

OBA/OJEN

Competitive Mock Trials



ONTARIO BAR ASSOCIATION
L'ASSOCIATION DU BARREAU DE L'ONTARIO
A Branch of the Canadian Bar Association
Une division de l'Association du Barreau canadien

OOCMT SCORING SYSTEM 2016

The program undertook a revision of the scoring system for the 2016 program year. The new scoring scale is based on long-standing rubrics and guides for mock trials used by OJEN and the Canadian Bar Association/Ontario Bar Association, with appropriate modifications. The score sheet and scoring guide were reviewed by teachers and legal professionals familiar with mock trials as part of the development process.

The score is based on team performance. In most of the categories, more than one team member's performance will be scored, which contributes to a broader assessment of the team as whole than in past years when individual performances were scored.

The scoring guide is designed to provide extra room at the high end of the scale to distinguish the very top performances from the very good performances. Teams should not expect to score 5/5 in many categories even when they have done an excellent job.

This year, judges may assess defined penalty marks for rule violations, which usually take the form of inconsistent testimony (see section 4.4 of the Tournament Guide). Judges will take the following approach if they determine that a violation has occurred:

1. Judges will assign marks in the relevant categories. Inconsistent testimony may be penalized simply by a score in the range from 2.5 to 0 depending on the judge's assessment of the significance of the issue.
2. The judge will then decide if the lower marks already assessed sufficiently reflect the lower score the team should receive. If they do not, the judge will assess further penalty marks, considering the unfairness toward the other team and the negative impact on the mock trial round. Up to 5 penalty marks may be deducted from the team's overall score.
3. Judges have been asked, if an issue of rule violation came up in a round, to inform teams of their assessment of it and if scores were adjusted to reflect it, without revealing the overall scores.

Teams should remember that judges' rulings are final. Scoring a mock trial involves subjectivity, but judges are assessing performances in line with the ranges on the scoring guide. By definition, *they* are the judge of what they have seen in line with the criteria and the scores are for them to make, and for teams to accept with dignity.

OBA/OJEN Competitive Mock Trials Score Sheet



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Round: _____

School Names →		Crown		Defence	
Counsel	Opening Statement		/5		/5
	Direct Examinations		/5		/5
	Cross-Examinations		/5		/5
	Closing Statement		/5		/5
	Procedure & Law		/5		/5
Witnesses	Characterizations		/5		/5
	Direct Examinations		/5		/5
	Cross-Examinations		/5		/5
Team	Collegiality		/5		/5
	Teamwork		/5		/5
Any Penalty Marks Off		-		-	
Team Totals:			/50		/50

OBA/OJEN Competitive Mock Trials Scoring Guide

		1	2	2.5	3	3.5	4	4.5	5
		Poor	Fair		Good		Excellent		Outstanding
Counsel	Opening Statement	Performance in the category was particularly weak. Students struggled with basic elements of category below the criteria for a mark of "2".	Description of case somewhat organized; Case theory not clearly developed		Clear and organized description of case; Presented identifiable theory		Very clear and organized description of case; Very clear and coherent theory		Truly exceptional performance in the category beyond the criteria for a mark of "4.5". The judge is satisfied that the performance is among the best possible.
	Direct Examinations		Not all questions were straightforward or relevant; Not all key information brought out.		Questions required straightforward answers and brought out key information for own side of the case.		Particularly good questions; Drew out answers that were well-connected to case theory for own side		
	Cross-Examinations		Questions lacked focus; Counsel struggled to adapt to answers; Limited identification of weaknesses of other side		Questions focused; counsel able to adapt to answers; Identified key weaknesses of other side		Questions very sharp and focused; Counsel poised and adept in dealing with responses; Effectively weakened other side		
	Closing Statement		Limited organization; Overly scripted and/or not connected to actual evidence in round		Organized and well-reasoned; Mostly off-script and connected to actual evidence presented in round		Very well-organized and well-reasoned; Natural and unscripted, completely frames actual evidence presented in round		
	Procedure & Law		Team knew some procedures and some law but knowledge under-developed		Team was well-versed in courtroom procedure and showed good knowledge of applicable law.		Team's courtroom procedure was comfortable and on-point; Sophisticated knowledge of applicable law		
Witnesses	Characterizations		Character had minimal personality and development. Testimony may have had very minor inconsistencies.		Good and fully developed character. Testimony consistent with affidavit.		Thoroughly believable, convincing and natural. Testimony consistent with affidavit.		
	Direct Examinations		Lack of preparedness; Responses to questions brought out only some or few points for case.		Well-prepared; Good responses to questions; Testimony brought out key points for case.		Very well-prepared; Excellent responses to questions that really assisted development of case		
	Cross-Examinations		Lack of preparedness; Had some trouble with questions; Own case suffered under questioning		Well-prepared; Good responses to questions; Own case remained relatively solid under questioning		Very well-prepared; Excellent responses to questions; Own case remained strong or even improved under questioning		
Team	Collegiality		Some unfamiliarity with courtroom decorum; Some problems with courtesy to other side.		Observed courtroom decorum and were courteous to other side.		Team was notably decorous and courteous beyond standard expectations.		
	Teamwork		Team displayed gaps in planning and cohesive strategy.		Team displayed cohesion, co-operation and planning.		Team appeared a cohesive unit; every member of team played an integrated part in the whole effort		