

TECHNIQUES OF DRAFTING A MOOT COURT MEMORIAL



From Legal Issues to Persuasive Arguments



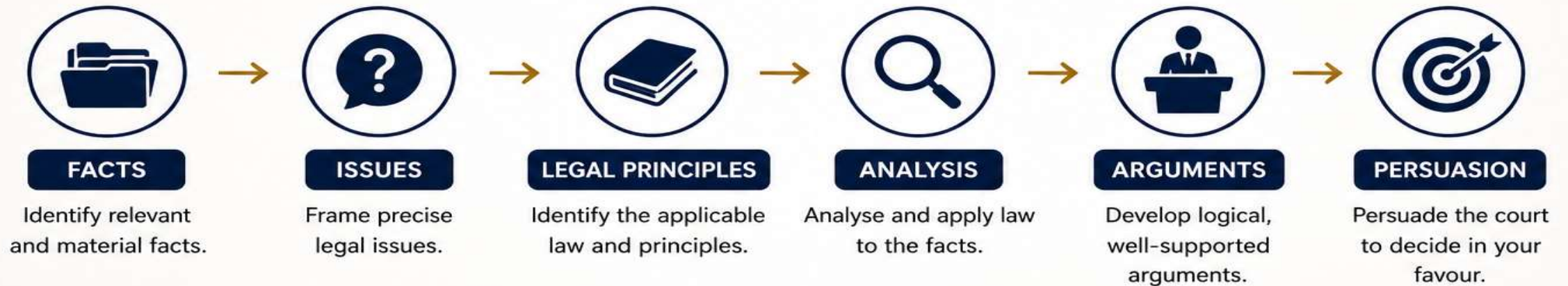
by Anjani Singh



WHAT MAKES A GOOD MEMORIAL?

A good memorial is **not merely** a collection of legal research. It is a **structured** and **persuasive** presentation of arguments.

A MEMORIAL TRANSFORMS



THE REAL OBJECTIVE:

To present your case so **clearly and logically** that the court can follow your reasoning without difficulty.

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TECHNIQUE 1: UNDERSTAND BEFORE YOU DRAFT



Read the proposition **carefully and repeatedly.**

Before drafting, identify:



Material facts

What facts actually matter?



Parties and their positions

Who is claiming what?



Legal dispute

What is the actual controversy?



Applicable law

What legal questions arise?



Relief

What does each party want?



Jurisdiction

Why is this court deciding the matter?



ASK YOURSELF:

“What exactly is the court being asked to decide?”

DON'T:

✗ Start drafting immediately | Treat every fact as equally important | Research without first understanding the dispute

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TECHNIQUE 2: FRAME PRECISE ISSUES

Issues are the **roadmap of your memorial**.

A properly framed issue should be:



SPECIFIC

Clear and focused legal question.



LEGALLY RELEVANT

Arises from applicable law and within the court's jurisdiction.



CONNECTED TO FACTS

Based on material facts and the actual controversy.

EXAMPLE



WEAK ISSUE

"Whether the respondent acted illegally?"

(Too vague, not legally focused, does not specify the legal basis.)



STRONG ISSUE

"Whether the respondent's restriction on the appellant's speech violates Article 19(1)(a) of the Constitution?"

(Clear, legally specific and connected to facts.)



WHY DOES FRAMING MATTER?



Determines what you need to prove



Guides the law you need to apply



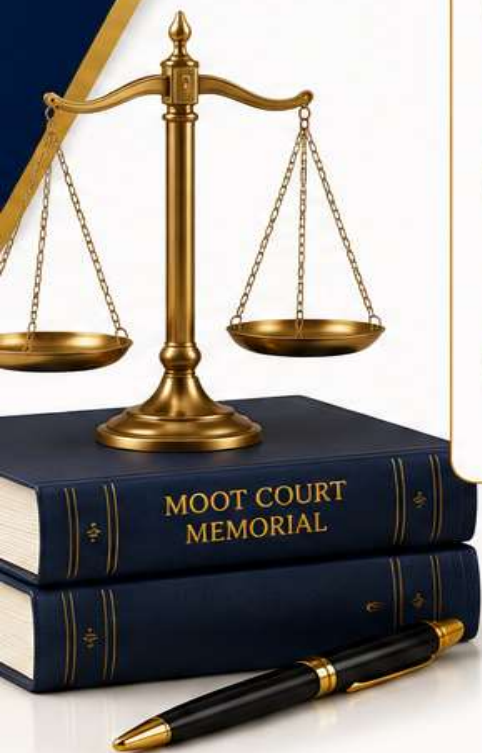
Shapes the arguments you need to develop



Determines the relief you can seek

If the issue is unclear, the argument will be unclear.

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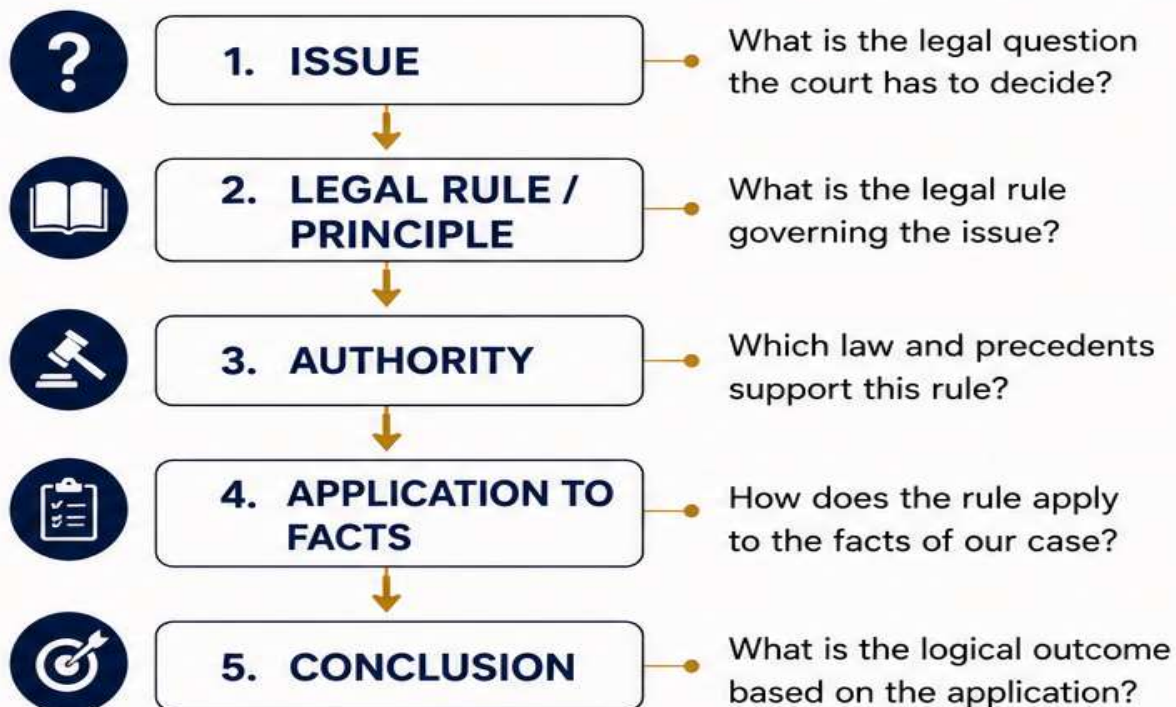


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TECHNIQUE 3: BUILD THE ARGUMENT



A strong argument follows a **logical structure** from issue to conclusion.



IRAC FRAMEWORK

- I** **Issue**
Identify the legal question.
- R** **Rule**
State the legal rule and principle.
- A** **Application / Analysis**
Apply the rule to the facts with reasoning.
- C** **Conclusion**
Arrive at a reasoned conclusion in favour of your side.

“ Do not merely tell the court what the law is. Explain why that law applies to your facts. ”



KEY TAKEAWAY

A well-structured argument connects law to facts **through clear reasoning.**

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TECHNIQUE 4: TURN AUTHORITIES INTO ARGUMENTS



A case citation alone is **not an argument**.

Convert every authority into a logical support for your case.

HOW TO USE AN AUTHORITY EFFECTIVELY

1



What principle does the case establish?
Identify the legal rule or principle laid down.

2



What did the court actually decide?
Understand the ratio decidendi (not the facts).

3



How is it applicable to my facts?
Show the similarity and relevance.

4



Why does it support my side?
Explain how the principle helps you reach your conclusion.

EXAMPLE



Case: Shreya Singhal v. Union of India (2015)



Principle: Freedom of speech can be restricted only under Art. 19(2) and the restriction must be reasonable and proportionate.



Application: The impugned restriction in our case is overly broad and does not satisfy the test of reasonableness and proportionality.



Why it supports our side:
Therefore, applying the principle in Shreya Singhal, the restriction is unconstitutional and must be struck down.

“

KEY TAKEAWAY:

Authority + Reasoning + Application = Argument

The **reasoning** connecting the authority to your facts **is the argument**.

by Anjani Singh

7 TECHNIQUE 5: CONNECT THE LAW TO YOUR FACTS



Don't just state the law—demonstrate **how it applies** to the facts of your case.



WEAK APPLICATION

“ In *Shreya Singhal v. Union of India*, the Supreme Court held that restrictions on freedom of speech must satisfy Article 19(2). Therefore, the respondent's action is unconstitutional.”



PROBLEM: The law is stated, but the connection between the precedent and the actual moot facts is missing.



STRONG APPLICATION

“ In *Shreya Singhal v. Union of India*, the Court recognised that restrictions on freedom of speech **must fall within the grounds under Article 19(2)**. In the present case, the restriction imposed on the appellant **does not fall within those grounds** and is therefore **constitutionally unsustainable**.”

”

THE APPLICATION FRAMEWORK



1. LAW

What does the authority or legal principle establish?

Extract the rule or principle.



2. FACTS

What are the relevant facts in our case?

Identify the material facts.



3. LINK

How do our facts satisfy or violate the legal rule?

Show the connection clearly.



4. CONCLUSION

What result logically follows for our side?

State the legal outcome.



KEY TAKEAWAY: The application is the **bridge** between the law and your conclusion. It is where research becomes **legal reasoning**.



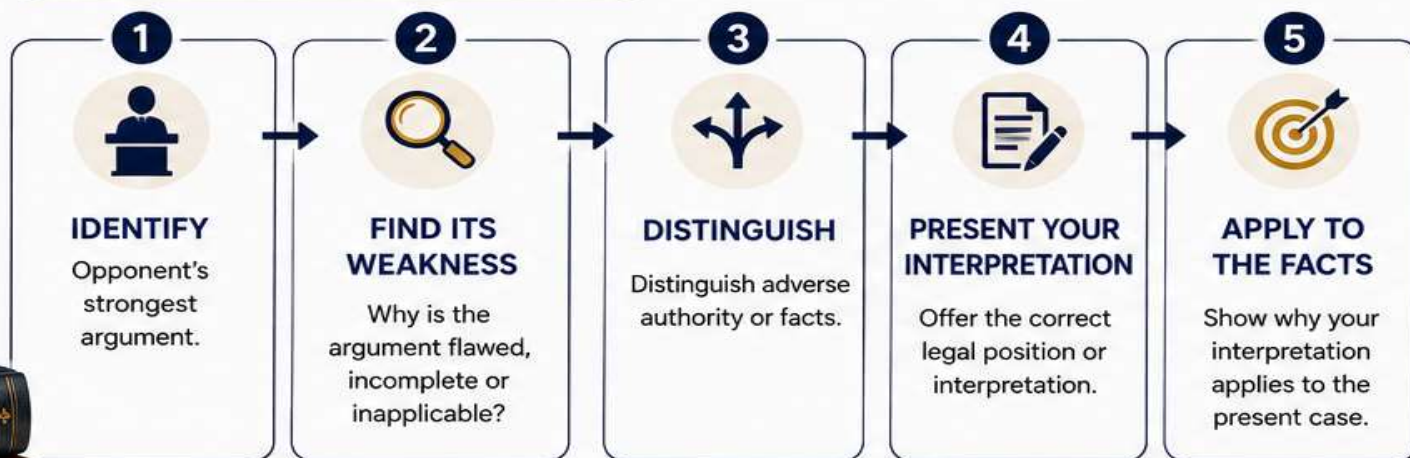
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TECHNIQUE 6: ANTICIPATE & COUNTER THE OPPONENT



A persuasive memorial addresses the opponent's **strongest arguments**, not just your own.

HOW TO COUNTER EFFECTIVELY



KEY TAKEAWAY

- ✓ Addressing weaknesses shows depth of analysis.
- ✓ Distinguishing adverse authority strengthens your argument.
- ✓ Anticipate, respond and persuade.

“

Strong memorials don't ignore the opponent's arguments — they defeat them.

”

EXAMPLE



OPPONENT'S ARGUMENT

The restriction is necessary for public order.



WEAKNESS

Necessity alone is not enough. The restriction must satisfy constitutional requirements.



DISTINCTION / INTERPRETATION

Unlike the present case, in the cited case the restriction was narrower and supported by evidence.



APPLICATION

Here, the restriction is overbroad, disproportionate and fails the applicable test. Hence, it is unconstitutional.

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TECHNIQUE 7: CREATE LOGICAL FLOW



Organise your arguments so the judge can **follow your reasoning** effortlessly.

STRUCTURE YOUR ARGUMENTS HIERARCHICALLY



ISSUE I

Whether the restriction on the appellant's speech violates Article 19(1)(a) of the Constitution?

1.1

SUB-ARGUMENT (A): Violation of Article 19(1)(a)



Legal Principle: Freedom of speech is a fundamental right.



Authority: Romesh Thappar v. State of Madras (AIR 1950 SC 124)



Application: The impugned restriction fails the test of reasonableness and is not saved under Article 19(2).

1.2

SUB-ARGUMENT (B): Overbreadth and Disproportionality



Legal Principle: Restrictions must be proportionate.



Authority: Shreya Singhal v. Union of India (2015) 5 SCC 1



Application: The restriction is vague, overbroad and chills free speech.



MINI-CONCLUSION

Therefore, the restriction violates Article 19(1)(a) and is unconstitutional.

MAKE THE JUDGE'S READING EASY



CLEAR HEADINGS

Use descriptive, concise and issue-based headings.



LOGICAL SEQUENCING

Present arguments in a logical and progressive order.



SHORT PARAGRAPHS

Keep paragraphs focused on one idea.



PROPER TRANSITIONS

Use linking words and sentences to maintain flow.



NO UNNECESSARY REPETITION

Avoid repeating the same point in different words.

“

The judge should never have to search for your argument.

”

TECHNIQUE 8: WRITE WITH PRECISION & PERSUASION



Good Legal Writing Is Clear, Not Complicated

USE:

- ✓ Clear and precise language
- ✓ Short, focused sentences
- ✓ Strong legal reasoning
- ✓ Appropriate legal terminology
- ✓ Direct connection between law and facts

AVOID:

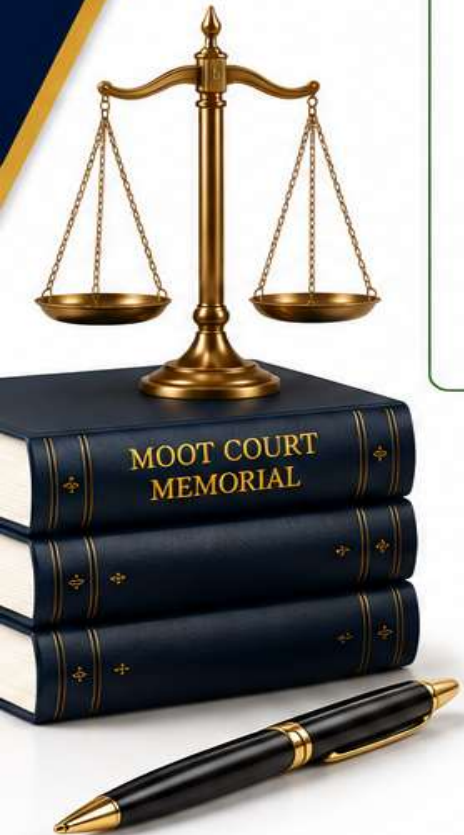
- ✗ Unnecessary jargon
- ✗ Repetition
- ✗ Very long sentences
- ✗ Excessive quotations
- ✗ Emotional or vague language
- ✗ Unsupported assertions

EXAMPLE:

- ✗ *"It is humbly submitted that it may perhaps be considered that..."*
- ✓ *"The respondent's action violates the statutory requirement because..."*



Clarity is a drafting technique.



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TECHNIQUE 9:
FORMAT FOR READABILITY & COMPLIANCE

A well-formatted memorial reflects **professionalism** and **respects** the time of the judges.

 FONT

- ✓ Follow the competition rules regarding font type and size.
- ✓ Use a clear, professional font (e.g., Times New Roman).
- ✓ Maintain consistency in font size and style throughout the memorial.

GUIDELINE (Unless rules specify)

- T** Main text: 12 pt
- F** Footnotes: 10 pt
- H** Headings: 14–16 pt

 LAYOUT

- ✓ Use appropriate margins (usually 1 inch on all sides).
- ✓ Maintain 1.5 line spacing or as prescribed.
- ✓ Ensure proper paragraph spacing and indentation.
- ✓ Use clear headings and sub-headings with hierarchy.



TIP: A good layout guides the reader through your argument.

 CITATIONS

- ✓ Use a consistent citation style (e.g., Bluebook, OSCOLA or as prescribed).
- ✓ Ensure accurate footnotes with correct case names, volumes, pages and years.
- ✓ Use short citations in the text and full citations in footnotes.
- ✓ Check all citations for accuracy and consistency.



TIP: Correct citations add credibility to your arguments.

 COMPLIANCE

- ✓ Adhere to the page/word limit.
- ✓ Ensure proper page numbering.
- ✓ Include all mandatory elements (Cover Page, Index, Table of Authorities, List of Abbreviations, etc.).
- ✓ Follow any other formatting rules prescribed in the competition.



KEY TAKEAWAY: In a moot, formatting is not decoration — it is **compliance** and **professionalism**.



Good formatting may not win arguments, but poor formatting can **lose impressions**.

TECHNIQUE 11: FINAL DRAFTING CHECKLIST



BEFORE YOU SUBMIT



1. CONTENT

- ☐ Have I answered every issue?
- ☐ Have I addressed the material facts relevant to the issues?
- ☐ Have I included all necessary legal provisions and authorities?
- ☐ Is the relief/prayer appropriate?
- ☐ Is the memorial complete in all respects?



2. ARGUMENT

- ☐ Is my reasoning logical and well-structured?
- ☐ Have I applied the law to the facts effectively?
- ☐ Have I addressed the opponent's strongest arguments?
- ☐ Are my conclusions supported by law and facts?



3. DRAFTING

- ☐ Are the headings and sub-headings properly arranged?
- ☐ Have I removed unnecessary repetition?
- ☐ Is the language clear, precise and concise?
- ☐ Have I maintained consistency in style and tone?



4. AUTHORITIES & CITATIONS

- ☐ Have I used relevant and up-to-date authorities?
- ☐ Are all citations accurate and consistent?
- ☐ Are footnotes complete with correct case names, volume, page, and year?
- ☐ Have I checked the Table of Authorities and Abbreviations?



5. FORMAT & COMPLIANCE

- ☐ Does the font type, size and style comply with the rules?
- ☐ Are margins, line spacing and paragraph spacing as prescribed?
- ☐ Is page numbering correct and consistent?
- ☐ Have I included all mandatory elements (Cover Page, Index, TOA, List of Abbreviations, etc.)?
- ☐ Is the page/word limit complied with?



6. FINAL REVIEW

- ☐ Have I read the entire memorial aloud once?
- ☐ Does the conclusion/prayer flow from my arguments?
- ☐ Have I proofread for spelling, grammar and typographical errors?
- ☐ Is my memorial neat, professional and ready for submission?



FINAL REMINDER:

A well-drafted memorial is not just written — it is carefully **researched**, **structured** and **presented**.



TIP: Give yourself time for review. Good writing is in the **drafting**, great writing is in the **revising**.

FINAL TAKEAWAY



THE FORMULA FOR EFFECTIVE MEMORIAL DRAFTING



1. UNDERSTAND

the proposition



2. FRAME

precise issues



3. STRUCTURE

your arguments



4. ANALYSE

law and facts



5. COUNTER

the opponent



6. PERSUADE

through clear reasoning

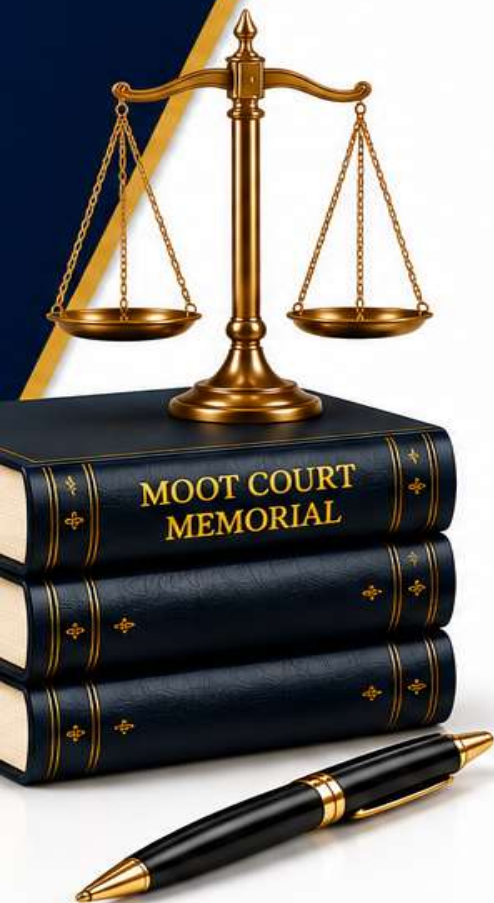


7. REVISE

until every argument is precise



Great memorials are *not born*, they are drafted with **technique** and refined with **purpose**.





THANK YOU!



For your time, attention and participation.

*“ Good arguments win rounds,
but good drafting wins courts. ”*

Any Questions?

