



Higher National Unit specification

General information

Unit title: Mooting (SCQF level 7)

Unit code: H543 34

Superclass: EC

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Unit purpose

This Unit is designed to develop the skills required for the preparation and delivery of a moot. The emphasis will be on developing the oral techniques and research skills for effective presentation of legal arguments in a public forum concentrating on voice, tone, stance and body language. Additionally, the development of research skills required to effectively develop a legal argument and anticipate counter argument will lead on to participation in a moot, observing appropriate etiquette, oral submissions, argument, rebuttal and closing arguments.

Outcomes

On successful completion of the Unit the learner will be able to:

- 1 Deliver a range of speeches for different audiences.
- 2 Prepare and produce the materials necessary to engage in a legal argument for a moot problem.
- 3 Participate in a moot.

Credit points and level

2 Higher National Unit credits at SCQF level 7: (16 SCQF credit points at SCQF level 7)

Recommended entry to the Unit

Access to this Unit is at the discretion of the centre.

Learners would benefit from good Communication Skills in this Unit, this could be demonstrated by achievement of the Core Skill of *Communication* at SCQF level 6, possession of Higher English or a suitable HN Communication Unit or equivalent.

Higher National Unit specification: General information (cont)

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Core Skills

Opportunities to develop aspects of Core Skills are highlighted in the Support Notes for this Unit specification.

There is no automatic certification of Core Skills or Core Skill components in this Unit.

Context for delivery

If this Unit is delivered as part of a Group Award, it is recommended that it should be taught and assessed within the subject area of the Group Award to which it contributes.

This Unit is included in the optional section of the HNC and HND in Legal Services, however it may also be delivered as standalone Unit.

Equality and inclusion

This Unit specification has been designed to ensure that there are no unnecessary barriers to learning or assessment. The individual needs of learners should be taken into account when planning learning experiences, selecting assessment methods or considering alternative evidence.

Further advice can be found on our website www.sqa.org.uk/assessmentarrangements

Higher National Unit specification: Statement of standards

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Acceptable performance in this Unit will be the satisfactory achievement of the standards set out in this part of the Unit specification. All sections of the statement of standards are mandatory and cannot be altered without reference to SQA.

Where evidence for Outcomes is assessed on a sample basis, the whole of the content listed in the Knowledge and/or Skills section must be taught and available for assessment. Learners should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

Outcome 1

Deliver a range of speeches for different audiences.

Knowledge and/or Skills

- ◆ Organising subject matter/material for speeches
- ◆ Specific techniques for public speaking
- ◆ Adapting material to convey various styles of speech to an audience
- ◆ Tone, pace, volume and rhetoric
- ◆ Self evaluation

Outcome 2

Prepare and produce the materials necessary to engage in a legal argument for a moot problem.

Knowledge and/or Skills

- ◆ Relevant legal issues or 'moot' points
- ◆ Relevant areas of law
- ◆ Cases, statutes and appropriate submissions
- ◆ Legal research techniques
- ◆ Preparing arguments with proper use of legal authority
- ◆ Anticipating opposing arguments and preparing written submissions both for and against the moot points
- ◆ Producing written skeleton arguments

Higher National Unit specification: Statement of standards (cont)

Unit title: Mooting (SCQF level 7)

Outcome 3

Participate in a moot.

Knowledge and/or Skills

- ◆ Delivery techniques in the context of oral legal submission and argument
- ◆ Presentation and development of a structured and legally sound argument
- ◆ Use of appropriate projection, inflection, tone, language and body language having regard to the 'parties' and the requirements of a court setting
- ◆ Use of appropriate court etiquette
- ◆ Critical thinking and ability to respond appropriately to unexpected opposing responses or questions from the judges
- ◆ Appropriate summation of submissions at conclusion of case, taking account of points raised during proceedings
- ◆ Use of only note cards with signpost headings
- ◆ Case management
- ◆ Engagement with participants whilst maintaining proper etiquette
- ◆ Peer Evaluation

Higher National Unit specification: Statement of standards (cont)

Unit title: Mooting (SCQF level 7)

Evidence Requirements for this Unit

Learners will need to provide evidence to demonstrate their Knowledge and/or Skills across all Outcomes by showing that they can:

For Outcome 1

Performance evidence is required to demonstrate the learner's ability to:

Deliver three speeches as follows:

- 1 A designated speech of between 2 and 3 minutes on a topic provided by your tutor for a given audience.
- 2 A persuasive speech of between 2 and 3 minutes in length on a subject and for an audience of the learner's choice.
- 3 A shorter impromptu speech from a selection of topics given to them 15 minutes in advance of the assessment.

At least one of these speeches should include the discussion of a legal issue.

Across the three speeches the learner must demonstrate that they can:

- ◆ Select, structure, prepare and deliver a variety of subject matter into a fluent and coherent oral presentation.
- ◆ Describe the purpose and audience for each speech.
- ◆ Adapt language and form appropriate to each audience and situation.
- ◆ Demonstrate skills of clarity of language, projection, tone and body language to support the subject and engage the listener.
- ◆ Demonstrate effective public speaking techniques.
- ◆ Evaluate performance and justify selection of topic and various presentation approaches utilised.

For Outcome 2

Written and/or recorded oral evidence is required to demonstrate the learner's ability to:

- ◆ Produce two reasoned skeleton arguments, one in support and one in rebuttal of the moot points.

Additional evidence is also required to demonstrate the learner's ability to:

- ◆ Explain the issues raised by the moot problem including an evaluation of the area of law concerned.
- ◆ State the legal research techniques utilised to research the problem.
- ◆ Provide a full list of cases and statute to be employed within the skeleton arguments explaining their relevance.
- ◆ Describe how they managed the resources and materials to construct their arguments.
- ◆ Identify the strategies employed to anticipate opposing views.
- ◆ Carry out an analysis and critical self-evaluation of final skeleton arguments with a justified and objective conclusion as to the strengths of each argument.

Higher National Unit specification: Statement of standards (cont)

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For **Outcome 3**

Performance evidence is required to demonstrate the learner's ability to:

- ◆ Sustain a properly constructed legal argument for between 10 and 15 minutes before a group of no fewer than 5 persons.
- ◆ Reference appropriate cases and statute.
- ◆ Demonstrate public speaking techniques, maintaining projection, voice control, pace, tone and clarity of language.
- ◆ Develop the legal argument taking into account objections, questions and unexpected submissions from opponent and judges.
- ◆ Demonstrate ability to think quickly to rebut objections with appropriate legal authority or logical response.
- ◆ Summarise the final concluding submissions incorporating or taking account of valid interjections by opponent and/or judges.
- ◆ Manage peer evaluation of the moot by identifying information required and the appropriate means of collation and analysis.



Higher National Unit Support Notes

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Unit Support Notes are offered as guidance and are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 80 hours.

Guidance on the content and context for this Unit

This Unit is designed to develop the skills required for the advanced presentation of an appropriately constructed legal argument in a court room setting. This Unit is included in the HNC/HND in Legal Services and may form part of other Group Awards and can be delivered on a stand-alone basis. It may also be adapted for the purpose of business presentation styles, political or other debate, or as a means of simply developing confidence in public speaking for a variety of purposes.

The ability to develop and sustain a reasoned and logical argument and to respond quickly and effectively to objection is a valuable skill in many life situations whether in the career context, interview situations where presentation is increasingly important or in leisure pursuits. It is of vital importance however to those intending to pursue a career in the legal or political professions where it is necessary to have oratory skills, the confidence to convey a message convincingly and have the ability to react quickly to changing situations in an appropriate manner. The importance of the spoken word cannot be overestimated in these situations and some of the skills employed in performing arts training can be combined to great effect.

The Unit is geared essentially to those intending to enter the legal profession for whom the particular skills of public speaking are often neglected until much later in the training. It can be a very daunting prospect for progressing students to be faced with the very real requirement of constructing and delivering a speech and answering difficult questions in the public arena. The Unit is therefore designed initially to build the confidence of the learner in dealing with an audience, drawing on the necessary performance techniques which will assist them in the practical and academic presentation of legal reasoning. By offering a sound foundation in performance, learners will learn how to adapt their arguments to be persuasive utilising a variety of methods in which they will use humour, intellect, information, empathy and contention, demonstrated by body language, tone, pace and rhetoric to convey a message.

Higher National Unit Support Notes (cont)

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Outcome 1

This Unit introduces learners to the performance aspect of public speaking and is intended to build confidence and articulacy under pressurised circumstances. Ideally learners should be trained in the use of performance techniques to understand the use of body language and nuance effectively, as well as developing emotional intelligence which is paramount when dealing with clients on a one to one basis in addition to the dynamics of a court room. Learners would therefore benefit from having the opportunity to:

- ◆ Participate in a variety of 'drama' games designed to build confidence amongst their peers and break down barriers.
- ◆ Explore and develop personae to equip them to detach themselves from introversion and increase confidence in a public arena.
- ◆ Recite with appropriate emotion selected dramatic and existing monologues and speeches.
- ◆ Read and analyse selected pieces to identify nuance, emotion, humour, etc.
- ◆ Participate in exercises where key nuances and emotions are demonstrated.
- ◆ Develop technique in voice projection which is audible and intelligible.
- ◆ Identify and use tonal register.
- ◆ Display and understand appropriate body language including the value of eye contact.
- ◆ Refer to note cards sparingly.
- ◆ Prepare impromptu talks.
- ◆ Investigate and describe the various techniques, use of emphasis, styles of speech, adaptation to audience, importance of pauses.
- ◆ Use visual aids where appropriate.
- ◆ Research a subject and outline techniques.
- ◆ Present a structured, coherent and justified argument.
- ◆ Develop and effectively deliver contrasting speeches.
- ◆ Explain techniques for organising materials.
- ◆ Research and prepare for a practice speech on a topic of choice.
- ◆ Practice an impromptu speech prior to final assessment.
- ◆ Self evaluation exercises following practice sessions.

Higher National Unit Support Notes (cont)

Unit title: Mooting (SCQF level 7)

Outcome 2

This Outcome requires learners to understand the legal research techniques and resources available to prepare and develop opposing arguments for the selected moot problem and for evaluating the relative strengths of the arguments. They should therefore have the opportunity to:

- ◆ Research the area of law relevant to their designated moot.
- ◆ Identify the resources required for research.
- ◆ Use resources contained in the law library and, where possible utilise the resources of Westlaw, Lexis or similar.
- ◆ Identify the cases and statute which will support the arguments.
- ◆ Evaluate the relative merits of each argument and consider counter argument.
- ◆ Prepare notes explaining the problem and how they will structure each side of the argument.
- ◆ Produce written skeleton arguments for submission to the assessor prior to the moot.
- ◆ Prepare note cards to assist them in the oral presentation of their case.
- ◆ Prepare for their designated role as either representative for the Pursuer or Defender. (Note: the opposing side should not hear the practice sessions therefore they should be split into groups of either all Pursuers or all Defenders for these sessions).
- ◆ Select the appropriate delivery for their argument (which will depend on the content of the problem — eg sombre and emotive for injury/death, etc); consider type of language and body language to be utilised, practice eye contact.
- ◆ Develop coping strategies for dealing with unexpected opposing arguments.

Higher National Unit Support Notes (cont)

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Outcome 3

This Outcome requires learners to participate in a live moot, based upon the knowledge and skills learned in Outcomes 1 & 2. They will assume the role of either Pursuer or Defender's advocate to argue the case on behalf of their client. They should have the opportunity to:

- ◆ Demonstrate their public speaking skills in the context of a courtroom scenario.
- ◆ Deliver a structured, legally sound argument using the appropriate technical presentation skills.
- ◆ Be aware of non verbal communication. This will include appropriate dress, use of appropriate body language, stance, body language, gestures and eye contact.
- ◆ Use appropriate court room etiquette, including addresses to judges and learned friends.
- ◆ Develop ability for quick analysis and response under pressure.
- ◆ Convey legal information to the court and listeners in an engaging and persuasive manner with use only of note cards.
- ◆ Handle questions from judges and be able to respond in a legally justified manner to opposing views.
- ◆ Use appropriate legal authority to support arguments.
- ◆ Conclude with a summary of their case, including any adjustments which may be necessary having evaluated opposing submissions/questions or corrections from judges.
- ◆ Analyse and critically evaluate their performance after the moot using appropriate feedback methods to ascertain the audience views.

Guidance on approaches to delivery of this Unit

The preparation for Outcome 1 should be the building of technical skills in public speaking and performance. It is to be recommended that exercises and skills should be based on performing arts and drama techniques. Those delivering the Unit may be experienced solicitors or advocates trained in the techniques required, however, there are a number of books available which provide suitable drama games and practice pieces which can be drawn upon in these sessions. Others may wish to delegate this Outcome to a Creative Arts Faculty where possible. The intention is that this should be a very practical, performance based Outcome where confidence and public speaking skills can be practised and refined. It is recommended therefore that classes should be carried out in an appropriate space, such as a drama studio, where movement can be encouraged and 'acting out' is possible. The class should be relaxed and enjoyable so that barriers can be broken down amongst learners to encourage free movement and expression. An emphasis on fun and the opportunity to explore character and motivation is to be encouraged so that the opportunity of developing a personae other than oneself is created to ease the pain of public presentation.

By the time preparation for Outcomes 2 and 3 commences, learners should have had sufficient academic training in legal subjects to enable them to commence on the research for the moot. Subject matter for moots can be varied, but contract and negligence generally offer good material for mooting. Learners should by this point have a grounding in the subject matter of the chosen moot problem and be familiar with legal research techniques which will assist them in working on their arguments.

Higher National Unit Support Notes (cont)

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A visit to Court would be useful during Outcome 3 so that learners can get a flavour of court etiquette and style of presentation. A visiting advocate who could perhaps run a workshop for learners in specific court presentation techniques would be very advantageous. The use of television programmes, such as 'The Barristers' (Open University for the BBC) gives a very good insight into the training of legal advocates.

Guidance on approaches to assessment of this Unit

Evidence can be generated using different types of assessment. The following are suggestions only. There may be other methods that would be more suitable to learners.

Centres are reminded that prior verification of centre-devised assessments would help to ensure that the national standard is being met. Where learners experience a range of assessment methods, this helps them to develop different skills that should be transferable to work or further and higher education.

Outcome 1

This Outcome can be assessed by means of observing the learner's performance in the presentation of three contrasting speeches before a selected audience (peers/staff) who may also direct questions to the learner. Regards should be had of topic choice, content, structure, presentation method, body language, vocal projection, appropriateness of tone to subject matter. Questioning of the learner by the assessor should identify knowledge of the various techniques utilised. A written self evaluation also comprises part of the assessment. There may be opportunities to assess the Outcome using electronic means, including audio and video as appropriate.

Outcome 2

An appropriate method of presenting evidence for assessment of this Outcome could be by way of portfolio. A portfolio planner may be provided to guide learners.

Outcome 3

A video recording of the presentation or an assessment sheet of the observation by the assessor could be an appropriate means of recording evidence.

A Peer Evaluation form could be constructed and completed by the learner with guidance from the tutor.

Opportunities for e-assessment

E-assessment may be appropriate for some assessments in this Unit. By e-assessment we mean assessment which is supported by Information and Communication Technology (ICT), such as e-testing or the use of e-portfolios or social software. Centres which wish to use e-assessment must ensure that the national standard is applied to all learner evidence and that conditions of assessment as specified in the Evidence Requirements are met, regardless of the mode of gathering evidence. The most up-to-date guidance on the use of e-assessment to support SQA's qualifications is available at www.sqa.org.uk/e-assessment

Higher National Unit Support Notes (cont)

Unit title: Mooting (SCQF level 7)

Opportunities for developing Core and other essential skills

There is no automatic certification of Core Skills or Core Skills Components in this Unit, however there may be opportunities to develop the Core Skills of *Communication*, *Information and Communication Technology (ICT)*, *Working with Others* and *Problem Solving* in this Unit.

There may be opportunities to develop the Core Skill of *Communication* at SCQF level 6, clear opportunities exist to develop the Core Skill component of Oral Communication throughout the Unit, there may also be opportunities to develop the Component of Written Communication particularly where the learner produces research in Outcome 2.

Opportunities exist to develop the Core Skills of *Information and Communication Technology (ICT)* at SCQF level 6, especially the Accessing Information component in carrying out the research required for Outcomes 2 and 3.

There may be opportunities to develop the Core Skill of *Working with Others* at SCQF level 5, where group work and/or peer evaluation takes place.

Throughout the Unit there are clear opportunities to develop the Core Skill of *Problems Solving* at SCQF level 6. Each Outcome provides an opportunity to develop the three *Problem Solving* components of Critical Thinking, Planning and Organising and Reviewing and Evaluating.

History of changes to Unit

Version	Description of change	Date
02	Changes to timings and legal issue in Evidence Requirements for Outcome 1.	27/02/14

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General information for learners

Unit title: Mooting (SCQF level 7)

This section will help you decide whether this is the Unit for you by explaining what the Unit is about, what you should know or be able to do before you start, what you will need to do during the Unit and opportunities for further learning and employment.

This Unit will help you develop the oral techniques, confidence, research and presentation skills to conduct a legal argument, using correct court etiquette in a public forum. The Unit gives you the opportunity to find out how to construct a legal case and find out more about participating in a court room as an effective advocate. You will learn how to develop legal argument, anticipate and respond to counter arguments and how to use your voice, correct tone and body language to engage in effective presentation of your case.

Outcome 1 will help you to understand the techniques employed in public speaking using various styles of speech to convey a variety of emotions to an audience (humour, persuasion, informative, contentious). You will learn how to deliver three speeches using the correct tone, pace, volume and rhetoric. You will have the opportunity to select, prepare and deliver the speeches fluently and learn how to adapt to various audiences and situations. You will evaluate your performance and explain your choice of topic and presentational approaches.

Outcome 2 will build on your Legal Research Techniques to prepare and produce the necessary materials to help you construct a legal argument for a moot problem which will be given to you in advance. You will identify the issues and find supporting law to justify your arguments and consider the possible counter arguments and relevant law. You will learn how to prepare skeleton arguments in advance of the moot. You will prepare a record of the research carried out, provide a list of the cases supporting the argument and counter argument and explain their relevance. Finally, you will analyse and evaluate your skeleton arguments to include a summary as to the strengths of each. Your materials will be presented by portfolio evidence.

Outcome 3 will give you the opportunity of participating in a moot to present the case as either Pursuer or Defender. You will present a structured and legally sound argument using the skills learned in Outcome 1 whilst maintaining proper court etiquette. You will also demonstrate critical, fast thinking to respond to unexpected responses from the opposition or judges. The moot will last for approximately 10–15 minutes and will be undertaken in front of no less than five people. Having presented your argument, you will summarise your case, adjusting your submissions to address any comments and questions raised at the moot by judges or opposition. You will be required to construct and manage an evaluation from the spectators and collate and analyse your results.

There is no automatic certification of Core Skills or Core Skills Components in this Unit, however there may be opportunities to develop the Core Skills of *Communication*, *Information and Communication Technology (ICT)*, *Working with Others* and *Problem Solving* in this Unit.