



Queen Mary Bar Society - Queen Mary Mooting Society - York Mooting & Bar Society

# **Commercial Inter-Varsity Moot Handbook** **2020/2021**

## **Introduction**

Thank you for your interest in the QMUL vs York Commercial Inter-Varsity Mooting Competition 2021/2022. We are delighted to present the competition handbook, which should provide you with much of the information you will need to compete.

Mooting is an extremely valuable skill for Law students to possess before they transition to the Bar. Not only is it highly prized by legal employers, but it will enrich and develop your understanding of your degree. We sincerely hope that you will enjoy and develop from your experience in this competition.

On behalf of the Queen Mary Bar Society, Queen Mary Mooting Society, and University of York Mooting & Bar Society we wish you all the very best of luck.

Tanisha Patel  
**Queen Mary Bar Society President 2021/2022**

Husna Ali Bik  
**Queen Mary Mooting Society President 2021/22**

Imogen Loy  
**University of York Mooting & Bar Society President 2021/22**

# **1. The Competition**

## **What is mooting?**

Mooting is the presentation of a legal issue. This presentation is primarily oral. Competitors will be provided with a problem question, which will set out a scenario for a case on appeal. In this competition, the appeal will always be argued on two discrete grounds. Competitors will be allocated a ground to argue before a judge and will be informed whether they are representing the appellant or respondent in the appeal. The ‘winners’ are those that present the best arguments in the best way, not necessarily those who are correct in law.

## **Eligibility**

To compete in this Mooting Competition, you must be a LLB or LLM student at Queen Mary University of London. Entry is free of charge, though, as you progress, you may incur some modest printing and travel costs. You must also be a member of the Queen Mary Bar Society to compete.

Prior experience of mooting is a prerequisite to competing.

## **Competition format**

The Moot is contested of one ultimate round, with the focus being in commercial law. All mooters will receive feedback on their performance and will be judged by a barrister.

## **Problem questions and allocations**

In advance of the moot, competitors will receive the problem question. Competitors will also receive allocations, informing them of the time of their moot, whether they will be representing the appellant or respondent in the appeal, and their mooting partner. We aim to provide this information 1 week prior to the date of the moot. Competitors should decide with the mooting partner which ground each will be taking. The mooter who takes the first ground is the ‘lead’, the mooter who takes the second ground is the ‘junior’. This is not an indication of difficulty, merely a formality.

More information is provided in the ‘Rules’ section of this document.

## **The time commitment**

The dates of the competition are as follows:

- 1<sup>st</sup> December- Pre-Moot
- 8<sup>th</sup> December- Inter-varsity competition

## **2. General Advice**

### **Where to start? Nine stages to follow in preparing a moot problem**

1. Check whether you are representing the Appellant or Respondent.
2. Decide who will be lead and who will be junior (i.e. who will do what ground).
3. Read the moot problem thoroughly. Make special note of the ground of appeal from the first instance judge and any cases that are mentioned.
4. You will be provided with supporting case law with the moot problem. Look up the case or principle using the sites: Westlaw, LexisNexis or Bailii.org.
5. Check whether there is any academic writing on what you are arguing for.
6. Check whether there have been any case law or statutory developments since the materials you have looked at so far were published.
7. Remind yourself what you are arguing for and choose your authorities.
8. Finally, write and learn your argument, testing each statement made.

What do I do if it looks as if I can't win on the law? Are you sure that you have considered all the possible lines of legal argument? Could it be argued, for example, that the binding authorities are in fact outdated? Even if you have considered all the legal authorities, could there yet be strong arguments of legal principle or public policy, which might persuade the court to favour your interpretation, albeit an imaginative interpretation, of the authorities. Or again, could it be that a case cited against you has no true ratio?

Moot judges usually admire the courage of a mooter who proposes an audacious solution. Arguments of this sort should, ideally, be kept up one's sleeve and used only in addition to more orthodox arguments. Therefore, if you are going to attempt the audacious, let the judge know that you are fully aware that your argument is unorthodox.

If you are really struggling to find relevant case law on your side, then you could argue that the approach taken in an older (and overruled) case should be preferred to the modern approach, or you can argue by making reference to academic articles, cases from other jurisdictions, and international treaties. Though not binding authority, and considerably less weighty than solid English case law, in the hands of an advocate these documents can still be persuasive.

### **Preparing remarks**

We advise against preparing a speech. For competitors with prior experience of public speaking, this may seem counter-intuitive. However, mooting is best thought of as a very formal conversation with a judge. The judge will ask questions (known as judicial interventions) and mooters will be expected to respond within the course of their submissions. Having a full script will almost certainly be a hindrance in this regard. It also runs the risk of encouraging rigid, unconvincing submissions.

This being said, mooters are encouraged to follow the structure of the submissions set out in their skeleton arguments in order to make the best possible use of the time. Two or three run-throughs before the moot are almost certainly a good way to prepare.

### **Reciting case facts**

Having referred to a case name and citation, mooters should ask whether the judge would like a summary of the facts of the case. If they do, it will not be necessary to read out the facts in full; merely a summary of the salient points in the facts of a case will suffice. Reading directly from the headnote is a pointless exercise; if the judge wanted to know what the headnote said, they would read it themselves. Prepare your summaries ahead of time and make them short and direct. Otherwise, you will lose valuable speaking time.

### **Addressing the Judge**

The mode of address in court for individual judges of both the Court of Appeal and the House of Lords is “**my Lord/your Lordship**” or “**my Lady/your Ladyship**”, as appropriate. Do be careful not to mix them up (e.g. “my Lordship” or “my Lord” for a female judge).

### **Introducing yourself and your submissions**

Something along the lines of the following is appropriate. Note also that the Lead Appellant must ask the judge if they would like a brief summary of the facts of the case at hand. It is important to take this into account when timing your speech. Lead Appellant:

“May it please your Lordship, my name is Mr/Mrs/Miss A, and I appear in this case with my learned friend Mr/Mrs/Miss B for the Appellant. My learned friends Mr/Mrs/Miss C and D appear for the Respondent. Would your Lordship like a brief summary of the facts that have led to today’s hearing?”

Junior Appellant:

“May it please your Lordship, as had already been indicated, my name is Mr/Mrs/Miss B and I appear for the Appellant on the second ground of appeal.”

Lead Respondent:

“If it pleases your Lordship, my name is Mr/Mrs/Miss C and I represent the Respondent together with my Learned junior, Mr/Mrs/Miss D.”

Junior Respondent:

”May it please your Lordship, as it has already been indicated by my learned friend, my name is Mr/Mrs/Miss D and I appear for the respondent on the second ground of appeal.”

It can also be a good idea to begin by introducing all your submissions to the judge, this can help you to structure your time and give the judge an idea of where you plan to develop your argument. Whether you wish to use this approach is up to you, you may prefer to keep your submissions separate from each other and deal with them one at a time.

### Referring to Colleagues and Opponents

You should refer to your fellow mooters as “My learned junior (or lead), Mr/Mrs/Miss...”, or “My learned friend, Mr/Mrs/Miss...”. You should refer to your opponent as “My learned friend, Mr/Mrs/Miss...”, or as “Learned counsel for the Appellant/Respondent”, or as “My learned friend opposite”

### Reacting to a question

Judicial intervention can quite often be the most daunting part of any moot. The key here is to keep calm. Mooters who have prepared their case well will probably be able to deal with the question

and turn it into an opportunity to show off their understanding of the law, and their advocacy skills.

Do not be afraid of silence. It is natural to wish to respond immediately, but it may be better to fight that temptation. Take a moment, a sip of water and reflect on what you have been asked. Mooters who do so will probably find that their answer is clearer and better considered than mooters who plunge straight into their answer. Even if the answer to the question appears obvious, it is probably better to take a second. If nothing else, it shows that you have given the judge's contribution due weight and attention.

If you do not know the answer to a question, particularly if it is a question of fact (i.e. 'when did Mr X receive the letter in question?'), do not invent facts or waffle. It is better to tell the judge that you do not know and apologise. Of course, the better you know your brief, the less chance there is of this happening. If you would like to start your answer again, and you feel it necessary, do not be afraid to ask for permission to do so. The worst the judge can say is 'No'.

Mooters who fail to answer a question when asked are unlikely to score well in the assessment of judicial intervention. Wherever possible, you should address a judicial intervention immediately. If the judge asks something that you intend to address later in your submissions, you can ask whether you can address the point later. But, two notes of caution in this regard. First, the judge may express their desire that you answer the question immediately. If they do, you should oblige. Second, if you tell the judge that you will address a point later, you must remember to address the point in the time remaining. Running out of time is no excuse for failing to answer a question that was asked within time.

### **Phrase bank for responding to judges**

The following phrases may help inexperienced mooters begin their responses to a judicial intervention. There is a fine line between observing the language of court and waffling. Prefacing your answer with one of these phrases is fine, but there is nothing to be gained from making your responses (or, indeed, the rest of your submissions) needlessly verbose. Concise, well-worded submissions are always preferable.

#### **Beginning your answer**

- My Lord/Lady, yes/no...
- Indeed, my Lord/Lady...
- I am much obliged, my Lord/Lady...
- No [or yes] my Lord/Lady, I submit...
- My Lord/Lady, with respect I would submit...

### If you disagree with the judge

Do not be afraid to disagree with your judge, particularly if you feel that you have a good reason to do so. The phrases below may help if you are disagreeing with the judge's view on a particular argument, or point of law. There may be instances where it will be appropriate to be a little more direct; for instance, if the judge has clearly misunderstood you.

- My Lord/Lady I hesitate to disagree but in my respectful submission that is not the case. I submit the correct position is...
- With great respect, my Lord/Lady, it is nevertheless my (respectful) submission that...
- I can see the force of your Lordship's/Ladyship's argument, but it is nevertheless my (respectful) submission that...

### If the judge is assisting you

Not all interventions are hostile. The judge may be summing up your argument for you.

- I am much obliged, my Lord/Lady.
- My Lord/Lady, your Lordship/Ladyship is quite correct. I am grateful.

### If you do not understand the question

Even after taking a pause, you may simply not understand what the judge has asked you. This is perfectly normal.

- My Lord/Lady, I should be obliged if your Lordship/Ladyship could clarify the question.
- I am afraid I do not grasp your Lordship's/Ladyship's meaning.

### If the judge asks you about a case or article with which you are not familiar

- My Lord/Lady, I'm afraid that I cannot immediately recall that case/article. Would it be possible for your Lordship to remind me of its relationship to the present case?

### If the judge appears unhappy

Pay attention to the Judge's facial expressions and body language, these can give you good clues as to how they feel about your argument. You may ask something akin to the below.

- Is your Lordship unhappy with this contention?
- Your Lordship appears concerned about something. Perhaps I could be of some assistance?
- May I be of assistance to the Court?

### **Ending a speech**

At the end of your submissions, it is always encouraged to provide a brief summary of your arguments and remind the court of what you have argued. This helps keep a clear impression of your arguments in the judge's mind and shows clarity of thought.

If you have covered all the points that you wanted to address, and there is still time remaining, you could ask the judge whether they have any questions, or whether you can clarify anything.

If you have run out of time, and you are still covering a point, you should gracefully and swiftly wrap up the argument which you are making. Remember to ask whether you can be of further assistance before sitting down.

At the very end of your speech, you should always conclude with: "My Lord/Lady, I respectfully ask that this appeal be allowed/dismissed." This informs the Court that your submissions are at an end. There is no need to bow at the end of your submissions. Remember that you are still in court until the judge says otherwise, so you should not sigh, nor laugh, nor strike up a chat with the person next to you, nor slouch into your seat.

### **Mooting online**

For 2020/2021, the Inter-varsity Moot will take place online. But, the rules of mooting do not fly out of the window simply because you are in a different room (or country!) to your judge. We expect you to be in formal wear and standing if possible.

If possible, please try to conduct the call in a room on your own. If you do not have access to a private room, we will completely understand but ask that you try to keep the background noise to a minimum. Headphones or earphones are preferable, but not mandatory. Your microphone should be muted unless you are speaking, but your camera should be on throughout the call unless your signal is too weak to support it, in which case it is fine to switch your camera off when you are not speaking. If you lose WIFI signal frequently, you may wish to consider a cable connection. If you lose signal while speaking during a moot, there is not a great deal that we can do. If possible, you will be permitted to make your submissions at the end, but this competition will run to very tight schedules to accommodate demand.



All of that being said, we appreciate that this is an unprecedented time and we will try our very best to accommodate people's individual circumstances.

### **3. The Rules**

#### **Contacting academics**

Competitors are not permitted to discuss any of the moot problems with academics or practitioners. In addition, the moot officers will not provide any guidance on questions of law. We encourage mooters to prepare their own cases.

#### **Speaking time**

Each competitor will receive 15 minutes to make their submissions, inclusive of judicial interventions. The Appellants will receive a shared five-minute right of reply.

#### **Bundles**

You will receive pre-made bundles which will include the problem question and case law, along with a space for you to enter your skeleton argument.

**Competitors are expected to submit to the Moot Officers a full electronic bundle, along with their skeleton arguments, 24 hours in advance of the moot.** The bundle should include an unannotated electronic copy (preferably in PDF format) of each authority on which the competitor seeks to rely, along with the competitor's skeleton arguments and, ideally, a contents page. These will be distributed to judges in advance of the moot.

Competitors should expect judges to use the electronic copies of bundles. Judges frequently judge a number of moots on a given day and the cost of printing the bundles would be prohibitive. It is absolutely essential that competitors have access to their bundle during the moot, as judges may wish to refer to different part of a case than they were intending to use, or ask a question that encourages the candidate to use information from a different part of the case.

You may wish to print your bundle. It may be valuable to have the hard copy in front of you, as this typically encourages better advocacy than when reading from a screen. However, we appreciate that for students printing at home or in their accommodation, this may well be unfeasible. If using an electronic bundle on a laptop or computer, it may be worth considering setting up the call on a different device (e.g., a smartphone) if this does not affect the call quality.

Please, do not worry if neither of these approaches are possible. You will not be marked down or disadvantaged.

### **Marking criteria**

You will find our standard marking criteria at ‘Annex B’ to this document. Below. Reading Annex B will tell you how we approach points allocation in general (and may well be worth your time), but the information below should explain in full our expectations.

#### Formal dress (5 points):

This is a question of whether the mooter is dressed in appropriate court attire (i.e. no trainers, nor jeans, nor flashy jewellery). Mooters are expected to wear a dark jacket suit or blazer; a formal shirt or blouse, or a formal dress; dark trousers, a dark skirt, or a formal dress; formal shoes.

#### Skeleton Arguments (5 points):

Competitors will be assessed on the content, organization and structure of their skeleton arguments.

Skeleton arguments should include the main submissions a mooter wishes to make in support of their case. Mooters should cite the authority for each submission, preferably in bold type.

Mooters should also cite statutes and other legal literature in their skeleton arguments.

An example skeleton is provided at ‘Annex A’. Lead and junior counsel are expected to coordinate their skeleton arguments and submit one document. The document must include the arguments of both lead and junior counsel, separated as Annex A demonstrates. For this competition, this document must be no longer than **one side** of A4 **in total**.

**Skeleton arguments must be circulated to one’s opponents no later than 24 hours exactly before commencement of the moot. If a moot is due to take place at 1pm on 14 October, the skeletons must be submitted by 1pm on 13 October (and so on). Failure to do so will result in a point deduction. This will be strictly enforced. A minute over the deadline is a late submission.**

#### Legal Arguments (10 points):

This assesses competitors’ legal arguments, taking into account the quality of their research and intellectual creativity. Good legal arguments should be founded on authority, well-presented, logical and easy to follow. This is not a question of whether or not they are strictly right on the law.

### Communication and Overall Impression (15 points):

Competitors should address the court appropriately. Their delivery should be confident, with a varied tone. It is important to pace yourself. As a general rule of thumb, if you think you are speaking slowly enough, speak a bit slower. Remember to enunciate your words, particularly if you are mooting virtually. You are welcome and encouraged to use your hands and facial expressions to emphasise an important point, but try to keep distracting body language to a minimum. Do not shuffle, or fidget.

You may find that one of the advantages of mooting online is the ability to create a space that works for you. You may wish to find a raised surface, like the top of a chest of drawers or even a pile of textbooks, on which to place your laptop and bundle. This will mean that your bundle is closer to you and you should not need to pick it up. It is always best to avoid having the bundle in front of your face, because it will impact your delivery.

### Judicial Interventions (15 points):

Responses to judicial interventions should be formal, courteous and clear. Take care to reflect on your answer before you give it. Do not be too quick to suggest that the judge is correct and you are incorrect. The judge will ask you challenging questions about your submissions, but you should not be afraid to stick to your argument, respectfully and thoughtfully. In particular, you should make sure that you do not concede your ground, though you may concede a particular point.

### Authorities

Authorities have a significant role to play in this regard. But, please, do not be daunted by the detail provided in this section. You are not expected to master it immediately, or even quickly. We appreciate that it will take time and you are encouraged to try, particularly in the first round, to get it right, so that you can learn from your mistakes.

### Authority limits

Each competitor may cite a **maximum of three** authorities to support their case; any authorities exceeding this will not be taken into account by the judge. For the purposes of this competition, **only cases count as authorities**. It should be noted that any **cases mentioned in the moot problem and/or grounds of appeal will not count** towards this four-case limit. However, considering the time limit, it is rare that mooters will need, or be able to appropriately deal with, more than four authorities per moot.

All cases that a competitor cites in their skeleton arguments contribute towards the authorities limit of three. If two or more competitors cite the same case in their skeleton arguments, that case is counted as an authority for each competitor that cites it. However, if a competitor wishes in the course of oral submissions to rely on a case that they did not cite in their skeleton arguments but which another competitor did, they may do so without the case being included within the limit.

### Reading case citations

Competitors will need to introduce their authorities orally when mooting. This will require them to read the case citation in full. Different mooting competitions take different approaches, but the Moot does not usually allow competitors to dispense with case citations.

The citation for a reported version of a case will include the year in which the case was reported (not necessarily the same as the year in which it was decided), the report abbreviation, the volume of the report in which the case was reported (though some reports do not include this), and the page on which that case report begins. For example, a citation of *Bill v Ben* [2020] 1 AC 3000 would be read as, ‘the case of Bill and Ben, as reported in the first volume of Appeal Cases Law Reports for the year 2020 at page 3000’.

### Court etiquette

The ‘General Advice’ section of this handbook includes some very helpful information on what to say during a moot. We expect you to address the judge in the correct manner and behave as respectfully as you would in court.

### Competition Etiquette

It is absolutely essential that mooters behave appropriately and respectfully throughout the competition.

### Allocation of Grounds

It is for competitors and their partners to allocate grounds between themselves. We understand that one ground may appear preferable to another, but the Moot Officers are not prepared to become involved in any disputes as to the allocation of grounds. In any case, it is irrelevant whether a competitor’s ground is correct in law.

We advise competitors to get in touch with their partners to allocate grounds no later than 48 hours after the allocations are released. **If competitors receive a communication from their partner seeking to allocate grounds, they must respond within four working days.** Failure to do so

may result in a points penalty, or disqualification, at the absolute discretion of the moot officers. If a competitor cannot get in touch with their partner, they are encouraged to contact the moot officers after four working days have passed. Please note that we will not take any action if this period has not passed.

### Conduct

When in court, mooters are expected to be respectful and courteous. It is not acceptable to talk during another mooter's submissions, to laugh, or make derisive gestures. **Such behaviour may result in a points penalty of anything up to 100% of the available total**, at the discretion of your judge.

Rude or offensive language will not be tolerated in communications to your fellow mooters, nor to the Moot Officers, and **will result in automatic disqualification**. Mooters who receive any such communications should inform the moot officers.

**EXAMPLE SKELETON\***

**IN THE COURT OF APPEAL (CRIMINAL DIVISION) ON APPEAL FROM SMITH J  
BETWEEN**

**JAMES ROBERT (Appellant)**

-and-

**REGINA (Respondent)**

**SKELETON ARGUMENT ON BEHALF OF THE APPELLANT**

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**Ground 1: The judge erred in preventing the jury from hearing an automatism defence and in any case, intoxication provides a defence.**

The appellant's actions were triggered by an external factor and were involuntary therefore automatism is an applicable defence.

***Bratty v. Attorney General for Northern Ireland [1963] AC 386***

The appellant was not suffering from a defect of reasoning caused by a disease of the mind at the time of the attack but instead a malfunctioning of the mind caused by an external factor.

Therefore, the defence of insanity is inapplicable.

***R v. Quick [1973] Q.B. 910***

The appellant is not liable for murder as he was extremely drunk and could not have formed the mens rea of specific intent.

***D.P.P. v. Beard [1920] AC 479***

**Ground 2: Owing to the multiple breaks in the chain of causation, both by a third party and the victim himself, causation cannot be proven on the facts.**

The chain of causation is broken by a third party when Lucy cuts open Gary's neck on a pane of glass in her attempt to carry him to her car. The resulting injuries render the injuries caused by James merely a setting in which another cause operates.

***R v. Smith [1959] 43 Cr. App. R 121***

Lucy's act as a third party was a completely voluntary act. She was under no duty to act; therefore, the high level of protection afforded to those acting within a duty does not apply. Her act was a novus actus interveniens. ***R v. Pagett [1983] 76 Cr. App. R. 279***

Gary's act breaks the chain of causation when he runs into the road and is struck by the bus, as this was an unexpected reaction which was not within the ambit of reasonableness. ***R v. Williams and Davis*** [1992] 1 W.L.R. 380

**The Appellant submits that the appeal be allowed. Leading**

**Counsel: Ms. Jessica Sample**

**Junior Counsel: Mr. John Skeleton**

**Annex B: Cross-competition Guidelines**

#### General Guidelines

Start at the top: always begin your assessment of advocates' scores by assessing whether they have met the highest relevant standard.

No negative scoring: the lowest mark an advocate can ever score in a single category is zero. For example, even if an advocate failed to prepare any skeleton argument at all, the lowest score they could receive would be 0 for Skeleton Arguments.

Score between levels: you are permitted to score between levels where whole number points are available. For instance, you could give a score of 9 for Handling of Judicial Intervention to an advocate who falls somewhere between a 10 and an 8, but you could not give an advocate an 8.5.

Accept different approaches and styles: every advocate will present their case differently. It is not expected or even desirable that every advocate will deploy precisely the same tone, pace, body language, etc. in the course of their oral (or indeed written) submissions. Where different styles do not detract from the communication and decorum of an advocate, they should not be disadvantaged. To the contrary, advocates are to be encouraged to discover and hone their unique style.

NB: The Bar Society; Mooting Society; York Law Society and Queen Mary do not tolerate any form of bullying, harrassment, or discrimination. In the event of bullying, harassing, or discriminating behaviour on the part of any advocate, first ensure the safety and well-being of all participants, if necessary ending the event. In the event of an emergency, contact 999 immediately. Then report the behaviour, as accurately and completely as you can, to: the Mooting Society at [mootingsociety.qmul@gmail.com](mailto:mootingsociety.qmul@gmail.com); and/or the academic leads for mooting: [a.bahl@qmul.ac.uk](mailto:a.bahl@qmul.ac.uk) and/or [d.jancic@qmul.ac.uk](mailto:d.jancic@qmul.ac.uk). Please also consider reporting the incident to Queen Mary's dedicated website, Report + Support, at <https://reportandsupport.qmul.ac.uk/>. In the event either the Committee of the Mooting Society or either of the academic leads are satisfied that a participant in one of our competitions has bullied, harassed, or discriminated against anyone in the course of our competitions, they will be immediately suspended from the competition and will be denied any awards or certificates associated with their prior progression through the competition. They may also be banned from any further participation in Mooting Society events and competitions, and the School of Law and the University may become involved in disciplinary procedures.

### Formal Dress

5 The advocate is appropriately dressed, wearing: (1) a dark suit jacket or blazer; (2) a formal shirt or blouse, or a formal dress; (3) dark trousers, a dark skirt, or a formal dress; (4) formal shoes; and (5) no flashy jewellery

4 The advocate meets four of the above five criteria

3 The advocate meets three of the above five criteria

2 The advocate meets two of the above five criteria

1 The advocate meets one of the above five criteria

0 The advocate fails to meet any of the criteria set out above

### Skeleton Arguments



5	Skeleton arguments: (1) have been sent to you and opposing counsel on time; (2) are appropriately formatted (having regard to the expectations of the competition); (3) clearly set out the grounds of appeal, the roles of the advocates, and their submissions under those grounds; (4) make clear and persuasive arguments as to why the appeal should be dismissed/allowed on the advocate's ground; and (5) cite relevant authorities and/or literature in support of those arguments
4	The advocate meets four of the above five criteria, including criterion (1)
3	The advocate meets three of the above five criteria; or the advocate fails to meet criterion (1), but meets all other criteria
2	The advocate meets two of the above five criteria; or the advocate fails to meet criterion (1) and one other criterion, but meets three other criteria
1	The advocate meets one of the above five criteria; or the advocate fails to meet criterion (1) and two other criteria, but meets two other criteria
0	The advocate fails to meet any of the criteria set out above; or the advocate fails to meet criterion (1) and three other criteria, but meets one criterion
<b>Legal Arguments</b>	
10	Legal arguments are: (1) clearly formulated; (2) persuasively argued (even where the advocate is not right on law); (3) well-researched; (4) intellectually coherent; and (5) a good use of the time allocated to the advocate
8	All the criteria set out above are met, though there may be occasional weaknesses some areas, or a recurrent weakness in one area
5	The advocate begins to meet most of the criteria set out above

3	The advocate fails to meet most of the criteria set out above
1	The advocate barely satisfies any of the criteria set out above, and does not do so well or consistently

0	The advocate fails to satisfy any of the criteria set out above
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NB: This is not an assessment of whether an advocate is right on law. It is instead a question of whether they have made persuasive arguments that rely on the strongest legal arguments available to them.

**Communication and Overall Impression**

15	The advocate: (1) addresses the Court appropriately; (2) speaks with good tone, pace, and clarity; (3) has appropriate, undistracting body-language; (4) speaks confidently; and (5) is an unscripted and engaging speaker
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13	All the criteria set out above are met, though there may be occasional weaknesses in a few areas, or a recurrent weakness in one area
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10	The advocate generally fulfils most of the criteria set out above, though some of the criteria may not be met
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8	The advocate begins to meet most of the criteria set out above
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5	The advocate fails to meet most of the criteria set out above
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3	The advocate barely satisfies any of the criteria set out above, and does not do so well or consistently
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0	The advocate fails to satisfy any of the criteria set out above
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NB: Behaviour that is rude or offensive, such as interrupting another advocate's submissions, interrupting the judge may result in the deduction of points from this category at the discretion of the moot judge. Judges may deduct as many points as they see fit.

### Handling of Judicial Interventions

15 Judicial interventions are: (1) responded to with courtesy; (2) are responded to thoughtfully; and (3) are responded to with clarity and persuasively (such that the advocate does not concede their ground as a whole, even if they are willing to concede a particular point)

13 All the criteria set out above are met, though there may be occasional weaknesses in a few areas, or a recurrent weakness in one area

10 The advocate generally fulfils most of the criteria set out above, though some of the criteria may not be met

8 The advocate begins to meet most of the criteria set out above

5 The advocate fails to meet most of the criteria set out above

3 The advocate barely satisfies any of the criteria set out above, and does not do so well or consistently

0 The advocate fails to satisfy any of the criteria set out above