

### SCORING MATERIALS

In addition to these instructions, you should have been provided the following materials by your Competition Administrator:

1. Memorials to be scored
2. Scoresheets
3. Bench Memorandum
4. Information on deadlines and how to return scores to the Administrator.

Importantly, please note that the Compromis and the Corrections and Clarifications to the Compromis (together, the Jessup Problem) can be found online at <https://www.ilsa.org/judges/>.

### ANONYMITY

All Jessup Competition judging is done anonymously. Judges will not know the identification of the teams other than by number. Therefore, you will not know what school or country you are judging. The Competition Administrator will not be able to disclose the identification of the teams' Memorials until after the Competition.

### THE SCORING SYSTEM

Your total score for each Memorial should be within the range of 50 to 100 points, 100 points being a perfect score. **It is *extremely rare* for a Memorial to score a perfect 100, and just as rare for a Memorial to score the minimum 50.**

We have provided five optional evaluation criteria if you would like to break your score down. It is highly encouraged that you utilize these criteria.

### 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.

### WHAT YOU WILL NOT NEED TO EVALUATE

Certain aspects of the writing process are governed by the Official Rules of the Jessup Competition such as format requirements and word limits. The list of penalty considerations evaluated by the Administrator includes:

1. Typeface
2. Type size
3. Memorial length
4. Inclusion of required constituent parts
5. Line-spacing
6. Proper identification of Memorials on Cover Page

Compliance with these rules will be reviewed by the Competition Administrator, and penalties for violations will be deducted from the judges' scores. To avoid double penalties, judges should not review Memorials for compliance with these rules of formality.

For further information on these aspects of the scoring process, contact your Competition Administrator or refer to the Official Rules, and the applicable National Supplemental, if any, of the Competition, which can be requested from your Administrator.

## **WHAT YOU WILL BE EVALUATING**

Five general evaluation criteria have been identified on the Memorial Scoresheet. Please note the following with respect to three of the criteria:

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. For more background, please refer to the section of the Bench Memorandum that provides a general overview of International Law.

Clarity and organization. Judges should look at the general use of headings, paragraph structure, logical placement of arguments, location of constituent parts, etc. Please remember, though, that typeface and other formatting features are evaluated and penalized by the Administrator, and thus should not factor into your score.

Note: 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 Questions Presented and the Summary of Pleadings. If substantive legal arguments appear where they should not, a single penalty of up to 2 points should be imposed.

Style, Grammar and Citation of sources. Judges should evaluate the use, format, and content of citations. Teams are required to cite all authority in footnotes, and to list all sources in an Index of Authorities. In their citations, teams must provide a "description of each authority adequate to allow a reasonable reader to identify and locate the authority in a publication of general circulation."

ILSA has recommended the following list of standard systems of citation: the Canadian "McGill Guide," the ALWD Citation Manual, the Oxford Standard, the Harvard Bluebook, and Peter Martin's Basic Legal Citation. Proper use of any of these systems reflects that a team has complied with the citation format requirements. However, teams do not have to choose one of these systems; they

may adopt a local system or any other system that provides adequate information to allow a reasonable reader to locate the authority.

If you are judging an International Competition, you may receive Memorials in which it is very clear that English was not the first language of the authors. Students are required to submit the final work for the International Competition in English, but are allowed to use paid translators as long as the translation does not change the substance of the Memorials. Not all teams, of course, can afford this option. The Administrator is allowed to reveal, upon a Judge's request, whether or not a team attends a school where the language of instruction is English. Judges may take this factor into consideration in evaluating the grammar and language of a team's memorials.

## **COMPLETING THE SCORESHEET**

Please make sure a scoresheet is completed and signed for each Memorial evaluated. Please make sure that the numbers and scores you have recorded match the Memorials that were evaluated. If you utilize the optional criteria, please double check your math. A mistake in calculating the sum of the criteria scores will not be remedied during the scoring process. The score at the top of the scoresheet will prevail even if the criteria add up to a different number.

## **RETURNING THE SCORES**

Your Competition Administrator will indicate the preferred method of returning the scoresheets – whether by email, fax, mail, or hand-delivery. We encourage you to keep a copy as a back-up in case they are lost or delivery is delayed. It is crucial for judges to return the completed scoresheets since ILSA is under an obligation to provide them to the teams. (You may keep the Memorials if you desire.)

The scores will be due before the oral rounds of the Competition since Administrators must apply penalty deductions and enter the scores into a master scoring spreadsheet in advance of the oral rounds.

## **CONCLUSION**

If you enjoyed the experience and would like to ensure that you are invited to judge future Jessup Competitions, please contact the ILSA Office to sign up as a Friend of the Jessup. The Friends of the Jessup is a worldwide network of volunteers that consists of Jessup judges and supporters worldwide. We will add you on to our contact list, and you will receive Competition updates and invitations to judge at all levels of the competition.

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. Questions Presented

- 3.1. Do they clearly and accurately set out the legal issues?
- 3.2. Are the questions drafted in a neutral but persuasive manner?

## 4. Statement of Facts

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

## 5. Summary of Pleadings

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

## 6. Pleadings, including Conclusion and/or Prayer for Relief

- 6.1. Is the organization of the arguments under each section clear and logical?
- 6.2. Do alternative arguments contain an independent basis for deciding the issue?
- 6.3. Do the pleadings focus primarily on the main arguments critical to the case?
- 6.4. Does it contain legally correct arguments that nevertheless are not relevant?
- 6.5. For each issue – is there a clear statement of the rule(s) relied upon?

- 6.6. 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.?
- 6.7. Is the cited authority of sufficient weight within the confines of Article 38 of the Statute to support the advocated conclusion?
- 6.8. Does it adequately apply the facts to the rule relied upon or just argue by assertion?
- 6.9. Does it use policy arguments to reinforce the arguments based upon legal authority?
- 6.10. Does it openly confront and deal with weaknesses on the law and on the facts?
- 6.11. Does each citation contain adequate information to locate the authority?
- 6.12. Are the arguments clear and easily understandable?
- 6.13. Overall, are the arguments persuasive on the facts, law and policy?

## **7. General**

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