

The Rebuttal



What I have learned about writing from being on the Moot Court Board?

In moot court competitions, the brief score can be worth up to 50% of a team's overall score in every round; consequently, Moot Court Board members are always working to improve their research, writing, analysis, and attribution skills. In this issue, Moot Court Board members discuss what they have learned about writing during their time on the Board thus far.

Katie Bonti The most important thing that Moot Court has taught me—is how to be precise in both oral and writing arguments. While working at the Tampa Prosecution Clinic last summer, I saw firsthand the difference between convoluted and slam-dunk motion, pre-trial, and evidentiary arguments. When persuading a judge or jury, the attorneys, and even myself, who stuck to the basics, were much more convincing in doing so.

Moot Court teaches you how to be a better advocate by showing you that sometimes the best way to say something is by saying it in the simplest way. Less words, more power. By learning how to say it simpler, you begin to realize how to say it better and how to craft a better argument.

Kai Su The main thing I have learned about writing during my time on the Moot Court Board is that it is extremely important to know your audience. Knowing your audience is important because it will help you

- **Refine your arguments.** When you know the composition of your audience and what their preferences are, you can refine your arguments to align with those preferences.
- **Adjust your style of advocacy.** Written advocacy, just like any type of writing, comes in a variety of flavors because people have their own writing styles. Writing styles vary significantly, so if possible, it is wise to identify which style will be most likely to resonate with your audience, then follow that style.
- **Win your case.** Obviously, if you are speaking to the wrong audience, you will be less likely to win your case. Audience members—most likely judges, in the case of Moot Court—are often looking for advocates to persuade them on the arguments the judges are on the fence about. If you can identify those arguments and speak to them in a persuasive way, you will be more likely to win.

Brielle Tucker Brief writing is one of those skills that is always developing. My challenge with writing briefs (well, legal writing in general) is having writer's block. I sometimes struggle with wanting it to "sound pretty." In order to cope with that, I started recording myself talking out my argument and then I would type out exactly what I just said. This technique would allow me to get words on paper. Then after I have a good chunk done, I would go in and make the text sound "pretty," as I would like to say.

Another tip I strongly suggest is to Google the issue first, or read a law review article about the issue. Getting a background understanding allowed me to familiarize myself with different terminology that was relevant to the issue as well as get a bird's eye view of my argument.

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Tiffani Thornton “Legal Writing” is a phrase that elicits a spectrum of feelings in law students. From fear and anxiety to eagerness and delight, we all have a gut reaction to these two words. For those of us who are or have spent time on the sadder end, gaining an appreciation for the process and the result can be a challenge. I have found that the Moot Court experience is an excellent guide to finding yourself on the positive side.

The appellate brief, memorandum, and various pleadings, though employing the use of very different structures and words, all take require the same skill to generate. As a new member of the Moot Court Board, I have started to appreciate this skill and the value it brings to our role as future lawyers. The recipient of legal writing that lacks the structure a skilled author provides is in the same position of an elementary school teacher grading the answers to a student's long division problems who neglected to show their work. Without seeing this, how can it be known that the student didn't guess the right answer or use a flawed method that just happened to work for this problem? Framing what we do in this manner is informative as it reveals the need for the structure we work within.

Understanding is half the challenge. Putting pen to paper or getting words across the screen is another hurdle to overcome and that is the area where practice makes perfect. Outside of the R&W world, the Moot Court Board is one place to get your practice sessions in. I look forward to diving into this process soon through the composition of an Appellate Brief for my team's competition. Though this will only be my second time writing this type of brief, it already seems less daunting. Parts of the structure are committed to my memory while others will certainly require a refresher. By my third time writing, it will be even better, and so on.

By the end of my time on the Moot Court Board and at Stetson, I want to reach a level of skill as a legal writer such that my understanding of favorable evidence or precedent merges with my plan for presentation of it. That process is, for me, the most challenging aspect of legal writing. It requires the ability to identify the interplay between rules and patterns of reasoning. This ability is developed through practice. The more experience I have conducting research, organizing notes, writing and editing briefs, the more quickly this merger occurs.

So, if you're afraid of legal writing—don't be! The process myself and countless others have experienced will also yield positive results for your legal writing goals if you understand its purpose, commit to a form of practice, and have the support to develop as a writer.

Jordan Koziol Being on the Moot Court Board has taught me a great deal about both individual and group writing. On an individual level, I have learned to write from the *reader's* perspective. At each juncture, I find myself asking the following questions: “Does this point/sentence/paragraph make sense? Is it necessary for my argument? Does it require the reader to draw strained inferences? Does it flow logically to the next?” This habit has greatly improved my ability to write both clearly and concisely. On the group level, I have learned several different methods of researching, organizing and selecting sources, and persuasive writing. Through peer editing, I have also identified shortcomings in my own writing.

Additional tips:

- Organization, within the different sections of the document, is important.
- Address the question asked.
- Be clear and concise in the presentation.
- Proofread, proofread, proofread!
- Provide proper attribution.

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“Many ideas grow better when transplanted into another mind than the one where they sprang up.”

~Oliver Wendell Holmes

One of the great things about being on the Moot Court Board is that members write the appellate briefs in teams. While collaborative writing does have its challenges, these Board members discuss the benefits of writing as a team.

Jessica Baik First and foremost, I have learned to trust my teammates and communicate! Before coming to law school, most law students (myself included) took complete control of their grades—taking the chief role in group projects, micromanaging, and always turning in assignments when they were due and not a minute later. Similarly, in R&W II, I was able to go at my own pace throughout the brief writing process and organize my brief in a manner that logically made sense to me. Being on a Moot Court team is usually the first time any students are able to truly collaborate, and it is important to recognize that everyone works differently. Because of this, it is necessary to communicate your writing process to your teammates so everyone can find a uniform plan that works for the team. For example, some people like to have all of their research completely done before writing any portion of the brief, while others might prefer to begin drafting as they research because it makes the process easier in the long run.

Because everyone has a different approach, it is important to set a schedule early and meet those deadlines even if the schedule is eventually tweaked along the way. The bottom line is your teammates are relying on you and everything needs to run as fluidly as possible. When you write individually, you can go at your own pace. But when you are writing with a team, you have to hold yourself accountable and respect your teammates and their time by sticking to the deadlines everyone is expected to meet.

It is also important to regularly communicate with your team, whether it is about something you are struggling with or bouncing ideas off of each other—a skill that will surely translate into the real world. At a law firm, you will work closely with various attorneys, you will likely attend weekly meetings with partners and associates, and you will bounce ideas and questions off of each other. During my time as a summer associate, I was told to write a brief for a case that had just been appealed. Throughout the writing process, one of the most important skills I brought with me from Moot Court was being able to communicate various questions and ideas with the other attorneys.

Finally, make friends! Brief writing can be a long, grueling process, so why not make it more enjoyable? Becoming comfortable with your teammates can make a world of difference in the entire process! It will help to ease your stress and allow you to truly become a team, which will translate well during oral argument when everyone needs to be in sync!

Tiffany Colon After writing a brief with a team I have learned that in order to be successful communication is very important and prevents misunderstanding. When your team has an open line of communication it not only allows others to feel comfortable sharing ideas but it also keeps everyone on the same page. Also, it is very important to dedicate a good amount of time editing the brief. Everyone has a different style of writing so by dedicating time to edit, it allows everyone in the team to sit down read the brief together and make sure it has that “one voice” feel.

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Alex Metras My experience in Moot Court to date has been primarily focused on collaboratively preparing and submitting a brief. This process has been particularly unique in a law school environment as a 2L, because my large writing assignments in courses have been completed individually. Working in this group setting exposed me to others' approaches to the brief writing process, and also taught me to be more objective about my own writing. Being able to see different ways of approaching research, and comparing them against my own, helped me become more organized and efficient in my research, which led to a increasingly smoother writing process. Also having my work edited and reviewed by peers allowed me to understand how my writing style is interpreted by others. This was a critical experience for me, because being constantly exposed to other writing styles, and attempting to form them all into a single one, opened my eyes to the weaknesses my writing carried. Before this experience, I could address instances where weaknesses in my writing would appear, but it was harder to identify categorically what I needed to change in my approach to writing. Now I feel much more confident I can proof read my work and look for specific things I know I can improve upon immediately.

Sean Mullen I think collaboration and team writing can be a scary prospect at first. However, this process has shown how valuable a second or third perspective can be. We all try to be objective and would like to think we can see all sides of an argument. This is harder in practice. Having others to compare ideas with is priceless, even if you end up just confirming your own analysis. In addition, proofreading and editing can make all the difference. Having another set of eyes can only help to make sure basic mistakes are found and corrected.

Kelley Thompson I am currently in the middle of a brief-writing process with my team, and I am learning that it is helpful to share notes with team members (through a Google doc or something similar) even in the research phase of the writing process. It is efficient because we can learn from each other's work, and it is a good accountability mechanism for all of us because we know our team members can see where we are in the research process and how much we have gotten done. Teamwork, even in the research phase, is the way to go!

Vasilios Zimarakos I have learned that it is not only important to write succinctly, but more specifically to reduce complex arguments into simple, concise language. Many times your strongest argument may be the most simple one, and reemphasizing and honing in certain persuasive points from this argument can many times be a simple, yet effective writing strategy. Additionally, I have learned how important it is to consistently flesh out new ideas by talking about them with your teammate(s), within what is allowed by the competition rules, of course. Many times being able to take a step back and discuss competing ideas or various legal issues helps jump start news ways to approach the brief writing process. Attention to detail is also extremely important.

Want to try out for the Moot Court Board—
or the Dispute Resolution Board or Trial Team?
See the **Advocacy Board Tryouts Information** webpage—

<https://www.stetson.edu/law/academics/advocacy/home/advocacy-tryouts.php>—
for more information!

And attend our 2019 Advocacy Boards Workshop and Tryouts informational meeting on Wednesday, November 14, at 5:00 p.m. in the Great Hall.