

Moot Court: Courtroom Procedures

Oral Argument Format

1. **Bailiff** brings court to order and introduces judges.
2. **Judges announce case** and present short summary of facts.
3. **Opening Arguments** -- 3 minutes each side, beginning with plaintiffs. Judges may question attorneys, but only after they have completed their opening arguments.
4. **Rebuttal Arguments** -- 2 minutes each side, beginning with plaintiffs. Judges may interrupt and question at any time. Each side is permitted at least 2 rounds; judges may permit additional rebuttal rounds at their discretion.
5. **Closing Arguments** -- 2 minutes each side, beginning with plaintiffs.
6. **Jury Deliberations** -- jury convenes in private, discusses case, and renders a verdict. Jury foreperson announces opinion and states the basis for the decision.
7. During oral arguments judges maintain **order and respect for courtroom decorum**. Disruptive audience members should be silenced, and removed from the courtroom by the bailiff, if necessary.
8. Judges ensures that **time limits are observed**, giving 30 second warnings before expiration of time periods.
9. During each oral argument, judges and audience members complete "Case Analysis" forms which will be used later in drafting written opinions.

Tips for Oral Argument:

1. **Introduce yourself:** "Good morning your honors and ladies and gentlemen of the jury; my name is Schmendrick Yutzface, and I will be representing the plaintiffs Cedrick and Cecily Shnook in this case."

2. **State the issue:** “The issue in this case is whether the Windsor School Board violated my clients' 1st Amendment rights to free speech when they were prevented from wearing pink Tinkie Winkie tee shirts to school.”

3. **State your arguments simply, succinctly and clearly.** Then review each argument in turn. “Today we will be arguing 1, 2 and 3. Turning first to our first point: We believe ...etc.”

4. **Present your strongest arguments first.**

5. **Give reasons for your arguments.**

6. **Listen carefully to your opponents' arguments,** take notes as necessary, and attack their weakest arguments.

7. **Anticipate your opponents' arguments,** and attempt to deflect them before they are even presented.

8. **Conclude with a powerful statement.** Appeals to emotion, basic fairness, or commonly held values are particularly effective.

Preparation (to be completed as homework)

1. Read all **Case Overviews.**

2. For your case, **Attorneys** should prepare handwritten notes which:

- a. Summarize the most important facts of your case;
- b. State your strongest arguments; and
- c. List your opponents' expected arguments and possible counterarguments.

3. For your case, **Judges** should prepare handwritten notes which:

- a. Summarize the most important facts of your case;
- b. State the **key question** the court needs to decide; and
- c. List **questions** you will pose to both the plaintiffs' and defendants' attorneys regarding the key issues in the case.