

GUIDANCE FOR JUDGES

A judge has the following duties:

- to give judgement on the various points of law argued by the speakers;
- to give a reasoned judgement as to the merits and faults of the participants;
- to decide upon and announce the winning team.

The winning team of the round is at the sole discretion of the judge. The decision of the judge on the points of law cannot be appealed.

It is suggested that, in order to ensure an element of consistency throughout the competition, the judge should use three criteria to decide upon the each team's performance: Content; Strategy and Style. It is hoped that these criteria can best evaluate each team's relative strengths. A scoring sheet has been provided to assess mooters' individual marks. In the end, however, it is the overall impression of which team made the most convincing presentation of their case that will determine the outcome. The better team will not necessarily be the team for whom judgement is given on the points of law. The following areas can be considered as relevant guidelines for the assessment of the criteria:

Content

- the insight into and analysis of the moot problem and grounds of appeal;
- the relevance of the authorities cited and the fluidity with which they are adduced;
- the ability to summarise facts, cases or law where appropriate.

Strategy

- the presentation and structure of the legal arguments, including skeleton arguments, where used (rigidly scripted speeches, in particular, should be penalised);
- the rebuttal of opponents' arguments;
- the ability of the two individuals to work as a team;
- the effective use of the speaker's limited time;
- the ability to answer questions from the bench.

Style

- the speaker's skill as an advocate;
- the proper use of court etiquette.

The judge may retire to consider the decision. Since this is a team competition, it is expected that the best all-round team will be chosen. When announcing the decision, it is greatly appreciated if, in addition to the questions of law, the judge makes some comment on the merits of the mooters' performances. This advice is always listened to very carefully and the mooters will value such balanced assessments.

Judges are encouraged to interrupt speakers at any time where the judge requires clarification of the legal argument being presented; interruptions also test the mooter's ability to respond as an advocate. However, the clock is not stopped during interruptions by judges so they are asked to treat all four mooters equitably. Questions should not be unduly difficult at this level. None of the stated grounds of appeal should be thought to be unarguable by counsel or the judge, and judges should not refuse to hear an argument for that reason. It is, however, at the discretion of the judge for the failure to produce cited authorities to render the citation inadmissible. Finally, judges should not ask so many questions that mooters are unable to complete the points raised in their skeleton arguments. While it is proper for judges to assess the quality and appropriateness of arguments, nonetheless mooters should not be prevented from putting forward these arguments in their own way.