



VICTORIAN BAR WITNESS EXAMINATION COMPETITION JUDGING GUIDELINES 2019



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

1. Please **do not** focus on the legal elements of the case being made – the primary aim of the competition is to judge the practical components of witness examination.
For example, whether the opening statement was a clear, concise, factual explanation for the client's statement, and the *techniques* employed during cross examination and chief examinations.
2. Many of the students participating in the competition have not yet studied Advocacy, Criminal Law or Evidence; please **do not** hold students to high levels of legal accuracy.
3. Competitors *are not* allowed to make up facts that are not a foreseeable extension of the problem. For example, if the victim's statement mentions that the defendant was wearing a yellow cap, defence counsel cannot make up a fact that the defendant does not own a yellow cap. This would be unfair to the opposition.
Eg. "What did you do on Friday night?"
"I was drinking"
"What were you drinking?"
"A VB [*this fact was not in the witness statement, however it can be reasonably inferred based on the facts/type of witness*]"
4. The break down and duration of competition is:
Appearances (10 secs)
Opening by Prosecution Counsel (2 mins)
Opening by Defence Counsel (2 min)
Examination in Chief (by the prosecution) (10 mins)
Cross Examination (by the defence) (12 mins)
Examination in Chief (by the defence) (10 mins)
Cross Examination (by the prosecution) (12 mins)
Summation by Prosecution Counsel (5 mins)
Summation by Defence Counsel (5 mins)
5. Continually and excessively exceeding the allocated time frame should be reflected in the marking. Competitors must establish their case in the time given. Failure to do so shows an inability to convey their case concisely.
6. Each competition goes for **1 hour**. Make sure students adhere to the strict time limits. Judges will be judging two competitions in their allocated two hours.
7. Please **provide feedback** to competitors at the end of the competition. It would be fantastic if you could include any general tips on the score sheet that we could share with all our competitors.
8. Please **provide the results** of the competition at the end of the competition.
9. Schedule of competition evenings:
6.30pm Competition slot must finish **by 7.45pm**.
7.30pm Competition slot must finish **by 9pm**.

If you have any questions please feel free to ask Clódagh or Vanessa at witnessexamination@mulss.com. Thank you very much for your time!