

## **Clarification Document for Junior Moot 2022**

**Dear Mooters and Judges,**

**Thank you for taking part in the Junior Moot for 2022. We appreciate your willingness to take time out to participate. This document is designed to answer any questions of which have been raised. This document will also address the procedural process of the moots. Please remember to re-download the material problem & rules from the Moot page.**

### **Clarifications Sought:**

- 1. Procedural Order One lists Lisa Parker-Smith as the respondent, but the facts list Happy-Endings as the respondent in this case. Who is the correct respondent?*
- 2. The numbers under 'agreed facts' are not in order. Is it okay if I change them so that they are in order?*
- 3. I was wondering if the Junior moot would be appropriate for me or if I should wait until I have completed more law studies?*
- 4. Per rule [8.2] of the rules, am I afforded 11 minutes in total for my team's speaking time, or is it 11 minutes per speaker?*
- 5. Will we be informed as to whether we are the claimant or respondent?*

### **In Response:**

1) Happy-Endings Natural Healing Pty Ltd is the respondent. It was a typo by an Assistant that listed Lisa Parker Smith as the respondent in Procedural Order One. Lisa Parker-Smith is supportive of her husband but is not a party to the proceedings outside of her mention in the facts.

2) Similarly, the numbers under the agreed facts being out of order was a typo as well, and has been rectified.

Please use the amended form of the document that can be re-downloaded from the website at <https://www.dictumsocietyvu.com/junior-moot>.

3) The Junior Moot is appropriate to all year level students provided they put in the effort. The scoring has a higher weight afforded to how logical your argument is based on the facts rather than whether your argument is legally correct.

4) Each speaker is afforded 11 minutes speaking time for a total of 22 minutes. It is expected that in your appearances you will determine to the Judges which speakers will be responding to which of the 3 issues, and how long each speaker will speak for. If you are reserving a rebuttal as well, then it is expected that of your 22 minutes total you will reserve 30 to 60 seconds at most for it and make note of this. An example is provided below in the procedural clarification.

5) You will participate in two general rounds. You will represent the Claimant in one of these rounds, and the Respondent in the other. In both general rounds you participate in, you will be informed beforehand by the Director of Competitions as to your timeslot and whether you are representing the Claimant or Respondent on the day over email. At the end of the competition, regardless of whether you've passed onto the Semi-Finals or Grand Final, you will have represented both Claimant and Respondent.

## **REQUIRED DOCUMENTS [MEMORANDUMS]**

Please refer to section [6.1] to [6.5] of the rules for all relevant information pertaining to Memorandums. **Both teams will produce a memorandum for the Claimant and Respondent each.** The due dates and requested formatting are listed in the rules.

### ***Layout of Memorandums***

Memorandums may include the following as a template, and be no more than 2 pages:

- Cover Page;
- Table of Contents;
- Index of Authorities;
- Statement of Facts;
- Summary of Arguments;
- Arguments in Full; and
- Back Cover.

Please note that the statement of facts if included should not be an unaltered repeat of the Agreed Facts as listed in the Mooting Problem.

### ***Exchanging of Memorandums***

Teams will be provided with the memorandum for each team they will compete against in the General Rounds. This will be provided closer to the date of presenting.

## CLARIFICATION OF PROCEDURES

A clarification of Mooting Procedures is provided below. You can find examples of Australian Mooting on YouTube, and there are materials of advice on the Junior Moot website page as well. It is recommended that you read and watch this material.

Please remember to arrive at the Mooting room early, the location will be confirmed to you by the Director of Competitions over email and Dictum members will be present to assist. If you are more than 15 minutes late or fail to appear then you may receive zero marks for that round, or the disqualification of your team from the competition. The following is an elaboration of the proceedings as stated in [8.1] to [8.4] of the rules:

### **Step One: Appearances**

The Judge/or Judges will ask the teams for their appearances. Appearances are where a speaker from each team indicates the participants names, their client, and their allocated speaking times.

First, the Claimant will be asked to give appearances. Then, the Respondent will be asked to give appearances.

An example of providing appearances is as follows, *“May it please the Court Your Honour(s), my name is Karlee Rawnsley and this is my co-counsel Jakob Hadenfeld-Hunt. We appear for the Claimant, Mr. Bentley Smith in this matter. My submission will be limited to 11 minutes, with my co-counsel’s submission limited to 10 and a half. We reserve 30 seconds for our rebuttal. I will handle the first and second issue, my co-counsel will handle the third.”*

### **Step Two: Submissions**

Once the Judge has heard the appearances, and timekeeping is prepared by the Judge, the Judge will ask the Claimant to deliver their submissions. The first speaker for the Claimant will then deliver their arguments, followed by the second speaker for the Claimant.

At the end of the Claimant's submission, the Judges will then ask the Respondent to proceed. The Respondent's first speaker will deliver their arguments, followed by the Respondent's second speaker.

The Judges may ask questions during their submission. Each team is only entitled to 22 minutes for their arguments to divide between both speakers and their rebuttal. The Judges under their own discretion may extend this speaking time.

### ***Step Three: Rebuttal and sur-rebuttal***

Once the Respondent's second speaker has finished their arguments, *if the Claimant has reserved time for rebuttal*, the Judge will ask the Claimant team whether they would like to exercise their right to rebuttal. The Claimant may either waive this right (which means the round finishes there) or exercise it.

At the conclusion of the rebuttal, *if the Respondent has reserved time for sur-rebuttal* (OR if the Judge wishes to exercise its discretion by giving time for the Respondent to sur-rebut), they will ask the Respondent whether they wish to exercise their right to sur-rebuttal. The Respondent may either waive this right or exercise it. At the conclusion of sur-rebuttal, the teams' speaking time is over.

Only one speaker from the Claimant may exercise rebuttal, and only one speaker from the Respondent may exercise sur-rebuttal. The time limit for both is a maximum of one minute, although it is recommended to keep it under 30 seconds and focused on a single point.

### ***Step Four: Feedback***

At the conclusion of the submissions and rebuttal, the Judge may proceed directly to feedback, or request up to 5 minutes of privacy in preparing for this deliberation. The Judge will inform you if there is anything required of your team during this process.

### ***Summary of the Oral Proceedings***

1. The Claimant will give appearances.
2. The Respondent will give appearances.
3. The Claimant will present their oral arguments.
4. The Respondent will present their oral arguments.
5. If the Claimant elected to provide a rebuttal, the Claimant may present a rebuttal and the Respondent may present a sur-rebuttal.

### **COMPLAINTS**

Any complaints may be made to Karlee, the Director of Competitions at [competitions@dictumsocietyvu.com](mailto:competitions@dictumsocietyvu.com). Complaints made through any other channel may not be accepted.

The Director of Competitions will consider all complaints.

If the complaint is made about the conduct of the Director of Competitions, then the President of Dictum Society will consider the complaint. The President of Dictum Society will assume all powers under this Rules Booklet when reviewing the conduct of the Director of Competitions. The President may be contacted at [president@dictumsocietyvu.com](mailto:president@dictumsocietyvu.com).

If the nature of the complaint falls outside of the authority of the Director of Competitions and/or the President of Dictum Society, the complainant may be referred to a party who may handle the complaint.