

American Bar Association
National Appellate Advocacy Competition
Instructions for Judges

1. Please do not disturb the placement of furniture, equipment, or electronics in the courthouse as it will jeopardize the ABA Law Student Division's ability to use the courthouse again. Judges should not request advocates to do so either. Only the competition administrators will move furniture or turn off or unplug electrical/electronic equipment, including microphones and video monitors.
2. If you recognize a law clerk, family friend, a team's coach/advisor, or someone you know in the round, please inform the bailiffs immediately. We will place you in another courtroom.
3. Each team has 30 minutes to argue its case. Although a team may divide its time allotment as it chooses, no team may allocate more than 17 minutes to one advocate. The Petitioner may reserve up to 5 minutes for rebuttal, which arrangement will be made prior to the beginning of the round so that the bailiff can take it into account for timing purposes.
4. You need not worry about keeping track of the advocate's time. Each team has provided a bailiff for that purpose. But we encourage you to take notes during the round to assist you in scoring and with your feedback of each advocate after the round has concluded.
5. The bailiffs will place the judging ballots on the bench prior to the beginning of the round.
6. Please engage the advocates with questions—especially questions that are calculated to probe the student's understanding of the argument and the authority on which it is premised.
7. When the bailiff stands and holds up a "stop" card, the advocate's time has expired. You have discretion to grant an advocate a brief amount of time for the advocate to answer a question or conclude. This extra time is not deducted from a team's 30-minute allotment.
8. Immediately after the conclusion of the round, you will fill out the ballots. The bailiffs will clear the courtroom.
9. The scoring of the oral argument should not be affected by your personal views on the merits of the case. Instead, it should be based on the advocates' advocacy skills. The advocates did not choose their client and they might not agree with their client's position, but they must make the most compelling argument they can on behalf of the client.
10. The scoring should be done independently. Please do not confer with other members of the panel until all ballots are completed and signed.
11. Let your ballot accurately reflect the quality of the advocates. If the advocates' performances are not close, please score them so that there is a reasonably wide differential. Teams advance from the preliminary rounds, in part, based on their relative margin of victory (which includes the brief score in the preliminary rounds). In the preliminary and elimination rounds, the points you assign will also determine which students win best advocate awards for the competition.
12. The judges' ballots list minimum and maximum scores in four categories—substantive content; knowledge of the record; extemporaneous ability; and courtroom demeanor and professionalism. Please score each advocate within these ranges. **Please note: The top category—substantive content—on the score sheet has a range of 20–40 points, while the other three categories have a range of 0–20 points.** A summary of the four categories is provided below.

- **Substantive content:** You are evaluating the overall effectiveness of each student’s argument. Focus your attention on the reasoning and the logic of the argument. Pay attention to the advocate’s knowledge of the applicable authority and the ability to incorporate authority into the argument. Observe how each advocate uses the time allocated.
- **Knowledge of the record:** Assess each advocate’s familiarity with the record.
- **Extemporaneous ability:** Assess the “real time” performance of each advocate. How effective are they in translating the hours of preparation into a live performance that demonstrates not only the adequacy of their preparation, but also their ability to think on their feet by answering questions.
- **Courtroom demeanor and professionalism:** Assess how the advocates conduct themselves during the round, both at the podium and while seated at counsel’s table.

13. When all judges have finished, the bailiffs will take the ballots to the Tally Room to determine the winner of the round.
14. Once the team bailiffs have left the room with the ballots, the advocates will come back into the room for your oral critique. This is your opportunity to provide immediate feedback to each of the students based on your observations. Your feedback should be candid, but criticism should be constructive and presented with the same level of professionalism you expected from the students. Please avoid the temptation to entertain the advocates with war stories. Your critique is an important source of feedback for the students, so please take advantage of this opportunity to train the future members of our profession by providing detailed and helpful information that furthers the learning experience NAAC is intended to provide.
15. In addition to promoting the development of practical lawyering skills, the ABA seeks to promote an inclusive, educational, and positive experience for all competitors and coaches. The ABA appreciates your effort at providing measured, balanced, respectful, and constructive feedback that focuses on the competitor’s negotiation skills.

Please refrain from making positive or negative comments on items that do not directly relate to the skills that the competition is seeking to promote, such as

- Comments on a competitor’s appearance (including clothing, hair, and facial appearance)
- Comments on a competitor’s accent, disability, or speech impediment
- Comments on religious clothing or jewelry
- Comments related to gender, gender identity, or gender expression
- Comments on a competitor’s name or surname

16. This oral critique of the individual advocate’s strengths and weaknesses may not occur until after each judge has marked a ballot. The written comment sheet may be completed during the judge’s ballot scoring time and during oral feedback.
17. Please return the bench memorandum to the competition administrator after the round.
18. If any other problem or question arises, notify the bailiff and he or she will contact the competition administrator.

Thank you for giving your time and effort.

