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FACULTY OF JURIDICAL SCIENCES

**MOOT COURT EXERCISE AND
INTERNSHIP
(CLINICAL)**

Course : BALLB , 3rd Semester

Subject code : BAL903

Faculty Name : Ms Taruna Reni Singh

Moot Court Exercise and Internship

Objective: The objective of having moot courts is to give the students practical training on how the proceedings of the court take place.

The Paper will have following components

- Moot Court: Every student may be required to do at least one moot court in a year. The moot court work will be on assigned problem.
- Observance of Trial in one case, either Civil or Criminal.
 - Students may be required to attend one trial in the course of the last year of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment.
- Interviewing techniques and Pre-trial preparations and Internship diary.
 - Each student will observe one interviewing session of clients at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition.
- The fourth component of this paper will be Viva Voce examination on all the above three aspects.
- Student will be required to undertake legal awareness programme in association with N.S.S. and other authorities as directed by the Faculty.

LECTURE 21

LEGAL DRAFTING SKILLS

1. **Aim** - to make sure that the document serves the purpose or fulfils the function it is intended to
2. **Making a Legal Draft- You must know**
 - the purpose the document is to serve
 - for whose benefit it is being written
 - exactly what you want to say
 - pitfalls that you want to avoid
3. **Parameters of a Good Legal Draft**
 - Should be consistent with law
 - Should be structured
 - Should be complete
 - Should contain appropriate language
 - Should be readable
4. **Drafting by relying on set formats from books and internet**

Advantages

- helps in identifying the legal requirements
- helps in identifying gaps in your draft, thereby preventing error by omission
- gives a suitable structure to organize material
- offers apt phrases tested over time, helping in

choice of words Disadvantages

- tends to include irrelevant matters that you did not feel the need to remove
- could land you up with odd details remaining unchanged due to poor editing of electronic templates
- might omit vital matters that were absent in format
- may be based on outdated law
- may be badly drafted or inappropriate, forcing you to spend more time tinkering with it than making a draft one afresh
- prevents you from gaining confidence to draft

5. Drafting as a

Performance Skill Step

1: Do Case Analysis

- Research and analyse the case
- Formulate case theory to dictate presentation of draft

Step 2: Determine essential content of the draft

- Make a list of everything you want to include in your draft
- Some paras could be mandated

- by rules
 - Statutory rules, like those contained in Order 6 and 7 Civil Procedure Code
 - Court framed rules, like the Supreme Court Rules
- by practice directions
- by needs of your client
- by your own logic
- by what is needed to be proved in a case

Step 3: Create Your Skeleton Plan

- Plan your draft first in form of a skeleton
- Your skeleton plan should indicate
 - the number paras
 - the contents of each para
 - the order in which the paras will come (facts to be stated chronologically)
- First para should introduce your case
- Number the paras consecutively
- Try to give each para a name
- Each para should consist of only one idea, with sub paras for different parts of that idea. This helps
 - in focusing on the content of each para
 - to keep to the point
 - to stop you from mixing up in one para what belongs to another
- Note in fairly full everything you want to put in that para, but concisely

Step 4: Check your Skeleton Plan against Your List

- Go back to the List created at Step 2
- Check it off ensuring that every necessary item of content has been slotted into your skeleton at an appropriate point
- Look at the completed skeleton to check that
 - every para hangs together and is in right sequence
 - that a para does not contain anything that should not really be there or which belongs somewhere else

Step 5: Draft one Para at a time

- Concentrate now only on the language rather than the content or structure
- Use plenty of space on the page
- Remember the name you have given to the para- the para should be about that topic
- Number sub paras dealing with different parts of the one idea captured in the para

- Every word counts
- Every phrase must be apt
- Language must be clear, precise, unambiguous, complete and non repetitive
- Use plain English
- Maintain simplicity while framing a sentence
- Ensure that there are no errors of spelling, punctuation, grammar or tense
- Drafting involves trial and error, chopping and changing until what you have is right
 - rearrange words, alter the punctuation, divide or join sentences, add or discard brackets

Step 6: Look Back Over Your Draft

- Never assume you have finished when you reach the last para
- You must read it over and over again – you will want to make improvements/alterations or correct mistakes
- Test your drafting by reading it out aloud
- If reading is disjointed, check
 - language
 - sequence of paras
- Edit, re-edit

6. Additional Drafting Points

- Adapt draft according to its nature
 - Plea - plead particulars relating, for instance, to jurisdiction, cause of action, limitation, valuation, description of immovable property
 - Writ - plead grounds as also clauses relating to, for instance, lack of alternative and efficacious remedy, absence of laches
 - Petition under specific statute - plead particulars required by that statute
- Plead legal defences, for instance, estoppel and res judicata
- State the effect of the document, rather than setting out the whole of the document or any part thereof in the draft
- Write sums and numbers in figures as well as in words
- Make the prayer clauses self-contained and comprehensive, numbering each relief separately
- Drafting involves trial and error, chopping and changing until what you have is right
 - rearrange words, alter the punctuation, divide or join sentences, add or discard brackets

Step 6: Look Back Over Your Draft

- Never assume you have finished when you reach the last para
- You must read it over and over again – you will want to make improvements/alterations or correct mistakes

- Test your drafting by reading it out aloud
- If reading is disjointed, check
 - language
 - sequence of paras
- Edit, re-edit

7. Additional Drafting Points

- Adapt draft according to its nature
 - **Plaint**- plead particulars relating, for instance, to jurisdiction, cause of action, limitation, valuation, description of immovable property
 - **Writ**- plead grounds as also clauses relating to, for instance, lack of alternative and efficacious remedy, absence of laches. **Petition** under specific statute - plead particulars required by that statute
- Plead legal defences, for instance, estoppel and res judicata
- State the effect of the document, rather than setting out the whole of the document or any part thereof in the draft
- Write sums and numbers in figures as well as in words
- Make the prayer clauses self-contained and comprehensive, numbering each relief separately