

**BAKER MCKENZIE
NATIONAL WOMEN'S MOOT
RULES 2022**

**Baker
McKenzie.**



**SYDNEY
UNIVERSITY
LAW SOCIETY**

Part 1 - Teams

Team Composition

1.1. Competitors in the Baker McKenzie National Women's Moot 2022 ('the Moot') must self-identify either as female or non-binary. For the avoidance of doubt, this includes trans women, gender-queer people, intersex people, androgynous people, bi-gender people or gender-fluid people. A competitor's self-identification will not be questioned.

1.2. Competitors must be enrolled as law students at the university they represent for the duration of the competition. Competitors must not have been admitted into practice in any jurisdiction.

1.3. Each team will be composed of three competitors. The Moot's Convenors ('the Convenors') may waive this rule at their absolute discretion.

1.4. No team may contain more than one (1) competitor who has participated in an international mooted competition. An international mooted competition includes, but is not limited to, the Philip C. Jessup International Law Moot; the Willem C. Vis International Arbitration Moot; the ELSA Moot Court Competition on WTO Law; the Jean-Pictet Competition; and the World Human Rights Moot Court Competition. An international mooted competition includes the national rounds of any international mooted competition (e.g. Jessup Australian rounds.)

1.5. In any given round, only two members of a team may speak, with the third member to act as instructing solicitor. Teams may rotate roles throughout the Moot as they see fit, or may alternatively fix positions for the duration of the Moot.

Number of Teams

1.6. Each university may enter up to two teams in the Moot. The Convenors may, at their absolute discretion, permit a university to enter more than two teams. Universities interested in entering more than two teams should contact the Convenors at womensmoot@suls.org.au explaining their reasons.

1.7. The Convenors may, at their absolute discretion, cap the number of teams participating in the Moot in any given year.

Coaching

1.8. Each team is permitted to have one (1) coach. For the avoidance of doubt, if a university has entered more than one team into the Moot, the same person is permitted to coach both teams but the coach must not share the preparation, research or arguments of one team with the other team.

1.9. Coaches may provide general feedback to teams, but must not devise written or oral arguments for the team or undertake any legal research. No team can receive material help from any person outside the team, including their coach, in the preparation of written

submissions. Material help includes, but is not limited to, assistance with substantive research, writing or drafting submissions, and discussion of legal principles underlying the problem question.

1.10. Neither coaches nor team members can watch moots other than those in which their team is competing. However, this rule does not apply to Semi-Finals if a team has been eliminated from the Moot, nor does it apply to the Grand Final.

1.11. Coaches are not, under any circumstances, permitted to communicate with their teams while a round is in progress.

Part 2 - Written Submissions

General

2.1. Each team will prepare written submissions for the Appellant and for the Respondent.

2.2. Except where otherwise noted, the law applicable to the problem question is that in force on the day of the Moot, in the jurisdiction where the Moot is held.

2.3. Teams may submit requests for clarification of the problem question by emailing the Convenors at womensmoot@suls.org.au. No requests for clarification will be accepted after 5.00pm (AEST) on Friday 26th August 2022.

2.4. The author of the problem question has absolute discretion to select which requests for clarification they will answer. Any answers will be distributed by the Convenors to all teams by Saturday 3rd September 2022.

Form of Submissions

2.5. The Appellant submissions and the Respondent submissions shall each be no more than three (3) A4 pages in length. Submissions must be typed in no less than 11 pt Times New Roman font, with page margins of at least 2 cm and line spacing of no less than 1.15 lines. Footnotes, if used, must be typed in no less than 10 pt Times New Roman, with line spacing of no less than 1 line.

2.6. Teams may include an optional cover page in their submissions. This cover page will not count towards the page limit, provided it serves only to identify the submissions i.e. with the team letter, the case name and the side.

2.7. Teams are not required to provide a list of authorities but must include full citations in compliance with the 4th edition of the Australian Guide to Legal Citation.

2.8. Written submissions must be clearly labelled with the team's letter, as assigned by the Convenors, but must not include the name of the Law School that the team is representing, the names of the team members or any text identifying the university that the team represents.

Filing Submissions

2.9. Written submissions are to be filed electronically, as pdf attachments in an email directed to the Convenors at womensmoot@suls.org.au.

2.10. Written submissions for both the Appellant and the Respondent are to be filed electronically by 5.00pm (AEST) on Monday 19th September 2022. Teams will receive an acknowledgement of receipt shortly after, and should resend their submissions if they do not receive such an acknowledgment by 8.00pm (AEST) on Monday 19th September 2022.

2.11. The Convenors will email teams their opponents' written submissions as soon as is practicable after the release of the draw.

2.12. Prior to the Semi-Finals and Grand Finals, teams will have the opportunity to update their written submissions according to a deadline set by the Convenors. However, Respondent teams will not receive Appellant submissions prior to submitting their amended submissions.

2.13. Late submissions will incur a 5% reduction of the overall team mark for each 24-hour period or part thereof overdue, in each round a team competes in. In the event of a dispute, the official time is taken to be the time that the submissions are received according to the Tournament Convenors' email records.

2.14. Each team is responsible for bringing one physical copy of their submissions for each presiding judge in each round of the competition. These must be identical to the submissions submitted via email. Each copy should be held together by a staple on the top left-hand corner of the page.

Part 3 - Oral Submissions

Procedure

3.1. There will be at least three (3) and up to four (4) preliminary rounds. If there are three (3) preliminary rounds, each team will moot either twice as Respondent and once as Appellant, or twice as Appellant and once as Respondent. If there are four (4) preliminary rounds, teams will moot twice on each side.

3.2. In each moot, each team will be represented by a Senior Counsel and a Junior Counsel. Speakers shall present in the following order:

- (i) Senior Counsel for the Appellant;
- (ii) Junior Counsel for the Appellant;
- (iii) Senior Counsel for the Respondent;
- (iv) Junior Counsel for the Respondent;

- (v) Rebuttal (delivered by either Counsel for the Appellant);
- (vi) Sur-rebuttal (delivered by either Counsel for the Respondent).

For the avoidance of doubt, only one member from each team may deliver rebuttal or sur-rebuttal in any given round.

3.3. The Appellant team may decline to present rebuttal, even if they have reserved time to do so. Likewise, the Respondent team may decline to present sur-rebuttal, even if they have reserved time to do so. However, if the Appellant team declines to present rebuttal, the Respondent team may not present sur-rebuttal.

3.4. Teams are not bound by, and may deviate from, their written submissions during oral rounds, as long as they have the permission of their judge. Judges may refuse to give permission at their discretion.

3.5. In any given round, the team member who is not speaking may sit at the bar table with their fellow team members and act as solicitor, providing assistance to their team members. Team members may not communicate verbally with each other while a moot is in progress, but may pass notes amongst themselves.

3.6. As far as possible, all participants will avoid letting judges know which Law Schools the teams appearing before them are from. However, a breach of this rule shall not be grounds for appeal or complaint.

Timing

3.7. Each team will have a total of forty (40) minutes to present their oral submissions, including any time for rebuttal and sur-rebuttal. This time is to be divided equitably between speakers, with no more than twenty-five (25) minutes allocated for each speaker's submissions. Senior Counsel should, when giving appearances, state how long each speaker will speak for and how much time, if any, is reserved for rebuttal or sur-rebuttal. Teams may reserve no more than five (5) minutes for rebuttal or sur-rebuttal.

3.8. Judges may, at their discretion, grant an extension of time of up to two (2) minutes per speaker, provided that the speaker requests an extension of time from the bench in an appropriate manner.

Part 4 - Judging and Scoring

Judges

- 4.1. Judges for the Moot may include:
- a) Judges from Australian Courts;
 - b) Barristers, solicitors or other legal practitioners;
 - c) Legal academics;

- d) Law graduates with considerable experience in mooting; and
- e) Any other individuals suitably qualified to judge.

4.2. Each preliminary round will be judged by at least one (1) judge.

4.3. As far as is practicable, the Semi-Finals and Grand Final will be judged by panels of three (3) judges.

Written Submissions

4.4. Written submissions will be scored in accordance with the scoresheet affixed to these rules as Annexure A. Each team will receive a score out of 100 for their Appellant submissions and a score out of 100 for their Respondent submissions, giving an overall written submissions score out of 200.

Oral Submissions

4.5. Oral submissions in the preliminary rounds will be scored in accordance with the scoresheet affixed to these rules as Annexure B. Each speaker will receive a score out of 50, for a total team score out of 100 calculated by adding the scores of the two speakers.

4.6. In each preliminary round, the team with the higher total team score will be deemed the winner. Teams will receive two Round Points for a win and one Round Point for a loss. If both teams receive the same total team score, each team will receive 1.5 Round Points.

4.7. Teams will be ranked according to their total Round Points after the preliminary rounds. If multiple teams receive the same number of total Round Points, their rankings will be determined according to their average total team scores.

4.8. The four teams with the highest rankings will progress to the Semi-Finals. The first-ranked team will moot against the fourth-ranked team and the second-ranked team will moot against the third-ranked team.

4.9. Notwithstanding Rule 4.8., if two teams from the same university progress to the Semi-Finals, they will moot against each other.

4.10. In each Semi-Final, judges will announce the winner of the moot at the conclusion of the round. The winner of each Semi-Final will progress to the Grand Final.

4.11. The winner of the Grand Final will be announced shortly after the Grand Final is complete.

4.12. Judges in the Semi-Finals and Grand Final will be provided with the scoresheet contained in Annexure B. However, will not be bound by the scoresheet and are not required to ascribe scores to determine the winner of the round.

Feedback

4.13. Judges are encouraged to give feedback to teams at the conclusion of each round. However, a failure to give feedback will not constitute grounds for appeal.

4.14. Judges may give general feedback on the round as a whole, or individual feedback directed at specific speakers. However, judges should ensure all speakers receive the same amount of feedback and, in the preliminary rounds, judges must avoid revealing the winner of the round or disclosing individual speaker scores or rankings.

4.15. Judges in the preliminary rounds and Semi-Finals are not to give feedback on substantive law.

Part 5 - Awards

Written Submissions

5.1. There will be an award for the Best Appellant Submissions and an award for the Best Respondent Submissions.

5.2. The award for Best Appellant Submissions will be given to the team with the highest-scoring appellant submissions, and the award for Best Respondent Submissions will be given to the team with the highest-scoring Respondent Submissions.

Best Speaker in the Preliminary Rounds

5.3. There will be an award for the Best Speaker in the Preliminary Rounds.

5.4. To be eligible to win Best Speaker in the Preliminary Rounds, a mooter must have spoken at least twice in the preliminary rounds. Only performance in the preliminary rounds will be considered.

5.5. In each moot, every speaker will be ranked individually as either first, second, third or fourth. This ranking will be given according to the competitor's score relative to the other competitors in that moot. If there is a tie for first, all tying speakers will receive a ranking of first.

5.6. Of the speakers achieving all first rankings, the speaker with the highest average score for their best two (2) moots will be declared the best speaker in the preliminary rounds.

5.7. If no speaker achieves all first rankings, the competitors with the most first rankings will be considered.

5.8. In the event of an unsolvable tie, competitors will share the prize.

5.9. At the discretion of the Convenors, a runner up award may be given to any speakers in close contention for the award of Best Speaker in the Preliminary Rounds.

Best Speaker in the Grand Final

5.10. There will be an award for the Best Speaker in the Grand Final.

5.11. The Grand Final judges will decide the Best Speaker in the Grand Final.

Release of Scores

5.12. At the conclusion of each preliminary round, no results will be announced and no scores will be disclosed. Competitors must not ask a judge to provide them individual or team scores, or to disclose who won the round.

5.13. At the conclusion of the Moot, the Convenors may, at their discretion, release the win/loss results of each round and the overall team rankings.

5.14. Competitors may request their individual speaker scores by emailing womensmoot@suls.org.au within one week of the Moot's conclusion. Individual speaker scores will otherwise be treated confidentially.

Part 6 - Disputes and Appeals

6.1. Any dispute arising out of a breach or alleged breach of these rules will be finally and conclusively resolved by the Convenors, except in the case of a complaint raised against a Convenor, which will be resolved by the SULLS Competitions Directors.

6.2. Any complaint that a team or judge has breached one of the above rules should be emailed to womensmoot@suls.org.au with as many relevant details as possible. If a complaint is raised about the conduct of the Convenors, it should be emailed to the SULLS Competition Directors at competitions@suls.org.au with as many relevant details as possible.

6.3. Except where otherwise stated in these rules, the penalty imposed for a breach of these rules will be at the discretion of the Convenors. For the avoidance of doubt, Convenors have the discretion not to impose a penalty even where there has been a breach of the rules.

6.4. Any complaint regarding the conduct of a team, organiser, or judge which does not constitute a breach of the rules should be emailed to womensmoot@suls.org.au. However, the Convenor reserves the right to take no action in relation to any such complaints.

6.5. There will be absolutely no appeals from the decisions of judges except in the case of an obvious typographical or transcription error in the scoresheet. In particular, there will be no appeals on grounds of merit, unreasonable decisions, or lack of reasons given for decisions.

ANNEXURE A
WRITTEN SUBMISSIONS SCORESHEET

Judge's Name: _____ **Date:** _____

Team Side: _____ **Team Letter:** _____

Criteria	Score /100
<ul style="list-style-type: none">● Demonstrates thorough knowledge of facts and law● Undertakes clear analysis and applies legal principles appropriately to the facts at hand● Demonstrates extensive research and uses authority appropriately● Organised clearly and flows logically● Formatted according to the rules, uses AGLC4 compliant citation including pinpointing, free from errors	

Commentary and Feedback:

ANNEXURE B
ORAL SUBMISSIONS SCORESHEET

Judge's Name: _____ **Date and Time:** _____

Team Side: _____ **Team Letter:** _____

Senior Counsel: _____ **Junior Counsel:** _____

Criteria	Senior Counsel	Junior Counsel
<p>Content of argument /15</p> <ul style="list-style-type: none"> ● Excellent understanding of the critical legal issues and their interrelationship ● Applies legal principles to the facts at hand ● Good command of authorities and effective use of policy arguments where appropriate ● Recognises relative strength of arguments and deals with weaker points of argument ● Understands, addresses and pre-empts or rebuts points of the opposing counsel 		
<p>Manner /10</p> <ul style="list-style-type: none"> ● Conveys ideas with ease, skill and confidence ● Speaks slowly and clearly, pausing appropriately ● Well-modulated, polished style, maintained throughout question answering ● Excellent eye contact and appropriate hand gestures ● Minimal reliance on notes ● Observes courtroom etiquette 		
<p>Organisation and time management /10</p> <ul style="list-style-type: none"> ● Logical structure ● Concise, effective overview of submissions ● Presentation is easy to follow ● Mooter is flexible and can move between submissions ● Understands relationship between, and relative significance of, arguments ● Manages time effectively 		
<p>Response to Questioning /15</p> <ul style="list-style-type: none"> ● Gives clear, direct answers to questions ● Deals with the issues raised by the bench ● Makes concessions where appropriate ● Integrates responses into the overall submissions ● Handles irrelevant questions well ● Maintains composure during questioning 		
Total Speaker Score /50		
Total Team Score /100		