

**2023 MCBAINÉ COMPETITION**  
**Brief Evaluation Scoring & Comment Sheet**

**Instructions**

Please assign scores within the range specified below. The lowest total score is 50 and the highest score is 100. In addition, please evaluate the briefs based on the quality of presentation and arguments, not on the actual merits of the case.

The Brief Evaluation Scoring Sheet will not be distributed to competitors. It will be used solely to determine which competitors will advance to the next round and which competitors are eligible for the “Best Brief” award.

However, the Brief Evaluation Comment Sheet will be distributed to competitors. They would be very grateful for any constructive feedback you wish to offer. We ask that you be kind and judicious in what you write.

The requirements for the brief are also included below. Violations of these requirements should be deducted from the “Style” points.

Please record your score for each criterion in the far right-hand box under “TOTAL SCORE.” Then, add the scores and record the total score in the bottom right-hand box. Before returning the scoring sheets, please be sure to fill in the individual “brief number” listed on each brief.

Please return electronic copies of your completed score sheets to bkarvelot@law.berkeley.edu no later than March 6, 2023.

Once again, thank you for your help with this year’s McBaine Competition.

The McBaine Competition Directors

**To ensure uniformity in grading, please keep the following standards in mind when using the provided Brief Evaluation Scoring Sheet:**

*Poor: Lacking fundamental knowledge, preparation, or skill.*

*Fair: Exhibiting basic knowledge, preparation, or skill.*

*Good: Exhibiting knowledge, preparation, or skills appropriate for an average law school upper classman or law firm summer associate.*

*Very Good: Exhibiting advanced knowledge, preparation, or skills appropriate for a practicing lawyer and advocate.*

*Excellent: Exhibiting exemplary knowledge, preparation, or skill such that you would feel very comfortable having this advocate argue a case in which you were a party before an appellate court.*

## Brief Evaluation Scoring Sheet

**Grader's Name:** \_\_\_\_\_

**Competitor's Brief Number:** \_\_\_\_\_

CRITERIA	Poor	Fair	Good	Very Good	Excellent	TOTAL SCORE
<b>Introduction and/or Summary of Argument</b> <ul style="list-style-type: none"> <li>• Legal issues framed concisely and in a logical manner</li> <li>• Argument summarized persuasively</li> </ul>	7	8-9	10-11	12-13	14-15	<b>15 pts. max.</b>
<b>Statement of Facts and Procedure</b> <ul style="list-style-type: none"> <li>• Well-organized</li> <li>• Persuasive theme</li> <li>• Relies on relevant facts</li> <li>• Refers to the record when appropriate</li> </ul>	10-11	12-13	14-16	17-18	19-20	<b>20 pts. max.</b>
<b>Legal Argument</b> <ul style="list-style-type: none"> <li>• Well-reasoned, persuasive argument</li> <li>• Focuses on relevant issues</li> <li>• Uses relevant authority (favorable and unfavorable)</li> <li>• Well-organized</li> <li>• Proper and effective headings</li> <li>• Demonstrates original thinking and creativity</li> </ul>	20-23	24-27	28-32	33-36	37-40	<b>40 pts. max.</b>
<b>Style</b> <ul style="list-style-type: none"> <li>• Well-organized</li> <li>• Includes all required sections</li> <li>• Clear writing</li> <li>• Concise writing</li> <li>• Tone is professional and persuasive</li> <li>• Little to no errors in grammar, sentence structure, spelling, and punctuation</li> <li>• Accurate citation form</li> </ul>	13-14	15-17	18-19	20-22	23-25	<b>25 pts. max.</b>
<b>Total</b>						

## Brief Evaluation Comment Sheet

Grader's Name: \_\_\_\_\_

Competitor's Brief Number: \_\_\_\_\_

## Brief Requirements

### Excerpt From “McBaine Competition Rules”

#### VII. BRIEFS

The following rules are drawn from U.S. Supreme Court rules whenever possible. In many instances, “local” rules have been substituted by necessity.

##### A. Substantive requirements

- i. A brief on the merits shall contain, in the order here indicated:
  - a. The questions presented for review. The questions shall be set out on the first page following the cover, and no other information may appear on that page. The questions need not be set out verbatim according to the Record. The brief may not raise additional questions not resolved by the decision of the appellate court.
  - b. A table of contents and table of cited authorities.
  - c. A concise statement of the case, setting out the facts material to the consideration of the questions presented, with appropriate references to the record (i.e., “R. at [page]”).
  - d. A summary of the argument, suitably paragraphed. The summary should be a clear and concise condensation of the argument made in the body of the brief; mere repetition of the headings under which the argument is arranged is not sufficient.
  - e. The argument, exhibiting clearly the points of fact and of law presented and citing the authorities and statutes relied on.
  - f. A conclusion, specifying with particularity the relief the party seeks.
  - g. An appendix may be included that contains the text of pertinent statutory authority.
  - h. References to cited legal authority shall conform to Bluebook standards.
  - i. A brief shall be concise, logically arranged with proper headings, and free of irrelevant, immaterial, or scandalous matter.
- ii. Every document shall bear on its cover, in the order indicated, from the top of the page:
  - a. The docket number of the case
  - b. The name of this Court
  - c. The caption of the case
  - d. The nature of the proceeding and the name of the court from which the action is brought (e.g. for a merits brief, “On Writ of Certiorari to the United States Court of Appeals for the Xth Circuit.”)
  - e. The title of the document (e.g. “Brief for the Petitioner” or “Brief for Respondent”)
  - f. The name and address [e-mail address is sufficient] of the attorney who is counsel of record for the party concerned.

*Note: A sample cover shall be distributed to competitors in advance of the brief’s due date.*

- iii. The body of every document shall bear at its close the name and signature of counsel of record. By signing the brief on the merits, the attorney of record affirms that he or she has complied with the Berkeley Law Honor Code and with all provisions of this document.

## B. Formal Requirements

- i. Page Size, Line Spacing, and Margins - The brief must be on 8 ½ by 11-inch page. The text must be double-spaced, but quotations more than two lines long may be indented and single-spaced. Headings and footnotes may be single-spaced. Margins must be at least one inch on all four sides. Page numbers may be placed in the margins, but no text may appear there.
- ii. Typeface - Twelve-point type in a common and readable typeface (such as Times New Roman or Century) must be used. Any footnotes shall also conform to this requirement.
- iii. Type Styles - A brief must be set in a plain style, although italics or boldface may be used for emphasis. Case names must be italicized or underlined.
- iv. Length - A principal brief must be between 25 and 40 pages. Only the substantive brief counts toward the page limit (i.e., the statement of the case, summary of the argument, the argument itself, and conclusion). This excludes the question presented, table of contents and table of authorities, which should be paginated with small Roman numerals (i, ii, iii, iv, etc.). This also excludes the appendix pages, which should be numbered with an “A-” preceding each numbered page (A-1, A-2, etc.).

- C. **Minimum Standards**- We firmly believe that every McBaine participant has the talent and resources necessary to write a persuasive and legally sound brief that far exceeds the minimum standard for credit in this exercise. A brief which fails to address major cases and statutes referenced in the lower court opinions and the record will be considered *substandard* and will result in a No Credit grade.

## D. Brief Deadline and Late Briefs

- i. **Brief Deadline:** Electronic copies of your final brief (in PDF form) must be e- mailed to BOTH the McBaine Academic Director and the Advocacy Competitions Coordinator by **12:00 p.m. (noon) on February 16, 2023.**
- ii. **Late Briefs** - For each and every half-hour (with any fraction thereof rounded up) that a brief is late, either in hard copy or electronic form, two points will be deducted from the brief score. Given that competition is tight, a late brief will most likely prevent a competitor from advancing to the elimination rounds. Briefs will not be accepted after 5:00 p.m. on February 17, 2023. Failure to successfully submit a brief will result in an NC grade.

- E. All requests for clarification, rescission, or additions to these rules must be presented in writing to the Directors.