

## MOOT COURT SEMINAR – course outline

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### **SEMINAR CREDIT:**

**1. Presence during seminars** – Students are entitled to **1 absence** during seminars(14h). Any further absence has to be passed in 2 weeks during office hours. Student is expected to have knowledge on the material discussed during the missed seminar. Absence above **50% of seminars' hours** is a basis for being unclassified (no grade is obtained, a student is obliged to repeat the course next semester / year).

**2. Activity during seminars** – Students are expected to be prepared and active during the seminars, including by engaging in discussions on the prescribed material. They may also be asked to prepare papers (case studies) and give presentations during the seminars.

**3. Papers** – Students are obliged to prepare papers (Draft pleadings, Outline of oral argumentation) within the prescribed and announced deadlines (as published on the Faculty's website).

**4. Grade: memorial writing & oral argumentation** – in order to obtain a positive grade at the end of the course, students are obliged to **prepare the memorials** (a written argumentation), for both parties to a dispute - Applicant and Respondent, as well as an **oral argumentation**.

Students working in a group of 2 members are to prepare the written argumentation for both States parties to the dispute (Applicant and Respondent). Deadline for memorials submission is 19<sup>th</sup> of March 2016. During the last two seminars, students will argue orally the arguments before judges (seminar teacher), who is entitled to ask questions during their presentation.

### **Recommended readings:**

- Michael Hyam, *Advocacy skills*, Oxford University Press, 2010
- Neil MacCormick, *Legal reasoning and legal theory*, Oxford : Clarendon Press, 1978.
- Timothy A. Affonso, *Mastering the Art of International Mooting: The Structure, Technique and Rules of International Mooting*, Xlibris, 2013
- Frederick Schauer, *Thinking Like a Lawyer: A New Introduction to Legal Reasoning*, Harvard University Press, 2012
- John Snape, Gary Watt, *How to Moot: A Student Guide to Mooting*, Oxford University Press, 2010

## COURSE OUTLINE:

1. **Introduction to international law moot court competitions.**
2. **Case analysis and legal research.**
  - a. Compromis construction;
  - b. Reading the Compromis (generalities; specifics – organization tools; preparation for research);
  - c. Major Topics stemming from the case (how to divide into Prayers for Relief, and pleadings);
  - d. Research in the light of art. 38 (1) ICJ Statute.
3. **Memorial writing.**
  - a. **Memorial's preliminary sections:**
    - i. Cover Page;
    - ii. Table of Contents;
    - iii. Index of Authorities /List of Sources/;
    - iv. Statement of Jurisdiction;
    - v. Questions Presented /Issues/;
    - vi. Statement of Facts;
    - vii. Summary of Pleadings;
    - viii. Pleadings (including Conclusion/Prayer for Relief) /Argument + Submissions/.
  - b. Pleadings – written argumentation (requirements).
    - i. Content:
      1. Practical advises from international law moot court competitions;
      2. Organization of arguments;
      3. Citation of sources;
    - ii. Interpretation in legal theory.
    - iii. Interpretation in international law.
    - iv. Legal argumentation.
4. **Oral argumentation.**
  - a. Dividing arguments & dividing speaking time.
  - b. Procedure.
  - c. Style & structure.
  - d. Role of Applicant & Role of Respondent.
  - e. Questions from judges.
  - f. Rebuttal & Surrebuttal.

### SCHEDULE

<b>19<sup>th</sup> of February</b>	Introduction (requirements, course outline); Presentation of the case to be analysed; how to write a memorial
<b>26<sup>th</sup> of February</b>	Case analysis and legal research. <b>First pleading</b> – diplomatic agent immunity from criminal and civil jurisdiction & reservation to treaties (customary international law v. law of the treaties; admissibility; compliance with purpose and object of the treaty; legal effects of invalid reservation)
<b>5<sup>th</sup> of March</b>	<b>Second pleading analysis</b> – legal status of diplomatic premises (inviolability immunity; consent of receiving state to expand diplomatic mission in other locality); interpretation of treaty
<b>12<sup>th</sup> of March</b>	<b>Third pleading analysis</b> – termination of the treaty in international law (characteristics of treaty as a source of international law; grounds to terminate treaty under international law; States responsibility & circumstances precluding wrongfulness)
<b>19<sup>th</sup> of March</b>	Summary of the arguments; Oral argumentation – requirements, practice
<b>26<sup>th</sup> of March</b>	<b>ORAL ARGUMENTATION</b>
<b>9<sup>th</sup> of April</b>	<b>ORAL ARGUMENTATION</b>