# Ohio Mock Trial Competition
# <u>SCORING</u> Judge Packet

Are you ready for trial? Consult the checklist that follows to help make sure you are prepared for our students.

I have reviewed the Scoring Rubric on the back of this page.

I have read the Judge's Brief included in this packet.

I understand the mock trial specific rules listed in the Ohio Mock Trial Reference Guide (included in this packet).

I understand how to fill out my score sheet.

I know that I am a scoring judge in room _____ with fellow judges _____ and _____.

I understand the procedures for a two-judge panel if needed.

I know what materials to return to the presiding judge at the conclusion of trial.

I know who to contact if I have a question during the trial.

# 2025 Ohio Mock Trial Scoring Rubric

**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 Average: Moderately comfortable with procedural and substantive elements of the trial but is imprecise or lacks polish.

3-4 Minimal: Does not advance team effort. **Minimal** comprehension of procedural and substantive trial elements.

1-2 Limited: No evidence of procedural or substantive Trial Elements.

## *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?

✓ 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 arguments; provided case overview, identified theory of the case, discussed the burden of proof, stated the relief requested and was non-argumentative?

✓ Closing arguments: continued theory of 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?

✓ Complied with Competition Rules?

✓ Civility: models respectful and professional behavior at all times towards the court, fellow team members, advisors, and opposing team?

## *Witness Performance Indicators:*

✓ Possess knowledge of case facts and theory of team's case?

✓ Are they observant of courtroom decorum?

✓ Is there believability of characterization and convincing testimony?

✓ Do they avoid unnecessarily long and/or nonresponsive 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?

## *Team Performance Indicators:*

✓ Did the team establish a credible theme for its argument?

✓ Did the team select appropriate witnesses to prove the argument?

✓ Was the 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?

Denver Saidi, a candidate for the local city council and principal of Trillium High School, was giving a speech at the school's Snow Ball Dance when they accidentally mispronounced a name. Instead of just laughing it off, Trillium student Wyatt Latu used generative AI to create a deepfake video of Saidi making jokes about fleeing from the cops after a night of drinking. Pretty soon, everyone in town had seen the video, and many believed it was real. Saidi filed a lawsuit for defamation and sought a preliminary injunction to have the video taken down. Students will participate in the hearing to consider the preliminary injunction, weighing the legal factors that pit free speech against the damage to a person's reputation and campaign.

### Burden

The movant (the plaintiff) bears the burden of proving the need for the preliminary injunction by clear and convincing evidence. The court weighs the four following factors:

1. The movant has a substantial likelihood of success on the merits.
2. The risk of irreparable harm to the movant.
3. The balance of harms weighs in favor of injunctive relief
4. The injunction is not adverse to the public interest.

### Plaintiff

Plaintiff's Key Arguments:

- There is substantial likelihood that the plaintiff will succeed on the merits
  - Defendant made a false statement about the Plaintiff and was published to a third party with malice. That is defamatory *per se* (on its face) or defamatory *per quod* (through interpretation or innuendo), causing damages to Plaintiff.
- Irreparable harm has occurred
  - Irreparable harm will continue to occur if an injunction is not issued as the election is imminent.
- No third parties will be unjustifiably harmed by granting the injunction.
- Granting an injunction will serve the public interest
  - The public has a vested interest in free and fair elections, which is adversely affected by the promulgation of misleading and deceptive information. Deepfakes are inherently misleading.

Plaintiff Witnesses

**Denver Saidi – Plaintiff, Principal**

Denver Saidi is the Principal at Trillium High School and a candidate for Harmony City Council. They mispronounced a student's name at the school's Snow Ball dance. Saidi, as principal, is the one who decided to suspend Wyatt Latu after they were caught using a vape on a school field trip. They believe they had a strong chance of winning the election prior to the AI video being released. They filed a defamation lawsuit against Latu and are seeking a preliminary injunction to have the video taken down.

**Jules Melnik – U.S. Government/History Teacher**
Jules Melnik is a U.S. government and History teacher at Trillium High School. When they first watched the video, they did not know the video was a parody and thought it really was Denver Saidi. Melnik is Latu's (the defendant) teacher and knows of a possible motive of why Latu made the deepfake of Saidi.

**Theo Ngoma – Campaign Manager**
Theo Ngoma is Denver Saidi's campaign manager for the city council. They will explain Saidi's poll numbers before and after the video's surfacing to demonstrate the harm to Saidi. They corresponded with Latu regarding the video and attempted to negotiate its removal. Ngoma will also testify about election integrity in Harmony and how deepfakes could harm future elections.

**Defense**

<u>Defense's Key Arguments:</u>

- It is unlikely that the Plaintiff can prove defamation.
    - The video is clearly parody, and, under the innocent construction rule, the court should adopt as a matter of law the simplest explanation of the video's meaning/intent.
    - Saidi is highly unlikely to convince a court that the video constitutes defamation *per se* or *per quod.*
- There is no irreparable harm to be prevented by taking the video down.
    - The video has already been posted and seen by the voters, so there is no future harm or ongoing issue that needs to be addressed with a preliminary injunction—only alleged past harm that can be adequately addressed with money damages.
- No third-parties will be unjustifiably harmed by denying the injunction.
- The public interest will be harmed by the issuance of an injunction.
    - The Defendant can argue that the public interest weighs heavily against the issuance of an injunction because Plaintiff is seeking a censorship of free speech.

<u>Defense Witnesses:</u>

**Wyatt Latu – Defendant, Student**
Wyatt Latu is a student at Trillium High School and the defendant in this case. They heard about Saidi's gaffe and created the AI video. Latu was not at the dance because they were suspended for being caught with a tobacco vape on the bus coming back from the Mathletes competition. They believe they are exercising their civic duty to criticize those in power, and never expected that anyone would actually believe the *parody* to be true.

**Sloane Rossi – Bar Owner/School Board Member**
Sloane Rossi is the owner of a local bar called Rossi's and a school board member for the district. They are the youngest ever elected school board member in the history of Buckeye. Rossi never believed the AI video was Saidi, knew the video was a parody, and thought it was funny. As a board member, Rossi claims the principal's contract was never in jeopardy as a result of this video.

**Emery Popovic– Expert Parodist**
Emery Popovic is a parodist and is paid to testify about what makes a parody by the defendant. They will explain what a deepfake is and how the AI video is quintessentially a parody. They will situate the role of parody in comedy generally and as a tool to ensure robust discussion of public officials.

**Exhibits**

**Exhibit A:** Transcript of Saidi speech

**Exhibit B:** Transcript of AI video

**Exhibit C:** CV of Campaign Manager

**Exhibit D:** CV of Expert Parodist

**Exhibit E:** Harmony Happenings Candidate Spotlight

**Exhibit F:** Harmony Happenings Polling Data

# 2025 Ohio Mock Trial Reference Guide

## Trial Sequence

| Part of Trial | Minutes |
|---|---|
| Pre-trial conference | 10 |
| Bailiff Opens Court | Not Timed |
| Opening Statement – Prosecution | 4 |
| Opening Statement – Defense | 4 |
| *Direct and Re-Direct (2 Prosecution witnesses) | 20 |
| *Cross and Re-Cross (2 Prosecution witnesses) | 18 |
| *Direct and Re-Direct (2 Defense witnesses) | 20 |
| *Cross and Re-Cross (2 Defense witnesses) | 18 |
| | |
| Intermission to gather thoughts | 2 |
| | |
| Closing Argument – Prosecution | 5 |
| Closing Argument – Defense | 5 |
| | |
| Rebuttal – Prosecution (optional) | 2 |
| | |
| Subtotal | <u>108</u> |
| | |
| Judges' Feedback & Award Presentation | 12 (timed) |
| | |
| TOTAL | 120 = 2 HOURS |

*The clock stops for objections*

## Rules Unique to Mock Trial

| | |
|---|---|
| **Invention of Fact/Extrapolation** | On direct examination, witnesses are limited to the information contained in their witness statements. If on cross-examination a witness is asked a question, the answer to which is not contained in witness statement, the witness may respond with any answer, so long as it is responsive to the question, does not contain unnecessary elaboration beyond the scope of the witness statement, and does not contradict the witness statement. If an invention of fact objection is raised, the burden is on the team accused of inventing fact/unfairly extrapolating to prove that the information is in the witness statement and/or follows the rules. |
| **Exhibits** | All exhibits are stipulated as admitted. Teams do not need to authenticate the exhibits or move to admit them into evidence. Teams are responsible for demonstrating personal knowledge that would allow the witness to testify to the exhibit being used. |
| **Use of Outside Research** | Teams may not refer during trial to any material not included in the Mock Trial Case File. Case citations may not exceed cases cited or provided in the case materials. When an outside research objection is made, the burden is on the team presenting testimony to show where in the materials the information is sourced. |
| **Contempt of Court** | There is no contempt of court in the Ohio Mock Trial program. |

## Material Rules Violation

If a majority of the judging panel determines that there has been a 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 scoresheet. If the panel believes that a 5-point penalty is insufficient given the seriousness of the violation, the presiding judge should notify the site coordinator, describing in writing as much detail as possible, to relay the information to OCLRE which may impose additional sanctions.

## Notes for Scoring and Feedback

- **Please do not judge any trial in which you might be perceived to be biased toward one of the teams or to otherwise have some conflict of interest.** Please notify the site coordinator ASAP of any potential conflicts.

- To ensure the integrity of the Mock Trial program, **do NOT interact with any team/legal advisor or student on a personal basis**.

- Refrain from mentioning to the students if you are not thoroughly prepared to serve on a judging panel or if you are unfamiliar with the materials or rules. Students have put in a lot of time and effort preparing for this competition.

- Judge teams on the effectiveness of their presentations, **not on the merits of the case**.

- Make sure you have filled out **all sections** of your scoresheet, including the overall team performance score and the team totals.

- **No ties** are permitted in the team totals on your scoresheet. If the teams are tied after completing your scoresheet, you must adjust a score somewhere on your scoresheet to break the tie. A common place to do this is in the overall team performance score.

- The **presiding judge** should work with the scoring judge(s) to complete the Summary Score Sheet and Tabulation Assistance Sheet (*front & back of blue paper*). The Tabulation Assistance Sheet will determine winners of the Outstanding Attorney and Outstanding Witness awards.

- Do not refer to "real world" rules during the trial or debriefing session.

- **Do NOT** make comments about students' dress, hairstyle, or other aspect of their appearance.

- Provide constructive feedback that teams can utilize between levels of competition or as they prepare to compete next year.

- **Please do not leave the courthouse until information and scoresheets from your trial(s) have been tabulated** and any potential problems have been reviewed.

**2025 Ohio High School Mock Trial Notes**

- *This sheet may be used for taking notes during trial or preparing your post-trial comments*
- *Please complete your score sheet as the trial proceeds*
- *You may discard these notes at the conclusion of the trial*

Plaintiff Case-In-Chief

| | |
|---|---|
| **Opening Statements**<br>**Plaintiff Attorney:** | **Defense Attorney:** |
| **Plaintiff Witness #1**<br>**Direct Attorney:** | **Witness Direct:** |
| **Cross Attorney:** | **Witness Cross:** |
| **Plaintiff Witness #2**<br>**Direct Attorney:** | **Witness Direct:** |
| **Cross Attorney:** | **Witness Cross:** |

Defense Case-In-Chief

| | |
|---|---|
| **Defense Witness #1**<br>**Direct Attorney:** | **Witness Direct:** |
| **Cross Attorney:** | **Witness Cross:** |
| **Defense Witness #2**<br>**Direct Attorney:** | **Witness Direct:** |
| **Cross Attorney:** | **Witness Cross:** |
| **Closing Arguments**<br>**Plaintiff Attorney:**<br><br><br><br><br>**Rebuttal:** | **Defense Attorney:** |