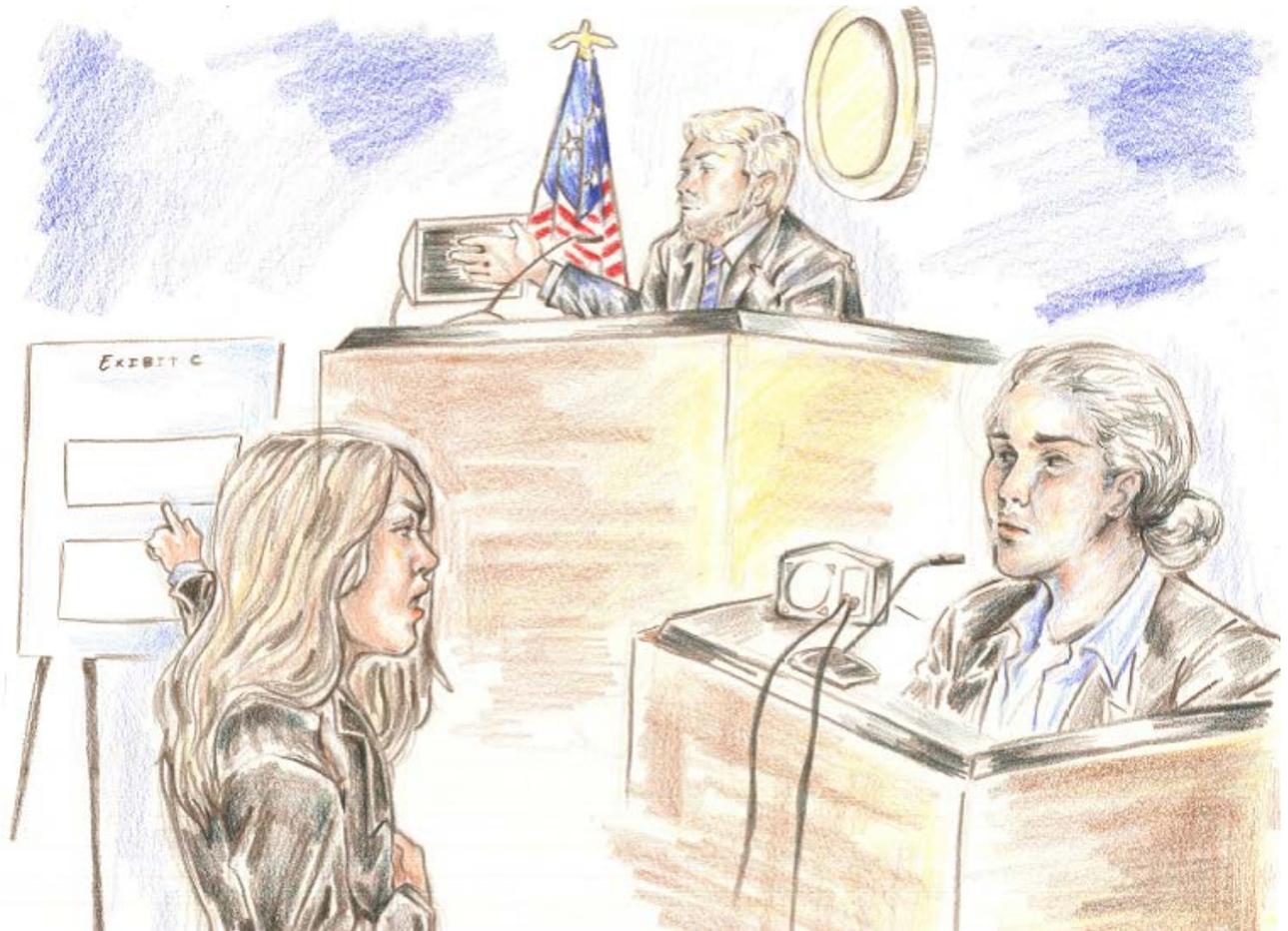




California Mock Trial Program 2019-2020 Judge/Attorney Handbook



**Official Materials for the California Mock Trial Competition
A Program of Constitutional Rights Foundation**

**Co-Sponsored by:
American Board of Trial Advocates
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Thank you for agreeing to serve as an attorney scorer or presider for CRF's California Mock Trial program. As a volunteer, you are an invaluable part of an extraordinary learning experience for California's Mock Trial participants.

Students have labored for months preparing this year's case and they value your comments and scoring of their presentations. We ask that our judging panel volunteers also prepare thoroughly for your important role in the competition.

Your role as a mock trial volunteer is critical to creating a positive learning experience, so it is crucial that your feedback be fair, helpful and positive. Your comments and accurate scoring of the trials you review are fundamental to making the mock trial an educational experience for all the students involved.

Key Competition Orientation Points

Time Commitment

- Before the competition, please review:
 - ❑ Case Material - Fact Situation, Pretrial Materials, and Witness statements.
 - ❑ Judge/Attorney Handbook
 - **Presiders**—review the presider scripts and California Mock Trial Rules of Evidence.
 - **Scoring attorneys**—review the evaluation and scoring criteria in this packet.
- During the competition:
 - ❑ Arrive at least 15 minutes prior to round for brief orientation
 - ❑ Trial will last 2 to 2 ½ hours

Volunteer Orientation

- Prior to the start of **each round** of competition:
 - basic rules
 - last-minute instructions
 - trial assignments and scoring materials distribution

Mock Trial Program Goals & Rationale of the Competition

- Designed to help students acquire a working knowledge of our judicial system and gain an understanding of their obligations and responsibilities as participating members of our society.
- Encourages young adults to develop their analytical abilities and communication skills while increasing their self-confidence.

- Fundamentally, is an academic exercise and although this is also a competition, the lasting value of the experience comes from obtaining an understanding of our judicial system and of the constitutional processes used as we strive to create a just society.

Student Expectations of Judging Panel Volunteers

- It is vitally important to the students that the judging panel is both knowledgeable and fair.
- Students are keenly aware of every act by the judging panel listening to the case, and thus it is very important for you to prepare thoroughly by reading the case materials and other trial aides carefully before competition day.
- The Mock Trial is very different from real trials and different from college and/or law school mock trials and our students are so keenly aware of the Mock Trial rules that they feel confused and cheated when a judging panel volunteer makes a statement such as, "That's not how it is done in real trials."
- Judging panel members should keep in mind that these are high school students you are observing and critiquing, and tailor your expectations and comments accordingly.
- Mock Trial should be a positive educational experience by having the students feel as positively about their participation in the program as possible, so whenever possible, offer positive, constructive criticism and avoid dwelling on the negative aspects of a presentation.

Attorney Scorers: Generally, your role is to numerically score the presentation based on the criteria in this handbook (see pages 16-20). You will also be asked to provide positive and constructive comments to students at the conclusion of the trial after you have submitted your scoresheets to the presider.

Judge/Presider: The role of the judge is to preside over the trial and help students relax and enjoy this educational experience. The mock trial is a bench trial. As the presider, you will make all decisions regarding the running of the trial, including ruling on the pretrial argument, ruling on objections (based on the Mock Trial Rules of Evidence, see page 21), and ruling on competition violations and announcing a verdict. Remember, the verdict is independent of which team may have won/lost the trial.

***Thank you for your dedication to the youth of California
and we hope you enjoy your
Mock Trial judging/scoring experience!***

The Ten Golden Rules of Judging Mock Trials

- I. Please be mindful that this should be a positive educational experience for the students. No derogatory or inappropriate remarks should be made about the students or presentations.
- II. Any potential conflict with the teams must be brought to the attention of the coordinator before the trial begins.
- III. Evidence is limited to the facts in the case packet. Do not ask students about other cases or information not included in the case packet.
- IV. When possible, allow student attorneys to argue evidentiary objections before making a ruling.
- V. Scoresheets must be completely filled, with no blanks. No fractions are allowed.
- VI. Scorers must make their scoring decisions independently, as well as nominating students for an award.
- VII. A scorer may award points to a team despite an adverse ruling from the bench. The intent is to evaluate the students on their presentation, not the outcome.
- VIII. Do not announce scores or winner at any time.
- IX. Please do not lecture or teach students during competition. For example, referring “in real trial...” or by suggesting they raise a more appropriate objection or suggesting a more appropriate question on direct or cross, etc.
- X. During the debriefing, provide positive and constructive feedback. Comments should be brief and held within the 10-minute total time limit.

Introductory Script for Presiding Judge

The scripts incorporate some of the unique instructions of the mock trial competition. Feel free to use all or portions of the scripts during the trial.

The student bailiff will call the court to order.

1. Opening Remarks

A few words of welcome or insight into the trial process can help put the students at ease.

2. Introductions

“To help myself and the attorney scorers, will the Prosecution team state your name and role?”

“Defense team, state your name and role.”

3. Instructions

- *“You must complete your presentations within the specified time limits. The clerk will signal you as your time for each section of the presentation begins to run out. When your total time for each section runs out, you will be stopped, even if you have not finished. Attorneys must call four witnesses.*
- *“This is a bench trial. At the end of the trial I will render a verdict of guilty or not guilty in relation to the charge brought. The teams will be rated based on the quality of their presentation, independent of my verdict.”*
- *“Barring unforeseen circumstances, no recesses will be called. If for any reason a recess is necessary, team members should remain in their appropriate places and should have no contact with spectators or coaches.”*
- *“Remember that objections are limited to the California Mock Trial Simplified Rules of Evidence located in the case packet.”*
- If there are no questions:

High schools teams will begin with pretrial arguments (see page 7).

“Pretrial arguments will begin.”

Middle school teams will move on to trial (see page 8). For middle school trials, evidence of the items in question are admissible and the bracketed text in the facts and witness statements and Exhibit C may be used during the subsequent trial.

“The trial will begin.”

Summary of Pretrial Motion Procedures & Script

Presiders must ask questions of the pretrial attorneys during the arguments. As much as possible, try to ask the same number of questions for each side. This will help the scoring attorneys to better evaluate the students. No objections are allowed during pretrial arguments. Two points must be deducted for each objection made during pretrial arguments.

1. The hearing is called to order.

“Both sides have four minutes to present their arguments. Defense will begin. I will interrupt to ask clarifying questions. Time spent answering my questions is not included in the four-minute time limit.”

“At the conclusion of your arguments, each side will be offered two minutes of rebuttal time. Remember that the rebuttal time is to be used to counter your opponent’s arguments. It cannot be used to raise new issues.”

2. The presider asks the defense to summarize the arguments made in the motion. The defense has four minutes. The presider may interrupt to ask clarifying questions.

“Is counsel for the defense ready to begin? Please summarize your arguments.”

3. The presider asks the prosecution to summarize arguments made in its opposition motion. The same conditions as in #2, above, apply to the prosecution.

“Is counsel for the prosecution ready to begin? Please summarize your arguments.”

4. The presider offers the defense two minutes of rebuttal time. The rebuttal time is used to counter the opponent’s arguments. It is not to be used to raise new issues.

Does the defense have a rebuttal?

5. The presider offers the prosecution two minutes of rebuttal time. The same conditions as in #4, above, apply to the prosecution.

Does the prosecution have a rebuttal?

6. At the end of the oral arguments, before ruling, the presider asks students if they would like 30 seconds to consult with teacher/attorney coaches regarding any trial irregularities.

“Before I rule on the motion students may confer with their attorney/teacher coach regarding any trial irregularities. Please do so now.”

Would the prosecution team like to note any trial irregularities? Defense team?

7. The presider will rule on the motion and begin trial (see page 8).

If the presider rules in favor of the defense, the bracketed text in the facts and witness statements nor Exhibit C may not be referred to or discussed during the subsequent trial.

Summary of Trial Procedures & Script

1. Evidence - Attorneys present physical evidence for inspection.

“Prosecution/Defense, do you have any physical evidence you would like to present for inspection?”

2. Charge - Presider states charges against defendant.

“The people of the state of California are charging the defendant, Bailey Matsumoto, with murder, which is the unlawful killing of another human being with malice afterthought.”

3. Opening Statements - Prosecution delivers its opening statement. No questioning during opening statements.

“Prosecution, are you ready to present opening statement?”

At the conclusion of opening statement, defense may present their opening statement or wait until the prosecution has completed their case.

“Defense, are you ready to present opening statement?”

4. Prosecution Witnesses - Prosecution calls its witnesses and conducts direct examination.

“Prosecution, you may call your first witness.”

After each prosecution witness is called to the stand and has been examined by the prosecution, the defense cross-examines the witness.

“Defense, cross-examination?”

After each cross-examination, prosecution may conduct re-direct examination of its own witnesses if necessary.

“Prosecution, would you like to redirect?”

“Prosecution, please call your next witness.” (Repeat for all four witnesses)

5. Defense Witnesses - Defense calls its witnesses and conducts direct examination.

Begin with opening statement (if it did not do so earlier) or call first witness.

“Is the defense ready to proceed?” or *“Defense, you may call your first witness.”*

After each defense witness is called to the stand and has been examined by the defense, the prosecution cross-examines the witness.

“Prosecution, cross-examination?”

After each cross-examination, defense may conduct re-direct examination of its own witnesses if necessary.

“Defense, would you like to redirect?”

“Defense, please call your next witness.” (Repeat for all four witnesses)

When the defense team completes their case, begin closing arguments.

6. Closing Arguments - No questioning during closing arguments.

Prosecution gives its closing argument first.

“Prosecution, would you like to give your closing arguments?”

Then defense presents its closing arguments.

“Defense, would you like to give your closing arguments?”

7. Rebuttal - Prosecution and defense present rebuttal arguments.

“Rebuttal?” (Prosecution and defense)

8. 30 Second Rule - At the end of the trial before ruling, the presider asks students if they would like 30 seconds to consult with their teacher/attorney coaches regarding any trial irregularities.

“Before I rule on the motion, students may confer with their attorney/teacher coach regarding any trial irregularities. Please do so now.”

“Would the prosecution team like to note any trial irregularities? Defense team?”

9. Conclusion - Presider deliberates, announces verdict in court, and conducts a short debrief of the trial with the scoring attorneys (not to exceed 10 min.)

- 1) Announce a verdict (although no scores or winners will be announced at this time).
- 2) Remind scorers to complete all boxes on scoresheet, collect scores, and complete tiebreaker.
- 3) Commence debrief by judge and scoring attorneys (please limit comments to no more than 10 minutes).
- 4) Return envelope with score sheets, tiebreaker, award nomination forms and time cards to mock trial staff. The presider must complete the tie-breaker form after each trial. The tie-breaker form is not the verdict, but rather an indication of which team presented their case better overall. Do not announce scores or tiebreaker information to the teams.

Important Excerpts from the 2019-20 Team Rule Book

Rule 1.1 — Rules

- A. All trials will be governed by the rules of the California Mock Trial Program and the California Mock Trial Rules of Evidence.

Rule 1.2 — Code of Ethical Conduct

All participants (including observers) are bound by all sections of this Code and agree to abide by the provisions.

Rule 1.3 — Trial Procedures

- A. The Mock Trial Competition is a bench trial. Attorneys and witnesses are not allowed to verbally address the scoring attorneys as if they were a jury.
- B. When the trial begins, the presider will ask the team members, teachers, and attorney coaches to introduce themselves. Other than the clerk and bailiff, team members must not communicate with the scoring attorneys until the conclusion of the trial.
- C. Teams will be identified by team code only and not by school/county name.
- D. All participants are required to wear appropriate courtroom attire. Spectators are prohibited from wearing clothing that identifies their school/county.
- E. Teacher coaches, attorney coaches, and spectators are to remain in the courtroom throughout the trial as much as possible as to not disrupt the trial.
- F. Teams are required to submit team rosters to the presider, scoring attorneys, and the opposing team. Teams may add student photos to the team roster, but may not add any other information.
- G. All team members participating in a trial must be in the courtroom at the scheduled time, ready to begin the round, and are to remain in the courtroom throughout the trial. Incomplete teams must begin the trial without their other members or with alternates.
- H. If a scheduled team is not present within 30 minutes after the scheduled trial time, that team forfeits the trial and is subject to possible disqualification (subject to the discretion of Mock Trial staff).
- J. Recesses will not be allowed in local or state competitions for any reason (unless authorized by Mock Trial staff or presider).
- K. Tie-breakers: At the State Finals, any tie will be broken by the presider's independent selection of the winning team. At local competitions, counties may use this procedure or select a different one.
- L. Use of laptop computers, tablets, cellular phones, or other electronic devices during trials is prohibited.
- M. Teams may only video/audio record a trial involving their school and must get approval from the opposing team. Any team has the option to refuse participation in video/audio recording and still photography. Check with the county coordinator regarding guidelines for video/audio recording at the local level. Any recording is for educational purposes only, and videos should not be shared with any other team before the State Finals without the permission of both teams recorded. CRF will not accept any video for complaint purposes.
- N. Other than the exhibits provided in the trial material, no other illustrative aids of any kind may be used.
- O. Props, costumes, and theatrical makeup are prohibited. Costuming includes hairstyles and clothing accessories that are specific to a role in the case. In keeping with the educational philosophy and objectives of the Mock Trial Program, teams should concentrate on presenting the trial in a realistic manner, with witnesses wearing appropriate courtroom attire and using their normal speaking voices. Portrayals of racial, ethnic, and gender stereotypes are inappropriate and are not allowed.

- P. Gender-neutral names allow students of either gender to play the role of any witness. During trial, questions regarding gender, race, or physical characteristics not included in the official case materials are not allowed.

Rule 3.1 — The Case

- A. The case material contains the sources for the Mock Trial Program. These sources include the facts, witness statements, all the pretrial materials, charges, exhibits, rules of evidence, stipulations, role descriptions, Mock Trial procedures and California Mock Trial Simplified Rules of Evidence.
- B. The fact situation is a set of indisputable facts.
- C. Stipulations may not be disputed at trial.
- D. Stipulations will be considered part of the record and already admitted into evidence.
- E. Stipulations and charges will not be read into the record.

Rule 3.2 — Physical Evidence

- A. The prosecution team must bring to each trial, the physical evidence listed under the heading “Physical Evidence” in the case materials. All reproductions can be as small as the original size of the exhibits found in the case material, but no larger than 22 x 28 inches. Teams will not be penalized if they choose not to reproduce and enlarge the exhibit as found in the case material. If the prosecution team fails to bring physical evidence to court, it may be reflected in the team presentation/participation score.
- B. No other physical evidence will be allowed. All physical evidence and witnesses found in this case, but not made physically available for trial, are unavailable and their availability may not be questioned.
- E. Whether a team introduces, uses, and moves the physical evidence into evidence is entirely optional, but all physical evidence must be available at trial for either side to use.
- F. Evidence should not be altered in any way. It is not permitted to mark on the exhibits. Any alterations to the exhibits may be grounds for disqualification from the competition.
- G. Illustrative aids of any kind are prohibited, including but not limited to the use of electronic or light projected aids.

Rule 3.3 — Trial Communication

- A. Once the trial has begun, coaches, teachers, alternates, and spectators are not allowed to communicate (including signaling and passing notes) with the teams.
- B. The Mock Trial Competition is a bench trial. Attorneys and witnesses are not allowed to verbally address the scoring attorneys as if they were a jury.
- C. Communication between trial attorneys is allowed during the trial but must be non-disruptive.
- D. The defendant may sit at the counsel table and communicate with the defense attorneys. All communication must be non-disruptive to the trial.
- E. After the pretrial, the pretrial attorneys may not sit with the trial attorneys and may not communicate with the trial attorneys at any time.
- F. Once the trial has begun, there must be no spectator contact with student team members, whether in the hallway or the courtroom.
- G. If any section on rule 3.3 has been violated, scorers must deduct five points per score sheet per violation.

Rule 3.4 — Witnesses

- A. Although witnesses are excluded from the trial proceedings in actual trials, for educational purposes, witnesses in the Mock Trial Program will remain in the courtroom for the entire trial. Witnesses will sit in designated seating at the front of the courtroom.

- B. Witnesses may not testify or respond to another witness' testimony, unless otherwise stated in the stipulations.
- C. The fact situation, witness statements, stipulations and exhibits, are the official case materials and make up the sole source of information for testimony.
- D. Unless otherwise stated, attorneys may not solicit information from a witness that requires the witness to testify to information from another witness' statement or information not included in their own statement.
- E. The witness statements contained in the case material should be viewed as signed statements made to the police by the witnesses. Unless otherwise specified, a witness can be impeached if she/he contradicts the case material contained in her/his witness statement or fact situation using the procedures as outlined in the case material.
- F. Because this is a mock trial, witnesses may not be treated as hostile witnesses.
- G. All witnesses must be called in the allotted time. If the direct examination attorney runs out of time without calling one or more witnesses, the direct examination attorney and the witness will each automatically receive a score of zero for each witness not called, and the cross-examination attorney will automatically be awarded ten points for each witness not called. Once the time allotted for witnesses has ended, direct examination attorneys may not call any other witnesses.
- H. Cross-examination is required for all witnesses. If the cross-examination attorney does not cross one or more witnesses, the cross-examination attorney will receive a cross-examination score of zero for the witnesses.
- I. Witnesses are not allowed to use notes while testifying during trial.

Rule 3.5 — Unfair Extrapolation

- A. It is each student's responsibility to work closely within the record.
- B. An unfair extrapolation (UE) occurs when a witness creates a material fact not included in his or her official record. A material fact is one that would likely impact the outcome of the case.
- C. Witnesses may, however, make fair extrapolations from the materials. A fair extrapolation is one in which a witness makes a reasonable inference based on his or her official record. A fair extrapolation does not alter the material facts of the case.
- D. Unfair extrapolations are best attacked through impeachment and closing argument. They should be dealt with by attorneys during the course of the trial. (See Impeachment during Cross-Examination in the case packet.)
- E. If a witness is asked information not contained in the witness's statement, the answer must be consistent with the statement and may not materially affect the witness's testimony or any substantive issue of the case.
- F. Attorneys shall not ask questions calling for information outside the scope of the case materials or requesting an unfair extrapolation.
- G. Attorneys for the opposing team may refer to this rule as a special "unfair extrapolation" objection.
- H. When a "UE" objection is made, possible rulings by a presider may be one of the following:
 - a) No extrapolation has occurred. Objection overruled.
 - b) An unfair extrapolation has occurred. Objection sustained.
 - c) The extrapolation was fair. Objection overruled.
- I. The decision of the presiding judge regarding extrapolations or evidentiary matters is final. Scoring attorney must take the presiding judges ruling on unfair extrapolations into consideration when determining the point deduction total.

- J. Witnesses and attorneys making unfair extrapolations and attorneys who ask questions that require the witness to answer with an unfair extrapolation should be penalized by having one point deducted from their individual scores.
- K. If a team has several team members making unfair extrapolations, in addition to the individual point deductions, five points should be deducted from the offending team's presentation/participation score.

Rule 3.6 — Attorneys

- B. Attorneys may conduct a re-direct examination when appropriate. No re-cross-examination is allowed. Witnesses may not be recalled to the stand.
- C. The attorney who conducts the direct examination of a witness is the only person allowed to make objections to the cross-examination of that witness. The attorney who conducts the cross-examination of a witness is the only person allowed to make objections during the direct examination of the witness. Two points must be deducted for each objection made by the wrong attorney.
- D. Attorneys may use notes while presenting their cases.
- E. The Mock Trial competition proceedings are governed by the California Mock Trial Simplified Rules of Evidence in the case material. Only specified types of objections will be recognized in the competition. Other rules may not be used at the trial.
- F. Legal motions not outlined in the official materials will not be allowed.
- G. There are no objections allowed during opening statements or closing arguments. (It will be the presider's responsibility to handle any legally inappropriate statements made in the closing, while scorers will also keep in mind the closing argument criteria.) Two points must be deducted for each objection made during opening statements or closing arguments.
- H. There will be 30 seconds provided at the end of the pretrial and at the end of the trial for team members from each team to confer with their team's teacher and attorney coach to discuss any trial irregularities.
- I. If there are any irregularities regarding the rules of the competition, which a team would like the presider and scorers to be aware of, one member will have 30 seconds to orally note the irregularities to the court. Coaches may not directly make arguments on behalf of the team.
- J. Teams arguing a violation of the rules must be able to point to specific incident of the misconduct and be able to cite to the presider, the corresponding violation in the team rulebook and/or case material.
- K. The presider will hear the alleged violation and rule on the violation, the presider's decision will be the final.
- L. If the presider determines a violation exists and there is not a specified deduction outlined in the team rulebook, the presider will direct the scoring attorneys to take the violation into consideration. The scoring attorneys will use their discretion to determine individually how many points (if any) will be taken off their score sheet.
- M. The 30 second rule should be used for substantial rule violations and should not to be used to argue additional points of law or rebut opponent's closing argument.
- N. This time should not to be used to argue additional points of law or rebut opponent's arguments. Regarding questions of rule violations, the presider's decision will be the final.

Rule 3.7 Conduct of the Pretrial Motion

- C. No objections are allowed during pretrial arguments. Two points must be deducted for each objection made during pretrial arguments.
- E. Additional background research may supplement their understanding of the issues at hand, but such supplemental materials may not be cited in arguments.
- F. No written pretrial motion memoranda may be submitted at trial.

- G.** The pretrial motion, motions entering exhibits into evidence, and motion to strike testimony are the only motions allowed. All other motions are prohibited. If a motion is made that is not listed in this section, two points must be deducted from the team's total team presentation/participation score.

Rule 3.8 — Clerk, Bailiff, and Unofficial Timers

- A.** The Mock Trial competition involves timed presentations. The clerk is the official neutral time keeper for the trial. The clerk must keep accurate time for both teams, provide time remaining warnings, and complete a time sheet. In addition, any member of the team presenting defense may serve as an unofficial timer. This unofficial timer must be identified before the trial begins. To avoid timing issues, both the clerk and unofficial timers must sit next to each other during the trial.
- B.** The clerk and unofficial timer must bring a stop watch (no cell phones, tablets, or other electronic devices) and CRF's time sheet to each trial. The clerks may only use the time cards from CRF's website, printed out on white paper (card stock recommend but not necessary). At the State Finals, teams must use the laminated time cards provided by CRF, which will be distributed by the presider. The time cards must be returned to the presider after each trial. The time cards will have the following time remaining warnings:
2 minute; 1 minute; 30 seconds; Stop
- C.** Modifications of time intervals are not permitted.
- D.** Running of another team's time is not allowed. One team's unreasonable running of the opposing team's time is inappropriate. The scorers should deduct 5 points from the offending witness' score, should they determine that a witness is trying to run the opposing team's time. In addition, the presider may admonish the witness.
- E.** Each team will have 40 minutes to present its case, including the pretrial motion. (The time may be utilized however they choose, but the maximum allowable totals for each section must be observed.)
- G.** The time will be stopped when:
- witnesses are called to the stand
 - attorneys make objections
 - presiders questions attorneys and witnesses
 - presiders offer their observations.
- F.** The time will start when each attorney starts to speak (i.e. first word of pretrial, opening, direct, cross-examination, and closing. Examples include but are not limited to:
- "May it please the court..."
 - "Your Honor..."
 - "Please state your name for the court..."
- G.** The time will be stopped when:
- Witnesses are called to the stand
 - Attorneys make objections
 - Presider questions attorneys and witnesses
 - Presider offers their observations.
- H.** The time will not be stopped if witnesses are asked to approach the diagram. Time will not be rounded off, and must be measured to the whole second.
- I.** One minute is automatically reserved for rebuttal at the conclusion of closing argument. Only issues that were addressed in an opponent's closing argument may be raised during rebuttal. Formal reservation of rebuttal time is not required.
- J.** At the State Finals, 'two-minute' and 'stop' warnings must be given both visually and verbally before the end of each section. The 'one-minute' and '30 second' visual warnings (not verbal) must be given before the end of each section. The time remaining cards must be displayed in a manner to ensure that there is a clear view for the counsel and presiding judge. The clerk will stop students (both visually and verbally) at

the end of the allotted time for each section. Thus, there will be no allowance for overtime. Two points must be deducted per score sheet if the presider finds that any section of this rule has been violated.

- K. If timing variations occur of 15 seconds or more at the completion of any task during the trial, the timers will notify the judge immediately that a time discrepancy has occurred. Any time discrepancies less than under 15 seconds are not considered a violation. No time discrepancies will be entertained after the trial concludes. The judge shall determine whether to accept the clerk's time or make a time adjustment.
- L. At the end of the pretrial motion and the trial, the clerk will time the 30-second rule.
- M. The presider and attorney scorers will be allowed 10 minutes for debriefing. Following the verdict, the clerk will begin timing the debriefing. The clerk will provide the presider and attorney scorers with a 2 minute, 1 minute, 30 second visual warnings and will stop (both verbal and visual) the debriefing.
- N. The clerk will not be scored on timing the debriefing, consultations, and any formal presentations regarding irregularities. No extensions of time will be granted.

Rule 4.1 — Rule Interpretation

- A. The presider is the ultimate authority throughout the trial. If there is a rule infraction, it is solely the student attorneys' responsibility to bring the matter to the presider's attention before a verdict is rendered.
- B. No bench conferences are allowed.
- C. The presider will determine if a rule was, in fact, violated. Her/his word is final.
- D. Unless a specific point deduction for a particular infraction is provided in these rules, each scorer will determine the appropriate amount of deduction individually.
- E. These rules are designed to introduce the procedures of law to participants and to foster good sportsmanship. Interpretations of the rules should be guided by common sense.
- F. Arguing for hyper technical interpretations of the rules, especially when designed to embarrass others or to gain an unfair advantage, is prohibited and five points must be deducted.

Rule 5.3 — Evaluation

- A. Each scoring attorney will use the evaluation and scoring criteria to assign a numerical value (1-10) to individual and team presentations.
 - Closing and pretrial arguments are weighted twice as much as other categories.
 - Clerk and bailiff are evaluated using a scale of 1-5.

Rule 5.4 — 1 to 10 Point Scale

- A. Students are to be rated on the ten-point scale for each category (with the exception of the clerk and bailiff) according to the criteria appropriate to each presentation.
- B. Scoring attorneys should consider a "5" as a starting point and move up or down based on the presentation.
- C. Scoring attorneys must award points individually and not with consultation from other scoring attorneys.
- D. Some scores are weighted and therefore can affect a team's score more dramatically. These include the pretrial motion (x2) and the closing argument (x2).
- E. The scoring attorneys are scoring the individual presentation in each category.
- F. The scoring attorneys are not evaluating the legal merits of the case.

Evaluation Criteria

Pretrial Motion (X2)	
<ul style="list-style-type: none"> • Clear and concise presentation of issues and appropriate use of case materials. • Well-developed, reasoned, and organized arguments. 	<ul style="list-style-type: none"> • Solid understanding of legal reasoning behind the arguments. • Responded well to presider's questions and maintained continuity in argument. • Effective rebuttal countered opponent's argument.
Opening Statement	
<ul style="list-style-type: none"> • Provided a case overview • Theme/theory of the case was identified • Overview of key witnesses and their testimony • Introduction of Attorneys 	<ul style="list-style-type: none"> • Outlined burden of proof • Request for relief (what the side is asking the court to decide) • Mention of applicable law or statutes to be covered
Direct/Re-Direct Examination	
<ul style="list-style-type: none"> • Questions required straightforward answers and brought out key information for her/his side of the case. • Attorney properly introduced exhibits and, where appropriate, properly introduced evidence as a matter of record. • Attorney properly phrased and rephrased questions and demonstrated a clear understanding of trial procedures. • Responded to objections utilizing rules of evidence or the rules of competition. 	<ul style="list-style-type: none"> • Attorney made effective objections to cross-examination questions of her/his witness when appropriate. • Attorney did not make unnecessary objections and used only those objections listed in the Summary of Evidentiary Objections. • Throughout questioning, attorney made appropriate use of time. • Attorney avoided leading questions • Did not ask opinion questions unless witness is an expert.
Cross-Examination	
<ul style="list-style-type: none"> • Attorney made effective objections to direct examination (of the witness she/he cross-examined) when appropriate. • Used narrow questions that suggested a yes or no answer and did not allow the witness to provide a narrative explanation. • Responded to objections utilizing rules of evidence or the rules of the competition. • Followed protocol to introduce exhibits. • Utilized objections as a means to forward the case and not just to throw the other side off their game; unnecessary objections, excessive interruptions, and/or obstructionist behavior should not be rewarded. 	<ul style="list-style-type: none"> • Attorney properly phrased and rephrased questions and demonstrated a clear understanding of trial procedures. • Attorney exposed contradictions in testimony and weakened the other side's case. • Impeached the witness without appearing to harass or intimidate him/her. • Referred to witness testimony and followed rules for showing the testimony to the witness. • Demonstrated a clear understanding of the rules of competition and of evidence.
Witnesses	
<ul style="list-style-type: none"> • Witness was believable in her/his characterizations and presented convincing testimony. • Witness was well prepared for answering the questions posed to her/him under direct examination and responded well to them. • Witness responded well to questions posed under cross-examination without unnecessarily disrupting or delaying court proceedings. • Witness understood the facts. 	<ul style="list-style-type: none"> • Witness testified to key facts in a consistent manner and avoided irrelevant comments. • Witness did not disrupt the trial with unreasonable inferences. • Played up the strengths of his/her statements and adequately explained the weaknesses. • Did not use notes. • Sounded spontaneous and not memorized. • Did not wear a costume.

Evaluation Criteria

Closing Arguments (x2)	
<ul style="list-style-type: none"> • Attorney’s presentation contained elements of spontaneity and was not based entirely on a prepared text. • Attorney incorporated examples from the actual trial, while also being careful not to introduce statements and evidence that were not brought out during the trial. • Outlined the strengths of his/her side’s witnesses and the weakness of the other side’s witnesses. 	<ul style="list-style-type: none"> • Asked for the verdict, including a request for relief, and explained why the verdict was justifiable. Attorney made an organized and well-reasoned presentation summarizing the most important points for her/his team’s side of the case. • Effective rebuttal countered opponent’s arguments. • Reviewed the exhibits and how they helped the case. • Stated the applicable law or statutes and how they supported the side’s theory.
Clerk	
<ul style="list-style-type: none"> • Present and punctual for trial. • Performed her/his role so that there were no disruptions or delays in the presentation of the trial. 	<ul style="list-style-type: none"> • Conducted herself/himself professionally without attracting any unnecessary attention. • Properly used verbal and visual time warnings.
Bailiff	
<ul style="list-style-type: none"> • Present and punctual for trial. • Performed her/his role so that there were no disruptions or delays in the presentation of the trial. 	<ul style="list-style-type: none"> • Conducted herself/himself professionally without attracting any unnecessary attention. • Knowledgeable about script and role in trial. • Followed script.
Team Presentation	
<ul style="list-style-type: none"> • Team members were courteous, observed general courtroom decorum, spoke clearly and distinctly, and displayed good sportsmanship to all competitors, regardless of trial results. • All team members were involved in the presentation of the case and actively participated in fulfilling their respective roles. • Witnesses performed in synchronization with attorneys in presenting their side of the case. 	<ul style="list-style-type: none"> • As much as possible, each trial attorney displayed examination and argumentation skills, and when appropriate, displayed knowledge of California Simplified Rules of Evidence in making objections. • Team members demonstrated cooperation and teamwork. • The teachers and attorney coaches displayed good sportsmanship.

Guidelines for (1-10) Scoring

Attorneys		Witnesses
<p>Excellent understanding of the case, rules, and legal issues Questions and arguments advanced case and didn't ask for answers that asked for unfair extrapolations Persuasive and articulate delivery made without use of notes Thought well on feet, in control of situation, and responded to other team's presentation Objected when appropriate; clearly understood how to respond to objections Maintained eye contact with judge and witnesses, spoke in clear and audible voice Did not verbally address the attorney scorers.</p>	9-10 Excellent	<p>Excellent understanding of case, witness statements, and exhibits (if applicable) Convincing, credible presentation Answers were thorough, accurate, persuasive, and natural, not scripted Didn't provide answers that embellished facts and/or went outside scope of case materials Maintained eye contact with judge and student attorneys; strong, audible voice Did not verbally address the attorney scorers.</p>
<p>Good understanding of the case, rules, and legal issues Most questions and arguments advanced case and didn't ask for unfair extrapolations Mostly persuasive and articulate delivery; used notes occasionally Able to think on feet some of the time Most objections were appropriate; usually understood how to respond to objections Mostly maintained eye contact with judge and witnesses Did not verbally address the attorney scorers. Mostly spoke in clear and audible voice</p>	7-8 Above Average	<p>Good understanding of witness statements and exhibits (if applicable) Mostly convincing, credible presentation Most answers were thorough, accurate, persuasive, and mostly natural, not memorized Rarely provided answers that embellished facts and/or went outside scope of case materials Sometimes forgot to maintain eye contact with judge and student attorneys Mostly spoke in clear and audible voice Did not verbally address the attorney scorers.</p>
<p>Fair understanding of case, rules, and legal issues Used notes, sometimes stumbled on delivery Some questions and arguments advanced case and didn't ask for unfair extrapolations Prepared for trial but often relied on preparation and not responding to other team's presentation Missed appropriate opportunities to object; didn't always understand how to respond to objections Sometimes forgot to maintain eye contact with judge and witnesses Sometimes difficult to hear Verbally address the attorney scorers.</p>	5-6 Average	<p>Fair understanding of witness statements and exhibits (if applicable) Somewhat convincing, credible presentation Answers not always thorough, accurate or persuasive; sounded scripted, not natural Some answers embellished facts and/or went outside scope of case materials Sometimes forgot to maintain eye contact with judge and student attorneys Sometimes difficult to hear Verbally address the attorney scorers.</p>
<p>Demonstrated little understanding of case, rules, and legal issues Needs work on poise and delivery; didn't respond to other team's presentation Read mostly scripted questions; relied heavily on notes Few questions and arguments advanced case; may have asked questions that required unfair extrapolations Struggled to understand when to object and how to respond to objections; used objections to interfere with other team's presentation Often forgot to maintain eye contact with judge or witnesses Often difficult to hear Verbally address the attorney scorers.</p>	3-4 Below Average	<p>Struggled to understand witness statements and exhibits (if applicable) Presentation not convincing, credible; often unrealistic Answers were generic and often didn't seem natural, but based on memorized script; sometimes stumbled over responses Often provided answers that embellished facts and/or went outside scope of case materials Often forgot to maintain eye contact with judge and student attorneys Often difficult to hear Verbally address the attorney scorers.</p>

<p>Did not understand case, rules, or legal issues Not persuasive or articulate in delivery; read entirely from script Not prepared for trial; not able to think on feet Questions and arguments didn't advance case; asked for answers that required unfair extrapolations Did not know when to object or how to respond to objections Disruptive/disrespectful/inappropriate actions Did not maintain eye contact with judge or witnesses; unclear or inaudible voice Verbally address the attorney scorers.</p>	<p>1-2 Far Below Average</p>	<p>Did not understand witness statements and exhibits Presentation not convincing or credible; seems unrealistic Answers were not thorough, accurate, or persuasive, and didn't sound natural; stumbled over responses Answers not consistent with the facts and/or went outside scope of case materials Did not maintain eye contact with judge or student attorneys Weak, inaudible, or unclear voice Disruptive/disrespectful/inappropriate actions Gave excessively long, non-responsive answers on cross examination to deliberately use up opposing counsel's time Verbally address the attorney scorers.</p>
<p>Clerk</p>		<p>Bailiff</p>
<p>Very professional demeanor Clear understanding of procedures; excellent time keeping Clear, audible voice when issuing verbal warnings (if applicable) Visual warnings were clearly visible to student attorneys Able to think well on feet, in control of situation</p>	<p>5 Excellent</p>	<p>Very professional, believable presentation Consistent use of clear and audible voice, and eye contact Consistently natural delivery of script Excellent understanding of role and procedures</p>
<p>Professional demeanor Good understanding of procedures; good time keeping Mostly spoke in clear, audible voice when issuing verbal warnings (if applicable) Visual warnings were mostly clearly visible to student attorneys</p>	<p>4 Above Average</p>	<p>Professional, believable presentation Used clear, audible voice, and eye contact a lot of the time Knew script and delivery was mostly consistently natural Good understanding of role and procedures</p>
<p>Good demeanor Basic understanding of procedures; able to keep time Was heard when issuing verbal warnings (if applicable) Visual warnings were visible to student attorneys</p>	<p>3 Average</p>	<p>Mostly natural, believable presentation Audible voice, some eye contact Apparent that script was memorized Understood role and procedures</p>
<p>Demeanor lacked professionalism Demonstrated little understanding of procedures; time keeping not entirely accurate Not clear or audible when issuing verbal warnings (if applicable) Visual warnings may not have been visible to student attorneys</p>	<p>2 Below Average</p>	<p>Presentation not realistic, lacked professionalism Voice not all that clear or audible; little eye contact Used notes, stumbled with script Did not have a good understanding of role and procedures</p>
<p>Complete lack of professionalism No understanding of procedures; time keeping was inaccurate Verbal warnings not used or completely inaudible (if applicable) Verbal warnings not used or not at all visible Disruptive/disrespectful/inappropriate actions</p>	<p>1 Far Below Average</p>	<p>Complete lack of professionalism Voice not audible or clear; no eye contact Relied almost entirely on notes/script Did not understand role and procedures Disruptive/disrespectful/inappropriate actions</p>

<p>0 Score (10 Point Deductions)</p>	<ul style="list-style-type: none"> • Failure to cross-examine a witness (Attorney score) • Failure to conduct direct examination of a witness (Attorney and witness score) • Can apply only to rule violations that specify a zero score
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Participation and Team Presentation	
9-10 Excellent	<p>All competitors, coaches and other participants, including observers:</p> <ul style="list-style-type: none"> • showed courtesy and respect for all team members and participants, including their opponents and all courthouse staff, judges, attorney coaches, teacher coaches and mock trial staff and volunteer personnel. • showed dignity and restraint, irrespective of the outcome of any trial. Trials, contests and activities were conducted honestly, fairly, and with civility. • conformed to the highest standards of department. • focused on the educational value of the Mock Trial Competition. • used proper procedure and decorum • abided by the letter and the spirit of the competition's Rules and this Code of Ethical Conduct. • did not employ tactics they believe to be wrong or in violation of the Rules. • did not willfully violate the Rules of the competition in spirit or in practice. • Team members: presentation was natural; no overacting.
7-8 Above Average	<ul style="list-style-type: none"> • Pretrial attorney served as trial attorney during the same round. • The prosecution team failed to bring physical evidence to court. • Prohibited motions were used. (The pretrial motion, motions entering exhibits into evidence, and motion to strike testimony are the only motions allowed.) • Team members' roles were not evenly divided.
5-6 Average	<ul style="list-style-type: none"> • Used 30 second rule to argue additional points of law or rebut opponent's closing argument. • Several team members made unfair extrapolations (in addition to the individual point deductions.) • Portrayed racial, ethnic, and gender stereotypes. • Team members; presentation was not natural; overacting was present.
3-4 Below Average	<ul style="list-style-type: none"> • Argued for hyper technical interpretations of the rules to embarrass others or to gain an unfair advantage. • Additional exhibits, other than the exhibits provided in the trial material, were used. • Used props, costumes, and theatrical makeup.
1-2 Far Below Average	<p>Competitors, coaches and/or other participants, including observers:</p> <ul style="list-style-type: none"> • did not show courtesy and respect for all team members and participants, including their opponents and all courthouse staff, judges, attorney coaches, teacher coaches and mock trial staff and volunteer personnel. • did not show dignity and restraint, irrespective of the outcome of any trial. Trials, contests and activities were not conducted honestly, fairly, and with civility. • did not conform to the highest standards of department. • did not focus on the educational value of the Mock Trial Competition. • did not use proper procedure and decorum • did not abide by the letter and the spirit of the competition's Rules and this Code of Ethical Conduct. • employed tactics they believe to be wrong or in violation of the Rules. • willfully violated the Rules of the competition in spirit or in practice.

California Mock Trial Rules of Evidence

Summary of Allowable Evidentiary Objections

These are the **only** objections allowed and are modified for the mock trial competition. (See Mock Trial Simplified Rules of Evidence of the case packet for more detail)

1. **Unfair Extrapolation:** "Objection your honor. This question is an "unfair extrapolation," or "This information is beyond the scope of the statement of facts."
2. **Relevance:** "Objection, your honor. This testimony is not relevant," or "Objection, your honor. Counsel's question calls for irrelevant testimony."
3. **More Prejudicial Than Probative:** "Objection, your honor. The probative value of this evidence is substantially outweighed by the danger of undue prejudice (or confusing the issues, wasting time, or misleading the trier of fact)."
4. **Foundation:** Objection, your honor. There is a lack of foundation."
5. **Personal Knowledge/Speculation:** "Objection, your honor. The witness has no personal knowledge to answer that question." Or "Objection, your honor, speculation."
6. **Opinion Testimony (Testimony from Non-Experts):** "Objection, your honor. Improper lay witness opinion," or "Objection, your honor. The question calls for speculation on the part of the witness."
7. **Expert Opinion:** "Objection, your honor. There is a lack of foundation for this opinion testimony," or "Objection, your honor. Improper Opinion."
8. **Character Evidence:** "Objection, your honor. Inadmissible character evidence," or "Objection, your honor. The question calls for inadmissible character evidence."
9. **Hearsay:** "Objection, your honor. Counsel's question calls for hearsay," or "Objection, your honor. This testimony is hearsay. I move that it be stricken from the record."
10. **Leading Question:** "Objection, your honor. Counsel is leading the witness."
11. **Compound Question:** "Objection, your honor. This is a compound question."
12. **Narrative:** "Objection, your honor. Counsel's question calls for a narrative." Or, "Objection, your honor. The witness has lapsed into a narrative answer."
13. **Argumentative Question:** "Objection, your honor. Counsel is being argumentative," or "Objection, your honor. Counsel is badgering the witness."
14. **Asked and Answered:** "Objection, your honor. This question has been asked and answered."
15. **Vague and Ambiguous:** "Objection, your honor. This question is vague and ambiguous as to _____."
16. **Non-Responsive:** "Objection, your honor. The witness is being non-responsive."
17. **Outside Scope of Cross-examination:** "Objection, your honor. Counsel is asking the witness about matters beyond the scope of cross-examination."