

14th Annual Kovsie Moot Court Competition 2018

Celebrating the commitment to the development of future legal practitioners.

UNIVERSITY OF THE
FREE STATE
UNIVERSITEIT VAN DIE
VRYSTAAT
YUNIVESITHI YA
FREISTATA



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Information Brochure

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Message from the Co-Ordinator

Dear Participant,

It gives our faculty great pleasure to extend to you our warmest welcome to the fourteenth instance of the Kopsie Moot Court Competition.

The annual Kopsie Moot Court Competition has proven to be a highlight in many first years' legal education. The experience not only lends itself toward gaining valuable practical experience, but it also gives students the opportunity to liaise with fellow students from other Universities in South Africa.

This prestigious competition has grown significantly over the past years and the value thereof in terms of legal education remains substantial. We trust that the experience will be memorable and that the skills acquired will greatly benefit you in your studies and future career.

I wish you only the best in your first foray in court practice!

Adv. Inez Bezuidenhout

Competition Objectives

*The objectives of this competition are simple: **Challenge** your knowledge of the law, **deepen** your understanding of legal practice and **develop** legal skills.*

General Information

1. Introduction

The Kovsie Moot Court Competition was first hosted in 2005 as an initiative of the then Department of Procedural Law and Evidence. This competition is unique in that students argue for both the applicant/plaintiff and respondent/defendant before a panel of judges, retired judges, and senior legal representatives.

The rounds will be conducted in the Supreme Court of Appeal before a panel of judges consisting mostly of members of the judiciary. Six teams will go through to the final rounds. The team with the highest score will be the overall winning team. In addition, prizes are awarded to the best teams and best orator.

In addition, please note that in order to curb the problem of teams relying on professionally drafted heads of argument by practitioners, we decided to provide the hypothetical case on which the preliminary rounds will be based on the evening of the welcoming function.

This year we will again use a different set of facts for the final round of the competition, which will be provided to the qualifying teams the evening before the finals. We have taken this decision to further encourage you to achieve the objectives of the competition by levelling the playing field and trying to eliminate any foul play that can arise.

A basic knowledge of family law and law of persons is required to be able to successfully interpret the case based on hypothetical facts in the preliminary rounds.

2. Competition Dates

The Competition will be hosted over four days. The dates are the 2nd to the 5th of October 2018. Participants are expected to arrive on Tuesday, the 2nd of October

2018 where the teams will be welcomed at an informal “Meet & Greet” event at the University of the Free State Main Campus.

The event will start at 17:15, participants and coaches are advised to start arriving at 16:30.

The preliminary rounds will be held on Thursday the 4th of October in the Supreme Court of Appeal. That afternoon, the finalists will be announced at an informal supper. The finals will be hosted at the Supreme Court of Appeal on Friday the 5th of October 2018, followed in the afternoon by a celebratory function and the announcement of the winners.

3. Registration

The registration form attached hereto must be returned to Adv. Inez Bezuidenhout via email to: Bezuidenhouti@ufs.ac.za on/or before the 21st of September 2018. We do not charge any registration fee.

4. Travel, Accommodation and Meals

Each participating university is required to make their own arrangements regarding transportation and accommodation. Due to the annual Mangaung Cultural Festival (MACUFE) participants are advised to book accommodation as soon as possible, as guesthouses, hotels and lodges tend to book out early as a result of the Festival.

For the duration of the competition, the organisers will provide lunch and dinner; however, participants are requested to make their own arrangements for breakfast. Teams that do not qualify for the final rounds are kindly requested to stay for the celebratory event on the evening of the 5th of October 2018. This is a special event where participants are encouraged to network with judges, law firm representatives and colleagues, and simply to relax after all the hard work. Please be sure to indicate any specific dietary requirements on the attached registration form.

5. Team Draw

The participants are unknown to the judging panel and a unique number assigned to them identifies each team. Each team argues once for the applicant and once for the respondent against a different team in the preliminary rounds. Due to the number of participating teams, the correct drawing (which ensures that each team argues against a different team during the preliminary rounds) becomes an administrative nightmare.

Therefore, we will arrange a pre-draw performed by an independent third party and then inform you of your team number and the other number (team) you will be arguing against.

6. Preliminary Rounds

The preliminary rounds will be held at the Supreme Court of Appeal in Bloemfontein and each team will argue once for the applicant/plaintiff and once for the respondent/defendant. The judges in these rounds will consist mainly of legal practitioners.

The hypothetical set of facts will be given out at the Welcoming Ceremony on Tuesday, the 2nd of October 2018.

7. The Final Rounds

The number of teams that proceed to the final rounds remain in the discretion of the organisers, taking in consideration the number of entries; practicalities and the scores achieved during the preliminary rounds. However, the prizes for best teams and best speaker will still be determined from the teams participating in the preliminary rounds.

8. Court Attire and Function Dress Code

The organisers are not able to provide a robe for each of the participants. Therefore, each participant is responsible for his or her own robe. Academic robes are acceptable for competition purposes.

During the welcoming function on Tuesday the 2nd of October 2018, teams will be photographed and a group photo will be taken. Therefore, court attire is desired. The supper on the 4th of October 2018 (Thursday) is informal, but the Celebration Function on the 5th of October 2018 is semi-formal.

9. Summary of important dates

21 September 2018:	Deadline for submission of registration forms.
2 October 2018 -	Opening and welcoming. The co-ordinator of the competition will furnish each participating university with the set of facts for the preliminary rounds of the competition.
4 October 2018:	Preliminary rounds.
5 October 2018:	Final rounds.

10. Preliminary Program of Events

TUESDAY, 2 OCTOBER 2018

PROGRAMME

OFFICIAL OPENING: UFS MAIN CAMPUS (VENUE TO BE CONFIRMED)

16:30	Arrival of guests
17:15	Welcoming
17:30	Introduction of Guest of Honour
17:45	Speech guest of Honour
18:00	Introduction of the participants to the 14 th Annual Kovies Moot Court Competition and format of the competition
18:15	Brief exposition and introduction of the hypothetical case to be argued in the competition
18:30	Team allocation
18:45	Group photograph
19:00	Acknowledgement and closing remarks
19:10	Informal evening meal



THURSDAY, 4 OCTOBER 2018
PROGRAMME
SUPREME COURT OF APPEAL

07:45 – 08:00 Participant and Presiding Officers arrive at the Supreme Court of Appeal

08:00 – 08:30 Participants and Coaches familiarise themselves with the court rooms and facilities

08:30 Briefing session for Presiding Officers in the Judges Tea Room

09:00 – 09:50 **PRELIMINARY ROUND 1**

Court 1		Court 2		Court 3	
1	7	11	3	9	5

10:00 – 10:50 **PRELIMINARY ROUND 2**

Court 1		Court 2		Court 3	
8	2	10	13	4	6

11:00 – 11:25 TEA

11:30 – 12:20 **PRELIMINARY ROUND 3**

Court 1		Court 2		Court 3	
3	9	5	14	12	1

12:30 – 13:20 **PRELIMINARY ROUND 4**

Court 1		Court 2		Court 3	
13	11	7	4	2	15

13:30 – 14:20 LUNCH

14:30 – 15:20 **PRELIMINARY ROUND 5**

Court 1		Court 2		Court 3	
6	10	15	12	14	8

15:20 – 16:00 JUDGES DELIBERATION



Announcement of finalists (venue to be confirmed)

18:30 – 19:00	Arrival of guests
19:10	Announcement of finalists by
19:30	Informal evening meal

FRIDAY, 5 OCTOBER 2018

PROGRAMME

SUPREME COURT OF APPEAL

10:30 – 11:00	Participant and Presiding Officers arrive at the Supreme Court of Appeal
11:10 – 12:00	FINAL ROUND 1
12:10 – 13:00	FINAL ROUND 2
13:00 – 13:30	Refreshments
13:45 – 14:35	FINAL ROUND 3

CELEBRATION FUNCTION COMMENCE AT THE SUPREME COURT OF APPEAL

18:00	Welcoming
18:15	Address and feedback
18:30	Awards ceremony
18:45	Acknowledgements and concluding remarks
19:00	Informal evening meal

11. Contact details of Coordinator

Any of the below mentioned persons can be contacted should there be any queries:

Adv. Inez Bezuidenhout Bezuidenhouti@ufs.ac.za

Tel: 051 401 9970 or 0832792409

Mr JP Venter VenterJ1@ufs.ac.za

Tel 051 401 9970



Annexure A

Competition Rules

1. General

The 14th Annual Kopsie Moot Court Competition will be held at the Supreme Court of Appeal in Bloemfontein from the 2nd to the 5th of October 2018.

2. Eligibility for Participants

2.1 Participants must be registered first year law students (2nd year LL.B students in the extended LL.B program is allowed where applicable) at a recognised University in South Africa or abroad. All students studying towards an LL.B-degree, B.Com Law, B.Iuris (or international equivalent) at undergraduate level are eligible to participate.

2.2 Students who have previously participated in the Kopsie Moot Court Competition or students who have obtained their degrees are not eligible to participate in competition. Any team member who is found to be registered for any degree other than the above mentioned or international equivalent will lead to the team being disqualified and the forfeiture of any entry fees.

3. Registration

If the registration forms are not received on/or before the dates specified, the organisers reserve the right to disqualify the team.

4. Team Composition

Teams must consist of two (2) members selected through an independent, transparent and democratic process determined by their individual faculty/ school of law. Both team members must be eligible to participate as set out in 2 above. No substitute students will be allowed to participate.

5. Hypothetical Case

The set of facts (hypothetical case) are made available at the Opening Function.



Participants are to prepare arguments for both the plaintiff/applicant and the defendant/responded in so far as the preliminary rounds are concerned. Participants making it to the finals will be given a new set of facts the evening before the competition to prepare for argument in court the next morning. No written heads of arguments are required for neither the preliminary and the final rounds; participants will be evaluated on oral presentations and argument alone.

6. Team Limits

There will be no limit on the number of teams entered by a specific university. In the unlikely event that the UFS cannot accommodate all the interested teams, the number of teams per university may be restricted and participating universities will be notified of this fact.

7. Assistance to participants

- 7.1 Participants may be coached by a designated member of the university academic staff or a legal practitioner, whether advocate or attorney.
- 7.2 Each coach will make him or herself available to act as an assessor in the preliminary rounds of the competition, if necessary, and agrees to mediate if a dispute arises from the judges' decision or if a participant or coach lodges a complaint with the independent roaming judge. The decision regarding the dispute will be handled by the organising committee, the judging panel and the independent roaming judge. The decision reached will be considered final.
- 7.4 Each participating team may have one coach to assist with the administrative support for the students. A single coach can however assist a number of teams.

8. Preparation of arguments

- 8.1 Each team must prepare (as a team) and present oral arguments for both the Plaintiff/Applicant and the Defendant/Respondent. The arguments must be based on established and current law, **no law or facts may be fabricated.**
- 8.2 The arguments must be solely based on the hypothetical case prepared by the organisers. Under no circumstances are participants allowed to fabricate facts



that were not in the case. **Clarifications from the organising committee are not to be construed as part of the facts.**

8.3 Under no circumstances will teams be allowed to identify the university they are representing to the presiding officers, nor will teams be allowed to wear any clothing or accessories that would identify a university.

8.4 The time limits during each of the oral rounds are as follows:

- 20 minutes per side and 5 minutes for questions from the bench for each side. In this regard it is recommended that the 20 minutes per side be equally distributed between the two team members. In other words: 10 minutes x 2 team members.
- Each round will consist of 50 minutes.
- We will not use “rebuttal”; to allow for questions from the bench.

9. Assessment instruments and calculation of scores

9.1 Each participant will be assessed using a scoring rubric. Each scoring rubric is sealed and presented to the independent roaming judge at the end of each session for calculation. The independent roaming judge then passes the information to a member of the organising committee for announcement once all scores for the preliminary rounds are complete. Similarly, the independent roaming judge will present the scores to the organising committee after the close of the final rounds for announcement.

9.2 The independent roaming judge will be appointed from a university not participating in the competition, or from an independent (from the University of the Free State) organisation. Further, the independent roaming judge is not privy to the name of the university represented by each team and he or she is only provided with a list of each team’s allocated number.

9.3 The assessment sheets will be available to the coaches after the close of the competition from the organising committee. In the event that one or more teams score the same for entry to the final rounds the independent roaming



judge will convene a meeting of the judging panel for those specific teams to decide which team will advance to the final round.

10. Registration form

Please note that ALL students taking part in the competition MUST complete all four sections of this form. Kindly email the completed form to Adv. Inez Bezuidenhout at Bezuidenhouti@ufs.ac.za kindly use separate forms if need be.

11. Cost of Registration

There will be no registration fee applicable to this competition. University are under considerable national pressure to curb spending and in the ethos of this competition, no university nor student should be excluded based on financial restraints. Universities are encouraged to use what would have been paid for registration on allowing more students to participate, registering more teams and making the competition comfortable for the students and coaches participating.

12. Assessment

Oral arguments will be judged on the following Rubric with necessary amendments as in Annexure C.



Annexure B

Registration form

This application must be accompanied by the following documents:

1. Proof of Registration of each participant at specific University.
2. Copy of Identify Document or Passport of each participant.

Section A – Details of Participating University	
Name of University:	
Name of Faculty/School:	
Name of Dean:	
Dean's Contact Details:	
Postal Address of Faculty/School:	
Contact Details in Case of Emergency:	

Section B – Details of Moot Co-Ordinator (Primary correspondent with the UFS)	
Name:	
Surname:	
Email Address:	
Office Phone Number:	
Cell Phone Number:	

Section C – Coach Information	
COACH	
Name:	
Surname:	
Email Address:	
Office Phone Number (If applicable):	
Cell Phone Number:	
Team(S) and or Participant(S) coaching:	
Special Dietary Requirements:	



Section D – Details of Participants

TEAM INFORMATION

PARTICIPANT A INFORMATION

Name:	
Surname:	
Cell Phone Number:	
Email address:	
Degree:	
Year of Study:	
Student Number:	
Special Dietary Requirements:	

PARTICIPANT B INFORMATION

Name:	
Surname:	
Cell Phone Number:	
Email address:	
Degree:	
Year of Study:	
Student Number:	
Special Dietary Requirements:	

PARTICIPANT A INFORMATION

Name:	
Surname:	

Annexure C

DO NOTE: Individual presiding officer – Choose **ONE** score per participant, per section.

MARKS	KNOWLEDGE AND USE OF FACTS		5A	5B	2A	2B
4	Cannot distinguish between relevant and irrelevant facts.	INADEQUATE	4	4	4	4
8	Provides sufficient factual basis for arguments, but does not distinguish between relevant and irrelevant facts.	AVERAGE	8	8	8	8
11	Provides sufficient factual basis for arguments.	GOOD	11	11	11	11
15	Provide a sufficient factual basis for the arguments, apply facts creatively to enhance his or her arguments.	EXCEPTIONAL	15	15	15	15

MARKS	LEGAL ANALYSIS		5A	5B	2A	2B
5	Cannot differentiate between issues in dispute and issues not in dispute.	INADEQUATE	5	5	5	5
10	Can differentiate between issues in dispute and issues not in dispute but does not always addresses issues in dispute in his/her arguments properly.	AVERAGE	10	10	10	10
15	Can differentiate between issues in dispute and issues not in dispute and addresses issues in dispute in his/her arguments properly.	GOOD	15	15	15	15
20	Can differentiate between issues in dispute and issues not in dispute and addresses issues in dispute in his/her arguments excellently.	EXCEPTIONAL	20	20	20	20

MARKS	AUTHORITY AND APPLICATION OF ARGUMENTS		5A	5B	2A	2B
5	Cannot apply the law to the facts or applies the outdated law or applies the law incorrectly.	INADEQUATE	5	5	5	5
10	Can apply some law correctly.	AVERAGE	10	10	10	10
15	Can apply all law to the facts correctly.	GOOD	15	15	15	15
20	Can apply the law to the facts correctly and impresses with strong justified legal conclusions.	EXCEPTIONAL	20	20	20	20

MARKS	GENERAL PERSUASIVENESS		5A	5B	2A	2B
4	Not audible or a style similar to “debating” or overly nervous or distracting mannerisms.	INADEQUATE	4	4	4	4
8	Presents arguments logically, but lacks confidence.	AVERAGE	8	8	8	8
11	Presents arguments logically and confidently.	GOOD	11	11	11	11
15	Presents arguments logically and confidently and persuasively.	EXCEPTIONAL	15	15	15	15

MARKS	COURT ETIQUETTE		5A	5B	2A	2B
4	Court etiquette is completely absent.	INADEQUATE	4	4	4	4
8	Court etiquette is shown most of the time.	AVERAGE	8	8	8	8
11	Court etiquette is always present, but is incorrect in some of the instances.	GOOD	11	11	11	11
15	Court etiquette impresses.	EXCEPTIONAL	15	15	15	15
MARKS	RESPONSE TO QUESTIONS FROM THE BENCH		5A	5B	2A	2B
4	Not able to respond to questions from the bench.	INADEQUATE	4	4	4	4
8	Could respond to some of the questions from the bench	AVERAGE	8	8	8	8
11	Could respond to most questions from the bench	GOOD	11	11	11	11
15	Could respond to all questions from the bench	EXCEPTIONAL	15	15	15	15

TOTAL MARKS		5A	5B	2A	2B
	OUT OF 100				