



THE ADELAIDE UNIVERSITY LAW STUDENT SOCIETY
PROUDLY PRESENTS THE:

COMPETITIONS

SCORING GUIDE

EDITION 2



Acknowledgement of Country

The Adelaide University Law Students' Society ('AULSS') acknowledge the Traditional Owners of the land on which our organisation is located and where we conduct our business as the land of the Kaurna people. We recognise their continued connection to land, water and culture and our pay respects to Elders, past and present and emerging.

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Contributors

Edition 1

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Edition 2

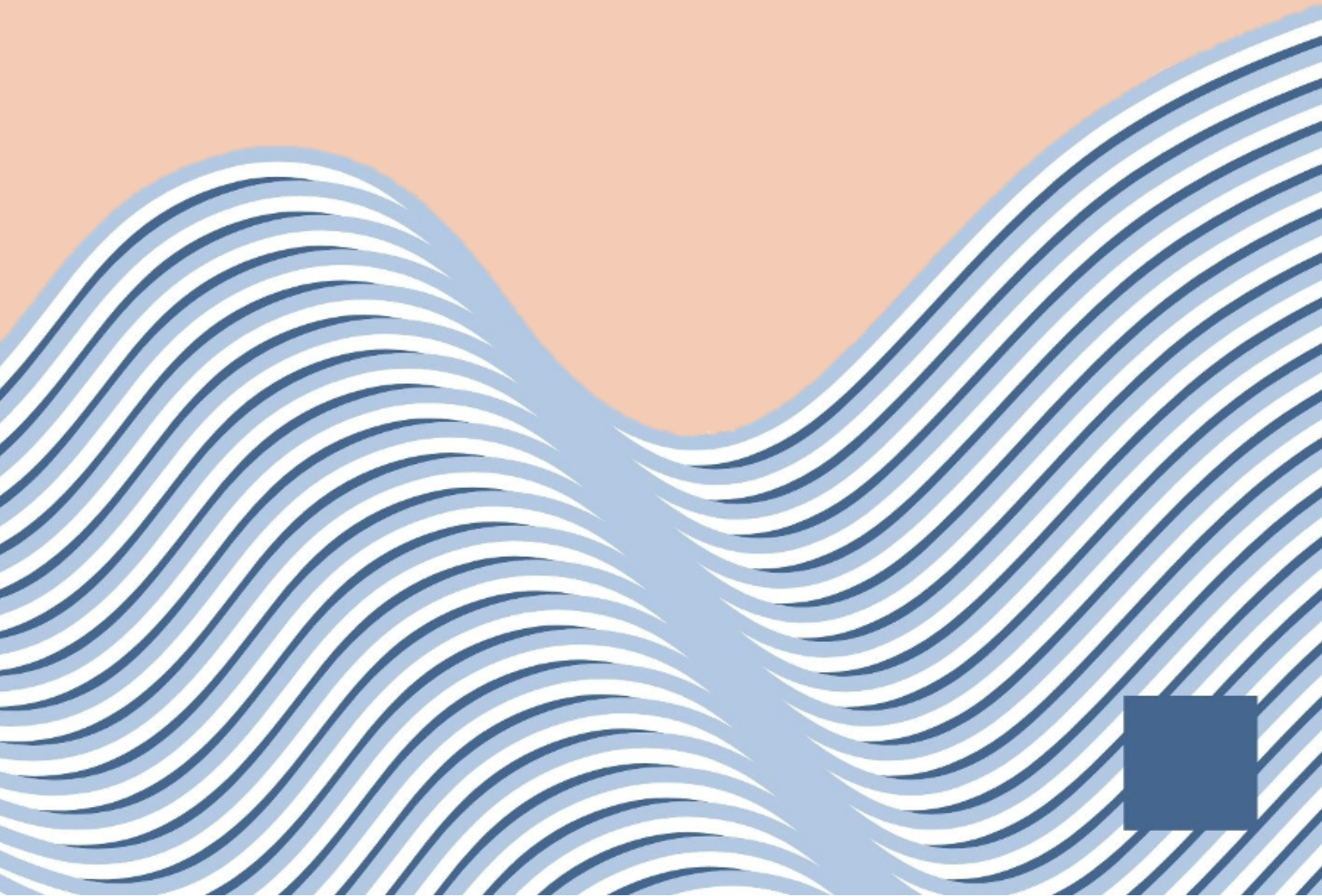
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Adelaide University Law Student Society

SCORING

CLIENT INTERVIEWING





CLIENT INTERVIEWING

CLIENT		Working Atmosphere	/10
JUDGE		Description of the problem	/10
DATE & ROOM		Client's Goals and Expectation	/10
TEAM		Problem Analysis	/10
WINNER: MARGIN BETWEEN TEAMS: e.g. + 2 CRITERIA OF KEY DIFFERENCE BETWEEN TEAMS:		Moral and Ethical Issues	/10
		Alternative courses of Action	/10
		Client's Informed Choice	/10
		Effective Conclusion	/10
		Teamwork	/10
		Self-Analysis	/10
		TEAM TOTAL	/100

Please mark all criteria, rank teams and remember to emphasise the *difference in points*.

Please identify any key differences between the teams performance in the box provided.

Please return the score sheets directly to the coordinators. A draw is not possible.

Ineffective	Somewhat ineffective	Standard	Effective	Highly effective
0-2	2-4	4-6	6-8	8-10

WORKING ATMOSPHERE Established effective relationship with client? Effective communication techniques?	DESCRIPTION OF THE PROBLEM Learned how the client interprets his/her situation? Effectively communicates with the client?
/10	/10

CLIENT'S GOALS AND EXPECTATIONS Learned the client's initial goals and expectations?	PROBLEM ANALYSIS Analysed the clients' problems?
/10	/10
MORAL or ETHICAL ISSUES If present the team has recognised and dealt with moral and ethical issues?	ALTERNATIVE COURSES of ACTION Developed alternative solutions? Is the team flexible?
/10	/10
CLIENT'S INFORMED CHOICE Assisted Client in understanding and making informed choices among possible courses of action?	EFFECTIVE CONCLUSION Effectively concluded the interview at an appropriate time
/10	/10
TEAMWORK Balance of participation?	SELF ANALYSIS Identified strengths and weaknesses? Learned from their experience?
/10	/10

Allotment of Marks & Margins



An average speaker will receive a mark of 70.

This mark comes from:

- Working atmosphere – 7/10
- Description of the problem – 7/10
- Client's goals and expectations – 7/10
- Problem analysis – 7/10
- Moral and ethical issues – 7/10
- Alternative courses of action – 7/10
- Client's informed choice – 7/10
- Effective conclusion – 7/10
- Teamwork – 7/10
- Self-analysis – 7/10

These marks can and will vary but can serve as a baseline for an average performance.

For each criterion, scores will generally range from 4/10 (very poor) to 10/10 (very good).

Margins

1-4

A close win

5-9

A clear win

10 +

An overwhelming win

Note: A draw between competitors is not possible. Margins between two teams shall always be greater or equal to 1 point in any round of competition. This is universally applicable from Preliminary rounds to Grand Finals.

Working Atmosphere

1

A successful team will display:

- Establish a positive relationship with the client through effective communication
- Positive body language
- Active listening and an earnest and progressive conversation is encouraged, creating a receptive working atmosphere

Effective communication means clear and eloquent expression, clarity, confidence, and brevity

Positive body language means sitting up straight, smiling, using pleasantries to open and close the client interview, and having a pleasant manner

Description of the Problem

2

A successful team will:

- Exhibit a good understanding of the client's interpretation of the situation, using concisely worded and clearly expressed questions
- Considers how a client's potential bias may impact their interpretation of their situation
- Ask guided questions to gather a clear outline of the legal issues

Client's Goals and Expectations:

3

A successful team will:

- Learn the client's initial goals and expectations through carefully formulated prompts/questions, and understands the client's perspective
- Ask succinct questions designed to find a solution which is consistent with the client's goals
- Engage with the client and the client's answers

Problem Analysis:

4

A successful team will:

- Analyse the client's problems through simple and straightforward questions and prompting
- Avoid irrelevant questions
- Show understanding of the legal elements of the issue

Moral and Ethical Issues:

5

A successful team will:

- Recognise and deal with moral and ethical issues in a non-inflammatory and unbiased manner
- Be considerate of the client's perspective on these issues and does not allow personal bias to interfere
- Avoid misleading the client of the likely success of any legal action

Alternative Courses of Action:

6

A successful team will

- Develop alternative solutions and consider all feasible resolutions to the matter
- Show high levels of flexibility in regards to potential courses of action
- Consider the practicality of each course of action in proposing resolutions to the matter

Client's Informed Choice:

7

A successful team will

- Explain important concepts simply and clearly to the client to assist them in making informed choices among possible courses of action
- Provide the client with all relevant courses of action moving forward
- Consider the client's goals in proposing resolutions to the matter

Effective Conclusion:

8

A successful team will:

- Effectively conclude the interview at an appropriate time, without exceeding the time limit
- Ensure a logical structure of their conclusion and clear, concise closing words with the client
- Make the client feel confident about how the matter will proceed

Teamwork:

9

A successful team will display:

- Equal participation in the interview
- Smooth cooperation within the team, building on each other's words without overwhelming the client
- No internal conflicts or hostility

Self Analysis:

10

Successful teams will:

- Reflect upon how the client likely felt in the interview
- Address how they did or did not succeed in each categories they are to be assessed upon
- Able to identify the strengths and weaknesses both of their individual performance and the team as a collective
- Able to learn from their experience and use it to improve in the future



Adelaide University Law Student Society

SCORING

NEGOTIATIONS





NEGOTIATIONS

JUDGE		Negotiation Planning	/10
PARTY REPRESENTED		Adaptability	/10
DATE & ROOM		Session Outcome	/10
TEAM MEMBERS		Relationship between teams	/10
WINNER: MARGIN BETWEEN TEAMS: e.g. + 2 CRITERIA OF KEY DIFFERENCE BETWEEN TEAMS:		Exploration of Interests	/10
		Creativity of Options	/10
		Teamwork	/10
		Negotiation Ethics	/10
		Communication	/10
		Self-Analysis	/10
		TEAM TOTAL	/100

Please mark all criteria and remember the emphasis is on the *difference in points*.

Please identify any key differences between the teams performance in the box identified.

Please return the score sheets directly to the coordinators. A draw is not possible.

Ineffective	Somewhat ineffective	Standard	Effective	Highly effective
0-2	2-4	4-6	6-8	8-10

NEGOTIATION PLANNING How prepared did the team appear, based on their performance and apparent strategy?	ADAPTABILITY Was the team adaptable, and flexible during the negotiation? How did they respond to new information?
/10	/10

<p>SESSION OUTCOME How did the session serve the goals of both clients? Regardless of whether agreement was reached – did the team raise all major issues?</p>	<p>RELATIONSHIP BETWEEN TEAMS How did the teams manage their relationship with the opposing team? Did it detract from achieving the interests of both clients?</p>
/10	/10
<p>EXPLORATION OF INTERESTS How well did each team identify the key interests of the client?</p>	<p>CREATIVITY OF OPTIONS How well did the team demonstrate initiative, creativity and problem solving when comparing interests?</p>
/10	/10
<p>TEAMWORK How effective were the negotiators in working together as a team? Was responsibility shared between partners?</p>	<p>NEGOTIATION ETHICS To what extent did the team observe or violate ethical requirements? Was the team trying to find an outcome that would satisfy both parties?</p>
/10	/10
<p>COMMUNICATION Did the team articulate their position clearly? How well did they produce information?</p>	<p>SELF ANALYSIS Identified strengths and weaknesses? Learned from their experience?</p>
/10	/10

Allotment of Marks & Margins



An average speaker will receive a mark of 70.

This mark comes from:

- Negotiation Planning: 7/10
- Adaptability: 7/10
- Session Outcome: 7/10
- Relationship between teams: 7/10
- Exploration of Interests: 7/10
- Creativity of Options: 7/10
- Teamwork: 7/10
- Negotiation Ethics: 7/10
- Communication: 7/10
- Self-Analysis: 7/10

These marks can and will vary but can serve as a baseline for an average performance.

For each criterion, scores will generally range from 4/10 (very poor) to 10/10 (very good).

Margins

1-4

A close win

5-9

A clear win

10 +

An overwhelming win

Note: A draw between competitors is not possible. Margins between two teams shall always be greater or equal to 1 point in any round of competition. This is universally applicable from Preliminary rounds to Grand Finals.

Negotiation Planning:

1

A successful team:

- Has thoroughly planned their strategy, structure, and approach to the negotiation
- Has a consistent and well-considered approach to the main points of negotiation.
- Shows understanding of their secret facts and has clearly considered when the appropriate point to reveal them
- Is well prepared to negotiate each point within the confines of their clients instructions.

Adaptability:

2

A successful team will demonstrate:

- Flexibility in response to the opponent team's requests
- A willingness to adapt their initial strategy accordingly in response to new information to achieve an outcome which is compliant with their client's interests
- Strategic use of tactical break to the team's advantage.

Session Outcome:

3

A successful team will:

- Address a majority of their client's needs and reach a fair resolution.
- Not reveal key client interest and strategically traded minor interests for the greater settlement of this negotiation.

Relationship between teams:

4

A successful team will:

- Engage with the other party in a respectful and professional manner.
- Act in good faith and establish a good working rapport.
- Put their client's interests first, rather than personal emotions.

Exploration of Interests:

5

A successful team will:

- Identify the key interests of the both clients
- Effectively categorise each interest as an essential-interests and non-essential interest
- Explore the parameters of how far can non-essential interest be given up in the expense of reaching an agreement of an essential-interest.

Creativity of Options:

6

A successful team will:

- Demonstrate initiative, creativity and problem solving when an agreement cannot be made out.
- Consider alternative mutually beneficial options beyond the obvious

Teamwork:

7

A successful team will display:

- An even balance of participation between each member
- Smooth cooperation within the team, with both members building on the other's words without reiterating points communicated through to the opponents
- No internal conflicts, hostility or actions affecting the overall harmony of the team.

Negotiation Ethics:

8

Successful teams will:

- Negotiate in Good Faith
- Comply with ethical practices throughout the negotiation
- Avoid using tricks to gain an unfair advantage over another team.
- Present all facts correctly, without any misinformation that may help a team gain advantage.

Communication:

9

A successful team will :

- Articulate clear points on behalf of their client
- Promote a professional dialogue with the other party, avoiding hostility in putting forward points.
- Uses professional language and avoids using laymen language
- Communicates confidently with minimal usage of language such as "like" or "uh."

Self Analysis:

10

Successful teams will:

- Critically analyse and reflect upon their success in advocating for their client's interests
- Address how they did or did not succeed in each categories they are to be assessed upon
- Able to identify the strengths and weaknesses both of their individual performance and the team as a collective
- Able to learn from their experience and use it to improve in the future to obtain a better outcome



Adelaide University Law Student Society

SCORING

MOOTING





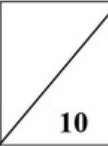


JUDGE(S)		NAME(S)
CASE		
DATE AND COURT		
COUNSEL FOR THE APPELLANT/RESPONDENT (CIRCLE ONE)	SENIOR COUNSEL JUNIOR COUNSEL (CIRCLE ONE)	NAME
RANKING IN ROOM	1 2 3 4	(CIRCLE ONE)
MARGIN (TO CLOSEST COMPETITOR)	Organisation of Presentation	/10
	Development of Argument	/25
	Questions from the Bench	/30
	Manner and Expression	/25
	Written Submissions	/10
	TOTAL	/100

Please mark all the criteria. A draw between competitors is not possible. Please allow competitors to see their rankings and their scores but **do not allow them to take the score sheet away.**

Poor	Unsatisfactory	Satisfactory	Excellent	Outstanding
0 - 30	31 - 50	51 - 70	71 - 80	81 - 100

<p>ORGANISATION OF PRESENTATION Factors: logical organisation and structure; concise overview of submissions and conclusion; appropriate attention and weight given to some arguments over others; flexibility despite being taken off topic.</p>	10
<p>DEVELOPMENT OF ARGUMENT Factors: understanding of the law and issues; logical, persuasive arguments; pinpoint citation of authorities; appropriate use of policy arguments; addresses opposing arguments in advance (appellant) or consequentially (respondent).</p>	25

<p>QUESTIONS FROM THE BENCH Factors: prepared for questions that can be anticipated; clear, concise and direct responses; engagement with the court’s views; composure and courtesy despite challenges to arguments; effective integration of responses with arguments; adept treatment of irrelevant questions; ability to deal with difficult and obscure questions.</p>	 30
<p>MANNER AND EXPRESSION Factors: engages with the court; projects voice; articulates submissions with eloquence; use of clear and simple language; displays confidence without arrogance; eye-contact with all members of the bench; courteous and formal; correct citation; appropriate use of courtroom formalities; consistent style and manner.</p>	 25
<p>WRITTEN SUBMISSIONS Factors: coverage of all issues raised in the case; well structured; clear, concise and reasoned expression; supported by authorities with pinpoint citations; free from grammatical, spelling or punctuation errors; consistent with oral submissions.</p>	 10

Allotment of Marks & Margins



An average speaker will receive a mark of 70.

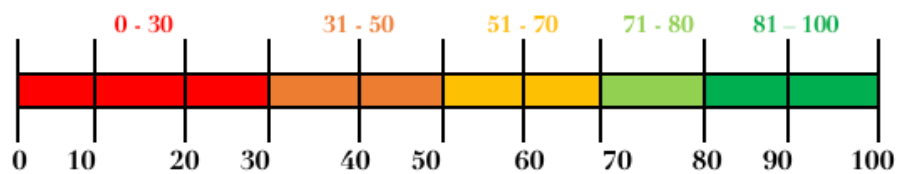
This mark comes from:

- Organisation of Presentation: (7/10)
- Development of Argument: (17.5/25)
- Questions from the Bench: (21/30)
- Manner and Expression: (17.5/25)
- Written Submissions: (7/10)

These marks can and will vary but can serve as a baseline for an average performance.

As a guide, the competitor's overall score should ultimately reflect the following ranges:

- **Poor:** 0 - 30
- **Unsatisfactory:** 31 - 50
- **Satisfactory:** 51 - 70
- **Excellent:** 71 - 80
- **Outstanding:** 81 - 100



Margins

1-4

A close win

5-9

A clear win

10 +

An overwhelming win

Note: A draw between competitors is not possible. Margins between two teams shall always be greater or equal to 1 point in any round of competition. This is universally applicable from Preliminary rounds to Grand Finals.

Organisation of Presentation:

1

A successful competitor will display:

- Logical organisation and structure;
- Concise overview of submissions and conclusion;
- Appropriate attention and weight given to some arguments over others; and
- Flexibility despite being taken off topic.

Scores in this category should reflect the following ranges:

Poor: 0 – 3 out of 10

Unsatisfactory: 3 – 5 out of 10

Satisfactory: 5 – 7 out of 10

Excellent: 7 – 8 out of 10

Outstanding: 8 – 10 out of 10

Development of Argument:

2

A successful competitor will display:

- Understanding of the law and issues;
- Logical, persuasive arguments;
- Pinpoint citation of authorities;
- Appropriate use of policy arguments; and
- Addresses opposing arguments at a logical point in their speech.
- If applicable, the competitor's reply is clear, eloquent, and addresses the key flaws in the opposing party's case.

Scores in this category should reflect the following ranges:

Poor: 0 – 7.5 out of 25

Unsatisfactory: 7.5 – 12.5 out of 25

Satisfactory: 12.5 – 17.5 out of 25

Excellent: 17.5 – 20 out of 25

Outstanding: 20 – 25 out of 25

Policy arguments refers to an argument regarding how a particular decision will affect specific stakeholders. It may concern how it promotes or degrades social cohesion or social progress. If a competitor exemplifies this factor, they have demonstrated awareness of the potential broader impacts of the potential decisions and successfully used them to support their argument.

Questions from the Bench:

3

A successful competitor will display:

- Preparedness for questions that a competitor at the same skill level can anticipate;
- Clear, concise and direct responses to questions, avoiding tangential or excessively long answers;
- An ability to adapt their argument to the viewpoint of the court. This includes not proceeding with an argument when the court has made it clear that they disagree.
- Composure and courtesy despite challenges to arguments;
- Effective integration of responses with arguments; and
- An ability to deal with difficult and obscure questions.

Scores in this category should reflect the following ranges:

Poor: 0 – 9 out of 30

Unsatisfactory: 9 – 15 out of 30

Satisfactory: 15 – 21 out of 30

Excellent: 21 – 24 out of 30

Outstanding: 24 – 30 out of 30

Manner and Expression:

4

A successful competitor will :

- Not stick to a pre-written script, and have the ability to stray from their notes;
- Project their voice;
- Articulate their submissions with eloquence;
- Use clear and simple language;
- Display confidence without arrogance;
- Make eye-contact with all members of the bench;
- Be courteous and formal;
- Use appropriate courtroom formalities; and
- Be consistent in their style and manner.

Scores in this category should reflect the following ranges:

Poor 0 – 7.5 out of 25

Unsatisfactory 7.5 – 12.5 out of 25

Satisfactory 12.5 – 17.5 out of 25

Excellent 17.5 – 20 out of 25

Outstanding 20.5 – 25.0 out of 25

Written Submissions

5

The following are factors of a successful written submissions:

- Appropriate outline the team’s argument;
- Coverage of all issues raised in the case;
- Well structured and easy to follow;
- Clear, concise and reasoned expression;
- Support by authorities with pinpoint citations;
- Free from grammatical, spelling or punctuation errors; and
- Consistency with oral submissions.

Scores in this category should reflect the following ranges:

Poor: 0 – 9 out of 30

Unsatisfactory: 9 – 15 out of 30

Satisfactory: 15 – 21 out of 30

Excellent: 21 – 24 out of 30

Outstanding: 24 – 30 out of 30

All pages must be:	Penalty
A maximum of three pages of argument.	2 marks per page over the limit
An additional one-page for the list of authorities.	2 marks if authorities are omitted
A4 sized	1 mark per contravention, up to a maximum of three marks;
Times New Roman, 12-point font	
Margins of no less than 2 cm on each side	
All citations must be compliant with the most recent edition of the Australian Guide to Legal Citation	If a competitor references authority in the moot not cited within their team’s list of authorities the Competition Coordinator may, in his or her absolute discretion, impose a penalty of two marks to the Competitor’s points total.
Teams must not use footnotes in their written memorandum of argument.	
Speaking times of both Competitors included	2 marks if speaking times are omitted
Submitted by 4:00pm two days preceding the date of the round.	Two marks for every ten minutes after the deadline (or part thereof), up to a maximum of ten marks.

Note 1: Where a penalty is levied against a team’s cumulative points total, the penalty will be divided equally amongst the Competitors for that team.

Note 2: Judges will score without taking into account the penalty. The Competitions Coordinators must remove the points after the final score is calculated.



Adelaide University Law Student Society

SCORING

WITNESS EXAMINATION



EXAMINATION IN CHIEF

*Please cross out if competitor is **Speaker 2** in a **Preliminary Round***

Factors: clear expression; logical structure; clarity; confidence; brevity; identification of key issues and their significance; encapsulation of case theory; draws on oral evidence to further case theory and arguments.

/25

CROSS EXAMINATION

*Please cross out if competitor is **Speaker 1** in a **Preliminary Round***

Factors: clear succinct questions; advances own case; highlights character and attitude of witness; engages with the witness and their answers; shows an understanding of the trial's key issues

/25

CLOSING

*Please cross out if competitor is **Speaker 1** in a **Preliminary Round***

Factors: clear expression; logical structure; clarity; confidence; brevity; identification of key issues and their significance; encapsulation of case theory; draws on oral evidence to further case theory and arguments.

/10

MANNER AND EXPRESSION

Factors: engages with the court; projects voice; articulates submissions with eloquence; consistent style and manner; deals with objections or interventions with ease and concision; objects where appropriate; uses inference where appropriate; demonstrates sophisticated understanding of evidence law (statute and common)

/20

Case Theory

Factors: appropriateness of case theory to the facts; potential to improve case theory; effectiveness in eliciting evidence to support case theory; simplicity and logic of case theory.

/10

Allotment of Marks & Margins



An average speaker will receive a mark of 70 in Finals Rounds.

This mark comes from:

- Opening: 7/ 10
- Examination in Chief: 17.5/25
- Cross Examination 17.5/25
- Closing Address 7/ 10
- Manner and Expression 14/20
- Case Theory 7/10

These marks can and will vary but can serve as a baseline for an average performance.

For each criterion, scores will generally range from 4/10 (very poor) to 10/10 (very good).

Please note that competitors only complete an opening and examination in chief or a cross examination and closing address in Preliminary rounds. Accordingly, the average score in these rounds is 45.5 marks out of 65 marks.

Margins

1-4

A close win

5-9

A clear win

10 +

An overwhelming win

Note: A draw between competitors is not possible. Margins between two teams shall always be greater or equal to 1 point in any round of competition. This is universally applicable from Preliminary rounds to Grand Finals.

Opening Address:

1

A successful competitor will:

- Present a clear and appropriate summary of facts and issues as relevant for their case.
- Present an appropriate explanation the significance of key facts and applicable law.
- Through their opening address, encapsulate case theory and draw on oral evidence they plan to submit to further case theory and arguments.

Examination in Chief

2

A successful competitor will:

- Engage with the witness in a clear and respectful manner. This involves asking succinct questions used to advance their case.
- Engage with the witness's answers while demonstrating an understanding of the elements of the charge.
- Avoid objectionable questions and successfully allow their witness to present their version of events, highlighting the character and attitude of the witness.

Cross Examination

3

A successful competitor will:

- Engage with the witness in a clear and respectful manner. They avoid hostility toward the witness and use succinct, leading questions to advance their case.
- Engage with the witness's answers while demonstrating an understanding of the elements of the charge.
- Avoid objectionable questions and successfully highlight the flaws in the opposing party's case, highlighting the character and attitude of the witness along the way.

Closing:

4

A successful competitor will:

- Present a clear and appropriate application of the law to the facts, addressing each of the key issues of the trial.
- Provide an appropriate explanation the significance of key facts and applicable law.
- Draw upon oral evidence which came out in the trial to further case theory and arguments.

Manner and Expression:

5

A successful competitor will:

- Exemplify a sophisticated understanding of evidence law (statute and common law) consistently throughout the trial.
- Deal with interventions and objections with ease and concision, ensuring to object and interfere only when appropriate.
- Establish an effective relationship with their witnesses through their demeanour and language.
- Articulate their submissions with eloquence.
- Use clear and simple language.
- Make eye-contact with the bench.
- Be courteous and formal.
- Use appropriate courtroom formalities.
- Be consistent in their style and manner.

Case Theory

6

A successful competitor should ensure their case theory is identifiable throughout all of their presentations to the court.

A successful case theory should be:

- Appropriate to the facts;
- Address the flaws in the opposing side's arguments;
- Be based in the evidence elicited during the trial; and
- Be simple, logical, and easy to follow.



Adelaide University Law Student Society

SCORING

FAMILY LAW MEDIATION





FAMILY LAW MEDIATION

JUDGE	
PARTY REPRESENTED	
DATE & ROOM	
TEAM MEMBERS	

WINNER:
MARGIN BETWEEN TEAMS: e.g. +/- 2
CRITERIA OF KEY DIFFERENCE BETWEEN TEAMS:

Opening Statement	/10
Adaptability	/10
Teamwork	/10
Relationship between teams	/10
Information gathering & sharing	/10
Identifying interests	/10
Mediation Outcome	/10
Client control and management	/10
Making good use of the mediator	/10
Mediation Plan	/10
TEAM TOTAL	/100

Please mark all criteria and remember the emphasis is on the *difference in points*.
Please return the scoresheets directly to the coordinators. A draw is not possible.

Ineffective	Somewhat ineffective	Standard	Effective	Highly effective
0-2	2-4	4-6	6-8	8-10

<p>OPENING STATEMENT Did the team present events in a logical way? Identify relevant legal considerations? Show willingness to collaborate?</p>	<p>ADAPTABILITY Was the team flexible during the mediation? How did they respond to new information?</p>
/10	/10

<p>TEAMWORK How effective was the team in working together? Was responsibility shared?</p>	<p>RELATIONSHIP BETWEEN TEAMS How did the teams manage their relationship with the opposing team?</p>
/10	/10
<p>INFORMATION GATHERING AND SHARING Did the team articulate their position clearly? Did the team ask effective questions?</p>	<p>IDENTIFYING OTHER PARTY'S INTERESTS How well did each team identify the key interests of the other party?</p>
/10	/10
<p>MEDIATION OUTCOME Was the team able to advance their client's interests in the mediation consistent with confidential information?</p>	<p>CLIENT CONTROL AND MANAGEMENT Was the team able to manage the client without undermining them and maintaining satisfaction?</p>
/10	/10
<p>MAKING GOOD USE OF THE MEDIATOR Did the team use the Mediator's assistance? Did they work with Mediator constructively?</p>	<p>MEDIATION PLAN Does the mediation plan effectively identify the team's strategy, including its goals, objectives and its likely success for resolving conflicts?</p>
/10	/10

Allotment of Marks & Margins



An average speaker will receive a mark of 70.

This mark comes from:

- Opening Statement: 7/10
- Adaptability: 7/10
- Teamwork: 7/10
- Relationship between teams: 7/10
- Information Gathering and Sharing: 7/10
- Identification of Interests: 7/10
- Mediation Outcome: 7/10
- Client Control and Management: 7/10
- Making Good Use of the Mediator: 7/10
- Mediation Plan: 7/10

These marks can and will vary but can serve as a baseline for an average performance.

For each criterion, scores will generally range from 4/10 (very poor) to 10/10 (very good).

Margins

1-4

A close win

5-9

A clear win

10 +

An overwhelming win

Note: A draw between competitors is not possible. Margins between two teams shall always be greater or equal to 1 point in any round of competition. This is universally applicable from Preliminary rounds to Grand Finals.

Opening Statement:

1

A successful team will:

- Present events in a logical way;
- Identify relevant legal considerations;
- Use formal language and identify their perspective and interests;
- Keeps their statement concise and clear;
- Highlights the reasoning behind their client's interests; and
- Show willingness to collaborate.

Adaptability:

2

A successful team will demonstrate:

- Flexibility in response to the opponent team's requests
- A willingness to adapt their initial strategy accordingly in response to new information to achieve an outcome which is compliant with their client's interests
- Strategic use of tactical break to the team's advantage.

Teamwork:

3

A successful team will display:

- An even balance of participation between each member
- Smooth cooperation within the team, with both members building on the other's words without reiterating points communicated through to the opponents
- No internal conflicts, hostility or actions affecting the overall harmony of the team.

Relationship between teams:

4

A successful team will:

- Engage with the other party in a respectful and professional manner;
- Act in good faith and establish a good working rapport; and
- Put their client's interests first, rather than personal emotions.

Information Gathering and Sharing:

5

A successful team will:

- Clearly articulate their position;
- Ask effective questions which have a clear goal to obtain information;
- Structure their questions to gather important information first;
- Share information in good faith and in an ethical manner; and
- Present all facts correctly, without any misinformation that may help a team gain advantage.

Identification of Interests:

6

A successful team will:

- Identify the key interests of the both clients
- Effectively categorise each interest as an essential-interests and non-essential interest
- Explore the parameters of how far can non-essential interest be given up in the expense of reaching an agreement of an essential-interest.

Mediation Outcome

7

Successful teams will:

- Address a majority of their clients interests and reached a fair resolution consistent with their confidential information.
- Not reveal key client interest and strategically traded minor interests for the greater settlement of this negotiation.

Client Control and Management:

8

Successful teams will:

- Engage with the clients throughout the mediation while demonstrating an understanding of their stated goals.
- Manage the client's emotions without undermining them and maintaining satisfaction
- Ensure they are acting in consultation with their client, avoiding being overbearing or domineering.

Making Good Use of the Mediator:

9

A successful team will :

- Use the Mediator's assistance and take their advice under consideration.
- Work with Mediator constructively, changing the direction of the mediation if necessary

Mediation Plan

10

The following are factors of a successful mediation plan:

- Effective identification of the team's strategy, including their goals, objectives and its likely success for resolving conflicts
- Coverage of all potential issues to be raised in the mediation;
- Well structured and easy to follow;
- Clear, concise and reasoned expression;
- Free from grammatical, spelling or punctuation errors; and
- Inclusion of an outline of their interests, the other party's interests, their BATNA, the other party's likely BATNA, their strategy and its strengths and weaknesses, and a prediction of the likely agreement.

Requirement	Penalty
Submission by 4:00pm two days preceding the round date	2 marks for every ten minutes after the deadline (or part thereof), up to a maximum of ten marks.
A maximum of three pages of argument	2 marks per page over the limit
A4 sized	1 mark per contravention, up to a maximum of three marks;
Times New Roman, 12-point font	
Margins of no less than 2 cm on each side	

