

Moot presentation (law)

Mooting is a mock court hearing in which two student teams argue the legal merits of a fictitious civil or criminal case. Each team usually consists of a senior counsel and a junior counsel, and both members are expected to contribute equally to research, preparation, and oral submissions.

Unlike witness examinations, mooting focuses on arguing how the law applies to facts. During a moot, each team is usually allocated a limited amount of speaking time to present legal arguments, respond to questions from the bench, and demonstrate professional courtroom communication skills.

Figure 1. Example of a moot presentation involving two student teams



Note. Image generated by ChatGPT

This Quick Guide supports you to:

1. use appropriate courtroom etiquette and professional communication
2. respond to questions from the bench professionally
3. construct clear and structured oral legal arguments

Courtroom etiquette

Purpose: To communicate professionally and respectfully during the moot presentation.

What to do:

1. Dress professionally

Dress respectfully and professionally, similar to workplace expectations in legal settings. Formal robes are not required for student moots.

2. Introducing yourself in court

At the beginning of the moot:

- stand and bow when the judge enters
- senior counsel introduces both team members

Example

“May it please the court, my name is Ms Smith, I appear on behalf of the xx (applicant/appellant/defendant/respondent) with my junior counsel Mr Brown.”

3. Responding professionally to the judge and bench questions

- During the moot, always address the judge as: “Your Honour”
- The judge may interrupt to ask questions. This is a normal part of mooting. If interrupted, stop speaking and listen carefully. Never interrupt the judge.
- Make sure you understand the whole case, not only your allocated section, as the judge may ask questions about any part of the moot problem.

Examples

When responding respectfully to a judge, including when disagreeing:

“With respect, your Honour...”

•————•

When acknowledging a direction:

“As your Honour pleases.”

•————•

If you are unsure how to respond, you may briefly confer with your teammate: “If it pleases your Honour, may I confer with my junior/senior counsel?”

4. Referring to counsel formally

Use formal courtroom terms when referring to counsel:

- Your teammate: “my junior counsel” or “my senior counsel”
- Opposing counsel: “the junior/senior counsel for the appellant/respondent”

5. Maintain professional posture and delivery

When speaking:

- Stand upright
- Speak slowly and clearly
- Maintain eye contact with the judge
- Use a confident volume
- Keep gestures controlled

Avoid:

- looking down constantly
- reading from notes
- shuffling or fidgeting

Oral argument strategies

Purpose: To construct clear, logical, and persuasive oral legal arguments during the moot.

What to do:

1. Understand the responsibilities of each counsel role

The moot presentation generally follows this speaking order:

➡ **Senior counsel for the applicant/appellant.** They usually:

- provide a concise and objective factual summary. The factual summary should provide context without arguing the legal issues.
- outline the team’s submissions.
- explain which submissions each counsel will address.
- deal with at least one or two substantive legal issues in the moot problem questions.

➡ **Junior counsel for the applicant/appellant.** They usually:

- proceed directly to substantive legal arguments.
- focus on legal analysis rather than factual summary.
- conclude the appellant’s submissions.
- provide a summary of the entire case at the end of their submissions.
- request the orders sought.



➡ **Senior counsel for the respondent.** They usually:

- accept the appellant's factual summary or provide a revised summary if the earlier version is incomplete or biased.
- outline the team's submissions.
- explain which submissions each counsel will address.
- deal with at least one or two substantive legal issues in the moot problem questions.

➡ **The junior counsel for the respondent.** They usually:

- conclude the respondent's submissions.
- formally closes the oral argument.
- provide a summary of the entire case at the end of their submissions.
- request the orders sought.

Note: For the respondent team, focus on the legal issues in dispute and respond directly to the appellant's arguments by explaining why those arguments should not be accepted and why your interpretation is more persuasive.

2. Use IRAC to structure your arguments

IRAC structure stands for:

- **Issue:** identify the legal issue in dispute
- **Rule:** explain the relevant legal principles, legislation, or case law
- **Application:** apply the law to the facts clearly. You can cite paragraph numbers where appropriate and pause briefly to allow the judge to locate references
- **Conclusion:** state the outcome of your argument.

3. Use formal and signposting language

 Avoid informal language such as: "I/we think/feel/believe....", "In my opinion...", "In my view...", "Sorry, can I take that back...", "I/we could argue..."

 Instead, use formal submission language such as: "I/we submit/ contend...", "It is submitted/argued that...", "It is contended for the appellant...", "The way we put it is...", "Sorry, I withdraw that...", "With respect, your Honour, I disagree...", "I invite your Honour to hold that..."

 Use signposting language to guide the judge through your argument.

Example

"First, I will argue..."

"For those reasons..."

"It is concluded that..."

4. Cite cases professionally

When first referring to a case, cite it fully.

Example

“Cormack and Cope, 1974 volume 131 Commonwealth Law Reports 432 at page 452.”

Important points:

- In criminal cases, pronounce “v” as “against”
- In other cases, pronounce “v” as “and”.

Note: Following the first case being cited correctly, senior counsel may ask the judge if they can dispense with formal citations. If permitted then both senior and junior counsel can then simply state the name of the relevant case.

When referring to a judge's statement from a previous case.

Example

“In Australian Woollen Mills and the Commonwealth, his Honour Chief Justice Dixon said, at 475, that..” (assuming that formal citations have been dispensed with)



Key takeaway

Mooting assesses more than legal knowledge. It also assesses how effectively you can:

- communicate professionally using appropriate courtroom etiquette
- respond professionally to questions from the bench
- structure oral submissions clearly, logically, and persuasively

Preparing early, practising your oral delivery, understanding your role, and using the IRAC structure can help you approach your moot presentation with greater confidence.



Related resources

Whilst SCU procedure varies and you should refer to the assessment brief, this link contains some useful tips about mooting generally: [UNSW Mooting Tutorial](#)

- Southern Cross University – [IRAC Quick Guide](#)
- Southern Cross University – Library [AGLC4 referencing guide](#)



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