2015 John Black Moot Court Competition
Learning Lunch

Wednesday, February 18th at 12PM
Krost Hall

Tournament Director: Davut Atik
What is The Advocates?

- The Advocates is a UHLC student organization devoted to developing oral advocacy and improving trial and appellate presentation skills through intramural competitions.

- Advocates competitions provide UHLC students with the opportunity to experience litigation and develop invaluable tools used by practicing attorneys.
UHLC Advocacy opportunities

- Mock Trial
- Moot Court
- ADR
  - Mediation
  - Negotiation
  - Arbitration
John Black Summary

- John Black is an intramural Moot Court tournament.
- Only 1Ls are eligible.
- Winning teams get a cash prize.
Anatomy of a Moot Court Round

- Appellant goes first, followed by the Appellee
- 20 minutes per side
  - Each participant should address no fewer than one issue from the fact pattern. If there is more than one issue, one team member should prepare to address two of the issues.
- Typically broken up into 3 parts:
  - Introduction
    - Recitation of facts
  - The Argument
  - Conclusion & Prayer
**Introduce yourself**

- Appellant: don’t forget to reserve time for rebuttal!
- Speaker (Appellant): “May it please the Court [pause]. Appellant would like to reserve 2 minutes for rebuttal [pause for approval]. My name is Your Name, and I represent Name of Client, appellant here and plaintiff in the trial court.”
- Speaker (Appellee): “May it please the Court [pause], my name is Your Name, and I represent Name of Client.
Introduction

- **Introduce the Issues on Appeal**
  - Example: Speaker 1: “There are two issues on appeal. In my time before the court, I will show why the court of appeals *erred* in holding ....

- **Theme Statement**
  - You *may* use a one sentence theme statement to sums up either your issue or the entire case
Introduction – Recitation of Facts

- Appellant only:
  - "The facts of this case are as follows: ....
  - Short (no more than 2 minutes) – do facts for both issue
  - Don’t be overly controversial, but emphasize facts favorable to your client.

- Appellee:
  - Don’t do a full recitation of the facts.
  - If there were relevant inaccuracies or omissions relating to your argument, point them out.
  - Otherwise, just put your spin on the facts as you go through your argument.

- Be prepared for the judge to tell you to skip the facts
Introduction - Roadmap

- Pick 2 or 3 points in support of your issue
- Rank them in order of importance
- If you can, use the standard of review in your favor
The Argument

- Know and use the standard of review

- Know what you want the court to do

- If you are asking the court to adopt a new rule, or revise/interpret an existing rule, be able to clearly articulate the rule/interpretation you want.
  - Also know how your proposed rule would impact future hypothetical cases, the administration of justice, and general public policy concerns

- Clash
  - Appellant: “Appellee is going to ask this court to find…, however the result they seek would be wrong because ….”
  - Anticipate the other side’s arguments and state why they are wrong
  - Anticipate the authority they other side will use and state why it doesn’t apply
  - Appellee: “Appellant said, … and they are wrong because ….”
The Argument Cont.

- Signpost when you are beginning your argument and when you are moving to your next point.
  - “As to the first of these three reasons, ….”
  - “Turning to my next point, ….”

- Know your case cold.

- Use cases to support your argument
  - Your argument should not be the law according to you
  - “An example of this can be found…”
  - Know the facts, procedural history, and the citation to every relevant case but only recite them if necessary to support your point or in response to a question
Conclusion & Prayer

- Conclude by briefly stating the relief you want
  - Conclude for both issues
    - **Long Prayer** – “In conclusion, your honors, Name of Client has shown here today ….. For this reason, Appellant respectfully requests this Court to ….
    - **Short Prayer** – “Appellant respectfully requests this Court to …
What do you do if you run out of time mid-sentence?

- If you are answering a question from the court:
  - “Your honor, I see that I am out of time, may I briefly respond to your question and conclude?”
  - Quickly answer the question and give your short prayer

- If you are not answering a question:
  - “Your honor, I see that I am out of time, may I briefly conclude?” Then give your short prayer.
  - “Your honor, I see that my time is about to expire ….” Then based on the amount of time you have left you can give either your long prayer or your short prayer.
The Rebuttal

- **Only the Appellant Gets to Rebut**
  - Rebuttal is strictly limited to refuting a specific point brought up in the appellee’s argument
  - Don’t rebut everything
  - Don’t just repeat your arguments
  - No more than 2 points on rebuttal – best if it’s one point on each issue
  - “May it please the court [pause], Appellant has 2 points on rebuttal. First … [brief statement]. Second … [brief statement]. As to the first point…”
  - Great place to point out Appellee misstated the law or the record in a SIGNIFICANT way.
Answering Judge’s Questions

- Answer the question asked!!!
- Answer the question first, then explain your answer
- Listen to the entire question. Pause before answering.
- Answer questions with references to case law
  - “No, your honor, in Smith v. Gore, the court addressed this very issue....”
- If you don’t understand the question, you can
  - Ask the court to clarify the question
  - Say, “If your honor is asking _____, then ________.”
- Don’t argue with the judge or tell him/her their question is irrelevant
- Don’t imply the judge was rude by saying, “getting back to my point” or “returning to where I was”
Professionalism

- Always stand when the judges enter or exit the room
  - Stay standing until the chief justice tells you to be seated

- Always stand when addressing the court

- Stay behind the podium and restrict gestures. Don’t bang the podium

- Show deference to the court
  - Never, never, never talk over the judge – when the judge starts to ask you a question, immediately shut up and listen
  - Never interrupt the judge

- When addressing a judge say “your honor”

- Look the judges in the eye
Delivery

- Don’t interrupt your opponent with objections or to respond to something they said
- Don’t laugh or roll your eyes at the other side
- While the other side is speaking take notes on clash/rebuttal points
  - Pay attention to how the judges are responding to the other side’s arguments.
  - The skillful advocate will refer to specific points raised by the other side
- If you get done early, stop – don’t ramble to fill time
- Don’t speed up if you are running out of time
- Don’t read – Be conversational – Be yourself
- Speak in a loud, confident voice
- Be honest – Never misrepresent the facts or the law
Moot Court Team Lunch Time Workshops
- February 19
- February 24

Prof. Simpson’s appellate argument how-to presentation
- Saturday, 2/21 10 a.m. – 12 p.m.

Ask a mooter!
- No substantive help allowed, but they can give you style tips
Competition Format

- Two issues, two team members
- Prepare both Appellant and Appellee arguments
- At least 8 minutes of presentation per speaker
- Three Preliminary Rounds
  - Judges: Current UHLC Moot Court Team members
- 8 teams advance to the elimination rounds
- Writing a brief is not necessary
Moot Court Tryouts

- Two Phases of the Moot Court Team Tryouts
  - Oral Portion -
    - Around 7-8 minutes on one issue, either side
  - Written Portion -
    - You will submit your LSS brief

- Winning John Black will not guarantee a Moot Court Team spot
  - However…

- You don’t have to compete to try out
  - However…

- You don’t have to attend the Workshops to tryout
  - However…

- Signups will be in the Blakely Office (by the trophy case in BLB)
Dates to Know

- **Competition Rounds:**
  - Preliminary Rounds: 2/27 – 3/1
  - Quarterfinals: 3/2
  - Semifinals: 3/4
  - Finals: 3/6

- **Moot Court Team Tryout Dates**
  - Oral Portion
  - Written Portion
Registration

- Starts now!!!

- Cost:
  - $15 per Advocates member
  - $25 per non-Advocates member

- Registration Dates:
  - Scheduled times in The Commons
    - 2/18/2015 to 2/25/2014 from 12PM-1 PM & 5PM – 6 PM
  - Any time by emailing Davut Atik at adatik@uh.edu to set up a time.
  - Online at http://goo.gl/forms/tyxM5a43Lg
Questions?

- Visit the John Black web page at www.law.uh.edu/organizations/advocates/johnblack.asp
- Please refer to the Competition Rules
- If you have other questions, email -
  - Davut Atik - adatik@uh.edu
  - Pierce Cox - ptccox@uh.edu