



WitEx Competition 2018

Witness Materials

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Witness Materials

Thank you for volunteering to act as a witness in the WitEx Competition for 2018.

This competition involves university law students acting as counsel in a mock court hearing before a judge in a preliminary and finals format. Each hearing comprises two counsel: one for the prosecution/plaintiff and one for the defence. Each counsel calls one witness. They are then required to conduct examination-in-chief of their witness, and cross-examination of the opponent's witness. There is no re-examination of witnesses.

The rules of evidence, as applicable in the New Zealand courts, apply in the competition. However, the competition focuses on rules of evidence as they apply to examination and cross-examination of witnesses, rather than rules of evidence related to procedure.

You receive your witness brief one hour prior to the start of the hearing. Please note that you meet with your counsel half an hour before the start of the hearing. During this time, you should not discuss the contents of the hearing with any persons other than your counsel.

During the course of the hearing you may be asked questions about facts that are not covered in your brief: in answering such questions, you should not embellish evidence. Rather, any answer should be consistent with the role and the context that you are playing.

We are grateful that you are able to act as a witness in this competition. Should you have any questions, please do not hesitate to contact the student competition organiser.

Competition Rules

The competitor must be enrolled in an undergraduate law degree at the university holding the competition.

Fact patterns used for the competition may be in either the criminal or civil jurisdiction.

The rules of evidence as applicable in the New Zealand courts shall apply. However, emphasis is on examination and cross-examination of witnesses. Accordingly:

- (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);
- (b) exhibits and contemporaneous notes will not be entered into evidence;
- (c) witnesses will not be expert witnesses.

Further, several assumptions are made:

- (a) any potential police obligations under the New Zealand Bill of Rights Act have been complied with;
- (b) while the legal framework is expected to be discussed in opening and closing submissions, matters of law are not at issue.

Competitors will receive the background competition materials from the university law students' society competitions coordinator in the weeks prior to the competition.

There will be one counsel for the prosecution/plaintiff and one counsel for the defence.

Competitors receive the fact pattern 90 minutes prior to the commencement of a hearing. The fact pattern will consist of counsel instructions, a witness brief, and a copy of the opponent's witness brief.

NB: the opponent's witness brief is provided to assist in preparation for cross-examination but should not be referred to in cross-examination.

Witnesses receive their briefs together with witness instructions one hour prior to the commencement of the session, and competitors meet with their witness half an hour before the hearing.

Competitors will not discuss the contents of the hearing with any persons other than their witness.



After introductions to the bench, the conduct of the hearing shall be as follows:

opening by prosecution/plaintiff	2 minutes
examination in chief by prosecution/plaintiff of prosecution/plaintiff witness	10 minutes
cross-examination by defence of prosecution/plaintiff witness	15 minutes
opening by defence	2 minutes
examination in chief by defence of defence witness	10 minutes
cross-examination by prosecution/plaintiff of defence witness	15 minutes
summation by defence	3 minutes
summation by prosecution/plaintiff	3 minutes

Witnesses should not embellish their evidence beyond that in their witness briefs. If cross-examined on a point not covered in a brief, a witness should give an answer likely to be consistent with the role being played.

There will be no re-examination of witnesses.