

2017 Mock Trial Judge Reference Sheet

Rules Unique to Mock Trial

Extrapolation of Fact in Direct Examination	Witness limited to facts given in the case materials
Extrapolation of Fact in Cross Examination	Ok if there is no conflict with case materials
Direct Examination	May NOT lead witness; may refresh recollection (under rule 612); ask about first-hand knowledge
Cross Examination	Can lead witness; ask any relevant fact, may impeach witness
Redirect	Limited to issues raised by cross examination
Re-cross	Limited to issues raised by redirect examination
Hostile Witness Rule	Interrogation may be by leading questions
Voir Dire	Voir Dire examination of a witness is NOT permitted
No offer of proof	No offers of proof may be requested or tendered

Mock Trial Procedural Rules

Video Taping	At discretion of presiding judge
Case Citations	Must cover cases provided in materials
Presiding Judge	Rules on motions, controls courtroom, and evaluates each team member using the score sheet provided and casts a ballot for the team that receives the most points to provide a tie-breaker ballot
Scoring Judges	Evaluate each team member using the score sheet provided and casts a ballot for the team that receives the most points
Physical Evidence	All exhibits have been stipulated as admitted <i>and must not be altered</i>
Outstanding Attorney and Witness Awards	Based on points earned from both SCORING judges. See Outstanding Awards Tabulation Sheet

Trial Sequence

Pretrial Conference	Receive score sheets from competing teams
Opening the Court	The bailiff will open the court
Opening statements	Prosecution then Defense
Swearing in Witnesses	The bailiff will swear in the witnesses
Prosecution Witnesses #1 - #2	Direct, Cross, Redirect and Re-cross
Defense Witnesses #1 - #2	Direct, Cross, Redirect and Re-cross
Prep for closing	Until closing arguments have concluded, team attorneys may communicate only with each other. None of the performing team members may communicate in any way with the teachers, legal advisors, team members not performing in that round, or any other observers. This restriction includes breaks during the trial.
Closing	Defense, then Prosecution, then Defense rebuttal (optional)
Post-trial Objections	Scoring judges retire, presiding judge entertains post-trial objections, then joins scoring judges in tallying ballots. During the post-trial objection phase of the trial, attorneys may communicate with the witnesses, bailiff and timekeeper performing in the actual round.
Deliberations	Judges tally score sheets to determine ballots for team and scoring judges tally score sheets to determine witness and attorney award winners
Conclusion of Trial	The bailiff calls court back in session
Debriefing	Provide feedback for teams (12 minutes total), announce attorney and witness awards. DO NOT ANNOUNCE WHO WON THE ROUND!

Time-table for Trials

Opening	4 minutes each
Direct and Re-direct	20 minutes for BOTH witnesses combined (clock stops for objections)
Cross and Re-cross	18 minutes for BOTH witnesses combined (clock stops for objections)
Prep for Closing	2 minutes
Closing	5 minutes each
Plaintiff rebuttal	2 minutes (opt.)
Total Trial Time	108 minutes



Mock Trial Scoring Rubric

Scoring Judge Rubric

Attorney Performance Indicators:

- ✓ Advocacy skills: creative, organized and convincing presentation
- ✓ Understanding of legal issues: ability to apply law and facts to case
- ✓ Oratorical skills: poised, able to think on feet, extemporaneous delivery
- ✓ Demeanor/Professionalism/Civility: models respectful and professional behavior at all times towards the court, fellow team members, advisors, and opposing teams
- ✓ Mastery of trial technique: effective use of objections, appropriate form of questioning, ability to recognize and rehabilitate own weaknesses, mitigate opponent's good points
- ✓ Did not ask questions that called for an unfair extrapolation from the witness
- ✓ Did not make excessive, unnecessary objections when the invention of fact had no material impact.
- ✓ Opening statement: provided case overview, identified theory of the case, discussed the burden of proof, stated the relief requested and was non-argumentative
- ✓ Closing argument: continued theory of the case introduced in opening statement, summarized the evidence, applied the applicable law, discussed the burden of proof, concentrated on the important – not the trivial, and overall was persuasive
- ✓ Complies with Competition Rules

Witness Performance Indicators:

- ✓ Knowledge of case facts and theory of team's case
- ✓ Observant of courtroom decorum
- ✓ Believability of characterization and convincing in testimony
- ✓ Avoided unnecessarily long and/or non-responsive answers on cross examination
- ✓ Articulate and responsive
- ✓ Did not make unfair extrapolations
- ✓ Complies with Competition Rules
- ✓ Civility: models respectful and professional behavior at all times towards the court, fellow team members, advisors, and opposing teams

Points, Performance and Evaluation Criteria

- 9-10 Excellent:** Exhibits mastery of all procedural and substantive elements. Significantly advances team effort.
- 7-8 Good:** Proficient in most procedural and substantive elements. Helps team on the whole.
- 5-6 Fair:** Moderately comfortable with procedural and substantive elements of the trial but contains some imprecise use of trial elements or lacks polish.
- 3-4 Weak:** Does not advance team effort. Minimal comprehension of procedural and substantive trial elements.
- 1-2 Poor:** No evidence of procedural and substantive trial elements.

Team Effort Indicators:

- ✓ Did the team establish a credible theme for its argument?
- ✓ Did the team select appropriate witnesses to prove the argument?
- ✓ Was witness examination organized?
- ✓ Did witness examination develop the argument?
- ✓ Was the team's case carefully crafted and skillfully delivered?
- ✓ Complies with Competition Rules and demonstrates civility

Penalties

If a majority of the judging panel determines that there has been a material violation of a competition rule that affected the fairness of the trial, 5 points shall be deducted from the offending team's score on each judge's score-sheet. If the panel believes that a 5-point penalty is insufficient given the seriousness of the violation, the panel shall consult with the Competition Committee, which may impose additional sanctions including, but not limited to, disqualification. One example of a material rules violation warranting a serious penalty would be communication between team members and their teacher or legal advisor, whether through signals, notes, or electronically. All objections must be made before the presiding judge retires to deliberate. After that, complaints may be made only by the academic advisor after the competition in writing using the complaint form. Such complaints will not alter the decisions of the judicial panel.