

2018 TULS

Competitions

Guide



Natasha Perry & Justin Heng 2018

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INTRODUCTION

Ever wanted to do more than just study at University? Want to learn some lawyerly skills? Competitions are a great way of learning and practicing new skills which will be invaluable during your law degree as well as after graduation. We know it can be intimidating to try something new, but TULS has prepared an awesome guide to give you all the essential information as well as answer any burning questions you may have about each competition.

Competitions are a rewarding experience for all involved, regardless of whether you're taking part in a competition, helping to organise it, or simply spectating.

Competitions are an important part of law student life at UTAS. Competitions provide students with the opportunity to develop and practice their advocacy and legal problem-solving skills, employ their knowledge from their studies, compete with and against friends, and meet new people. Competitions also offer students the chance to represent UTAS at national championships and conferences.

Throughout the year, TULS offers students many opportunities to compete in internal, interstate, and international competitions. This guide is designed to give you an insight into each of these competitions, so that you know what to expect and can feel confident in participating. This guide also provides key dates for 2018, experiences of past students, and answers to frequently asked questions.

If you have any questions after reading this guide, please contact the TULS Competitions Officers by email, at competitions@tuls.com.au. The Competitions Officers are students who have participated in many of these competitions and are happy to provide advice.

Please note that team selections are highly competitive – however, TULS aims to offer the best opportunity for all willing students to have a chance to participate. Keep an eye out for development and practice session which offered throughout the year!

Natasha Perry & Justin Heng 2018

FOREWORD

Law competitions are for everyone! I commend the 2018 TULS Competitions Officers, Justin Heng and Natasha Perry, for updating this Guide and providing students with all the information needed to make informed decisions about competitions.

The Law School strongly supports the work of TULS in running training sessions and offering opportunities to compete in a wide range of Faculty and inter-varsity competitions. I strongly encourage everyone to make the most of these opportunities. In my role as Faculty Competitions Coordinator I see what a profound impact participation in these extra-curricular activities has on students' confidence and skills!

Come and join the ranks of University of Tasmania law graduates whose participation in competitions opened doors to challenging and rewarding experiences and careers!

Anja Hilkemeijer

Faculty Competitions' Coordinator

FREQUENTLY ASKED QUESTIONS

How do I find out about when tryouts and competitions are on?

Check out the TULS Facebook page and your university email for the most recent updates. The Competition Officers will inform students in a timely manner before any tryouts or development sessions commence.

Do I have to be an oralist to participate in Competitions?

Students are able to compete without having to moot! Competitions involve crucial research and writing elements and students who have a strength in this area are encouraged to participate as a solicitor, or alternatively in the essay-based competitions. Participants wishing to participate in a solicitor role will be selected on the basis of their academic results and prior written work.

What do I need to wear?

All participants must wear business attire or a suit. Competitions are usually held in a Court or in front of practitioners and the standard court dress code requires both men and women to wear a suit jacket. If you are in doubt, refer to the specific instructions of the competition you are competing in or contact the Competitions Officers.

How do I sign up?

Students are asked to send in expressions of interest for upcoming competitions to the Competitions Officers at competitions@tuls.com.au. Students will be shortlisted and then invited to participate in a tryout. The Competition Officers will advertise when expression of interests for each competition.

Can I do more than one competition?

You can try out for as many competitions as you like, but it is important that you do not over-commit yourself. Competitions are extremely time-consuming. It is recommended

that you arrange your study load and other commitments so as to allow sufficient time for competition preparation.

How do I prepare?

Please refer to the relevant sections in this guide that outline what you will need to prepare for the respective competitions. Faculty members and past competitors can also be contacted for further information.

How much staff support will I receive?

Faculty members are not permitted to aid in research or written aspects of competitions. However, faculty and prior competitors are able to provide general guidance and are able to coach teams in structuring their arguments and oral advocacy skills.

How are the participants selected?

Selection generally involves a demonstration of oral advocacy, consideration of academic marks and any prior competition experience. Please refer to the relevant sections in this guide for further detail.

What happens if I can't attend the tryouts, or I don't want to anymore? Can I withdraw or pull out?

If you cannot attend a tryout you must contact the Competition Officers at least 24 hours prior to your allocated timeslot. If a student does not contact the Competition Officers by this time, or simply does not attend their tryout, they will not be permitted to try out in any other competition for the remainder of the year.

What is my faculty moot requirement? Which competitions will satisfy this requirement?

Each student must complete a Faculty Moot in order to complete their Law degree. Usually students enrol in the Mooting unit (LAW407) in their final year. However, if you are selected to represent UTAS at an approved competition, you may apply to the Faculty Moot Co-ordinator to have your participation counted as fulfilling the faculty moot unit. An approved competition requires participants to moot for 20-minutes in front of a practitioner and an academic. Many of the Intervarsity mooting competitions will satisfy the Faculty Moot requirement. However, students must apply to the Faculty Moot Co-ordinator for confirmation.

Are participants expected to contribute any money for competing? If so, how much?

Student contributions vary from competition to competition, but TULS aims to subsidise teams much as possible in order to allow students to participate without financial concerns. For example, in 2017 competitors at the ALSA Conference in Canberra Students contributed \$125 to a total registration price of \$900, the remainder of which was paid for by TULS. Contact the Competition Officers if you have queries or concerns about specific competition contributions.

What level of experience do I need to compete?

Don't stress – you don't need to have extensive experience to successfully compete! Along with this Guide, TULS will run workshops and information sessions prior to tryouts to help participants get involved. Once selected, you will be able to work with staff and past competitors to hone your skills prior to the competition.

What are the reasons for participating in competitions?

Competitions offer an unparalleled opportunity to use practical skills that will be vital in your future legal career and tell future employers that you have both strong advocacy skills and the ability to work in a team. Your confidence in yourself and your legal knowledge will be boosted, which will assist you both academically while studying and

later in life. Competitions also have the added benefit of giving the opportunity to meet and network with high achieving students and legal professionals from across Australia.

Who do I contact for further information or support?

The Competitions Officers are responsible for organising UTAS participation in competitions. For any queries or information, please contact competitions@tuls.com.au. The Competitions Officers are student representatives, and as such may not reply immediately. You may also obtain information from your TULS year representative, or another member of TULS.

ALSA COMPETITIONS

The Australian Law Student's Association (ALSA) is a not-for-profit association that represents the interests of all Australian law students. Each year, ALSA organises a national competition conference that attracts over 500 law students. The conference is held in a different Australian city each year, with the 2018 conference to be hosted in Adelaide. Teams come from not only across Australia, but also New Zealand and neighbouring Asian Countries; This is the best of the best competing against each other!

Success in 2017

International Humanitarian Law Moot – Quarter Finalists
(Nicholas Vialle and Justin Heng)

Negotiations – Semi Finalists (Callum Jones and Laura Harle)

Witness Examination – Semi Finalists (Jonathan Budgeon)

Key Dates for 2018

When is it held? Mid July.

Who can participate? 3rd to 5th years. Open try-outs will be conducted from 23-27 April 2018.

What competitions are run in this event? Championship Moot, IHL Moot, Witness Examination, Client Interview, Negotiations, and Paper Presentation.

What is the format? Within each competition, three preliminary rounds are run. The top eight teams in each competition are announced part-way through the week, and a Quarter, Semi, and Grand Finals are held during the remainder of the week.

CHAMPIONSHIP MOOT

The Championship Moot is a simulation of Appellate Court arguments based on a mock factual scenario and a judgment from a lower court. The Championship Moot can encompass any topic or subject in Australian law.

Teams comprise three members; two acting as Senior and Junior Counsel, and the third acting as Instructing solicitor (team members can opt to switch roles between them). Participants are chosen based on a 5-minute try-out, with consideration of academic marks and participation in other competitions. Try-outs take place mid-Semester One with the competition occurring in July. Participants wishing to only be in the position of an instructing solicitor should indicate so and will be chosen on the basis of academic marks.

The problem question is released a month in advance and teams must prepare written and oral arguments for both the Appellant and Respondent. The problem will usually list all the facts that were found by the trial judge and will also list the specific points of appeal. Teams should follow these points of appeal and not stray too far from them. The oral phase of the competition is held over a week and comprises Preliminary rounds and Knockout rounds (Quarter Final, Semi Final, and Grand Final). Teams have 40 minutes (20 minutes per oralist) to present their arguments, including rebuttal and sur-rebuttal.

Research must be done independently by participants and the expected workload is similar to that of a unit (10 hours a week minimum). The expected time commitment is just over a month. Teams are permitted team advisors who are able to give general advice and instructions.

Further information can be found at: <http://www.alsa.asn.au/mooting/>

Cooper Denehey (2017 Participant)

“Last year I represented UTAS alongside Gabby McDonald and Meghan Scolyer in the 2017 ALSA Championship Moot. We were a part of the UTAS team that was around 13 people all together. We were all flown over and set up in an A-1 hotel thanks to TULS and its safe to say it was one of the best experiences I’ve had at UTAS. And that year it was in Canberra, so I think the fact that we had a blast in Canberra highlights how much fun the competition really is.

Don’t get it wrong, doing the championship moot remains one of the hardest undertakings of my law degree. The problem was an intense, academic question based in equity, and we spent almost every hour of our winter ‘break’ in the reserve section with Chris and Carolyn. It was mentally exhausting and by the end of finally handing in our submissions I think we’d almost cracked.

So, would I do it again? Absolutely! The whole experience, whilst challenging and exhausting, is brilliant. Not only do you gain extra skills in submission writing, legal research and mooting (thanks Anja), but you meet and make friends with so many great people. And not only do you meet like-minded people across Australia, but you become better friends with the people you fly over with; Really, it’s the social-experiences that made ALSA so great to participate in. Monday was opening night, Wednesday was cocktail night, Friday was closing gala. So even if you’re not a keen mooter but want to challenge yourself and have some fun on side, have a crack. You won’t regret it, and you’ll come away with invaluable skills and relationships.”

INTERNATIONAL HUMANITARIAN LAW MOOT

The International Humanitarian Law (IHL) Moot is hosted by ALSA in conjunction with the Australian Red Cross to raise awareness of international humanitarian law issues within Australia. The IHL Moot requires teams to research and present IHL arguments typically to do with the topics of armed conflict, war crimes, or crimes against humanity.

Teams comprise of two members acting as Senior and Junior Counsel. Participants will be chosen from a 5-minute tryout and consideration of past experience and academic marks. Try-outs will take place mid-Semester One with the competition occurring in July.

Teams must prepare written and oral arguments for both Prosecution and Defence. The problem is generally released a month prior to the competition. The problem question will set out the accused persons and what specific breaches they have been charged with. There are usually two counts specified and the Senior Counsel delivers submissions on Count 1, and Junior Counsel delivers submissions on Count 2. Generally, submissions will be made on the elements of crimes, followed by individual criminal responsibility. The oral phase of the competition is held over a week and comprises of Preliminary rounds and Knockout rounds (Quarter Final, Semi Final, and Grand Final). All rounds are held in the Supreme Court in the State where the conference is hosted. Teams have 40 minutes (20 minutes per oralist) to present their arguments, including rebuttal and sur-rebuttal.

Research must be done independently by participants and the expected workload is similar to that of a unit (10 hours a week minimum). The expected time commitment is just over a month. Teams are permitted a team advisor who is able to give general advice and instructions.

As this competition is based on international humanitarian law, formalities which occur in International Courts and Tribunals are expected. For example, Judges are referred to as 'Your Excellency', and Counsel are referred to as 'Agents'. The team advisor will aid the team in learning these formalities in preparation of the competition.

Further information can be found at: <http://www.alsa.asn.au/ihl-mooting/>

Nicholas Vialle Experience (2017 Quarter-Finalist)

"I have always been interested in International law and the Red Cross IHL moot was a great place to put some of that knowledge into action.

While developing arguments, Justin and I (who had never mooted before) quickly became friends with a solid well-rounded set of submissions. Mooting has allowed me to develop my ability to think on the spot, and having never tried a rebuttal or sur-rebuttal, I was thrilled to get some really positive feedback from judges. Overall, the confidence you gain from mooting against students from other universities is priceless, even if you have some moments throughout preparation and the rounds where you feel totally overwhelmed, the final feeling of achievement is totally worth it!"

WITNESS EXAMINATION

The Witness Examination competition (sometimes referred to as Wit-Ex) is a simulated civil or criminal trial. There is only one participant who can compete per university, and participants act as either the Prosecution or Defence. Participants are required to open your case, examine your witness, cross-examine the other witness, and close your case.

There are generally 5 people involved in the competition process; you (acting as a barrister), opposing counsel, two witnesses, and a judge. In order to present your case, you will be provided with the relevant legislation, the prosecution witness statement, and the defence witness statement. This is generally given to you an hour and a half before the competition, and half an hour of this is to be spent with your witness to prepare them. The oral phase of the competition is held over a week and comprises of Preliminary rounds and Knockout rounds (Quarter Final, Semi Final, and Grand Final).

Research and preparation must be done independently by participants. Advisors can provide assistance and advice in regard to skills prior to the release of the question. Participants cannot receive any assistance after the question has been released. Try-outs take place mid-Semester One with the competition occurring in July.

Details on what to expect from a Wit-Ex can be found below. Further information can be found at: <http://www.alsa.asn.au/witness-examination/>

Overview of the format

	Preliminary Rounds	Finals
Opening by prosecution	2 mins	2 mins
Examination in chief by the prosecution	10 mins	15 mins
Cross—examination by the defence	15 mins	25 mins
Opening by the defence	2 mins	2 mins
Examination in chief by the defence	10	15 mins
Cross-examination by the prosecution	15 mins	25 mins
Summation by the defence	3 mins	3 mins
Summation by the prosecution	3 mins	3 mins

How to Compete; Pre-Trial Steps

Step One – when you get the question:

1. Read the question several times to ensure that you know the facts back to front. Make sure you highlight the agreed facts and the disputed facts.
2. Work out your case theory. This is the first thing you need to do, and often involves putting your clients case into a couple of lines. It is important to have this written out and in sight throughout the whole competition to remember what you need to prove. In a murder case, this might look like:
 - A woman was killed (her friend)
 - Unlawfully (hit with an axe)
 - Defendant is innocent (circumstantial that she was there).
3. You need to figure out what works best for you. An example of what you might like to prepare before trial are the following:
 - A fully completed opening;
 - The relevant questions for cross;

- The beginning of your closing (as you should be referring to evidence obtained during the competition). You will be given 3 minutes to write your closing before they begin;
- A full page with your case theory.

Step Two – prepare your witness

1. You should explain to your witness what you will ask them. Run through your examination with them so that they know what to expect. You might like to advise your client what the other side is likely to ask so they are prepared.
2. Ask your client to be as clear and concise as possible to enhance their credibility. Advise them that if they need to buy time with a question to think about what they are going to say, you can tell them to ask the counsel to rephrase the question.
 - You may also like to advise them that you may object to opposing counsel's questions, and until this is finalized they need not answer the question put to them. Preliminary preparation puts them in good stead to be an excellent witness. Remember to never tell witness what to say, or what you think would be best to say.

Important Things to Note

Objections

Any counsel may make objections at any time during the examination. Objections show that you know the rules of evidence and can act as a strategy to throw off your opposing counsel. It is also nice to show your witness that you are protecting them.

You must always stand when you have an objection and say, 'Your Honour, may it please, I have an objection.' When you are objected to, sit down; there should only be one person standing at a time. You must pay particular attention to this as it sometimes feels like you are bobbing up and down, but such is life. If you are talking, stand up. If you are not talking, sit down. You argue the objection with the Judge, not the opposing counsel. If you do not wish to argue it, you can say something like, 'if I may rephrase the question your honour,' or 'I will abandon that line of questioning.'

Some example objections:

- Relevance
- Hearsay
- Tendency / Coincidence
- Prior convictions
- Opinion
- Ambiguous question

The rule in *Browne v Dunne*

You must always remember this rule, which exists for fairness. Essentially, *it is not fair for you to bring up something in examination in chief or your closing if you have not given them a chance to defend themselves.*

For example, you cannot claim that the accused threw the first punch in your closing address if you have not put it to the accused. If the case is merely one word against the other, you will find yourself just putting questions to the witness and having them reply no. It can be disheartening but you have to do it to satisfy the rule in *Browne v Dunne*.

CLIENT INTERVIEW

The Client Interview Competition consists of a mock interview where competitors are judged on how well they cover all the formalities of an interview. Teams consist of two participants who are given a set amount of time to discover all the information necessary to represent your client effectively. The aim of the competition is to ascertain the facts and legal issues relevant to the client's situation whilst maintaining a professional working relationship, and to give a balance of practical and legal advice before the time elapses.

Prior to the competition, clients will be given a set of facts relating to their legal issue, which may be divulged by the client at any relevant point during the interview. The client may also have secret facts that may not be divulged unless a competitor specifically asks about it. Problem questions are released to participants a week before the competition begins.

Team will be selected from a 10-minute interview situation and try-outs take place mid-Semester One with the competition occurring in July. The oral phase of the competition is held over a week and comprises of Preliminary rounds and Knockout rounds (Quarter Final, Semi Final, and Grand Final). All rounds are held in the Supreme Court. The Australian Champions earn the right to represent Australia at the International Client Counselling Competition.

Details on what to expect from client interview can be found below. Further information can be found at: <http://www.alsa.asn.au/competitions/client-interview/>

Format of the competition

1. Teams will receive a 'memo question' a week prior to the competition and must prepare to interview the client about their issue. The memo usually consists of one sentence.
2. Teams will have between 20 and 30 mins to conduct the interview.
3. Teams will then have 5 mins to reflect on their performance with each other. During this time, the judge will confer with the volunteer client to ascertain their assessment of the performance of the interview.
4. Teams will finally have 10 mins to conduct an interactive self-evaluation with the judge.

How to compete

1. Receiving the memo

Research and prepare issues defined in the memo; brainstorm any possible issues that may arise. General knowledge of the law and specific legal principles may be necessary, but the focus of the interview will be on obtaining full facts and issues pertaining to the client's situation.

2. The interview

Competitors may arrange the interview room as they please; it is important to make the client feel comfortable. Competitors should then welcome the client in the room.

Important things to address during the interview:

- Obtaining the client's basic details
- Addressing confidentiality and costs agreements
- The role of the lawyer and the client in the process
- The client's objectives

Competitors should then ascertain the facts and legal issues relevant to the client's situation whilst maintaining a professional working relationship. Once competitors feel as though they have obtained all the relevant information from the client, competitors should seek to provide some general advice or proposed solutions to the client's situation.

While the ability to give comprehensive legal advice will be beneficial, competitors are not expected to give definitive or conclusive advice. The ability to provide the client with a 'pathway' to a solution can also be beneficial in this initial interview.

Finally, competitors should conclude the interview, ensuring that the client is satisfied that their issues and concerns have been addressed, and they are clear as to the future direction of their situation.

3. Self-evaluation

After the interview has concluded, competitors will have 5 mins to discuss with each other their performance. This may include a discussion of the following points:

- Strengths / Weaknesses of the performance. How did the strengths benefit the interview? How could the weaknesses be improved?
- Have the client's objectives been met?
- Was all relevant information obtained? What other information should have been obtained or followed up on?
- Was the team effective? Did the team have a strategy? If so, was it followed and was it effective? What could be improved upon?
- Was the working atmosphere professional and productive? Did the client feel comfortable?
- Was the advice accurate, realistic and practical?

4. Evaluation Presentation

After competitors have discussed their performance between themselves, they will have the opportunity to discuss their assessment with the judge. This can be done simply as a conversation between the competitors with the judge observing passively, or competitors may wish to present to the judge and involve them in the discussion. The judges may at their discretion, provide feedback on the competitors' performance.

Tips and Tricks

There are many different ways to conduct an interview and competitors should aim to develop their own style and structure. Here are some simple tips and tricks to conducting an effective client interview:

- To make the client feel at ease, competitors may provide water, tissues or snacks.
- It is useful to provide an outline of the terms of retainer should the client wish to retain the competitors' services.
- It may be useful to provide clients with an outline of the appropriate costs of services.
- Dividing the work evenly between both members of the team is an effective way to demonstrate sound teamwork.
- Having one team member take notes while the other maintains engagement and eye contact with the client is an effective means of ensuring that all relevant details divulged by the client are accurately recorded while ensuring the client remains involved in the interview.
- Do not be afraid to clarify any issues raised by the client if they are unsure about some of the information that the client has provided.

NEGOTIATIONS

The Negotiation competition is a skill-based competition which asks participants to resolve a problem by compromise and agreement. The competition is conducted between two teams representing clients engaged in a dispute. Teams consist of two participants. The judge plays no active role in the competition and merely observes. The negotiation is only based on the performance of yourself and the other team, and the outcome achieved.

It should be emphasised that the actual outcome is not the sole criteria. For example, a team that gets a substantially better outcome for their client by unethical means may not score as highly as a team who gets a lesser outcome but preserves the relationship between the clients.

Team selection will occur by a 10-minute negotiation situation and try-outs take place mid-Semester One with the competition occurring in July. Problems are released a week prior to the competition. Each side is given general information about the dispute, and also secret information for each side. The oral phase of the competition is held over a week and comprises of Preliminary rounds and Knockout rounds (Quarter Final, Semi Final, and Grand Final).

Details on what to expect from client interview can be found below. Further information can be found at: <http://www.alsa.asn.au/negotiation/>

Laura Harle (2017 Semi Finalist)

“In 2017 I competed in the ALSA Negotiations Competition, along with Callum Jones. Negotiation is one of the most fun competitions as it involves strategic thinking and creative problem solving in a legal context but doesn’t require you to remember anything complicated like cases or legislation. You and your partner take on other teams to get the best deal for your imaginary client with the strict time limit while also keeping the opposition happy, a vital skill in many professional areas. The ALSA Conference is the best opportunity to practice these kinds of skills in a competitive environment – the preparation and competition rounds are law students from across Australia and overseas at the after-hours social events. The whole experience was incredible rewarding and I would highly recommend it to law students at any stage of their degree.”

Competitions Structure

The total time for a negotiation is usually 100 minutes. This is broken down into three parts: the negotiation, the self-reflection, and the critique. The first 50 minutes is the actual negotiation itself. Within this time limit, each team is entitled to take a 5-minute break in which they may do as they wish. During your break, teams are not allowed to have any discussions with any other person. A 1-minute warning will be given to both teams before the negotiation is to end.

After the negotiation is complete, teams will engage in private self-reflection, self-reflection with the judge, and critique with the judge. First, both teams will have 10 minutes to have a private reflection of how the negotiation went. Then, teams will return to the judge, who will flip a coin to decide which team will be first to take a 10-minute self-reflection with the judge. Once self-reflections are complete for both teams, teams will swap for a 10-minute critique with the judge.

The Judging Criteria – an Overview

- *Negotiation Planning*
 - This question reflects the preparation and apparent strategy you bring to the negotiation.
 - To get a good score for this, it is important to spend time learning what the law is in the area in order to develop strategies that will achieve an outcome that is in both you and your opponent's interests.
- *Flexibility*
 - Judges consider whether the team was able to adapt their strategy to the negotiation or their ability to react appropriately to unforeseen moves by the other team.
 - It is important to achieve a balance between maintaining your goals and not submitting to pressure from the other team and working flexibly to achieve outcomes that may not have been apparent at the beginning of the negotiation.

- *Outcome*
 - Naturally, the outcome of the negotiation is important, and this question reflects how satisfied the client would feel with the solution.
 - However, the competition is focused more on the process rather than the solution.
- *Teamwork*
 - Did competitors share responsibility and provide mutual support?
- *Relationship between teams*
 - Did parties establish and maintain good rapport to develop workable solutions?
- *Ethics*
 - Did parties disclose confidential facts or lie about anything?
 - Failing to disclose information that would be materially relevant to the outcome will not only result in a bad score, but could result in professional disciplinary action if it were to happen in a real-life situation.
- *Self-Analysis*
 - What insights did the party gain from the experience and how would they change anything if they were to try again.

PAPER PRESENTATION

The Paper Presentation Competition is a different style than the others at the ALSA Conference as it involves researching and writing a legal essay and then presenting it to a panel of judges. This competition is aimed at students who have strong skills in legal essay writing and students who are jurisprudents, aspire to law reform, or wish to analyse recent cases. Participants compete individually, and the papers may be written on any legal topic.

Participants are assessed on the writing and the presentation of a substantive piece of writing (3000 to 5000 words) and judges will have the opportunity to question the ideas and topics in that paper. Interest students are asked to send the Competitions Officers a copy of the essay which will be evaluated by staff to select the participants. Students may also be asked to give a brief presentation to narrow the pool to only one participant. The Essay can be one that has been previously written by the participant from a law unit.

The competition consists of a Preliminary round and the Grand Final. Participants are scored on both oral and written components. The winner of the National Paper Presentation Final will have their paper published in ALSA's Academic Journal.

For more information, visit <http://www.alsa.asn.au/competitions/paper-presentation/>

Darrell Choong (2017 Participant)

“Why take part on the Paper Presentation at ALSA? Simple, you're into legal research and legal analysis and you want to showcase your work to an audience, an opportunity you simply do not get elsewhere. In doing so you also get the opportunity to polish your public speaking and presentation skills to be the highest standard possible. Think of the Paper Presentation competition as the antithesis of mooting. Mooting is a sprint with constant hard work. The Paper Presentation, on the other hand, is a drawn-out marathon. Best of all, by the time you arrive at the conference you've already done most of the work by writing a 5000-word essay for one of your law units. All that remains is for you to distil that fascinating body of your work into a 10-minute presentation that captures your audience's attention and forces them to consider the law from a new perspective. I highly encourage everyone who loves legal research and analysis to take part in this competition. After all, your paper can hardly be more boring than the one I wrote on International Trade Law.”

INTERVARSITY COMPETITIONS

Intervarsity Competitions are those where UTAS competes on the National level in a variety of areas of law. Most of the intervarsity competitions are in the second half of the year (after the ALSA Conference) and are usually only open to more senior students (3rd to 5th year) because of the subject matters they cover including equity and trusts, contract law, administrative law, animal law, and international law.

UTAS has a successful history in the various intervarsity competitions and strives to maintain this level of excellence by provide training and support to all participants prior to try-outs and during the competitions. General tryouts for Intervarsity Moot Competitions are usually held in the first week of Semester Two.

Success in 2017

Administrative Appeals Tribunal National Moot – Semi Finalists (Natasha Perry, Georgina Barnes and Caroline De Paoli)

Castan Human Rights Moot – Grand Finalists (Heidi White, Siobhain Galea and Sarah Jeppson)

Gibbs Constitutional Law Moot – Grand Finalists (Rose Mackie, Bryanna Workman and Callum Jones)

Michael Kirby Contract Law Moot – Top 8 (Dan Westbury and Salmaaan Shah)

Michael Kirby Contract Law Moot - Best Oralist in General Rounds (Daniel Westbury)

Sir Anthony Mason Constitutional Law Essay Competition – First Place (Daniel Westbury)

Governor General’s Essay Prize - Equal First Place (Rose Mackie)

Animal Law Moot – Semi Finalists (Sam Diprose, Gabrielle McDonald and Meghan Scolyer)

Baker & McKenzie Women’s Moot – First Place (Imogen Wurf, Sophie Dalwood and Megan Bird)

Baker & McKenzie Women’s Moot - Best Oralist in Final (Imogen Wurf)

Jessup Moot – Quarter Finalists and Best-and-Fairest (Brendon Banks, Caroline De Paoli, Siobhain Galea, Natasha Perry, Georgina Barnes)

Jessup Moot – First Place Oralist in General Rounds (Siobhain Galea)

Jessup Moot – Second Place Oralist In General Rounds (Georgina Barnes)

ALLEN & OVERY PRIVATE LAW MOOT

The Allen & Overy Private Law Moot Competition is a prestigious mooting competition hosted by University of NSW in Sydney. Unique to this competition is the focus on private law and commercial topics that allows participants to demonstrate commerciality and deep interest in areas such as equity and trusts, corporations law, and contract law. The Private Law Moot is recommended for fourth and fifth year participants due to its subject matter.

Teams are comprised of two to four participants; two who act as senior and junior advocates and the others as solicitors. In order to be eligible for the final rounds each team must have at least one participant who identifies as female or non-cis-male. Tryouts will take place towards the beginning of Semester One with the problem being released mid-April. Participants wishing to only be in the position of an instructing solicitor should indicate so and will be chosen on the basis of academic marks. Two teams are permitted per university (a maximum number of teams may be set by the competition).

The problem question is released a month before the competition starts and teams must prepare written and oral arguments for both the Appellant and Respondent. The oral phase of the competition is held over a weekend in May. Teams will moot at least four times in the preliminary round alternating parties and each team is permitted 45 minutes (including rebuttal and sur-rebuttal). Team progression is based on point-based calculations. The Grand Final is held in the NSW Supreme Court and is typically presided over judges of the NSW Court of Appeal and Supreme Court.

Research for each round is to be done independently by participants and the expected workload is similar to that of a unit (10 hours a week minimum). The expected time commitment is just over a month. Teams are permitted one coach; however outside assistance can only be provided after the written arguments have been submitted.

Further information can be found at:

<https://www.unswlawsoc.org/private-law-moot/>

2018 Key Dates

Tryouts: 13 April (times TBA)

Problem Released: 16 April

Written Submissions: 14 May

*Competition Weekend: 19-21
May*

ADMINISTRATIVE APPEALS TRIBUNAL NATIONAL MOOTING COMPETITION

The Administrative Appeals Tribunal (AAT) conducts independent merits review of administrative decisions made by Government ministers, departments, and agencies, and in some circumstances, decisions made by state government and non-government agencies. This competition aims to simulate this process as teams compete as an allocated party in a fictional dispute based off a past case.

Teams comprise of three participants; two advocates who act as senior and junior counsel, and the third acting as instructing solicitor (roles can be rotated in each round). Tryouts take place towards the end of Semester One with the first round beginning at the start of Semester Two. Participants wishing to only be in the position of an instructing solicitor should indicate so and will be chosen on the basis of academic marks. Three teams are generally selected depending on numbers of teams submitted by other universities (there is a 32-team maximum within the competition).

There is a fortnightly structure to each round of the competition: the problem and materials are released on the AAT website on the Friday afternoon; written submissions are strictly due by 12pm the following Friday; and the oral appearance will be someday from Tuesday to Thursday the following week. All rounds are held in the Federal Court of Hobart (either in person or via video link) except the Grand Final which is held in Melbourne. There are five rounds in the competition, however the time commitment will depend on the progression of the team (maximum 10 weeks).

2018 Key Dates

Tryouts: Week 11 of Semester One (day TBA)

Problem Released: first Friday of each round starting???

Written Submissions: second Friday of each round.

Competition: Semester Two (starting date TBA)

Research for each round is to be done independently by participants and the expected workload is similar to that of a unit (10 hours a week minimum). Rounds are adjudicated by Members of the Tribunal.

Further information can be found at:

<http://www.aat.gov.au/about-the-aat/engagement/2017-national-mooting-competition>

Natasha Perry (2017 Semi-Finalist)

“The AAT Moot was the first competition I participated in, and I could not recommend it strongly enough! Each round of the competition concerns a different area of the Tribunal’s jurisdiction such as migration, veteran affairs, and social security law. This means you research vastly different areas of law: to be able to become an ‘expert’ in two weeks is an essential skill for the rest of your degree (and legal practice).

The best part of the experience was working in an amazing team (comprising of Georgina Barnes, Caroline De Paoli and myself). We didn’t know each other when we started but are close friends now thanks to some late nights and some intense practice sessions. We have gone on to compete in other competitions with each other because of how well we were able to work as a team and I am extremely thankful for everything I have learnt from them. The AAT moot is perfect for first-time participants; don’t be scared by the time commitment, it is all worth it!”

CASTAN CENTER FOR HUMAN RIGHTS LAW MOOT

The Castan Center for Human Rights Law Moot (Castan Moot) is based on Victoria's Charter of Human Rights and Responsibilities Act, which is one of only two Australian jurisdictions with comprehensive human rights. The Castan Competition is aimed at promoting the understanding and implantations of domestic and international human rights law in Australia.

Teams comprise of three participants; two oral advocates as senior and junior counsel and one instructing solicitor. Tryouts take place during the general intervarsity competitions mooting tryouts at the beginning of Semester Two, with the competition beginning sometime in August. Participants wishing only to be in the position of an instructing solicitor should indicate so and will be chosen on the basis of academic marks. One team is registered per University with a maximum of 16 teams (first in, best dressed).

The problem question is released three weeks in advance and teams must prepare written and oral arguments for both the Applicant and Respondent in the problem. The oral phase of the competition is held over a weekend. In the first two rounds teams will represent each side of the case against different opponents (e.g. first round the team will appear for the Appellant, in the second rounds the team will represent the Respondent). Progression to the Quarter, Semi, and Grand Final are based on the number of wins. The Grand Final is usually held in the Supreme Court of Victoria in front of experts in Human Rights.

Expected workload during the competition is similar to that of a unit (10 hours a week maximum). The expected time commitment for participants is three weeks.

2018 Key Dates

Tryouts: Week 2 of Semester Two (date TBA)

Problem Released: Early August (date TBA)

Written Submissions: End of August (date TBA)

Competition: beginning of September (date TBA)

Further information can be found at:

<https://www.monash.edu/law/research/centres/castancentre/for-students/human-rights-moot>

Siobhainn Galea (2017 Grand Finalist)

“The Castan Moot was a fantastic learning experience for me and really just a fun week. The problem we were given made us think about not only the nature of human rights generally but also how human rights work both substantially and procedurally in Australian law. In the lead-up to the competition my teammates and I had to examine both sides of the problem. In doing so we learnt a lot about how complicated some of these issues can really be. There were valid points on both sides, which reminded us that all legal problems – including ones that seem morally clean cut – exist in many shades of grey.

I had an absolute blast during the competition itself – I got to meet some really lovely law students from mainland universities and also bonded with my teammates. I would highly recommend this moot to anyone who enjoys arguing about human rights issues, time-pressured work, and working in small teams.”

SIR HARRY GIBBS CONSTITUTIONAL LAW MOOT

The Sir Harry Gibbs Constitutional Law Moot Competition involves a hypothetical legal problem based around a contemporary challenge or contentious area of Australian Constitutional Law. Sir Harry Gibbs was Chief Justice of the High Court of Australia from 1981 to 1987 and presided during crucial Constitutional Law decisions, including the *Tasmanian Dam Case*. In 2018, the competition will be hosted by the Melbourne University Law Students Society in conjunction with the Australian Association of Constitutional Law and the Australian Government Solicitors.

Teams consist of three participants; two oral advocates as senior and junior counsel and one instructing solicitor. Tryouts take place during the general intervarsity competitions mooting tryouts at the beginning of Semester Two with marks earned during the Constitutional Law unit being taken into consideration. Participants wishing only to be in the position of an instructing solicitor should indicate so and will be chosen on the basis of academic marks. One team can be registered per University.

Teams have a month to prepare written and oral arguments for both the Plaintiff and Defendant. Written submissions are due two weeks before the oral phase of the competition. The oral phase of the competition is held over a weekend in September at the University of Melbourne in a round-robin style with teams alternating between the parties for each round; participants in the preliminary round will moot at least four times (participants whom advance to the Grand Final will moot seven times). The Grand Final will take place in the High Court in Melbourne.

2018 Key Dates

Tryouts: Week 2 of Semester
Two (date TBA)

Problem Released: 6 August

Written Submissions: 10
September

Competition: 22-24 September

Research for each round is to be done independently by participants and the expected workload is similar to that of a unit (10 hours a week minimum). The expected time commitment is one month. Teams are permitted one coach (usually a faculty member in the Constitutional Law area).

Further information can be found at:

http://mulss.com/competitions/2015_sir_harry_gibbs_constitutional_law_moot

Bryanna Workman (2017 Grand Finalist)

“Why should you participate in the Constitutional Law Competition? There are plenty of opportunities to socialise with competitors from other firms, including a cocktail event and a gala dinner. We met some fantastic people from other universities and formed great friendships within our team and with other competitors. Furthermore, the judges consist of esteemed Victorian State and Federal Court judges, barristers and government personnel. In 2017, our semi-final judging panel included the Solicitor-General of Australia. The grand final is held in the High Court of Australia, with at least one or two High Court judges on the panel. Even if you don’t make it to the grand final, you can still come along to watch and meet the judges!”

KIRBY CONTRACT LAW MOOT

The Kirby Contract Law Moot Competition is the largest moot court competition in Australia. The competition is hosted by Victoria Law School and receives strong support from the Country Court of Victoria and members of the Victorian Commercial Bar which ensures that judges are of a high quality.

Teams consist of two to four participants, two of whom act as oralists and the other as solicitors. Tryouts take place during the general intervarsity competitions mooting tryouts at the beginning of Semester Two with consideration of marks earned during the Contract Law unit. Participants wishing only to be in the position of an instructing solicitor should indicate so and will be chosen on the basis of academic marks. Two teams can be registered per University.

Teams have over a month to prepare written and oral arguments for both the Claimant and the Respondent. The oral phase of the competition is run for four days in Melbourne. Unique to the Kirby Contract Moot is that teams are required to produce a one-page outline of their oral arguments for both the Bench and other teams prior to every round. Pending his availability, the Hon. Micheal Kirby CMG typically presides over the grand final in addition to members of the Melbourne Commercial Bar. First Place is awarded with prize money.

Research for each round is to be done independently by teams and the expected workload is similar to that of a Unit (10 hours a week minimum). Time commitment expected is to be over a month.

Further information can be found at:

<https://www.vu.edu.au/about-vu/news-events/events/conferences-exhibitions-special-events/kirby-moot>

2018 Key Dates

Tryouts: Week 2 of Semester Two
(date TBA)

Problem Released: mid-July (date
TBA)

Written Submissions: Claimant due
late August and Respondent due
mid-September (dates TBA)

Competition: late September (dates
TBA)

Daniel Westbury (2017 Best Oralist)

“Among the teams I talked to at the Kirby, the consensus is that it is the best organised domestic moot in the country. It is also of tremendous value to firms, because it gives young lawyers an insight into the reality of commercial practice. The problem my team-mate and I worked on was very innovative, involving blockchain™ and smart contracts, and required outside-the-box thinking. Firms are now starting to deal with these kinds of problems. We were a two-man team staying in a youth hostel, taking on and beating four-person teams from group of eight Universities with travelling coaches. If you killed Contract, and want to go into commercial practice, you’d be kidding yourself not to try out, and bringing home a trophy is not outside the realms of possibility!”

SIR ANTHONY MASON CONSTITUTIONAL LAW ESSAY COMPETITION

The Sir Anthony Mason Prize is an initiative of the Public Law and Government Committee of the Law Society of Law South Wales Young Lawyers Society. It involves writing a 2,500-word essay (including references) on current issues in federal constitutional law not likely to be covered in an undergraduate course.

There is no formal selection process for participation, however it is recommended that interested students contact the Competitions Officers to organize a staff member to support participants throughout the process.

Participants chose from a range of set questions relating to the Australian Constitution. All research is to be done independently by participants. The essays are reviewed by the judging panel where six finalists are chosen. Those finalists present their essay before the judging panel (via video-link, for Tasmania). The panel then selects the winner.

Essays are generally due in late August or early September, and the prize winners are announced by Sir Anthony at an awards ceremony in late September in Sydney, along with a speech on constitutional law, where students are encouraged to attend. The 2017 prize package included cash prizes for the winning essays, with the First Prize essay being published on the AUSPUBLAW Australian Public Law Blog.

2018 Key Dates

Expression of Interest: End of Semester One (date TBA)

Competition: TBA

Essay Deadline: end of August/Early September (date TBA)

Participants will need to write one high quality research essay which can be done over several months. This involves a lower workload than other competitions as participants have a great deal of flexibility in how they manage their time (you can write intensively over a few weeks or allocate a few hours a week over a longer period).

Daniel Westbury (2017 Winner)

“Have a passion for ‘Con’? Feel like writing a 2,500-word essay on structured proportionality, Chapter III military courts, or whether the principle of legality accurately reflects the relationship between the Australian legislature and judiciary? Fancy having this essay judged by the one and only ‘Mason CJ’, Sir Anthony Mason AC KBE GBM QC himself? The Sir Anthony Mason Prize is an initiative of the Public Law and Government Committee of the Law Society of Law South Wales Young Lawyers Society. Tasmanian students have historically done well in this competition, the past two years producing prize winners. The essay is due in late August or early September, and the prize winners are announced by Sir Anthony at an awards dinner in late September in Sydney, along with a speech on constitutional law. Students are encouraged to attend.”

GOVERNOR-GENERAL'S ESSAY PRIZE

The Governor-General's Essay Prize is a prestigious essay competition which aims to recognize students for their academic skill, talent, and research. Each year, a Justice of the High Court of Australia chairs the judging panel. All six finalists in the competition are invited to attend a ceremony hosted by the Governor-General at Government House in Canberra. Moreover, all finalists have their essays published on the Constitution Education Fund Australia (CEFA) website. Winners also receive significant cash prizes.

There is no formal selection process for participation, however it is recommended that interested students contact the Competitions Officers to organize a staff member to support participants throughout the process.

Participants chose from a range of set questions relating to the Australian Constitution and write a 2500-word essay (excluding references). Essays are generally due around the end of Semester One; finalist present their essay to the judging panel late in Semester Two. All research is to be done independently by participants. The essays are reviewed by the judging panel where six finalists are chosen. Those finalists present their essay before the judging panel (via video-link, for Tasmania). The panel then selects the winner.

Participants will need to write one high quality research essay which can be done over several months. This involves a lower workload than other competitions as participants have a great deal of flexibility in how they manage their time (you can write intensively over a few weeks or allocate a few hours a week over a longer period).

2018 Key Dates

Expression of Interest: End of April (date TBA)

Competition: Opens 9 April

Essay Deadline: TBA

Further information can be found at:

<http://www.cefa.org.au/governor-generals-prize>

Rose Mackie (2017 Winner)

“I highly recommend participating in the competition. It is a fantastic opportunity to conduct a significant piece of independent research. Importantly, it encourages you to develop an original perspective on the law. Further, presenting my essay as a finalist before the judging panel (chaired, in my year, by Justice Gageler) was an incredible opportunity and one of the highlights of my degree. Having the opportunity to discuss your work with a panel of such calibre is a great honour, particularly for an undergraduate.”

ANIMAL LAW MOOT

The Australia and New Zealand intervarsity Animal Law Moot is organized by the Animal Law Institute and proudly sponsored by Voiceless (the Animal Protection Institute). The Animal Law Moot is the only one of its kind in Australia and New Zealand and offers participants a unique understanding and appreciation of how law as it relates to animals.

Teams comprise of three participants; two oral advocates as senior and junior counsel and one instructing solicitor. Tryouts take place during the general intervarsity competitions mooting tryouts at the beginning of Semester Two. Participants wishing only to be in the position of an instructing solicitor should indicate so and will be chosen on the basis of academic marks.

Teams have a month to prepare written and oral arguments for both the applicant and the Respondent. The oral phase of the competition consists of Preliminary rounds where each team moots 4 times, and then Knockout Rounds for the top 4 teams (Semi and Grand Finals).

2018 Key Dates

Tryouts: Week 2 of Semester Two
(date TBA)

Problem Released: early August
(date TBA)

Written Submissions: early August
(date TBA)

Competition: September (date TBA)

Research for each round is to be done independently by teams and the expected workload is similar to that of a Unit (10 hours a week minimum). Time commitment expected is over a month.

Further information can be found at:

<http://www.ali.org.au/animal/>

Meghan Scolyer (2017 Semi Finalist)

“I participated in the Animal Law moot in 2017. Our team of three travelled to Melbourne to compete over a weekend in September, and it was one of the most rewarding experiences I have had. The judges consisted of leading lawyers and academics in the animal law field, and it was exciting to be given the opportunity to meet and mingle with them. The competition was well organised, with several lectures and social events held between rounds.

We had about a month to prepare and our hard work paid off because we reached the semi-finals. I strongly recommend participating in this competition if you have an interest in animal law. The University’s dedication to mooting is unparalleled, so you can be sure you will be sent to the competition prepared and with a high chance of success.”

BAKER & MCKENZIE NATIONAL WOMENS MOOT

The Baker & McKenzie National Women's Moot Competition is aimed at addressing equity issues facing women in the legal profession, and more specifically at the bar. The Women's Moot is run by the Sydney University Law Society in Conjunction with the NSW Young Lawyers Special Committee of Law Student's Societies. Unique to this competition is that all participants must be female which is aimed to present the opportunity to Australian women across Australia to begin their journey to the bar.

Teams consist of three participants; two oral advocates as senior and junior counsel and one instructing solicitor. Tryouts take place during the general intervarsity competitions mooting tryouts at the beginning of Semester Two. Participants wishing only to be in the position of an instructing solicitor should indicate so and will be chosen on the basis of academic marks. One team can be registered per University.

Teams begin preparation six to eight weeks in advance of the oral phase of the Competition, which takes place in Sydney for one week in September. Teams are required prepare written and oral arguments for both Applicant and Respondent, alternating between sides for the oral rounds. The competition is structured as a round-robin with teams competing at least four times in the preliminary rounds, then finals. The Grand Final occurs in the NSW Supreme Court with a Supreme Court Judge typically presiding.

All research is to be done independently by teams, and workload is expected to be similar to that of a unit (10 hours minimum per week). Expected time commitment for participants is 8 eight weeks (maximum).

Further information can be found at:

<http://www.womensmoot.com>

2018 Key Dates

Tryouts: Week 2 of Semester Two (date TBA)

Problem Released: Early August (date TBA)

Written Submissions: Appellant due early September and Respondent due mid-September (dates TBA)

Competition: Late September (date TBA)

Imogen Wurf (2017 Grand-Final Winner and Best Oralist in the Final)

“The Baker & McKenzie Women’s moot is a fantastic experience. There is no one area of law it focuses on, but in 2017 it featured questions relating to both Tort and Contract Law within an employment scenario, which was based on the facts of an actual case in the NSW Supreme Court. The commitment does mean you miss one week of classes and makes the first half of Semester Two very busy as you prepare for both sides of the case; however, don’t let that phase you as you learn so much about the application of legal principles you’ve learn in class to real life scenarios, and it’s way more fun than all the readings you should be doing.

It is wonderful to meet so many other women from around the country who are interest in the law; but the best thing of all is getting to work with the other women on your team. You get to know each other really well and working in such a passionate team is a great way to get excited for future legal practice. This is a great opportunity to use the law creatively and work as a team and is well worth the added Semester Two stress!”

PHILLIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION

The Phillip C Jessup International Law Moot Competition (Jessup) is the largest, oldest, and most prestigious international moot competition in the world. The competition is a simulation of a dispute between fictional countries before the International Court of Justice (ICJ). The Jessup Competition begins with the Australian National Rounds in which the Grand-Finalists (both the first and second place teams in Australia) will progress to the International Round to represent both Australia and their University.

Each team comprises of two to five students. Teams are required to produce a written memorial for both Applicant and Respondent of the case and alternate side during the oral rounds of the competition. In each round two members will argue for one side of the case for a maximum of 45 minutes (split between oralists and rebuttal/sur-rebuttal). A third member is seated at the bar table as of-counsel but is not permitted to speak. As there is no fixed team organisation required by the competition, composition is at the discretion of each university; therefore, students are able to participate as purely researchers if they please. Teams also include at least one advisor and/or coach typically drawn from the international law faculty and/or past Jessup team members.

Selections for the Jessup Moot team is highly competitive. Team members are selected on a basis of high academic achievement (particularly in the International Law Unit), prior competition experience, and a 10-minute moot tryout concerning a past Jessup competition problem. Team selection is also dependent availability and team work skills as students are required to work closely and intensively for around three months.

2018 Key Dates

Tryouts: end of Semester Two
(date TBA)

Problem Released: September
(date TBA)

Written Submissions: Early
January 2019 (date TBA)

Competition: beginning of
February 2019 (date TBA)

Australian National Rounds are held in early February (International Rounds commencing in April), thus the competition is run as a summer-school elective unit. Jessup requires intensive time-commitments of 9am to 5pm workdays. As of 2018, the UTAS Jessup team will begin preparations sooner and, thus tryout dates and time-commitment may be moved forward (as to be confirmed).

Further information can be found at:
<https://www.ilsa.org/jessuphome>

Georgina Barnes (2017-2018 Quarter Finalist, and 2nd Place Oralist)

“The Jessup Moot competition is probably the most involved moot competition out there! It involves spending all day every day with your five teammates for three months. This is an absolute joy if your team is great (as mine was), and you will learn a lot about working collaboratively and how uncooperative Microsoft Word can be!

The first two months involves in-depth research, drafting, writing, re-writing, and editing your written submissions. It is a large amount of work, but the structure of the competition as a unit with multiple deadlines helps to make this achievable.

The final month is ‘Moot Boot-Camp’. This means mooting one or twice *daily* before a variety of academics and legal professions, finishing with the Supreme Court moot; ours was before Chief Justice Blow and Don Chalmers.

The competition week itself was held in Canberra in February. Despite my disbelief when Dan Westbury (former competitor who became a coach) told us that it would be the best week of our lives – it was! The rounds consisted of 4 preliminary rounds over two days, quarter finals, semi-finals, and the grand final in the High Court (featuring Edelman J in 2018).

After the grand final we had a Gala Dinner in the High Court and all celebrated the completion of the competition that had taught us so much, not only about international law, but about hard work and team spirit.

I would highly recommend doing the Jessup Moot if you’ve got a spare summer and want to spend it reading about international law. It’s an amazing experience!”

INTERFACULTY COMPETITIONS

Inter-faculty competitions are run internally in the Law Faculty by TULS. The inter-faculty competitions run similar types of competitions to that of the ALSA Conference including Championship Moot, Witness Examination, Client Interview, Negotiation, IHL Moot, and Paper Presentation. The Interfaculty Competitions are split into Senior and Junior Competitions and are held over a weekend towards the end of Semester Two.

Within each competition, there is usually only one round, and the participants are ranked by score. There are no tryouts for these competition, instead all interested students are able to participate regardless of previous experience. The interfaculty competition is typically judged by local practitioners, faculty members, and past competitors and winners are recognised on a plaque displayed within the Law Faculty.

Please see the ALSA section for details on each type of competition.

Senior Competitions

The Senior Competitions are the premier events for the TULS internal competitions. Each year, the TULS Senior Competitions pit senior law students against each other in a mooting competition which is guaranteed to further your advocacy skills. The Senior Competition is an opportunity for Fourth and Fifth year students to show off everything they have learnt so far in a fun and exciting environment! The subject matter for each competition is chosen from any area studied in the first five years of you Law Degree.

Junior Competitions

The Junior Competitions give students in their first two-three years of their Law degree the opportunity to have fun, learn skills and take on their fellow students in the TULS Junior Competitions. Competition problems and questions used in the Junior Competitions focus on law that students have learned or will learn in the first two years of their degree and aren't designed to require a lot of study. This competition is just for fun – and is a great way to discover the world of competitions.

WRITTEN SUBMISSIONS TIPS

Most competitions will require you to prepare written submissions to accompany your oral submissions. The length of the written submissions depends on the competition and will be outlined in the competitions rules. Generally, your written submissions should include a brief summary of the facts, your key submissions, and the corresponding authorities you are relying on. In relation to the summary of facts, do not be afraid to give it a 'spin' (usually by using more assertive terms or language) which will ultimately help you present a more convincing case. This of course should not come at the expense of the truth and brevity of your summary.

In terms of structuring your submissions, you must follow the template provided in the competition rules. But as a general guide, a good template to follow would be to set it out like so:

1. Main submission (for each point/element of argument)
 - Rule and its source
 - Exceptions (if any) to that rule
 - Application to the facts (again, try encapsulating the facts in a narrative that works for your side)

2. Alternative/Additional submission
 - it is important to have alternative and/or additional submissions. Sometimes the Court will not be too impressed with your main submission and you must be prepared to put forward something else.
 - Also, it is really important that you know the difference between an 'alternative' and an 'additional' submission and how that applies to your case.

A small portion of your points for each moot will be allocated based on the strength of your written submissions. Thus, written arguments should be well-constructed, carefully-phrased and clearly reflect your arguments. A well written submission will start you in good stead!

In citing your authorities, use the full citation from the Australian Guide to Legal Citation and provide specific page and paragraph pinpoint references. You might also be required to give a list of authorities at the end.

MOOTING TIPS

There are different aspects and styles to presenting an effective moot and all student should remember that each judge will have a difference preference. A good mooter (in our opinion) is someone who is confident, convincing and coherent. This of course comes with practice – and lots of it! You can do that by presenting your written submissions numerous times and responding to a range of questions from different moot judges. Having practice moots with judges who know about the area of law you are mooting on would be invaluable, but it is also helpful to moot before people who have little to no idea about that particular area of law; always think “Can Joe Bloggs off the streets follow my argument?”.

Formalities:

- As a general rule, do not stand to give appearances or present your submissions until the judges have indicated that you should.
- Address the judge as ‘Your Honour’ for courtroom settings, ‘Member [Bloggs]’ for tribunal settings, or ‘Your Excellency’ for international courts and tribunals.
- At the beginning of the Moot, both the Appellant and Respondent Senior Counsels will be called on to give appearances – that is introducing themselves and their Junior to the court. For example: ‘May it please the court, my name is Ms [Smith], and I appear as Senior Counsel for the Appellant. I appear alongside my learned Junior, Mr [Bloggs]’
- When referring to the Counsel for the opposing side, it is polite to refer to them as ‘my learned friend’ for domestic settings and ‘counsel for the [applicant] for international settings. For example: ‘My learned friends for the Appellant submit that -----, however I submit -----’
- In any moot, only ever ‘submit’ your argument to the court. Mooters don’t argue, think, feel – they only ‘submit’.
- It is courteous to ask the court if you can dispense with full citations. Do this after citing your first authority. It would be wise to have the full citations and pinpoint references handy just in case.
- If you appear as Senior Counsel for the Appellant, offer to give the Judges a brief summary of the facts (have one ready), but be prepared to go straight into your submissions if they do not wish to hear the summary.

Time allocation

Check and double check the competition rules on this point. Generally, each side is given 40 minutes to present their case (including rebuttal and sur-rebuttal if applicable to the competition). The competition rules will outline any requirement of splitting time between applicants.

Style tips for presentation

- Know whether the Justice you're quoting is female or male.
- Try not to use too many notes. Eye contact with the bench is essential and having notes may make it more difficult for you to be flexible with your argument and where the judge wants to take it.
- Use the lectern. Hold on to it if you get nervous or move away from it when you want to make an important point. Small movements like this make your argument style more engaging for the judge.
- Avoid distracting mannerisms. Anything from twirling a pen or shifting your weight can be very distracting and the judge will concentrate on this rather than your argument.
- Structure your argument clearly. Explain your overarching proposition then set out how you will make your argument. For example; "I will be making two submissions. First, Second....." Briefly summarise your argument at the end of each submission and then summarise at the end of all your submissions.
- Embrace the dramatic pause. It shows the judge you have confidence and control over your submissions.

Questions from the Bench

Questions from the Bench will usually comprise most of your final mark. It is the most important part of the moot. Therefore, it is important to have a good knowledge of the law and how it applies to the facts. Judges typically ask three types of questions:

1. Clarifying of your argument; This gives you the opportunity to make sure the judge understands the point you are making. Clarification questions typically require you either answer 'yes' and continue, or answer 'no' and give a brief explanation.

2. Challenging your argument; this is to see how well you can deal with contentious issues and remain persuasive. Knowing the arguments of the other side help with these questions.
3. Testing your knowledge; this is to see how well you know the law, both cases and legislation, and how the law impacts your submissions.

Beyond this, there are some tips to keep in mind when answering questions:

- Stop speaking as soon as the Judge asks you a question, even if you are mid-sentence. Do not start speaking again until the Judge finishes their question.
- Pause and take a breath when asked a question. It is not necessary that you answer straight away, and answers are always stronger once you have the chance to fully understand the question.
- If you are unsure of the question, you may say something along the lines of 'Your Honour, could you please rephrase your question?'
- If you cannot answer a question, you can say something like 'Your Honour, I cannot put this submission any higher' or 'I cannot assist Your Honour any further on this point'.
- If the judge asks you a question that messes up your structure, go where the judge leads you and be willing to be flexible with your submissions.
- It is important to remember that although the Judge may be grilling you, questioning is a fantastic way to show your knowledge of the law. Don't get intimidated by the judges, they are asking you questions to give you an opportunity to show your knowledge.