

Handling judicial questions, rebuttals, mock moot practice

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Introduction

A judicial question is a matter requiring a court's determination, typically a "question of law versus a **"question of fact"**

There are a few important points to bear in mind while understanding a judicial question:

- i. Question of law: it pertains to interpretation of statutes, legal precedents, basically a brief overview of what law can be used in a similar cases
- ii. Question of Fact: it pertains to a specific fact of a case and it usually is used in a particular case. It is determined by evidence placed on record before the bench.

Handling Judicial Questions

Handling judicial questions involves understanding legal procedures, preparing thoroughly by anticipating challenges, and responding with clarity, confidence, and ethical grounding, when you're a lawyer in court one needs to address suggestive questions, facts, law



Dealing with the queries of the bench

- It is important to recount the brief facts of the cases on which you are relying, not least because by doing so the facts make it into the court transcript, but don't over do it especially if they are very well known cases.

Don't be phased by judicial interventions

- It is the most important skill in advocacy the ability to defend your arguments against judicial challenge so expect to be challenged. Whether if you are in a court or participating in a moot court competition



Quality over Quantity

- The quality of your response is what is important and you are more likely to win over the judge with a confident and considered response rather than a response in which you ramble and have not thought about.

Amicus Curiae

The role of amicus curiae has evolved significantly, becoming a vital part of the judiciary's endeavour to uphold justice. Historical cases have seen amici curiae assist in matters ranging from constitutional interpretation to human rights issues, underscoring their importance in the legal landscape



Handling Rebuttals

Handling rebuttals in court requires preparation, active listening, and a structured, professional response focused only on your opponent's new arguments. The goal is to highlight weaknesses in their case while reinforcing your own, without repeating previous arguments or becoming emotional

Points to remember

- Anticipate Opposing Arguments
- Know the Facts and Law
- Organize Evidence

Structuring Your Rebuttal

For every rebuttal to be strong, one needs to logically structure it

1. Restate the Opponent's Point
2. Refute the Argument (example) “However, Section 25 is not applicable in this case because, as held by the Supreme Court in ABC v. XYZ (2012), the limitation period only starts when the cause of action arises, which in our case was in 2022.”
3. Re-Link to Your Case (example) “Hence, our client’s claim is well within the limitation period, and the bar under Section 25 does not apply.”

Tips and Tricks for a strong rebuttal

- I. Use Authority/citations
- II. Don't Introduce New Arguments
- III. Understand When to Stop

Conclusion

Rebuttal in moot court is both a science and an art. By anticipating the opponent's arguments, structuring your rebuttal logically, using legal authority, and delivering your points respectfully and confidently.

Moot practice

Mock moot practice involves simulating court arguments for law students, focusing on legal issues, writing briefs (memorials), and presenting oral arguments to a panel of judges,. Practising for a moot court can also include a mock trial where students learn to deal with witnesses and cross examination



How to practice for a mock moot

Every mock moot will include different set of cases and facts, it is important to note that there are a few points which generally helps every student in moot irrespective of the facts and the case.

- 1. Understand the Problem**
- 2. Research & Writing**
- 3. Structuring Oral Arguments**

THANK YOU