

2022 ALLENS WOMEN'S AND GENDER DIVERSE INDIVIDUALS' MOOT



**Melbourne University
Law Students' Society**

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WELCOME

Welcome to the 2022 Allens Women's and Gender Diverse Individuals' (WAGDI) Moot Competition! This competition welcomes all cis and trans women, non-binary and gender diverse individuals and trans men who are comfortable interacting in this traditionally women identifying space, and we encourage participation across all year levels.

This guidebook is designed a reference point for participants, including all key information relevant for participating in the Allens WAGDI Moot Competition. This guide outlines what exactly mooting is, and why it is important to have a women's moot, how participants should prepare for each moot, the rules of the competition and key dates.

Structure of the Competition:

Every team will participate in the first three rounds of competition, after which only the highest scoring teams will continue on to the Quarter, Semi and Grand Finals. In the past, there has been one problem or fact set used throughout all rounds of the competition. The purpose for this competition structure is to encourage participants to implement feedback they receive from judges in the following moot and focus on the development of public speaking skills. This year we are continuing this tradition.

Subject Matter of the Problem:

The problem will be based on the content from either Contract Law or Tort Law; two core first year subject areas. For many students, this will involve revision of key legal concepts relevant to many legal careers and industry sectors. For first year students, some reading ahead of coursework may be necessary. We encourage students from all stages in their degree to participate in the competition.

If you have any questions, please do not hesitate to contact us per email (womensmoot@mulss.com) or through the 2022 Allens WAGDI Mooting Competition Facebook Group.

We wish the best of luck to all participants involved.

Keira Takacs & Jen Diaz

Women's and Gender Diverse Individuals' Moot Officers

Melbourne University Law Students' Society

WHAT IS MOOTING?

A moot is a mock courtroom scenario, with judges, barristers and instructing solicitors conducting an appeal. In each round, two teams compete against each other before a judge. Teams are provided with a hypothetical problem, a set of facts and two grounds of appeal, which set out the issues in dispute.

Prior to the moot, each team is required to submit a written submission to the court and to the opposing team. Teams then take turns to provide an oral submission to the judge, during which the judge will ask questions.

Each team consists of a Senior and Junior Counsel (the barristers) and an optional Instructing Solicitor if you have a team of three. The barristers each make a 10- minute oral submission to the Court. The Instructing Solicitor (optional in a team of three) assists in legal research and the preparation of the written submission. The Instructing Solicitor does not speak during the moot but is advised to attend to provide support. If you are in a group of three, the decision of which team member has what role is completely at your discretion. However, team members are encouraged to rotate positions during the course of the competition so that each member gets an opportunity to both present and assist.

WHY THE WAGDI MOOT?

A Women's Moot is a competition open to all female and female identifying law students. The moot originally started as Women's Moot started in 2015, in response to a gender imbalance in the number of female barristers practising in Victoria. In 2022 this moot has been expanded to include all gender diverse and trans individuals who are also underrepresented at the bar. The central aims of the competition are:

- To develop public speaking skills and confidence, which are necessary for all career paths.
- To facilitate a space for female and female identifying students to engage in and practise mooting skills in a friendly and supportive environment
- To foster supportive friendships and networks amongst female and female identifying law students.
- To provide participants with detailed and meaningful feedback on mooting skills, both written and oral submissions, that can be implemented each week of the competition.
- To revise key legal concepts in the area of contract law.

APPROACHING THE PROBLEM

Reading the Problem

All competitors will receive the problem at 1:00PM two days before your scheduled moot.

- Students competing on Wednesday will receive the problem at 1.00PM on Monday
- Students competing on Thursday will receive their problem at 1.00PM on Tuesday.

During this period, it is important to set aside some time to read the moot problem several times and familiarise yourself with the facts and relevant legal issues. We recommend working collaboratively with your teammates to prepare both your written and oral submissions.

As the problems based on content studied in Obligations and Contracts, you may be familiar with the legal issues. If not, it will be necessary to undertake research perhaps using your assigned textbooks as a starting point.

Researching the Problem

Research is not the main focus of the WAGDI Moot as there is only one problem used throughout the competition. Nevertheless, it is essential to conduct research to prepare your written and oral submissions for the first round.

While researching, you should aim to locate the relevant principles of the law including key case authorities and/or statutes. You should spend most of your time researching what the key legal principles are, understanding how these principles operate and how they apply to the facts in the problem.

We recommend setting up a shared Google Drive with your teammates to ensure all your research and ideas are accessible.

The Melbourne University Law Library website includes a number of useful research guides that may be useful:

<https://law.unimelb.edu.au/law-library/research-tools/research-guides>.

It may be helpful to do your research in the following order:

(1) General research:

- Start with your assigned Obligations or Torts textbook and class notes to familiarise yourself with the legal issues.
- Legal research databases such as Halsbury's Laws of Australia provide a good overview of areas of law and can also be used as a starting point.

(2) Specific research:

- Once you have gained a basic understanding of the problem, you should start doing more specific research on the legal issues.
- During your general research you will likely come across specific principles, cases and legislation that will require more narrow research
- Remember to look at cases that are detrimental to your side and try to distinguish these cases to strengthen your argument.
- High quality moots will engage deeply with the actual case law instead of relying on secondary material.

WRITTEN AND ORAL SUBMISSIONS

Written submissions

A written submission is a brief and clear summary of all legal arguments, including references to relevant cases and/or statutes. The submission is sent to the judge and to opposing team members.

It is important to note that the written submission is not just a formality. Many competitors make the mistake of focusing less time and effort into the written submission. Your written submissions represent the first and last impression that the judge has of your team. A well-drafted written submission allows the judge to follow your argument before and during your presentation.

Remember, many moots can be lost or won with small margins. The written submission can be the deciding factor between winning or losing!

You can refer to the sample exemplar submission on the MULSS website:

[https://www.mulss.com/womens-moot`](https://www.mulss.com/womens-moot)

Formatting

Formatting of your written submissions is significant, and teams should:

- Keep the written submission between 2-4 pages long;
- Use a style and font which is easy to read (we recommend Times New Roman 12 pt.);
- Employ consistent and uniform paragraph numbering;
- Ensure that cases are indented with one case per line;
- Use clear and informative headings and subheadings with the most relevant heading in bold;
- Ensure that your referencing is AGLC4 compliant; and
- Wherever possible, use pinpoint referencing.

Case citations should be formatted clearly, and in the following order:

- First case: most relevant, highest authority (i.e. the High Court or Intermediate appellate if the case has not been heard at the High Court)
- Second: most relevant, lower authority
- Followed by: less relevant authority

Oral Submissions

Structure of Presentation

A moot is not a recital of a pre-prepared written speech, it is instead a conversation between Judge and Counsel. The judge will regularly interrupt your presentation to question you. By having a general outline of your presentation rather than a word-for-word speech, you will be in a better position to return to your argument following interjections and questions. This is why it is important to research thoroughly and understand the law and how it applies to your case.

Remember, both barristers in your team will be presenting on a different ground of appeal, for 10 minutes each. With two grounds of appeal, each barrister should address only one point of appeal.

The general structure of your presentation should be as follows.

(1) Introduction:

- Introduce your argument and signpost what you are going to say.
- Signal clearly what you are arguing to ensure the judge can follow your reasoning.
- The Senior Counsel should take the opportunity to briefly summarise the legal issues to be resolved and state which points will be addressed by themselves and which will be addressed by the Junior Counsel

(2) Argument:

- Your argument should be based on your written submissions.
- You should signpost each new point in your submission, so the judge can easily follow your argument
- Rather than attempting to summarise everything, it is best to focus on the key points of contention and your strongest arguments.
- If the judge requires clarification or wants you to expand on a point, they will ask. Remember to keep your presentation clear, concise and easy to follow. Follow basic IRAC structure for each major point.

(3) Conclusion:

- Reiterate what you have submitted to the judge.
- A conclusion should be close to a mirror image of your introduction, even if the issues were not discussed in the same order.

Presentation Tips

Be clear and confident: limit 'ums' and 'ahs' and use understated body language. You can use your hands and arms to illustrate a point but refrain from pacing or using your whole body to make an argument. Maintain eye contact with the judge/s as much as possible. Maintain a pace that is easy to listen to (remember you are discussing complex issues so give the judge time to digest your arguments).

Cases: be prepared for the judge to ask you anything about any of the cases to which you refer.

Questions: questions provide the opportunity to clarify and strengthen

your argument. If you are asked a question which takes you off topic, answer and return to your submissions, even if the question is addressed later in your submission. We recommend taking a few seconds to gather your thoughts before answering. The judge is not attacking your position, and a question does not necessarily mean they disagree with you. Keep answers short and concise.

Formality and politeness: mooting, like real court appearances, requires you to be formal and polite at all times, regardless of whether you agree with the judge's question/interpretation.

Time management: if you notice you are going to exceed the time limit of 10 minutes, you may request an extension of time from the judge. This is at the discretion of the judge and may be one to two minutes, or no extension.

Courtroom Etiquette

There are rules of courtroom etiquette, which must be followed.

Modes of Address

A judge should be addressed as 'Your Honour' and your team member as 'my learned colleague'. The other team is referred to as 'my learned friends' rather than 'the opposition'.

Citations

For the first case you cite, the full citation should be given. You must then ask the judge, 'if I may dispense with formal citations?'. For example, the full citation for *Lynch v Lynch* (1991) 25 NSWLR 411 would be stated as: *Lynch and Lynch*, reported in the *New South Wales Law Report* volume 25, beginning at page 411. Once the judge allows you to dispense with formal citations, you would then refer to the case simply by 'Lynch', or in most cases, the better-known party name.

When the Senior Counsel asks the judge to dispense with formal citations, this will apply to the Junior Counsel too; there is no need for the Junior Counsel to ask to dispense with formal citations again. (Note: Senior Counsel for the Respondent, who speaks after submissions from the Appellant, must also ask the judge to dispense with formal citations.)

Formal Language

Colloquialisms should be avoided and formal language should be used instead. Respectful terms must be used, for example; when making assertions you should say 'we submit' rather than 'I believe' or 'I think'. This is important because as a barrister you are presenting views that may not necessarily be your personal opinions.

When a judge asks a question, which implies they disagree with you, you are encouraged to begin your response by saying 'Your Honour'. This is because you are essentially contradicting the judge and must ensure that

you are doing so respectfully. If a judge decides decisively on an issue, indicating they no longer wish to discuss it, do not continue to push the point, move on.

You should end your submission with a formal conclusion. Typically, you would say 'if there are no further questions (pausing to actually allow for said questions) that concludes my submission'.

Respectful Behaviour

If there is an instructing solicitor present at the moot, they are to sit facing their team members (facing away from the judge). If you want assistance from your solicitor ask the judge something to the effect of 'may I consult with my learned colleague for a moment?'. **IF** you are granted permission you can lean down and quickly, and quietly get instructions.

Good sentence starters:

The following are a number of sentence starters that you might want to include on a cue card to remember the appropriate formalities:

- Appearances:
 - 'My name is ___, I appear as senior counsel on behalf of the appellant/respondent' '___ will appear as junior counsel, and ___ as instructing solicitor'
- Citations:
 - You must give the full citation the first time you mention a case, then 'If I may dispense with formal citations'
- Communicating:
 - 'We submit'
 - 'My learned colleague' for your teammates
 - 'Our/My learned friend' for the other team
- Concluding:
 - 'May it please the court, that concludes my submission'
 - 'if there are no further questions your Honour, that concludes my submission'

Order of the Presentation

1. When the judge enters the courtroom, both teams should be standing. Teams may take their seats when the judge does so. Copies of each team's written submission should be offered to the judge/s if they do not already have a copy.

2. The judge will read the name of the case and ask for appearances. The Senior Counsel for the appellant should stand and say 'May it please the Court, my name is [Name] and I appear as Senior Counsel for the appellant. My learned colleague, [Name], will appear as Junior Counsel and my learned colleague, [Name] will act as Instructing Solicitor (if present)', before sitting down. The Senior Counsel for the

respondent then does the same.

3. The judge will then indicate that participants may begin. Senior Counsel for the appellant speaks first, followed by the Junior Counsel for the appellant. The Senior Counsel for the respondent speaks next, followed by the Junior Counsel for the respondent.

4. Each speaker has a 10-minute time limit in which to present their argument and respond to questions. Speakers may ask the judge/s for a one or two minute extension. However, these are granted at the discretion of the judge/s and may be denied. Plan to fit your entire speech in less than 10 minutes to allow for questions.

5. At the conclusion of submissions (both appellant and respondent), teams will be asked to leave the courtroom, so the judge/s can reach a decision and score participants. Teams will then be invited back into the courtroom for feedback and the result.

RULES

1. Problems will be sent to one member of each team (the nominated contact person) at 1:00PM TWO DAYS before your scheduled moot. It is the nominated contact member's responsibility to ensure all members gain access to the problem.
 - Students competing on Wednesday will receive the problem at 1.00PM on Monday
 - Students competing on Thursday will receive their problem at 1:00PM on Tuesday.
2. All teams are required to submit a copy of their written submission to the WAGDI Moot Co-Opts at womensmoot@mulss.com and their competitors via email at least 24 HOURS prior to their scheduled moot.
 - For instance, students competing at 6:30PM on Wednesday will have to submit their written submissions no later than 6:30PM on Tuesday.
 - Alternatively, students competing at 7:30PM on Thursday will have to submit their written submissions no later than 7:30PM on Wednesday.
 - Please put, as the subject title of the email in the format '[Team Name] – Written Submissions'. Include, in the email, a copy of your written submissions with your team name as the document title.
3. Failure submit your team's written submissions on time **will incur a penalty** as follows:
 - Two points will be deducted from the team's written submission score for the first half hour or part thereof that the written submission is late; and
 - Two further points will be deducted from the team's written submission score for the second half hour or part thereof that the written submission is late; and
 - Two points will be deducted from the team's written submission score for every subsequent hour or part thereof that the written submission is late
 - When presenting the result, the judge will inform both parties of any relevant penalties which have been accounted for in the final scoring.
4. All teams are to check in at the LSS office on level 2 of the Law School, 15 minutes prior to their scheduled moot.
5. All competitors are required to wear formal business attire. This includes a blazer and matching pants, skirt or dress.

6. If a team wishes to swap time slots, 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 moot Co-Opts at womensmoot@mulss.com at least 72 hours before the scheduled moot time (whichever time slot is earliest) with the following template attached:
 - o Your team name;
 - o Current time allocation;
 - o Name of the team you are switching with;
 - o Time slot you are switching into.
7. Each speaker has 10 minutes of time in which to speak. This time is inclusive of any questions or interjections made by the judge/s. An extension of time may be granted at the discretion of the judge/s.
8. The order of speakers is to be as follows. Senior Counsel for the Appellant, Junior Counsel for the Appellant, Senior Counsel for the Respondent, Junior Counsel for the Respondent.
9. At the conclusion of the moot, 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 moot.
10. The decision of the judge and the outcome of the round is final and cannot be appealed. The only exception to this rule is where the appeal relates to the enforcement of penalties relating to late written submissions.
11. Teams are not allowed to contact the judge(s) following a moot under any circumstances. All queries should be directed to the Co-Opts at womensmoot@mulss.com.
12. Forfeiting is strongly discouraged. Teams are reminded that only two team members are required to speak and as such, the unavailability of a third team member does not provide valid grounds for forfeiting. If your team chooses to forfeit, you must do so before the problem is released by notifying the competition officers at womensmoot@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

13. 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.
14. Competitors should remain mindful of the formal nature of the WAGDI Moot Competition at all times. It is expected that all team members behave in a manner appropriate for court.
15. At the discretion of the WAGDI Moot Co-Opts, failure to comply with these rules may result in a penalty.

PROPOSED SCHEDULE

Information Session	Week 1: Monday 25 July (1pm)
Round 1	Week 2: Wednesday 3/8 and Are Friday 5/8 (6:30; 7:30pm)
Round 2	Week 4: Wednesday 17/8 and Thursday 18/8 (6:30; 7:30pm)
Round 3	Week 6: Wednesday 31/8 and Thursday 1/9 (6:30; 7:30pm)
Quarter Finals	Week 7: Thursday 8/9 (6:30; 7:30pm)
Semi Final	Week 9: Thursday 22/9 (6:30 pm)
Grand Final	Week 11: Monday 10/10 (6:30pm)

CONTACT INFORMATION

Please direct any questions or queries to the 2022 Allens WAGDI Moot Co-opts Keira Takacs and Jen Diaz at womensmoot@mulss.com.

Keira and Jen can also be contacted via the 2022 Allens WAGDI Mooting Competition Facebook Group.