

# Inaugural Barristers v Solicitors Moot

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Thursday, 4 September 1997 marked the day on which the eternal question "who are the better advocates?" was answered, at least for this year. The 150 strong audience was treated to a display of "edge of the seat" advocacy competition in an atmosphere which rivalled that of any sporting event you care to name.

The selections took place before an independent panel of judges consisting of Ms Tina Millar of Tina Millar & Associates and Mr Edward Fennessy. The Professional Development Committee extends its thanks to Ms Millar and Mr Fennessy for donating their time. Of a field of 10, Adrian Anderson of Corrs Chambers Westgarth and Jonathan Evans of Deacons Graham & James were selected.

The Moot took place in the Melbourne Room at the ANZ Bank headquarters. It commenced with a lively and (some barristers would consider) slightly biased opening speech by Mr Geoff Provis, President of the Law Institute. This was followed by a speech by Mr Alan Rees of the ANZ. Ms Felicity Hampel QC then gave an address in relation to the art of advocacy which was cold comfort for the competitors who, at that stage, were beyond the point of no return.

The moot problem was a complex one. The Appellant was a fifteen year old boy who sought his mother's consent to plastic surgery to remove a purple birthmark which covered half of his face. His mother refused to grant consent and the Appellant issued proceedings under the *Family Law Act* (Cth) in order to obtain the consent of the Court for the operation. The Barristers, who were represented by Mr David Chan and Mr Peter Fox made submissions on behalf of the Appellant, the Solicitors made submissions on behalf of the Respondent.

The moot itself was a study in contrasts. The Barristers adopted an unorthodox approach for their opening. Their introductory statement was an emotive one which stated the facts as viewed from the perspective of an observer of the fifteen year old Appellant. The solicitors adopted a more traditional approach in which they briefly described the facts and put the structure of their submissions to the court.

The barristers, while they used descriptive and emotional language, were subdued in their delivery, relying on a restrained approach. In contrast, the solicitors were forceful in their presentation. I hasten to add that while the approaches of both teams were different, the standard of mooting demonstrated by both teams was extremely good.

The one thing that both teams had in common was the bench, which consisted of the Honourable Mr Justice Hampel, Mr David Grace QC and Mr Julian Burnside QC. The Bench was proactive throughout the night, asking countless difficult questions and, on the whole, making the lives of each of the competitors difficult.



In the end, it was the barristers who won the moot. David Chan of the Victorian Bar won the Australian Advocacy Institute Best Advocate Award.

The Professional Development Committee extends its thanks to the ANZ Bank for its sponsorship of the event. The ANZ Bank donated the use of the Melbourne Room, contributed towards the catering for the night as well as

the general expenses through its generous sponsorship of the Young Lawyers' Section.

Thanks also to the Honourable Mr Justice Hampel, Chairman of the Board, Australian Advocacy Institute and the Australian Advocacy Institute who were the co-organisers of the event, and to Blake Dawson Waldron and Deacons Graham & James who were also sponsors of the evening.

If you enjoyed mooting at University but have not been able to find a forum in which to develop and hone your skills, this is the answer. This was an INAUGURAL competition and the Law Institute will be looking for next year's representatives, so keep your eyes peeled for more information.

### Acknowledgments

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