



JUDGE'S GUIDELINES – WITNESS EXAMINATION

The following criteria are provided as indicators to assist judges in scoring. They are not binding upon a judge, however, variations from the guidelines should be supported with reasons.

TOTAL SCORE:

50 – 64 Poor	The competitors were generally below average with respect to the standard of the competition. There was significant improvement needed.	65 – 74 Average	The competitors were not below average but neither were they noticeably above the standard of the competition. Most competitors overall should be in this category.
75 – 84 Good	The competitors showed skill and proficiency in the competition. Only the top 15% of competitors overall should be scored in this band.	85 – 100 Outstanding	The competitors were so outstanding that there was very little to fault. Only the top 5% of competitors overall should belong to this band.

INDIVIDUAL FACTORS:

Opening Address		Weight /10	
5 Poor	<input type="checkbox"/> Unclear, not concise, illogical <input type="checkbox"/> Does not identify the key legal issues <input type="checkbox"/> Does not outline the case theory and does not paint a picture of the fact scenario	6 – 7 Average	<input type="checkbox"/> Follows a logical, concise and clear structure <input type="checkbox"/> Identifies most of the key legal issues <input type="checkbox"/> Outlines the case theory and paints a general picture of the fact scenario
8 Good	<input type="checkbox"/> Follows a logical structure and executes the opening address with confidence and brevity <input type="checkbox"/> Identifies all the key issues and their significance <input type="checkbox"/> Outlines the case theory and paints an effective picture of the scenario to support their case	9 – 10 Outstanding	<input type="checkbox"/> Follows a seamless structure and executes the opening address with confidence, clarity and brevity <input type="checkbox"/> Clearly and concisely identifies all the key issues and their significance <input type="checkbox"/> Outlines the case theory and paints an effective picture of the scenario to support their case

Examination-In-Chief		Weight /20	
10 – 11 Poor	<input type="checkbox"/> Occasionally asks unclear or verbose or irrelevant questions <input type="checkbox"/> Uses leading questions inappropriately <input type="checkbox"/> Struggles to elicit facts <input type="checkbox"/> Engages with witness but may not engage with witness' answers <input type="checkbox"/> Asks objectionable questions and does not object appropriately	12 – 14 Average	<input type="checkbox"/> Asks short and clear questions but may occasionally ask irrelevant questions <input type="checkbox"/> May use leading questions inappropriately <input type="checkbox"/> Elicits most facts but may not elicit facts efficiently or effectively <input type="checkbox"/> Engages with witness and witness' answers <input type="checkbox"/> May ask objectionable questions or may occasionally object inappropriately
15 – 17 Good	<input type="checkbox"/> Asks short, clear and relevant questions <input type="checkbox"/> Asks non-leading questions and only leads where appropriate <input type="checkbox"/> Facts elicited efficiently and effectively <input type="checkbox"/> Engages with witness and witness' answers <input type="checkbox"/> Avoids most objectionable questions and argues objections according to principles of Evidence Law	18 – 20 Outstanding	<input type="checkbox"/> Asks short, clear and relevant questions <input type="checkbox"/> Asks non-leading questions and only leads where appropriate and effective <input type="checkbox"/> Facts elicited efficiently and effectively <input type="checkbox"/> Engages with witness and witness' answers and uses them to their advantage <input type="checkbox"/> Avoids objectionable questions effectively and successfully argues objections according to the principles of Evidence Law

Cross-Examination		Weight /25	
12 – 15 Poor	<input type="checkbox"/> Questions occasionally unclear or verbose <input type="checkbox"/> Does not focus on the relevant facts <input type="checkbox"/> Does not draw up inconsistencies in the facts brought by the other side and does not show how those inconsistencies affect the case <input type="checkbox"/> Does not effectively probe the character and attitude of the witness <input type="checkbox"/> Engages with witness but may not engage with witness' answers (including from examination-in-chief) <input type="checkbox"/> Asks objectionable questions and does not object appropriately pursuant to Evidence Law	16 – 18 Average	<input type="checkbox"/> Questions are clear and succinct <input type="checkbox"/> Questions may not always focus on the relevant facts or assist their case <input type="checkbox"/> Draws up inconsistencies in the facts brought by the other side but may not effectively show how those inconsistencies affect the case <input type="checkbox"/> Probes character and attitude of witness to an extent, but may not use it to their advantage <input type="checkbox"/> Engages with witness and witness' answers (including from examination-in-chief) <input type="checkbox"/> May ask objectionable questions or may occasionally object inappropriately pursuant to Evidence Law
19 – 21 Good	<input type="checkbox"/> Questions are clear and succinct	22 – 25 Outstanding	<input type="checkbox"/> Questions are clear and succinct

<input type="checkbox"/> Questions have clear direction and focus on the relevant facts that advance their case <input type="checkbox"/> Draws up inconsistencies in the facts brought by the other side and effectively uses those inconsistencies to advance case <input type="checkbox"/> Probes character and attitude of witness and uses it to their advantage <input type="checkbox"/> Engages with witness and witness' answers (including from examination-in-chief) <input type="checkbox"/> Avoids most objectionable questions and argues objections in accordance with the principles of Evidence Law	<input type="checkbox"/> Questions have clear direction and focus on the relevant facts to strategically and effectively build their case <input type="checkbox"/> Expertly draws up inconsistencies in the facts brought by the other side and convincingly uses those inconsistencies to advance case <input type="checkbox"/> Effectively probes the character and attitude of witness to advance their case <input type="checkbox"/> Avoids objectionable questions effectively and argues objections successfully and in accordance with the principles of Evidence Law
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Closing Address		Weight	/10
5 Poor	<input type="checkbox"/> Not clear and concise and does not seem to follow a logical structure <input type="checkbox"/> Does not identify issues and their significance <input type="checkbox"/> Does not outline the case theory <input type="checkbox"/> Does not effectively draw on oral evidence to further case theory and arguments	6 – 7 Average	<input type="checkbox"/> Follows a logical structure and clearly and concisely identifies most of the issues and their significance <input type="checkbox"/> May be unclear or verbose <input type="checkbox"/> Outlines the case theory <input type="checkbox"/> Uses oral evidence to further case theory and arguments but may not be convincing
8 Good	<input type="checkbox"/> Follows a logical structure and executes the closing address with confidence, clarity and brevity <input type="checkbox"/> Clearly and concisely identifies all the issues and their significance <input type="checkbox"/> Outlines the case theory in a manner that mostly furthers their case <input type="checkbox"/> Draws on oral evidence and supporting case theory to effectively further their arguments	9 – 10 Outstanding	<input type="checkbox"/> Follows a logical, fluid and seamless structure and executes the closing address with confidence, clarity and brevity <input type="checkbox"/> Clearly and concisely identifies all the issues and their significance <input type="checkbox"/> Outlines the case theory effectively in a manner that convincingly furthers their case <input type="checkbox"/> Draws on oral evidence and supporting case theory to convincingly further their arguments

Manner and Expression		Weight	/20
10 – 11 Poor	<input type="checkbox"/> Does not engage well with the court or does not project voice <input type="checkbox"/> May not articulate submissions with eloquence and manner and style may be inconsistent <input type="checkbox"/> Struggles to deal with interventions <input type="checkbox"/> Does not object where appropriate <input type="checkbox"/> Does not use inferences appropriately <input type="checkbox"/> Demonstrates an unsatisfactory understanding of Evidence law	12 – 14 Average	<input type="checkbox"/> Engages with the court and projects voice <input type="checkbox"/> May sometimes fail to articulate submissions with eloquence or manner and style may become inconsistent <input type="checkbox"/> May struggle with some interventions <input type="checkbox"/> Occasionally may not object where appropriate or may object where inappropriate <input type="checkbox"/> Sometimes uses inferences inappropriately <input type="checkbox"/> Demonstrates a satisfactory understanding of Evidence law
15 – 17 Good	<input type="checkbox"/> Engages with the court effectively and clearly projects voice <input type="checkbox"/> Articulates submissions with eloquence and maintains a consistent manner and style <input type="checkbox"/> Deals with interventions with ease and concision <input type="checkbox"/> Objects were appropriate <input type="checkbox"/> Uses inference where appropriate <input type="checkbox"/> Demonstrates sophisticated understanding of Evidence law	18 – 20 Outstanding	<input type="checkbox"/> Engages with the court in a professional and convincing manner and clearly projects voice <input type="checkbox"/> Articulates submissions with eloquence and maintains a consistent, convincing and professional manner and style <input type="checkbox"/> Deals with all interventions with ease and concision <input type="checkbox"/> Objects were appropriate <input type="checkbox"/> Uses inference where appropriate <input type="checkbox"/> Demonstrates an exceptional understanding of Evidence law

Case Theory		Weight	/15
7 – 8 Poor	<input type="checkbox"/> Case theory may not be appropriately tailored to the facts of the case <input type="checkbox"/> Does not effectively elicit evidence to support case theory <input type="checkbox"/> Case theory is not simple or logical	9 – 11 Average	<input type="checkbox"/> Case theory is mostly appropriately tailored to the facts of the case <input type="checkbox"/> May not effectively elicit evidence to support the case theory <input type="checkbox"/> Case theory is mostly simple and logical
12 – 13 Good	<input type="checkbox"/> Case theory is appropriately tailored to the facts of the case <input type="checkbox"/> Effectively elicits evidence to support the case theory <input type="checkbox"/> Case theory is simple and logical	14 – 15 Outstanding	<input type="checkbox"/> Case theory is appropriately and convincingly tailored to the facts of the case <input type="checkbox"/> Effectively furthers arguments by eliciting all evidence to support the case theory <input type="checkbox"/> Case theory is simple and logical