

AALA-GLSA INTERNATIONAL STUDENTS MOOTING COMPETITION

GUIDEBOOK



MARCH 2021

03

Welcome

04

Mooting Overview & Competition Timeline

05

Legal Research for the Problem

06

Written Submissions

07

Oral Submissions

09

Rules

11

Concluding Remarks



WELCOME

DEAR PARTICIPANTS,

Welcome to the 2021 AALA- GLSA International Students Mooting Competition!

This competition is a new initiative presented by the Global Law Students Association (GLSA), first implemented in 2020. Recognising the needs of international students to have more opportunities in the mooting context, the GLSA will be running this moot in a way that caters primarily to students with an international background. This year, we are once again excited to work with our sponsor, the Asian Australian Lawyers Association (AALA). On behalf of all committee members of the GLSA, we would like to thank them for their continuous support.

In order for teams to be eligible for this competition, at least one team member must be an international student. This student must present as either the Senior Counsel or Junior Counsel in all rounds, though this can be swapped from round to round. In the meantime, to reduce the workload of all participants, only one case problem will be used throughout the whole process. Consequently, participants need only conduct legal research on a hypothetical case during week three and no further research will be required. As a result, participants will have more time to practice and polish their advocacy skills according to the feedback from the judges.

This guidebook will provide teams with important information which include the competition rules, timeline and useful tips for success. It is important that you read the rules to gain an understanding of the expectations throughout the competition.

To make this competition approachable to students in all year levels, we will select an obligations/tort law case each year. During your preparation, participants may be required to go through topics that they are not familiar with and also conduct external research.

If you have any questions, please do not hesitate to contact us via email at isl.glsa@gmail.com.

We wish you all the best during the competition.

GOOD LUCK!

Cody Clifton and Angela Wong
2021 International Students Liaison Directors

MOOTING: AN OVERVIEW

A mooting competition simulates a court hearing, in which participants analyse a problem, research the relevant laws, prepare written submissions, and present oral arguments.

In the International Students Mooting competition, each team comprises a senior counsel, a junior counsel and an optional instructing solicitor. The barristers each make 10 minutes oral submission to the court whilst the instructing solicitor assists with legal research and the preparation of the written submissions. The instructing solicitor is not allowed to make oral submissions in front of the court, however, the barristers may consult with the instructing solicitor during the questions asked by the judge. If you are in a group of three, the decision regarding which team member has what role is at your discretion. However, team members are encouraged to rotate positions during the course of the competition so that each member gets an opportunity to both present and assist.

COMPETITION TIMELINE



LEGAL RESEARCH FOR THE PROBLEM

All teams will receive the case problem at 6:30 pm **ONE WEEK** before their first rounds.

- teams competing on March 23rd will receive the problem at 6:30 p.m. on March 16th.
- teams competing on March 24th will receive the problem at 6:30 p.m. on March 17th.

It is important that you get familiar with the facts and legal issues before your first round. As only one case is being used in this mooting competition, you may schedule most of your research time during week 3. The case problem of this moot is obligations/torts law related, therefore you may be familiar with parts of the legal issues. However, if there are issues that you are not familiar with, we recommend you set aside time together with your teammates to conduct legal research.

Where to start your research

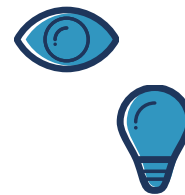
Good legal research is essential to the quality of your written and oral submissions. To conduct research, you may go through the following order:

Your textbook

Always start with your textbook to understand the overall structure of the area of law that you are researching.

NB: the textbooks are different from the casebooks that you are using in class. The textbooks are books written by authors in plain English to provide you an overview of certain legal topics. They may be available in the high use area of the law library.

STEP
01



Utilise the law library website

Now you may have a list of cases, statutes and secondary resources in hand. You may visit the law library website: <https://law.unimelb.edu.au/law-library>, and see if there are electronic versions available or if you can borrow hard copies of the documents that you are looking for from the library.

STEP
02

Footnotes

Pay attention to the footnotes in the textbooks that you are reading. The authors may be citing important cases/ statutes which you could use in your submissions.

The secondary materials mentioned in the footnotes are also valuable when you are doing further research.

STEP
03



Draft your written submissions

Start to draft your written submissions according to your research. Be mindful with the arguments from both **the appellant and the respondent**. Discuss with your teammates to polish your written submission so as to make it convincing and concrete.

STEP
04

WRITTEN SUBMISSIONS

A written submission is a document intended for the court which summarises the relevant facts, the law and the proposed analysis to be presented to the judges and your opponents.

A brief and clear written submission is important to allow the judges to follow your arguments during your oral presentation. When two teams have similar oral performances during the court, the written submission usually becomes a deciding factor for the final outcome. Therefore, it is important to spend sufficient time in preparing your written submissions.

Formatting

- Font and size: *Times New Roman*, 12 point (except the main headings which should be bold; please see attached sample in later paragraphs);
- Top and bottom margins should be 2.5 cms;
- Left and right margins should be at least 2.5 cms;
- Line spacing at 1.5;
- Use clear and informative headings and subheadings; at most 3 levels of headings are allowed (please see sample submissions);
- Cite relevant cases directly below the lowest level subheadings; All cases should be listed in order (most relevant to the least relevant); use pinpoint referencing whenever feasible;
- Case citations and bibliography elements formatted in accordance with AGLC rules;
- Include consecutive page numbers in the footer.

You may refer to a written submission sample here:

<https://www.glsa.org.au/ismcompetition>

NB: this submission was written by students in a previous mooting competition, therefore it may not be a perfect example of a written submission. However, it will provide you with a general understanding of the formatting of a submission in this moot.

ORAL SUBMISSIONS (1/2)

Your oral submissions are an opportunity for you to start a conversation with the judges. Your mission is to assist the court in making decisions by supplying the rules and facts that might be omitted by your opponents. Therefore, a conversational style is highly regarded. You may write down a full script of your speech for preparations. However, after getting familiar with your arguments, a bullet-point outline is recommended. Additionally, judges may ask questions, to which you are expected to respond.

The case problem in this moot will have two grounds of appeal. Each of the barristers in your team should only address one ground of appeal for 10 mins each. In the 2020 case problem, you may see that there are three findings by the judge. Please be reminded that findings 2 and 3 are to be pleaded by only the junior counsel.

Structuring your oral submissions

Appearances:

- The Senior Counsel introduces the names of the oralists and the instructing solicitor in their team. For instance:
'If it pleases the Court, my name is [your name] and I appear as Senior Counsel for the [appellant/respondent]. My learned colleague, [name], will appear as Junior Counsel and my learned colleague, [name] will act as Instructing Solicitor.'

Introduction:

- Signpost your arguments to your judges;
- Both Senior Counsel should summarise legal issues that will be addressed by both themselves and their respective Junior Counsel.

Arguments:

- Follow IRAC structure to make your arguments;
- Your oral arguments should follow your written submissions;
- Use plain English and avoid complex sentence structures;
- Signpost each new point in your written submissions, so that the judges can easily follow your argument.

Conclusion:

- Briefly summarise what you've submitted to the Court;
- You will get a reminder shortly before the time runs out. If the judges don't give you an extension of time, you should try to wrap up quickly, and provide a summary of your points to conclude.

ORAL SUBMISSIONS(2/2)

Courtroom etiquette

Courtroom etiquette should be strictly followed.

Addressing the Bench/Judges:

- Different courts will have different ways of addressing the judges. This moot will simulate the mannerisms displayed in the Supreme Court (Court of Appeal) of Victoria. All barristers should address the judges as 'Your Honour'.

Addressing the participants:

- Address your teammates as 'my learned colleagues'
- Address the other team as 'my learned friends'

Citations:

- A full citation should be given to the first case cited by your team. For instance the full citation for *Brambles Holdings Ltd v Bathurst City Council* (2001) 53 NSWLR 153 is Bramble Holdings Ltd and Bathurst City Council, reported in the New South Wales Law Report volume 53, beginning at page 153.
- Afterwards, you must ask the judges, 'if I may dispense with formal citations?'. Once the judges allow you to dispense with formal citations, you may refer to the above case simply by 'Bramble'.
- The junior counsel doesn't need to ask to dispense with the formal citation again.

Words to avoid:

AVOID

- I think/believe
- Yeah,
- We want to
- I'm sorry/ I don't know
- As stated before...
- The High Court has stated many times that...
- That is a good question!
- Actually, as a matter of fact ...
- **and DON'T over use 'Your honour'**

INSTEAD

- We submit ...
- Yes, ...
- We would like to ...
- Unfortunately, I cannot assist the court in this regard ...
- It is submitted that ...
- The High Court has on several occasions reiterated...
- Thank you for your question.
- According to para [x] of the case problem, ...

Consulting the instructing solicitor:

If necessary, you may ask the judges 'may I consult with my learned colleague for a moment?'. If you are granted permission, you may quickly and quietly get instructions from your solicitor.

RULES (1/2)

1. The problems will be sent to the nominated member of each team at 6:30 pm ONE WEEK before their first round. The nominated contact member should ensure that all the team members gain access to the case problem.

2. All teams are required to submit their written submissions of **both sides** (Appellant and Respondent) to the ISL team at isl.glsa@gmail.com via email **24 hours** prior to the day before their 1st round moot. For instance:

- Teams competing on 23rd March at 6:30 p.m. will have to send out their submissions at 6:30 p.m. on the 22nd March;
- Teams competing on 24th March at 7:30 p.m. will have to send out their submissions at 7:30 p.m. on the 23rd April;

NB: You need to submit your submissions on behalf of both the Appellant and the Respondent before your first round. However, you may update your written submissions at the later rounds. Updating your submissions is NOT compulsory. If you choose to do so, please submit your updated submissions **24 hours** prior to the day before your competition.

Please name the email in the format 'R[Round Number] ISM [Team Name] [Appellant/Respondent]' and attach a copy of your written submissions with your team name as the document title. Please ensure these are in PDF format.

3. Failure submit your written submissions on time will incur a penalty:

- **three points** will be deducted from your written submission score.

4. All teams will receive an email containing the Zoom meeting link from your judges 24 hours prior to their scheduled moot. Please log in to your scheduled meeting room on time on your competition day.

5. Dress code: formal business attire.

RULES (2/2)

6. If a team wishes to swap time slots, it is their responsibility to find another team willing to swap. If you find another team, please send an email 72 HOURS before the scheduled moot time (whichever time slot is the earliest) to isl.glsa@gmail.com. In the email, please include the following information:

- Your team name
- Your scheduled time slot
- The name of the team with whom you are switching
- Their time slot

7. Each speaker has 10 minutes to speak. The 10 minutes include the oral presentations and any questions from the judge(s). An extension of the time may be granted by the judge(s) at their discretion.

8. The order of the speakers: Appearances of the Senior Counsels for both sides, the Senior Counsel for the Appellant, Junior Counsel for the Appellant, Senior Counsel for the Respondent, Junior Counsel for the Respondent.

9. All teams will receive oral feedback and the result from the judge(s). All teams will be emailed an electronic copy of their scoresheet in the upcoming week. However, the numerical scores will not be disclosed.

10. Teams are **not allowed** to contact the judge(s) following a moot under any circumstances. All queries should be directed to GLSA at isl.glsa@gmail.com.

11. Forfeiting is strongly discouraged. Teams may forfeit only in exceptional circumstances, having provided evidence and spoken to the International Student Liaison Directors. Teams who forfeit without regard to this rule will be blacklisted from future competitions.



CONCLUDING REMARKS

Have fun!

We look forward to seeing your performance at the International Students Mooting Competition! This may be your first time practising your advocacy skills at Melbourne Law School. You may be nervous, or confident, or excited! But no matter what kind of emotions you are feeling, please don't hesitate to go ahead and enjoy the journey. We hope your experience is rewarding for your future law studies!

Cody Clifton and Angela Wong
2021 International Students Liaison Directors