



CALIFORNIA MOCK TRIAL PROGRAM JUDGE/ATTORNEY HANDBOOK 2013-2014



OFFICIAL MATERIALS FOR THE CALIFORNIA MOCK TRIAL COMPETITION
A Program of Constitutional Rights Foundation

Co-Sponsored by:

Daily Journal Corporation

CRF*601 S. Kingsley Drive*Los Angeles*CA*90005

www.crf-usa.org

TABLE OF CONTENTS

Introduction	3
Instructions for Attorneys and Judges	3
Introductory Script for Presiding Judge	4
Summary of Pretrial Motion Procedures	5
Pretrial Motion Script	5
Summary of Trial Procedures	6
Trial Script	7
General Tips for Attorney and Judge Volunteers	8
Important Excerpts from the Team Rule Book	9
◆ Administrative	
○ Rule 1.1 Rules	9
○ Rule 1.3 Trial Procedures	9
◆ The Trial	
○ Rule 3.1 The Case	9
○ Rule 3.2 Physical Evidence	9
○ Rule 3.3 Trial Communication	10
○ Rule 3.4 Witnesses	10
○ Rule 3.5 Reasonable Inferences	10
○ Rule 3.6 Creating a Material Fact	11
○ Rule 3.7 Attorneys	11
○ Rule 3.8 Conduct of the Pretrial Motion	12
○ Rule 3.9 Clerks/Timing	12
◆ Rules	
○ Rule 4.0 Rule Interpretation	13
◆ Judging and Team Advancement	
○ Rule 5.3 Evaluation	14
○ Rule 5.4 0-5 Point Scale	14
Scoring Procedures	
○ Evaluation Criteria	15
○ Guidelines for (0-5) Scoring Criteria	16
Rules of Evidence	
○ Summary of Allowable Evidentiary Objections	17

Introduction

Thank you for agreeing to serve as an attorney scorer or judge for Constitutional Rights Foundation's California Mock Trial program. The program reaches over 8,000 students from around the state and involves thousands of members from the bar and bench. As a volunteer, you are an invaluable part of an extraordinary learning experience for California's young people.

Students have labored for months preparing this year's case and they value your comments and scoring of their presentations. 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.

Instructions for Attorneys and Judges

Before the Competition:

Please review:

- ◆ Facts
- ◆ Pretrial Materials (Only applicable to high school trials)
- ◆ Witness statements.
 - **Presiders**, review the presider script and California Mock Trial Rules of Evidence.
 - **Scoring attorneys**, review the evaluation and scoring criteria in this packet. When filling out score sheets, **make your decisions independently**. There should be no conferring with other attorney scorers.

Orientation: Each individual county may or may not conduct volunteer orientations. In Los Angeles County and at the state competition, there will be a mandatory 10-minute orientation session (for new volunteers) prior to the start of each round of competition for all new volunteers. The orientation will cover basic rules, last-minute instructions, and trial assignments.

Attorney Scorers: Generally, your role is to numerically score the presentation based on the criteria in this handbook (see pages 15-16). You will also be asked to provide positive and constructive comments to students at the conclusion of the trial.

Judge/Presider: The role of the judge is to preside over the trial and help students to 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 17), and ruling on competition violations and announcing a verdict. Remember, the verdict is independent of which team may have won/loss the trial.

Introductory Script for Presiding Judge

NOTE: This script incorporates some of the unique instructions of the mock trial competition. Feel free to use all or portions of this script during the trial.

1) Opening Remarks

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

2) Introductions

“To help myself and the attorney scorers, will the Prosecution team please state your name and role?” “Defense team please 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 performances, 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.”*
- *“Remember that objections are limited to the California Mock Trial Simplified Rules of Evidence located in the case packet.”*
- *“If there are no questions, the trial (or pretrial arguments) will begin.”*

STOP...

High schools teams will begin with pretrial arguments (see script on page 5).

Middle School trials move on to trial script (page 7).

For middle school trials, evidence of the items in question are admissible and the bracketed text in the facts, and witness statements of Officer Doherty, Rae Concha, may be used during the subsequent trial.

Summary of Pretrial Motion Procedures

Presiders must ask questions of the pretrial attorneys during the arguments. As much as possible, please 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. Points may be deducted for objections made during pretrial arguments.**

1. The hearing is called to order.
2. The judge asks the defense to summarize the arguments made in the motion. The defense has four minutes. The judge may interrupt to ask clarifying questions.
3. The judge asks the prosecution to summarize arguments made in its opposition motion. The same conditions as in #2, above, apply to the prosecution.
4. The judge 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.
5. The judge offers the prosecution two minutes of rebuttal time. The same conditions as in #4, above, apply to the prosecution.
6. At the end of the oral arguments, before ruling, the judge asks students if they would like 30 seconds to consult with teacher/attorney coaches regarding any trial irregularities.
7. The judge will rule on the motion and begin trial.

Pretrial Motion Script

“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. Please remember that the rebuttal time is to be used to counter your opponent's arguments. It cannot be used to raise new issues.”

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

Does the defense have a rebuttal? Does the prosecution have a rebuttal?

“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?

Rule on motion and begin trial (trial script on page 7).

If the presider rules in favor of the defense, the bracketed text in the facts, and witness statements of Officer Doherty, Rae Concha, may not be referred to or discussed during the subsequent trial.

Summary of Trial Procedures

1. Attorneys present physical evidence for inspection.
2. Judge states charges against defendant.
3. Prosecution delivers its opening statement. No questioning during opening statements.
4. Defense may choose to deliver its opening statement at this point or may wait to open after the prosecution has completed its case in chief.
5. Prosecution calls its witnesses and conducts direct examination.
6. After each prosecution witness is called to the stand and has been examined by the prosecution, the defense cross-examines the witness.
7. After each cross-examination, prosecution may conduct re-direct examination of its own witnesses if necessary.
8. After prosecution presents all its witnesses, defense delivers its opening statement (if it did not do so earlier).
9. Defense calls its witnesses and conducts direct examination.
10. After each defense witness is called to the stand and has been examined by the defense, the prosecution cross-examines the witness.
11. After each cross-examination, defense may conduct re-direct examination of its own witnesses if necessary.
12. Prosecution gives its closing argument, then defense presents its closing arguments. No questioning during closing arguments.
13. Prosecution and defense present rebuttal arguments.
14. At the end of the trial before ruling, the judge asks students if they would like 30 seconds to consult with their teacher/attorney coaches regarding any trial irregularities.
15. Judge deliberates, announces verdict in court, and conducts a short debrief of the trial with the scoring attorneys (not to exceed 10 min.)

Trial Script

Evidence

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

Charge

- 2) *“The people of the state of California are charging the defendant, Rae Concha with:
Count One
The defendant is charged with second-degree murder, which is the unlawful killing of another human being with malice aforethought.*

Count Two

The defendant is charged with possession with the intent to sell a controlled substance (Adderall).

Opening Statements

- 1) *“Prosecution, are you ready to present opening statements?”* (At the conclusion of opening statements, defense may present their opening statement or wait until the prosecution has completed their case).

Prosecution

- 1) *“Prosecution, you may call your first witness.”*
- 2) *“Defense, cross-examination?”*
- 3) *“Prosecution, would you like to redirect?”*
- 4) *“Prosecution, please call your next witness.”* (Repeat for all four witnesses)

Defense

- 1) *“Is the defense ready to proceed?”* (Begin with opening statement or call first witness. (Same procedure as with prosecution).
- 2) When the defense team completes their case, begin closing arguments.
- 3) *“Prosecution, would you like to give your closing arguments?”* (Repeat for defense)

Rebuttal

- 1) *“Rebuttal?”* (Prosecution and defense)

30 Second Rule

- 1) *“Before I rule on the motion, students may confer with their attorney/teacher coach regarding any trial irregularities. Please do so now.”*
- 2) *Would the prosecution team like to note any trial irregularities? Defense team?*

Conclusion

- 1) Announce a verdict (although no scores or winners will be announced at this time).
- 2) Remind scorers to complete all boxes on score sheet, 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 judge is responsible for completing the purple tie-breaker form after each trial. The tie-breaker form is not the verdict, but rather an indication of which team performed better overall. Do not announce scores or tiebreaker information to the teams.

General Tips for Attorney & Judge Volunteers

DO's:

- Do be fair.
- Do try to help the students relax. Remember this is supposed to be a positive experience for them!
- Do offer a few words of encouragement or insight into the trial process before the trial begins. This will help put the students at ease, and by emphasizing the educational, rather than the competitive aspects of the mock trial, you will help to bring the experience into proper perspective.
- Do give positive and constructive feedback at the conclusion of the trial.

DON'TS:

- Do not lecture the students.
- Do not ask students to comment on cases, trial procedures or information not included in the case packet.
- Do not give negative comments.
- Do not announce a winner.

Please Keep in Mind...

- Mock trial students take their work and efforts very seriously. Judges and attorneys should be equally as serious about their roles and responsibilities. You are in a position of great influence with respect to the students' evaluation of their work and themselves.
- Your comments are very important to the students who participate, so please be positive and constructive. Students are likely to take such comments to heart. Being mindful that the participants are middle school or high school students and not college or law students, and that mock trial is a law-related education function, judges/attorneys should strive to educate and inform participants as well as to give them advice on improving their performances.

*THANK YOU FOR YOUR DEDICATION
TO THE YOUTH OF CALIFORNIA AND
WE HOPE YOU ENJOY YOUR MOCK TRIAL
JUDGING/SCORING EXPERIENCE!*

Important Excerpts from the Team Rule Book

Administrative

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 1.3 Trial Procedures

- A.** The mock trial is a bench trial; students should not 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 and not by school name.
- D.** Spectators should not wear clothing that identifies their school.
- E.** Teacher sponsors, attorney coaches, Mock Trial participants, and spectators are to remain in the courtroom throughout the trial as much as possible as to not disrupt the trial.
- J.** Recesses will not be allowed in local or state competitions for any reason (unless authorized by Mock Trial staff or presider).
- L.** Use of laptop computers, tablets or cellular phones during trials is prohibited.
- N.** Other than the exhibits provided for in the trial packet, no other illustrative aids of any kind may be used.
- O.** Props, costumes and theatrical makeup are prohibited. Costuming includes hairstyles, 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, gender stereotypes are inappropriate and should not be used.
- P.** Gender-neutral names allow students of either gender to play the role of any witness. Any questions regarding gender, race, or physical characteristics not included in the official case materials are not allowed.

The Trial

Rule 3.1 — The Case

- B.** The fact situation is a set of indisputable facts. Witnesses may draw reasonable inferences from the facts that do not materially impact the case.
- 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 10½ x 7¼ but no larger than 22 x 28 inches. If the prosecution team fails to bring physical evidence to court, it may be reflected in the team performance/participation.
- B.** No other physical evidence will be allowed. All persons and evidence not provided for in the case packet are to be considered unavailable and questioning regarding their whereabouts is prohibited.
- E.** Evidence should not be altered in any way. It is not permitted to mark on the exhibits.
- F.** The use of electronic or light projected aids is prohibited.

- G. The official diagrams establish only relative positions. Because the scale (if any) is approximate, the diagrams cannot be used to definitively establish distances. The issue of distances should be based on the witnesses' testimony and is a matter of fact for presiders.

Rule 3.3 Trial Communication

- A. Once the trial has begun, coaches, teachers, alternates and spectators shall not talk to, signal communicate with or coach their teams during trial.
- B. The only communication allowed during the trial is between trial attorneys.
- C. The defendant may sit at counsel table and communicate with the defense attorneys. All communication must be non-disruptive to the trial.
- D. Pretrial attorneys may not sit with the trial attorneys and may not communicate with the trial attorneys at any time.
- E. Once the trial has begun, there must be no spectator contact with student team members, whether in the hallway or the courtroom.
- F. There will be an automatic deduction of five points per score sheet if the presider finds that this rule (3.3) has been violated.

Rule 3.4 Witnesses

- A. Although witnesses are excluded from the trial proceedings in actual trials, for educational purposes, witnesses in the Mock Trial competition 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.
- 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 packet 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 material contained in her/his witness statement or fact situation using the procedures as outlined in the case packet.
- F. Because this is a mock trial, witnesses may not be treated as hostile witnesses.
- G. All witnesses must be called. If the direct examination attorney runs out of time without calling one or more witnesses, the cross-examination team will be automatically awarded five points for each witness not called, and the direct examination attorney will automatically receive a score of zero for the witness performance and direct examination for each witness not called. No other witnesses may be called.
- 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.

Rule 3.5 Reasonable Inferences

- A. Although a witness may not create a material fact, they can make a reasonable inference. A reasonable inference is defined as non-material information to which a witness testifies that is not included in the record but reasonably relates to that witness' testimony.
- B. Reasonable inferences do not create material facts. Because of the contrived format of the Mock Trial Competition, the length and content of witness statements must be limited. Reasonable inferences can be used to respond to the inevitable content gaps in witness statements.
- C. Reasonable defined. In an effort to maintain a fair competition, an inference is only "reasonable," and therefore allowable, if it is neutral and does not create a material fact. Inferred information that

is material and pivotal to the facts at issue is by definition unreasonable, and as such is subject to objection.

Reasonable Inference

Example: Suppose your witness statement asserts that you left the Ajax Store and walked to your car, but gives no further details about the matter.

You are asked whether you left the store through the Washington Avenue exit or the California Avenue exit.

If this point is not a disputed or essential fact in the case, you could reasonably infer either exit as your answer.

Unreasonable Inference

Example: On the other hand, if your witness statement asserts that someone fired a shot through your closed curtains into your living room.

If asked whether you saw who shot the gun, you would have to answer, "No."

You could not reasonably claim to have seen the person through a periscope on the roof or a tear in the curtains.

This is an example of an unreasonable inference, one where the attorney's question and the witness' answer are attempting to create a material fact.

- D. It is each student's responsibility to work closely within the record. Inferences and objections about those inferences should be minimized, and points may be deducted for interference with the trial.

Rule 3.6 Creating a Material Fact

- A. Definition and Purpose. For the California Mock Trial Competition, a material fact is a fact that tends to prove a pivotal point in the case. A witness may not create a material fact that is not included in his/her witness statement.
- B. If a witness creates a material fact, the attorney from the opposing team may refer to a special objection listed in the case packet under Mock Trial Simplified Rules of Evidence, "Creating a Material Fact (CMF)."
- C. Interpretation and enforcement. If an attorney believes a material fact was created, the attorney can make a special objection listed in the case packet under Mock Trial Simplified Rules of Evidence, "Creating a Material Fact (CMF)." The presider determines if the fact was material and will rule on the objection accordingly.
- D. Possible rulings by a presider include:
- No creation of material fact has occurred.
 - There was a creation of a fact that could materially alter the case and therefore not allowed.
 - There was a creation of a fact but it is a reasonable inference that is not material to the case.

Rule 3.7 Attorneys

- B. Attorneys may conduct 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. Points may be deducted for objections made by the wrong attorney.

- D. Attorneys may use notes while presenting their cases. Witnesses are not allowed to use notes when testifying.
- E. The Mock Trial competition proceedings are governed by the California Mock Trial Simplified Rules of Evidence in the case packet. 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.) Points may be deducted for objections made during opening statements or closing arguments.
- H. At the State Finals and Los Angeles County competition, there will be 30 seconds provided at the end of the pretrial and at the end of the trial for team members from each performing team, to confer with the team's attorney coach and teacher sponsor to discuss any trial irregularities.
- I. If there are any irregularities regarding the rules of the competition, which the 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(s) of the misconduct and be able to cite to the presider, the corresponding violation in the team rulebook and or case packet.
- 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 attorney's 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. This 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 3.8 Conduct of the Pretrial Motion

Note: The pretrial motion (oral arguments only) is a mandatory part of the Mock Trial competition at the state level and in Los Angeles County

- C. No objections are allowed during pretrial arguments. Points may be deducted for objections 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 will automatically be deducted from the team's total performance score.

Rule 3.9 — Clerks/Timing

- A. The Mock Trial Competition involves timed presentations. In Los Angeles County and at the State Finals, the clerk and unofficial timer must bring a stop watch or other timing device and a time sheet to each trial. The time sheet can be downloaded from CRF's website.
- B. The clerks may only use the time cards from CRF's website, printed out on white paper (card stock recommend but not necessary). In Los Angeles County and 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 be printed with:

- 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. If the presider determines there has been an unreasonable running of time, the witness may be admonished by the presider and the presider may direct the scorers to deduct 1 point from the offending witness' score.
- F.** The clock will be stopped when:
- witnesses are called to the stand
 - attorneys make objections
 - presiders questions attorneys and witnesses
 - presiders offer their observations.
- G.** The clock will not be stopped if witnesses are asked to approach the diagram or for other physical demonstrations. Time will not be rounded off.

Rules

Rule 4.0 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.** There will be no bench conferences allowed.
- C.** The presider will determine if a rule was, in fact, violated. Her/his word is final.
- D.** The bailiff must have a copy of the rules of competition for reference.
- E.** Unless a specific point deduction for a particular infraction is provided in these rules, each scorer will determine the appropriate amount of deduction individually.
- F.** 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.
- G.** Arguing for hyper technical interpretations of the rules, especially when designed to embarrass others, is to be avoided.

Judging and Team Advancement

Rule 5.3 — Evaluation

- A.** Each scoring attorney will use the evaluation and scoring criteria to assign a numerical value (1-5) to individual and team presentations.

Rule 5.4 — 0-5 Point Scale

- A.** Students are to be rated on the five-point scale for each category according to the criteria appropriate to each presentation.
- B.** Scoring attorneys should consider a "3" 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 attorney is 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. • Solid understanding of legal reasoning behind the arguments. 	<ul style="list-style-type: none"> • 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"> • Provide a case overview • Theme/Theory of the case was identified • Mention the key witnesses 	<ul style="list-style-type: none"> • Discuss burden of proof • State the relief requested
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 effectively responded to the objections made. • 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. 	<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. • Throughout questioning, attorney made appropriate use of time. • Attorney used only those objections listed in the Summary of Evidentiary Objections.
Cross-Examination	
<ul style="list-style-type: none"> • Attorney made effective objections to direct examination (of the witness she/he cross-examined) when appropriate. • Attorney did not make unnecessary objections. 	<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.
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 	<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.
Closing Arguments (x2)	
<ul style="list-style-type: none"> • Attorney's performance 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. 	<ul style="list-style-type: none"> • 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.
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 her/himself professionally without attracting any unnecessary attention. • Properly used verbal and visual time warnings.
Bailliff	
<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 their role in the trial • Followed script
Team Performance	
<ul style="list-style-type: none"> • Team members were courteous, observed general courtroom decorum, and 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 (0-5) Scoring

The following are general guidelines to be applied to each category on the score sheet. It is strongly recommended that scorers use "3" as an indication of an average performance, and adjust higher or lower for stronger or weaker performances.

0 — PENALTY (NONPERFORMANCE OF REQUIRED PRESENTATION)

- Failure to cross-examine a witness
- Failure to conduct direct examination of a witness
- **ONLY applies to rule violations that specify a zero score**

1 — FAR BELOW AVERAGE (UNACCEPTABLE PERFORMANCE)

- Disorganized
- Communication is minimally clear and disorganized and ineffective.
- Inadequate preparation and poor understanding of case and legal procedure
- Poor presentation
- Inadequate legal knowledge or understanding of role
- Weak or inaudible voice
- Disruptive or disrespectful during trial

2 — BELOW AVERAGE (FAIR, WEAK PERFORMANCE)

- Some organization
- Some preparation and some understanding of case and legal procedure
- Awkward presentation
- Demonstrates some legal knowledge or some understanding of role
- Stronger voice needed
- Invents material facts and repeatedly stumbles over responses
- Needs more work on poise and delivery

3 — AVERAGE (MEETS REQUIRED STANDARDS)

- Communication is clear and organized but could be stronger in fluency and persuasiveness.
- Adequate preparation and demonstrated a basic understanding of case and legal procedure
- Acceptable but uninspired presentation
- Demonstrated basic legal knowledge and mostly understood role
- Audible voice
- Needs more spontaneity and persuasiveness
- Can think on their feet but exhibits less confidence than with the script.

4 — ABOVE AVERAGE (GOOD, SOLID PERFORMANCE)

- Well-organized and good preparation
- Demonstrated good understanding of case and legal procedure
- Good smooth presentation
- Clearly demonstrated legal knowledge and understood role
- Questions/answers mostly advance case theory
- Able to be spontaneous some of the time
- Clear mastery of case materials
- Communication is clear, organized and persuasive.
- Mostly believable performance
- Easily audible voice

5 — EXCELLENT (EXCEPTIONAL PERFORMANCE)

- Superior in qualities listed in above average presentation.
- Excellent preparation and well organized
- Demonstrated superior ability to think on her/his feet
- Demonstrated outstanding knowledge of case and legal procedure
- Questions and answers almost always advanced case theory
- Resourceful, original & innovative approaches
- Portrayal was both extraordinary and realistic, not overly rehearsed or memorized
- Clear understanding of rules and procedures
- Strong voice
- Polished

California Mock Trial Rules of Evidence

Summary of Allowable Evidentiary Objections

(See Mock Trial Simplified Rules of Evidence of the case packet for more detail)

Remember these are the only objections allowed and are modified for the mock trial competition.

1. **Creating a Material Fact:** “Objection, your honor. The answer is creating a material fact that is not in the record,” or “Objection, your honor. The question seeks testimony that goes beyond the scope of the record.”
2. **Relevance:** “Objection, your honor. This testimony is not relevant to the facts of this case. I move that it be stricken from the record,” or “Objection, your honor. Counsel’s question calls for irrelevant testimony.”
3. **Foundation:** “Objection, your honor. There is a lack of foundation.”
4. **Personal Knowledge:** “Objection, your honor. The witness has no personal knowledge to answer that question,” or “Your honor, I move that the witness’s testimony about ___ be stricken from the case because the witness has been shown not to have personal knowledge of the matter.”
5. **Character Evidence:** “Objection, your honor. Character is not an issue here,” or “Objection, your honor. The question calls for inadmissible character evidence.”
6. **Speculation/Lay Witness Opinion:** “Objection, your honor. The question calls for speculation (or inadmissible opinion testimony) on the part of the witness.”
7. **Expert Opinion:** “Objection, your honor. There is lack of foundation for opinion testimony,” or “Objection, your honor. The witness is improperly testifying to defendant’s mental state in issue.”
8. **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.”
9. **Leading Question:** “Objection, your honor. Counsel is leading the witness.”
10. **Compound Question:** “Objection, your honor. This is a compound question.”
11. **Narrative:** “Objection, your honor. Counsel’s question calls for a narrative.”
12. **Argumentative Question:** “Objection, your honor. Counsel is being argumentative,” or “Objection, your honor. Counsel is badgering the witness.”
13. **Asked and Answered:** “Objection, your honor. This question has been asked and answered.”
14. **Vague and Ambiguous:** “Objection, your honor. This question is vague and ambiguous as to _____.”
15. **Non-Responsive:** “Objection, your honor. The witness is being non-responsive.”
16. **Outside Scope of Cross-examination:** “Objection, your honor. Counsel is asking the witness about matters that did not come up in cross-examination.”