

**Macquarie University Law
Society Competitions**

Mooting Rules

Macquarie University Law Society Senior and Junior Mooting Competition Rules 2016

1. Teams

- 1.1. All students undertaking an undergraduate LLB degree at Macquarie University (including those under the graduate structure, as well as those undertaking a Juris Doctorate) above first year are eligible to compete.
- 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 Senior Mooting 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 degree at Macquarie University at the time of the ALSA Conference in July of that year.
 - 1.3.1. If one (1) or more members of the winning Senior Mooting team cannot attend ALSA pursuant to rule 1.3 above, then the remaining members of that team will automatically be selected to represent MULS at ALSA. The remaining ALSA team members 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 and must determine which members of the runner up team shall fill the remaining spots.
 - 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 spots for the ALSA team.
 - 1.3.4. If the winning Senior Mooting team comprises of four (4) members and therefore does not comply with the ALSA rules that stipulate that eligible teams must comprise of two (2) or three (3) members, there will be a selection process conducted by the Competitions Department. The Competitions Department shall have discretion and must determine which members of the winning team shall represent MULS at ALSA.

- 1.4. There shall be a maximum of forty (40) teams for both the Junior Mooting and Senior Mooting competitions.
- 1.5. Only students enrolled in their second or third year of their LLB/JD degree (or equivalent) may compete in the Junior Mooting Competition.
- 1.6. Only students enrolled in their fourth year or above of their LLB/JD degree (or equivalent) may compete in the Senior Mooting Competition.
- 1.7. A student's year is determined by the highest enrolled LLB/JD unit that they have studied or are studying at Macquarie University. For example, a student currently enrolled in, or who has been enrolled in a 200 level LLB unit is a second year student. A student currently enrolled in, or has been enrolled in a 400 level LLB unit is a fourth year student. This is irrespective of how many years that student has been enrolled in LLB programme (or equivalent) at Macquarie University. For example a graduate student studying a LLB degree at Macquarie University who is in their first year of studying that LLB degree, but is enrolled in 300 level units, will be considered a third year student.
 - 1.7.1. Rule 1.8. does not apply to students enrolled in, or who have been enrolled in LAW488, PAL, the Jessup Moot or other non-standard units.
- 1.8. Teams shall consist of between two (2) and four (4) students for the Junior and Senior Mooting competitions.
- 1.9. Each team must only consist of two (2) counsel. The remaining member(s) can partake as instructing solicitors. Teams can rotate the positions that each competitor holds for each round.
- 1.10. Upon registering, teams are not permitted to change members until the cessation of the competition.

2. Competition Structure

- 2.1. The Senior and Junior and Mooting Competitions shall consist of three (3) preliminary rounds, as well as a Semi Final, and Grand Final round.
- 2.2. At the discretion of the Competitions Department, the Finals Rounds may be expanded to include a Quarter Final round. The decision will take into consideration the number of teams that compete. A Quarter Final will be held if at least ten (10) teams remain at the conclusion of the preliminary rounds. Competitors will be made aware of this as soon as the decision to hold a Quarter Final round is made.

2.3. Preliminary round procedures

2.3.1. Teams will be allocated their opposing team by random draw.

2.3.2. Teams will be allocated to appellant/applicant or respondent positions by random draw. Where possible, teams will have to swap from appellant/applicant to respondent positions between preliminary rounds one (1) and two (2).

2.3.3. Eight (8) teams will progress to the Quarter Finals (if there is one). Four (4) teams will progress to the Semi Finals. Two (2) teams will progress to the Grand Finals.

2.3.4. Selection for the teams that proceed from the preliminary rounds to the final rounds will be determined by the Evaluation Process outlined below.

2.3.5. In the instance that there is an odd number of teams, one team per round may be given a bye.

2.3.6. It is at the discretion of the Competitions Department that in extraneous circumstances preliminary rounds may be reduced or modified.

2.4. **Explaining the Evaluation Process**

Tier One of the Evaluation Process

2.4.1. Tier one involves determining the win-loss ratio of every team that has competed based on the amount of rounds they competed in.

2.4.2. 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

2.4.3. 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

- 2.4.4. 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.
- 2.4.5. 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 has competed in, creating their MMS. Therefore, their MMS will be three (3).

Tier four of the Evaluation Process

- 2.4.6. 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.
- 2.4.7. 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

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

2.5. **Applying the Evaluation Process**

NB: The following rules are written assuming there is a Quarter Final round. If not, then the same process will apply to select four (4) teams to proceed to the semifinal round.

- 2.5.1. 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.
- 2.5.2. 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:

- 2.5.2.1. Those teams with the highest win-loss ratio will automatically proceed through to the Quarter Finals pursuant to tier one of the Evaluation Process.
 - 2.5.2.2. All remaining teams will be ranked according to their total wins (tier 2). The highest-ranking teams will proceed.
 - 2.5.2.3. 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).
 - 2.5.2.4. 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.
 - 2.5.2.5. 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.
 - 2.5.2.6. 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.
 - 2.5.2.7. If, after applying tier four 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 Vice President (Competitions) and the Competitions 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 of Competitions and the Executive Officer (Advocacy) will randomly select teams from this group to be subjected to the coin toss.
- 2.5.3. 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:

2.5.3.1. Only these teams will be considered at any stage hereafter to proceed to the Quarter Finals.

2.5.3.2. 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.

2.5.3.3. 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.

2.5.3.4. 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.

2.5.3.5. 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.

2.6. Finals procedures

NB: The following rules are written assuming there is a quarter final round. If not, then the same process will apply but to determine which four (4) teams progress to the semi final round and beyond. Rules 2.6.3-5 will not apply.

2.6.1. The teams proceeding from the preliminary rounds to the 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.

2.6.2. The eligible Final teams will be ranked according to their MMS, irrespective of which tier they qualified. The draw for the first round of the 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. If there is no quarter final round, Team one (1) will verse Team four (4), Team two (2) will verse team three (3).

- 2.6.3. The Quarter Finalists will be allocated to appellant/applicant or respondent positions by random draw.
- 2.6.4. The winning team from each Quarter Final will advance to the Semi Final Round.
- 2.6.5. 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).
- 2.6.6. The Semi Finalists will be allocated to appellant/applicant or respondent positions by random draw.
- 2.6.7. The winning team from each Semi Final will advance to the Grand Final Round.
- 2.6.8. Where the winning teams from each Semi Final were allocated different sides, each team shall submit their preference whether to retain that side or swap. If both teams request to retain their Semi Final side, neither team shall swap. If one or both teams request to swap, both teams shall swap.
- 2.6.9. Where the winning teams from each Semi Final were allocated the same side, the team with the higher MMS across the Quarter Final and Semi Final rounds shall decide whether that team retains or swaps their Semi Final side.
 - 2.6.9.1. Where the winning teams were allocated the same side and have the same MMS across the Quarter Final and Semi Final rounds, the side to swap shall be decided based on a coin toss between the Director (Competitions) and the Executive Officer.

3. Release of questions

- 3.1 There are three (3) questions in total for all the rounds of each of the Junior and Senior Mooting Competition. There are separate questions for all of the mooting competitions.
- 3.2 For the Senior and Junior Mooting Competitions, Question one (1) will be used and will remain unchanged for preliminary rounds one (1) and two (2). Question two (2) will be used and will remain unchanged for preliminary round three (3) and the Quarter Final round (if there is one). Question three (3) will be used and will remain unchanged for the Semi and Grand Final.

3.3 Questions are released at least seven (7) calendar days prior to the commencement of each round.

3.4 Questions for all rounds will be emailed to every team member.

3.5 The questions will be based on the following areas of law only:

3.5.1 For Junior Mooting:

3.1.1.1. Contract law;

3.1.1.2. Criminal law;

3.1.1.3. Tort law;

3.1.1.4. Commonwealth Constitutional law.

3.1.1.5. Property/ land law;

3.5.2 For Senior Mooting:

3.1.1.6. Administrative law;

3.1.1.7. Commercial law;

3.1.1.8. Commonwealth Constitutional law;

3.1.1.9. Contract law;

3.1.1.10. Corporations law;

3.1.1.11. Criminal law;

3.1.1.12. Equity;

3.1.1.13. Property/ land law;

3.1.1.14. Tort law;

3.1.1.15. Trade Practices.

4. Preparation and Research

4.1. All research and preparation for the moots will be conducted solely by the team members of each team.

- 4.2. The Competitions Department may disqualify from the competition any team receiving outside assistance at their sole discretion.
- 4.3. The jurisdiction of the moot will be that specified by the Competitions Department for the given problem.
- 4.4. Lists of materials may be issued with any question and are intended as a guide only.
- 4.5. Where issues of legislation are to be argued, this will be specifically referred to in the moot problem or list of materials. Otherwise, argument is limited to the common law only.

5. Judging

5.1. Number of judges

- 5.1.1. The preliminary rounds are heard by one (1) or more judges, depending on availability.
- 5.1.2. The Quarter Final rounds are heard by one (1) or more judges, depending on availability.
- 5.1.3. The Semi Final rounds are heard by three (3) or more judges, depending on availability.
- 5.1.4. The Grand Final round will be heard by three (3) to five (5) judges, depending on availability.

5.2. 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/or competing in mooting competitions. It is at the discretion of the Competitions department which judges will judge each particular round, as long as a conflict of interest does not exist.

5.3. Judges shall be provided with the moot question and submissions of both teams. 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 moots (available from www.muls.org).

5.4. Each team's score will be submitted to the Director (Competitions), the Executive Officer or any other person nominated by the Competitions Department.

5.5. Teams will be notified after the end of each preliminary round whether they won or lost the moot in that round.

- 5.6. No scores or rankings will be released until such a point in time as the Competitions Department decides.
- 5.7. If there is more than one (1) judge judging the round they will have to come to a consensus as to the winner.
- 5.8. If there is more than one judge judging the round, they will have to complete one (1) marking schedule only between them.

6. Written Submissions

- 6.1. In each round, each team must submit a soft copy of their written submissions by email to compsadvocacy@muls.org (Junior Mooting) or compsadvocacy1@muls.org (Senior Mooting) as well as their opposing team, in .doc or .pdf format.
- 6.2. Written submissions by the Senior and Junior competitors are due at 5pm on the day before the scheduled moot. Competitors are encouraged to send it before the due date to allow for technical difficulty.
- 6.3. All submissions received after 5:00pm will lose five (5) points from the written submissions mark per half hour. The judge(s) for that round will be notified of the requirement to deduct marks from the offending team when allocating marks at the end of the round. There is no discretion to dispense with this rule.
- 6.4. Submissions that are received more than one hundred and twenty minutes late (past 7:00pm) will not be accepted and that team shall be deemed to have forfeited.
- 6.5. Each team must print three (3) hard copies of their submissions and bring them to the moot for the judges and opposing side if necessary.
- 6.6. Length of submissions
 - 6.6.1. Junior Mooting Competition:
 - 6.6.1.1. During the Preliminary rounds, written submissions must not exceed three (3) pages in length.
 - 6.6.1.2. For the Final rounds, submissions must not exceed six (6) pages.
 - 6.6.2. Senior Mooting Competition:

- 6.6.2.1. During the preliminary rounds, written submissions must not exceed six (6) pages in length.
- 6.6.2.2. For the Final rounds, submissions must not exceed ten (10) pages.

7. Oral Presentation

- 7.1. Only counsel may address the court during the moot.
- 7.2. Counsel shall not interject under any circumstances while a member of the opposing team is speaking.
- 7.3. The role of the solicitor is limited to aiding in research and providing assistance to counsel during the moot. It is at the discretion of the judge whether counsel may consult team members during the moot.
- 7.4. During the preliminary rounds for all three competitions, after a formal introduction, each team will have a maximum of thirty (30) minutes to present their case, with each counsel speaking for not less than ten (10) minutes. Therefore, teams must speak for at least twenty (20) minutes.
- 7.5. In the final rounds of the Senior Mooting and Junior Mooting competition, each team will have a maximum of forty (40) minutes to present their case, with each counsel speaking for not less than fifteen (15) minutes. Therefore, teams must speak for at least 30 minutes.
- 7.6. The division of time between counsel must be specified in the written submissions.
- 7.7. Judges may grant an extension of time at their discretion to each speaker.
- 7.8. The applicant may be granted a right of reply for a maximum of three (3) minutes at the discretion of the judging panel.
- 7.9. Penalties may apply if either counsel exceeds their allocated or extended time without the express permission of the judging panel.
- 7.10. Nothing may be handed up to the judges.
- 7.11. If counsel arrives later than thirty minutes after the time the moot is scheduled to start, that counsel's team shall be deemed to have forfeited.

8. Rooms, times and locations

- 8.1. Rounds will take place at the Macquarie University North Ryde Campus, or any other room scheduled from time to time in the Sydney CBD. The Macquarie City Campus does not exist anymore, so there will no longer be any competitions located there.
- 8.2. The Competitions Department will make every effort to ensure that each team competes at their preferred time and venue.
- 8.3. Competitors must make themselves available to compete at all locations.
- 8.4. Preliminary rounds will occur on weekdays at 5:30pm and 7:30pm.
- 8.5. Locations, dates and times for all rounds will be announced as early as possible.

9. Forfeiture

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

10. The Competitions Department

- 10.1. The Competitions Department consists of the Director (Competitions), two Executive Officers (Advocacy), two Executive Officers (Skills) and an external competitions officer.
- 10.2. The Competitions Department may alter the competition rules at any time. Teams affected by rule changes will be notified as soon as reasonably possible.
- 10.3. The Competitions Department shall determine questions and the draw for each round except where provided otherwise by these rules.
- 10.4. 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).
- 10.5. On a matter relating to the conduct and outcome of the Macquarie University Mooting Competition, the decision of the Competitions Department is final.
- 10.6. Any disputes should be resolved according to the MULS Appeals and Forfeiture Policy (available at www.muls.org).

11. Breaches of Rules

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