Designing a Moot Court: What to Do, What Not to Do, and Suggestions for How to Do It

Lewis S. Ringel, California State University

Introduction

Educators often use role-playing exercises that involve problem-based learning in their courses to improve their students’ critical and analytical skills, introduce them to new ways of thinking, increase interaction with their fellow students, and to enhance student interest in course lessons and materials (Greening 1998; Albaneese 1993; Hensley 1993). A popular role playing simulation is moot court (Deardoff and Aliotta 2003; Guilizzua 1991). Moot courts are academic simulations of appellate advocacy that educate students about the law and the judicial process. Students, acting as lawyers or judges, “try” a case before an appellate court.2

In addition to acting as lawyers or judges, students are assigned to serve as “law clerks, reporters, or amicus brief writers” (Knerr and Sommerman 2001, 4). Moot court is an extremely fluid pedagogical tool which can be used for more than learning about the law or the judicial process. It has been used in a variety of disciplines including political science, media, history, journalism, sociology; art, economics, business, and the life sciences to educate students about a variety of subjects such as history, journalistic rights, anti-trust laws, or professional ethics (Carlson and Skaggs 2000; Dhooge 1999; Bentley 1996).

Readers looking to learn more about moot court will find a healthy scholar-ship devoted to the subject. (for a literature review see Knerr and Sommerman 2001). There are a number of guides published by law school professors intended for both law school faculty and their students (Greene 1998; Gaulatz 1981; Cady 1967). Such articles assume a certain sophistication and interest on the part of law students that may not be evident in undergraduates.3 The literature on undergraduate moot courts primarily consists of articles (Canon 1997; Kenety 1995; Cooper 1979), and conference papers (Ringel 2002a; Tolley 2002; Weizer and Walsh 2002). While these writings provide an idea of the different approaches to moot court and the different purposes it can serve, they do suffer a few problems. First, they are often too short to serve as a true guide for instructors new to moot court. Second, because they are written for faculty, they do little to help students. Third, in the case of conference papers, they can be hard to come by and may be unknown to persons outside the author’s discipline. Moot court is a simulation practised at hundreds of undergraduate institutions worldwide. Yet, until just recently the field has lacked a comprehensive “how to” guide for moot court written for both undergraduates and moot court facilitators.4 This article, with its broad scope, its focus on issues faced by faculty, and its step-by-step methodology, is designed to serve as a “how to” guide to establish, or perfect, undergraduate, or even high school, moot courts.

Moot Court vs. Mock Trial

Moot court is not to be confused with mock trial. In mock trial, students try facts before a court that rules on questions of innocence or guilt. Mock trials feature prosecution and defense teams, comprised of students, which deliver opening and closing statements and examine and cross-examine students who serve as witnesses. In moot court, the trial has already occurred; the issue is not to decide facts, but to address issues such as whether the trial court erred in its application or its interpretation of the law, or whether a policy or law violates a state or the national constitution. Moot court lawyers argue for a set time period before a panel of judges, which asks questions and, depending upon the simulation, may retire to talk among themselves before rendering a verdict.5

What Happens in a Moot Court?

Moot courts take various forms and simulate different aspects of the judicial process from case selection to oral argument (Weizer and Walsh 2002; Knerr and Sommerman 2001; Canon 1997; Hensley 1993; Collins and Rogoff 1991; Claude and Parker 1984). In some simulations, students serve as lawyers and judges. In others, faculty, alumni, or local members of the legal community are integrated into the simulation either as lawyers, or, more commonly, as judges, with students on the opposing side.

Why Do a Moot Court?

Moot court can benefit both faculty and students. For faculty, there is the...
satisfaction that comes with watching students apply the skills and knowledge that you have helped to instill. This may be especially true of faculty whose students compete in any of the many collegiate moot court tournaments. For faculty who create their own cases there is the satisfaction of the creative act (Ringel and Fair 2004). Moot court facilitators who involve alumni or members of the local legal community may find reward in such relationships. Faculty often enjoy the discussions with students and colleagues about issues of substance associated with moot court.

Students benefit from moot court in many ways (Knerr and Sommerman 2002; Curran and Acone 2000; Greene 1998; Hernandez 1998). These include:

- Preparation for graduate study by experiencing being a judge, clerk, or a lawyer.
- Gaining knowledge about oneself, one’s interests and one’s abilities.
- Gaining greater self-confidence, and an increase in self-esteem.
- Enhanced leadership experiences.
- Working with a team for a common goal.
- Learning about the law and the judicial process.
- Experiencing the thrill or rush of competition.
- Improved critical/analytical thinking skills and improved legal research/writing skills.
- Overcoming shyness/improving public speaking skills.
- Meeting and getting to know fellow students.
- Gaining a greater sense of empathy for how the law treats individuals.
- Enhanced relations with alumni and greater contacts in the local legal community.

**Key Issues for Moot Court Facilitators to Consider**

**Costs Associated with Moot Court**

Moot court is a largely rewarding experience for both faculty and students alike. There are, however, certain fairly universal costs that should be noted. These include the following:

- Preparation for graduate study by experiencing being a judge, clerk, or a lawyer.
- Gaining knowledge about oneself, one’s interests and one’s abilities.
- Gaining greater self-confidence, and an increase in self-esteem.
- Enhanced leadership experiences.
- Working with a team for a common goal.
- Learning about the law and the judicial process.
- Experiencing the thrill or rush of competition.
- Improved critical/analytical thinking skills and improved legal research/writing skills.
- Overcoming shyness/improving public speaking skills.
- Meeting and getting to know fellow students.
- Gaining a greater sense of empathy for how the law treats individuals.
- Enhanced relations with alumni and greater contacts in the local legal community.

Faculty need to decide how complex and use the Internet in ways that would compromise the integrity of moot court. These include accessing real legal briefs and/or plagiarizing case summaries. To combat plagiarism, faculty might perform online searches of language that appears unduly or unusually legaleseque, or they might employ the services of an anti-plagiarism database such as www.Turnitin.com.

Faculty will find a number of online legal aid services useful. These include the web sites of advocacy groups such as the American Civil Liberties Union (http://www.aclu.org), the National Association of Colored Persons (http://www.naacp.org), or the Mexican-American Legal Defense and Education League (http://www.maldef.org), as well as web sites run by think-tanks such as the Heritage Foundation (http://www.Heritage.org), or the Cato Institute (http://www.Cato.org). It may be beneficial to use government web sites such as those of the U.S. Supreme Court (http://www.supremecourt.gov), the different federal courts of appeals (http://www.uscourts.gov), or various state courts (for example, http://www.courtnfo.ca.gov). In addition, there are a number of legal search engines that provide links to cases or legal publications. These include http://www.FindLaw.com, http://www.oyez.org/oyez/frontpage, http://www.romingerlegal.com/supreme.htm, and LEXIS-NEXIS. Faculty wishing to learn more about moot court tournaments might visit http://honors.uta.edu/mootcourt/about.htm.

**Picking a Case and a Date for Moot Court**

Several issues must be addressed in selecting a case for moot court. The first is the topic. Experience teaches that if a subject is germane to the class, and if it involves basic constitutional questions in an appealing or shocking way, it will grab, and hold, student interest. Unfortunately, it is not always possible to predict which cases will interest students (Ringel and Fair 2004). A key decision is whether to use a real or a fictional case. Strengths and weaknesses are inherent in both approaches (Ringel and Fair 2004). Some faculty have students try real cases. Because modern information technology provides students with access to the actual legal briefs used in the case, faculty concerned that students do their own work may be uncomfortable using a real case.

Faculty need to decide how complex to make their case (Ringel and Fair 2004).
Graded Assignments for Moot Court

An important aspect of moot court is the assigned work. Not all moot courts include the same assignments (Ringel 2002b; Tolley 2002; Weizer 2002; Knerr and Sommerman 2000; Hensley 1993). Most, however, require that students perform legal research and participate in oral argument. Many simulations require that students submit a graded written assignment. Common assignments include legal briefs and judicial opinions (Tolley 2002; Hensley 1993). Moot court involves a reasonable commitment and a fair amount of work on the part of the students, thus faculty might make moot court a fair percentage of a course grade—perhaps as much as 20%.

Not all student work for moot court need be graded. My justices are required to submit on a weekly basis 10 questions that they might ask in oral argument. This ungraded exercise is meant to focus the court on the task at hand. In addition, it allows me to address students’ errors and to eliminate inappropriate questions (e.g., those that reinvent the facts). By the end of the term, the court issues a ruling accompanied by an ungraded majority opinion. Justices may write separate opinions if they wish. The court announces and discusses its ruling with the class. If the court fails to rule, the justices’ class participation grade is lowered.

Like the justices, the lawyers have ungraded work. Each legal team produces a brief that it submits to the court. This ungraded brief can be the product of one student or an amalgamation of the lawyers’ individual briefs. If a team fails to produce a brief, the lawyers’ participation grade or their overall moot court grade suffers. The lawyers seem to like this requirement because it helps the team to focus. While there is always a chance that a justice will rely on these briefs too much, the rewards outweigh the risks.

Participants in moot court need time to digest the feedback and synthesize it into their argument. The trick is to balance the students’ need for ample time with your own schedule. In grading the lawyers’ work, instructors should give a summary of their strengths and weaknesses. I call attention to good points raised by specific students and make suggestions for oral argument. The students’ individual graded briefs are due two weeks before oral argument. This allows the individual briefs to be returned before oral argument. The legal team’s briefs are due three to five days before oral argument. This reduces the odds that the legal teams will wait until the night before oral argument to get started and it gives the justices time to reflect upon the briefs. The due date for the judges’ individual opinions is set to allow the justice(s) writing for the court time to reflect upon my comments and those of his/her colleagues, and incorporate them into the final product (which is ungraded).

The Role of the Instructor in a Moot Court

Once the case and roles are assigned, instructors need to be part facilitator, advisor, devil’s advocate, and task master. The performance of these roles occurs in three stages: pre-oral argument, oral argument, and post-oral argument. In the first two stages, instructors should have equal contact with the lawyers and the justices; in the latter stage instructor contact is with the justices alone.

Pre-Oral Argument

In this stage, the instructor will likely wear all four of the aforementioned hats. Typically, instructors must advise the lead attorneys, and perhaps the chief justice, on how to best organize their groups. To get the teams started, teams should establish email lists and be provided time in class to discuss the case and to schedule meetings. In the weeks leading up to oral argument, faculty should meet out of class with the lead attorneys to discuss how the groups are functioning, legal precedent, strategy, arguments they might make, and books or cases for the teams to read. If necessary, the imposition of deadlines can move teams along at an acceptable pace. Simultaneously, faculty should have similar discussions with the justices.

Oral Argument

In this stage, unless instructors participate in oral argument their role will be minimal. Faculty should answer last minute questions, reassure students, get the room set up, welcome guests (if there are any), and announce the simulation’s start. In my simulations, once the chief justice gavels the court into session my role moves toward that of an interested spectator. I sit in the back of the classroom behind the legal teams. I take notes and watch the clock. The only time I interrupt oral argument is if an inappropriate question is asked, or if I have a question about the time remaining. I might pass a note to the lead attorneys calling an issue to their attention, or, if appropriate, I will quietly discuss an issue with a student.
Post-Oral Argument

The role of faculty in this stage depends on whether the simulation ends with oral argument. Mine does not. Once oral argument has ceased, the lawyers are excused and the justices meet in private session. I attend this session to encourage justices to take it seriously. My role in conference depends on the chief. The chief sets rules for the conference, calls votes, and, if appropriate, assigns authorship of the majority opinion. If the chief is skilled at leading discussion and keeping order my role will likely be limited to taking notes. If the chief is lacking in those areas, I provide assistance. For instance, if the court has arrived at a decision in haste, or overlooked an issue, I might discuss a flaw in the court’s analysis, or call the court’s attention to its omission. Faculty can also operate as devil’s advocate or suggest solutions to divisive issues. If the court is bogged down, tired, or uptight, faculty might suggest a break, or make a joke.

Rule-Making

Like any other simulation or game moot courts need rules. These rules need not be made by the instructor. Students can make rules for their own groups. My chief justice, for example, sets a variety of rules for the court and the lawyers to follow. This includes matters such as what to do if justices wish to speak simultaneously during oral argument, how many attorneys may stand at the podium during oral argument, and the order in which justices will speak or vote in conference.

Moot court requires that students suspend reality. If they are to obey the court, they must believe in the chief justice and the court’s authority. The lawyers are instructed to rise when addressing the court, to address the court, not each other, and to refer to the members by their titles followed by their surname rather than by their first names. I request that all persons in the courtroom, which includes lawyers and any invited guests, rise, if possible, when the justices enter and that they refrain from eating, drinking, chewing gum or tobacco, smoking, or using profanity.

Rules are needed to govern the length of oral argument, standards for opinion assignment, if applicable, and what to do if a leader cannot fulfill his or her responsibilities. If possible, simulations should emulate Supreme Court rules. For instance, if the court is to produce a majority opinion, have the chief justice, if in the majority, assign opinion authorship. If the chief justice dissents, the most senior justice do the honors. Faculty, or the chief justice, should decide on seniority at the start of the simulation. To ensure a chief justice with whom faculty is comfortable, faculty should select the most senior justice and designate that justice first in the line of succession.

A final rule governs what constitutes an acceptable question for oral argument. Justices should determine what issues are discussed in oral argument. Justices should not, however, ask questions that require the lawyers to speculate about matters not covered or addressed by the facts. Nor should they inquire about legislative motives if the facts do not address them. The court may ask the lawyers a question about how a doctrine or other principle might apply to a hypothetical set of facts, however, justices should not ask questions that reinvent the facts.

Assigning Student’s Roles

Perhaps the most important, and difficult, task that instructors play in a moot court is assigning students roles. This task is difficult because moot court assignments are often based on incomplete or imperfect information that in essence require instructors to guess which students will do a good job and for what roles they are best suited. Faculty might solicit student preferences, with the suggested caveat that they are not bound by such. In assigning roles, it helps to understand psychology and human ego. Not everyone can be a moot court leader. Students understand this. What they do not always understand is why someone else has been chosen to be a leader. Faculty should be candid about their selections. Early in the term it is a good idea to discuss leadership criteria.

The designation of student-roles in moot court is quite important. If one legal team is stacked with better students, if the chief justice is biased against one side, or if the leaders do not take the assignment seriously, moot court will suffer. Placing all the talkative or inquisitive students on the legal teams will produce a court that is too passive, and, again, moot court will suffer. In my view, the best students should be the attorneys. This is because being an attorney is arguably more difficult than being a justice, and because good attorneys are essential to a successful simulation. A good justice can carry a court in oral argument. One good lawyer can seldom carry a legal team. In selecting lead attorneys, it is a good idea to select students who, based on course evaluations and in-class work, are reliable, write well, and appear tolerant of others. Faculty might have students deliver oral case briefs to gauge presentation skills and select leaders who perform the best.

In selecting a court, faculty must decide whether to instruct justices to adopt the persona of specific real-life justices, or to allow them to find their own judicial voice or philosophy. Some faculty favor the former approach. I favor the latter because I want students to consider issues for themselves and to develop their own views of constitutional interpretation. They are free of course to look at how real justices have decided similar cases for guidance as such guidance still causes them to do more of their own thinking than merely imitating what real judges think. Faculty must decide on what they are looking for in their justices. When selecting justices, I look for different skills and strengths than I look for when selecting lawyers. For the chief, I prefer someone who is fair, hardworking, and reliable, and has displayed an ability to boil complex issues down to simple, understandable terms. For the associates, I prefer students who are outspoken, inquisitive, and motivated. Students who can overcome their natural desire to avoid confronting, and possibly embarrassing, their fellow students in front of their professor often make ideal justices.

In announcing moot court roles, students should be told that the leaders were chosen based on some combination of their grades, attendance, class participation, and attention to deadlines. I stress that all roles, especially being an attorney, are important, and I downplay the importance of the leaders vis-a-vis their peers by emphasizing that leaders are needed for organizational purposes and that being a leader, because of the extra work, may be more trouble than it is worth.

Preparing and Motivating Students for Moot Court

There is much faculty can do to prepare and motivate students for moot court. Faculty should schedule moot court for late in the term to allow for ample student preparation. I tend to favor holding oral argument the third to last class and having judicial opinions due on the last class.

The Syllabus

Course syllabi should specify the percentage of the overall grade comprised
by moot court. In addition, some statement about the commitment of time and energies that moot court will require is advisable. My syllabus, states, in bold, capital letters, the following:

“Moot court is a lot of work. It requires time out of class to meet with your group and, potentially, with me. If you do not wish to work with a group, or do not have the time, desire, or interest to do this assignment please drop the class.”

To some this language may be unduly harsh or provocative. It is important, however, that students know what they are in for before they commit to a project such as moot court.

The First Class

The first class should be used to review the syllabus and its statement about the expected level of work and commitment to moot court. This first session should be used to excite students about the simulation. Because many students want to attend law school, stress that moot court will provide students with valuable experience that will assist them in law school and give them a flavor of what it is like to be a lawyer or judge.

Course Readings

Assign or recommend readings that will prepare students for moot court. Some of these readings focus on legal reasoning or the nature of judicial power. Others discuss the differing styles of past chief justices or the nature of the judicial process. Introducing students to reflections by judges on the judicial process and using readings that include transcripts from oral argument will prove beneficial as the simulation progresses. A text that stresses judicial policy making and calls attention to the approaches, modes, and techniques of judicial decision making will provide students with sufficient background to the appellate process.

Lecture and Class Discussions

Use lecture and class discussions to direct the participants’ attention to aspects of their readings that are relevant to the moot court case or, in particular, oral argument. Early in the semester, call student attention to legal tactics, such as distinguishing one precedent from another, as well as how to request or produce a narrow opinion. Also, expose students to concepts such as stare decisis, original intent, or judicial balancing tests.

Quizzes and Handouts

Quizzing students about their moot court case reinforces the facts of the case, or the most relevant precedent. These quizzes can be simple or challenging. Announcing the quiz in advance increases the odds that students will read and think about the case. When distributing the case, I provide students with a detailed discussion of the facts (usually five pages) and two sample legal briefs (each is usually five pages). These are meant to stimulate student interest and call attention to what is expected of them. This is especially true of the sample briefs. Students often use these as the initial basis of their work. These briefs include suggested arguments and a discussion of the case law. In addition, I distribute a guide to writing papers and several handouts on how to prepare for oral argument.

Meetings with Students

Meeting with students is one of the most important things that instructors can do to prepare students for moot court. Most of these meetings might be with the team leaders who relay information back to the team. Such sessions are useful for conveying what is expected of the leaders and how they might proceed with their teams. These meetings provide leaders with specific techniques or strategies for dealing with their groups, to discuss strategies for oral argument, and review possible arguments that the team might make. Faculty also meet with the justices to discuss precedent, answer questions, and discuss strategies for how a justice would put together a majority coalition. Instructors must convey to the justices that they need to be prepared for oral argument rather than rely on the lawyers to do the work. This may involve subtle (or not too subtle) references to class participation grades. It also involves discussing how they can be aggressive in their questioning without being “rude” or appearing like “jerks” to their fellow students.

Mock-Moot Court and Moot Court Work Day

I use a mock-moot court to prepare and motivate students. This involves having at least one attorney face rigorous questioning from a panel of judges. This panel includes myself, the chief, and, if possible, former students with moot court experience. We work out among ourselves who will tackle which issue and how we will subject the attorney to a series of questions. The mock-judges and I agree to squabble among ourselves, and at times even attempt to assist the attorney. As a result of the mock-moot court, the justices gain a better idea of their role, while the lawyers get a better idea of what they are in for and how prepared they will need to be. In addition, this session ends any notion that one attorney can do everything.

Assessing Student Performance and Getting Student Feedback

In grading my students, I consider the quality of their submitted work as well as their performance in oral argument and within their groups. Evaluating contributions to a group can be tricky. I employ three strategies. First, I regularly ask the leaders which team members are contributing. Second, after explaining to them what I believe to be an “A” or a “B” and so on, I ask leaders to suggest grades for their colleagues. If a group has been beset with problems and I know that the lead attorneys are frustrated, perhaps even cross, with their colleagues, I may opt not to seek their input on grades. Third, I distribute an anonymous questionnaire which asks how the group functioned. Included are questions about who worked hard or did not work hard. Generally, the answers are fairly similar across the group and tend to coincide with my own impressions. I ask students to assign themselves a grade. Unfortunately, because so many students tend to assign themselves “A’s” I find this aspect of the questionnaire less helpful than other aspects.

An additional aspect of the questionnaire is the opportunity for students to offer, and for me to receive, feedback. Instructors can never envision every problem that students in moot court will face. I am indebted to those students who suggested a mock-moot court or the concept of team briefs. In addition, my moot courts have benefited from student feedback about specific aspects of cases that confused them or, conversely, aspects of cases that they enjoyed and recommend retaining. Students know that instructors cannot adopt all of their ideas. My sense, however, is that they appreciate...
being asked for feedback and are proud to have made a positive impact on future courts.

Summary

Moot court is a valuable pedagogical tool that assists students in developing their speaking, analytical, and critical skills. In addition, moot court can be used to educate students about specific issues, ideas, topics, or events. As a result, moot courts are used in a variety of disciplines and at a variety of levels of schooling. This article is the definitive guide for students and instructors alike. It includes a description of moot court, offers advice to facilitate potential moot courts, discusses key issues or problems that students will face, and introduces strategies for dealing with such issues. Use of these strategies will help to extenuate the positive aspects of moot court and ensure a positive experience for all. In addition, this article includes a list of helpful web sites and a reading list that will assist moot court faculty and students alike in getting the most out of their moot court experience.

Notes

*I would like to thank Stephen Yoder of Political Science and Politics for fine editorial assistance and general good advice in the preparation of this article. In addition, I wish to acknowledge the contributions of two anonymous reviewers whose careful and constructive commentary contributed immensely to the ultimate success of this project. Early, and much rougher, editions of this article were delivered to conference panels in New Orleans and Honolulu in 2002. Special thanks is owed to the discussants on those panels, as well as to the audiences that attended, for their advice, their comments, and their encouragement.

Moot court requires students, and I have been blessed with a great many fine “mooters” who have assisted me in designing and inspired me to work to improve my moot courts. In this capacity, a special acknowledgement is due to those who either read drafts of this article, or offered good general advice. This includes Anastasia Benzel, Michael Galvin, Nicole Gerson, Trish Link, Brian Miller, Gladis Molina, Alice Montestrucc, and Ashley Vinson.

Moot court requires hard working-staffs and good colleagues. There is no better administrative team than that of Nancy St. Martin and Amelia Marque at California State University, Long Beach. Similarly, no one has had better colleagues than I in professors Renee Cramer, Daryl Fair, Charles Noble, and Paul Weizer. Finally, I would like to acknowledge the advice, assistance, and support of my wife, Jeanne Molina, and the inspiration of my newborn son, Benjamin Brennan Ringel, whom I hope will have assisted me in designing and inspired me to work to improve my moot courts. In this capacity, a special acknowledgement is due to those who either read drafts of this article, or offered good general advice. This includes Anastasia Benzel, Michael Galvin, Nicole Gerson, Trish Link, Brian Miller, Gladis Molina, Alice Montestrucc, and Ashley Vinson.

Moot court requires students, and I have been blessed with a great many fine “mooters” who have assisted me in designing and inspired me to work to improve my moot courts. In this capacity, a special acknowledgement is due to those who either read drafts of this article, or offered good general advice. This includes Anastasia Benzel, Michael Galvin, Nicole Gerson, Trish Link, Brian Miller, Gladis Molina, Alice Montestrucc, and Ashley Vinson.

I. Readers who desire more information about problem-based learning (PBL) are encouraged to review the following web sites:

http://www.udel.edu/pbl/

Notes

*1 I would like to thank Stephen Yoder of Political Science and Politics for fine editorial assistance and general good advice in the preparation of this article. In addition, I wish to acknowledge the contributions of two anonymous reviewers whose careful and constructive commentary contributed immensely to the ultimate success of this project. Earlier, and much rougher, editions of this article were delivered to conference panels in New Orleans and Honolulu in 2002. Special thanks is owed to the discussants on those panels, as well as to the audiences that attended, for their advice, their comments, and their encouragement.

Moot court requires students, and I have been blessed with a great many fine “mooters” who have assisted me in designing and inspired me to work to improve my moot courts. In this capacity, a special acknowledgement is due to those who either read drafts of this article, or offered good general advice. This includes Anastasia Benzel, Michael Galvin, Nicole Gerson, Trish Link, Brian Miller, Gladis Molina, Alice Montestrucc, and Ashley Vinson.

Moot court requires hard working-staffs and good colleagues. There is no better administrative team than that of Nancy St. Martin and Amelia Marque at California State University, Long Beach. Similarly, no one has had better colleagues than I in professors Renee Cramer, Daryl Fair, Charles Noble, and Paul Weizer. Finally, I would like to acknowledge the advice, assistance, and support of my wife, Jeanne Molina, and the inspiration of my newborn son, Benjamin Brennan Ringel, whom I hope will have many days of “mooting” ahead of him.

I. Readers who desire more information about problem-based learning (PBL) are encouraged to review the following web sites:

http://www.udel.edu/pbl/


2. This appellate court is often comprised of students, or former students. It may also be comprised of faculty or in some instances may feature attorneys or even real judges who volunteer their time. In at least scenario it is reported that students served as the justices while real lawyers or judges argued the case (Knerr and Sommerman, 2001, 4).

3. See, for example, Harvard Law School Board of Students and David Hill, 1991. Introduction to Advocacy: Brief Writing and Oral Argument in Moot Court Competition, 5th Ed. Foundation Press.

4. For the first moot court handbook written for undergraduates see, How to Please the Court: A Moot Court Handbook written by Paul Weizer, Kimi King, Charles Knerr, Lewis Ringel, William Schreckhise, and Andrew Sommerman (Peter Lang Press).

5. Depending upon the simulation the court may announce which legal term performed best. It might also include some verdict that addresses the merits or issues of the case. In such instances, the court may be assigned the task of producing a written opinion that explains the rationale or justification for its decision and provides some direction for future courts deliberating similar issues.

6. For more on tournaments see the web site of the American Collegiate Moot Court Association at http://honors.utd.edu/mootcourt/about.htm.

7. I have used this once in a class of 33 students. The court had nine members and the legal teams had 12 students each. This was, I soon found, a recipe for the dreaded free rider problem.

8. This is a feedback that I am pleased to hear from former students of mine who attend law school and enter into the legal profession.

9. I like the court to be at the front of the classroom, preferably at one long table on a raised stage. The lawyers sit in groups separated by an aisle. In the center, a few feet from the bench, is a podium from where the lawyers address the court. Spectators are in the back.

10. I do this because if the chief should be unable to fulfill the duties in the assignment, or asks to be replaced, I require that the most senior justice become chief.

11. I inform the chief that selections were made on these reasons and emphasize my hope that he or she will continued to operate in such a manner while chief. Usually, I am not disappointed.


References


Cooper, Phillip J. “Undergraduate Moot Court: A Simulation for Undergraduate Courses in Political Science.” Teaching Political Science 7 (October). 103–118.


