

## 2024-2025 Team Rulebook



Official Materials for the California Mock Trial Competition  
A Program of Teach Democracy  
(formerly Constitutional Rights Foundation)

Co-Sponsored by:  
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## Administration

### Rule 1.1 — Rules

- A. The California Mock Trial Program is governed by the California Mock Trial Rulebook, California Case Materials, and the California Mock Trial Rules of Evidence.
- B. All CA Mock Trial competition participants must follow all rules and procedures specified in the California Mock Trial Rulebook, California Case Materials, and the California Mock Trial Rules of Evidence disseminated by Teach Democracy (formerly CRF). At the county level, county coordinators may modify some rules and procedures to better suit their county competition. The failure of any member or affiliate of a team to adhere to the set rules may result in disqualification of that team.
- C. This California Mock Trial Team Rulebook contains rules for an in-person competition and any rule modifications to accommodate a virtual competition/scrimmage. Any rule modifications are listed immediately after the rule that is being modified under **virtual**.

### Rule 1.2 — Code of Ethical Conduct

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

- A. All student competitors, teacher coaches, attorney coaches, and attendees/observers will show courtesy and respect for all participants, including all student competitors, courthouse staff, judges, scoring attorneys, teacher coaches, attorney coaches, volunteers, and mock trial staff including during trials, contests, activities (such as meetings, student socials, awards ceremony, etc.), and everything in between.
- B. All student competitors, teacher coaches, attorney coaches, and attendees/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. All student competitors, teacher coaches, attorney coaches, and attendees/observers will conform to the highest standards of behavior. All student competitors, teacher coaches, attorney coaches, and attendees/observers may not employ tactics they believe to be wrong or in violation of the Rules. All student competitors, teacher coaches, attorney coaches, and attendees/observers will not willfully violate the Rules of the competition in spirit or in practice. All student competitors, teacher coaches, and attorney coaches are responsible for ensuring that all attendees/observers know and follow the Code of Ethical Conduct.
- 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 to focus on the educational value of the Mock Trial Competition. 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 disqualification from the competition and/or suspension or expulsion from the program.

### **Rule 1.3 — School Eligibility**

To participate in the State Finals, each county must implement procedures the following:

- A.** A Mock Trial County coordinator must be identified (usually through the county office of education) and approved by Teach Democracy. With Teach Democracy's approval, the county coordinator may represent more than one county.
- B.** Each county competition must be composed of schools from their county only. The county coordinator must register their county, agree with the terms and responsibilities set forth by Teach Democracy, and pay county registration fees by set deadlines.
- C.** Working in conjunction with Teach Democracy, the county coordinator must plan and implement a county competition involving only schools from their own county.
- D.** If a school is the only school participating in Mock Trial from a county where no county competition is conducted, that school will be eligible for the State Finals. We strongly recommend that such a school participate in scrimmages.
- E.** All county competitions must be completed by March 1, 2025. County coordinators must inform Teach Democracy of the winning school's name by March 1, 2025. Should the county's winning school not be able to participate in the state finals, then the second-place team is eligible to represent the county at the state finals.
- F.** In addition to registering with their county, all schools must be registered with Teach Democracy at <https://teachdemocracy.org/programs/mock-trial-california/registration-instruct> by January 31, 2025. When schools register, they have the option to be added to the scrimmage list included on Teach Democracy's mock trial website. Check with your county coordinator for further details.
- G.** 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 the student would attend if not home-schooled.
  - 2. As a member of an independent team exclusively composed of home-schooled students within their county.Applicants must seek approval from their local County Coordinator and are subject to Teach Democracy's approval.
- H.** Two small schools may temporarily, for no more than two years, join to form a single Mock Trial team if neither school has a pre-existing Mock Trial Program to pilot the program. For the purposes of the California Mock Trial Program, a "small" school is one with 200 or fewer enrolled students. Applicants must seek approval from their local County Coordinator and are subject to Teach Democracy's approval. Such combination teams are eligible to represent their county at the State Finals.
- I.** Mock Trial teams must be officially 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 schools do not offer the Mock Trial program. However, attempting to create an 'all-star team' is not permitted. Among the 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 seek approval from their local County Coordinator and are subject to Teach Democracy's approval.

## Rule 1.4 — Copyright and Plagiarism

- A. The California Mock Trial case materials are protected by copyright law and may not be reprinted anywhere, including posting on the Internet, without express permission from Teach Democracy. In addition, the current CA Mock Trial case materials may not be used in invitationals, tournaments, and academic camps without express written permission from Teach Democracy. Any violation of this rule may result in litigation and disqualification of a team or county. However, we hereby grant all recipients a license to reproduce the exhibits for distribution to CA Mock Trial registered and participating students and educators.
- B. Any alteration or viewing of confidential California Mock Trial case materials posted on Teach Democracy's website will result in 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 and Rule 1.5).

**[Virtual]** *It is not permissible to share virtual links and passwords with anyone other than your team members/coaches. Do not post links or passwords on social media or any other platforms. Anyone who violates the established virtual security measures will be automatically disqualified from the competition. No intentional scouting is allowed (see Code of Ethical Conduct).*

## Rule 1.5 — Scouting

- A. Team members, coaches, and any other persons directly associated with a mock trial team, except for those authorized by the competition administrators, are not allowed to view other teams' trials so long as their team remains in the competition.
- B. Team members and individuals associated with competing teams are prohibited from contacting teachers, students, and attorney advisors from any other team in any manner to obtain information about an opponent. This prohibition is read and will be construed broadly, and it includes, without limitation, any form of personal communication, voice/telephone communication, and/or electronic communication, including electronic mail, instant messaging, and communication or messaging through social media sites.
- C. It is not a violation of this rule for teams to participate voluntarily in practice or scrimmage matches before competition. It is a violation of this rule for teams to seek information about opposing teams in rounds of the competition from individuals who observed such scrimmages, including members of the team competing in that scrimmage.
- D. If any section on rules 1.5 – A. to C. has been violated may be grounds for disqualification from the competition and/or suspension or expulsion from the program.

## Teams

### Rule 2.1 — Team Eligibility

- A. A school must compete in their local county competition.
- B. A teacher or school representative **must** be identified and registered to represent the team and **must be present** with the team during the entire competition.
- C. All team members, including artists and journalist contestants, must be eligible under school district and state rules applicable to involvement in extracurricular activities.

- D. All team members, including artists and journalist contestants, must be currently registered during the academic year as students at the school for which they are competing.
- E. 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.
- F. 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.
- G. No new team members may be added to a team after the county registration deadline. This also applies to individual teams from counties where two teams per school are allowed. Team members must remain in the designated registered team, with no substitution between the two teams. Teams representing a county at the state finals must be composed of students who registered and participated on the current county-winning team.

## Rule 2.2 — Team Composition

- A. A team must have a **minimum of 8 students** to participate and may have up to **a maximum of 25 students**. We highly encourage teams to have more than the (8) minimum of team members should there be a need for substitutes/understudies if team members are not able to make it to the competition at any given time. Pretrial attorneys may not serve as trial attorneys during the same round but may serve as witnesses, clerks, or bailiffs.

Prosecution Roles	Defense Roles
<b>Pretrial Motion Attorney</b> – 1 student	<b>Pretrial Motion Attorney</b> – 1 student
<b>Trial Attorneys</b> – 2 to 3 students*	<b>Trial Attorneys</b> – 2 to 3 students*
<b>Witnesses</b> – 4 students	<b>Witnesses</b> – 4 students
<b>Clerk</b> – 1 student	<b>Bailiff</b> – 1 student
	(OPTIONAL) Unofficial Timer – 1 student
*A <b>minimum of two trial attorneys</b> with a maximum of three trial attorneys. 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.	

- B. At each trial, a team must have a **minimum of 8 active team members** composed of registered team members only. An active team is defined as a student who will be serving a role in a round. In the event of an emergency that would cause a team to be unable to participate with a minimum of eight active team members, the team must notify the competition administrators as soon as possible. It is within the sole discretion of the competition administrators to determine that an emergency exists and will decide whether the team will forfeit or whether the team may continue with less than eight active team members for that round without point deductions. The competition administrators will notify the scoring panel if permission has been granted for the team to compete with fewer than eight active team members for that round and instruct them not to deduct points. **Points deduction should be taken if a team continues with less than eight active team members for more than one round.**
- C. The official team roster must be submitted prior to each trial. The official team roster must identify the 8 minimum active registered team members and their roles. No changes may be made after submission and students must perform the roles as identified on the official roster. The clerk and bailiff must distribute 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.

**[Virtual]** Teams must submit team rosters by the designated deadline before each round. Team rosters must identify each active member, team member substitutes, artist/journalist with their individual roles, and a maximum of two coach names. No changes to the roster may be made after submission and students must perform the roles as identified on the roster.

- D. If any section on rules 2.2 – A. to C. has been violated, scorers must deduct five points from the team's participation score.
- 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.
- For the State Finals—The top two 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 Courtroom Artist Contest in the state is eligible to compete at the national competition).
  - For the State Finals—The top two 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 the winner of the Courtroom Journalist Contest in the state finals is eligible to compete at the national competition).

### Rule 2.3 — Team Withdrawal

- A. If a team needs to withdraw from a competition, the teacher-coach must notify their county coordinator and Teach Democracy as soon as possible.
- B. Competition registration fees are non-refundable.
- C. If a team is eligible to advance to the state finals or national competition and decides not to participate, it must notify Teach Democracy before the designated registration deadline.

### Rule 2.4 — Wild Card Team

- A. A random drawing of county names was conducted to determine the order of potential wild card teams during the annual county coordinators meeting. If there are an odd number of county championship teams attending the State Finals, the second-place teams drawn as potential wild card teams are as follows:

- |              |                                    |               |
|--------------|------------------------------------|---------------|
| 1. Mendocino | 5. San Mateo                       | 9. Santa Cruz |
| 2. Fresno    | 6. Marin                           | 10. Yuba      |
| 3. Shasta    | 7. <del>El Dorado</del> (withdrew) |               |
| 4. Madera    | 8. Monterey                        |               |

Should an odd number of teams participate in the 2025 state finals, Mendocino County's second-place team will be the first to be asked to be the wild card. If that second-place team declines the opportunity, we will ask Fresno County's second-place team, and so on.

- B. If needed and once finalized, the wild card team will be an official team representing their county and eligible for awards. The team must complete all registration requirements, including paying registration fees.

## The Trial

### Rule 3.1 — The Case

- A. The case material contains the sources for the Mock Trial Program. These sources include the fact situation, 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 — Trial Procedures

- A. The Mock Trial Competition is a bench trial. Attorneys and witnesses cannot verbally address the scoring attorneys as if they were a jury (i.e., “Ladies and gentlemen of the jury...”).  
*[Virtual] The Mock Trial Competition is a bench trial. Attorneys and witnesses cannot verbally address the scoring attorneys as if they were a jury (i.e., “Ladies and gentlemen of the jury...”). All active team members, team substitutes, artists/journalists, coaches, and other attendees must have their video off and microphone muted unless presenting. All active team members and team substitutes must have the case, team rulebook, and official exhibits readily available but may only refer to them when allowed.*
- 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 when distributing the team rosters, team members must not communicate with the scoring attorneys until the conclusion of the trial.  
*[Virtual] When the trial begins, the presider will ask the team members, teachers, and attorney coaches to introduce themselves. The active team members, team substitutes, and coaches will turn on their video and unmute their microphones but will remain seated when briefly introducing themselves. No communication 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.  
*[Virtual] Teams will be identified by team code only and not by school/county name. All attendees must follow the naming protocol to be admitted to the virtual courtroom and throughout the trial as follows **Trial # - Team Code (P/D) First and Last Name - Role**. See the examples on the website.*
- D. All participants are required to wear appropriate courtroom attire. Spectators are prohibited from wearing clothing that identifies their school/county.  
*[Virtual] All attendees must wear appropriate courtroom attire and are prohibited from wearing clothing that identifies their school/county. All participants should have a blank background (light neutral colors such as white, beige, or grey), if possible, without any distracting objects in the background. Virtual backgrounds or profile pictures are prohibited.*
- E. Teacher coaches, attorney coaches, and spectators are to remain in the courtroom throughout the trial as much as possible to avoid disrupting the trial.  
*[Virtual] Coaches are to remain in the virtual courtroom throughout the trial as much as possible to avoid disrupting it with their videos off and microphones muted.*



- F. The clerk and bailiff must distribute 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.

**[Virtual]** Teams must submit team rosters by the designated deadline before each round. Team rosters must identify each active member, team member substitutes, artist/journalist with their individual roles, and a maximum of two coach names. No changes to the roster may be made after submission and students must perform the roles as identified on the roster.

- 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 their substitutes. If a scheduled team is not present within 30 minutes after the scheduled trial time, that team forfeits the trial. It is subject to possible disqualification (subject to the discretion of Mock Trial staff).

**[Virtual]** All team members participating in a trial must be in the virtual courtroom at the scheduled time, ready to begin the round, and are to remain in the virtual courtroom throughout the trial. Incomplete teams must begin the trial without the missing members and utilize their substitute members. If a scheduled team is not present within 30 minutes after the scheduled trial time, that team forfeits the trial. It is subject to possible disqualification (subject to the discretion of Mock Trial staff).

- H. Recesses will not be allowed for any reason (unless authorized by Mock Trial staff or presider).
- I. Use of laptop computers, tablets, cellular phones, or other electronic devices during trials is prohibited.

**[Virtual]** A laptop, computer, tablet, or phone must be used to attend and participate in the virtual competition. The use of such a device is limited to presenting the case and may not be used for communication with team members, coaches, etc. (The exceptions are communication between trial attorneys during the trial using the private chat feature only, during the 30 seconds rule between active team members, and their coaches via the private chat feature to discuss any substantial trial irregularities, and between the clerk and unofficial timer via the private chat feature for time checks.) One person per screen while making a presentation.

- In the event of technical difficulties experienced by a team member during a trial, it is permissible to have the designated substitute team member fill in as an emergency substitute for the team member experiencing technical difficulties.
  - Technical difficulties include internet, computer, and audio/microphone failures. Camera failure is not considered a technical difficulty, and a substitute is prohibited.
  - No student or team may feign technical difficulties or invoke the technical difficulty rule for purposes other than a genuine technical difficulty. Such an act would violate the Rules of Competition and Code of Ethical Conduct and may be sanctioned at the discretion of Teach Democracy staff through point deductions or other means up to and including disqualification from the competition.
  - Before substituting a role, the team member must notify the presiding judge (time stops during this transition and starts as soon as the presentation starts):

“Your honor, I would like to inform the court that I am (insert name) and I am substituting for (insert name) who is unable to compete due to technical difficulties.”
  - The presentation will be scored on the presentation by the initial active team member and the designated substitute, taken as a whole.

- *Once a student is deemed unable to compete in a role due to technical difficulties, they are not permitted to return and compete in the unfinished role to minimize disruption. If the technical difficulties are resolved, they can participate in their other roles in the trial, if any.*

J. At the State Finals, it is mandatory for at least one team representative to attend the announcement of the finalists for the Championship Trial and attend the finalists meeting immediately following the announcement. If a team representative is not present, the team forfeits the Championship Trial, and the third-ranked team will take the absent team's place in the Championship Trial.

K. If video recording is allowed by the courthouse and competition administrators, teams may only video/audio record a trial involving their school and must get approval from the opposing team. Any team can refuse participation in video/audio recording and still photography by the opposing team. Any recording is for educational purposes only. The trial recordings can only be shared with the current team members and their families. The recordings may not be posted, streamed, or shared with anyone else. Team members and family members are also to be notified of this rule, as any violations could bring sanctions to the team, including disqualification. Teach Democracy will not accept any video for complaint purposes.

**[Virtual]** *All participants must consent to video and audio recordings of each presentation for the California Mock Trial Competition. Any recording is for educational purposes only. The trial recordings can only be shared with the current team members and their families. All recordings may not be posted, streamed, or shared with anyone else until after the state finals have concluded. Team members and family members are also to be notified of this rule as any violations could bring sanctions to the team, including disqualification at any level of the mock trial competition. Teach Democracy will not accept any video for complaint purposes.*

L. Other than the exhibits provided in the trial material, no other illustrative aids of any kind may be used.

**[Virtual]** *All active team members and team substitutes must have the case and official exhibits readily available but may only refer to them when allowed. Only the official exhibits provided in the trial material may be referred to, no other illustrative aids of any kind may be used.*

M. 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 realistically presenting the trial, with witnesses wearing appropriate courtroom attire and using their normal speaking voices. Portrayals of racial, ethnic, and gender stereotypes are inappropriate and are not allowed.

N. Gender-neutral names allow for students of any gender to play the role of any witness, no points should be deducted for using the wrong pronoun. During the trial, questions regarding gender, race, or physical characteristics not included in the official case materials are not allowed. A witness is prohibited from referring to their own physical traits or gender as well as the physical traits or gender of other witnesses where such information is not included in any witness statement. (For example, a witness cannot call attention to their size to show the inability to complete some physical act included in the case materials or state that the witness was treated differently because of their gender.) An attorney is likewise prohibited from making arguments pointing out physical traits of a witness not otherwise included in the case materials. **Such references are unfair extrapolations, see Rule 3.5 for point deductions.** Teams

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are not prohibited, however, from raising issues about general or common human traits and abilities relevant to the case.

### Rule 3.3 — Trial Communication

- A. Once the trial has begun, teachers, attorney coaches, alternates, and spectators are not allowed to communicate (including but not limited to signaling, texting, and passing notes) with the teams.  
*(Virtual) Once the trial has begun, teachers, attorney coaches, substitute team members, and other attendees are not allowed to communicate (including chat feature except when allowed in individual rules, signaling, texting, IM, passing notes, etc.) with the teams.*
- B. The Mock Trial Competition is a bench trial. Attorneys and witnesses cannot verbally address the scoring attorneys as if they were a jury.
- C. Communication between trial attorneys is allowed during the trial but must be non-disruptive.  
*(Virtual) Communication between trial attorneys (and the defendant) is allowed during the trial using the private chat feature only.*
- D. The defendant may sit at the counsel table and communicate with the defense attorneys. All communication must be non-disruptive to the trial.  
*(Virtual) The defendant is present during the trial. Under the conditions of an online trial, any witness who reasonably knows or should know the defendant is assumed to have correctly identified the defendant as the defendant in this case.*
- E. After the pretrial, the pretrial attorney may not sit with the trial attorneys and may not communicate with the trial attorneys at any time.  
*(Virtual) The pretrial attorneys may not communicate with the trial attorneys or with any other team member at any time.*
- F. Once the trial has begun, there must be no communication with student team members, except for the 30-second rule.
- G. If any section of rule 3.3 has been violated, scorers must deduct five points per score sheet per violation.

### Rule 3.4— Conduct of the Pretrial Motion

- A. The defense will argue the pretrial motion first.  
*(Virtual) The defense will argue the pretrial motion first. The pretrial attorneys may elect to stand or remain seated while giving their pretrial argument. The pretrial attorneys must turn on their video and unmute their microphones when presenting.*
- 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.
- C. No objections are allowed during pretrial arguments. Two points must be deducted for each objection made during pretrial arguments.
- D. To present a position most persuasively, 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 must be deducted from the team's total team presentation/participation score.

### Rule 3.5 — Attorneys

- A. The prosecution presents the opening statement and closing argument first.

*(Virtual) The prosecution presents the opening statement and closing argument first. Attorneys may elect to stand or remain seated while giving their opening statement, direct and cross-examinations, and closing arguments. Attorneys must turn on their video and unmute their microphones when presenting.*

- B. The attorneys may not make their opening statement, conduct their direct examination/cross-examination of witnesses, or make a closing argument from the well. They must remain behind the podium or counsel table. Attorneys may seek the permission of the presider to enter the well for the limited purpose of presenting an exhibit to a witness or questioning a witness about an exhibit.
- C. Attorneys may conduct a re-direct examination when appropriate. No re-cross-examination is allowed. Witnesses may not be recalled to the stand.
- (Virtual) Attorneys may conduct a re-direct examination when appropriate. No re-cross-examination is allowed. Witnesses may not be recalled to the stand. During witness examinations, the two attorneys examining the witness must have their video on. The attorney must unmute their microphone when examining the witness. The attorney not examining a witness at the time will have their microphone muted. If the attorney wants to object, the attorney can unmute their microphone to do so but must remain seated.*
- D. 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 witness's direct examination. Two points must be deducted from the offending team's score for each objection made by the wrong attorney.
- E. Attorneys may use notes while presenting their cases.
- F. 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 listed in the case materials will be recognized in the competition. Other rules may not be used at the trial.
- G. The pretrial motion, motions entering exhibits into evidence, and motion to strike testimony are the only motions allowed. All other motions are prohibited. If a motion is made that is not listed in this section, two points must be deducted from the team's total team presentation/participation score.
- H. No objections are allowed during opening statements or closing arguments. (The presider will be responsible for handling any legally inappropriate statements made in the closing, while scorers will also consider the closing argument criteria.) Two points must be deducted for each objection made during opening statements or closing arguments.

### Rule 3.6 — Physical Evidence

- A. The prosecution team must bring the physical evidence listed under the heading "Physical Evidence" in the case materials to each trial. 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 the physical evidence to court, it may be reflected in the team presentation/participation score.

**(Virtual)** All active team members and substitute team members must have access to the physical evidence listed under the heading “Physical Evidence” in the case materials but may only refer to them when allowed.

- 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 —Attorneys may introduce physical exhibits if any are listed under the heading “Physical Evidence,” provided that the objects correspond to the description given in the case materials. Below are the steps to follow when introducing physical evidence (maps, diagrams, etc.). All items are presented before trial.
  - 1- Present the item to an attorney for the opposing team before trial. If that attorney objects to the use of the item, the judge will rule whether the evidence is appropriate or not.
  - 2- Before beginning the trial, mark all exhibits for identification. Address the judge as follows: “Your honor, I ask that this item be marked for identification as Exhibit #\_\_\_\_.”
  - 3- When a witness is on the stand testifying about the exhibit, show the item to the witness and ask the witness if he/she recognizes the item. If the witness does, ask him or her to explain it or answer questions about it. This shows how the exhibit is relevant to the trial.

**(Virtual)** All items are presented before trial.

- 1- All participants must have all exhibits readily available but may only refer to them when allowed.
- 2- The attorney wishing to use an exhibit will identify the exhibit they wish to use and request the Court’s permission to view it.
- 3- Attorneys will not be required to confirm that they have shown the exhibit to opposing counsel.
- 4- The attorney will ask the witness to identify the exhibit. “Would you identify the exhibit please?”
- 5- Witness answers with identification only.
- 6- Offering the exhibit into evidence. “Your honor, we offer Exhibit \_\_\_\_ into evidence at this time.”
- 7- The court will respond: “Is there an objection?” (If the opposing counsel believes a proper foundation has not been laid, the attorney should be prepared to object at this time.)
- 8- Opposing counsel: “No, your honor,” or “Yes, your honor...” If the response is “Yes” the objection will be stated on the record. Presider: “Is there any response to the objection?”
- 9- Presider: “Exhibit \_\_\_\_ is/is not admitted.”
- 10- If the exhibit is admitted into evidence, the attorney may now solicit testimony on its contents.
- 11- As a reminder, all evidence will be pre-marked as exhibits and timekeepers will not stop keeping time during the introduction of evidence.

- D. Moving the Item into Evidence — Exhibits must be introduced into evidence if attorneys wish the court to consider the items themselves as evidence, not just the testimony about the



exhibits. Attorneys must ask to move the item into evidence during the witness examination or before they finish presenting their case.

1- “Your honor, I ask that this item (describe) be moved into evidence as People’s (or Defendant’s) Exhibit # and request that the court so admit it.”

2- At this point, opposing counsel may make any proper objections.

3- The judge will then rule on whether the item may be admitted into evidence.

- E. Whether a team introduces, uses, and moves the physical evidence into evidence is entirely optional, but all physical evidence must be accessible by all team members.
- F. Evidence should not be altered in any way. Marking on the exhibits is not permitted. Any alterations to the exhibits may be grounds for disqualification from the competition.
- G. Illustrative aids of any kind are prohibited, including but not limited to electronic or light-projected aids.
- H. 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 3.7 — 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 seats at the front of the courtroom.

*(Virtual) Although witnesses are excluded from the trial proceedings in actual trials, for educational purposes, witnesses in the Mock Trial Program will remain in the virtual courtroom for the entire trial. Witnesses must remain seated with their video on, and microphone unmuted for their examination only.*

- B. The fact situation, witness statements, stipulations, and exhibits are the official case materials and make up the sole source of information for testimony.
- C. A witness can only testify to their own witness statement and any portion of the fact situation, stipulations, and exhibits of which they would reasonably have knowledge. Witnesses may not testify or respond to another witness’ testimony unless otherwise stated in the stipulations.
- 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 they contradict the case material contained in their 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 the trial.  
*(Virtual) Witnesses are not allowed to use notes while testifying during the trial. Witnesses must have the case and official exhibits readily available during their testimony but may only refer to them when prompted by an examining attorney.*

### Rule 3.8 — 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 their 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 their official record. A fair extrapolation does not alter the material facts of the case.
- D. Unfair extrapolations are best tackled through impeachment and the closing argument. They should be dealt with by attorneys during the trial. (See Impeachment during Cross-Examination in the case packet.)
- E. Attorneys shall not ask questions that call for information outside the scope of the case materials or request an unfair extrapolation.
- F. If a witness is asked for 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.
- 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:
  - 1) No extrapolation has occurred. Objection overruled.
  - 2) An unfair extrapolation has occurred. Objection sustained.
  - 3) The extrapolation was fair. Objection overruled.
- I. The decision of the presiding judge regarding extrapolations or evidentiary matters is final. Scoring attorneys must take the presiding judge's ruling on unfair extrapolations into consideration when determining the point deduction.
- J. Witnesses and attorneys making unfair extrapolations and attorneys who ask questions that require the witness to answer with an unfair extrapolation should be penalized by having one point deducted from their individual scores.
- K. If a team has several team members making unfair extrapolations, in addition to the individual point deductions, five points should be deducted from the offending team's presentation/participation score.

### Rule 3.9 — Clerk, Bailiff, and Unofficial Timers

- A. The Mock Trial competition involves timed presentations. The clerk is the official neutral timekeeper for the trial. The clerk must keep accurate time for both teams, provide time remaining warnings, and complete a timesheet. In addition, any member of the team presenting defense may serve as an unofficial timer. This unofficial timer must be identified before the trial begins. To avoid timing issues, both the clerk and unofficial timers must sit next to each other during the trial.

Teach Democracy (formerly Constitutional Rights Foundation)

**(Virtual)** The Mock Trial competition involves timed presentations. The clerk is the official neutral timekeeper for the trial. The clerk must keep accurate time for both teams, provide time remaining warnings, and complete a timesheet. In addition, any member of the team presenting defense may serve as an unofficial timer. This unofficial timer must be identified before the trial begins. To avoid timing issues, both the clerk and unofficial timers may use the chat feature for time checks during the trial.

- B. The clerk and unofficial timer must bring a stopwatch (no cell phones, tablets, or other electronic devices) and Teach Democracy's timesheet to each trial. The clerks may only use the timecards from Teach Democracy's website, printed out on white paper (card stock recommended but not necessary). At the State Finals, teams must use the laminated timecards provided by Teach Democracy, which will be distributed by the presider. The timecards must be returned to the presider after each trial. The timecards will have the following time-remaining warnings:

- 2 minutes
- 1 minute
- 30 seconds
- Stop

**(Virtual)** The clerk and unofficial timer may use stopwatches or cell phones to track time. If using cell phones, phones must be kept in airplane/silenced mode with Wi-Fi and notifications disabled. The clerk and unofficial timer should use Teach Democracy's timesheet for each trial. The clerks may only use the timecards from Teach Democracy's website, printed out on white paper (card stock recommended but not necessary). The timecards will have the following time-remaining warnings:

- 2 minutes
- 1 minute
- 30 seconds
- Stop

- C. Modification of time intervals is not permitted.
- D. Running of the opposing team's time is not allowed. The running of time is best addressed at the time when the witness is on the stand and dealt with by opposing the attorney through objections such as non-responsive or narrative. The scoring attorneys will use their discretion to determine independently how many points, up to five points, will be taken off the offending witness' score, should they determine that a witness is running the opposing team's time. In addition, if it repeatedly happens, the presider may admonish the witness.
- E. Each team will have 40 minutes to present its case, including the pretrial motion. The time may be utilized however they choose, but the maximum allowable totals for each section must be observed. Time limits for each section are as follows:
- Pretrial Motion (4 minutes) and Rebuttal (2 minutes)
  - Opening Statement/Closing Argument (9 minutes) and Rebuttal (1 minute)
  - Direct/Re-direct Examination (14 minutes)
  - Cross-Examination (10 minutes)
- F. The time will start when each attorney starts to speak (i.e., first word of pretrial, opening, direct, cross-examination, and closing. Examples include but are not limited to:
- "May it please the court..."
  - "Your Honor..."
  - "Please state your name for the court..."

Teach Democracy (formerly Constitutional Rights Foundation)

- G. The time will be stopped when:
- Witnesses are called to the stand
  - Attorneys make objections
  - Presider questions attorneys and witnesses
  - Presider offers their observations
  - A witness asks for a question to be repeated
  - Attorneys request the time remaining (Note: The clerk must provide the time remaining for both teams when an attorney makes a request.)

**(Virtual)** *The time will be stopped when:*

- *Attorneys make objections*
- *Presider questions attorneys and witnesses*
- *Presider offers their observations.*
- *A witness asks for a question to be repeated*
- *Attorneys request the time remaining (Note: The clerk must provide the time remaining for both teams when a request is made by an attorney.)*
- *There are technical difficulties, and a substitute team member notifies the presider of the change.*

- H. The time will not be stopped if witnesses are asked to approach the diagram. Time will not be rounded off and must be measured to the whole second.

**(Virtual)** *Time will not be rounded off and must be measured to the whole second.*

- I. One minute is automatically reserved for rebuttal at the conclusion of the closing argument. Only issues that were addressed in an opponent's closing argument may be raised during the rebuttal. Formal reservation of rebuttal time is not required.
- J. Both visual and verbal warnings will be given a two-minute, one-minute, and 30 seconds before the end of each section. The time remaining cards must be displayed in a manner that ensures that there is a clear view for the counsel and presiding judge. The clerk will stop students (both visually and verbally) at the end of the allotted time for each section. Thus, there will be no allowance for overtime. **Two points must be deducted per clerk's score if any section of this rule has been violated.**

**(Virtual)** *Both visual and verbal warnings will be given two-minute, one-minute, 30-second, and stop warnings. The clerk must have their video off and microphone muted when not presenting time warnings. To provide a time warning or respond to a time remaining request, the clerk will turn on their video and unmute their microphone to do so. The time remaining cards must be displayed in a manner to ensure that there is a clear view for the counsel and presiding judge. The clerk will stop students (both visually and verbally) at the end of the allotted time for each section. Thus, there will be no allowance for overtime. Two points must be deducted per clerk's score if any section of this rule has been violated.*

- K. If timing variations occur of 15 seconds or more at the completion of any task during the trial, the timers will notify the judge immediately that a time discrepancy has occurred. Any time discrepancies less than 15 seconds are not considered a violation. No time discrepancies will be entertained after the trial concludes. The judge shall determine whether to accept the clerk's time or make a time adjustment.
- L. At the end of the pretrial motion and the trial, the clerk will time the 30-second rule.
- M. The presider and attorney scorers will be allowed 10 minutes for debriefing. Following the verdict, the clerk will begin timing the debriefing. The clerk will provide the presider and

attorney scorers with 2-minute, 1-minute, and 30-second visual warnings and will stop the debriefing (both verbal and visual).

**(Virtual)** *The presider and attorney scorers will be allowed 10 minutes for debriefing. Following the verdict, the clerk will begin timing the debriefing. The clerk must have their video off and microphone muted when not presenting time warnings. To provide a time warning, the clerk will turn on their video and unmute their microphone to do so. The clerk will provide the presider and attorney scorers with 2-minute, 1-minute, and 30-second visual warnings, and will stop (both verbal and visual) the debriefing.*

- N. The clerk will not be scored on timing the debriefing, consultations, and any formal presentations regarding irregularities. No extensions of time will be granted.
- O. The bailiff will call the court to order and swear in the witnesses. In addition, the bailiff must bring a copy of the 2024-25 Team Rulebook and Case Packet should the presider need to clarify an issue or question.

**(Virtual)** *The bailiff will call the court to order and swear in the witnesses. The bailiff may elect to stand or remain seated and must have their video on and their microphone unmuted to call the court to order and swear in the witnesses. In addition, the bailiff must bring a copy of the 2024-25 Team Rulebook and Case Packet should the presider need to clarify an issue or question.*

- P. Before calling the court to order, the bailiff will remind the audience to turn off all cell phones and that ABSOLUTELY NO FOOD is allowed in the courtroom. Water is OK. If spectators must step outside, they should do so quietly to avoid disrupting the trial.

**(Virtual)** *Before calling the court to order, the bailiff will remind the virtual courtroom all attendees to turn off all cell phones. In addition, videos must be off, and the microphone muted unless presenting.*

- Q. The bailiff will call the court to order using the following language:

“All rise, Superior Court of the State of California, County of \_\_\_\_\_, Department \_\_\_\_\_, is now in session. Judge \_\_\_\_\_ presiding. (Allow time for the presider to take the bench.) Please be seated and come to order.”

**(Virtual)** *The bailiff will call the court to order using the following language:*

*“The Superior Court of the State of California, County of (ex. Los Angeles) \_\_\_\_\_, Department \_\_\_\_\_, is now in session. Judge \_\_\_\_\_ presiding.*

- R. The bailiff will swear in the witnesses by using the following language:

“Do you solemnly affirm that the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the Mock Trial competition?”

**(Virtual)** *The bailiff will swear in the witnesses (the witness must remain seated) by using the following language:*

*“Do you solemnly affirm that the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the Mock Trial competition?”*

### **Rule 3.10 —Deliberate Running of the Opponent’s Time “Filibustering”**

- A. Although a witness may be permitted to give a brief, responsive answer other than a simple “yes” or “no” to questions on cross-examination, consistent with common trial practice, no witness may provide non-responsive or narrative answers on cross-examination to consume the other team’s cross-examination time. Student attorneys can object with “narrative” and/or “non-responsive” objections during the trial.

- B. The scoring attorneys will use their discretion to determine independently how many points will be deducted from the offending team's score for filibustering and whether the presiding judge has directed the witness to answer more responsively.
- C. If a team has several team members filibustering, in addition to the individual point deductions, five points should be deducted from the offending team's participation score.
- D. Any effort to deliberately consume the opposing team's time through these techniques may also violate the Code of Conduct and may be sanctionable under Rule 1.2.

### Rule 3.11 — Courtroom Artist and Journalist

- A. Artist - Sketch must be created and completed by the courtroom artist during the official round without the help of any source or person. The artist is not allowed to take photos during the trial to reference when creating their sketch.
  - 1. The sketch must depict an actual courtroom scene observed by the courtroom artist. Artists are reminded not to focus too much on the background. The courtroom artist may only observe and sketch the trials in which their team is competing.  
*(Virtual) The sketch must depict an actual courtroom scene observed by the courtroom artist. Since there is no physical courtroom in a virtual competition, it is permissible to create details of a courtroom. Artists are reminded not to focus too much on the background. The courtroom artist may only observe and sketch the trials in which their team is competing.*
  - 2. The art submission must be done in color.
  - 3. The drawing must be on paper of the dimensions 11" x 14", with a horizontal/landscape format.
  - 4. The art submission must be labeled with the team code and student name only. No name/signature is allowed on the front of the submission.  
*(Virtual) The art submission file must be labeled with the team code and student name only. No name/signature on the artwork.*
  - 5. The artist must submit their art by the designated deadline.  
*(Virtual) The artists must have their video off and the microphone muted when not presenting. At the end of the designated official trial, the artist must turn on their video to allow for a screenshot of the drawing. Then, the artist must submit a photo or scan of the sketch within 30 minutes of the conclusion of the trial as designated by staff.*
- B. Journalist - The article must be based on what the journalist witnessed at the designated official round and cannot be written prior to the trial. The journalist may only report on their own team's trial.  
*(Virtual) The journalists must have their video off and the microphone muted when not presenting. The article must be based on what the journalist witnessed at the designated official trial and cannot be written prior to the trial. The journalist may only report on their own team's trial.*
  - 1. The journalist must draft their article completely independently. The article must be in the voice of the journalist covering the trial.
  - 2. Courtroom journalists may not use dictionaries and thesauruses during the trial, but they may use them in completing their articles.
  - 3. After the completion of the designated official trial, the journalist must type their article. The article must be in a 12-point Times New Roman font with one-inch margins. The article must

be double-spaced and may not exceed 850 words, excluding the journalist's name and team code.

4. The journalist must submit their article in a WORD or PDF format by the designated deadline to the designated email to be entered in the contest.

### **Rule 3.12 — 30-Second Rule**

- A. There will be 30 seconds provided, if needed, at the end of the pretrial and at the end of the trial for active team members from each team to confer with their team's teacher and attorney coach to discuss any trial irregularities.

*(Virtual) There will be 30 seconds provided, if needed, at the end of the pretrial and at the end of the trial for active team members from each team to confer with their team's coaches via the private chat feature to discuss any trial irregularities.*

- B. 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 active team member will have 30 seconds to orally note the irregularities to the court. Coaches may not directly make claims on behalf of the team.
- C. The active team member noting a violation of the rules must be able to point to the specific incident of the misconduct and cite the corresponding rule in the team rulebook and/or case material to the presider.
- D. The presider will hear the alleged violation and corresponding cited rule and decide whether a violation has occurred, the presider's decision will be final.
- E. If the presider determines a violation has occurred, the presider will direct the scoring attorneys to take the violation into consideration. The scoring attorneys will use their discretion to determine independently how many points (if any) will be taken off the offending team's participation score.
- F. The 30-second rule is not to be used to argue additional points of law or rebut the opponent's arguments.
- G. The 30-second rule should be used for substantial rule violations only. Arguing for hyper-technical interpretations of the rules, especially when designed to embarrass others or to gain an unfair advantage, is prohibited and five points must be deducted from the team's participation score.

### **Evaluation and Team Advancement**

#### **Rule 4.1 — Rule Interpretation**

- A. The 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.
- B. No bench conferences are allowed.
- C. Unless a specific point deduction for a particular infraction is provided in the rules, each scorer will determine the appropriate amount of deduction individually.
- D. Any specific point deduction without a designated category can be deducted in the team participation and presentation category.
- E. All decisions of the presider and scoring attorneys are final. No exceptions.



## **Rule 4.2 — 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.** The scoring panel may consist of people with substantial Mock Trial coaching/scoring experience, law students, paralegals, attorneys or judges. There will be at least one attorney on each scoring panel. The presider shall be either an attorney or a judge.
- C.** Subject to the discretion of the county coordinator, attorney and teacher coaches cannot serve as scoring attorneys or presiders if their team is still active in the tournament.

## **Rule 4.3 — Point Scale**

- A.** Students are to be rated on the ten-point scale for each category (except for the clerk and bailiff) according to the criteria appropriate to each presentation.
  - Clerk and bailiff are evaluated using a scale of 1-5.
- 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 will use the evaluation and scoring criteria to score the individual presentation in each category.
- F.** The scoring attorneys are not evaluating the legal merits of the case.

## **Rule 4.4 — Rankings and Power Matching**

- A.** The side (prosecution/defense) assignments and pairing:
  - The first round, both side assignments and pairing will be random.
  - The second round, the team side assignments will be flipped then team pairing will be based on a power matching system.
  - Any rounds beyond that will be based on the power matching system. To the greatest extent possible, teams will alternate side assignments after the second round. However, bracket integrity in power matching will supersede alternate side assignments.
  - Teams will not meet the same opponent twice during the official competition, this does not include scrimmages (or wild card at the state finals).
- B.** Based on a win/loss and percentage system, to eliminate the artificial highs and lows inherent in any numeric scoring system, the team's win/loss and percentage will be determined as follows:
  - 1) 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  
 $176/363 = 48.48\%$
- 3) In the event of a tie, the winning team will be determined by the official presider tiebreaker ballot.
- Teams will be ranked first by win/loss record and second by cumulative percentages.
  - 1) Then, the teams will be separated into two brackets by their win/loss record.
    - 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.
    - If there is an odd number of teams in a bracket, the team at the top of that bracket will be paired with the top team from the next lower bracket.
  - 2) Then, the teams will be paired within each bracket, with the team with the highest cumulative percentage will be paired with the team with the lowest cumulative percentage within the bracket. Then, the next highest with the next lowest within the bracket, and so on, until all teams are paired.
- C. Based on a ballot system, the team that earns the highest points on an individual scorer’s scoresheet is the winner of that ballot. The team that receives the majority of the ballots wins that round and determines the win/loss record of the team for power matching and ranking purposes.
  - Teams will be ranked based on the following order:
    1. Win/Loss Record - equals the number of rounds won or lost by a team.
    2. Total Number of Ballots - equals the number of scoring attorney’s votes a team earned in preceding rounds.
    3. Total Number of Points - accumulated in each round.
    4. Point Spread Against Opponents - the point spread is the difference between the total points earned by the team whose tie is being broken less the total points of that team's opponent in each previous round. The greatest sum of these point spreads will break the tie in favor of the team with the largest cumulative point spread.
  - For power matching purposes, brackets will be in the following order:
    1. Total matches won.
    2. Number of ballots won.
    3. Total points scored in all rounds to that point.
    4. Total margin of victory in all rounds to that point.
  - 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. Total matches won.
    2. Number of ballots won.
    3. Total points scored in all rounds to that point.
    4. Total margin of victory in all rounds to that point.

The team at the top of the bracket will be paired with the team at the bottom of the bracket. Then the next highest with the next lowest within the bracket and so on until all teams are paired.

- If there is an odd number of teams in a bracket, the team at the top of that bracket will be paired with the top team from the next lower bracket.
- D. State Finals Rankings—Final rankings will be determined after the completion of Round Four of the competition, based on the ballot system rankings above. This allows for the possibility of a team losing one trial (regardless of which round) and still being considered for a final ranking of 3rd-8th place. The strength of the schedule will not be a factor in determining the top eight teams.

#### **Rule 4.5 — Forfeit**

- A. If a scheduled team is not present within 30 minutes after the scheduled trial time, that team forfeits the trial and is subject to disqualification within the sole discretion of competition administrators.
- B. A forfeiting team will receive a loss and points equal to 50% of the score of the team that received the fewest points in that round.
- C. The team scheduled to go against the forfeiting team will receive a win. The percentage will be determined by the difference in the margin of victory between the two lowest percentages in the winners' bracket. A winner's bracket is made up of teams that are undefeated or have no losses on their record. Consequently, a team that has been defeated or has a loss on their record will be in the losers' bracket. The number of teams in the winners' and losers' bracket can vary from county to county depending on the number of participating teams.

#### **Rule 4.6 — Championship Trial**

- A. Selection of side assignments. If each of the finalist teams has 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.

#### **Rule 4.7 — Awards**

- A. At the State Finals, awards will be given as follows:
- |  |   |
|--|---|
| • Prosecution Pretrial Attorney – 2 awards | • Defense Witness – 4 awards  |
| • Defense Pretrial Attorney – 2 awards     | • Clerk – 1 award   |
| • Prosecution Attorney – 3 awards          | • Bailiff – 1 award   |
| • Defense Attorney – 3 awards              | • Courtroom Artists – 1 <sup>st</sup> , 2 <sup>nd</sup> , and 3 <sup>rd</sup> place |
| • Prosecution Witness – 4 awards           | • 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. All team members will receive a participation certificate.

## Summary of Pretrial Motion Procedures

Presiders are encouraged to challenge the attorneys with questions about the case law during pretrial arguments and are encouraged to try to ask a balanced number of questions for each side. No objections are allowed 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 four-minute time limit does not include the time spent answering the presider's questions.
- ✓ 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 four-minute time limit does not include the time spent answering the presider's questions.
- ✓ 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 substantial trial irregularities.
- ✓ The presider will rule on the motion and begin the trial.

## Summary of Trial Procedures

- ☐ Attorneys present physical evidence for inspection.
- ☐ Presider states charges against the defendant.
- ☐ The prosecution delivers its opening statement. No questioning during opening statements.
- ☐ The 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.
- ☐ The prosecution calls its witnesses and conducts their direct examinations.
- ☐ 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, the prosecution may conduct a re-direct examination of its own witnesses if necessary.
- ☐ After the prosecution presents all its witnesses, the defense delivers its opening statement (if it did not do so earlier).
- ☐ The 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, the defense may conduct a re-direct examination of its own witnesses if necessary.
- ☐ The prosecution gives its closing argument, and then the 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 substantial trial irregularities.
- ☐ The presider deliberates and announces the verdict in court.
- ☐ The presider will allow students two minutes to decide which student from the opposing team will receive the MVP certificate. As students are conferring, remind scoring attorneys to complete score sheets and award nomination forms. The presider will complete the purple Presider's Choice in case of a tie. Ask students to present the MVP certificate to the opposing team.
- ☐ The presider conducts a short debrief of the trial with the scoring attorneys (not to exceed 10 min.)

## Evaluation Criteria

Pretrial Motion (X2) – Pretrial Attorney
<ul style="list-style-type: none"> <li>• A clear and concise presentation of issues and appropriate use of case materials.</li> <li>• Well-developed, reasoned, and organized arguments.</li> <li>• A solid understanding of the legal reasoning behind the arguments.</li> <li>• Responded well to the presider's questions and maintained continuity in the argument.</li> <li>• Effective rebuttal countered the opponent's argument.</li> </ul>
Opening Statement – Attorney
<ul style="list-style-type: none"> <li>• Provided a case overview.</li> <li>• A theme/theory of the case was identified.</li> <li>• Overview of key witnesses and their testimony.</li> <li>• Introduction of attorneys.</li> <li>• Outlined burden of proof.</li> <li>• Mention of applicable law or statutes to be covered.</li> <li>• Request for relief (what the side is asking the court to decide).</li> </ul>
Direct/Re-Direct Examination – Attorney
<ul style="list-style-type: none"> <li>• Questions required straightforward answers and brought out key information for their side of the case.</li> <li>• Properly introduced exhibits and, where appropriate, properly introduced evidence as a matter of record.</li> <li>• 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> <li>• Made effective objections to cross-examination questions of their witness when appropriate.</li> <li>• Did not make unnecessary objections and used only those objections listed in the Summary of Evidentiary Objections.</li> <li>• Made appropriate use of time throughout questioning.</li> <li>• Avoided leading questions.</li> <li>• Did not ask opinion questions unless the witness is an expert.</li> </ul>
Cross-Examination – Attorney
<ul style="list-style-type: none"> <li>• Made effective objections to direct examination (of the witness they 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> <li>• Followed protocol to introduce exhibits.</li> <li>• Utilized objections to forward the case and not just to throw the other side off their game; unnecessary objections, excessive interruptions, and/or obstructionist behavior.</li> <li>• Properly phrased and rephrased questions and demonstrated a clear understanding of trial procedures.</li> <li>• Exposed contradictions in testimony and weakened the other side's case.</li> <li>• Impeached the witness without appearing to harass or intimidate them.</li> <li>• Referred to witness testimony and followed rules for showing the testimony to the witness.</li> <li>• Demonstrated a clear understanding of the rules of competition and evidence. should not be rewarded.</li> </ul>

## Evaluation Criteria

Witnesses
<ul style="list-style-type: none"> <li>• Was believable in their characterizations and presented convincing testimony.</li> <li>• Was well prepared to answer the questions posed to them under direct examination and responded well to them.</li> <li>• Responded well to questions posed under cross-examination without unnecessarily disrupting or delaying court proceedings.</li> <li>• Understood the facts.</li> <li>• consistently testified to key facts and avoided irrelevant comments.</li> <li>• Did not disrupt the trial with unreasonable inferences.</li> <li>• Played up the strengths of their 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>
Closing Arguments (x2) – Attorney
<ul style="list-style-type: none"> <li>• The presentation contained elements of spontaneity and was not based entirely on a prepared text.</li> <li>• 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 their side’s witnesses and the weaknesses of the other side’s witnesses.</li> <li>• Asked for the verdict, including a request for relief, and explained why the verdict was justifiable. Made an organized and well-reasoned presentation summarizing the most important points for their team’s side of the case.</li> <li>• Effective rebuttal countered the 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>
Clerk
<ul style="list-style-type: none"> <li>• Present and punctual for trial.</li> <li>• Performed their role so that there were no disruptions or delays in the presentation of the trial.</li> <li>• Conducted themselves professionally without attracting any unnecessary attention.</li> <li>• Knowledgeable of all categories’ time limits.</li> <li>• Properly used verbal and visual time warnings.</li> </ul>
Bailiff
<ul style="list-style-type: none"> <li>• Present and punctual for trial.</li> <li>• Performed their role so that there were no disruptions or delays in the presentation of the trial.</li> <li>• Conducted themselves professionally without attracting any unnecessary attention.</li> <li>• Knowledgeable about script and role in the trial.</li> <li>• Followed script.</li> </ul>
Team Participation and Presentation
<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>• 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> <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, as well as following the set rules.</li> <li>• The teachers and attorney coaches displayed good sportsmanship.</li> </ul>



## Guidelines for (1-10) Scoring

Attorneys	
9-10 - Excellent	
<ul style="list-style-type: none"> <li>• Excellent understanding of the case, rules, and legal issues.</li> <li>• Questions and arguments advanced the case and didn't ask for answers that asked for unfair extrapolations.</li> <li>• Persuasive and articulate delivery made without the use of notes.</li> <li>• Thought well on their feet, were in control of the situation, and responded to the other team's presentation.</li> <li>• Objected when appropriate; clearly understood how to respond to objections.</li> <li>• Maintained eye contact with the presider and witnesses.</li> <li>• Did not verbally address the attorney scorers.</li> <li>• Spoke in a clear and audible voice.</li> </ul>	
7-8 - Above Average	
<ul style="list-style-type: none"> <li>• Good understanding of the case, rules, and legal issues</li> <li>• Most questions and arguments advanced the case and didn't ask for unfair extrapolations.</li> <li>• Mostly persuasive and articulate delivery; used notes occasionally.</li> <li>• Able to think on their feet some of the time.</li> <li>• Most objections were appropriate; usually understood how to respond to objections.</li> <li>• Mostly maintained eye contact with the judge and witnesses. Did not verbally address the attorney scorers.</li> <li>• Mostly spoke in a clear and audible voice.</li> </ul>	
5-6 -Average	
<ul style="list-style-type: none"> <li>• Fair understanding of the case, rules, and legal issues.</li> <li>• Verbally addressed the scoring attorneys as if they were a jury.</li> <li>• Used notes, sometimes stumbled on delivery.</li> <li>• Some questions and arguments advanced the case and didn't ask for unfair extrapolations.</li> <li>• Prepared for trial but often relied on preparation and not responding to the other team's presentation.</li> <li>• Missed appropriate opportunities to object; didn't always understand how to respond to objections.</li> <li>• Sometimes forgot to maintain eye contact with the judge and witnesses.</li> <li>• Sometimes difficult to hear.</li> </ul>	
3-4 - Below Average	
<ul style="list-style-type: none"> <li>• Demonstrated little understanding of the case, rules, and legal issues.</li> <li>• Needs work on poise and delivery; didn't respond to the other team's presentation.</li> <li>• Read mostly scripted questions; relied heavily on notes.</li> <li>• Few questions and arguments advanced the case; may have asked questions that required unfair extrapolations.</li> <li>• Struggled to understand when to object and how to respond to objections; used objections to interfere with the other team's presentation.</li> <li>• Often forgot to maintain eye contact with the judge or witnesses.</li> <li>• Verbally addressed the scoring attorneys as if they were a jury.</li> <li>• Often difficult to hear.</li> </ul>	
1-2 - Far Below Average	
<ul style="list-style-type: none"> <li>• Did not understand the case, rules, or legal issues.</li> <li>• Not persuasive or articulate in delivery; read entirely from script.</li> <li>• Not prepared for trial; not able to think on their feet.</li> <li>• Questions and arguments didn't advance the case; asked for answers that required unfair extrapolations.</li> <li>• Did not know when to object or how to respond to objections.</li> <li>• Disruptive/disrespectful/inappropriate actions.</li> <li>• Did not maintain eye contact with the judge or witnesses.</li> <li>• Verbally addressed the scoring attorneys as if they were a jury.</li> <li>• Unclear or inaudible voice.</li> </ul>	

<b>Witness</b>	
<b>9-10 - Excellent</b>	
<ul style="list-style-type: none"> <li>• Excellent understanding of the case, witness statements, and exhibits (if applicable).</li> <li>• Convincing, credible presentation.</li> <li>• Answers were thorough, accurate, persuasive, and natural, not scripted.</li> <li>• Didn't provide answers that embellished facts and/or went outside the scope of case materials.</li> <li>• Maintained eye contact with the judge and student attorneys.</li> <li>• Did not verbally address the attorney scorers.</li> <li>• Spoke in a clear and audible voice</li> </ul>	
<b>7-8 - Above Average</b>	
<ul style="list-style-type: none"> <li>• Good understanding of witness statements and exhibits (if applicable)</li> <li>• Mostly convincing, credible presentation</li> <li>• Most answers were thorough, accurate, persuasive, and mostly natural, not memorized.</li> <li>• Rarely provided answers that embellished facts and/or went outside the scope of case materials.</li> <li>• Sometimes forgot to maintain eye contact with the judge and student attorneys.</li> <li>• Did not verbally address the attorney scorers.</li> <li>• Mostly spoke in a clear and audible voice.</li> </ul>	
<b>5-6 -Average</b>	
<ul style="list-style-type: none"> <li>• Fair understanding of witness statements and exhibits (if applicable)</li> <li>• Verbally addressed the scoring attorneys as if they were a jury.</li> <li>• Running of time of the opposing team's time</li> <li>• Somewhat convincing, credible presentation</li> <li>• Answers were not always thorough, accurate, or persuasive; sounded scripted, not natural.</li> <li>• Some answers embellished facts and/or went outside the scope of case materials.</li> <li>• Sometimes forgot to maintain eye contact with the judge and student attorneys.</li> <li>• Sometimes difficult to hear.</li> </ul>	
<b>3-4 - Below Average</b>	
<ul style="list-style-type: none"> <li>• Struggled to understand witness statements and exhibits (if applicable.)</li> <li>• Presentation not convincing, credible; often unrealistic</li> <li>• Verbally addressed the scoring attorneys as if they were a jury.</li> <li>• Answers were generic and often didn't seem natural but based on memorized script.</li> <li>• Sometimes stumbled over responses.</li> <li>• Often provided answers that embellished facts and/or went outside the scope of case materials.</li> <li>• Often forgot to maintain eye contact with judge and student attorneys.</li> <li>• Often difficult to hear.</li> <li>• Deliberately use up opposing counsel's time.</li> </ul>	
<b>1-2 - Far Below Average</b>	
<ul style="list-style-type: none"> <li>• Did not understand witness statements and exhibits.</li> <li>• Presentation not convincing or credible; seems unrealistic.</li> <li>• Answers were not thorough, accurate, or persuasive, and didn't sound natural; stumbled over responses.</li> <li>• Answers not consistent with the facts and/or went outside the scope of case materials.</li> <li>• Did not maintain eye contact with the judge or student attorneys.</li> <li>• Weak, inaudible, or unclear voice.</li> <li>• Disruptive/disrespectful/inappropriate actions</li> <li>• Gave excessively long, non-responsive answers on cross-examination.</li> <li>• Deliberately use up opposing counsel's time.</li> <li>• Verbally addressed the scoring attorneys as if they were a jury.</li> </ul>	

Clerk	
5 - Excellent	
<ul style="list-style-type: none"> <li>• Very professional demeanor.</li> <li>• Clear understanding of procedures; excellent timekeeping.</li> <li>• Clear, audible voice when issuing verbal warnings (if applicable).</li> <li>• Visual warnings were clearly visible to student attorneys.</li> <li>• Able to think well on feet, and in control of the situation.</li> </ul>	
4 - Above Average	
<ul style="list-style-type: none"> <li>• Professional demeanor.</li> <li>• Good understanding of procedures; good timekeeping.</li> <li>• Mostly spoke in a clear, audible voice when issuing verbal warnings (if applicable).</li> <li>• Visual warnings were mostly clearly visible to student attorneys.</li> </ul>	
3 -Average	
<ul style="list-style-type: none"> <li>• Good demeanor.</li> <li>• Basic understanding of procedures; able to keep time.</li> <li>• Was heard when issuing verbal warnings (if applicable).</li> <li>• Visual warnings were visible to student attorneys.</li> </ul>	
2 - Below Average	
<ul style="list-style-type: none"> <li>• Demeanor lacked professionalism.</li> <li>• Demonstrated little understanding of procedures, timekeeping not entirely accurate.</li> <li>• Not clear or audible when issuing verbal warnings (if applicable).</li> <li>• Visual warnings may not have been visible to student attorneys.</li> </ul>	
1 - Far Below Average	
<ul style="list-style-type: none"> <li>• Complete lack of professionalism.</li> <li>• No understanding of procedures; timekeeping was inaccurate.</li> <li>• Verbal warnings not used or completely inaudible (if applicable).</li> <li>• Verbal warnings not used or not at all visible.</li> <li>• Disruptive/disrespectful/inappropriate actions.</li> </ul>	
Bailiff	
5 - Excellent	
<ul style="list-style-type: none"> <li>• Very professional, believable presentation.</li> <li>• Consistent use of clear and audible voice, and eye contact.</li> <li>• Consistently natural delivery of script.</li> <li>• Excellent understanding of the role and procedures.</li> </ul>	
4 - Above Average	
<ul style="list-style-type: none"> <li>• Professional, believable presentation.</li> <li>• Used clear, audible voice, and eye contact a lot of the time.</li> <li>• Knew script and delivery were mostly consistently natural.</li> <li>• Good understanding of the role and procedures.</li> </ul>	
3 -Average	
<ul style="list-style-type: none"> <li>• Mostly natural, believable presentation.</li> <li>• Audible voice, some eye contact.</li> <li>• Apparent that the script was memorized.</li> <li>• Understood role and procedures.</li> </ul>	
2 - Below Average	
<ul style="list-style-type: none"> <li>• The presentation was not realistic and lacked professionalism.</li> <li>• Voice not all that clear or audible; little eye contact.</li> <li>• Used notes and stumbled with the script.</li> <li>• Did not have a good understanding of role and procedures.</li> </ul>	

<b>1 - Far Below Average</b>
<ul style="list-style-type: none"> <li>• Complete lack of professionalism.</li> <li>• Voice not audible or clear; no eye contact.</li> <li>• Relied almost entirely on notes/script.</li> <li>• Did not understand role and procedures.</li> <li>• Disruptive/disrespectful/inappropriate actions.</li> </ul>
<b>Participation and Team Presentation</b>
<b>9-10 Excellent</b>
<p>All competitors, teachers, coaches, and other attendees/observers:</p> <ul style="list-style-type: none"> <li>• Showed courtesy and respect for their student opponents, all courthouse staff, judges, scoring attorneys, attorney coaches, teacher coaches, volunteers, and mock trial staff.</li> <li>• Showed dignity and restraint, irrespective of the outcome of any trial. Trials, contests, and activities were conducted honestly, fairly, and with civility.</li> <li>• Conformed to the highest standards of behavior.</li> <li>• Focused on the educational value of the Mock Trial Competition.</li> <li>• Used proper procedure and decorum.</li> <li>• Abided by the letter and the spirit of the competition's Rules and the Code of Ethical Conduct.</li> <li>• Did not employ tactics they believed to be wrong or in violation of the Rules.</li> <li>• Did not willfully violate the Rules of the competition in spirit or practice.</li> <li>• Team members' presentation was natural; no overacting.</li> </ul>
<b>5-6 Average</b>
<p>Competitors, teachers, coaches, and other attendees/observers:</p> <ul style="list-style-type: none"> <li>• Showed basic courtesy and respect for their student opponents, all courthouse staff, judges, scoring attorneys, attorney coaches, teacher coaches, volunteers, and mock trial staff.</li> <li>• Showed basic dignity and restraint, irrespective of the outcome of any trial. Trials, contests, and activities were conducted with basic honesty, fairness, and civility.</li> <li>• Conformed to the basic standards of behavior.</li> <li>• Showed basic understanding of the educational value of the Mock Trial Competition.</li> <li>• Used basic procedure and decorum.</li> <li>• Showed basic understanding of the spirit of the competition's Rules and the Code of Ethical Conduct.</li> <li>• Team members' presentation was mostly natural; believable presentation.</li> </ul>
<b>1-2 Far Below Average</b>
<p>All competitors, teachers, coaches, and other attendees/observers:</p> <ul style="list-style-type: none"> <li>• Did not show courtesy and respect for their student opponents, all courthouse staff, judges, scoring attorneys, attorney coaches, teacher coaches, volunteers, and mock trial staff.</li> <li>• Did not show dignity and restraint, irrespective of the outcome of any trial. Trials, contests, and activities were not conducted honestly, fairly, and with civility.</li> <li>• Did not conform to the highest standards of behavior.</li> <li>• Did not focus on the educational value of the Mock Trial Competition.</li> <li>• Did not use proper procedure and decorum.</li> <li>• Did not abide by the letter and the spirit of the competition's Rules and this Code of Ethical conduct.</li> <li>• Employed tactics they believe to be wrong or in violation of the Rules.</li> <li>• Willfully violated the Rules of the competition in spirit or practice.</li> </ul>
Note: Any specific point deduction without a designated category can be deducted in the team participation and presentation category.

### Summary of Allowable Evidentiary Objections

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

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