



# MOOT COURTS

## An Overview

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# An Introduction

- A moot court is a simulation of a real court to give students an insight on dealing with a legal problem and how to present a case in front of judge.

Proceedings in a court room follow a set pattern of conduct. Right from the attire to the language and the way we speak and behave follows some norms which are covered in our presentation.



# THE ATTIRE

In order to argue upon a case in the court room, one needs to don the specified court uniform. A standard court uniform includes -

- Black suit with black tie, white shirt and black shoes. (Black skirts for girls allowed)
- No ring in finger or chain in neck.
- No unnecessary accessories.
- No ID or any object which reveals identification of your college/university.



# HOW TO ENTER A COURT

- Bow before the judge as soon as you enter regardless his attention or presence.
- The appellant has to take left seating and respondent has to take right; facing the judge (unless a contrary is arranged).
- If judge enters the court room, stand up, when judge reaches his chair, bow before him and take your seat only when the judge is seated.
- When the judge indicates then the first counsel must approach the podium and bow before the judge/bench before starting the arguments.

Single male judge, in both the House of Lords and Court of Appeal is to be referred to as '*My Lord*' or '*Your Lordship*'. A single female judge can be referred to as '*Your Ladyship*'. Avoid using '*Your Honour*'.

If a lady judge is present in bench along with male judge then ask for the permission to address the whole bench as '*Your Lordship*'.

Introduce yourself by name and then mention the side represented by you. Don't mention the college/university name. However, team code specifically assigned can be mentioned.

Mention the contentions/ issues/ submissions to be taken up by you. If the arguments are divided, then also mention the contentions taken up by the co-counsel

# Do's and Don'ts

When judges are consulting amongst themselves, then a counsel should never interrupt and wait for judges to instruct to proceed further with arguments.

- Never interrupt a Judge when he is asking or clarifying a point.
- Never point a finger or behave arrogantly or be hostile towards opposite party.
- Do not start with the rebuttal by seeking an answer from the opposite team. Instead, wait for the time reserved for rebuttal, if there is any such provision made.

Avoid saying 'Thank You'; instead use '*Highly Obligated*'

Seek permission of the judge/ judges to proceed further. This can be done by mentioning- 'The counsel humbly seeks the permission to proceed with....' Don't use the same line every time you seek permission. Use different ways to do this.

Never say, 'May I carry on...'

Avoid using slangs such as 'yeah, yup, okay, all right'.

### **Preferable salutations**

*"May it please your Lordship...."*

*"With the due permission of Your Lordship...."*

*"The counsel seeks permission....."*

Avoid redundancy of narration of facts by counsel for Respondent.

Never display your back to bench.

# Calling the Co-counsel

- When the first counsel is finished with his argument then he should ask to permit him to call his co-counsel to further carry the arguments. The phrase which is advice to call upon counsel is

*“The counsel humbly seeks permission to call upon the co-counsel who will be dealing/continuing with.....”*

- When permission granted then bow before the bench and take your seat. Do so without showing your back.



# Tips for the researcher

- All the above tips are applicable mainly to Oralists but researchers should also observe some of court manners. Court manners are no exception to researchers, they also play significant role in presentation.
- Oralists require information for them as well as passing information to judges. The information should be passed swiftly and this transit should be rapid and cautiously done.

Passing of information can be bifurcated into two

### **To judges**

If you are sure to pass/quote the information such as annexure, books, journal, bare acts; then supply it to the court masters beforehand.

If the oralist requires some material to be passed then pass the same to court master swiftly.

### **To oralist**

Use stick notes to convey any information to oralist. Do not come in between the counsel and bench, just bend slightly and stick it to podium without interrupting the counsel.

Use bold barker to write notes so that the oralist can read it easily. Never speak to oralist or engage in any conversation.

# Leaving the Court

- As the judge leaves his chair, get up and bow before him.
- Wait for the judges to leave before proceeding out the courtroom.

# MEMORIALS

- Memorials or memorandum are the written submission made on behalf of the party to the judges. It contains the contentions that are presented into the court in a written form.
- The memorial follows a universal format. Its language is legal and it contains facts and relevant cases that supports the contentions drafted.

# CONTENTS OF A MEMORIAL

- The content in a memorial is divided into various heads which are as following –
  - Cover Page
  - Table of contents
  - Index of Authorities
  - Statement of Jurisdiction
  - Statement of Facts
  - Statement of Issues
  - Summary of Arguments
  - Arguments Advanced
  - Prayer