The Moot Court Bench ("MCB") is a unique initiative of Murdoch Law School. Now into its third year it is operating at a higher tempo and producing outcomes far exceeding those envisioned by its creator, Professor G. Moens. The Moot Court Bench aims to promote a mooting culture within Murdoch University. More recently this task has extended its influence to the entire State of Western Australia. MCB is a unit taken by incredibly gifted students over a year. The MCB consists of 12 students selected on a merit basis from applications. The Moot Court Bench is currently supervised by its academic mentor, Dr Vernon Nase.

Semester One 2009 looks set to be the busiest semester that the MCB has seen. Over the next six months alone, the Moot Court Bench is launching the Inaugural Jackson McDonald High School Moot Cup. The Jackson McDonald Cup is an introduction to mooting for High School students in the form of a State wide competition. The finals of the competition will be held on the 17th of May at the Federal Court. This competition shows just how much influence the MCB is gaining, branching outside of the University into the State, spreading awareness of Murdoch Law School and its Mooting Culture.

This semester also includes the McCusker Intervarsity Trial Advocacy Competition, which is being run by the Moot Court Bench for the first time. The Competition involves representatives from the four Law School’s in WA. Teachers from across the state will be introduced to Murdoch’s mooting culture during their professional development day. The Moot Court Bench will be conducting a demonstration moot in the Law School’s state of the art electronic moot court. Something I’m sure will be a treat for all involved.

The MCB will also be providing Judging expertise to the Murdoch Student Law Society for their Senior Mooting Competition. On top of all of this the MCB is also providing Mooting Workshops to Jackson McDonald Cup participants, Australian Legal System students and Be A Law Student For A Day (“BALSFAD”) participants. The Moot Court Bench will also be hosting a Demo Moot featuring renowned Litigators from top law firm Freehills.

The Moot Court Bench has a lot of work ahead of it this semester without including the preparation we will undertake for second semester. However the MCB is a strong, capable team and will no doubt succeed in every aspect over 2009.

Fraser Robertson
Monday the 9th of March saw the launch of the inaugural Jackson McDonald High School Cup. The launch took place at the Jackson McDonald offices with over 80 competitors, family, teachers and members of the legal profession in attendance. The night was a huge success reflecting highly on all those involved. The opening event saw Jackson McDonald’s Chairman of Partners, Graham Goerke, Professor Gabriël Moens and Moot Court Bench Chief Justice Fraser Robertson speaking at the event.

The Jackson McDonald High School cup is a mooting competition for Year 11 and 12 students. The students will research and argue two issues of constitutional law. The Grand Final will be held at the Federal Court on the 17th of May. Competitors will compete over two days speaking twice for both the applicant and respondent. The top 4 schools will then move onto the semi-finals with the top two schools moving on to the finals.

The schools involved in the competition, Ross-Moyne Senior High, Penrhos College, St Hilda’s Anglican School for Girls, Aquinas College and All Saints College, were given the question and assigned student mentors from the Moot Court Bench. The mentors will visit the schools and assist teams with their preparation.

The Moot Court Bench conducted two seminars to assist students in the competition. A Research and Writing Seminar was held on the 16th of March and an Oral Advocacy seminar on the 8th of April. Both seminars were an outstanding success.

The hope of the Moot Court Bench is that this competition will surpass the Mock Trial competition as the premier competition for prospective law students.

The Moot Court Bench would like to thank Jackson McDonald for making the event possible, and looks forward to seeing a high standard of competition this year and for many years to come.
Freehills Demonstration Moot

Thursday the 9th of April 2009 saw two tremendous litigators face off in Murdoch Law School's Freehills Lecture Theatre. Paul D Evans and Konrad de Kerloy, Partners at Freehills argued for the appellant and respondent, respectively.

The Partners were assisted by David Jenaway and Nicholas van Hattem, both also from Freehills, who acted as junior counsel. Natalie Hepburn acted as Associate for the proceedings.

Chief Justice Fraser Robertson, Justices Bhavani Parameswaran and Andrew Tan of the Moot Court Bench acted as the Bench for the matter.

The event was attended by around forty-five students, ranging from first year students to final year students. Even International mooters did not want to pass up the chance to gain some invaluable last minute tips.

Paul D Evans and Konrad de Kerloy showed exactly why they are masters of their craft. Their arguments were strong and compelling. Their ability to answer questions from the bench was remarkable, their knowledge of the law spectacular. The decision of the Bench was in Mr. Evans's favour. Much to the disappointment of Mr. De Kerloy, who has vowed to win the next moot.

Murdoch Law School and the Moot Court Bench wish to thank Freehills for taking this chance to pass on some exceptionally valuable knowledge to the students. Freehills's support of the Mooting Culture at Murdoch is essential and is appreciated by everyone.

Manfred Lachs Space Law Mooting Competition

Since October Mitchell Earnshaw, Shu Ying Wee and Stephen Olynyk have been stowed away from the outside world in the law school working on their memorials and advocacy skills for the Asia-Pacific rounds of the 2009 Manfred Lachs Space Law Moot. After five months of hard work spent researching and drafting, they submitted the memorials in March.

After the memorials were submitted, they began the arduous task of improving oral advocacy skills. The team's coach, Nick Summers, along with Marina Georgiou of the Moot Court Bench taught them the intricacies of oral advocacy, an invaluable skill for any law student.

By April it was time to put all the hard work to the test in the regional rounds. The competition was held in Clayton Utz's spectacular Sydney offices. The team came up against fantastic mooters and the judges were impressed with all teams’ skills and knowledge. In three of our four general rounds the Murdoch team came up against the semi-finalists, including both grand finalists, and in all cases the judges exclaimed how narrow the margins between the final scores were and praised the quality of the teams.

Stephen Olynyk found the experience one of the most rewarding in his time at law school. When asked if he would do it all over again, Stephen did not hesitate to say, 'In a heartbeat'.
International Mooting Teams

Moot competitions assist students develop their advocacy skills essential for students wishing to be admitted to the bar at some stage in their careers. Mooting teaches students the art of courtroom procedure and debate and how theory is applied. Murdoch takes part in the following moot competitions locally, interstate and overseas.

Lachs International Space Law Moot
Each year, the International Institute of Space Law organises the Asia Pacific Regional Rounds of the Manfred Lachs Space Law Moot Court Competition. The Asia Pacific Regional Rounds have been held annually since 2000 and have always been the largest region in the Lachs Moot. The 2009 Asia Pacific Regional Rounds was held in Sydney, Australia.

In addition to the Alexis Goh Memorial Trophy for the Regional Champions, awards are also given for the Best Memorials, Best Oralist of the Preliminary Rounds and Best Oralist of the Final Rounds. Since 2006, the Judge Vereshchetin Award is presented to an individual who has contributed substantially over the years to the success of the Asia Pacific Regional Rounds, and the Final Frontier Award is presented to a team that, in the opinion of the Regional Organiser, best embodies the spirit of the Lachs Moot in the Asia Pacific Regional Rounds.

Foreign Direct Investment (FDI) Moot
The 2009 FDI Moot will be hosted at Frankfurt International Arbitration Centre by the Deutsche Institution für Schiedsgerichtsbarkeit. Autumn 2009 marks the 50th Anniversary of the "first BIT" (between Germany and Pakistan), and it is a special pleasure to hold the 2009 competition in Germany! The Orals will be held from 22-24 October 2009, and be presided over by DIS head Jens Bredow, Prof. Chris Gibson (SULS) and Christian Campbell (CILS). We expect many esteemed members of our Advisory Board and College of Arbitrators to be present and serving on panels.

The FDI Moot involves a hypothetical case in connection with an investment by a private investor in a foreign host state. The FDI Moot spans a period of approximately six months each year and has two phases: the writing of memoranda for claimant and respondent and the hearing of oral argument based upon the memoranda.

Murdoch are the defending champions for this moot!

International Maritime Law Arbitration Moot
This prestigious international competition was established by the University of Queensland in 2000. In 2006 Murdoch University took over the organisation of the competition. The competition scenario involves the law governing the international carriage of goods by sea and the increasingly important law of international commercial arbitration. The moot problem typically involves a commercial shipping dispute which is to be determined by an arbitral panel according to the LMAA Terms (2006) or other Rules from time to time. The problem is designed to incorporate difficult but practical issues of arbitration law as well as issues of substantive maritime law. The Problem is distributed in early December. Teams prepare a memorandum for both the Claimant and Respondent. The oral arguments will usually take place in Australia in the last week of June or first week of July. Occasionally the moot will be held outside Australia. The general rounds of the oral arguments take place at the Law Faculty of the host University from Saturday through Monday.

The host of the 2009 Moot is the TC Beirne School of Law, University of Queensland.
Now in its 50th year, the Philip C. Jessup International Law Moot Court Competition is the world's largest moot court competition, with participants from over 500 law schools in more than 80 countries. The competition is a simulation of a fictional dispute between countries before the International Court of Justice, the judicial organ of the United Nations. A team from each participating school is required to prepare oral and written pleadings arguing both the applicant and respondent positions of the case.

The Jessup Mooting Competition was established in 1959 by international law students from three U.S. universities, Harvard University, Columbia University and the University of Virginia.

Today the Jessup Moot is one of the largest and most prestigious international mooting competitions in the world. In excess of 500 law schools in over 90 nations participate in this competition.

Each year the Jessup moot problem concerns an aspect of international law. In any given year it may deal with matters as diverse as environmental damage on the high seas, terrorist activities, militaristic actions, or human rights issues. In addition to competing against other universities in oral hearings, the members of the Jessup team prepare two substantial written submissions. The dates for the International Rounds for Jessup 2010 will be held March 21-27, 2010.

Willem C Vis International Commercial Arbitration Moot

The 'Vis' Moot is the second largest, but perhaps most prestigious moot competition in the world. Over 240 teams from around 60 countries compete in this competition. The competition scenario involves a dispute arising out of a contract of sale between two businesses located in countries that are parties to the United Nations Convention on Contracts for the International Sale of Goods ('CISG').

The contract in question normally provides that any dispute that might arise is to be settled by arbitration in a country that has enacted the UNCITRAL Model Law on International Commercial Arbitration and is a party to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards. Each year, with the Vis moot, a different set of arbitral rules are applied.

This Moot requires students to prepare two memoranda, a claimant's memorandum and a respondent's memorandum, as well as to participate in a number of simulated arbitration hearings.

In 2009, Murdoch's team came 16th overall out of 240 teams worldwide. Murdoch's speakers also received Best Oralist Awards. The Australian ACICA Rules will be used in the 2009-2010 Competition.

International Virtual Intellectual Property Moot

This commercial arbitration moot endeavours to encompass the most cutting edge legal issues in the field of intellectual property. Teams will write two sophisticated memoranda and participate in the delivery of oral argument. The dispute requires settlement by way of the Australian Centre for International Commercial Arbitration (ACICA) Rules and other uniform commercial arbitration law.

In 2008, Murdoch came third overall.
This year, Rupert Baker, Samantha Lord, James Pearse, Peter Sadler and Daniel Harrop represented Murdoch University School of Law in the 16th Willem C Vis International Commercial Arbitration Moot. The team, coached by Dr Sam Luttrell, flew to Switzerland on 21 March to spend 3 days training with the University of Fribourg team before travelling to Paris to compete in the International Chamber of Commerce Pre-Moot. Murdoch did extremely well achieving a perfect score of 300 out of 300 in one moot.

The team then competed in the Leuven Pre-Moot where they battled through tough competition to reach the grand-final. Murdoch speakers Samantha Lord and Peter Sadler put on an outstanding performance in front of an eminent panel including Professor Van den Berg.

240 teams worldwide then competed in the 16th Vis Moot in Vienna between 2 April and 9 April 2009. After the general rounds, over 2000 people cheered as the Murdoch team was the first team to be announced in the top 64. Our team made it through to the top 32 and then to the top 16 where they made Murdoch history by finishing in 16th place.

Rupert, Samantha, James, Peter and Daniel would like to say a huge thank you to their coach Dr Luttrell for his support, dedication, enthusiasm and humour over the past 10 months. Participating in the Vis Moot has been a fantastic experience and one which is highly recommended.

Samantha Lord
Immediate Past Chief Justice of Moot Court Bench

The Freehills Senior Mooting Grand Final was held on Tuesday the 12th of April at the Supreme Court of Western Australia. The competitors were Emma Taylor, James Day, Azlan Mohamed Noh and Martin Hayes.

The question involved the breach of a trust, indefeasibility of title and issues of equity. After a hard fought and spectacular moot, James Day was proclaimed the winner, followed closely by Azlan and Emma, in second and third respectively. This team will now head on to compete at ALSA.

The moot was judged by the Honourable Justice Ralph Simmonds, former Dean of Murdoch Law School and current Supreme Court Justice. Freehills’ Senior Partner and Adjunct Professor of Murdoch Law School Paul D. Evans, as well as Dr. Vernon Nase who currently coaches several International Moot teams joined his Honour on the bench.

I have no doubt that the competitors will also be on the radar of coaches of the several distinguished international moot teams that Murdoch offers, as well as the Moot Court Bench.

Murdoch University, the Moot Court Bench and MSLS would once again like to extend there thanks to all involved. Without the tireless support of fantastic people like Justice Simmonds, Dr Nase and Paul D Evans the Murdoch mooting program would not be as prestigious as it is.
McCusker Trial Advocacy Competition

On 28 March, 2009, the Moot Court Bench ran the inaugural McCusker Intervarsity Trial Advocacy Competition. It featured the most successful advocates from each of the four law schools in Western Australia; Murdoch, the University of Western Australia, The University of Notre Dame Australia and Edith Cowan University.

The competition consisted of a general knock-out round taking place in the morning and the finals in the evening, bringing the successful competitors the Supreme Court to compete in front of Justin Jones from law firm Blake Dawson. Before each round the competitors were given a factual scenario, and then an hour of witness preparation prior to the general round, and 30 minutes of witness preparation in the finals.

In the general round each competitor was to supply a witness for the competition, taking on the persona of either X or Y. The round saw Notre Dame compete against UWA whilst Murdoch competed against Edith Cowan, with Daniel Brown from UWA and Aoning Li from Murdoch emerging victorious and progressing to the finals. There was a great turn out at the finals including spectators from the other universities.

The finalists received their factual scenario at mid-day; they began preparing their witnesses at 16.30 and were in court at 17.00. It was in their closing arguments that the true crux of their argument was revealed. Both competitors made compelling closing statements, trying their best to twist the factual scenario given to their advantage.

After both closing arguments had been heard and the court had been adjourned the competitors, judges and spectators moved off to the Metro Bar and Bistro at the Convention Centre. It was there that Daniel Brown was announced as the winner, walking away with the major prize.

Moot Court Bench 2009

Are you interested in joining the Moot Court Bench in Semester 2, 2009?

Contact Dr Vernon Nase for more information:

Email: V.Nase@murdoch.edu.au
Moot Court Bench would like to thank the sponsors for 2009: Jackson McDonald, Anchor Legal, Murcia Pestell Hillard, Hotchkin Hanly and the McCusker Foundation. We endeavour to continue our professional relationships in further years.

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