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# Do moot courts belong to high schools? And if so, under what circumstances?

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## **Introduction**

Moot courts are considered to be a common clinical legal education method. The purpose of the following article is to demonstrate advantages and disadvantages of using moot courts as a teaching method at high schools. This will be based on the experience of Street law assistants and their survey held among high school students. Gathered and analysed information will hopefully provide answers to the questions mentioned above.

The article is divided into four parts. The first part introduces Charles University Law School Street Law course since it serves as prime source of our experience with high school students teaching and organising moot court. The second part deals with basic benefits and set backs of high school moot courts. The third part is dedicated to survey results presentation and the fourth part is composed of our experience of moot court organisation.

The purpose of our article is to offer basic information about the moot court simulation itself, present our survey research of high school students' simulation perception and share our

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experience which might serve as encouragement for moot court organisation and also as basic advice on which common mistakes to avoid and what to pay close attention to.

## **Street Law programme at Charles University Law Faculty**

The Street Law programme was founded at Charles University three years ago and it is designed as an optional course with one semester duration usually attended by fifteen students. Seminars are taught by one teacher and three assistants who help with lesson preparations and provide mentoring for street law students. The course is divided into two parts.

The first part is the “theoretical” one and initiates the semester. University students are taught basic teaching skills and methods and work to improve their presentation skills.

The second part is the “practical” one. University students are split into groups of three and teach at high schools under the Street Law teacher or assistant supervision. This part lasts approximately six weeks (each group should teach at least ten 45minute long lessons) and represents the peak of the course. Street law students are expected to conclude their teaching efforts in an appropriate way. Some of them choose a written test, some prefer a closing discussion and some decide to organise a high school moot court. According to our experience approximately 80% of Street Law students choose this option and approximately half of them refuse proven moot court model cases offered by the Street Law teacher and create their own stories.

## **Pros and cons of moot court organisation by university students**

As already mentioned above, the Street Law course has been taught only for three years. Nonetheless the organisation of high school moot courts was studied comprehensively and both advantages and disadvantages were examined properly.

First of all it should be pointed out that high school moot courts are in general an attractive and challenging teaching method. This bold claim is justified by improved employment of creativity of both university students who create the case and manage the whole simulation and high school students who play different roles and learn to cooperate while extending their knowledge. Additionally high school moot courts test university students’ knowledge of positive law, their organization skills and creativity.

On the other hand, high school moot court organization is very time-consuming and university students usually spend a lot of their spare time since it is necessary not only to prepare the case and roles, but also to possess perfect legal knowledge, because of the frequent appearance of unexpected situations during the moot court performance.

Moot court performance requires a certain legal knowledge which high school students mostly lack and the teacher’s task is to find a proper balance between the necessary basics and overextension. So high school students will know what to do yet they won’t be discouraged or even demotivated.

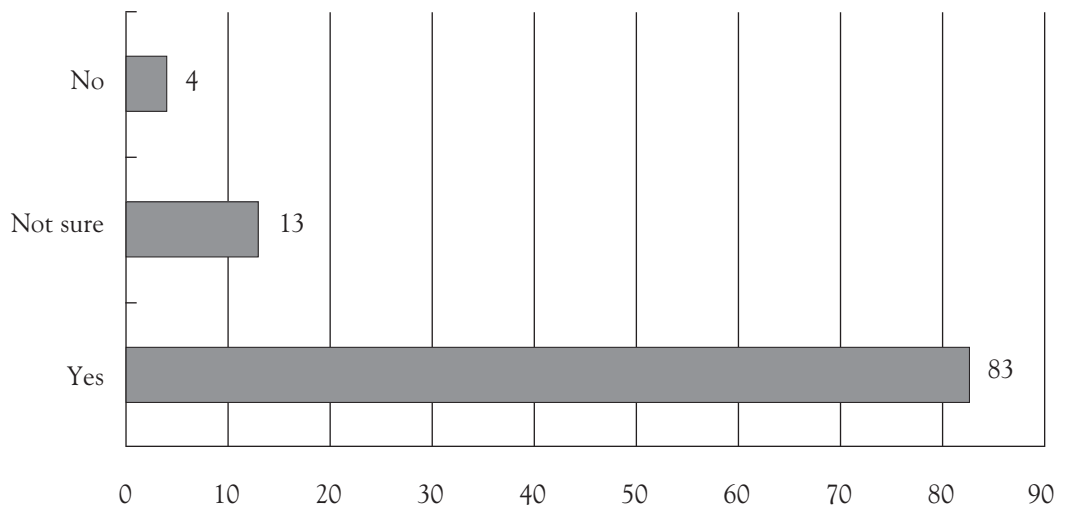
Despite the mentioned disadvantages or complications the organisation of high school moot court is a very popular teaching method among university students.

## The survey and its results

The survey was held among high school students who already participated on moot court simulation. In total we collected almost 30 answers which serve as a base for our research. We asked several questions combined both from simple yes and no ones and more narrative ones. However presented will be only some of the most important ones. Our goal and research purpose is both to ensure students receive desired impact and simulation serves its true educational purpose while held without any organisational troubles.

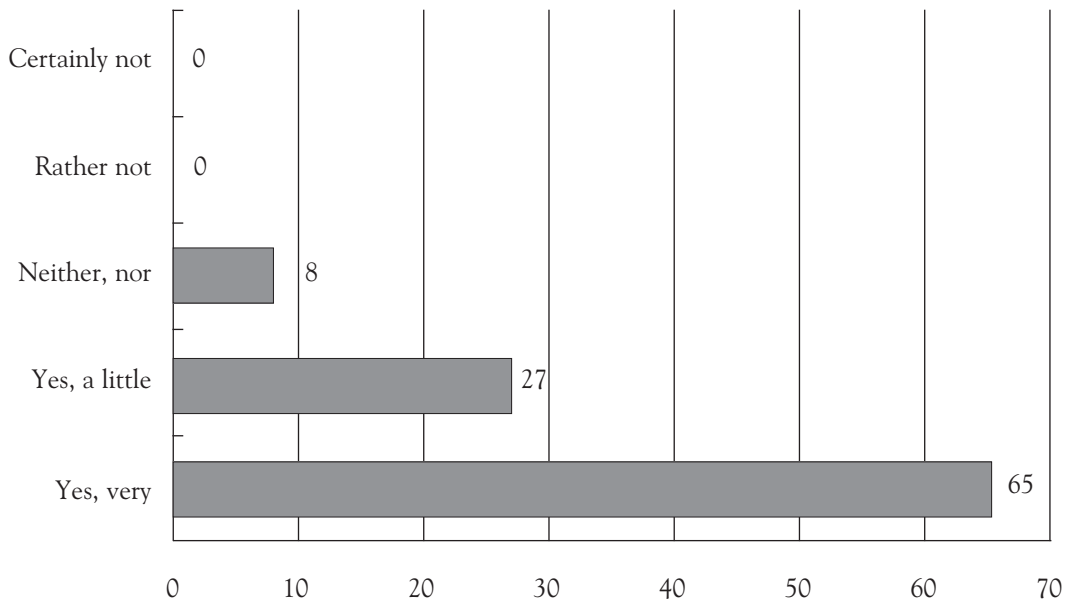
Moot Court is a method which differs from typical education. Maybe this uncommonness makes it so popular among High School students, at least according to our questionnaires results. Most (70%) of students looked forward to it. Another 20% were unsure and only 8% expressed their rather negative concern.

### Was moot court participation beneficial for you?



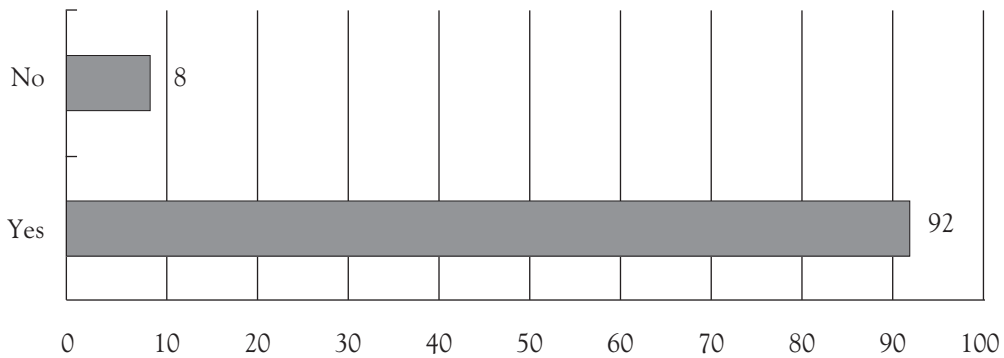
Many students also consider moot court as a very or rather useful educational method (92%) and no student stood in opposition claiming the method was useless.

### Do you consider moot court as a beneficial teaching method?



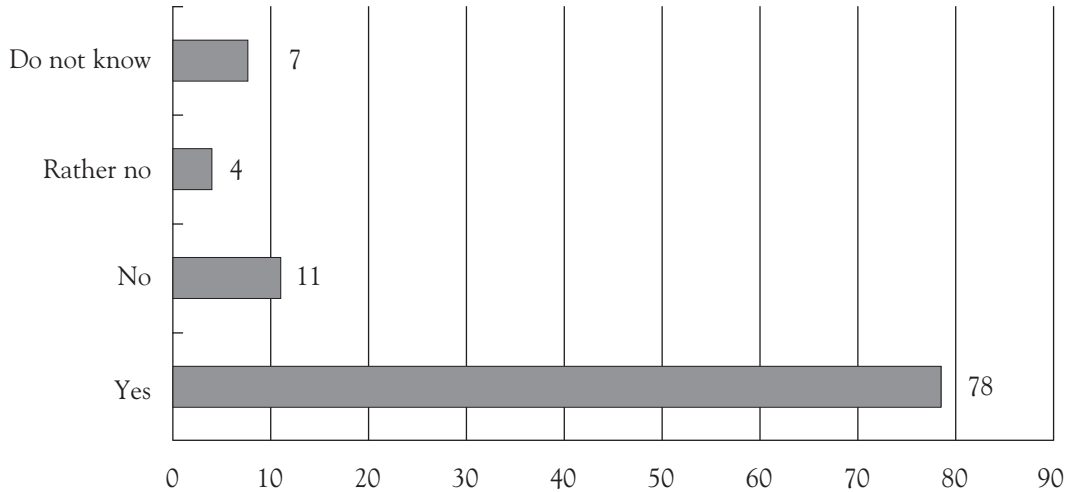
Most students (92%) would also integrate moot court as a compulsory high school teaching method. The rest of the students (8%) disagreed however they would make it optional or not compulsory for every high school or vocational school.

### Do you think moot court should compulsory part of the high school curriculum?



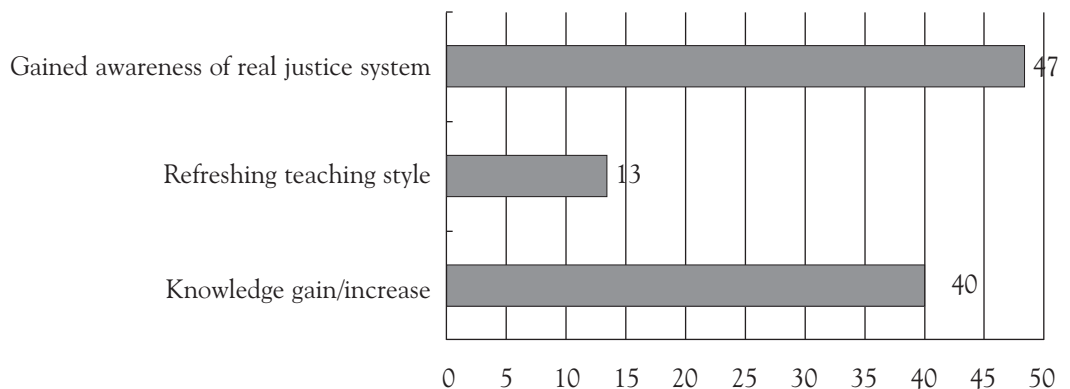
Most students (78%) considered their legal knowledge improved by the moot court simulation.

### Do you consider your legal knowledge positively improved by moot court?



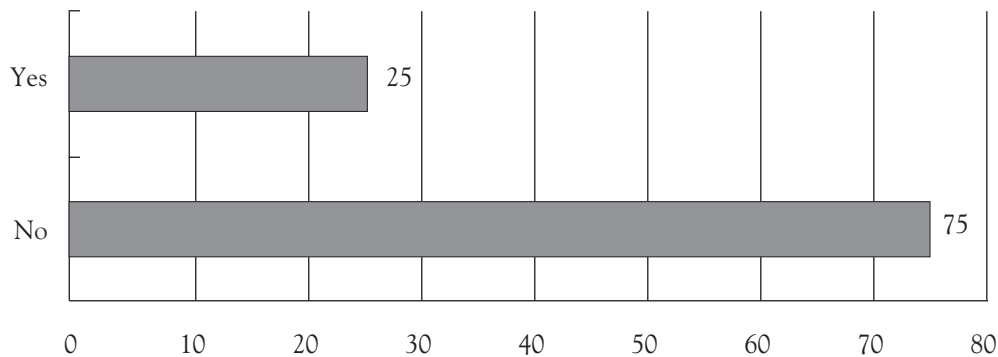
We also asked students how exactly they benefited from the simulation. Except knowledge gain (40%) and justice system awareness increase (47%) some students were just excited about the new teaching style (13%).

### How exactly have you benefited from moot court participation?



Finally we wanted to know if the simulation changed students' relationship to the law. To our surprise the dominant answer was no (75%) which students later explained was as a result of having a positive approach to the law already.

## Have your moot court participation changed your relation to law?



### Moot Court organisation

The main advantage lies with the fact that no matter what role is performed- judge, state prosecutor, witness or attorney- students must prove their newly consolidated and intensified knowledge at the “court”. This method also develops logical thinking, rhetorical abilities and performance in public as well. The unusual experience of the court room atmosphere might strengthen the bond among the students and increase their relationships and cooperation within the group. According to the questionnaire high school students value the knowledge extension, experience gain and attractiveness of the teaching method itself almost equally.

Preparation of such a project is organisationally demanding and time consuming for both students and teachers alike. The following will deal with some of the most common difficulties and also provide suggestions and possible solutions according to our best experience.

The initial tasks of the University student teacher, or anyone organising Moot Court with high school students, are to choose and modify or adapt the case, assign roles to the high school students and most importantly prepare them for their performance. First of all a choice of the legal branch must be made. Most common are the criminal cases which are very attractive to high school students and thus beat civil law with its favoured family law cases. Criminal cases are very interesting also because of their close proximity to our own lives and environment meaning almost every student had seen a murder or robbery in the news. Civil issues are not such a preferred topic of mass media despite their charm and they also do not offer so much variety or numbers of roles for students as criminal cases.

After choosing the legal branch the teacher should create or choose a case. Either option has its pros and cons. While creating a case will suit the class’ needs perfectly, choosing one from real pleadings is less time consuming.

Both options include a storyline which the teacher stops at a certain moment. The moment might be the very beginning of the investigation when nobody truly knows who the perpetrator is, or s/he can narrate everything till the end providing students with a vast knowledge of procedural options.

No option is absolutely correct and the teacher must balance the extremes to create the case which suits the class best. Generally with specialised seminars with enthusiastic students it is better to give them legal and procedural freedom based on their knowledge. With larger groups of compulsory subjects it might be better to line up the facts a bit more.

Some students incline to certain roles as they embody different type of powers and responsibilities. This might be caused by their personal references based on their perception, abilities or family experience. Students might thus be driven by the need of deciding the dispute (judge), represent justice (state prosecutor) or maybe improving their acting talents (accused or witness). Though not every student will strive for a certain position some might choose the passive approach and wait for directive role assignment. Role numbers and types vary according to the number of students participating, from smaller seminars of 10 to whole classes of 30 students. Nonetheless every student must have a role to perform and participate in a simulation. In order to achieve this goal we assign three or four students as state prosecutors or increase the number of attorneys no matter what is the reality. Such changes are acceptable as long as they serve an educational purpose. Easing the burden of prosecution or defence by distributing it among more students is definitely beneficial since team work might increase student productivity, cooperation, self-confidence and actually allow them to cover a wider range of knowledge. The teacher's task is to make the team work effectively by selecting proper group members so the eventual contribution would not be unequal. An additional benefit is task delegation among group members in case of illness or any other genuine reasons for absence of a student.

In large student groups we might need to deploy auxiliary roles such as journalists, additional witnesses and even security guards. Another option is to widen the process. Some students might be assigned police officers work such as providing proofs, testimonies and other background for the prosecution or eventually defence. This composition will however claim additional time.

Where to hold the simulation? Moot Court can be organised directly in a classroom or any lecture room at your disposal with sufficient capacity. Even P.E. classrooms might serve the purpose reasonably well. Some of the law faculties possess their own court room, specially designated and equipped for court session simulations. This environment adds a certain dignity and unique atmosphere to the simulation and students experience will be only enriched with these strong emotions. Similar improvement might be achieved by wearing the proper robes including wigs where appropriate. Transportation, additional time demands, securing the room and other organizational requirements might be seen as disadvantageous.

Schools frequently lack required space for such activities. How do you deal with the insufficiency of time while keeping the regular class in tact? Outsource every possible activity, communicate organizational details via emails and assign roles, law and case studies as homework?

Another very important issue is the teacher's intervention frequency. How much should the students' performance be interrupted and how do you give proper feedback? To answer this question we must first realize the purpose of the simulation which is to educate students. No matter how close this teaching method is to theatre play and acting its' prime focus is education. Students should thus not only recite legal texts but fully understand the sense and order of each act. For example when and why can testimony be denied, how are basic rights ensured and justice served.

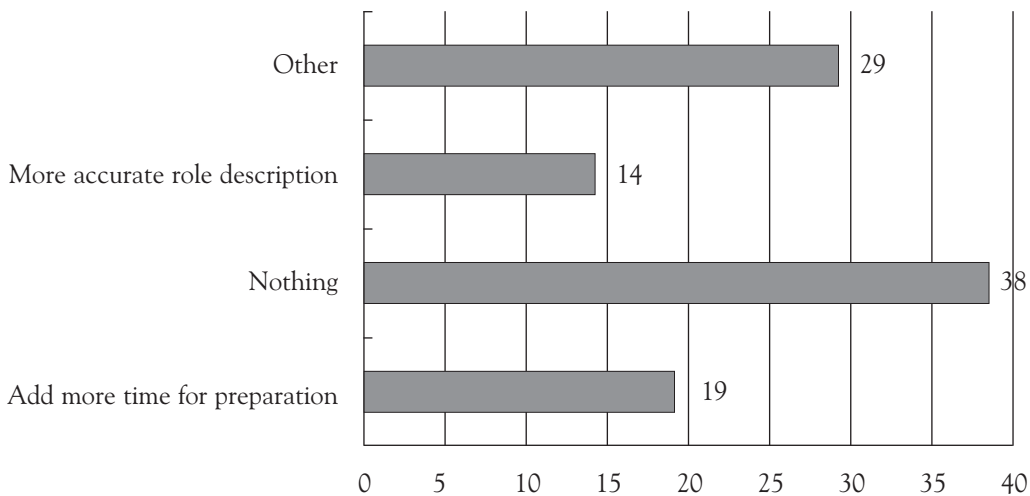
Feedback is a necessary part of education and also Moot Court simulation cannot be without it. The teacher may also choose how to provide students with feedback based on their performance. The first option is to stop the simulation and comment on what has happened both correct and not so well. The frequency of these interruptions can be pretty high but they must not exceed a certain level in order not to spoil the “fun” and become mere lectures resembling others. The second option is no interruption at all. Feedback is thus given as a whole after the simulation. A balance of these options seems to work optimally. However the teacher should focus on feedback amount and quality no matter which method he/she chooses to incline to more.

### **Conclusion**

In the end we would like to provide one of our survey results which deals with high school students satisfaction with the organization of moot court. Most of the students would not change anything (38%) while others would appreciate more time to prepare (19%) or more accurate role descriptions (14%). 29% of students had different propositions like a more serious atmosphere, undisciplined student class or the need for a more complicated case.

After all, we hope that we have shown that despite the fact that high-school moot courts are demanding to organize and manage they are very challenging and definitely worth doing. So let’s start another moot court!

### **What would you change on moot court organisation?**



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