

Provincial Oral Round Guide for Coordinators



NATIONAL SCHOOLS
Moot Court Competition

1. INTRODUCTION

This document is a short guide on organising a Provincial Round of the National Schools Moot Court Competition.

2. ESSAY SELECTION

- Essays have been submitted and are currently being marked by the central marking body.
- The central marking body is a body of experts led by the National Coordinators.
- The central marking body will then select the top 10 teams from each province that will advance to the Provincial Oral Rounds. These teams will be announced to each province.
- The province then hosts the Provincial Oral Round during the month of **August**.
- In the instance that a province, for some reason, cannot have a provincial oral round, such province must notify **Mrs Malebo Lefoka** of the **National Department of Basic Education**. For such a province, the essay results will be used to select the top 4 teams that will advance to the National Oral Round in Pretoria/Johannesburg.

3. PROVINCIAL ORAL ROUNDS

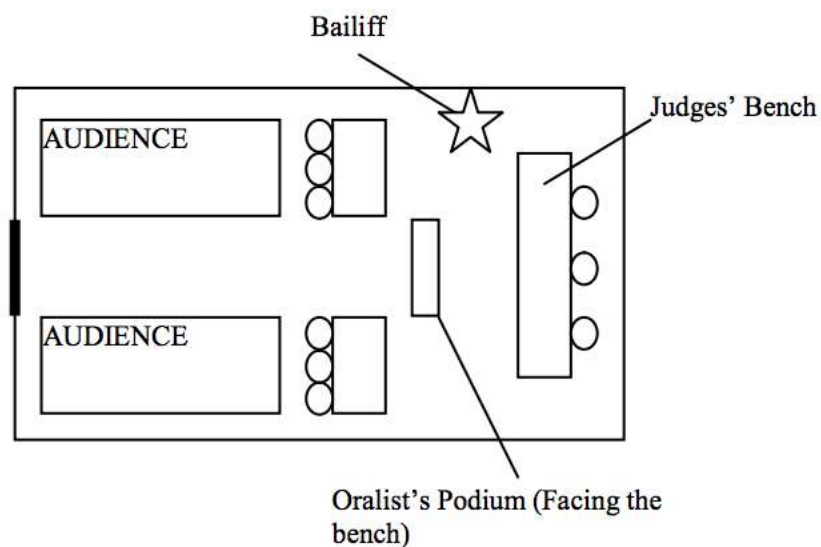
As a point of departure, the following should be kept in mind:

- At the Provincial Oral Rounds there are at least 9 Teams/schools competing.
- The aim of the Provincial Oral Round is to identify the highest scoring 4 teams that will progress to the National Oral Rounds in Pretoria/Johannesburg. Very importantly, at least 2 of the 4 progressing teams must be from quintile 1, 2, or 3 schools. This is a rule of the competition and must be strictly followed.
- At the Provincial Oral Rounds, teams must argue both for the applicant (the 6 learners- Sfiso Cele and 5 other learners) and the respondent (SGB of Mjondolo Combined School).
- The 'applicant' team argues first, where after the 'respondent' team argues, and if time was reserved for this purpose (no longer than 3 minutes), the 'applicant' team may then reply to the 'respondent' team's arguments.
- Each team has 20 minutes to present their arguments. For the 'applicant' team, the 20 minutes include the time they may wish to reserve for their reply. The reply may not exceed 3 minutes.
- Both team members must argue.
- One oralist may not use more than 12 minutes.
- Learners must wear their school uniforms for the duration of the Competition. Court robes may be used if available.

4. INSTRUCTIONS FOR THE ORAL ROUNDS

The following are general points to keep in mind concerning the structure of the competition and some of the practicalities and rules to communicate to the coordinator(s):

- The Coordinator must assign a number to each team at the start of each of the Provincial Rounds. For the duration of each of the Provincial oral Rounds, each team may only be identified by that number. **The identity of teams taking part may not be disclosed to the judges until the winners of the provincial rounds are announced.**
- Scoring will be done in accordance with the official “scoring sheet” (see Annexure ‘A’) attached here. The learners’ essays can be used by participants, but the teams are not bound to the argument in their essays. Judges of the Provincial Oral Rounds are allowed access to the learners’ essays before or during the oral round, however, **teams must be judged on their oral presentation ONLY**, not the essays.
- The organiser must balance the number of rounds a team argues as the applicant with the rounds in which they argue for the respondent. For instance if each team argues “applicant” twice, they must argue “respondent” twice as well.
- Each oral round should be assessed by independent panellists (Judges). The ideal number is a bench of three to five judges.
- Any of the judges may at any time interrupt a team member with questions regarding his or her arguments. Teams are partly judged on how they respond to these questions. The judges may, in their discretion, provide team members with extra time to compensate for time taken in the asking and answering of questions from the judges.
- Bailiffs must be appointed for each courtroom session. Please see instructions for the bailiffs at Annexure C.
- The following is a typical layout of a moot court room:



5. HOW TO CHOOSE THE JUDGES?

Choosing a judge for a school level competition is fairly easy, as it requires knowledge most law graduates should obtain during their studies. The challenge is ensuring the person respects the participant by not underestimating his/her performance ability or by losing sight of the fact that the participants are not on a university or graduate level. Keep the requirements below in mind:

- The person must have a legal qualification or outstanding knowledge of human rights law;
- The person must be impartial and independent. No coaches, family members, friends of the participant are to adjudicate a round in which they compete. Other factors that might indicate bias should also be considered.
- The person must understand that he/she is adjudicating young learners.
- No person that would be deemed inappropriate for a school environment.

The responsibilities of the judges, general tips for their participation and practical instructions can be found in more detail in the “Instructions to the Judges” (Annexure B).

6. SCORING AND RESULTS

1. To eliminate bias, the highest and the lowest individual score given to each oralist in any given round **must** be disregarded, provided that there are **four or more judges who** adjudicated the round. If less than four judges adjudicate, all scores will be taken into account.
2. INDIVIDUAL SCORE: calculated using simple average calculations. (Sum of scores from all judge, divided by number of judges)
3. TEAM SCORE PER ROUND: calculated by adding the 2 individual scores and then dividing it by 2 to get a team score out of 100.
4. TOTAL TEAM SCORE: calculated by adding all team scores from all the rounds a team participated in, divided by the number of rounds that each team participated in.
5. The highest scoring 4 teams at the end of the Provincial Rounds proceed to the National Round in Pretoria/Johannesburg.
6. Of the 4 teams proceeding to the National Round, at least 2 must be from a quintile 1, 2, or 3 schools.
7. **The final results must be communicated to Mrs Malebo Lefoka as soon as the results have been calculated.**

7. TEAMS PROCEEDING TO THE NATIONAL ROUND

- The Results of the top 4 teams must be communicated as soon as possible to Ms Malebo Lefoka.
- Once again, at least 2 teams of the 4 advancing teams must be from a quintile 1, 2, or 3 school. The other 2 teams can (but need not) be from quintile 4 or 5 schools.
- **The teams that proceed to the National Rounds MUST fill in the 3 Forms attached here at Annexure D. This includes each member of the Top 4 teams from each Provincial Oral Round, their Educators and the District/ Provincial Co-Ordinator who will be attending the National Round.**
- No participants (learners or educators) will be allowed to take part in the National Round without receipt of these completed and signed forms.

(Applicant) _____ V _____ (Respondent)

ORALIST 1 - SURNAME		ROUND	SESSION	ORALIST 2 - SURNAME	
Highest possible score	Score given	INDICATORS		Score given	Highest possible score
25		<input type="checkbox"/> Knowledge of the facts <input type="checkbox"/> Correct and articulate analysis of the issues			25
25		<ul style="list-style-type: none"> Familiarity with Constitutional Law authorities Basic knowledge of substance and process of Constitutional Law Knowledge of legal principles directly applicable to the facts 			25
25		<ul style="list-style-type: none"> Organization Clarity 			25
25		<ul style="list-style-type: none"> Response to questions Ingenuity Persuasiveness 			25
100%					100%

I found the presentation of Oralist 1 to be:

I found the presentation of Oralist 2 to be:

Name of judge:

Signature of judge:

Scoring Guide

Outstanding 90% - 100%
 Excellent 80% - 89%
 Very Good 70% - 79%
 Good 60% - 69%

Average 50% - 59%
 Poor 40% - 49%
 Below minimum standard expected 0% - 39%

"ANNEXURE B"

INSTRUCTIONS TO JUDGES

1. SCORING DURING PROVINCIAL ROUNDS

Each individual judge shall assess each team participating before him/her on the basis of the instructions given below. Teams are assessed on their oral presentations only and the essays are provided merely to give the judges an indication of the line of argument the particular team is most likely to follow. It is important to again note that the teams are in no way bound to the arguments in their essays and may deviate from them without penalty in their oral presentation. A maximum mark of 100 can be awarded for the oral presentation of each individual oralist.

1.1 Essays

Essays are assessed by the central marking body prior to the competition. Judges may receive the essays of the teams to argue before them at the beginning of the competition and are required to read the essays before the rounds in question.

1.2 Oral presentation

Judges will assess the advocacy skills and general oral presentation of each oralist of each team before them during a given round, awarding each oralist a maximum mark of 100%. In assessing the oral presentations, judges shall consider the items listed on the scoring sheet. (Annexure 'A').

1.3 Total scores

The highest and the lowest individual score given to an oralist in any given round will be disregarded, provided that four or more judges adjudicated the round. If less than four judges adjudicate, all scores will be taken into account.

2. GENERAL

2.1 Before each round commences, the bench must elect a presiding judge. It will be the responsibility of the presiding judge to keep order in the courtroom, and to ensure that the rules of the competition are adhered to.

2.2 Judges, in assessing the oral presentation of any team, should take into account the fact that some of the participants will be arguing in a language other than their mother tongue. Fluency in the particular language used (or the lack thereof) should therefore not determine the marks awarded.

2.3 Since a team has no choice as to which side of the dispute it must plead in a given round, scoring must not reflect the merits of the case but only the legal analysis and advocacy skills of the participants. In other words, a team may 'lose' the argument, but win the round.

2.4 Judges should feel free to question oralists at any point during the pleadings, but should also bear in mind the importance of affording oralists the opportunity to "make their case". Narrative commentary by the judges should be kept to a minimum. The primary intention of oral pleadings is to

allow judges to ask relevant questions to expose the knowledge and capabilities of the advocates. It is the responsibility of the presiding judge of a specific panel to ensure that judges do not obstruct the smooth running of the proceedings and do not unduly interfere with the argument of a participant. Notwithstanding the above, the students are warned to expect several questions from the panel and the judges should not hesitate to interrupt the oralists with questions where appropriate – this is in fact one of the best ways to test the oralist on the criteria set out in Annexure 'A'.

2.5 Judges should also keep in mind that the advocates arguing are scholars with no legal background other than the research done to appear in this court.

2.6 No improper oral or written communication may take place between judges and participants or either of the above with directly affiliated parties before a particular case is heard.

2.7 Judges are reminded that it is their responsibility to enforce the rules of the competition during pleadings. Any transgression of the rules should be noted, and referred to the Steering Committee for a decision, preferably accompanied by a proposal on how to act.

2.8 Judges are encouraged to write short comments on the performance of each oralist that appears before them.

2.9 Judges are requested to give oral feedback to the teams that appeared in front of them before they proceed with the next round.

"ANNEXURE C"

BAILIFF INSTRUCTIONS

As a bailiff you have the following primary duties:

1. Time keeping:

- Each team has only 20 minutes per team
- No learner may speak for more than 12 minutes
- The applicant may rebut, but that time forms part of the twenty minutes
- The rebuttal may not exceed 3 minutes

If any of these times are exceeded, please note on the form marked 'Bailiff notes to scorer'. You will use the flash cards provided to indicate the following remaining time to the teams: 15 minutes, 10 minutes, 5 minutes, 3 minutes and 1 minute. You will use the 'Stop' flashcard to indicate the end of the 20 minutes.

2. Score sheets:

This is almost the most important part of your assignment. Please make sure that each judge has 2 score sheets per round. Each score sheet **must** contain:

- the team numbers;
- name of the oralist;
- a score from the Judge; and
- Signature of the Judge

Attach the 'Bailiff notes to scorer' document with any comments on time infractions. You should also indicate any breach of rules on this document or things judges ask you to note for scoring. You must take the 2 score sheets **per judge** and your 'Bailiff notes to scorer' to the scoring room after each round. This should only take 2 minutes.

3. Announcement of Judges:

At the beginning of the round, please ask all to rise and announce the start of the case as set out in the 'Court Opening Protocol' note. To the best of the organiser's abilities, there will be name placards for judges, but note the names of the judges beforehand.

COURT OPENING PROTOCOL

When the judges indicate that a round may start, stand and read the following:

"All rise!

*In the matter of **Sfiso Cele** vs **SGB of Mjondolo Combined School**, in the **Constitutional Court of South Africa**, honourable justice _____ and justice _____ to hear the matter with honourable justice _____ presiding.*

You may be seated."

AT THE END OF THE ROUND:

"All rise!

The Court is adjourned and judgment has been reserved. Please exit the Courtroom and wait outside for 5 minutes while the judges deliberate."

BAILIFF NOTE TO SCORER

This section contains any notes on time infractions or other rule breaches during a round. In most cases a bailiff will not need this form.

[illegible]

“ANNEXURE D”

A: Finalist Form

This form **MUST** be filled in by all participants and teachers advancing to the National Oral Round; ie Top 4 teams in each Province

Participant: ☐ Educator: ☐ Provincial Coordinator ☐

SECTION A: Personal Information (To be completed by all)			
First Name:		Age:	
Surname:		Sex:	
ID:		Race:	
Home Address			
		Code:	
Contact number			
Email			
Emergency Contact		Number	
Medical Aid (Y/N)		If (Y), Medical Aid:	
		If (Y), Membership no:	
Please note any conditions or information the organiser should take note of (allergies, chronic illness, medical needs, pregnancy etc):			
Do you have a disability or require additional assistance, if so, please specify:			
For any other confidential disclosures, please speak to the Provincial Coordinator at the start of the competition			
SECTION B: School Information			
Province		District	
School			
Physical address of School			
Contact number		Quintile	
Grade (if participant)			

I hereby confirm that all of the information, as submitted above, is true to the best of my knowledge.

Signature

Date

B: Indemnity form

For minor children (Participant)

I, _____ (full names of parent or legal guardian), parent and/or legal guardian of the under-mentioned minor, over whom I have custody and control, hereby consent to my son/daughter, (full names of learner) _____ participating in the various activities arranged, organised or offered by the National Schools Moot Court Competition (NSMCC), and, where relevant, to him/her being transported to and from the said activities by means of transport made available by the NSMCC for that purpose. I further agree to the condition that, while every precaution will be taken for the safety and welfare of my son and for the care of his possessions, I will hold blameless and indemnify the University of Pretoria, the NSMCC, all stakeholders and all other organisations associated with the activities of the NSMCC, should any prejudice, loss, damage, illness or injury occur to him/her during the above activity. This includes an indemnity against recovery of costs resulting from damage, loss and/or medical conditions or hospitalisation, unless such loss is caused by the gross negligence, willfulness or intentional act of the NSMCC or one or more of its representatives. I agree that while I am being conveyed or transported at any time for any purpose that it shall be at my own risk. I furthermore appoint the educator _____ (Full names of teacher) accompanying him/her to Pretoria/Johannesburg, to act in *loco parentis* in respect of my son/daughter should the need therefore arise.

Signature

Date

For Persons over the age of 18

I, _____ (full names of participant over the age of 18 years), a major male or female hereby consent to participating in the various activities arranged, organised or offered by the National Schools Moot Court Competition (NSMCC), and, where relevant, to being transported to and from the said activities by means of transport made available by the NSMCC for that purpose. I further agree to the condition that, while every precaution will be taken for my safety and welfare and for the care of my possessions, I will hold blameless and indemnify the University of Pretoria, the NSMCC, all stakeholders and all other organisations associated with the activities of the NSMCC, should any prejudice, loss, damage, illness or injury occur to me during the above activity. This includes an indemnity against recovery of costs resulting from damage, loss and/or medical conditions or hospitalisation, unless such loss is caused by the gross negligence, willfulness or intentional act of the NSMCC or one or more of its representatives. I agree that while I am being conveyed or transported at any time for any purpose that it shall be at my own risk.

Signature

Date

C: MEDIA RELEASE FORM

For minor children (Participant)

I, Mr./Mrs./Ms. _____ (full name of parent/guardian), acting on behalf of my child _____ (full name of child) hereby authorize the NSMCC and associated stakeholders to photograph/videograph my child, his/her activities and any work performed by him/her. I understand the photos/videos will be used for informational, instructional and promotional purposes and will not be used to generate a profit or for any other commercial purposes. I understand that other local, regional or national stakeholders may use the photos/videos throughout the country for the above-mentioned purposes. I have not been compensated nor will I seek compensation for the photos/videos. I release the NSMCC from responsibility should a third party violate the terms of this release.

Signature

Date

For Persons over the age of 18

By signing below I, Mr./Mrs./Ms. _____ authorize the NSMCC and associated stakeholders to photograph/videograph myself, my activities and any work performed by myself. I understand the photos/videos will be used for informational, instructional and promotional purposes and will not be used to generate a profit or for any other commercial purposes. I understand that other local, regional or national stakeholders may use the photos/videos throughout the country for the above-mentioned purposes. I have not been compensated nor will I seek compensation for the photos/videos. I release the NSMCC from responsibility should a third party violate the terms of this release.

Signature

Date