

THE **art** OF **ARGUMENT**

a guide to mooting

CHRISTOPHER KEE



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The Art of Argument

A Guide to Mooting

There is no greater skill for a law student than constructing a logical and compelling argument. *The Art of Argument: A Guide to Mooting* guides the reader through the process of developing, presenting and defending a convincing argument in an international mooting competition – a setting where students from around the world come together to argue a hypothetical case and hone their skills as advocates.

The book explains the secrets of success in mooting, in a simple, step-by-step style. It describes:

- what to do when you first get the moot problem
- how to begin researching the subject matter
- how to build an argument
- how to present written and oral submissions
- the value of practice moots
- how to handle yourself at the competition.

This book is primarily aimed at students who are preparing to participate in an international mooting competition. However, other students will find the techniques applicable in all areas of their study and exam preparation, and coaches of moot teams will find it an invaluable source of hints, tips and useful advice.

Christopher Kee is a lecturer in law at Deakin University, with a private practice in the field of arbitration. He has an extraordinary record of success as a participant and coach in domestic and international moot teams.

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Preface

Every book has a purpose and this one is no different. This book is primarily aimed at students who are interested in participating in an international moot competition. However, many of the strategies outlined in the book apply also to domestic moots, as well as to general preparation for exams and assignments. Many coaches of moot teams will find the tips suggested in this book to be extremely helpful in achieving success for their team.

The book is based on the fundamental premise that mooting, and in particular mooting at international competitions, should be fun. The fact that you are participating in a competition is simply the framework that will enable you to have fun. Winning the competition should not be your ultimate goal. Winning is certainly a worthy goal and achievement. However, the knowledge and experience you acquire along the way, and the lifelong friends you will make, are ultimately worth more than your name on a trophy.

In 1999 I was part of the Deakin University team that participated in and won the oral hearings of the Willem C Vis International Arbitration Moot held in Vienna, Austria. I have also coached teams to success in other moot competitions. At the inaugural Madhav Rao Scindia International Moot Court Competition, hosted by the University of Delhi, my students won three of the four prizes on offer, including winning the moot itself. In addition, my students have won numerous individual awards. So when you read this book be assured that it is written from experience. I understand intimately the process you are about to embark upon. I have been through the emotional highs and lows, and I know how to win.

This book is written in a style that is designed to speak to you. It is both informal and informative. It is not a stuffy legal text that

spouts rules of law that you must obey. On the contrary, this book encourages you to be creative, and to think about issues in new ways. It is a “how to” book that concentrates on practical aspects of mooting to assist you through the process; its focus is not the law that may sometimes weigh heavily on your shoulders.

I want to share my secrets of success because I do not believe they should be secrets. Mooting is a very worthwhile educative tool. Through the process of mooting you learn how to construct analytical arguments, to present your point logically and soundly, and to consider and address the queries and concerns of your opponent and the moot master. For a law student there is no greater skill than constructing a logical and compelling argument. High-level international moot competitions are probably the closest you will get to a real legal case, while you are still a student. By this I mean a case that you are responsible for: a case where you are the advocate, and where your client’s future depends on your ability to argue.

International moots serve an even greater purpose. By their very nature, international moot competitions are examples of disputes that are solved in a peaceful and non-violent manner. At a time in history we may come to remember for its acts of horrific violence and its “war on terror”, it is comforting to know that some disputes can still be resolved amicably and reasonably. With all this in mind, I wish you good luck as you embark upon your journey. I know that you will find this book useful, and I ask that you never forget the most important piece of advice I can give you – have fun!

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