

## **RULES 20-24: SCORING**

### **20. Criteria**

The criteria set forth in Appendices B and C are intended to guide proper allotment of scores. Judges shall not consider the ultimate merits of the fact pattern presented in the Problem, but rather shall consider the quality of advocacy (even for a clearly “losing” set of facts) presented in the briefs and at oral argument in assigning scores.

### **21. Brief Scoring**

a. Each brief shall be scored by three (3) independent judges. Judges scoring regional briefs under Rule 6 may not score a same brief for nationals under Rule 11.

b. Each judge shall score each brief on a scale of 0-100 on the parameters set out in Appendix B. The six scores from the judges shall be averaged to calculate a team’s Brief Score under Rule 23(a).

i. Judges shall generally maintain a scoring range of 70-95 points per brief. Scoring outside of this range is permitted but must be accompanied by a comment from the scoring judge indicating the rationale for the high or low mark. E.g., “team very clearly articulated a highly-nuanced issue in a single, clear issue statement.”

c. Where errors in format – especially non-compliance with page length, word count, or brief part requirements – are significant or impact fairness of the Competition, the judge shall refer the matter to the appropriate Directors. The judge shall still score and deduct points for such errors and may ignore portions of any brief over word or length limits in scoring.

### **22. Oral Argument Scoring**

a. Each oral argument shall consist of two teams proceeding as Appellant and Appellee, with each team being judged collectively as a team. The oral argument shall be heard and assessed by three independent judges. The judges shall be provided with the arguing Appellant and Appellee briefs and shall have read the same. Judges scoring briefs may serve as judges hearing oral

arguments for a same team. Directors and judges are encouraged to arrange oral arguments so that a judge hears different sets of teams in each round.

**b.** For the preliminary round, each judge shall score each team’s oral argument on a scale of 0-100 on the parameters set out in Appendix C.

**i.** Judges shall generally maintain a scoring range of 70-95 points per team. Scoring outside of this range is permitted but must be accompanied by a comment from the scoring judge indicating the rationale for the high or low mark. E.g., “Appellant’s three minutes of rebuttal honed in on the unresolved issues and answered all my outstanding questions.”

**c.** For the bracketed rounds, the judges shall collectively decide a winner from oral argument on the parameters set out in Appendix C (Judges may score teams in the bracketed rounds at their option, but only a winner is determined and no score is reported). In the event of unresolvable disagreement, a majority of the three judges shall decide the winner. Judges shall not consider brief score or brief quality in assessing oral argument, except where omissions in a brief would have precluded arguments at oral argument as waived.

**d.** Where errors in conduct – especially non-compliance with time limits or decorum – are significant or impact fairness of the Competition, the judge shall refer the matter to the appropriate Director. The judge shall still score and deduct points for such errors and may ignore portions of an argument over time limits in scoring.

### **23. Brief and Preliminary Round Score Calculation**

**a.** Prior to the Regional Rounds and again prior to the National Rounds, the six brief scores of 0-100 from the corresponding round of brief scoring shall be averaged for each team, generating a Brief Score of 0-100 for the team for use in calculation of a Preliminary Round Score.

**b.** Following the preliminary round, the three oral argument scores of 0-100 shall be averaged for each team, generating an oral argument score for the team. The Brief Score shall be multiplied by 0.6, the oral argument score shall be multiplied by 0.4, and the two shall be summed to generate a Preliminary Round Score of 0-100. For example, a team earning scores of 50, 70, and 75 for their Appellant Brief; 40, 45, and 50 for their Appellee Brief; and 80, 90, and 100 for their oral argument in the preliminary round would have a Preliminary Round Score of 69 (from

0.6\*55 + 0.4\*90). As a further example, National Round Preliminary Scores for each participating team shall be calculated according to the formula:

$$\text{Score} = (((\text{Sum of 6 Brief Scores})/6)*0.6) + (((\text{Sum of 6 Oral Argument Scores})/6)*0.4)$$

c. All ties in Brief Score or Preliminary Round Score shall be broken by the team having a highest individual brief score winning the tie. In the event of highest individual brief scores being the same, then teams' second-highest individual brief score shall be compared, with the highest winning the tie, and so on across all lower brief scores for additional ties. Ties are not permitted in bracketed rounds.

## **24. Feedback to Teams**

Judges are encouraged to provide comments and feedback on score sheets and/or following oral argument to teams regarding their performance as well as advice for improvement. Team members are encouraged to solicit such feedback and make specific inquiries for improvement; however, at the completion of a round team members shall not further address matters of feedback or scoring to judges.

# APPENDIX C: ORAL ARGUMENT JUDGING FORM

TEAM: \_\_\_\_\_  
SIDE: Appellee (RED) \_\_\_\_\_  
Appellant (BLUE) \_\_\_\_\_

	<u>Pts. Available</u>	<u>Pts. Scored</u>
<b><u>PERSUASIVENESS</u></b>  Best facts and interpretation of law are presented. Argument and positions are clearly explained. Takes advantage of spoken word to hold audience attention, illustrate winning position, and refute opponent.	<b>25</b>	_____
<b><u>ORGANIZATION</u></b>  Provides outline of arguments and points to be made. Transitions clearly between issues and returns to positions following questions. Reasonably fills allotted speaking time while proportionally moving through arguments.	<b>25</b>	_____
<b><u>RESPONSIVENESS</u></b>  Gives persuasive answers to judge's questions. Answers the question asked and does not evade. Has rapport with and is courteous to judges.	<b>25</b>	_____
<b><u>PRESENTATION</u></b>  Manner - including stance, gestures, eye contact, tone of voice, enunciation, and speaking speed - is understandable and not distracting. Maintains composure and professional demeanor, even while arguing with zeal.	<b>25</b>	_____
<b>TOTAL</b>	<b>100</b>	_____

## APPENDIX B: BRIEF JUDGING FORM

TEAM: \_\_\_\_\_  
SIDE: Appellee (RED) \_\_\_\_\_  
Appellant (BLUE) \_\_\_\_\_

	<u>Pts. Available</u>	<u>Pts. Scored</u>
<b><u>PERSUASIVENESS</u></b>  Positions are clear and arguments directly support the side's winning case. Best facts are advanced in proper legal context. Each issue is sufficiently addressed without confusion or dwelling on irrelevancies. Language maintains reader's attention.	<b>40</b>	_____
<b><u>AUTHORITY</u></b>  Proper number and type of authorities are cited to support arguments. Leading cases are cited, and cases hold as indicated. Record is fairly treated.	<b>20</b>	_____
<b><u>ORGANIZATION</u></b>  Issues are addressed and arguments are developed in logical order. Sections, headings, breaks, and paragraphs reflect proper subdivision of issues and arguments.	<b>20</b>	_____
<b><u>FORM</u></b>  Brief is formatted in accordance with the Rules ( <i>major violation of Rules' format should be brought to attention of Director</i> ). Citations are in proper "Blue Book" format. Spelling and grammar are correct.	<b>20</b>	_____
<b>TOTAL</b>	<b>100</b>	_____