

A “Moot Court” - An Extracurricular Activity in “Constitutional Justice” Course for Master’s Program

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Abstract

The present paper is a report for future research and relates to teaching process at our University. The paper aims to reveal a “moot court” role in developing students' skills and attitudes necessary for them as future lawyers. The outcomes of the research will be implemented on the basis of teaching the course of "Constitutional Justice" for students doing their Master’s Degree at the Department of Legal Studies on the Faculty of Social Sciences, Business and Law, at the Shota Rustaveli Batumi State University. The project will prove moot courts impact on students` skills. We will answer the most important questions: What values and attitudes relevant to Constitutional Justice do students learn during the course and what is the main influence of the moot court on students` skills and attitudes development along with other teaching methods?

1. Introduction

First of all, it should be noted that a moot court is a court simulation of a hypothetical case, which takes place in an imaginary court room [1]. The method is actively used along with other disciplines in the field of Constitutional Law. We use a moot court as a part of the Constitutional Justice Course at our University.

Unfortunately, “Constitutional Justice Course” is not referred to as traditional as any other courses at law universities of Georgia. That has its objective reasons. Georgia used to be a part of the Soviet law system for a long time. The system recognized neither a principle of separation of powers nor institute of constitutional control. Thus, the course was not taught in Georgia till 90’s of the 20th century. “Constitutional Justice” was included into the university curriculum from 1997, when the Georgian legal system was totally changed and the European model of constitutional control, i.e. the Constitutional Court, was established. Nowadays, the academic course is taught to postgraduate students from the 2nd semester at universities.

Constitutional Justice is one of the most important and valuable courses for students doing their Master Degree. It gives theoretical knowledge as well as opportunities to develop practical skills. Although, the Constitutional Justice course consists of the essence of the constitutional control and types of its theoretical basis, it also pays great attention to the constitutional justice procedures.

The moot court being one of the most prospective optimal opportunities in teaching legal procedures of Constitutional Justice is a kind of innovation for higher education of Georgia. Specialists believe this type of role-playing assignment requires higher order thinking because students must apply their substantive knowledge of constitutional law and the jurisprudence of their justice in deciding important constitutional issues and the Court simulations are the most popular features of their constitutional law courses [2]. It should be noted that the moot court has more been applied while teaching various fields of law, including Constitutional Law in Georgia. The moot court simulation experience in the course of Constitutional Law enables students to be directly involved into the process they will find themselves after completing their Master Degree.

The present research enables us to determine how a moot court simulation impacts on the learning process in Constitutional Justice while getting high-quality education and elaborating skills.

2. Research context

The Shota Rustaveli Batumi State University is one of the leading universities of Georgia. It is located in the city of Batumi, region Adjara. The Law Department was founded at the university 20 years ago. Today, the department is a part of the general faculty of Social Sciences, Business and Law. The course of Constitutional Justice has been taught for over 20 years at the university and it can be said that the university has sufficient experience in teaching the course. I, myself, have taught this course since 2002-2003 academic years. And, I always try to use a kind of moot court component while teaching

process. Though, it should be noted that the method is neither sufficiently used in learning process nor is an obligatory part of the university curriculum.

While teaching we could observe how difficult it is for students to learn all important issues of constitutional legal proceedings without application of the moot court method. Using of the moot court simulation in the teaching process has been stimulated by annual nationwide Students Olympic Tournaments held by the Constitutional Court of Georgia since 1997. The Olympics are participated by postgraduate as well as undergraduate students. And, its topics are not limited only within the course of Constitutional Justice.

I also offer my postgraduate students to experience a moot court simulation. I give them proper instructions for drafting constitutional claims, judgments, verdicts, protocols, explanations, etc. The students form groups, and play roles of judges and claimers. They are launching and following the court process and issuing verdicts strictly according to the existing legislation.

It should be noted that students' involvement into the moot court simulation is motivated by the fact that it is a perfect opportunity for them to be prepared and improve their skills for the abovementioned Annual Moot Court Olympics Tournament organized by the Constitutional Court of Georgia.

Keeping in mind students of the Batumi University, I believe it is extremely favorable for them that the Constitutional Court of Georgia was moved from capital city Tbilisi to Batumi in 2006. The students can easily attend real court hearings, study court cases and observe those legal procedures of the Constitutional Law which they have learnt at moot court simulations at the University. In 2008, we also initiated equipment of a special venue for moot court simulations to be conducted at our department. It obviously supports students to develop proper skills and reveal their knowledge and get experience of situations they might find themselves right after graduation from the university and becoming judges or lawyers. Thus, moots involve students in many tasks and are a form of assessment which combines both substantive law and a range of skills. There are a variety of specific educational perspectives from which moots can be viewed. However, as a preliminary point, it is worthwhile to consider theories of student approaches to learning. It seems that moots are an extremely good example of assessment which involves a "multidimensional" approach by students. [3].

3. Data Collecting Strategies and Data-Analysis Methods

The research is based on data collecting from different sources. We think the following useful steps below should be done:

The first – conduct a survey among students in order to know their opinions regarding the most important methods in studying the course of Constitutional Justice.

We think it is necessary to draw a special questionnaire for the survey including following questions:

- What do you think the most valuable method is in studying the course of Constitutional Justice?
- What is the difference between teaching methods of the course of Constitutional Justice and other branches of law?
- What is the practical purpose of studying procedures of the Constitutional Justice in your future professional activities?
- Does the current Georgian Constitutional Justice respond to these values?

Students give their individual opinions on these questions covering a half page. We learn the materials and offer them to spend an hour discussing their ideas. The discussion is held in a manner of exchanging arguments and offering own ideas by the students and me.

The second – an important source for getting the research data is the moot court simulation. At the beginning of the semester the students get different casus cases and prepare for role-playing as claimers, defenders and judges. Then, the moot court simulations are conducted twice per semester, particularly during the 6th and 10th weeks. The students keep working on and drafting a constitutional claim, defender's explanation, court records, protocol of the court simulation and a verdict. Following to the moot court simulations there is conducted an inquiry for each student to find out which skills they obtain from the imitated court sessions and what the most important and valuable is observed during this simulation process. In general, there are several structures of organizing moot court simulations at different Universities. We find Vernon Nase's work on organization of moot court very interesting. And, as he mentions, one of the most important objectives are to develop to a high degree students' knowledge of the skills involved in oral and written advocacy through the creation of a Moot Court Bench [4]. We will certainly use this and also consider other similar practical experiences in our research activities.

The third – We think that the students' attendance at real court proceedings of the Constitutional Court of Georgia is a very good source for the research. During the semester, after conducting two moot legal proceedings at the

University, the students attend the Georgian Constitutional Court hearings. That gives an opportunity to experience basic procedures of the constitutional jurisprudence and means of case management during the real court hearings.

After attending the court hearing, the students are given a task to write a brief report responding to the following questions:

- What difference do they think is between the moot court imitation and the real Constitutional Court hearing?
- What do they see both at the Constitutional Court hearing and the imitated moot court?
- What is the most important and valuable experience they get at the Constitutional court hearing that contributes to further development of their knowledge?

We analyze collected data through applying different methods including a well-known method of content analysis in order to evaluate the students' written reports. We observe the students' skills development and analyze the received results of the moot court simulations applying the comparative method through discussing and analyzing results of video and audio recordings of the first and the last imitated court hearings together with the students. The collected results can also be processed and analyzed through applying a method of procedural documents drafted by the students.

4. Expected Evidence

The survey result makes us able to determine what the students think about this new technology while studying. The research proves that applying the moot court simulation is one of most effective methods in learning the course of Constitutional Justice. The advantage of an integrated skills program is that the substantive and skills components can feed off each other while achieving their own objectives and learning outcomes [5]. We believe that the students' involvement in the moot court simulations definitely help them to develop and widen received general knowledge and improve their practical skills and turn their theoretical knowledge into real life and get ready for their real professional activities.

5. Anticipated Claims

The course of Constitutional Justice should mainly be focused on formation and development of professional skills among the students. We believe, the moot court simulation is one of the most effective methods among all applied academic activities in order to achieve the abovementioned goal.

Moot court simulations are designed to help students understand and appreciate the richness of the judicial process– the interplay of close textual analysis, creative interpretation, political values and personality– and, even more important, to develop long-term critical thinking skills that do not lend themselves to objective examination [6].

Students find moot court simulations interesting and challenging, they learn more when class is “entertaining and fun,” and they are more likely to keep up with the reading and be attentive in class with regular simulations. They enable discursive and/or collaborative learning over a greater number of topics, establish ongoing peer review within the course, and engage students day-to-day more effectively than lecture, discussion or even the Socratic Method [6].

Moot court exercises, like other simulations, are a form of active learning, which engages students on a far more dynamic level than the traditional lecture. Active learning supplements the delivery of information in the Constitutional Law science context by promoting a deeper level of insight, increases attentiveness, promotes critical thinking, and develops communications skills [6].

6. Conclusion

My research project will have certain impact on the development of teaching and learning techniques for the course of Constitutional Justice in Georgia. We think it is very important to share my experience and research results to the academic staff of the department. Therefore, it is intended to present the research to professors and lecturers of our Department at the 2012 annual conference, as well as organize a general presentation of the survey results for representatives of academic circles of the Department, specialists of constitutional law and other legal branches, also interested groups of students. This research will help as to determine how the moot court competition gives students a chance to practice the written and oral skills they are learning in their law school classes.

7. References

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