

## 2021 NATIONWIDE JUDICIAL COMPETITION APPELLATE SCORING RUBRIC – ATTORNEY

| Score                                | 1-2   | 3-4  | 5-6  | 7-8  | 9-10  |
|--------------------------------------|---|--|--|--|---|
| Description                          | Ineffective   | Poor   | Good   | Excellent  | Exceptional   |
| <b>Knowledge and Use of Facts</b>    | Rarely or never demonstrates a basic understanding of the relevant facts of the case-never demonstrates that they understand how different facts in different decisions can affect the outcome.           | Seldom demonstrates a basic understanding of the relevant facts of the case-rarely or never demonstrates that they understand how different facts in different decisions can affect the outcome.           | Often demonstrates a solid understanding of the relevant facts of the case-may be less consistent in demonstrating that they understand of how the different facts in different decisions can affect the outcome.    | Consistently demonstrates a solid understanding of the relevant facts of the case-often demonstrates that they understand how different facts in different cases can affect the outcome.               | Always demonstrates a solid understanding of the relevant facts of the case-consistently demonstrates that they understand how different facts in cases can affect the outcome.                         |
| <b>Knowledge and Use of Case Law</b> | Rarely or never demonstrates a basic understanding of the relevant case law-never demonstrates that they understand how reasoning from one case affects the reasoning of a decision in another case.      | Seldom demonstrates a basic understanding of the case law-rarely or never demonstrates that they understand reasoning from one case affects the reasoning of a decision in another case.                   | Often demonstrates a solid understanding of the case law-may be less consistent in demonstrating that they understand of how reasoning from one case may affect the reasoning of a decision in another case.         | Consistently demonstrates a solid understanding of the case law-often demonstrates that they understand how the reasoning from one case may affect the reasoning of a decision in another case.        | Always demonstrates a solid understanding of the case law-consistently demonstrates that they understand how the reasoning from one case may affect the reasoning of a decision in another case.        |
| <b>Persuasiveness of Arguments</b>   | Rarely or never demonstrates the ability to make a persuasive argument based on facts or case law- never demonstrates the ability to make a persuasive argument using both facts of the case and caselaw. | Seldom demonstrates the ability to make a persuasive argument based on facts or case law- rarely or never demonstrates the ability to make a persuasive argument using both facts of the case and caselaw. | Often demonstrates the ability to make a persuasive argument based on facts or case law- may be less consistent in demonstrating the ability to make a persuasive argument using both facts of the case and caselaw. | Consistently demonstrates the ability to make a persuasive argument based on facts or case law- often demonstrates the ability to make a persuasive argument using both facts of the case and caselaw. | Always demonstrates the ability to make a persuasive argument based on facts or case law- consistently demonstrates the ability to make a persuasive argument using both facts of the case and caselaw. |

| Score                                  | 1-2   | 3-4   | 5-6   | 7-8   | 9-10   |
|--|---|---|---|---|--|
| Description                            | Ineffective   | Poor  | Good  | Excellent   | Exceptional  |
| <b>Ability to Respond to Questions</b> | Rarely or never demonstrates the ability to respond effectively to questions based on facts or case law-never demonstrates the ability to respond effectively to questions using both facts of the case and case law. Rarely or never is able to respond effectively to follow up questions that challenge a student's original response. | Seldom demonstrates the ability to respond effectively to questions based on facts or case law- rarely or never demonstrates the ability to respond effectively to questions using both facts of the case and case law. Rarely or never is able to respond effectively to follow up questions that challenge a student's original response. | Often demonstrates the ability to respond effectively to questions based on facts or case law- may be less consistent in demonstrating the ability to respond effectively to questions using both facts of the case and case law. A good attorney may also be less consistent in demonstrating the ability to respond effectively to respond to follow up questions that challenge a student's original response. | Consistently demonstrates the ability to respond effectively to questions based on facts or case law- often demonstrates the ability to make respond effectively to questions using both facts of the case and case law. An excellent attorney will also- often demonstrate the ability to respond effectively to follow up questions that challenge a student's original response. | Always demonstrates the ability to respond effectively to questions based on facts or case law- consistently demonstrates the ability to respond effectively to questions using both facts of the case and case law. An exceptional attorney will also be able to consistently demonstrate the ability to respond effectively to follow up questions that challenge a student's original response. |
| <b>Demeanor and Presentation</b>       | Does not demonstrate effective preparation and practice in their presentation. Consistently struggles with the start/stop nature of appellate presentations.  | Demonstrates very limited effective preparation and practice in their presentation. Consistently struggles with the start/stop nature of appellate presentations.   | Clearly demonstrates that they have effectively prepared and practiced. May experience minor struggles with the start/stop nature of appellate presentations.   | Consistently demonstrates that they have effectively prepared and practiced. Seldom experience minor struggles with the start/stop nature of appellate presentations.   | Always demonstrates that they have effectively prepared and practice. Does not experience any struggles with the stop/start nature of appellate presentations.   |

**Basic Assumptions:**

- As you review the performances of students, we ask that you start your thoughts in the middle of the rubric. Give everyone a "5" in your mind at the start – adjust upward as you see quality arguments or questions; adjust downward if you feel the standards have not been met.
- There should be only a few students who demonstrate poor and ineffective performances.

**Feedback:**

- Please provide some degree of constructive, written feedback. Only circling numbers doesn't give students insight into their presentations. It doesn't need to be extensive but highlighting one thing that went well and one thing that they can improve on would be very helpful for their future development.
- Students will not have access to scoring or comments until after the competition is over, however.

## 2021 NATIONWIDE JUDICIAL COMPETITION APPELLATE SCORING RUBRIC – JUSTICE

| Score   | 1-2   | 3-4   | 5-6  | 7-8  | 9-10   |
|---|---|---|--|--|--|
| Description   | Ineffective   | Poor  | Good   | Excellent  | Exceptional  |
| <p><b>Knowledge of Legal Procedure</b></p> <p>Demonstrates knowledge of appellate legal procedures – an understanding of questioning, order of proceedings, management case issues, etc.</p>  | Rarely or never demonstrates a basic understanding of the relevant processes and procedures of an appellate case.                                 | Seldom demonstrates a basic understanding of the relevant processes and procedures of an appellate case.  | Often demonstrates a basic understanding of the relevant processes and procedures of an appellate case.  | Consistently demonstrates a basic understanding of the relevant processes and procedures of an appellate case.   | Always demonstrates a basic understanding of the relevant processes and procedures of an appellate case.   |
| <p><b>Ability to Communicate</b></p> <p>Clear and concise questions should be easily understood and not absorb a lot of time to ask. Effective follow-up questions should help clarify a point being made and/or contribute to the session by requiring attorneys to clarify their arguments.</p>                                     | Rarely or never asks clear/concise questions.   | Seldom asks clear/concise questions.  | Often asks clear/concise questions.  | Consistently asks clear/concise questions.   | Always ask clear/concise initial questions.  |
| <p><b>Questioning Skills</b></p> <p>Asking relevant questions based on the direction the presentation and the arguments are moving, (as opposed to asking a unfocused, pre-prepared questions). Asking effective follow up questions to help clarify a point being made and/or by requiring attorneys to clarify their arguments.</p> | <p>Never attempts to ask a question.</p> <p>Students who don't attempt to ask at least one question should receive no higher than a 1 or a 2.</p> | Seldom attempts to ask a question. Often asks questions that have already been asked/answered or that are not relevant to the direction of the oral arguments is. Does not ask follow up questions. | Often attempts to ask questions. Does not ask questions that have already been asked/answered. Infrequently asks questions that are not relevant to the direction of the oral argument. Often attempts follow up questions when it is appropriate. | Consistently attempts to ask questions. Does not ask questions that have already been asked/answered. Seldom asks questions that are not relevant to the direction of the oral argument. Consistently asks follow up questions when it is appropriate. | Constantly attempts to ask questions. Does not ask questions that have already been asked/answered and does not ask questions that are not relevant to the direction of oral argument. Frequently asks follow up questions when it is appropriate. |

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|--|--|--|--|--|---|
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| <p><b>Reasoning Ability</b></p> <p>This may seem like it the same as questioning skills but here we are looking to judge the student's thought process as demonstrated through the questions they ask.</p> <p>1. Asking questions that are driven by the direction of the oral argument and add to the sophistication of the argument process.</p> <p>2. Asking follow up questions that push the attorneys to defend their reasoning, often asking a question that many attorneys would not have prepped for.</p> | Rarely or never asks questions.  | Seldom asks questions. The few questions that are asked are not well thought out-and do not demonstrate that the student is following the direction of the oral argument. Does not ask follow up questions that attempt to get attorneys to clarify their arguments. | Often asks questions. Most of the questions that are asked demonstrate that the student is following the direction of the oral arguments-a small number of questions demonstrate an attempt to contribute to a more sophisticated oral argument. Infrequently asks follow up questions that attempt to get attorneys to clarify their arguments. | Consistently asks questions. The questions that are asked consistently demonstrate that the student is following the direction of the oral arguments-many of the questions demonstrate an attempt to contribute to a more sophisticated oral argument. Often ask follow up questions that attempt to get attorneys to clarify their arguments. | Consistently asks questions. The questions that are asked always demonstrate that the student is following the direction of the oral arguments-frequently the questions asked contribute to a more sophisticated oral argument. Consistently asks follow up questions that attempt to get attorneys to clarify their arguments. |
| <b>Knowledge of Law</b>  | Rarely or never demonstrates a basic understanding of the relevant case law-never demonstrates that they understand how reasoning from one case affects the reasoning of a decision in another case. | Seldom demonstrates a basic understanding of the case law-rarely or never demonstrates that they understand reasoning from one case affects the reasoning of a decision in another case.   | Often demonstrates a solid understanding of the case law-may be less consistent in demonstrating that they understand how reasoning from one case may affect the reasoning of a decision in another case.  | Consistently demonstrates a solid understanding of the case law-often demonstrates that they understand how the reasoning from one case may affect the reasoning of a decision in another case.  | Always demonstrates a solid understanding of the case law-consistently demonstrates that they understand how the reasoning from one case may affect the reasoning of a decision in another case.  |
| <b>Knowledge of Facts</b>  | Rarely or never demonstrates a basic understanding of the relevant facts of the case-never demonstrates that they understand how different facts in different decisions can affect the outcome.      | Seldom demonstrates a basic understanding of the relevant facts of the case-rarely or never demonstrates that they understand how different facts in different decisions can affect the outcome.   | Often demonstrates a solid understanding of the relevant facts of the case-may be less consistent in demonstrating that they understand how the different facts in different decisions can affect the outcome.   | Consistently demonstrates a solid understanding of the relevant facts of the case-often demonstrates that they understand how different facts in different cases can affect the outcome.   | Always demonstrates a solid understanding of the relevant facts of the case-consistently demonstrates that they understand how different facts in cases can affect the outcome.   |

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|---|--|---|---|---|---|
| Description   | Ineffective  | Poor  | Good  | Excellent   | Exceptional   |
| <b>Professionalism and Demeanor</b>   | Does not demonstrate effective preparation in questions and other presentations. Consistently struggles with the start/stop nature of appellate presentations.     | Demonstrates very limited effective preparation in questions and other presentations. Consistently struggles with the start/stop nature of appellate presentations. | Clearly demonstrates that they have effectively prepared questions and for other presentations. May experience minor struggles with the start/stop nature of appellate presentations. | Consistently demonstrates that they have effectively prepared questions and for other presentations. Seldom experience minor struggles with the start/stop nature of appellate presentations. | Always demonstrates that they have effectively prepared questions and for other presentations. Does not experience any struggles with the stop/start nature of appellate presentations. |
| <b>Cooperation w/Colleagues (Justices <u>and</u> Attorneys)</b><br><br>Actions should clearly indicate that a student is actively listening to oral arguments and not exhibiting behavior that designed to demean the arguments/questions of a colleague.<br><br>A student should not be considered disrespectful because they are asking a significant amount of difficult questions –this is part of the competition. | Student is obviously rarely or never engaged in following the oral arguments. And/or the student is openly disrespectful of their colleagues' arguments/questions. | Student is obviously seldom engaged in following the oral arguments. And/or is openly disrespectful of their colleagues' arguments/questions.                       | Student is obviously often engaged in following the oral arguments. And is absent of any actions that are disrespectful to their colleagues' arguments/questions.                     | Student is consistently and actively engaged in following the oral arguments. And is absent of any actions that are disrespectful to their colleagues' arguments/questions.                   | Student is always actively engaged in following the oral arguments. And is absent of any actions that are disrespectful to their colleagues' arguments/questions.                       |

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