

Thank you for agreeing to judge Memorials for the Jessup Competition this year! In addition to these instructions, you should have received the Jessup Problem, the Bench Memorandum, and the Memorials to be scored, either via electronic mail or on your Judges Portal page. If you are missing anything, please contact ILSA at JESSUP@ILSA.ORG.

ANONYMITY

All Jessup Competition judging is done anonymously. You will not know what school's Memorial you are judging, or even what country the school is in. The Competition Administrator will not be able to disclose the Teams' identities until after the Competition has concluded. PLEASE NOTE: We know that clever judges can sometimes determine the identity of a Team from looking at the metadata included in the Word document. *PLEASE DO NOT DO THIS*. Information contained in the document's properties or other metadata does not constitute a violation of anonymity.

THE SCORING SYSTEM

Your final score is the sum of five sub-scores, each of which entails an essential component of a Jessup Memorial and each of which is weighted equally. You will assign a score of between 10 and 20 points for each sub-score, for a total score of between 50 and 100 points.

Judges often ask for scoring guidance. If a Memorial is truly "average" in a given sub-score, it should receive a score of 15. Thus, a perfectly average Memorial should receive a total score of 75. If you believe a Memorial is worthy of receiving an Competition award, the final score should usually be 90 or above. Finally, if you assign a Memorial a score below 60, you are sending a clear message that the Team did not put sufficient effort into the Memorial.

BENCH MEMORANDUM

The purpose of the Bench Memorandum is to familiarize judges with the facts and legal issues of the Jessup Problem. We highly encourage review of the Memo prior to evaluating Memorials. The contents of the Bench Memorandum are confidential, please do not share it, even with other judges.

WHAT YOU WILL NOT NEED TO EVALUATE

Certain (usually formatting) aspects of the Memorial are subject to penalties imposed by ILSA, and should not be taken into account by the Memorials judge. These include:

1. Properly formatted cover page
2. Memorial length (word count)
3. Inclusion of required constituent parts
4. Citation format

WHAT YOU WILL BE EVALUATING

Five general evaluation criteria have been identified on the Memorial Scoresheet.

Knowledge of facts and law. Teams should demonstrate an understanding of the facts contained in the Competition Problem as well as the implications of the Clarifications. Teams should avoid making inferences unsupported by the Competition Problem. Judges should evaluate how well the Team demonstrates knowledge of the fundamentals of public international law and the sources of law the Court considers. Judges should also consider the depth of a Team's understanding of international law concepts.

Proper and articulate analysis. Teams should be evaluated on the strength of their legal arguments as they relate to the Competition Problem (i.e. not legally correct arguments that are irrelevant to the facts). Teams should properly explain and support these legal arguments. They should not simply list all potential arguments, but be able to identify the strongest ones. Judges should consider the persuasiveness of the arguments and how well the Team uses the facts at their disposal to present the best case possible.

Extent and use of research. Teams are required to include footnotes and an Index of Authorities in their Memorials to identify the authorities that support their legal arguments. The Index of Authorities is intended to be useful to judges. The content of the Index may be considered by judges to help evaluate the extent of research conducted.

The quantity of authorities should be carefully examined. Judges should consider whether each listed authority was necessary, or whether the Index has been 'padded' to give a better impression of the research effort.

Judges should also consider the quality of each authority. In international law, the various weights of different legal authorities are different than in most domestic legal systems, particularly as compared to common law systems that place authoritative value on legal precedents.

Finally, judges should consider the *use* of the research: namely, how effectively the Team has deployed its sources in support of its legal arguments.

Clarity and organization. Judges should look at the general use of structure, including headings, paragraph structure, logical placement of arguments, and location of constituent parts.

Substantive, affirmative legal argument or legal interpretation of the facts of the Competition Problem may only be presented in the "Pleadings" part of the Memorial. Summaries of such arguments may be included in the Summary of Pleadings.

Style, Grammar and Citation of sources. Judges should evaluate the use and content of citations. Teams are required to cite all authority in footnotes, and to list all sources in an Index of Authorities. Teams are not required to utilize a particular citation system. They are allowed to adopt any system that provides adequate information to allow a reasonable reader to locate the authority, following the proper use that reflects the team has complied with all the requirements.

ILSA is allowed to reveal, upon a Judge's request, whether or not a Memorial was written by a Team from a school where the language of instruction is not English. Judges may take this factor into consideration in evaluating the grammar and language of a Team's Memorials.

COMPLETING THE SCORESHEET

When submitting your scoresheet on your Judge's Portal, make sure the number in the document matches the number assigned on the portal. We encourage you to keep a copy of your scores as backup and make sure it was submitted successfully.

CONCLUSION

If you enjoyed the experience and would like to ensure that you are invited to judge future Jessup Competitions, please sign up to receive our newsletter and find more ways to get involved. You can sign up at <https://www.ilsa.org/>.

Again, we appreciate the work and time you have given to the Jessup Competition. We hope you found the experience worthwhile, and we very much look forward to working with you again in the future.

CHECKLIST FOR SCORING MEMORIALS

1. Table of Contents

- 1.1. Do the headings and sub-headings in the Table of Contents lay out a readily understandable, clear structure of the arguments on each of the issues?
- 1.2. Is each heading and sub-heading forceful and affirmative?

2. Index of Authorities

- 2.1. Does it contain all legal authorities cited in the Memorial?
- 2.2. Are the citations adequate to allow a reasonable reader to locate the authority?
- 2.3. Does each entry reference the Memorial page where it is cited?

3. Statement of Facts

- 3.1. Is it limited to the stipulated facts from the Compromis and its Corrections and Clarifications and necessary inferences from those facts?
- 3.2. Does it draw any unreasonable inferences?
- 3.3. Does it contain any unsupported facts, distortions of stated facts, argumentative statements, or legal conclusions?

4. Summary of Pleadings

- 4.1. Does it coherently tie together the most important arguments of fact, law and policy?

5. Pleadings, including Conclusion and/or Prayer for Relief

- 5.1. Is the organization of the arguments under each section clear and logical?
- 5.2. Do alternative arguments contain an independent basis for deciding the issue?
- 5.3. Do the pleadings focus primarily on the main arguments critical to the case?
- 5.4. Does it contain legally correct arguments that nevertheless are not relevant?
- 5.5. For each issue – is there a clear statement of the rule(s) relied upon?
- 5.6. Is there an appropriate amount of authority with appropriate explanations in support of the existence of the rule(s) relied upon, including examples of actual state practice, judicial and arbitral decisions, opinions of leading publicists, etc.?

- 5.7. Is the cited authority of sufficient weight within the confines of Article 38 of the Statute to support the advocated conclusion?
- 5.8. Does it adequately apply the facts to the rule relied upon or just argue by assertion?
- 5.9. Does it use policy arguments to reinforce the arguments based upon legal authority?
- 5.10. Does it openly confront and deal with weaknesses on the law and on the facts?
- 5.11. Does each citation contain adequate information to locate the authority?
- 5.12. Are the arguments clear and easily understandable?
- 5.13. Overall, are the arguments persuasive on the facts, law and policy?

6. General

- 6.1. Is the Memorial well written, well edited and professional in appearance?
- 6.2. Does the Memorial demonstrate extensive research and a sound understanding of the applicable law?
- 6.3. Overall, is the Memorial persuasive?