Oral Pleading Guide

NATIONAL SCHOOLS
Moot Court Competition

Table of Contents

A. Introduction 3

B. Preparations Before the Oral Competition Begins 3
1. Determining How Your Team Will Argue 3
2. Dividing Speaking Time 3

C. Immediately Before the Match: What To Do Upon Entering the Courtroom 4

D. Oral Pleadings: A Basic Overview 5

E. Oral Pleading Style and Structure 6
1. Participants of a match 6
   - Judges 6
   - The Chief Justice 6
   - Oralists 6
2. Pleading Style and Attire 7
3. Bringing Notes to the Podium 7
4. Behaviour at Counsel Table 8

F. Practise, Practise, and more Practise! 8

G. Important Aspects of your Oral presentation 8
1. Introduction 8
2. Statement of the Facts 9
3. Road Map of Issues 9
4. Main Pleading 10
5. Transition to the Second Issue 11
6. Your Conclusion 11
7. Questions from Judges 12
8. Answering Questions 12
9. Write Down Every Question 14
10. Arguing the Respondent Side 14

H. Rebuttal 15
1. Waiving Rebuttal 16
2. Points of Rebuttal 16
3. Determining Who Should Deliver the Rebuttal 16

I. After the Match: Comments and Complaints 17
1. Comments from the Judges 17
2. Judges are instructed as follows 17
3. Complaint Procedure 17

J. Conclusion 18

A. Introduction

Most Schools Moot competitors find oral advocacy simultaneously exciting and stressful. With practice and preparation, even the most reluctant public speakers, and even those whose first language is not English, can find themselves able to engage in a high---level discussion of constitutional law with a panel of Schools Moot judges.

In the National Rounds, and in most Provincial Oral Rounds, your team will argue a minimum of two times in the preliminary rounds (once as Applicant and once as Respondent) against two different teams in front of a different set of judges. This makes it all the more important for your team to practice oral argument in front of each other, your team coach, fellow learners and as many other people as possible before your first Schools Moot oral round.

This Guide provides advice on preparation for and conducting oral pleadings. These are only recommendations, as there are many different ways to prepare for and participate in a Schools Moot oral round, but they are based on years of competing, coaching and judging Moot Court teams and should therefore be helpful to most competitors.

B. Preparations Before the Oral Competition Begins

1. Determining How Your Team Will Argue

A Schools Moot oral match consists of 40 minutes of argument between two teams, one team arguing the side of the Applicant, the other team arguing the side of the Respondent. Each team has 20 minutes to make its case (i.e., your team's 20 minutes is divided between the first oralist and second oralist, with time reserved for rebuttal – when you are Applicant). Thus, the order of an oral pleadings round is always:

Applicant 1 --- > Applicant 2 --- > Respondent 1 --- > Respondent 2 --- > Applicant Rebuttal ---> End

2. Dividing Speaking Time

Each team has 20 minutes to make its case. This includes time reserved for rebuttal (when Applicant). Your team needs to think carefully of how to divide this time and practice various time allocations before the competition.

The Official Schools Moot National Rounds Rules place some restrictions on how time may be allocated:

(a) Your team may allocate no more than three minutes for rebuttal (when Applicant);
(b) No single oralist may argue for more than 12 minutes, including rebuttal.
(c) Both team members must speak in each round

Accordingly, the traditional way to divide speaking time for the Applicant is to allocate 9 minutes for the first oralist, 9 minutes for the second oralist, and 2 minutes for rebuttal. For the Respondent it's 10 minutes for each oralist since there is no rebuttal for the Respondent. However, while practicing your oral pleadings, your team may find that certain arguments take more time to present than others. Accordingly, you may want to amend the speaking time by allocating more time to one speaker and less to the other. Your team may also decide to reduce your time allocated for rebuttal.

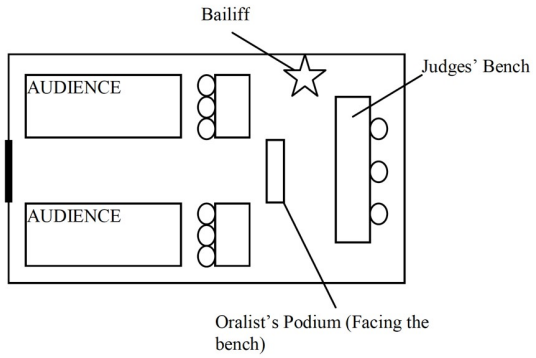
Time allocations may not be changed once submitted to the Bailiff. If the first oralist does not use all of his or her time, the extra minutes do not get transferred to the next speaker and cannot be used in rebuttal.

Judges have the discretion to extend your speaking time during the match. For example, if your allocated time expires in the middle of your answer to a judge's question, you should stop immediately, advise the Court that you have run out of time and ask the Court's permission for additional time to answer the question and/or briefly conclude your argument. If the judges decide to extend your time, this will not reduce the speaking time of the other oralist or the time allocated for rebuttal. This extension of time is solely at the discretion of the judges; some judges choose to give oralists extra time, while others do not.

C. Immediately Before the Match: What To Do Upon Entering the Courtroom

You should arrive at your courtroom 5 to 10 minutes before your match is scheduled to start. This allows time to view the courtroom and allows the Bailiff and the Competition Organisers to confirm that you are present and ready to argue.

A typical courtroom layout is illustrated below**.** The two counsel tables are behind and on either side of the Oralist's Podium, facing the Judges' Bench. The Applicant team is to the oralist's left (judges' right), and the Respondent team is seated to the oralist's right (judges' left).



Coaches, teachers and any spectators must sit in the audience for the duration of the match and are not permitted to have any contact with the team members at counsel table or the podium.

Take some time to look around the courtroom. Any research materials you will need during the match should be placed neatly on the counsel table and should be well organized and easily accessible.

Make sure you have some blank paper at counsel table and working pens since you will want to take notes during the match or communicate in writing with your co-counsel. **Speaking or whispering at counsel table is strictly forbidden**. If water is not provided, bring your own. Remember that the match lasts 40 minutes and you are not permitted to leave the counsel table during that time, so be prepared.

When your opponents arrive, you should wish them good luck and behave courteously. You may be nervous, but remember that the Schools Moot is supposed to be an enjoyable learning experience, so be friendly to your fellow competitors.

The Bailiff plays a crucial role during the oral pleadings. He or she is in charge of the procedure of the match and will keep track of the speaking time during the match. If you have any questions about the layout of the courtroom, the height of the podium, water, or other courtroom set-up matters, politely bring them to the Bailiff's attention before the match. The Bailiff will try to accommodate your reasonable requests and answer your questions.

The Bailiff's chief responsibility before the match is to collect the names of the oralists and the amount of time that the teams have reserved for each part of their argument. This information will be provided to the judges before the match. Your team should tell the Bailiff who will be arguing first and second for your team, and how many minutes each oralist will argue. At this time, you will also reserve time for rebuttal (if you are Applicant), you do not need to tell the Bailiff which oralist will argue rebuttal. Many teams do not decide which oralist will argue rebuttal until after the match has begun.

D. Oral Pleadings: A Basic Overview

Once the Bailiff has collected the necessary information for both teams, those in the courtroom will be instructed to be seated and await the arrival of the judges.

Below is a brief description of oral round procedure:

The Bailiff will announce the entry of the judges into the courtroom by asking all present to rise (at this time you must stand up):

> *"All rise!*
> *In the matter of* ***Zama Mogkoro*** *vs.* ***SGB of Madiba Combined School,*** *in the* ***Constitutional Court of South Africa,*** *honourable justice _____ and justice _____ to hear the matter with honourable justice _____presiding."*

The judges will sit down at the Judges' Bench, and the Chief Justice, who will be seated in the middle of the judges, will ask the teams and audience to be seated (do not sit down before you are instructed by the Chief Justice—this is a matter of professional courtroom behaviour).

The usual process takes place:

Applicant 1 --- > Applicant 2 --- > Respondent 1 --- > Respondent 2 --- > Applicant Rebuttal ---> End

At the end of the round, the bailiff will announce:

> *"The Honourable Court is now adjourned. Will the teams and audience please leave the room while the Judges deliberate."*

Your team and all the spectators should leave and wait outside the courtroom until the Bailiff asks you to return (sometimes it is the judges who will be escorted from the room by the Bailiff). Once the judges have completed their private deliberations, the Bailiff will invite the teams and audience to return to the courtroom. The judges will deliver a few brief remarks about the match, including positive aspects and suggestions for future improvement.

E. Oral Pleading Style and Structure

1. Participants of a match

- **Judges**

The judges are referred to as "Justices." When speaking to one judge, say "Justice." You are also allowed to refer to a judge by name, for example, "Justice Mokwena."

- **The Chief Justice**

The head of the judge panel sits in the middle of the panel, and is referred to as the Chief Justice. When speaking or referring to this judge, say "Madam Chief Justice" or "Mister Chief Justice," as appropriate. "Chief Justice" or "Justice" is also appropriate.

- **Oralists**

Schools Moot oralists are referred to as Counsels. When referring to your teammate, you may refer to him or her as your "Co-Counsel". When referring to your opponents, you may refer to them as "Counsel for Respondent" or "Counsel for Applicant," or "Our Friends" or "Our Honourable Friends."

2. *Pleading Style and Attire*

In preparing your oral arguments, it is important to keep in mind the criteria and qualities the judges will be looking for in a round. For basic guidance, please see a sample Oral Round Score sheet attached here at Annex 1. The Oral Round Score sheet instructs the judges to consider knowledge of the law; application of law to the facts; ingenuity and ability to answer questions; style, poise, courtesy and demeanour; and time management and organization.

Most judges are accustomed to hearing oralists for whom English is their second (or third, or fourth) language. You should not worry that your accent or an occasional imprecision in English will be counted against you so long as you enunciate to the best of your ability and do not speak too quickly. Remember – English is only a language and not a measure of your competence or intelligence.

Here are some tips to improve your speaking style:

- Stand up straight at the podium/table and make direct eye contact with the judges. Do not focus too extensively on one judge − a good oralist makes eye contact with all judges.

- Speak slowly, clearly and in a strong voice.

- Your speaking style should be formal, but **conversational**.

- Judges will frequently interrupt you with questions; this is not a negative reflection on the quality of your presentation and may even be an indication you are doing well.

- When asked a question, you should respond directly and be respectful of the Court at all times. Pause briefly before you answer a question and show the judges that you are thinking about the response.

- When a judge begins speaking, you should **immediately** stop speaking and listen: Judges consider it a major breach of decorum to interrupt or attempt to speak over a judge when he or she is speaking. Never interrupt a judge when he or she is speaking. Politeness in the courtroom is essential.

- You should dress in your official school uniform for your oral rounds.

3. *Bringing Notes to the Podium*

During an oral round, your speaking style should be conversational. Therefore, you **should not read directly from a prepared speech**. You may bring notes and other materials to the podium with you, but with limited time to speak you do not want to spend time sifting through your notes. Furthermore, reading from prepared materials breaks eye contact with the judges, which decreases the conversational character of the oral pleadings.

4. Behaviour at Counsel Table

When seated at counsel table, your team should pay attention to the judges and to the oralist at the podium, regardless of whether the oralist is from your team or not. You should display professionalism at all times, and do nothing to distract the judges or the oralist at the podium. Team members at the counsel table may not speak or even whisper to one another— all communication must be written and done discreetly.

The purpose of the rebuttal by the Applicant is to refute a limited number of points raised by the Respondent. No new arguments may be raised during rebuttal.

F. Practise, Practise, and more Practise!

Success in the oral rounds is built upon extensive practice in the weeks and months before the competition.

Once you begin preparing for the oral rounds, your team should practice as much as possible and draw guest judges from a wide variety of sources. Of course, you will want to practice in front of legal practitioners, but arguments in front of other students and non-experts are also useful. By practicing in front of judges who are not intimately familiar with the hypothetical case or experts in constitutional law, your team will learn to better explain sophisticated or unfamiliar arguments in a clear, concise and easy to understand manner.

Practicing oral matches in front of your teammates is especially useful. You have worked together for some months, and you know the strengths and weaknesses of each other's arguments. Try to be kind to one another, and always remember that the purpose of oral practices is to improve the entire team.

At least once before your oral competition, you should have a full "dress rehearsal," in which the entire team practices as if they are in court. In this case, you will probably want to have the team's coach, practicing lawyers, and/or other professors sit as guest judges. Some teams turn this into a "good-luck party," and invite other leaners from the school to sit in the audience and watch.

G. Important Aspects of your Oral presentation

1. Introduction

The introductory sentence in the transcript below is typical in a moot court competition. There can be some variation in the precise words or order, but it is best to settle on a standard introduction, memorize it, and recite it in each match. Stylistic variations are also welcome.

It is very important to wait for instruction from the Presiding Judge/Chief Justice before beginning your presentation. Frequently, the judges are checking their notes before the match begins, so it is proper deference and courtesy to wait until the judges are

ready for you to begin. Finally, the first oralist should always tell the judges how much time each oralist intends to take, as well as how many minutes your team is reserving for rebuttal. This allows the judges to plan their questions accordingly.

2. *Statement of the Facts*

More often than not, the President will decline the offer for a summary of the facts in the event that you offer it. Many judges do not think it necessary to hear the facts and will want you to commence your argument right away. However, if the judges want to hear a summary of the facts, you should not merely recite every detail from the hypothetical case. You should prepare a concise summary of the key facts of the case, focusing in particular on those facts which will become relevant in your legal argument (but without ignoring facts that are problematic for your side). As a general rule, if your summary of the facts takes more than a minute, it is too long.

3. *Road Map of Issues*

As an oralist, you should always explain to the judges precisely how the first issue will be addressed (at this time, you need not explain in detail how you intend to argue your second issue – it will take up too much time and confuse the judges). The purpose of this explanation is to inform the judges of the legal basis of the claim and to give them an outline or "road map" of your argument.

Your plan of argument should be explained in short and clear sentences (i.e., one sentence per issue). You should also describe the relationship between different arguments. For example,

> *"Firstly, we submit that Sipho did not support the protesters. Second, even if this Court finds that Sipho supported the protesters, we submit that Sipho couldn't have foreseen that they will cause damage to property."*

This explains to the Court that your second argument is in the alternative to your first argument.

Oralists should remember and practice the "IRAC" method of presenting an oral argument:

1. Present the **Issue**,
2. Identify the **Rule** (or the law),
3. Describe the **Application** of the rule to the facts,
4. State the **Conclusion**.

This approach will help to make your oral pleadings clear, concise and logical.

The Constitutional Court is a court of law; arguments, which do not rely upon one of the sources of law, have no place before the Court. Therefore you should state the legal basis for your claim with precision.

For example,

> *"Justices, Section 14 of the Road Traffic Act states that, '…'. In this case, Respondent has violated this obligation because …."*

In this example, you see a statement of a legal Rule (law) and an Application of the law to the facts of this case.

A team's oral arguments are not limited to the content of its essays. Your team may alter the arguments set out in your essay or decline to make them entirely. If a judge asks why you are not making a particular argument from the memorial, be direct and say you now have a better argument.

You might tell the judge "*upon further research, we determined that there was a stronger argument to be made in the limited time available during oral arguments."* If a judge asks you to explain an obvious contradiction with your memorial, be honest and say, *"After further research, we determined that that argument was legally imprecise."*

4. Main Pleading

The main pleading must be a presentation of the law and facts to support your legal conclusion. If you follow the road map of your argument as presented to the judges, you will be better able to deal with judge's questions that force you to move back and forth between different issues in your road map. It is helpful to occasionally remind the judges of your outline of argument. For example:

> *"Yes, Chief Justice/Justice. That question leads to Applicant's second argument in support of this claim. Namely, that the discrimination in this case is unfair…"*

Remember, as an oralist you must be flexible but still try, when appropriate, to bring the judges back to the original argument structure.

The first oralist will often be asked a question relating to an argument to be made by his or her Co-Counsel. The proper response is to briefly answer the question, and politely inform the judge that your Co-Counsel will address the question more fully. Judges sometimes use these questions to test your understanding of your Co-Counsel's arguments. Other times, judges are trying to demonstrate an apparent conflict between your argument and your Co---Counsel's. If it happens frequently, it may also be a clue that your introduction is insufficiently clear as to the allocation of issues between the oralists. In any event, it is best to answer the question and to the best of your ability, and promise that your Co-Counsel will explain the answer more fully.

5. *Transition to the Second Issue*

Each oralist will typically address two claims. Therefore, at some point during oral argument, you will need to conclude discussion of the first issue, and move to the second issue. This will occur either:

(a) once the first issue has been adequately addressed; or
(b) once you have spent too much time on the first issue.

When transitioning to your second issue, you should introduce the second issue, explain precisely how you intend to address it (i.e., a "road map" for the judges), and then proceed to your main pleading. For Example:

> *"If there are no further questions on the first issue, I will now proceed to address the second issue, that Sipho's dismissal was a violation of his right to privacy. For this second issue, I will make 2 Arguments:*
>
> *(1) The first is that Sipho's dismissal was on the basis of his sexual orientation. We rely on the Fourie case to illustrate how this is a violation of his rights.*
> *(2) The second argument is that Sipho's communication was unlawfully intercepted and recorded in contravention of the RICA Act."*

Oralists often find that, as a result of multiple and constant questions from the Court, there is very little time left to address other issues. Do not be afraid to point this out (politely) to the Court:

> *"Justices, I see that time is short. If I might, I would like now to move to my second issue, namely…"*
>
> OR
>
> *"Justices, in the interest of time, I'd like to move on to my final submission, that Zanele should not be bound by the contract."*

Judges often get caught up in the dialogue with the oralists (a good thing) and will appreciate being told that time is running short. This also shows that you are managing your time – which is one of the factors that must be considered by the judges when scoring you. The Chief Justice will usually be the one to invite you to move to the second issue.

6. *Your Conclusion*

Conclusions that are hasty and missing key details can detract from an otherwise good performance by an oralist. Accordingly, it is always wise to prepare and memorize a summarized conclusion that will last no longer than 45 seconds. The goal, which is not always achievable, is to start the conclusion shortly after the Bailiff indicates that there is one minute remaining.

As a back up, you should also prepare an even shorter conclusion, no longer than 10 seconds, for those circumstances where you have run out of time completely. This version should basically state, *"For all of the above---mentioned reasons, Applicant respectfully requests that this court find that [FIRST CONCLUSION] and that [SECOND CONCLUSION]."*

Keep in mind that once the Bailiff holds up a sign that says "STOP," you must **immediately stop talking**, note that your time has expired and ask the Chief Justice for permission to finish your point and conclude. Assuming the Chief Justice agrees, once you finish your point, use the short version of your conclusion, thank the Court, and sit down.

> *"Chief Justice, I see that my time has run out, may I request a minute to finish answering your question and to conclude."*

If the Chief Justice does not allow more time, thank the court, collect your notes and proceed to have a seat.

The conclusion of the second Applicant oralist should, whenever time is available, include a statement of all the Prayers for Relief. The Prayer for Relief can be memorized and recited verbatim from the Facts

7. *Questions from Judges*

Unlike in the real court, where pleadings are far more formalistic, Schools Moot judges enjoy asking questions and ask them for a variety of reasons. Some judges ask questions to test how well you know the facts or the law. Other judges ask questions to see whether you are able to return to the structure of your argument, as reflected in your "road map." Sometimes, a judge asks a question out of pure curiosity.

Questions from judges should be expected and should be embraced as one of the most challenging but enjoyable aspects of the competition.

Do not be intimidated if a judge asks you difficult questions, or if a judge phrases his or her questions in a confrontational or argumentative way. This does not necessarily mean that the judge dislikes your argument or that you are "losing" the match. Often times, a judge asks a difficult question (or sounds confrontational) because you are doing a good job, and wants to determine the depth of your knowledge and your flexibility in engaging difficult questions.

8. *Answering Questions*

It may seem obvious, but when a judge asks a question, answer it. Do not be evasive or long-winded, even if the question is directly aimed at a weak point in the argument. The judges are testing your ability to give a credible, well-stated and direct answer even if the law or facts are not in your favour.

To this end, if a judge asks a question that calls for a "yes" or "no" answer, then the first word of your answer should be "yes" or "no".

The temptation to be evasive must be resisted. Evasiveness will usually provoke the judges to ask more, and often more aggressive, questions. Of course, oralists can justify a response by responding *"Yes, Justice, but…"* and then link your justification back to the main structure of your argument and provide the relevant legal or factual support for the justified answer.

Judges are interested in your ability to move from issue to issue while maintaining the "Road-Map" you gave the court in your introduction. For example:

> *"Yes, Chief Justice. Section 36 of the Constitution does require the court to consider the relationship between the limitation and the aim pursued.*
> *This issue relates directly to my second argument --- that the Respondent's agreement fails to account for this relationship since there is no discernable relation between religious jewellery and the maintenance of discipline in schools.*
> *The Respondent thus cannot successfully claim to have limited the right to association in terms of section 36 of the Constitution."*

Judges will sometimes ask questions that contain multiple parts. Again, you should help the Court by presenting a well-organized plan to answer the question. For example,

> *"Chief Justice/Justice, your question raises three key issues which I intend to answer successively: first, what is discrimination; second, did the Respondent discriminate against Thuli; and third, can such discrimination be justified under section 36 of the Constitution?"*

Finally, always be honest with the Court. If you do not understand a judge's question, ask for clarification. For example,

> *"Chief Justice/Justice, I'm afraid I do not understand your question—could you please clarify what you mean?"*

If a judge asks you about a case you have not read, it is best simply to admit it. For example,

> *"Justice, I'm afraid I am not familiar with that case."*

9. Write Down Every Question:

Someone on your team should write down every question the judges ask during the match. This includes questions asked of the other team. These questions are useful in preparing for future matches, as many judges ask the same questions. If possible, a team member should also note the answers to the questions, and the judges' reactions. These notes will help you determine what arguments the judges like and dislike, which may be useful in future matches.

In summary, keep the following key points in mind when answering questions:

- Answer the question directly and briefly, to allow the judges to ask follow-up questions if they wish;
- Demonstrate that you understand the relevance of the question to your argument;
- Demonstrate that you know and understand the law and facts applicable to your answer; and
- Return to your argument.

10. Arguing the Respondent Side

The Respondent's task differs from that of the Applicant in several respects, most of them deriving from the fact that the Respondent must respond to the Applicant's arguments.

During Applicant's oral presentation, Respondents should pay careful attention to the oralists and the judges. Whenever possible, Respondents should specifically refer to Applicant's arguments when presenting your arguments. If Applicant's arguments are incorrect, you should dispute them:

> *"We have heard submissions from the Applicant that the Sipho's best interest is of utmost importance in terms of section 28 of the Constitution and cannot be limited.*
> *We submit that this incorrect for 2 reasons:*
> *Firstly, Sipho is not a minor; therefore this principle cannot apply to him. Secondly, even if it did apply, this principle can be limited, as shown in the S v M case."*

The Respondent must not only defend against the claims made by the Applicant, but must also respond to any anticipatory defences and counterarguments raised by Applicant. Respondent may, of course, bring up new legal and factual arguments in its main pleading. But it should also address the major legal and factual arguments raised by Applicant, by contesting the facts and the law relied

upon by Applicant, or demonstrating that the Applicant's argument does no harm to Respondent's case.

On this last point, the most common tactic is the demurrer (i.e., challenge the legal sufficiency of Applicant's argument). For example,

> *"Justices, the Applicant argued that Respondent may not rely upon the Fourie case because the Fourie case is irrelevant here. However, Respondent does not base any of its arguments upon that case, and relies instead upon the 2006 Gay Coalition Case."*

H. Rebuttal

Once Respondent has concluded its arguments, if Applicant has reserved time for rebuttal, she/he must return to the podium. If Applicant has not reserved any time for rebuttal, the match ends when Respondent concludes its arguments. The Applicant may either begin its rebuttal or waive rebuttal.

Under the Official Rules, rebuttal must be responsive to Respondent's main pleading. Applicant may not introduce new substantive arguments on rebuttal, nor may it revisit its own arguments that Respondent did not address.

The usual format of a good rebuttal is a small number of very short arguments, each of which is directly responsive to a specific point raised by Respondent in its arguments. A rebuttal should begin by telling the judges how many points you will raise. For example,

> *"Justices, the Applicant have three points on rebuttal. First…"*

It is good to begin each point by demonstrating that the point is connected to Respondent's argument. For example,

> *"First, Respondent stated that the S v M case supports the proposition that the child's best interest is absolute. In response, we submit that this is incorrect."*

Then explain the correct holding of the case, and briefly demonstrate why this correction is important to the case at hand. Then move directly to your next point.

Conclude your rebuttal by thanking the Court. There is no need to recite your Prayer for Relief or to formally conclude: you have already concluded during your main pleading.

When deciding whether to exercise your right to rebut, remember that judges are permitted to ask questions during rebuttal.

1. *Waiving Rebuttal*

Waiving rebuttal is a relatively simple matter, but it should not be undertaken lightly. Since waiver can easily be misinterpreted as arrogance, as a general proposition it should only happen if there truly are no issues in direct contention at the conclusion of Respondent's argument. To waive rebuttal, one oralist must walk to the podium, wait to be acknowledged by the President, and then simply state, "*Applicant respectfully waives rebuttal*." If Applicant waives rebuttal, the match ends.

2. *Points of Rebuttal*

Once you have decided to exercise rebuttal, address no more than two or three important points. In the best-case scenario, each rebuttal point should satisfy three criteria:

(1) Your opponent is clearly wrong;
(2) you can quickly explain why your opponent is wrong; and
(3) the point is material/important to the outcome of the case. "Material to the outcome," means that, if left uncorrected, the point might win the case for your opponents and, if corrected, the point might win the case for your team.

Many teams make the mistake of using rebuttal to correct every error in their opponents' arguments. You should trust that the judges noticed most of the errors, even if they did not call attention to them. Do not spend your rebuttal focusing on minor errors in Respondent's argument. If you have nothing but harmless corrections to your opponents' arguments, you may want to waive rebuttal. A bad rebuttal can destroy an otherwise positive impression the judges might have of the Applicant, so do not take this risk unless you have a powerful rebuttal prepared.

3. *Determining Who Should Deliver the Rebuttal*

There are two approaches to deciding who should deliver the rebuttal. One approach is for the oralist whose issues will be raised on rebuttal to deliver the rebuttal. Remember that judges are permitted to ask questions during rebuttal, so if an oralist delivers a pre-written rebuttal on issues with which he is not familiar, he may be asked questions that he is not prepared to answer.

Another approach is for the stronger oralist to deliver the rebuttal, regardless of what issues are to be rebutted. In this case, rebuttal is very short, reducing the chance that the judges will ask a large number of difficult questions of the oralist. Teams that use this method usually decide on their rebuttal oralist well before the Competition, and this oralist studies both his and his Co-counsel's arguments closely.

I. After the Match: Comments and Complaints

1. Comments from the Judges

Once the judges have completed their deliberations, they will offer general comments on the match, and perhaps advice and compliments on specific aspects of the match. Some judges prefer to give general observations to all of the oralists, while others will give specific comments to each of the four oralists. The judges will not reveal the results of the match, either directly or indirectly.

Judges usually provide comments, positive and negative, that are intended to help the competitors in future matches. Pay attention and take these comments to heart: you will often be given valuable thoughts and advice that will also be useful in your future career as a lawyer.

2. Judges are instructed as follows:

(1) they may not reveal the result of the match directly or indirectly, or how any particular judge voted;
(2) they may not reveal the contents of the Bench Memorandum, the confidential explanation of the case that is provided to judges before the oral rounds; and
(3) they may not give substantive advice to the competitors about the strength or weakness of any particular argument.

3. Complaint Procedure

If your team believes that a violation of the Rules has occurred, you must notify the Bailiff in writing within 10 minutes after the end of the match. Your team **may not** bring complaints to the attention of the judges, and out of respect to the other team, you **should not** bring complaints to the attention of the Bailiff in front of the other team.

The written complaint must clearly describe the violation and the parties involved. In practice, this means you should prepare a very short note, indicating your team number and the other team's number, and describe very briefly what happened. During the judges' deliberations – and out of sight of the judges – you should politely take the Bailiff aside, inform him that you are filing a complaint, and give him the note. At the proper time, he will inform the Competition Organiser of the complaint, and the Competition Organiser will address the complaint, often by interviewing your team and the other team, the judges, and perhaps other witnesses.

J. Conclusion

The advice contained in this part of the Guide will only be truly valuable if your team practices regularly before the competition. With practice will come greater confidence. Even the most experienced advocates at the highest levels of the legal profession practice oral argument in front of colleagues and constantly discover aspects of their speaking style in need of improvement or refinement. Schools Moot competitors will undoubtedly find the same.

We look forward to the opportunity to meet many of you throughout your participation in the Schools Moot. If you have questions, comments or suggestions about this Guide please contact us at:

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You may also contact us via our **Facebook** page @ **National Schools Moot Court Competition**