



2022 California In-Person Mock Trial Judge/Attorney Handbook



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

**Co-Sponsored by:
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Thank you for agreeing to serve as an attorney scorer or presider for this year's CRF's California Mock Trial competition. As a volunteer, you are an invaluable part of an extraordinary learning experience for California Mock Trial participants.

Students have labored for months preparing this year's case and they value your comments and scoring of their presentations. We ask that our judging panel volunteers also prepare thoroughly for your important role in the competition.

As a mock trial volunteer, it is critical to create a positive learning experience, so it is crucial that your feedback be fair, helpful, and positive. Your comments and accurate scoring of the trials you review are fundamental to making the mock trial an educational experience for all the students involved.

Key Competition Orientation Points

Time Commitment

- Before the competition, please review:
 - ❑ The Updated Case Material - Fact Situation, Pretrial Materials, and Witness statements.
 - ❑ Judge/Attorney Handbook
 - **Presiders**—especially the presider scripts and CA Mock Trial Rules of Evidence.
 - **Scoring attorneys**—especially the rules excerpt and the evaluation/scoring criteria.
 - ❑ Volunteer Orientation Webcast
- At the competition:
 - ❑ Arrive at least 20 minutes prior to the round for last-minute instructions and trial assignments.
 - ❑ Trial will last 2 to 2 ½ hours.

Your Role

- **Attorney Scorers:** Generally, your role is to numerically score the presentation based on the criteria in this handbook (see pages 22-23). You will also be asked to provide positive and constructive comments to students at the conclusion of the trial after you have submitted your scoresheets to the presider.
- **Judge/Presider:** The role of the judge is to preside over the trial and help students relax and enjoy this educational experience. The mock trial is a bench trial. As the presider, you will make all decisions regarding the running of the trial, including ruling on the pretrial argument, ruling on objections (based on the Mock Trial Rules of Evidence, see page 23), and ruling on competition violations and announcing a verdict. Remember, the verdict is independent of which team may have won the trial.

Materials in Digital Folder for Presider and Scoring Attorneys

- Case Material – Updated on January 10th
- Exhibits
- This Judge/Attorney Handbook – separated individual sections of the handbook.
 - Key Competition Orientation Points
 - Introductory Script for Presiding Judge

- Summary of Pretrial Motion Procedures & Script
- Summary of Trial Procedures & Script
- Important Excerpts from the 2021-22 Team Rulebook
- Evaluation Criteria and Guidelines for (1-10) Scoring Criteria
- Summary of Allowable Evidentiary Objections
- Presider's Tiebreaker – must be completed and submitted after the trial.
- Scoresheets
 - Completely fill out the scoresheet, do not leave anything blank.
 - Then submitted to the presider when trial is done.
- Team Rosters – Rosters are labeled with trial # and team codes.
- Award Nominations - Nominated students are eligible for an award. Nominations are based on preparation and knowledge, and how well their presentation reflects that. Submit any completed nomination forms to the presider at the end of the trial.

Mock Trial Program Goals & Rationale of the Competition

- Designed to help students acquire a working knowledge of our judicial system and gain an understanding of their obligations and responsibilities as participating members of our society.
- Encourages young adults to develop their analytical abilities and communication skills while increasing their self-confidence.
- Fundamentally, is an academic exercise and although this is also a competition, the lasting value of the experience comes from obtaining an understanding of our judicial system and of the constitutional processes used as we strive to create a just society.

Student Expectations of Judging Panel Volunteers

- It is vitally important to the students that the judging panel is both knowledgeable and fair.
- Students are keenly aware of every act by the judging panel listening to the case, and thus it is very important for you to prepare thoroughly by reading the case materials and other trial aides carefully before competition day.
- The Mock Trial is very different from real trials and different from college and/or law school mock trials and our students are so keenly aware of the Mock Trial rules that they feel confused and cheated when a judging panel volunteer makes a statement such as, "That's not how it is done in real trials."
- Judging panel members should keep in mind that these are high school students you are observing and critiquing, and tailor your expectations and comments accordingly.
- Mock Trial should be a positive educational experience by having the students feel as positively about their participation in the program as possible, so whenever possible, offer positive, constructive criticism and avoid dwelling on the negative aspects of a presentation.

***Thank you for your dedication to the youth of California
and we hope you enjoy your
Mock Trial judging/scoring experience!***

The Ten Golden Rules of Judging Mock Trials

- I. Please be mindful that this should be a positive educational experience for the students. No derogatory or inappropriate remarks should be made about the students or presentations.
- II. Any potential conflict with the teams must be brought to the attention of the CRF staff before the trial begins.
- III. Evidence is limited to the facts in the case packet. Do not ask students about other cases or information not included in the case packet.
- IV. When possible, allow student attorneys to argue evidentiary objections before making a ruling.
- V. All scoresheet fields must be filled, with no blanks. No fractions are allowed.
- VI. Scorers must make their scoring decisions independently, as well as nominating students for an award.
- VII. A scorer may award points to a team despite an adverse ruling from the bench. The intent is to evaluate the students on their presentation, not the outcome.
- VIII. Do not announce scores or winner at any time.
- IX. Please do not lecture or teach students during competition. For example, referring “in real trial...” or by suggesting they raise a more appropriate objection or suggesting a more appropriate question on direct or cross, etc.
- X. During the debriefing, provide positive and constructive feedback. Comments should be brief and held within the 10-minute total time limit.

Introductory Script for Presiding Judge

The scripts incorporate some of the unique instructions of the mock trial competition. Feel free to use all or portions of the scripts to begin the trial.

1. The student bailiff will call the court to order.

“Would the Bailiff call the court to order?”

2. Opening Remarks

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

3. Introductions

During team introductions, active team members, team substitutes, artists/journalists, and coaches can turn on their camera and unmute their microphones but must remain seated when introducing themselves.

“To help myself and the attorney scorers, will the Prosecution team state your name and role?”

“Defense team, state your name and role.”

4. Instructions

- *“You must complete your presentations within the specified time limits. The clerk will signal you as your time for each section of the presentation begins to run out. When your total time for each section runs out, you will be stopped, even if you have not finished. Attorneys must call four witnesses within time limit.”*
- *“This is a bench trial. At the end of the trial, I will render a verdict of guilty or not guilty in relation to the charge brought. The teams will be rated based on the quality of their presentation, independent of my verdict.”*
- *“Barring unforeseen circumstances, no recesses will be called. If for any reason a recess is necessary, team members should remain in their appropriate places and should have no contact with spectators or coaches.”*
- *“Remember that objections are limited to the California Mock Trial Simplified Rules of Evidence located in the case packet.”*
- *“If there are no questions, the pretrial arguments will begin.”*

Summary of Pretrial Motion Procedures & Script

Presiders must ask questions of the pretrial attorneys during the arguments. As much as possible, try to ask the same number of questions for each side. This will help the scoring attorneys to better evaluate the students. No objections are allowed during pretrial arguments. Two points must be deducted for each objection made during pretrial arguments.

1. The hearing is called to order.

“Both sides have four minutes to present their arguments. Defense will begin. I will interrupt to ask clarifying questions. Time spent answering my questions is not included in the four-minute time limit.”

“At the conclusion of your arguments, each side will be offered two minutes of rebuttal time. Remember that the rebuttal time is to be used to counter your opponent’s arguments. It cannot be used to raise new issues.”

2. 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.

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

3. The presider asks the prosecution to summarize arguments made in its opposition motion. The same conditions as in #2, above, apply to the prosecution.

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

4. 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.

“Does the defense have a rebuttal?”

5. The presider offers the prosecution two minutes of rebuttal time. The same conditions as in #4, above, apply to the prosecution.

“Does the prosecution have a rebuttal?”

6. 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 via the chat feature regarding any trial irregularities.

“Before I rule on the motion students may confer with their attorney/teacher coach regarding any trial irregularities. Please do so now.”

“Would the prosecution team like to note any trial irregularities? Defense team?”

7. The presider will rule on the motion and begin trial (see page 11).

If the presider rules in favor of the defense, the bracketed text in the facts and witness statements as well as Exhibit A may not refer to or discussed during the subsequent trial.

Summary of Trial Procedures & Script

1. Evidence - Attorneys present physical evidence for inspection.

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

2. Charge - Presider states charges against defendant.

“The people of the state of California are charging the defendant, Jamie Cobey, with first degree murder or voluntary of manslaughter of Erik Smith.”

3. Opening Statements - Prosecution delivers its opening statement. No questioning during opening statements.

“Prosecution, are you ready to present opening statement?”

At the conclusion of opening statement, defense may present their opening statement or wait until the prosecution has completed their case.

“Defense, are you ready to present opening statement?”

4. Prosecution Witnesses - Prosecution calls its witnesses and conducts direct examination.

“Prosecution, you may call your first witness.”

After each prosecution witness is called to the stand and has been examined by the prosecution, the defense cross-examines the witness.

“Defense, cross-examination?”

After each cross-examination, prosecution may conduct re-direct examination of its own witnesses if necessary.

“Prosecution, would you like to redirect?”

“Prosecution, please call your next witness.” (Repeat for all four witnesses)

5. Defense Witnesses - Defense calls its witnesses and conducts direct examination.

Begin with opening statement (if it did not do so earlier) or call first witness.

“Is the defense ready to proceed?” or *“Defense, you may call your first witness.”*

After each defense witness is called to the stand and has been examined by the defense, the prosecution cross-examines the witness.

“Prosecution, cross-examination?”

After each cross-examination, defense may conduct re-direct examination of its own witnesses if necessary.

“Defense, would you like to redirect?”

“Defense, please call your next witness.” (Repeat for all four witnesses)

When the defense team completes their case, begin closing arguments.

6. Closing Arguments - No questioning during closing arguments.

Prosecution gives its closing argument first.

“Prosecution, would you like to give your closing arguments?”

Then defense presents its closing arguments.

“Defense, would you like to give your closing arguments?”

7. Rebuttal - Prosecution and defense present rebuttal arguments.

“Rebuttal?” (Prosecution and defense)

8. 30 Second Rule - At the end of the trial before ruling, the presider asks students if they would like 30 seconds to consult with their teacher/attorney coaches regarding any trial irregularities.

“Before I rule on the motion, students may confer with their attorney/teacher coach regarding any trial irregularities. Please do so now.”

“Would the prosecution team like to note any trial irregularities? Defense team?”

9. Conclusion

- 1) Deliberate and announce a verdict (do not announce any scores, winners, or tiebreakers).
- 2) Tell the teams that they have two minutes to decide which student from the opposing team should receive the MVP certificate.
- 3) As the students are conferring:
 - complete and submit the tie-breaker form. The tie-breaker form is not the verdict, but rather an indication of which team presented their case better overall.
 - remind scoring attorneys to complete and submit scoresheets and any award nominations.
- 4) Commence debrief (no more than 10 minutes total) – presider and scoring attorneys provide positive constructive feedback. Do not announce any scores, winners, or tiebreakers.

Important Excerpts from the 2021-22 CA Team Rule Book

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.

Rule 1.2 — Code of Ethical Conduct

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

Rule 1.3 — Trial Procedures

- A.** The Mock Trial Competition is a bench trial. Attorneys and witnesses are not allowed to verbally address the scoring attorneys as if they were a jury (i.e., “Ladies and gentlemen of the jury...”).
- B.** When the trial begins, the presider will ask the team members, teachers, and attorney coaches to introduce themselves. Other than the clerk and bailiff when distributing the team rosters, team members must not communicate with the scoring attorneys until the conclusion of the trial.
- C.** Teams will be identified by team code only and not by school/county name.
- D.** All participants are required to wear appropriate courtroom attire. Spectators are prohibited from wearing clothing that identifies their school/county.
- E.** Teacher coaches, attorney coaches, and spectators are to remain in the courtroom throughout the trial as much as possible as to not disrupt the trial.
- F.** The clerk and bailiff are required to 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.
- 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 and 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.
- K.** Any tie will be broken by the presider’s independent selection of the winning team via a tiebreaker form.
- M.** Teams may only video/audio record a trial involving their school and must get approval from the opposing team. Any team has the option to refuse participation in video/audio recording and still photography. 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, 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 up to and including disqualification. CRF will not accept any video for complaint purposes.
- N.** Other than the exhibits provided in the trial material, no other illustrative aids of any kind may be used.
- O.** Props, costumes, and theatrical makeup are prohibited. Costuming includes hairstyles and clothing accessories that are specific to a role in the case. In keeping with the educational philosophy and objectives of the Mock Trial Program, teams should concentrate on presenting the trial in a realistic manner, with witnesses wearing appropriate courtroom attire and using their normal speaking voices. Portrayals of racial, ethnic, and gender stereotypes are inappropriate and are not allowed.
- P.** Gender-neutral names allow students of any gender to play the role of any witness. During trial, questions regarding gender, race, or physical characteristics not included in the official case materials are not allowed. 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 inability to complete some physical act included in the case materials or state that 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 are not prohibited, however, from raising issues about general or common human traits and abilities relevant to the case.

Rule 1.4 — Copyright and Plagiarism

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

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 a witness. 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 member is defined as the student that will be serving a role in a trial.
- 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 are required to 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.
- D.** If any section on rule 2.2 A. to C. has been violated, scorers must deduct five points from the team's participation score.

The Trial Rule 3.1 — The Case

- A.** The case material contains the sources for the Mock Trial Program. These sources include the facts, witness statements, all the pretrial materials, charges, exhibits, rules of evidence, stipulations, role descriptions, Mock Trial procedures and California Mock Trial Simplified Rules of Evidence.
- B.** The fact situation is a set of indisputable facts.
- C.** Stipulations may not be disputed at trial.
- D.** Stipulations will be considered part of the record and already admitted into evidence.
- E.** Stipulations and charges will not be read into the record.

Rule 3.2 — Physical Evidence

- A.** The prosecution team must bring to each trial the physical evidence listed under the heading "Physical Evidence" in the case materials. All reproductions can be as small as the original size of the exhibits found in the case material, but no larger than 22 x 28 inches. Teams will not be penalized if they choose not to reproduce and enlarge the exhibit as found in the case material. If the prosecution team fails to bring physical evidence to court, it may be reflected in the team presentation/participation score.
- B.** No other physical evidence will be allowed. All physical evidence and witnesses found in this case, but not made physically available for trial, are unavailable and their availability may not be questioned.
- C.** Procedures for introducing items into evidence —Attorneys may introduce physical exhibits, if any are listed under the heading "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 prior to trial.

- 1- Present the item to an attorney for the opposing team prior to trial. If that attorney objects 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.

- 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. It is not permitted to mark on the exhibits. 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 the use of 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 3.3 — Trial Communication

- A.** Once the trial has begun, teachers, attorney coaches, alternates, and spectators are not allowed to communicate (including signaling and passing notes) with the teams.
- B.** The Mock Trial Competition is a bench trial. Attorneys and witnesses are not allowed to 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.
- D.** The defendant may sit at the counsel table and communicate with the defense attorneys. All communication must be non-disruptive to the trial.
- E.** After the pretrial, the pretrial attorneys may not sit with the trial attorneys and may not communicate with the trial attorneys at any time.
- F.** Once the trial has begun, there must be no communication with student team members.
- G.** If any section on rule 3.3 has been violated, scorers must deduct five points per score sheet per violation.

Rule 3.4 — Witnesses

- A.** Although witnesses are excluded from the trial proceedings in actual trials, for educational purposes, witnesses in the Mock Trial Program will remain in the courtroom for the entire trial. Witnesses will sit in designated seating at the front of the courtroom.
- B.** 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 trial.

Rule 3.5 — Unfair Extrapolation

- A. It is each student's responsibility to work closely within the record.
- B. An unfair extrapolation (UE) occurs when a witness creates a material fact not included in 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 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 calling for information outside the scope of the case materials or requesting 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: a) No extrapolation has occurred. Objection overruled. b) An unfair extrapolation has occurred. Objection sustained. c) The extrapolation was fair. Objection overruled.
- I. The decision of the presiding judge regarding extrapolations or evidentiary matters is final. 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 3.6 — Attorneys

- A.** The prosecution presents the opening statement and closing argument first.
- B.** Attorneys may conduct a re-direct examination when appropriate. No re-cross-examination is allowed. Witnesses may not be recalled to the stand.
- C.** The attorney who conducts the direct examination of a witness is the only person allowed to make objections to the cross-examination of that witness. The attorney who conducts the cross-examination of a witness is the only person allowed to make objections during the direct examination of the witness. Two points must be deducted from the offending attorney's score for each objection made by the wrong attorney.
- D.** Attorneys may use notes while presenting their cases.
- E.** The Mock Trial competition proceedings are governed by the California Mock Trial Simplified Rules of Evidence in the case material. Only specified types of objections listed in the case materials will be recognized in the competition. Other rules may not be used at the trial.
- F.** 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.
- G.** There are no objections allowed during opening statements or closing arguments. (It will be the presider's responsibility to handle any legally inappropriate statements made in the closing, while scorers will also keep in mind the closing argument criteria.) Two points must be deducted for each objection made during opening statements or closing arguments.
- H.** 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.
- I.** If there are any irregularities regarding the rules of the competition, which a team would like the presider and scorers to be aware of, one 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.
- J.** 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.
- K.** 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.
- L.** 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.
- M.** 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.
- N.** The 30 second rule is not to be used to argue additional points of law or rebut opponent's arguments.

3.7 — Conduct of the Pretrial Motion

- A.** The defense will argue the pretrial motion first.
- B.** Each attorney arguing a pretrial motion has four minutes to present a statement and two minutes for rebuttal. During these proceedings, pretrial attorneys must be prepared to answer questions from the presider to clarify their position.
- 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 in the most persuasive manner, attorneys should carefully review and become familiar with the materials provided in the mock trial case materials.

- E. Additional background research may supplement their understanding of the issues at hand, but such supplemental materials may not be cited in arguments.
- F. No written pretrial motion memoranda may be submitted at trial.
- G. The pretrial motion, motions entering exhibits into evidence, and motion to strike testimony are the only motions allowed. All other motions are prohibited. If a motion is made that is not listed in this section, two points must be deducted from the team's total team presentation/participation score.

Rule 3.8 — 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.
- B. The clerk and unofficial timer must bring a stopwatch (no cell phones, tablets, or other electronic devices) and CRF's timesheet to each trial. The clerks may only use the timecards from CRF'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 CRF, 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 minute
 - 1 minute
 - 30 seconds
 - Stop
- C. Modifications of time intervals are 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 nonresponsive or narrative. The scoring attorneys will use their discretion to determine independently how many points, up to 5 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..."
- 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 a request is made by an attorney.)
- 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.
- 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 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 second before the end of each section. 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 under 15 seconds are not considered a violation. No time discrepancies will be entertained after the trial concludes. The judge shall determine whether to accept the clerk’s time or make a time adjustment.
- 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 a 2 minute, 1 minute, 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 2021-22 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 participants.
- Q. The bailiff will call the court to order using the following language: “All rise, Superior Court of the State of California, County of (ex. Los Angeles) _____, Department _____, is now in session. Judge _____ presiding. (Allow time for the presider to take the bench.) Please be seated and come to order.”
- 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?”

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. If there are any irregularities regarding the rules of the competition, which a team would like the presider and attorney 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.
- E. 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.

- F. 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.
- G. 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 team's participation score.
- H. 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.
- I. The 30 second rule is not to be used to argue additional points of law or rebut opponent's arguments.

Rule 5.3 — Evaluation

- A. Each scoring attorney will use the evaluation and scoring criteria to assign a numerical value (1-10) to individual and team presentations.
 - Closing and pretrial arguments are weighted twice as much as other categories.
 - Clerk and bailiff are evaluated using a scale of 1-5.

Rule 5.4 — 1 to 10 Point Scale

- A. Students are to be rated on the ten-point scale for each category (except for the clerk and bailiff) according to the criteria appropriate to each presentation.
- B. Scoring attorneys should consider a "5" as a starting point and move up or down based on the presentation.
- C. Scoring attorneys must award points individually and not with consultation from other scoring attorneys.
- D. Some scores are weighted and therefore can affect a team's score more dramatically. These include the pretrial motion (x2) and the closing argument (x2).
- E. The scoring attorneys are scoring the individual presentation in each category.
- F. The scoring attorneys are not evaluating the legal merits of the case.

Evaluation Criteria

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

Evaluation Criteria

Closing Arguments (x2)	
<ul style="list-style-type: none"> • Attorney’s presentation contained elements of spontaneity and was not based entirely on a prepared text. • Attorney incorporated examples from the actual trial, while also being careful not to introduce statements and evidence that were not brought out during the trial. • Outlined the strengths of his/her side’s witnesses and the weakness of the other side’s witnesses. 	<ul style="list-style-type: none"> • Asked for the verdict, including a request for relief, and explained why the verdict was justifiable. Attorney made an organized and well-reasoned presentation summarizing the most important points for her/his team’s side of the case. • Effective rebuttal countered opponent’s arguments. • Reviewed the exhibits and how they helped the case. • Stated the applicable law or statutes and how they supported the side’s theory.
Clerk	
<ul style="list-style-type: none"> • Present and punctual for trial. • Performed her/his role so that there were no disruptions or delays in the presentation of the trial. 	<ul style="list-style-type: none"> • Conducted herself/himself professionally without attracting any unnecessary attention. • Properly used verbal and visual time warnings.
Bailiff	
<ul style="list-style-type: none"> • Present and punctual for trial. • Performed her/his role so that there were no disruptions or delays in the presentation of the trial. 	<ul style="list-style-type: none"> • Conducted herself/himself professionally without attracting any unnecessary attention. • Knowledgeable about script and role in trial. • Followed script.
Team Presentation	
<ul style="list-style-type: none"> • Team members were courteous, observed general courtroom decorum, spoke clearly and distinctly, and displayed good sportsmanship to all competitors, regardless of trial results. • All team members were involved in the presentation of the case and actively participated in fulfilling their respective roles. • Witnesses performed in synchronization with attorneys in presenting their side of the case. 	<ul style="list-style-type: none"> • As much as possible, each trial attorney displayed examination and argumentation skills, and when appropriate, displayed knowledge of California Simplified Rules of Evidence in making objections. • Team members demonstrated cooperation and teamwork. • The teachers and attorney coaches displayed good sportsmanship. • Team members’ roles were evenly divided.

Guidelines for (1-10) Scoring

Attorneys		Witnesses
<p>Excellent understanding of the case, rules, and legal issues Questions and arguments advanced case and did not ask for answers that asked for unfair extrapolations. Persuasive and articulate delivery made without use of notes. Thought well on feet, in control of situation, and responded to the other team’s presentation. Objected when appropriate; clearly understood how to respond to objections. Spoke in clear and audible voice to the camera. Did not verbally address the attorney scorers.</p>	9-10 Excellent	<p>Excellent understanding of case, witness statements, and exhibits (if applicable) Convincing, credible presentation Answers were thorough, accurate, persuasive, and natural, not scripted. Did not provide answers that embellished facts and/or went outside scope of case materials. Spoke in clear and audible voice to the camera. Did not verbally address the attorney scorers.</p>
<p>Good understanding of the case, rules, and legal issues Most questions and arguments advanced case and didn’t ask for unfair extrapolations. Mostly persuasive and articulate delivery; used notes occasionally. Able to think on feet some of the time. Most objections were appropriate; usually understood how to respond to objections. Did not verbally address the attorney scorers. Mostly spoke in clear and audible voice</p>	7-8 Above Average	<p>Good understanding of witness statements and exhibits (if applicable) Mostly convincing, credible presentation Most answers were thorough, accurate, persuasive, and mostly natural, not memorized. Rarely provided answers that embellished facts and/or went outside scope of case materials. Mostly spoke in clear and audible voice Did not verbally address the attorney scorers.</p>
<p>Fair understanding of case, rules, and legal issues Used notes, sometimes stumbled on delivery. Some questions and arguments advanced case and did not ask for unfair extrapolations. Prepared for trial but often relied on preparation and not responding to the other team’s presentation. Missed appropriate opportunities to object; did not always understand how to respond to objections. Sometimes difficult to hear. Verbally addressed the attorney scorers.</p>	5-6 Average	<p>Fair understanding of witness statements and exhibits (if applicable) Somewhat convincing, credible presentation Answers not always thorough, accurate or persuasive; sounded scripted, not natural. Some answers embellished facts and/or went outside scope of case materials. Sometimes difficult to hear. Verbally addressed the attorney scorers.</p>
<p>Demonstrated little understanding of case, rules, and legal issues. Needs work on poise and delivery; did not respond to the other team’s presentation. Read mostly scripted questions; relied heavily on notes. Few questions and arguments advanced case; may have asked questions that required unfair extrapolations. Struggled to understand when to object and how to respond to objections; used objections to interfere with the other team’s presentation. Often difficult to hear. Verbally addressed the attorney scorers.</p>	3-4 Below Average	<p>Struggled to understand witness statements and exhibits (if applicable) Presentation not convincing, credible; often unrealistic Answers were generic and often did not seem natural but based on memorized script; sometimes stumbled over responses. Often provided answers that embellished facts and/or went outside scope of case materials. Often difficult to hear. Verbally addressed the attorney scorers.</p>

<p>Did not understand case, rules, or legal issues. Not persuasive or articulate in delivery; read entirely from script. Not prepared for trial; not able to think on feet. Questions and arguments didn't advance case; asked for answers that required unfair extrapolations. Did not know when to object or how to respond to objections. Disruptive/disrespectful/inappropriate actions Unclear or inaudible voice Verbally addressed the attorney scorers.</p>	<p>1-2 Far Below Average</p>	<p>Did not understand witness statements and exhibits. Presentation not convincing or credible; seems unrealistic. Answers were not thorough, accurate, or persuasive, and didn't sound natural; stumbled over responses. Answers not consistent with the facts and/or went outside scope of case materials. Weak, inaudible, or unclear voice Disruptive/disrespectful/inappropriate actions Gave excessively long, non-responsive answers on cross examination to deliberately use up opposing counsel's time. Verbally addressed the attorney scorers.</p>
<p>Clerk</p>		<p>Bailiff</p>
<p>Very professional demeanor Clear understanding of procedures; excellent time keeping. Clear, audible voice when issuing verbal warnings (if applicable) Visual warnings were clearly visible to student attorneys. Able to think well on feet, in control of situation</p>	<p>5 Excellent</p>	<p>Very professional, believable presentation Consistent use of clear and audible voice, and eye contact Consistently natural delivery of script Excellent understanding of role and procedures</p>
<p>Professional demeanor Good understanding of procedures; good time keeping. Mostly spoke in clear, audible voice when issuing verbal warnings (if applicable) Visual warnings were mostly clearly visible to student attorneys.</p>	<p>4 Above Average</p>	<p>Professional, believable presentation Used clear, audible voice, and eye contact a lot of the time. Knew script and delivery was mostly consistently natural. Good understanding of role and procedures</p>
<p>Good demeanor Basic understanding of procedures; able to keep time. Was heard when issuing verbal warnings (if applicable) Visual warnings were visible to student attorneys.</p>	<p>3 Average</p>	<p>Mostly natural, believable presentation Audible voice, some eye contact Apparent that script was memorized. Understood role and procedures</p>
<p>Demeanor lacked professionalism. Demonstrated little understanding of procedures; time keeping not entirely accurate. Not clear or audible when issuing verbal warnings (if applicable) Visual warnings may not have been visible to student attorneys</p>	<p>2 Below Average</p>	<p>Presentation not realistic, lacked professionalism. Voice not all that clear or audible; little eye contact Used notes, stumbled with script. Did not have a good understanding of role and procedures</p>
<p>Complete lack of professionalism No understanding of procedures; time keeping was inaccurate. Verbal warnings not used or completely inaudible (if applicable) Verbal warnings not used or not at all visible Disruptive/disrespectful/inappropriate actions</p>	<p>1 Far Below Average</p>	<p>Complete lack of professionalism Voice not audible or clear; no eye contact Relied almost entirely on notes/script. Did not understand role and procedures. Disruptive/disrespectful/inappropriate actions</p>

0 Score (10 Point Deductions)	<ul style="list-style-type: none"> • Failure to cross-examine a witness (Attorney score) • Failure to conduct direct examination of a witness (Attorney and witness score) • Can apply only to rule violations that specify a zero score
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Participation and Team Presentation	
9-10 Excellent	<p>All competitors, coaches, and other participants, including observers:</p> <ul style="list-style-type: none"> • showed courtesy and respect for all team members and participants, including their opponents and all courthouse staff, judges, attorney coaches, teacher coaches and mock trial staff and volunteer personnel. • showed dignity and restraint, irrespective of the outcome of any trial. Trials, contests, and activities were conducted honestly, fairly, and with civility. • conformed to the highest standards of department. • focused on the educational value of the Mock Trial Competition. • used proper procedure and decorum. • abided by the letter and the spirit of the competition's Rules and this Code of Ethical Conduct. • did not employ tactics they believe to be wrong or in violation of the Rules. • did not willfully violate the Rules of the competition in spirit or in practice. • Team members: presentation was natural; no overacting.
7-8 Above Average	<ul style="list-style-type: none"> • Pretrial attorney served as trial attorney during the same round. • The prosecution team failed to bring physical evidence to court. • Prohibited motions were used. (The pretrial motion, motions entering exhibits into evidence, and motion to strike testimony are the only motions allowed.) • Team members' roles were not evenly divided.
5-6 Average	<ul style="list-style-type: none"> • Used 30 second rule to argue additional points of law or rebut opponent's closing argument. • Several team members made unfair extrapolations (in addition to the individual point deductions.) • Portrayed racial, ethnic, and gender stereotypes. • Team members' presentation was not natural; overacting was present.
3-4 Below Average	<ul style="list-style-type: none"> • Argued for hyper technical interpretations of the rules to embarrass others or to gain an unfair advantage. • Additional exhibits, other than the exhibits provided in the trial material, were used. • Used props, costumes, and theatrical makeup.
1-2 Far Below Average	<p>Competitors, coaches and/or other participants, including observers:</p> <ul style="list-style-type: none"> • did not show courtesy and respect for all team members and participants, including their opponents and all courthouse staff, judges, attorney coaches, teacher coaches and mock trial staff and volunteer personnel. • 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. • did not conform to the highest standards of department. • did not focus on the educational value of the Mock Trial Competition. • did not use proper procedure and decorum. • did not abide by the letter and the spirit of the competition's Rules and this Code of Ethical Conduct. • employed tactics they believe to be wrong or in violation of the Rules. • willfully violated the Rules of the competition in spirit or in practice.

California Mock Trial Rules of Evidence

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 detail)

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."