

Comments and pointers on first-round entries for the Kingsland Cup and Prize Moot 2020-2021

This Note provides some general feedback and advice for moot entrants based on observations made by us and other members of Chambers when marking the first-round entries of the Kingsland Cup and Prize Moot. It is not intended to be a comprehensive list of all aspects in which entries could be improved, and does not deal with the substantive legal arguments involved in the problem. However, it is hoped that this Note will provide some guidance for those who were unsuccessful at this stage when applying for future moot competitions.

1. **Heading:** Check that your heading is presented in the correct format, with all the necessary information. It is set out in the Instructions to Counsel so there is no excuse for getting this wrong.
2. **Jurisdiction:** What jurisdiction are you in? Should you be referring to the Claimant and Defendant, Appellant and Respondent, judicial review or statutory review, grounds of review / claim or grounds of appeal? Many entrants lost marks for failing to use the correct terms, which were given in the moot problem.
3. **Use the space you are given:** The skeleton arguments are your one opportunity to get through to the semi-final and the stage at which you will be competing against the largest number of other teams. Six pages is not a lot of space in which to make your arguments so make the most of it. Skeleton arguments which do not make use of the full page limit or take up a significant quantity of space with a restatement of the facts and or a bare list of authorities are missing out on the opportunity to persuade. Moreover, the skeleton argument should not be overly skeletal (see following).
4. **Skeleton argument:** The key to drafting a skeleton argument is in its name: negligible credit can be given for bare assertions of well-established principles of law or repetition of the matters provided to you in moot problem. Rather, you must focus on the arguments that support your case: the document must give a detailed explanation of why it is that a party's case is correct, and the relevance and utility of each piece of information and legal principle must be made clear.

5. **Authorities:** Do not leave the markers in any doubt that you know the legal status of your authorities. A decision of a Planning Inspector is not the same as a judgment issued by a court. Give the full and appropriate citation for your authorities at least once: a Westlaw or LexisNexis reference is not acceptable. Don't just cite or quote case law or legislation: explain how it supports your argument and why it is right as a matter of principle. Finally, when relying on judicial reasoning or a statute, decide whether the precise wording used is important: if it is, quote the relevant part; and if not, briefly summarise the principle on which you rely. In either case however, you must include a reference to the precise paragraphs or provisions relied on.
6. **Typographical rigour:** Check, check and check again for typographical and presentational errors – a common yet easily avoidable way to lose marks. Find ways of working with your team-mate to manage this process effectively.
7. **Self-contained document:** While the moot rules require you to submit two skeleton arguments, each document should be drafted without reference to the other. You have not yet seen the other side's arguments, save to the limited extent these are set out in the permission judgment. Your argument should stand up by itself, and not rely unduly on rebutting what might be said against it.
8. **Language:** Remember your audience, forum and the purpose of the document. Hyperbole can come across as overblown and when used to persuade often has the opposite effect. Similarly, courts are not assisted by convoluted syntax, 'fancy' or high-sounding terminology, or legal jargon: clarity is key. Use the plainest and clearest words to encapsulate the point that you want to make. Finally, make sure the words that you use do not have a legal meaning different from the sense in which you are using them – this will only serve to confuse and thereby weaken your case (and reduce your mark).

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