Pre-College Summer: Pre-Law (2018)
Explaining “Moot Court”

“Moot Court” is a role-play assignment whereby we replicate what happens before an appellate court. For our “Moot Court” assignment this week, we will formulate legal arguments to be presented to the “Supreme Court of the United States.”

Remember, the following applies to an appellate court proceeding. An appellate court has the task of reviewing the lower court record. There are no witnesses, cross examinations, nor juries. The basic facts of the case are generally not in dispute. Advocates for the petitioner and respondent prepare their respective arguments in relation to the “legal question(s).” No new arguments should arise from what already appears in “The Record.”

Some helpful suggestions:
- Know the facts of the case, particularly in relation to the actions of the “petitioner” or “appellant” and the “respondent” or “appellee”
- Know how the lower court(s) ruled in relation to the legal question
- Know the constitutional provision(s) relevant to the case

Our assignment/instructions:
- Review the case (we will do this at our first class meeting)
- Study the supporting precedents
- Reserve some time after class to familiarize yourselves with the precedents
- Review the precedents (we may do this at the end of our class on Wednesday depending on how much time we have)
- Finalize the arguments (we will do this during our afternoon session on Thursday)
- The actual simulation (we will do this on Friday)

The logistics:
- We will form groups of two to three people each. Each group will be assigned to advocate for the “petitioner” or for the “respondent.”
- All participants will prepare for the “Justice” role. As a “Justice,” you will need to create a list of five questions for the petitioner and five questions for the respondent. During the actual simulation, you may have time to ask only one. The list allows you to have other options available should another Justice ask one of your questions.

The actual simulation (this may change, depending on how we prepare throughout the week):
- One “Court” comprised of 9 members, with arguments presented by the team for the petitioner (2-3 people) and the team for the respondent (2-3 people). We will alternate parts, depending on how much time is available.
- The “Chief Justice” will preside over the hearing.
- The “lead attorneys” for the petitioner and respondent, respectively, will present the arguments before the “Court.” Each side will have 8-10 minutes to present their arguments (note: this differs from “reality” as each side is generally given 30 minutes to present its respective argument).
- Remember: The “Justices” may interrupt with questions at any point during the oral arguments.
- The “Justices” will eventually vote on the merits of the case and relay their findings by way of the “Chief Justice.”
As prepared by the UCONN Moot Court Competition Team:

**How to begin oral arguments:**

**Example-Petitioner**
- Mr./Madam Chief Justice and May It Please the Court
  - My name is _______________________________ and at this time I would like to reserve two minutes for rebuttal. (They respond). Thank you, your Honor.
  - Today, I along with my co-counsel______________________________, represent the petitioner(s) in the case at bar.
  - I represent __________________ (name of petitioner) regarding __________________________ (constitutional claim).
  - We ask that the Court reverse the decision made by the __________________________ (identify court here), and we do so for the following reasons: __________________________ [insert reason(s) here].
  - Then…. go on to more specific explanations here….

**Example-Respondent**
- Mr./Madam Chief Justice and May It Please the Court
  - My name is ______________________________ and I, along with my co-counsel________________________ represent the respondent(s) in the case at bar.
  - I represent ____________________________ (name of respondent here).
  - We ask that the Court uphold the decision made by the __________________________ (identify court here), and we do so for the following reasons: __________________________ [insert reason(s) here].
  - Then… go on to more specific explanations here