2023 MULSS Open
Witness Examination Guidebook

Melbourne University

Law Students' Society

Updated: 12 February 2023

Table of Contents

WELCOME

The MULSS Open 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 simply interested in developing your ability in the art of persuasion, this competition provides an exciting, competitive, and safe medium in which to practice your craft.

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

The 2023 Witness Examination Competition will be conducted over three rounds **on-campus** in **Semester 2**. The dates are as follows:

1. 10th August
2. 24th August
3. 21st September

If you have any questions or concerns please feel free to contact the 2023 Witness Examination Competition Officers, Petra Suric and Heidi Macuz at **<*witnessexamination@mulss.com*>**.

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

Petra Suric and Heidi Macuz

2023 Witness Examination Officers

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 case theory and present it to the judge(s). As the barrister, you will act as counsel for either the prosecution or defence. Your task is to ascertain the facts of the case through the examination and cross-examination of witnesses.

As a witness, you must memorise the facts of the case prior to trial and must testify in accordance with those facts. The witness should aim to be as cooperative as possible with the opposing counsel. *Witnesses **will not be permitted to bring any written materials** with them to the witness stand – including the witness statements and any agreed facts.*

WARNING: 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. Teams ***will be penalised*** *through a deduction of points* for fabricating additional facts not found within the problem which adversely affect the opposing team.

HOW DOES IT WORK?

A problem case will be sent out to the nominated team contact approximately **48 hours prior** to your scheduled Witness Examination.

Scheduled Night	Problem will be released
Thursday 6:30pm	**Monday** 6:30pm
Thursday 7:45pm	**Monday** 7:45pm

The problem will include any relevant law and 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.

If there are any queries or concerns about the problem, please do not hesitate to contact Petra Suric and Heid Macuz at **<*witnessexamination@mulss.com*>**.

PROCEDURE – STRUCTURE OF TRIAL

The trial will run according to the following schedule:

1. Appearances (15 sec)
2. Opening by Prosecution Counsel (2 mins)
3. Opening by Defence Counsel (2 mins)
4. Examination in Chief by the Prosecution (10 mins)
5. Cross Examination by the Defence (12 mins)
6. Examination in Chief by the Defence (10 mins)
7. Cross Examination by the Prosecution (12 mins)
8. Summation by the Prosecution (5 mins)
9. Summation by the Defence (5 mins)

PLEASE NOTE: Times given are guides to the upper-limits, and points will typically *not* be deducted for going slightly over time per se. There is no need to draw out a cross-examination for 12 minutes if it can be completed more effectively in five. Points will be deducted, however, if the judge deems the time limit has been exceeded as a result of inadequate preparation.

1. Appearances (15 secs)

The trial begins when the judge asks for 'appearances' whereby prosecution counsel stands to introduce him or herself, and defence counsel then does likewise. The correct form for appearances in the Witness Examination Competitions is as follows: *'May it please the court, my name is [John Smith] and I appear on behalf of the Director of Public Prosecutions/the Defendant.'*

2. Opening by Prosecution/Plaintiff Counsel (2 mins)

This is Counsel's opportunity to present their construction of the case to the judge in accordance with their case theory (see page 19 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 in a

persuasive manner. 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 with 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)

Similar to 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, so 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 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 curious interlocutor and a person with a story to tell. It is the process of questioning your own witness in a manner that reflects a conversation. You should aim to adduce evidence logically and coherently. Evidence should be extracted from the witness in a natural manner, i.e. in his or her 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 of 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.

5. **Cross-Examination (by the defence) (12 mins)**

A cross-examiner should attempt to discover and highlight the inconsistencies in a witness' evidence. Unlike examination-in-chief, **you are permitted** to use leading questions. In fact, most questions should be leading. In cross-examination you generally want to have the witness answer *'yes'* or *'no'*. You want to avoid giving the witness a chance to re-tell their side of the story.

The best cross-examination is based closely on the witness' police statement and their testimony, yet still undermines the witness's credibility. The goal should be to trap the witness with their own statements so that they are forced to concede a proposition beneficial to your own 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.

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

As with examination in chief by the prosecution.

7. **Cross-Examination (by the prosecution/plaintiff) (12 mins)**

As with cross-examination by the defence.

8. **Closing by the Prosecution (5 mins)**

In your closing argument, you must bring all of the evidence that came out in the examination of witnesses together to prove your case and to persuade the judge to rule in your favour. 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 in order to make out your case. The address should then be amended during trial to take into account what actually took place.

Be prepared, as at all times, to answer any questions from the judge.

9. **Closing by the Defence (5 mins)**

As with closing by the prosecution, but again typically focusing on the onus of proof.

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.

To make an objection, you just have to stand up in a physical setting or raise your hand whilst on Zoom and say, 'Objection, [grounds of objection e.g. hearsay]'. 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 give opposing counsel an opportunity to respond.

An objection may only be made during opposing counsel's examination in chief or cross-examination. Effective objections should be made before the witness answers the question.

Grounds for Objection

The following is a list of objections permitted in the Open Witness Examination Competition. 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.

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 or not the crime has been committed, the opposing barrister may object. For example, Character Relevancy is only introducible if the person's character is an issue or shows truth/untruth.

Objection:

'Your Honour, this matter has nothing to do with the outcome/ facts of the case, as...'

'Your Honour, the prejudicial value outweighs the probative value because...'

Rebuttal:

'This line of questioning goes to the truth of the character/ ability to tell the truth.'

'Defense is allowed to introduce character to show innocence.'

2. **Hearsay**

This is perhaps the most complex ground of objection. You cannot use evidence of representations made out of court to prove that the content of those representations is true. Definition – the rule against hearsay is:

"An assertion other than one made by a person while giving oral evidence in the proceedings is inadmissible as evidence of any fact asserted".[1]

On the one hand, evidence by a witness as to what that witness was told by a third party about a particular event will not be admissible as evidence of that event as narrated by the third party. However, the fact that the third party said those words may have a relevant aspect in its own right (i.e. there is an exception to the hearsay rule).

Example

If a bank teller gives evidence that the bank robber said: 'hand over your money or I will kill you', the evidence is not led in order to prove anything which the bank robber was trying to assert as true. The evidence is being led in order to prove that the words were uttered, which go to proving that a robbery was committed. However, if the bank teller alleges that an acquaintance told him 'The Smith boys did that stick up', it would be hearsay for the bank teller to give evidence of that conversation.

The distinction is sometimes described this way. In the first case, all the bank teller intends to assert is that he heard the words spoken. The significance of the evidence is the fact that the words were said. In the second case, the acquaintance of the bank teller is intending to assert that the statement 'The Smith boys did that stick up' is true. That evidence is prima facie inadmissible under the hearsay rule.

3. **Hearsay Exceptions**
   - **A. Admissions (s 81):** The hearsay rule does not apply to first-hand evidence of an admission. An admission is a previous representation made by a person who is or who becomes a party to proceedings (including an accused in criminal proceedings) that is adverse to their interests in the outcome of the proceedings. The basis of this exception

[1] *Evidence Act 1995 (Cth), s59.*

is that people would not make false representations that are against

their own interests. For example, if A admits to B that he robbed a bank, the prosecution can lead evidence from B that A made the admission to B as evidence of the truth that A robbed the bank.

B. **Non-Hearsay Purpose (s 60):** Evidence admitted for a non-hearsay purpose (where the statement is relevant for a purpose other than to prove the existence of a fact that the person intended to assert, for example, where the fact that the statement was made is relevant). In such a case evidence of the statement can also be used as evidence of:

   i. **Credibility or Improper Characterisation:** If the evidence goes towards the credibility of a witness then the hearsay rule may be circumvented or an objection may be raised in the following circumstances –

      a. If evidence is offered by the defense and applied to the character and actions of the defendant to prove innocence, it is admissible.

      b. If evidence is offered by the defense and applied to the character and actions of the victim to prove innocence, it is admissible.

      c. If evidence is offered to show dishonesty or a tendency to lie by any witness, it is admissible. In this situation, the opposing counsel may rebut with positive character evidence to show the contrary.

   ii. **Contemporaneous physical or mental state (s 66A):** The hearsay rule does not prevent a person's physical or mental state being inferred from their statements and conduct, subject to two limitations:

      a. Exception only applies to *contemporaneous*

representations about the person's health, feelings, sensations, intention, knowledge or state of mind.

b. Only extends to inferences about the *state* of a person's body or mind.

4. Opinion

An essential principle of evidence law is that witnesses are to testify only as to their direct observations and perceptions.

This objection is often made when lay witnesses (witnesses who are not qualified as experts and do not have relevant personal experience), testify with personal inferences or subjective statements. The witness is giving testimony that does not require expertise, but is still an opinion that does not assist the jury in its understanding of the case.

Example

'I believe the defendant was in a crazed state of mind.'

Objection

'Your Honour, the witness is expressing an opinion that does not go towards what he saw, heard or directly perceived.'

NOTE: The state of mind of various parties is often relevant. Evidence that is introduced to establish merely that a witness has or had a particular opinion, and not to establish the truth of the opinion, will be admissible.

5. 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. In order 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 clearly outweigh any prejudice, the court should exclude the evidence and the opposing barrister will accrue the ability to object on such grounds.

Objection

'The evidence being introduced is highly prejudicial to my client and this prejudice far outweighs the probative value.'

This is not an objection that "this really hurts my case." All evidence by opposing counsel will hurt your case. An objectionable piece of evidence is one that not only hurts your case but is not relevant enough to the merits of your opponent's case to be let in.

6. **Leading questions**

Leading questions are **not** permitted during **examination in chief**, though they may be used (and are in fact encouraged) in cross-examination. This ensures that witnesses are not being coached and are giving genuine, impartial testimony. Leading questions are usually those so framed as to suggest the answer sought.

Example

It would be a leading question if counsel for the prosecution, seeking to establish an assault, were to ask the victim, *'Did X hit you in the face with his fist?'*

The proper course would be to ask, *'Did X do anything to you'* and, if the witness then gives evidence of having been hit, to ask the questions *'Where did X hit you'* and *'How did X hit you?*'

One way of ensuring that you are asking non-leading questions is to ask questions that begin with 'what', 'why', 'when', 'who' and 'how'. If a witness can answer the question with a yes or no response, then this ***may*** indicate that it is a leading question. However, a question will not always be a leading question just because it

can be answered with a yes or no, as long as the question does not suggest either.

Example:
'Had you ever seen this man before?' This is a non-leading question and may be asked during examination-in-chief.
'*You'd never seen this man before, had you?'* This is a leading question and may not be asked during examination in chief.

Even an open-ended question will also be a leading question if it assumes facts that have not yet been established in the witness's evidence.

Example:
Counsel: '*Mr Smith, what time did you arrive at the pub that night?'*

If the witness has not yet given evidence that he went to the pub at all on the night in question, this will constitute a leading question. The following is an example of how the same information can be elicited without breaching the rules of evidence:

Example:
Counsel: '*Mr Smith, did you go anywhere that night?'*
Witness: '*Yes.*'
Counsel: *'Where did you go?*'
Witness: *'I went to the pub.*'
Counsel: '*And what time did you arrive at the pub?'*
Witness: '*I arrived at about 8:30pm.'*

7. The Rule in *Browne v Dunn*

The common law rule in *Browne v Dunn* states that where a party intends to lead evidence that will contradict or challenge the evidence of an opponent's witness, it must put that evidence to the witness in cross-examination. It is essentially a rule of fairness—that a witness must not be discredited without having had a chance to

comment on or counter the discrediting information. It also gives the other party notice that its witness' evidence will be contested and further corroboration may be required. Importantly, this rule means that if the prosecution counsel is cross-examining the defendant, he or she must put the ultimate accusation to the defendant:

> **Example:**
> Counsel: *'Mr Smith, I put it to you that you deliberately stole that necklace from the store.'*
>
> Or
>
> Counsel: *'Mr Smith, you deliberately stole that necklace from the store, didn't you?'*

This will invariably be met with a flat denial, but it is nonetheless required by the rule in *Browne v Dunn*.

TIPS

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 witnesses' 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 your witnesses' statement. 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 legal 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 most simple 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 that 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 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 an idea of the facts in issue, and how to structure your examination in chief and cross-examination. Remember, as noted above, 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.'*

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 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. The more prudent approach may be to simply reframe the issues and to simply hold the prosecution to their proof, arguing that the evidence does not prove the prosecution case beyond reasonable doubt.

Bear in mind that the only evidence available within the scope of this competition is contained within the materials directly provided (please refer to page 4 of this guidebook).

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!

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. 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.

   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. Once you have reached the relevant point in the chronology, and accrued 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 in order to highlight the impact and violence of the defendant's actions. As a result, this part of the witness's testimony is likely to stick in the judge's mind.

3. Examination in chief can be difficult because your witness may not always elicit the desired response. While you may pre-empt your questions and practice with your witness, be prepared to think on your feet, to improvise, and to tailor your questions to any situation that may arise. Preparation is key.

4. As noted above, witnesses are not permitted to bring any written materials with them to the witness stand. Although the expectation is that witnesses will have adequately memorised the relevant facts, 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, where counsel establishes that the witness has trouble recalling facts, they may seek the leave of the court for the witness to refresh their memory by reference to their witness statement.

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 own witness memorable, rather than that of your opposition. In order 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 to, 'Please only answer the question asked' or 'a yes or no answer will suffice, thank you.' However, avoid excessive interruption of the witness as it is inadvisable to conduct yourself in an aggressive manner. You must find a balance between controlling the direction of the questioning while also giving the witness an opportunity to answer.

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 around the arguments you want to be able to make in your closing, and what you need to prove in

order 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 in order 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. Pursuant to the rule in *Browne v Dunne*, 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. This rule operates to ensure that the cross-examined witness is treated fairly – fairness dictates that witness should be cognizant of any case that is put against him or her.

   For example, if your witness claims that they saw the accused shoot the victim, but the accused testifies to the contrary, you must put it to the accused in cross-examination that they shot the victim. You will undoubtedly receive adamant denial in response, but the question must nevertheless be asked.

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. Finally, do not ask any question to which you do not already know the answer. 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. Rather than arguing with the witness, move on and trust that the judge has noted the witness' belligerence and the logic of your argument.

E. Witness Conduct

1. The witness's conduct is scored. As a witness, you are expected to answer all questions in good faith and based on the given facts. This does not preclude you from adopting an interpretation of the facts that is favourable to your team in your answers, as long it does not contradict the testimony. You may also request counsel to rephrase their question when appropriate. However, you must not engage in behavior such as fabricating facts, providing irrelevant answers to clear questions for the purpose of wasting time, or otherwise abusing the rules of the competition in bad faith. Inappropriate conduct will be noted, and your team will be penalised as a result.

F. Mannerisms

1. It is important that you remain respectful and polite at all times to the judge, to witnesses and to 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. As there is no jury in this competition, the prosecution will be seated closest to the witness box. 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 make an objection, stand up when doing so. If your opposition makes an objection against you, sit down and wait for them to finish.

3. By all means take notes during the course of 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.

4. 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.

RULES

1. Problems will be sent to **one** member of each team (the nominated contact of the team) **48 hours before your scheduled witness examination**. It is the nominated contact member's responsibility to ensure all members gain access to the problem.

2. Teams are to present at the allocated venue (divulged by email) **15 minutes prior** to their scheduled trial to check-in with the co-opts.

3. All team members are required to wear formal business attire. For example, wearing a blazer, a business appropriate dress, suit and tie, etc.

4. If a team wishes to swap time slots, it is their responsibility to find another team willing to swap. Once confirmed, you must email the Witness Examination Officers **<*witnessexamination@mulss.com*>** at least **72 hours before the trial** (whichever time slot is earliest) with the following template attached:

    - **Your team name**;
    - **Current time allocation**;
    - **Name of the team you are switching with**; and
    - **Time slot you are switching into**.

5. Each team will consist of two students: one acting as a barrister and the other, as a witness.

6. The rounds function on a knock-out style basis.

7. At the conclusion of the trial, all teams will receive oral feedback and the result from the judge(s). Judges will **not** disclose personal scores. All

teams will be emailed an electronic copy of their scoresheets accompanied with judge(s) qualitative feedback, without the numerical scores, within five days after the trial.

8. The decision of the judge and the outcome of the round is **final and *cannot* be appealed.**

9. Teams are **not allowed** to contact the judge(s) following a trial, under any circumstances. All queries should be directed to the Co-Opts at <witnessexamination@mulss.com>.

10. 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 <witnessexamination@mulss.com>. Teams may forfeit after the problem is released **only in exceptional circumstances, having spoken to both the Competition Officers and Directors**. Teams who forfeit without regard for the rules or their opponents may be blacklisted from competing in future competitions.

11. 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). This allows you to gain feedback for your own development and receive a score, which contributes to seeding and the quality of the competition.

12. Competitors should remain mindful of the formal nature of the Witness Examination Competition at all times. It is expected that all team members behave in a manner appropriate for trial.

13. At the discretion of the Witness Examination Officers, failure to comply with these rules may result in a penalty.

IMPORTANT DOCUMENTS

Please refer to the following documents:

1. MULSS Internal Competitions Code of Conduct 2023: ***https://docs.google.com/document/d/1c6VWxjyi9xeCzq4ArL4k99lXyW_G8kGbcqqxT1r4YLo/edit?usp=sharing***

2. Escalation Pathway & Penalty System 2023:

https://docs.google.com/document/d/1VquH8h8xkA0i8Xihn-UdCNSJqY3HzFdf2lyeft-Akql/edit?usp=sharing