First Year Witness Examination

Melbourne

University

Law Students' Society

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Contents

WELCOME

The First Year Witness Examination Competition offers a fantastic opportunity for students to develop their skills in the field of advocacy. Whether you are an aspiring barrister or interested in developing your abilities in the art of persuasion, First Year Witness Examination provides an exciting, enjoyable and safe environment in which to practice and develop your craft through some friendly competition.

This Guidebook provides an overview of the competition, including rules, procedures, and formalities. Please ensure both team members have thoroughly read through the First Year Witness Examination Guidebook and understand its contents.

If you have any questions or concerns, please feel free to contact us via email firstyearwitness@mulss.com.

Enjoy the competition and we look forward to hearing about your success at trial!

David Lind and Noyonika Banerjee
2024 First Year Witness Examination Co-Opts

WHAT IS WITNESS EXAMINATION?

The Witness Examination Competition is a simulated criminal trial. Teams consist of two students, one barrister and one witness. Teammates may alternate or swap roles for different rounds as desired or may choose instead to focus on one role each for the duration of the competition. Teams will be required to develop a theory of the case and present this to the judge.

As the barrister, you will act as counsel for either the prosecution or defence. Your task is twofold. First, during direct examination, you must extract evidence from your witness in a structured and logical manner. Second, during cross examination, you must challenge the validity of the opposition's witness. You will use the information extract to support your case theory.

As a witness, you must memorise the facts of the case before trial and must testify per those facts. The witness must be cooperative for both the defence and prosecution. Witnesses will **not be permitted to bring any written materials** with them to the witness stand, including the witness statements and any agreed facts.

IMPORTANT: Teams must not create facts that are *beyond* the scope of those provided. Nor are teams to bring in any 'exhibits.' The nature of the competition is such that the scenarios presented may, at times, be factually vague. The strongest teams will be able to justify or exploit such vague facts or omissions as required rather than concoct facts to fill in the gaps, as doing so might unfairly shift the balance of the competition. However, where counsel questions a witness in cross-examination on an issue that is not dealt with by the facts, the witness is of course at leave to respond in a manner that reflects a *foreseeable extension* of the problem.

HOW DOES IT WORK?

A problem case will be sent out to the nominated team contact **48 hours** before your scheduled trial time. It is the nominated contact member's responsibility to ensure all members gain access to the problem.

Scheduled Night	**Problem will be sent**
Wednesday 6:30 PM	**Monday** 6:30 PM
Wednesday 7:45 PM	**Monday** 7:45 PM
Thursday 6:30 PM	**Tuesday** 6:30 PM
Thursday 7:45 PM	**Tuesday** 7:45 PM

The problem will include any relevant law together with two witness statements. These statements will tell two different accounts of the same events, and the facts they contain will form the basis of each team's case theory.

Once the problem is received, the teams should start working together to prepare their case for trial. Counsel should discuss the case with their witness to ensure that both are familiar with the evidence and address any issues that may arise from the witness statements. Witnesses must adhere to facts outlined in the statement and additional facts must not be made up.

If there are any queries or concerns about the problem, please do not hesitate to contact David Lind and Noyonika Banerjee at firstyearwitness@mulss.com.

IMPORTANT INFORMATION

1. Rounds 1 - 3 in Semester 1 will be held in-person.

2. All teams are to be present in the competition area **20 minutes before** their scheduled trial to mark their attendance with the Co-opt(s) present.

3. All team members are required to wear formal business attire fit for a courtroom. We understand not all students own suits; however, barristers and witnesses are expected to look smart and presentable.

4. The first three rounds of the competition are **non-knockout**. Therefore, each team is guaranteed participation in the first three fixtures.

5. After the trial, all teams will receive oral feedback and the result from the judge(s). Judge(s) will not disclose personal scores. All teams will be emailed an electronic copy of their scoresheets accompanied with the judge(s) qualitative feedback, without the numerical scores, within five days after the trial.

6. You will be expected to track your own time during the trial even though the Judge will be tracking time too. You may use a phone to do this.

7. The decision of the judge and the outcome of the round is **final and *cannot* be appealed.** Teams are not allowed to contact the judge(s) following a trial, under any circumstances. All queries should be directed to the Co-Opts, David Lind and Noyonika Banerjee, at firstyearwitness@mulss.com.

SWAPPING TIMES WITH ANOTHER TEAM

If a team wishes to swap timeslots, it is their responsibility to find another team willing to swap. The schedule for each round will be emailed and posted ahead of time to assist with this. Once confirmed, an email must be sent to the first-year witness examination co-opts at:

firstyearwitness@mulss.com **at least 72 hours** before the Wednesday trial date with the following template attached:

Your team name:

Current time allocation:

Name of the team you are switching with:

Time slot you are swapping into:

FORFEITS

Forfeiting is *strongly* discouraged. If your team chooses to forfeit, you must do so **before** the problem is released by notifying the competition officers at firstyearwitness@mulss.com. Teams may forfeit after the problem is released **only in exceptional circumstances, having spoken to both the Competition co-opts and Internal Competitions Director (Olivia Kowalshin) at competitions@mulss.com).** Teams who forfeit without regard for the rules or their opponents may be blacklisted from competing in future competitions.

Where one team forfeits, their opponents will be notified. The remaining team is strongly encouraged to prepare and compete in front of the judge(s) and the co-opts will either step in or find someone to act as opposition witness to allow the team's barrister to demonstrate cross-examination skills. This allows you to gain feedback for your development and receive a score that contributes to an accurate team ordering in the competition ladder and the quality of the competition.

Trial Schedule

Appearances
15 secs

Prosecution Opening
2 mins

Defence Opening
2 mins

Prosecution Examination in Chief
10 mins

Defence Cross-Examination
11 mins

Defence Examination in Chief
10 mins

Prosecution Cross-Examination
11 mins

Prosecution Closing
4 mins

Defence Closing
4 mins

PLEASE NOTE:

1. Times given are guides and act as maximums. There are no minimum times, so you are free to carry out a cross-examination in 5 minutes, however it is advisable to use the allotted time to construct a comprehensive examination.
2. **1 point will be deducted** from the section if that time is **exceeded by 15 seconds** and competitors will be **stopped** if they exceed the maximum time by **one minute**.

1. Appearances (15 secs)

The trial begins when the judge asks for 'appearances' whereby prosecution counsel stands to introduce themselves, and defence counsel then does likewise. The correct form for appearances in the Witness Examination Competition is as follows:

> '*May it please the court, my name is [insert your name here] and I appear on behalf of the Director of Public Prosecutions/the Defendant.*'

2. Opening by Prosecution Counsel (2 mins)

This is the counsel's opportunity to present their construction of the case to the judge per their case theory (see page 15 of this guidebook for more about case theories). Be clear, confident, and concise, and structure your speech logically. Your address should not involve any argument but should be structured and spoken persuasively. A well-structured opening will not merely outline a list of relevant facts or items of evidence but will be framed as a narrative. This narrative must fit your case theory and should set out the undisputed facts whilst also defining the issues to be tried. As a narrative, counsel should strive to engage the interest of the judge, and to this end should consider the manner of storytelling including point-of-view and chronology.

3. Opening by Defence Counsel (2 mins)

Like the opening by prosecution counsel above. However, it may not always be appropriate for defence counsel to set out a counter-narrative, as this would require counsel to assume the onus of proof. The onus lies in the defence's favour; thus, counsel should try to preserve this advantage. Focus on re-framing the issues in dispute by reference to the prosecution's onus to satisfy the judge *beyond a reasonable doubt.*

Following opening by defence counsel, the judge will then request that counsel for the prosecution call their witness.

4. Examination-in-Chief (by the Prosecution/Plaintiff) (10 mins)

Examination in chief is a simulated conversation between a barrister and that barrister's witness. It is the process of questioning your witness in a manner that reflects a conversation. You should aim to adduce evidence logically and coherently. It may be helpful to consider the timeline of events when devising an examination-in-chief rather than simply asking about events in the order witnesses had described them in their witness statement.

Evidence should be extracted from the witness in a natural manner, i.e in their own words. Counsel's first question to the witness should ascertain the witness' full name, address and occupation.

Leading questions are **not permitted** in examination-in-chief (see Grounds for Objection below). Try to ensure questions are brief and to the point. The goal should be to have the witness tell the story, rather than counsel. Counsel should act as though this is the first time they are hearing the story.

It is often best to avoid questions that are too open-ended, such as simply asking, 'What happened next?' Although there are times when such questions may be used effectively, they pose a risk that the witness may introduce evidence different to that which you sought to obtain. Instead, favour short, clear questions, and engage with the witness' answers. Try to lead the witness through their story in the most effective way possible. A good way to do this is by piggybacking on what that witness has said when forming a question. For example, if the witness said they saw the defendant smash a car, you could ask, "What happened after the defendant smashed the car?"

5. Cross-Examination (by the Defence) (11 mins)

A cross-examiner should attempt to discover and highlight the inconsistencies in the opposition's witness evidence. Unlike examination-in-chief, **you are permitted** to use leading questions. **Most, if not all questions should be leading.** In cross-examination you generally want to have the witness answer, 'yes' or 'no' and know which of these the witness will have to answer with. You want to avoid giving the witness any chance to re-tell their side of the story at all costs. Should the

witness repeatedly answer yes/no questions with longer statements, you may choose to ask the witness to restrict their answers to a yes or no.

The best cross-examination is based closely on the witnesses' police statement and their testimony, yet still undermines the witness' credibility. The goal should be to trap the witness with their statements so that they are forced to concede a proposition beneficial to your case. However, be wary **not to get into an argument with the witness**, and once you have what you need or feel the witness is not going to concede then it is best to move on quickly.

NOTE: Barristers must adhere to the rule of *Browne v Dunn* when carrying out their cross-examination (see pages 19 of this guidebook for details of this rule). This does not mean that *every* fact from the witness statement needs to be adduced.

6. Examination-in-Chief (by the Defence) (10 mins)

As with examination-in-chief by the prosecution above.

7. Cross-examination (by the Prosecution/Plaintiff) (11 mins)

As with cross-examination by the defence.

8. Closing by the Prosecution (4 mins)

In your closing argument, you must bring all of the evidence that came out in the examination of witnesses together to support your case. You should highlight testimony that supports your construction of the issues at hand, as well as that which rebuts or weakens the opposing counsel's construction - particularly any propositions conceded in your cross-examination. You should suggest resolutions to conflicting evidence that work in your favour. The goal should be to outline the facts proven at trial and to show how the proof of these facts means that your case theory should be accepted.

It is often beneficial to write your closing address at the very beginning of your preparation so that you set out the facts you need to prove to make out your case. The address should then be amended during the trial to consider new facts adduced. The better summations address what the opposition has chosen to focus on and responds directly to their accusations. Therefore, you should ideally

take notes of responses witnesses have given during examination-in-chief and cross-examination which were inconsistent with their witness statement and highlight them during closing to establish further doubt.

9. **Closing by the Defence (4 mins)**

As with closing by the prosecution above, but again, typically focuses on the onus of proof and lack of evidence.

OBJECTIONS

Unlike in other competitions such as Mooting, participants in the Witness Examination Competition are permitted to make objections to their opposition's questions and conduct.

There are two primary purposes of objections. First, they highlight the opposing counsel's breach of the rules of evidence. Second, they interrupt the opposing counsel's flow of thought. In practice, objections should be used sparingly. You should only object if the issue is of great significance to your case. If you are found to be making baseless objections to disrupt the oppositions questioning time, you may have points deducted from your score.

To object, stand up and say, 'Objection You Honour, on the ground of [state grounds for objection (e.g Hearsay) and your reasoning]'. When an objection is made against you, **sit down** until you are asked to respond. The judge will hear counsel's objection and either question counsel on it or allow opposing counsel to respond. When responding, you should make sure to respond to the particular ground on which the objection is made. For example, if counsel is objecting that the evidence provided is hearsay, do not respond by explaining how the evidence is relevant.

Grounds for Objection

The following is a list of objections permitted in the First Year Witness Examination Competition. As First Years have not completed *Evidenc*e or *Advocacy* subjects, this list is limited. These objections arise from the rules of evidence that govern admissibility. The effect of a successful objection is that evidence to which the objection is made will not be admissible and cannot be used by the judge to determine the outcome of the case or referred to by counsel in cross-examination or closing statements. Please note that objections to the question being asked must be raised promptly at the end of your opponent's questioning - raising an objection whilst the other witness is giving their answer will likely be overruled given the judge (and the imaginary jury, in this case) will have already heard the witness' statement.

1. Relevance

Relevant evidence is defined as evidence that could rationally affect the judge's assessment of the likelihood of the existence of a fact in issue. If the evidence is not relevant, it is not admissible. Therefore, if a barrister asks something that would have no tangible impact on the assessment of whether the crime has been committed, the opposing barrister may object. An example may be a question as to a witness's dating history during a robbery case. This line of questioning is probably not going to assist in determining whether or not a crime was committed and would therefore not be relevant.

2. Hearsay

You cannot use evidence of representations made out of court to prove that the content of those representations is true. For example, if a witness said, '*Bob's wife told me that she saw John killing Jane,*' it is generally inadmissible to use such evidence to prove that John did in fact kill Jane. Think of it this way: is Bob's wife under oath, testifying in court today? No, therefore her evidence is hearsay. However, note that the evidence may still be used to prove that Bob's wife said those words, regardless of the actual truth of those words (counsel may then need to consider whether the evidence might be prejudicial).

3. Opinion

An essential principle of evidence law is that witnesses are to testify only as to their direct observations and perceptions. Witnesses are not to testify to any inferences that they drew from such observations and perceptions. It is not permitted that witnesses give opinions about an event, other than rudimentary, lay opinions that any reasonable person could make (such opinions may include the nature of the weather, the assessment of the temperament of an individual). To illustrate an example, a witness is prohibited to provide that '*Jane was a bad driver.*' Rather, the witness should explain the events and conduct that underlies such an assessment. For example: '*I saw Jane smash into three poles while driving out of the parking lot.*' This rule of evidence is based on the principle that it is ultimately the role of the court to determine whether the evidence infers a likelihood that Jane was drunk.

However, an **expert opinion** may be accepted by the judge (e.g., a doctor assessing a patient's health).

4. Prejudice

If evidence before the court assists in ascertaining the veracity of a fact, then it is considered 'probative evidence.' However, such evidence may also be prejudicial; if evidence damages the hypothetical jury's perception of the accused, then it may be inadmissible. To determine whether such evidence is admissible, it is necessary to discern whether the probative value outweighs the prejudicial burden. If the probative value does not outweigh any prejudice, the court should exclude the evidence and the opposing barrister will accrue the ability to object on such grounds.

For example, if there is evidence that suggests that Jane had many affairs before the alleged murder of her husband, the court must ascertain the relevance of the affairs and whether such evidence is too prejudicial for admission. The concern is that the hypothetical jury may come to dislike Jane because of her affairs; such evidence may contribute to the determination that she killed her husband.

5. Leading Questions

Leading questions are not permitted during examination in chief. This ensures that witnesses are not being coached and are giving genuine, impartial testimony.

Leading questions are questions that either suggest an answer or direct the witness to evidence not yet introduced into court. For example, counsel must not ask, *'And that's when you hit him back?*' because it both suggests an answer and introduces evidence of the witness hitting another person before that fact has been introduced. Instead, counsel might ask, '*How did you react to being hit?*' Ideally, the witness would respond with, *'I hit him back.*' If a witness can answer the question with a yes or no response then this should indicate to you that it may be a leading question. However, not all questions which yield a yes or no response are leading questions. They may be permitted if they logically follow from the evidence just given by the witness and if they give the witness equal opportunity to answer either way. For example, if the witness says "It was dark in the room when I was with Jane", you could ask, "*Could you see Jane clearly?*"

TIPS FOR BARRISTERS

A. Developing a Case Theory

1. Read both statements carefully and take note of any inconsistencies between the statements; these inconsistencies are the particular facts upon which you will need to draw to convince the judge that your witness' testimony is the more credible of the two.

2. Develop a clear case theory that is simple, logical, and consistent. Your case theory should account for all the facts in the witnesses' statements. A case theory is what you want to prove - both the facts and the legal elements. In this respect, it is both your legal case as to why you should win and your factual theory that explains the facts in support of your case. For example, if the accused had an exam and was seen rushing out of the shops, after which he was accused of theft, the simplest explanation for the prosecution would be that he rushed out of the shops *because he was stealing*. The defence, on the other hand, would assert he was rushing because *he was running late for his exam*. Do not make up any facts - your job is to fill in the gaps with a plausible explanation that your opposition can pre-empt.

3. Run your case theory by your witness so they are aware of your line of questioning. Better still, develop your case theory together as a team - two heads are better than one! It may also help to map out your theory and the factual propositions required to prove it.

4. While going through this process, make sure you identify weaknesses in your case theory that your opposition may try to exploit and weaknesses in your opposition's case that you can exploit. Be sure to develop plausible explanations for the weaknesses in your own case, and to address these in the examination-in-chief. You can be sure that your opponent will bring them up, so it is best to try to take the sting out of them.

B. Preparing to Prove Your Case Theory

1. Once you have developed your case theory, consider writing your closing statement first. The closing statement is often easier to do; it is an argument put forward to the court as to why the evidence supports your factual version of the case rather than that of your opponent. Writing your closing statement first should give you a skeleton of the facts at issue, but remember, you will need to adapt your closing statement depending on what takes place during the trial.

2. When writing your opening address, try to avoid the use of argumentative statements. The opening address should be styled as a narrative. Its purpose is to set the scene, outline the non-disputed facts, and frame the issues in dispute. For example, if there are inconsistent statements as to whether the defendant stole items from the shop, do not say in your opening statement, '*It is clear that the accused stole a book from the shop.*' This is the conclusion that you should elucidate in the eyes of the jury in your examination-in-chief and cross-examination, not your opening statement. Rather, you might say, '*The defendant was seen leaving the shop with a book. The Prosecution will argue that the defendant stole this book.*'

3. Pay attention in your opening also to the onus and standard of proof. In a criminal trial, the prosecution must prove their case ***beyond a reasonable doubt***. This means that it may not be appropriate for defence counsel to tell a counter-narrative in their opening statement; to do so would mean that the defence would be required to assume the onus of proving the

facts of that counter-narrative and would therefore lose this valuable advantage. For example, a counter-narrative in a theft case may show the accused in fact purchased the book. This would require the defence to produce proof of purchase, such as a receipt. Conversely, if the prosecution's case is constructed solely around one discredited witness' testimony, the defence could argue that the evidence does not establish theft *beyond a reasonable doubt*, and so may win the case without having to prove a counter-narrative. It is of course impossible to avoid counter-narratives in cases where the defence argues, for example, self-defence in a homicide case.

C. Preparing Your Examination-In-Chief

1. Questions must always be in an open format. Do not lead your witness or you risk an objection and waste valuable time!

2. It may be useful to write your questions out, but you should not expect to stick precisely to your plan. Try to adduce evidence from your witness in a logical and methodological manner so that it makes sense. Avoid rehearsing long answers to simple questions, instead use the questions to step through the evidence in a way that will make sense to an observer. Chronology may be used to heighten suspense and impact. Emphasis can be used to encourage the judge to pay closer attention to a particular matter.

3. For example, if you desire to draw attention to the fact that your witness was punched in the face, you will likely not begin at that point in the story but will rather build up to it. After due suspense, you may ask, '*What happened after you left the bar?*' Your witness will likely respond with, '*I was punched in the face.*' You may direct your questioning as to the associated pain, the specific details of how the punch occurred, the frequency of occurrence, the requirement of medical treatment, etc. all to highlight the impact and violence of the defendant's actions. Consequently, this part of the witness' testimony is likely to stick in the judge's mind.

4. Examination in chief can be difficult if your witness does not give the desired response. While you may pre-empt your questions and practice with your witness, be prepared to think

on your feet, improvise, and tailor your questions to any situation that may arise. Preparation is key.

5. Witnesses are not permitted to bring any written materials to the stand. Counsel should be prepared for potential forgetfulness when under the pressure of testifying before the judge. In this event, an artful barrister may move on to other aspects of the case that the witness can accurately recall and which might jog the witness' memory as to forgotten events. Alternatively, counsel may seek the leave of the court for the witness to refresh their memory by reference to their witness statement.

6. In terms of style, the examination-in-chief should be conversational, unlike the cross-examination which may be a little more interrogative.

D. Preparing Your Cross-Examination

1. It is in your interest to prevent the opposing witness from rehashing their version of events. Ideally, the judge will find the account provided by your witness memorable, rather than that of your opposition. To achieve this, you can and should consistently ask leading questions that force the witness to deviate from his or her narrative. This format of question will provide you with the distinct advantage of forcing a 'yes' or 'no' response from the witness, inhibiting the admission of further evidence or caveats. You may interrupt any answers that stray from the crux of your question by telling the witness, '*Please only answer the question asked*' or '*A simple yes or no would suffice'.* However, **avoid excessive interruption of the witness** as it is inadvisable to conduct yourself in an aggressive manner and you will lose points for "manner and expression" as a result.

2. It may be of assistance to divide your cross-examination into distinct topics on which you plan to focus. These topics will be based on the arguments you want to be able to make in your closing, and what you need to prove to make those arguments persuasively. Topic-based division of your notes will also prevent digression from your envisaged line of questioning and will avoid any deviation from the crux of your argument. **Think about the key propositions that you need the witness to concede to support your closing**

statement. There are, however, many different ways to perform the cross-examination, and you may develop your own style over time. It is in your best interest to focus on the major points of contention rather than those that are insignificant.

3. Each party must follow the rule of *Browne v Dunn*.[1] "The common law rule in Browne v Dunn essentially is a rule of fairness. It ensures that witnesses have the opportunity to explain if the opposing party intends to later contradict or discredit them."[2] This means that any points of contention between your witness and your opposition's witness that form part of your case theory must be put to the witness in cross-examination. For example, imagine the defence witness statement claims that the prosecution's witness (a police officer) planted drugs on the defendant. Defence counsel *must* put it to the prosecution's witness that they planted the drugs, allowing that witness to respond. It is likely counsel will receive an adamant denial in response, but the question *must* be asked should counsel wish to argue this scenario before the court. When following the *Browne v Dunn* rule, a barrister doesn't need to state, *"I put it to you that you planted the drugs on the defendant"* as long as the barrister questions the witness regarding the theory by asking, "*You planted the drugs on the defendant, did you not?*".

4. You may wish to consider attacking the credibility of the witness if you have in your possession the information required to do so. For instance, if the witness has a propensity to commit violent acts, then you can use this to bolster your suggestion that such a violent predisposition resulted in the occurrence of the crime. Further, if you have evidence that the witness lies compulsively, this can be used in the cross-examination to suggest that the factual account given by the witness should not be believed.

5. Try not to ask more questions than you need to logically lead the witness to the conclusion you are seeking.

[1] (1893) 6 R 67.

[2] Alexander McEwan, 'The Rule in Browne v Dunn in Australian Criminal Law: MWJ v R and V MAP,' (2006) 13 *James Cook University Law Review* 155, 155.

6. Finally, do not ask any question to which you do not already know the answer - in this regard, it is prudent to mostly or exclusively ask questions that yield a response of 'yes' or 'no' from the witness. If there are multiple possible answers that a witness may give, prepare for each of them and adjust the course of your cross-examination accordingly. Some witnesses may not concede points that reasonably and logically must be conceded. If this occurs, rather than arguing with the witness, pose one last question to the witness displaying the logical faults of their answer and move on, trusting that the judge has noted the witness' belligerence and the logic of your argument.

E. Mannerisms

1. You must always remain respectful and polite to the judge, to witnesses and your opposition. This includes when objecting and cross-examining. Try not to get frustrated by belligerent witnesses or a judge that overrules objections you may think are well-founded.

2. It is important to always speak in language consistent with courtroom etiquette. For example, you must always refer to the judge as "*Your Honour*" when speaking to them directly and refer to the opposition as *"The Prosecution"* or *"The Defence"* rather than *"the other team"*.

3. As there is no jury in this competition, the prosecution will be seated to the left from the perspective of the judge - a handy tip is a judge will 'read the courtroom like a book - left to right'. If you happen to arrive in the allocated 'courtroom' before the judge, it may be expected that you stand when he or she enters the room. This is a sign of respect. If you need to object, stand up when doing so. If your opposition objects to you, sit down and wait for them to finish.

4. Take notes during both chief and cross – some advocates suggest making a note after every answer to avoid inferences being drawn from notes made following a statement that weakens your case. But do not gesticulate incessantly with your pen or pencil. Put it down if not writing.

5. Consider your inflection, vocal modulation, and the speed/volume at which you speak. This will help to ensure that you retain the judge's attention and interest.

TIPS FOR WITNESSES

Mannerisms

1. The golden rule for witnesses is to memorise and understand your witness statement. You are expected to know the facts in your witness statement by heart and if you are caught reading any material, you will be penalised.

2. You will only be scored on manner and expression, so it is very important to consider your inflection, vocal modulation, and the speed/volume at which you speak. This will help to ensure that you retain the judge's attention and interest.

3. You must always remain respectful and polite to the judge, to your barrister and your opposition barrister. This includes when under cross-examination. Try not to get too frustrated by a barrister who is trying to twist your words and avoid quarrelling with the opposition barrister as far as possible.

4. Try to answer questions as directly as possible and try not to go on irrelevant tangents. While it is good to answer questions in a way that helps your barrister's case theory, it is not in the spirit of the competition to invent facts that are not a reasonable extension of given facts.

5. Memorise all facts in your witness statement well so that you can present evidence consistent with your witness statement clearly and accurately.