

**Macquarie University Law
Society Competitions**

Client Interview Rules

1. Teams

- 1.1. All students undertaking an undergraduate LLB or JD degree at Macquarie University (including those under the graduate structure) are eligible to compete in the MULS Client Interview Competition.
- 1.2. Team members must not have completed a law degree or equivalent qualification for legal practice in any jurisdiction.
- 1.3. The winning MULS Client Interview team will represent the University at the national Australian Law Students Association (ALSA) Conference and therefore must be enrolled in an undergraduate LLB degree or equivalent graduate LLB or JD degree at Macquarie University at the time of the ALSA Conference in July of that year.
 - 1.3.1. If one (1) of the winning Client Interview team members cannot attend ALSA pursuant to rule 1.3 above, then the remaining member of that team will automatically be selected to represent MULS at ALSA. The remaining ALSA team member shall be chosen according to a selection process conducted by the Competitions Department outlined in s 1.3.2 below.
 - 1.3.2. Where there are vacancies in the ALSA team, selections shall pass to the runners up. The Competitions Department shall have discretion in determining which member of the runner up team will fill the remaining spot.
 - 1.3.3. Where there are still vacancies in the ALSA team having followed s 1.3.2 above, the Competitions Department shall select the remaining spot for the ALSA team pursuant to 8.5(f) of the MULS Constitution.
2. There shall be a maximum of forty (40) teams for the Client Interview Competition.
 - 2.1. Students enrolled in any year of their LLB or JD degree (or equivalent) may compete in the Client Interview Competition. Team members do not need to be in the same year.
 - 2.2. Teams shall consist of two (2) students.

- 2.3. Past the first round, team members must remain unchanged for the duration of the competition.
- 2.4. In the instance that there is an odd number of teams, one team per round may be given a bye.
- 2.5. It is at the discretion of the Competitions Department that in extraneous circumstances preliminary rounds may be reduced or modified.

3. Competition Structure

- 3.1. The Client Interview Competition shall consist of three (3) preliminary rounds, as well as a Quarter Final, Semi Final, and Grand Final round.
- 3.2. Preliminary round procedures
 - 3.2.1. Teams will be allocated their opposing team by random draw.
 - 3.2.2. Opposing teams will toss a coin to decide who competes first, and who competes second for each match.
 - 3.2.3. Eight (8) teams will progress to the Quarter Finals. Four (4) teams will progress to the Semi Finals. Two (2) teams will progress to the Grand Finals.
 - 3.2.4. Selection for the Quarter Final teams will be determined by the Evaluation process outlined below.
- 3.3. Explaining the Evaluation Process

Tier One of the Evaluation Process

- 3.3.1. Tier one involves determining the win-loss ratio of every team that has competed based on the amount of rounds they competed in.
- 3.3.2. For example, a team who wins three (3) of the three (3) preliminary rounds will have a one hundred per cent (100%) win-loss ratio. A team who wins two (2) of the three (3) preliminary rounds will have a sixty-six per cent (66%) win-loss ratio. A team who competes twice and only wins one (1) round will have a fifty per cent (50%) win-loss ratio. A team who wins one (1) of three (3) preliminary rounds will have a thirty-three per cent (33%) win loss ratio. A

team who wins no rounds will have a zero per cent (0%) win-loss ratio.

Tier Two of the Evaluation Process

- 3.3.3. Tier Two involves ranking all remaining teams based on their total amount of wins, irrespective of how many rounds they competed in. In this process, teams with two (2) wins out of three (3) preliminary rounds will be considered the same as teams with two (2) wins out of two (2) preliminary rounds.

Tier three of the Evaluation Process

- 3.3.4. Tier three involves determining the mean margin score (“MMS”) that each team has accumulated. This is calculated as the average margin of points by which a team won or lost. A team that wins a round will receive a positive score for that round. The losing team of that same round will receive a negative score. At the end of the preliminary rounds, the average margin will be calculated.
- 3.3.5. For example, if a team wins round one (1) by ten (10) points they will have a score of positive ten (+10). If that team wins the second round by five (5) points, their aggregate score by the end of round two (2) will be positive fifteen (+15). If the same team loses round three (3) by six (6) points, their aggregate score will be positive nine (+9). That number will be divided by the number of rounds that the team have competed in, creating their MMS. Therefore, their MMS will be three (3).

Tier four of the Evaluation Process

- 3.3.6. Tier four involves determining the mean score (“MS”) that each team has accumulated, and will be determined by aggregating the total scores that each team has achieved in all of the rounds that they have competed in, and dividing that number by the amount of rounds that the team competed in.
- 3.3.7. For example, if a team receives a score of sixty (60) in the first round, sixty-five (65) in the second round, and seventy (70) in the third round, their mean score will be sixty-five (65).

Tier five of the Evaluation Process

3.3.8. Tier five involves determining the highest score that each team has achieved from any of the rounds that the team competed in.

3.4. Applying the Evaluation Process

3.4.1. In the event of there being exactly eight (8) teams with the highest win-loss ratio, according to tier one of the Evaluation Process, these eight (8) teams will proceed to the Quarter Finals automatically.

3.4.2. In the event of there being less than exactly eight (8) teams with the highest win-loss ratio, the teams that proceed to the Quarter Finals will be selected according to the following process.

3.4.2.1. Those teams with the highest win-loss ratio will automatically proceed through to the Quarter Finals pursuant to tier one of the Evaluation Process.

3.4.2.2. All remaining teams will be ranked according to their total wins (tier 2). The highest-ranking teams will proceed.

3.4.2.3. Where there are fewer teams that share highest total wins than there are places available in the Quarter Finals, the teams within the next highest bracket of total wins will proceed to the Quarter Finals and so on until all places are filled. Where there are more teams within a bracket than there are places available in the Quarter Finals, rank only these teams as per rule below (tier 3).

3.4.2.4. The contending teams with a shared total win score as per the process above will be ranked according to their MMS (tier three). Proceeding teams will be chosen according to their ranked MMS from highest to lowest number until all places are filled.

3.4.2.5. Where there are more teams that share an MMS than there are places available in the Quarter Finals, then only these teams will be further ranked according to their MS (tier four). Of these teams, the teams with the highest MS will proceed to the Quarter Finals.

3.4.2.6. Where there are more teams that share an MS than there are places available in the Quarter Finals, these teams only will be further

ranked according to their highest score achieved in any round (tier five). Of these teams, the teams with the highest score from any round will proceed to the Quarter Finals.

- 3.4.2.7. If, after applying tier five of the process, there are still positions available at the Quarter Final rounds, the remaining spots will be decided based on a coin toss conducted between the Director (Competitions) and the Executive Officer. The teams eligible to be considered in the coin toss will be those eligible at s 2.4.2.8 above of the selection process. The Director (Competitions) and the Executive Officer will randomly select teams from this group to be subjected to the coin toss.
- 3.4.3. In the event of there being more than exactly eight (8) teams with the highest win-loss ratio (according to tier one), the teams that proceed to the Quarter Finals will be selected according to the following process:
 - 3.4.3.1. Only these teams will be considered at any stage hereafter to proceed to the Quarter Finals.
 - 3.4.3.2. Those teams will be ranked according to their MMS (tier three). Proceeding teams will be chosen according to their ranked MMS from highest to lowest number until all places are filled.
 - 3.4.3.3. Where there are more teams that share an MMS than there are places available in the Quarter Finals, then only these teams will be further ranked according to their MS (tier four). Of these teams, the teams with the highest MS will proceed to the Quarter Finals.
 - 3.4.3.4. Where there are more teams that share an MS than there are places available in the Quarter Finals, these teams only will be further ranked according to their highest score achieved in any round (tier five). Of these teams, the teams with the highest score from any round will proceed to the Quarter Finals.
 - 3.4.3.5. If, after applying tier five of the process, there are still positions available at the Quarter Final rounds, the remaining spots will be decided based on a coin toss conducted between the Director

(Competitions) and the Executive Officer.

3.5. Finals procedures

3.5.1. The teams proceeding to the Quarter Finals will be announced after the conclusion of the preliminary rounds, and once the proceeding teams have been approved according to the above process by the Competitions Department.

3.5.2. The Quarter Final teams will be ranked according to their MMS, irrespective of which tier they qualified for the Quarter Finals. The draw for the Quarter Finals will be determined by 'folding' the rankings. For example, Team one (1) will verse Team eight (8), Team two (2) will verse Team seven (7) and so on.

3.5.3. The winning team from each Quarter Final will advance to the Semi Final Round.

3.5.4. The Semi Final teams will be ranked according to their scores in the Quarter Final rounds. The draw for the Semi Finals will be determined by 'folding' the rankings. For example, Team one (1) will verse Team four (4) and Team two (2) will verse Team three (3).

3.5.5.

3.5.6. The winning team from each Semi Final will advance to the Grand Final Round.

3.5.7.

3.5.7.1.

4. Release of Client Interview Scenarios

4.1. Release of preliminary round Client Interview scenarios

4.1.1. There are six (6) separate scenarios for the entire competition. Each preliminary round has a separate scenario.

4.1.2. The scenarios involve two sets of information. The first is a common set of facts known by all of the participants (the memo from the secretary). The

second is additional confidential information know only by the client for that particular round. The common facts will contain information similar to that which a law office secretary might give to interviewing solicitors when a client has called to make an appointment for an initial consultation.

- 4.1.3. Legal background information may also be provided to participants.
- 4.1.4. Scenarios for the preliminary rounds are released at least one (1) day before commencement of each preliminary round.
- 4.1.5. Scenarios for the preliminary rounds will be released via the MULS website or emailed directly to competitors. Clients will collect or be emailed the confidential information at least one hour prior to the commencement of the round in which they are participating.
- 4.1.6. Competitors will be penalised if it is substantiated that confidential information relating to the client interview scenarios is left in public access areas or given to other competitors.
- 4.2. Release of final rounds Client Interview Scenarios
 - 4.2.1. There are six (6) separate scenarios for the entire competition. Each final round has a separate scenario.
 - 4.2.2. Quarter finalists, semi finalists and grand finalists will be notified of the next round's scenario five (5) days prior to the next round.

5. Preparation and Research

- 5.1. All research and preparation for the rounds will be conducted solely by the team members of each team.
- 5.2. Teams cannot communicate about matters related to the Client Interview Competition with other teams during a round, from the time that scenarios are released, to the completion of that round.
- 5.3. If a team mistakenly receives confidential material meant for the client they must report the occurrence immediately to the Competitions Department to

decide on an equitable course of action.

- 5.4. Teams are prohibited from communicating with their or any other client about the competition after the client has received the confidential information for the entire duration of that round, except during the interview. This includes after the interview is finished, and extends up until the time that the last teams of the round have competed.
- 5.5. The mere act of communication or receipt of information proscribed by s 4.2 above constitutes a strictly enforceable breach of the rules, regardless of the substance thereof and regardless of whether initiated by a participant or any other person. There is no defence to a breach of this section.
- 5.6. The Competitions Department will disqualify from the competition any team found to have breached s 5.5 above except in select circumstances (at their discretion). If the Competitions Department does disqualify a team for a breach of the above rules, the Competitions Department will put this in writing to the affected team. Competitors should refer to the MULS Forfeiture and Appeals Policy if they want to appeal this decision.
- 5.7. The jurisdiction unless otherwise specified will be that of New South Wales.

6. Judging

6.1. Number of judges

- 6.1.1. The preliminary rounds are heard by one (1) or more judges, depending on availability.
- 6.1.2. The Quarter Final rounds are heard by one (1) or more judges, depending on availability.
- 6.1.3. The Semi Final rounds are heard by three (3) or more judges, depending on availability.
- 6.1.4. The Grand Final round will be heard by three (3) to five (5) judges, depending on availability.

- 6.2. Judges will be judges, magistrates, legal academics, legal practitioners from the NSW Law Society or Bar Association, selected student judges or others with a demonstrated experience in judging and competing in mooting competitions.
- 6.3. Judges shall be provided with both the scenario question and confidential information. A marking schedule will also be provided to all judges. Teams are strongly advised to have regard to the marking criteria when preparing for the rounds (available from www.muls.org/competitions).
- 6.4. Each team's score will be submitted to the Director of Competitions, the Competitions Officers (Advocacy, Skills and Externals) or any other person nominated by the Competitions Department.
- 6.5. Teams will be notified by the end of each preliminary round whether they won or lost the match in that round.
- 6.6. No scores or rankings will be released until such a point in time as the Competitions Department decides.
- 6.7. If there is more than one (1) judge judging the round, the winning team is the team that was the superior team in the opinion of the majority judges, irrespective of the result derived from the aggregate of the teams' scores. If there is an even number of judges, they will have to come to a consensus as to the winner.
- 6.8. If there is more than one judge judging the round, they will have to complete one (1) marking schedule only between them.

7. Clients

- 7.1. Client Interview teams are responsible for providing clients during the preliminary rounds. Clients will be provided by the Competitions Executive for the Finals rounds.
- 7.2. Teams will be informed which matches they will be required to provide a client before the match is to take place.

- 7.3. Clients do not have to have any experience in the competition, nor do they have to study law. It is recommended that someone who does not study law act as a client, for example a friend or a family member.
- 7.4. Each client is supplied with a package containing the rules, the consultation situation, and a detailed confidential memorandum concerning the client's background and concerns.
- 7.5. Clients should also give their feedback to judges after each interview, outlining their level of confidence in the team's handling of their situation and any other relevant comments.

8. **The Interviews**

8.1. Preliminary Rounds

8.1.1. Sessions will be thirty (30) minutes long

8.1.2. The first twenty (20) minutes are devoted to a consultation with the client during which the competitors are expected to elicit the relevant information, outline the problem, and propose a solution or other means of resolving the problem.

8.1.3. Judges should, at the end of the client interview period, ask the client to return to the room. Competing students must leave. Judges are encouraged at this point to ask clients about their experience. The client is encouraged to outline their level of confidence in the team's handling of their situation and any other relevant comments without bias. After no longer than five (5) minutes, the judge must ask the client to leave the room and invite the competing team back into the room.

8.1.4. The teams will have a ten (10) minute post-consultation period, during which time students will confer privately and then answer to a critique from the judges.

8.1.5. During the private consultation period, competing students must talk to each other loudly enough to be overheard by the judges. The private consultation performance may summarise for example, the interview, indicate the scope of legal work to be undertaken, and state the legal issues that should be

researched. Explanation of the position or attitude of the team about their own performance according to the marking criteria may be useful.

8.1.6. Judges will then have a chance to question students on their performance during the critique stage so as to better come to a decision about which team should win. Students will have an opportunity to respond.

8.1.7. Time limits are as follows:

8.1.7.1. Consultation with client: twenty (20) minutes;

8.1.7.2. Not less than five (5) minutes where judge questions client;

8.1.7.3. Private post consultation between students: five (5) minutes;

8.1.7.4. Critique with judge: five (5) minutes.

8.1.8. Judges should limit the client interview period to twenty (20) minutes.

8.1.8.1. If an important discussion needs to be concluded or the client initiates a new topic, students may continue the interview into the first five (5) minutes of the post consultation period. Students, however, should make an attempt to close the consultation session effectively so as not to subtract time from their post consultation period.

8.1.8.2. Students who conduct the client consultation during the private consultation period will subtract time from their private consultation period.

8.1.8.3. Students cannot continue the interview beyond twenty-five (25) minutes. If this point is passed, the judge shall ask the match to stop. In this situation, students will not have time to consult with each other privately. The judge can use the remaining five (5) minutes to critique the students' performance.

8.1.8.4. If the extended consultation session allowed an opportunity for a team to gather more information than other teams, this circumstance should be taken into consideration favourably by the

judges in making their decision.

8.1.9. Clients should not be present during the post consultation period.

8.2. Finals Rounds

8.2.1. Sessions will be forty (40) minutes long

8.2.2. The first thirty (30) minutes are devoted to a consultation with the client during which the competitors are expected to elicit the relevant information, outline the problem, and propose a solution or other means of resolving the problem.

8.2.3. Judges should, at the end of the client interview period, ask the client to return to the room. Competing students must leave. Judges are encouraged at this point to ask clients about their experience. The client is encouraged to outline their level of confidence in the team's handling of their situation and any other relevant comments without bias. After no longer than five (5) minutes, the judge must ask the client to leave the room and invite the competing team back into the room.

8.2.4. The teams will have a ten (10) minute post-consultation period, during which time students will confer privately and then answer to a critique from the judges.

8.2.5. During the private consultation period, competing students must talk to each other loudly enough to be overheard by the judges. The private consultation performance may summarise for example, the interview, indicate the scope of legal work to be undertaken, and state the legal issues that should be researched. Explanation of the position or attitude of the team about their own performance according to the marking criteria may be useful.

8.2.6. Judges will then have a chance to question students on their performance during the critique stage so as to better come to a decision about which team should win. Students will have an opportunity to respond.

8.2.7. Time limits are as follows:

- 8.2.7.1. Consultation with client: thirty (30) minutes;
 - 8.2.7.2. Not less than five (5) minutes where judge questions client;
 - 8.2.7.3. Private post consultation between students: five (5) minutes;
 - 8.2.7.4. Critique with judge: five (5) minutes.
- 8.2.8. Judges should limit the client interview period to thirty (30) minutes.
- 8.2.8.1. If an important discussion needs to be concluded or the client initiates a new topic, students may continue the interview into the first five (5) minutes of the post consultation period. Students, however, should make an attempt to close the consultation session effectively so as not to subtract time from their post consultation period.
 - 8.2.8.2. Students who conduct the client consultation during the private consultation period will subtract time from their private consultation period.
 - 8.2.8.3. Students cannot continue the interview beyond thirty-five (35) minutes. If this point is passed, the judge shall ask the match to stop. In this situation, students will not have time to consult with each other privately. The judge can use the remaining five (5) minutes to critique the students' performance.
 - 8.2.8.4. If the extended consultation session allowed an opportunity for a team to gather more information than other teams, this circumstance should be taken into consideration favourably by the judges in making their decision.
- 8.2.9. Clients should not be present during the post consultation period.
- 8.3. During the interview and post consultation, the team may use books, notes, and other materials. The team may also use office props (files, desktop, furnishings etc).

- 8.4. Team members are free to decide how they will divide their work, but both students must interview the client as a team and their plan is subject to judging. During the post consultation, the students may wish to explain to the judges why they worked together in the way that they did.
- 8.5. The discussion of fees is an integral part of any first consultation between a solicitor and a client. The fee schedule applicable to all teams is that the first consultation is free, and any consultations after that will be charged according to the Macquarie University Law Society's Schedule of Fees. For the purposes of the Client Interview Competition, that schedule provides for a fee of \$200 per hour. The participants may discuss fees at any appropriate point in the consultation but their decision is subject to evaluation by the judges.

9. Rooms, times and locations

- 9.1. Rounds will take place at the Macquarie University North Ryde Campus, Macquarie University City Campus, Macquarie Graduate School of Management City Campus, and any other room scheduled from time to time in the Sydney CBD.
- 9.2. The Competitions Department will make every effort to ensure that each team competes at their preferred time and venue.
- 9.3. Competitors will make themselves available to compete at all locations they have stated on their application form.
- 9.4. Preliminary rounds will occur on Tuesdays and Thursdays at 5:30pm and 7:30pm.
- 9.5. Locations, dates and times for all rounds will be announced as early as possible.

10. Forfeiture

- 10.1. Teams will refer to the Macquarie University Law Society Appeals and Forfeiture Policy available at www.muls.org.

- 10.2. If a team arrives later than thirty minutes after the time the round is scheduled to start, that counsel's team shall be deemed to have forfeited.

11. The Competitions Department

- 11.1. The Competitions Cabinet consists of the Director of Competitions, Competitions (Skills) Officer, Competitions (Advocacy) Officer and the remainder of the MULS board. This includes the President, Director (Administration), Director (Education), Director (Firm Engagement), Director (Publications) and Director (Socials).
- 11.2. The Competitions Department consists of the Director of Competitions, the Competitions (Skills) Officer, and the Competitions (Advocacy) Officer.
- 11.3. The Competitions Cabinet may alter the competition rules at any time upon. Teams affected by rule changes will be notified as soon as reasonably possible.
- 11.4. The Competitions Department shall determine questions and the draw for each round except where provided otherwise by these rules.
- 11.5. Any serious breaches of these rules may result in a ban from current and future MULS competitions at the discretion of the Competitions Department. Please refer to the MULS Appeals and Forfeiture Policy (available at www.muls.org).
- 11.6. On a matter relating to the conduct and outcome of the Macquarie University Client Interview Competition, the decision of the Competitions Department is final.
- 11.7. Any disputes should be resolved according to the MULS Appeals and Forfeiture Policy (available at www.muls.org).

12. Breaches of Rules

- 12.1. Teams that believe that a competitor has breached any of these rules should refer to the MULS Appeals and Forfeiture Policy (available at www.muls.org).