
Allen & Overy Private Law Moot

2018 Competition Rules

Pt 1: Teams

Team composition

1. Each team in the Allen & Overy Private Law Moot (**the Competition**) will be composed of no fewer than two, and up to four, students.
2. Team members must be currently enrolled as full-time or part-time LLB or JD students at the university that they represent at the date of the grand final of the Competition.
3. A team will only be eligible to qualify for the finals if it has at least one team member who identifies as female or non cis-male.

Number of teams

4. Each university may register up to two teams in the Competition. At the discretion of the Competition convenors, universities may be limited to registering only one team.
5. At the discretion of the Competition convenors, the total number of competing teams may be limited.

Coaching

6. A team may have one coach. A coach may provide general advice and feedback regarding advocacy and high-level argument structure, but must not conduct research or devise written or oral arguments, which must be the sole work of the team. For the avoidance of doubt, if a university registers more than one team, then the same person can coach both teams. That coach must not share the preparation, research or arguments of one team with the other team.
7. A person other than a coach may not provide any assistance whatsoever to a team before the deadline for written submissions. After the deadline for written submissions, teams may seek external assistance from a person other than a coach but the limitations on external assistance provided for in cl 6 also apply to any person other than a coach.
8. Neither coaches nor competitors may view moots other than those in which their team is competing. This rule does not apply to the semi-finals if a team is no longer competing in the Competition. This rule does not apply to the grand final.

Pt 2: Written Submissions

9. Teams will prepare written submissions for both the appellant and the respondent.
10. Except where otherwise noted, the law applicable to the problem question is that in force on the day the problem question is released.

Filing of submissions

11. Written submissions are to be filed electronically by attaching the documents in PDF format to an email to privatelawmoot@unswlawsoc.org.
12. The deadline for receipt of written submissions for both the appellant and the respondent is **Monday, 14 May at 5pm** (Australian Eastern Standard Time). An acknowledgement of receipt will be sent to teams as soon as possible after receipt. If a team has not received an email acknowledgement by **Tuesday, 15 May at 9am** (AEST) then they should contact the convenors at privatelawmoot@unswlawsoc.org to confirm receipt.

Form of submissions

13. Written submissions must be clearly labeled with the team's number (as assigned by the Competition convenors) but must not contain the name of the university that the team is representing, or the names of the team members.
14. The written submissions for the appellant and for the respondent must each be no longer than ten A4 pages. The submissions must be typed in no less than 11 pt Times New Roman, with line spacing of no less than 1.5 lines and with margins of no less than 2 cm. Footnotes must be typed in no less than 10 pt Times New Roman, and may be single spaced.
15. Teams need not provide a list of authorities, but full citations (in conformity with the 3rd edition of the *Australian Guide to Legal Citation*) must be given in footnotes. For the avoidance of doubt, teams may refer to legislation.
16. Teams may provide a summary of facts in their written submissions, but the length of such a summary should be kept to a minimum.
17. Teams may include a cover page with their written submissions. A cover page will not count towards the ten-page limit in cl 14 if it includes only text that serves to identify the submissions (such as the team number, the case name and an 'Appellant' or 'Respondent' title).

Requests for clarification

18. Teams may submit requests for clarification to the Competition convenors no later than **Monday, 23 April at 5pm** (AEST). No guarantee is made that such requests will be responded to, but any responses will be communicated to all teams by **Wednesday, 25 April at 9pm**.

Pt 3: Oral Submissions

Rounds

19. There will be up to four preliminary rounds. To the extent possible, the draw will allow for each team to moot the appellant and respondent sides an equal number of times and teams will not moot against other teams from their university in the preliminary rounds.
20. Teams must avoid revealing their university to judges during the rounds. A breach of this rule, however, shall not constitute a ground of appeal under cl 83.
21. One team member may act as 'solicitor' during each moot. The two counsel and the solicitor may communicate with one another during the moot by writing notes. No other communication of any kind, including electronic communication, is permitted between the counsel or the solicitor and any other person during the moot.

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22. Teams are not bound by the arguments in their written submissions when making oral submissions.

Procedure

23. Teams will receive the written submissions of their opponents by email in advance of the moot:
- a. For the preliminary rounds, by 5 pm on **Tuesday, 15 May**;
 - b. For the semi-finals, as soon as possible after semi-final teams are announced;
 - c. For the grand final, as soon as possible after grand final teams are announced.
24. In each moot, each team's oral submissions will be presented by a senior counsel and a junior counsel. The order of speaking will be as follows:
- a. Appearances by each senior counsel
 - b. Senior counsel for the appellant
 - c. Junior counsel for the appellant
 - d. Senior counsel for the respondent
 - e. Junior counsel for the respondent
 - f. Rebuttal (delivered by either counsel for the appellant)
 - g. Sur-rebuttal (delivered by either counsel for the respondent)
25. The appellant team may decline to present a rebuttal, and the respondent team may decline to present a sur-rebuttal. If no rebuttal is presented, no sur-rebuttal may be presented. No new arguments may be presented in the rebuttal or sur-rebuttal unless in reply to an argument raised in the respondent's submissions or in the appellant's rebuttal, respectively.
26. The presentation of a summary of the facts in oral submissions is not compulsory and whether or not a summary of facts is provided in oral submissions is a matter for competitors and judges.

Bench books

27. A team is permitted to use 'bench books' or 'bundles of authority'.
28. Relevant sections of authorities are preferred to whole cases or statutes. However, it is recommended that at least a few pages of each authority are provided, as opposed to only one paragraph. For cases, this may include the relevant page, the immediately surrounding pages, and the headnote. For statutes, this may include the relevant section, immediately surrounding sections, and the cover page.
29. Teams must place the bench books on the bench before the commencement of the moot. If this is not done, at the conclusion of both teams' appearances, competitors must request permission from the judges to hand up their bench books. Competitors may only hand them up if permission is granted.
30. Teams using bench books must provide at least two copies of the bench book to the bench. It is recommended, but not necessary, that teams provide their opponents with a copy of their bench book.
31. Judges will not penalize or disadvantage any team that does not use bench books.
32. Printing will not be provided for bench books.

Timing

33. Each team will have a total of 45 minutes in which to present its oral submissions (including any rebuttal or sur-rebuttal). Each speaker must speak for no less than 15 minutes and no more than 30 minutes.

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34. When giving appearances, each senior counsel should state the names of that team's speakers, the division of appeal points, the division of time for principal submissions and the reservation of time (if any) for rebuttal or sur-rebuttal.
 35. Judges may, at their discretion, grant an extension of time of up to two minutes to each speaker. As far as possible, judges will seek to ensure that any extensions are granted equally between the teams.
 36. Counsel are encouraged to use a timekeeping device during the moot. Any timekeeping device used must be silent. For the avoidance of doubt, counsel may use a mobile phone on silent and airplane mode to keep time, but only for that purpose.

Pt 4: Judging and Scoring

Judges

37. All moots will be judged by at least two judges. The semi-finals and grand final will be judged by at least three judges.
38. Moot judges will be any one or more of:
 - a. Judges on an Australian court
 - b. Barristers or solicitors, or other legal practitioners
 - c. Legal academics
 - d. Other law graduates with significant experience in judging mooting competitions

Scoring

39. Scoring of the preliminary rounds shall consist of two parts: the scoring of written submissions and the scoring of the oral rounds.
40. Two categories of points shall be awarded to teams in each moot: **Raw Scores** and **Round Points**.
41. The calculation of Raw Scores will be subject to penalties applied under Pt 6 of these rules.

Scoring of written submissions

42. All written submissions will be marked in advance of the competition by a panel of at least two judges (**Written Submissions Judges**) using the scoresheet attached as Annexure A to these rules.
43. Each Written Submissions Judge will score both sets of written submissions from each team out of 100. For the avoidance of doubt, the appellant and respondent written submissions of each team will be scored separately.
44. A team's **Written Submissions Raw Score** is the sum of all scores given for its appellant and respondent written submissions.
45. All teams in the Competition will be ranked according to their Written Submissions Raw Score to receive a **Written Submissions Rank**. In the event that there are any ties in the Written Submissions Ranks of any teams, the Written Submissions Judges must resolve the tie by coming to an agreement about which team's written submissions are better overall.

Scoring of oral rounds

46. Each judge will score each speaker in a moot out of 50 points using the scoresheet available at <https://www.unswlawsoc.org/private-law-moot/>. The sum of each judge's scores for the speakers in a team is an **Oral Submissions Raw Score**.

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47. In the event that a judge grants the same Oral Submissions Raw Score to both teams in a moot, the judge must nominate a team that he or she considers to be 'better overall'.
 48. Thus, subject to cl 37, each team will receive two Oral Submissions Raw Scores in each preliminary round moot, and in each semi-final and grand final moot, each team will receive three Oral Submissions Raw Scores.

Round Points – preliminary rounds

49. In each preliminary round moot, 1 Round Point will be given to the team with the higher Written Submissions Rank.
50. In each preliminary round moot, a total of 2 Round Points will be awarded based on a comparison of Oral Submissions Raw Scores. 1 Round Point will be awarded to the team with the higher Oral Submissions Raw Score awarded by the first judge. In the event that both teams receive the same Oral Submissions Raw Score from the first judge, the team that was nominated 'better overall' in accordance with cl 47 will receive 1 Round Point. The process is repeated for the second judge. Thus, a team may receive up to 2 Round Points based on oral submissions.
51. In any preliminary round moot, the team receiving the majority of the 3 available Round Points will be the winner of the moot.

Progression to the semi-finals

52. In order to accommodate potential differences in the strengths of the opponents faced by teams in the preliminary rounds, teams will be ranked in the manner that follows.
53. For each preliminary round:
 - a. The number of Round Points won by the team in that round will be added to a proportion of the number of Round Points won by the opponent against all other teams faced by the opponent.
 - i. The proportion will be equal to the proportion of the available Round Points won by the team against the opponent in that round.
 - ii. For the purpose of this calculation, if the opponent has received a bye in any preliminary round, the number of Round Points that it has won in all other preliminary rounds in which it has competed will be divided by the number of other preliminary rounds in which it has competed, and this number will be added to the opponent team's tally of Round Points won (once for every bye it has received).

This total, calculated over all preliminary rounds in which a team competes, will be the team's **Positive Round Points**.

- b. The number of Round Points lost by the team in that round will be added to a proportion of the number of Round Points lost by the opponent to all other teams faced by the opponent.
 - i. The proportion will be equal to the proportion of the available Round Points lost by the team to the opponent in that round.
 - ii. For the purpose of this calculation, if the opponent has received a bye in any preliminary round, the number of Round Points that it has lost in all other preliminary rounds in which it has competed will be divided by the number of other preliminary rounds in which it has competed, and this number will be added to the opponent team's tally of Round Points lost (once for every bye it has received).

This total, calculated over all preliminary rounds, will be the team's **Negative Round Points**.

Example 1: In one preliminary round, Team A wins all 3 Round Points against Team B (thus winning the moot). Team A's positive Round Points *for that round* will be 3 Round Points plus all of the Round Points won by Team B against the teams faced by Team B in the other preliminary rounds. Team A's negative Round Points *for that round* will be 0.

Example 2: In one preliminary round, Team A wins 1 of 3 Round Points against Team B (thus losing the moot). Team A's positive Round Points *for that round* will be 1 Round Point plus 1/3 of the Round Points won by Team B against the teams faced by Team B in the other preliminary rounds. Team A's negative Round Points *for that round* will be 2 Round Points plus 2/3 of the Round Points lost by Team B to the teams faced by Team B in the other preliminary rounds.

54. For teams that have not received any byes, each team's Negative Round Points are subtracted from its Positive Round Points to determine that team's **Final Scaled Round Points** across the preliminary rounds.
55. For teams that have received one or more byes, each team's Negative Round Points are subtracted from its Positive Round Points to determine that team's **Scaled Round Points** across the preliminary rounds in which it competed. Each such team's Scaled Round Points are then divided by the number of moots in which it competed and the resulting number (the team's **Round Points Average**) is added onto its Scaled Round Points once for every bye received. The number of points thus arrived at will represent that team's Final Scaled Round Points across the preliminary rounds.
56. Teams will be ranked according to their Final Scaled Round Points and the four teams thus ranked the highest will progress to the semi-finals. In the event of tied rankings, cl 53 to 55 will be applied again to the Final Scaled Round Points in place of the original Round Points.
57. Subject to cl 56, in the semi-finals, unless cl 58 applies, the first-ranked team will moot against the fourth-ranked team in the first semi-final, and the second-ranked team will moot against the third-ranked team in the second semi-final. The two winning teams in each semi-final will progress to the grand final.
58. If two teams from the same university progress to the semi-finals, those two teams will moot against one another in the first semi-final and the remaining two teams to progress to the semi-finals will moot against one another in the second semi-final. The two winning teams in each semi-final will progress to the grand final.
59. For the purpose of the best speaker awards (see Pt 5), each speaker will be given a rank out of 4 in each preliminary round moot, based on the total Raw Scores received by that speaker for his or her oral submissions from the two judges in that moot.

Judges' feedback and announcements

60. At the end of each moot, judges may give general feedback only. Feedback addressed to individual mooters should not be given.
61. In the preliminary rounds, the judges must not reveal the winner of each moot.
62. In each semi-final and in the grand final, the judges will announce the winner immediately following their deliberation.

Scoring and progression in the semi-finals and grand final

63. There will be 9 Round Points to be won in the semi-finals and grand final.

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64. The team with the higher Written Submissions Rank will receive 3 Round Points.
 65. The team with the higher Oral Submissions Raw Score from the first judge will receive 2 Round Points. If both teams receive the same Oral Submissions Raw Score, they will receive 1 Round Point each. The process will be repeated for the second and third judges.
 66. The winner of each semi-final and the grand final will be the team with the most Round Points out of 9.

Release of scores

67. No Raw Scores will be released to teams until the conclusion of the Competition.
68. Following the conclusion of the Competition, each team will be provided with its win/loss results and Round Points, as well as its overall score for each moot, with a breakdown showing all scores.

Pt 5: Awards

Best written submissions

69. There will be an award for the best appellant and best respondent written submissions.
70. These awards will be based on the Raw Scores for the written submissions, judged prior to the commencement of the oral rounds.

Best speaker – preliminary rounds

71. There will be an award for the best speaker in the preliminary rounds.
72. Candidates for this award must have acted as counsel at least twice in the preliminary rounds.
73. The award will be given to the competitor with the highest number of 1st place speaker rankings (see cl 59). If two or more speakers receive the equal highest number of 1st place rankings, the award will be given to the competitor with the highest average speaker score for their best two moots.
74. In the result of an unresolvable tie, two or more competitors will share the prize.
75. At the discretion of the Competition convenors, an award of runner-up may be given.

Best speaker – grand final

76. There will be an award for the best speaker in the grand final, as judged by the grand final judges.
77. In the event of a tie, the competitor with the highest average score for their two best preliminary round moots will receive the award.

Spirit of the Moot

78. There will be an award for the team considered to have best upheld the spirit and values of the moot, including teamwork, collegiality and fair play.

Pt 6: Penalties and Appeals

Penalties

79. Written submissions that are submitted up to 6 hours late will incur a 5% reduction in their Written Submissions Raw Score.

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80. Written submissions that are submitted between 6 and 24 hours late will incur a 10% reduction in their Written Submissions Raw Score.
 81. Written submissions that are submitted over 24 hours late will incur at least a 10% reduction in their Written Submissions Raw Score and may receive a greater reduction as deemed appropriate by the Competition convenors.
 82. Written submissions that contain a reference to the name of the university that the team is representing or the names of any competitors who form part of the team will incur a 5% reduction in their Written Submissions Raw Score.

Appeals

83. Competitors may inform the Competition convenors of any perceived breaches of these rules. The Competition convenors may, after investigating the matter and allowing the team complained about to offer an explanation, apply a penalty in the form of a reduction in Raw Scores for a breach of these rules, at their discretion.
84. At the discretion of the Competition convenors, a breach of these rules may be classified as *de minimis* and thus not attract a penalty.
85. Any dispute in relation to a breach or alleged breach of these rules will be finally and conclusively resolved by the Competition convenors, at their discretion, acting unanimously. All disputes should be described in detail and emailed to the convenors at privatelawmoot@unswlawsoc.org. Any disputes should be filed as soon as possible, and failure to do so may be grounds for rejecting an allegation of breach.

Rules may be amended

86. The Competition convenors may amend these rules unilaterally at any point before the commencement of the Competition.

Pt 7: Competition Documents

87. All Competition documents received by competitors, including the problem question, must not be distributed, reused or adapted after the Competition. The copyright in the problem question remains with its authors. The copyright in all other documents is in the UNSW Law Society.

Annexure A

Written Submissions Scoresheet

Date	Judge	Team Number	Appellant / Respondent
N.B. The below factors to consider need not carry the same weight.			
Knowledge of facts and law			
Use of all facts in the problem question; reasonable inferences drawn where appropriate; relevant authorities cited; understanding of jurisprudential issues			
Notes:			
Analysis of issues and creativity of arguments			
Application of law to the facts of the problem question; confrontation of any weaknesses in the law or the facts; innovation and persuasiveness of arguments			
Notes:			
Extent and use of research			
Extensive research beyond merely the 'standard' cases; use of analogical reasoning where appropriate; employment of materials from different jurisdictions			
Notes:			
Clarity and organisation of arguments			
Clear and understandable arguments; logical structure and flow; correct length			
Notes:			
Style, citation of sources, and spelling/grammar			
Correct formatting as per the rules; citation in conformity with the <i>AGLC</i> ; limited or no mistakes in spelling, grammar, punctuation, syntax etc.;			
Notes:			
TOTAL SCORE		/ 100	