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MOOT COURT BENCH

Newsletter

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Message from the Chief Justice Samantha Lord



The Moot Court Bench ("MCB") is a unique initiative of the Murdoch School of Law. It was established in 2006 by Dean of Law Professor Gabriël Moens to promote a mooting culture at Murdoch. MCB is a unit taken over the course of a year by 12 dedicated law students. MCB works to develop mooting programmes which will assist law students in their learning and development.

Semester 2 has been packed with events for MCB. The Hotchkin Hanly Intervarsity Junior Moot set this semester off to a flying start and was an enjoyable experience for all those involved.

Throughout this semester, MCB members have served as judges for the annual Junior Mooting Competition run by the Murdoch Student Law Society.

To enhance first year students' experience of mooting, MCB ran a mentor programme. This consisted of a junior mooting seminar, which was a great success with over 100 first year students attending, and the Murcia Pestell Hillard Mentor Breakfast, at which competitors met their mentors and had the chance to mingle with our sponsors.

This semester has also seen MCB dramatically expand the range of activities it provides. It ran new competitions such as the McCusker Trial Advocacy Competition for the first time. It also ran the "Trouble on Rottnest" workshop at Open Day and has since been invited to several WA high schools to conduct a similar class.

MCB has ventured outside Murdoch School of Law in establishing the Jackson McDonald Cup. This is a mooting competition available to WA high school students.

I would like to take this opportunity to thank

Professor Moens, Dr Nase, Mr McPhee and the members of MBC – Katie Batty, Nick Summers, Shu Ying Wee, Elliot Ryan, Sarah Dunkley, Fraser Robertson, Aaron De Jong, Marina Georgiou, Bhavani Parameswaran, Andrew Tan, Premila Ratnam and Emma Taylor – for their hard work and dedication this semester. It has been a great success and an experience which I definitely recommend to anyone interested in mooting. I hope you enjoy reading this newsletter and keep your eyes open for more exciting MCB activities next semester!

To become a member of MCB, email the 2009 Chief Justice Fraser Robertson at: Fraser.Robertson@westnet.com.au

For more information on the MCB, its members, and activities, visit the Murdoch Law School webpage:

www.law.murdoch.edu.au

Murdoch Farewells Dr Nase

Premila Ratnam



Dr Vernon Nase

MCB and the Murdoch Law School said a temporary goodbye to the biggest moot enthusiast; Dr. Vernon Nase. Dr Nase is a Senior lecturer in law at Murdoch and the MCB's founding academic

mentor. He was also the coach of Murdoch University's Manfred Lachs Space Law Moot teams in 2007 and 2008.

Since its inception in 2006, Dr Nase has mentored MCB, providing MCB students with guidance and support. During his time as coach of Murdoch's Lachs Moot team, Dr Nase coached the 2006/07 team to reach the finals, with Murdoch student Craig Williams taking home the award for best oralist. The 2007/08 team reached the semi-finals, with the team taking home the awards for Best Applicant Memorial, Best

Respondent Memorial, and Best Overall Memorials.

In September 2008, Dr Nase left for Hong Kong, China where he has taken a temporary position as an Adjunct Professor at City University of Hong Kong, coaching moot teams.

MCB has been left in the very capable hands of Thomas McPhee. Thomas is an Associate Lecturer at Murdoch. Thomas is excited to be the academic mentor of MCB. We look forward to working closely with him over the next few months.

Blake Dawson Junior Mooting 2008

Fraser Robertson

The Blake Dawson Junior Mooting competition was run by MSLS Competitions Vice President, Kylie Hocek, and MCB Justice, Fraser Robertson. This competition is always the largest and most heavily attended MSLS-run competition.

2008 was the first time that students were given an academic incentive for participating in the competition; five marks towards Torts. Further, little did they know that their mooting would also give them an excellent ground for the major Torts assessment.

The competition started with over 80 competitors. All competitors participated in two rounds arguing the same problem for both the appellant and respondent in alternate weeks. This was a deviation from previous years in which they argued a new problem every week.

The Grand Final took place on 22 October. The finalists were Ryan Van Der Merwe, Nerolie Nikolic, Daniel Harris and Laura Hunter. The bench consisted of The Honourable Justice Ralph Simmonds of the Supreme Court of Western Australia and former

Dean of Murdoch Law School, Lawrence Lee, Senior Associate at Blake Dawson, the competition sponsor, and Murdoch Law School Alumni and Associate to The Honourable Justice McLure, Ernest Chua.

The final was hard fought to the end, with Nerolie emerging as victor.

Well done to all those who participated in the competition and a huge thank you to Kylie Hocek of MSLS and MCB members who worked hard running this competition all semester.

Murcia Pestell Hillard Breakfast Andrew Tan

To assist junior mooters, MCB ran a mentor programme. Each junior mooter was allocated a mentor who was either a present or past MCB member, or a member of Murdoch Law School's international moot teams.



Mooters discuss the question with their Mentors over breakfast.

On 21 August 2008, MCB held the Murcia Pestell Hillard Mentor Breakfast. This gave

the junior mooters an opportunity to meet with their mentors and ask any questions they had about mooting thus far.

Grant Pestell, Managing Director, and Nigel Pakes, Litigation Partner of Murcia Pestell Hillard attended the breakfast. Nigel spoke to the students about work as a litigation lawyer, emphasising that mooting is one of the first steps on the ladder to success and encouraging all students to participate in Murdoch's many mooting activities. Thank you to Grant and Nigel for giving up their time to come to the breakfast. It was a successful event and was greatly enjoyed by all students.



“Dave’s First Moot” Commended Nick Summers

MCB is delighted that “David’s First Moot” has received a Commendation in the “Connecting with Law” Short Film Competition, run by Oxford University Press Australia.

MCB would like to congratulate Sarah Robinson, a former Chief Justice of the

Bench, and the team, who put in substantial effort to produce a high quality and entertaining short film about a law student’s introduction to the art of mooting.

The film can be viewed at the OUP Australia website: www.oup.com.au/law

Junior Mooting Seminar Andrew Tan

In light of the Junior Mooting Competition, MCB decided to hold a Junior Mooting Seminar on 14 August 2008. With proud sponsorship from Murcia Pestell Hillard, this seminar aimed to demonstrate the importance of mooting preparation.

The Chief Justice of MCB, first addressed the audience and introduced them to the fundamentals of mooting. MCB members then took over, sharing efficient research skills, how proper written submissions should be done and even fundamental court room etiquette.

At the end of the seminar, MCB members gave the young audience a demonstration moot, putting into practice everything that had been discussed throughout the seminar.



First year students eagerly watch the demonstration moot presented by MCB members.

International Virtual Intellectual Property Moot

Fraser Robertson

The International Virtual Moot (IVM) took place from 1 – 7 September. Murdoch's team was made up of Tim Ognenis, Watna Mori, Rupert Caldwell and myself. Dr. Ken Shao coached the team.

The IVM problem focused on Arbitration and Intellectual Property in the virtual world, Second Life. For those not familiar with Second Life, it is an online server that allows players to create characters. These characters or 'avatars' emulate our real lives; they can purchase property, operate businesses and purchase goods from other individuals. The 2008

problem focused on a cyber copy of a unique real life copy with an almost identical slogan, and whether or not that constituted a breach of Intellectual Property.

The lead up to the competition involved the team researching Second Life and arbitration.

The competition took place over video link with teams in different states or different countries, competing against each other. The Murdoch team mooted against teams from Sydney and Melbourne in the general rounds. After the general rounds there was a

tense wait while the final scores came in. Murdoch was taking an option on a Grand Final berth. However it was not meant to be. The Final was between QUT and Sydney. Murdoch was placed 3rd overall and missed out on the finals by the smallest of margins.



Competitors meet via video-link.

Team Building the MCB Way

Andrew Tan & Fraser Robertson

To be successful individuals, we must first be successful as a team. Armed with the ability to direct individual accomplishments towards greater objectives, MCB brings success to all of its projects. This has seen MCB expand its wings and delve into new and exciting areas, with the law school full of confidence that everything would be executed to perfection, down to the last detail.

To welcome the new

members of MCB, we held a paintball evening at Xtreme Leisure in Malaga on 14 August 2008. The event was a great chance to gel as a team.



MCB members the worse for wear after an intense session of paintball.

In addition to this, MCB also has regular meetings in which we plan various competitions. The members break into smaller teams that carry out specific tasks. To cap off the year, MCB has also organized a Christmas party.

Through these activities, the MCB executive, combined with the training and mentoring of new students, fundamentally transforms the Bench into more than just a group, but a team.

Hotchkin Hanly Intersvarsity Junior Moot 2008

Andrew Tan

The Hotchkin Hanly Intersvarsity Junior Mooting competition, organised by MCB, took place on 11 August at UWA.

Mr Thomas Fitzgerald, Mr Sam Luttrell and Mr Ken Yin formed the bench. The Junior Mooting Champions from Murdoch University, the University of Western Australia (UWA), Edith Cowen University (ECU), and the University of Notre Dame Australia presented forceful arguments. As the legal debate commenced, the champions displayed their depth of knowledge with their proficiency in oral arguments.



The Junior Mooting champions from each of the four universities prepare for the final hurdle.

As the Intersvarsity Junior Moot came to a close, Mr Andrew McPherson of Hothckin Hanly presented the winner's trophy to Mr Tim Goyder, the representative from UWA. Mr McPherson commented that the level of mooting that night was extraordinary. He encouraged

all young law students to have a go at mooting. We look forward to running the Intersvarsity Junior Mooting Competition next year.

Judge Eckert Talks About the SAT

Katie Batty

MCB was privileged to have Judge Judy Eckert, Deputy President of the State Administrative Tribunal come to give a talk.

Judge Eckert engaged in interesting and amusing discussions about various issues in the SAT such as gender reassignment and the role of psychologists. The relaxed nature of the talk was refreshing.

Judge Eckert has had a successful legal career - she has been president of the Law Society, taught at UWA, and was the first female partner at Northmore Hale Davy and Leake (now Minter Ellison).

I would like to personally thank Judge Eckert and her associate, Claire Nolan, for taking time out of their busy schedules to arrange this talk.

Murdoch University Open Day

Marina Georgiou

MCB were out and about for Murdoch's Open Day. High school students came to the law school to ask questions about studying law at Murdoch and the opportunities the law school provides. We talked to students about Murdoch's many mooting competitions and 50 students and their parents attended the "Trouble on Rottnest" seminar on mooting held by MCB in Freehills Lecture Theatre. Students and their parents

were given a moot problem and asked to present submissions for prosecution and defence. Students enjoyed the task, splitting into groups and discussing different arguments they may make on behalf of their clients. The students had a demanding bench, with Dean of Law, Professor Gabriël Moens, and MCB Chief Justice, Samantha Lord, asking the tough questions. The students took up the challenge and argued their submissions to the end.

McCusker Trial Advocacy Competition

Bhavani Parameswaran

This year saw the introduction of the brand new McCusker Trial Advocacy Competition. Open exclusively to Evidence students, this competition combined Client Interview and Trial Advocacy skills.

Competitors met their clients for the first time in the morning, and after interviewing them prepared to defend their clients.

With a substantial cash prize up for grabs, the competition gathered a lot of interest, and was closely fought. This was especially true in the Grand Final, where the client interview and trial advocacy sections were won by different teams; Erin Prince and Kellie Link won the Client Interview and Stephen Petersen and Blake Primrose.

By an extremely close margin, the inaugural winners of the 2008 McCusker Trial Advocacy Competition were Stephen Petersen and Blake Primrose.



Blake Primrose and Stephen Petersen

Mooting Primed to Frighten New Demographic: Jackson McDonald Cup

Aaron de Jong

Mooting culture at Murdoch is set to expand when MCB begins its high school mooring program in 2009. The Jackson McDonald Cup will run as a competition between high schools and will give year 12 students the chance to moot against other schools.

In its first year, the competition will include 12 Perth high schools who will each nominate a team of 5 students to represent their respective schools. As mooring will undoubtedly be a new concept to most high schools, each team of 5 will be assigned a Moot Court Bench member as a mentor. Each mentor will provide assistance to the students where necessary.

The teams will be provided with the question on a topic

chosen by the Moot Court Bench. The students will then attend two workshops to be held at Murdoch University and run by Moot Court Bench members. The first workshop will focus on the research and writing aspects of mooring, while the second workshop will concentrate on the art of oral advocacy. Together, the workshops should give the students a good foundation for what is likely to be very unfamiliar territory.

The teams will write submissions for both the appellant and the respondent, and proceed to moot the submissions against the other schools. Teams will be knocked out as the competition continues, with a set of finals to be held for the remaining teams.

Each member of the

competition's winning team will receive \$1500 and the school will be presented with a perpetual framed certificate. A number of other cash prizes will be awarded for various achievements at the end of the competition.

The competition is set to start on 9 March 2009 and conclude on 17 May 2009 with the final to be held at the Federal Court of Australia. The Moot Court Bench hopes to obtain the experience of Chief Justice French of the High Court of Australia to preside over the Grand Final.

MCB would like to thank Jackson McDonald lawyers, Murdoch Law School and Murdoch University's Prospective Student's Admissions Centre for their involvement with this competition.

A Big Thank You to our Sponsors

MCB would like to say a huge thank you to its 2008 sponsors: Murcia Pestell Hillard, Hotchkin Hanly, Anchor Legal and the McCusker Foundation. Their support has enabled us to both improve our existing initiatives and to expand the range of activities we provide. We hope you will continue your support in 2009.



HOTCHKIN HANLY
LAWYERS



The McCusker Foundation
for Alzheimer's Disease Research Inc

Research to prevent & treat Alzheimer's disease

MCB would also like to thank Jackson McDonald for their sponsorship of the Jackson McDonald Cup 2009. We look forward to working with them next year.

