



Sir Harry Gibbs Constitutional Law Moot

COMPETITION RULES

Part 1: Interpretation

Competition Name

1. This competition will be known as the Sir Harry Gibbs Constitutional Law Moot ('the Competition').

Definitions

2. In this document:
 - a. 'Accredited law school' means a law school that is geographically located within Australia and has available a Bachelor of Laws and/or a Juris Doctor;
 - b. 'Competition' means the Sir Harry Gibbs Constitutional Law Moot;
 - c. 'Competition Organisers' means the Competition Organising Committee and the Competition Directors at Melbourne Law School;
 - d. 'Finals' means the Quarter Final, Semi Final and Grand Final of the Competition.
 - e. 'Preliminary Rounds' means round one (1) to round four (4) of the Competition.

Part 2: Teams

Registration

3. By entering this Competition, all competitors agree to be bound by the Competition Rules outlined in this document.
4. Each accredited law school may nominate a team of two (2) to three (3) people to compete in the Competition.
5. Each accredited law school is limited to entering one (1) team to compete in the Competition.
6. The two (2) or three (3) nominated members shall remain the same for the duration of the Competition.
7. In a team of three (3) members, two (2) will act as Counsel and one (1) will act as Solicitor. Team members may rotate positions between Senior Counsel, Junior Counsel and Solicitor during the Competition.
8. In a team of two (2) members, both will act as Counsel. Team members may rotate positions between Senior and Junior counsel during the Competition.
9. Team members must not have graduated with a law degree in any jurisdiction.
10. Each team may only have one (1) coach to assist in preparation for the Competition. The coach may be a faculty member.

11. Teams must register by the registration date, 17 June 2016 at 17:00 AEST. The details of each team's competitors and coach must be finalised by 1 August 2016 at 17:00 AEST.
12. When registration for the Competition has closed, each team will be allocated a team number. The team numbers will be drawn at random by the Competition Organisers.

Penalty: Any contravention of a rule of Part 2 may result in a disqualification or loss of points as decided at the absolute discretion of the Competition Organisers.

Release of the Problem Question

13. The problem question will be released via email to competitors on 15 August 2016 at 10:00 AEST. Every effort will be made to ensure that the problem is constructed in a way that does not disadvantage or advantage participants from any particular jurisdiction.
14. The last date for clarifications of the problem will be 29 August 2016 at 17:00 AEST. The clarifications will be released to all teams on Friday 2 August 2016 at 10:00 AEST.
15. Competitors will be asked to prepare the same problem question for all rounds of the Competition. Each team must prepare a written memorandum for both the plaintiff and defendant.
16. All moots will be heard as if before the High Court of Australia. The jurisdiction to hear the case will be assumed.

Research and Preparation

17. All research and preparation for the moots must be conducted solely by the competitors. Law school staff and coaches must not be involved in the writing of the written memorandums. However, competitors may receive general advice and assistance with respect to skills relevant to the Competition prior to the release of the problem question.

Penalty: Any contravention of clause 17 may result in disqualification.

18. After the release of the problem question until the completion of the Competition, coaches may only provide general commentary on the quality of the team's legal and factual arguments. General commentary in this sense is limited to basic characterisations about merit and non-merit of the arguments and does not include advice on how to improve arguments, the correction of error, or highlighting omissions.

Penalty: Any contravention of clause 18 may result in disqualification.

19. Competitors may not use electronic transmission devices at any time for any purpose during the rounds including, but not limited to; laptops, mobile phones (that are not switched off or on airplane mode), and tablet computers.

Penalty: Any contravention of clause 19 may result in disqualification.

Release of the Draw

20. The Preliminary Rounds will consist of a single (1) pool and teams will be randomly drawn against each other prior to the commencement of the competition.
21. The draw will be released to teams via email on 12 September 2016 at 10:00 AEST.

Part 3: Written Memorandums

22. Teams will be required to submit written memorandums for both the Plaintiff and Defendant.
23. Written memorandums are to be submitted electronically in PDF format by email to lss-competitions@unimelb.edu.au.
24. The title of the document must be in the format [(team number) – (Plaintiff/Defendant)]. E.g. [2 – Plaintiff].

Penalty: Any contravention of clause 22 – clause 24 may result in a 5 mark penalty per contravention.

25. The deadline for receipt of written memorandums for both the Plaintiff and the Defendant is 9 September 2016 at 17:00 AEST.

Penalty: Any contravention of clause 25 may result in a 2 mark penalty per 10 minutes late (or part thereof).

26. The written memorandums will be distributed accordingly to the opposing teams and to the Judges of the moot.
 - a. In the Preliminary Rounds, teams will be provided with the written memorandum of the opposing teams on 12 September 2016 at 10:00 AEST.
 - b. In the Finals, teams will be provided with the written memorandum of the opposing team at least one (1) hour prior to their moot.
27. Written memorandums must contain a cover sheet, an outline of the structure of the team's submission, major arguments raised, allocations of speaking time and a list of authorities on which counsel rely.

Penalty: Any contravention of clause 27 may result in a 5 mark penalty.

28. Written memorandums for each party must not exceed ten (10) pages in length, plus an additional one (1) cover page and two (2) pages for a list of authorities.

Penalty: Any contravention of clause 28 may result in a 2 mark penalty.

29. Each team must format their written memorandum, cover page and list of authorities in accordance with a standard format:
 - a. Times New Roman, size 12 font must be used;
 - b. Line spacing must not be less than 1.5 spacing;

- c. Margins must not be less than 2cm on either side;
- d. The division of time between speakers must be specified; and
- e. Teams must not indicate their university name on any part of the written memorandum.

Penalty: Any contravention of clause 29 (or its sub-sections) may result in a 3 mark penalty (only applied once).

- 30. Written memorandums may not be revised for any purpose whatsoever once they have been submitted.
- 31. During oral submissions, teams may not deviate from their written memorandums, unless invited to do so by the Judge.

Part 4: Oral Submissions

- 32. The Competition is comprised of four (4) Preliminary Rounds, a Quarter Final, a Semi Final and a Grand Final.
- 33. Each moot will consist of at least two (2) sides (e.g. one (1) Plaintiff and one (1) Defendant or any such title as specified in the question).

Procedure

- 34. Each team will have forty (40) minutes to present their case (excluding time taken to give appearances and time extensions granted by the Judge).
 - a. The time may be divided between Senior and Junior Counsel as they see fit, although each speaker must speak for a minimum of 15 minutes.
 - b. The division of time must be specified in written memorandums.
- 35. Judges may grant an extension of time of up to two (2) minutes per competitor at their absolute discretion.
- 36. There will be no right of reply, and penalties will apply if Counsel exceeds their allocated or extended time. A competitor must stop speaking when their time has expired, or when asked to do so by the Judge.

Penalty: Any contravention of clause 36 will result in a 2 mark penalty per 30 seconds exceeded time. A right of reply will attract a penalty of between 5–30 marks.

- 37. No written material may be tendered to the Judge during oral submissions.

Penalty: Any contravention of clause 37 may result in a penalty of 10 marks per page handed to the Judge.

- 38. Competitors must not be more than five (5) minutes late for the commencement of the moot.

Penalty: Any contravention of clause 38 will result in a penalty of two (2) marks per five (5) minutes late or part thereof.

39. Procedural submissions must not be made during the moot.

Penalty: Any contravention of clause 39 will result in a 5 mark penalty.

Preliminary Rounds

40. All teams will compete in each Preliminary Round.

41. Competitors may not observe, nor are they to be briefed on, proceedings of a Preliminary Round in which they are not competing.

Penalty: Any contravention of clause 41 may result in disqualification.

42. Teams will be randomly allocated to sides. Every endeavour will be made to ensure that a team is not disadvantaged by the draw and will not meet the same team twice in the Preliminary Rounds.

43. In the case of an uneven number of teams in the Competition, a three-way moot will be held in each of the Preliminary Rounds.

- a. Three (3) teams will be randomly allocated to moot one after the other.
- b. There may be two (2) Plaintiffs and one (1) Defendant, or two (2) Defendants and one (1) Plaintiff.
- c. Where there are two (2) teams representing the same side, neither team may give their oral presentation in front of the other team.
- d. Teams will only be given one (1) set of written opposing memorandums. Teams are expected only to respond to the arguments of the opposing memorandums they receive.

44. In a three-way moot, only one (1) team can be declared the winner, and this will be seen as winning against the other teams of the moot.

45. In the event that one (1) or more team(s) withdraw from the competition, resulting in an uneven number of teams, randomly allocated teams will be matched into a three-way moot as outlined in clause 43.

Timekeeping

46. Responsibility for timekeeping and adherence to allotted time periods and breaks rests with the Judges.

47. If resources and volunteers are available, timekeepers and timekeeping devices may be provided and in such cases they will be solely responsible for all time keeping and penalties. A timekeeper shall not be an individual from the same team as any competitor in that particular moot.

48. Decisions by judges as to elapsed times are final and non-reviewable.

Observers

49. Observation of the Competition is encouraged, however potential for disruption must be minimised. Observers should not enter or leave the room whilst a competitor is speaking.
50. Judges may, if they wish, request that observers leave the room while they confer. Outside of this discretion, observers may watch all segments of a round.

Part 5: Judging and Scoring

Judging

51. Every effort must be made by the Competition Organisers and the teams to ensure that Judges are unaware of the university that competitors are from until after they have finished judging the Competition.
52. All Judges must have suitable legal qualifications or relevant experience. Judges will be judges, legal practitioners, legal academics, or others with demonstrated relevant experience in competitions, and/or relevant professional experience.
53. Judges will be provided with:
 - a. The moot question;
 - b. A summary of the issues in the question (at least one (1) page);
 - c. The score sheet;
 - d. A summary of the Competition rules; and
 - e. Written memorandums submitted by the teams competing in the moot.
54. Judges will award each individual in the moot a mark out of one hundred (100).
55. Where there is more than one Judge, each Judge will be asked to produce an individual score sheet and the winner will be determined by the majority opinion.
56. Each team's score sheets will be submitted by the Judge to the Competition Organisers at the conclusion of each moot.

Progression from Preliminary Rounds

57. Teams will progress through to the Quarter Final based on the procedure of ranking set out in clauses 58 and 59 below.
58. The eight (8) teams with the highest win-loss ratios will automatically progress through.
59. If two (2) or more teams have tied win-loss ratios, a two-way analysis of variance will be used as a scoring model, to separate these teams. This involves logarithmic regression to remove the scoring discrepancies derived from teams being judged by different judges, and teams facing different opponents. The calculations will be made available to any team who requests them.

The formula used will be the following:

$\log(S_{AJ}) = \log(T_A) + \log(B_J) + \text{error}$, where S_{AJ} is Team A's score in front of judge J; T_A is A's 'true score' and B_J is the bias effect of J

Quarter Finals

60. Competitors may not observe, nor are they to be briefed on, proceedings of a Final in which they are not competing. This does not apply to competitors no longer in the Competition.

Penalty: Any contravention of clause 60 may result in disqualification.

61. The draw for the Quarter Final will be seeded based on the procedure of ranking set out in clauses 58 and 59.

62. Teams will be allocated sides by random draw.

63. Quarter Finalists will be announced after the conclusion of the Preliminary Rounds and teams will be informed of their side. Each team will only compete once in the Quarter Final Round.

Semi Finals

64. The winners of each Quarter Final round progress to the Semi Finals.

65. Semi Finalists will be announced after the conclusion of the Quarter Finals. Each team will only compete once in the Semi Final Round.

66. Teams will be allocated sides by random draw.

Grand Final

67. The winning team from each Semi Final will proceed to the Grand Final.

68. Grand Finalists will be announced after the conclusion of the Semi Finals.

69. Teams will be allocated sides by random draw.

Part 6: Penalties and Forfeiture

Penalties

70. Where a penalty is levied against a team, the penalty will be divided equally amongst Counsel for that team. Where an individual competitor is disqualified, their team will be able to continue in the Competition provided that two (2) team members remain in the team.

71. Judges shall not be notified of the application of any penalties at any time by the Competition Organisers.

72. If a Judge becomes aware that a penalty has been or will be applied, they will be instructed not to take this penalty into consideration when marking the competitors.

73. The Competition Organisers have full discretion as to the application of all penalties.

Forfeiture

74. Any team that forfeits will be deemed to have lost that moot. Counsel for the forfeiting team will be deemed to have a mark of zero (0) for that round.
75. Any team whose opponents forfeit a round will be deemed to have won that moot. The team's margin will be the average of their margins from the other rounds.
76. Any team which forfeits shall be excluded from progressing through to the Finals.
77. A forfeit will be considered to have occurred where a team withdraws after the opponent's written memorandum has been released.
78. No member of a forfeiting team is eligible for the award of best speaker.

Part 7: Scoresheets and Awards

Release of Score Sheets and Rankings

79. Score sheets will be made available to teams one (1) hour after the conclusion of every round. Each team may only view their own score sheet. Score sheets must be returned to the Competition Organisers immediately afterwards.
80. Live rankings will be released via the Competition website at the end of the first day of the Competition. Final rankings of the Preliminary Rounds will be released via the Competition website at the end of the second day of the Competition.
81. The Judge's decision is final. No appeals are permitted on the basis of score sheets or rankings.

Best Speaker Awards

82. An award for best speaker will be given for the Preliminary Rounds and for the Grand Final.
83. The best speaker of the Preliminary Rounds must have competed in at least three (3) moots. Speakers will be ranked according to their mean percentage. The mean percentage shall be calculated each round by taking the competitor's score and dividing it by the total number of points awarded in that moot. This value will then be added to the value derived from the competitor's other moots and divided by the number of moots they speak in.
84. The award for best speaker of the Preliminary Rounds shall be announced at the Closing Gala.
85. The best speaker of the Grand Final will be selected by the adjudication panel presiding over the Grand Final.
86. The award for best speaker of the Grand Final will be announced at the Grand Final.
87. In the event of a tie, the competitors will share the prize.

Best Written Memorandum Awards

88. Awards will be given for Best Plaintiff Written Memorandum and Best Defendant Written Memorandum from the Preliminary Rounds.
89. The best three (3) plaintiff written memorandums and the best three (3) defendant written memorandums from the Preliminary Rounds will be sent to an independent judging panel, who will select the winner. The written memorandums shall not identify which university the teams are from.
90. The best three (3) plaintiff written memorandums will be selected by the mean points awarded for each plaintiff memorandum in the Preliminary Rounds. This will be calculated in each round by taking the score for the plaintiff written memorandum from each Judge and dividing it by the total number of points awarded for written memorandums in that moot. This value will then be added to the value derived from the plaintiff written memorandum's scores in other moots and divided by the number of moots in the Preliminary Rounds that the team competes as the plaintiff.
91. The same procedure in clause 90 will be used to determine the best three (3) defendant written memorandums.
92. The awards for best written memorandum will be announced at the Closing Gala.
93. In the event of a tie, the competitors will share the prize.