

2025 JOHN BLACK
Moot Court
Competition
Learning Lunch
presented by

ADVOCATES

at

UNIVERSITY of HOUSTON | LAW CENTER

Competition Director and Learning Lunch Host:
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Who are **The Advocates**?

- ❖ The Advocates is a UHLC student organization devoted to improving students' oral advocacy presentation skills through competition.
- ❖ Each year, The Advocates host intramural competitions to give students at UHLC opportunities to develop and practice invaluable skills used by practicing attorneys.

UHLC Advocacy Opportunities

❖ Mock Trial

❖ Moot Court

❖ ADR

- Mediation
- Negotiation
- Arbitration

John Black Summary

- ❖ John Black is an intramural Moot Court tournament.
- ❖ Only 1Ls are eligible.
- ❖ Closed Research
- ❖ Winning teams get a cash prize.
- ❖ Earn one hour of retroactive academic credit (brief, petition, register)
 - Brief requirements will be sent after
 - 1 Person: 3-4 pages & 2 People: 6-10 pages
 - Brief should be written in accordance with rules of Supreme Court
 - [SCOTUS Brief Writing Rules](#)

Anatomy of a Moot Court Round

- ❖ Appellant (Petitioner) goes first → Appellee (Respondent) → Appellant (Petitioner) Rebuttal
- ❖ 24 minutes per side
 - Each participant will address one issue from the fact pattern. There are usually only 2 issues.
 - At the beginning, the bailiff (and/or judge) will ask each team how they want to divide their 24 minutes.
 - Time can be divided up unevenly between participants (E.g., 10 minutes for 1st speaker and 14 minutes for the 2nd) if they want to, but teams often will divide the time equally.
 - Each speaker **must** speak for at least 8 minutes.
 - Do not forget to request time for rebuttal **at the beginning**.

Anatomy (cont'd)

- ❖ Typically broken up like this:
 - Speaker 1:
 - Introduction
 - Global Roadmap
 - Background/Facts (if court wants)
 - Argument 1
 - Roadmap the subissues
 - IRAC each subissue
 - Conclusion & Prayer
 - Speaker 2
 - Modified intro
 - Argument 2
 - Roadmap the subissues
 - IRAC each subissue
 - Conclusion & Prayer

- ❖ Whichever team is the Appellant/Petitioner can choose who does the rebuttal

Introduction

◆ Introduce yourself

- Appellant: don't forget to reserve time for rebuttal!
- Speaker (Appellant): “May it please the Court [pause]. My name is *Your Name*, and I represent *Name of Client*, appellant here and plaintiff in the trial court.” First, we would like to reserve 2 minutes for rebuttal [pause for approval].
- Speaker (Appellee): “May it please the Court [pause], my name is *Your Name*, and I represent *Name of Client*.”

Introduction (Cont'd)

❖ **Introduce the Issues on Appeal**

Example: Speaker 1: “There are two issues on appeal. In my time before the court, I will show why the court of appeals/district court *erred* in holding

❖ **Theme Statement**

You *may* use a one sentence theme statement to sum up either your issue or the entire case

Introduction – Recitation of Facts

- ❖ Appellant only:
 - “The facts of this case are as follows:
 - Short (no more than 2 minutes) – do facts for both issue
 - Don’t be overly controversial, but emphasize facts favorable to your client.

- ❖ Appellee:
 - Don’t do a full recitation of the facts.
 - If there were relevant inaccuracies or omissions relating to your argument, point them out.
 - Otherwise, just put your spin on the facts as you go through your argument.

- ❖ Be prepared for the judge to tell you to skip the facts

Introduction - Roadmap

- ❖ Pick 2 or 3 points in support of your issue
- ❖ Rank them in order of importance
- ❖ If you can, use the standard of review in your favor

The Argument

- ❖ Know what you want the court to do
- ❖ If you are asking the court to adopt a new rule, or revise/interpret an existing rule, be able to clearly articulate the rule/interpretation you want.
 - Also know how your proposed rule would impact future hypothetical cases, the administration of justice, and general public policy concerns
- ❖ **Clash**
 - Appellant: “Appellee is going to ask this court to find..., however the result they seek would be wrong because”
 - Anticipate the other side’s arguments and state why they are wrong
 - Anticipate the authority they other side will use and state why it doesn’t apply
 - Appellee: “Appellant said, ... and they are wrong because”

The Argument (Cont'd)

- ❖ Signpost when you are beginning your argument and when you are moving to your next point.
 - “As to the first of these three reasons,”
 - “Turning to my next point,”

- ❖ Know your case cold.

- ❖ Use cases to support your argument and reference the page
 - This is a closed-research competition - only use case law provided
 - Your argument should not be the law according to you
 - “An example of this can be found...”
 - Know the facts, procedural history, and the citation to every relevant case but only recite them if necessary to support your point or in response to a question

Conclusion & Prayer

- ❖ Conclude by briefly stating the relief you want
 - Conclude for both issues
 - **Long Prayer** – “In conclusion, your honors, *Name of Client* has shown here today For this reason, Appellant respectfully requests this Court to
 - **Short Prayer** – “Appellant respectfully requests this Court to . . .

Running out of time?

- ❖ If you are answering a question from the court:
 - “Your honor, I see that I am out of time, may I briefly respond to your question and conclude?”
 - Quickly answer the question and give your short prayer
- ❖ If you are not answering a question:
 - “Your honor, I see that I am out of time, may I briefly conclude?” Then give your short prayer.
 - “Your honor, I see that my time is about to expire” Then based on the amount of time you have left you can give either your long prayer or your short prayer.

The Rebuttal

❖ Only the Appellant Gets to Rebut

- Rebuttal is strictly limited to refuting a specific point brought up in the appellee's argument
- Don't rebut everything
- Don't just repeat your arguments
- No more than 2 points on rebuttal – best if its is one point on each issue
- “May it please the court [pause], Appellant has 2 points on rebuttal. First ... [brief statement]. Second ... [brief statement]. As to the first point...”
- Great place to point out Appellee misstated the law or the record in a **SIGNIFICANT** way.

Preparation

*Know your argument &
be prepared to go off script!*

Answering Judge's Questions

- ❖ ANSWER THE QUESTION ASKED!!!
 - If you were in the middle of something, answer first.
 - When you're done, don't imply the judge was rude by saying, "getting back to my point" or "returning to where I was"
- ❖ Answer the question first (yes or no), then explain your answer.
- ❖ Listen to the entire question. Pause before answering.
- ❖ Answer questions with references to case law
 - "No, your honor, in *Smith v. Gore*, the court addressed this very issue...."
- ❖ If you don't understand the question, you can
 - Ask the court to clarify the question
 - Say, "If your honor is asking _____, then _____."
- ❖ Don't argue with the judge or tell him/her their question is irrelevant

Professionalism

- ❖ Dress professionally
 - Ties
 - Jackets on
 - Minimalistic accessories
- ❖ Always stand when the judges enter or exit the room
 - Stay standing until the chief justice tells you to be seated
- ❖ Always stand when addressing the court
- ❖ Stay behind the podium and restrict gestures. Don't bang the podium
- ❖ Show deference to the court
 - Never, never, never talk over the judge – when the judge starts to ask you a question immediately shut up and listen
 - Never interrupt the judge
- ❖ When addressing a judge say “your honor”
- ❖ Look the judges in the eye

Delivery

- ❖ Don't interrupt your opponent with objections or to respond to something they said
- ❖ Do not speak *at* your opponent
- ❖ Don't laugh or roll your eyes at the other side
- ❖ While the other side is speaking take notes on clash/rebuttal points
 - Do not speak to your partner during the other side's argument; pass a note if necessary
 - Pay attention to how the judges are responding to the other side's arguments.
 - The skillful advocate will refer to specific points raised by the other side
- ❖ Meaningful pauses
- ❖ If you get done early, stop – don't ramble to fill time
- ❖ Don't speed up if you are running out of time
- ❖ Don't read – Be conversational – Be yourself
- ❖ Speak slowly and in a loud, confident voice

After the Competition

❖ Moot Court Tryouts:

- TBD

❖ Applying for Credit

- Submit the Brief
 - Deadline to turn in brief will be announced
 - instructions will be emailed
- Petition for Credit
- Register the Credit
- “GOOD FAITH EFFORT”

Reasons YOU Should Complete in John Black!

1. Experience

- No stakes - all 1L's
- Practice public speaking and persuasive oral advocacy
- Boost your resume

2. Great networking opportunity

- Attorneys and judges
- Great way to meet peers you haven't met yet

3. Academic Credit

Registration

- ❖ Starts tomorrow!!! Tuesday, February 25th.
- ❖ Registration will remain open for 1 week and close on Tuesday, March 4th, or until 16 teams sign up.
- ❖ Please note that the problem packet will NOT be released until March 7th.
- ❖ Cost:
 - 2 Advocates Members: \$20
 - 1 Adv. Member/1 Non-Member: \$60
 - 2 Non-Members: \$100

Dates to Know

- ❖ **Professor Simpson's Presentation – How to Do an Effective Appellate Oral Argument: Moot Court and Real Life**
 - Saturday, March 1, 2024, from 10am-12pm, in Room 210
 - [Link to Handouts for Professor Simpson's Presentation](#)
 - QR Code to Handouts:



Scan for Link to Handouts

Dates to Know (cont'd)

- ❖ **Moot Court Team Tryouts – TBD**
- ❖ **Preliminary Rounds – Friday March 21st**
 - 24 Minutes per side
 - Round Times are 9:30 am, 1:00 pm, and 4:30 pm
 - Be prepared to argue both sides
 - 3 Competitive Rounds per team
- ❖ **Quarterfinals – Saturday, March 22nd at 9:30am**
- ❖ **Semifinals – Saturday, March 22nd at 1:00pm**
- ❖ **Finals – Saturday, March 22nd at 4:30pm**
- ❖ **John Black Competition Director Position**

Questions?

❖ Email me!

- Evalyn Nguyen: enguyen8@cougarnet.uh.edu