

Mock Trial Competition 2024 Manual

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About the Mock Trial Competition

Overview

The Mock Trial Competition (MTC) is an educational programme run by the Law Society of WA for secondary school students in Years 10 to 12. Starting in 1986, the MTC has become a strong tradition in Western Australia with many of its former student participants returning as volunteer lawyers to act as advocacy coaches and judges to pass on their skills, knowledge and benefit of their experience to the next generation.

The MTC is a role-playing activity in which teams of school students take on the roles of barristers, instructing solicitors, witnesses, judicial associates and court officers and present both sides of a fictitious case before a mock trial judge in a real court room.

Educational Objectives

The objective of the MTC is to provide an opportunity for students to immerse themselves in the experience of a court case so they better understand the challenges and practical realities of our justice system. To the extent possible, the rules and case materials aim to reflect how court cases are (or should, according to best practice, be) conducted.

The MTC is a unique immersive learning experience for all students in Years 10 to 12 – not just those considering or pursuing a career in law. Students who participate in the MTC will have an opportunity to develop and hone their skills and ability to think on their feet, forensically analyse information, construct and present structured evidence-based arguments and communicate effectively and persuasively while working as a team.

WACE Accreditation

The MTC is recognised by the School Curriculum and Standards Authority (SCSA) as a Provider-Developed Endorsed Program. Students who participate in at least three mock trials are eligible to achieve WACE Standard Level accreditation. Students who go on to participate in at least one finals round are eligible to achieve WACE Advanced Level accreditation. Students who participate in at least one mock trial but less than three will receive a Participation Certificate (regardless of the round they actually attended). For those eligible for WACE Accreditation, the Certificate will include the unique number required by their school's administrators to be uploaded to SCSA.

For each mock trial, it is a requirement that the teacher completes and signs the WACE Attendance Sheet (annexed to this Manual) for each of their teams as evidence of participation for each individual student. This is not a document that should be completed by students (not to be confused with the Notice of Appearance) as the document evidences the attendance of individual students to calculate their eligibility for WACE Accreditation at the conclusion of their participation in the Mock Trial Competition.

Registration

Registrations open at the beginning of Term 1 and close mid-February. Schools are encouraged to register their team as early as possible as the registrations will close once the maximum number of teams is reached. As soon as practicable after registrations have closed and teams finalised, the

Case Materials and Fixtures for at least Round 1 of the MTC will be released. A copy will be published on the website and also emailed to the teacher contact noted on the Registration Form.

To register a team:

- A school must complete the online Registration Form available on the Law Society website (click [here](#)). This includes payment of the relevant registration fee.
- The Form allows an individual school to register up to 5 teams.

Each team must have a minimum of 8 students and a maximum of 15 students. Schools are encouraged to register fewer teams but with more students in each team to reduce the risk of forfeits when students are unable to attend (e.g. due to illness).

Tips when Completing the Registration Form

When completing the Registration Form, please note that:

- The names of each student registered must match the formal enrolment details for that student. If the student has a preferred name please include that in brackets. The name entered on the registration form will be used to generate the Certificates and incorrect/informal names may cause delay in that student receiving their WACE accreditation and/or Certificate.
- Email is the primary means of contact between the Mock Trial Coordinator and the school teams. If more than one teacher is involved in facilitating the school's participation in the MTC, please include the email address of all teachers or school staff (e.g. administrators) who need to be notified about the MTC.
- Each school team must disclose the dates during each Round that each of their teams is NOT ABLE to participate. Each school must have at least 3 available dates each round.

If you have any queries at all in relation to registration, please contact the Mock Trial Coordinator by email as soon as possible at mocktrial@lawsocietywa.asn.au.

Fees

At the time of registration, each school must pay the registration fees for their team via a credit card. The registration fee is calculated by reference to how many teams a school registers with the cost to register a team increasing with each team (up to 5 teams per school). This cap is to ensure there is opportunity for other schools to register a team. The number of teams in the MTC in any given year is capped due to resourcing constraints.

Please refer to the Fee Schedule for the relevant Competition year on the website. Upon registration, schools will receive a Tax Invoice Receipt (automatically generated email).

If a school wishes to withdraw a team, it must do so within a week of registering to receive a full refund. Teams who withdraw from the MTC after this will not receive a refund.

Student Access Program

If a school has an ICSEA value of 1,000 or less, that school is eligible to receive support from our Student Access Partner. Eligible schools pay only a discounted registration fee for their teams with the Student Access Partner contributing the balance directly to the Law Society. Please refer to the Fee Schedule on the website for the relevant competition year.

Competition Points

The MTC is divided into 6 rounds. All teams participate in the first three rounds of the MTC.

In the first three rounds, competition points are allocated on the following basis:

- 3 points for a win
- 1 point for a loss
- 0 point for a forfeit
- 3 points to a team whose opponent forfeits

Upon the completion of the first three rounds, the 16 highest ranked teams progress to finals.

The ranking for each team within the MTC is calculated by reference to their team points (as above) and then by reference to the highest percentage calculated by dividing a team's score with the score of their opposition. The rankings will not be published save that at the end of Round 3 the top 16 teams will be announced. The Mock Trial Coordinator will inform each school of their own school team's ranking/s at this time.

Finals Rounds

The highest ranked 16 teams after Round 3 proceed to the Finals Rounds which, in 2024, shall be:

- Round 4 - Preliminary Finals (16 teams in 8 trials across 2-3 days in August);
- Round 5 - Semi-Finals (top 4 teams from the preliminary finals in 2 trials in September. The ranking is calculated by reference to the same formula described above); and
- Round 6 – the Grand Final (the winning teams from the semi-finals compete in the Grand Final in around mid-October).

The winner of Round 6 shall be the outright winner of the Competition for that year. Please refer to the Finals Fixture annexed to the Manual for further information about the fixtures for the Finals Rounds.

Dates

The MTC takes place from February to October every year. The first three rounds are held in March, May and June and finals from August. The specific dates for each competition year are detailed in the MTC Calendar available on the Law Society website.

School Availability

It is a requirement that schools teams be available on at least 3 days in each round of the competition to facilitate the preparation of fixtures. Schools are welcome to advise the Mock Trial Coordinator by email (or in the Registration Form) of any preferred dates and the reasons in support. To the extent possible once competition requirements are met, preferences will be accommodated.

The more availability each individual school can offer, the greater chance we have of accommodating preferences.

If a team's availability changes, please email the Mock Trial Coordinator as soon as possible.

It may be possible (subject to the availability of venue, mock trial judges and the consent of the opposing team or any other team who will be impacted) to change your date without a penalty but if this is not possible, the team who cannot attend will have to forfeit.

Times

Each mock trial must commence by no later than 5:30pm and conclude by 8:00pm. Student teams are encouraged to be present at site by no later than 5:00pm to ensure there is sufficient time to manage the administration and show each team to their allocated court room prior to the strict start time.

A team who has less than 4 members present by 5:45pm must forfeit (see Competition Rules). If both teams and the mock trial judge are present, ready to go and agree to commence the trial prior to 5:30pm, then this can occur in those circumstances.

Location

Mock trials are ordinarily held at the old Supreme Court building in Stirling Gardens, Barrack Street, Perth. Students can be dropped off and picked up directly outside the building (cars can enter from 5pm through the Barrack Street gates). We do not have access to any car parking bays at the court. Any MTC participants who choose to park in any available bays do so at their own risk.

For schools with large buses, it may not be possible for the bus to fit through the bollards to gain access to the front of the Court. There is an alternative carpark out the back of the Court which may be more suitable. Alternatively, the old Supreme Court building is within a 5 minutes walk of Elizabeth Quay train and bus station. Please note that all travel involved shall be at the school's own expense and remains the sole responsibility of the school.

On occasion there may be mock trials for specific teams in other locations including the Old Courthouse Museum, Mandurah Courthouse or other suburban or regional courthouses as need be.

The Mock Trial Coordinator will liaise with the relevant teacher if the need or possibility for a change of location for a specific mock trial arises.

Access

The Supreme Court building is accessible by wheelchair. If a team (or any of their spectators) requires wheelchair access or any other support or assistance to facilitate a student participating in the MTC, please contact the Mock Trial Coordinator as arrangements can be made with advance notice to increase access and convenience for such students and their families or carers. For example, if a student is on crutches we will move their trial to a closer courtroom etc.

Competition Rules

The Competition Rules for the current year are available on the website. Please ensure you are referring to the current year in case the Rules have changed from the previous year. The Competition Rules are developed by the Law Society of WA informed by feedback from participating schools, schools experiencing barriers to participating, volunteer lawyers and law students who support and participate in the competition and feedback from the broader legal profession and judiciary. They are reviewed periodically to ensure the conduct of the mock trials align with the MTC educational objectives and ensure, to the extent possible, that the experience of the students in the mock trials prepares them for what they may expect in real life. Teachers and students are encouraged to focus on the overarching educational objectives when participating in the MTC to ensure the experience is positive for all concerned.

About the MTC Hearings

Preparing for the Mock Trial Hearings

Once registrations close, each school will receive the Case Materials and Fixtures (via email to their teacher contact). Every team in each round are given the same Case Materials and allocated their side (Plaintiff/Prosecution or Defendant/Defence). Teams should refer to the Fixtures to see which side they have been allocated.

All teams participate in the first three rounds. In those rounds, teams should expect:

- To participate in at least one criminal and one civil trial;
- That the Case Materials may be new or may be ones used previously in the MTC;
- They will have the chance to present a case from both sides (i.e. Plaintiff/Prosecution and Defendant/Defence).

Case Materials

The Case Materials are developed by volunteer lawyers and law students and are often adapted from real cases experienced in practice. The aim of the Case Materials to provide the students with an opportunity to gain exposure to issues and scenarios they are likely to experience in real legal matters. It is up to each school and their team to decide how they want to prepare their case including which roles the students play within the mock trial, how they want to prepare (e.g. allocation of work within team members) and to what extent (if any) they are assisted by an advocacy coach.

Format of the Mock Trial Hearings

Ordinarily, each mock trial runs from 5:30pm to 8:00pm (or earlier as the case may be) and is adjudicated by a volunteer lawyer or law student (most of whom participated in the MTC themselves). At the end of each mock trial, the mock trial judge will announce which side “won” the hearing (i.e. which side the judge was most persuaded by) and announce the scores they allocated to each team (i.e. the competition outcome). The team with the highest score is deemed the winner for the purposes of the competition.

Roles for Students

There are 6 active roles for students in each team with the balance of students in the team acting as reserves. All team members including reserves should participate in the preparation of the case as reserves are expected to step into a role if a student is unable to compete (e.g. due to illness or a family emergency).

The active roles for students in a mock trial are:

- Barrister 1 (a speaking role - announces appearances, gives the opening address and shares examination-in-chief and the testing of evidence for the witnesses);
- Barrister 2 (speaking role – presents the closing submissions and shares testing of evidence with Barrister 1);
- Instructing Solicitor (non-speaking but pivotal role. Actively manages the case and assists Barristers 1 and 2).
- Witnesses (speaking role - each team supplies 2 witnesses whose role is to use the information in the Case Materials to get into the character of that witness and give substantive evidence as required or directed by the relevant Barrister and/or mock trial judge);
- Judges Associate (the Defendant/Defence side supplies a student to take on the role of the judge’s associate. This is mostly a non-speaking role with a focus on assisting the judge to manage the proceedings through record keeping (managing List of Objections and List of Exhibits);
- Court Orderly (the Plaintiff/Prosecution side supplies a student to take on the role of court orderly. This is a role with scripted speaking with a focus on assisting the judge to manage the proceedings through announcing when court commences and adjourns, swearing in witnesses, passing documents between barristers, witnesses and the Judge’s Associate (as required), time keeping (ringing a bell at certain intervals) and record keeping (managing the Timesheet.)

See the Mock Trial Run Sheet for more details about when and what should happen in the mock trials in the MTC. For schools new to the MTC, it is up to each school how they want to allocate their roles. Some rotate their team members through the roles across the rounds to ensure the team as a whole benefits from everyone understanding the challenges and requirements of each role. Other schools keep students in the same roles so those students can hone their skills across the rounds. Some schools also open the roles of witnesses up to students who may not be interested in law but keen to participate (e.g. drama students).

Practical information for teams on the day of a mock trial

On day of trial

On the morning of your Mock Trial, the Mock Trial Coordinator will email each teacher contact to confirm the logistical and practical information for the mock trial that evening (which may have changed at last notice if, for example, a team has forfeited, the venue has had to change to accommodate the Supreme Court's operations or an unforeseen event).

Dress Standards

Students may wear either their school uniform or dress for the part. This may mean a gown for barristers (if the school supplies their own) or for witnesses it might mean being in costume in keeping with their character). Irrespective of whether a uniform or costume is worn, the standard of dress must be neat and tidy at all times (as is required by usual court room etiquette). Hats must not be worn in any court room at any time. Hair coverings, including wigs for those in character, are permitted.

Arrival on site

Ideally, teams should aim to be present on site 30 minutes before the start of their mock trial (so ordinarily at 5pm). Students are requested to gather with their teams outside the Court building (weather dependent). Teachers should make contact with the Mock Trial Coordinator as soon as they arrive on site. Once all students for a team are present, the teacher should hand their signed Attendance Sheet to the Mock Trial Coordinator prior to the commencement of trial (or if this is not practicable at some point during the trial). The Mock Trial Coordinator will then show the whole team (as a group including any spectators) through to their allocated court room. There is only 30 minutes in which to get up to 14 teams processed and shown through so the cooperation of teachers is vital for the trials to run (and finish) on time.

For this reason, teams are requested to please refrain from entering the court building without the Mock Trial Coordinator. Individuals who need to use the bathroom should enter for that purpose but then head back outside to wait with the rest of their team. Spectators should be asked to be on site with the team or otherwise they will need to wait until after all the teams have gone through before being shown through (the priority is to get the students and the mock trial judges through so trials can commence on time).

Photos and Video Recordings

It is prohibited to take photographs or video recordings within any part of the building (including the main foyer and the courtroom). If your team wants to take a team photo, please do so either in the gardens or out the front of the building before you enter (while there is still sunlight outside). Mobile phones must be switched off and can not be used to keep time. Students may take water bottles into the court, but no other food or drink is permitted. School bags must be kept in courtrooms with the students and should be stored neatly inside the courtroom where they do not pose a trip hazard.

Conduct of the Trial

It is expected that each mock trial will:

- be conducted in compliance with the Competition Rules (annexed to this Manual);

- run as per the procedure outlined in the Mock Trial Run Sheet (annexed to this Manual) subject to any specific directions made during a mock trial by the mock trial judge. Each mock trial judge has the discretion to run their mock trial and courtroom as they see fit. The Run Sheet is provided by way of guidance only and to give an indication of time to assist everyone keep the trial within the time limits.
- apply the Simplified Rules of Evidence (annexed to this Manual). In the MTC, the focus is on advocacy skills and techniques and not knowledge of substantive law. For this reason, students are directed to not go beyond the modified law as outlined in the Case Materials and this Manual.

Due to security requirements, participants must not wander around the building or enter areas other than those as verbally directed by the Mock Trial Coordinator on the night. This will usually be the allocated court room, the closest bathroom, water fountain or nearby waiting area. Any directions given on a particular evening apply only to that particular evening.

Please contact the Mock Trial Coordinator for further information.

After the Trial

If the trial ends before 8pm and the mock trial judge indicates they are happy to stay behind for questions, students may approach the mock trial judge for the purpose of thanking them for their time and/or asking for further constructive feedback. Please be mindful that the mock trial judges are all volunteers, have usually worked a full day prior to giving up their evening for the students and have their own commitments to return to once the trial concludes. Please keep questions brief.

The Courts must be vacated by 8pm. All participants must follow the directions of the Mock Trial Coordinator to vacate the premises after trial. It is the responsibility of each school to organise, administer and supervise the departure of students from the venue at the conclusion of the mock trial.

The completed Scoresheet should be signed by the judge and returned to the Mock Trial Coordinator. The Mock Trial Coordinator will check the Scoresheet before the scores are recorded and will email a scanned copy of the Scoresheet to each teacher as soon as practicable in the week following the mock trial. It is up to each school if and how they share the content in the Scoresheet with their students and/or coaches.

Scoring and Feedback

Each mock trial judge must complete the Scoresheet for each side during the trial. The Scoresheet template is annexed to this Manual and outlines the criteria for the allocation of points for the particular components of the trial and for the performance of individual roles by the students. The allocation of points is at the sole discretion of the mock trial judge.

It is at the discretion of each mock trial judge (and often dictated by time constraints):

- Whether they give a draft “judgement” (i.e. the verdict of the judge in the mock trial case);
- How much (if any) written feedback is provided to the teams in the Scoresheet;

- How much verbal feedback is provided to the teams at the end of trial (teachers should task their reserves with writing down all verbal feedback given by the mock trial judge to capture it).

The only mandatory requirement of mock trial judges is that the Scoresheet clearly reflects the allocation of points for each component of the trial and the team with the most points is announced as the winner at the end of the mock trial. There are strictly no draws allowed in the MTC.

If a mistake is identified after the mock trial has concluded, this should be raised with the Mock Trial Coordinator as soon as possible. For example, the mock trial judge may have incorrectly added up the score or exceeded the maximum points allowable in the scoresheet. In such a case, the Mock Trial Coordinator will inform both sides of the issue and then put the position of both sides (if relevant) to the mock trial judge for clarification. The mock trial judge will then notify the Mock Trial Coordinator what amendments (if any) to make to the Scoresheet to ensure it reflects how it was intended to read. The Mock Trial Coordinator will notify both schools of the outcome and this is regarded as the end of the matter. It is not feasible within the scope and resources of the MTC to conduct re-trials or appeals.

Dealing with Forfeits

It is expected that facilitating teachers will take all reasonable steps to avoid their team having to forfeit (which includes ensuring wherever possible each team has sufficient reserves briefed on the matter to step in on short notice and that students registering to participate have availability to attend the mock trials on top of other commitments (see Calendar for competition dates)).

For WACE Accreditation purposes, students need to participate in at least three rounds to obtain Standard Level accreditation. If a team has forfeited (or has been forfeited against) and requires WACE Accreditation, they will need to participate in a form of modified activity. The details and timing of any modified activity will be worked out between the facilitating teacher and the Mock Trial Coordinator.

For competition purposes, it is useful to know in advance if a team has to forfeit as there may be options to limit the impact of this on their opposing team.

If a team is at risk of forfeiting, teachers should contact the Mock Trial Coordinator as early as possible to discuss possibilities and options.

Process for Resolving Complaints or Alleged Breaches of Competition Rules

All teachers facilitating the attendance of their schools are required to be present during the mock trial, ideally observing the mock trial/s if possible. If during a mock trial there is a concern that a Competition Rule has been breached, the teacher should raise this as soon as practicable with the Mock Trial Coordinator.

While the exact course of action will depend on the nature of the concern raised, the Mock Trial Coordinator will (where appropriate) take steps to afford all teams procedural fairness by notifying the teacher of the other side about the concern raised and ensuring both teachers understand the position of the other with respect to the issue before anything is then communicated by the Mock Trial Coordinator to the mock trial judge (where this is appropriate).

In most cases, it is necessary for the Mock Trial Coordinator to make further enquiries or independently observe the conduct of part of a mock trial. This is why teachers should raise any concern as early as practicable during the mock trial and not wait until the trial has concluded (when there are limited options to resolve a matter).

It is important teachers keep in mind that the mock trial judges are volunteering their own time to adjudicate the trial and the MTC can not run without their support. Any feedback about a particular mock trial judge should be made to the Mock Trial Coordinator.

Advocacy Resources for School Teams

Law Society's Resource – Mock Trial Advocacy 101

The Law Society is developing a video resource "Mock Trial Advocacy 101" for students participating in the MTC to provide some additional support and guidance in relation to advocacy within the context of the MTC.

Teachers will be provided access to this resource by the Mock Trial Coordinator once it is available. The resource includes filmed interviews with law students, lawyers and a judicial officer about advocacy experiences and expectations within the MTC. The content reflects the type of general feedback students may expect to hear at the conclusion of a mock trial and explains how advocacy in the mock trial setting differs from matters in real life.

The resource is intended to assist schools either new to the competition, whose coordinating teacher has not studied or practiced law and/or who do not have access to advocacy coaches.

Please note that the video resource is not permitted to be published publicly or shared with any person other than the teachers, individual students and/or coaches for a school team who are or will be participating in that year's competition.

Other Advocacy Resources for Students

To compliment the teaching resource, the below list of recommended video resources (most are around 5 minutes each) are publicly available (and free of charge at the time of writing):

Preparing for the Trial

- How to Analyze your case for the trial - https://youtu.be/DTRWdQDwR70?si=W4hx_2Hqh7cPLJOb
- How Lawyers Should Behave in Court - Barrister's Rap: Courtroom Etiquette and Conventions - <https://www.youtube.com/watch?v=-hVb12VCSaI>
- Making an effective closing speech (made for juries but equally as applicable to trial by judge) - <https://youtu.be/O7iW0YRAyrw>

Evidence

- Dos and don'ts of examination-in-chief - <https://www.youtube.com/watch?v=N34DzMMWIZU>
- Can you ask Open Questions in Cross-Examination - <https://www.youtube.com/watch?v=yEJpUpTWtFQ>
- Cross-Examination – How to Handle Difficult Witnesses - https://youtu.be/x7PG0CFSr_g?si=Vc-DqVKQS4To56DH
- Cross-Examination – Leading Questions - https://www.youtube.com/watch?v=f4_j7_CMzuc
- Cross-Examination – Putting your case to the witness - <https://www.youtube.com/watch?v=rptu8lg199U>
- How to deal with weaknesses in your witness's examination - <https://youtu.be/cDowIBZETTU?si=kMAC8BwF4obrZV9P>
- Your witness has forgotten their evidence – help? <https://youtu.be/iFD56fkPXMU?si=QE3gM2B9BSMFFDXF>
- Irving Younger's 10 Commandments Of Cross Examination at UC Hastings College Of The Law (note this video is of 43 minutes duration but highly regarded by the legal profession - <https://www.youtube.com/watch?v=dBP2if0I-a8>)

Advocacy Coaches

It is up to each individual school to decide whether or not (and if so how) they want to involve an advocacy coach to support their students to prepare for their mock trial hearings. It is not a requirement that each school or school team has an advocacy coach.

Role of Coach

The role of the advocacy coach is to provide support and guidance to the teacher to ensure the students know how a mock trial is conducted (the role of the judge and each individual role within the mock trial) and how to prepare and present their case based on the Case Materials (e.g. advocacy techniques). While it is envisaged that coaches will offer guidance, it is expected that any preparation of material for presentation to the court is done by the students themselves.

The coach should determine the time and venue for their coaching in consultation with the facilitating teacher. The Law Society does not expect coaches to spend more than 2-3 hours per round coaching their team. Coaches should liaise with the coordinating teacher regarding any Working With Children Check (WWCC) requirements. All coaches should read the Manual as some of the procedures in the mock trials differ from those used in actual courtrooms.

Sourcing a coach

Some schools approach lawyers directly to engage their services on a volunteer basis to coach their team (e.g. through their alumni community or networks). Other schools have a tradition whereby former students take on the role of advocacy coach.

If a school would like the assistance of an advocacy coach and is unsuccessful in securing one themselves, the Law Society can make enquiries of members and the MTC network to see if a suitable advocacy coach can be found.

Please contact the Mock Trial Coordinator if you have any queries or require assistance in this respect.

The details of all coaches (including their full name and a contact email address) should be communicated to the Mock Trial Coordinator by email.

CPD Points for Volunteer Practicing Lawyers (Coaching or Judging)

For judges and coaches who have practicing certificates, the Law Society as a CPD Provider is able to issue CPD points for their attendance at a mock trial hearing (1 Professional Skill point per hour of attendance up to 6 points in any CPD Year). Those wishing to claim CPD points from attending the mock trials must sign the CPD Attendance Sheet at the start of the mock trial and note their time of entry and departure.

The CPD points shall be uploaded to the LPBWA directly by the Law Society twice per CPD year. Any enquiries about CPD points from the MTC should be made via email to the Mock Trial Coordinator.

Unfortunately, due to LPBWA requirements no CPD points can be issued for time spent coaching outside actual attendance at the mock trial hearings.

List of Annexures

Competition Documents:

1. Competition Rules
2. MTC Finals Fixtures
3. WACE Attendance Sheet (Endorsed SCSA Record evidencing student attendance)
4. Scoresheet
5. Mock Trial - Run Sheet
6. Simplified Rules of Evidence for use in MTC Hearings

Documents to be used by students in the mock trial:

7. Notice of Appearance
8. List of Objections

9. List of Exhibits

10. Timesheet

Feedback

Teachers are welcome to provide feedback at any stage of the MTC to the Mock Trial Coordinator. There is an opportunity for teachers and students to provide constructive de-identified feedback at the end of the MTC year through a survey.

Further Information

If you have any queries about the Mock Trial Competition, please contact the Mock Trial Coordinator at mocktrial@lawsocietywa.asn.au (email is the preferred contact method as the role is part time).

Mock Trial Competition 2024 Competition Rules

Team Registration

1. The Law Society of Western Australia's Mock Trial Competition (MTC) is open to all school aged secondary students in Western Australia who are in Years 10, 11 or 12.
2. Students are registered as a team by their facilitating teacher using the formal name of each student (names must match the student's SCSA enrolment records).
3. A student shall not be included in more than 1 team. Students are not permitted to change teams except in exceptional circumstances and with the express permission of the Mock Trial Coordinator.
4. Any changes to team registration and/or membership (Including requests for a student to swap teams) can only be made with the expression permission of the Mock Trial Coordinator. Requests for changes must be made in writing via email. The Mock Trial Coordinator may reject any application to change students in a team.
5. Only those students whose name appears on the original registration form, or who are accepted by the Mock Trial Coordinator pursuant to the above rule, may participate in the Competition.
6. A team must have at least 8 and no more than 15 students. Each mock trial team has 6 active roles: 2 barristers, an instructing solicitor, 2 witnesses, a Judge's Associate (D) or a Court Orderly (P) with the remaining students as reserves. Students can rotate the active roles between their team members or stay in the same roles across the rounds.
7. A school may enter more than 1 team up to a maximum of 5 teams. Schools seeking to register more than 5 teams must have first registered 5 teams with the maximum number of students and then request permission to register any additional teams from the Mock Trial Coordinator. Such requests will be considered after the registration period has ended and will be balanced against the need to ensure there is opportunity for students from other schools to participate within the parameters of resourcing constraints.

Student Attendance and WACE Accreditation

8. The Attendance Sheet (annexed to the Competition Manual) serves as the official WACE Endorsed Record and must be completed and signed by the teacher and given to the Mock Trial Coordinator for each team at each mock trial hearing.
9. All team members present, including reserves, must be listed on the Attendance Sheet together with the name of any coach who assisted the team for that round and any teachers attending the mock trial hearing.
10. The Attendance Sheet is the primary document used to evidence the attendance of students at the mock trial hearings. The eligibility of an individual student to WACE Accreditation arises from their attendance at individual mock trial hearings, not from their participation in any meetings to prepare for such hearings.
11. If a teacher needs to correct a mistake on their Attendance Sheet, this must be done in writing by way of an Amending Attendance Sheet completed and signed by the teacher and sent via email to the Mock Trial Coordinator (i.e. complete a new Attendance Sheet with the correct details and mark it as "Amending" with the current date).

12. If a student is unable to attend a hearing due to illness (and they require WACE Accreditation), the teacher should forward a medical certificate for that student to the Mock Trial Coordinator to satisfy the requirements for that student's WACE Accreditation. If the reason for the student's absence is due to another form of extraordinary event (e.g. a personal matter or family emergency), the teacher should instead cause a letter on school letterhead to that effect to be provided to the Mock Trial Coordinator as evidence of their non-attendance.

Conduct of the Mock Trial Hearings

13. If the trial does not commence within 15 minutes of the scheduled commencement time, the team responsible for the delay shall forfeit that round. A team must commence the trial if at least 4 of their team members are present. Reserves should attend each round to reduce the risk of a team forfeiting.
14. A trial shall take no longer than 2.5 hours to complete. Judges may at their own discretion deduct points if a team goes over time.
15. It is the role of the Court Orderly to sound a warning bell 1 minute prior to the end of each session of the trial.
16. Timekeepers may not use mobile phones, laptops or tablets for time keeping.
17. While it is generally expected that the mock trial hearings in the Competition shall be conducted in accordance with the Mock Trial Run Sheet (annexed to the Competition Manual), the conduct of each mock trial hearing is at the discretion of the individual mock trial judge (i.e. it is each individual mock trial judge how they wish to manage proceedings in their own court room having regard to the Mock Trial Run Sheet).
18. The mock trial hearings in the Competition shall be conducted in accordance with the Simplified Rules of Evidence (annexed to the Competition Manual) and any direction given to the student teams and/or mock trial judge within the Case Materials for any particular round.
19. Witnesses must not bring any documents into the witness box or refer to any written material they have prepared while giving evidence during the trial. If a witness forgets their evidence, it is the responsibility of the barrister to ask questions to prompt the witness.
20. No marks are to be awarded to a witness who reads their statement or looks at their written statement while they are in the witness box unless there are exceptional circumstances and the mock trial judge has given the witness permission to do so.
21. If a witness does not disclose all of the substantive content from their witness statement, the balance of their statement as per the Case Materials will be treated as though it was disclosed during the mock trial hearing. In the interests of time management, there is no need for the mock trial judge to read the statement into evidence.
22. The only documents that may be provided to a witness while they are in the witness box are documents that are to be exhibits in trial as per the Case Materials for that Round.
23. For each mock trial, there are 4 prescribed documents which must be completed by certain student roles and handed to the mock trial judge at the appropriate time.
24. These prescribed documents are all annexed to the Competition Manual and are:
 - a. Notice of Appearance,

- b. List of Objections
- c. List of Exhibits; and
- d. Timesheet.

- 25. Failure by a student team to complete a document correctly may impact the allocation of points as per the discretion of the mock trial judge for that hearing. Students should refer to the Mock Trial Run Sheet for more information about what is expected for individual roles.
- 26. Closing submissions are to be prepared solely by the barristers and instructing solicitor of each team. Those students must not refer or speak to anyone else during the adjournment in which they are to prepare their closings.
- 27. No coach, teacher or other spectator is permitted to prompt, coach or assist the students with the conduct of the mock trial at any time during a mock trial. Failure to comply may disqualify that team from Competition or impact the allocation of points for that hearing.
- 28. Teams are not permitted to relay information between court rooms relating to the progress of argument in other courts during the mock trial hearings. Team debriefs should occur after the hearings for the evening have concluded and court is vacated.
- 29. Unless they have the express permission of the Mock Trial Coordinator, students are only permitted to attend the mock trial hearing in which their registered team is participating in on that night (i.e. they must not attend an earlier trial in that round as observers).
- 30. All participants and persons attending the mock trial hearings are expected to act appropriately and respectfully and conduct themselves in a positive spirit. Failure to do so may result in a student or team being withdrawn from future rounds of the competition. Students are expected to respect the decisions of the mock trial judges even if they disagree with them. Students and teachers should refrain from approaching the volunteers acting in the role of mock trial judge until after the mock trial has concluded.
- 31. After trial has concluded, students and teachers may communicate or interact with the volunteer mock trial judge only if they are seeking further feedback, keep their interaction brief (to respect that the volunteer is in their personal time and has other commitments to return to) and keep their contact positive and in the spirit of the competition. Students are encouraged to thank the volunteers without whom the competition could not operate.

Judging Criteria and Scoring

- 32. The mock trial shall be judged using the criteria set out in the Scoresheet annexed to the Competition Manual.
- 33. The allocation of points is at the sole discretion of the mock trial judge.
- 34. The team with the highest points is the winner of that mock trial. No draws are allowed.
- 35. The decision of the Mock Trial Judge is final.

Competition Format and Points

- 36. The Competition is divided into two parts. The first part comprises the first three rounds of the competition (attendance at all three rounds enables students to attain Standard Level WACE Accreditation). The second part comprises the Finals Rounds (students with Standard Level WACE Accreditation who attend at least one finals round attain Advanced Level WACE Accreditation).

37. Competition points shall be allocated on the following basis:

- 3 points for a win
- 1 point for a loss
- 0 points for a team who forfeits
- 3 points to a team whose opponent forfeits

38. Upon the completion of the first three rounds, the 16 highest ranked teams progress to Round 4 (the Preliminary Finals). Upon the completion of the Preliminary Finals, the 4 highest ranked teams progress to Round 5 (the Semi-Finals). The winners of the Semi-Finals progress to Round 6 (the Grand Final). The fixtures for the Finals Rounds shall be arranged according to the diagram annexed to the Competition Manual.

39. Where there is a tie for a place based on competition points, those places shall be given to the team with the highest percentage calculated by dividing the number of points scored in trials for the team by the number of points scored in trials against the team.

Forfeits

40. A team intending to forfeit must notify the Mock Trial Coordinator by email at the first available opportunity. Team reserves must be used where possible.
41. A team will be required to forfeit if they fail to have at least 4 team members present within 15 minutes of the scheduled commencement time for that trial (i.e. ordinarily this will be 5:45pm).
42. Teams who are present and have their opposition team forfeit on the night shall, if possible, undertake a modified form of activity on the night which will allow them to demonstrate their preparation for the trial and provide an opportunity to obtain feedback. Examples of modified form of activity may be the partial presentation of the mock trial (depending on team members and reserves present) or a Q and A style workshop with a volunteer mock trial judge about case preparation etc).
43. For teams whose students require WACE Accreditation and who either forfeit or are forfeited against but not able to attend on their scheduled night, reasonable efforts will be made to facilitate those students participating in a form of modified activity on another date within the competition year (subject to resourcing constraints including venue and volunteer availability).

Use of Electronic Devices during the Mock Trials

44. Except in extraordinary circumstances and with the express permission of the Mock Trial Coordinator, students are not permitted to use electronic devices (other than a simple stopwatch or timer) during the mock trial hearings. This includes a mobile phone, laptop or tablet device.
45. Teachers should notify the Mock Trial Coordinator of any such circumstance as early in advance as possible prior to the commencement of the trial. If permission is given, the Mock Trial Coordinator will inform the mock trial judge of the relevant circumstances so that can be taken into account during the conduct of the mock trial proceedings.

Dealing with Allegations of Rule Breaches

46. If a teacher is concerned there has been a breach any of the Competition Rules, the alleged breach should be referred to the Mock Trial Coordinator at the earliest opportunity so the issue can be resolved or mitigated.

47. To the extent that is possible and appropriate, the Mock Trial Coordinator will take all reasonable efforts to ensure that the teachers for both teams are:
 - a. informed of any allegations;
 - b. the process by which it is proposed to resolve or mitigate the issue; and
 - c. the extent to which the mock trial judge is or should be involved.
48. If the issue causing concern relates to an event within the mock trial hearing (e.g. a witness taking a document into the stand), the barrister for the team is allowed (and is encouraged) to bring the matter to the judge's attention at an appropriate time in the proceedings (e.g. before the witness starts to give evidence).
49. If the Mock Trial Coordinator becomes aware of any serious breach of the Competition Rules, they may refer the breach to the relevant Manager of Education and Community Services at the Law Society of Western Australia.
50. The Manager will consider the breach and, if they elect to act, they may at their own discretion impose any one or more of the following penalties:
 - Team forfeiting that round
 - Forfeiture of some or all of the points scored by a team in a mock trial
 - Suspension or expulsion of a team member, teacher or coach from the Competition
 - A ban of a particular person responsible for the serious breach from attending mock trial hearings
 - Disqualification of a team from the competition.
51. The decision of the Manager shall be final and binding and communicated to the relevant teachers in writing.

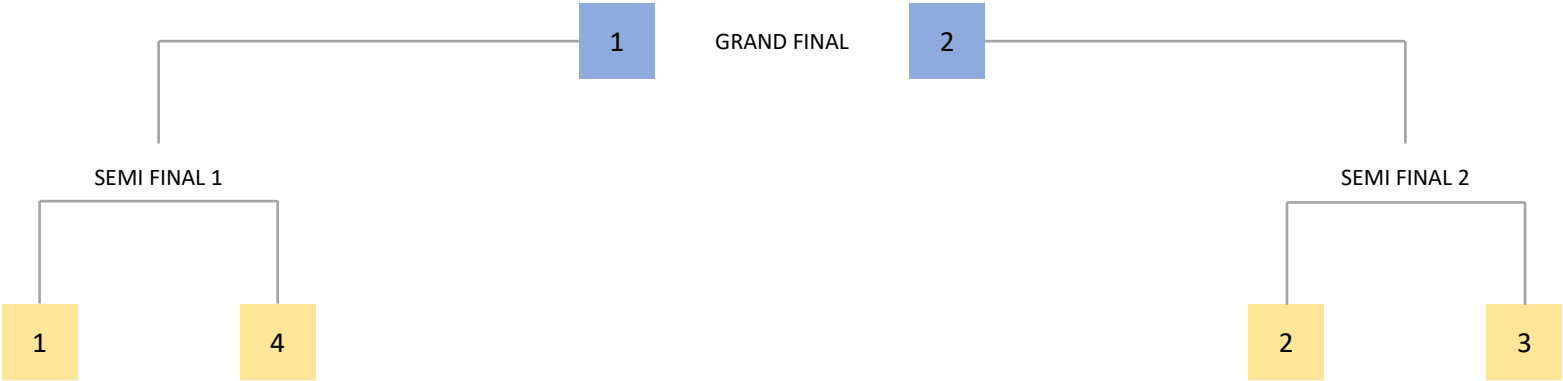
MOCK TRIAL COMPETITION 2024



FINALS FIXTURES

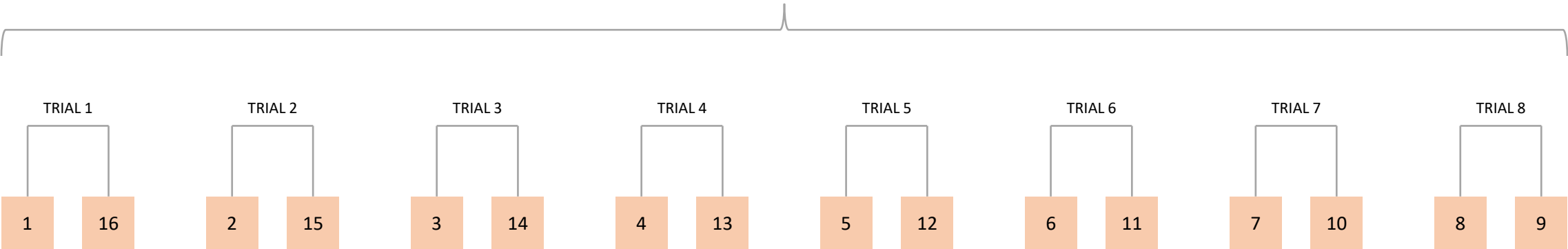
GRAND FINALS

SEMI-FINALS



TOP 4 TEAMS RANKED ON SCORES PROCEED TO SEMI FINALS

PRELIMINARY FINALS



THE 16 HIGHEST RANKED TEAMS AFTER ROUND 3 PROCEED TO THE PRELIMINARY FINALS.

Attendance Sheet (WACE Endorsement Record)

Instructions: This document must be completed and signed by the teacher who attends with the students on the night of the mock trial (separate sheet for each student team). It is used to verify the attendance of individual students at each mock trial hearing to determine eligibility of that student for any WACE Accreditation.			
Round		Date	
School Name			
Team Name			
Coach's Name			

No.	Student's Name (as per enrolment records)	Year (10,11,12)	Role (B1, B2, IS, W1, W2 etc, CO, JA or R)
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			

Teacher's Name _____
Teacher's Signature _____

Date:

Courtroom:

Judge:

P School Team Name:

D School Team Name:

SCORING GUIDE

Not Effective		Fair		Good		Very Good		Excellent	
1	2	3	4	5	6	7	8	9	10

Points for Team Performance (at each stage of trial)

Component of Trial	Prosecution/ Plaintiff	Defence/ Defendant	Feedback for Students (optional)
Opening Address <ul style="list-style-type: none"> - Appropriate summary of facts - Clear, concise introduction to case inc. case theory, overview of charge/claim, evidence to be given, identifying issues in dispute - Clear communications and engagement with judge (clarity of expression, respectful, confident, appropriate use of body language) - Kept to time limits, ability to cope with interruptions 	/10	/10	
Evidence of Witness 1 (P)			
Examination in Chief <ul style="list-style-type: none"> - Proper questioning, demonstrated knowledge of case and evidence to be led - Clarity of expression and voice, body language, respectfulness to court and others, - Demonstrated ability to handle witness appropriately, ability to cope with interruptions (agility and adaptability) 	/10	N/A	
Cross-Examination <ul style="list-style-type: none"> - Proper questioning, demonstrated knowledge of case and evidence to be led - Clarity of expression and voice, body language, respectfulness to court and others, - Demonstrated ability to handle witness appropriately, ability to cope with interruptions (agility and adaptability) 	N/A	/10	
Making or responding to objections, questions from the judge/re-examination <ul style="list-style-type: none"> - Making/not making strategic objections and concessions where appropriate - Demonstrated understanding of simplified rules of evidence and grounds for objecting - Demonstrating agility and adaptability when dealing with changing circumstances - Engaging constructively with judge (responding to questions or directions by judge) 	/10	/10	
Evidence of Witness 2 (P)			
Examination in Chief <ul style="list-style-type: none"> - Proper questioning, demonstrated knowledge of case and evidence to be led - Clarity of expression and voice, body language, respectfulness to court and others, - Demonstrated ability to handle witness appropriately, ability to cope with interruptions (agility and adaptability) 	/10	N/A	
Cross-Examination <ul style="list-style-type: none"> - Proper questioning, demonstrated knowledge of case and evidence to be led - Clarity of expression and voice, body language, respectfulness to court and others, - Demonstrated ability to handle witness appropriately, ability to cope with interruptions (agility and adaptability) 	N/A	/10	
Making or responding to objections, questions from the judge/re-examination <ul style="list-style-type: none"> - Making/not making strategic objections and concessions where appropriate - Demonstrated understanding of simplified rules of evidence and grounds for objecting - Demonstrating agility and adaptability when dealing with changing circumstances - Engaging constructively with judge (responding to questions or directions by judge) 	/10	/10	

Evidence of Witness 3 (D)			
Examination in Chief <ul style="list-style-type: none"> - Proper questioning, demonstrated knowledge of case and evidence to be led - Clarity of expression and voice, body language, respectfulness to court and others, - Demonstrated ability to handle witness appropriately, ability to cope with interruptions (agility and adaptability) 	N/A	/10	
Cross-Examination <ul style="list-style-type: none"> - Proper questioning, demonstrated knowledge of case and evidence to be led - Clarity of expression and voice, body language, respectfulness to court and others, - Demonstrated ability to handle witness appropriately, ability to cope with interruptions (agility and adaptability) 	/10	N/A	
Making or responding to objections, questions from the judge/re-examination <ul style="list-style-type: none"> - Making/not making strategic objections and concessions where appropriate - Demonstrated understanding of simplified rules of evidence and grounds for objecting - Demonstrating agility and adaptability when dealing with changing circumstances - Engaging constructively with judge (responding to questions or directions by judge) 	/10	/10	
Evidence of Witness 4 (D)			
Examination in Chief <ul style="list-style-type: none"> - Proper questioning, demonstrated knowledge of case and evidence to be led - Clarity of expression and voice, body language, respectfulness to court and others, - Demonstrated ability to handle witness appropriately, ability to cope with interruptions (agility and adaptability) 	N/A	/10	
Cross-Examination <ul style="list-style-type: none"> - Proper questioning, demonstrated knowledge of case and evidence to be led - Clarity of expression and voice, body language, respectfulness to court and others, - Demonstrated ability to handle witness appropriately, ability to cope with interruptions (agility and adaptability) 	/10	N/A	
Making or responding to objections, questions from the judge/re-examination <ul style="list-style-type: none"> - Making/not making strategic objections and concessions where appropriate - Demonstrated understanding of simplified rules of evidence and grounds for objecting - Demonstrating agility and adaptability when dealing with changing circumstances - Engaging constructively with judge (responding to questions or directions by judge) 	/10	/10	
Closing Submissions <ul style="list-style-type: none"> - Appropriate summary of evidence from mock trial and issues of fact, relevant concessions, - Dealt with weaknesses in case, responded to queries from judge, assisted judge to understand how the evidence from the trial aligned to case theory, identified the outcome requested of court - Appropriate submissions on issues of law and legal authorities - Persuasion, logical structure, clarity of expression and voice, body language, respectfulness and confidence - Kept to time limits, demonstrated ability to think on feet (agility) and adapt to changing circumstances 	/10	/10	
Sub-Total Team Points/100/100	

Points for Individual Roles (complete after closings)

Individual Student Role	Prosecution/ Plaintiff	Defence/ Defendant	Feedback for Students (optional)
Barrister 1 <ul style="list-style-type: none"> - Professional presentation/demeanour, - Demonstrated respect for court and others - Clear, concise, persuasive communication, - Appropriate engagement with judge, witnesses and opposing barristers - Understood their role to, and did, assist the judge - Demonstrated understanding of court procedure - Discharged their role ethically and within the spirit of the competition - Worked as part of a team, supported team members 	/10	/10	

Barrister 2 <ul style="list-style-type: none"> - Professional presentation/demeanour - Demonstrated respect for court and others - Clear, concise, persuasive communication, - Appropriate engagement with judge, witnesses and opposing barristers - Understood their role to, and did, assist the judge - Demonstrated understanding of court procedure - Discharged their role ethically and within the spirit of the competition - Worked as part of a team, supported team members 	/10	/10	
Witness 1 (P) <ul style="list-style-type: none"> - Demonstrated knowledge of substantive statement content - Accurately adapted and presented substantive content in character as the witness - Clarity of expression and voice, good use of body language, sounded natural and un-rehearsed - Discharged the role within the spirit of the competition (i.e. didn't cause unnecessary delay or ignore directions from judge) - Worked as part of a team, supported team members 	/10	N/A	
Witness 2 (P) <ul style="list-style-type: none"> - Demonstrated knowledge of substantive statement content - Accurately adapted and presented substantive content in character as the witness - Clarity of expression and voice, good use of body language, sounded natural and un-rehearsed - Discharged the role within the spirit of the competition (i.e. didn't cause unnecessary delay or ignore directions from judge) - Worked as part of a team, supported team members 	/10	N/A	
Witness 3 (D) <ul style="list-style-type: none"> - Demonstrated knowledge of substantive statement content - Accurately adapted and presented substantive content in character as the witness - Clarity of expression and voice, good use of body language, sounded natural and un-rehearsed - Discharged the role within the spirit of the competition (i.e. didn't cause unnecessary delay or ignore directions from judge) - Worked as part of a team, supported team members 	N/A	/10	
Witness 4 (D) <ul style="list-style-type: none"> - Demonstrated knowledge of substantive statement content - Accurately adapted and presented substantive content in character as the witness - Clarity of expression and voice, good use of body language, sounded natural and un-rehearsed - Discharged the role within the spirit of the competition (i.e. didn't cause unnecessary delay or ignore directions from judge) - Worked as part of a team, supported team members 	N/A	/10	
Instructing Solicitor <ul style="list-style-type: none"> - Demonstrated usefulness and support to barristers - Demonstrated understanding and management of their team's case - Discharged their role ethically and within the spirit of the competition - Worked as part of a team, supported team members 	/10	/10	
Court Orderly (P) <ul style="list-style-type: none"> - Clear, loud and effective communication when opening/closing the court, calling/swearing in witnesses - Maintained accurate timing (including ringing the bell) and helpful timesheet recording for judge - Proactively assisting the judge to run the trial - Discharged their role ethically and within the spirit of the competition - Worked as part of a team, supported team members 	/10	N/A	
Judge's Associate (D) <ul style="list-style-type: none"> - Maintained accurate and helpful records for the judge (Notice of Appearance, List of Exhibits and List of Objections) - Discharged their role ethically and within the spirit of the competition - Proactively assisted the judge to manage the trial - Worked as part of a team, supported team members 	N/A	/10	
Sub-Total Individual Points/60/60	
Total MTC Team Points (Team points plus individual points)/160/160	

Mock Trial Competition 2024

Mock Trial Run Sheet

Instructions: Pursuant to the Competition Rules, each mock trial judge has the discretion to run their mock trial and courtroom as they see fit. This Run Sheet is intended to serve as a guide to help students understand what's expected of each individual role within the trial and help both judges and students ensure the trial is conducted within the time limits.

To assist with trial time management:

- Times for each component of trial are detailed below (this assumes the trial started at 5:30pm).
- The time reflects the latest time that component of trial should start at in order for trial to finish by 8pm.
- It is not an issue if the trial runs faster than these indicative times and actual times vary and depend on Case Materials and students in each trial
- If both teams and the mock trial judge are present, ready to go and agree to commence early, trials may commence prior to 5:30pm.

Please note this document is largely the same as the information contained in the "Procedures for the Court Hearing" part of the previous Competition Manual. Additional information has been included to help mock trial judges manage the conduct of the mock trial proceedings. Any queries about the conduct of the mock trials should be directed to the Mock Trial Coordinator.

Indicative Time	Who (Role)	What should happen	Comments
Prior to trial			
From 5pm (once judge arrives)	Judge's Associate and Court Orderly	<p>JA and CO should make themselves known to the mock trial judge, find out what they may require (and whether/how they can assist) and when/how the judge wants to commence trial.</p> <p>CO makes sure the judge has the Notice of Appearance and advises the judge whether each team is ready to proceed.</p>	If there are any issues have teacher inform MTC Coordinator
Commencing the Trial			
5:30pm	Judge	<i>Knocks on the bench to indicate that they are ready to begin the mock trial.</i>	
	Court Orderly	<i>"Silence! All stand, please."</i>	

		<p><i>Everyone in the court room stands, the judge bows. In response, everyone in the court room bows and the judge will take their seat. Once the judge has sat, everyone else should be seated.</i></p> <p><i>"This Mock Court is now sitting."</i></p>	
	Judge's Associate	<p><i>Stand and announce the case</i></p> <p><i>e.g. Police against Robinson (if criminal) or Robinson and Jones (if civil)</i></p>	
Giving Appearances			
5:30pm	Judge	<i>"Who is appearing in this matter?"</i>	
	Barrister 1 (P)	<p><i>Barrister 1 for the P should stand while they give the appearance for themselves and Barrister 2 of their team. You can either just use surnames or preferred pronoun and then surname e.g. SMITH or Ms Smith</i></p> <p><i>E.g. If Your Honour pleases, my name is _____ and I am appearing with my learned friend (Barrister 2) for the plaintiff/prosecution. We are instructed by _____(Instructing solicitor).</i></p>	
	Barrister 1 (D)	<i>Barrister 1 for the D should stand while they give the appearance for themselves and Barrister 2 of their team.</i>	
House Keeping (if appropriate)			
	Judge	<p><i>If the mock trial judge has any questions in relation to housekeeping matters this is their opportunity to have those administrative tasks/queries answered before the parties open their case formally commences.</i></p> <p><i>There may not be any house keeping issues to address. Examples of a house keeping issue that might arise in a mock trial is if the judge does not have a working pen, a copy of the Case Materials or Scoresheet etc. Ideally the Judge's Associate should assist the judge if they require these things (and bring copies for the Judge in case they are needed).</i></p>	

Opening Addresses			
5:35pm	Barrister 1 (P)	<i>Barrister 1 for the P delivers their opening address.</i>	Maximum time 5 minutes.
5:40pm	Barrister 1 (D)	<i>Barrister 1 for the D delivers their opening address.</i>	Maximum time 5 minutes.
Giving and Testing of the Evidence – Witness 1 of 4 (P witness) (allow 25 mins)			
5:45pm	Judge	“Call the first witness for the plaintiff/prosecution.”	
	Barrister 1 (P)	“I call ____” (name of witness 1)	
	Court Orderly	<i>Calls out the name of witness loudly so the witness can be located and the audience can hear. CO then escorts the witness to the stand and swears them in.</i> E.g. “It is your duty to assist the Court in these proceedings by faithfully answering the questions put to you. Do you understand?”	Witnesses are permitted to remain in the Court at all times allowing learning by observation of court procedure.
	Witness 1 (P)	“Yes”	
	Barrister 1 (P)	<i>Begin the examination-in-chief of witness 1 and indicate when you have concluded.</i> E.g. “That concludes this witness’ evidence in chief, Your Honour.” <i>If Barrister 1 (D) notices that some of the substantive content of the witness statement has been left out, they should at this point stand and bring that to the judge’s attention.</i> <i>If the witness has not given all their substantive content from the witness statement in E-I-C, then the judge should indicate the missed evidence will be taken as if it had come out from the witness.</i> <i>For the sake of time, the judge is not required to read out the rest of the witness statement.</i>	
	Judge	<i>The judge will indicate when they are ready for cross-examination to commence.</i>	
	Barrister 1 (D)	<i>Barrister 1 (D) should begin cross-examination of witness and indicate when you have concluded.</i>	

		E.g. "I have no further cross-examination questions of the witness, Your Honour."	
	Barrister 1 (P)	<p><i>The judge will ask if there is any re-examination. If there is, Barrister 1 (P) should begin and then indicate when they have concluded.</i></p> <p>E.g. "I have no further re-examination questions of the witness, Your Honour."</p> <p><i>At the end of the witness's evidence, Barrister 1 (P) should ask the judge to excuse the witness.</i></p> <p>E.g. "May the witness be excused?"</p>	
	Judge	<p>"The witness is excused from the witness stand and may return to their seat."</p> <p>"Call the second witness for the plaintiff/prosecution."</p>	
Giving and Testing of the Evidence – Witness 2 of 4 (P Witness) (allow 20 mins)			
6:05pm	Barrister 2 (P)	"I call ____" (name of witness 2)	
	Court Orderly	<p><i>Calls out the name of witness loudly so the witness can be located and the audience can hear. CO then escorts the witness to the stand and swears them in.</i></p> <p>E.g. "It is your duty to assist the Court in these proceedings by faithfully answering the questions put to you. Do you understand?"</p>	
	Witness 2 (P)	"Yes"	
	Barrister 2 (P)	<p><i>Begin the examination-in-chief of witness and indicate when you have concluded.</i></p> <p>E.g. "That concludes this witness' evidence in chief, Your Honour."</p> <p><i>If Barrister 1 (D) notices that some of the substantive content of the witness statement has been left out, they should at this point stand and bring that to the judge's attention.</i></p> <p><i>If the witness has not given all their substantive content from the witness statement in E-I-C, then the judge should indicate the missed evidence will be taken as if it had come out from the witness.</i></p>	

		<p><i>For the sake of time, the judge is not required to read out the rest of the witness statement.</i></p> <p><i>The judge will indicate when they are ready for cross-examination to commence.</i></p>	
	Barrister 2 (D)	<p><i>Barrister 2 (D) should begin cross-examination of witness and indicate when you have concluded.</i></p> <p>E.g. "I have no further cross-examination questions of the witness, Your Honour."</p>	
	Barrister 2 (P)	<p><i>The judge will ask if there is any re-examination. If there is, Barrister 1 (P) should begin and then indicate when they have concluded.</i></p> <p>E.g. "I have no further re-examination questions of the witness, Your Honour."</p> <p><i>At the end of the witness's evidence, Barrister 2 (P) should ask the judge to excuse the witness.</i></p> <p>E.g. "May the witness be excused?"</p>	
	Judge	"The witness is excused from the witness stand and may return to their seat."	
	Barrister 2 (P)	<p><i>Barrister should then close the case for the Prosecution.</i></p> <p>E.g. "Your Honour, that is the case for the plaintiff/prosecution."</p>	
Giving and Testing of the Evidence – Witness 3 of 4 (D witness) (allow 25 mins)			
6:25pm	Judge:	"Call the first witness for the Defence."	
	Barrister 1 (D)	"I call ____" (name of witness 3 (D))	
	Court Orderly	<p><i>Calls out the name of witness loudly so the witness can be located and the audience can hear. CO then escorts the witness to the stand and swears them in.</i></p> <p>E.g. "It is your duty to assist the Court in these proceedings by faithfully answering the questions put to you. Do you understand?"</p>	
	Witness 3 (D)	"Yes"	

	Barrister 1 (D)	<p>Begin the examination-in-chief of witness and indicate when you have concluded.</p> <p>E.g. "That concludes this witness' evidence in chief, Your Honour."</p> <p><i>If Barrister 1 (D) notices that some of the substantive content of the witness statement has been left out, they should at this point stand and bring that to the judge's attention.</i></p> <p><i>If the witness has not given all their substantive content from the witness statement in E-I-C, then the judge should indicate the missed evidence will be taken as if it had come out from the witness.</i></p> <p><i>For the sake of time, the judge is not required to read out the rest of the witness statement.</i></p> <p>The judge will indicate when they are ready for cross-examination to commence.</p>	
	Barrister 1 (P)	<p><i>Barrister should begin cross-examination of witness and indicate when you have concluded.</i></p> <p>E.g. "I have no further cross-examination questions of the witness, Your Honour."</p>	
	Barrister 1 (D)	<p><i>The judge will ask if there is any re-examination. If there is, Barrister should begin and then indicate when they have concluded.</i></p> <p>E.g. "I have no further re-examination questions of the witness, Your Honour."</p> <p><i>At the end of the witness's evidence, the Barrister should ask the judge to excuse the witness.</i></p> <p>E.g. "May the witness be excused?"</p>	
	Judge	"The witness is excused from the witness stand and may return to their seat."	
Giving and Testing of the Evidence – Witness 4 of 4 (D witness) (allow 20 mins)			
6:50pm	Judge	"Call the second witness for the Defence."	
	Barrister 2 (D)	"I call ____ (name of witness 2) "	
	Court Orderly	<i>Calls out the name of witness loudly so the witness can be located and the audience can</i>	

		<p><i>hear. CO then escorts the witness to the stand and swears them in.</i></p> <p>E.g. "It is your duty to assist the Court in these proceedings by faithfully answering the questions put to you. Do you understand?"</p>	
	Witness 4 (D)	"Yes"	
	Barrister 2 (D)	<p><i>Begin the examination-in-chief of witness and indicate when you have concluded.</i></p> <p>E.g. "That concludes this witness' evidence in chief, Your Honour."</p> <p><i>If Barrister notices that some of the substantive content of the witness statement has been left out, they should at this point stand and bring that to the judge's attention.</i></p> <p><i>If the witness has not given all their substantive content from the witness statement in E-I-C, then the judge should indicate the missed evidence will be taken as if it had come out from the witness.</i></p> <p><i>For the sake of time, the judge is not required to read out the rest of the witness statement.</i></p> <p><i>The judge will indicate when they are ready for cross-examination to commence.</i></p>	
	Barrister 2 (P)	<p><i>Barrister should begin cross-examination of witness and indicate when you have concluded.</i></p> <p>E.g. "I have no further cross-examination questions of the witness, Your Honour."</p>	
	Barrister 2 (D)	<p><i>The judge will ask if there is any re-examination. If there is, Barrister should begin and then indicate when they have concluded.</i></p> <p>E.g. "I have no further re-examination questions of the witness, Your Honour."</p> <p><i>At the end of the witness's evidence, the Barrister should ask the judge to excuse the witness.</i></p> <p>E.g. "May the witness be excused?"</p>	
	Judge	"The witness is excused from the witness stand and may return to their seat."	

	Barrister 2 (D)	<p><i>Barrister should then close the case for the Prosecution.</i></p> <p>E.g. "Your Honour, that is the case for the defendant/defence."</p>	
Adjourning for 10-minute Break (to prepare closings)			
7:10pm	Judge	<p><i>This is an opportunity for the judge to address any house-keeping issues that may have arisen or that they wish to clarify (e.g. the judge may flag if they will step out during the break and/or if they need the JA or CO to let them know when there is a minute left in the 10-minute break time.</i></p>	
	Court Orderly	<p><i>The judge should indicate to the CO they are ready for the adjournment at which time the judge should stand.</i></p> <p><i>The CO should stand and in a loud voice for everyone in the courtroom to hear and say:</i></p> <p>"All Stand! This Mock Court is adjourned for ten minutes. Participants and spectators are requested to remain quietly in their seats. Please note that there is to be no discussion between the barristers and solicitor of each team with any other participants or spectators."</p>	
	Judge	<p><i>Bows (and can either leave the court room or remain at the Bench during the adjournment)</i></p>	
	Everyone Else	<p><i>Each team's barristers and instructing solicitors should remain at their area to prepare their closing submissions. They are not permitted to talk with any other students or their teachers during this time. If there are any issues, please speak to MTC Coordinator.</i></p> <p><i>Everyone in the court room should remain quietly in their seats, or alternatively, quietly make their way out of the courtroom if they require use of the facilities (bathroom, water, stretch legs outside court room etc) but return once called.</i></p>	
7:19pm	CO	<p><i>Check in with the mock trial judge to let them know there is a minute left to go and ask if they are ready to recommence trial. Ask spectators outside court to return inside.</i></p>	

Closing Addresses		(allow 20 mins for both)	
7:20pm	Judge	<i>Knocks on bench to indicate the mock trial will re-commence.</i>	
	CO	<i>"Silence! All stand, please."</i>	
	Judge	<i>Stands and bows</i>	
	Everyone Else	<i>Bows in response</i>	
	Judge	<i>Sits</i>	
	Everyone Else	<i>Sits</i>	
	CO	<i>"This Mock Court is now sitting".</i>	
	Judge	<i>Indicate when ready for closings to commence</i>	
7:20pm	Barrister 2 (P)	<i>Delivers closing address</i>	Max. 10 mins
7:30pm	Barrister 2 (D)	<i>Delivers closing address</i>	Max.10 mins
7:40pm	Judge	<i>After closings, ask the teams to get their notes ready for the CO to collect and then indicate to the Court what will happen next (e.g. do you plan to have a quick break to tally up scores, if so, should people talk amongst themselves or return to court at a certain time etc)</i>	
	Instructing Solicitors	<i>Gather the notes your team (barristers and solicitor) made during the trial and hand them to CO (use a manilla folder labelled with your school and team name on the front).</i>	
	CO/JA	<i>Collect the notes from the instructing solicitors and hand them to JA to hand to the judge.</i>	
	Judge	<i>Once you have the notes, indicate to the CO you are ready for their announcement.</i>	
	CO	<i>"All Stand! This Mock Court is adjourned."</i>	
	Judge	<i>Bows</i>	
	Everyone Else	<i>Bows</i>	
	Judge	<i>Either leave court room or stay at bench to consider verdict, tally up scores and finalise the Scoresheet.</i> <i>If you have any queries, ask the CO or JA to have one of their team reserves locate the Mock Trial Coordinator (if Coordinator isn't already present).</i>	
7:45pm	Judge	<i>Knock on bench to indicate you are ready to deliver judgement and give feedback.</i>	

	CO	“Silence! All stand, please”	
	Everyone	Stand	
	Judge	Stands and bows	
	Everyone	Bows	
	Judge	Sits	
	Everyone	Sits	
7:45pm	Judge	<p><i>Delivers judgement in the case, announces the final scores and winning team and provides constructive feedback.</i></p> <p><i>Note to Judges - It is up to each judge how they want to manage this part. Some judges keep in character to deliver a verdict and then indicate the end of formalities for the evening so they can give feedback as themselves for educational purposes.</i></p> <p><i>How much constructive feedback you give is up to you and how much time is left. Please indicate to the courtroom whether you are happy to stay behind for any questions or if you have to leave.</i></p> <p><i>There is no requirement to deliver an actual verdict or judgement (some judges choose to do so others just say which side they were more persuaded by).</i></p> <p><i>The only requirement is that the final team scores, and therefore the winner (for competition purposes) is announced.</i></p>	
8:00pm	End of trial.		
After Trial			
From 8:00pm	<p>The Mock Trial Coordinator will commence vacating the court room.</p> <p><i>Judges - please hand Scoresheet and any documents from the mock trial to Mock Trial Coordinator before you leave (or leave those documents on the desk in the foyer if the Coordinator is not present at the time of your departure. Remember to sign the CPD Attendance Shete and note the time you leave the building for CPD purposes.</i></p> <p><i>Students – please vacate the courtroom but once outside the court building follow the directions of your teacher.</i></p>		

Mock Trial Competition 2024

Simplified Rules of Evidence for use in mock trial hearings

Introduction

To ensure the focus of the Mock Trial Competition (MTC) is on the advocacy skills of the students (and not their substantive legal knowledge), it is expected that all hearings conducted in the Mock Trial Competition will be conducted having regard to the following simplified rules of evidence and any specific directions given to students and/or mock trial judges within the Case Materials in a particular round.

Grounds for Objections

In MTC hearings, the grounds for objecting to evidence should be confined to:

1. Relevance
2. Opinion
3. Hearsay

Objections may also be made to the form of the question (rather than the evidence to which the question relates). Examples of this are leading or harassing questions etc.

Further information about the grounds are below.

Admissibility vs weight

Students should bear in mind that just because evidence is admissible does not mean the judge will (or should) place much (or any) weight on that evidence. The extent to which a judge should place weight on admissible evidence is a matter for the students to address in their closing submissions. Whether a team objects to the actual admissibility of evidence (rather than submissions as to its weight) is a strategic decision.

Ground 1 - Relevance

Only relevant evidence is admissible.

‘Relevant’ means the evidence must prove or tend to prove a fact that is in dispute (i.e. as opposed to a fact that both sides agree). In the MTC, if a particular fact has been agreed this will be made clear in the Case Materials and phrased as an assumption students and mock trial judges are directed to make.

Evidence is not admissible just because it is relevant. If such evidence meets any of the other grounds for objection it may still be inadmissible.

Evidence that is led for the purpose of establishing background may be relevant for that purpose. It may be a question of the extent to which such evidence assists the judge bearing in mind the principles of case management.

Example 1

In a case in which the question is negligence, evidence of previous criminal behaviour (e.g. violent assaults or speeding) is generally irrelevant as it would not go to whether or not there was negligence. In contrast, if the negligence in issue is in relation to a car crash, whether the defendant was speeding immediately before the crash or on previous occasions is relevant to (although not conclusive of) whether they were driving with due care at the time of the incident in question.

It might be that a question, particularly in cross examination, does not immediately appear to be relevant. It is acceptable, assuming that the question is leading to matters of relevance, to respond to an objection based on evidence by saying “the line of questioning goes to the issue of credibility/negligence/damage or other matters in issue”. Ultimately, it may be necessary to spell out how the question is relevant to proving or disproving the fact in issue.

It will, however, not usually be necessary to go to the same level of detail in responding to an objection as it may be in closing (for example, in closing, counsel might say that the prosecution has proved that there was negligence by demonstrating that the defendant was speeding, and in turn speeding was proved by the evidence of [witness 1] and cross-examination of the defendant).

In responding to an objection, it might be sufficient to say that the question going to speeding is directed to whether the defendant was negligent in his/her driving.

Ground 2 - Opinion Evidence

Evidence of an opinion is not admissible to prove the existence of a fact (about which the opinion was expressed). Evidence of an opinion may be admissible if it's relevance is the expression of the opinion itself.

Conclusions, speculations or views formed by witnesses based on facts they have observed are not admissible evidence. The underlying facts may be given in evidence, but the opinion about those facts will generally be inadmissible.

An exception to the opinion rule is where opinion evidence is given by a witness who is an expert in the field to which the opinion relates. ‘Expert’ in this context means someone who has specialized knowledge in a field, whether from qualifications, experience or formal training in that field. Before the opinion can be given in evidence, previous evidence given by that witness must ‘qualify’ them as an expert in the field to which the opinion relates. This is done by leading evidence from them of qualifications, expertise, etc.

Another exception is if the opinion evidence comes from the witness’ everyday experience. For example, if someone had been a qualified driver for several years, they may be able to give opinion evidence that someone else was driving over 70 kms per hour on a road.

If a witness is not an expert witness in that field, they are referred to as a lay witness.

If a witness is established as an expert witness, then the statements they make that are opinions relating to their field of expertise will be admissible. Opinions they may give which fall outside their area of expertise remain objectionable. It is not a precondition for the admissibility of expert opinion evidence that the opinion is correct.

Example 1

The observation by a lay witness that a person was red in the face and shaking his fists may be admissible, but the ‘conclusion’ or ‘opinion’ that the person was therefore angry would not be admissible.

Expert evidence could be led by a psychologist that it is common or likely for a person to present as red in the face and/or shake their fists to express anger.

Alternatively, if evidence that the person was in fact angry is desired then that evidence should be led directly from the person as to how they felt at that time.

Example 2

The observation that a person smelt of alcohol, was slurring their words and/or was unsteady on their feet may be admissible, but the conclusion or opinion that the person was therefore drunk or intoxicated would not be admissible.

Ground 3 - Hearsay

Hearsay evidence is when a witness gives evidence of something they heard another person say as evidence as to the truth of that statement. Hearsay evidence is not admissible for the purpose of establishing the truth of the underlying statement.

The purpose of the hearsay rule is to ensure that, to the extent possible, only the best evidence is available to the court. The best evidence rule essentially means that evidence in court proceedings should be given by the person most qualified to give it.

Hearsay evidence is secondhand evidence, easy to concoct and therefore not as reliable as evidence given directly by a witness who saw or heard something themselves who then tells the court about what they saw or heard their own words (and while under oath or affirmation when their testimony can be tested through the process of cross-examination etc).

While there are various exceptions to the hearsay rule, the ones to be employed for the purpose of the MTC hearings are:

1. When a statement is relevant for non-hearsay purposes (e.g. when the statement is being repeated in court as evidence that the statement was said, not to establish that the statement was true); and
2. When a statement is contained in or suggested by business records (for example in MTC hearings it is common for the Case Materials to include a document to be tendered by consent that may contain hearsay statements but which is admissible nonetheless under the business record exception).

Example 1

“Mrs Smith told me she saw Mr Simpson driving the car” is not admissible to prove that Mr Simpson was in fact driving the car.

The statement might be admissible if the reason for relying on the statement was to establish why a person acted or did not act a certain way (if that was itself relevant).

Example 2

“The ambulance driver that attended the scene told me that he noticed the windows at the house were broken” is not evidence that windows were broken.

To prove that fact, you would need to lead evidence from the ambulance driver that they saw windows were broken when they were in attendance at the scene.

Example 3

If person A is alleged to have made a threat to kill person B, person C may give evidence that they heard person A make the threat. This is because person C heard the threat and can give evidence to that effect.

The hearsay statement is admissible in this situation as the purpose of the evidence is to establish that a threat was made, not whether the statement was true.

Objections to the Form of the Question

Objections may be taken to the form of the question, rather than the evidence to which the question is directed. For example, a question that is leading, harassing or otherwise inappropriate.

Leading Questions

A leading question is one where the form of the question suggests the answer.

Leading questions are not allowed during examination-in-chief and in re-examination unless the judge has given leave or the questions relate to a matter that is introductory to their evidence or that is not in dispute.

Leading questions are allowed during cross-examination.

Barristers who intend to make an objection to a question on the basis that it is leading should be mindful of case management principles to ensure their objection is proportionate and appropriate. For example, if a question is asked of a witness during examination-in-chief that is intended to draw out an uncontroversial fact, it may be inappropriate for a barrister to object even if the question was leading as doing so will delay the proceedings.

Leading questions may be asked about matters not in dispute, enabling the witness to be taken quickly to the real matters in dispute. The mock trial judges will usually give indications throughout the hearing as to their view on these matters and students should adapt their advocacy presentation to meet the mock trial judge's expectations (which may differ as between individual judges in the competition, as is also the case in real life). Students need to be agile and adapt to changing circumstances at all times through a mock trial hearing.

When determining whether an objection may be appropriate, students should bear in mind the role of the judge to manage the conduct of the proceedings to not only afford justice and a fair process in the individual case but also having regard to broader case management principles (avoiding cost and delay etc) which have effects on the justice system more broadly.

Example 1

"Was the car blue?" suggests that the car was indeed blue. A more appropriate form of question is "What colour was the car?" or "Can you tell me what colour the car was?"

Example 2

"Did you see the defendant's car?" suggests the car was owned or in the possession of the defendant. Such a question could be asked if the ownership of the car by the defendant was uncontroversial. If that fact was an issue in dispute then that would be an objectionable question.

A witness can be asked whether they saw a physical object (such as a car) but identifying the car in the question as belonging to someone or being stolen, assumes a fact that might need to be separately proved.

Leading questions are allowed in cross-examination and are often the best form of question to use when cross-examining a witness as it allows the barristers greater control over the witness's evidence. When used effectively, leading questions reduce the witness's responses to "Yes" or "No." The real power of leading questions is that they allow the barrister to control the witness using short, single fact "questions" (statements, actually) to demonstrate how the facts support your client's story (their case theory).

General Questions

A general question is one which calls for a long narrative response or is asked at too general a level. There is a broad judicial discretion to disallow such questions as they do not clearly direct the witness's mind to an issue and so create unfairness to the witness. The barrister who asked such a question will usually be expected to (and can proactively) reframe their question to be more specific. Any question is objectionable as to form if it is not expressed with clarity. Any question which is on its face confusing, misleading, vague or ambiguous is objectionable on that ground.

Duplicitous or Compound Questions

A question that asks two or more questions disguised as one is objectionable. It is objectionable for the very reason that a simple yes/no answer from the witness will be unclear, inaccurate and potentially misleading as it is not clear to which part of the question the answer is directed.

Erroneous Questions

A question is objectionable if it contains a misstatement or distortion of the evidence. In this manner, bringing the matter to the judge's attention by way of an objection is part of the barrister discharging their duty to the court by not allowing a judge to be misled.

Harassing Questions

Questions that are harassing or arguing with a witness are objectionable. For example...“do you really expect us to believe your story?” or repeatedly putting the same substantive question to a witness even though they have already answered it.

Mock Trial Competition - Court Document

Notice of Appearance

Instructions: The Court Orderly must ensure it is completed and before the judge before trial commences. The purpose of this document is to assist the judge identify and communicate with the students playing the active roles in the competition and record who was in attendance in court for that hearing. Please write names clearly, write surname in CAPITALS and include any preferred pronouns. The judge may address students during trial using their preferred pronoun as indicated or by surname only).

This document was completed by:

.....

(student name, their role and school team name)

Prosecution/Plaintiff Team		Defence/Defendant Team	
School Team Name		School Team Name	
Barrister 1		Barrister 1	
Barrister 2		Barrister 2	
Instructing Solicitor		Instructing Solicitor	
Witness 1		Witness 3	
Witness 2		Witness 4	
Court Orderly		Judge's Associate	

[illegible]

[illegible]

Mock Trial Competition - Court Document

Timesheet

Instructions: A timesheet should be completed by both the Court Orderly and the Judge's Associate and handed to the judge after closing address. A 1 minute warning is to be sounded during each section of the trial by the court orderly (using a bell or a spoon and glass provided by the prosecution team). A second sounding should be made to signal the end of time allowed.

This document was completed by:

.....

(student name, their role and school team name)

Role	Start	End	Time allowed	Time taken	Exceeded time limit (YES or leave blank if no)
Barrister 1 P - Opening Address			5 min		
Barrister 1 D - Opening Address			5 min		
Barrister 1 P - E-i-C Witness 1			10 min		
Barrister 1 D - Cross-Ex. Witness 1			10 min		
Barrister 1 P - Re-Examination Witness 1			5 min		
Barrister 2 P - E-i-C Witness 2			10 min		
Barrister 2 D - Cross-Ex. Witness 2			10 min		
Barrister 2 P - Re-Examination Witness 2			5 min		
Barrister 1 D - E-i-C Witness 3			10 min		
Barrister 1 P - Cross-Ex. Witness 3			10 min		
Barrister 1 D - Re-Examination Witness 3			5 min		
Barrister 2 D - E-i-C Witness 4			10 min		
Barrister 2 P - Cross-Ex. Witness 4			10 min		
Barrister 2 D - Re-Examination Witness 4			5 min		
Barrister 2 P - Closing Submissions			10 min		
Barrister 2 D - Closing Submissions			10 min		