

# WULSA BYLAW – COMPETITION RULES



Enacted 30 July 2018

*Drafted by Stephen Drysdale  
Refer to appendix for amendments*

This bylaw is created under the power conferred upon the WULSA Committee under clause 37 of the WULSA Constitution, and is subject to the WULSA Constitution.

## **1 Purpose**

- (1) The purpose of this bylaw is:
  - (a) to clarify the entry requirements into competitions facilitated by the Waikato University Law Students' Association (**WULSA Competitions**);
  - (b) to give effect to the Competition Rules of the New Zealand Law Students' Association;
  - (c) to introduce penalties for non-compliance with this bylaw; and
  - (d) to prescribe an avenue of redress for competitions facilitated by the Waikato University Law Students' Association.

## **2 Competition Entry Eligibility**

- (1) Entry into a WULSA Competition will be through the form prescribed by the Competition Officers of the Waikato University Law Students' Association.
  - (a) The prescribed form must contain all the information (where applicable) set out in Schedule One to this bylaw.
- (2) Subject to sub-rules (4) and (5), Senior Level Competitions are open to all University of Waikato LLB or Dip(Law) students.
- (3) Junior-Level Competitions are open to the following classes of individuals:
  - (a) Those enrolled in a Diploma in Law (Dip(Law)).
  - (b) Those who are in the first or second year of substantive legal study.
    - (i) The Competition Officers reserve the right to determine whether a person is in their first or second year of substantive legal study.
- (4) A person may not enter a Senior-Level Competition in the following circumstances:
  - (a) if they have completed the requirements for an undergraduate law degree in any jurisdiction as at the start date of the Senior-Level Competition;

- (b) if they are ineligible, unable or unwilling to represent the University of Waikato at either the New Zealand Law Students' Association Conference (**NZLSA**) or the Australian Law Students' Association Conference (**ALSA**); or
  - (c) if they are a Member of the Council of the New Zealand Law Students' Association.
- (5) A person who has already won a Senior-Level Competition may enter into another Senior-Level Competition, but they cannot progress past the preliminary rounds.
- (6) The following individuals are barred from competing in any WULSA Competitions:
- (a) the current President of Waikato University Law Students' Association;
  - (b) the current Competitions Officers of the Waikato University Law Students' Association;
  - (c) persons subject to a competitions ban under Rule 9 of this bylaw.

### **3 Access to Information**

- (1) Score sheets are to remain confidential and are not to be shared with competitors.
- (a) All score sheets must be returned by the judges to the Competitions Officers at the conclusion of each round.
  - (b) The Competition Officers are responsible for ensuring that score sheets are collected at the conclusion of each round.
- (2) Materials given to WULSA for the purposes of facilitating competitions may only be used for those competitions.
- (a) An individual wishing to use materials for a purpose other than WULSA Competitions must in the first instance request the consent of WULSA.
  - (b) WULSA may choose to either allow the use or seek consent from the original author of the materials.

### **4 Client Interviewing Competitions**

- (1) Each team will consist of two competitors, and competitors shall be judged in teams.
- (2) For the preliminary and semi-final rounds, each team must supply a client.
- (a) Law students may be used as clients.
  - (b) Clients must have a reasonable level of competence and confidence.
- (3) The interview consists of the following elements:
- (a) Consultation with client:
    - (i) A 25 minute consultation with the client during which teams are expected to elicit the relevant information, outline the problem, and propose a solution or other means of resolving the problem.
  - (b) Post-consultation period:
    - (i) A 10 minute period where the client is not present. During this time competitors review together the interview and discuss any follow-up procedures. The competitors should talk to each other loud enough to be overheard by the judges. The post-consultation period should replicate the type of post-interview discussion that real lawyers would have.

- (4) From the start of the consultation with the client to the conclusion of the post-consultation period, competitors will have 35 minutes, at which point the Judges must ask them to stop regardless of where competitors are in the interview or post-consultation process.
  - (a) Teams are responsible for keeping time and moving between elements of the interview.
  - (b) Under no circumstances will the 35 minutes be extended for competitors to complete both tasks.
  - (c) Judges must keep the time and the Judges' decisions about elapsed time are final.
- (5) During the interview and post-consultation discussion, teams may use books, notes and other materials. Teams may also use office props if they wish.

## **5 Witness Examination Competitions**

- (1) Competitors shall be judged individually.
- (2) For the preliminary and semi-final rounds, each competitor must supply a witness.
  - (a) Law students may be used as witnesses.
  - (b) Witnesses must have a reasonable level of competence and confidence.
- (3) In each round, one team will be counsel for the prosecution/plaintiff and one team will be counsel for the defence. Each team will call one witness per round.
- (4) The rules of evidence applicable in the New Zealand courts apply. Further:
  - (a) Counsel are not permitted to refer to an opponent's witness brief in cross-examination (e.g. for the purpose of prior inconsistent statement)
- (5) Competitors must receive the fact pattern 90 minutes prior to the commencement of a round.
- (6) Witnesses must receive their briefs together with witness instructions one hour prior to the commencement of the round.
- (7) Competitors meet with their witnesses 30 minutes before the commencement of the round.
- (8) All the usual formalities are to be observed when commencing and concluding the round and when addressing the Bench, and normal courtroom etiquette is to be adopted by counsel.
- (9) After the introductions to the bench, the conduct of the hearing must be as follows, with the times specified being the maximum time permitted for each item:
 

(a) opening by prosecution	2 minutes
(b) examination in chief by prosecution	10 minutes
(c) cross-examination by defence	15 minutes
(d) opening by defence	2 minutes
(e) examination in chief by defence	10 minutes
(f) cross-examination by prosecution	15 minutes
(g) closing by prosecution	3 minutes
(h) closing by defence	3 minutes

## **6 Mooting Competitions**

- (1) Competitors shall be judged individually.
  - (a) For the avoidance of doubt, competitors may enter into Mooting Competitions in teams, but progression to later rounds will be individually-assessed.
- (2) Submissions must be compliant with the New Zealand Law Style Guide, and must not exceed six (6) pages including the cover page and the list of authorities.
  - (a) Non-compliant submissions will be subject to a reduction in score of up to ten (10) points.
- (3) Submissions must be handed in no later than the deadline specified by the Competitions Officers.
  - (a) Late submissions will be subject to a reduction in score of up to ten (10) points.
- (4) After formal introduction to the Bench, each team will have forty (40) minutes to present their case unless specified otherwise.
  - (a) Speaking time may be divided between senior and junior counsel equally, or 60/40 or 40/60. The division of time must be specified in the written submissions.
  - (b) There will be no extensions of time.
  - (c) There will be no right of reply.

## **7 Negotiation Competitions**

- (1) Each team will consist of two competitors, and competitors shall be judged in teams.
- (2) Prior to the competition, each team must receive a common set of facts and a confidential information sheet that is only for the team representing each side.
  - (a) The confidential information sheet must be kept confidential and must not be shown to anyone else until the competition has been completed.
- (3) Each round will consist of a 50 minute negotiation session during which each team may take one break of no more than 5 minutes. The 50 minute period will continue to run during any such break.
  - (a) If the team calling the break specifically so requests, both teams must leave the room during the break.
- (4) At the end of the 50 minute period each team will have a 10 minute period to prepare for their self-analysis.
- (5) Each team will then analyse their performance for a maximum of 10 minutes in the presence of the Judges and any observers.
  - (a) Each team's self-analysis must take place outside the presence of the opposing team.
- (6) No new facts may be added to the scenario.
  - (a) Any additional material (including, but not limited to, any literature, research, case law, etc) that relates to the existing facts of the simulation must be submitted to the Judges before the negotiation begins.
  - (b) Additional material does not include a team's plans, notes, or similar made for their own use, or relating to negotiation tactics.

- (c) The Judges may exclude any material that they consider does not comply with these rules.

## **8 Representation at NZLSA/ALSA**

- (1) The winners of the following competitions are required to compete at both NZLSA and ALSA:
  - (a) Senior-Level Client Interviewing
  - (b) Senior-Level Witness Examination
  - (c) Senior-Level Mooting; and
  - (d) Senior-Level Negotiation.
- (2) Competitors who refuse or are unwilling to represent the University of Waikato at either NZLSA or ALSA will be subject to a competitions ban under rule 9(5).
- (3) Competitors who confirm their attendance to either NZLSA or ALSA and then later withdraw their confirmation will be subject to a competitions ban under rule 9(5) and shall be liable to pay any costs incurred resulting from their withdrawal unless exceptional circumstances occur.
  - (a) Whether exceptional circumstances occur shall be a matter for the President of the Waikato University Law Students' Association to determine in the first instance.
  - (b) Where a determination cannot be reached or a substantial conflict of interest arises, the matter shall be referred to the Competitions Vice-President of the New Zealand Law Students' Association for final determination.
- (4) For the avoidance of doubt, where rule 7(2) or 7(3) applies to only one competitor in a team, the other competitor in that team shall not be subject to a competitions ban under rule 9(5) but shall be disqualified from competing at NZLSA and ALSA that year.
- (5) The second-highest placing competitor or team in a Senior-Level Competition shall become the University of Waikato's representatives at ALSA or NZLSA should the winning competitor or team no longer be permitted to attend.
  - (a) In the event that the second-highest placing competitor or team cannot attend, they shall not be subject to any penalty unless they are unwilling to go, in which case rule 7(2) shall apply.
    - (i) If rule 7(5)(a) applies, the third-highest ranking competitor or team shall take their place.

## **9 Complaints Process**

- (1) A competitor may raise a complaint with the Competitions Officers regarding procedural matters including, but not limited to:
  - (a) time-keeping;
  - (b) conflicts of interest;
  - (c) malicious conduct by other competitors; or
  - (d) any other breach of these competition rules.
- (2) Such a complaint must be raised within fifteen (15) minutes after the conclusion of the round in which the grievance arose.

- (3) After receiving a complaint, the Competitions Officers must either:
  - (a) raise the complaint during the deliberation period to be factored in when deciding which competitor or competitors progress further or win the round; or
  - (b) dismiss the complaint and inform the competitor of their right of appeal as established in rule 10.
- (4) For the avoidance of doubt, competitors may not complain about or appeal against the decision of a judge on the substantive merits of a round.

## **10 Penalties**

- (1) The penalties specified in rules 9(3) and 9(4) are to be imposed by the Competitions Officers. The penalty in rule 9(5) is to be imposed by the President in consultation with the New Zealand Law Students' Association.
- (2) Before any penalty is imposed, competitors shall be made aware of the action, or potential action, that could result in such a penalty and given an opportunity to avoid its imposition.
- (3) Competitors shall be disqualified from a competition on the following grounds:
  - (a) In respect of client interviewing or witness examination, failing to provide a client or witness when required to do so.
    - (i) Rule 9(3)(a) does not apply where competitors notify the Competitions Officers by 12:00pm on the day of the round of their inability to provide a client or witness.
  - (b) In respect of witness examination, discussing the contents of the hearing with any persons other than their witness.
  - (c) In respect of negotiation, disclosing confidential facts to other competitors before the conclusion of the competition.
  - (d) In respect of all WULSA Competitions, breaching any rules prescribed by the Competitions Officers not contained in this bylaw.
- (4) Competitors shall be subject to a one-year ban from competing in WULSA Competitions on the following grounds:
  - (a) In respect of client interviewing or witness examination, instructing a client or witness to interfere with another competitor's or team's chances of progression to further rounds.
  - (b) In respect of client interviewing or mooting, dropping out of the competition within twenty-four (24) hours of the start time of the first preliminary round.
    - (i) Rule 9(4)(b) does not apply where a competitor or team must drop out due to circumstances beyond their control. Whether circumstances are beyond their control is to be determined by the Competitions Officers.
    - (ii) Where rule 9(4)(b) does apply, a competitor or team may negate the imposition of this penalty by sourcing a replacement competitor or team.
  - (c) In respect of witness examination or negotiation, dropping out of the competition within seventy-two (72) hours of the start time of the first preliminary round.

- (i) Rule 9(4)(c) does not apply where a competitor must drop out due to circumstances beyond their control. Whether circumstances are beyond their control is to be determined by the Competitions Officers.
  - (ii) Where rule 9(4)(c) does apply, a competitor may negate the imposition of this penalty by sourcing a replacement competitor.
- (d) In respect of all WULSA Competitions, entering into a competition with the knowledge at the time that they are unable to attend further rounds.
- (5) Competitors shall be banned from competing in WULSA Competitions for the rest of the year and the following year where:
  - (a) rule 7(2) applies; and
  - (b) both the President of the Waikato University Law Students' Association and the Competitions Vice-President of the New Zealand Law Students' Association agree that there are no extenuating circumstances to negate the imposition of the ban.
- (6) A decision under rule 9(5) may only be appealed to the Council of the New Zealand Law Students' Association.

## **11 Appeals**

- (1) All competitors have a right of appeal against the decision of the Competitions Officers under rule 8 or 9, provided that the right is exercised within five (5) minutes of receiving the initial decision.
- (2) The President of the Waikato University Law Students' Association shall hear these appeals and make the necessary determinations.
- (3) Where a competitor chooses to exercise their right of appeal the following procedure applies:
  - (a) the Competitions Officers must contact the President immediately and explain the nature of the complaint and the decision that has been made;
  - (b) the competitor shall then be given the opportunity to explain to the President the grounds of their complaint;
  - (c) the President shall then make a final determination.
- (4) In the event that the President cannot be contacted, an impartial member of Faculty or another judge shall act as the appellate body in their place.

**Schedule One – Entry Form**

Full Name \_\_\_\_\_

Student ID \_\_\_\_\_

Email \_\_\_\_\_

Phone No. \_\_\_\_\_

Partner \_\_\_\_\_ *(if applicable)*

**Terms and Conditions**

- I confirm that I am available for all rounds of the competition should I make it through to the final.

*(the terms below are only applicable to Senior-Level Competitions)*

- I confirm that I understand that if I win this competition I am required to represent the University of Waikato at the ALSA and NZLSA competitions to be held from [ALSA DATES] and [NZLSA DATES].
- I confirm that I understand that if I enter this competition knowing that I will not be able to attend ALSA or NZLSA then I may be subject to a ban from all competitions for the rest of this year and the entirety of next year.
- I confirm that I understand that if I have already won another competition then I cannot progress beyond the preliminary rounds.

**Appendix – Amendments**

*Rule 3 “Access to Information” was inserted on 20 August 2018 when the amendments proposed by Jamie Blackburn were passed in accordance with the requirements of clause 37 of the WULSA Constitution.*