

The Impact of Moot Courts on the Quality of Legal Education: Students of the Faculty of Law at the Applied Science Private University as a Model

Hamzeh Abu Issa
Applied Science Private University

Thair Kaddumi
Applied Science Private University
Middle East University

Naji Alwerikat
Police Institute

This study was concerned with examining the impact of holding Moot Courts and training students in them on the quality of legal education. It dealt with the historical development of Moot Courts held by the Faculty of Law at Applied Science Private University / Hashemite Kingdom of Jordan, for the period 2003 to 2022, a special questionnaire was structured to examine the impact of these trials on students. The questionnaire contained several questions related to the extent of benefit derived via participating in Moot court. The study sample consisted of 70 graduates who participated in Moot Courts held by the law faculties and are currently working in the legal profession. The study concluded the importance of holding Moot Courts in law faculties and that it has an effective role in developing students' legal skills. Based on the above results, the study recommended that the Moot Courts should be an integrated part of the study curricula by allocating a subject for it to grant all students the opportunity to participate in it, in order to enhance and develop their skills.

Keywords: legal education, education quality, Moot Court, skills, Judicial speech

INTRODUCTION

Training is defined as "a planned and continuous process, aimed at meeting the current and future training needs of individuals, by increasing their knowledge, strengthening their attitudes, and improving their skills, thus contributing to improving their performance at work and increasing productivity." (Abu Al-Nasr, 2016, p.17).

Moot and Mock courts are deemed as one of the most important types of legal training. There is no doubt that the mere theoretical study of law is not sufficient, if student is unable to apply this study to reality, also the same applies if the student is unable to present his opinion before the court using skills and methods that are compatible with judicial norms and traditions.

La Roche Flavin proclaim that: as it is like Law science, if it is not complemented with actual experience in courts and within the hearing rooms, like a huge machine that is tested by human on small models. In another words, it is just like a certain folks who participated in illusionist wars without seeing any enemy.

The educational benefit of participation is well-known. Students gain required soft skills in complex case interpretation, legal writing, verbal advocacy and teamwork techniques. Universities, too, use moot court as an advertisement for their academic programs. Generally speaking, Employers widely recommend the recruitment students who have undergone formative moot court experiences (Scott & Soirila, 2021).

Moot court, like mock trial, is a competitive legal simulation. There are intercollegiate competition for both moot court as well as for mock trial, but mock trial is by far the more familiar. Many students participate in mock trial in law colleges, which is part of the study curricula (Kammerer, 2023). Additionally, participation in Moot or Mock court reinforce students' knowledge in allied law sciences (Abu Issa & Juwaihah, 2021).

The Moot court is defined as "an extracurricular course or activity practiced by some law faculties, based on the philosophy of combining theoretical concepts with the practical reality of legal and judicial practice, which the law students must acquire in order to help them acquire various scientific and practical legal experiences and skills by dealing with practical cases." From practical or virtual reality in all branches of law inside a designated hall for the said purpose (Sa'abneh, 2016).

Training in such courts takes two forms: the first is the so-called (Mock Court), which relies mainly on the role-playing method, and the second is called (Moot Court), which relies on the simulation or match method. Each of these two formats possess its pros and cons. However, studies have found that simulation results are better than other methods. (Al-Khatib & Al-Khatib, 2001) suggest that, the learning outcomes of the trial method are:

1. Some literatures concluded that trainees who learn by simulation method get the same level of education as other trainees that learn by conventional methods. There is some evidence that trainees can remember more information through simulation over time.
2. The most important feature of the matches method, is their high ability to motivate trainees with different capabilities.
3. The most important result of the simulation method is that the trainees become participants and also interact with each other.

Therefore, Moot Courts have become an essential educational tool in law schools.

Edward & Kammerer, (2018) stated that active learning can enhance student learning and stimulate interest in the subject matter, as active learnings enhance students' learnings and encourages keen interest in the related topic.

At Applied Science Private University – that is private Jordanian university - the Faculty of Law began holding the first training court in the academic year 2003/2004, though the Faculty of Law was established in 1991.

This court was in a form of representative court (Moot Court), as the organizers worked on writing a complete script for a play that revolves around a murder crime, and the students represented all roles, starting from the crime scene, then the primary investigation stage, then the preliminary investigation, and finally the trial stage. The role of students was limited to memorizing their roles and to act them in front of the audience.

Then the Law Faculty repeated the organization of such trials in the following years, as a representative (acting) court was held in the year 2009/2010, and another in the year 2013/2014.

The acting trials that were held had several advantages, the most important of which is that they are the first practical training for the students. The interaction and enthusiasm were great, especially since they allowed the participation of many students, as they contain many roles, just like any other play. However, these representative trials had faced some criticisms, including:

- 1- Preparation and the setting of such trials consumed a long time, as the training took place throughout the entire year.
- 2- The role of the students was limited to memorizing roles without having any role in searching for information or wording, as they were just actors without any interference from them.

- 3- Some students played unimportant (peripheral) roles that did not develop their legal skills, such as: the role of the clerk, the role of the accused, the role of the court guard...etc.

In year 2018/2019, the college's approach to training trials has changed and it began holding Moot Court competitions, in which the organizers choose a specific case and hand over its file to the participating students, and the students make their pleadings, each according to his role, claim or defense, and present these pleadings before an expert committee (Professionals) for evaluation. The college has established a dedicated hall for this purpose (the moot courtroom), designed to be like a real courtroom. This competition was repeated in year 2019/2020, then in year 2020/2021, 2021/2022 and finally in the year 2022/2023 (Applied Science Private University, Moot Court, n. d.).

In fact, the Moot Court competitions rectified the criticisms of the mock trials. In these competitions, the students write their pleadings themselves, search for legal information, and practice speech. To help them in this, several training courses were held for them in legal drafting and judicial rhetoric.

RESEARCH METHODOLOGY

Based on the foregoing, it appears that the Faculty of Law at Applied Science Private University has held seven training trials since 2003, three of which are representative, and four are Moot. The participants in these trials have graduated and are currently working as lawyers, so a special questionnaire was structured to evaluate these trials and find out their impact on them. Seventy female and male students who participated in the trials responded to this questionnaire. The questionnaire included the following questions:

- 1- When I participated in the moot court, you were at the level of: first year, second year, third year, fourth academic year.
- 2- In what type of Moot Courts did you participate: an acting one, in which the students play the roles of all the elements of the court, or a Moot Court where the role of the student is limited to pleading on behalf of one of the parties to the case?
- 3- To what extent did you benefit from the experience of participating in the Moot Court? Answer from 1 to 5 (Likert Scale).
- 4- To what extent did the moot court add to you in terms of legal information? Answer from 1 to 5.
- 5- Do you think that the Moot Court developed your pleading skills? Answer from 1 to 5.
- 6- Do you think that your participation in the moot court has developed your skills in legal research? Answer from 1 to 5.
- 7- Did your participation in the moot court develop your skills in legal drafting? Answer from 1 to 5.
- 8- Did the moot court contribute to your understanding of trial procedures? Answer from 1 to 5.
- 9- Do you think that the participation of a law student in a Moot Court is essential? Answer from 1 to 5.
- 10- Did the moot court teach you the customs and traditions of judiciary? Answer from 1 to 5.
- 11- Do you think that the participation of a law student in a Moot Court contributes to strengthening his personality? Answer from 1 to 5.
- 12- Do you think that the student's participation in the Moot Court is critical for his future career? Answer from 1 to 5.
- 13- Is it necessary to continue the training of a Moot court inside the college? I see the need to continue it as an extracurricular activity; I think it is necessary, and it would be preferable to devote a separate course to it. I don't see it necessary.

ANALYSIS RESULTS

The responses analysis to the aforementioned questionnaire showed that the highest percentage of participation in the Moot Courts was from the third year students, as they constituted (59%) of those who answered the questionnaire, followed by fourth year students, of which they formed (27%), while the

percentage of second year students was (14%), while first-year students did not participate at all, and this is a logical result. Thus it is necessary to focus on the participation of third- and fourth-year students, as they have good knowledge of law.

Answers also demonstrate that the percentage of respondents who participated in Moot Courts was (93%), and (7%) who participated in representative (acting) trials.

Regarding the extent of benefit based on trials participation experience, (84%) of the students strongly agree with that and that they benefited in an excellent way from such trials, while (11%) of the respondents stated that they strongly agree on the benefits of such Moot Courts, and that (4%) of the study sample stated that they are not decisive regarding such trials. In general, the average of all respondents' answers were 4.8 out of 5 i.e. (96%).

Regarding the added value that is extracted from Moot Courts regarding legal information, (69%) of the respondents strongly agree that they benefited to a great extent especially in connection to new legal information, while (23%) of them agree on the new legal information that can be derived from Moot Courts, while (1%) to (7%) of the respondents were between a neutral and disagree opinion in this context. Generally speaking, the average of this question was (92%), i.e. 4.59 out of 5 on Likert scale.

Regarding the concept that Moot Courts have developed the participants appealing skills, (74%) are strongly in consistent with that, while (15%) agree with this to certain extent, while (7%) of the respondents the were undetermined regarding this point, while (3%) they didn't agree that Moot Courts will be a helpful tool in enhancing appealing skills.

In reference to the belief that participation in Moot Courts developed participant legal research skills: (70%) strongly agree on that, meaning that the Moot Courts developed their skills in legal research in an excellent way, and (20%) answered with agree, meaning that Moot Courts developed their legal research skills in a good way, while (7%) stated that the benefits were average, and (1%) were in the view that it did not develop their skills in this regard at all.

As for the impact of participation in Moot Courts in developing the legal drafting skill, (74%) of the students answered that they developed their skills in legal drafting in an excellent way, while (14%) were in the opinion that Moot Courts developed their drafting skills in a satisfactory level, while (11%) of the respondents said it was good.

In connection to Moot Courts role, in enhancing the participant's understanding of the trial procedures, (71%) answered that participation in the Moot court enhanced their understanding of the trial procedures excellently, (19%) very well, (6%) well, and (3%) acceptable, and (1%) said it did not help them at all.

Regarding the importance of students' participation in Moot court. It was clear that (89%) of the respondents strongly support the importance of participating in Moot court, and the remaining (11%) of the respondents' feedback were between the agree level (4) and disagree level (1).

When the students were asked regarding the role of Moot courts in teaching participants' judicial customs and traditions, (57%) of them strongly agree with that, and (27%) do agree also with this concept, while (10%) of the respondents were neutral and (5%) were not supportive to this concept and did not agree with this.

(86%) of the respondents strongly agree with the idea that, Moot court is very essential to their future career, and (9%) also agree that it is important while (4%) couldn't decide and (1%) did not agree.

Regarding the question about the belief that Moot court training within the faculty is an essential requirement, (81%) see the need to continue with it as an extracurricular activity, (13%) think it is necessary and it is preferable to allocate a separate course for it, while (6%) think it is not necessary.

CONCLUSION

Based on the above results, we can conclude the importance of training and internship to law students, and that Moot court has helped them in developing various skills that were essential in job market and in order to compete with their counterparts. Law profession require the acquisition of specific skills to meet the ever changing job market condition. Moot court has been of great help to Law graduate in improving and developing their profession and gaining good reputation in the market. Thus we recommend that more

academic courses should be assigned to Moot courts and training in order to coup-up with job market needs and in order to excel in law profession. Moreover, holding Moot court competition between law students in different universities, surely will be an excellent opportunity for all participants to develop their soft skills that is critical for law profession. We also suggest that, Moot court should be designated for 4th year student who are near graduation, so they can reap the best benefit out of such practice.

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