



WALSH FAMILY LAW MOOT

Marking Guide – FACTUM

Team #: _____

Thank you for agreeing to be a Factum Marker for the Walsh Family Law Moot (“Marker”).

Each Marker shall mark both an Appellant’s factum and a Respondent’s factum.

There will be three Markers for each moot team, and each Marker shall be required to mark the facta per this Marking Guide, to ensure as much uniformity and fairness for the participants, recognising that Markers will each have individual and subjective comments and views. You are encouraged to provide comments and constructive feedback, in addition to the standardized marking criteria.

Each factum must be marked on these criteria for a total score out of 50:

- 1. Formal Requirements***
- 2. Stylistic Considerations***
- 3. Authorities and Citations***
- 4. Organization of Issues***
- 5. Development of Arguments***

PART I – FORMAL REQUIREMENTS

	<u>COMPLIES/DOES NOT COMPLY</u> COMPLIES - SCORE = 1, or 2 for Parts and Length DOES NOT COMPLY – SCORE = 0
Facta must be typed and submitted on white, standard sized paper (8.5x11) <i>Complies, Score = 1; Does not Comply, Score = 0</i>	
Font and size of all sections of the factum, excluding footnotes, must be Times New Roman, 12 point <i>Complies, Score = 1; Does not Comply, Score = 0</i>	
The font and size of the footnotes must be Times New Roman, 10 point <i>Complies, Score = 1; Does not Comply, Score = 0</i>	
The text of all parts of the factum must be double-spaced, with the exception of footnotes and headings, which may be single spaced <i>Complies, Score = 1; Does not Comply, Score = 0</i>	
Each page of the factum shall have margins of at least one inch or 2.54 centimeters on all sides, excluding page numbers <i>Complies, Score = 1; Does not Comply, Score = 0</i>	
PARTS OF FACTUM: Must contain <u>all</u> of: <ol style="list-style-type: none"> 1. Overview 2. Statement of Facts 3. Points in Issue 4. Arguments in Brief 5. Order Requested 6. Table of Authorities 7. Appendices (if any) <i>Complies, Score = 2; Does not Comply, Score = 0</i>	
LENGTH OF FACTUM - (MUST NOT EXCEED 20 PAGES) <i>Complies, Score = 2; Does not Comply, Score = 0</i>	
COVER PAGE: Must contain <u>all</u> of: <ol style="list-style-type: none"> 1. Title of Document (i.e. Factum for the Respondent; or Factum for the Appellant) 2. Team Number 3. Name of Court (Supreme Moot Court of Canada) 4. Style of Cause 5. Year of competition <i>Complies, Score = 1; Does not Comply, Score = 0</i>	
TOTAL (INSERT TOTAL AT PAGE 7)	/10

PART II – STYLISTIC CONSIDERATIONS

- Were proper sentence and paragraph structures used?
- Did the factum contain spelling or grammatical errors?
- Was the language clear and comprehensible?
- Were “plain English” principles applied, avoiding the use of legalese and jargon?

Please score between 1 and 5:

1= does not meet expectations

2= adequate

3= good

4= very good

5= exceeds expectations

Circle: 1 2 3 4 5

(insert score at Page 7)

Comments (if any):

PART III – AUTHORITIES AND CITATIONS

- Were sufficient and proper legal citations used? Formatting, consistency, etc.
- Did counsel rely on appropriate and strong authorities (i.e. consider the jurisdiction in which the decision was made; level of court; trial decision or interim decision, etc)?
- Was a sufficiently broad range of authorities cited? Was one case used predominantly, without reference to others;

Please score between 1 and 5:

1= does not meet expectations

2= adequate

3= good

4= very good

5= exceeds expectations

Circle: 1 2 3 4 5

(insert score at Page 7)

Comments (if any):

PART IV – ORGANIZATION OF ISSUES

- Was there a clear and correct statement of the facts and issues?
- Were the issues organized and did they flow in a logical order?
- Were the issues discretely divided or were they convoluted?
- Was there appropriate use of sub-headings, etc.?

Please score between 2 and 10:

2= does not meet expectations

4= adequate

6= good

8= very good

10= exceeds expectations

Circle: 2 4 6 8 10

(insert score at Page 7)

Comments (if any):

PART V - DEVELOPMENT OF ARGUMENTS

- Were the arguments presented in a persuasive and compelling manner?
- Did counsel apply the correct substantive law in crafting legal arguments?
- Was appropriate weight given to each issue with a focus on counsel's strongest arguments or were there unnecessary arguments?
- Did counsel effectively apply the law to the facts?
- Were the arguments creative and/or original or was it merely a restatement of the lower court decisions?

Please score between 4 and 20:

4= does not meet expectations

8= adequate

12= good

16= very good

20= exceeds expectations

Circle: 4 8 12 16 20

(insert score at Page 7)

Comments (*Please provide additional feedback, in particular, on this section as your comments are valuable and important to participants*):

TOTAL SCORE:

MARKING CRITERIA	TOTAL
Formal Requirements (insert total from Page 2)	/10
Stylistic Considerations (insert total from Page 3)	/5
Authorities and Citations (insert total from Page 4)	/5
Organization of Issues (Insert Total from Page 5)	/10
Development of Arguments (Insert Total from Page 6)	/20
TOTAL SCORE	/50

ANY ADDITIONAL COMMENTS (insert additional page(s) as necessary):

[illegible]