

MOOT COURT COMPETITIONS HANDBOOK

ELSA MOOT COURT COMPETITIONS
2019/2020



elsa

The European Law Students' Association

Table of Contents

Table of Contents	- 2 -
Foreword.....	- 4 -
I. Introduction	- 5 -
Definition.....	- 5 -
Purpose.....	- 5 -
Advantages.....	- 5 -
MCCs of ELSA International.....	- 5 -
II. Preliminary Considerations	- 5 -
Which field of law shall your MCC be about?	- 5 -
What kind of MCC do I want to organise?	- 6 -
<i>Written Submissions</i>	- 6 -
<i>Oral Pleadings</i>	- 6 -
Is what I am going to do feasible?	- 7 -
Conclusion	- 7 -
Possible alternatives to the organisation	- 7 -
<i>Teams</i>	- 7 -
<i>Rounds</i>	- 7 -
<i>Oral pleading</i>	- 8 -
III. Planning Phase	- 8 -
A) Work before launching of the Competition	- 8 -
Partners/sponsors	- 8 -
The budget/fundraising.....	- 9 -
The case.....	- 10 -
Organising Committee.....	- 11 -
Marketing materials, propagation.....	- 11 -
Judges.....	- 11 -
Regulations and rules	- 11 -
Other.....	- 12 -
B) Launch of the MCC.....	- 12 -
Room reservation/Venue.....	- 13 -
Written Submission Deadline	- 14 -
Final round preparation	- 14 -

Moot Court Competitions Handbook

C) Oral Pleadings.....	- 14 -
Preparation.....	- 14 -
Judges:.....	- 15 -
The day of oral pleading.....	- 15 -
Audience.....	- 16 -
Banquet/refreshment.....	- 16 -
D) After the event (evaluation, feedback, promotion, media coverage).....	- 16 -
The event as a networking possibility.....	- 16 -
Media coverage.....	- 17 -
„Thank you” notes.....	- 17 -
Evaluation.....	- 17 -
IV. Additional materials – Templates.....	- 18 -

Foreword

Dear Reader,

We invite you to read the Moot Court Competition Handbook, conceptualised as the complete organisers guide to conducting a Moot Court Competition. In writing this Handbook, we have been inspired by the Moot Court Competition Handbook drafted in 2016 by Ada Gawrysiak, Vice President in charge of Moot Court Competitions, ELSA International 2015/2016. The contributions from George Manikas, Vice President in charge of ELSA Moot Court Competitions, ELSA International 2018/2019 and his team members, Samuel Ehlers and Romana Reiprichová were also very helpful and most of them are also used in this Handbook. We wish to thank them for their important work. However, considering the development in Moot Court Competitions since then, we found it necessary to draft a new and updated Handbook.

This handbook provides you with a set of basic rules applying to Moot Court Competitions organised on any level, whether it be local, national, regional or international, such as a description of the tasks to be covered in the course of organising an MCC. It may be used by anyone who is about to plan an MCC or already organising an MCC. The whole manual is now designed as a large to-do list, which you have to work through step by step.

Moot Court Competitions (MCC) are at the core of ELSA's activities. They grow within our Network every year. This type of Competition is known worldwide as the best student preparatory exercise that can equip students as future lawyers, this is based on gaining legal knowledge, as well as acquire a set of soft skills.

Best wishes,

Jakub Kačerek

Vice President in charge of ELSA Moot Court Competitions

International Board of ELSA 2019/2020

&

Adriana Paschková

Director for National and Local Moot Court Competitions

ELSA International 2019/2020

I. Introduction

Definition

A Moot Court is a simulated hearing of court proceedings in a particular area of law.

Purpose

It aims at bridging the gap between theory and practice by giving law students the chance to act as representatives for fictitious parties in a case in court, to negotiate a case and thus attempt the work of a law practitioner.

Advantages

Moot Court Competitions (MCC) are a great chance to improve student's legal knowledge, as well as to prepare and train them for proper and successful acting in court, the use of rhetoric, gestures, speaking without notes, increase self-confidence and intellectual flexibility. Although these skills are rarely learnt at University they are however expected from students, especially from future employers.

MCCs of ELSA International

Due in part to these advantages, two of the largest flagship projects in the ELSA network are the in-house MCCs. One is the worldwide John H. Jackson Moot Court Competition (JHJMCC) on WTO law in cooperation with the World Trade Organization, the other is the European Human Rights Moot Court Competition (EHRMCC), which is organised in cooperation with the Council of Europe at the European Court of Human Rights (ECHR).

II. Preliminary Considerations

Before you write the first e-mail at all, you have to ask yourself some basic questions. There are many different ways to set up a Moot Court, so you should ask yourself the following questions:

Which field of law shall your MCC be about?

The selection of the topic field or the right-hand area sets the course for all further considerations. Various factors play a role in the selection process:

Moot Court Competitions Handbook

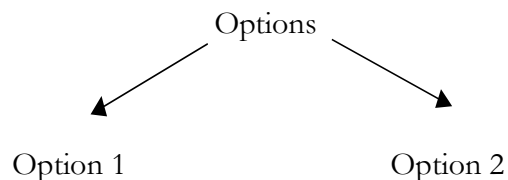
- You should consider which legal areas might be of particular interest to the members of your local group.
- Make it dependent on who you want to host this MCC with. For example, if a particular professor wants to be the patron of the MCC, then choose the field of law in consultation with him or her if necessary.
- Think about how big you want your moot court to be. The more specific your topic, the more difficult it may be to attract participants.

What kind of MCC do I want to organise?

This question requires the following considerations: What shall the structure and size of your MCC be like? Several important features should underlie this decision.

Written Submissions

An important distinction is whether your Moot Court should have so-called Written Submissions.



Written Submissions are part of the MCC

In this case, the facts are handed out to the teams, who in turn have to prepare written submissions. These serve as selection instruments for oral hearing. Even if all the teams have to participate in the oral hearings, it is great preparation and increases the quality of your MCC.

Written Submissions are **not** a part of the MCC

In this case, there is no written preliminary ruling. If possible, all teams will then take part in the oral proceedings. If you are not able to allow all interested teams to take part in the oral negotiations, then consider a good selection system so as not to create the impression of partiality.

Oral Pleadings

Oral Pleading itself also can be structured differently. For a more comprehensive MCC, witnesses are present at the booth and on the jury, as are actual defendants and plaintiffs testifying. However, there is also the possibility that two teams of students may argue the case against a jury.

Moot Court Competitions Handbook

Tip: If you choose to discuss an international court (ECJ, ECJ, ECHR), dispute settlement body or arbitration (or WTO and AISTCC) or court, review the rules of procedure of that court and draft the memorial requirements and overall structure of the MCC accordingly.

Is what I am going to do feasible?

The next question is also crucial to your ideas. Since you can not necessarily answer this question alone, it's often worth finding former MCC organisers or participants who can share their experiences. Get feedback and outline your ideas using this feedback.

Conclusion

In the end, you will ideally have a clear idea of the MCC you are about to organise. It should be noted, however, that nothing is yet carved in stone with this. The organisation of an MCC requires flexibility above all else; not everything will always go as planned, so dare to distance yourself from the first ideas. Give your project enough freedom to develop. It's also only natural that the question of where to start arises right away since there are instantly ten different tasks you have to tackle. But do not worry as described above the second chapter is arranged chronologically according to urgency so that you only have to climb down that order. Each paragraph is a key point on your checklist. Just follow this step by step and you'll get an excellent MCC.

Possible alternatives to the organisation

Teams

Some national groups organise MCC for more-member teams or individuals. It is up to you if you decide to have it restricted to for example two (2) or three (3) members team or also open for individuals.

Rounds

MCC could have two (2) or three (3) rounds. It depends if your ELSA group decide to organise one (1) or two (2) written submissions. Some ELSA groups organise two written rounds. Each team have to submit just the complainant submission and only the best six teams who will continue in the MCC then will submit the respondent's submission. You can, of course, organise only one written round, and each team have to submit two sets of their Written Submissions (one for each party of the dispute). You can also organise only oral round without written submissions.

Moot Court Competitions Handbook

Oral pleading

Smaller ELSA Groups organise oral pleading in one day but if you are from a bigger group, you probably will have more teams, so for you, it is better to schedule oral pleadings during 2 or 3 day. If there are teams from more distant parts of your country, then you should arrange accommodation for these teams. The teams should pay for the accommodation themselves, but you should arrange it.

III. Planning Phase

A) Work before launching of the Competition

Partners/sponsors

(3 months before the launch of the MCC)

First of all, you should decide if you want a have a partner who will help you with the MCC. A partner can pay for the MCC expenses, prepare a case for you, be a judge and provide you with their law firm office for an oral round. To find a partner use the project documentation and approach potential partners via e-mail. When you find the partner then you should create a contract between your ELSA group and partner.

The whole competition including preparation takes about 4-5 months, it depends if you have a partner or not, because:

1. Finding a partner – 1-2 months;
2. Case preparation – 3 weeks – 1 month;
3. Prepare marketing materials based on the case – 3 weeks;
4. Launch of the competition and deadline for submitting applications – 4-6 weeks;
5. Written Submissions – 2 weeks – 1 month;
6. Final round - 1 day or more.

Print TO-DO list and check if everything goes according to plan!

(Use: Annex 1 – project documentation, Annex 4 – Budget, Annex 5 – timetable (TO-DO list), Annexe 7 – Guidelines for judges)

Moot Court Competitions Handbook

The budget/fundraising

(3 months before the launch of the MCC)

Fundraising is the seeking of financial support for the competition. To better prepare your fundraising strategy you should prepare a budget. For a project like an MCC, you may use the resources from the general budget of your ELSA group, or you can find a partner who will finance the competition. You may also use a participation fee. But if you have trouble finding teams, it is better to organise the competition without this participation fee and use only the money from the partnership or your ELSA budget.

The first thing to do is to set the right, precise, detailed and reasonable budget. Budgeting is the process of making a list of the items you necessarily need to invest in, like:

- *venue* - if you do not have the venue for free and you are forced to rent one;
- *rewards* - if you are not granted the rewards for the winning teams for free;
- *refreshments* - drinks or food prepared for the teams, court or the OC;
- *marketing* - paid advertisements on Facebook, Instagram, costs for printing posters etc.;
- *gifts and presents* - to thank the court for their contribution (flowers, desserts etc.);
- *accommodation* - for judges or participants;
- *transportation* - judges or participants;
- *administration costs* - printing the certificates, regulations etc.

All the aforementioned are the essential parts of the budget you need to invest in to make your MCC appealing, attractive and with the solid outcome. Budgeting, as stated before, is a process in which you need to consider all of the items, decide how much you should spend on each one, how much is too little, and contrary, too much. While creating the budget, it is not welcome to spend a high amount of money where it is not needed. Think wisely, two-three times, before setting the final, unavoidable amount to invest in each part.

Once you have your budget finalised, it happens often, that your predicted costs are higher than your resources. In this moment you should utilize your fundraising strategy. You should do your best not to cut the costs by crossing out the necessary items to lower the budget but on the other hand you should invest time in finding a sponsor or partner for your competition.

Moot Court Competitions Handbook

(Use Annex 1 – Project documentation, Annex 4 Fundraising – General information, Annex 4 Budget) – Budget – easy way should be used if your MCC is smaller, mainly just one day and normal budget should be used if you organise bigger MCC (more days, social program, accommodation...).

The case

(2 months before the launch of the MCC)

You should start working on the case 2-3 months before the launch of the MCC. You should prepare marketing materials based on the topic of the case. After going through the Preliminary Considerations, when you finally decide on the field of law you want to cover with your MCC, you should provide the case. There are several ways how to do it: include bench memo etc.

- a) *University support* – the most frequent source of the cases among the network;
 - Offer – if you are directly contacted by a Professor or any specific department representative with the case in the field of law you want to cover;
 - Demand – if you are not directly offered with the case from the specific department at your faculty, you may contact the department professors or any of the representatives to draft you or find you a case.
- b) *Law firm support* – a very frequent source
 - Offer – if you are directly contacted by a law firm to establish a partnership based on the case support for the specific department of law;
 - Demand – if you are not directly contacted by any law firm, you do the research based on the specific field of law you want to cover in your MCC to establish a new project partnership based on the case support.
- c) *Legal authority/agency support* – a very frequent source
 - Offer – if you are directly contacted by the specific legal authority which is willing to support your ELSA Group by providing you either a real in-past resolved case;
 - Demand – if you are not directly contacted, you can do the research based on the specific field of law, and by the suing legal authority, to restore a real in-past resolved case or to prepare a case for you.

Moot Court Competitions Handbook

Organising Committee

(2 months before the launch of the MCC)

Find Organising Committee who will help you to organise MCC. How many people you need depends on how big your MCC will be. You can find which OC you will probably need in **Annexe 10 – Organising Committee**.

(Use Annex 10 – Organising Committee)

Marketing materials, propagation

(1 month before the launch of the MCC)

After you receive the case you need to create marketing materials (posters, leaflets, Facebook cover, countdown etc.). It is great to create a logo for the competition which you can use every year. You can also create a promotional video to showcase the course of the competition. Do not forget, you should send every marketing material to your partner to look at them and approve them.

(Use: Annex 3 – promotion)

Judges

The court, the senate or the panel, responsible to evaluate and judge the teams, is one of the main enticements for a person why he or she decides to participate in the MCC. Therefore, to procure a high-quality court for your MCC is a must-have. Its composition again depends on the case you were given, the field of law you covered and the support you received. It may be composed of: Judges, lawyers, professors or academics, the teachers, law practitioners, ELSA Alumni, Alumni of your National or Local Group or Former ELSA events speakers. The entire list of the above mentioned is more than qualified to be part of the bench for your MCC.

Regulations and rules

(1 month before the launch of the MCC)

The rules have to be clear and precise. Make sure the regulations are of the highest quality and contain all of the necessary information. That is the way how to reduce the time needed for the clarifications and how to prepare a strong base as well. Basic provisions (clauses) should include

Moot Court Competitions Handbook

the following:

1. Structure of the competition (rounds);
2. Team composition, eligibility, and exclusion clauses;
3. Scoring procedure and criteria;
4. Procedures of the rounds (written and oral, including order and timing of speeches);
5. Penalties.

Regulations are a manual of the whole MCC for the Organising Committee, the judges and the participants. Make sure that all of the participants as well as the judges are aware of the rules of the competition and have some printed copies in hand. In Annexe 4 Rules – general information you can find more information about the structure of the rules.

(Use: Annex 2 – rules, Annex 8A – score sheets written submissions)

Other

Before announcing the competition, it is necessary to create and edit the evaluation sheets, create an article about the event for the various means of promotion that you group uses, prepare event on Facebook, and schedule of the event. You should arrange awards, like cash prize, books, some vouchers, pens etc. It is good to arrange an internship with the law firm for the winners of the competition.

B) Launch of the MCC

Launch the competition by for example creating an event on Facebook. The launch should contain short description of the competition, Case, Rules, Deadline for written submission, Timeline, Application form, Contact person (name, e-mail), information about partners/sponsors and Prizes.

After launch of the competition, you have finally more free time. Probably you receive some question from the teams about the general organisation of the competition or about the case, so you should be prepared to answer them or send them to your partner who will answer the question.

Moot Court Competitions Handbook

Next important thing is overseeing the promotion of the competition. It is great to ask teachers to mention the competition at seminars or to attend a lecture.

(Use: Annex 5 – timetable, Annex 9 – guidelines for participants)

Room reservation/Venue

(1 month before the final/oral round)

Ideally one month before the final round, it is necessary to book a room where the final round will take place.

The venue always depends on several attributes:

- The size of the Moot Court Competition
- The support for the Moot Court Competition
- The programme you want to organise at the venue

For a national MCC or a bigger local MCC, a courtroom is the most suitable venue. Some law faculties have special rooms for MCCs, so you could research those opportunities too. If you have a partner, ask them if they can provide you with a law firm's office. Some institutions might also be addressed.

For a local moot court, a room in a law faculty building is more than enough. Make sure that the room has at least three tables big enough to accommodate two teams and a panel of judges. Do not forget that you should always have one special room which will be used as a waiting room. In the waiting room is a possible prepared banquet for the participants and judges.

Considering all of the attributes, always bear in mind that even a small MCC should be always provided with a ceremonial announcement of the results and the reception. This “finishing line” of an MCC is a great way how to sustain:

- The honourable mention of the court members, the participants and the OC;
- The possibility for the participants to less formally discuss their topics with the court;
- The gentility of the competition.

What to keep in mind:

Moot Court Competitions Handbook

- Just remember to secure a room in advance;
- Timekeepers should seat in front of the Judges and teams on both sides of the Judges.

Written Submission Deadline

(4-6 weeks after the launch)

After the deadline for sending team's Written Submissions, it is necessary to anonymise them and evaluate them. If judges will evaluate the Written Submissions, you have to send evaluation sheets to judges, at the same time. After receiving the results, you should send the feedback to the teams who are not proceeding to the next stage of the competition. Inform the teams that proceeded to next stage of the competition and divide them into pairs.

Final round preparation

(1-2 week before final pleading)

At least 2 weeks before the final round, person in charge of Marketing should create diplomas and certificates for participants, which should be printed. A week before the final round it is necessary to prepare and print other materials for the oral round (evaluation sheets, competition schedule, rules). It is necessary to buy or order some refreshment, two or three days before the competition, e.g. sandwiches, sweet/savoury pastries, fruit, chips, biscuits, water, juice, mineral water, coffee, tea. It is also important to have Organising Committee who will help you during the final round (e.g. timekeepers, photographer, cameraman, witnesses, etc.).

(Use: Annex 6 – timekeeping, Annex 8B – score sheets oral pleading)

C) Oral Pleadings

We have arrived at the heart of every moot court: the hearing. During the oral pleadings, the teams will present their arguments in front of the Panel/Judges orally. That is when your actual event culminates.

Preparation

- It is necessary to prepare rooms, arrange tables, banners, and everything necessary;

Moot Court Competitions Handbook

- For evaluators/judges evaluating sheets and pens, a glass of water and ideally name cards;
- Distribute Marketing Materials;
- Have a stopwatch for timekeeping;
- Take care of water, refreshments, cups, paper towels;
- Some volunteers should act as timekeepers during the oral pleadings. The timekeeper should be able to introduce the case and the panel of judges;
- Write the introductory speech and learn it beforehand (Introductory speech should include explaining what MCCs are about, thanking judges and sponsors, acknowledging the OC's efforts, wishing participants "good luck" and referring to your brochure and availability of your case);
- Send out invitations for the sponsors and university. Send out judging materials to the members of the panel/s (bench/es) of the oral pleadings along with the venue (how to get there, agenda and "thank you" note);
- Certificates for participants, prizes for winners and gifts for the judges must be at hand.

Judges:

- Distribute scoring documents to Judges;
- Buy gifts for the judges, such as chocolates;
- Always check whether they need something or have any questions.

The day of oral pleading

- Prepare an opening speech and give the floor to the competition partner;
- Introductory speech (explaining what MCCs are about, thanking judges and sponsors, acknowledging the OC's efforts, wishing participants "good luck" and referring to your brochure and availability of your case);
- During the final round, take pictures, mainly with winners, partners, banners and certificates;

Moot Court Competitions Handbook

- Always plan sufficient time for a short break;
- Connect the moot court to a social event to attract students;
- Be flexible (just make sure everyone gets to know when any changes are happening).

Audience

- MCC could be closed or open to the public. In case that the space of the pleading room and the sponsor allow you then the audience can be your key to future competitors, potential partners and promotions.

Banquet/refreshment

- You can have a banquet for teams and judges after the competition, so they can talk about competition together and also some refreshment during the whole day (or just banquet or just some refreshment).

(Use: Annex 6 – timekeeping, Annex 8B – score sheets oral pleading, Annex 3 – promotion)

D) After the event (evaluation, feedback, promotion, media coverage)

You made it; the hearing is over. However, the moot court does not end here. Rather, you must make sure that all your efforts were worth it. Make sure that your MCC gets the well-deserved media attention. Furthermore, you can already lay a sustainable foundation for an upcoming edition by maintaining contact with sponsors and supporters.

The event as a networking possibility

- Organise a reception in relation to the Oral Pleading;
- Create and watch a video on the MCC;
- Official presentation-report which would include pictures of the teams pleading;
- Report on the way your budget was carried out (for the sponsors);
- Report how each faculty/law school was represented.

Moot Court Competitions Handbook

Media coverage

- Picture gallery online (send pictures or link to participants, sponsors etc.);
- Picture gallery/Poster stand in ELSA office or at the next ELSA event;
- Post a video from the event on Facebook;
- Newspaper/ University paper article;
- Newsletter of your ELSA group;
- Write an article for Synergy.

„Thank you” notes

- Thank Organising Committee for their work (e.g. organise an OC night out, etc.);
- Send a thank you letter to all the people/partners who supported the event (e.g. sponsors, professors, in-kind sponsoring, OC etc.);
- Certificates of appreciation;
- Report (short description of the organising efforts, competition results, responses from the participants, judges, the audience and maybe use of donations).

Evaluation

- Send teams evaluation of their work from the evaluation sheets;
- Then you need to create a feedback form that you send to the teams and ask them to fill it out, so you know what to improve and what to keep in the coming years;
- Conduct an evaluation meeting with the partner/sponsor;
- Prepare a document when you write what is necessary to improve for the next year (Prepare an evaluation form, write down what went well, what went bad, list down all your recommendations to create a document which can be used by your successor).

(Use: Annexe 3 – promotion)

IV. Additional materials – Templates

The following materials were created as templates. They are ready to be adjusted and used by you for your MCC:

1. Annexe 1 – Project Documentation
2. Annexe 2 – Rules_general information
3. Annexe 2a – Rules_basic
4. Annexe 2b – Rules_specific
5. Annexe 3 – Promotion
6. Annexe 4 – Fundraising_General information
7. Annexe 4a – Budget (the easy way)
8. Annexe 4b – Budget
9. Annexe 5 – Timetable (to-do list)
10. Annexe 6 - Timekeeping
11. Annexe 7 – Guidelines for Judges
12. Annexe 8A – Score sheets_written submissions
13. Annexe 8B – Score sheets_oral pleading
14. Annexe 9 – Guidelines for Participants
15. Annexe 10 – Organising Committee
16. Annexe 11 – Problems and solutions
17. Annexe 12 – Virtual Moot Court Competition Guidelines