

TIPS FOR ORAL ARGUMENT

Please review the following as you prepare for oral argument with your students. The following will provide important details on the flow of the competition as well as helpful hints.

Preparation/ Research

Step One: Identify the issues.

Moot Court consists of two issues or questions presented. Most often the problem will easily identify the issues for you. The issues should be divided between Speaker One and Speaker Two.

Step Two: RESEARCH!

Thoroughly research the issues presented. It will be up to you and your partner to identify the important and relevant cases or authorities.

Step Three: Outline Your Argument.

Before you even prepare your oral argument, outline a rough argument using your research. The goal of moot court is to present a clear, persuasive argument for the issue presented.

Step Four: Prepare an Oral Argument

Draft an oral argument. After you've researched and discovered the relevant authorities, prepare an oral argument on paper.

Tips:

- DO NOT type out every word you plan to use. (This competition is not about reading off a sheet of paper or memorizing a speech.)
- Use key words or phrases in an outline format. Use things that will jog your memory to an idea.
- Create a framework or roadmap for your argument. This will keep you on point.

Oral Argument

1. Before Oral Argument:

- a) Moving party (petitioner) sits on the left & responding party sits on the right (when you are facing the judges).
- b) Rise when the judge enters the courtroom and remain standing until she asks you to make your announcements. Announcements should go as follows:

Chief Justice: Introductions and calls case to be heard.

2. Oral Argument: (Appellant/Petitioner always speaks first).

a) Speaker Order:

- i. Appellant/Petitioner Speaker 1 (address Issue 1)
- ii. Appellant Speaker 2 (address Issue 2)
- iii. Appellee/Respondent Speaker 1 (address Issue 1)
- iv. Appellee Speaker 2 (address Issue 2)
- v. Rebuttal—a speaker for the Appellant/Petitioner will BRIEFLY address/ rebutt Issues 1 & 2.

b) Introduction: “May it please the court. My name is _____. My co-counsel is _____. Together we represent the petitioner (or respondent) _____. Of the two issues before the court, I will address the first issue _____, while my co-counsel will address the second issue of whether _____.”

c) Give the Facts: Only the FIRST speaker for each side will need to give a brief version of the facts. NEVER, NEVER ask the court if they want to hear the facts. ALWAYS assume that they do if you are the first speaker for your team.

d) Roadmap:

After the introduction and facts (if necessary), give the roadmap to your argument.

“There are 3 reasons this court should reverse/affirm the judgment of the xxxx court. First, _____. Second, _____. Finally, _____.”

NOTE: The roadmap should include your main headings. Your argument will work best if you divide it—like an outline—into 3 parts, each with a heading. These are the “reasons” that you are giving the court to decide for you early on before jumping into your argument.

e) Present your argument. Be prepared to answer judges questions, but try to follow the roadmap that your presented at the beginning of your argument.

f) Answering Questions:

· Front-load questions where possible. Example: “Yes, your honor because....”

· Use authority wherever possible in your answers. “No, your honor. As this court pointed out in Smith v. Smith.....”

· ALWAYS answer a judges question. NEVER say, “I will address that later in my argument.” If the judge points you to any area of your argument, go with it.

g) Conclusion:

· Tell the court exactly what you want it to do when you conclude. Example: “For these reasons, this court should reverse the judgment of the lower court and render a judgment of acquittal.”

h) Rebuttal: (For petitioner only)

- Pick one or two points that the respondent addressed and rebut them.

- Tell the court why the respondent is wrong on those few points.

- DO NOT try to address their entire argument or go through your entire argument again.

- Request your relief again.

Tips

a) Cite the record and case law as much as possible.

b) KNOW the record and all relevant case law.

c) DO NOT bring cases up to the lecturn to reference and flip through.

d) Take as few papers to the lecturn as possible. The fewer the better.

e) Make a list of cases if you think you will forget one.

f) Maintain EYE CONTACT with all the judges.

g) Think. When asked a question, it is ok to think for a moment about your response.

h) DO NOT use statements such as “I believe.” “I think.” “I feel.”