

THE LASKIN

2018 OFFICIAL RULES

Table of Contents

1. GENERAL	1
1.01 Overview	1
1.02 Purposes and Objectives of the Competition	1
1.03 Definitions	1
1.04 Administration of the Competition	1
2. PARTICIPANTS	2
2.01 Schools	2
2.02 Mooters.....	2
2.03 Simultaneous Interpretation.....	2
2.04 Outside Assistance.....	2
2.05 Privacy.....	2
3. REGISTRATION	3
3.01 Schools	3
3.02 Identification of Schools	3
3.03 Mooters – Initial Registration	3
3.04 Mooters – Updated Registration	3
3.05 Other Individuals.....	4
4. THE OFFICIAL PROBLEM.....	4
4.01 Content.....	4
4.02 Jurisdiction of the Court.....	4
4.03 Clarifications	4
5. STRUCTURE OF THE COMPETITION.....	4
5.01 Regular Matches.....	4
5.02 Final Matches	4
6. FACTUMS	5
6.01 Required	5
6.02 Contents	5
6.03 Language	6
6.04 Length	6
6.05 Form.....	6
6.06 Footnotes and Citations.....	6
6.07 Font Size.....	6
6.08 Submission	6
6.09 Strict Compliance	7
6.10 Delivery to Opposing Schools	7
6.11 Respondent Factums.....	7
6.12 Complaints	7
6.13 Assessment	7
6.14 Publication.....	8
7. REGULAR MATCHES	8
7.01 Mooters.....	8
7.02 Judges	8
7.03 Time	8
7.04 Rebuttal	8
7.05 Scope of Argument	8
7.07 Recording.....	9
7.08 Conduct at Counsel Table	9

7.09	Spectators	9
7.10	Complaints	9
7.11	End of Match.....	10
7.12	Assessment	10
7.13	Results.....	10
8.	FINAL MATCHES	10
8.01	Selection of Pairs.....	10
8.02	Matches	10
8.03	Time	11
8.04	Judges	11
9.	PENALTIES	11
9.01	General	11
9.02	Assessment	11
9.03	Factums	11
9.04	Oral Matches.....	11
10.	AWARDS.....	12
10.01	Best Schools	12
10.02	Best Pairs.....	12
10.03	Best Oralists	12
10.04	Best Factums.....	12
10.05	Spirit of the Laskin	12
APPENDIX A	- SCORING CRITERIA FOR FACTUMS	13
APPENDIX B	- SCORING CRITERIA FOR ORAL ARGUMENT	14

1. GENERAL**1.01 Overview**

The Laskin is an annual national bilingual moot court competition in Canadian administrative and constitutional law. The competition is named in memory of one of Canada's greatest legal scholars and jurists, the late Chief Justice of Canada, Bora Laskin.

1.02 Purposes and Objectives of the Competition

The Laskin is designed to provide a unique opportunity for law students, judges, law professors and practitioners from across Canada to meet and debate problems of current importance in the law. The Laskin seeks to foster a deeper and better understanding of the law and to support and encourage legal education and bilingualism while at the same time promoting in the legal community a spirit of cooperation and understanding that transcends linguistic and provincial boundaries.

1.03 Definitions

In these rules, the following terms have the following meanings:

- (a) "Administrators" are the individuals who administer the Laskin each year (see rule 1.04);
- (b) "Match" means a session during which an appellant Pair and a respondent Pair argue the official problem before a panel of judges, either in the regular rounds or in the final round (see rule 5);
- (c) "Mooter" means a student representing a School (see rule 2.02);
- (d) "Pair" means a School's two Mooters representing either the appellant(s) or the respondent(s), as the case may be;
- (e) "School" means the group of students from a Canadian law faculty selected to represent that faculty in the competition (see rule 2.01);

1.04 Administration of the Competition

The Laskin is operated by the Moot Court Canada Fund, a non-profit organization controlled by a board of directors. The Administrators administer the Laskin on behalf of the board of directors, on a volunteer basis.

The Administrators will interpret and apply these rules in a manner consistent with the fair and orderly conduct of the competition. The Administrators may promulgate additional rules, and take such other actions as they deem advisable, provided that these measures do not conflict with any of these rules.

The Administrators will decide any question that arises during the competition concerning the interpretation or enforcement of these rules. No one other than the Administrators (*e.g.*, timekeepers or judges) has the power to interpret these rules.

2. PARTICIPANTS**2.01 Schools**

Each law faculty in Canada may put forward one group of at least two and no more than five Mooters to represent it in the competition.

2.02 Mooters

Each Mooter must be a student currently enrolled in an LL.B., J.D., B.C.L. or LL.L program at the law faculty. Mooters may be chosen by any method approved by the faculty, including intramural competition using the current year's problem, subject to rule 2.04 below concerning outside assistance.

Each Mooter who will present oral argument (*i.e.*, excluding researchers) shall present that argument in one language only – either English or French. At least one of each School's Mooters must present in English, and at least one of each School's Mooters must present in French.

2.03 Simultaneous Interpretation

All judges in Matches will hear submissions without the assistance of simultaneous interpretation. Judges will ask questions of the Mooter in the same language in which the Mooter is presenting.

When a Mooter first registers to participate in the Laskin, the Mooter will be asked whether he/she requires simultaneous interpretation to understand the submissions of an opposing Mooter. Simultaneous interpretation is available only where an opposing Mooter in a Match will be presenting in the language other than that of the requesting Mooter.

No simultaneous interpretation service can be provided simply to assist a Mooter in understanding his/her co-counsel's submissions, unless simultaneous interpretation of those submissions has already been requested by an opponent in that Match, in which case the Mooter may also use the service during his/her co-counsel's submissions.

2.04 Outside Assistance

No one other than the Mooters may participate in the preparation or presentation of any aspect of a School's factums or oral argument.

Despite the preceding paragraph, it is permissible for coaches, faculty members and others to discuss with Mooters in general terms the issues raised in the problem, to suggest possible research sources and to provide instruction relating generally to advocacy techniques and the preparation of persuasive oral and written arguments.

2.05 Privacy

Each participant agrees that information regarding his/her/its participation in the Laskin, including his/her name, School affiliation, written materials, results, photographs, and other recordings, may be published, including on the Laskin's website.

3. REGISTRATION**3.01 Schools**

Each participating School must submit a registration cheque, to be received no later than January 31, 2018. The cheque must be payable to "Moot Court Canada Fund". The amount of the cheque must reflect the number of individuals attending the competition on behalf of the School -- \$1,000 to cover four students and one coach, plus an additional \$200 for each additional student or coach, if any. Mail the cheque to:

The Laskin
c/o McCarthy Tétrault LLP
Suite 5300, TD Bank Tower
Toronto-Dominion Centre
66 Wellington Street West
Toronto ON M5K 1E6

Attention: Tamiko Barker

3.02 Identification of Schools

Each School will be assigned a number, which must be used on the School's factums (see rule 6.03). No factum may contain any information that would identify the School or the geographic location of the School. Judges of factums and of Matches will use School numbers only. Until the competition is concluded, no Mooter or any other representative of a School, nor any administrator of the Laskin, may disclose to a judge a School's name, a School's geographic location, or a participant's School affiliation.

3.03 Mooters – Initial Registration

As soon as the School has selected its Mooters, but no later than November 23, 2017:

- (a) the School must designate one of its Mooters to be the team coordinator, responsible for working with the Administrators to ensure that the School complies with applicable requirements in advance of the competition; and
- (b) each Mooter must register himself/herself online at laskin.ca, and in doing so indicate:
 - (i) the language in which he/she will be making oral submissions;
 - (ii) whether or not he/she will require simultaneous interpretation during the competition (see rule 2.03); and
 - (iii) whether or not he/she is the designated team coordinator.

3.04 Mooters – Updated Registration

As soon as possible, but no later than January 26, 2018, each Mooter must update his/her registration online, to indicate whether he/she will be representing the appellant(s) or respondent(s), and whether he/she will be the first or second member of the Pair to make oral submissions.

Any request to change the order of presentation must be submitted by e-mail to admin@laskin.ca. Any such request submitted on or before March 2, 2018, may be allowed at the discretion of the Administrators. The Administrators' decision will depend primarily upon whether the requested change will have implications for the provision of simultaneous interpretation. No request submitted after March 2, 2018, will be allowed.

3.05 Other Individuals

Each other individual associated with a School (whether coach, researcher, or contact person) should register himself/herself online at laskin.ca.

4. THE OFFICIAL PROBLEM

4.01 Content

Each year the competition is based upon a hypothetical problem written by one or more judge(s), law professor(s) or lawyer(s) selected by the Administrators. The problem concerns a subject of timely interest within the jurisdiction of the Federal Court of Canada. The problem is delivered to all Schools in both English and French. Both versions are equally authoritative.

4.02 Jurisdiction of the Court

The competition consists of an appeal to the Canadian Court of Justice. This is a fictional court established to hear appeals from the Federal Court of Appeal. No decision of any Canadian court, including the Supreme Court of Canada, is binding on the Canadian Court of Justice.

4.03 Clarifications

Schools may request clarification on points that are unclear in the problem and that must be clarified in order to submit a proper argument. Such requests must be made by e-mail sent to admin@laskin.ca, must include a brief explanation as to why each clarification is necessary, and must be submitted by November 30, 2017.

Requests for clarification will be answered selectively, at the discretion of the Administrators and the author(s) of the problem. Where a clarification is to be issued, the request and answer will be distributed to all Schools.

5. STRUCTURE OF THE COMPETITION

5.01 Regular Matches

Each Pair will participate in two regular Matches. Each School will argue twice as appellant and twice as respondent. The Administrators will assign the Pairs to the Matches randomly. No School will meet any other School more than once in the regular Matches.

5.02 Final Matches

Immediately following the conclusion of the regular Matches, two final Matches will take place. The Pairs that will participate in the final Matches will be determined in accordance with rule 8.01.

6. FACTUMS**6.01 Required**

Each School will prepare an appellant's factum and a respondent's factum.

6.02 Contents

A factum will consist of:

Appellant's factum	Respondent's factum
Front Cover	
Printed on red paper	Printed on blue paper
The title of proceeding, the title of the document (e.g., "Factum of the Appellant") and the School number (see rule 3.02).	
Part I - Statement of Facts	
A concise statement of facts.	A statement of the respondent's position on the appellant's statement of facts, together with a concise statement of any other facts that the Mooters consider relevant.
Part II	
<i>Objections by Appellant to Judgment Appealed From</i>	<i>Statement of Respondent's Position Concerning the Points in Issue</i>
Part III - Argument	
Main body of the factum. A statement of the submissions to be made to the court. (Note: Schools may, if they choose, include an overview in Part III of the factum. The overview will be included in the 25-page limit (see rule 6.04).	
Part IV - Order Sought and Names of Counsel	
(i) A concise statement of the order desired. (ii) Printed names of Mooters (in the order in which the Mooters will speak), but no other identifying information (such as School name or city). Signatures are permitted but not required.	
Appendix A - List of Authorities Referred To	
A list of authorities (including decisions, statutes, regulations, books and articles) referred to in the factum. Copies of authorities should not be included.	
Back Cover (blank on both sides)	
Red paper	Blue paper

6.03 Language

Parts I, II and IV of the factum may be in English or French. Each Mooter will submit the corresponding portion of Part III of the factum in the same language in which he/she is presenting in the Matches.

6.04 Length

The entire factum (excluding the cover pages) must be no longer than 40 pages. Parts III and IV together must be no longer than 25 pages.

6.05 Form

Factums must be typewritten and submitted on white, standard letter-size paper (21.6cm x 28.0cm). Content shall be on one side of the paper only, with the typed pages on the right-hand side of the opened factum. Each page will be numbered and all paragraphs will be numbered consecutively.

Left and right page margins must be 3.2cm, and top and bottom margins must be 2.5cm. All character spacing must be standard, and no advanced features (*e.g.*, scale, custom spacing, kerning) may be used.

Parts I, II and IV, and Appendix A, may be single-spaced. Part III must be double-spaced. In Part III, headings and footnotes more than one line in length may be single-spaced. Quotations of fifty words or more may be single-spaced, and shall be indented an additional 1.3cm on the left and right margins. There must be double-spacing between each heading and the text that follows.

Factums must be fastened by Cerlox binding. No other type of fastening is permitted.

6.06 Footnotes and Citations

All citations to cases or other authorities must be in the form of footnotes only (*i.e.*, they shall neither be in-line nor following the paragraph). Footnotes shall be limited to the actual citation only and shall not include additional text.

Citations must be made in accordance with the current edition of the *Canadian Guide to Uniform Legal Citation* published by the *McGill Law Journal*. In the event of any conflict between these rules and that guide, these rules shall prevail.

6.07 Font Size

All text, including footnotes, must be in a 12-point font. Any font type is permissible. Copies of factums delivered to judges, opposing Schools, and interpreters (where applicable) will be as submitted by the School. However, for the purpose only of assessing compliance with rule 6.04, the Administrators will convert the text of the factum to Times New Roman 12-point font.

6.08 Submission

Each factum must be submitted by both of the following methods:

- (a) a single document (including all parts except the back cover) in Microsoft Word format (NOTE: PDF versions are not acceptable), sent by e-mail to admin@laskin.ca by 5:00pm Eastern time on:

- (i) February 5, 2018, for the appellant's factum; or
- (ii) February 20, 2018, for the respondent's factum;

and

- (b) 12 printed copies of each factum (*i.e.*, one package containing 12 printed copies of the appellant factum and 12 printed copies of the respondent factum), together with a covering note, signed by all of the School's Mooters, certifying that the printed copies conform exactly to the documents submitted by e-mail, to be received by 5:00pm Eastern time on February 26, 2018, at:

The Laskin
c/o McCarthy Tétrault LLP
Suite 5300, TD Bank Tower
Toronto-Dominion Centre
66 Wellington Street West
Toronto ON M5K 1E6
Attention: Tamiko Barker
416 362 1812

6.09 Strict Compliance

Upon receipt of each factum, the Administrators will review the factum for strict compliance with the rules relating to form. Where a factum does not comply, the Administrators may take such action and/or may impose such penalty as they consider appropriate.

6.10 Delivery to Opposing Schools

Immediately following the due dates referred to in rule 6.08(a), the Administrators will send a copy of each factum to the two Schools who are opposing the submitting School in the regular Matches (see rule 5.01). The Administrators will send an electronic copy only, and will send that copy by e-mail to all of the individuals who have registered on behalf of the receiving School (see rules 3.03 and 3.05).

6.11 Respondent Factums

Respondents are not required to reply specifically to any of the arguments set out in the Appellant factums that they receive. Respondents may choose to write the factum in general terms. However, Respondents may at their option refer specifically to either or both of the Appellant factums. Judges of oral Matches will disregard any reference to an Appellant factum that is not before them.

6.12 Complaints

Complaints pertaining to factums must be submitted by e-mail to admin@laskin.ca within three days of delivery by the Administrators to the Schools.

6.13 Assessment

Each factum will be given a score by each of three factum judges. The score will be determined in accordance with Appendix A to these rules.

In extraordinary circumstances, it may be necessary for factums to be assessed by a two-judge panel. In this event, the Administrators will create a hypothetical third judge's score by awarding each factum the average of the other two judges' scores.

6.14 Publication

All rights in and to the factums will become the property of the Laskin, perpetually and throughout the world. The Laskin may publish winning factums on its website, and may seek to have the factums published elsewhere.

7. REGULAR MATCHES**7.01 Mooters**

Only two Mooters may argue on behalf of a School during any single Match.

Subject to compliance with rule 2.02, any Mooter may act as a mooter during a Match, provided that the language of oral argument is the same as the language of the corresponding portion of the factum. However, in order to be eligible for any oralist award a Mooter must have argued at least twice.

During a Match one other Mooter (registered pursuant to rule 3.03) may sit at the counsel table with the two Mooters who will be arguing.

7.02 Judges

Each regular Match will be judged by three judges. Judges will hear submissions without the use of simultaneous interpretation, and will pose all questions to a Mooter in the language in which the Mooter is making submissions.

7.03 Time

Each Match will begin promptly at the time indicated in the schedule of Matches. If a Pair fails to appear by the scheduled start time, the Match may proceed in the absence of that Pair, subject to the discretion of the Administrators to permit the Pair to participate under such terms and conditions as the Administrators may determine.

Each of the appellant and respondent Pairs will have a total of 44 minutes in which to present oral argument. Before the start of the Match, the court clerk/timekeeper will ask each Pair how it wishes to allocate that time as between the two Mooters. The 44 minutes may be allocated as the Mooters see fit, provided that neither Mooter may argue for longer than 25 minutes in a single Match.

Each Mooter will be limited to the allocated time. Unused time by one member of a Pair will not be transferred to the other member of that Pair. Judges of Matches have been instructed to strictly enforce the time limits, although judges may in their discretion permit a Mooter to conclude briefly at the expiry of the allotted time.

7.04 Rebuttal

Each Mooter will argue once. There will be no rebuttal or surrebuttal.

7.05 Scope of Argument

The scope of a Mooter's oral argument, including reference to any authorities, is not limited to the scope of the factum.

7.06 Dress Code

Mooters should wear business attire (*i.e.*, jackets and ties for men; corresponding attire for women). Neither judges nor Mooters will wear robes.

7.07 Recording

The Administrators reserve the right to make audio and/or video recordings of any Match, or part of a Match, or to take photographs of a Match. By participating in the Laskin, all Mooters consent to the recording and broadcasting of their oral arguments, and to the reproduction of any such photographs.

7.08 Conduct at Counsel Table

No oral, written or electronic communication may take place between a Mooter at the counsel table and a Mooter who is making oral argument. This does not, however, preclude a Mooter from taking a statute or similar document from the counsel table when the Mooter has been questioned about the document or wishes to refer to it.

No oral, written or electronic communication may take place between Mooters at the counsel table and any person not at the counsel table.

Mooters shall avoid any unnecessary noise or other inappropriate behaviour that might distract from the oral argument in process.

Mooters may address judges as "Your Honour", or "My Lord/My Lady/Your Lordship/Your Ladyship".

Mooters may not submit any written materials (including copies of authorities) directly to the judges at any time. In particular, no materials may be handed to the judges during oral argument.

Mooters may refer to electronic devices (*e.g.*, tablet computers) during the course of oral argument. However, such devices must have all transmitting and receiving functions turned off throughout the Match.

7.09 Spectators

Scouting of opposing Pairs is prohibited. Mooters and coaches may not attend Matches involving Pairs against which their School is scheduled to argue. Mooters and coaches are welcome to attend their own School's Matches.

Members of the public are permitted to attend the Matches as spectators. Coaches, non-participating Mooters, and invited guests (*e.g.*, family members, friends) should be cautioned regarding compliance with rule 7.08.

All spectators are prohibited from using electronic devices of any kind during a Match, and will be so advised upon entering the courtroom.

7.10 Complaints

If a Mooter observes a rule violation during a Match, and if the Mooter wishes to make a complaint regarding the violation, then:

- (a) if the violation can be adequately addressed following conclusion of the Match, the Mooter must, within five minutes following the conclusion of the Match, advise an Administrator of the complaint; or
- (b) if the violation warrants interruption of the Match, the Mooter should immediately advise the judges that a complaint is to be made. The Mooter must not disclose any further information regarding the nature of the complaint. In this case, the judges will recess and will leave the courtroom.

The court clerk/timekeeper will summon an Administrator to the courtroom to address the complaint. Judges of Matches will not be involved in the adjudication of the complaint. Once the complaint has been addressed, the judges will return to the courtroom and the Match will resume.

7.11 End of Match

Once the last Mooter has finished making submissions, the Match will end. The judges will neither give a decision nor give any assessment (numerical or otherwise) of the Mooters' performance.

7.12 Assessment

Each judge will assign a score to each Mooter based solely on the Mooter's oral argument and without consideration of the Mooter's factum. The score will be determined in accordance with Appendix B to these rules.

7.13 Results

The Win-Loss-Tie record for a particular Pair or a particular School will not be considered for any purpose, including the selection of the four finalist Pairs (see rule 8.01) or the determination of award recipients (see rule 10).

8. FINAL MATCHES

8.01 Selection of Pairs

The two highest ranking appellant Pairs and the two highest ranking respondent Pairs will advance to the final Matches. The ranking of a Pair will be based upon the total of the oral scores for the Pair's two regular Matches.

A Pair that changes its composition from its first regular Match to its second regular Match will not be eligible to participate in the final Matches.

Where two or more Pairs are tied in total score, the Pair with the highest factum score will advance. If two or more Pairs are still tied, the Pair to advance will be determined by random selection.

8.02 Matches

There will be two final Matches. In one Match, the highest-ranking appellant Pair will argue against the second highest-ranking respondent Pair. In the other Match, the second highest-ranking appellant Pair will argue against the highest-ranking respondent Pair.

If either or both of the above match-ups would result in two Pairs from the same School arguing against each other, then the highest-ranking appellant Pair will argue against the highest-ranking respondent Pair in one Match, and the second highest-ranking appellant Pair will argue against the second highest-ranking respondent Pair in the other Match.

None of the participants in the second final Match may attend the first final Match, and none of them may, until the end of the second final Match, communicate with anyone who did attend the first final Match.

8.03 Time

In the final Matches, each Mooter will have a maximum of 15 minutes in which to present his/her oral argument. There will be no rebuttal or surrebuttal.

8.04 Judges

Both final Matches will take place before the same panel of five judges. Judges will hear submissions without the use of simultaneous interpretation, and will pose all questions to a Mooter in the language in which the Mooter is making submissions.

No information about the performance of the four finalist Pairs in the regular Matches will be disclosed to the final Match judges. The judges will rank the four finalist Pairs for the purpose of the awards referred to in rule 10.02.

9. PENALTIES**9.01 General**

The Administrators, either on their own initiative or upon receiving a complaint, may assess a penalty for any violation of the rules. The Administrators will make every effort to allow Schools or Mooters accused of rule violations to submit a response prior to the determination of a penalty. Following such a response, the Administrators will make a ruling, from which no appeal may be taken. The Administrators will communicate a decision as soon as practicable, and will provide reasons orally or in writing.

9.02 Assessment

The number of penalty points to be assessed will be in the discretion of the Administrators. The Administrators will be guided by the objective of maintaining the integrity of the competition, and will consider the following factors:

- (a) the extent of any prejudice caused to other participants in the competition;
- (b) the extent of any advantage gained as a result of the violation;
- (c) whether the violation was intentional or inadvertent;
- (d) whether the violation was beyond the control of the Schools or Mooters involved; and
- (e) the extent of any inconvenience caused to the Administrators and/or to other participants.

Where the Administrators determine that a complaint is frivolous and/or vexatious, the Administrators may impose a penalty against the School submitting the complaint.

9.03 Factums

Penalty points assessed against a factum will be deducted from each factum judge's score for that factum.

9.04 Oral Matches

Penalties assessed in relation to oral argument may be either Pair penalties or individual Mooter penalties. In the case of Pair penalties, the penalty points will be

deducted from the score awarded by each judge to each member of the Pair during the Match in which the violation occurred. In the case of individual Mooter penalties, the penalty points will be deducted from the score awarded by each judge to the penalized Mooter only.

10. AWARDS

10.01 Best Schools

Awards will be presented to the four best Schools, ranked by total score. Neither the determination of the four finalist Pairs (see rule 8.01) nor the results of the final Matches (see rule 8.04) will affect the determination of the best Schools.

10.02 Best Pairs

Awards will be presented to the four best Pairs, as selected by the judges in the final Matches (see rule 8.04).

10.03 Best Oralists

Awards will be presented to the four best Individual Mooters, ranked by their total oral scores.

A Mooter must argue at least two Matches to be eligible for an oralist award. If a Mooter argues more than two Matches, the Mooter's first two Matches will be used for the calculation.

A Mooter's performance in a final Match will have no impact upon that Mooter's score for the purposes of the best oralist awards.

10.04 Best Factums

Awards will be presented to the Schools with the four highest total factum scores, computed by totaling all factum scores received for the appellant and respondent factums for that School.

10.05 Spirit of the Laskin

The Spirit of the Laskin Award will be presented to the School that best exemplifies the Laskin spirit of fair competition, commitment to bilingualism, and professional camaraderie.

The winning School will be selected by votes submitted by the other Schools. Each School must submit its vote (for one other School) by e-mail to admin@laskin.ca, sent after the announcement of the finalists, and before 4:30pm local time on Saturday, March 17, 2018 (following the conclusion of the final Matches). The submission should set out brief reasons for the submitting School's choice.

In order to be eligible to receive this award, a School must have submitted its vote in accordance with this rule.

APPENDIX A - SCORING CRITERIA FOR FACTUMS

<p>Introduction and facts</p> <ul style="list-style-type: none"> properly outlines the core issues clearly sets up the position(s) to be argued effectively presents a summary of the facts persuasively frames facts and inferences 	10	<p>Excellent: 9 - 10 Very good: 7 - 8 Good: 6 Fair: 5</p>
<p>Quality of the arguments</p> <ul style="list-style-type: none"> demonstrates thorough research effectively applies the law to the facts properly develops the arguments presents the arguments persuasively makes creative arguments 	50	<p>Excellent: 45 - 50 Very good: 40 - 44 Good: 35 - 39 Fair: 30 - 34</p>
<p>Presentation of the arguments</p> <ul style="list-style-type: none"> uses a logical structure to present arguments is clear and concise demonstrates correct grammar and punctuation limits the number of arguments presented 	30	<p>Excellent: 27 - 30 Very good: 24 - 26 Good: 21 - 23 Fair: 18 - 20</p>
<p>Conclusion and remedies</p> <ul style="list-style-type: none"> properly links arguments and conclusions has a persuasive conclusion seeks logical and effective remedies makes good use of authorities relating to remedies 	10	<p>Excellent: 9 - 10 Very good: 7 - 8 Good: 6 Fair: 5</p>

APPENDIX B - SCORING CRITERIA FOR ORAL ARGUMENT

<p>Knowledge and use of the law</p> <ul style="list-style-type: none"> states rules of law accurately and clearly knows facts and holdings of relevant authorities gives appropriate emphasis to authorities skilfully applies law to the facts of this case distinguishes unfavourable authorities uses the law persuasively 	30	<p>Excellent: 27 - 30</p> <p>Very Good: 24 - 26</p> <p>Good: 21 - 23</p> <p>Fair: 18 - 20</p>
<p>Response to questions</p> <ul style="list-style-type: none"> welcomes questions answers questions directly shows ingenuity in responding to questions makes appropriate concessions seamlessly ties answer into argument 	25	<p>Excellent: 23 - 25</p> <p>Very Good: 20 - 22</p> <p>Good: 17 - 19</p> <p>Fair: 15 - 16</p>
<p>Style and demeanour</p> <ul style="list-style-type: none"> speaks clearly shows formality and respect for bench and counsel uses good posture and gestures interacts with bench easily maintains eye contact with bench maintains composure 	18	<p>Excellent: 17 - 18</p> <p>Very Good: 15 - 16</p> <p>Good: 13 - 14</p> <p>Fair: 11 - 12</p>
<p>Knowledge and use of the facts</p> <ul style="list-style-type: none"> knows the facts of this case interprets the facts fairly and accurately uses the facts persuasively 	15	<p>Excellent: 14 - 15</p> <p>Very Good: 12 - 13</p> <p>Good: 10 - 11</p> <p>Fair: 9</p>
<p>Structure and time management</p> <ul style="list-style-type: none"> demonstrates a logical structure to the argument deals appropriately with opposing argument allocates time appropriately to the issues maintains a good tempo adapts well to how active the bench is 	12	<p>Excellent: 11 - 12</p> <p>Very Good: 9 - 10</p> <p>Good: 8</p> <p>Fair: 7</p>