

**1. Opening**

- 1.1. Did the first oralist introduce both oralists and the issues each will present and reserve time for rebuttal?
- 1.2. Did the second oralist re-introduce himself or herself and quickly outline his or her issues?
- 1.3. Did first Applicant place the legal issues in the context of the dispute and the relief sought while providing a summary of the theory of their case?
- 1.4. Did first Respondent place the legal issues in the context of the dispute and the relief sought and show how Respondent's case theory differs from Applicant's?
- 1.5. Did oralists outline the structure of their arguments issue by issue?
- 1.6. Did the presentation show that the oralist had a good command of the case?
- 1.7. Did the opening convey that the oralist will be candid even as to the difficult issues?
- 1.8. Did Respondent's opening demonstrate they understood Applicant's arguments and theory of the case?

**2. Presentation of Arguments on the Merits**

2.1. When dealing with the issues at the heart of the dispute:

- Did oralists go directly to the issues at the heart of the dispute?
- Did oralists identify the points of contention between the parties on key issues?
- Did oralists give persuasive arguments as to why their position should prevail?
- Did Applicants respond to Respondents' weak points in the memorial?
- Did Respondents counter arguments made in Applicant's main submission?
- Did Respondents address issues raised by questions posed to Applicants?

2.2. **When dealing with the facts in the Problem:**

- Did oralists demonstrate a thorough understanding of the facts?
- Were oralists able to direct the bench to important language in the Problem?
- Were oralists able to fully utilize favourable facts to support their arguments?

- Were oralists able to deal effectively with unfavourable facts?
- Were oralists honest or did they try to mischaracterize facts?

2.3. When dealing with the applicable law:

- Did oralists demonstrate a thorough knowledge of the law, including relevant treaty provisions, case decisions, actual state practice, basic principles of law, UN resolutions, the writings of eminent publicists, etc.?
- Did oralists appropriately qualify the level of authority of their sources within the framework of Article 38 of the Statute?

2.4. Were key arguments clearly fixed in the judges' minds at the end of the submission?

### **3. Responses to Questions from the Bench**

3.1. Were oralists able to understand the questions and respond quickly and directly?

3.2. If a question was misunderstood, did oralists politely ask for clarification?

3.3. Did oralists actually answer the question that was asked?

3.4. Did oralists answer "yes/no" questions directly and immediately, and then if necessary, briefly explain their answer?

3.5. Were oralists able to respond effectively and move back to their arguments?

3.6. Were oralists able to use their responses to questions to advance their arguments?

3.7. Were oralists able to cite law or policy arguments to support their responses?

3.8. If it was clear that the members of the bench were not accepting an argument, were oralists able to present alternative arguments, or to move on?

3.9. Did oralists admit not knowing an answer and move back to their arguments or did they try to fake it?

3.10. Were oralists able to admit weak points and when necessary, concede a point?

- If they made a concession, did they explain why it was not fatal to their case?
- When pushed to concede a critical point, were oralists able to politely stand their ground and make the best argument they could, before moving on?

### **4. Conclusion and Rebuttal**

4.1. Did the presentation end on a positive note, linking the overall case theory and prayer for relief?

- 4.2. If allowed to conclude, did oralists make good use of what transpired during the argument in the context of their case theory, or did they give a memorized closing?
- 4.3. Did Applicants use their rebuttal to make 1-3 clear concise points which either capitalized on weaknesses in Respondent's presentation or addressed concerns raised by the bench?
- 4.4. Did Respondents use surrebuttal effectively by responding effectively to the most damaging points raised by Applicants in rebuttal?

## **5. Style and Demeanor**

- 5.1. Did oralists appear confident, composed and ready to engage the bench?
- 5.2. Were oralists able to engage the bench by their voice and manner of presentation?
- 5.3. Did oralists speak clearly and smoothly throughout, or was there a lack of articulation when responding to questions?
- 5.4. Were oralists respectful to the bench and to their opponents?
- 5.5. Did oralists have appropriate body language with no distracting gestures?
- 5.6. Did oralists maintain eye contact with the bench as appropriate?
- 5.7. Did oralists appear to welcome questions?
- 5.8. Did oralists appear to read from a prepared statement and recite memorized passages, or did they speak spontaneously and flexibly as called for by the dialogue and questions?
- 5.9. Did oralists appear to believe in their case?
- 5.10. At the end, was the bench sufficiently engaged to desire more time to explore issues?

## **6. Time Management & Organization**

- 6.1. Did oralists structure their arguments in order to spend more time on key issues?
- 6.2. Did oralists spend too much time on a particular issue given its relative importance?
- 6.3. Did oralists politely assert control and move on in their presentation so that they would have sufficient time to present (or at least summarize) their important arguments?
- 6.4. When oralists had only a short amount of time left, did they make effective use of that time by summarizing their arguments on the key points in contention?