

EMC² 2011-2012 Panellist Marking Guidelines for the Written Submissions

Each Written Submission is to be reviewed by two individuals which form the Written Submission Panel. However, each Panellist must score the Written Submissions individually and independently. One Written Submission Score-Sheet will be enclosed per Written Submission (Complainant and Respondent) and mailed to a Panellist by ELSA International, a respective Regional Round Academic Supervisor or Regional Round Organiser.

Explanation of the EMC² Written Submission Score-Sheet

“Team Code”: Each team is designated a three-digit number by ELSA International in the course of Team Registration. This number is the official Team Code and shall be placed in the top right corner of the cover of each Written Submission. Please indicate the number designated to the Team by ELSA International in the section titled “Team Code”.

“Written Submission Type”: Please indicate whether the Written Submission being assessed is a Complainant’s or Respondent’s document.

“Written Submission Covers”: The external cover of the Complainant’s Written Submission shall be Blue, and the external cover of Respondent’s Written Submission shall be Red. Furthermore, each Written Submission shall bear the title of the document.

“Criteria for Scoring Written Submissions”: The main part of the Written Submission Score-sheet features four (4) criteria to be used in assessing the documents:

- (i) Command of the Issues – 25% weighting;
- (ii) Argumentation – 25% weighting;
- (iii) Legal Analysis – 25% weighting; and
- (iv) Style - 25% weighting.

The content of each of the criteria is explained below and summarised on the Written Submission Score-Sheet.

Please provide your general critique as to the content of the Written Submission by *ticking* (✓) a box next to the words indicating Team’s Aptitude (“Poor”, “Average”, “Good” or “Excellent”). Please be thorough and assess the Written Submission’s qualities with respect to all four criteria. Thereupon, please grade a Team’s performance under each of the four (4) criteria. Indicate the grade in the section titled “Interim score”.

An example Written Submission Score Sheet is attached.

<p style="text-align: center;"><i>Criteria for Scoring EMC² Written Submissions</i></p>
--

A Panellist scoring a Written Submission shall be guided by the criteria listed in EMC² **Rule 6.9.3**. The following is an expanded version of the criteria to assist Panellist in the scoring process:

- 1) **COMMAND OF THE ISSUES (25% WEIGHTING) (see Rule 6.9.3.1)**
 - Recognition of the legal issues arising in the Case;
 - Display of general knowledge related to the legal issues;
 - Weighting of the legal issues; and

- 2) **ARGUMENTATION (25% WEIGHTING) (see Rule 6.9.3.2)**
 - Logic of the arguments;
 - Reasoning of arguments;
 - Ingenuity of arguments including innovative use of applicable jurisprudence; and
 - Persuasiveness of arguments.

- 3) **LEGAL ANALYSIS (25% WEIGHTING) (see Rule 6.9.3.3)**
 - Identification of the applicable treaties/law;
 - Identification of the applicable jurisprudence;
 - Application of the treaties/laws to the facts; and
 - Analysis of the applicable treaties/laws to the facts

- 4) **STYLE (25% WEIGHTING) (see Rule 6.9.3.4)**
 - Organisation of legal argument; AND
 - Correct grammar, spelling and referencing authorities; and

Grades to be allocated when Scoring the EMC² Written Submissions

“Grades for Scoring Written Submission”: the grade must fall within the range provided in the following “Scale” (0–100) under each of the aforesaid indicators (0 – 49 being Poor; 50 – 64 being Average; 65 – 84 being Good; 85 - 100 being Excellent) *see Rule 6.9.4.*

<i>Poor</i> 0 to 49	<ul style="list-style-type: none"> • Superficial knowledge of the WTO Agreements, relevant WTO Cases and the Case facts; • Pleadings are not organised and are both confusing and/or illogical; • Conveyed no belief in the position presented; and • Failed to cite authorities and did not provide a legend for abbreviations.
Average 50 – 64	<ul style="list-style-type: none"> • Adequate understanding of the WTO Agreements and relevant WTO Cases and the Case facts; • Pleadings are basically organised; • Conveyed some belief in the position presented; and • Cites some authorities and provides a legend for abbreviations.
Good 65 – 84	<ul style="list-style-type: none"> • Good understanding of WTO Agreements, relevant WTO Cases but misses fine distinctions. • Good understanding of the Case facts. • Well organised. • Conveyed belief in the position presented; and • Cites all relevant authorities and provides a legend for abbreviations.
Excellent 85 – 100	<ul style="list-style-type: none"> • Full understanding of WTO Agreements, relevant WTO Cases and the associated negotiating history or policy; • Understands the fine distinction and subtleties associated with WTO Law and Cases; • Full understanding of facts; and • Extremely well organised and presents articulate and persuasive arguments.

“Written Submission Score”: A Total Score is derived by dividing the sum of all Interim Scores by four (4). The results will be up to two (2) decimal places. Total Score for the Written Submission may not exceed 100 points (0 - 49 being Poor; 50 - 64 being Average; 65 to 84 being Good; and 85 - 100 being Excellent).

Please, write print your name and date of completion of the Written Submission Score-Sheet. Please, sign the Written Submission Score-Sheet for verification purposes.

“Additional Remarks”: Please provide only your decision on the score for the content and quality of written arguments presented in the Written Submission. ELSA International or the Regional Round Academic Supervisor shall subtract the penalty points attributed to a particular Written Submission for failure to comply with formal requirements, such as timely dispatch, form of Written Submissions and proper marking thereof. Therefore, a Panellist must refrain from assessing these factors and including it in his/her final score, except where he/she chooses to provide comments on the reverse side of the Written Submission Score-Sheet.

Please Note: Panellist are able, and encouraged, to comment on the content of the Written Submission on the reverse side of the Written Submission Score- Sheet or on another sheet. These comments will be forwarded to the teams after the competition has concluded in May 2011.

For details of the basic Form and Content requirements of the Written Submissions please see to **Rules 6.2 and 6.3.**

Part A - General Section:

- Cover page;
- Table of Contents;
- List of References; and
- List of Abbreviations

Part B - Substantive Section:

- Summary – *a bullet point summary of the entire Written Submission;*
- Statement of the Facts – *a brief description of the facts;*
- Identification of the WTO Measures at Issues – *the factual case measures which are being referred to either as a complaint that violates a WTO Agreement or as a defence that is justified by a WTO Agreement;*
- Legal Pleadings – *explanation of why those provisions have been violated or not violated;* and
- Request for Findings – *the parties’ specific requests as to what the Panel should suggest to the DSB is the appropriate recommendation to bring the questionable measures in conformity with WTO Law.*

The length of the Written Submissions shall not exceed 30 pages (excluding the cover page) per **Rule 6.3:**

- Table of Contents, List of References and list of Abbreviations shall not exceed ten (10) pages in length per **Rule 6.3.1**
- The Statement of Facts shall be limited to one (1) page each **per Rule 6.3.2**
- The Summary shall be limited to two (2) pages per **Rule 6.3.3.**
- The Identification of the WTO Measures at Issue and the Legal Pleadings shall be limited to sixteen (16) pages per **Rule 6.3.4.**
- Request for Findings shall be limited to one (1) page **per Rule 6.3.5.**
- Footnotes must not contain new arguments, which have not appeared in the main text of Legal Pleadings – penalties will apply if this should occur.

Please note that you are not required to assess the following elements as this will be undertaken by the relevant Academic Supervisor:

- Form Requirements per **Rule 6.4**;
- The Cover of the Written Submissions per **Rule 6.5**;
- Numbering of the Written Submissions per **Rule 6.6**; and
- Citations of the Written Submissions per **Rule 6.7**



EMC² - 2011-2012
WRITTEN SUBMISSION SCORE-SHEET

TEAMCODE: _____	DATE: _____
TYPE OF WRITTEN SUBMISSION COMPLAINANT <input type="checkbox"/>	TYPE OF WRITTEN SUBMISSION RESPONDENT <input type="checkbox"/>

CRITERIA FOR SCORING THE WRITTEN SUBMISSIONS:

The following Assessment Methodology is to be applied to a Team's Written Submission document. A maximum score of 100 Points is permitted for each Criterion. A Panellist must record a score in the relevant Point Box and provide a Sub-Total of all Individual Criterion Scores and then divide that Score by 4 in order to calculate the Overall Team Score.

ASSESSMENT CRITERIA	POOR 0 TO 49 POINTS	AVERAGE 50 TO 64 POINTS	GOOD 65 TO 84 POINTS	EXCELLEN T 85 TO 100 POINTS	INDIVIDUAL CRITERION SCORE
1. COMMAND OF THE ISSUES – 25% Weighting <ul style="list-style-type: none"> ▪ Recognition of legal issues; ▪ Display of general knowledge related to the legal issues; and ▪ Weighting of legal issues 					
2. ARGUMENTATION – 25% Weighting <ul style="list-style-type: none"> ▪ Logic of arguments; ▪ Reasoning of argument ▪ Ingenuity of arguments; and ▪ Persuasiveness of arguments 					
3. LEGAL ANALYSIS – 25% Weighting <ul style="list-style-type: none"> ▪ Identification of the applicable treaties/law; ▪ Identification of the applicable jurisprudence; ▪ Application of the treaties/law to the facts; and ▪ Analysis of the applicable treaties/law to the facts 					
4. STYLE – 25% Weighting <ul style="list-style-type: none"> ▪ Organisation of legal argument; ▪ Ability to utilise legal language, in particular “WTO language”; ▪ Correct grammar, spelling and referencing authorities; and ▪ Clarity of the system of citation 					
<i>SUB-TOTAL OF INDIVIDUAL CRITERION SCORES (MAXIMUM 400 POINTS)</i>					
OVERALL TEAM SCORE (DIVIDE BY 4)					
PANELLIST NAME: _____	PANELLIST SIGNATURE: _____				

