

1. Competition Rules

The competitor must be enrolled in an undergraduate law degree at the university holding the competition.

Fact patterns used for the competition may be in either the criminal or civil jurisdiction.

The rules of evidence as applicable in the Courts of New Zealand shall apply. However, emphasis is on examination and cross-examination of witnesses. Accordingly:

- counsel are not permitted to refer to an opponent's witness brief in cross-examination (eg for the purpose of prior inconsistent statement);
- exhibits and contemporaneous notes will not be entered into evidence;
- witnesses will not be expert witnesses.

Further, several assumptions are made:

- (a) any potential police obligations under the New Zealand Bill of Rights Act have been complied with;
- while the legal framework is expected to be discussed in opening and closing submissions, matters of law are not at issue.

Competitors will receive the background competition materials during a pre-competition workshop. These will also be available from the university law students' society competitions coordinator in the weeks prior to the competition.

There will be one counsel for the prosecution/plaintiff and one counsel for the defence.

Competitors receive the fact pattern 90 minutes prior to the commencement of a hearing. The fact pattern will consist of counsel instructions, a witness brief, and a copy of the opponent's witness brief.

NB: the opponent's witness brief is provided to assist in preparation for cross-examination.

Witnesses receive their briefs together with witness instructions one hour prior to the commencement of the session, and competitors meet with their witness half an hour before the hearing.

Competitors will not discuss the contents of the hearing with any persons other than their witness.

After introductions to the bench, the conduct of the hearing shall be as follows:

opening by prosecution/plaintiff	2 minutes
examination in chief by prosecution/plaintiff of prosecution/plaintiff witness	10 minutes
cross-examination by defence of prosecution/plaintiff witness	15 minutes
opening by defence	2 minutes
examination in chief by defence of defence witness	10 minutes
cross-examination by prosecution/plaintiff of defence witness	15 minutes
summation by defence	3 minutes
summation by prosecution/plaintiff	3 minutes

Witnesses should not embellish their evidence beyond that in their witness briefs. If cross-examined on a point not covered in a brief, a witness should give an answer likely to be consistent with the role being played.

Judges will keep time during preliminary rounds and provide warnings at the appropriate times being:

- (a) for examination in chief/cross-examination : a warning when 2 minutes remain
- for opening/summation : a warning when 30 seconds remain

The time limits will be enforced in the semi-finals and final. Three marks will be deducted for every minute exceeding the time limit. Note: the clock will be stopped during any objections.

All rounds will be marked by a single judge to a set format (attached to these Rules). At the end of the case the judge may make comments as to the style and presentation of the individual counsel.

Each competitor shall be allocated a mark out of 100 (which will be kept confidential). This mark is assessed as follows:

- | | |
|--------------------------------------|----|
| (a) examination in chief | 25 |
| • cross-examination | 25 |
| • knowledge of the rules of evidence | 25 |
| • advocacy and manner | 25 |

There will be no re-examination of witnesses.

All the usual formalities are to be observed when addressing the Bench and normal courtroom etiquette is to be adopted by counsel. Counsel are not required to robe, however counsel's personal appearance and dress should conform to the expectations of the Courts.

**The Witness Examination Competition 2005
Competition Rules
Marking Schedule**

Name of competitor:

Examination in Chief

established credibility
drew out relevant information
witness control
style/demeanour/eye contact with witness
no leading questions
clear theory of the case

_____/25

Cross-Examination

short questions
leading/closed questions
addressed important issues
witness control
style/demeanour/eye contact with witness
clear theory of the case

_____/25

Application of the Rules of Evidence

observed rules of evidence
correct structure of questions
raised objections
response to questions from Judge

_____/25

Advocacy and manner

style/demeanour/eye contact with Judge
manner of delivery
opening submissions
closing submissions

_____/25

TOTAL

_____/100