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# MOOTING COMPETITIONS AND LEGAL PROFESSION IN THE GLOBALISED ERA

*Arun Mishra J.\**

## I Introduction

MOOTING IS one of the original forms of legal education and can be traced to the fourteenth century,<sup>1</sup> where it was used by the Inns of Court as a means of training lawyers in the rigours of the pleading and advocacy and formed a fundamental component in the system of legal education. Lawyers have contributed to the freedom struggle, drafting of Constitution, debates in the Parliament, drafting of the legislations, *etc.* The profession of a lawyer is not simply for making money but to act as a compelling factor, in the equal treatment to the citizens, and to ensure that there is no arbitrariness in governance. The importance of the profession lies in the fact that lawyers are one of the major stakeholders in the protection of democracy, especially in the wake of globalisation. Bar is the spokesperson for the judiciary and has to ensure its independence. The United Nations Human Rights Commission has established a “Special Rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers”.<sup>2</sup> This reiterates the importance of the independence of the bar that cannot be compromised. If the bar becomes a sycophant or subservient to any other agency, it would adversely affect the democratic ideals of a country. This is more important in the context of globalisation.

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\* Judge, Supreme Court of India. This is an edited version of the inaugural address delivered by the author at the Fourth Prof. N.R. Madhava Menon SAARCLAW Mooting Competition, Law Students Conference and South Asian Colloquium, February 2019, conducted at Lloyd Law College Greater Noida.

1 Mohamed Rachid and Charles R. Kner, “Brief History of Moot Court: Britain and U.S.” (2000), *available at*: <https://files.eric.ed.gov/fulltext/ED442343.pdf> (last visited on July 16, 2019).

2 Commission on Human Rights, resolution 1994/41, *available at*: [https://www.ohchr.org/EN/Issues/Judiciary/Pages/IDP\\_Index.aspx](https://www.ohchr.org/EN/Issues/Judiciary/Pages/IDP_Index.aspx) (last visited on July 16, 2019).

## II Importance of moot competition in the globalised era

Moot court competitions provide valuable educational and life experience to the participants. They help them to achieve all-round success in their life and whatever sphere they may decide to adopt. Whatever vocation a student chooses, a moot court not only prepares him to argue in the court but also makes him a better human being who is well equipped to deal with various professional and personal problems. It trains students to attain confidence, shed fear and inhibitions and learn the art of oratory, which is one of the most important skills of a lawyer that makes you a better-equipped person to ace the world. The practical training that the students undergo during their college education equips them to be more prepared for the challenges of a globalised world. Participation in moot court enhances students' research, writing, oral and analytical skills. It teaches them to communicate more effectively and to think quickly. It is through this active process of simulated advocacy that the facts and the law take on a fuller meaning for students. A practical legal education aims at improving a lawyer's competence and not just technical competence in professionalising the bar. For moot courts to advance this aim, they must be structured as socially and professionally relevant experiences.

Mooting activities have emerged as an indispensable part of legal education. They help the students to bridge the gap between theory and practice of law and enable prospective entrants to the bar to equip themselves with the basic requirements of the court craft and court culture. These competitions prune the natural abilities of young lawyers and support them in their career in law. Mooting is a constant rehearsal and preparation for the life of an advocate and a judge. As stated by the Rt. Hon. Lord Beatson J., Court of Appeal of England and Wales:<sup>3</sup>

Advocacy lies at the core of the common law adjudicative system. It is for that reason than moots have been an important part of legal education not only by the profession and professional providers but also by university law schools... It can also be attested for its continuing importance of gaining experience in the art of persuasion which participating in the moot provides. Mooting helps to develop the ability to work as a member of a team, to present factual and legal material

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3 As quoted in Eric Baskind, *Mooting: The Definitive Guide 3* (Routledge, New York, 2017).