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## Editorial: About the Moot Court

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## Editorial: About the Moot Court\*

The moot court has for some time played a larger role in the Dickinson School of Law than in most other law schools, and during the year just closing it has received an emphasis never before put on it. Since the commencement of the present school year, two nights weekly, Tuesdays and Thursdays, have been devoted to this work. In the fall term, only the seniors were engaged as counsel, because it was thought that those who had just begun the study of law were not qualified to act in this capacity with advantage to themselves but since the opening of the long session in January, both juniors and seniors have been thus employed. Every Tuesday and Thursday night two cases have been argued, one by seniors, and one by juniors. Briefs are prepared in each case by every attorney. Oral arguments are made in the order, and as nearly after the forms as possible, that obtain in court. The Dean of the school has sat as judge in every case except one, having been relieved on that occasion by Judge Sadler. The cases cited in the briefs and on the argument are examined, and careful opinions are prepared in every case. THE FORUM contains a record of this work for the year. The preparation of some decisions has required a large amount of time, as those experienced in such matters will readily understand. It has not infrequently happened that as many as fifty authorities have been consulted. As the purpose of the opinion is somewhat different from that of the opinions filed by the judges of the courts; as it is designed not merely to announce the decision reached, and to indicate to trained lawyers the principles that have conducted to it, but to assist students, to clear up for them doubtful or difficult points; the style observed in them differentiates them somewhat from that of the published opinions of the courts.

During the last month of the session, three members of the senior class sat as judges in each case, the juniors only being counsel. Each judge was expected to write an opinion. This practice has been proven useful. It compels the student to examine what is urged on both sides of the case, to balance considerations against each other, and to collate and harmonize authorities. This is the work which not only the auditor or master does, but which every lawyer does who is asked for advice on questions that have not yet

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\* Originally published in 1 FORUM 121 (1897).

assumed a contentious character. No lawyer is a safe counselor who has not learned to ponder all pertinent authorities *pro* and *con*. From the decisions of the court composed of seniors, an appeal has lain to the Dean, sitting as a Superior or Supreme court. Only one reversal has taken place, and the opinion of the lower court in that case was written with conspicuous vigor. Several of the decisions of the lower court were as able as the problems dealt with were difficult.

THE FORUM has proven to be a great aid to the moot court. Students take a larger interest in their work since the substance of their briefs appears therein and since the decisions are there made accessible to them. Indeed, perhaps the primary object had in view in the establishment of that journal was the development of interest in the trials in court. We are able to say from six months' experience, that it has amply fulfilled the hopes with which it was undertaken.

Cases have been solicited from other practicing attorneys, and from *alumni* of the school for use in the moot court. A considerable percentage of the cases heard and decided during the year have been thus obtained. In due time the decision appears in THE FORUM, and we have the testimony of several attorneys to the aid thus furnished them in their own preparation.

We wish that every *alumnus* who should read these lines would feel that to him specially is directed an earnest request to assist the work of the school, as well as himself perhaps, by forwarding cases suitable for trial in the moot court.

We may add in conclusion that it is understood to be the purpose of the school authorities to extend still further the opportunity for practice in the moot court.