



COMPETITIONS



Jones Day Open Witness Examination Competition 2021

— RULES —

Eligibility

1. Subject to Rule 3, any person who is an ordinary financial member of the Blackstone Society is eligible to compete in the Witness Examination Competition unless they are an excluded person as set out in Rule 2.
2. The following are excluded persons:
 - a) Any Blacklisted Person;
 - b) Any person who has graduated from a recognised institution with a legal qualification;
 - c) The Competition Director;
 - d) The Competitions Officer;
 - e) The Blackstone President; and
 - f) The Competitions Vice President ('Competitions VP').
3. The Competitions VP may at any time exclude a student from the competition in accordance with the Competitions Disqualification Policy.
4. Competitors withdrawing from the competition after the confirming their attendance as per the court list will face blacklisting. For further details, see the [Blacklisting Policy](#).
5. Students are to apply and compete individually.
6. It is a condition of entry that competitors arrange for a witness in each round of the competition in which they compete, other than the Grand Final.
7. Competitors must provide an associate for their courtroom where asked by the Competitions VP or a representative of the Competitions VP.



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8. Competitors may register as reserves for the competition; however, preference will be given to reserves comprising final year students.
 9. Competitors will conduct all research and preparation for the competition without assistance from any other person and may not discuss the content of the trial with any person other than the witness allocated to them on the night.
 10. Grand Finalists of the Witness Examination Competition will be qualified to represent Blackstone Society at the 2019 ALSA Conference, subject to the approval of the Blackstone President and Competitions VP.
 11. These rules are at the discretion of the Competitions VP.

Blacklisting Policy

12. In order to ensure registration for competitions is not abused and that only those students who are serious about competing register for competitions, a strict Blacklisting Policy is in place.
13. In order to ensure respect for fellow competitors and volunteer judges of competitions, competitors can be Blacklisted for the following conduct:
 - a) Withdrawing from a competition within 48 hours of a scheduled round of competition without a reasonable excuse;
 - b) A failure to provide a witness or client when instructed to do so by the relevant Competition Director or the Competitions Officer/Competitions VP;
 - c) Participating or engaging in behaviour that is likely to offend, intimidate, harass or threaten another competitor; or
 - d) Participating or engaging in behaviour that is disrespectful to fellow competitors, witnesses, associates, clients, judges or University property.



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14. A student who is Blacklisted will be prevented from participating in any Blackstone competition for 2 semesters *after* they are placed on the Blacklist, unless they are removed from the Blacklist.
 15. Competitors can be removed from the Blacklist at the discretion of the Competitions VP by providing an excuse for the withdrawal, an apology or other reparations necessary. Examples of conduct that may result in the removal of a Blacklisting include:
 - a) Volunteering as an associate or client in a Competition;
 - b) Partaking in approved Blackstone Volunteering (approval should be sought from the Competitions VP); or
 - c) Proof of involvement with Guild Volunteering.
 16. Competitors who wish to appeal the decision of the Competitions VP may appeal by following the process outlined in the “**Appeals**” section.
 17. In the event of serious breaches of etiquette and professional standards, the Competitions VP may refer competitors to the Law Faculty.

Competition Structure

18. Thirty-two individuals compete in Round I of the competition, sixteen in Round II, eight in the Quarter-Finals, four in the Semi-Finals and two in the Grand Final. In each round, Competitors are assigned to a Court, and represent either the prosecution/plaintiff or the defendant.
19. If less than thirty-two individuals apply to compete, the number of competitors will be capped at the closest non-prime number to thirty-two. If an individual applies after thirty-two individuals have already signed up for the competition they will be placed on a reserve list and will be asked to compete in place of competitors who drop out before the materials for Round I have been distributed to competitors, where preference will be given to individuals who signed up earliest.



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20. In Rounds I and II, and the Quarter-Finals and Semi-Finals, the competitor that attains the higher score in each court advances to the following round. In the event there are insufficient competitors to fill the following round, the competitor with the lowest margin of the combined scores in a court will progress to the next round.
21. The remaining competitors are ranked on a reserve list according to their scores, and in the event that a team is unable to participate in the following round, that competitor's position is filled by the competition ranked highest on the reserve list.

Problem and Applicable Law

22. At **2pm on the day before the trial**, the Witness Examination Director will email competitors a brief containing:
 - a) details of the court, date and venue of the trial;
 - b) in a criminal matter, details of the charge and the defendant's plea;
 - c) in a civil matter, details of the statement of claim and the defence; and
 - d) proofs of evidence for both witnesses to be called at the trial.
23. Competitors may not refer to substantive legal principles, case law, or legislation which has not been specifically detailed in the brief.
24. Competitors may not attempt to admit into evidence documents or evidence not provided to the Competitors in the competition brief.

Conduct of the Trial

25. Counsel for the prosecution/plaintiff and defence will present appearances.
26. The trial will proceed as follows:

<i>Stage of Proceedings</i>	<i>Maximum Duration</i>
Opening address for the prosecution/plaintiff	2 minutes



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Examination-in-chief by counsel for the prosecution/plaintiff	10 minutes
Cross-examination by senior counsel for the defence	15 minutes
Opening address for the defendant	2 minutes
Examination-in-chief by counsel for the defence	10 minutes
Cross-examination by counsel for the prosecution/plaintiff	15 minutes
Closing address for the prosecution/plaintiff	3 minutes
Closing address for the defence	3 minutes
<i>Adjournment and Feedback</i>	
Approximate total:	1 hour

27. There will be no re-examination.
28. Counsel may object, and must state the grounds for their objection.
29. Counsel may not dictate answers to the witnesses. Dictating an answer to a witness includes requesting that the witness provides a specified answer, or omits specified information, except for the omission of information during their examination in chief.
30. During the examination-in-chief, counsel may not ask questions which purposely encourages the witness to provide information that is not in their written statement of facts.
31. Witnesses may only bring to the stand material provided to them by the Competitions Director. A judge may ask for proofs of evidence to be handed to them at the conclusion of the trial.
32. Witnesses' proofs of evidence may not be annotated by competitors in any way, except for:
 - a) highlighting;

- b) drawing lines through paragraphs which competitors do not intend to address in their examination-in-chief;
- c) circling paragraphs; or
- d) markings allowed under Rule 33.

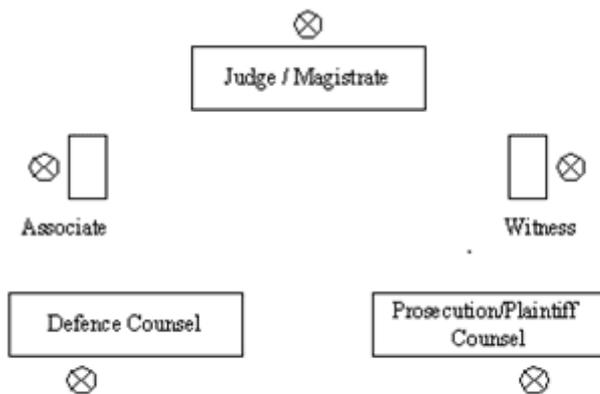
Any other annotations may be considered coaching, and may constitute a violation of Rule 29.

- 33. While having regard to Rule 32, competitors may make markings to signal the beginning and end of a witnesses' answer to their questions in examination-in-chief. Markings must be minimal and non-verbal. Appropriate markings include numbering sections of the proof of evidence, or drawing lines between different sections of the proof of evidence.
- 34. The maximum duration for each stage of proceedings, as indicated in Rule 26, must be strictly observed, and includes the time for making and responding to objections.
- 35. At each stage of the proceedings, the associate will display a warning sign when '1 minute' remain and at 'Time'.
- 36. The associate will call witnesses and administer the oath.
- 37. Counsel will dress professionally but will not robe. Where all competitors agree, the Witness Examination Coordinator may direct counsel to robe for the Grand Final.
- 38. Subject to these Rules, questions of procedure will be resolved in accordance with the Rules of the Supreme Court and questions of evidence in accordance with the law applicable in Western Australia.

Seating

- 39. The seating of the competitors at the trial will be as shown below:

- a) Counsel for the Prosecution/Plaintiff will sit on the right of the Bar Table; and
 - b) Counsel for the Defendant will sit on the left hand side of the Bar Table.
40. Where possible, witnesses should sit behind their own counsel until called upon. Witnesses who have been excused from the stand are free to leave the Courtroom.



Witnesses

- 41. Any person who is not a competitor in that round of the competition may act as a witness.
- 42. Competitors will not examine the people whom they have arranged to act as witnesses. Competitors will be informed of the identity of their witnesses after check-in on the day of the trial.
- 43. Witnesses must adhere to their proof of evidence as closely as possible and may not lie, contradict their proof or intentionally mislead counsel for either side.
- 44. Witnesses may at any time refer to their proof of evidence without leave of the court.



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45. It may be assumed that the proofs of evidence have been admitted to the court as evidence, and may be referred to by counsel during examination if necessary.
46. Witnesses will receive a copy of their proof of evidence before the trial and will be accorded 15 minutes to review their proof of evidence.
47. Counsel will be permitted to interview their witness for 15 minutes, at the direction of the Competition Director, before the trial.
48. During other times after check-in and before the commencement of the trial, the witnesses may either wait outside the courtroom, or enter and wait, as the competitors are being introduced to the judges. They must not speak to the other witnesses in this period.

Judges and Assessment

49. A single judge or magistrate will preside at each trial.
50. Judges and magistrates will be judges, magistrates, legal practitioners, legal academics or others with a demonstrated experience in judging trial advocacy or witness examination competitions.
51. Judges and magistrates will award each team a score, as follows:

<i>Content</i>	<i>Score</i>
Opening address	10 marks
Examination-in-chief	30 marks
Cross-examination	30 marks
Manner and expression	20 marks
Closing address	10 marks
Total:	100 marks



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52. No draws are possible.

Appeals

53. If a Competitor wishes to appeal the way in which a competition is run on the night, or appeal the result of a competition, they must follow the prescribed appeals process set out in Rules 54-64.

Appeals at the competition

54. All appeals on the night of the competition should be brought to the attention of the relevant Competition Director as soon as possible. If practical, the Competitions Vice President should also be contacted.
55. On the night, the decision of the Competition Director or the Competitions Vice President is final and shall govern how the competition is conducted on the night.
- {**Note:** Examples here may be students appealing the appropriateness of a witness provided, clarification on the interpretation of a rule, any issues regarding a conflict of interest with a judge or other issues that are likely to arise on the night.}

Appeals after the competition

56. A competitor has 24 hours to appeal the conduct of a competition, or the result of the competition within the end of the competition or release of the result.
57. Competitors wishing to appeal must notify the Competitions Vice President in writing that they wish to appeal.
58. Upon receipt of an appeal, the Competitions Vice President:



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- a) will acknowledge the receipt of the appeal to the Competitor and other interested parties;
 - b) has the authority to ask any person who may be able to inform them of the facts for further information, including but not limited to the judge presiding the competition on the night and the most senior member of Competitions Subcommittee present on the night of the competition;
 - c) has absolute discretion to resolve the appeal in any way, including, but not limited to, dismissing the appeal, upholding the appeal in part, adjusting scores, adjusting results and disqualifying competitors; and
 - d) will inform the Competitor of the outcome of their appeal within 48 hours of the appeal being lodged.
59. The decision of the Competitions Vice President may overturn a decision made by the Competitions Officer made on the night.

Further appeal

60. If a Competitor is dissatisfied with the decision of the Competitions Vice President, then they may, in writing, inform the Competitions Vice President of the reasons for their dissatisfaction.
61. The Competitions Vice President will, in consultation with the Blackstone President, or their representative, decide if the appeal should be heard by the Competition Review Board. If so, the appeal will be heard within 24 hours. The Competitor may be asked to attend.
62. The Competition Review Board shall consist of the Blackstone President, or his appointed representative, two other members of the Blackstone Executive unless they



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are ineligible, and the most senior member of the competitions subcommittee present on the night of the Competition in dispute.

63. Ineligible members of the Competition Review Board are:
- a) The Competitions Vice President;
 - b) Any member who has competed, or is competing in, the Competition.
64. The decision of the Competition Review Board is final and no further appeal is available.