



2018 Thurgood Marshall Memorial Moot Court Competition

Instructions for Judges

***Please note that no one involved in the competition should touch or move anything in the courtrooms, including chairs, equipment, furniture, and podiums.**

Avoiding Potential Bias

1. If you discover at the beginning of a round that you know one of the competitors, please inform the bailiff immediately. We will place you in another courtroom.
2. Do not ask the competitors at any time during the competition to disclose which law school they attend. We instruct the students not to share this information with other competitors or judges at any point during the competition to avoid the possibility of bias.

Time Allotments

1. Each team has 30 minutes to present its argument. Teams may divide this time among their two competitors as the team wishes.
2. You need not worry about keeping track of the competitors' allotted time. A bailiff has been provided for that purpose.
3. The bailiff will hold up time cards at different intervals so that the competitors and judges know how much time is left. When the bailiff holds up the "0" sign, the competitor's time has expired. The chief judge on a panel may, but is not required to, grant a competitor additional time to answer a question or briefly conclude an argument.

The Arguments

1. The order in which the competitors present their arguments will be as follows:

The 2 attorneys representing the Petitioner present their argument

The 2 attorneys representing the Respondents present their argument

Rebuttal by 1 of the attorneys representing the Petitioner

Teams are not required to present a rebuttal argument, but they almost always do.

2. You may interrupt competitors at any time during an argument to ask a question. We encourage judges to ask questions.
3. Keep in mind that the competitors do not receive the bench brief, so they may mention cases that do not appear in the bench brief. Conversely, the bench brief may cite cases with which a competitor is unfamiliar.

Scoring

1. After both teams have finished presenting their arguments, the bailiff will excuse the competitors and observers from the courtroom so that the judges can fill out the scoring ballots in private.
2. Teams are scored based on a combination of their written briefs and oral arguments. You are responsible solely for scoring the teams' oral arguments. Please do not add up the scores; the scores will be tallied in the Scoring Room.
3. You should score the competitors independent of the other judges on your panel. We therefore discourage you from conferring with other members of the panel until all of the scoring ballots are completed and signed.
4. We also discourage you from allowing your personal views of the merits of the appeal to influence your scoring. It is entirely possible, for example, that a judge would rule for one team on the merits, yet assign a higher score to the other team. This is because the scores should reflect the competitors' oral advocacy skills, not the underlying merits of the appeal.
5. You will be asked to score each individual competitor. The oral argument score for each competitor should range between 50 points (extremely poor) to 100 points (perfect). The average score is 75 points. Your ballot should accurately reflect the quality of the advocates. If the advocates' performances are not close, do not score them close. Teams advance from the preliminary rounds based on their margin of victory.
6. The scoring sheets are broken into the following five categories:

Evidence of Research; Knowledge of the Record, Issues and Law; Organization and Reasoning (minimum 25 points/maximum 50 points)
Does counsel give a broad but brief overview of the argument?
Does counsel have a thorough knowledge of the factual and procedural record? Is counsel able to direct you to important language therein?
Does counsel emphasize the important issues?
Does counsel argue the heart of the matter adequately and is he or she selective in discussing issues?
Does counsel employ reason and logic rather than just relying upon precedents?
Are counsel's arguments clear and direct?

Are the issues firmly fixed in the Court's mind when counsel leaves the Court?

Ability to Answer Questions
(minimum 10 points/maximum 20 points)

Is counsel responsive to questions rather than evasive or repeatedly unable to give an answer (deferring to one's partner is permissible where such a question involves the other team member's argument)?

Is counsel able to answer a question with authority, either theoretically
Or with case names?

Is counsel able to fit relevant questions into his or her overall analysis and argument?

Is counsel able to continue his or her argument following a question?

Is counsel candid about weak points in his or her argument?

Is Counsel Convincing Irrespective of the Merits?
(minimum 5 points/maximum 10 points)

Not taking into account the underlying merits, does counsel exhibit those qualities that are characteristic of good oral advocates?

Forensic Performance
(minimum 5 points/maximum 10 points)

Does counsel use correct pronunciation and grammar?

Does counsel use timely emphasis?

Does counsel effectively use pauses?

Is counsel's voice clear, rather than inaudible or difficult to understand?

Does counsel use "uhs," "er," "ums" or other distracting verbal crutches?

Does counsel know his or her argument or does he or she refer excessively to notes or read a prepared text?

Courtroom Demeanor
(minimum 5 points/maximum 10 points)

Is counsel trying to be helpful to the Court?

Does counsel project an image of professional sincerity toward his or her client?

Does counsel have distracting non-verbal mannerism?

Does counsel maintain good eye contact?

Is counsel courteous rather than sarcastic, condescending or resentful?

Critiquing the Competitors

1. After the judges finish scoring and signing the ballots, the bailiff will collect the ballots and escort the teams back into the courtroom. The bailiff will then take the ballots to the Scoring Room to be tallied. Once the teams have re-entered the courtroom, the judges may offer constructive comments. This is an important part of the competition because moot court is primarily a learning process for the students. Please keep your constructive comments to a minimum, however, because of the tight schedule.
2. If any problems or questions arise, notify the bailiff and he/she will contact the Competition Directors.

Lastly, remember to enjoy yourself. Thank you for giving your time. The Federal Bar Association appreciates your involvement.