

THE OBSERVER BOOK OF MOOTS. By PAUL DOBSON & BARRY FITZPATRICK.
[London: Sweet & Maxwell. 1986. vii + 173 pp. Softcover: £7.95]

THE National Mooting Competition is held in the United Kingdom annually and it has, for the last 15 years been sponsored by the publishers of *The Observer* newspaper. This compact book is but one of its many noteworthy achievements. The editors have in mind two separate audiences: the moot organiser and the student mooter and have organised the book accordingly. It is divided conveniently into two parts. The first part consisting of five chapters is written by the

editors with the student mooter in mind although Chapter 2 contains helpful hints to organisers of moot competitions. The second part is a collection of about 100 sample moots set by academics from various institutions.

In the first chapter of the book which is very brief, the editors make out a strong case for mooting both as an academic and practical exercise. The second chapter is written with the moot competition organiser in mind. As one progresses through the book, one cannot help but be confused as to how the editors have organised the book and blame must be cast on the manner in which headings are used; for example, Chapter Two is entitled "Organising A Mooting Competition" and Chapter Three is called "Preparation". What is not apparent to the reader is the fact that Chapter 2 is self-contained and deals with all the organisational aspects of a moot competition whilst the "preparation" referred to in Chapter 3 actually refers to the preparations the student mooter must make when he partakes in the mooting process (including research, use of precedents and other aspects of mental preparation).

This is, however, a minor technical defect and does not affect the usefulness of the material compiled by the editors, or should I say the authors of the first part. There are many helpful hints to organisers and the experience of Barry Fitzpatrick who used to organise the *Observer Moot Competition* is brought to bear. Most of the hints are very practical and deal with most of the problems first-time organisers are likely to face like choosing judges, setting time limits and even post-moot receptions. My only complaint about this chapter is that it does not provide more information on the actual setting of moot problems. Granted that sample moots are provided in the latter half of the book, organisers should also be warned of the pitfalls of setting moot problems. The editors have not, for instance dealt with the need to ensure that the issues presented in the moots be comprehensible to a general audience. Although they are quick to point out the mooting is not a spectator event, I should like to add that there is much to be gained when fresh undergraduates watch more senior and experienced students argue their cases. To this end, a short explanatory note which gives the facts and legal issues (preferably written without any legal jargon) could be issued to any interested audiences be they law students or otherwise.

The third and fourth chapters of this book are entitled "Preparation" and "Composition and Presentation" respectively. They provide lots of useful hints and pointers to students who are proceeding on their very first moot and can be re-read with great benefit even by seasoned mooters. The editors set out their points in easy-to-read language which is often very humorous especially in their description of well-known phenomenon or mistakes peculiar to mooting. For instance, they warn of the "tyranny of the latest case" (also known as "Recent Developmentitis, where students are overly anxious to cite the very latest cases although they do not add significantly to the law); the dangers of "rent a quote" (where students rip a quotation out of its proper context); and the undesirability of treating the moot as a "magical mystery tour" to be won by the citation of some forgotten ancient case from some obscure law report. There is

much that the mooter can gain from reading these chapters from end to end and the editors provide sound advice on such aspects of mooting as how nervousness can be overcome (as well as how it should not be overcome by the intake of alcohol), how cases should be presented, the use of proper citations and how the questions from judges should be handled. Personally, I found the section on how to deal with judges the most useful, especially since many students tend to regard mooting as an exercise in regurgitating their prepared oral submissions. The importance of eye-contact, decorum and deference to judges are also properly emphasised. One small point though; the editors should have, I thought, given the mooter some advice on summing-up techniques which become crucial especially when the time allocated to the mooter is almost up.

The last chapter in the first part of the book deals with “Matters of Procedure and the Powers of the Appeal Court” and may not be so relevant to local readers as to English students (which must certainly form the main market for this book). I did find that the section on the citation of authorities and unreported decisions was a little misplaced in this chapter and should, I think have been more appropriately included in Chapter 4 under the sub-heading of “Using Cases”.

The second part of the book contains many useful sample moots which deal with many legal subjects, from criminal law to tort, from consumer law to evidence. The editors have also included many interesting moots in subjects which traditionally have been excluded from the mainstream moot problems, like intellectual property and human rights. The rules of the *Observer* Mooting Competition for 1986–87 which should prove useful for anyone wanting guidance in organising a moot competition or a moot programme have been included at the very end of the book. An index to the book has been omitted and although some may find this rather irritating, I do not think that it would be too difficult to locate anything given the length of the book.

Overall, I found this book a pleasure to read and would recommend it wholeheartedly to anyone interested in mooting.

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