



MURDOCH STUDENT LAW SOCIETY

Senior Mooting Competition Rules

(Current as of February 2017)

1. Competitors

- 1.1. By entering the Senior Mooting Competition all competitors agree to be bound by the Senior Mooting Competition Rules (this document), and the MSLS Competition Regulations.
- 1.2. All competitors must be currently enrolled at Murdoch University in one of the following degrees: LLB, JD, Criminology or Legal Studies/Business and Society.

2. Competition Structure

- 2.1. The competition is comprised of two (2) Preliminary Rounds; a Quarter Final; a Semi Final; and a Grand Final. Each moot will involve two (2) sides (e.g. Appellant and Respondent, or any such title as specified in the question). Each side will consist of two (2) positions: Junior and Senior counsel. However all four (4) competitors in each court are scored individually.
- 2.2. The one (1) moot question will be used for both Preliminary Rounds, and a further one (1) question will be used for the Final Rounds.
- 2.3. The competition structure is subject to change at the discretion of the Competitions Vice-President in the event that there are not enough competitors to fill the required rounds.

2.4. Preliminary Round Procedure

- 2.4.1. All competitors will compete in both Preliminary Rounds.
- 2.4.2. Competitors will be randomly allocated to a side and position of counsel in the moot. Every endeavour will be made to ensure that a competitor is not disadvantaged by the draw and will not meet the same competitor twice in Preliminary Rounds.
- 2.4.3. In the event of an uneven number of competitors, the Competitions Vice-President will provide a swing competitor to ensure each competitor has an adversary.
 - 2.4.3.1. The term 'swing competitor' is to be defined as a 'stand-in' competitor who only competes in the required round(s).
 - 2.4.3.2. The judge will not be informed that the competitor is a swing competitor.
 - 2.4.3.3. The swing competitor will not progress to the Final Rounds.

2.4.3.4. In the event that a swing competitor(s) cannot be provided, the Competitions Vice-President has discretion to re-structure the running of the relevant court(s) to accommodate for this.

2.5. Quarter Finals Progression & Procedure

2.5.1. Sixteen (16) competitors will progress to the Quarter Final Round. Competitors that win both Preliminary Rounds will automatically progress to the Quarter Final Round.

2.5.1.1. For the purposes of determining progression through the rounds, a 'win' occurs when the competitor scores the highest mark in their court.

2.5.1.2. Competitors that win both Preliminary Rounds will not automatically progress to the Quarter Final Round in the event that more than sixteen (16) competitors win both Preliminary Rounds.

2.5.2. The remaining competitors (or, in the event that 2.5.1.2. applies, all competitors) will progress according to their Competitor Ranking score. Competitor Ranking Scores will be determined by the following method:

2.5.2.1. Following each Preliminary Round, each competitor's raw score will be moderated to create a 'Moderated Round Score'. The moderation process will be done by finding the overall average of the scores in the round, and the average scores of each court. The difference between the overall average score and the average score of the court will be applied to the individual scores in each court. (i.e. if the overall average score is 70, and the average score for a particular court is 65, then each raw score from that court will be increased by 5.)

2.5.2.2. The Moderated Round Scores will be added together to create the 'Competitor Ranking Score'.

2.5.2.3. In the event of a tie, the competitor with the best win/loss ratio will progress. In this instance, a 'win' will be determined when a competitor is in the top two (2) scores in the court, and a 'loss' will be determined when a competitor is in the bottom two (2) scores in the court.

2.5.2.4. In the event that 2.5.2.3. cannot resolve a tie dispute, the competitor with the highest raw positive score, determined by adding together the competitors' raw scores from each round, will progress.

2.5.2.5. In the event that 2.5.2.4. cannot resolve a tie dispute, the progression of the competitors will be determined via a coin toss conducted by the Competitions Vice-President or another member of the MSLS Executive Committee in the absence of the Competitions Vice-President.

2.5.3. The draw for the Quarter Final Round will be seeded based on Competitor Ranking Scores.

2.5.3.1. The draw for the Quarter Final Round is as follows:

Court	Competitor v Competitor
1	Competitor One v Competitor Sixteen Competitor Five v Competitor Nine
2	Competitor Two v Competitor Fifteen Competitor Six v Competitor Ten
3	Competitor Three v Competitor Fourteen Competitor Seven v Competitor Eleven
4	Competitor Four v Competitor Thirteen Competitor Eight v Competitor Twelve

2.5.3.2. Competitors will be allocated sides and positions of counsel by random draw. Every endeavor will be made to ensure that a competitor is not disadvantaged by the draw.

2.5.3.3. Quarter-finalists will be announced after the conclusion of the Preliminary Rounds.

2.6. Semi Finals Progression & Procedure

2.6.1. The eight (8) competitors that place in the top two positions of their court for the Quarter Final will automatically progress to the Semi Final Round.

2.6.2. Semi-finalists will be announced after the conclusion of the Quarter Final Round.

2.6.3. The draw for the Semi Final Round is as follows:

Court	Competitor v Competitor
A	Winner Court 1 v Runner-up Court 4 Winner Court 3 v Runner-up Court 2
B	Winner Court 2 v Runner-up Court 3 Winner Court 4 v Runner-up Court 1

2.6.3.1. Competitors will be allocated sides and positions of counsel by random draw.

2.6.4. The winners of each court will progress through to the Grand Final.

2.6.4.1. Grand finalists will be announced after the conclusion of the Semi Final Round.

3. Release of Questions

3.1. The question for the Preliminary Rounds will be released at least (1) week prior to the first Preliminary Round.

3.2. The question for the Final Rounds will be released will be released at least one (1) week prior to the Quarter Final Round.

3.3. The draw for each round will be emailed to competitors at least four (4) days prior to the respective round. The draw will designate each competitor to a side and position of counsel.

3.3.1. There will be two (2) counsel for the Appellant/Applicant (Senior and Junior) and two (2) counsel for the Respondent (Senior and Junior).

3.4. Moot problems will be heard before the District Court of Western Australia, the Supreme Court of Western Australia, the Federal Court, or the High Court of Australia as specified in the respective question. The jurisdiction to hear the case will be assumed.

3.5. Every effort will be made to ensure that questions are constructed in a way that does not disadvantage or advantage any particular competitor(s).

4. Preparation

4.1. All research and preparation for the competition must be conducted solely by the competitor.

4.1.1. Any infringement or breach of 4.1. will constitute cheating as set out in the MSLS Competition Regulations.

4.2. Competitors may refer to any legislation or case law they deem appropriate to the question.

4.2.1. Competitors must bring to each moot a hard copy of all the legislation and case law they will be relying on in their submission for the judges.

4.2.2. Competitors are not required to print cases and Acts in their entirety, but must provide the first page and the pages relied upon.

4.2.3. Competitors who fail to provide the required pages of their cases and legislation will have two (2) points deducted from their final mark. The judge does not have discretion to waive this penalty.

4.2.3.1. The Competitions Vice-President may waive this penalty in exceptional circumstances.

4.2.3.2. In the absence of the Competitions Vice-President, the President may waive this penalty in exceptional circumstances.

4.2.3.3. In the absence of the President, a member of the MSLS Executive Committee may waive the penalty in consultation with the Competitions Officer(s) or relevant Competition Coordinator(s) present.

4.3. Competitors are required to be at Murdoch University (Law Café) by 6.45pm, to move to the courts and commence the moot at 7.00pm.

5. Written Submissions

5.1. Competitors will be required to submit a Memoranda of Argument (“Memoranda”) for each round of the competition.

5.1.1. The Memoranda must contain an outline of the structure of the competitor’s submission, major arguments raised and a List of Authorities on which counsel rely.

5.2. Competitors must email their Memoranda to the Competitions Vice-President, or the respective Competitions Officer by 10:00am the morning of the respective round.

Submissions that are late and/or incorrectly submitted will be penalised (see 9.1.4.).

5.2.1. The document title of the emailed Memoranda must be: Competitor's Full Name, Competitor's Position for that round (e.g. John Smith, Senior Respondent).

5.3. Memoranda must not exceed three (3) pages in length, plus a fourth page for a List of Authorities. Memoranda exceeding the page limit will be penalised (see 9.1.2.).

5.4. All citation in Memoranda should adhere to the Australian Guide to Legal Citation (3rd ed).

5.5. All Memoranda must comply with the following specifications:

5.5.1. Times New Roman, size 12 font must be used;

5.5.2. Line spacing must be no less than 1.5 points;

5.5.3. Footnotes font must be no smaller than size 10, and line spacing must be no less than 1.0 points;

5.5.4. Margins shall be no less than two (2) cm on all sides.

6. Oral Submissions

6.1. Counsel will not robe, but shall dress in accordance with the standards outlined in the MSLS Competition Regulations.

6.2. Competitors will have twenty (20) minutes to present their case.

6.2.1. There will be a notification one (1) minute before the end of the twenty (20) minute period, and another notification when the competitor's speaking time has expired.

6.2.2. Judges may grant an extension of time of up to five (5) minutes per competitor. A competitor must stop speaking when asked to do so by the judge.

6.3. Responsibility rests with the judge(s) for timekeeping and for adherence to the allotted time periods and breaks. If resources and volunteers are available, timekeepers or timekeeping devices may be provided, and in such instances, they will be solely responsible for all timekeeping and penalties.

6.4. Decisions by judges as to elapsed time are final and non-reviewable.

- 6.5. Counsel must give appearances. Senior counsel must introduce Junior counsel. In the absence of the Senior counsel, the Junior counsel must introduce themselves.
- 6.6. The order of speaking will be as follows:
 - 6.6.1. Senior Appellant
 - 6.6.2. Senior Respondent
 - 6.6.3. Junior Appellant
 - 6.6.4. Junior Respondent
- 6.7. There will be no right of reply or rebuttal.
- 6.8. There will be no judge's associate present in court for the duration of the moot. The judge has control of the order and functions of the court.
- 6.9. Competitors are not permitted to communicate through mobile phones, social networks, or any other electronic device, during the moot.

7. Judging

- 7.1. Every effort will be made to ensure that the judges are not acquainted with the competitors, until after they have judged that particular round, to assist with creating a fair and equitable competition.
- 7.2. Judges will be judges, magistrates, legal practitioners, legal academics, graduates, alumni or others with demonstrated experience in mooting competitions.
- 7.3. A judge may not judge a round involving a competitor with whom he or she is particularly acquainted.
- 7.4. The Preliminary Rounds, the Quarter Final Round and the Semi Final Round will be heard by one (1) judge. The Competitions Vice-President reserves the discretion to allow up to three (3) judges for the Preliminary Rounds, the Quarter Final Round and the Semi Final Round. The Grand Final may be heard by up to three (3) judges.
- 7.5. Judges will be provided with:
 - 7.5.1. The question for that round;
 - 7.5.2. The Memoranda submitted by all competitors in their court;
 - 7.5.3. The score sheet;
 - 7.5.4. A copy of the Senior Mooting Competition Rules;
 - 7.5.5. A copy of the MSLS Competition Regulations.

7.6. Judges will award each competitor a mark out of one hundred (100). These marks will be allocated as follows:

Organisation of presentation	10 marks
Development of argument	25 marks
Questions from the bench	30 marks
Manner and expression	25 marks
Written submissions	10 marks
Total	100 marks

7.7. Judges must award each competitor a different score; no draws are possible.

7.8. Where there is more than one (1) judge, judges will be asked to produce one (1) score sheet between them.

7.9. Each competitor's score sheet will be submitted directly to the Competitions Vice-President or Competitions Officer(s).

7.10. The judge will not reveal to the competitors the winner of the court.

8. Release of Score Sheets and Rankings

8.1. At the conclusion of each Preliminary Round, the winner and runner-up of each court will be announced.

8.1.1. Competitors will be notified no later than three (3) days after the final Preliminary Round of their final ranking and whether or not they have progressed to the Quarter Final Round.

8.2. Score sheets will only be available upon request.

8.2.1. Requests must be submitted in writing to the Competitions Vice-President at cvp@msls.asn.au.

8.2.2. Once requested, score sheets will be emailed to the appropriate competitor within two (2) days of the request. The Competitions Vice-President reserves the discretion to delay the release of score sheets by two (2) days in unforeseen circumstances.

8.2.3. Score sheets and rankings are confidential. No competitor will be able to view another competitor's score sheet.

8.3. The Competitions Vice-President reserves the right to delay the release of score sheets, rankings, and progression to the Quarter Final Round in unforeseen circumstances.

9. Penalties

9.1. The following penalties will apply:

9.1.1. Exceeding the time limit in 6.2. without the judge's express permission (as provided in 6.2.2.) after thirty (30) seconds have elapsed: one (1) mark for every thirty (30) seconds or part thereof. For clarity, penalties will only apply onwards from thirty (30) seconds after the time limit has been exceeded.

9.1.2. Exceeding the Memoranda page limit in 5.3.: two (2) marks for every page, or part thereof, over the limit will be deducted.

9.1.3. Contravening any of the specified Memoranda formatting requirements set out in 5.5.: three (3) marks (this penalty is capped at (three) 3 marks per round, regardless of multiple infringements).

9.1.4. Late submission of Memoranda: two (2) marks for every five (5) minutes late or part thereof, up to a total of ten (10) marks.

9.1.5. If the submitted Memoranda does not comply with the document title requirement in 5.2.1., a one (1) point deduction.

9.1.6. If a competitor is more than five (5) minutes late for the commencement of the round: two (2) marks per five (5) minutes will be deducted from the competitor's overall score. For clarity, penalties will only apply onwards from five (5) minutes after the round is scheduled to begin.

9.1.7. If a competitor is briefed on, or observes the materials specific to a round, before that round occurs: disqualification.

9.2. Judges do not have the discretion to waive these penalties.

9.3. The Competitions Vice-President has full discretion in the application of these penalties.

9.3.1. In the absence of the Competitions Vice-President, the Competitions Officer(s), in consultation with the President, has full discretion in the application of these penalties.

9.3.1.1. In the absence of both the Competitions Vice-President and the President, the Competitions Officer(s) may consult with a member of the MSLS Executive in regards to the application of these penalties.

9.4. Competitors are also bound by the penalty system outlined in the MSLS Competition Regulations.

9.5. The Competitions Vice-President, in consultation with the President, also has discretion as to the deduction of marks or disqualification of any competitor for any serious breach of the Rules that is not within the Rules.

10. Appeals

10.1. Appeals will be dealt with in accordance the MSLS Competition Regulations.

11. Forfeiture

11.1. Any competitor that forfeits is deemed to have lost that round. The forfeiting competitor will be deemed to have a mark of zero.

11.2. Any competitor whose opponent(s) forfeits a round will be matched with a swing competitor as set out in 2.3.3. In the event that all three (3) opponents forfeit, a swing competitor(s) cannot be provided, and the courts cannot be restructured to accommodate the remaining competitor, the competitor's score will be the average of all other scores after moderation, as set out in 2.5.2.

11.3. Any competitor who forfeits a round shall be excluded from progressing to the Final Rounds.

12. Competitions Vice-President

12.1. The Competitions Vice-President has discretion in the application and interpretation of these rules.

