

TIPS FOR CASE PRESENTATION FOR MOCK ICJ ATTORNEYS

The following is a list of reminders that should help you prepare for your ICJ simulation. It is not intended to be exhaustive!

I. Introduction

At the outset of your court presentation, *introduce yourself and state persuasively the issue(s)* that you will discuss. Be sure that you refer in your opening statements only to evidence that you will definitely present during the simulation. After opening statements by both attorney teams, the simulation will move directly to the testimony phase.

Remember to *make eye contact and take any documents relating to the simulation to the podium with you!* Place them on the shelf under the podium. Organize your papers so that you can reference them easily and not lose track of them. See "General Reminders" on reverse.

II. Facts/Procedure

Know the facts of your case by heart. You won't have to recite them, but be familiar enough with them to be able to answer any questions the court poses about the facts and identify any facts that a witness (adverse or even your own) states incorrectly. You need to be familiar with both the *procedural* facts of the case (e.g., how the case came to be, any court rulings) and the *substantive* facts (what actually happened between the parties (and others) that gave rise to your case).

Remember that regardless of whether you provide facts or procedure at the outset of your argument, you can still refer to these matters in the course of your argument, and you should do so where necessary.

III. **Legal arguments**

When you present any legal arguments to the court, start with what is commonly referred to as a "*roadmap*," which is a list of the reasons why your client should win. It's fine to list these reasons by number (for example, "First, country A should prevail because ... Second, the court should rule that . . ."). It's also fine to introduce multiple reasons using standard transitions (for example, "Your Excellencies, the Applicant should prevail because In addition, Furthermore,").

Proceed through your argument, making it clear when you are moving from one reason to the next.

Stick to basic concepts and policy arguments. Try not to get too bogged down in detail.

See the handout on oral argument questions for some helpful advice on how to answer questions and get back to your presentation.

IV. **Examination of witnesses**

Prepare by trying to *anticipate the testimony* that will be solicited by opposing counsel. During the opposing side's testimony, scrutinize the strategies and arguments of opposing counsel. Consider: Are there any holes in the opposing case? Remember, it is each side's obligation to elicit testimony (from both your own and opposing witnesses) that will convince the court to rule in your favor. Also, remember that each team knows the identities of and will have access to all the 'experts.'

Each legal team should *take careful notes* during the testimony of opposing 'experts'. and the materials that he or she has cited. The simulation will allow for one or two cross- exam questions per witness. During oral argument, you may respond to arguments that your opponent has made either orally or in his/her documents.

On cross-examination, you may ask "leading" questions. You may only cross-examine a witness on topics that he or she has testified about.

V. **Conclusion**

Keep it brief--simply try to remind the court of the basic reasons why your client should win.

Know the conclusion cold--the most important times to make good eye contact are at the beginning and end of your argument.

If time runs out before you get to your conclusion, remember to *ask for permission* to conclude. Conversely, if you reach your conclusion before time expires, make it clear to the court that you are concluding. Don't forget to *thank the court* before you sit down.

VI. **Rebuttal (for first side only)**

Address points made by the opposing side--don't rehash what you've already argued.

Think about reserving no more than two minutes for rebuttal.

VII. **Surrebuttal (for second side only)**

You may only address points raised during rebuttal.

VIII. **General Reminders**

Write your outline inside a folder or place it in a loose-leaf binder. Try to keep it short. On a separate sheet, list the authorities that are most important to your argument. Make sure that the materials you bring to the podium are manageable. Don't use index cards, which can easily fall off the podium and/or get out of order.

Don't read your argument!

Relax! It will be over before you know it. Hopefully, you'll enjoy it! Good luck!!