

ADELAIDE UNIVERSITY
LAW STUDENTS' SOCIETY

**AULSS
COMPETITIONS
SCORING
GUIDE**

2022

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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.

ACKNOWLEDGEMENTS

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- Zeyang Wang and;
- Celena Le

CLIENT INTERVIEWING

2022



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 |

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.

1

Working Atmosphere

- The team establishes an effective relationship with the client through effective communication
- Effective communication involves: Clear and eloquent expression, clarity, confidence, and brevity
- Positive body language i.e. sitting up straight, smiling, using pleasantries to open and close the client interview, having a pleasant manner
- Active listening and an earnest and progressive conversation is encouraged, creating a receptive working atmosphere

2

Description of the Problem

- Through concisely worded and clearly expressed questions the team is able to learn how the client interprets their situation, and considers the influence of potential bias
- The team effectively communicates with the client to best gather a clear description of the legal problem

3

Client's Goals and Expectations:

- The team has learned the client's initial goals and expectations through carefully formulated prompts/questions, and grasps the client's perspective
- Clear, succinct questions advance interview productively, highlighting character and attitude of the client
- Engages with the client and the client's answers

4

Problem Analysis:

- Analysed the client's problems through simple and straightforward questions and prompting
- Avoids irrelevant questions
- Shows understanding of the legal elements of the issue

5

Moral and Ethical Issues:

- If present, the team has recognised and dealt with moral and ethical issues in a non-inflammatory and unbiased manner
- The team is considerate of the client's perspective on these issues and does not allow personal bias to interfere

6

Alternative Courses of Action

- Developed alternative solutions and considered all avenues of possibility
- Team shows high levels of flexibility in regards to potential courses of action

7

Client's Informed Choice:

- Assisted client in understanding and making informed choices among possible courses of action by explaining them simply and clearly to the client
- Provides client with all relevant courses of action moving forward

8

Effective Conclusion:

- Effectively concluded the interview at an appropriate time, without exceeding the time limit
- Logical structure of conclusion and clear, concise closing words with the client

9

Teamwork:

- There is an even balance of participation amongst the team members
- Smooth cooperation within the team, building on each other's words without overwhelming the client
- No internal conflicts or hostility

10

Self Analysis:

- Team members are reflective and able to identify the strengths and weaknesses both of their individual performance and the team as a collective
- Are able to learn from their experience and use it to structure the missives better in the future

NEGOTIATIONS

2022



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 |



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*.

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| | |
|--|--|
| 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 |

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.

1

Negotiation Planning:

- The negotiation is thoroughly planned out with effective preparation and its documents.
- The team has a consistent and well-thought-out logic on its main points of negotiation.
- Shows understanding of its own secret facts and well prepared for negotiating opponent's requirements as well in the parameter of the problem question.

2

Adaptability:

- Demonstrated strong flexibility on the asks of opponent team and adapt its own secret facts to achieve a mutual agreement.
- Quick realisation of opponent team's objective and develop a clear track of thoughts to achieve a reasonable outcome without hurting the client's interest.
- Strategic use of tactical break to the team's advantage.

3

Session Outcome:

- Successfully addressed a large majority of clients' needs and reached a fair resolution.
- Within the parameter of the context, the team did not give away key client interest and strategically traded minor interests for the greater settlement of this negotiation.

4

Relationship between teams:

- Both teams engaged in a respectful and professional manner.
- Able to put client interest first rather than personal emotions .
- Both teams act in good faith and establish a good working rapport.

5

Exploration of Interests:

- Identify Key Interests of the Client
- Effective categorisation of 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.

6

Creativity of Options:

- Demonstrated initiative, creativity and problem solving when an agreement cannot be made out.
- Alternative compensation methods and reasonable addition/ improvisation on the original problem question is permitted to a reasonable degree.

7

Teamwork:

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

8

Negotiation Ethics:

- Teams competed ethically against each other without using tricks to gain an unfair advantage over another team.
- All facts are presented correctly without any misinformation that may help a team gain advantage.

9

Communication:

- Articulate clear points on behalf of their client to the opponent team
- Uses professional language and avoids using laymen language
- Communicates confidently with minimal usage of language such as "like" or "uh."

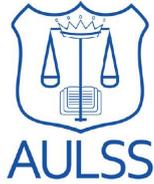
10

Self-Analysis:

- Team members are reflective and able to identify the strengths and weakness both of their individual performance and the team as a collective
- Are able to learn from their experience and use it to structure the missives better in the future.
- Critically analyse how they did or didn't achieve client's objective and what can be done in the future to obtain a better outcome.

MOOTING

2022

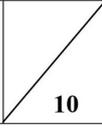


| | | |
|--|---|----------------|
| JUDGE(S) | | NAME(S) |
| CASE | | |
| DATE AND COURT | | |
| COUNSEL FOR THE APPELLANT/RESPONDENT (CIRCLE ONE) | SENIOR COUNSEL JUNIOR COUNSEL (CIRCLE ONE) | NAME |
| RANKING IN ROOM | 1 2 3 4 (CIRCLE ONE) | |
| MARGIN (TO CLOSEST COMPETITOR) | Organisation of Presentation | /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 |

| | |
|--|---------------|
| 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. | 10 |
| 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). | 25 |

| | |
|--|--|
| <p>QUESTIONS FROM THE BENCH</p> <p>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</p> <p>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</p> <p>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 scores will vary dependant on which areas are the competitor's strengths and weaknesses.

The competitor's overall score should 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.

1

Organisation of Presentation:

Factors:

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

Scores in this category should reflect the following ranges:

Poor 0 – 3 out of 10

Unsatisfactory 3.1 – 5.0 out of 10

Satisfactory 5.1 – 7.0 out of 10

Excellent 7.1 – 8.0 out of 10

Outstanding 8.1 – 10.0 out of 10

2

Development of Argument:

Factors:

1. Understanding of the law and issues;
2. Logical, persuasive arguments; pinpoint citation of authorities;
3. Appropriate use of policy arguments; and
4. Addresses opposing arguments at a logical point in their speech.

Scores in this category should reflect the following ranges:

Poor 0 – 7.5 out of 25

Unsatisfactory 7.75 – 12.5 out of 25

Satisfactory 12.75 – 17.5 out of 25

Excellent 17.75 – 20 out of 25

Outstanding 20.25 – 25.0 out of 25

Note: *Policy arguments* refers to an argument regarding how a particular decision will affect particular stakeholders. It may refer to 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.

3

Questions from the Bench:

Factors:

- 1.Prepared for questions that a competitor at the same skill level can anticipate;
- 2.Clear, concise and direct responses;
- 3.Competitors are able 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.
- 4.Composure and courtesy despite challenges to arguments;
- 5.Effective integration of responses with arguments;
- 6.Competitor has answered the question, but avoids providing a tangential or excessively long answer. ; and
- 7.Ability to deal with difficult and obscure questions.

Scores in this category should reflect the following ranges:

Poor 0 – 9 out of 30

Unsatisfactory 9.3 – 15 out of 30

Satisfactory 15.3 – 21 out of 30

Excellent 21.3 – 24 out of 30

Outstanding 24.3 – 30.0 out of 30

4

Manner and Expression:

Factors:

- 1.Competitor does not stick to a pre-written script. A successful competitor should also be able to treat their argument like a conversation with the judge;
- 2.Projects voice;
- 3.Articulates submissions with eloquence;
- 4.Use of clear and simple language;
- 5.Displays confidence without arrogance;
- 6.Eye-contact with all members of the bench;
- 7.Courteous and formal;
- 8.Strict compliance with the Australian Guide to Legal Citation format (Edition 4);
- 9.Appropriate use of courtroom formalities; and
- 10.Consistent style and manner.

Scores in this category should reflect the following ranges:

Poor 0 – 7.5 out of 25

Unsatisfactory 7.75 – 12.5 out of 25

Satisfactory 12.75 – 17.5 out of 25

Excellent 17.75 – 20 out of 25

Outstanding 20.25 – 25.0 out of 25

5

Written Submissions:

Factors:

1. Coverage of all issues raised in the case;
2. Well structured;
3. Clear, concise and reasoned expression;
4. Supported by authorities with pinpoint citations;
5. Free from grammatical, spelling or punctuation errors;
and
6. Consistent with oral submissions.

Scores in this category should reflect the following ranges:

Poor 0 – 3 out of 10

Unsatisfactory 3.1 – 5.0 out of 10

Satisfactory 5.1 – 7.0 out of 10

Excellent 7.1 – 8.0 out of 10

Outstanding 8.1 – 10.0 out of 10

| 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; Times New Roman, 12-point font; Margins of no less than 2 cm on each side | 1 mark per contravention, Maximum of 3 marks. |
| All citations must be compliant with the most recent edition of the Australian Guide to Legal Citation Teams must not use footnotes in their written memorandum of argument. | 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. |
| Speaking times of both Competitors included | 2 mark penalty if omitted |
| Submitted by 5:00pm two days preceding the date of the round. | 2 marks for every 10 minutes after the deadline (or part thereof), Maximum of 10 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. They must remove the points after the final score is calculated.

WITNESS EXAMINATION

2022

WITNESS EXAMINATION

| | |
|--|--|
| CASE | |
| JUDGE | |
| DATE & ROOM | |
| COUNSEL For Prosecution/Defence (circle one) | |

WINNER:

**MARGIN BETWEEN
COMPETITORS:** e.g. + 2

CRITERIA OF KEY DIFFERENCE BETWEEN
COMPETITORS:

| | | |
|--|-----------------|------------|
| Opening Address or Closing Address | (please circle) | /10 |
| Examination in Chief or Cross Examination | (please circle) | /25 |
| Manner and Expression | | /20 |
| Case Theory | | /10 |
| COMPETITOR TOTAL | | /65 |

Please mark criteria for individual competitors and remember the emphasis is on the *difference in points*. A draw is not possible.

Please ensure that low-quality case theory and arguments are reflected in the resulting scores.

| Ineffective | Somewhat ineffective | Standard | Effective | Highly effective |
|--------------|----------------------|-----------------|-----------------|------------------|
| 0-20% | 20 - 40% | 40 – 60% | 60 – 80% | 80 – 100% |

OPENING ADDRESS

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

/10

CLOSING ADDRESS

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

/10

| | |
|--|-----|
| <p>EXAMINATION-IN-CHIEF Factors: clear, succinct questions; advances own case; highlights character and attitude of witness; engages with witness and witness' answers; shows understanding of the elements of the charge</p> | /25 |
| <p>CROSS-EXAMINATION Factors: clear, succinct, leading questions; advances own case; probes character and attitude of witness; engages with witness and witness' answers (including from examination-in-chief); avoids objectionable questions</p> | /25 |
| <p>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.</p> | /10 |
| <p>MANNER AND EXPRESSION Factors: engages with the court; projects voice; articulates submissions with eloquence; consistent style and manner; deals with interventions with ease and concision; objects where appropriate; uses inference where appropriate; demonstrates sophisticated understanding of Evidence law (statute and common law).</p> | /20 |

ALLOTMENT OF MARKS & MARGINS

An average speaker will receive a mark of 40. This mark comes from:

- Opening OR Closing Address 6/ 10
- Examination in Chief OR Cross Examination 15/25
- Manner and Expression 13/20
- Case Theory 6/10

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

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.

1

Opening or Closing Address:

- The competitor presents their opening address with both confidence and brevity. They correctly and clearly identify issues and discuss their significance.
- Through their opening address, they encapsulate case theory and draw on oral evidence to further case theory and arguments.

2

Examination in Chief or Cross-Examination:

- The competitor engages with the witness in a clear and respectful manner. This involves asking succinct and leading questions used to advance their case, highlighting the character and attitude of the witness.
- The competitor should engage with the witness and their answers while demonstrating an understanding of the elements of the charge. Competitors should avoid objectionable questions.

3

Manner and Expression:

- The competitor engages in conversation with the court, establishing an effective relationship with the witness.
- An effective relationship is demonstrated through clear and eloquent communication. The competitor should show this with a consistent style and manner throughout their submissions.
- The competitor deals with interventions with ease and concision, ensuring to object and interfere only when appropriate.
- There is a demonstration of a sophisticated understanding of Evidence law (statute and common law) consistently throughout each submission.

4

Case Theory:

The competitor should regularly cite case theory, while understanding:

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

