**Course Description**

This experiential learning course is a two-course sequence designed to prepare students for local, regional, and national Moot Court competitions that simulate appellate oral arguments before the U.S. Supreme Court. Students will learn how to work in two-person legal teams to argue a hypothetical constitutional case before a panel of judges. Students are expected to develop and present legal and policy arguments in favor of their clients. To do so, students must research the cases and laws cited in “the competition case.” To be successful, students must advance sound legal arguments and respond to questions from the judges. Oral argument lasts 40 minutes (each side gets 20 minutes) and each student is required to speak for a minimum of 7 minutes.

Throughout the semester, students will become familiar with case law and with the Constitution. They will develop their public speaking skills as well as their ability to analyze information and make effective arguments. They will also be in contact with practicing members of the legal community. The class will give students an advantage in law school and will provide them the opportunity to acquire skills that will be useful beyond a legal career.

The course emphasizes practical experience and specific tasks. Students are expected to attend each class session which are training workshops that cannot be made up. While in class, students must participate actively in discussions and in the simulations and activities. Students learn best by doing, and Moot Court creates a space for legal education and critical thinking.

**Course Learning Outcomes**

At the end of the course, students should be able to:

- Articulate the arguments relevant for the competition case;
- Define the structures and general procedures of the Supreme Court;
- Describe important historical issues affecting the competition case and evaluate the Constitutional arguments for and against the issue at hand;
- Understand and competently utilize the rules of procedure, protocol, and negotiating techniques common to Moot Court competitions;
- Explain the rationale, format, and instructional methods of the Moot Court simulation.
Moot Court Sample Syllabus

Required Texts

2016-2017 ACMA Case (posted on Moodle)

2016-2017 ACMA Cited Cases (posted on Moodle)

Wezier, et al., 2004. *How to Please the Court: A Moot Court Handbook*

Recommended Texts

Dworsky, *Little Book on Oral Argument*

Dworsky, *Little Book on Legal Writing*

Course Requirements

This course is focused on role-playing, participation in local, regional, and national competitions, and simulations. It is a two-course sequence. During the year, we will participate in several competitions. **Moot Court competitions are extremely competitive and participation in them is a lot of work.** Students who have previously participated in Moot Court are expected to play an important leadership role in educating incoming students.

- **Participation (20%)**: Students will be expected to attend every class and to participate fully. Failure to do so will be reflected in the grade. I will take attendance at the start of every class and because we only meet once a week, I expect you to attend every class meeting. If you are sick or have a family emergency, please contact me ASAP. I will require authentication of the illness (doctor’s note, etc) and/or emergency. If you do not qualify for an excused absence, you will lose participation points for the day. In order to receive full credit for participation, you must arrive on time for each meeting and not leave before the class is over. Being on time is critical to successful participation in the Moot Court program. Socializing (either in person or online), texting, or using any technological device for anything other than research during class will not be permitted. If I see you abusing these rules, I will ask you to leave class immediately and you will lose participation credit for the day.
- **Quiz Average (20%)**: There will be a series of quizzes on the ACMA case problem and relevant precedents.
- **Briefs on Case Relevance (10%)**: Each Student will be assigned two cases listed as precedents for the case problem, one which will be reviewed and discussed in class in Week 2 and one which will be reviewed and discussed in class in Week 3. Each student will submit two 300-600 word briefs that explain the relevance of one of the cited cases and its possible application to the facts of the competition case.
- **Oral Arguments (40%)**: Each student will participate in three in-class competitions. The first will be graded on a pass/fail basis, will factor into the participation grade for the course, and will be used to determine the teams that will compete in the regional
Moot Court Sample Syllabus

tournaments. The second and third will receive a letter grade, each of which will constitute 20 percent of the final grade for the course.
• Final Exam (10%): The final exam will evaluate the student’s knowledge of the competition case and the relevant precedents.

**Extra Credit: Petitioner/Respondent Brief: Students have the option to write a petitioner or respondent brief for submission to the ACMA Brief Writing Contest.**

**Course Schedule**

**Week 1:** Course Introduction & ACMA Case Problem – *Keddesh College and A.R.H. vs. United States* (This is a hypothetical case assigned each year by the American Collegiate Moot Court Association (ACMA) for the purpose of moot court competition. At the undergraduate level, cases that serve as precedents are also designated by the ACMA for the purposes of preparing briefs and arguments. This year’s case concerns the 1st Amendment’s Free Exercise Clause and the 5th Amendment’s Equal Protection Clause.

**Week 2:** Review Precedents:

**Group 1 (1st Amendment):**

*Cases TBD*

**Group 2 (5th Amendment):**

*Cases TBD*

**Week 3:** Review Precedents:

**Group 1 (1st Amendment):**

*Cases TBD*

**Group 2 (5th Amendment):**

*Cases TBD*

**Week 4:** Review Precedents and ACMA Case Problem/Formulate Arguments:

**Group 1 (1st Amendment):**

Syllabi of 1st Amendment Cases

**Group 2 (5th Amendment):**

Syllabi of 5th Amendment Cases

**Week 5:** Oral Argument Practice

**Week 6:** Practice/Refine Oral Arguments:
Moot Court Sample Syllabus

Week 7: First In-Class Competitions

Week 8: Practice Oral Arguments

Week 9: Refine Oral Arguments

Week 10: Second In-Class Competitions

Week 11: Prep for Regional Qualifier

Week 12: Prep for Regional Qualifier

Week 13: Practice Oral Arguments

Week 14: Optional Oral Argument Practice

Week 15: Third In-Class Competitions

Final Exam

Online Resources:


Public Speaking Tips

We will practice public speaking in every class and will follow the system of six "C's" to improve your ability:

1. Confidence:
   Confidence is portrayed by being as knowable as possible on your subject and conveying this knowledge through the power of your voice and eyes. Research well and speak as if you know you are undoubtedly right. As the speaker, you must have confidence in yourself; otherwise the audience will have little confidence in you.

2. Clear:
   A speaker can do many things before-hand to assist him/herself in speaking clearly. Write an outline of the topics that are going to be said, and follow it when speaking. Always
Moot Court Sample Syllabus

speak slowly. This will allow the audience to hear everything that is said. Know your terminology well beforehand to avoid fumbling with words. Try to enunciate words properly.

3. Concise:

Unnecessary words and information should not be used to fill in the speech. The speech should be brief and to the point--say what you have to say. Do not ramble on about the topic in order to appear knowledgeable.

4. Constructive:

An effective public speech needs to be properly. Start with a solid foundation that brings together all of your ideas, present your points, and then connect them by reviewing what was said. There should be an introduction, a body, and a conclusion. It is a known fact that three is a magic number. Say it once, say it and review it, then say it again. This method will help the audience to remember what was said.

5. "Con Passion":

Spanish term "con passion". Always maintain eye contact with the audience. In doing so the audience will feel connected to you and your speech. This is what you want. You want to grab and to hold the audience's attention.

6. Critique:

It is always important to speak from--with passion--hence the Spanish term "con passion". Always maintain eye contact with the audience. In doing so the audience will feel connected to you and your speech. This is what you want. You want to grab and to hold the audience's attention.

Some additional tips for effective public speaking:

1. ELIMINATE UNNECESSARY SPEECH FILLERS from your communication. Fillers are words and phrases such as "umm," "well," "it is sort-a like," "it's kind-a like." These take away from the message you want to convey. Some of the words and phrases to eliminate include: "you know," "I think," "I'm sorry," "just," "but," "should," "like," "um," and, "a," etc.

2. USE THE POWERFUL PAUSE. Do not be afraid to have a moment of silence between sentences. A pause, after a thought and prefacing a response to a question holds the attention of the listener.

3. BREATHE from the diaphragm. Breathe deeply and often.

4. PACE YOURSELF. Do not talk too fast or too slow.

5. PHYSICALLY POSITION YOURSELF POWERFULLY. Be aware of your posture when you speak. Slouching, tilting your head and crossing your arms or legs diminishes the message. Stand up straight, shoulders down, feet firmly planted and knees unlocked.

6. PROJECT YOUR PRESENCE. Your voice is the herald that carries your message. Speak from your diaphragm not your throat. Keep the sound in the low- to- medium range. This projects authority. Speak loudly enough to be easily heard. Focus on speaking with enthusiasm, and energy and create color with your voice.
7. GESTURES. Do not be a statue. Consider occasionally exaggerating a gesture. Speaking from a platform is different than holding a one on one conversation. Use your whole body when you speak.

8. CONNECT WITH YOUR AUDIENCE. Use a lot of eye contact. Speak directly to individual members of the audience. Do not take your eyes off your audience or focus on a point over their heads.

9. COMMUNICATE CONFIDENCE. Make a conscious effort to project yourself confidently. This is as important as the message.