

# LA384-15 The Art of Advocacy: Mooting and Forensic Rhetoric

**20/21**

**Department**

School of Law

**Level**

Undergraduate Level 3

**Module leader**

Gary Watt

**Credit value**

15

**Module duration**

10 weeks

**Assessment**

50% coursework, 50% exam

**Study location**

University of Warwick main campus, Coventry

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## Description

### Introductory description

To develop competence in the practical, performative and ethical arts of appellate court advocacy and forensic (i.e. 'court room') rhetoric

[Module web page](#)

### Module aims

To develop competence in the practical, performative and ethical arts of appellate court advocacy and forensic (i.e. 'court room') rhetoric

### Outline syllabus

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

A demonstration moot will be performed within the first three weeks of term, with a staff member acting as judge

Origins of mooting and rhetorical controversies  
The example of celebrated rhetoricians and advocates of the past  
Nature of mooting in modern educational contexts  
Forensic rhetoric - on invention, arrangement, memory, delivery and style  
Judging a moot  
The conversational ideal and the function of formality  
On judicial style  
Practice in "fair hearing"  
Logos/Logic I - on binding authority  
Logos/Logic II - on persuasive authority  
Rhetorical ethos and the limits of logos / logic  
Appreciating the difference between a logical audit and an ethical audit of the outcomes of judicial statements, focusing on particular cases e.g. Re A (Separation of Conjoined Twins)  
Metaphor as logical method  
Gesture, costume and staging of forensic performance

## **Learning outcomes**

By the end of the module, students should be able to:

- Perform with technical competence, imagination and professionalism in methods of mooting and the arts of appellate court advocacy.
- Demonstrate sophisticated practical awareness of the ethical aspects of the roles and responsibilities of courtroom advocates and judges.
- Show critical familiarity with classical, renaissance and modern theories and techniques of forensic rhetoric and the ability to take the initiative in implementing such insights in practice.
- Work well as part of a team in the production of a project outcome in the form of a moot trial and to communicate complex ideas clearly in the context of group work.
- Evidence a developing reflective appreciation of personal competence in the art of advocacy and the ability to manage his or her own learning and to devise a sustainable scheme of term-long task management.

## **Indicative reading list**

John Snape and Gary Watt, *How to Moot: A Student Guide to Mooting* 2nd edn (OUP, 2010)  
Iain Morley QC, *The Devil's Advocate* 3rd edn (Sweet & Maxwell, 2015)  
Adrian Whitfield QC, *The Art of Persuasion: Tradition and Technique* (Middle Temple, 2015)  
Richard Du Cann, *The Art of the Advocate* (Penguin Law, 1993)  
Sam Leith, *You Talkin' To Me?: Rhetoric from Aristotle to Obama* (Profile Books, 2012)  
Aristotle, *The Art of Rhetoric*

Thomas Wilson, *Arte of Rhetorique* (1560)  
Quentin Skinner, *Forensic Shakespeare* (OUP, 2014)  
Robert and Susan Cockcroft et al, *Persuading People: An Introduction to Rhetoric* 3rd edn (Palgrave, 2014)  
Wayne C Booth, *The Rhetoric of Rhetoric*, 2004  
Gleeson and Higgins (eds), *Rediscovering Rhetoric: Law, Language, and the Practice of Persuasion* (Federation Press, 2008)  
James Boyd White, *The Legal Imagination* (Boston: Little, Brown, 1973)

## **Subject specific skills**

No subject specific skills defined for this module.

## **Transferable skills**

No transferable skills defined for this module.

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## **Study**

### **Study time**

<b>Type</b>	<b>Required</b>
Lectures	18 sessions of 1 hour (12%)
Seminars	7 sessions of 1 hour (5%)
Private study	125 hours (83%)
Total	150 hours

### **Private study description**

No private study requirements defined for this module.

## **Costs**

No further costs have been identified for this module.

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## **Assessment**

You do not need to pass all assessment components to pass the module.

### **Assessment group C**

	Weighting	Study time	Eligible for self-certification
<b>Assessment component</b>			
Reflective Journal	50%		No
This should present:			
<ul style="list-style-type: none"> <li>• your engagement with the subject matter of the module The Art of Advocacy and how your approach to the subject changes over the course of your studies</li> <li>• the links that you make between the subject matter covered in the module (both in preparatory reading and the classes) and your everyday life. This might include links to things that you note in the built environment, whilst reading, in popular culture or things that come to mind whilst waiting for the bus!</li> </ul>			

Reassessment component is the same

<b>Assessment component</b>			
Performed moot exercise	50%		No
Performed moot exercise 50% (video-recorded) - including Moot skeleton arguments (max 1,000 words) and post-performance reflections (max 500 words)			

Reassessment component is the same

## Feedback on assessment

Feedback via Tabula

[Past exam papers for LA384](#)

## Availability

### Courses

This module is Option list E for:

- Year 2 of UPHA-V7MW Undergraduate Politics, Philosophy and Law