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A Moot ...

The key to a moot is detailed preparation

What is a Moot?

- A moot is concerned with the law in a case.
- It does not involve arguments about the facts of a case.
- It is an argument about the law in a case and the application of the law to the facts of that case.

By way of example ...

- If the case concerns D killing V - in order to save the life of a 1000 people - such facts, in a moot, cannot be changed/ challenged. The moot or legal argument is not about the facts it is about whether D in law has a lawful defence.

A general rule is ...

- There is generally no right or wrong answer. There is simply argument - often based upon the legal principles stemming from judicial precedent and/or statutory interpretation.

Judicial Precedent ...

- To where do you appeal from the Crown Court and after that?
- Give an example of binding precedent ...
- Give some examples of persuasive precedent ...
- What is distinguishing?

Statutory Interpretation...

Do NOT forget statutory interpretation –
The literal, golden, mischief and purposive interpretations of Statutes.

How does a moot work?

- Two Teams - Appellant (appealing) and Respondent (responding).
- Each Legal Team consists of a Lead Counsel and a Junior Counsel.
- There will obviously be a Judge and maybe a Moot Clerk.

Each side presents its case for up to 15 minutes.

- Both sides are required to exchange/agree ALL cases they intend to refer to by no later than the day before the trial.
- The Appellant Junior Counsel must provide a copy of all cases to the Moot Secretary at least 5 mins before the Moot.

Judging Criteria - for each team member

1. The content of each mooter's legal argument (30).
2. Their presentation of that argument (30).
3. Their flexibility and skill in handling the Judge's Q's (20).
4. The overall impression they create on their feet (20).

- Work as a team.
- Dress smart (wear a gown).
- Wigs are not necessary.
- If you fail to turn up for the moot - you lose the round and go into classes and start homework. Disciplinary action!
- The lesson before your Moot can be used for preparation.

Criminal Law basics

- As a general rule - the Crown must prove beyond all reasonable doubt that D has both the 'actus reus' and 'mens rea' - Woolmington v DPP (1935)
- In simple terms the 'actus reus' is the guilty act - which D MUST have fulfilled. While the 'mens rea' is a guilty mind - which D generally must have.

Criminal Law basics

- To give an example of a battery - if I intend to pass a pen to Emma and accidentally hit V in the face I have committed the actus reus of a battery (I hit V).
- However, I did not have the mens rea - since it was an accident. Thus I am innocent of a battery.

Murder/Manslaughter basics

- The case of R v Woollin (1998) establishes that for a defendant to be guilty of murder s/he must intend to kill or cause serious harm.
- Thus, if D simply intends harm, and the victim dies it is NOT murder – but it could be involuntary manslaughter.

Good luck with the moot

- Remember the key to success - is preparation.
- Work as a team - with each team member concentrating on the point of law they are appealing upon. So, if the case states that the appeal is on the mens rea of assault - Counsel should only discuss the mens rea (their partner may be discussing the actus reus and they should stick to that).