

# JUDGES' GUIDEBOOK

## *Open Witness Examination 2023*

The following is an indication of some of the things judges should be aware of:

1. Please **do not** focus on the legal elements of the case being made – the primary aim of the competition is to judge the practical components of witness examination.
  - For example, whether the opening statement was a clear, concise, factual explanation for the client's statement, and the *techniques* employed during cross examination and chief examinations.
2. Many of the students participating in the competition have not yet studied Advocacy, Criminal Law or Evidence; please **do not** hold students to high levels of legal accuracy.
3. Competitors **are not allowed** to make up facts that are not a foreseeable extension of the problem. For example, if the victim's statement mentions that the defendant was wearing a yellow cap, defence counsel cannot make up a fact that the defendant does not own a yellow cap. This would be unfair to the opposition. Please **deduct points** in the 'Witness-Manner and Expression' section if competitors do so.
  - Eg. "What did you do on Friday night?"  
"I was drinking"  
"What were you drinking?"  
"A VB"  
*[this fact was not in the witness statement, however it can be reasonably inferred based on the facts/type of witness]*"
4. Students may make objections where relevant. Objections in Open Witness Exam are:
  - Relevance,
  - Hearsay,
  - Opinion,
  - Prejudice,
  - and Leading Questions.

If a competitor raises an objection, request the opposing barrister to defend their line of questioning before deciding to overrule or sustain it.

5. The break down and duration of the competition is:
  - Appearances (15 secs)
  - Opening by Prosecution Counsel (2 mins)
  - Opening by Defence Counsel (2 min)
  - Examination in Chief (by the prosecution) (10 mins)
  - Cross Examination (by the defence) (12 mins)
  - Examination in Chief (by the defence) (10 mins)
  - Cross Examination (by the prosecution) (12 mins)
  - Summation by Prosecution Counsel (5 mins)
  - Summation by Defence Counsel (5 mins)
6. Continually and excessively exceeding the allocated time frame should be reflected in the marking. Competitors must establish their case in the time given. Failure to do so shows an inability to convey their case concisely.
7. Please **deduct 1 point** from the section where the time has been **exceeded by 30 seconds** and **stop** competitors who have exceeded the maximum time by **one minute**. Competitors may ask for an extension of time which you can approve/decline at your discretion.
8. Each competition goes for **1 hour**. Make sure students adhere to the strict time limits.
9. Please **provide feedback** to competitors at the end of the competition. It would be fantastic if you could include any general tips on the score sheet that we could share with all our competitors.
10. Please **provide the results** of the competition at the end of the competition.

Please refer to the listed documents for further information:

1. Non-Exhaustive List of Derogatory and Discriminatory Behaviour - Judges Version 2023:  
<https://docs.google.com/document/d/1tzopaC61O-HC6N356SDiOqKvzGJ4eNEYwqM1PjFlvWs/edit?usp=sharing>
2. MULSS Internal Competitions Code of Conduct 2023:  
[https://docs.google.com/document/d/1c6VWxjyi9xeCzq4ArL4k99IXyW\\_G8kGbcqqxT1r4YLo/edit?usp=sharing](https://docs.google.com/document/d/1c6VWxjyi9xeCzq4ArL4k99IXyW_G8kGbcqqxT1r4YLo/edit?usp=sharing)
3. Escalation Pathway & Penalty System 2023:  
<https://docs.google.com/document/d/1VquH8h8xkA0i8Xihn-UdCNSJqY3HzFdf2lyeft-Akql/edit?usp=sharing>

If you have any questions please feel free to ask Petra or Heidi at [witnessexamination@mulss.com](mailto:witnessexamination@mulss.com).  
Thank you very much for your time!