

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

22/23

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

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.

Study

Study time

Type	Required
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.

Assessment

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

Assessment group C

	Weighting	Study time
Reflective Journal	50%	

Weighting

Study time

This should present:

- 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
- 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!

Performed moot exercise 50%

Performed moot exercise 50% (video-recorded) - including Moot skeleton arguments (max 1,000 words) and post-performance reflections (max 500 words)

Feedback on assessment

Feedback via Tabula

[Past exam papers for LA384](#)

Availability

Courses

This module is Optional for:

- ULAA-M300 Undergraduate Law
 - Year 2 of M300 Law
 - Year 3 of M300 Law
- ULAA-M105 Undergraduate Law (3 year) (Qualifying Degree)
 - Year 2 of M105 Law (3 year) (Qualifying Degree)
 - Year 2 of M105 Law (3 year) (Qualifying Degree)
 - Year 3 of M105 Law (3 year) (Qualifying Degree)
 - Year 3 of M105 Law (3 year) (Qualifying Degree)
- ULAA-M106 Undergraduate Law (4 year) (Qualifying Degree)
 - Year 2 of M106 Law (4 year) (Qualifying Degree)
 - Year 3 of M106 Law (4 year) (Qualifying Degree)
 - Year 4 of M106 Law (4 year) (Qualifying Degree)
- ULAA-M104 Undergraduate Law (Year Abroad)
 - Year 2 of M104 Law (Year Abroad)
 - Year 4 of M104 Law (Year Abroad)
- ULAA-M108 Undergraduate Law (Year Abroad) (Qualifying Degree)
 - Year 2 of M108 Law (Year Abroad) (Qualifying Degree)
 - Year 2 of M108 Law (Year Abroad) (Qualifying Degree)
 - Year 4 of M108 Law (Year Abroad) (Qualifying Degree)

- Year 4 of M108 Law (Year Abroad) (Qualifying Degree)
- Year 3 of ULAA-ML33 Undergraduate Law and Sociology
- Year 2 of ULAA-M10A Undergraduate Law with French Law (Qualifying Degree)
- Year 2 of ULAA-M10C Undergraduate Law with German Law (Qualifying Degree)
- Year 3 of ULAA-M110 Undergraduate Law with Humanities (3 Year)
- Year 3 of ULAA-M113 Undergraduate Law with Humanities (4 Year) (Qualifying Degree)
- ULAA-M115 Undergraduate Law with Social Sciences (3 Year) (Qualifying Degree)
 - Year 2 of M115 Law with Social Sciences (3 year) (Qualifying Degree)
 - Year 2 of M115 Law with Social Sciences (3 year) (Qualifying Degree)

This module is Option list A for:

- Year 4 of ULAA-M10A Undergraduate Law with French Law (Qualifying Degree)
- Year 4 of ULAA-M10C Undergraduate Law with German Law (Qualifying Degree)
- Year 4 of ULAA-M113 Undergraduate Law with Humanities (4 Year) (Qualifying Degree)
- ULAA-M115 Undergraduate Law with Social Sciences (3 Year) (Qualifying Degree)
 - Year 3 of M115 Law with Social Sciences (3 year) (Qualifying Degree)
 - Year 3 of M115 Law with Social Sciences (3 year) (Qualifying Degree)

This module is Option list B for:

- ULAA-ML34 BA in Law and Sociology (Qualifying Degree)
 - Year 3 of ML34 Law and Sociology (Qualifying Degree)
 - Year 4 of ML34 Law and Sociology (Qualifying Degree)
- Year 4 of ULAA-ML33 Undergraduate Law and Sociology

This module is Option list E for:

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