



2021 *COMPETITIONS* *GUIDE*



YOUR GUIDE TO
SUCCESS!



CREDITS

UNIVERSITY OF NEWCASTLE LAW STUDENTS' ASSOCIATION COMPETITIONS GUIDE 2021

JUDGED BY THE LAW COUNCIL OF AUSTRALIA TO
BE THE WINNER OF THE BEST FIRST YEAR
INITIATIVE ALSA AWARDS 2012

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Thank You

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President and Vice President (Competitions) Foreword



Jesse Franks (President),
Charu Lamichhane (Vice
President (Competitions))
University of Newcastle Law
Students' Association

On behalf of the UNLSA, we are thrilled to oversee new and old competitors step outside their comfort zone by entering the world of competitions we have to offer. The 2021 Competitions Guidebook is a resource aimed at supporting competitors by providing you with all you need to know about all the wonderful competitions UNLSA has to offer as well as advice from grand-finalists and judges. We hope that this gives you the boost you need to jump in head first and find out just how rewarding competing can be.

By competing in these competitions, you will develop advocacy, negotiation and interviewing skills that are necessary in the workforce. Not only does it look excellent on your CV, it is an excellent way to show potential employers that you are willing to challenge yourself, and is a fantastic talking point in interviews. It is also a great way to meet new friends, staff and members of the legal profession. Excelling in our internal competitions will give you the experience you need to step up in the competitions ladder, to possibly representing the Law School at an intervarsity level, in bigger competitions. We would like to thank our Directors of Competitions, for both Advocacy and Skills, who have worked immensely hard to help run our internal competitions.

We wish you the best of luck.



About Us

Director of Competitions (Advocacy)

Jonty Donald & Rachael Mylabathula

Email: advocacy@unlsa.com

Rachael and Jonty are the Directors of Competitions (Advocacy) for 2021 and will be administering the Senior Mooting and Witness Examination competitions in Semester One and Junior Mooting in Semester Two.

Both Rachael and Jonty are in their fourth year of their Bachelor of Laws (LLB), with Rachael having graduated from a Bachelor of Arts and Jonty a Bachelor of Development Studies. Having both competed in UNLSA advocacy and skills competitions before taking on their roles, Rachael and Jonty strongly believe that participating in UNLSA competitions is an excellent way in which new and continuing law students can develop and strengthen valuable skills and competencies. In particular, advocacy competitions give students the unique opportunity to practise how to craft and respond to argument in a low-pressure environment. Further, they offer a great way to better appreciate how the law and legal skills can be applied in practice.

Competitions also provide students with the chance to engage with legal practitioners, university alumni and peers at different stages of their legal education. Competition experience is also a great way to build your confidence and your resume!

Jonty and Rachael would enthusiastically urge all new and continuing Newcastle law students to get involved in advocacy competitions in 2021!



About Us

Director of Competitions (Skills)

Lindsay Thomson and Cormac J. O'Byrne

Email: skills@unlsa.com

Lindsay and Cormac are the Directors of Competitions (Skills) for 2021 and will be running the Negotiation Competition in Semester One, and Client Interviewing and Paper Presentation Competitions in Semester Two.

Lindsay and Cormac are both penultimate year law students (LLB/Diploma of Legal Practice), holding a Bachelor of Business (International Business) and Bachelor of Commerce (Accounting) respectively. Lindsay and Cormac are hardworking students and have received exposure through competing in competitions in previous years. Subsequently, they are aware that competitions are a wonderful way to get involved with co-curricular activities to supplement your university studies and develop highly sought-after skills as lawyers!

The negotiation competition allows competitors to utilise their dispute resolution skills which are becoming increasingly more important as disputes are more commonly being resolved outside of court. Similarly, client interviewing allows teams to work together to extract as much information as possible from a client, attempting to extract key secret facts which can substantially alter their legal issues. Real-life interviewing skills are fundamental, and necessary for practicing solicitors.

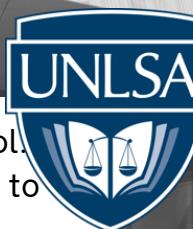
Finally, in the Paper Presentation competition, entrants write and present a paper on any topic of their choosing. This competition is a great way to develop your research, writing and public speaking skills, it looks great on a resume and doesn't require extensive preparation - you may use, or build on, a paper you have already written. It is very much suited to those interested in jurisprudence.

Both Lindsay and Cormac are very eager to increase participation throughout the competitions portfolio during 2021. Should you have any questions or concerns, please don't hesitate to get in touch through skills@unlsa.com.



WELCOME

Welcome to Comps!



Welcome to the challenging, fun and life-changing world of Newcastle Law School! Competitions are a rite of passage for any enthusiastic law school student wishing to expand, nourish and actively engage with their legal education. This guidebook is designed by law students for law students, with the aim of showing you not just why you should participate in the competitions organised for you, but how you can succeed in them.

For those in their first year of law school – welcome! We highly recommend that you involve yourself in at least one competition. Though it may seem that there is already a great deal to take in, there is no better time to start competing. Use this book to supplement both your classroom learning and the handbooks which outline each competition's rules and procedures.

Your competition directors are here to help you. We want you to be confident and excited about entering the world of competitions. The best way to find out whether comps are for you is to give it a go. This guide is no substitute for experience, so jump in!

Aside from actually competing, there are also different ways to get involved! You can volunteer as a time-keeper in mooting competitions or as a client for client interviewing or witness examination competitions to test out your acting skills. The possibilities are truly endless, so don't be afraid to get in touch if you'd like to jump in to help out!

What about prizes?

As if gaining confidence, skills, new friends and the admiration of your peers isn't enough – you could be selected to compete in an intervarsity competition to represent the University of Newcastle.

Such competitions are run by various universities all over Australia (and sometimes Internationally) designed to stimulate, excite, educate and delight law students. Some competitions will have a host of other associated events such as cocktail and networking evenings and dinners. Covid-allowing, you may be able to travel to various locations and show off your skills all the while representing UoN and the UNLSA and meeting new people, making connections and broadening your horizons.



Important Dates:

2021 UNLSA Negotiation Competition

STARTS: Monday 22 March 2021 & Tuesday 23 March 2021 (Week 5), 6pm
Open to all LLB & JD Students

2021 UNLSA Witness Examination Competition

STARTS: Wednesday 24 March 2021 & Thursday 25 March 2021 (Week 5),
6pm
Open to 3rd, 4th & 5th year LLB Students and all JD Students

2021 UNLSA Senior Mooting Competition

STARTS: Tuesday 23 March 2021 & Thursday 25 March 2021 (Week 4), 6pm
Open to 3rd, 4th & 5th year LLB Students and 2nd & 3rd JD Students

2021 UNLSA Paper Presentation Competition

Semester 2
To be confirmed

2021 UNLSA Junior Mooting Competition

Semester 2
To be confirmed

2021 UNLSA Client Interviewing

Semester 2
To be confirmed

2021 Interfaculty Debating Competition

TBA

NOTE: At the moment, UNLSA is planning to run the above competitions in-person. However, such organisational details (including dates) are subject to change depending on advice from the University, NSW Health and various other stakeholders.

Negotiation

What is Negotiation?

In the Negotiation Competition two teams of two students will face off. Each team consists of a lawyer and client pair, and represents a different side in a negotiation. Both teams receive a set of common facts as well as a set of confidential facts specific to their side. These confidential facts will include instructions from their client regarding what they want to achieve and what they want to avoid. The two teams will attempt to negotiate an outcome that best meets their client's needs and expectations. The actual negotiation session has a maximum time of 30 minutes. During this period each team has a five minute break they can call where they are able to confer with their partner in private. Importantly, these breaks do not stop the clock but are helpful for discussing strategy. Throughout the negotiation a judge will be present to score you on your performance.



At the end of the negotiation there will be a ten minute self-reflection in the presence of the judge. This is a critique of your own performance, focusing on the strategy you used and what you could have done better during the negotiation to achieve a better result. Judges will score you highly if you can recognise your faults and not just spend this time justifying all your decisions.

This is a great opportunity to fess up about your mistakes and get marks for them. The reflection is often underutilised by teams as an opportunity for gaining marks. The reflection time is crucial and often pivotal in determining the winner. The focus of this competition is on your negotiating skills, so it is important to realise that the team that wins may not necessarily be the team that walks away with the best deal.

Negotiation Strategies

The two popular strategies utilised in negotiations are the positional approach and the interest-based approach. These two strategies are described briefly below, but there is a wealth of information on each.

The Positional Approach:

Each party adopts a position, generally one exceeding their expectations, and the parties will then make smaller and smaller concessions until the parties reach an agreement or they reach an impasse. When adopting this approach the initial offers are pivotal as each party will make concessions until they meet somewhere in the middle. This is the more adversarial, and arguably the more common of the two approaches.

The Interest-Based Approach:

This approach focuses on interests rather than positions. The rationale behind this approach is that it should allow for more mutual gains. The two parties work together to construct an agreement that addresses everyone's needs (as much as is possible) rather than a process of concession until a compromise is reached.

Is One Approach Better Than the other?

While it could be said the positional approach is more common in practice, this does not make it the 'correct approach or even the better one. There is much to gain from an interest-based approach and most negotiators will use a combination of both depending on the situation, and the issue being discussed. If, for example, the parties are simply negotiating a price, then it is difficult to make an exclusively interest-based approach work. On the other hand, an exclusively positional approach limits the capacity of the parties to find creative solutions to the problem, and will usually prevent the parties from negotiating a complete agreement within the ambit of their instructions.

Negotiation

Preparation

Preparation is key to performing well in this competition. It is often useful to classify interests based on whether they are mutual, competing or somewhere in between. Deciding which issues your client is willing to give up and which are deal-breakers is a good way to begin preparing your negotiation strategy. A simple strategy when in a more adversarial mould may involve 'conceding' something that is beneficial, or neutral, to your client but is ostensibly a sacrifice due to confidential facts. This may allow you to be able to negotiate something more beneficial in return.

You should consider possible solutions while preparing for the negotiation. Creativity is very important. Judges look for creative solutions and will appreciate if you've genuinely found solutions which will benefit both teams. This requires both extensive preparation before the negotiation as well as flexibility and effective communication throughout the negotiation. In considering solutions, and preparing in general, the use of objective criteria is recommended. Researching real world prices and evidence will assist you in negotiating a solution and impress the judges with your level of preparation.

After you have determined the key issues for the negotiation and brainstormed a few possible solutions it is prudent to draft an agenda. An agenda is usually just a list of the issues you intend to discuss in the order you wish to discuss them. You can give a fairly barebones version to the other party while having an in-depth one for yourselves which includes points you wish to raise and options to consider.

Bringing an agenda into the negotiation allows the parties to agree on the order issues will be dealt with and keep it on track more easily. Keeping the negotiation on track allows for better time management and increases the chances that a solution will be found in a shorter time frame.

During Negotiation

It is appropriate to begin the negotiation with introductions. Following this, you should establish that the negotiation is confidential and without prejudice. After the niceties are dispensed with it's time to get to it. Using your draft agenda in conjunction with the other party, and any agenda of their own, will allow you to structure how the negotiation will be undertaken. The negotiation is a time for all representatives to present their position, why they hold that position and an opportunity to brainstorm solutions.

Negotiation

Competitors should not be scared to ask the other side from the outset what it is they are hoping to achieve out of the negotiation. When it comes to opening up you can be proactive and attempt to lead the negotiation in the manner you prefer or you can adopt a more wait and see approach (which may be more appropriate due to your confidential facts). Pro-active does not mean aggressive; many beginner negotiators will be aggressive but you should remember that negotiation should be a non-adversarial exercise.

The use of cooperative language will help foster this non-adversarial feeling between the two parties. You should be firm when necessary but genuine cooperation is best. When taking a positional approach, the standard opening is known as a 'soft high' opening. The 'high' denotes a very favourable agreement to the client while the soft indicates a willingness to negotiate.



The give and take nature of the negotiation will likely result in something in between the two extremes. The benefit of a high opening is that it gives you leeway to give concessions without actually impacting your client's expected result. For example, if you are negotiating for the price of a house and your client is wanting something in the area of \$400,000 a 'soft high' opening might be something like \$500,000 but you make it clear that it is negotiable. The other party may counter with \$300,000 and the result will lie somewhere in the middle.

You should not give something away without getting anything in return. If the other party wants you to make a concession they should return the favour. Skill lies in convincing the other party that your concession is costing you more than it is. In return you may receive something of greater value. If you can determine their confidential issues it can greatly assist you. This will usually require being aware of body language and probing those issues they try to shy away from. However, be wary of the other party as they too will be probing you for confidential information and trading you valueless concessions. In an interested-based approach you will take a more open and problem solving approach to finding a solution.

Negotiation

By focusing on each party's interests rather than their positions the negotiators are able to consider options that meet a greater number of these interests. Such an approach usually relies on having good trusting relationship between the parties.

Student Testimonial:

Grace Lancaster and Isabelle Jones, 2019 Negotiation Competitors

Why did you enter the negotiation competition?

We decided to enter the competition as a way to build our legal skills, as well as have some fun! More than that, we saw it as a chance to meet new people, boost the CV and put our studies into practice in a straightforward, non-time-consuming way.

How did you prepare for the competition?

You've probably heard it a billion times before, but the main thing for this competition is to...read the question! It's important to have a solid understanding of your client's objectives, their bottom lines and it can be helpful to discuss some possible solutions to propose to the other side that interests both parties. It's also beneficial to discuss a strategy with your partner and tailor it to the specific facts at hand. Another really great resource is the ALSA (Australian Law Students Association) competition website as they upload the grand final competition video which can give you a sense of how the competition runs, as well as give you some strategies and sense of what judges are looking for.

What makes a good partnership in your opinion?

Ultimately, we think a good partnership is built on respect, trust and understanding. Know each other's strengths, don't talk over the top of each other, take turns talking and build an open communication where you can give each other feedback.

How did you deal with trying to find out the confidential facts on the other side?

It can be useful in preparation time to discuss what realistically might be some secret facts the other side has and draft some questions to ask the other side accordingly to help flesh out these confidential facts. During the competition, it's also important to listen to what the other side is saying, ask questions about their best outcomes and why so you can pick up on any clues/giveaways!

Negotiation

What did you gain from your involvement?

This competition gave us a sense of what it would be like advocating for a client in the real world, offering us a little preview of what being a lawyer might be like. It also instilled a lot of confidence in us and improved our verbal communication skills.

We grew our friendship and met some new peers and people within law school. Our involvement with this competition also meant we could participate in the 2019 Clayton Utz Intervarsity Negotiation Competition, and I (Grace) was able to travel to Melbourne for the 2019 ALSA Conference and compete.

Is there anything you would do differently?

If we had to do things again, I think we would focus more on practical outcomes for clients and think about the situation if it was to play out in the real world rather than just a university competition setting. We would also try and be more flexible with our strategy during the negotiation, to respond to the needs of the situation.



WITNESS EXAMINATION



What is Witness Examination?



Witness examination, fondly known as 'wit-ex', simulates the part of a courtroom trial where witnesses are questioned by legal counsel. This takes place in a mock court setting in front of one or more judges. Wit-ex develops your ability to think on your feet and create sound arguments with minimal preparation time. You will compete as a one-person team, acting as advocate for either the prosecution/plaintiff or the accused/defendant. The centerpiece of a witness examination competition is the evidence and the rules that apply in the course of gathering and admitting it into the courtroom. The goal is to coherently present admissible evidence to the court by extracting information from your witness, and to undermine the credibility of the opposition witness' account of events. Success in this competition involves tact and technique.

Why Witness Examination?

This competition is designed to help you learn the basics of courtroom advocacy and develop your own advocacy style. The competition is also fun and provides valuable practical experience to all competitors. It is a unique opportunity to build your advocacy skills in a realistic and professional setting.

Moreover, it involves minimal preparation time outside the actual competition, and as such, your studies can continue to flourish! Participation in this competition will also make an excellent addition to your resume, regardless of whether or not you intend to pursue a career in advocacy. Indeed, it might even help you land that dream clerkship offer or work experience position!



Witness Examination

Key Terms

Case Theory

The basic framework or model chosen to explain, prepare, or conduct a case for a litigant; the broad factual narrative, covering the requisite legal elements, that the litigant will seek to have adopted (Peter Butt and David Hamer (eds), Concise Australian Legal Dictionary (LexisNexis Butterworths, 4th ed, 2011) 78).

Objection

An objection is a formal protest based on the substance of evidence (e.g. relevance) or its form (e.g. a leading question).

Preparation

You will be presented with your materials 90 minutes prior to the start of the examination. 60 minutes of this preparation time is allocated to reviewing the problem and the remaining 30 minutes is spent interviewing your witness.

Your materials will consist of:

- The statement of your witness;
- The statement of the opponent's witness; and
- The relevant provisions of any legislative materials.

It is important to remember that the two witness statements you receive are likely to be conflicting and may not give you a complete picture of the events. You are also permitted to refer to any additional legal materials available to you during your preparation time.

Take time to read and re-read the question. Your first and most important task is to formulate your case theory, which encapsulates your argument for what happened and why. This is your road map for the trial. It allows you to focus on what you need to prove and disprove in order to satisfy the elements of the charge or defend it. You should be able to express your case theory simply, in a few sentences, so that it can be understood by a layman. This theory becomes your focus point throughout the trial and is built upon using information supplied by the witnesses. It is suggested that the strongest approach to preparing for wit-ex is to formulate your conclusion first. Know your position, and direct everything toward this.

Witness Examination

Anticipate Your Opponent's Arguments

After familiarising yourself with your position, it is vital to know and understand the opposing side's position. This involves anticipating how the question might be prepared by your opposition. You will find methods of presenting your evidence in such a way as to avoid objections from opposing counsel. Similarly, you can prepare objections that you may be able to raise.

Prepare your witness

Make sure your witness knows to answer questions directly and not to waffle. It is also wise to discuss the case theory you are hoping to convey. Revise their statement to ensure they remember it on the stand and that they are crystal clear about the facts, making sure they understand the pertinent points of the case. Go over the sections of the statement that you think will be targeted by your opponent in cross examination.

Make sure your client is aware that leading questions will be used by the opposition when they are being questioned. It is beneficial if they maintain the same tone and demeanour throughout examination-in-chief and cross-examination. Remind them that if an objection is made they must cease talking.

Structure

Structure Opening by the prosecution	2 minutes
Examination-in-chief by the prosecution	10 minutes
Cross-examination by the defence	15 minutes
Opening by the defence	2 minutes
Examination-in-chief by the defence	10 minutes
Cross-examination by the prosecution	15 minutes
Summation by the prosecution	3 minutes
Summation by the defence	3 minutes

Witness Examination

Opening Address

The opening address introduces your case theory, and is your opportunity to effectively paint a picture of both the fact scenario, and your arguments. A skilled competitor will develop an engaging narrative. One approach is to appeal to the morality of the jury' and connect with their sense of reality (even though there is not usually an actual jury' in a wit-ex competition). Your narrative, and the case theory tied to it, must not only appear plausible, but the most likely series of events to the jury'. You will need to be clear, confident and brief in outlining the crucial issues and their relative significance.

Examination-In-Chief

Examination-in-chief is your opportunity to gather the crucial evidence to bolster your case theory. You must produce evidence which satisfies the absolute fundamentals (and elements) of your case. You will extract favourable information from your witness while avoiding facts unfavourable to your case. You can also ask questions to directly disprove your opponent's case.

When questioning either witness, it is important to keep them calm by easing them into questioning with an opening line, such as:

'Mrs Spanner, I'm going to ask you a few questions about the day in question. I would like you to answer clearly and simply. Direct your responses towards Her Honour.'

You can start with basic questions establishing the witness' name, age, residence and employment without incurring an objection. These questions relax both you and the witness and enable you to establish a rapport with the witness. You are aiming to provide a story of what happened that day. Your questioning should have the tone of a conversation. It is your 'story' or theory of what happened that needs to be the most persuasive and 'stick' in the juror's mind.

Your questions must be short and clear – establish one fact with each question. Your questions must also be non-leading when you are examining in-chief (note that there are exceptions to this rule). This is because it is the witness' answers, not the question being asked, which is considered relevant evidence. It is only during cross-examination that leading questions are permitted. You must engage with your witness' answers and guide them so you can efficiently and effectively extract relevant facts. It is important you demonstrate a basic knowledge of evidence law by avoiding objectionable questions and arguing objections against you, using the principles of evidence law.

Witness Examination

Cross-Examination

In cross-examination, you will examine the opposing side's witness in an attempt to undermine their credibility as a witness or discredit their account of events. In doing this, you are striving to question the soundness of the opposition's case theory, and present the evidence in a new light. Your aim is to negate any testimony made by the opposing team's witness that is harmful to your case.

A witness' account can be discredited not only by attacking specific inconsistencies and significant points in their statement, but also by calling into question, among other things, their:

- Character;
- Attitude;
- Memory;
- Bias; and
- Level of intoxication.



The approach to cross-examination should be tactful, rather than 'obvious'. You should have in mind what aspect of your opposition's case theory you wish to attack and you should lead your questioning of the witness toward this end. Lead-up questions are just as important as the pertinent question itself.

An effective tactic involves asking a number of lead-up questions which all call for the same 'yes' or 'no' answer, before asking one final question that requires the witness to break the pattern of this same answer, throwing them off. Maintain the same tone throughout questioning; you must avoid signposting to the witness that you are about to ask a question which attacks the credibility of their testimony. Leading questions are important to maintain a position of control in a cross-examination.

A leading question is one which suggests its own answer. It is generally a statement followed by a tagline. An example of a leading question is:

'You went to the park alone that night, didn't you?'

These questions are best answered with a simple 'yes' or 'no' response and are invaluable in directing a witness down a set path.

Witness Examination

Cross-Examination

As a cross-examiner, you must follow the rule in *Browne v Dunn*. The purpose of this rule is to provide the witness with a fair opportunity to explain themselves when you intend to rely on points or inferences that contradict the witness's testimony. This is commonly executed by stating '*I put it to you that....*'

An example of counsel following this rule is:

'I put it to you that you did not drive straight home after work... [pause for response from witness)...I put it to you that you drove to the pub after work....'

Create a plan for your cross-examination during your preparation time by pre-empting weaknesses in the opposing team's case theory. Pay close attention while your opposition is speaking and take notes to further consolidate and strengthen your position for cross examination. Often, the major points relied upon by the opposing team will be those that must be successfully attacked in order to break their case theory.

Closing Address

The closing address is your final opportunity to summarise your case theory. Importantly, you need to 'hammer home' the reasons why the court should disagree with your opposition's case theory. You will be highly persuasive if you can state exactly what the opposition said and give reasons why this version of the events is flawed. The closing address should be concise, confident and definite. You may further strengthen your case theory at this point by drawing on the oral evidence that has been adduced during the trial. Reiterate how you have proved or disproved the elements of the charge and whether the standard of proof has, or has not been met.

The Importance of Feedback

The judge will give you constructive feedback at the end of each round that is tailored to you. Take note of this feedback and use it to improve your performance in future rounds and competitions. Writing your feedback down afterwards is a good idea so the advice given isn't erased in post competition celebration. This will give you a complete record which will prove invaluable in later competitions.

Witness Examination

Tips From The Bench Witness Examination Judge William Buxton

1. Develop a very clear case theory.

For example: '*It is the prosecution's case that Mr Chalmers knew Ms Smith was drunk. He knew she was drunk, and he had sexual intercourse with her knowing that she had not consented. On this basis, the prosecution will show that he was reckless as to Ms Smith's consent, and accordingly the elements of a charge under section 611 are satisfied.*'

It is important to keep this theory in mind at all times, as adducing evidence which is unrelated is a waste of your time. Maybe there is a tendency to skip the very basic factual stuff and go straight to the law – but the tribunal of fact (whether it's a judge or a jury) needs a picture of the whole situation in order to understand things. Bear in mind that in a criminal matter the judge or jury (usually) won't have any knowledge of the facts beforehand, so they do need you to introduce those facts.

2. Write your closing first.

It's where your whole case needs to go, and accordingly you must shape your opening, evidence in chief and cross-examination around this.

3. Always stand when addressing the judge.

If your colleague makes an objection, he or she must stand to do so, and you should immediately sit. There should only ever be one person standing at a time.

4. Even in a judge alone trial, it helps to introduce a bit of realism by way of the emotions of the circumstances.

For example: '*It is the defence case that Mr Chalmers did nothing more than make an honest attempt to take Ms Smith out for dinner. He made advances towards her, which we will show she accepted, and even encouraged. Ms Smith voluntarily went back to his house, and voluntarily had sexual intercourse with him. Now Mr Chalmers faces these terrible allegations. It is a terrible thing that Mr Smith is accused of doing, and we will show that the prosecution cannot possibly satisfy you beyond a reasonable doubt, that he did this act.*'

5. Do not 'thank' a witness for an answer to a question.

Witness Examination

Student Testimonial Jack Tearle, Winner of the 2019 Witness Examination Competition

Witness examination is, in my experience, the most exciting competition offered by Newcastle Law School. It is an opportunity to develop and exercise court advocacy, case building and high-pressure problem solving in an environment which is supportive, forgiving and educational. Of all the comps, it requires the least preparation – you are delivered the question 90 minutes before contesting it and there simply isn't time to build a flawless plan.

You will need to listen attentively to evidence delivered by friendly and unfriendly witnesses and attune your case theory accordingly. You will also need to make concise case submissions to convince the judge of your client's position. No other competition allows you to put your individual advocacy skills and creative composition against a problem in the same way as witness examination. It is an excellent way to get a taste for court advocacy. As an extra incentive, doing it before evidence makes the mock trial assessment much less daunting! All in all, WitEx is a unique and fun challenge and all students should seriously consider entering.



PAPER PRESENTATION



What is Paper Presentation?



The Paper Presentation competition sees entrants write and present a paper on a topic of their choosing. Competitors are given extensive discretion in selecting their topic, the only requirement being that the subject has some broad relevance to the law!

Who Can Participate in Paper Presentation?

The paper presentation competition is open to all UNLSA members at any stage in their studies. Due to the nature of the competition, no previous experience is necessary.

Why Should I Participate in Paper Presentation?

Some of the main reasons students compete in the paper presentation competition include:

- It gives you the opportunity to expand and demonstrate your knowledge on a topic that interests you.
- Topics do not have to be strictly legal, so long as they have some broad relevance to the law.
- It helps you develop your research and writing skills, which you will employ throughout your university career and carry into legal practice.
- You will become a more confident public speaker.
- You will learn to think on your feet.
- It looks great on your resume.
- It doesn't require extensive preparation as you can use, or build on, a paper you have already written.
- You don't have to worry about getting a team together.
- If you win, you may be given the opportunity to represent the UNLSA at the annual ALSA Conference.

Paper Presentation

What Should I Wear?

Corporate attire. Your presentation is serious and you should dress to reflect this.

Structure of Paper Presentation

Your paper can be on any legal topic of your choosing. It must be between 3000 and 5000 words. Basic footnotes, headings and the bibliography will not count towards the word limit. Explanatory footnotes are allowed but they will be included in the word limit. Your paper must follow the Australian Guide to Legal Citation 4 standard (available online at <https://goo.gl/qBeXSM>). Your paper must be anonymous. To avoid incurring penalties, do not include your name or student number.

Presentation

You will be given fifteen minutes uninterrupted to present your paper to the judge(s). Your paper must form the substantive basis for your presentation. A warning will be given at ten, thirteen and fifteen minutes. You must stop speaking when the judge asks you to do so. After the fifteen minutes the judge(s) will have ten minutes to question you based on your paper. You will have access to a lectern, a whiteboard and a projector connected to computer equipment for power-point presentations.



Paper Presentation

Student Testimonial - Conrad Nicholls



1. What is your advice on selecting a topic? What was your topic about?

My advice on selecting a topic is to make sure that you pick a topic that you are interested in exploring. I strongly believe that the best and most exhaustive research comes from passion. You are naturally guided by your absorption in the topic, and you have a better chance in exhausting all relevant materials if you're engaged through interest. The topic I presented explored the varying perspectives of different jurisdictions around the world regarding their perspectives on the limits of diplomatic immunities for heads of State and high ranking government officials from prosecution in foreign jurisdictions. My interest in this topic was generated by my exploration of it when I participated in the 2020 Jessup International Law Moot.

I definitely found that my passion for that area of law enabled me to understand the differing judicial dicta from various jurisdictions, and to categorise them succinctly due to their features. I then finalised the paper by identifying the international diplomatic issues emanating from the jurisdictional differentiations, and presented a proposal for law reform to remedy the issue.

2. How did you prepare for this competition? How did COVID-19 affect your participation in the competition?

Firstly, I identified the issue I wished to explore and drafted my question. This is the necessary first step to limit your research and preparation. I had recently read about the protests of the African Union regarding the discrimination with which they felt they received from prosecutions before the International Criminal Court, and their intent to withdraw from the Rome Statute in light of the 2019 prosecution of Omar Al-Bashir. This provided a scope to my research. After this, I gathered various resources on the topic. I had the aid of previous work I had done, but nonetheless collated a series of textbooks, cases and other material for research. Thereafter, I commenced reading and researching, noting down the key applicable parts of my resources. I would thereafter branch out into different resources identified in the material I was reading, exhausting most avenues of research. I soon identified the different jurisprudential viewpoints, identified the primary problem, and created a solution. Thereafter, my focus was on writing my findings succinctly and procedurally.

Paper Presentation

COVID-19 had little effect on my preparation for the written component, as I fortunately still had access to the University library, and this part was quite independent in itself. The preparation for the oral component was more difficult however. The participation for the oral component was unique, as the entire competition was held over video call. All competitors, judges and audience attended from the comfort of their homes. As such, in the preparation of the oral component, this had to be made more engaging and interesting due to the natural disconnect faced by the virtual aspect of the competition.

My oral summary of my paper had to touch on all of the main points whilst engaging with the judges. I managed to do this by creating a story and narrative surrounding the law, making the developments and divergences in the jurisprudence more digestible. Additionally, I managed to make this more engaging by applying the theoretical aspects of my paper to current diplomatic and political examples. I was also aided by the major focus being brought to the slideshow, which enabled me to summarise my main points in a digestible format, made engaging through the use of relevant pictures.

3. What advice would you give about the oral presentation of the paper?

The advice I would give is as follows:

a) Public speaking is an art, and your style is just as important as your content. If you sound confident and engaging, your audience will take you to be exactly that. Make your presentation into an artwork and engage the audience with your persuasiveness, storytelling, and your understanding of the topic. I corresponded my topic with a narrative, exploring the origins of the law and then discussed the different jurisprudential views as they arose chronologically over-time. Providing a narrative format gave me the ability to tell a story and capture the audience, eventually building my legal analysis to a climax identifying the core issue in international law, to then propose a solution and remedy the problem.

b) Think of any questions you might get asked, and practice questioning with others who proofread your paper. There is no doubt that you will get asked very technical and tricky questions. To have an answer prepared is great, but to have the ability to develop an answer on the spot really shows skill and in-depth knowledge, and prepares you for anything. Don't be afraid to engage with the judges when they

Paper Presentation

question you. Engage with the question, treat it like an educational discussion. In this area you are the expert and you are the presenter. Present yourself like one.

- c)** Don't try to regurgitate your written paper into a 15 minute oral presentation. Make the focus more narrow on the major parts of the paper. You don't need to touch on everything.
- d)** Make the oral presentation simplistic and naturally progressive. Outline your approach and where you are going at the start, and follow that through from a to z.
- e)** Practice, practice, practice. This means both the presentation aspect, and the questioning part.

4. What are your tips for success in the Competition, and what skills did you gain?

Tips for success:

- a)** Start early on your research, the more you get in the more confident you are in your submissions, your presentation, and in your answers.
- b)** Complete your writing early, re-read and re-draft. The more succinct and orderly you can make your paper, the better. Have it proofed and tie any loose ends identified throughout.
- c)** Draft your oral presentation in a story or narrative format if possible. This makes it easy for the audience to grasp, understand and engage with.
- d)** Draft your slideshows with minimal text and engaging visual icons to add colour to the presentation.
- e)** Have fun with it. It's a great experience and is a very great way to use any spare time you have. Be creative and treat it like a work of art. Your limits are your imagination.



MOOTING



What is Mooting? ???

Mooting is the ultimate test of your advocacy skills! A ‘moot’ is a formal discussion with a judge(s) which stimulates a court appeal. It involves two teams of legal counsel who each represent a party in a hypothetical case, aiming to settle a contentious point of law. In a moot there is no ‘right’ or ‘wrong’ side – each has merit. Therefore, the skills involved in mooting include thorough legal research and case preparation. Teams must then orally present their findings in a way that is spoken clearly and confidently whilst exercising proper court etiquette at all times. The role of an advocate in a moot court is to inform and persuade the judge that their interpretation of the law is most correct. Each speaker will make a number of ‘submissions’ to the judge. These are the reasons, supported by law, detailing why your client ought to be successful.

To Moot or not to Moot, that is the Question

In addition to being fun, mooting is one of the best ways to enhance your legal education, your experience at university and your resume. Mooting fosters skills in legal reasoning and research that are highly valued in all legal careers.

Participation in mooting demonstrates to prospective employers that you are confident, driven and will take initiative beyond what is required of you. For those in their first year of law school, the Junior Mooting Competition is valuable in providing a pressure-free environment to try mooting for the first time. Moreover, participating as a first year is fantastic preparation for students completing their compulsory assessable moot in Legal System and Method.

How is Mooting Different to a Mock Trial?

Unlike a mock trial, a moot operates at the appellate level. The facts of the case have already been established at trial and the proceedings are now focused on points of law. The appellant has appealed the decision of the previous court, arguing that the decision was erroneous as to one or more points of law. This is in contrast to a mock trial where facts and evidence are tested.

Mooting

Key Terms

Memorandum of Argument

A memorandum of argument is a document which outlines your team's main arguments and authorities. This document is worth 10% of your total mark.



This is the skeleton of your case which you will flesh out further through your oral presentation. An example memorandum will be supplied to you in the mootng handbook.

Submission

Each of your main arguments is called a 'submission'. Each submission needs to be outlined in your memorandum of argument. A submission can be introduced in the following way:

'Your Honour the appellant/respondent submits that...' or 'Your Honour we submit that...'

Counsel for the Appellant

Counsel for the appellant is the team aiming to persuade the judge that the decision of the judge(s) in the court below was incorrectly determined, or erroneous, on the basis of the grounds of legal appeal (usually 2).

Counsel for the Respondent

Counsel for the respondent is the team aiming to persuade the judge that the decision of the judge(s) in the court below was correct.

Mooting

Who Makes up your Moot Team?

Each team is usually comprised of three members being:

1. Senior Counsel
2. Junior Counsel
3. An Instructing Solicitor



Senior counsel and junior counsel will each present oral submissions to the court, addressing the grounds of appeal in question.

The instructing solicitor may assist with research, planning of submissions, locating case authorities, and providing notes during the moot to assist counsel.

Any team of less than three members has to seek permission from the Vice President (Competitions) by emailing them (competitions@unlsa.com). Further rules in relation to single-member teams are outlined in the senior mooting handbook.

Constructing an Argument - The Basics

Below are some broad methods of approaching a mooting problem:

1. Read and re-read the question.

Identify the ground(s) of appeal from the moot problem and be clear on your position as the appellant or respondent.

2. Begin research early.

You must read the leading cases and have a thorough understanding of them. Divide the reading among team members to make the process manageable. Refer to further cases, textbooks and perhaps some academic commentary. Textbooks are useful for clarifying the current positions of the law.

Commentary, found through online databases, can be helpful in crystallising the pertinent legal or policy issues fuelling the contention around this point of law. The main purpose of these secondary sources should be to provide guidance for your research and for the formulation of your arguments.

Mooting

Below are some broad methods of approaching a mooting problem:

3. Know and understand the judgements of those cases that do not work in your favour.

Some of the leading cases in the area will be stronger for the appellant, others for the respondent. Make case notes that include the case name, year, court, jurisdiction, judges' names and pinpoint references. Also include the salient facts, the ratio, any strong dissenting opinions, whether the decision was majority (how many for, against or undecided) or unanimous, any relevant obiter, and whether the case is binding or persuasive.

4. Having acknowledged the relevant points of law in these cases, you will need to argue whether the legal rules employed in the case law are applicable to the moot problem, or whether your case can be distinguished.

5. From your research and detection of the important issues, relevant arguments should begin to crystalise organically. It is suggested that 2-3 clear arguments (submissions) be built for each speaker. It is beneficial to advance fewer submissions, more thoroughly. Order your submissions from strongest to weakest. Also consider potential submissions your opposing counsel will advance.

6. Any statement you make needs to be supported by law. It is a good idea to take in a list of authorities referred to in your submissions in case the judge asks for details of the authority on a particular point.



Mooting

A Guide to Court Etiquette

The moot court is a professional setting which requires courteous, calm and dignified interaction between competitors and the judge.

Before the Moot

You should bring the following to your moot:

- 1.** Three copies of your memorandum of argument (one for the judge, one for the judge's associate and one for your own side to use as a reference);
- 2.** One copy of your opponent's written arguments (this is useful to note any rebuttals during your opponent's submissions and if the judge directs you to one of your opponent's particular submissions);
- 3.** One copy of any oral submissions you have prepared;
- 4.** One copy of the Mooting Handbook (this is particularly useful if the need for a time extension arises); and
- 5.** Any other material you feel is helpful (such as, case law, annotated legislation or printed commentaries). After you have organised the bar table with your materials, take your seat and relax.

The Judge Enters

Stand when the judge is announced before the judge. Often, senior counsel will introduce themselves as well as their junior counsel. For example:

'May it please the court, my name is Ulrich and I appear with my learned junior Hetfield for the appellant, Metal Luna Park.'

Always refer to:

- 1.** The judge as 'Your Honour'.
- 2.** Your teammates as 'my learned colleague'
- 3.** Members of opposing counsel as 'my learned friend'.



Mooting

During submissions, refer to case law using full citations. An example of this, applying the case of *Mabo v Queensland (No 2)* (1992) 175 CLR 1, is:

'Mabo v Queensland Number 2, reported in 1992, Volume 175 of the Commonwealth Law Reports, beginning at page 1'.

Having cited your first precedent using the full case citation, ask:

'Your Honour, may I now dispense with full citations?'

From this point you may just state the case name. You may also ask the judge if this privilege might be extended to your learned colleagues and friends.

If the judge begins to speak, cease speaking immediately and listen. If the judge asks you a question that addresses a later point in your submissions, you may let them know that this point will be addressed momentarily, but ask if they would like it answered now. You must be prepared to be flexible.

Only one member of counsel should be standing at any one time. Counsel should not address each other directly, but through the bench:

'Your Honour, my learned friend submitted that...'

Order of Speaking

1. Judge is announced
2. Stand
3. Bow before Judge; sit
4. Appellant appearances
5. Respondent appearances
6. Appellant submissions: senior counsel
7. Respondent submissions: senior counsel
8. Appellant submissions: junior counsel
9. Respondent submissions: junior counsel



Mooting

Communicating with the Judge

One of the most common mistakes in mooting is failing to engage the judge. This is usually the consequence of reading directly from a script, failing to make eye contact and speaking in a rehearsed tone. We are most persuasive when conversing with someone, rather than regurgitating perfectly written sentences. Speak naturally and avoid adopting the cadence of a public speaker. Rather, imagine you are engaging in a formal discussion with the judge, persuading him to agree with you on something you are interested in.

The judge will appreciate a mooter that maintains eye contact, engages in a dialogue and works with him or her to arrive at the most suitable decision. It is important to know your submissions. Do not merely memorise the words on the page, but have a deep understanding of what they mean. This way, you avoid being suffocated by script. The judge's interjections will then be manageable, rather than life-threatening.

Common Beginner Mistakes

The Do's and Don'ts

DO NOT:

- Rock or tilt. Stand firmly on both feet. Relax your shoulders.
- Speak too fast. The judge needs to comprehend what you are saying.
- Be put off by an intimidating judge. It's all part of the game.
- Channel Tom Cruise circa A Few Good Men. Theatrics have no place in a moot.
- Say 'Kirby J'. Instead, say: 'Justice Kirby'.
- Interrupt another speaker during their submissions. Be respectful to the other team.
- Distract the judge by communicating with your teammates or by ruffling your papers and notes.
- Be scared of mooting. You're there to learn!

DO:

- Speak with confidence and conviction.
- Dress cleanly, conservatively and professionally. However, do not panic about what to wear. Remember – you are there to display your skills and communicate your arguments. Thankfully, you do not need an expensive suit to do this.
- Be considerate when opposing counsel is speaking.
- Pay close attention to what is being said by opposing counsel and the judge. A good tip is to make notes during the entire moot. This is useful if the judge asks for your response to an answer given by the opposing side during their

Mooting

submissions.

- Brush it off. If you don't do as well as you'd hoped, use it as a learning experience.



Tips From the Bench

The Honourable Justice Ian Harrison of the Supreme Court of New South Wales

What do you see as the main benefit of entering mooting competitions while in law school?

It focuses the mind on legal analysis techniques. It is NOT only for 'would be' barristers.

What are some of the more common mistakes made by law students when mooting?

Reading from a prepared script without recognising that there is a need to react to what occurs in the courts of the moot.

As a judge, what impresses you in an advocate?

A person who listens to the judge and deals with what the bench is interested in. Preparation.

Mooting

Students often struggle engaging in a dialogue with the judge. How should students aim to communicate with the judge?

Simply by listening to what is being asked and dealing with it directly. If you don't know the answer, say so. Treat a judge's interruption as a gilt-edged opportunity to show how good you are. Interruptions are your friend, not your enemy.

In your early days as an advocate, how did you overcome nerves?

Anxiety only goes with experience. The key to reducing nervousness is scrupulous preparation.

Student Testimonial

**Courtney Parnell, Christy Mullen, Kate Falkenmire
Winners of the 2019 King & Wood Mallesons Senior Mooting
Competition.**

The Senior Mooting competition allowed us to apply what we learnt in contracts class to a practical scenario. The competition problems are always interesting and challenging and really allow you to dive into an area of law. Christy enjoyed the research aspect of the mooting competition the most, particularly reading cases and deciding how they were or were not relevant for the different sides of the argument. Courtney and Kate enjoyed the oral advocacy aspect of the competition, as you get to formulate the key arguments on your feet and respond to difficult questions from the bench. It really enhances your persuasive speaking skills and allows you to have a conversation with the bench about the legal issues at hand.

The competition helped us all shape our career aspirations in different ways, affirming that some of us preferred research and others preferred oral advocacy. The career advice you receive from the judges in their feedback and in discussion before and after is also invaluable, especially if you want to stay in Newcastle. Competing is a fantastic networking opportunity, not just with local practitioners but also fellow students, so we highly recommend you enter!

Mooting

Finally, this competition helped many of us get selected for other moots. Since winning the Senior Moot, some of us have represented UON at ALSA, the Baker McKenzie Women's Moot, the University of Melbourne Commercial Mediation Competition and the Jessup Moot. Each opportunity allowed us to dive further into a different area of law, and continue developing our skills and networks.



CLIENT INTERVIEWING



What is Client Interviewing? ???

Client interviewing is one of the most common tasks undertaken by legal practitioners. A lawyer's initial interview with a client is the foundation upon which their professional relationship and all future legal work is built, so it's imperative to get it right! As a competition, client interviewing involves teams of two students competing within a set time limit to elicit the facts and identify the legal issues required to advise a common client.

Who Can Participate in Client Interviewing?

The client interviewing competition is open to all UNLSA members. There is no required knowledge as judging focuses on the structure and style of the interview, rather than knowledge of substantive law. This has enabled some of our most junior teams to achieve the highest results in previous years. Alternatively, students who do not wish to compete can gain valuable insight into the competition through volunteering their time as clients.

Why Should I Participate in Client Interviewing?

- It is a fantastic way to add that all-important extracurricular flavour to your resume without the need for extensive preparation.
- It exposes you to what being a lawyer is really like and (hopefully) reminds you why you are studying law.
- It is a great networking opportunity, bringing you into contact with students from all year groups as well as judges, who include members of the local legal profession.
- It will help you become a consummate legal professional by giving you the opportunity to apply what you have learnt in class.
- The winning team represents the UNLSA in the Client Interviewing competition at the annual ALSA Conference.
- It increases your confidence and places you in good stead to obtain your Diploma of Legal Practice during your 4th and 5th years or at the conclusion of

Client Interviewing

your law degree.

- Client interviewing is one of the tasks you will do most in legal practice, so why not start developing your skills now?!

What Do I Wear in Client Interviewing?

Suit up! Your client will form their first impression of you and your abilities at the initial interview, so it's important you inspire their confidence by looking the part.

Structure of Client Interviewing

Interview with client:	15 minutes
Private Consultation:	5 minutes
Reflection in front of judge:	10 minutes



Although there is more than one way to skin a cat, a typical client interview might proceed along the following lines.

Meeting and Greeting: It is important to recognise from the outset that most people who go to see a lawyer do not want to be there. A helpful analogy may be to consider how you feel when you visit the dentist. The first task of an interview is therefore to welcome and settle the client. It is polite for at least one interviewer to escort the client from the waiting area to the area where the interview will be conducted. Err on the side of formality when introducing yourself to a client by calling them by their title and surname, for example, Ms Smith, providing them with your full name and shaking their hand.

If a client has brought someone else along to the interview it is imperative you clarify who they are and their relationship with the client as soon as possible. In some circumstances, it may be inappropriate for a third party to be sitting in on the interview, for example, if you are taking instructions to draft a will in the presence of a client's son/daughter, who is also a beneficiary. Further to this, a third party may interfere with the interview, such as by influencing and/or speaking for the client. If you find yourself in such a situation, be polite but firm. Explaining why it is important that you see your client alone and/or take instructions from your client themselves may help.

Client Interviewing

Formalities

Before you get into the nitty gritty of your client's legal problem, you may wish to get some administrative matters out of the way, including:

- Explaining any relevant procedures – in particular, how the interview will be structured, so the client knows what to expect;
- Reassuring the client that the information they provide will be treated as strictly confidential;
- Confirming with the client that it is okay if you take notes;
- Explaining your firm's costing arrangements to the client; for example, that the initial consultation is free but that a costs agreement under which they will be charged \$200.00 per hour will need to be signed before further work can be carried out; and
- Asking whether the client has received any other legal advice regarding the particular issue they are here to discuss, and if so, what that advice was.

Overview

After the formalities have been addressed, you should invite the client to share their story. Open questions, such as, 'So tell me what brings you here today?', are most effective at this stage of the interview.

When the client is speaking, it is important that you actively listen. This involves maintaining eye contact with the client and showing empathy towards them. One simple way to show empathy is by repeating key phrases spoken by the client. At this point in the interview, you should resist the urge to interrupt the client and take extensive notes, as it is important for the client to get their story off their chest. Simply listening at this early stage is also in your interests as an interviewer, as it will provide you with a general understanding of the matter at hand, thus enabling you to identify the relevant area/s of law as well as the legal issues.

Having given the floor to the client to speak, you may find that the client will:

- a) not stop talking, often about irrelevant information; or
- b) talk only minimally.

Client Interviewing

In either of these situations, you may wish to employ closed questions, as they provide more guidance to the client with respect to what information you are interested in hearing about.

Objective

Now that you have a preliminary understanding of your client's legal matter, it is crucial that you clarify what they are hoping to achieve through engaging your professional services. Needless to say, your client's goals and expectations will have a profound impact on the nature and manner of legal work you undertake for them.

Particulars

With the client's objective(s) in mind, it is now time to flesh out the client's narrative and investigate the legal issues. At this stage in the interview, asking closed questions will help you obtain a complete and chronological understanding of the facts, including the 'secret' facts the client has been instructed not to disclose unless specifically questioned about (see example client facts below).

Examples of closed questions include:

- On what date did you sign the contract?
- Who walked home with you?
- Had you been drinking alcohol or using drugs prior to the fight?
- How old are your children?
- Is your current partner the father of your children?
- Was there a history of violence in your relationship?
- Have you had any contact with your employer since you went on maternity leave?
- Have you ever had trouble keeping up with your loan repayments in the past?
- Whose name is on the title to the house?
- Have you been in trouble with the police in the past?
- Were you on bail or parole or subject to any court orders, such as a good behaviour bond, at the time?

Client Interviewing

The progression from open to closed questioning over the course of an interview is referred to as ‘funnel questioning’.

Take care not to put words into the client’s mouth when using leading questions, particularly when asking the client about key evidence. Examples of leading questions include:

You only punched the victim because you thought he was going to harm your brother, right?

Your ex-husband made you sign the loan agreement, didn’t he?

You always provide your employees with pay-slips, don’t you?

It is acceptable to take notes at this point in the interview, but ensure that at least one interviewer is maintaining eye contact with the client at all times. A client does not want to talk to the top of your head as you vigorously write down their life story. Furthermore, you may miss important non-visual cues given by the client if you are both taking notes at the same time. To this end, you may wish to designate one team member as scribe for the interview, or take it in turns.

Now is also the time to inquire into whether the client can provide any relevant documentation, for example, contracts, court attendance notices, photographs, correspondence, such as letters, emails, etc. If the client has brought documents to the interview, look over them and ask for permission to keep the ones you need to make copies.

Advice

Based on the information you have gathered, you may advise the client at this point in the interview. However, you should only attempt to provide advice if you are confident in your knowledge and understanding of the relevant substantive law. For the purposes of the interviewing competition, it is acceptable to advise the client that you will further research their matter and get back to them.

Client Interviewing

Though it is not necessary to give substantive advice to the client in the initial interview, it is important to ensure that the client leaves the interview with a greater sense of direction than when they walked through your door. In other words, you should devote some time at the end of the interview to ensuring that the client knows what they should be doing to progress their matter once they leave the room. If you do decide that you know enough to give detailed, substantive advice to the client in the initial interview, you should outline the different courses of action available to them and explain the advantages and disadvantages of each. You may also wish to recommend a particular course of action to the client.

Conclusion

After you have advised the client/informed the client that you will undertake further research, it is time to wrap up the interview. Conclude the interview by:

- Summarising the facts as you understand them;
- Summarising the legal issues as you understand them; Confirming the client's desired outcome;
- Confirming the client's instructions to you regarding where to go from here; and
- Informing the client of any action required on their part, for example, dropping documents to your office.

It is particularly important that you have a clear understanding of how your client wants you to proceed with their matter. Finally, provide the client with a copy of your business card, shake their hand and politely escort them to the door.

Reflection

For the purposes of the client interviewing competition, you will be required to reflect as a team on your interview at its conclusion. This involves discussing your client's matter in legal language, including:

- Summarising the interview;
- Identifying the legal issues to be researched;
- Outlining the scope of legal work to be undertaken; and
- Sharing your thoughts on the prospects of the case.



Client Interviewing

You are also required to reflect on your performance as interviewers, including your strengths and weaknesses. Here, the judge will be assessing how well you learnt from your experience and awarding higher marks for honesty.

General Tips

Develop an interview structure that both team members are comfortable with to guide you and help you maintain control throughout the interview. This may take a while to perfect, so it's important to be flexible and tweak your structure as you gain experience. You may wish to draw upon the information provided above and the competition marking criteria in structuring your interview.

Final tips include:

- Research the area of law mentioned in the Memo you receive and record a few questions you think may be relevant
- Plan when each team member will speak, write, etc, to ensure equal participation and that at least one interviewer is always actively listening to the client, including maintaining eye contact with them.
- Tailor your language to the client, ensuring to explain any legal terms in plain English. If you are not sure if your client understands what you are saying, ask them to repeat your advice back to you.
- Assume nothing but be prepared for anything! All clients are different and some are unpredictable.



Client Interviewing

Student Testimonial

Levi Grondin & Charlotte Walker 2020 Winners

1. How did you prepare for the competition? Is there anything that you would do differently?

The brilliant thing about this competition is that there is not much preparation involved. In saying that though, there are a few things you definitely have to get on top of before starting. The most important thing to do is to read the rules, this was something Charlotte and I always neglected but there's some valuable information in there! While the memo won't give you much information, it's often a starting point for the type of legal issue/s that you should be exploring with the client (but don't rely on it too much). As client interviewing is a team competition, Charlotte and I would agree on the role and approach each of us would take during the interview prior to seeing the client.

While this may not be the case for future competitions, Charlotte and I competed during COVID-19, so there were a few things that we needed to prepare for that we hadn't had to do previously, like familiarising ourselves with conferencing software, checking our internet connection, ensuring our background was professional and tidy, and ensuring our video and audio was clear.

2. What are your tips for success in the Client Interviewing Competition?



Never interrupt your partner – you should always present a united front.

Clarify, clarify, clarify! Always double check with the client that the information you're gathering is correct, and don't be afraid to ask further questions if you don't understand.

Be open and adaptable with your interviewing direction and approach – the goal is to get as much information from your client as possible, so follow your hunches!

Ensure your body language is appropriate – sit up, have an open stance, nod and

Client Interviewing

acknowledge the client when they speak, make eye contact (or in the case of a Zoom call, keep your eyes on the lens of the camera, do not look at yourself during the call).

Have fun and enjoy the competition – remember this competition exists to improve and develop your skills; so the more you mess up, the more opportunity you get to learn.

3. What is your advice for getting the most out of your client during the interview?

Always listen and never assume. Often in client interviewing competitions there will be red herrings, so it's crucial that you ask the client what they're hoping to get out of the interview and tailor your approach to those needs. Sometimes, their needs will be contextualised by their circumstances, so ask about their age, their occupation and their relationship status. Also remember that your client is a real person, being kind, compassionate, respectful and understanding will often help more than being brash or blunt.

4. What skills and experience did you gain through participating in the Client Interviewing Competition?

Client interviewing is one of the easiest and most rewarding competitions to get involved in. It also develops and builds on one of the most fundamental skills of a lawyer. Throughout our experience, Charlotte and I have been exposed to a plethora of clients, and as such, have learnt how to interact with a variety of different people, with different needs. Further, as the interview is restricted by time, Charlotte and I have been able to develop the ability to question a client in a concise, effective and efficient manner – a skill which is fundamental to practice. Client interviewing is one of the few environments where you'll be able to develop and gauge your own style of interviewing without having to worry about the consequences of your mistakes – so get involved!

Competition Contact

Advocacy

Witness Examination, Senior Mooting & Junior Mooting

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Skills

Negotiation, Paper Presentation & Client Interviewing

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