



## 2022 California Virtual Mock Trial Judge/Attorney Handbook



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

**Co-Sponsored by:  
American Board of Trial Advocates  
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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 online 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:
  - ❑ Log on 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 27), and ruling on competition violations and announcing a verdict. Remember, the verdict is independent of which team may have won the trial.

### Technology

- This year's online competition will be done via Zoom.
  - If you can, download the Zoom app for best results. If you already have the app, please make sure it is the most updated version. Update instructions: <https://support.zoom.us/hc/en-us/articles/201362233-Upgrade-update-to-the-latest-version>
  - If you cannot download the app, you can still join using the link on a browser.

- Zoom security measures:
  - The waiting room feature will be used. The link will be emailed prior to each trial. Please do not share link with anyone or post on social media or other platforms.
  - To be admitted to their assigned virtual courtrooms, each person must rename themselves using these protocols:
    - **Presiders and scoring panel:** Trial # - First and Last Name - Role examples:
      - 1 – Hon. Taylor Matsumoto - Presider
      - 1 – Lou Williams - Scorer
    - **Team members and coaches:** Trial # - Team Code (P/D) First and Last Name Role examples:
      - 1 - 999 (P) Dakota Cheung - Pretrial Attorney
      - 1 - 888 (D) Fabian Moreno - Trial Attorney
    - **Courtroom Liaisons:** Trial# - First and Last Name - Courtroom Liaison example:
      - 1 - Jasmin Espinoza - Courtroom Liaison
- **Zoom tips.** The new and unfamiliar online format has potential to present challenges that are different from a typical mock trial held in a courtroom. While we have asked students to plan accordingly, there may be instances of background noise, internet disruptions, or other issues. Please be understanding of issues that may arise with technology.
  - **Internet/Bandwidth** – A wired connection is better than a wi-fi connection. If you can, plug your device directly into your router. If you are using a wi-fi connection, be as close to your router as possible. If you are at home, try to have exclusive use of the internet, if possible, during the trials to ensure the best connection. Also, close any unnecessary tabs during the trials to reduce bandwidth use.
  - **Device** – Computer, laptop, tablet, or phone. It is recommended to use either a desktop computer or laptop. You can use a tablet or phone, but some features might be limited.
  - **Zoom App** – If you can, download the Zoom app for best results. If you cannot download the app, you can still join using the link on a browser.
  - **Zoom Updates** – Make sure you have the most updated version of the Zoom app. Updates are release quite frequently. It is highly recommended to continue to check for new updates and maintain the most updated Zoom app.
  - **Microphone** – You can use your computer or an external microphone/speaker, earpiece, headset, etc. To minimize background noise, a headset or earpiece is a general best practice. For the computer microphone/speaker or an external microphone/speaker, be as close to the microphone as possible.
  - **Testing audio** – Testing audio is recommended before joining a Zoom meeting. When joining a meeting a pop-up window will appear to test your speakers. If you do not hear the ringtone, use the drop-down menu, or click ‘No’ to switch speakers until you hear the ringtone. Click ‘Yes’ to continue to the microphone test. If you do not hear an audio replay, use the drop-down menu of click ‘No’ to switch microphones until you hear the replay. Click ‘Yes’ when you hear the replay.
  - **Backgrounds** – Virtual backgrounds (and profile pictures) are not allowed because they take up a lot of bandwidth. 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.

- **Lighting** – You want to make sure you have light (window or lamp) in front of you and not behind you.
- **Speaker or Gallery view** – You can pick one of the two view options available; this only impacts your view. In a speaker view, the person speaking takes up your screen view. In a gallery view, you will view all participants in a grid layout.

### Presentation in Zoom

- **Courtroom liaison** - Each virtual courtroom will have a courtroom liaison. The courtroom liaison:
  - will be there to monitor the virtual courtroom and report any emergency.
  - is not there to provide any clarification on any rules, procedures, or case questions.
  - must have their video off and their microphone muted during the trial.
- **Presider:**
  - must have their video on and unmute their microphone during the entire trial.
  - must have the official exhibits readily available and refer them when needed.
- **Scoring attorneys:**
  - must have their video off and their microphone muted during the trial.
  - will turn on their video and unmute their microphone when introducing themselves and during the debrief.
  - must have the official exhibits readily available and refer to them when needed.
- **Active team members and team substitutes:**
  - All active team members and team substitutes must have their video off and microphone muted when not presenting. During the trial, the following individuals must turn on their video and unmute their microphone when:
    - pretrial attorney is presenting their pretrial argument and rebuttal.
    - trial attorney is presenting their opening statement and closing argument.
    - testifying witness, direct examining trial attorney, and cross-examining trial attorney during a witness examination.
    - clerk is providing both verbal and visual time remaining warnings.
    - bailiff is calling the court to order or swearing in witnesses.
  - The pretrial attorney, trial attorney, and the bailiff may elect to stand or remain seated while making their presentations. The scoring panel must focus on the what the students are presenting and not whether they did their presentation standing or seated.
  - All active team members and team substitutes must have the case, official exhibits, and team rulebook readily available but may only refer to them when allowed.
- **Artists, journalists, and coaches.** All artists, journalists, and coaches must have their video off and microphone muted during the trial.
- **Chat feature.** The Zoom chat must not be used during the trial for communications by coaches and students, including the private chat feature, except for the following:
  - Communication between trial attorneys (and the defendant).
  - Communication between the clerk and unofficial timer for time checks.
  - During the 30 second rule only, between the team and coaches.

- **Technical issues:**
  - Although there is no allowance for overtime, the presider and the scoring panel should take into consideration any minor internet lagging when students are making their presentations. However, if the internet freezes during a presentation or the student completely loses connections, the designated substitute team member must fill in as an emergency substitute for the team member experiencing technical difficulties. 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).
  - A technical difficulty includes internet failure, computer difficulties, and audio/microphone failure. Camera failure is not considered a technical difficulty and a substitute is not permitted for camera failure.
  - The presentation will be scored on the presentation by the initial team member and the substitute, taken as a whole.
  - Once a student is deemed unable to compete in a role due to technical difficulties, to minimize disruption, they are not permitted to return and compete in the unfinished role. If the technical difficulties are resolved, they can participate in their other roles in the trial, if any.

#### **Materials in Digital Folder for Presider and Scoring Attorneys**

- Case Material – Updated on January 10<sup>th</sup>
- 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
  - Can be completed online during trial and then submitted when trial is done.
  - Can be printed to keep score as you go. Then transfer the scores to the online form and submit 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.

#### **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

### 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 the 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...”). 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. The active team members, team substitutes, and coaches will turn on their video and unmute their microphone 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. 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**.
- D. All attendees are required to 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. Coaches are to remain in the virtual courtroom throughout the trial as much as possible as to not disrupt the trial with their videos off and microphone muted.
- F. Teams are required to submit team rosters by the designated deadline prior to each round. Team rosters must identify each active member, team substitutes, and artists/journalist with their individual roles, as well as the 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 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 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. A laptop, computer, tablet, or a phone must be used to attend and participate in the virtual competition. The use of such device is limited to present 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.

- J.** In the event of technical difficulties from 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.
- A technical difficulty includes internet failure, computer difficulties, and audio/microphone failure. Camera failure is not considered a technical difficulty and a substitute is not permitted for camera failure.
  - 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 CRF 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, to minimize disruption, they are not permitted to return and compete in the unfinished role. If the technical difficulties are resolved, they can participate in their other roles in the trial, if any.
- K.** Any tie will be broken by the presider’s independent selection of the winning team via a tiebreaker form.
- M.** All participants must consent to video and audio recording and electronic posting (including video meeting, social media, or other platforms) 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. 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.** 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.
- 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. It is not permissible to share Zoom links and passwords with anyone other than your own team members/coaches. Do not post links or passwords on social media or any other platforms. Anyone who violates the established Zoom security measures will be automatically disqualified from the competition. 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.
- B. At each trial, a team must have a minimum of 8 active team members composed of registered team members only.
- C. Teams are required to submit team rosters by the designated deadline prior to each round. Team rosters must identify each active member, team substitutes, and artists/journalist with their individual roles, as well as the 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 rule 2.2 A. to C. has been violated, scorers must deduct five points from the team's participation score.

### **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. 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 listed under the heading "Evidence," provided that the objects correspond to the case materials' description. Below are the steps to follow when introducing physical evidence (maps, diagrams, etc.).

All items are presented prior to 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 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. 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.

### **Rule 3.3 — Trial Communication**

- A. 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 are not allowed to verbally address the scoring attorneys as if they were a jury.
- C. Communication between trial attorneys (and the defendant) is allowed during the trial using the private chat feature only.
- D. The defendant is present during the trial. Under the conditions of an online trial, any witness that reasonably knows or should know the defendant, is assumed to have correctly identified the defendant as the defendant in this case.
- E. 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.
- 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 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 she/he contradicts the case material contained in her/his witness statement or fact situation using the procedures as outlined in the case material.
- F. Because this is a mock trial, witnesses may not be treated as hostile witnesses.
- G. All witnesses must be called in the allotted time. If the direct examination attorney runs out of time without calling one or more witnesses, the direct examination attorney and the witness will each automatically receive a score of zero for each witness not called, and the cross-examination attorney will automatically be awarded ten points for each witness not called. Once the time allotted for witnesses has ended, direct examination attorneys may not call any other witnesses.
- H. Cross-examination is required for all witnesses. If the cross-examination attorney does not cross one or more witnesses, the cross-examination attorney will receive a cross-examination score of zero for the witnesses.
- I. Witnesses are not allowed to use notes while testifying during trial. 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 3.5 — Unfair Extrapolation**

- A. It is each student's responsibility to work closely within the record.
- B. An unfair extrapolation (UE) occurs when a witness creates a material fact not included in his or her official record. A material fact is one that would likely impact the outcome of the case.
- C. Witnesses may, however, make fair extrapolations from the materials. A fair extrapolation is one in which a witness makes a reasonable inference based on his or her official record. A fair extrapolation does not alter the material facts of the case.
- D. Unfair extrapolations are best attacked through impeachment and closing argument. They should be dealt with by attorneys during the 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. 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 microphone when presenting.
- B.** 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 raise an objection, the attorney can unmute their microphone to do so but must remain seated.
- 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 will be recognized in the competition. Other rules may not be used at the trial.
- F.** Legal motions not outlined in the official materials will not be allowed.
- G.** There are no objections allowed during opening statements or closing arguments. (It will be the president'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 coaches via the private chat feature to discuss any trial irregularities.
- I.** If there are any irregularities regarding the rules of the competition, which a team would like the president 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 arguments on behalf of the team.
- J.** The active team member arguing a violation of the rules must be able to point to specific incident of the misconduct and cite the corresponding violation in the team rulebook and/or case material to the president.
- K.** The president will hear the alleged violation and rule on the violation, the president's decision will be the final.
- L.** If the president determines a violation has occurred, the president 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.

### **Rule 3.7 Conduct of the Pretrial Motion**

- A.** 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 microphone 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 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 may use the chat feature for time checks during the trial.
- B.** 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 CRF's timesheet for each trial. The clerks may only use the timecards from CRF'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.** 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 non-responsive 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:
  - (The senior division) 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:
- 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.** 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 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, 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 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 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 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. 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 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 virtual courtroom all attendees to turn off all cell phones. In addition, videos must be off, and microphone muted unless presenting.
- Q.** 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 (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 3.9 — Courtroom Artist and Journalist**

- E. The artists must have their video off and microphone muted when not presenting. At the end of the designated official trial, the artist must turn on their video to allow for a screen shot of the drawing.
- F. The journalists must have their video off and microphone muted when not presenting.

### **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

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

## Evaluation Criteria

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

## 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>

<b>0 Score (10 Point Deductions)</b>	<ul style="list-style-type: none"> <li>• Failure to cross-examine a witness (Attorney score)</li> <li>• Failure to conduct direct examination of a witness (Attorney and witness score)</li> <li>• Can apply only to rule violations that specify a zero score</li> </ul>
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<b>Participation and Team Presentation</b>	
9-10 Excellent	<p>All competitors, coaches, and other participants, including observers:</p> <ul style="list-style-type: none"> <li>• 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.</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 department.</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 this Code of Ethical Conduct.</li> <li>• did not employ tactics they believe to be wrong or in violation of the Rules.</li> <li>• did not willfully violate the Rules of the competition in spirit or in practice.</li> <li>• Team members: presentation was natural; no overacting.</li> </ul>
7-8 Above Average	<ul style="list-style-type: none"> <li>• Pretrial attorney served as trial attorney during the same round.</li> <li>• The prosecution team failed to bring physical evidence to court.</li> <li>• Prohibited motions were used. (The pretrial motion, motions entering exhibits into evidence, and motion to strike testimony are the only motions allowed.)</li> <li>• Team members' roles were not evenly divided.</li> </ul>
5-6 Average	<ul style="list-style-type: none"> <li>• Used 30 second rule to argue additional points of law or rebut opponent's closing argument.</li> <li>• Several team members made unfair extrapolations (in addition to the individual point deductions.)</li> <li>• Portrayed racial, ethnic, and gender stereotypes.</li> <li>• Team members' presentation was not natural; overacting was present.</li> </ul>
3-4 Below Average	<ul style="list-style-type: none"> <li>• Argued for hyper technical interpretations of the rules to embarrass others or to gain an unfair advantage.</li> <li>• Additional exhibits, other than the exhibits provided in the trial material, were used.</li> <li>• Used props, costumes, and theatrical makeup.</li> </ul>
1-2 Far Below Average	<p>Competitors, coaches and/or other participants, including observers:</p> <ul style="list-style-type: none"> <li>• 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.</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 department.</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 in practice.</li> </ul>

# 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."