

## **Berlin Premoot 2024 Feedback and Scoring Guide for Arbitrators**

### **Feedback**

When giving feedback, please keep in mind that the Berlin Premoot is firstly an educational exercise, and secondly, is a preparatory event for Hong Kong and Vienna.

We therefore ask that you give constructive feedback, in a manner which can help students in the final weeks of the competition.

How to give constructive feedback:

1. Don't tell students what they did wrong → tell them what they could do better
2. Empower students → feedback should be positive and encouraging

Of course feedback should still be honest and authentic. We simply ask that it be given in a constructive manner which also reflects your role as an educator in the context of this event.

The directors of the Vis Moot have prepared an excellent video for arbitrators on how best to give feedback. We highly recommend watching the 5-minute video [here](#).

### **Scoring Scale:**

The Berlin Premoot, unlike many other pre-moots, is not a competitive event – we will not be naming a highest scoring team. However, we will still be collecting scores and making these available to the teams for their internal purposes.

Scoring should be done on a scale of 50 to 100 points for each of the oralists

- 50 – 59 = needed improvement
- 60 -74 = good
- 75 - 90 = very good
- 91 - 100 = excellent

The scores of each oralist should be determined on an overall evaluation of his or her presentation.

Each arbitrator is expected to make an individual decision as to the score to be awarded. Nevertheless, a widely divergent score, whether higher or lower than the others, raises questions as to the criteria used by the arbitrator in question. As such arbitrators are encouraged to confer with a view to having scores that are within the same band (50 – 59 = needed improvement); (60 -74 = good); (75 - 90 = very good); (91 - 100 = excellent) or otherwise generally within 10 marks.

As in any real arbitration these deliberations between the members of the arbitral tribunal may not always lead to a unanimous decision. If an arbitrator, even after carefully considering

the views of the co-arbitrators still considers a score appropriate which deviates more than 15 points from that of the other arbitrators, she/he should give the score considered appropriate.

Mistakes or difficulty in use of the English language should not be penalized when the team, or the individual oralist, is not from an English speaking country. On the other hand, no extra points should be awarded to teams or oralists to compensate them for competing in a foreign language. Arbitrators would not give extra consideration to the language capabilities of the lawyers when reaching their decision in a real arbitration. That must hold true in the Moot.

It is extremely important to judge each oralist independently of the performance of the other three oralists. In particular, arbitrators should attempt to avoid the “halo effect” by which the performance of one or both oralists on a team is measured against the performance of the other team.

Furthermore, the amount of issues that arise out of the fact situation makes it necessary for the teams to make a decision regarding which of the issues they emphasize in their submission and oral presentations. Arbitrators should keep in mind that the team’s background might influence its approach to the Problem and its analysis. In addition, the decision may be influenced by the presentation a team has to reply to. Full credit should be given to those teams that present different, though fully appropriate, arguments and emphasize different issues. Concerning the issues to be treated or emphasized, the tribunal has some discretion to structure the proceedings, in particular in the later part of the competition. The tribunal may point out to the parties particular issues it wants to be addressed in greater detail. It may also give the parties more time for rebuttal than originally requested

**Criteria to be regarded in the evaluation of the oralists are:**

**1. Organization and Preparation**

- Does counsel introduce himself or herself and co-counsel, state whom he or she is representing, introduce the issues and relevant facts clearly, have a strong opening, present the arguments in an effective sequence, and present a persuasive and generalized conclusion?
- Is counsel clearly prepared and familiar with the authorities on which his or her arguments rely? If rebuttal is used, is it used effectively?

**2. Knowledge of the facts and the law**

- Does counsel know the facts and the relevant law thoroughly? Is counsel able to relate the facts to the law so as to make a strong case for his or her client?



- Does counsel present arguments which are logically plausible and legally tenable. (Please recall though that you are not assessing the success or otherwise of the legal argument itself)

### **3. Presentation**

- Is counsel's presentation appropriately paced, free of mannerisms and loud enough?
- Does counsel use inflection to avoid monotone delivery and balance due deference with a forceful and professional argument? Is counsel poised and tactful under pressure? Most importantly, is counsel's presentation convincing and persuasive, regardless of the merits of the case?

### **4. Handling Questions**

- Does counsel answer questions directly and use the opportunity to turn the question to his or her client's advantage?