

**2018 JOHN BLACK**  
**Moot Court Competition**  
**Learning Lunch**

presented by

**ADVOCATES**  
at  
UNIVERSITY of **HOUSTON** | LAW CENTER

Tournament Director and Learning Lunch Host:

Daniel Jung (daniel.lee.jung@gmail.com)

# Who are the Advocates?

- ❖ The Advocates is a UHLC student organization devoted to developing oral advocacy skills through intramural competitions.
- ❖ The Advocates competitions provide UHLC students with the opportunity to experience and develop invaluable tools used by practicing attorneys.

# UHLC Advocacy Opportunities

❖ Mock Trial

❖ Moot Court

❖ ADR

- Mediation
- Negotiation

# John Black Moot Court Competition Summary

- ❖ The John Black Moot Court Competition is an intramural Moot Court tournament.
- ❖ Only 1Ls are eligible.
- ❖ The John Black Moot Court Competition will take place from March 23<sup>rd</sup>-24<sup>th</sup>.
- ❖ 3 Preliminary rounds will take place Friday, March 23<sup>rd</sup>.
- ❖ 4 Elimination rounds will take place Saturday, March 24<sup>th</sup>. The top 16 teams will advance to the Octo-finals round.
- ❖ The registration period is from March 5<sup>th</sup>-March 19<sup>th</sup> .
- ❖ The competition is limited to the first 32 teams that sign up and pay the competition fees - \$15 per person for Advocates members and \$25 per person for non-Advocates members.

# Why Should I Participate?

- ❖ Hone your oral advocacy skills and learn how to analyze complex legal issues and communicate them effectively
- ❖ Earn 1 hour of retroactively applicable credit
- ❖ Boost your resumé
- ❖ Experience moot court and prep for the UHLC moot court team tryouts, which will take place the Sunday (March 25<sup>th</sup>) and Monday (March 26<sup>th</sup>) after John Black
- ❖ The winning team gets a cash prize.

# How Do I Earn Credit?

- ❖ Show up to your rounds prepared
- ❖ Submit a brief by 5pm Monday, April 9<sup>th</sup>. If one team member would like to petition for credit, the brief must be 8 pages minimum, double spaced, excluding any pages such as the cover page, table of contents, table of authorities, and questions presented. If both team members would like to petition for credit, they must submit one 15 page brief with the same exclusions. The brief should be written in accordance with the rules of the United States Supreme Court.
- ❖ Good faith effort
- ❖ Professionalism
- ❖ Do not show up intoxicated or hung over!

# Anatomy of a Moot Court Round

- ❖ Appellant goes first, followed by the Appellee
  - ❖ Appellant Issue 1
  - ❖ Appellant Issue 2
  - ❖ Appellee Issue 1
  - ❖ Appellee Issue 2
  - ❖ Appellant Rebuttal
  
- ❖ 24 minutes per side.
  - Each participant will address one issue from the fact pattern.
  
- ❖ Typically broken up into 3 parts:
  - Introduction and Roadmap
  - The Argument
  - Conclusion & Prayer

# Introduction

## ❖ Introduce yourself

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



# Introduction Cont.

## ❖ 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 sum up either your issue or the entire case

# Introduction – Recitation of Facts

- ❖ Appellant only:
  - Ask if the judges would like a recitation of the facts.
  - “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 \*\*DO NOT forget to discuss standard of review

# 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 ...

# Running out of time?

- ❖ 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 its is 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

# Questions?

❖ If you have any questions, feel free to reach out to me!

- Daniel Jung

- [daniel.lee.jung@gmail.com](mailto:daniel.lee.jung@gmail.com)

- 713.922.3177