| **Student Name:** Ethan Gao |
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| **Motion**: This house will abolish plea bargaining |
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| Student spoke for the duration of the specified time frame. | N/A | 1 | 2 | 3 | 4 | **5** |
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| Student offered and/or accepted a point of information relevant to the topic. | N/A | 1 | 2 | **3** | 4 | 5 |
| Student spoke in a stylistic and persuasive manner (e.g. volume, speed, tone, diction, and flow). | N/A | 1 | 2 | **3** | 4 | 5 |
| Student’s argument is complete in that it has relevant Claims, supported by sufficient Evidence/Warrants, Impacts, and Synthesis. | N/A | 1 | 2 | **3** | 4 | 5 |
| Student argument reflects application of theory taught during class time. | N/A | 1 | 2 | **3** | 4 | 5 |
| Student’s rebuttal is effective, and directly responds to an opponent’s arguments. | **N/A** | 1 | 2 | 3 | 4 | 5 |
| Student ably supported teammate’s case and arguments. | **N/A** | 1 | 2 | 3 | 4 | 5 |
| Student applied feedback from previous debate(s). | **N/A** | 1 | 2 | 3 | 4 | 5 |
| Competition Score: | 70 | | | | | |
| Rubric  1 - Unobserved.  2 - Student attempt noted. Needs extended teacher support to properly execute skill.  3 - Student effort noted. Can execute skill with minimal teacher input and guidance.  4 - Student can execute skill with little to no prompting.  5 - Student can execute skill without prompting; exceeds expectations for child of that level. | | | | | | |
| **Teacher comments:**  Good opening; good link to innocent until proven guilty - link it back to plea bargaining to begin with.  Set-up   * We shouldn’t literally be defining what a plea bargain is, but rather spending time characterising status quo - and how plea bargains are enacted in context, for instance offered when prosecutors are trying to rush through cases, as are public defenders etc. * We are more or less arguing about coercion in set-up - this needs to be in the argument, not here!   Argument 1   * Start by establishing why this pressure exists. Why would their own lawyers not encourage them not to take it? * We need to explain the psyche of the accused and why they are likely to be fooled into this terrible deal.   + Explain the concept of wealth privilege and discrimination and why they feel like they cannot “afford” justice anyways, and will be falsely accused on both sides. * POI - explain why there is a power imbalance, or they can overcharge, hence convincing them their best option is to admit guilt. Do these defendants have lots of knowledge of the CJS? Why will they make uninformed decisions? * Good on why they offer! Explain what the trial process is likely to look like - and why it is bad that this occurs in this instance. * This argument covers a lot of ground - we need to be slightly more intentional with the direction of this. What central outcome are you trying to prove? * Excellent on what the intent or measurement of a crime is - explain why it is crucial we know this, or have this information - why is the counterfactual better? We are just running a negative case!   Argument 2   * Explain why it is fundamentally coercive - and how is this different from the claim you’re making in the first argument? * We need to explain systematically why the poor cannot afford experienced private attorneys - they may rely on overworked public defenders who have heavy caseloads and limited time to dedicate to each case. This can lead to inadequate representation and pressure to accept a plea bargain, even if it's not in the defendant's best interest.   07:31 - keep going and hit 8! | | | | | | |

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| **Teacher comments:**  Don’t start your speech with a judge, do not use the word ‘yap’ either. This is a formal debate speech.  What does our opening achieve? We criticise their ‘analysis’ - never challenge a specific claim, or explain why this is true. You need to have direct, clear openings that actually call out the other side.  Set-up has to come before rebuttal! What does your side support?  Rebuttal   * Why is common sense sufficient? They don’t explain why people get coerced, it isn’t enough for us to assert coercion doesn’t happen! Explain why it does not by analysing the access to a lawyer, or by talking about why you can have checks and balances against coercion. * What do we mean fairness doesn’t matter? * How does ego or other incentives change their behaviour? Isn’t this symmetric?   Set-up   * Why wouldn’t they be these types of crimes? It might be clearly guilty, hence we offer it? Notoriously, sexual assault is very difficult to prove. * Organised crimes is one framing for this debate, but we’re too heavy handed in our exclusion of the above. * Don’t mention stakeholders for the sake of it - integrate this into burdens, or into framing in terms of what both sides need to prove to win.   Argument 1   * There’s no literal social contract! You can’t assert this, but rather need to establish this relationship on its own grounding first. * Why are plea bargains the only way to access this information? Why would they give up this information - terrorism and organised crime are ideological crimes, you have to explain why the fear of punishment outweighs their ideology and belief, for instance in the legitimacy of the mafia. Most important or valuable information is insular or well guarded!   Argument 2   * What do victims want? You are very assertive on what victims want - you have to analyse what they went through, and what they want based on the kinds of things they talk about. You also exclude these types of cases in your framing! * POI - why is it unlikely? For the same reason you claim it is unlikely you’re making this argument less important in the round. * Good on questioning and trauma - why do prosecutors have incentives to offer plea bargains in this way? * We shouldn’t say what we think is best or not best for victims, this sounds patronising, but rather explain what they want or need. We have to reason out what their incentives etc. are.   07:59 | | | | | | |

| **Student Name:** Sarah Seryoung Choi |
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| **Teacher comments:**  Our opening is too much preamble again! The summary is far too long - explain why this cannot happen right from the get go.  Signposting missing?  Rebuttal   * We’re eating our words with speed again - we have to speak slower and with more calmness! * Don’t mitigate the likelihood of terror and organised crime, but explain why the kind of person they are catching will not have the relevant information. We eventually say a version of this, but unpack this properly! Why is their fear of punishment superior to the ideological ties they have to their organisation; it’s not the pact - it is that they accept death/go on suicide missions etc. * We need to challenge the framing of which cases this is or isn’t about! Is this not about instances of crimes, or assault etc. - and if their framing is true, their second argument falls out of this debate! * On rationality - we need to explain the psyche of the accused and why they are likely to be fooled into this terrible deal. Explain the concept of wealth privilege and discrimination and why they feel like they cannot “afford” justice anyways, and will be falsely accused on both sides. Explain why there is a power imbalance, or they can overcharge, hence convincing them their best option is to admit guilt. Do these defendants have lots of knowledge of the CJS? Why will they make uninformed decisions? * POI - is it guaranteed closure?   Argument 1   * We need to flag that plea bargaining comes at the expense of justice, and leads to outcomes of innocent convictions. Is it truly the person who harmed them that’s being served? * We’re assertive about what victims want and how they are going to want to engage? We have to first establish what they want, and then make the claim that they do. * Is guilt guaranteed on Opp? Undergoing a trial, especially in cases of sexual assault, doesn’t mean there is automatic guilty sentences being achieved?   Don’t just abruptly wrap up by stopping speaking. You have to conclude properly!  We have to ask POIs!  07:32 | | | | | | |