

# Giles Wilson LLP Annual Moot 2017

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Congratulations on taking part in the Giles Wilson LLP mooting competition.

Enclosed within this pack you will find helpful information relating to our competition. Please read through this to ensure that you understand how the moot will work. There is also a practice moot problem for your students to try.

You will also find enclosed the guidance which will be given to the Judges when you come to the actual event, to give your students the best chance of being able to present a coordinated and impressive case.

Strong advocacy is one of the most important abilities an individual can possess not just in law, but in life. So even if your students decide a career in the legal profession isn't for them (and even if they feel that way already), the lessons they may learn through taking part in this competition could enhance or even create an extremely useful skillset.

And of course, if your students do want to work in the legal profession as solicitors or barristers (and the professions are far less distinct than once they were) this is the perfect opportunity to get their foot on the ladder - not just by practising their advocacy but by competing to win an opportunity for work experience at a local firm of solicitors and a barristers' chambers.

So read the pack, prepare as best you can, and remember to have fun. If you have any questions, don't forget we're just a telephone call away.

See you in Court!

**Philip Giles**

**Melinda Giles**

**Partners, Giles Wilson LLP**

## Moot format

Each team shall consist of two advocates; a senior and a junior. The order of speaking shall be as follows:

Party represented	Order in which the advocates speak	Advocate	Time allowed to make their submissions
Claimant	1 <sup>st</sup>	Senior	10 minutes
	2 <sup>nd</sup>	Junior	5 minutes
Defendant	3 <sup>rd</sup>	Senior	10 minutes
	4 <sup>th</sup>	Junior	10 minutes
Claimant	5 <sup>th</sup>	Junior	5 minutes (optional reply)

This is the traditional mooting format, and the issues upon which the advocates will make their submissions will be based on two substantive arguments (made clear from the description of the problem for a particular moot).

Although all advocates can prepare their arguments in advance, as you can see the Claimant's junior will be required to think on their feet when preparing their reply (during the Defendant's advocates' submissions).

At least one week in advance of the day of the moot, advocates will receive a 'Brief to Counsel', which will include instructions from their solicitor, and enclose the relevant authorities and documents upon which they should rely in their submissions. But be careful, there may be a red-herring in the documents - after all, your solicitor is extremely busy!

Please note, you will not be expected to rely on anything other than the papers you are given. Although you will be given credit for creativity and original thinking in terms of advocacy, remember that the Judges will only have the same documents included in your brief - so stick to them.

A member of this firm will be available to your school to mentor participants during their preparations for the actual competition, and to help with any questions they have.

Teams will be expected to submit skeleton arguments via email by 10am on the morning of their Semi Final and two clear days before the Final. The skeleton argument should be no longer than one side of A4, and it should have the same headings and layout as your solicitor's Brief (but obviously with a different title and contents).

You will appear before a panel of Judges, who will decide on the following:

- Judgment on the various arguments presented, and ultimately, the claim;
- The merits of each of the advocates in their individual submissions; and
- To decide upon the winning team (please note, this is not necessarily the team which wins the argument, but that which makes the most compelling case).

During an advocate's submissions, the Judges may interrupt to ask questions and/or seek clarification. They may do this as often as they want, but shall be equitable between advocates (as time keeps running during such interruptions).

The Judges will have regard to the four classical criteria of advocacy when assessing an advocate's performance:

**1. Content**

Insight into the moot problem, fluidity of reference to documents, ability to summarise facts and link these to law with impact.

**2. Strategy**

Structure of argument, presentation (evidence of rehearsal/appearance of rigidly sticking to a script shall be penalised), teamwork, effective use of time.

**3. Ability**

Almost entirely evidenced by the advocate's ability to think on their feet and answer questions put to them by the Judges, creativity, intellect.

**4. Style**

The advocate's skill in public-speaking, their confidence (but not arrogance), respect for the Court, flexibility to adapt their arguments to fit within the time allowed (or to expand their arguments to fill time remaining).

There will be a Court clerk keeping time, and who will show you a yellow card when you are making submissions and have only three minutes remaining. The clerk will hold up a red card when you have one minute remaining. If you run out of time, the clerk will inform the Judges who will stop you. Although of course it pays to

use all of your time, being stopped mid-sentence will count against your score (as will finishing early).

Once the moot is completed, the Judges shall retire to discuss the moot and decide on the winner. The lead Judge will give the Judgment.

### **Etiquette**

When opening, the Claimant's lead advocate should state his name, his educational institution, his Junior's name, the party he represents, the other party's name, and the names of the advocates on the other side.

During submissions, the advocate should refer to the Judge as 'Sir' or 'Madam' accordingly. The advocate should refer to the other advocates as 'Mr [surname]' or 'Miss [surname]' accordingly. The advocate should always refer to the Claimant or Defendant (or Appellant and Respondent, if applicable) as such, and not as (for example) 'my client' or 'the other side'.

When closing submissions, advocates should summarise what they are asking the Court to do, and should close with the phrase 'unless I can assist the Court further, those are my submissions'.

### **Some behaviours the Judges may look for when assessing an advocate:**

Ability to make submissions without a script;

Good eye contact;

Posture and fidgeting;

Proper use of language and sentence-construction;

Speed, pronunciation, and projection of the voice;

Courtesy to the Judge (e.g. not rushing them through a document);

Awareness (e.g. adapting an argument if it isn't winning the Judges over);

Confidence;

Persuasiveness;

Clarity of thought and logical structure;

Compelling application of law to the facts; and

Ability to respond to questions with knowledgeable reference to the documents.

**CLAIMANT**

	NAME	CONTENT	STRATEGY	ABILITY	STYLE	TOTAL	COMMENTS
SENIOR							
JUNIOR							
School:							
Date:							

**DEFENDANT**

	NAME	CONTENT	STRATEGY	ABILITY	STYLE	TOTAL	COMMENTS
SENIOR							
JUNIOR							
School:							
Date:							