WAIKATO NATIONAL SECONDARY SCHOOLS' MOOTING COMPETITION

TE PIRINGA – FACULTY OF LAW

THE UNIVERSITY OF WAIKATO
Te Whare Wānanga o Waikato

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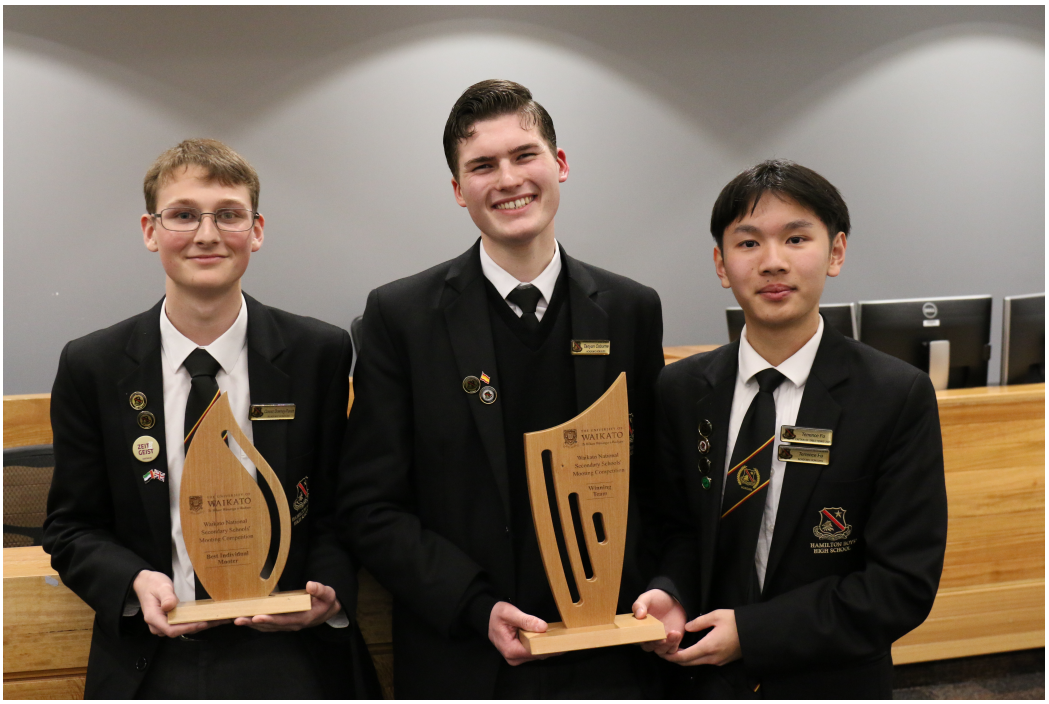
Previous winners

In 2025, we continued our collaboration with the Hamilton-based law firm McCaw Lewis Lawyers, who provided sponsorship and support to Te Piringa – Faculty of Law, as well as Te Hunga Rōia Māori o Aotearoa, for the mooting competition.



Hamilton Boys' High School

2025 Winners: Represented by Tanyon Osborne and Connor Downey-Parish.

Runners-up: Rototuna Senior High School represented by Lucia Sasso and Ellen Li.

Best Mooter of the Competition: Connor Downey-Parish.

Te Hunga Rōia Māori o Aotearoa Best Māori Mooter: Flynn Moodie.

To view winners from 2005 onwards, go to **www.waikato.ac.nz/go/schoolsmooting**, under the heading *'Previous Competition Results'*.

Introduction

A moot is an exercise employed throughout the world as a tool of legal education. Mooting provides an opportunity for students to argue over an area of uncertainty in the law. Much like in a law court, this competition puts teams of "lawyers" against one another to argue a legal case before a judge.

The Waikato National Secondary Schools' Mooting Competition was first organised by Te Piringa - Faculty of Law in 2001. It aims to provide secondary school students with a taste of the law. Te Piringa is the only university in New Zealand that runs a mooting competition for secondary schools. Since 2001, the competition has grown from year to year with schools from Hawkes Bay, Taranaki, Northland, Auckland, Wellington, Waikato, Bay of Plenty as well as Southland taking part.

We hope this guide proves helpful to you, whether you are a student entering the competition, their parent or a school staff member wanting to know how best to support the students.

The purpose of this handbook

We have developed this Handbook to provide information and help to those interested in the Waikato National Secondary Schools' Mooting Competition. It contains material that will:

1. Introduce new mooters to the legal concepts
2. Describe the structure of the competition
3. Give you an idea about what to expect on the day
4. Provide a step-by-step guide on how to prepare one's submission and other useful information, and,
5. Outline the skills and attributes a good performance should have and what competitors will be judged on.

We would like to encourage all schools to take part in the competition. To assist schools, teachers and students, we have uploaded mooting workshop videos on the website. Please see *2025 Competition Dates* at the end of the Handbook for more information.

Please do not hesitate to contact us if you have any questions. You will find the contact details at the back of this Handbook.

We appreciate your interest in this event, and we are sure that you will gain a great deal from participating.

Our name – Te Piringa

Te Piringa translates as the coming together of people. It was given to the Faculty of Law by the late Te Arikinui Dame Te Atairangikaahu, the Māori Queen, when the Faculty buildings were opened by Tainui tohunga using Māori ceremonial karakia in 1990.

Te Arikinui also gifted the Tongi of her ancestor King Pōtatau the first Māori King and Te Rākau Kotahi thepaepae from the ancestral house at Waahi Pa.

The name Te Piringa links the Faculty to the manawhenua of Waikato-Tainui and the Kāhui Ariki. The tongi or saying left by King Pōtatau predicted the need to know more of the law to benefit the people. It has been used as a basis for a traditional waiata for the Faculty. The Te Rākau Kotahi (or the one tree of knowledge) is considered a personal and special gift given by a chiefly person to support an honourable cause. It is Te Piringa – Faculty of Law's duty to honour the Tongi.

Structure of the competition

What is a moot?

A moot is an exercise commonly used in legal education to provide an opportunity for students to argue over an area of uncertainty in the law. Participants argue a legal issue or a problem against an opposing team. To add to the realism of the event, a moot usually takes place within a formal courtroom-like setting in front of a judge, or a panel of judges.

Although moots are similar to 'mock trials', they are very different to court trials you may have seen on television. Mooting is only concerned with points of law, rather than deciding if a person is guilty or not guilty. There are no witnesses to question and no jury to convince. In mooting, two opposing sides prepare their case on the basis of the fact problem provided. Your job as one of the 'lawyers' will be to convince the judge that your interpretation of the law is the best one. This is achieved by skilfully applying the relevant law and legal principles to the facts of your case.

Mooting has a long history in legal education. This is because moots are a useful way to introduce students to the skills that lawyers use every day in practice. By participating in the competition, you will get an introduction to the following skills and ideas:

- The process of litigation (taking a case to court)
- Court etiquette and procedures
- The process of legal reasoning
- The sources of law in New Zealand
- The principles of legal research
- The development and presentation of a legal argument
- General public speaking and presentation skills

What do the mooters have to do?

All teams will be provided with the same factual scenario and a set of legal materials (cases) that you will use for legal research. The teams will be assigned to act on behalf of either *Appellant* or *Respondent*. You will then need to read all materials and decide which legal cases support your arguments.

Based on your legal research and analysis, the team then puts together a written submission.

Once submissions from all participating teams are in, we will set up competition schedule and let you know which team you will be paired up with. Your team will argue the case against a team from another school in a preliminary round.

How do teams progress through the competition?

In the preliminary round every team competes against all other teams. A team's performance is judged by the presiding judge or judges and points are awarded. Each counsel is to be awarded a mark out of 100. These marks are allocated as follows:

Organisation	15 marks
Development of the argument/s	30 marks
Questions from the bench	30 marks
Speaking ability and delivery	25 marks

The same problem will be argued through all rounds. As teams progress through the rounds, they will get to argue both sides of the moot problem. That means that the teams that progress through to semi-finals would have to prepare another written submission.

It is up to your school to decide how a team is selected. Once submissions are handed in, the teams cannot be changed. We permit up to 3 teams from each school to enter the competition.

For important dates, videos as well as to register your team, please visit:
www.waikato.ac.nz/go/schoolsmooting

Prizes and awards

The final of the moot, and presentation of the trophy and prizes, will take place before the judiciary, members of the legal profession, school principals, senior teachers, fellow mooters, family members and friends. Hamilton-based firm McCaw Lewis Lawyers paired up with the Faculty once again offering additional prizes and awards for all competition finalists.

1st Prize: The winning team will hold the Competition Winners trophy for a year, receive a $400 total cash prize, as well as a tour/visit of McCaw Lewis Lawyers (sponsored by McCaw Lewis Lawyers).

2nd Prize: The runner-up team will hold the Runners Up trophy for a year, receive a $250 total cash prize, as well as a visit/tour of McCaw Lewis Lawyers (sponsored by McCaw Lewis Lawyers).

Best Individual Mooter: The winner will hold the Best Individual Mooter trophy and receive a $250 cash prize (sponsored by McCaw Lewis Lawyers).

Best Māori Mooter: The winner will hold the Best Māori Mooter trophy and a receive a cash prize (amount TBC).

2016 winners, Amy Spittal, Charlotte McColl & Emma Fountaine, during their work experience at McCaw Lewis Lawyers offices.

Legal background

Now that you have an understanding of what is expected and how the competition will be structured, you probably want to know how to progress from here. The rest of this Handbook is designed to help you get ready for the moot.

Let's start with some basic background material.

Mooting is about persuading a judge that your arguments are better than your opponent. To be persuasive in front of a judge, you will need to be able to work out the law that is relevant to the facts in the scenario, and then apply that law convincingly to your case. This means that to participate effectively in the competition you need an understanding of some basic legal concepts.

If you have some background knowledge about the law, this section of the Handbook will be revision material for you. If you are relatively new to legal ideas, then this material will provide a useful starting point.

This is a very brief introduction to a few aspects of New Zealand's legal system. Although the information in this Handbook will be enough to help you get ready for the mooting competition, you may like to research some of the points raised here. A good way to become more familiar with the ideas presented here is to discuss the news with people who work in law-related fields. In this way you can get a feel for how the legal system operates in the real world.

What is law?

Laws form a system of rules that governs our society. These rules are designed to help maintain order within the society by regulating relationships between people, companies and organisations.

When you think of the term 'law', it might give rise to images of police officers, lawyers and judges. These people are not the law – they are people responsible for *administering* the law.

The term 'law' also conjures up images of dramatic court cases. The reality is not always so dramatic. People go to court if they break the law. They also go to court if there is a dispute between two or more people and/or organisations that they cannot resolve themselves.

But how do the police or the courts know what the law is? How do the police know when somebody has broken the law, and how do the courts know which person is right and which person is wrong in a dispute?

In New Zealand, the substance of the law comes from a number of different places. You will be arguing about the meaning of the law in your particular case, and so an understanding of the sources of law (i.e. where law comes from) becomes important.

Where does the law come from?

Different parts of the world have different legal systems. In New Zealand we have a common law based legal system, which is derived from the English legal system. Similar systems exist in many other countries, including Australia, Canada, Ireland, Kenya, Israel, Malaysia, India and the United States of America.

Although the legal systems in all of these common law countries have a lot in common, each legal system has developed in its own way. This is because different countries have different social conditions and different ideas about what concepts such as 'justice' mean.

A feature of all common law legal systems is a number of sources of the law. In New Zealand there are three main sources of law: the Parliament, the Executive, and the Courts. These are known as the three arms of government. All have an important part to play in the setting and administering of New Zealand's laws.

Parliament or statute law

Parliament is the group of elected politicians who meet together in Wellington. These politicians are elected every three years according to the Mixed Member Proportional (MMP) method of voting. All of the elected members of the various political parties (for example Labour, National, the Greens etc.) together make up what is known as the House of Representatives, which is the basis of our Parliament.

The reigning Monarch (Her Majesty Queen Elizabeth II) is also part of the Parliament. In New Zealand the Monarch is represented by the Governor-General.

Together this group of people are responsible for discussing and making laws known as statutes. Statutes are often also referred to as Acts of Parliament, Acts, or sometimes simply legislation. There are many statutes that have been passed by Parliament that cover all aspects of our lives.

One example of a statute is the Crimes Act 1961. This Act specifies all of the major crimes in New Zealand including crimes such as murder, arson, theft and criminal defences such as insanity or self-defence.

A more recent example of a statute is the Employment Relations Act 2000. This Act sets down rules for hiring and firing people and gives guidelines for how disagreements between employers and employees are to be resolved.

Parliament is said to be the 'supreme law-making body' in New Zealand. This is because any other type of law can be overridden by an Act of Parliament. The laws made by our elected politicians are general in nature and are binding on everybody in the country.

The Executive or delegated legislation

While Parliament is the supreme law-making body, it sometimes delegates power to the Executive to make certain types of laws. Laws of this type are also sometimes called delegated legislation.

The Executive is the part of government that deals with administration. In New Zealand, the Executive is made up of a number of different offices and bodies. Central to the Executive is a group of politicians known as the 'Cabinet'. The Cabinet is a select group of senior politicians from the ruling political party or parties. They are largely responsible for setting policy on important matters. Members of Cabinet are also responsible for various government departments and public agencies, including the police and the armed forces.

As well as the Cabinet and government departments, the Executive also comprises a number of other bodies: the Crown represented by the Governor-General; the Prime Minister; local government bodies; state-owned enterprises; and various other public organisations.

While Parliament focuses on general laws applicable for the whole country, the Executive concerns itself with more specific matters. For example, local councils (like the Hamilton City Council) are given the power to pass local laws regarding things like dog control, parking, and skateboarding in public places.

The courts or case law

The courts play a central role in New Zealand's legal system. Acts of Parliament and delegated legislation set down general rules. The role of the courts in making law is more specific. Judges in courts interpret the law contained in the Acts and regulations and apply it to particular cases before them.

In deciding, the judge starts by looking at the facts of the case. The role of lawyers in court involves trying to persuade the judge that their version of the law, as applied to the facts of the case, is the correct one.

When considering the correct meaning of the law, judges will look to relevant Acts of Parliament and regulations made by the Executive. Judges will also take a cue from similar cases that have been previously considered by the courts. This concept is known as precedent. The concept of precedent is an important one. It is concerned with the past cases where the same or similar point of law was considered. You will need to have a good understanding of what precedent is to be a good mooter.

Precedent is linked to the hierarchy of courts, or the levels of the court structure.

New Zealand court structure is depicted on the next page.

The court hierarchy in New Zealand

Supreme Court

Court of Appeal

High Court

District Court

A decision of a higher court will bind the courts below it, provided that the cases in question are very similar to each other. For example, let's suppose a case being heard in the High Court is very similar to one that was recently heard in the Court of Appeal. The doctrine of precedent says that the judge in the High Court case must follow the decision in the case that was heard in the Court of Appeal. On this basis a decision from a higher court is known as a binding precedent.

While a decision of a higher court binds the courts below it, lawyers who do not want the lower court to follow the precedent set by the higher court because it goes against their case, will seek to distinguish the upper court's decision based on some difference in the facts between the two cases.

Additionally, a decision of a court at the same level in the hierarchy will be a persuasive precedent. The practical effect of this is that a judge may choose whether or not to follow the older case.

Cases and decisions of other courts of common law countries may be introduced to have persuasive precedent value only. For this to be worthwhile there should be clear similarities between the law in both New Zealand and the other common-law country.

Note: Your moots shall be treated as if were being heard in the Supreme Court of New Zealand, which means that previous cases will have persuasive precedent value only. As the Supreme Court is New Zealand's highest court, it will not be bound by any previous decisions.

2024 competition winners alongside the 2024 runner ups from Hamilton Boys' High School.

Getting ready for the moot

Where to start?

The secret to succeeding in mooting is preparation. Your preparation for the moot will begin when you receive a copy of the mooting problem and the legal materials to assist in putting together your arguments. The problem will consist of factual scenario and outline the relevant legal issues you will need to discuss in your moot.

When beginning to prepare for your moot, you might like to follow this checklist:

- Read the instructions you are given to decide what needs to be done. Make sure you note any deadlines (e.g., written submissions due date), including when you will be presenting your moot case.
- Read the moot problem carefully so that you gain an overview of the problem itself. Think about the general facts in the case and the legal issues identified for you. It is a good idea to discuss the problem with your team members and those helping you.
- Read and re-read the moot problem to master the facts of your moot case. Constructing a timeline based on the facts provided in the case can assist you in understanding what happened and when. A recommended way of doing this is to set out your information in table form, putting the dates you have from earliest to latest. Next to the dates set out the events that took place.
- Know the "material facts" of your problem intimately. Material facts are those facts that are directly relevant to the issue of law you are looking at. When looking at these facts try to piece them together in a way that assists your client's case.
- Once you have mastered the facts, it is time to turn to the relevant law. The relevant law is crucial to arguing your case. The issues will be clearly identified for you, but you need to fully understand how the law applies to your case. Only then can you use the facts in the case to support your argument. Always remember that you are trying to convince the judge that the issues should be decided in your favour, so know the facts and the law of your case.
- As mentioned above, in your moot you will be given cases and any statute law necessary to assist you with preparing your argument. You will not need any further specialised legal materials for the purposes of the moot. Using only the materials that are provided, you should start to develop your legal argument.
- Take plenty of notes as you read and study the facts and law. When you think of a relevant point or a question that needs addressing – always write it down at the time. Good research trails ensure you don't leave anything out.
- When you understand what you want to say in your submissions to the court, you should write them down. This will help you to understand your case and make sure of the issues you want to present to the Court.

Preparing written submissions

The points that you raise in support of your arguments are known as submissions. As you will have seen in the competition rules, you are expected to put your submission in written form. This brief written summary will then be given to the team against whom you will be mooting, and you will get a copy of their written submissions. In this way you will have a good understanding of what the other side is arguing, and you will be able to prepare accordingly.

- The aim of submissions is to present the 'bare bones' of your argument and to be as accurate and concise as possible.
- Your written submissions should only be 2 or 3 pages long.
- Remember that as with all legal documents, it is not unusual to prepared 4 or 5 drafts before producing a good final copy.
- Please make sure that your submissions have a title page clearly identifying the name of your school, the names of the team members, and the side of the moot that you have been assigned (as shown on page 27).

The construction of effective mooting arguments involves three steps:

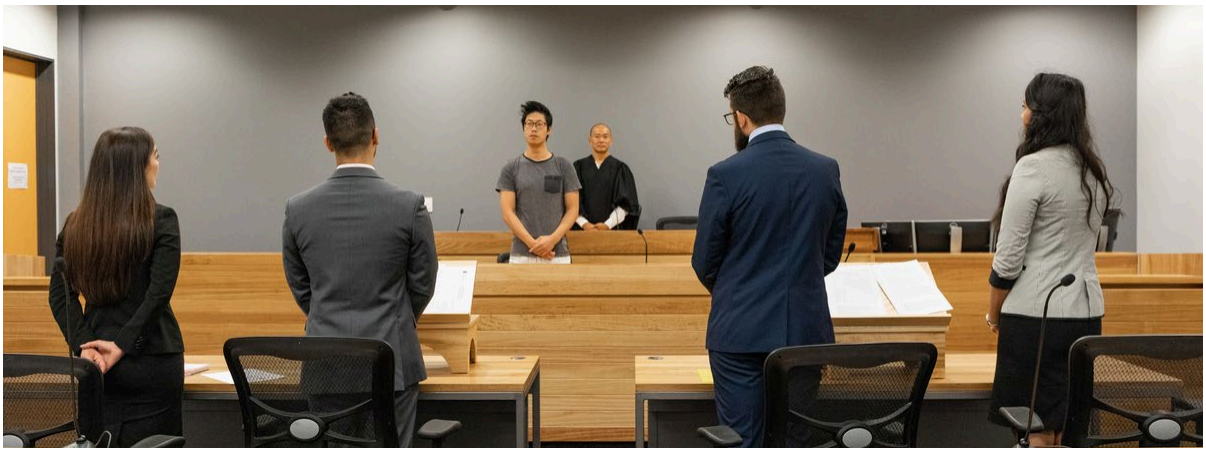
1. Set out the legal principle that you want the judge to adopt.
2. Set out why the judge should adopt your principle (i.e. why your legal principle is correct and how it applies to the facts of the case).
3. Set out the consequences for your case and for other similar cases if the judge adopts your argument.

By constructing your arguments in this way, you will be able to lead the judge through your case in a logical fashion. However, you should note that the judge will ask questions during your presentation. The judge may not be interested in hearing your ideas in the order that you have prepared them (more about this later). As such you need to be flexible and have some "back up" arguments in case the judge is not persuaded by the first arguments that you put forward.

It is a good idea to lead with your strongest arguments. You only have ten minutes to get your points across, so start strongly. It also means that if you run short of time it is your weaker arguments that will be discarded rather than your stronger ones.

2017 Competition finalists before the winners are announced.

What to expect at the moot



Flow of proceedings – how to conduct a moot

Moots are presented in a mock courtroom setting. This means that your moot will be similar to a real court sitting. The court system has a well-established set of conventions, and these conventions dictate who does what and when. Your moot will progress in the following way:

Introduction

- When everything is ready the court clerk (also known as a Registrar) will announce that the judge is ready to enter by saying: "Please stand for His/Her Honour".
- You should stand.
- The judge will enter and bow. Each counsel should bow to the judge. The judge will then sit down.
- When the judge has sat down you should sit down.
- The court clerk/Registrar will then announce that the court is sitting and announce the name of the case.

Appearances

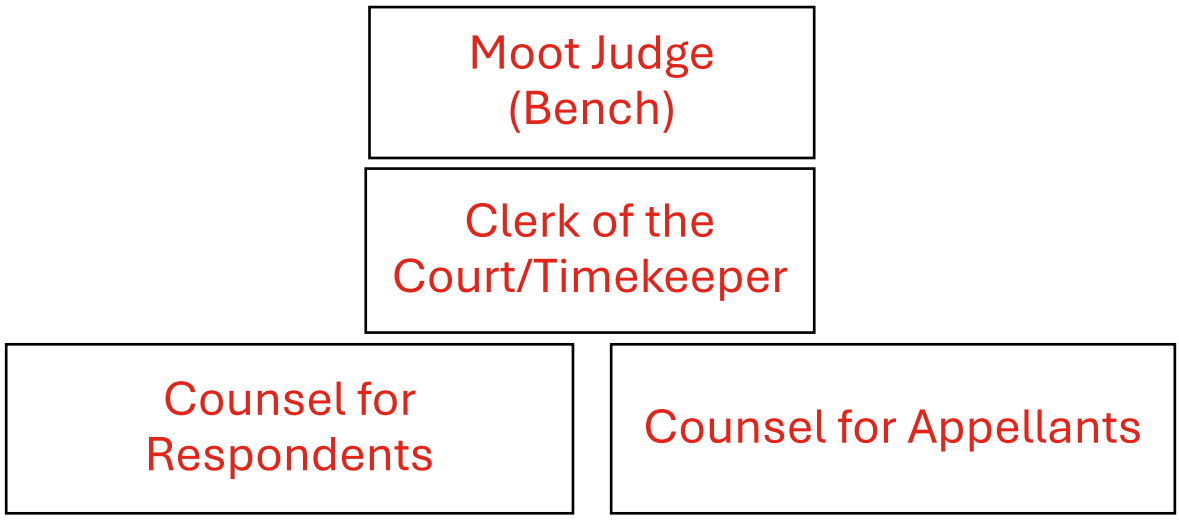
- The senior counsel for each side will be given a chance to introduce his or her team. Introducing your team is known as "announcing appearances". All members of the team should stand while these introductions are made. Counsel for the appellant (the side taking the case to court) goes first, saying: "May it please Your Honour, my name is … [put your own surname in here] and I appear for the appellant with my junior counsel Jones *[put your partner's surname in here]* and Research Solicitor (if applicable) … *[put your partner's surname in here]*.
- Counsel for the appellant then sit down, and counsel for the respondent (the side responding to the case in the court) will introduce themselves in a similar manner.

The moot

- When the judge indicates that he or she is ready, counsel for the Appellant then proceed with the case.
- Both counsel for the Appellant speak in turn, followed by both counsel for the Respondent.
- There is no interruption or interjection permitted while other mooters are giving their presentations.
- Note, however, that the judge will ask questions as each person presents their arguments. This is one of the most interesting and challenging parts of a moot. The purpose of these questions is for the judge to test the case of each mooter.
- Before a new speaker begins, sometime should be given to allow the judge an opportunity to take notes. Wait for the judge to indicate that he or she is ready before the next speaker begins.
- At the conclusion of the argument for both the Appellant and the Respondent, the case should be concluded using the following or similar words: “May it please the Court, that is the case for the Appellant/Respondent”.
- Each team will have a three-minute right of reply. This is an opportunity for one member from each team to reply to the points raised by the other team. The Appellant team has their right of reply first.
- At the conclusion of the moot the judge will provide some feedback and comments.

Court layout

Your moot court will be set up in a fashion similar to a real court layout depicted in the diagram below.



Oral presentation

Speaking to persuade

A mooter's primary aim is to be an effective advocate. Advocate presents an argument on behalf of someone else (his or her client's). This is what it means to represent someone in court. Speaking skills are paramount when presenting a moot case. The judge will form the perception about the quality of your arguments based on the way you present your arguments. The basic rule is everything you say should be clear and well structured.

What is a reasonable pace of speech

Sometimes the argument you are trying to put across can be quite complicated and this makes it more important that the judge can hear every word you are saying clearly. To achieve this, practice speaking in front of others before your moot presentation, warm up your voice before you begin your presentation, and try to relax so you are not too nervous. A basic rule of thumb is if you feel you are speaking too slowly, you probably are speaking at the right pace.

Maintain eye contact

You should remember in a moot that you are speaking to the judge rather than an audience – you should try to maintain eye contact with him or her to hold their attention. Watch the judge for clues about how your case is going. Keep an eye on his or her body language and watch to see whether they are following what you are saying. You should, of course, refer to your written submissions when you need to, but try not to read your presentation from a script. Maintaining an eye contact with the judge will stop you from mumbling into the pages from which you are reading. It will give the impression that you are comfortable with your argument and with what you are saying making you more persuasive. Remember that speaking to a judge in a moot is like holding a formal conversation. The best mooters develop the ability of speaking to the judge rather at the judge.

The power of confidence

Remember that the desired outcome of a moot is to convince the judge that your argument or case is the 'best' or 'correct' one. Persuasion can be a difficult skill to master – no judge likes being bullied by a lawyer. You are not there to intimidate the judge, but to inform them and help them apply the legal rules to your case. It requires a degree of confidence to speak up if you think that the Judge may have gained a wrong impression of the case. You can take the opportunity to explain to the judge what your case really is.

Often a judge will appear to disagree just to test your mooting skills, so do not be afraid to stand your ground. However, if it is clear that the judge is not agreeing with you, move on to a new argument.

Know the time

Timing is also important in a moot. You will each have ten minutes for your moot presentation, and some of that time will be taken up by questions from the judge. You should plan to speak for only 6-8 minutes to present your argument and allow for the judge's questions during your presentation or at the end. To ensure you do not go over time with your planned presentation, practice it several times before the actual moot. Time yourself so you know how long it takes you to say what you have to say. During your moot the court Registrar will be holding cards indicating how much time is left out of your 10 minutes.

Practice, practice, practice

Try to record your practice moot presentation, and listen or watch it to check your posture, speaking manner, eye contact and pace at which you are speaking. You could also ask a friend or family member to listen to your presentations and look for the same things.

Making oral submissions

Always remember that you are presenting submissions for a hypothetical client. This means that the court is not interested in what you think, but rather what you submit on behalf of your client. Avoid using phrases like "I think" or "In my opinion". Instead use "I submit" or "It is submitted" or "It is the contention of the appellant…".

Using "signposts"

While you will know your submissions extremely well, it can sometimes be difficult for someone listening to your arguments for the first time to follow exactly what you are saying. For this reason, it is essential that you signpost your points. For example, you can start your presentation by briefly outlining the main points that you will make. You can then say something like "I now turn to my first / second / third (etc) submission…" as you go.

Concluding your submissions

At the conclusion of your submissions, it is appropriate to say, "If I can be of no further assistance to the court, that concludes my submissions for the appellant / respondent." If you are the senior counsel for your team, you can then add "My junior will now continue with our submissions by discussing the following key points …".

Court etiquette provides that you do not thank the judge at the end of your submissions.

Addressing questions from the judge

In mooting you must be prepared to accept questions from the judges. This is one of the most exciting and challenging aspects of mooting. Judges ask questions to clarify and test the arguments you are raising. This means that you must have a good understanding of your argument and be flexible enough to respond to the issues raised by the judge.

While some judges may test you by setting tripwires that you must work around, you do not need to assume that every question from the judge is a trap. If you seem to have wavered from your line of argument, most judges will give you a "lifeline" question to help you get back on track. You need to be able to recognise when the judge is helping you and use these lifelines effectively.

Taking a moment

It is sometimes a good idea to take a few moments to think before answering a question from the Bench to ensure you are giving the best answer you can. There is no need to rush. A short period of silence is also a good way to build tension, which in turn is a good way to get the judge's interest.

Even though pausing in this way is acceptable, you should be careful not to over-use these pause tactics. Your primary aim is to persuade the judge, and to do this you must appear confident. This means being well-organised and prepared in advance for most of the questions that the judge might put to you.

If you are stuck for an answer, it is perfectly acceptable to say, "Your Honour, may I have a few moments to refer to my notes" or "Your Honour, may I have a few moments to confer with my counsel". Alternatively, you might like to take a sip of water to give yourself time to consider an answer.

During the 2016 semi-finals held in Hamilton District Court

Is it okay to skip over a question?

Often when a judge asks you a question, it is about a topic that you mean to cover later in your submissions. Some mooters ask the judge whether it is permissible to address the judge's question later in their talk. Should you choose to do this, it is a good idea to briefly address the judge's question anyway. You can then tell the judge why you would prefer to leave a full answer until later in your submissions. For example: "Your Honour, that question relates to … In brief, that point is explained by the case of A v B. That case said that … One thing a mooter should never say to a judge in reply to a question is "I'll get to that later".

What if you don't understand a question?

If you cannot work out what a judge has asked you, it is fine to ask the judge to repeat the question. If, after the question is repeated, you still have no idea about what the judge is getting at, it is usually best to admit that you are unable to help the Court on that point and move on. If you try to make something up you will probably end up digging yourself a hole, and you are also wasting time that could be spent on your stronger submissions.

Monica Ataahua Ngaire Young from Whangarei Girls' High School in Whangarei was named the Best Māori Mooter in 2024. Pictured with Te Piringa Faculty of Law Dean, Professor Tafaoimalo Leilani Tuala-Warren.

Some important etiquette

General points about moot presentation

You will have picked up that mooting (and appearances in real courts) use highly stylised forms of language and procedure. Here are some of the most important conventions that you need to be aware of:

Once the moot has started, you should refer to the other members of your own team as "my junior / senior". For example, "my junior will cover that point in more detail Your Honour". It is not proper to refer to the other person on your team as "My mate Tim".

Members of the opposing team should be referred to as "counsel for the appellant / respondent", or individually as "my learned friend Ms Smith". It is not a good idea to refer to the other side as "the opposition" or "those guys" or "Chris over there".

You are advocating on behalf of your client. Because of this the court is not interested in what your personal views are. For this reason, you should not say "I think…" or "I believe…". Rather you should say "I submit…" or "It is the appellant's contention…".

Always display respect for the judge. The judge should always be referred to as "Your Honour". Alternatively, the judge may be referred to as "Sir" or "Ma'am". Statements from the court, even if they go against what you are saying, should be acknowledged by saying "As Your Honour pleases". You should avoid saying things like "That's choice Your Honour".

If the judge is disagreeing with something that you are saying, try to resist the temptation to resort to bullying. Use of the phrase "With respect, your Honour" enables you to gently try to direct the judge back to your way of thinking. For example, "With respect, your Honour, the thrust of my argument is that …". If the judge is still not interested, it is wise to move to your next point.

In legal writing there are a number of shortcuts that are used. Instead of writing "Judge Smith" or "Justice Smith", legal writers use "Smith J". However, oral submissions are different. When giving your oral submissions you should not read the names of judges as they are written down. When referring to a High Court, Court of Appeal or Supreme Court judge in oral submissions, they should be referred to as "Justice [Surname]" and not "[Surname] J." District Court judges should be referred to as "Judge [Surname]".

The correct formula for citing cases when speaking is "Brown and Jones" - not "Brown v Jones" or "Brown versus Jones". If a case is written as "R v Smith", the "R" stands for Rex or Regina. This is Latin meaning the King or Queen. "R v Smith" should be spoken as "The Crown against Smith".

Finally, some mooting dos and don'ts

Don't	Do
Attempt to impress the judge by raising lots of complicated arguments and using lots of sources.	Keep it simple. Attempt to cover the legal issues with specific reference back to the problem at hand and the materials you have been provided with.
Focus exclusively on the law.	Remember that most cases are won or lost by reference to the facts, not on the basis of sophisticated legal argument. Know your facts thoroughly.
Focus exclusively on the facts as they exist.	Use hypothetical fact situations to show the logic or policy merit of your argument.
Refer to your "co-counsel" (there is no such thing).	Refer to your "learned friend" in the case of your opponent, your "friend" or "senior" or "junior" when referring to your senior / junior counsel.
When encountering an unexpected request from the judge say "Ookkaaay".	When encountering an unexpected request from the judge say, "As your Honour pleases".
When asked by the Judge to address a particular issue, tell her/him that you will deal with it later.	When asked by the Judge to address a particular issue, if you can deal with the matter simply do so. If you cannot, provide a brief indication of your approach to the issue in question. Follow this by informing the Judge that you had planned to deal with the issue more substantively at a later stage (and, if applicable, why you had intended to deal with that matter at that later stage). Tell the Judge that you are able to deal more fully with the matter at this stage if she/he would prefer.
Be the "Court Jester".	Always remember that it is the Judge's exclusive and jealously guarded right to make jokes in her/his Court. Usually, you can't expect to be taken seriously if you do not act seriously.
Strive to always be deadpan serious.	Bear in mind that an element of colour in your approach and/or analysis can help to keep the Judge's attention and win her/him over to your case (it is essential however that you do not go so far as to be flippant or disrespectful). You need to find a balance between this, and the point made above.
Back down when a judge asks a question that tests your submissions.	Argue your case firmly and bear in mind that a judge may wish to test your case with probing argument, even though she/he is well disposed towards it.
Stick to your submissions, without modification, even though the judge has made it perfectly clear that she/he will simply not accept that line of reasoning.	Remember that you have limited time in a moot. If the judge has made it perfectly clear that she/he will simply not accept that line of reasoning, consider moving on to alternative approaches or arguments. You need to find a balance between this, and the point made above.

Make reference to the fact that the exercise is a moot, and not a real court hearing. Make reference to "the moot instructions" and "the facts set out in the moot problem".	Maintain the pretence that it is a real case in a real court. Refer to "the facts found in evidence" and "the instruction issued by the Registrar of this Court".
Tell the judge what you believe and feel.	Remember that you are acting as a professional person, and that your primary duty is to the Court (not to your client). Make submissions and tell the judge that you are "...Submitting that ...". The judge is interested in your professional opinion. The judge is not interested in your personal beliefs or your feelings.
Tell the judge as much as you can in the time available.	Speak clearly and slowly. Pause while the judge takes in what you have said. Pause if/when the judge is writing down notes.
Argue every issue.	Focus on the issues where you are strong. Identify what issues are essential prerequisites to a successful result.
Make sure that you address every issue that your opponent's raise or plan to raise.	Ensure that it is you, and not your opponents, that select the parameters on which you will argue your side of the case. Work out in advance what issues are essential to your case, and what are not. If you are weak on a particular issue, and it is not essential to your case, you may be better to focus on other issues. However, if an issue is essential to your case, you must address it.
Never accept your opponents' submissions.	Assess how strong your case is on particular issues, and how vital that issue is to your case. Sometimes it is better to concede, or only spend minimal time disputing particular issues, if they cannot be won.
Concede every point that appears weak.	Sometimes a point in your favour might appear weak to you. Unbeknown to you, this point might appear to the judge to be strongly in your favour. If you think the point is weak, you will have made a judgment call not to focus on it. However, this doesn't mean you have to go so far as to concede it. If you concede the point, you make it very hard for the judge to find in your favour based on this point. You need to find a balance between this, and the point made above.
If you have a right of reply, use it to restate your case.	Remember that any right of reply/rebuttal is only to be used to specifically rebut issues raised by the other side.
Emphasise your case by using strong words such as "clearly" and "obviously".	If your case is clear and strong, this will speak for itself. Undue use of words such as "clearly" and "obviously" raise the suspicion that your case cannot stand on its own merit.
Spring as many surprises on your opponents as you can.	Your opponents will receive a copy of your written submissions ahead of time. You should not depart too much from the submissions that you have prepared.
Spend large amounts of your time on your weaker arguments.	Lead trumps. If you have a winning argument, it is usually best to make it at an early stage in your submissions.

Read from your submissions.	You are expected to prepare brief written submissions from which the judge can read. When making submissions, speak to the judge, rather than reading; however, what you say should follow what you have written. Tell the judge when you are making oral submissions that depart from your written submissions.
Launch straight into your submissions without an introduction.	Consider opening your case by discussing its merits. In basic and adversarial terms, discuss why your client deserves the Court's sympathy.
Be too friendly with the Judge.	Use formal and disciplined language. One of the purposes of the competition is to introduce you to the etiquette followed in Court. Judges and lawyers speak carefully in Court – sloppy, vague or over-familiar expressions will not help your case.
Read case names and names of judges exactly as they are written down.	Be familiar with the points of etiquette referred to on page 22 of these materials.
Dress casually.	Wear appropriate clothing. If you have a school uniform, you should wear this. Otherwise dress in smart, dark clothing.

Glossary of terms

Appellant	One of the two parties to a moot. The appellant is the side that is taking the case on appeal from a lower court. The appellant team presents its argument first in a moot. *(Also see Respondent)*.
Appearances	Formal introductions at the start of a moot.
Common Law	Refers to a system of law that is based on the English legal system. Also used to refer to law that is contained in case law as opposed to statute law.
Court	The place where legal cases are heard, and justice is administered. Also used to refer to the judges who administer justice.
Executive	The branch of government that brings laws into effect. The Executive is responsible for making delegated legislation on the authority of the Parliament.
Governor-General	The representative of the Queen in New Zealand.
House of Representatives	Made up of elected politicians known as "members of Parliament". The House of Representatives is the basis of our Parliament.
Litigation	Taking a case to court.
Material Facts	Those facts that are central to the issue in question.
MMP	"Mixed Member Proportional" – refers to the system of voting used every three years to elect the members of Parliament. *(See House of Representatives)*.
Moot	The arguing of a legal case as a form of legal education.
Parliament	Made up of the House of Representatives and the Queen's representative (the Governor-General). Parliament is the supreme law-making body in New Zealand. It passes laws known as statutes.
Precedent	A previous decision of a court that is used to support an argument. Precedents may be binding or persuasive. A binding precedent is one which a Court must follow. Binding precedents are those that come from higher courts (e.g. the High Court must follow a relevant decision of the Court of Appeal). A persuasive precedent is one which is taken into consideration by the Court. Persuasive precedents may come from a court of similar standing, a lower court, or an overseas court.
Respondent	One of the two parties to a moot. The respondent is the side that is answering the case brought by the appellant. In a moot, the respondent team speaks last. *(Also see Appellant)*.
Statute	The laws passed by Parliament. Statutes are also known as Acts of Parliament.

Definitions adapted from Spiller, P Butterworths New Zealand Law Dictionary (6th ed) LexisNexis, NZ, 2005

Competition rules

1. Registration and teams

1.1. Each school that wishes to participate should complete the registration form prior to the notified due date.

1.2. Each participating school may enter three teams in the competition. It is up to individual schools to determine how these teams are selected. An internal school mooting competition or selection of students based on relevant interests and experience may be appropriate.

1.3. Each team will consist of two or three members:

1.3.1. If the team has two members, there will be one person acting as "senior counsel" and one as "junior counsel". Both members will be expected to give oral presentations in the mooting competition.

1.3.2. If the team has three members, one member will act as a solicitor or research counsel and assist with research and preparation. Research counsel member will not give an oral presentation in the mooting competition. However, he or she will act as a reserve in case one of the other team members is unable to participate on the evening of the moot.

1.3.3. Team membership may not be altered as the teams' progress through the rounds, although roles within a team can be swapped.

2. Research and preparation

2.1. The moot topic and materials required for research will be distributed the week after registrations closer date.

2.2. The same problem will be used for all stages of the competition, including the final.

2.3. The participants are required to restrict themselves to the facts and research materials that are provided. Participants should not make up additional facts or rely on other legal authorities.

2.3.1. Mooters should not research beyond the materials provided. If other material is referred to in the material that the mooters are provided with, then it may be used only to the extent that it is referred to. For example, if a precedent case is referred to in a judgment provided to the mooters, then the discussion of that precedent may be used by the mooters.

3. Written submissions

3.1. Each team is required to prepare and submit a written outline of their submissions. The written outline should be no longer than 3 pages and include a cover sheet showing team members' names and the name of the school. This written outline will briefly contain:

3.1.1. A summary of the structure of the team's submissions; and

3.1.2. An outline of the major arguments to be raised.

3.2. Each team's written submission must be emailed (as one word document including the cover page) to the Mooting Competition Organiser *two weeks prior* to the date of the preliminary round of the competition.

3.3. If the submissions are filed late, it could result in a loss of marks to the team's overall.
3.4. The written submissions will then be emailed to the opposing teams. One email address per team should be consistent throughout the competition.
3.5. Teams will be expected to follow their written submissions wherever possible when giving their oral submissions. However, minor departures from written submissions are permitted.

4. The event

4.1. Each moot should take around one hour to complete. Schools will be notified with a timetable prior to the preliminary round.
4.2. Each school is encouraged to bring students or other guests to watch their moot.
4.3. Please note that teams competing later in the evening *cannot* watch earlier moots.
4.4. Each student will be given ten minutes to make their submission. Mooters should keep a close eye on the time. Time may be extended with the leave of the court. The Court Clerk / Registrar will remind you how much time you have left 5 min and 7 min into the moot.
4.5. Each team will have a three-minute right of reply (rebuttal).
4.6. Each moot will be filmed for judging purposes.

5. Judging

5.1. Each team will be judged as a team, rather than as individual presenters. Eight to twelve teams will progress to the semi-final round, from which two teams will advance to the final.

6. The final

6.1. The final of the moot, and presentation of the trophy and awards, will take place in the Hamilton District Court before the judiciary, members of the legal profession, school principals, senior teachers, fellow mooters, family and friends.

7. Scholarship and awards

7.1. The winning team's school will hold the Te Piringa – Faculty of Law Secondary Schools' Mooting Competition trophy for one year. The winning team will receive a cash prize of $400.
7.2. The runners up will receive a cash prize of $250 and hold the runners up trophy for one year.
7.3. The Best Individual Mooter of the competition will receive a cash prize $250 and hold the Best Individual Mooter trophy for one year.
7.4. The Best Māori Mooter of the competition will receive a cash prize $250 and hold the Best Māori Mooter trophy for one year.
7.5. Hamilton-based law firm McCaw Lewis Lawyers will provide the cash prize for the winners, runners up, and the best individual mooter, as well as provide a tour of its offices for all finalists. Te Hunga Roia Māori o Aotearoa will provide the cash prize for the Best Māori mooter.
7.6. All participants will be awarded a Certificate of Participation.

Example of cover sheet and submission

Cover Sheet

IN THE MOOT SUPREME COURT OF NEW ZEALAND

BETWEEN	Suing by his litigation guardian
	Appellant
AND	Robert Quilliams
	First Respondent
	and The Board of Trustees of St Paulus College for Boys
	Second Respondent

SYNOPSIS OF SUBMISSIONS ON BEHALF OF THE APPELLANT / RESPONDENT

Senior Counsel: [name of the student]

Junior Counsel: [name of the student]

Research Counsel: [name of the student]

Team No.: [if applicable]

[Name of the secondary school]

(Submissions must be typed in 1.5 spacing)

MAY IT PLEASE THE COURT, COUNSEL FOR THE APPELLANT SUBMITS;

1. That the High Court erred in in finding the hair rule of St Paulus College to be lawful.

1.1. The St Paulus College hair rule is unlawful as does not meet the common law requirement of being certain.

1.1.1. The hair rule is delegated legislation under the Education and Training Act 2020, so must be made in accordance with common law requirements.

1.1.2. The wording of the St Paulus College hair rule is not sufficiently clear for it to be "capable of determination by the citizenry with reasonable certainty."

1.1.3. The interpretation of the hair rule does not have to be inconsistent for the rule itself to be uncertain.

Education and Training Act 2020 (as at 01 January 2023)

Battison v Melloy [2014] NZAR 927

Edwards v Onehunga School Board and Another [1974] 2 NZLR 238 (CA)

2. Disciplinary action was unlawful because it was not procedurally fair and did not comply with the statutory requirements.

2.1. That the High Court erred in finding that St Paulus College complied with the requirements of section 80 of the Education and Training Act 2020. As the Respondents failed to exercise their discretion in determining whether the Appellant's actions constituted gross misconduct and whether indefinite suspension was warranted, given all the circumstances of the particular case.

2.2. The principal and the board did not act in accordance with the purposes of the Education and Training Act 2020 under s 78 in that they failed to consider a range of responses and failed to minimise the disruption to the Appellant's attendance at school.

Education Act and Training Act 2020 (as at 01 January 2023)

Battison v Melloy [2014] NZAR 927

Edwards v Onehunga School Board and Another [1974] 2 NZLR 238 (CA)

M v S [2003] NZAR 705 (HC)

X v Bovey [2014] NZHC 1103, May 22, 2014, McKenzie J

3. That the High Court erred in finding that in both decisions neither the Principal nor the Board of Trustees had predetermined the outcomes of their decisions.

3.1. Statements made by the Mr Quilliams and the Chairperson of the Board of Trustees reflect actual predetermination. Therefore, their minds were foreclosed and were not open to persuasion in reaching their decisions.

Education and Training Act 2020 (as at 01 2023)

CREEDNZ v Governor General [1981] 1 NZLR

172 (CA)

M v S [2003] NZAR 705 (HC)

X v Bovey [2014] NZHC 1103, May 22, 2014, McKenzie J

Signature

Counsel for the Appellant

2026 Competition Dates

You can enter the competition by filling an online registration form at **waikato.ac.nz/go/schoolsmooting**

Competition problem sent out

20 April 2026

Final date for Submissions

12pm on 29 May 2026

Preliminaries online

Mid-June 2026

Semi-finals

23 July 2026

*Semi-finals will be judged by a District Court Judge**.

Finals

30 July 2026

Finals will take place at the Hamilton District Court and will be judged by a District Court Judge.

Organisers

Kaitlyn Waugh – Competition Organiser & Frances Robêrt – Programme Administrator

lawevents@waikato.ac.nz

0800 WAIKATO ext. 6477

For most up-to-date information, competition preparation, workshop videos and to register please visit our Mooting website: **waikato.ac.nz/go/schoolsmooting**

THE UNIVERSITY OF
WAIKATO
Te Whare Wānanga o Waikato

KO TE TANGATA
FOR THE PEOPLE