



PREPARING FOR COURT

Official OIL Moot Court
Curriculum





The Moot Process

1. Prepare Before the Case (*Pgs. 4-10*)
2. Prepare the Case (*Pgs. 11-18*)
3. Prepare the Presentation (*Pgs. 19-24*)



Welcome, From the Chief Justice

Whether you want to be an attorney, love to argue, or are just simply curious about the world of moot court--welcome! You are in the right place. Merely opening up this booklet already proves that you are at least somewhat committed to the idea of competing and perhaps even winning. I know what you are thinking... I am only a few pages into this curriculum, and the possibility of winning has already been brought up? Yes, and get used to it.

Why not you? You have already committed to doing everything that you can do to win by beginning this curriculum. Our role in this booklet is to provide you with all of the necessary materials to do just that, but more importantly, teach you essential legal and presentation skills.

By the end of this journey, you will be able to analyze precedent, understand the structure of higher-level courts, think like an attorney, and learn how you can develop strong courtroom mannerisms and presentation capabilities. Combined, no doubt, these skills will carry you to law school. But more importantly, the memories you will make from this experience will last a lifetime. So, I invite you to take the journey alongside us as we progressively rise to the peak of legal enlightenment. Dare to take the challenge. Dare to prepare for court. Ready? Let's start the climb.

Kathryn A. Kleiner

Chief Justice



1

**PREPARE
BEFORE THE
CASE**





What is Moot Court?

To understand moot court, we must ensure that we understand the structure of the American legal system which is divided into three different levels: **federal, state and local.**

Federal
Supreme Court
Circuit Court of Appeals
United States District Courts

State
Highest Court
Intermediate Appellate Court
State Trial Level Court

The first level of the legal system is the local courthouse.



To make it as simple as possible, when the court decides on a case, it can be appealed (the decision overturns) if there are exceptional circumstances present. Sometimes, this can happen several times to a case until it reaches the highest court in the United States: the Supreme Court. For the O.I.L. moot court competition, the Supreme Court is posing as the State Supreme Court. Therefore, our competition case has been "appealed" several times.

Given that the case has moved past the local court, the State Supreme Court (our moot court competition) operates differently from a mock trial competition. Typically moot court competitions are done in law school; however, since the O.I.L. moot court competition is at an undergraduate level, there are a few differences between our version of the competition and those of other schools. One of the primary differences is that in our moot court competition, there is not a case briefing competition. Our competition is set purely in the courtroom where you will present your case as the Petitioner or Respondent (with 10 minutes of speaking time each) and with the Justices of the Court intermittently asking questions during the presentation with questions. Sounds fun, right?

There are many reasons to participate in the moot court competition. It helps boost your resume and law school application. It may even serve as a tool to help you figure out if law school is for you! So now that we understand what moot court is, let's dive into the competition rules and structure.



What Should I Expect From O.I.L Moot Court?

To feel fully prepared for the O.I.L Moot Court Competition, there are a few preliminary steps that you should take:

1. Watch this tutorial of a virtual moot court round!

<https://www.youtube.com/watch?v=uPYI9ZMtJ9A&t=5s>

- a. Due to COVID-19, our Fall 2020 session consisted of a virtual competition. Please familiarize yourself with this new format by watching the video linked above. Please be aware that this format may or may not be used in the Spring 2021 session depending on the virus.

2. Listen to the Spring 2020 session's Moot Court final!

https://drive.google.com/file/d/1aONwwZNHVX8UpnmE_B1RT35lubcRHoj/view

- a. This helps you understand how our rounds are structured and presentation strategies to get to the final round!

3. Read the O.I.L Moot Court Competition rules!

<http://okoil.org/supreme-court/>



- a. The rules have important information concerning the competition as a whole, the structure of a round, how you are scored, and general tips. The updated rules can always be found on the Supreme Court section of O.I.L's website.

- i. NOTE - The competition rules are **NOT** the same as the standing rules. Scroll down until you see the gray button that says "competition rules."

4. Join the OIL Official Moot Court Facebook Page!

- a. [OIL Official Moot Court Page -Facebook](#)
- b. Our Facebook page has important announcements and resources that are necessary for success in the competition. If you are struggling to get access to the page, please contact the court or your delegation chair.

Now that you have completed these tasks, we can get to work!



What Can I Do Now To Prepare?

Two words: **courtroom demeanor**. Utilize the time before and during case preparation to cement courtroom demeanor. You can win and lose rounds simply on the words you use as it is one of the areas that you are scored on. The courtroom demeanor points are based on how courteous, polite and professional the competitor is in the courtroom. In other words, how well the competitor follows the courtroom procedure.

First, watch “Mastering Moot Court Etiquette” with Justice Ruth Herman. This video breaks down every part of courtroom demeanor, helps to give an overview of a moot court round, and provides general courtroom tips for competitors. Watch the video by clicking this link:

<https://www.youtube.com/watch?v=D-80WNzoJF4>

Here are some general courtroom demeanor guidelines:

- Always describe yourself as “the Petitioner” or “the Respondent”
- The Petitioner stands to the Justices right, and the Respondent stands to the Justices Left
- ***Do not sit until told to do so!***
- Always start with “Thank you, Madam/Mister Chief Justice, and may it please the court.”



- When the Justices interrupt you for questioning, always stop, listen to the question, and begin your response with, “Thank you, your honor.”
- The Petitioner will give an announcement before the presentation begins.
 - “Madam/Mister Chief Justice and may it please the Court, my name is **[insert name here]** from **[insert school here]** and I represent the Petitioner, **[insert name of Petitioner here]**. At this time, I would like to reserve **[insert time]** for rebuttal.”
- The Respondent will give an announcement before the presentation begins.
 - “Madam/Mister Chief Justice and may it please the Court, my name is **[insert name here]** from **[insert school here]** and I represent the Respondent, the State of Olympus.”

To learn more about courtroom demeanor, be sure to

- Listen to our Moot Court final round
- Read the competition rules

Now that we have prepared before the case, let's learn about what to do once the Supreme Court has released the competition case!



2

**PREPARE THE
CASE**





I Have the Case...Now What?

The chief justice has finally posted the long awaited case...but your first glimpse of the case makes you consider whether or not you are actually capable of competing. Don't worry, this reaction is completely normal. To help assure you that you can be successful in this competition, this chapter will help you understand every element of a moot court case, what to look for, and even briefly discuss case writing.

1. Watch the video.

- a. Before you continue reading, watch the “Elements of a Moot Court Case” video with Chief Justice Karina Salcedo. This video gives visuals for every topic discussed within this chapter and will aid in your preparation immensely. You can access this video by clicking this link: <https://www.youtube.com/watch?v=mGJSnuYy5c4>

2. Read the cover page.

- a. The first page will list the names of the justices for your competition round. This provides a guide for you if you ever need to contact Court leadership.

3. Read the second page.



- a. This page provides the name of the case, which you will find to be extremely important, as well as the legal questions. These legal questions are **CRITICAL** to your success as they will form the foundation of your entire case. Depending on whether you are Petitioner or Respondent for a given round (which you will be both at some point in the competition) you are to use the facts of the case and precedent cases to answer the legal questions.
- b. After reading the second page, read the portions of the Constitution that align with the legal questions. You must have a solid understanding of the application of these constitutional principles.

4. Read the facts of the case.

- a. These facts tell the story of how you ended up in court. You will need to read over the facts of the case extremely carefully as there are often important details that you will be questioned on by the justices. Try to focus on a new detail every time you read the facts.

5. Read the precedent cases.

- a. This portion of the case is distinguished by a page full of court cases. You are advised to become familiar with every case listed, even if it is not going to be included in the case that you write.
- b. There are a few steps that you should take with precedent



i. (1) Watch the “How to Read and Understand a Precedent Case” video.

1. This video with Chief Justice Karina Salcedo will help you learn how to read a precedent case by showing you each element and providing helpful tips on what parts of the case to look out for during preparation. Watch by clicking this link:

<https://www.youtube.com/watch?v=CcGHicMuSVU>.

ii. (2) Find the case and read it.

1. There are many online resources available to help you read a case depending on what kind of case it is.
 - a. Generally, we recommend reading the majority opinions on cases. These can typically be found through legal databases such as Westlaw and LexisNexis alongside online sources such as Justia and CaseLaw.
 - b. Sometimes, it can be helpful to read summaries of cases through online sources such as Oyez; however, it should be noted that you will not advance far if you strictly rely on summaries. The Justices can decipher when a competitor does not know the details surrounding a case.

iii. (3) Summarize the cases in your own words.



- a. The summary does not have to be a “brief” per se but should include pertinent information such as legal question(s), facts, holding, and other key information.
- b. Highlight key quotes or other information.
- c. Note which side the case generally supports.
 - i. Does the case fit into the Petitioner side or the Respondent side better? Or can it be used for both?
- d. Keep track of whether older cases are still good law.

6. Read appendices (if any).

- a. Sometimes, moot court cases have appendices. What that means is that there can sometimes be laws or definitions attached after the precedent cases. We often find that competitors ignore these and take them to be not as important as the rest of the case; however, we highly encourage competitors to treat the appendices as just as important as the rest of the case. Oftentimes, legal questions for moot court cases are framed around the premise/definitions outlined in the appendices.

Now that you have read and analyzed the case, you can begin to build your own case!



How Do I Build My Own Case?

First, it should be noted that there is no right or wrong way to write your case. Everyone learns differently; therefore, we encourage you to implement what you know about how you study and learn throughout this process. We strive to guide you through successful strategies; however, be sure to be flexible with yourself when necessary.

Generally speaking, there are a few essential elements to building a successful moot court case.

1. Be organized.

- a. Organize your case facts and precedent cases by distinguishing which information helps the Petitioner and what helps the Respondent. After doing that, outline your case for each side.
 - i. Do not neglect to include:
 1. Any relevant information from the addenda
 2. Any legal analysis of your own
 3. An introduction and conclusion
 - a. Always start with your announcements, a roadmap, and a brief introduction of the facts of the case.



- b. The conclusion should be a brief summation of what you presented and end with your prayer for relief.
- ii. This outline should help you expand upon your summaries and synthesize this information together.
- iii. Be sure to mark which side the outline is for clearly. It is not uncommon for competitors to accidentally present the wrong case.

2. Be creative.

- a. The legal field is often like a puzzle, and we have to take a closer look to find the missing critical pieces to a strong argument.
- b. Are there any details within the facts of the case that could help you compose a creative argument?
- c. Before finalizing your outline, review the facts of the case a few more times to see if you are missing anything.
- d. Are there any creative persuasive elements that you could add to your argument?
 - i. Alliteration, illustration, general speaking strategies, etc.

3. Be logical.

- a. By logical, we mean that you must take the time to understand the logic of it all. In other words, you must prepare your legal mind.



- b. Go through your outlines and begin to write down questions where you may see contradictions or problems in your arguments.
 - i. This will come naturally when you have prepared for both sides of the argument.
 - ii. Write down these questions and hand them to someone who can interrupt you with them as you practice presenting your cases. Become a master at answering these questions.
 - 1. Always start with “Thank you, your honor.”
- c. Highlight anything that may need to be included in the rebuttal.
 - i. Please note that the Respondent should leave an open space in their outline to address the arguments of the Petitioner as the Respondent does not have a separate rebuttal time.
 - 1. These arguments should not be pre-written (the best ones never are).
Rather, they should be crafted based on the arguments the competitor may face.
 - ii. Please refer to Chapter Three for Petitioner rebuttal strategy and tips.

Now that you have written two solid cases, and have prepared for potential holes in your arguments, you are ready to master your presentation.



3

**PREPARE THE
PRESENTATION**





Wait... I Have to Public Speak?

We know that public speaking is an incredibly vulnerable task and can be intimidating. Remember that the Court has been in your exact shoes, as well. Everyone on the Court has had those nerves every time before we began our rounds, and yet, we managed to come out of it alive. We promise you will too, and that competing in this capacity will only help you grow in these skills in the future. So let's take some time to go over the basics of your presentation.

A great case is only as good as its presenter. As legally sound and persuasive as your arguments may be, if your points are not well communicated, your score will not reflect the time and effort you put into crafting your case. Therefore, we recommend the following when it comes to presenting before the Court.

1. Practice volume.

- a. The Justices need to be able to hear you, and often, persuasion points can be docked if we cannot hear very well.
- b. Tip: breathe in through your nose and exhale out through the mouth to engage your diaphragm more. This process will help increase your volume capacity.

2. Practice the organization of your speech.



- a. Practice presenting SEVERAL times before stepping before the Court. You want to make sure that your arguments flow nicely together.
- b. Do not forget to roadmap your arguments and have clear transitions between legal questions/arguments.

3. Practice body language.

- a. Moot court is not mock trial or debate. I mention this because it is important to note that while you may have been used to getting to walk freely or make dramatic gestures in other forms of competition, moot court is very different.
- b. Typically, competitors are expected to stay still and in front of the podium while presenting.
- c. Everyone has a nervous tick. Be sure to prevent yourself from letting yours show during the presentation.
- d. Tip: record yourself delivering your cases and watch for ticks (swaying, licking lips excessively, shaking, etc.).
 - i. Swaying - try to hold the sides of the podium to keep you more cemented.
 - ii. Licking lips - stay hydrated throughout the day. Nerves tend to dehydrate you due to sweating which can lead to dry lips.



- iii. Shaking - before a speech, clench your fists together as tight as possible for three rounds of 20 seconds on and 10 seconds off. It will help the blood circulate better.
- e. OVERALL SUGGESTION - keep a slight bend of the knee at all times (DO NOT LOCK KNEES). Often, we lose our balance when we are stressed. Keeping a slight bend of the knee will help ensure we do not stumble as we present.

4. Practice answering questions and crafting a rebuttal.

- a. While answering questions was already mentioned in the previous chapter, the importance of this cannot be overstated; this is often one of the most neglected aspects of the competition. Answering questions well will help set you apart as a competitor.
- b. A rebuttal is a speech that you only have to worry about when you are the Petitioner. After the Respondent presents, you have a certain amount of time (depending on how much you ask for during your announcements) to explain the qualms with the opponent's case and to reaffirm the strength of your own.
- c. Due to the nature of the speech, the rebuttal is typically not pre-written (the best ones never are). Therefore, practice crafting rebuttal arguments on your own by timing yourself.

5. Practice diction and conviction.



- a. While this competition values logic over emotion, conveying an appropriate tone and diction will largely contribute to your overall persuasiveness.
- b. It is easy to remember the competitors that leave us feeling engaged in their arguments.
- c. Together, these techniques will mold you into a fantastic presenter for your extraordinary case.

Together, these techniques will mold you into a fantastic presenter for your fantastic case.



We Will See You In Court!

You did it. You are now well-versed in courtroom demeanor, case construction, and public speaking. You understand the fundamentals of the American legal system and the O.I.L. Moot Court Competition. But mastering all of these techniques and concepts do not guarantee success.

Take what you have learned throughout this curriculum and do not stop there. Be sure to mold your case into your own line of reasoning, personality, and creativity. Being authentic and genuine will always take you farther than following a script. We want to hear YOU and your legal reasoning.

Thank you for taking these bold first steps to the O.I.L Moot Court Competition. You are now prepared and equipped for the journey to come! As always, please reach out to Court leadership should you have any questions. If not, we will see you in court!

All the best,

O.I.L Supreme Court