges into your argument.

**Brief Recitation of the Facts**

After general introductions, the first oralist, arguing the applicant submission one, should ask the judges if they would like a brief recitation
of the facts. Most often, the judges respond by saying, “no counselor, we are familiar with the facts.” Sometimes, however, they ask for a brief summary. You should memorize this just in case the judges ask for it. An example of a potential recitation of the facts for the applicant for Felipe Torres might be the following:

On the evening of December 26, members of the UMF were killed by the rival paramilitary organization. Felipe Torres was accused of torturing these individuals, as well as being involved in their murder. At trial, the judge relied on the testimony from one prosecution witness, while Felipe Torres did not have the opportunity to present two alibi witnesses that would place him at a location far from the brutal attacks. Based on this minimal testimony, Mr. Torres was convicted and sentenced to 25 years to life in jail. In making this sentence, the judge failed to consider Mr. Torres’s age and other factors that may have reduced this sentence.

A successful recitation of the facts should be 5–6 sentences. Sometimes, a judge will ask for a recitation of the 3–5 “most salient” facts. If you already have your basic paragraph prepared and memorized, you do not have to alter it in this situation. Instead, just place the words “first, second, third, etc.” as transitions in your paragraph. So, if a judge were to ask for the four most salient facts in our example, the first oralist can answer the question in the form requested without altering the statement she prepared:

First, on the evening of December 26, members of the UMF were killed by the rival paramilitary organization. Second, Felipe Torres was accused of torturing these individuals, as well as being involved in their murder. Third, at trial, the judge relied on the testimony from one prosecution witness, while Felipe Torres did not have the opportunity to present two alibi witnesses that would place him at a location far away from the brutal attacks. Fourth, based on this minimal testimony, Mr. Torres was convicted and sentenced to twenty-five years to life in jail. In making this sentence, the judge failed to consider Mr. Torres’s age, and other factors that may have reduced this sentence.

Note that only the oralist arguing applicant submission one should offer to recite the facts. The other oralists should go directly into the body of their argument.

Roadmap Paragraph

I would advise students to learn the road map well. One of the challenges for students is steering their argument back to their roadmap. This can be especially difficult when the students don’t know for certain whether the judges truly disagree with their argument or are simply playing the “devil’s advocate.” I think that is very important advice for the students to get from the beginning. As teenagers, one of their greatest difficulties can be maintaining confidence.

—High School Moot Court Coach

The body of the argument begins with an introductory statement of the main points that the oralist makes. This is called the roadmap paragraph of the argument, which you should also memorize. Before beginning the roadmap the oralist should have a one sentence “theme” of the case, to hook the judges into their argument. This theme should run throughout the entire argument and be re-emphasized in the conclusion. For example, the oralist arguing for Felipe Torres might have the
Preparing for Oral Arguments

The following theme: “Your Majesties, this is a case about a man who has been falsely accused, and now stands to spend years in jail for the errors of the trial court.” The oralist arguing for the Prosecutor will likely have a different theme: “Your Majesties, this is a case about Felipe Torres, a man who has committed horrible war crimes against innocent people, and a man who is not accepting responsibility for his actions.” This one sentence will hook the judges into the main theme of your argument.

After stating the theme, you then lay out a roadmap of your position and three or four of what you consider to be the strongest arguments in their favor. This provides the judges with a preview of what you will be arguing, as well as an idea of the organization of the argument. Providing a roadmap paragraph often assists the judges in guiding the argument; it allows them to know what questions to ask to ensure that the oralist has the opportunity to address all of the major points. An example of a roadmap paragraph for applicant submission two in *Felipe Torres v. The Prosecutor* might be:

> The sentence of Felipe Torres should be overturned for the following three reasons. First, in deciding his sentence, the trial court judge failed to do the proper balancing test by not considering Felipe Torres’s age. Second, the trial judge failed to consider the effects of psychotropic drugs. Finally, the trial court failed to consider the regret that Mr. Torres feels for what has happened to the innocent people.

Based on this roadmap paragraph, the judges get an idea of what the applicant’s three main arguments are in support of his position. The rest of the presentation expands on these points. You may want to begin your first argument by saying, “With respect to the first point, you Majesties . . .” or something similar to introduce the transition to the substance of the argument.

**Substance of the Argument**

*I wrote my argument in bullet points, with just the opening, closing, and main ideas written out in longhand. I also made note of where helpful or harmful case law could be brought up. I tried not to memorize it, but speak extemporaneously.*

—High School Moot Court Competitor

Often students begin preparation for the substance of their oral arguments by writing out a long narrative of everything they want to say. Although this is initially helpful in organizing thoughts and developing a structure, the body of the oral argument will likely change significantly over rounds of practice. Because the goal of oral arguments is to have a conversation with the judges, do not attempt to memorize the body of your argument. Instead, practice refining the order and delivery, answering judges’ questions, and incorporating more argument and analysis into your responses. The goal of practice is to make you comfortable with all aspects of your argument and ready to answer any questions that the judges may present.

The substance of the argument should follow the structure outlined in the roadmap paragraph. For each of the three (or four) arguments in the roadmap paragraph, often called the “grounds” on which you argue, you will expand on the law and the facts to prove that point. For example, the organization of an argument might be the following:

- State the rule governing this ground.
- Explain the source of the rule, citing treaties or case law.
- Apply the law to the facts.
- Present policy arguments in support of the position.
Preparing for Oral Arguments

Policy arguments play an important role in shaping a convincing argument. Policy arguments are not founded on legal principles, but rather what you think the practical outcomes will be from the judges’ decision. Policy arguments give you the opportunity to be creative, and present your arguments in a way that is unique. When thinking about potential policy arguments, consider how the ruling in this case could affect the public policy interests of the individual state, or the international legal system as a whole: What kind of precedent could this ruling set? How could it affect the way individuals or states interact in the future? How would the interest of justice be furthered by a ruling in your favor? For example, in *Felipe Torres*, advocates for the prosecutor would likely present policy arguments about the importance of harsh sentences for war criminals, as setting an important precedent about a no-tolerance policy for violent political uprisings within the international community. On the contrary, advocates for Felipe Torres would present policy arguments about the importance of compassion and justice in giving children a second chance. Policy arguments may be founded in law or simply in principles of fairness and justice.

**Conclusion**

Close with a sentence that you have memorized that summarizes the argument. For example:

> Since [first ground], [second ground], and [third ground], applicant respectfully requests that this court reverse the trial court’s ruling and grant Felipe Torres a new trial. Thank you.

**Supplementary Components of ICC Cases**

The oral component of traditional moot court competitions, in both domestic and international law, focuses on the appellate argument structure described above: each competitor stands in front of a panel of judges for 10–15 minutes, and engages in a conversation with the panel while trying to make convincing arguments. International moot court competitions simulating the ICC, however, add another component to the oral advocacy competition: Advocates are also asked to direct and cross-examine witnesses.

On direct examination, the team presents the witnesses who support their case. For example, in the case of *Felipe Torres v. The Prosecutor*, the defense would likely present Goncalves Torres and Lieutenant Colonne. When conducting a direct examination, it is important to let the witness tell his story through a series of open-ended questions. For example, you might begin by asking Gonclaves, “Mr. Torres, can you describe your relationship with the defendant, Felipe Torres?” The witness then has the opportunity to tell the judges that they are brothers, that they are very close, and that they have both been caring for their sick mother. You are not allowed to ask leading questions on direct examination; that is, questions that suggest the answer that you want. For example, an applicant on direct examination could not ask Mr. Colonne, “Isn’t it true that Felipe Torres was with his mother on the night in question?” The suggested answer to that question would be a simple “yes,” and therefore the question is leading. An applicant might instead ask, “And where do you believe Mr. Torres was on the night in question?” followed by, “How did you come to know this information?” Open-ended questions allow witnesses to tell their own version of the facts, while still providing the necessary information.
When cross-examining a witness you must try to discredit him, poke holes in his story, and make his version of the facts seem unreliable. Cross-examinations are usually adversarial, because the witness is in favor of the other side’s position. Even though these interactions may get frustrating, it is important not to get angry or attempt to badger the witness or you might lose the favor of the judges, who expect you to remain poised and in control. Make sure that all of your questions are leading, not open-ended, questions. You do not want to ask open-ended questions of an adversarial witness because you can never be sure what the witness is going to say. In order to stay in control of the examination, you should instead lead the cross-examination witness through a series of yes or no questions in an attempt to discredit and challenge him. For example, the respondent might pose the following questions to Gonclaves Torres:

Q: So, Gonclaves, I understand that you are Felipe’s brother, is that correct?
A: Yes.
Q: And would it be correct to say that you and your brother are very close?
A: Yes.
Q: You are closer than brothers, you are best friends, right?
A: I guess so . . .
Q: So, it would be safe to assume that you and Felipe supported and cared for each other since you were little boys?
A: Yes.
Q: So, if something happened to your brother, you would want to protect him, right?
A: Yes.

Although you can never be sure how the witness is going to respond to your questions, you should take care to phrase cross-examination questions in such a way that only one answer is possible. The questions above illustrate a line of examination focused on questioning Gonclaves’s motives for testifying: is he testifying because he is speaking the truth, or because he is trying to protect his brother? While it is difficult to get a witness to admit that he is lying, casting doubt on his testimony is an important tool for building a case.

In the context of ICC moot court competitions, the direct and cross-examination of witnesses will take place before the traditional oral arguments begin. After the second witness is cross-examined, the applicant arguing the first submission will begin her presentation.

**Preparation and Practice**

*Practicing your argument in front of the mirror helps get you comfortable with what you are going to say.*

—High School Moot Court Competitor

In preparing for oral arguments, the most important thing to do is practice giving the arguments as often as possible. This practice should be a combination of individual practice and group practice. Each oralist should practice opening and closing statements, the recitation of the facts, and their roadmap paragraph individually. And remember, all of these components should be memorized. Although you might feel silly, reciting these components in front of a mirror is a great way to practice maintaining good eye contact. The most important preparation, however, comes from group practice sessions, often called “moots.” It is in these sessions that the oralists present their arguments to a
Preparing for Oral Arguments

A panel of classmates and teachers, who act as judges. This is the best opportunity to rework and refine the arguments and gain confidence in asserting and explaining all of the case law.

*We had team practices after school one or twice a week (usually twice if possible), either at our school or at our mentoring law firm. The attorneys acted as judges and offered suggestions week to week for tweaking and polishing arguments. At times, I would meet with some students during lunch or after school if there was something they wanted to go over.*

—High School Moot Court Coach

Many teams hold practice sessions after school several days each week. Depending on the individual competition, a team may have between three and six weeks from when their memorial is due, to when they compete in the oral argument rounds.

Many students come to their first oral argument practice session with their entire argument written out in narrative form. In addition to their opening, closing, and roadmap paragraphs, students also have the entire body of their argument written out in paragraphs. In the first sessions, they often deliver their argument like a speech. What many students struggle with initially is the idea that a moot court argument is more like a conversation than a speech. The best way to break from the bad habit of reading your argument as a speech is to convert the narrative text into bullet points. The bullet points serve as triggers for the details of your argument, which you will begin to know by heart through practice. You must present key points to the court (those described in the roadmap paragraph), but the judges may ask questions at any time during the presentation. Judges ask questions to clarify an issue of law or fact that is unclear, to challenge an assumption, or to pose a hypothetical example to illustrate a point. When a judge asks a question, you must stop your argument, answer the question, and then transition back to the point that you were making. Extensive practice sessions, with the judges peppering the oralists with questions, will prepare you to think quickly on your feet. These practice sessions will also help you deal with the fact that no matter what you prepare, no two arguments will run the same course, because you never know what questions the judge is going to ask.

The body of your argument, as well as your roadmap paragraph, may change significantly over the course of the practice rounds. After each practice, you should research the answers to questions you could not answer during the round, then rework your argument to eliminate weaknesses. If elements of your argument seemed confusing to the judges in the practice round you need to make them clearer and more concise. By constantly thinking about and reworking the material, you will gain confidence in your arguments, in both the legal and the factual premises. Continuing practice followed by refining allows you to abandon the written narrative argument and concentrate on engaging in a dialogue with the judges.

**Bench Team Members**

*Teachers should try to open the program to a larger group than merely the four participating attorneys. While it can be hard to include an entire class, it can work well for a medium sized group of 8 to 12 students. The larger the group the better, as long as it can be managed. Teachers and mentor attorneys need more flexibility in order to better judge who the starting four should be.*

—High School Moot Court Coach
As you have learned, a moot court team consists of many individuals who play many different roles. In addition to the four competitors, there will likely be a teacher who serves as a coach, and maybe some practicing attorneys who help train the team during their mooting sessions. In addition, there will likely be a group of students who learn all of the law and all of the arguments, and serve as judges during the practice sessions. This group of students is referred to as the “bench team.” Although these students are not competitors, they play a crucial role in preparing the competition team oral argument rounds.

The first important role that the bench team members play is asking questions. Bench team members should not allow the competitors to give their entire argument without interruption. Instead they should probe them with questions about the law and the facts. They should also challenge the competitors on the weak point in their arguments and force them to explain themselves clearly. In the first rounds of practice mooting sessions, bench team members should ask questions that the competitors know the answers to, often called “softball questions” because they are easy to respond to. Asking these kinds of questions will help the competitors become comfortable with being interrupted and will force them to practice answering a question and transitioning back to their prepared argument. As rounds progress and the competitors get more comfortable with their arguments, the bench team members should then develop more challenging questions. At this point, the focus is on the competitor’s ability to think on her feet, answering questions that are unexpected or new. This kind of practice provides the best training for the oral argument rounds.

Most often, the judges will engage with the competitor and pepper them with questions throughout the entire argument. This is called a “hot bench.” But competitors must also be prepared to fill the allotted time if they argue before a panel of judges that does not like to ask questions. This kind of bench is called a “cold bench.” Bench team members can help prepare their team for both possibilities by alternating roles. Sometimes, the panel should decide that they are going to have a particularly “hot” mooting session and ask many questions. Other times, the team should decide to have a “cold” round, so that the competitors have the opportunity to spell out many of their arguments and make sure they have enough substance to fill the entire time. Competitors will most likely see some mix of hot and cold benches, so it is best to be prepared for both.

The second important role of the bench team members is to provide feedback for each competitor at the close of a practice mooting session. Although asking questions is the primary job of the bench team during the moot, bench team members should also take notes on what was successful about an individual argument and what areas seem weak or uncertain, and make suggestions for improvement. Bench team members should also make note of stylistic aspects of the competitor’s argument that are either positive or negative; for example, if the competitor is making excellent eye contact or if he says “um . . .” all the time. Although feedback should be framed in a constructive way, the bench team members should be honest with their teammates. Despite the fact everyone likes to receive compliments, there is no point in applauding an argument that was weak or unconvincing. Providing honest feedback gives the competitors the best opportunity to improve.

**Bench Memorandum**

Another task of the bench team, along with the team coach, is to prepare a “bench memorandum,” which is used internally as a “cheat sheet”
Preparing for Oral Arguments

for judges who help the team practice. A useful bench memo usually contains a summary of the facts of the case, as well as a summary of the law that supports the applicant and the respondent position. The bench memo also outlines some of the best arguments on both sides and some of the weaknesses of their position. In addition, bench memos often include a list of sample questions that serve as a guide for new judges. The bench memo should remind the judges that list of questions is not exhaustive, and that they are encouraged to come up with their own creative questions. This ensures that the competitors are always hearing new questions during each mooting session.

The bench memorandum can take any form that a team thinks is useful. Some bench memos are written as a narrative, while others use bullets to highlight the most important points for the judges to understand and remember. When developing a bench memo, the most important point to remember is that judges should be able to read and understand the material so that they can add value to the mooting session through informed questions and suggestions.

Preparing for Witnesses in an ICC Competition

Bench team members can also help you prepare for direct and cross-examination if your team is engaged in an ICC moot court competition. Members of the bench team could serve as the witnesses and provide feedback on your examination. Just as there are different kinds of benches, there are also different kinds of witnesses. Some are very talkative, which can be helpful on direct examination, because they can provide a lot of valuable information without being asked too many questions. A talkative witness is more difficult on cross-examination, for this kind of witness is never satisfied with giving a “yes” or “no” answer but would rather explain. You have to develop strategies for controlling a talkative witness. Other witnesses might not be very forthcoming with information and might provide a challenge on direct examination. You have to develop strategies for breaking the information down into discrete, open-ended questions, to ensure that the witness reveals all that he or she knows. In addition, there are witnesses who are agreeable, which make things easier for both sides. There are also witnesses who are hostile and challenge you on your questions, refuse to answer questions, or are openly aggressive (this usually happens during cross-examination). Bench team members help you become accustomed to dealing with witnesses by playing the role of various types in preparing the team for competition.

Competition Materials

I bring up a chart with all of the cited cases—for each case, I list the important facts, the relevance to the case, and whether this case helps or hurts me—this way, I will be prepared if the judges ask a question about a case. I also bring a piece of paper that has the points I would like to make.

—High School Moot Court Competitor

When you begin practicing for the oral argument rounds, you will be very dependent on notes, but by the time the competition approaches, you will have moved toward a conversation with the judges. There are still some materials, however, that are helpful to bring to the podium each time you practice your argument, known as your “competition folder.”

The competition folder is distinct from the source binder that the team compiles while completing research and preparing the memorial. This competition folder contains all of the necessary materials that
Preparing for Oral Arguments

Students should bring with them to the podium each time they practice oral arguments and on the day of the competition. Each competitor should have a folder in which he keeps all of his materials throughout preparation for the oral argument rounds. As the competition approaches, however, you should develop a “less is more” attitude. While you will want to have some information to serve as a reference during arguments, you will not benefit from having to rifle through stacks of paper to find what you need. Instead, your competition folder should contain only the essential pieces.

The folder itself can be anything, for example a manila file folder. Inside the folder should be a skeleton of the entire argument, including a word-for-word roadmap paragraph and the body of the argument in outline form. Instead of sentences, you should make a heading for each of the grounds, or arguments, you will be making. In addition, you should have a few bullet points below each ground stating the case law, treaties, statutes, and facts that best support that position. This skeleton should be limited to two pages, each of which can be stapled to one side of the inside of the folder, so that when the folder is opened, the entire argument is at your fingertips. Many competitors like to move their finger down across the bullet points as they are speaking, and hold their finger in place when they are interrupted with a question from the judges. That way, it only takes a quick glance to be reminded of where to resume once the question is answered. Although the skeleton outline is a useful tool, it does not replace a working knowledge and understanding of your entire argument, which is necessary in order to have a conversation with the judges without looking down all the time.

Another helpful tool to bring to the podium is a list (or table, or spreadsheet) of all the cases from your source book that you would like to mention during your argument. It is useful to have a sentence or two to remind you of the facts of these cases, as well as a sentence on how the court ruled in that case, and why it should (or should not) apply in the case at bar. This can be valuable if the judges ask a question about a specific source. This paper can either be loose within the folder (with your skeleton stapled to the facing inside covers), or it can be affixed to the back of the folder.

Preparing these materials ahead of time and organizing them into a competition folder will make you comfortable with using them in the weeks before the competition. Approaching the podium with one neat and organized folder on the day of the competition will send a message of confidence, professionalism, and preparation to the judges.
What to Expect on Competition Day

LOGISTICS

Check-in time at a moot court competition is always slightly hectic. Especially if the competition is large, there might be many people running around, making last minute preparations, and dealing with last minute crises. Some teams arrive on time, while others are late. Everyone is filled with anticipation and energy for the day to come. The risk of this atmosphere is that your team may become nervous around all of this activity and begin to doubt their preparation. The best way to avoid this is to arrive at the competition a little early, sign in before things get too hectic, and find a quiet place for the team to sit all together. At this point, you should laugh, joke, and relax with your teammates rather than attempt to prepare more for your arguments. You have been practicing hard for weeks, and you know the material well.

The competition usually begins with some kind of welcome address from the competition administrator, and then teams are called by number to their assigned room. The name of the school is kept secret to preserve anonymity throughout the judging process. You and spectators proceed to the competition room with a member of the competition staff who will be clerking the round.

The room is usually set up with a table in front for the judges. Most moot court competitions have a panel of three judges, but there may be up to five depending on the competition. Facing the judges’ table, about ten feet away, should be a podium in the center of the room. On either side of the podium, facing the judges, should be two tables, one for the applicants and one for the respondents. Applicants usually sit facing the judges on the left side, while respondents sit on the right side. All of the spectators are usually seated somewhere behind the competitors.

The clerk arranges the competitors in their correct places and then gets the judges. Judging usually begins with the clerk reading an introduction as the judges enter. For example, with the United States Supreme Court, the clerk says, “Oye, oye oye. The Supreme Court of the United States is now in session. All these gathered, draw nigh and speak your peace.” During this time, the competitors and guests should all stand up until the judges are seated. Once the judges are seated, the clerk takes a seat beside the judges’ bench, facing the oralists. When the judges are ready, the first oralist for the applicant should approach the podium and begin her argument. As the argument progresses, the clerk keeps track of the time by holding up time cards. In the case of a 10-minute argument, the clerk will hold up time cards at 5 minutes, 3 minutes, 1 minute, and when time is up. When the final “TIME” card is held up, it is customary to say: “Your Majesties, I see that my time has expired, may I answer the question?” or “Your Majesties, I see that my time has expired, may I briefly conclude?” Most often, the judges allow the oralist finish her thought before sitting down.

Making Your Argument

I try to breathe and stay in the moment. If I focus on my argument and the judges’ question, I will be so occupied during the ten minutes that there is no time to be nervous. If I am nervous before beginning, I just try to breathe and wait until I am ready.

—High School Moot Court Participant
With all of the activity and excitement on the day of the competition, it is hard not to get nervous. If your team has practiced sufficiently, there is really no reason to be nervous because you know the law, the facts, and your arguments inside and out. Remember that although moot court is an exercise in appellate advocacy, it is also supposed to be a fun extracurricular activity. While the judges may pepper you with questions, most judges ease up if they sense that you are really struggling. In addition, being asked many hard questions should be taken as a compliment, for judges in high school competitions do not often ask questions that they do not think you can handle. The judges want to push competitors to think critically and thoughtfully, but they also want to engage in a dialogue. By the day of the competition, all of the hard work of preparation is done, and now is your team’s time to shine and show the judges all that they have learned. The oral arguments of the competition are truly the culmination, and celebration, of months of hard work.

Expect to Be Interrupted
As you have learned, a common characteristic of appellate practice, and hence moot court, is that the judges may interrupt an oralist while she is speaking in order to ask questions about a particular argument. The judges do this in order to focus the competitor on issues that they deem most important or problematic. It is important to stop, listen carefully to the judge’s question, and then answer thoughtfully and completely before continuing. The best oral advocates are those who can incorporate their prepared oral argument into a judge’s question and then seamlessly move to another point in their prepared statement. This skill comes through lots of practice with the coach and bench team in the weeks prior to the competition.

Types of Questions
If you have done enough preparation, you know the answer. Just listen to the judges, breathe, and try to come up with a good answer. Don’t try to dodge a question and make sure you fully answer it.

—High School Moot Court Competitor

You cannot tell what questions a judge might ask during the round. Part of what makes moot court interesting is that a competitor’s argument will likely be different every time, depending on the questions that the judges raise. The best way to ensure that you can handle all kinds of questions is by practicing many forms of questions during the mooting sessions. Below are explanations of some of the general categories of questions that judges will cover during an oral argument:

Questions on the Rule of Law
When you present an argument based on a case or a treaty, judges will ask clarifying questions to ensure that you have read and understand the source well. Judges may also ask questions that speak to their concerns about relying on one source over another. To prepare for these types of questions, make sure that you know the facts and rulings of each case that your argument relies on, as well as the specific wording of international treaties and laws you are using. In addition, you should be aware of sources that contradict your position, and be prepared to give reasons why your sources are more appropriate and should be applied in the case at bar.

Questions to Test Your Knowledge of Case Facts
When the judges ask questions about the facts of the case, they are most often looking to see which facts you think are most important
and also to make sure that you are not misrepresenting facts to make your argument stronger. To avoid any difficulties with this type of question, it is helpful to memorize the page numbers within the compromis for the facts you find most important. For example, if a judge were to ask, “Counselor, where in the record does it indicate that Mr. Torres has alibi witnesses to testify on his behalf?” you could answer, “Yes, Your Excellency, on page twenty-five of the compromis, the facts indicate that both Lieutenant Colonne and Gonclaves Torres can testify on Mr. Torres’s behalf.” Although it would be impossible to memorize the precise page number of each fact, knowing the location of the most important facts will impress the judges and strengthen your argument.

Questions Applying the Law to the Facts

The judges will also ask questions about applying the law to the facts. While there will be strengths to each side’s position, there will be weak facts too. While you are emphasizing the strength of the case, the judges will point out the facts that do not fit well with the law or the facts that make the theory of the case less plausible. For example, the judges might ask, “Counselor, isn’t it true that these war crimes were allegedly committed by Archangel and Mr. Torres has admitted to being known by this name?” The best way to deal with these types of questions is to acknowledge the “bad” facts, and develop reasons why the facts are not what they seem, or reasons why those facts are not as important as other facts.

Hypotheticals

Judges will sometimes pose hypothetical questions to test how far you would like to stretch the rule or standard for which you are advocate-
judges do not mind giving you a moment to find the information, they will not be impressed if you rifle through your folder to find the answer. Make sure you can find your notes easily and that the notes are clear and concise before you come to the podium.

**Listen to Your Opponent**
Although what you do at the podium is the most crucial aspect of the oral arguments, it is also important to listen when your opponent is speaking. This is important for three reasons. First, you should be respectful of your adversary, and listening intently is one way of demonstrating that. Judges will notice if you are fidgeting in your seat, rolling your eyes, or whispering with your co-counsel while your opponent is speaking. This could affect your team’s score.

Second, if arguing respondent, it is important to listen to the applicant’s arguments so that you can correct any material misstatements of facts or law. You should also note any questions that your adversary ignores, was unable to answer or, in your view, answered incorrectly. If you are able to answer the question, seize the opportunity and do so once it is respondent’s turn to argue.

Third, if arguing applicant, you need to listen intently to your adversary’s argument so that you can correct any material misstatement of fact or law during your rebuttal. Also if you adversary was unable to answer a judge’s question and you can answer, do so during your rebuttal. In addition, if you disagree with your adversary’s answer or if the answer was incomplete or misleading, you can address that during your rebuttal as well. All of this requires that you listen carefully to your adversary’s argument.

**Use Your Personality**
Although a team’s final score is largely based on their understanding of the facts and the law, and their ability to effectively answer questions, judges also appreciate individual style and personality. Judges want to see competitors who are passionate about their arguments. This can be best conveyed by speaking in a clear, strong, and confident voice, and by making good eye contact. You should not be afraid to smile or to act like you are having fun. Remember that moot court oral arguments should feel like a conversation, and the more personable a competitor is, the better the conversation will likely be.

**Court Room Decorum**
I tell the students to think of themselves as actors playing the role of an attorney, and it is their job to inhabit the role so that the judges think they’re the real thing. So I help them to dress the part, and to use proper legal terminology and case citations so that they sound the part. I don’t know if it works for all of them, but thinking of moot court as an acting role helps some students disassociate from their personal nervousness.

—High School Team Coach

**Formality and Deference**
Students who take part in moot court are afforded a wonderful opportunity to view the court system firsthand. Although preliminary rounds will likely be in classrooms, the final rounds of the competitions often take place in the same courtrooms where real trials are held. The people who sit on the bench and serve as volunteer judges for the competition may be real court officials—judges, judges’ law clerks, and other attorneys who work in private practice or for the government, in addition to the staff of the competition who know the competition problem inside and out. The people who work in the
courts every day are accustomed to a certain degree of formality. This formality, in a way, is illustrative of the important activity and vital decisions that take place there.

That formality is reflected in proper etiquette toward the judges. The head judge in the international moot court panel should be referred to as “Madam President” or “Mr. President.” The other judges may be referred to as “Your Excellency” when addressing them directly. Similarly, in domestic competitions, the head judge is referred to as the “Chief Justice” and the other judges are referred to as “Your Honor.”

Every time you answer a question, you should begin by saying “Yes, Your Excellency . . .” or “No, Your Excellency . . .” before proceeding. In addition to showing proper deference, this also provides you with a few seconds to consider the proper response before continuing. If a competitor notices that time has expired, he should ask permission from the court before answering the question or briefly concluding.

An additional way to show deference is by making eye contact with all of the judges. While it is important to acknowledge the judge who has posed the question, it is equally important to “scan the bench,” looking all of the judges in the eye while answering. This shows the judges that you think they are all important, and want to engage them all in the conversation.

Posture is also an important component of the formality of the moot court setting. Especially when nervous, many competitors begin to fidget, move their feet, or sway back and forth as they speak. Likewise, many begin speaking with their hands, waving them wildly as they try to explain a point. These nervous habits can be distracting, and detract from the professionalism of an argument. The easiest way to avoid these habits is to keep both feet planted at a comfortable distance apart, and keep both hands placed on the podium.

In addition, proper dress is important for a moot court competition. Both women and men should wear business suits if possible. Wearing suits is preferable because it conveys the most formality and professionalism. In the absence of a suit, a simple collared shirt and dark dress pants would be sufficient. For women, a dress shirt and a dark skirt is also appropriate. Do not wear jeans or any revealing clothing to a moot court competition.

Finally, it is important to remain formal and deferential even after the judges deliver their decision. Once all the competitors have made their arguments, the judges will leave the room to deliberate—discuss the strengths and weaknesses of each competitor, and give each competitor a score. The individual scores are not usually released to the competitors because they advance as a team (with all teammates’ scores added together). After deliberations, the judges will return to the competition room to announce a winner and give feedback. Especially if the competition is more than one round, it is important to listen to the judges’ suggestions so that you can incorporate them into the next round of arguments. In addition, regardless of how the competition turns out, it is important to thank the judges for their time and effort.

**Advancing in the Competition**

In most competitions, each team goes through two rounds of preliminary oral arguments. This allows all of the competitors—the two applicants and the two respondents—an opportunity to compete. After these rounds, the scores are tabulated. In competitions involving a moot court memorial, oral advocacy scores are combined with the predetermined team memorial grade to determine who will continue to the subsequent rounds. Depending on the size of the competition,
there will usually be a quarterfinal, semifinal, and final round before a winner is announced. Although there can only be one winning team, each team that participates in a moot court competition gains valuable reading, writing, and oral advocacy skills that will help them succeed in life.

**AFTER THE COMPETITION**

After the competition is over, win or lose, there is much to be celebrated. Once teams return to their home school, teachers often organize a gathering for all of the competition team members, bench team members, and other people who have helped the team. In addition to celebrating a job well done, this kind of “wrap up” meeting also serves as an opportunity to talk about the competition, and archive the competition materials. Often, the coach of a competition team keeps a file drawer dedicated to past competition problems, briefs/memorials, and score sheets. More important than the administrative tasks, however, is a conversation about the competition experience. What did you like most about the competition? What do you wish you had done differently? What were the most challenging questions you were asked? What was your most memorable experience? These meetings allow you and your teammates to reflect on all that you have accomplished and plan for the year ahead. This meeting is important because it focuses your team’s attention away from the final score and back to the more important aspects of the moot court competition: the experience.

**Appendixes**

**APPENDIX 1: SAMPLE INTERNATIONAL MOOT COURT COMPROMIS**

The International Criminal Court
A Moot Court Exercise for Students

*Felipe Torres v. The Prosecutor*

Prepared by the International Bar Association
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International Moot Court: An Introduction

Appendixes

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People and Places

Timeline

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People and Places

Malenga—country in which the fighting took place
Lusota—the capital of Malenga
Bikindi—a neighbouring country which is friendly to Malenga
President Palumbo—the President of Malenga
PDF—the Peoples Democratic Forces, the official army of Malenga
URF—the United Resistance Front, a rebel militia army which controlled much of the south of Malenga until December 2005
Colonel Katoma—the leader of the URF
Lieutenant Colonne—a lieutenant in the URF serving under Colonel Katoma
Felipe Torres—a member of the URF militia, who is nicknamed the “Archangel”
Angels of Mercy—a grouping in the URF militia under the command of Felipe Torres
Ferdinand Namunga—a soldier in the PDF who was captured and imprisoned by the URF in Garuda
Goncalves Torres—the brother of Felipe Torres
## Timeline

<table>
<thead>
<tr>
<th>Year</th>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1986</td>
<td>16 October</td>
<td>Felipe Torres born</td>
</tr>
<tr>
<td>1991</td>
<td></td>
<td>Palumbo is installed as President of Malenga following a coup</td>
</tr>
<tr>
<td>1995</td>
<td></td>
<td>Civil war begins between government forces and URF which are sympathetic to the former regime</td>
</tr>
<tr>
<td>1998</td>
<td></td>
<td>Felipe Torres joins the URF</td>
</tr>
<tr>
<td>2002</td>
<td>1 July</td>
<td>Malenga becomes a member of the International Criminal Court</td>
</tr>
<tr>
<td>2004</td>
<td>16 October</td>
<td>Felipe Torres is 18</td>
</tr>
<tr>
<td>2005</td>
<td>Early December</td>
<td>PDF launches attack on URF strongholds in the south of Malenga</td>
</tr>
<tr>
<td></td>
<td>December</td>
<td>President Palumbo refers the situation in Malenga to the Prosecutor of the ICC</td>
</tr>
<tr>
<td></td>
<td>Thursday 1</td>
<td>PDF attacks town of Garuda; captured soldiers imprisoned in buildings of diamond mine</td>
</tr>
<tr>
<td></td>
<td>December</td>
<td>Felipe Torres claims that he travelled to his home town of Otara, 25 miles from Garuda, in the evening</td>
</tr>
<tr>
<td></td>
<td>Sunday 25</td>
<td>Namunga and 9 other prisoners tortured in the Red House; all but Namunga killed</td>
</tr>
<tr>
<td></td>
<td>December</td>
<td>Garuda is liberated by PDF forces</td>
</tr>
<tr>
<td></td>
<td>Tuesday 27</td>
<td>Felipe Torres claims that he travelled from his home town of Otara to Garuda, in the morning.</td>
</tr>
<tr>
<td>2006</td>
<td>Early January</td>
<td>Civil war ends, as south of Malenga is liberated by PDF Forces; URF leaders are captured or flee to neighbouring countries.</td>
</tr>
<tr>
<td></td>
<td>20 January</td>
<td>Felipe Torres flees to Bikindi</td>
</tr>
<tr>
<td></td>
<td>3 April</td>
<td>International Criminal Court issues a warrant of arrest for Felipe Torres</td>
</tr>
<tr>
<td></td>
<td>July</td>
<td>Felipe Torres is extradited from Bikindi to the custody of the International Criminal Court in The Hague</td>
</tr>
<tr>
<td></td>
<td>8 December</td>
<td>Pre-Trial Chamber confirms the charges against Felipe Torres, and refers his case to a Trial Chamber for trial</td>
</tr>
<tr>
<td>2007</td>
<td>Monday 8</td>
<td>Trial of Felipe Torres begins</td>
</tr>
<tr>
<td></td>
<td>January</td>
<td>Lieutenant Colonne escapes from prison in Lusota</td>
</tr>
<tr>
<td></td>
<td>February</td>
<td>Lieutenant Colonne captured in Bikindi</td>
</tr>
<tr>
<td></td>
<td>March</td>
<td>Trial of Felipe Torres ends</td>
</tr>
<tr>
<td></td>
<td>Wednesday</td>
<td>Lieutenant Colonne arrives in The Hague</td>
</tr>
<tr>
<td></td>
<td>21 April</td>
<td>Judgment given in case of Prosecutor v Felipe Torres</td>
</tr>
</tbody>
</table>
Annex 1: The Judgment of the Trial Chamber in the Case of Prosecutor Against Filipe Torres

Situation in Malenga
The Prosecutor vs. Felippe Torres

Trial Chamber

Judges:
Registrar:

Judgment Of The Trial Chamber

Prosecutor:
Defense:

Background

1. Malenga, under the leadership of President Palumbo, was one of the first 60 countries to sign and ratify the Rome Statute for the International Criminal Court. It has therefore been a member of the ICC since its inception on 1st July 2002.

2. In December 2005 President Palumbo referred the situation in Malenga to the Prosecutor of the ICC.

3. The ICC has issued warrants of arrest for a number of leaders of the URF for crimes against humanity and war crimes committed since 1st July 2002. It has also issued warrants for 3 members of the PDF. As a result President Palumbo has now refused to co-operate with the ICC, or to hand over any accused persons from either side.

Felipe Torres

4. Felipe Torres was born in Malenga on 16 October 1986 and is now 20 years old.

5. He was recruited as a member of the United Resistance Front (URF) in 1998, when he was 12 years old.

6. By July 2002 he was the leader of a small militia group known as the “Angels of Mercy”. He himself went under the nickname of “Archangel”. His group numbered between 150 and 200 soldiers. At the age of 16, he was one of the oldest of the group.

7. On 16 October 2004 Torres turned 18. Thereafter his actions were not excluded from the jurisdiction of the ICC due to his age.
**Arrest of Felipe Torres**

8. On 3 April 2006 the Prosecutor of the ICC applied for a warrant of arrest to be issued against Felipe Torres in respect of events which occurred in Garuda during December 2005.

9. After the liberation of the south of Malenga, Felipe Torres and a small group of his militia fled to the neighbouring country of Bikindi, where they hoped to find asylum. Here they were arrested and imprisoned. Bikindi was sympathetic to the government of President Palumbo. It offered to extradite the imprisoned soldiers back to Lusota.

10. Subsequently, Torres was conveyed to The Hague in the summer of 2006 to be tried by the ICC.

11. The defendant has been in ICC custody since his arrest.

**Charges**

12. In December 2006 the Pre-Trial Chamber confirmed the following charges against Filipe Torres:

   **Count 1**
   War Crimes under section 8(2)(a) of the Rome Statute
   In respect of the nine men killed on the night of 26th December 2005: Wilful killing under Section 8(2)(a)(i)

   **Count 2**
   War Crimes under section 8(2)(a) of the Rome Statute
   In respect of those nine men and Ferdinand Namunga: Torture under Section 8(2)(a)(ii)

**Trial**

13. Filipe Torres denied both counts.

14. His trial began in January 2007 and has lasted three months.

15. At the conclusion of the trial, the case was adjourned for two months for the Judgment to be prepared.

**Prosecution Evidence**

16. During the trial, evidence was given by Ferdinand Namunga, as well as three other survivors of the camp. One of Torres’s own militia, aged fourteen, also gave evidence against him. His identity was protected and he gave the evidence under the pseudonym “Witness A”.

17. The Trial Chamber heard evidence about the events at the diamond mine from Ferdinand Namunga. Mr. Namunga gave evidence over the course of two days. He was aged twenty-one at the time of the events he related. He said that he had been serving in the PDF forces for a year when he was involved in fighting in the town of Garuda in early December. The PDF forces were outnumbered by URF militia, and he was captured with a number of other soldiers. They were transported to a disused diamond mine about two km from the town in buses, and were detained in small huts roofed with corrugated iron.

18. There were about twenty men in his hut, which was about three by six meters. There was no room for anyone to lie down, and the heat in the daytime was intolerable. They were taken out of the huts once a day to a larger building where they were given food. This consisted of small amounts of bread and watery soup. There was water to drink but it was dirty and foul smell-
During the 3 weeks he was imprisoned in this way several men in his hut fell ill. Those who lost consciousness were taken from the hut by guards and he believed that they died: he had not seen any of them since.

19. Many different militia guarded the camp. Most of them seemed to be little more than children, but all were armed with AK 47s and machetes. They killed people at random. Once when he was eating his lunch he heard a shot and a prisoner standing 3 feet away from him, whose name he did not know, fell down dead. He saw some of the guards laughing, but he did not see who had fired the shot.

20. At night, guards would come into the huts and call names. Those who answered were taken out for questioning. Sometimes they returned with horrific injuries. Sometimes they did not return at all. No one spoke of what happened to them—it was clear to Mr. Namunga that they were being tortured by the militia.

21. Mr. Namunga stated that he often saw the man they referred to as the Archangel. He was at the camp nearly every day when prisoners were taken for meals. He seemed very young. The boy soldiers seemed scared of him. If he gave an order it was followed immediately. The boy soldiers often laughed and joked among themselves, but no one laughed when the Archangel was around.

22. Mr. Namunga stated that he was called out for interrogation on the night of 26th December. He remembers the date because the previous day the guards had been saying that it was Christmas, and laughing that the prisoners were having a happy Christmas. Four or five others were called out of his hut, and there were also some from other huts. They were all taken to a building he knew as the Red House. Everyone knew that the Red House was where interrogations happened.

23. In the Red House he was tied to a bedstead. He recalls that the soles of his feet were beaten, and that he felt “incredible pain”. His memory of events after that was not clear, but he remembered seeing the man he knew as the Archangel in the house. He saw him quite clearly; although the night was dark there were lamps alight on tables in the Red House. Mr. Namunga had a clear view of the Archangel’s face in the light of the lamp as he bent over the bedstead to look at Mr. Namunga. At one point he asked Mr. Namunga whether he had been “killing innocent children”. His voice was clearly recognizable. He seemed to be in charge. He was not giving orders but he was overseeing what the other soldiers were doing. There was no-one else there who was in authority.

24. At some stage during the night Mr. Namunga stated that he must have lost consciousness. His next clear memory is of being in a makeshift hospital where army medical staff were in attendance. He had significant injuries to his head and body, and has still not recovered the use of his right leg as a result of the beatings. He still suffers from dizzy fits and periods of memory loss.

25. When he was questioned by investigators for the ICC he was shown a set of 14 photographs. He immediately picked out the photograph of the defendant as being the man he knew as the Archangel. The evidence of the investigators supports this account (see paragraphs 287-9 below).

26. In cross examination Mr. Namunga admitted that he had regularly taken drugs while he was serving as a soldier. He had
not had any drugs while he was in the camp, but he denied that he felt any symptoms of withdrawal. He admitted that his recollection of the events of 26th December was “hazy and a bit muddled” due to the pain that he suffered, and that he was unconscious for the latter part of the night. He has no memory of the camp being liberated by the PDF. However, he stressed that he was sure that the man he knew as the “Archangel” was present in the Red House when he was tortured. He stated “I can never forget that voice or that face. The memory will stay with me until the day I die”.

27. During the night the camp was patrolled by Torres and his guards. PDF soldiers would be routinely taken out from the cells for “interrogations” in a building known as the Red House during which they were beaten and tortured. On the night of December 26th, ten PDF soldiers were called out from their shed and taken to the Red House. There they were tied to bedframes and beaten on the soles of their feet by child soldiers under the command of Torres. They were then tortured and killed with machetes and knives. On this occasion Torres himself was clearly identified by the one survivor of the night, Ferdinand Namunga. Namunga was left for dead and piled with the other corpses on a truck to be taken to the mine shaft. However, on finding in the morning that he was still alive, a guard returned him to the shed with the other surviving prisoners. Later that day there was a surprise attack by PDF troops, and the camp was liberated. Namunga was taken to a hospital camp, where he miraculously recovered from his horrific injuries.

Defendant’s Evidence

28. Felipe Torres gave evidence and admitted that he was known as the Archangel. He did not know why people called him that. No one else was known by that name to his knowledge.

29. Felipe Torres stated that he was rarely present at the diamond mine and had no knowledge of or control over what happened there. He said the militia were under the direct orders of Colonel Katoma. His subordinate, Lieutenant Colonne, was in fact in charge of the diamond mine camp, and of all the militia in the Garuda area.

30. Torres said he himself had duties as a traffic control officer at a road junction 5 miles from the mine. He came to the mine to eat and sleep but took no part in the custody of the prisoners.

31. On the night of 26th December, he had leave from Lieutenant Colonne himself to go and visit his family in the town of Otara 30 miles away. His mother had been very sick and he was desperate to visit her. He travelled there in an open cart on the evening of 25th December, and didn’t return until the early morning of 28th December. By this time the camp had been liberated by the PDF. Many people had been killed, and he could only find a small number of his militia. Taking advantage of the chaos he fled with his soldiers to the neighbouring country of Bikindi.

32. Lieutenant Colonne could give evidence that Torres was not present at the camp on the night of 26th December and so could Felipe’s younger brother Goncalves, who lives with their mother and was there during Felipe’s visit. However, there is a warrant out for the arrest of Lieutenant Colonne, and he is therefore not likely to be willing to attend court. His brother is willing to attend, but he has not been able to secure his at-
tendance due to difficulties in obtaining the appropriate per-
mission from the Malengan authorities, who are hostile to the
work of the court.

Therefore, the only evidence given on behalf of Torres at his
trial was his own: he was able to call no witnesses.

Factual Findings

34. The country of Malenga has been riven by civil war since 1995.
The country is led by President Palumbo and his People’s Dem-
ocratic Party (PDP). He keeps control with the assistance of the
government’s army, the People’s Democratic Force (PDF).

35. The south of the country is effectively run by a rebel group
known as the United Resistance Front (URF). The URF is led
by a maverick ex-PDF Colonel called Colonel Katoma. Colonel
Katoma has control of a strong militia force made up of dis-
affected members of the PDF and other locally recruited and
trained soldiers.

36. Many of the locally recruited and trained soldiers are under
the age of 18. Some are as young as 10.

37. The PDF has made repeated attempts to gain control of the
south of the country.

38. In December 2005 the PDF launched a prolonged attack on
URF strongholds in the south. After several weeks of fighting
the URF was effectively defeated. Many of its leaders, includ-
ing Colonel Katoma, were captured and are under arrest in the
capital of Malenga, Lusota. Some members of the militia fled
to neighbouring countries where they sought asylum.

Events of December 2005

39. During December 2005 Torres and his child militia army were
stationed in the town of Garuda in the south of Malenga. Gar-
uda was a URF stronghold, and several URF militia forces were
stationed there.

40. When the PDF attacked Garuda on 1st December they met
with strong resistance. Hundreds of combatants on both sides
were killed in the fighting. About 85 PDF soldiers were taken
into the custody of the URF. The remainder fled.

41. The “prisoners of war” were kept in the buildings surround-
ing a deserted diamond mine. The prosecution claim that
Torres and his militia, along with other militia groups, were
charged with controlling them. It is thought that the URF
planned to use them as hostages in negotiations with the
Malengan government.

42. The prosecution state that the prisoners were kept in inhu-
mane conditions. They were given little food and water, and
were locked into crowded sheds in the blazing heat of the Ma-
lingen summer. They were let out only once a day to eat and
drink. In the 4 weeks during which they were held, at least
half of them died as a direct result of the heat, dehydration,
and disease.

43. Based on the evidence of Mr. Namunga and other witnesses
we find it proved that about 10 men, including Mr. Namunga,
were taken to the Red House on the night of 26th December.

44. They were tortured and beaten, and Mr. Namunga was the
only survivor.

45. Based on the evidence of Mr. Namunga alone we find it proved
that the Defendant was present in the Red House on the night
of 26th December and was responsible for the tortures and killings which occurred there. We accept that no other witness saw the defendant on that night. However, most of the potential witnesses to the events of the night were killed during the course of it. We find the evidence of Mr. Namunga wholly reliable in this respect. He had the opportunity to see the witness clearly, and also to hear his voice.

46. The Defendant stated in evidence that he was visiting his mother several miles away from Garuda on the night of 26th December. However, he has provided no other evidence to support this statement, and we do not find that it is sufficient to cast doubt on the clear evidence given by Mr. Namunga.

47. Felipe Torres is unanimously convicted on all counts.

Sentence

48. Having found the defendant guilty of two counts of war crimes, we now proceed to consider the matter of sentence.

49. The crimes of which the defendant has been convicted are extremely serious. He has used his power as a militia leader to imprison, torture, and murder defenseless victims. While he has expressed regret for his actions, he has continued to deny that he committed any crimes. This shows that he has no genuine regret.

50. The court takes into account the age and background of the defendant. We take into account his relative youth and his lack of education. We consider that his enlistment as a soldier when he was 12 years old provides little mitigation for crimes committed as an adult. We consider that his extensive use of cocaine and other drugs provides no mitigation for the commission of these crimes.

51. Under Article 77 of the Rome Statute the court has the power to impose the following penalties:
   a. Imprisonment for a specified number of years, which may not exceed a maximum of 30 years; or
   b. A term of life imprisonment when justified by the extreme gravity of the crime and the individual circumstances of the convicted person.

52. The court does not in this instance consider that a term of life imprisonment is justified either by the gravity of the crime or by the individual circumstances of the defendant.

53. However, we consider that a lengthy determinate sentence is required in a case where crimes of this magnitude have been committed.

54. Having taken into account all relevant factors, we consider that the correct sentence in respect of all the crimes of which the accused has been convicted is one of 25 years’ imprisonment.

Signed:

Judge .................................................................
Judge .................................................................
Judge .................................................................

Dated: 21st May 2007
Annex 2: Grounds of Appeal Against Conviction and Sentence Lodged by the Defendant

International Criminal Court

Original: English
Case No: ICC/07-001/27
Date: 16 June 2007

Situation in Malenga
The Prosecutor vs. Felippe Torres

Appeals Court

Judges:
Registrar

Grounds of Appeal Against Conviction and Sentence Lodged by the Defendant

Prosecutor:
Defense:

The Defendant appeals against his conviction and sentence, under Article 81 of the Rome Statute. The appeal is made on the following grounds:

A. Error of Fact

1. The Trial Chamber erred in finding it proved that Torres was present at the diamond mine camp on the night of 26th December. It put excessive weight on the eye-witness evidence of Ferdinand Namunga, who admitted in court that he was in a highly distressed state at the time and that his memory of events is “hazy and a bit muddled.”.

2. The conditions at the time—the poor lighting and limited opportunity that the witness would have had to look at his torturers—make his identification unreliable.

3. The Trial Chamber failed to take into account the difficulties that Torres had in securing any evidence to support his alibi.

4. There is new evidence not available at the time of trial which the Appeals Chamber is asked to call and take into account under Article 83(2) of the Rome Statute.

5. Since the conviction, the brother of Felipe Torres has left Malenga, and has travelled to The Hague with the help of friends. He is now ready to give evidence on his behalf.

6. Further, Lieutenant Colonne has now been arrested and extradited to the ICC by Bikindi, having escaped from prison in Malenga and fled across the border. He is in The Hague awaiting his own trial, and is prepared to give evidence on Torres’s behalf.
7. The Appeals Chamber is therefore requested to call the 2 new witnesses to give evidence on behalf of the defendant under Article 83(2) of the Rome Statute.

8. In the light of the new evidence the Appeals Chamber is requested to amend the decision of the Trial Chamber convicting the defendant on Counts 2 and 3 of the indictment, and replace the decision with one of acquittal.

II. Disproportion between the crimes and the sentence

The Trial Chamber erred in failing to balance all the relevant factors, including any mitigating and aggravating factors, and consider the circumstances both of the convicted person and of the crime, under Section 145(2)(b) of the Rules of Procedure and Evidence. In particular the Trial Chamber:

1. Failed to take into account the significant mitigating factors in the defendant’s case and imposing a lower sentence in respect of the crimes for which he was convicted. These factors include:
   a. His age at the time of conviction
   b. His lack of education
   c. His background circumstances, namely that he had himself been forced to fight as a child soldier from the age of 12
   d. His significant use of cocaine and other drugs from the age of 12
   e. His expressions of sincere regret for his actions, and his wish to return to a normal life

2. Failed to take into account the fact that there were no significant aggravating factors present, under Rule 145(2)(b) of the Rules of Procedure and Evidence.

3. Erred in imposing a sentence only 5 years less than the longest determinate sentence available to it, on a person who played only a minor part of the overall criminality of the URF forces.

Signed:

Lead Counsel for the Defendant

Dated: 16 June 2007
The Prosecutor opposes the Defendant’s appeal. This response is made on the following grounds:

A. Error of Fact

1. The Prosecutor contends that the Trial Chamber did not err in finding that Felipe Torres was present at the diamond mine camp on the night of 26th December. It was entitled to convict the defendant on the evidence of a single witness. Although the witness Ferdinand Namunga stated in court that his memory of events of that night was “hazy and a bit muddled” owing to the torture he suffered at the hands of the defendant and others, he stated in cross examination “I can never forget that voice or that face. The memory will stay with me until the day I die”.

2. The witness was clear in his evidence that he had had sufficient light in which to get a good view of the defendant. Moreover, he was able to recognise his voice.

3. The Prosecutor agrees that the Defendant should be allowed to call 2 new witnesses who were not previously available to support his alibi. However, the Prosecutor has seen the statements of these witnesses, and does not believe that they will alter the Trial Chamber’s clear view of the reliability of Mr Namunga’s evidence.

4. The Prosecutor will make full submissions on the new witnesses’ evidence after it has been heard by the court. At this stage it confines itself to the following observations:
Goncalves Torres

5. The Prosecutor doubts that the witness can clearly remember the exact dates or order of events which happened over a year before he was first asked to recall them.

6. The witness has an obvious motive to give evidence which is favourable to his brother.

Lieutenant Colonne

7. The witness cannot remember the date on which he gave the permission to Felipe Torres to travel; his evidence is therefore of little value to the alibi.

8. Lieutenant Colonne is himself awaiting trial on charges of war crimes. He has a reason to lie about what happened. He is clearly trying to show that no crimes were committed at the camp. The evidence he will give in support of Felipe Torres is likely to be self serving.

II. Disproportion between the crimes and the sentence

The prosecutor submits that the Trial Chamber imposed the correct sentence in respect of the defendant.

1. Factors such as age and lack of education are of limited significance in relation to crimes of this magnitude.

2. The fact that the defendant was himself a child soldier does not mitigate his crimes which were committed when he was an adult.

3. The use of cocaine and other drugs is no mitigation for the commission of crimes; further, there is no evidence that he was under the influence of drugs at the time these crimes were committed.

4. The fact that the defendant now regrets his actions is of limited importance. He does not admit that he committed any crimes. His continued denial of guilt shows his lack of cooperation with this court. He has made no effort to compensate his victims.

5. The Prosecution submits that there were aggravating factors present: the defendant was the leader of a militia group, and he used this position of power in order to commit these crimes.

6. Further, these crimes were crimes of particular cruelty which were committed against a large number of defenceless victims.

7. A sentence of 25 years is a correct reflection of the magnitude of the crimes committed by the defendant.

Signed:

Prosecutor of the ICC

Dated: 7 July 2007
Annex 4: Statement of Goncalves Torres

International Criminal Court

Original: English made in Malengan
Case No: ICC/07-001/45

Statement of Goncalves Torres

My name is Goncalves Torres. I was born on 19 November 1989. I am 17 years old.

I live in the town of Otara. I have lived there all my life with my mother. I have an older brother and a younger sister who is 13. My father died when I was 4.

We work on the fields and have very little money. When I was 9 my brother went away to be a soldier. My mother was sad to see him go, but the soldiers he went with gave her some money to help our family.

In December 2005 my mother became very ill. She could no longer work and spent all day lying in her bed. My sister and I looked after her. She was eating nothing and we were very worried.

She spoke a lot about Felipe. We had not seen him since he left to be a soldier all those years ago. She cried a lot and said she wanted to see him before she died.

We had heard that there had been a lot of fighting in the country, but there had been no fighting in our village. An old man in the village said that the army was not far away, and that he knew someone who could help find my brother. I asked him to get the message to my brother that my mother was ill and wanted to see him.

I did not hear anything more for 2 weeks, and then one day my brother arrived in the village. It was the day after Christmas day. I know that as there is a church in the town which is run by a missionary priest. My family and I go there every Sunday. I know that the day my brother came back was the day after Christmas day as I had been to church on Christmas day. My mother was too ill to come but I went with my sister.

My brother arrived in the middle of the day. He looked very different but I recognized him immediately. He had grown a beard. He was much older and thinner than I remembered. I felt a bit scared of him.

He spent all that day with us, and most of the next day. My mother was overjoyed to see him. She kept crying and she wouldn’t let go of his hand. In the evening of the next day he said he had to go back to the army. He promised that the war would be over soon, and then he would come back and live with us. He gave us some money—I can’t remember how much.

After he left my mother seemed to get better. She said now that she knew Felipe was coming back she had something to live for.

In the following weeks we heard that the war was over. We kept waiting for my brother to return, but he didn’t. Then one day a man came to the village. He said that people were making accusations against my brother, and that he needed my help. He said I had to travel with him to see my brother and tell people that the things they were saying were not true. I said I would do anything I could to help him.
Several months later the men came back. They said I had to go with them now. I was brought here by an airplane. I am sure that my brother was with me and my family on 26th December 2005. It was a very important day for us and you do not easily forget such a thing.

All I want now is for my brother to come home.

Signed: Goncalves Torres

Annex 5: Statement of Lieutenant Colonne

My name is Pierre Colonne. I was born in Lusota, Malenga and I am 28 years old.

Until recently I was a lieutenant in the URF. I worked under Colonel Katoma. He was our hero and we did everything that he said.

After the defeat of the URF in December 2005 I was arrested by URF forces and imprisoned in Lusota. I escaped in February 2007 and made my way to Bikindi, where I was captured in March 2007. I was extradited to The Hague in April 2007 as I have been charged with war crimes by the ICC. I am currently awaiting my trial here for war crimes. I am in prison with Felipe Torres and I often see him. We do not talk about our trials. I have not talked to him about what he has been charged with.

In this statement I will talk only about what happened in Garuda with Felipe Torres. I will not talk about the other crimes which I am accused of.
When Garuda was attacked by PDF forces in December 2005 I was the commanding officer in charge of all militia troops in the area. I ordered the captured soldiers to be taken to the diamond mine. They were well treated. No one was beaten or tortured. I was there every day and I would have known if they had been. Many of the soldiers died, but that was due to an outbreak of cholera. Some of my forces died as well.

Felipe Torres was often at the diamond mine camp. All troops stationed in the area came to the diamond mine complex to eat and sleep. I do not remember what his duties were at the time. It was possible that he was sometimes in charge of one of the checkpoints in a five mile radius of the camp. It is likely that he would have had duties of guarding the prisoners at times as well, but it was a long time ago and I can’t remember. There were books containing duty rosters which were kept at the time. I don’t know where they are now.

I do recall that he came to me one day and asked permission to go and visit his mother. I remember it well as it was an unusual request. Most militia members have little contact with their families. In normal circumstances I would have refused, but in fact there was no fighting in the area at the time and there were few prisoners left to guard, so I had many more soldiers than I needed. I said that he could go but he must be back in 48 hours.

I do not remember the date on which this happened, but it was towards the end of December. I think it may have been around the time when the PDF forces came and attacked the camp and freed the prisoners. It was then that I was captured and taken to prison. Certainly I recall that Felipe Torres was not there when the camp was attacked, because I had to take charge of his men myself. I think that must have been the time when he had gone to see his mother, but I cannot be sure.

In any case I know for certain that no crimes were committed at the camp at any time. We are all the victims of the political interference of so-called developed countries. They should leave us to sort out our own problems, and should not meddle in things they don’t understand.

Signed: Pierre Colonne
Dated:
ANNEX 6: RELEVANT EXTRACTS FROM THE ROME STATUTE

International Criminal Court

Relevant Extracts from the Rome Statute

Article 5

Crimes within the jurisdiction of the Court

1. The jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole. The Court has jurisdiction in accordance with this Statute with respect to the following crimes:
   a. The crime of genocide;
   b. Crimes against humanity;
   c. War crimes;
   d. The crime of aggression.

Article 8

War crimes

1. The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.

2. For the purpose of this Statute, “war crimes” means:

a. Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:
   i. Wilful killing;
   ii. Torture or inhuman treatment, including biological experiments;
   iii. Wilfully causing great suffering, or serious injury to body or health;
   iv. Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
   v. Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;
   vi. Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
   vii. Unlawful deportation or transfer or unlawful confinement;
   viii. Taking of hostages.

e. Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:
   vii. Conscription or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;
Article 76

Sentencing

1. In the event of a conviction, the Trial Chamber shall consider the appropriate sentence to be imposed and shall take into account the evidence presented and submissions made during the trial that are relevant to the sentence.

2. Except where article 65 applies and before the completion of the trial, the Trial Chamber may on its own motion and shall, at the request of the Prosecutor or the accused, hold a further hearing to hear any additional evidence or submissions relevant to the sentence, in accordance with the Rules of Procedure and Evidence.

3. Where paragraph 2 applies, any representations under article 75 shall be heard during the further hearing referred to in paragraph 2 and, if necessary, during any additional hearing.

4. The sentence shall be pronounced in public and, wherever possible, in the presence of the accused.

Article 77

Applicable penalties

1. Subject to article 110, the Court may impose one of the following penalties on a person convicted of a crime referred to in article 5 of this Statute:
   a. Imprisonment for a specified number of years, which may not exceed a maximum of 30 years; or
   b. A term of life imprisonment when justified by the extreme gravity of the crime and the individual circumstances of the convicted person.

2. In addition to imprisonment, the Court may order:
   a. A fine under the criteria provided for in the Rules of Procedure and Evidence;
   b. A forfeiture of proceeds, property, and assets derived directly or indirectly from that crime, without prejudice to the rights of bona fide third parties.

Article 78

Determination of the sentence

1. In determining the sentence, the Court shall, in accordance with the Rules of Procedure and Evidence, take into account such factors as the gravity of the crime and the individual circumstances of the convicted person.

2. In imposing a sentence of imprisonment, the Court shall deduct the time, if any, previously spent in detention in accordance with an order of the Court. The Court may deduct any time otherwise spent in detention in connection with conduct underlying the crime.

3. When a person has been convicted of more than one crime, the Court shall pronounce a sentence for each crime and a joint sentence specifying the total period of imprisonment. This period shall be no less than the highest individual sentence pronounced and shall not exceed thirty years imprisonment or a sentence of life imprisonment in conformity with article 77, paragraph 1 (b).
**Article 81**

**Appeal against decision of acquittal or conviction or against sentence**

1. A decision under article 74 may be appealed in accordance with the Rules of Procedure and Evidence as follows:
   a. The Prosecutor may make an appeal on any of the following grounds:
      i. Procedural error,
      ii. Error of fact, or
      iii. Error of law;
   b. The convicted person, or the Prosecutor on that person’s behalf, may make an appeal on any of the following grounds:
      i. Procedural error,
      ii. Error of fact,
      iii. Error of law, or
      iv. Any other ground that affects the fairness or reliability of the proceedings or decision.

2. A sentence may be appealed, in accordance with the Rules of Procedure and Evidence, by the Prosecutor or the convicted person on the ground of disproportion between the crime and the sentence;

   a. If on an appeal against sentence the Court considers that there are grounds on which the conviction might be set aside, wholly or in part, it may invite the Prosecutor and the convicted person to submit grounds under article 81, paragraph 1 (a) or (b), and may render a decision on conviction in accordance with article 83;

   c. The same procedure applies when the Court, on an appeal against conviction only, considers that there are grounds to reduce the sentence under paragraph 2 (a).

**Article 83**

**Proceedings on appeal**

1. For the purposes of proceedings under article 81 and this article, the Appeals Chamber shall have all the powers of the Trial Chamber.

2. If the Appeals Chamber finds that the proceedings appealed from were unfair in a way that affected the reliability of the decision or sentence, or that the decision or sentence appealed from was materially affected by error of fact or law or procedural error, it may:
   a. Reverse or amend the decision or sentence; or
   b. Order a new trial before a different Trial Chamber.

   For these purposes, the Appeals Chamber may remand a factual issue to the original Trial Chamber for it to determine the issue and to report back accordingly, or may itself call evidence to determine the issue. When the decision or sentence has been appealed only by the person convicted, or the Prosecutor on that person’s behalf, it cannot be amended to his or her detriment.

3. If in an appeal against sentence the Appeals Chamber finds that the sentence is disproportionate to the crime, it may vary the sentence in accordance with Part 7.

4. The judgment of the Appeals Chamber shall be taken by a majority of the judges and shall be delivered in open court. The
judgement shall state the reasons on which it is based. When there is no unanimity, the judgement of the Appeals Chamber shall contain the views of the majority and the minority, but a judge may deliver a separate or dissenting opinion on a question of law.

5. The Appeals Chamber may deliver its judgement in the absence of the person acquitted or convicted.

ANNEX 7: RELEVANT EXTRACTS FROM THE RULES OF PROCEDURE AND EVIDENCE

Relevant Extracts from the Rules of Procedure and Evidence

Rule 145
Determination of sentence

1. In its determination of the sentence pursuant to article 78, paragraph 1, the Court shall:
   a. Bear in mind that the totality of any sentence of imprisonment and fine, as the case may be, imposed under article 77 must reflect the culpability of the convicted person;
   b. Balance all the relevant factors, including any mitigating and aggravating factors and consider the circumstances both of the convicted person and of the crime;
   c. In addition to the factors mentioned in article 78, paragraph 1, give consideration, inter alia, to the extent of the damage caused, in particular the harm caused to the victims and their families, the nature of the unlawful behaviour and the means employed to execute the crime; the degree of participation of the convicted person; the degree of intent; the circumstances of manner, time and
In addition to the factors mentioned above, the Court shall take into account, as appropriate:

2. Mitigating circumstances such as:
   a. The circumstances falling short of constituting grounds for exclusion of criminal responsibility, such as substantially diminished mental capacity or duress;
   b. The convicted person’s conduct after the act, including any efforts by the person to compensate the victims and any cooperation with the Court;

b. As aggravating circumstances:
   a. Any relevant prior criminal convictions for crimes under the jurisdiction of the Court or of a similar nature;
   b. Abuse of power or official capacity;
   c. Commission of the crime where the victim is particularly defenseless;
   d. Commission of the crime with particular cruelty or where there were multiple victims;
   e. Commission of the crime for any motive involving discrimination on any of the grounds referred to in article 21, paragraph 3;
   f. Other circumstances which, although not enumerated above, by virtue of their nature are similar to those mentioned.

3. Life imprisonment may be imposed when justified by the extreme gravity of the crime and the individual circumstances of the convicted person, as evidenced by the existence of one or more aggravating circumstances.

APPENDIX 2: SAMPLE SOLICITATION FOR MOOT COURT PARTICIPANTS

Yourtown University School of Law
Third Annual
International
Moot Court Competition

October 7, 2008

The Yourtown Moot Court Board wishes to extend a special invitation for your school to send a competition team to the Third Annual International Moot Court Competition in New York, this spring. The competition draws teams from approximately twenty high schools every year, and deals with controversial topics in international law.

The international competition allows student competitors to argue in front of distinguished jurists and leaders in the field of international law, while practicing their written and oral advocacy skills. Past years’ compromises have included actions brought by war crimes victims before the International Criminal Court and by competing government factions before the International Court of Justice.

This year’s competition is being held March 3–6, 2009, at Yourtown University School of Law, located in New York City. Enclosed, please find the brochure, which provides details about the competition, including registration information. Although the early registration fee is listed as $425, we are willing to reduce the fee to $385 for your first time participation. Additional details are available at www.law.yourtown.edu.
If you have any other questions or concerns, please feel free to contact me at jsmith@yourtown.edu or to call the Moot Court Office at 212-555-1234. We eagerly anticipate your response, and look forward to your participation in this year’s competition.

Sincerely,

John Smith
International Competition Editor
140 West 113th Street • New York, NY • 10023
Phone: 212-555-1234 • E-Mail: Jsmith@Yourtown.Edu

APPENDIX 3: SAMPLE REGISTRATION FORM

Registration Form
Please remember, your registration is not complete until you have received confirmation from the Yourtown Moot Court Board.

Name of High School .................................................................

Team Members’ Names
(may leave blank if unknown: team members’ names due 11.30.08)
.................................................................................................
.................................................................................................
.................................................................................................
Address ......................................................................................
.................................................................................................
.................................................................................................
Phone ........................................ Fax ........................................
E-Mail ...........................................................................................
Name of Advisor ........................................................................
Name of Principal Moot Court contact (and the best way to reach him or her) .................................................................

Registration Fee
$450.00 Registration; $425.00 for second team | Deadline: 10.26.08
$500.00 Registration; $475.00 for second team | Deadline: 11.16.08
Amount Enclosed ........................................................................
Please Make Checks Payable to: Yourtown Moot Court
Payment by Credit Card
Type of card
Visa ........................................... Mastercard ...........................................
Name on Card .................................................. ..................................................
Card Number .................................. Expiration Date ..................................

Authorization of Dean or Faculty Advisor
Signature .................................. Date ..................................
Name ................................................................

Please complete this form and mail to:
Yourtown Moot Court Board
Attention: International Moot Court Editor
Yourtown University School of Law
140 West 113th Street
New York, New York 10023
If you have further questions, please call John Smith at 212-555-1234 or e-mail her at jsmith@yourtown.edu

APPENDIX 4: SAMPLE RULES FOR MOOT COURT COMPETITION

Introduction
This packet contains all of the materials necessary to participate in the Third Annual International Moot Court Competition. Participants may not utilize any materials not contained in this packet in preparing for and presenting their arguments.

The moot court program focuses on the ability of the student advocates to organize and present their arguments persuasively. Advocates will be questioned by the judges as they would in actual appellate court proceedings. While structuring a coherent argument and understanding the legal issues are important, memorization of a prepared text should be minimized. Rather, emphasis should be placed on effectively responding to the judges’ questions, the ability to think extemporaneously, and overall persuasiveness. Some participants may be called upon to advance unpopular positions with which they disagree. This is often a characteristic of the legal process and should not diminish the student’s enthusiasm or quality of presentation.

Rules of the Competition
Preliminary rounds are scheduled for Wednesday, November 14; Wednesday, November 21; Monday, November 26; Tuesday, November 27; Wednesday, November 28; and Thursday, November 29, 2007. Each participating school will compete during one day of preliminary competition. The rounds will be held at Yourtown University School of Law, 140 West 62nd Street, New York, NY, 10023. All teams must register by 8:45 a.m. and rounds will begin promptly at 9:15 a.m. Failure to register on time may result in disqualification. Please plan accordingly.
Upon completion of the preliminary rounds, the two top-scoring teams from each day of preliminary rounds will advance to the quarterfinals. The quarterfinals will be held for those twelve teams on Tuesday, December 4, 2007. The four top-scoring teams will then advance to the semifinal rounds, which will be held on Thursday, December 6, 2007. The date of the final round is to be determined. Scores will not be disclosed during the competition, but will be available for review after the completion of the competition. Schools will be notified of advancement by telephone. Results of advancement will be made available after the rounds of each day are fully completed.

Competition conflicts must be submitted in writing by October 24, 2007. The last day to withdraw from the competition is also October 24, 2007. Untimely withdrawals may result in disqualification from the International Moot Court Competition.

Teams
Each school will field two teams, each team consisting of four students. Team I will represent Applicant, Sammi Arman, on both issues. Team II will represent Respondent, the State of Tonka, on both issues. Only two students from each team may participate in each oral argument round.

Among the semifinalists, the assignments of party representation will be decided based on the teams’ scores and whether teams have faced each other in a prior round. For the semifinal round, each participating school may select any four representatives of the eight students from their school who participated in the competition’s preliminary rounds. As in the preliminary rounds, however, only two students will be allowed to serve as oralists. The two finalist schools will be announced after the semifinal rounds on December 6, 2007, at the closing luncheon to be held at Yourtown Law School. The two finalist teams will reach a mutual agreement as to which team will represent Applicant and Respondent, respectively. If no agreement can be reached, assignment of representation will be determined by a coin toss.

Preparation
Teams may be coached by teachers and attorneys from sponsor law firms. Teams should arrange practice sessions with attorneys from sponsor law firms. Visits to the appellate courts to observe the nature of appellate oral advocacy are also encouraged. Teams should also conduct practice rounds.

Teams may not utilize any legal precedent or other research aids not contained in this packet. Moreover, participating attorneys may not use any outside materials in coaching student advocates. The facts contained in the record are inclusive; students may not invent facts or present data that conflict with these materials. However, in drawing inferences about the strength of given arguments, students may draw upon personal knowledge.

Teams may photocopy the cases and statutes cited in the fictitious opinions. If a team has trouble accessing the cases, please contact the Yourtown Moot Court office for assistance. The list of cases and statutes used in the two opinions are set forth in Appendix I of this packet.

Format of the Competition
The order of arguments at each round is as follows: (1) counsel for the Applicant on the willful killing issue ("Issue I"); (2) counsel for the Applicant on the torture issue ("Issue II"); (3) counsel for the Respondent on Issue I; and (4) counsel for the Respondent on Issue II. Each student ad-
vocate will have ten minutes to argue his or her client’s position. Time periods will be strictly enforced. No rebuttal time will be permitted.

During the competition, only two team members will argue for each team. All four team members may, however, be seated at the counsel table in the courtroom, although no note passing will be permitted during oral argument.

All teams, coaches, teachers, and guests are invited to attend their school’s rounds. Unfortunately, some rooms may not be large enough to accommodate all spectators. Therefore, we are asking that schools inform the Editor by November 7, 2007 of the number of spectators that will be attending. If we are unable to accommodate your school, the teacher-coach will be informed and the number of spectators will be limited. **While attorneys and teachers may be present during oral arguments, they may not coach the students while the round is in progress.** Additionally, all persons affiliated with a school participating in the competition are prohibited from previewing the arguments of other participants.

**Scoring**

All rounds will be scored by a panel of judges. No attorney may judge his or her high school in any round. Judges will evaluate students on the following criteria: (1) overall persuasiveness; (2) ability to respond effectively to questions; (3) knowledge of the case law; (4) clarity of arguments; and (5) poise and appearance. Scoring in each category will range from one to ten, with ten being the highest score. After both teams have presented their arguments, the bench will give comments to the individual oralists. The bench will not announce a ruling on the merits of the case nor will the bench reveal the specific scores of the teams. The bench may, however, provide group or individual feedback to the oralists as time permits.

**Awards**

All team members will receive a “Certificate of Participation.” The finalists will receive a gift commemorating their participation in the competition. The name of the overall winner will be engraved on the trophy.

**Clarifications**

Please address all inquiries with respect to the International Moot Court Competition to:

**John Smith**  
*International Law Editor*  
*Yourtown University School of Law*  
*Moot Court Board, Room 305*  
*140 West 113th Street*  
*New York, New York 10023*
## Appendix 5: Sample Rubric for Judging Briefs/Memorials

### 2008 International Moot Court Competition

Judge Name: ........................................... Team #: ..................

**Instructions:** For each criterion, assign a score within the range indicated. In each category, the “Poor” score is the lowest possible, while the “Excellent” score is the highest possible.

- **An excellent brief**, which you think is likely among the top 10% of all the briefs in the competition, should be given a score between 91 and 100 points.
- **A very good brief**, which you think is likely among the top 25% to 10% of all briefs in the competition, should be given a score between 81 and 90 points.
- **A good brief**, which you think is likely in the top 50% to 25% of all briefs in the competition, should be given a score between 71 and 80 points.
- **An adequate brief**, which you think is likely to be among the top 75% to 50% of all briefs in the competition, should be given a score between 61 and 70 points.
- **A poor brief**, which you think is likely in the bottom 25% of all the briefs in the competition, should be given a score between 50 and 60 points.

When finished, add the scores in the right-hand column to determine the total score. Additional comments may be included on the following page.

<table>
<thead>
<tr>
<th>Criterion</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Clarity &amp; Organization:</td>
<td>20</td>
</tr>
<tr>
<td>(Poor: 10pts; Average: 15pts; Excellent: 20pts)</td>
<td></td>
</tr>
<tr>
<td>2. Knowledge of Law:</td>
<td>20</td>
</tr>
<tr>
<td>(Poor: 10pts; Average: 15pts; Excellent: 20pts)</td>
<td></td>
</tr>
<tr>
<td>3. Quality &amp; Creativity of Arguments:</td>
<td>20</td>
</tr>
<tr>
<td>(Poor: 10pts; Average: 15pts; Excellent: 20pts)</td>
<td></td>
</tr>
<tr>
<td>4. Grammar &amp; Style:</td>
<td>20</td>
</tr>
<tr>
<td>(Poor: 10pts; Average: 15pts; Excellent: 20pts)</td>
<td></td>
</tr>
<tr>
<td>5. Extent &amp; Use of Research:</td>
<td>10</td>
</tr>
<tr>
<td>(Poor: 5pts; Average: 7pts; Excellent: 10pts)</td>
<td></td>
</tr>
<tr>
<td>6. Correct Format &amp; Citation:</td>
<td>10</td>
</tr>
<tr>
<td>(Poor: 5pts; Average: 7pts; Excellent: 10pts)</td>
<td></td>
</tr>
</tbody>
</table>

**Total Score:** 100
Appendix 6: Sample Clerking Instructions

International Moot Court Competition
Yourtown University School of Law

Clerking Instructions

1. Call your teams, introduce yourselves to them, and escort them to their competition room.

2. When you get in the room:
   a. Make sure Applicants sit on the judges’ right & Respondents sit on the judges’ left (when facing the same direction as the judges themselves).
   b. Remind the competitors that they have 10 minutes each in which to argue the case.
   c. Ask Applicants whether they want to reserve time for rebuttal. If so, ask them how much. There is a two (2) minute maximum on rebuttal time. Subtract this time from the competitor who will be doing the rebuttal. (for example, if Applicant wants 1 minute of rebuttal then she will argue her initial case for 9 minutes).
   d. Tell the competitors that you will show them time cards when there are 5 minutes left in their argument, 2 minutes left in their argument, and when time is up.
   e. Tell them where the bathrooms and the water fountains are located.

3. Place the score sheets on the table in front of each judge's chair. Each judge should have one sheet for Applicant and one for Respondent.

4. Ask the competitors whether they are ready to proceed and, if so, tell them you are going to get the judges.

5. Go to the Judge Registration Room and hunt down the judges for your round—be sure to introduce yourself & smile! Escort them to the courtroom. Be sure to tell them:
   a. Whether the Applicants are reserving time for rebuttal, and how much.
   b. The judges may not recognize a “best speaker” or team winner—they should score the competitors on the criteria listed on the score sheet.
   c. At the end of the round they should offer general comments to the competitors.
   d. They may not rule or comment on the merits of the case—Repeat, They May Not Rule Or Comment On The Merits Of The Case.
   e. When they have completed the score sheets they should be given to You, and only to you—place them in the clerk folder.

6. Knock HEAVILY three times on the courtroom door, hold the door open for the judges, and announce as the judges walk through the door:

   **All Rise!!**
   **Oyez!! Oyez!!**
   All people having business before this, the Honorable Supreme Court of Yourtown,
International Moot Court: An Introduction

Appendixes

Enjoy Your Clerking Experience &
Thank you very much for your help!!

draw near, give attention, and ye shall be heard.
God save this Honorable Court.

(wait for judges to be seated)

Please be Seated. The Court is now in session.

7. After the arguments, take the competitors into the hall while the judges deliberate.

8. Then stay in the hall with the competitors. Keep an eye towards the judges. After the judges complete their deliberations, escort the competitors back into the competition room for the comments.

9. After the judges complete their critique, direct the competitors to the Team Meeting Room, escort the judges to the Judge Registration Room, and HAND the score sheets in to KACEY at the Check-In Desk. (DO NOT leave them in the Moot Court Room, DO NOT give them to your friends to hand in for you, DO NOT go home with them–FIND KACEY and hand them in.)

APPENDIX 7: SAMPLE JUDGING SHEET FOR ORAL ARGUMENTS

Oral Argument Score Sheet
Points will range from four to ten, with ten being the highest score. The minimum score for an advocate is four. The overall score should range from 20–50.

Respondent Number: .................................................................

1st Respondent (name) .................................................................

2nd Respondent (name) .................................................................

Judges:
Recommended Point Distribution
45–50 = excellent
35–45 = good
Below 35 = OK

Recommended Scoring Considerations

1. Overall Speaking Ability
   (4–10 points possible)
   (e.g., voice; diction (audibility and clarity); grammar; tone; word choice; eye contact; sincerity; enthusiasm; poise; respect for court; speed of delivery; posture; stance; gestures; distracting movements; effective use of notes)

   First .......... Second ..........
2. Ability to Respond Effectively to Questions
   (4–10 points possible)
   First  .......  Second  .......

3. Knowledge of the Case (Facts and Law)
   (4–10 points possible)
   First  .......  Second  .......

4. Clarity of Argument
   (4–10 points possible)
   First  .......  Second  .......

5. Poise and Appearance
   (4–10 points possible)
   First  .......  Second  .......

Total Score:
   First  .......  Second  .......

Judge's Name: ............................................................
Judge's Signature: .....................................................