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Moot Court Competition

"The power I exert on the court depends on the power of my arguments, not on my gender," once noted the late US Supreme Court Justice Sandra Day O'Connor.
"In fact, it is the power of the legal argument—and an aspiring lawyer's ability to craft and articulate it effectively—that undergirds the very essence of moot court programs and competitions all over the world." (The Federal Bar Association, Blog, March 20, 2024).

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1. INTRODUCTION

Since my engagement with the NLS in 2022, the moot court competition has been a concern, in one form or another. At my own curiosity and initiative, *I began studying it and asking*:

- What are the reasons and goals behind the Moot Court Competition?
- Why does this concept fall behind in developing countries like Pakistan?
- Even when it is undertaken, it often isn't for the right reasons. What causes this approach? How can it be improved?
- Additionally, in some law schools, the Moot Court Competition has sparked conflicts, leading to accusations of favoritism and discrimination.
- Some students have traveled abroad to participate in various competitions, which has increased tension among those who were not selected.

[1] While serving as a Judge of the Superior Court for the State of Connecticut, I was fortunate to have the opportunity to teach the ADR Clinic at Quinnipiac Law School as an adjunct professor from 2020 to 2023. After retiring from the bench in July 2021—having spent nearly four decades in the United States, undergoing extensive legal education, earning three master's degrees, practicing law with a firm I built from the ground up, and eventually reaching the bench, which is a pinnacle of the legal profession—I accepted a Foreign Visiting Faculty position at NUST Law Department of S3H. It was in the spirit of giving back to my birth country, paying it forward, as the cliché goes! I returned to NUST in the fall semester of 2023, again as a Foreign Visiting Faculty. In April 2024, upon the law department's elevation to NUST Law School (NLS), I accepted the position of Principal & Dean of NLS. That's where I was exposed to the ***Moot Court Competition, along with numerous issues such as legal education, discipline (students and faculty), attendance, teaching methods, examination procedures, cheating, hiring, training, and retaining faculty. Cultural barriers and resistance to change are the impediments to progress and prosperity—challenges of monumental magnitude!***
*I can earnestly hope and fervently pray that [We All] students, faculty, administration, and staff at NLS [Never] give up on the aspiration of **[Becoming the Best Human being in Every Aspect of Life!**

*It is well known that the moot court competition is an extracurricular activity,[2] a small, nevertheless important, part of the law school experience. The overarching objective of law school education is to equip future lawyers with the legal knowledge, critical thinking, and ethical principles needed to handle real-world legal problems. This brief article explores practical steps to address these purported hypothetical questions.

2. A BRIEF HISTORY

Before delving into the questions above, it is worthwhile to look at the brief history of the moot court competition.

Federal Bar Association Blog dated March 20, 2024, states: "The roots of moot court can be traced back to medieval England, where law students engaged in moots, simulated legal exercises designed to sharpen their skills in legal reasoning and making legal arguments. Over the centuries, this tradition evolved, finding its place in legal education institutions worldwide. In the U.S., Harvard is often cited as the originator of the tradition, dating back to 1820, and the activity is now found at almost every American law school."[3]

It goes on to state that "The modern moot court competition emerged in the early 20th century, with law schools organizing simulated appellate proceedings to provide students with practical experience in advocacy. The National Moot Court Competition was created in 1947 by Harrison Tweed, then-president of the New York City Bar Association, to help recruit younger members to the City Bar after World War II. The competition has attracted an illustrious roster of competitors and past judges, including U.S. Supreme Court Justices Thurgood Marshall, William Rehnquist, Ruth Bader Ginsburg, and O'Connor."[4]

While some legal experts credit moot court experience as a key factor in determining whether you 'win or lose' in a courtroom, others remain objectively cautious. "At the end of the day, I remain skeptical concerning whether a formal moot court for a typical intermediate appellate court oral argument is worth the time, effort, and expense that it would entail," wrote Pennsylvania-based lawyer Howard Bashman. "But it surely is incredibly worthwhile in preparing for a U.S. Supreme Court oral argument."[5]

[2] jdadvising.com
[3] https://www.fedbar.org/blog/the-value-of-moot-court-competitions-explained/
[4] Id.
[5] Id.

3. PURPOSE AND REASONING BEHIND MOOT COURT COMPETITIONS IN LAW SCHOOLS

Moot court competitions are simulated appellate court proceedings where law students argue hypothetical legal cases. These often involve *research*, *drafting briefs*, and delivering *oral arguments* before a panel of judges, which may include practicing lawyers, professors, or actual judges. The main goal of these competitions is to connect theoretical legal education with practical skills. Moot court originated centuries ago, in legal training traditions, such as the 19th-century Harvard Law School. Although the concept predates it in English legal education, moot courts are designed to *mimic real courtroom dynamics without the risks of actual litigation.*[6]

The primary reasoning includes:

- **Skill Development:** They build essential skills such as legal research, analytical thinking, persuasive writing, and oral advocacy. Students learn to analyze complex legal issues, craft arguments, anticipate counterarguments, and present them effectively within time limits—skills directly relevant to careers in litigation, arbitration, or advocacy.[7]
- **Practical Preparation:** Writing in Fedbar.Org, The Value of Moot Court Competition Explained, law school curricula often emphasize doctrinal knowledge, but moot courts offer hands-on experience in procedural rules, evidence handling, and ethical advocacy, preparing students for the "rigors of real-world litigation." This aligns with law schools' broader goal of equipping future lawyers with the skills needed to handle ethical and legal challenges in practice, rather than just memorizing statutes. Additionally, writing at Mahindra University: Why Moot Courts are Essential for Law Students?
- **Holistic Benefits:** Writing for the faculty of Law, University of Oxford, titled: What it is, why to participate? It states that "in addition to skills, they cultivate teamwork, time management, critical thinking, and confidence. Participation shows commitment to employers and enhances resumes in competitive job markets. They also encourage engagement with current issues, such as international humanitarian law or environmental regulations, making learning more relevant and enjoyable."[8]

In 'Pros and Cons of Moot Court and Law Review,' it is written that moot court competition is described as an extracurricular activity that allows students to develop legal research and writing skills they use in the first year by

[6] fedbar.org
[7] Id.
[8] law.ox.ac.uk

writing the case.[9]

In essence, moot courts are more than just games; they demonstrate that effective lawyering requires performing under scrutiny and turning abstract principles into practical strategies.

4. STATUS AND CHALLENGES OF MOOT COURT COMPETITIONS IN COUNTRIES LIKE PAKISTAN

Moot court competitions are very popular in Pakistan, supported by a strong network of national and international events. Examples include the Henry Dunant Moot Court Competition (focused on international humanitarian law, with national rounds featuring dozens of teams from universities like LUMS,[10] which has won multiple times), the Philip C. Jessup International Law Moot (hosted by institutions such as Indus College of Law, with Pakistan's national rounds connecting to the global finals), and local events like the Pakistan College of Law's Annual National Moot, HCBA Multan National Law Moot, and Lords National Law Moot. Law schools like Pakistan College of Law (PCL), Lahore University of Management Sciences (LUMS), University of Management and Technology (UMT), and others regularly host or participate, often bringing 20–50 teams from across the country. Pakistani teams have also competed internationally, earning successes, including runner-up finishes in events such as the Jean Pictet Competition.[11]

However, the "conception" (i.e., the ideal purpose of skill-building and ethical preparation) can be overlooked or misused in countries like Pakistan because of systemic and cultural factors.[12] These factors include resource constraints and unequal access, traditional education focus, misaligned motivations, and broader contextual factors.

- **Resource Constraints and Unequal Access:** Many law schools, particularly outside major cities like Lahore, Islamabad, or Karachi, lack funding for dedicated moot court programs, trained coaches, or travel to competitions. This makes participation elitist, confined to well-funded institutions, rather than a widely accessible educational tool.[13] In contrast, developed countries integrate moots more seamlessly into curricula with institutional support.
- **Traditional Education Focus:** Pakistan's legal education often emphasizes rote memorization and theoretical exams rather than practical skills, reflecting colonial-era curricula and bar council requirements. Moots are occasionally seen as optional extras rather than essential for developing "advocacy competence." This results in inconsistent

[9] jdadvsing.com
[10] icrc.org
[11] pcl.edu.pk
[12] london.ac.uk
[13] icrc.org

implementation, with moots existing but not prioritized for their educational value.[14]

- **Misaligned Motivations:** Sometimes, moots are pursued for prestige, resume building, or perks like international travel, rather than for genuine skill development. This can create a competitive environment instead of a collaborative one, with accusations of favoritism in team selection, such as favoring connections over merit. Broader issues like nepotism in academia make this worse, turning moots into status symbols rather than fair learning opportunities.
- **Broader Contextual Factors:** Limited judicial infrastructure, political instability, and a focus on bar exams over experiential learning contribute to the delay. While initiatives like the Pakistan Law Moot (started in 2015) aim to promote national-level engagement, adoption varies.[15]

Reasons for this approach include the historical inertia of British-influenced systems that emphasize lectures, economic disparities that limit access, and cultural norms that prioritize hierarchy over merit-based participation.

To fix it:

- **Curriculum Integration:** Require moot courts to be credit-bearing courses in all law schools and mandate participation for licensure through bar councils such as the Pakistan Bar Council.
- **Capacity Building:** Collaborate with international organizations (e.g., ICRC for humanitarian law events) to provide training sessions, secure funding, and develop faculty.
- **Inclusivity Measures:** Subsidize participation for underfunded schools and promote intra-school competitions to democratize access.
- **Awareness Campaigns:** Host seminars highlighting moots' role in ethical legal practice, shifting focus from competition to learning.

5. SPECIFIC CHALLENGES AT INSTITUTIONS LIKE NUST AND PRACTICAL STEPS TO REDUCE FRICTION

Although publicly available information does not mention allegations of favoritism or discrimination in NUST's moot court program, NUST's Department of Law actively participates in events like constitutional law moots and international competitions. However, such issues are common in competitive extracurricular activities worldwide, where selection for prestigious teams—especially those involving international travel—can cause resentment if perceived as unfair. This friction occurs because moots are extracurricular and not part of the law school's main goal of teaching legal knowledge, ethics, and problem-solving for real-world issues—yet they can

[14] schooloflaw.net

[15] courtingthelaw.com

significantly impact student relationships.

Practical measures to address favoritism, discrimination, and resulting tensions include:

- **Transparent Selection Processes:** Set clear, publicly shared criteria—such as mock arguments, GPA in relevant courses, and essays—that are evaluated by a diverse committee including students, alumni, and external judges. Implement blind reviews to reduce bias.
- **Rotation and Inclusivity Policies:** Limit how often students are chosen to encourage broader participation. Create tiered teams (such as beginner versus advanced) or intra-school leagues to give more students experience without high-pressure exclusion.
- **Grievance Mechanisms**: Set up anonymous complaint reporting systems with independent reviews by ombudsmen or ethics committees. Conduct regular audits of selections to help build trust.
- **Faculty-Student Dialogue:** Hold town halls or feedback sessions to openly discuss concerns, emphasizing the extracurricular aspect of moots. Train faculty on anti-bias practices.
- **Diversify Opportunities:** Expand beyond elite international trips by hosting local moot courts, virtual competitions, or pro bono collaborations with NGOs, reducing envy over perks.
- **Holistic Emphasis:** Reinforce through orientations and counseling that the core of law school is ethical training and knowledge, not just competitions. Offer alternative extracurricular activities, such as legal clinics and research journals, to promote a better balance.
- **Monitoring and Accountability:** Track participation demographics annually and address imbalances (such as gender or regional favoritism) through affirmative policies, while complying with anti-discrimination laws.

These steps can turn moots into unifying experiences, aligning with their original goal of fostering ethical, skilled lawyers.