



Expert Witness Examination Competition – Rules of Participation

General

- 1 This Competition will be known as the Expert Witness Examination Competition. These rules apply only to the 2022 Competition and are subject to review by Victorian Women Lawyers Association Inc. (**VWL**).
- 2 The purpose of the Expert Witness Examination Competition is to provide women lawyers with an opportunity to develop their advocacy skills, by requiring participants to examine expert witnesses to advance their case. Participants are not being assessed on their understanding of the law.
- 3 By registering to compete in the Expert Witness Examination Competition, a participant agrees to be subject to these Rules of Participation.

Registration, eligibility and teams

- 4 All participants in the Expert Witness Examination Competition must be current members of VWL and must women.
- 5 A team must comprise one Senior Counsel and one Junior Counsel (**Team**).
- 6 The competition is deemed to have commenced once the materials have been provided to the Teams by the Competition Coordinator.
- 7 Team members may not be replaced or substituted once the Expert Witness Examination Competition has commenced unless otherwise approved by the Competition Coordinator.
- 8 Teams will conduct all research and preparation for the competition without assistance from any other person and may not discuss the content of the trial with any person.
- 9 Teams that do not meet the requirements of rules 4 - 8 may be disqualified from participating in the Expert Witness Examination Competition.

Competition structure

- 10 Up to four teams will compete in the Expert Witness Examination Competition.
- 11 In the event a team registers after four teams have already registered for the competition, they will be placed on a reserve list and will be asked to compete in place of teams which drop out before the materials for Round 1 have been distributed to teams. Preference will be given to teams in the order in which they registered.
- 12 Teams will be randomly assigned to act for either the plaintiff or the defendant.

Problem, witnesses and applicable law

- 13 VWL will supply the competing teams one expert witness.
- 14 At or around 2:00pm seven days prior to the Expert Witness Examination Competition, the Competition Coordinator will email teams a brief containing:
- (a) details of the venue of the Expert Witness Examination Competition;
 - (b) a statement of facts;
 - (c) evidence report for one witness to be called at the Expert Witness Examination Competition.
- 15 Teams may not attempt to admit into evidence documents or evidence not provided to the Teams in the competition brief.
- 16 Subject to these Rules, questions of procedure will be resolved in accordance with the *County Court Civil Procedure Rules 2018 (Vic)* and questions of evidence in accordance with the law applicable in Victoria.
- 17 All information and documents provided by VWL to a team during the course of the Expert Witness Examination Competition is and will remain the property of VWL and/or Lex Medicus, is strictly confidential, and must not be distributed to any person outside of the team without the prior written consent of VWL. This rule survives the completion of the Expert Witness Examination Competition.
- 18 Teams must notify the Competition Coordinator of a breach of any of these rules as soon as practicable.

Court etiquette and attire

- 19 All formalities of the Court must be preserved unless otherwise dispensed with in accordance with the Expert Witness Examination Competition – Rules of Participation.
- 20 We recommend that Teams research courtroom etiquette prior to competing. Unless otherwise notified by the Competition Coordinator at least one week prior to the Competition, participants will be required to wear business attire for the Expert Witness Examination Competition.

Conduct of the expert witness examinations

- 21 Senior Counsel for the plaintiff and defendant will present appearances, after which the trial will proceed as follows:
- (a) Plaintiff's opening statement (3 minutes);
 - (b) Plaintiff's examination-in-chief (10 minutes);
 - (c) Defendant's cross-examination (10 minutes);
 - (d) Plaintiff's re-examination (optional) (5 minutes);
 - (e) Plaintiff's closing statement (3 minutes)
 - (f) Defendant's closing statement (3 minutes)
- [approximately 35 minutes]
- 22 The judge will dispense with the swearing of witnesses.

- 23 Victorian Women Lawyers will supply each trial with a timekeeper.
- 24 During examination-in-chief, Counsel may not ask questions which purposely encourages the witness to provide information that is not in or is not reasonably inferred from their written statement of facts.
- 25 The Defendant is prohibited from making a 'no case to answer' submission.
- 26 Counsel may object to a question / line of questioning.
- (a) Counsel must state the ground(s) for their objection.
 - (b) The judge will invite opposing counsel to respond to the objection.
 - (c) The clock will be stopped for the duration of objections.

Adjudication

- 27 Adjudicators must score Senior Counsel and Junior Counsel out of 50 points. Scores will be based on the Oral Submissions Criteria (Attachment 1).
- 28 Continually and excessively exceeding the allocated time frame should be reflected in the marking.
- 29 The winning team of the trial will be the team with the higher score.
- 30 The Adjudicators will determine the winning team of the Expert Witness Examination Competition. At the end of the trial, the Adjudicators will confer with each other, taking into account the team's total marks, and any other factors the Adjudicators may consider relevant.
- 31 Individual marks will not be provided to the teams and the adjudicator's assessment sheet will be returned (or emailed) to the Competition Coordinator for their records.

Breach of Rules

- 32 VWL reserves the right to disqualify any team for breach of these Expert Witness Examination Competition – Rules of Participation or for unacceptable conduct as set out in rule 34 below.
- 33 Unacceptable conduct includes, but is not limited to:
- (a) delaying the progress of the round;
 - (b) failing to respect the authority of an adjudicator; or
 - (c) breaching these Expert Witness Examination Competition – Rules of Participation.