Words from the Chief Justice
Tamara Watson

The Moot Court Bench (MCB) is an exciting new initiative of the Murdoch Law School. The MCB is now into its second year, and this year has been full of interesting new projects. However, while the MCB has now been a part of the law school for two years, a common question to MCB members is: What does the Moot Court Bench do?

To answer that question in a nutshell: the principal aim of the Moot Court Bench is to develop and enhance a mooting culture here at Murdoch University. The development of a mooting culture at Murdoch University involves creating and running mooting programs throughout the year to assist anyone and everyone interested in mooting. We feel that mooting is important as it assists students in their professional development. Mooting enhances confidence, oral advocacy and, research and writing skills.

This semester the Moot Court Bench has ten members. Those in their final semester on the bench are Vanja Tekic, Brett Turton, Maria Tang, Johanna Weaver and myself. Our new members, who will continue to be on the bench next semester, are Glen Williamson, Aoning Li, Angharad Watkins, Watna Mori and Rohan Mabey. All members are involved in a variety of MCB projects.

This semester has been busy and successful. Events that have been implemented and organised by the MCB include: the inaugural Intervarsity Junior Moot; Moot Seminars during Murdoch University’s Open Day; the red-carpet premiere of the Moot Documentary Film created by our former Chief Justice, seminar program and practice moots to assist junior mooters; the Evidence Moot; and the organisation of the IP Moot.

Anyone interested in mooting, or anyone wishing to compete in their first moot should contact the MCB at any time. We operate from the MCB Room (Law School Building Level 2) and are more than willing to speak to anyone about any queries they may have about mooting.

In addition, anyone who is interested in mooting should consider becoming a member of the MCB. An intake for new members occurs every semester. As a member of the MCB, I can say that my experience in the MCB has been rewarding and educational, and has assisted with my development in becoming a more professional mooter.

The intention of this newsletter is to give readers an overview of the MCB events that have occurred this semester and to inspire you to participate in future MCB projects. I hope that you enjoy this issue of the MCB newsletter.
Junior Mooting
with Johanna Weaver

The Blake Dawson Waldron Junior Mooting Competition is run every year in Semester 2 by Murdoch Student Law Society (MSLS).

This year the Moot Court Bench actively encouraged all first year students to ‘give mooting a go.’ While mooting is not for everyone, the aim was to encourage students to participate at least once within a supportive environment.

There was a record breaking 80 competitors in this year’s competition!

As part of the MCB’s Junior Mooting Program, all of the competitors were assigned a student with previous mooting experience to act as a mentor. The MCB also organised a mooting seminar for the competitors, which discussed research skills, written submissions and court room etiquette.

Only around one third of the participants progressed to the second round of the Competition due to the large number of competitors. However, by all accounts the standard of competition was very high and each competitor should be congratulated for their efforts!

Students who were eliminated in the first round of the Competition got the opportunity to further hone their mooting skills when the MCB held a practice moot on Thursday 17 June. In addition, all students who participated in the moot are eligible to join any of Murdoch’s international moot teams and the MCB encourages them to do so.

Hopefully the 80 competitors had a positive and educational experience! They now have the remaining 3 or 4 years of their degrees to develop their mooting skills and participate in the many exciting mooting opportunities available at Murdoch Law School.

Murdoch University Open Day
by Maria Tang

The Murdoch University School of Law and Moot Court Bench welcomed many prospective students and their families and friends to the Murdoch University Open Day on Sunday 12 August.

The Dean of Law, Professor Gábel A. Moens, first addressed the audience and introduced them to Murdoch Law School. The Moot Court Bench then took over and gave an introductory presentation on mooting and the role that the Moot Court Bench maintains within the law school. This was followed by a mooting demonstration by one of Murdoch University’s top mooters, Craig Williams.

Enthusiastic students stayed behind to listen to what the MCB had to say and even participated in a mock trial-like moot, based on a contentious topic: “Should drugs be allowed in sport?”

Three judges from the audience were selected to preside on the bench and the remaining audience was split up into two groups. MCB members assisted one group in making arguments for the Appellant and assisted the other group in making arguments for the Respondent. Each group then selected two orals to argue their case. The quality of the moots was outstanding, with strong performances from each of the orals and stimulating questions from the judges.

It was a successful and enjoyable event for all who participated, and it was an excellent promotion of the first-rate mooting opportunities that Murdoch University has to offer.
Intervarsity Junior Moot
by Tamara Watson

The Intervarsity Junior Moot was held on Monday 13 August 2007 in the Murdoch University Freehills Lecture Theatre. The event attracted a great crowd, with students from all four law schools attending. This event was organised by Murdoch’s Moot Court Bench with the assistance of the Edith Cowan, Murdoch, Notre Dame and University of Western Australia law school societies.

The Intervarsity Junior Moot involved the winners of the ECU, Murdoch, Notre Dame and UWA internal junior moot competitions, mooting against each other. The competitors were impressive in delivering arguments based on a torts negligence question.

Dr Vernon Nase, Senior Lecturer in Law, wrote the question on behalf of Murdoch University and Edith Cowan, UWA and Notre Dame each nominated a judge. The nominated judges were Rupert Johnson, Graeme Murphy SC and Meredith Blake respectively. Katrin Giesen was appointed Chair Person and charged with hearing any possible appeals. Angharad Watkins acted as the Judges’ Associate.

Adam Hammond (Murdoch), Ryan Steed (UWA), Musonda Songwe (ECU) and Cara Leavesley (Notre Dame) were the competitors of the Intervarsity Junior Moot. Ryan Steed was announced the winner of the moot competition with a toast made in his honour by Murdoch’s Dean of Law, Professor Moens.

Mr Dan O’Dea’s talk with the Moot Court Bench
by María Tang

On Monday 10 September, Dan O’Dea, a guest speaker from the National Native Title Tribunal (NNTT) kindly took time off his busy schedule to speak to the Moot Court Bench. Mr O’Dea has been a full-time member of the NNTT since December 2002. In 2005, he was reappointed for a further two years. Previously, Mr O’Dea was the Principal Legal Officer of the native title unit in the Ngaanyatjarra Council. At the Council he represented Indigenous people of the Central Desert in native title applications and negotiations.

Mr O’Dea talked about a range of issues including advocacy procedures of the Tribunal, the progression of Native Title claims and the growth of the NNTT in Australia.

One particular interesting issue he spoke about was the cultural and language barriers that Indigenous Australians face when they appear in front of a court or tribunal. Often there are misunderstandings in communication due to the difference in languages and cultural etiquette. No language or culture translates directly into another and it is an important factor that every society has to consider and facilitate.

Mr O’Dea stressed the importance of understanding not just the physical, but also the anthropological aspects of the indigenous culture when dealing with Native Title matters.

At the end of the talk, Mr O’Dea generously supplied the Bench with a map marking out land in Australia which has been officially recognized as Native Title. Mr O’Dea was a very enthusiastic speaker on Native Title and all members of the Moot Court Bench thoroughly enjoyed his insightful talk. It allowed us to view advocacy and legal issues from another perspective.
Assignment Moot Training Seminars with Vanja Tekic

Are you unwilling to moot because you feel you already have too much on your plate? Would you like to moot, but without doing the extra research? If it sounds like a good deal then you should look into doing an Assignment Moot Training Seminar.

This semester the Moot Court Bench (MCB) organised the Assignment Moot program to make mooting easier and stimulate the mooting culture at Murdoch. With the help of Steve Shaw, the Evidence lecturer, we organised a moot that allowed students in the Evidence unit to moot on their assignment prior to its due date. This enabled students to crystallise the knowledge they had gained in the unit which helped improve their submitted assignments whilst developing their mooting skills.

The competitors learnt about mooting, built up their resumes, didn’t have to do any extra research and could hijack each others submissions and use them in their assignment. Overall, a pretty good deal!

Next semester the program will be run for other units, and I hope you get on board.

International Moot Teams

The Moot Court Bench would like to extend their best wishes to Murdoch’s 2008 international moot teams.

Murdoch participates in four international moot competitions: the Willem C. Vis Commercial Arbitration Moot, the Phillip C Jessup International Law Moot, the Manfred Lachs Space Law Moot and the International Maritime Arbitration Moot which is also to be organised and hosted by Murdoch next year.

If you are interested in participating in any of these competitions in the future then please keep an eye out on campus and on the law website for applications. You can also contact the MCB who will be happy to assist you in getting in touch with the appropriate people.

Judge-in-Residence

The Judge-in-Residence program began this year and is another way in which the MCB hopes to encourage and develop mooting and advocacy skills amongst Murdoch students. Murdoch’s current Judge-in-Residence is the Honourable Justice Malcolm Lee.

The Moot Court Bench was fortunate enough to receive a talk from Justice Lee on Monday 8 October 2007. This proved to be an insightful event as Justice Lee spoke about his past experiences as both a member of the Bar and of the Bench. The MCB received tips on advocacy skills and personal insights from Justice Lee, which are sure to benefit our development as future lawyers and as current advocates of Murdoch’s mooting culture.

Justice Lee’s office is located in Level 2 of the Law School Building and he will be one of three judges for the Junior Mooting Grand Final. The MCB looks forward to the continuation of the Judge-in-Residence program.

David’s First Moot by Watna Mori

In our last newsletter we reported on the on-going filming of a moot documentary film by our previous Chief Justice, Sarah Robinson. Well, it’s finally here and the Moot Court Bench were proud to premiere ‘David’s First Moot’ on Thursday 20 September, with a red-carpet nonetheless!

David’s First Moot is an educational but humorous film on mooting. It is designed as a learning resource to assist and encourage all potential and first-time mooters. Those who attended the premiere were welcomed by Professor Moens and Sarah Robinson, who spoke about the making of the film. Attendees were also treated to popcorn and drinks to complete the whole movie-going experience.

The MCB hopes to have the film available on the Murdoch Law School website as a learning resource, along with a MCB-produced mooting manual which is in its final stages of completion.