

WHAT DO JUDGES LOOK FOR IN A MOOT COURT ORAL ARGUMENT?

Knowledge of Subject Matter

1. Does the competitor give a broad, but brief, overview of the argument (i.e., roadmap) in the beginning?
 - a. The first speaker should:
 - i. Introduce himself/herself and his/her partner (co-counsel)
 - ii. State whom the team represents, using the proper designation (appellant, appellee)
 - iii. State the issue each speaker will be addressing (a strict division of issues is often written into the problem)
 - iv. Reserve rebuttal time (appellant only). A maximum of two minutes is advised. Never use rebuttal time to reiterate arguments, but as an opportunity to refute or clarify arguments made by the opposing party. If you have no important points to make on rebuttal, waive the time. Remember, if no rebuttal time is reserved, it is deemed waived.
 - b. The second speaker for each side should introduce only himself/herself, not co-counsel, who would have already spoken.
2. Is the competitor's presentation well-organized, with the organization clearly expressed?
3. Does the competitor have a thorough knowledge of the record? Can the speaker direct you to important language in the record?
 - a. Wise use of specific record citations is advised.
4. Does the competitor emphasize the important issue(s)?
5. Does the competitor argue the heart of the matter adequately, and is he/she selective in discussing issues?
6. Does the competitor use a variety of types or arguments, i.e., precedents, logic, policy, etc.?
 - a. A competitor should be familiar with relevant case law. However, in the unfortunate occasion that he/she is unfamiliar with a case cited by the judge, he/she should request a brief recitation of the facts so that he/she may apply the facts to his/her case.
7. Are the competitor's arguments clear and direct?
 - a. The issues and desired resolution should be firmly fixed in the Court's mind when the competitor finishes.
8. Does the competitor make judicious use of his/her time?
 - a. The statement of the facts should be very brief. Assume that the Court is well-prepared, especially with the facts of the case, so don't waste time with an extensive recapitulation of the facts. The best use of record facts is incorporated within the arguments where relevant.
 - b. Points are sometimes deducted for finishing too early and are definitely deducted if a competitor speaks over his/her allotted time. Competitors should be prepared to argue at least half of their time during a cold panel.
 - c. When the competitor sees that his/her time has expired, he/she should cease to speak immediately, and request an opportunity to *briefly* conclude (in 30 seconds or less). However, if a judge asks a question which the judge knows places a

- competitor past the time limit, the competitor should answer the question briefly and directly, and sit down without interjecting his/her own canned conclusion.
- d. If time still remains at the end of the presentation, wait a moment to see, or even ask, if the Court has any other questions before sitting down.

Response to Questioning

1. Is the speaker responsive to questions rather than evasive or repeatedly unable to give an answer?
 - a. Each competitor must be fully prepared on his/her partner's argument. Rather than refuse to answer a question regarding his/her partner's argument, he/she should answer the question to the best of his/her ability and the other team member should adjust his/her presentation to address the question in more detail when and if he/she has the opportunity to address the Court.
2. Is the competitor able to answer a question with authority using case names?
 - a. Pronounce the word "versus" instead of saying "v" when referring to cases
3. Is the competitor able to fit relevant questions into his/her overall analysis and presentation?
4. Is the competitor able to resume the thread of his/her argument after answering a question?
 - a. Questions from the Court should be clearly addressed, turned to the advantage of the advocate, and then used as a transition back into the argument that the competitor desires to make.
 - b. A competitor's manner should anticipate and appear to welcome the Court's questions.
5. Is the competitor candid about the weak points in his/her arguments?
 - a. Be able to distinguish the cases that disfavor your position.

Forensic Skills

1. Does the competitor use correct pronunciation and grammar?
2. Does the competitor use timely emphasis and effective pauses?
3. Does the competitor's voice have proper volume and good inflection?
4. Is the competitor's voice clear and easy to understand?
5. Does the competitor use "ahs," "uhms," or "ers" that are distracting?
6. Does the competitor use gestures effectively and appropriately?
 - a. Distracting hand movements, swaying, walking away from the podium, overbroad gestures, finger pointing, or nervous gestures are highly discouraged.
 - b. However, it is better to act normal, using minimal hand movements, etc., than to look stiff and robotic.
7. Does the competitor exhibit a professional stance at the podium (stands straight, avoids distracting mannerisms, etc.)

Courtroom Demeanor

1. Does the competitor appear to be helpful to the Court?

2. Does the competitor project an image of professional sincerity toward his/her client?
 - a. Be careful not to refer to the parties as “my client.” Use their proper name or party designation.
3. Is the competitor forceful without being overbearing?
 - a. Don’t disregard the importance of deference to the court. Deference to the Court always garners positive points.
4. Does the competitor talk to and look at the judges in a conversational manner without unobtrusive notes?
 - a. It is suggested that a competitor utilize a single file folder with arguments attached to the inside folds.
5. Is the competitor courteous rather than sarcastic, condescending, or resentful?
 - a. A competitor should not begin speaking until signaled by the Court to do so, and begin with “Thank you, Madam/Mister Chief Justice, and may it please the Court?”
 - i. Note: Some judges may not be accepting of the opening “thank you,” but points should not be deducted for this.
 - b. Answering a question with “with all due respect, your honor,” or “respectfully, your honor,” is discouraged.
 - c. If the question lends itself to a “yes” or “no” answer, the competitor should answer in that manner and then explain further if indicated. Be sure to be responsive because the judge may frequently follow-up his/her question with another before an explanation is completed.
 - d. During the argument, the competitor should cease to speak whenever the judge is speaking. A competitor should never try to speak over the Court or appear irritated at a judge’s interruption.
6. Is the competitor poised and at ease rather than stiff or jittery?
 - a. Tone should be relaxed, confident, reasonable, and believable.
7. Does the competitor display a proper amount of confidence?
8. Does the competitor use all of his/her time without exceeding the time limits?
9. Does each competitor exhibit a professional demeanor both while speaking and sitting at the counsel table?
 - a. Competitors should sit listening attentively to other arguments with their feet flat on the floor. Conversation between team members while the opposition speaks is inappropriate; if necessary, notes should be passed between competitors discreetly.