

JUDGING GUIDELINES

First-Year Witness Examination | 2024

Competition Night Schedule

SESSION 1 | 6.30pm - 7.45pm

SESSION 2 | 7.45pm - 9pm

Competition Running Time

60 mins

Judge's Feedback

15 mins

IMPORTANT: Please endeavour not to exceed this time limit, especially for Session 1.

You will be expected to Judge both Sessions on the night you are rostered unless specific arrangements have been made with the First-Year Witness Examination Co-Opts (David Lind and Noyonika Banerjee) beforehand.

Cancellation Policy

If you are unable to attend your rostered sessions please email firstyearwitness@mulss.com ASAP.

Last updated 25 February 2024

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

Scoring

Timing:

- **Judges should time competitors. Competitors should be warned when they have one minute of time left and when they reach time.** If competitors go **more than 15 seconds** overtime, they should have 1 point deducted from that section, at **1 minute overtime** please cut them off. Judges should not warn competitors that they are approaching their time, they should simply be cut off at 1 minute overtime.

General Rules:

- Students **cannot** bring in any exhibits/props and all materials must be printed for in-person competitions.
 - Competitors may time themselves using a phone.
- **Competitors are not allowed to make up facts that are not a foreseeable extension of the problem and their scores should be reduced if they try to do so.** A foreseeable extension is one that could reasonably be inferred.

Legal Considerations for Barrister's Arguments:

- **Please do not focus heavily on legal elements of the case being made** – the primary aim of the competition is to judge the practical techniques of witness examination.
 - Was the opening statement clear?
 - Could you follow the barrister's case theory?
 - Were barristers' questions strategic?
 - Did the barristers focus on the most important facts and elements of the case?
 - Is the evidence relevant to the crime being charged etc.?
- Students participating in the competition have **not yet studied Advocacy, Criminal Law, or Evidence and Proof**; please do not hold competitors to high levels of legal accuracy.
- There **will never truly be proof beyond reasonable doubt in Witness Examination** due to the nature of the facts in the problem. Please allow this leeway for the Prosecution and only judge competitors' advocacy skills, not who would have won the case. In saying this, Defence is encouraged to emphasise the existence of reasonable doubt.
- The **Browne v Dunn rule must be complied with.**
 - The Cross Examiner must not rely on evidence that is contradictory to the testimony of the witness unless that evidence has been put to the witness to justify during cross examination. A competitor need not say, "I put it to you that ...", it is

sufficient for them to simply raise the evidence in the cross examination and give the witness a chance to respond.

- Anything used in **Closing** must be put to the Witness during cross examination.

Objections:

➤ **Acceptable objections for the purposes of this competition are; Relevance, Hearsay, Opinion, Prejudice and Leading Questions.**

- Objections must only be made during examination-in-chief and cross-examination.
- Objections regarding leading questions must only be made during examination-in-chief.
- If a competitor raises an objection, **request the opposing barrister to defend** their line of questioning before deciding to overrule or sustain it.
- Competitors **should not have marks deducted** if an incorrect objection is raised.
- Competitors **should not have marks deducted** if no objection is raised because there were no feasible objections to make.
- Competitors should be **scored higher when appropriate objections** are made and responded to.
- Competitors should be **scored lower when inappropriate objections** are made and responded to.
 - If baseless objections are continuously raised for the purpose of disrupting the opponent's questioning, **competitors should be scored lower.**
 - Explanations and examples on each Objection can be found in the **FYWE Competitor Guidebook on the MULSS Website** - it is important that you read through and understand each objection to the degree that it is covered in the FYWE Competitor Guidebook.
- If a competitor objects to a statement, that statement is struck out from evidence and cannot then be referred to in any closing speeches or cross-examinations.

Barrister's Manner and Expression:

- In the "Manner and Expression: Barrister" section of the scoresheet please take note of whether the Barrister is **badgering** the opposing Witness during Cross Examination, and mark them accordingly. This falls under "Appropriate use of language and body language".

Witnesses:

- In the “Manner and Expression: Witness” section of the scoresheet, please take note of whether the witness is directly answering questions when cross-examined by a barrister or if they are speaking on irrelevant issues.

- Witnesses **are not permitted** to use notes during the trial.
 - In an online competition, if you notice a Witness reading notes off their screen please make that known during verbal feedback and reflect this in their scores.

- Please take note of whether the witness is accurately answering questions per their witness statement.
 - **Competitors are not allowed to make up facts that are not a foreseeable extension of the problem and their scores should be reduced if they try to do so.** A foreseeable extension is one that could reasonably be inferred.

Submitting Scoresheets:

- Please **provide the scoresheets** at the end of your allocated night to firstyearwitness@mulss.com or hand them to the relevant Co-Opts when walking out of in-person rounds.