



**ANU** LAW  
STUDENTS'  
SOCIETY

**Competitions**  
**Witness Examination Rules**  
**2010**

## **1. TEAMS**

- 1.1 Competitors must register individually as a team of one.
- 1.2 Competitors must be enrolled in a law degree at the Australian National University.
- 1.3 Competitors must not have completed a law degree or equivalent qualification for practice in any jurisdiction.
- 1.4 Competitors in the Novice Witness Examination must not have competed in any internal ANU Witness Examination competition run by the LSS.
  - 1.4.1 If a competitor has competed only partially, or has competed in a similar competition external to the ANU, they must seek special permission to register from the Director of Competitions.
- 1.5 Competitors must register by the registration date set by the competition convenor.
- 1.6 The order of competition will be set randomly by the competition convenor.

## **2. COMPETITION STRUCTURE**

- 2.1 The competition consists of preliminary rounds, semi finals and a grand final.
- 2.2 Preliminary Rounds:
  - 2.2.1 In the event that an even number of competitors enter the Witness Examination competition, all competitors will compete in all preliminary rounds.
  - 2.2.2 In the event that an odd number of competitors enter the competition, one bye per round will be declared. The bye will be allocated randomly. A competitor with a bye will be awarded the average mark scored by that competitor in all other rounds of the competition. A bye will not count for or against.
  - 2.2.3 Preliminary round pairings will be determined randomly.
  - 2.2.4 Where possible, competitors will not be paired against the same opponent in more than one preliminary round.
  - 2.2.5 The positions of Prosecution and Defence will be allocated randomly in each pairing.

### 2.3 Finals Procedures:

- 2.3.1 Semi-finalists will be announced after the conclusion of the preliminary rounds.
- 2.3.2 Semi-finalist pairings will be determined randomly.
- 2.3.3 The positions of Prosecution and Defence in the semi-finals will be allocated randomly in each pairing.
- 2.3.4 The winning team from each semi final will proceed to the grand final.
- 2.3.5 The positions of Prosecution and Defence in the grand final will be allocated randomly.

### **3. RELEASE OF WITNESS STATEMENTS**

- 3.1 Each preliminary, semi-final and grand final round will have a separate set of witness statements.
- 3.2 Statements will be released to competitors via email one hour before the commencement of each round.
- 3.3 At the time of the release of witness statements, competitors will be instructed as to their pairings and of whether they are to act for the Prosecution or the Defence.

### **4. WITNESSES**

- 4.1 Each competitor must provide their own witness for each round of the competition in which they will compete.
- 4.2 Competitors must present themselves along with their witnesses at the time of the commencement of their round at the venue specified.
- 4.3 The witness may be any person who has not completed a law degree or equivalent qualification for practice in any jurisdiction, and who is not competing in the competition.
- 4.4 Failure to procure a witness for any round will result in forfeiture.

## 5. COMPETITION PROCEDURE

5.1 After a formal introduction to the bench, the times allotted shall be as follows:

	<u>Preliminary Rounds</u>	<u>Finals</u>
Consulting with Witnesses	30 minutes.	30 minutes.
Opening by the Prosecution	2 minutes.	2 minutes.
Opening by the Defence	2 minutes.	2 minutes.
Examination in Chief by the Prosecution	10 minutes. Bell after 9 minutes.	15 minutes. Bell after 14 minutes.
Cross-examination by the Defence	15 minutes. Bell after 14 minutes.	25 minutes. Bell after 24 minutes.
Examination in Chief by the Defence	10 minutes. Bell after 9 minutes.	15 minutes. Bell after 14 minutes.
Cross-examination by the Prosecution	15 minutes. Bell after 14 minutes.	25 minutes. Bell after 24 minutes.
Summation by the Prosecution	3 minutes	3 minutes
Summation by the Defence	3 minutes	3 minutes

5.2 Competitors may request an additional bell five minutes before each allotted block of time has expired.

5.3 Judges may grant an extension of two minutes to each competitor.

5.4 Competitors are not required to use all the time allocated, but penalties will apply if competitors exceed time limits.

5.5 Nothing except oral statements from witnesses shall be tendered as evidence.

## 6. JUDGING

### 6.1 Number of Judges

6.1.1 Preliminary rounds will be heard by one judge.

6.1.2 Semi-final and Final rounds will be heard by between one and three judges, depending on availability.

6.2 Judges will be judges, magistrates, legal practitioners, legal academics or others with a demonstrated experience in judging witness examination competitions.

6.3 A marking schedule will be provided to all judges for use in marking competitors. The marking schedule will also be provided to competitors.

6.4 Each competitor will be awarded a score out of 100 for each round.

6.5 Judges will make known to competitors the outcome of each round at the end of that round.

## **7. FORFEITURE**

7.1 Any competitor who forfeits will be deemed to have lost that round, and will be granted a mark of zero for that round.

7.2 Any competitor whose opponent forfeits a round will be deemed to have won that round, and will be granted for that round a score that is the average of all other marks scored by that competitor in all other rounds in which he or she competes.

7.3 Any competitor who fails to show up to a round within ten minutes of that round being scheduled to begin will be deemed to have forfeited.

## **8. SELECTION OF SEMI-FINALISTS**

8.1 Selection will be determined firstly on win-loss ratio.

8.2 If two or more competitors have the same win-loss ratio, then regard will be had to whether those teams have competed directly against one another.

8.3 If two or more competitors have the same win-loss ratio, discounting situations where those teams have competed directly against one another, the decision shall be determined by reference to the total points scored by those teams in all preliminary rounds of the competition.


## **9. APPEALS**

9.1 Appeals will be addressed to the Director of Competitions.

9.2 A decision of the Director of Competitions may be appealed to the LSS President.

9.2.1 A decision of the LSS President will be final.


9.3 An appeal needs to be the unanimous decision of the team and must be made in writing.

	<b>JUDGE</b>		
	<b>CASE</b>	<b>R v</b>	
	<b>DATE</b>		
	<b>Counsel for the PROSECUTION</b>		
	<b>SCORES</b>	<b>OPENING ADDRESS</b>	<b>/10</b>
		<b>EXAMINATION IN CHIEF</b>	<b>/25</b>
		<b>CROSS-EXAMINATION</b>	<b>/25</b>
<b>SUMMATION</b>		<b>/10</b>	
<b>MANNER AND EXPRESSION</b>		<b>/20</b>	
	<b>CASE THEORY</b>	<b>/10</b>	
<b>COMMENT:</b>	<b>TOTAL</b>	<b>/100</b>	
Please mark all criteria and remember the emphasis is on the difference in points. A draw is not possible. Please return the score sheets directly to the coordinators.			
<b>OPENING ADDRESS</b>		<b>/10</b>	
Factors: logical structure; clear expression; clarity; confidence; brevity; identification of issues and their significance; outlining of case theory; illustration of fact scenario.			
<b>EXAMINATION IN CHIEF</b>		<b>/25</b>	
Factors: short, clear, non-leading questions; leading where appropriate; facts elicited efficiently and effectively; engagement with witness and witness' answers; avoiding objectionable questions; arguing objections according to principles of Evidence law (statute and common law).			
<b>CROSS-EXAMINATION</b>		<b>/25</b>	
Factors: clear, succinct, leading questions; advancing own case; probing character and attitude of witness; engaging with witness and witness' answers; avoiding objectionable questions; arguing objections according to principles of Evidence Law (statue and common law).			

<b>SUMMATION</b>	<b>/10</b>
Factors: logical structure; clear expression; clarity; confidence; brevity; identification of issues; encapsulating case theory; drawing on oral evidence to further case theory.	
<b>MANNER AND EXPRESSION</b>	<b>/20</b>
Factors: engaging well with the court; projecting voice, articulation, eloquence and enunciation; dealing with interventions with ease and skill; using inference where appropriate; speaking with consistent style and manner.	
<b>CASE THEORY</b>	<b>/10</b>
Factors: appropriateness of case theory to the facts; potential to improve case theory; effectiveness in eliciting evidence to support case theory; simplicity and logic.	

**PENALTIES:**

Factors: Points to be deducted for exceeding time limits.

	<b>JUDGE</b>		
	<b>CASE</b>	<b>R v</b>	
	<b>DATE</b>		
	<b>Counsel for the DEFENCE</b>		
	<b>SCORES</b>	<b>OPENING ADDRESS</b>	<b>/10</b>
		<b>EXAMINATION IN CHIEF</b>	<b>/25</b>
		<b>CROSS-EXAMINATION</b>	<b>/25</b>
<b>SUMMATION</b>		<b>/10</b>	
<b>MANNER AND EXPRESSION</b>		<b>/20</b>	
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<b>EXAMINATION IN CHIEF</b>		<b>/25</b>	
Factors: short, clear, non-leading questions; leading where appropriate; facts elicited efficiently and effectively; engagement with witness and witness' answers; avoiding objectionable questions; arguing objections according to principles of Evidence law (statute and common law).			
<b>CROSS-EXAMINATION</b>		<b>/25</b>	
Factors: clear, succinct, leading questions; advancing own case; probing character and attitude of witness; engaging with witness and witness' answers; avoiding objectionable questions; arguing objections according to principles of Evidence Law (statue and common law).			

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