

CONFERENCES AND REPORTS

Learning EU Law through the Moot Court Competitions, Paris, from 9th to 12th January 2017

A moot court or mooting is a popular way of learning legal argumentation by simulating a court proceedings. Participants usually have to solve a fictive case including research and analysis of problems raised by the case, preparing a written submission and presenting oral arguments before a panel of judges. The international moot court competitions are also well known for pushing the students to think about legal problems which had not been solved in the case-law of the relevant courts or in academia.

Students of the Charles University, being assisted and coached by the personnel of the European Law Department, regularly participate at the international moot court competitions in European law.

Last year, the team of students **Kateřina Novotová, Lucie Škapová and Ondřej Dolenský won the Central and Eastern European Moot Competition 2016** held in Bratislava.

This weekend (9-12 January 2017), the team of students **Matěj Blažek, Tomáš Hejný, Tomáš Ochodek and Matěj Slavík successfully participated in the Regional Final of the European Law Moot Court 2017** which took place in Paris. Tomáš Ochodek was awarded a prize for the most pugnacious pleader after his excellent performance on behalf of the applicant.

The students have described their mooting experience as formative because of the need to master several skills the moot court requires. In fact, possessing these skills is not crucial only for exercising the profession of an attorney at law, which the moot court rather faithfully resembles, but for basically any legal profession. In other words, the curricula of the law studies at the Charles University still primarily focuses on knowledge of law, whilst for the majority of students the moot court is the first opportunity to experience the complex process of solving a non-trivial legal problem.

At the beginning of every moot court competition, the students have to carry out an **extensive research**.

The **use of case-law** is crucial at this stage of the competition and the students often have to learn how to read judgments, how to extract the test which the court had applied in the pertinent judgment and how to apply it to a similar situation.

The students can be caught by surprise that in the moot court competitions it is generally impossible to find the answers they are looking for. The moot court teaches the students to think independently and to come up with a solution to problems which had not been solved. The students are therefore compelled to use the relevant legal provisions and case-law only as guidelines for crafting their own arguments. Getting used to constant changes in the team's argumentation is also a part of the game. Finally, even in law practice, the first version of a submission is never the last one.

In the first round of the competition the team has to submit a written pleading, the **legal writing** is therefore an essential part of mooting. The legal writing for the purposes of the moot court does not however equal the academic writing. The task here is not to analyze and look for a solution in general, but to take into account the particular interests of the party which the team represents and to argue in its favor. Such a type of legal writing is often new to law students and the experience with the moot court competitions suggests that, apart from the academic writing, the training of writing legal arguments in the concise and comprehensible manner should also take place within the curricula.

The **oral presentation of arguments** before a panel of judges usually put a considerable stress upon the students. This stage of the competition tests the ability of students to present orally and their actual understanding of their arguments. It is the habit that the moot court judges ask many questions to test the responsiveness of the pleaders, the general knowledge of EU law and their ability

to orientate themselves in the argumentation. An excellent pleader is persuasive and possesses solid knowledge of the applicable law and case-law which he creatively uses to answer the questions of the judges.

Undoubtedly, the **team work** is not the most common activity during the law studies. Personally, I appreciate that the moot court is one of the rare teaching method in which the students have to cooperate, divide the workload and work in teams. Naturally, the workload is seldom shared equally, and it can happen that from various reasons some members of the team work less than others. On the other hand, such a situation also teaches the students to organize more effectively and make sure that the division of workload is manageable and at least acceptable for everyone.

In the moot court competitions it is therefore essential to master a set of soft skills. However, these soft skills should not be associated merely with mooting. They should not be considered anything extra but rather the standard abilities that every law student should manage. Neither memorizing legal provisions nor the moot court competitions as such make a good lawyer. Nevertheless, if the objective of legal education is defined as becoming a good lawyer – whether an academic or practitioner is at this moment utterly irrelevant – my claim is that the aforementioned soft skills have an added value and should become the standard part of legal education.

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