



# **NATIONAL SCHOOLS**

## Moot Court Competition

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### Essay Writing Guidelines

## **Dear Participants,**

As you already know the essay is an extremely important part of this competition, as it will determine whether or not you advance to the Provincial Oral Rounds and/or the National Oral Round. As a team, you are required to submit 2 essays; one for the Applicant and one for the Respondent. Each of the essays must be between 2-4 pages long.

This guideline provides a basic guide for how to structure and organize your essay for the competition. Writing your essay for the moot court competition is similar in some ways to other kinds of writing that you have done in high school. The essay requires you to take a position supported by research, and argue it aggressively. The purpose of the essay is not merely to describe the relevant law and facts, but rather to persuade the reader to agree with your position.

When writing your essay you must consider how to paint the facts, research, and your arguments in the light most favorable to your client's (Appellant or Respondent) position. You do not want to admit that your client has done anything wrong, or that your case is weak. You must write your arguments to persuade the judges that your position cannot lose.

It is important to keep the language formal throughout your essay. When referring to yourself, use either "*counsel for the applicant/respondent*", "*we*" or "*the applicant/respondent*". You should also try and use argumentative court language for example "*we submit*" or "*counsel for the applicant contends*".

Your essay must be structured as follows:

- A. Introduction**
- B. Body** (Arguments/essay content)
- C. Conclusion and Prayers for Relief**

Each of these 3 components will now be discussed in more detail below.

## Introduction

Your essay should begin with an introduction. This is where you briefly introduce the questions/issues, which you will be addressing in the essay. You also want to briefly outline what your arguments are in relation to the questions

The question before the court is **whether** the Applicant's right to Freedom of Expression has been violated. We submit that the Applicant's right to freedom of expression has been violated because he was not allowed to wear clothing that expressed his cultural identity at school. Counsel for the Applicant therefore argues that in line with section 16 of the Constitution and the case of *Kakora v ABC School*, the Respondent has violated the right to Freedom of expression.

presented. Each question/issue should be short and precise, and begin with the word "whether".

## The Body

This is the section where you develop all of the arguments for your position and persuade the reader to agree with you. In this section you should convince the reader that your interpretation of the facts is correct, your sources of law are persuasive, and your arguments are stronger than your opponent's.

Each section/paragraph should be devoted to a single legal argument that is founded on some source of law and applied to the facts of the case to reach a conclusion. The system traditionally used to organize these elements is called the IRAC (issue, rule, analysis, conclusion) formula. Each of your paragraphs in the Body of your essay must have each of the ILAC components:

[The numbers and labels below are included in the examples so that you are able to identify the components.]

1. *Issue*— First you will begin by outlining the issue or the question for each paragraph. Basically you tell the reader what the paragraph will be about. This sentence should also state the conclusion that will be reached by the end of the paragraph.

2. *Law*—Secondly you want to discuss the law that you want the court to apply in this case. The law can come from a variety of sources (Arranged in order of importance):

- a) The Constitution of South Africa
- b) Legislation [also called Acts]
- c) Case Law (these are past cases that have been heard by the court)
- d) Writings of legal authors (These are normally your law textbooks)

3. *Analysis*—The analysis part of the paragraph can be anywhere from 3–5 sentences. It involves taking the law that you used and applying it to the facts of the case. It is an explanation of why the law you using should result in a favorable judgement for your client.

4. *Conclusion*—This conclusion tells the reader the result that you want to achieve based on the rule and analysis. For example, you will write something like:

In *S v Grobler* it was held that a person acts with criminal capacity if he or she has the mental ability to appreciate the wrongfulness of his or her act and act in accordance with such an appreciation. The court further states that the ability to appreciate the wrongfulness of one's action is known as the cognitive aspect of capacity and the ability to act in accordance with such an appreciation is known as the conative aspect.<sup>11</sup>

In this case, the accused having been informed on four separate occasions by the local ward councillor, the police, the law clinic and the board directors themselves that the statue and its inscription are private property and no legal grounds exist for their removal, was thus well aware that any interference with the statue would be illegal.<sup>12</sup> Aware of this fact, the accused still proceeded to cover the inscription with paint. His actions were premeditated and the fact that he committed the offence at night proves further that he was aware of the unlawfulness of his actions, yet he reconciled himself to this fact and acted accordingly.

It is therefore clear from the facts that the accused had the mental ability to appreciate the wrongfulness of his actions and act in accordance with such an appreciation and thus had the necessary criminal capacity.

This is an example of the "Law" component. In this example it's case law.

Analysis component. Apply the law to your set of facts.

Conclude your argument.

## Conclusion & Prayers for Relief

After the body of your essay, the next section is the conclusion for the essay as a whole. This conclusion tells the reader the overall result that you want to achieve based on all your arguments in the essay. Basically, you must briefly summarise the team's position/arguments. This section is similar to the introduction in that you will once again give an over view of what you have argued. The difference is that you will use 'conclusive' language for example you can start your conclusion of with a phrase such as:

*“ In conclusion, counsel for the applicant has shown that...” or  
“In summation of our arguments, counsel for the Respondent has  
established that...”*

**Pray for Relief** – In addition to summarizing the team's position, you must ask that the court rule in their favor. You may want to say something like:

*“ Counsel for the Applicant respectfully request this Honorable Court—*

- 1. To declare that the High Court was incorrect in in finding that there was no violation of the right to equality, since the applicant was clearly treated differently because of her sexual orientation.*
- 2. To rule that the discrimination was unfair and cannot be subject to section 36 of the Constitution, since the discriminatory rule was not based on law of general application.*

*Respectfully Submitted*

*Counsel for the Applicant”*

Once you have finished writing your essays, you may want to read through it a couple more times to make sure that there are no spelling or typographical errors. Once that is out of the way, you need to submit your essay to your local Department of Education **District Office** (your teacher should be able to help you with this.)

Should you need further guidance with writing your essays, please contact us at [schoolsmoot@up.ac.za](mailto:schoolsmoot@up.ac.za) or drop us an inbox on Facebook (@nationalschoolsmoot)

Best of luck!

The NSMCC Coordinating Team

**ANNEXURE 'A'**  
**NATIONAL SCHOOLS MOOT COURT COMPETITION 2016**

**ESSAYS SCORING SHEET**

<b>SCHOOL NUMBER</b>	<b>NAME OF EXAMINER</b>	<b>SIGNATURE OF EXAMINER</b>
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<b>INDICATORS</b>	<b>HIGHEST MARK</b>	<b>MARK GIVEN</b>	
		<b>APPLICANT</b>	<b>RESPONDENT</b>
<b>CASE KNOWLEDGE</b> <ul style="list-style-type: none"> <li>• Knowledge of the facts</li> <li>• Correct and articulate analysis of the issues</li> </ul>	<b>25</b>		
<b>BASIC HUMAN RIGHTS LAW KNOWLEDGE</b> <ul style="list-style-type: none"> <li>• Basic knowledge of legal principles (Constitution) directly applicable to the facts</li> </ul>	<b>25</b>		
<b>TECHNICAL PRESENTATION</b> <ul style="list-style-type: none"> <li>• Document layout (written or typed)</li> <li>• Language use (clear, coherent, understandable)</li> </ul>	<b>25</b>		
<b>STRENGTH OF ARGUMENTATION</b> <ul style="list-style-type: none"> <li>• Substantial argumentation</li> <li>• Ingenuity</li> <li>• Persuasiveness &amp; conviction</li> </ul>	<b>25</b>		
<b>TOTAL</b>	<b>100%</b>		
<b>COMBINED MARK (AVERAGE OF APPLICANT AND RESPONDENT MARKS)</b>	<b>100%</b>		

Comments on Essays:

**SCORING GUIDE**

Outstanding	90% - 100%		
Excellent	80% - 89%	Average	50% - 59%
Very good	70% - 79%	Poor	40% - 49%
Good	60% - 69%	Below minimum standard expected	0% - 39%