



TEXAS VIRTUAL JUDICIAL COMPETITION APPELLATE SCORING GUIDE

CONFERENCE BACKGROUND

- Texas Youth and Government Virtual Judicial Competition (VJC) is a YMCA-hosted competition consisting of a model US Supreme Court and a Mock Trial. Students choose one track or the other and prepare all aspects of the case.
- The purpose of VJC is primarily about youth development – we are gathered to explore the legal system, of course, but our main goals are to help teens build skills that help them become successful adults.

PREPARATION FOR COURT

- Read the case thoroughly – understand the two issues and the points of view of both the **petitioner** and the **respondent**.
- Bring your copy of the case and any notes you have taken for use in the courtroom.
- Be familiar with the related precedents/case law – it is not necessary read these fully, but overall understanding of these cases and their holdings is helpful.

SCORERS & RUBRICS

- There are two scorers in the Appellate Court: one focused on scoring the Youth Justices, one focused on scoring the Youth Attorneys.
- Each scorer will have a rubric to help guide their scoring. **Please pay attention to the rubric and refer to it frequently as you score the case.** These rubrics are written specifically toward the areas of focus – for either Justices or Attorneys.
- Both scorers must review the activities through the lens of an **Appellate court** – the focus is on application of law and legal argument rather on the eloquence of an individual speaker.
- The goal of scoring is to assess student preparation and execution of legal principles.
- The case presented is a **closed case** – no other materials may be used and no outside research is permitted.
- As you make your scoring assessments, keep in mind that the rubrics are designed to be as **objective** as possible – please do your best to leave subjective factors aside.

STUDENT PARTICIPANTS

- The participants here are high school students. They are often very bright and have worked hard on their cases, but they are still high school students. They should not be held to the standard of law students or legal professionals.
- Do not score them by too high a standard but do not score them too lightly, either. Being overly harsh because students don't meet the standards

FEEDBACK

- 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 or ineffective performances.

ROLE OF THE SCORER

You are scoring students based on a 1-10 scale, using rubrics to guide the scorekeeping. There is a rubric for Youth Attorneys and a separate rubric for Youth Justices.

The Scorer scores the Youth Attorneys or Youth Justices in each courtroom.

- There will be two Attorneys – the scorer will give separate marks for each Attorney.
- There will be four Justices – the scorer will give separate marks for each Justice.

At the beginning of the round, the Chief Justice will ask each participant to state their name and team number. The Scorer should use some sort of system to help them keep track of who is who. A good system is numbering each from left to right. Some scorers write simple descriptions at the top of their ballots, keeping in mind that the ballots will be returned to students.

ROLE OF THE CHIEF JUSTICE

The Chief Justice is the facilitator of oral arguments and manages the courtroom. The Chief is not a participant in the competition and is not scored. The Chief Justice can assist scorers with questions about the conference, procedures or any other items a scorer may need help with.

The Chief Justice has several responsibilities:

- Help ensure that all Justices have equal opportunity to ask questions of the Attorneys.
- Help ensure that attorneys are given time to answer questions.
- Help ensure that the oral arguments remain productive by asking leading questions if the student justices are struggling to ask questions.
- Help ensure that the content of oral arguments stay within the realm appropriate in an Appellate Court, which may include redirecting Attorneys or Justices during the case.

PLEASE COMPLETE YOUR SCORE SHEETS AS SOON AFTER THE ROUND AS POSSIBLE AND ENSURE THAT THEY ARE RETURNED TO THE TABULATION ROOM AS SOON AS EACH CASE IS OVER

Thank you for your assistance in the competition and for your service to young people

Texas Virtual Judicial Competition Appellate Scoring Rubric – ATTORNEY

This document is for your eyes only! Please do not share it with ANYONE, including teams, coaches, or advisors. This is a tool to help give you an idea of how to score teams accurately during the competition.

Score	1-2	3-4	5-6	7-8	9-10
Description	Ineffective	Poor	Good	Excellent	Exceptional
<p>Knowledge and Use of Facts</p> <p>Example: how out-of-school, online expression is potentially legally different from expression at a public school.</p>	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.
<p>Knowledge and Use of Case Law</p> <p>Example: Hazelwood and Morse rely on Tinker’s concern about student expression on campus and the disruptive effect that could have on the educational process-relying on that reasoning (or not) because the student expression began off-campus- would affect the reasoning in our case.</p>	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.
<p>Persuasiveness of Arguments</p> <p>Example: ability to make an argument that an important determination is whether educators claimed that student expression could lead to a substantial disruption in the school environment or determining whether educators acted in a way that showed this.</p>	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 case law.	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 case law.	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 case law.	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 case law.	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 case law.

Score	1-2	3-4	5-6	7-8	9-10
Description	Ineffective	Poor	Good	Excellent	Exceptional
<p>Ability to Respond to Questions</p> <p>Example: a student may be able to respond to a question concerning whether school officials claimed that student expression was potentially disruptive but may be less consistent in providing facts that demonstrate whether school officials did or not act in a way that supported that claim-or providing facts as to whether the student expression was actually disruptive.</p>	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 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.
<p>Demeanor and Presentation</p>	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.

Texas Virtual Judicial Competition Appellate Scoring Rubric – JUSTICE

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Score	1-2	3-4	5-6	7-8	9-10
Description	Ineffective	Poor	Good	Excellent	Exceptional
<p>Knowledge of Legal Procedure</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>Ability to Communicate</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>Questioning Skills</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 ate,[t 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.

Score	1-2	3-4	5-6	7-8	9-10
Description	Ineffective	Poor	Good	Excellent	Exceptional
<p>Reasoning Ability</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.
Knowledge of Law	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.
Knowledge of Facts	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.

Score	1-2	3-4	5-6	7-8	9-10
Description	Ineffective	Poor	Good	Excellent	Exceptional
Professionalism and Demeanor	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.
Cooperation w/Colleagues (Justices and Attorneys) 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. 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.

Basic Assumptions:

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- 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.
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STUDENT ATTORNEY EVALUATION – APPELLATE

Round _____ Courtroom # _____ Evaluator _____

**EVALUATOR: FILL OUT THIS FORM COMPLETELY AND PRINT YOUR NAME AT THE BOTTOM.
CIRCLE THE SCALE TO RATE STUDENT ATTORNEYS IN RESPECTIVE AREAS.**

1 – 2 INEFFECTIVE 3 – 4 POOR 5 – 6 GOOD 7 – 8 EXCELLENT 9 – 10 EXCEPTIONAL

APPELLANT Team # _____

Appellant #1 _____

Appellant #2 _____

RESPONDENT Team # _____

Respondent #1 _____

Respondent #2 _____

Knowledge and Use of Facts

Appellant #1 Appellant #2
1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 10

Knowledge and Use of Facts

Respondent #1 Respondent #2
1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 10

Knowledge and Use of Case Law

Appellant #1 Appellant #2
1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 10

Knowledge and Use of Case Law

Respondent #1 Respondent #2
1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 10

Persuasiveness of Argument

Appellant #1 Appellant #2
1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 10

Persuasiveness of Argument

Respondent #1 Respondent #2
1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 10

Ability to Respond to Questions

Appellant #1 Appellant #2
1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 10

Ability to Respond to Questions

Respondent #1 Respondent #2
1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 10

Demeanor and Presentation

Appellant #1 Appellant #2
1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 10

Demeanor and Presentation

Respondent #1 Respondent #2
1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 10

Total Appellant 1 _____

Total Appellant 1 _____

Total Appellant 2 _____

Total Appellant 2 _____

APPELLANT TOTAL SCORE _____

RESPONDENT TOTAL SCORE _____

(Turn over for additional evaluation)

COMMENTS

(Note that these comments may be photocopied and shared with all students involved in the case)

Evaluator Signature _____



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STUDENT JUSTICE EVALUATION – APPELLATE

Student Justice _____

Team # _____ Round _____ Courtroom # _____

**EVALUATOR: FILL OUT THIS FORM COMPLETELY AND PRINT YOUR NAME AT THE BOTTOM.
CIRCLE THE SCALE TO RATE STUDENT JUSTICE ON THE LISTED CRITERIA.**

	1 – 2	<u>INEFFECTIVE</u>	3 – 4	<u>POOR</u>	5 – 6	<u>GOOD</u>	7 – 8	<u>EXCELLENT</u>	9 – 10	<u>EXCEPTIONAL</u>
Knowledge of Legal Procedure	1	2	3	4	5	6	7	8	9	10
Ability to Communicate	1	2	3	4	5	6	7	8	9	10
Questioning Skills	1	2	3	4	5	6	7	8	9	10
Reasoning Ability	1	2	3	4	5	6	7	8	9	10
Knowledge of Law	1	2	3	4	5	6	7	8	9	10
Knowledge of Facts	1	2	3	4	5	6	7	8	9	10
Professionalism/Demeanor	1	2	3	4	5	6	7	8	9	10
Cooperation w/ Colleagues	1	2	3	4	5	6	7	8	9	10

TOTAL POINTS _____ / 80 (maximum)

COMMENTS

Evaluator _____