

17th Annual Kovsie First Year Moot Court Competition 2021

Celebrating the commitment to the
development of future legal practitioners



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UNIVERSITEIT VAN DIE
VRYSTAAT
YUNIVESITHI YA
FREISTATA



INFORMATION BROCHURE

Contents

Message from the Kovsie Moot Court – Coordinator.....	3
Competition Objectives.....	4
General Information	4
1. Introduction.....	4
2. Competition Dates	4
3. Registration	5
4. Team Draws for the Finals.....	5
5. Preliminary Rounds	5
6. The Final Rounds	6
8. Preliminary Programme of Events	7
9. Contact details of Coordinator	7
Annexure A - Rules.....	8
Annexure B – Registration Form.....	11
Annexure C – Declaration of Own Work.....	15
Annexure D – Scoring Rubrik Heads of Argument.....	16
Annexure E - Scoring Rubric – Oral Presentation	17
Annexure F - Cover Page – Applicant	19
Annexure G - Cover Page – Respondent	20

***Please take note that there should be NO information identifying a team in the Heads of
Argument***

Message from the Kovesie Moot Court – Coordinator

Dear Participant, Coach and Coordinator,

It gives us great pleasure to extend an invitation to all First-year law students from universities across South Africa to take part in the 17th Annual Kovesie First Year Moot Court Competition.

Where does one even begin? The ongoing COVID-19 pandemic sweeping the globe has presented unprecedented challenges to the normal functioning of courts and universities. As we all learn to grapple with the 'new normal' through trial and error, we must not lose sight of the essential aspects of our recent, pre-lockdown past. The importance of student training in litigation, procedure, human rights and social justice cannot be undervalued. This prestigious Moot Court Competition has grown significantly over the past few years, and the value thereof in terms of legal education remains substantial.

However, student training must adapt to a new set of facts that we all thought hypothetical not so long ago. Distance learning and virtual courts are relatively new phenomena, and we hope to seize on this opportunity to prepare students for the interface between technology and law to increase access to justice. The 17th Annual Kovesie First Year Moot Court Competition allows junior students to practice law and exposes junior students to the advantages and pitfalls of combining technology and law.

This year's competition hopes to provide the same invaluable experience and insights as previous competitions, but in a modern way that truly prepares students for the future practice of law.

I hope you enjoy this opportunity and make the most of it.

Christopher Rawson

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 the then Department of Procedural Law and Evidence initiative. 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 practitioners.

The rounds would typically be conducted in the Supreme Court of Appeal before a panel of judges consisting primarily of members of the judiciary. This year we will rely on a virtual Supreme Court of Appeal hearing. The 17th Annual Kovsie Moot Court Competition will be in a hybrid format with written preliminary rounds and virtual oral rounds for the finals. Four (4) teams will go through to the final rounds. The team with the highest score will be the overall winning team and prizes are awarded to the best team and best orator.

This year we will use the same set of facts for the final round of the Competition. We have taken this decision to encourage you further to achieve the objectives of the Competition by levelling the playing field and trying to eliminate any foul play that can arise.

Basic knowledge of South African family law, children's law, and customary law will be required to successfully interpret the hypothetical set of facts.

We assume that the hybrid format will encourage more universities to take part and limit the total number of teams to **20 (TWENTY)** on a first-come-first-serve basis. In addition, we will limit the number of participating teams to **2 (TWO)** per University.

2. Competition Dates

The Competition will be hosted over three months, and we will only have virtual finals on **3 December 2021**.

The Competition opens for registration from **3 September 2021**, and registration will close on **6 October 2021**.

The registration of teams will be confirmed by email on **8 October 2021**, and the hypothetical case will accompany this email confirmation. The hypothetical set of facts will also be available on the Kovsie Moot Website and UFS Faculty of Law social media pages.

Please take note that there should be NO information identifying a team in the Heads of Argument

Participants must prepare and submit their written Heads of Arguments, for both the Applicant and the Respondent, by no later than **8 November 2021**.

Experienced legal practitioners will conduct the preliminary rounds based on the written heads of arguments

On **19 November 2021**, the finalists will be announced via email and other announcement platforms.

The final will be held on **3 December 2021**, by way of a virtual hearing via Microsoft Teams. The winners will also be announced on the same date.

3. Registration

The registration form attached hereto must be completed and returned via email to: Kovsiemootcourt@ufs.ac.za on/or before **6 October 2021**. We do not charge any registration fee.

4. Team Draws for the Finals

The participants are unknown to the judging panel, and a unique number assigned to them identifies each team.

The finalists argue once for either the Applicant/ Plaintiff or the Respondent/Defendant. Due to the number of participating teams, we must ensure that the correct teams are drawn.

Therefore, we will arrange a pre-draw performed by an independent third party and then inform you of your team number.

5. Preliminary Rounds

The preliminary rounds will be held and adjudicated on the written heads of arguments only, and each team will submit arguments 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 during confirmation of registration and will be sent out on **8 October 2021** and be available on the UFS Law Clinic's webpage.

The Heads of Argument must be emailed to Christopher Rawson at Kovsiemootcourt@ufs.ac.za as a single email, no later than the **8 November 2021, 23H59** South African Standard Time. The Heads of Argument must be named 'Applicant' and 'Respondent', respectively.

Each Heads of Argument must be typed and submitted in a single file, in pdf format. Each Heads of Argument must start with the Cover Page in Annexure F and G, respectively.

The format of the Heads of Argument should be as follows:

1. Margins must be 8.5 inches 11 inches (21.6 x 27.9 cm) with margins on all four sides;
2. It is recommended that the Heads of Argument be in Arial or Time New Roman 12

Please take note that there should be NO information identifying a team in the Heads of Argument

point, with 1.5 line spacing.

3. Each Heads of Argument must contain the Cover Page provided, a table of contents, a summary of the arguments not exceeding 200 words, and a list of authorities used.
4. There are no prescripts on citations and references. However, each reference must give due recognition to the author thereof.

Failure to follow the prescripts above can lead to penalties.

Importantly, there must be no information on the Heads' of Argument that identifies the students or University submitting the Heads of Argument.

5. The Final Rounds

The number of teams that proceed to the final rounds remains at the organisers' discretion, considering the number of entries, practicalities, and the scores achieved during the preliminary rounds. However, the best team and best orator prizes will still be determined from the teams participating in the preliminary rounds.

Each University going through to the final rounds must have a designated 'mooting room' available with the necessary communications infrastructure and resources to conduct a virtual hearing via Microsoft Teams. Hosting a virtual hearing on university campuses allows us to use the VPN connecting universities in South Africa and overcomes many of the 'last-mile' connectivity issues experienced in the virtual space.

6. 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.

The final rounds imitate an actual appearance in the Supreme Court of Appeal. Therefore, court attire will be mandatory for the students going through to the final rounds.

Summary of important dates

3 September 2021:	Registration Opens
6 October 2021:	Deadline for submission of registration forms.
8 October 2021:	Confirmation of Registration and Release of Hypothetical Facts
8 November 2021:	Deadline for Submission of Written Heads of Arguments
19 November 2021:	Announcement of Finalists
3 December 2021:	Final Rounds and virtual Announcement of Winners

Please take note that there should be NO information identifying a team in the Heads of Argument

7. Preliminary Programme of Events

FRIDAY, 3 December 2021

PROGRAMME

10:30 – 11:00	Participants and Presiding Officers Log on.
11:10 – 12:00	SEMI-FINAL 1
12:10 – 13:00	SEMI-FINAL 2
13:00 – 13:30	Break
13:45 – 14:35	FINAL
16:00	Announcements of Winners

8. Contact details of Coordinator

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

Christopher Rawson

Rawsoncm@ufs.ac.za

Tel.: 051 401 9969

David Makone

MakoneLD@ufs.ac.za

Tel.: 051 401 9970

Paul Antohnie

AntohnieP@ufs.ac.za

Tel.: 051 4019971

*Please take note that there should be NO information identifying a team in the Heads of
Argument*

Annexure A

Competition Rules

1. General

The 17th Annual Kovsie Moot Court Competition will be held virtually via Microsoft Teams on 3 December 2021.

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, 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 the undergraduate level are eligible to participate.

2.2 Students who have previously participated in the Kovsie Moot Court Competition or students who have obtained their degrees are not eligible to participate in Competition. Any team member found to be registered for any degree other than the abovementioned or international equivalent will be disqualified and forfeit any entry fees.

3. Registration

If the registration forms are not received on/or before **6 October 2021**, 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 to participants on **8 October 2021**. Participants are to prepare arguments for both Applicant/Plaintiff and Respondent/Defendant insofar as the preliminary rounds are concerned.

Participants making it to the finals will be announced to prepare for arguments in virtual court on **3 December 2021**. No written heads of arguments are required for the final rounds; participants will be evaluated on oral presentations and arguments alone.

6. Team Limits

There will be a limit on the number of teams entered by a specific university. The number of teams per University is restricted to two teams.

7. Assistance to participants

7.1 Participants may be coached by a designated member of the university academic staff or a legal practitioner, whether an 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 several 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 represent 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 (TWENTY) 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 distributed equally 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 time 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 sent confidentially to the virtual independent roaming judge at the end of each session for calculation. The virtual independent roaming judge then passes the information to a member of the organising committee for announcement once all scores for the semi-finals are complete. Similarly, the virtual independent roaming judge will present the scores to the organising committee after the close of the final rounds for the announcement.

9.2 The virtual independent roaming judge will be appointed from a university not participating in the Competition or 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. If 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 universities taking part in the Competition MUST complete all four sections of the registration form, and submit one fully completed form. Kindly email the completed form to KovsieMootCourt@ufs.ac.za on or before 6 October 2021.

11. Cost of Registration

There will be no registration fee applicable to this Competition. Universities are under considerable national pressure to curb spending, and in the ethos of this Competition, no university or student should be excluded based on financial restraints. Universities are encouraged to use what would have been paid for registration to allow more students to participate, register more teams, and make the Competition comfortable for the students and coaches participating.

12. Assessment

Written and Oral arguments will be judged on the rubric with necessary amendments, as found in Annexure D.

Annexure B

Registration Form

This application must be accompanied by the following good quality and legible documents:

1. Proof of Registration of each Participant at specific University; and
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 Coordinator (Primary correspondent with the UFS)	
Name:	
Surname:	
Email Address:	
Office Phone Number:	
Cell Phone Number:	

Section C – Coach Information	
COACH 1	
Name:	
Surname:	
Email Address:	
Office Phone Number (If applicable):	
Cell Phone Number:	
Team(S) and or Participant(S) coaching:	
Special Dietary Requirements:	
COACH 2	
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 1	
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:	
TEAM 2	
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:	

Signature of Participant
Date:

Name in Block Letters

Signature of Participant

Date:

Name in Block Letters

Signature of Participant

Date:

Name in Block Letters

Signature of Participant

Date:

Name in Block Letters

Signature of Coordinator
Date:

Name in Block Letters

Signature of Coach
Date:

Name in Block Letters

Annexure C

Declaration of own work

I, _____, hereby certify that the heads of Argument, for both the Applicant/Plaintiff and Respondent/Defendant, submitted to the Kovies Moot Court Competition organisers for the year of 2021 are the product of my own research, planning, design, and drafting.

No other party (including any legal representative), except for my team partner, assisted me in the drafting of these documents and therefore, I accept that, should the opposite be determined, my team member (where applicable) and I will be disqualified from the Competition.

Signature of Participant

Date:

Signature of Coordinator

Date:

Signature of Coach

Date:

Name in Block Letters

Name in Block Letters

Name in Block Letters

Annexure D

Scoring Rubric – Heads of Argument

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

17th Annual Kovsie Moot Court Competition

Applicant:

Respondent:

TEAM ID:

Judge:

COMMENTS:

Scoring Guide	Out of:	SCORE	
		APPLICANT	RESPONDENT
KNOWLEDGE AND USE OF FACTS Accurate identification of relevant facts and shows an understanding of using relevant facts as a basis for legal arguments	/25		
LEGAL ANALYSIS Correctly identifies issues in dispute, area of law and authority	/25		
AUTHORITY AND APPLICATION OF ARGUMENTS Applies law to facts correctly and draws definite legal conclusions, shows demonstrable insight in understanding the legal principles. (Creative, original, persuasive arguments)	/25		
GENERAL STYLE AND LOOK Heads of Arguments appear professional and neat. (style, citations, margins, paragraphs, words, language use)	/25		
Total out of 100	/100		
TEAM SCORE			

Annexure E

Scoring Rubric – Oral Presentation

17th Annual Kovsie Moot Court Competition

Round #: _____

Court #: _____

Judge: _____

Applicant:

1st Speaker: _____ 2nd Speaker: _____

Respondent:

1st Speaker: _____ 2nd Speaker: _____

1 st Applicant	2 nd Applicant	MAX 25	Scoring Guide	Out of:	1 st Respondent	2 nd Respondent
		/25	KNOWLEDGE AND USE OF FACTS Accurate identification of relevant facts and shows an understanding of using relevant facts as a basis for legal arguments	/25		
		/25	LEGAL ANALYSIS Correctly identifies issues in dispute, area of law and authority	/25		
		/25	AUTHORITY AND APPLICATION OF ARGUMENTS Applies law to facts correctly and draws strong legal conclusions, shows demonstrable insight in understanding the legal principles	/25		
		/25	GENERAL STYLE AND LOOK Heads of Arguments appear professional and neat.	/25		
		/100	Total out of 100	/100		
			TEAM SCORE			

COMMENTS:

1st Applicant:

2nd Applicant:

1st Respondent:

2nd Respondent:

Signature:_____

Annexure F

Cover Page – Applicant

17th Annual Kovsie Year Moot Court Competition

3 December 2021

IN THE SUPREME COURT OF APPEAL

HELD AT BLOEMFONTEIN

SCA Case Number:

Court A *Quo*:

In the matter between:

and

HEADS OF ARGUMENT ON BEHALF OF THE RESPONDENT

Annexure G

Cover Page – Respondent

17th Annual Kopsie Year Moot Court Competition

3 December 2021

IN THE SUPREME COURT OF APPEAL

HELD AT BLOEMFONTEIN

SCA Case Number:

Court A *Quo*:

In the matter between:

and

HEADS OF ARGUMENT ON BEHALF OF THE RESPONDENT
