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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?
- To where do you appeal after that?

### *Judicial precedent ...*

- Give an example of binding precedent ...
- Give some examples of persuasive precedent ...
- What is distinguishing?

### *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.

### *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 necessity - Counsel should only discuss the mens rea (their partner may be discussing the actus reus and they should stick to that).