

# **Coach/Judge Handbook**

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**Gordon D. Schaber**

## **Moot Court Competition**

2020-21

# Rules for Litigants

1. You will be provided with a Bench Brief discussing attached applicable legal authorities (cases, statutes, and the like) for your problem.
  - You may cite only those authorities discussed in or attached to the Bench Brief during your oral argument, although you may discuss a legal authority to the extent it is discussed in one of the cases provided to you. (For example, if Case A, provided to you, discusses Case B, you may cite Case B but only to the extent it is discussed in Case A.)



- You should, of course, expand upon the theories and logic of these authorities in showing how they support your position. Your goal is to convince the appellate court that the authorities support your position.

2. Each team will be expected to argue each side of the case during the competition - actual sides to argue will be assigned prior to each round.

3. All of the facts relevant to this problem are contained within the Fact Situation provided to you. You may not argue that any of these facts are inaccurate, and you must restrict your arguments to what you believe is or should be the law.
4. Your arguments are by no means confined to existing legal precedents or recognized legal theories. Any argument you think is persuasive from a philosophical, theoretical, conceptual, historical, or practical standpoint should be made. You may rely on any theory founded on the United States or California Constitutions, but you are not restricted to constitutional arguments.
5. Your school's team may not consist of more than six members and no more than four may participate per round.
  - Your team's side (Appellant/Respondent) will not be announced until after your four participating students have been identified.
  - Once identified, the presiding judge will announce your school's side and allow a few minutes of preparation before the round begins.
6. Each team has 20 minutes for its initial presentation. During this time, three students must speak. Each student must speak for a minimum of four minutes. You will be penalized 5 points if the four-minute requirement is not met, or if a team does not have at least three students speak during the 20-minute initial presentation.
7. The proper sequence of presentations:
  - Case in Chief for Appellant (20 minutes),
  - Case in Chief for Respondent (20 minutes),
  - Rebuttal for the Appellant (5 minutes)
  - Rebuttal for the Respondent. (5 minutes)

8. Five minutes will be provided for each rebuttal. The rebuttal is to be used to counter your opponent's arguments. It is not to be used to raise new issues. Only one team member will argue rebuttal during a round. Ordinarily, the rebuttalist will be a fourth member of the team, although a team may choose to have rebuttal conducted by one of the three students who makes the 20-minute initial presentation.

9. Although the presiding judge may grant up to one minute of extra time, the presider will not normally exercise this privilege.

10. A coach, parent, or other designated member from one of the teams will serve as your timer during the arguments. The timer will hold up cards for your attention and for the court to see when you have the number of minutes left shown on the cards at the following intervals:

15, 10, 5, 3, 1 and "Stop"

If you have not previously completed your arguments you are to terminate your presentation precisely upon expiration of your allotted time, unless the presiding judge has granted your team an extension.

11. You should anticipate active questioning

from the court members during your presentations. You are expected to respond to questions and concerns raised by the court immediately upon the court's challenge. Discussions with the court in this manner will not extend your time, unless the court exercises its discretion to permit an extension of your scheduled twenty-minute presentation.

12. You are expected to observe proper courtroom decorum. Disruptive or discourteous behavior will result in penalty points which will be subtracted from your team score.

13. Scouting is prohibited.

- Coaches, team members, and parents/spectators are only allowed to watch the oral argument they (or their students) are participating in.
- Students/coaches from schools with multiple teams are not allowed to watch oral arguments of their other school teams.
- Student/coaches from schools with multiple teams are not allowed to discuss an oral argument with their other team members who did not participate in the oral argument being discussed.



# Moot Court Timing Instructions

- Each team has 20 minutes for its initial presentation. During this time, three students must speak. Each student must speak for a minimum of four minutes. This time will include any discussion with the judges. You will be penalized 5 points if the four-minute requirement is not met, or if a team does not have at least three students speak during the 20-minute initial presentation.
- The 15, 10, 5, 3, 1 and Stop cards are based on the running time for each team. The cards indicate how much time the team has left for their presentation. Please hold them up so that the speaking team and judges will know how much time the team has remaining.
- It may be necessary to use two stop watches since the timer must keep track of the individual speaking time as well as team times. One could be used to time each individual, while the other is used for the team total.
- The initial presentation is followed by a five-minute rebuttal for each team. The 3, 1 and Stop cards will be used for the rebuttal.
- At the end of the presentation the timer must report any violations (individual or team) to the judges so that the points may be deducted from the team's total score.

## Sample Time Sheet

Round: 1 2 3 Semi-1 Semi-2

**Appellant:** \_\_\_\_\_

**Respondent:** \_\_\_\_\_

**Time Used:**

**Time Used:**

Initial Presentation (20 minutes max):

Initial Presentation (20 minutes max):

Speaker 1 (4 min. minimum): \_\_\_\_\_

Speaker 1 (4 min. minimum): \_\_\_\_\_

Speaker 2 (4 min. minimum): \_\_\_\_\_

Speaker 2 (4 min. minimum): \_\_\_\_\_

Speaker 3 (4 min. minimum): \_\_\_\_\_

Speaker 3 (4 min. minimum): \_\_\_\_\_

Total Time: \_\_\_\_\_

Total Time: \_\_\_\_\_

Rebuttal (5 min. maximum): \_\_\_\_\_

Rebuttal (5 min. maximum): \_\_\_\_\_

# Instructions & Criteria for Judging

Judges are asked to use the following criteria to score each speaker's response. Judges will **not** need to tabulate scores or announce a winning team at the end of the round. However, you should provide feedback to the teams without conveying which team you think won the round. Keep in mind that all of the judge's cumulative scores for all three rounds are added together, after dropping the high and low scores, to determine who moves on to the Semi-final rounds.

## Scoring Criteria

Each team member will be scored according to four scoring categories, which are:

- Organization and development of arguments;
- Quality of the substantive arguments;
- Persuasiveness of the presentation; and
- Responses to questions from the bench.

## Each Judge Shall

- Ask questions which require more than a yes or no answer.
- Ask at least one question of each presenter.
- For each scoring category, score each speaker on a scale of one to five (five being the highest figure, no fractions are allowed).
- Give an overall team performance rating to be used in case of a tie; and
- Write the name of an outstanding speaker on the bottom of your score sheet if you felt there was one.
- After the case, give general, but brief, feedback to the teams or individuals that does not clearly indicate which team performed better.

## Special Duties of the Presiding Judge

In addition to the duties of each judge, the presiding judge - in consultation with the other judges, but in his/her sole discretion - may deduct one to five penalty points from the cumulative team score if one team is disruptive or discourteous to the court or to the other team.

## Winning the Competition

1. The total team score after all three rounds will be the sum of the total cumulative scores of each judge in the first three rounds of competition (3 judges x 3 rounds = 9 judge scores), after dropping the highest and lowest score, and deducting penalty points. Seven scores will be added together to determine a cumulative team score.
2. After three rounds of competition, the four teams with the highest total score will advance to the two semi-final rounds.
3. In case of a tie between 4th & 5th place, the team with the highest point total in the Overall Team Performance category, after deducting the highest and lowest score, will move on to the Semi-finals.
4. First, second, third, and fourth place winners of the Gordon D. Schaber Moot Court Competition will be announced at the awards reception.



# Sample Score Sheet

Use back if necessary

## 2015 MOOT COURT COMPETITION

### Score Sheet

Trial: \_\_\_\_\_ Round: \_\_\_\_\_ Room: \_\_\_\_\_

School / Team ID#

School Name: \_\_\_\_\_

Judge Name: \_\_\_\_\_

Scorer ID:

☐ ☐ ☐ ☐

Appellant/ Respondent:

☐ ☐

Presiding:

☐

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

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### Guidelines for scoring each team member (speaker):

Score Point

- 1 FAR BELOW AVERAGE: very weak performance, very disorganized, very little understanding of material.
- 2 BELOW AVERAGE: fair performance, somewhat disorganized, superficial understanding of material.
- 3 AVERAGE: acceptable but uninspired performance, fundamental understanding of material.
- 4 ABOVE AVERAGE: good solid performance, fully developed understanding of material, skillful.
- 5 SUPERIOR: exceptional performance, superior ability to use materials and think on his / her feet.

### Initial Presentation

### Speaker 1

### Speaker 2

### Speaker 3

NAMES: \_\_\_\_\_

The organization and development of arguments

☐ ☐ ☐ ☐ ☐

☐ ☐ ☐ ☐ ☐

☐ ☐ ☐ ☐ ☐

Quality of substantive arguments

☐ ☐ ☐ ☐ ☐

☐ ☐ ☐ ☐ ☐

☐ ☐ ☐ ☐ ☐

Persuasive and convincing presentation

☐ ☐ ☐ ☐ ☐

☐ ☐ ☐ ☐ ☐

☐ ☐ ☐ ☐ ☐

Direct and logical response to questions

☐ ☐ ☐ ☐ ☐

☐ ☐ ☐ ☐ ☐

☐ ☐ ☐ ☐ ☐

### Rebuttal

### Speaker 1

NAME: \_\_\_\_\_

The organization and development of arguments .....

☐ ☐ ☐ ☐ ☐

Quality of substantive arguments .....

☐ ☐ ☐ ☐ ☐

Persuasive and convincing presentation .....

☐ ☐ ☐ ☐ ☐

Direct and logical response to questions .....

☐ ☐ ☐ ☐ ☐

### OVERALL TEAM PERFORMANCE (Bubble one):

Far Below Average

☐ ☐ ☐ ☐

Below Average

☐ ☐ ☐ ☐

Average

☐ ☐ ☐ ☐

Above Average

☐ ☐ ☐ ☐

Superior

☐ ☐ ☐ ☐

Outstanding Speaker: \_\_\_\_\_

Reason for Penalty: \_\_\_\_\_

Use back if necessary

Penalty Points:

☐