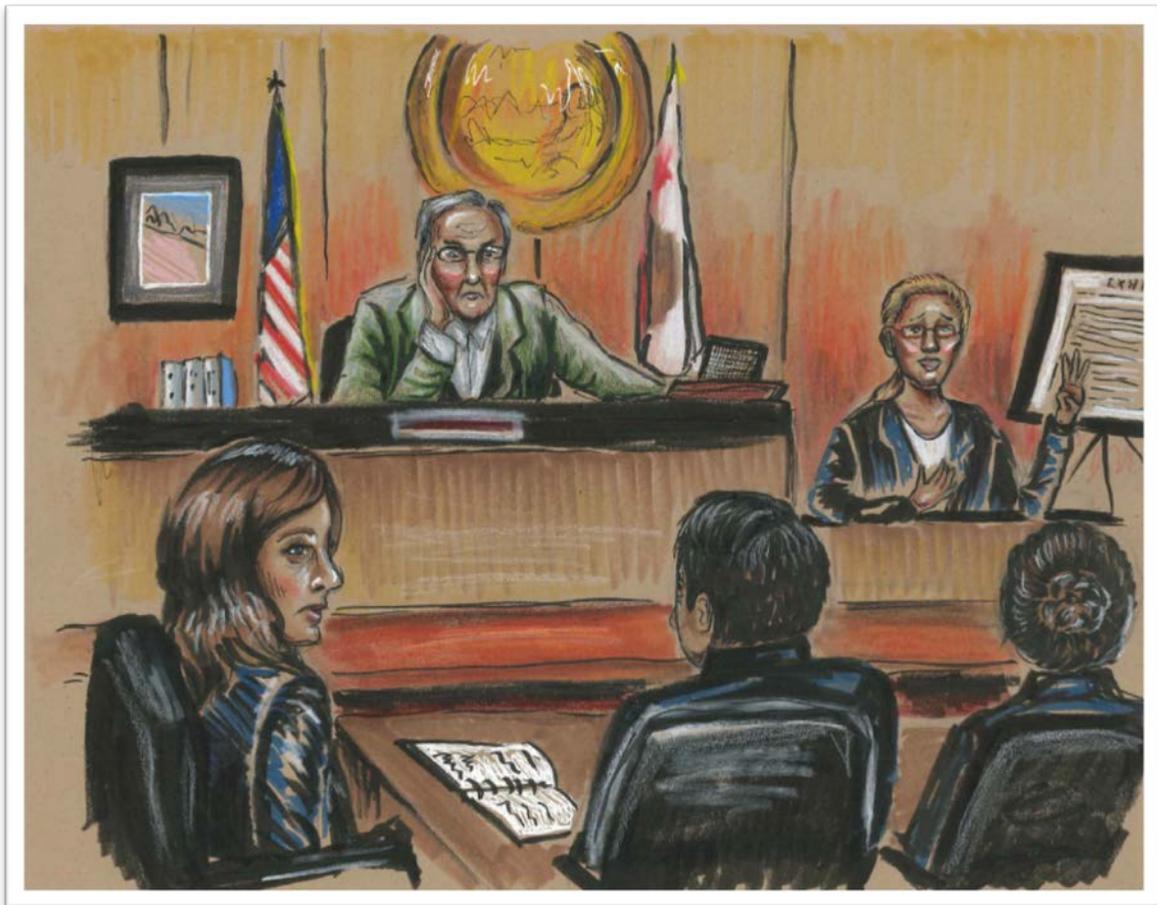




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## California Mock Trial Program 2016-2017 Team Rulebook



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

Co-Sponsored by:  
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## **Administration**

### **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.
- B. All participants in the Mock Trial competition must follow all rules and procedures as specified in the Mock Trial materials or disseminated by CRF staff or county coordinators. Failure of any member or affiliate of a team to adhere to the rules may result in disqualification of that team.

### **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.

- A. All competitors, coaches and other participants, including observers will 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.
- B. All competitors, coaches and participants, including observers, will show dignity and restraint, irrespective of the outcome of any trial. Trials, contests and activities will be conducted honestly, fairly, and with civility.
- C. Team members and all student participants will conform to the highest standards of deportment. Team members and participants not employ tactics they believe to be wrong or in violation of the Rules. Members and participants will not willfully violate the Rules of the competition in spirit or in practice. All teams and participants are responsible for insuring that all observers are aware of the Code.
- D. Teacher Coaches agree to focus on the educational value of the Mock Trial Competition. They shall discourage willful violations of the Rules and/or this Code. Teachers will instruct students as to proper procedure and decorum and will assist their students in understanding and abiding by the letter and the spirit of the competition's Rules and this Code of Ethical Conduct.
- E. Attorney Coaches agree to uphold the highest standards of the legal profession and will zealously encourage fair play. Attorney Coaches are reminded that they must serve as positive role models for the students. They will promote conduct and decorum among their team members and fellow coaches in accordance with the letter and the spirit of the competition's Rules and this Code of Ethical Conduct and will demonstrate the same through their own behavior. They will emphasize the educational value of the experience by requiring that all courtroom presentations (e.g. pretrial, questions, objections, etc.) be substantially the work product of the student team members.
- F. By participating in the program, students, teacher coaches and attorney coaches are presumed to have read and agreed to the provisions of the Code. Violations of this Code of Ethical Conduct may be grounds for reductions in scores, disqualification from a contest and/or suspension or expulsion from the program.

### **Rule 1.3 – Trial Procedures**

- A. The mock trial is a bench trial; participants may 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 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).
- I. At the State Finals, it is mandatory for at least one team representative to attend the announcement of the finalists for the Championship Trial. If a team is announced and no representative is present, the team forfeits the Championship Trial and the third ranked team will take the absent team's place in the Championship Trial.
- 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 (and in LA County), 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. 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 should not be used.
- 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 1.4 – Copyright and Plagiarism**

- A. The California Mock Trial materials are protected by copyright and may not be re-printed anywhere, including on the Internet, without express permission from CRF. Any violation of this rule may result in litigation and in disqualification of a team or county. However, we hereby grant to all recipients a license to reproduce the lesson included in the beginning of the case material and the exhibits, for distribution to students and educators.
- B. Any alteration or viewing of confidential California Mock Trial materials posted on the CRF web site will result in the immediate school disqualification and potential litigation.
- C. Plagiarism\* of any kind is unacceptable. Students' written and oral work must be their own. (\*Webster's Dictionary defines plagiarism as, "to steal the words, ideas, etc. of another and use them as one's own.")

- D. Trials are open to the public, but no intentional scouting is allowed (see Code of Ethical Conduct).

## **Teams**

### **Rule 2.1 – Team Eligibility**

- A. To participate in the State Finals, each county must implement procedures B-K, listed below.
- B. A county Mock Trial coordinator must be identified (usually through the county office of education).
- C. Working in conjunction with CRF, the coordinator must plan and implement a competition involving teams from the county or other nearby counties. With CRF approval, the coordinator may represent more than one county.
- D. If a team is the only team from a county in which no county competition is conducted, that team will be eligible for the State Finals. We strongly recommend that such a team participate in the competition of another county to afford the team an opportunity to improve its skills. Participation in another county's competition will not impact the team's eligibility for State Finals.
- E. All county competitions must be completed by March 1, 2017. County coordinators must inform CRF of the name of the winning team by March 1, 2017.
- F. In addition to registering with their county, all teams and individual team members must be registered with CRF. Check with your county coordinator for instructions.
  - o For the state finals and in LA County, all individual team members must register on CRF's website, [www.crf-usa.org](http://www.crf-usa.org).
- G. A teacher or school representative must be identified for each team.
- H. All team members must be eligible under school district and state rules applicable to involvement in extracurricular activities.
- I. All team members must be registered at the school for which they are competing.
- J. After the completion of the county competition, no new team members may be added to a team attending the State Finals.
- K. The teacher coach has an affirmative duty to verify each team member's eligibility. Submission of the team roster constitutes certification that the status of each participant has been verified.
- L. Junior and Senior divisions will be determined based on the participating school's grade level structure. For example, if a junior high school includes grades 7-9, 9th graders at that school may participate in the Junior Division. Similarly, if a senior high school includes grades 9-12, 9th graders enrolled there may participate in the Senior Division.
- M. Home-schooled students may participate in the Mock Trial Program in one of two ways:
  - 1. As a member of the team at the public school she/he would attend if not home-schooled.
  - 2. As a member of an independent team exclusively composed of home-schooled students.
- N. Two small schools may join together to form a single Mock Trial team if neither school had a pre-existing Mock Trial Program. For the purposes of the California Mock Trial Program, a "small" school is one with 200 or fewer enrolled students. Such combination teams are eligible to represent their county at the State Finals.
- O. Generally, mock trial teams must be school-based. On a case-by-case basis, non-school based non-profit organizations (i.e. Boys/Girls Clubs, YMCA, etc.) may be permitted to sponsor a mock trial team for students whose school does not offer the mock trial program. However, attempting to create an all-star team is not permitted. Among requirements that applicants must demonstrate are a non-profit in good standing, have an operational history as a youth-serving organization, provide adequate insurance, and have a functioning governance structure. Applicants must see approval from their local County Coordinator and may be subject to CRF approval.

### **Rule 2.2 – Team Composition**

- A. A team may have between 8 and 25 team members, including alternates and supporting roles. Official team roster must be composed of registered team members only.

- B. We encourage teams to use the maximum number of students allowable, including support roles, such as researchers, understudies, and photographers.
- C. Team structure — Involvement of all possible team members in the presentation of the case is reflected in the team performance/participation score. As much as possible, team members are to evenly divide their duties.
- D. We encourage teams to use the maximum number of student attorneys when possible.
  - A maximum of two (2) Pretrial Motion Attorneys—One pretrial attorney for the defense and one pretrial attorney for the prosecution. Pretrial attorneys may not serve as trial attorneys during the same round, but may serve as a witness.
  - A maximum of three (3) Trial Attorneys for Prosecution and a maximum of three (3) Trial Attorneys for Defense—It is highly recommended that different trial attorneys conduct the opening statement and the closing argument and that each trial attorney conduct at least one direct examination and one cross-examination.
- E. Additional Student Participation – The Courtroom Artist and Journalist Contests allow additional students the opportunity to participate in the Mock Trial Program. The courtroom artist and journalist are official team members, but are not counted toward the team’s student limit. Official contest rules can be found at [www.crf-usa.org](http://www.crf-usa.org). Check with your county coordinator for additional requirements.
  - For State Finals—Two (2) artists per county may compete at the state competition. The courtroom artist is an official team member, but is not counted toward the team’s student limit. (Note that the winner of the state competition is eligible to compete at the national competition).
  - For State Finals—Two (2) journalists per county may compete at the state competition. The journalist is an official team member, but is not counted toward the team’s student limit. (Note that winner of the state competition does not compete at the national competition).
  - For LA County—Three (3) artists and three (3) journalists per team may compete at the county competition.

**Rule 2.3 – Team Withdrawal**

- A. Any team that withdraws from a local or state competition will receive a partial monetary refund only if the county coordinator is notified in writing by a date established by the coordinator, and if no date is specified, two weeks before the day of the first round of competition.
  - For State Finals—Last day for ½ refund is March 10. No refunds after March 10.
  - For LA County—Last day for ½ refund is October 21. No refunds after October 21.

**Rule 2.4 – Wild Card Teams**

- A. For State Finals—If there are an odd number of county championship teams attending the State Finals, a wild card team from a county will be selected randomly. All counties will have the opportunity to submit to CRF their second place team to serve as a possible wild card at the time of first-place team registration. Once selected the wild card team will be an official team representing their county and eligible for awards. The team must complete all registration requirements, including payment of registration fees.
  - At the local level, the county coordinators determine substitute team procedures.
  - In LA County, if there are an odd number of teams present for any given round, CRF staff will locate a substitute team. The substitute team will be the defense or prosecution team from an existing competing team. Substitute team’s scores will be for practice purposes only and will not count towards their team’s win/loss record or percentages. The scores from the trial will count for the opposing team and will be added to the team’s win/loss record and percentages. The substitute team will not pay a registration fee, nor will they be eligible for awards.

## **Rule 2.5 – Awards**

A. At the State Finals, awards will be given as follows:

- Prosecution Pretrial Attorney – 2 awards
- Defense Pretrial Attorney – 2 awards
- Prosecution Attorney – 3 awards
- Defense Attorney – 3 awards
- Prosecution Witness – 4 awards
- Defense Witness – 4 awards
- Clerk – 1 award
- Bailiff – 1 award
- Courtroom Artists – 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> place
- Journalists – 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> place
- Adult Advocate of the Year

B. At the State Finals, the top eight teams will receive medals.

- In LA County, only the top two teams will receive medals. The quarterfinalist will receive ribbons and all nominated students will receive honorable mention certificates.

## **The Trial**

### **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.
- C. Procedures for introducing items into evidence are provided in the case material.
- D. 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.
- E. 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.
- 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 may not talk to, signal, communicate with or coach their teams.

- B. The only communication allowed during the trial is between trial attorneys.
- C. The defendant may sit at the counsel table and communicate with the defense attorneys. All communication must be non-disruptive to the trial.
- D. After the pretrial, the 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 ten points per score sheet if the presider finds that any section of 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 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.
- J. Point deduction(s) should be considered for individual scores of participants who make unfair extrapolations or ask questions that call for unfair extrapolations. 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 a point or points deducted from their individual scores.
- K. The number of points deducted should be determined by the severity of the extrapolation. If a team has several team members making unfair extrapolations, the offending team’s overall points should also be reduced accordingly.

### **Rule 3.6 – Attorneys**

- A. The prosecution presents the opening statement and closing argument first.
- 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. Points may be deducted for objections 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.) Points may be deducted for objections made during opening statements or closing arguments.
- H. At the State Finals (and in LA County), 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 the team’s attorney coach and teacher 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(s) 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. 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 3.7 – 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 LA County for senior division only).

- A. The defense will argue the pretrial motion first.
- B. Each attorney arguing a pretrial motion has four minutes to present a statement and two minutes for rebuttal. During these proceedings, pretrial attorneys must be prepared to answer questions from the presider to clarify their position(s).
- C. No objections are allowed during pretrial arguments. Points may be deducted for objections made during pretrial arguments.
- D. In order to present a position in the most persuasive manner, attorneys should carefully review and become familiar with the materials provided in the mock trial case materials.
- 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 3.8 – Clerk and Unofficial Timers**

- A. The Mock Trial competition involves timed presentations. At the State Finals (and LA County), the clerk and unofficial timer must bring a stop watch (no cell phones, tablets, or other electronic devices) 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). At the State Finals (and LA County), 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. 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.
- E. Each team will have 40 minutes to present its case, including the pretrial motion. (In LA County—The junior division’s total time is 34 minutes.) Time limits for each section are as follows:
  - Pretrial Motion (4 minutes)
  - Rebuttal (2 minutes)
  - Opening Statement/Closing Argument (9 minutes)
  - Rebuttal (1 minute)
  - Direct/Re-direct Examination (14 minutes)
  - Cross-Examination (10 minutes)

- F. The time will be stopped when:
  - Witnesses are called to the stand
  - Attorneys make objections
  - Presider questions attorneys and witnesses
  - Presider offers their observations.
- G. The time will not be stopped if witnesses are asked to approach the diagram or for other physical demonstrations. Time will not be rounded off.
- H. Teams may divide:
  - 9 minutes for opening statement and closing arguments
  - 14 minutes for direct and re-direct examination, and
  - 10 minutes for cross-examination as desired
 (The time may be utilized however they choose, but the maximum allowable totals for each section must be observed.)
- 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, one-minute, and 30 second visual warnings (not verbal) must be given before the end of each section. 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. There will be an automatic deduction of one point per score sheet if the presider finds that any section of this rule has been violated.
  - In LA County, both visual and verbal warnings will be given a two-minute, one-minute, 30 second, and stop warnings.
- K. 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 official and unofficial timers must sit next to each other during the trial.
- L. 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.
- M. At the end of the pretrial motion and the trial, the clerk will time the 30-second rule.
- N. 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.
- O. The clerk will not be scored on timing the debriefing, consultations, and any formal presentations regarding irregularities. No extensions of time will be granted.

## Rules

### 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. 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 and case materials 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 prohibited.

## **Judging and Team Advancement**

### **Rule 5.1 – Finality of Decisions**

- A. All decisions of the presider and scoring attorneys are final. No exceptions.

### **Rule 5.2 – Judging Panel**

- A. The judging panel will typically consist of three to four people (a presider, and several scoring attorneys). In some cases beyond the Mock Trial staff's control, a scoring panel may consist of one presider and one scoring attorney. In that situation the presider will be required to both preside and score the trial.
- B. At the State Finals, the scoring panel may consist of people with substantial Mock Trial coaching/scoring experience, law students, paralegals or attorneys. There will be at least one attorney on each scoring panel. The presider shall be either an attorney or judge.
- C. Subject to the discretion of the county coordinator, attorney and teacher coaches cannot serve as scoring attorneys or presidors if their team is still active in the tournament.

### **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.

### **Rule 5.5 Rankings and Ties**

Individual counties are free to implement this scoring system or another of their choice.

- A. Team rankings are based on the win-loss and percentage system in an effort to eliminate the artificial highs and lows inherent in any numeric scoring system.
- B. Round one assignments will be random. Round two assignments and beyond will be based on a power matching system.
- C. In the event of a tie, the winning team will be determined by the official presider tie breaker ballot.
- D. Teams will be ranked by the following order:
  - 1) First by Win/Loss Record—Determined by the total number of raw points given in the trial. For example:
    - Team "A" has a total of 187 raw points.
    - Team "B" has a total of 176 raw points.
    - The winner of the trial is Team "A" with 187 raw points

- 2) Percentage—After the raw points are calculated to determine a winner, the raw points are converted into a percentage to rank the team in their bracket. Given the example above:
- Team “A’s” raw points are added to team “B’s” raw points to determine the total amount of points given at the trial:  
 $187 \text{ (Team A raw points)} + 176 \text{ (Team B raw points)} = 363 \text{ raw points}$
  - Team A’s raw points are divided by the total points to get a percentage  
 $187/363 = 51.52\%$
  - Team B’s raw points are divided by the total points to get a percentage  
 $176/363 = 48.48\%$

E. For power matching purposes, brackets will be separated first by win/loss record and second by cumulative percentages.

F. If a bracket is equal to or greater than twelve teams, the bracket will be split in half to create two sub-brackets for power matching purposes. Sorting within the power matching bracket will be done in the following order:

- 1) Win/loss record
- 2) Cumulative percentages

The team with the highest number of wins and percentage within a bracket, will be matched with the team with lowest percentage within the bracket. Then next highest with the next lowest within the bracket and so on until all teams are paired.

G. If there is an odd number of teams in a bracket, the team at the top of that bracket will be matched with the top team from the next lower bracket.

H. Final Rankings

State Finals—Final rankings will be determined after the completion of Round Four of the competition, first by win/loss record and then by cumulative percentages. This allows for the possibility of a team to lose one trial (regardless of which round) and still be considered for a final ranking of 3rd-8th place.

Strength of schedule will not be a factor in determining the top eight teams.

I. Teams will not meet the same opponent twice.

J. To the greatest extent possible, teams will alternate side presentations in subsequent rounds. However, bracket integrity in power matching will supersede alternate side presentation.

### **Rule 5.6 – Championship Trial**

A. Selection of side assignment. If each of the finalist teams have presented an equal number of prosecution and defense rounds, the side assignments for the final round will be determined by a coin toss.

B. The team with the lowest numerical team code (whichever comes first numerically), will be considered the “designated team.”

C. If the coin comes up heads, the designated team will represent the prosecution in the championship round. If the coin comes up tails, the designated team will represent the defendant.

### **Summary of Pretrial Motion Procedures**

- Presiders are encouraged to challenge the attorneys with questions about the case law during pretrial arguments.
- No objections are allowed during pretrial arguments. Points may be deducted for objections made during pretrial arguments.
- The hearing is called to order.
- 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. The time spent answering the presider's questions is not included in the four-minute time limit.
- The presider asks the prosecution to summarize the arguments made in the motion. The prosecution has four minutes. The presider may interrupt to ask clarifying questions. The time spent answering the presider's questions is not included in the four-minute time limit.
- 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.
- The presider offers the prosecution two minutes of rebuttal time.
- 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.
- The presider will rule on the motion and begin trial.

### **Summary of Trial Procedures**

- Attorneys present physical evidence for inspection.
- Presider states charges against defendant.
- Prosecution delivers its opening statement. No questioning during opening statements.
- 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.
- Prosecution calls its witnesses and conducts direct examination.
- After each prosecution witness is called to the stand and has been examined by the prosecution, the defense cross-examines the witness.
- After each cross-examination, prosecution may conduct re-direct examination of its own witnesses if necessary.
- After prosecution presents all its witnesses, defense delivers its opening statement (if it did not do so earlier).
- Defense calls its witnesses and conducts direct examination.
- After each defense witness is called to the stand and has been examined by the defense, the prosecution cross-examines the witness.
- After each cross-examination, defense may conduct re-direct examination of its own witnesses if necessary.
- Prosecution gives its closing argument, and then defense presents its closing arguments. No questioning during closing arguments.
- Prosecution and defense present rebuttal arguments.
- 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.
- Presider deliberates, announces verdict in court, and conducts a short debrief of the trial with the scoring attorneys (not to exceed 10 min.)

## Evaluation Criteria

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

## Evaluation Criteria

<b>Closing Arguments (x2)</b>	
<ul style="list-style-type: none"> <li>• Attorney's presentation contained elements of spontaneity and was not based entirely on a prepared text.</li> <li>• 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.</li> <li>• Outlined the strengths of his/her side's witnesses and the weakness of the other side's witnesses.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Effective rebuttal countered opponent's arguments.</li> <li>• Reviewed the exhibits and how they helped the case.</li> <li>• Stated the applicable law or statutes and how they supported the side's theory.</li> </ul>
<b>Clerk</b>	
<ul style="list-style-type: none"> <li>• Present and punctual for trial.</li> <li>• Performed her/his role so that there were no disruptions or delays in the presentation of the trial.</li> </ul>	<ul style="list-style-type: none"> <li>• Conducted herself/himself professionally without attracting any unnecessary attention.</li> <li>• Properly used verbal and visual time warnings.</li> </ul>
<b>Bailiff</b>	
<ul style="list-style-type: none"> <li>• Present and punctual for trial.</li> <li>• Performed her/his role so that there were no disruptions or delays in the presentation of the trial.</li> </ul>	<ul style="list-style-type: none"> <li>• Conducted herself/himself professionally without attracting any unnecessary attention.</li> <li>• Knowledgeable about script and role in trial.</li> <li>• Followed script.</li> </ul>
<b>Team Presentation</b>	
<ul style="list-style-type: none"> <li>• Team members were courteous, observed general courtroom decorum, spoke clearly and distinctly, and displayed good sportsmanship to all competitors, regardless of trial results.</li> <li>• All team members were involved in the presentation of the case and actively participated in fulfilling their respective roles.</li> <li>• Witnesses performed in synchronization with attorneys in presenting their side of the case.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Team members demonstrated cooperation and teamwork.</li> <li>• The teachers and attorney coaches displayed good sportsmanship.</li> </ul>

## Guidelines for (1-10) Scoring

The following are general guidelines to be applied to each category on the score sheet. It is strongly recommended that scorers use "5" as an indication of an average performance, and adjust higher or lower for stronger or weaker performances.

Attorneys	Score	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</p>	<p><b>9-10</b>                      Excellent</p>	<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</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                      Mostly spoke in clear and audible voice</p>	<p><b>7-8</b>                      Above Average</p>	<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</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</p>	<p><b>5-6</b>                      Average</p>	<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</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</p>	<p><b>3-4</b>                      Below Average</p>	<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</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</p>	<p><b>1-2</b>                      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</p>

Clerk	Score	Bailiff
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	<b>5</b> Excellent	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
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	<b>4</b> Above Average	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
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	<b>3</b> Average	Mostly natural, believable presentation Audible voice, some eye contact Apparent that script was memorized Understood role and procedures
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	<b>2</b> Below Average	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
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	<b>1</b> Far Below Average	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

<b>0 — PENALTY</b>	<ul style="list-style-type: none"> <li>• Failure to cross-examine a witness</li> <li>• Failure to conduct direct examination of a witness</li> <li>• Can apply only to rule violations that specify a zero score</li> </ul>
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