



**CONSTITUTIONAL RIGHTS FOUNDATION**

**EDUCATING TOMORROW'S CITIZENS**

# **CALIFORNIA MOCK TRIAL PROGRAM TEAM RULE BOOK 2008-2009**



**Co-Sponsored by:  
California Bar Foundation, David Carrillo and Lisa Sardegna,  
and the Daily Journal Corporation**

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

**[www.crf-usa.org](http://www.crf-usa.org)**

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## 2008-2009 CALIFORNIA MOCK TRIAL COMPETITION RULES

Each year, Constitutional Rights Foundation (CRF) creates and produces a new set of Mock Trial materials based on an important issue facing America's youth. The materials include a hypothetical criminal case (including summaries of case law, witness statements, official exhibits, and simplified rules of evidence), lesson plans on the central issues in the case, and competition rules and guidelines. Mock Trial materials from past years are available for purchase through CRF's catalogue or web site ([www.crf-usa.org](http://www.crf-usa.org)). If you have questions regarding the case materials, please contact your county coordinator or CRF staff: April Walter, Program Assistant, [April@crf-usa.org](mailto:April@crf-usa.org) or 213.316.2129, Sylvia Andresantos, Program Manager, [Sylvia@crf-usa.org](mailto:Sylvia@crf-usa.org) or 213.316.2127, or Laura Wesley, Program Director [laura@crf-usa.org](mailto:laura@crf-usa.org), 213.316.2128.

**NOTE: At the first meeting of the Mock Trial team, the Code of Ethics appearing in the case packet should be read and discussed by students and their teacher.**

### I. ELIGIBILITY

**To participate in the State Finals in Riverside County (March 20th – March 22nd, 2009), each county must implement the following procedures:**

- A. A county Mock Trial coordinator must be identified (usually through the county office of education).
- B. Working in conjunction with CRF, the coordinator must plan and implement a formal competition involving teams from at least two separate senior high schools in the county or other nearby counties. With CRF approval, the coordinator may represent more than one county. All participating schools and students must be registered as a mock trial school and student no later than two weeks prior to your county competition.
- C. If a team is the only team from a county in which no county competition is conducted, the team will still be eligible for the State Finals. We **STRONGLY** recommend that such teams participate in the competition of another county to afford the teams an opportunity to improve their skills.

- D. All local county competitions must be completed by **March 4, 2009** and all state registration forms must be submitted online by **March 4, 2009**.
- E. A teacher or school representative must be identified for each team by the coordinator.
- F. Team withdrawals: Any team that withdraws from a local competition will receive a monetary refund **only** if the county coordinator is notified in writing a week before the day of the first round of competition.
- G. All team members must be eligible under school district and state rules applicable to involvement in extracurricular activities. All team members must be registered at the school for which they are competing. After the completion of the local competition, no new team members may be added to a team attending the State Finals.
- H. Home-schooled students may participate in the Mock Trial program in one of two ways:
1. as a member of the team at the public school she/he would attend if not home-schooled, or
  2. as a member of an independent team exclusively composed of home-schooled students.
- I. Two small schools may join together to form a single Mock Trial team **if neither school had a pre-existing Mock Trial program**. For the purposes of the California Mock Trial program, a “small” high school is one with 200 or fewer enrolled high school students. Such combination teams are eligible to represent their counties at the State Finals.
- J. Substitute teams. If there are an odd number of county championship teams attending the State Finals, a **substitute team** from a county will be selected randomly. Substitute participation will be full participants and eligible for team awards. The same registration fees and forms are required for the substitute team. All counties will have the opportunity to submit to CRF their second place team to serve as a possible substitute at the time of first-place team registration. At the local level, the county coordinators determine substitute team procedures.
- K. For the purposes of the Los Angeles County Mock Trial Competition, Junior and Senior divisions will be determined based on the formats of the participating schools. For example, if a junior high school includes grades 7-9, 9<sup>th</sup> graders at that school may participate in the Junior

Division. Similarly, if a senior high school includes grades 9-12, 9<sup>th</sup> graders enrolled there may participate in the Senior Division.

## II. THE MOCK TRIAL TEAM

A. A Mock Trial team must consist of a minimum of 8 students and may include up to a maximum of 20 students, all from the same school. At the local level, more students may be involved as jurors, but juries will not be used at the State Finals. At the State Finals, the Mock Trial is presented as a bench trial. We encourage you to use the maximum number of students allowable, especially at schools with large student populations **(The maximum number of official team members for the National Mock Trial Competition is eight students.)**

B. Team Structure — Involvement of all possible team members in the presentation of the case is reflected in the team performance/participation score. The team consists of the following members:

Two (2) Pretrial Motion Attorneys—one Pretrial attorney for the Defense and one Pretrial Attorney for the Prosecution (maximum). Pretrial attorneys may not serve as trial attorneys during the same round, but may serve as a witness.

Three (3) Trial Attorneys for Prosecution (maximum)

Three (3) Trial Attorneys for Defense (maximum)

Four (4) Witnesses for Prosecution (all four must be called in one trial)

Four (4) Witnesses for Defense (all four must be called in one trial)

One (1) Clerk

One (1) Bailiff

Three (3) Courtroom Artists per team. The team's artist is an official team member, but is not counted toward the 20-student limit. Only one courtroom artist per county may compete at the state competition and the winner of the state competition does not compete at the national competition.

Three (3) Journalists. The journalist is an official team member, but is not counted toward the 20-student limit. Up to two courtroom journalist from each county may compete at the state competition and the winner of the state competition does not compete at the national competition.

- C. Teams may have alternates listed on the roster, with a maximum of 20 students participating as performers and alternates.
- D. We encourage you to use the maximum number of student attorneys. It is highly recommended that different trial attorneys conduct the opening argument and the closing argument and that each trial attorney conduct at least one direct examination and one cross-examination.
- E. We also encourage you to involve as many students as possible in support roles, such as researchers, understudies, and photographers.

### **III. GENERAL/SPORTSMANSHIP RULES**

- A. All participants are expected to display proper courtroom decorum and courtesy throughout the competition. All participants are required to wear appropriate courtroom attire.
- B. All participants are expected to act with good sportsmanship and respect for others in both victory and defeat throughout the competition.
- C. At all levels of the competition, participants are expected to be polite and patient with mock trial, courthouse, and hotel staff.
- D. All participants must follow all rules and regulations as specified in the California Mock Trial materials or disseminated by CRF or local Mock Trial staff. Failure of any member or affiliate of a team to adhere to the rules may result in disqualification of that team.
- E. The California Mock Trial materials are protected by copyright and may not be re-printed anywhere, including on the Internet, without express permission from CRF. Any violation of this rule may result in litigation and in disqualification of a team or county. However, we

hereby grant to all recipients a license to reproduce the lesson included in the beginning of the case packet and the exhibits, for distribution to students and educators.

- F. Any alteration or viewing of confidential California Mock Trial materials posted on the CRF web site will result in the immediate school disqualification and potential litigation.
- G. Plagiarism\* of any kind is unacceptable. Students' written and oral work must be their own. (**\*Webster's Dictionary defines plagiarism as, "to steal the words, ideas, etc. of another and use them as one's own."**)
- H. Use of laptop computers or cellular phones during trials is prohibited.
- I. At the State Finals, all participants are expected to observe the 11:00 p.m. curfew. Furthermore, there should be **NO DRINKING OF ALCOHOL, NO USE OF ILLEGAL DRUGS, NO VANDALISM, AND NO DISTURBING THE PEACE.** Such conduct is in direct violation of California law and the CRF Code of Ethics. Any student participating in such behavior will be disqualified from the program and sent home at her/his own expense.
- J. Teachers and attorney coaches must identify themselves to the judge before the trials begin. Teacher sponsors, attorney coaches, mock trial participants and spectators, are to remain in the courtroom throughout the trial.
- K. Trials are open to the public, but no intentional scouting is allowed (SEE CODE OF ETHICS IN CASE PACKET)
- L. Teams are required to submit award nomination forms to presiding judges and scoring attorneys at all rounds of the State Finals. No additional materials may be furnished to the presiding judges or scoring attorneys by student team members, teachers, or attorney coaches.
- M. All team members participating in a trial must be in the courtroom at the appointed time, ready to begin the round. Incomplete teams must begin the trial without their other members or with alternates. **IF A SCHEDULED TEAM IS NOT PRESENT WITHIN 30 MINUTES AFTER THE SCHEDULED TRIAL TIME, THAT TEAM MAY**

FORFEIT THE TRIAL AND IS SUBJECT TO POSSIBLE DISQUALIFICATION (subject to the discretion of mock trial staff).

- N. At the State Finals, it is mandatory for at least one team representative to attend the announcement of the finalists for the Championship Trial. If a team is announced and no representative is present, the team forfeits the Championship Trial and the third ranked team is announced to take the absent team's place.
- O. Recesses will not be allowed in local or state competitions for any reason (unless authorized by mock trial staff).
- P. Tie-breakers: At the State Finals and the Los Angeles County competition, any tie will be broken by the president's independent selection of the winning team. At local competitions, counties may use this procedure or select a different one.

#### IV. CONDUCT OF THE PRETRIAL MOTION

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

- A. Each student arguing a pretrial motion has four minutes to present a statement and two minutes for rebuttal. During these proceedings, students must be prepared to answer questions from the judge to clarify their position(s).
- B. No objections are allowed during pretrial arguments. Points may be deducted for objections made during pretrial arguments.
- C. In order to present a position in the most persuasive manner, students should carefully review and become familiar with the materials provided in this packet. Additional background research may supplement their understanding of the issues at hand, but such supplemental materials may not be cited in arguments.
- D. No written pretrial motion memoranda may be submitted to judges at local or state levels.
- E. Except for the pretrial motion and motions introducing the exhibits provided, **all motions are prohibited**. If a motion is made, two points

will automatically be deducted from the team's total performance score.

- F. At the State Finals and in Los Angeles County, there will be 30 seconds provided at the end of the pretrial motion for two team members from each performing team, to confer with the team's attorney coach and teacher sponsor. If there are any irregularities regarding the Rules of Competition, which the team would like the judge and scorers to be aware of, one team member will have 30 seconds to orally note the irregularities to the court. This time should not be used to argue additional points of law or rebut opponent's closing argument. Regarding questions of rule violations, the judge's decision will be the final.

## **V. CONDUCT OF THE TRIAL**

- A. Costumes and theatrical makeup are prohibited. In keeping with the educational philosophy and objectives of the Mock Trial program, teams should concentrate on presenting the trial in a realistic manner, with witnesses wearing appropriate courtroom attire and using their normal speaking voices. Portrayals of racial, ethnic, gender stereotypes are inappropriate and should not be used.
- B. Gender-neutral names allow students of either gender to play the role of any witness. Any questions regarding gender, race, or physical characteristics not included in the official case materials are not allowed.
- C. Although witnesses are excluded from the trial proceedings in actual trials, for educational purposes witnesses in the Mock Trial competition will remain in the courtroom for the entire trial, in designated seating at the front of the courtroom. Unless otherwise specified, witnesses may not testify or respond to another witness's testimony. Once the trial has begun, contact is prohibited between a witness and **any** other team member, teacher, parent or school representative. The only communication allowed during the trial is between trial attorneys on the same side. Additionally, the defendant may sit at counsel table and communicate with the defense attorneys. All communication must be non-disruptive to the trial. Pretrial attorneys may not communicate with the trial attorneys at any time.
- D. Once the trial has begun, there must be no spectator contact with student team members, whether in the hallway or the courtroom.

Sponsors, teacher and attorney coaches, other team members, and spectators may not talk, signal, or otherwise communicate with the students. There will be an automatic deduction of **five points per score sheet** if the judge finds that this rule has been violated or if such conduct is observed by Mock Trial staff.

- E. The fact situation and the witness statements are the official case materials and make up the sole source of information for testimony. The fact situation is a set of indisputable facts from which the attorneys may draw reasonable inferences. A witness may testify only to facts stated in or reasonably inferred from her/his witness statement or the fact situation (if she/he reasonably would have knowledge of those facts). Unless otherwise stated, attorneys may not solicit information from a witness that requires the witness to testify to information from another witness's statement.
- F. The witness statements contained in the packet should be viewed as signed statements made to the police by the witnesses. Unless otherwise specified, a witness can be impeached if she/he contradicts the material contained in her/his witness statement using the procedures as outlined in the case packet.
- G. All witnesses must be called. Cross-examination is required for all witnesses. If the direct examination team runs out of time without calling one or more witnesses, the cross-examination team will be automatically awarded five points for each witness not called, and the direct examination team will automatically receive a score of zero for the witness performance and direct examination for each witness not called. No other witnesses may be called. If the cross-examination team runs out of time, the team will receive a cross-examination score of zero for each witness not cross-examined.
- H. **Prosecuting attorneys must provide the physical evidence listed under the heading "Physical Evidence" in the case materials.** No other physical evidence, if any, will be allowed. All persons and evidence not provided for in the case packet are to be considered unavailable and questioning regarding their whereabouts is prohibited. Additional charts will not be allowed. Whether a team introduces, uses, and moves the physical evidence into evidence is entirely optional, but all physical evidence must be available at trial for either side to use. If the prosecution team fails to bring physical evidence to court, it may be reflected in the team performance/participation. Evidence should not

be altered in any way. Permanently defacing an exhibit is not permitted. The use of electronic or light projected aids is prohibited.

- I. Attorneys may conduct re-direct examination when appropriate. No re-cross-examination is allowed.
- J. Only the direct and cross-examination attorneys for a particular witness may make objections during that testimony. Points may be deducted for objections made by the wrong attorney.
- K. Attorneys may use notes while presenting their cases. Witnesses are not allowed to use notes when testifying.
- L. The Mock Trial competition proceedings are governed by the Mock Trial Simplified Rules of Evidence in the case packet. Only specified types of objections will be recognized in the competition. Other more complex rules may not be used at the trial. Legal motions not outlined in the Official Materials will not be allowed.
- M. There are no objections allowed during opening statements or closing arguments. (It will be the judge's responsibility to handle any legally inappropriate statements made in the closing, while scorers will also keep in mind the closing argument criteria.) Points may be deducted for objections made during opening statements or closing arguments.
- N. You can only video/audio-tape a trial involving your school. Please check with your local Mock Trial coordinator regarding guidelines for video/audio-taping your competition. **Videotaping is for educational purposes only, and videotapes should not be shared with any other team before the State Finals without the permission of both teams videotaped. At the State Finals, videotaping is allowed in a courtroom only by the teams performing in that courtroom. CRF will NOT accept any videotape for complaint purposes.**
- O. 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.
- P. At the State Finals and Los Angeles County competition, there will be 30 seconds provided at the end of the trial for two team members from each performing team, to confer with the team's attorney coach and teacher sponsor. If there are any irregularities regarding the Rules of

Competition, which the team would like the judge and scorers to be aware of, one team member will have 30 seconds to orally note the irregularities to the court. Teams arguing a violation of the Rules, must be able to point to specific incident(s) of the misconduct. This rule should be used for specific rule violations and should not be used to argue additional points of law or rebut opponent's closing argument. Regarding questions of rule violations, the judge's decision will be the final.

## **VI. CREATING A MATERIAL FACT**

- A. Definition and Purpose. For the California Mock Trial Competition, a material fact is a fact that tends to prove a pivotal point in the case. A witness MAY NOT create a material fact that is not included in his/her witness statement.
- B. Interpretation and enforcement. If an attorney believes a material fact was created, the attorney can make an objection for a "Creating a Material Fact". The presider determines if a material fact was created and rules on the objection accordingly.

## **VII. REASONABLE INFERENCES**

- A. Although a witness may not create a material fact, they can make a reasonable inference. A reasonable inference is defined as non-material information to which a witness testifies that is not included in the Record but reasonably relates to that witness's testimony. Reasonable inferences do not create material facts. Because of the contrived format of the Mock Trial Competition, the length and content of witness statements must be limited. Reasonable inferences can be used to respond to the inevitable content gaps in witness statements.
- B. It is each student's responsibility to work closely within the Record. Inferences and objections about those inferences should be minimized, and points may be deducted for interference with the trial.
- C. The Record defined. The Record is the official source of information in the casebook for witness testimony. The Record includes a witness's own statement, all stipulations and exhibits, and any portion of the Fact Situation of which that witness reasonably would have knowledge.
- D. Reasonable defined. In an effort to maintain a fair competition, an inference is only "reasonable," and therefore allowable, if it is neutral

and does not create a material fact. Inferred information that is material and pivotal to the facts at issue is by definition unreasonable, and as such is subject to objection.

### **Reasonable Inference**

- Suppose your witness statement asserts that you left the Ajax Store and walked to your car, but gives no further details about the matter. You are asked whether you left the store through the Washington Avenue exit or the California Avenue exit. If this point is *not* a disputed or essential fact in the case, you could *reasonably infer* either exit as your answer.

### **Unreasonable Inference**

- On the other hand, if your witness statement asserts that someone fired a shot through your closed curtains into your living room. If asked whether you saw who shot the gun, you would have to answer, “No.” You could not reasonably claim to have seen the person through a periscope on the roof or a tear in the curtains. This is an example of an *unreasonable inference*, one where the attorney’s question and the witness’s answer are attempting to create a material fact.

## **VIII. RULE INTERPRETATION**

- A. The presider is the ultimate authority throughout the trial. If there is a rule infraction, it is solely the student attorneys’ responsibility to bring the matter to the presider’s attention before a verdict is rendered. There will be no bench conferences allowed. The presider will determine if a rule was, in fact, violated. Her/his word is final. The bailiff **must have** a copy of the rules of competition for reference. Unless a specific point deduction for a particular infraction is provided in these rules, each scorer will determine the appropriate amount of deduction individually.
- B. These rules are designed to introduce the procedures of law to participants and to foster good sportsmanship. Interpretations of the rules should be guided by common sense. Arguing for hyper technical interpretations of the rules, especially when designed to embarrass others, is to be avoided.

## IX. TIMING

- A. The Mock Trial Competition involves timed presentations. One team's unreasonable running of the opposing team's time is inappropriate. If the presider determines there has been an unreasonable running of time, the witness may be admonished by the presider and the presider may direct the scorers to deduct 1 point from the offending witness's score.
- B. Each team will have 40 minutes to present its case, including the pretrial motion. If no pretrial motion is presented, total time is 34 minutes. To download a time sheet, please visit our website [www.crf-usa.org](http://www.crf-usa.org). Time limits for each section are as follows:
- |   |            |
|---|------------|
| Pretrial Motion.....                      | 4 minutes  |
| Rebuttal.....                             | 2 minutes  |
| Opening Statement & Closing Argument..... | 9 minutes  |
| Rebuttal .....                            | 1 minute   |
| Direct & Re-direct Examination.....       | 14 minutes |
| Cross-Examination.....                    | 10 minutes |
- C. The clock will be stopped when witnesses are called to the stand, attorneys make objections, and judges question attorneys and witnesses or offer their observations. The clock will not be stopped if witnesses are asked to approach the diagram or for other physical demonstrations. Time will not be rounded off.
- D. Teams may divide the 9 minutes for opening statement and closing arguments, the 14 minutes for direct and re-direct examination, and the 10 minutes for cross-examination as desired (e.g. 3 minutes opening, 6 minutes closing). The time may be utilized however they choose, but the maximum allowable totals for each category must be observed.
- E. One minute is automatically reserved for rebuttal at the conclusion of closing statements. Only issues that were addressed in an opponent's closing argument may be raised during rebuttal. Formal reservation of rebuttal time is not required.
- F. Two-minute, one-minute and 30 second verbal warnings must be given before the end of each category. The clerk will automatically stop students at the end of the allotted time for each section. Thus, there will be no allowance for overtime.

- G. Any team member on the defense team, may serve as an unofficial timer. This unofficial timer must be identified before the trial begins and may check time with the clerk twice during the pretrial (once during the defense argument and once during the prosecution argument) and twice during the trial (once during the prosecution's case-in-chief and once during the presentation of the defense's case). Any objections to the clerk's official time must be made by this unofficial timer during the trial and before the verdict is rendered. The judge shall decide whether to accept the clerk's time or make a time adjustment. Only official team members may serve as unofficial timers. **To avoid timing issues, we highly recommend that both the official and unofficial timer sit next to each other during the trial.**
- H. At the end of the pretrial motion and the trial, the clerk will time the 30-second consultations and any formal presentations regarding irregularities. No extensions of time will be granted.
- I. The judge 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 judge attorney scorers with a five-minute and 1 minute warning. The clerk will not be scored on timing the debriefing.

## SUMMARY OF PRETRIAL MOTION PROCEDURES

We encourage presiders to challenge the attorneys with questions about the case law during pretrial arguments.

**No objections are allowed during pretrial arguments. Points may be deducted for objections made during pretrial arguments.**

1. The hearing is called to order.
2. The judge asks the defense to summarize the arguments made in the motion. The defense has four minutes. The judge may interrupt to ask clarifying questions. The time spent answering the judge's questions is not included in the four-minute time limit.
3. The judge asks the prosecution to summarize arguments made in its opposition motion. The same conditions as in #2, above, apply to the prosecution.
4. The judge offers the defense two minutes of rebuttal time. The rebuttal time is used to counter the opponent's arguments. It is not to be used to raise new issues.
5. The judge offers the prosecution two minutes of rebuttal time. The same conditions as in #4, above, apply to the prosecution.
6. At the end of the oral arguments, before ruling, the judge asks students if they would like 30 seconds to consult with teacher/attorney coaches regarding any trial irregularities.
7. The judge will rule on the motion and begin trial.

## **SUMMARY OF TRIAL PROCEDURES**

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

15. Judge deliberates, announces verdict in court, and conducts a short debrief of the trial with the scoring attorneys (not to exceed 10 min.)

## EVALUATION CRITERIA

Students are to be rated on the five-point scale for each category according to the following criteria appropriate to each presentation. **Points should be deducted if criteria are not met or are violated.** NOTE: Some scores are weighted and therefore can affect a team's score more dramatically. These include the pretrial motion (x3) and the closing argument (x2) .

### 1. Pretrial Motion (x3)

- Clear and concise presentation of issues and appropriate use of case materials.
- Well-developed, reasoned, and organized arguments.
- Solid understanding of the legal reasoning behind the arguments.
- Responded well to judge's questions and maintained continuity in argument.
- Effective rebuttal countered opponent's argument.

### 2. Opening Statement

- Provided a clear and concise description of the anticipated presentation.

### 3. Direct/Re-Direct Examination

- Questions required straightforward answers and brought out key information for her/his side of the case.
- Attorney effectively responded to the objections made.
- Attorney properly introduced exhibits and, where appropriate, properly introduced evidence as a matter of record.
- Attorney properly phrased and rephrased questions and demonstrated a clear understanding of trial procedures.
- Attorney made **effective** objections to cross-examination questions of her/his witness when appropriate. Attorney did not make **unnecessary** objections.
- Throughout questioning, attorney made appropriate use of time.
- Attorney used **only** those objections listed in the Summary of Evidentiary Objections.

### 4. Cross-Examination

- Attorney made **effective** objections to direct examination (of the witness she/he cross-examined) when appropriate. Attorney did not make **unnecessary** objections.
- 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.

## 5. Witnesses

- 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 testified to key facts in a consistent manner and avoided irrelevant comments.
- Witness did not disrupt the trial with unreasonable inferences.

## 6. Closing Argument (x2)

- Attorney's performance contained elements of spontaneity and was not based entirely on a prepared text.
- Attorney incorporated examples from the actual trial, while also being careful **not** to introduce statements and evidence that were not brought out during the trial.
- 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.

## 7. Clerk and Bailiff

- The clerk or bailiff was present and punctual for trial.
- The clerk or bailiff performed her/his role so that there were no disruptions or delays in the presentation of the trial.
- The clerk or bailiff conducted her/himself professionally without attracting any unnecessary attention.

## 8. Team

- Team members were courteous, observed general courtroom decorum, and spoke clearly and distinctly.



## **2 BELOW AVERAGE      FAIR, WEAK PERFORMANCE**

- Some organization
- Some preparation and some understanding of case and legal procedure
- Awkward presentation
- Did not clearly demonstrate legal knowledge or understand role
- Stronger voice needed, more eye contact
- Invents material facts and repeatedly stumbles over responses
- Needs more work on poise and delivery

## **3 AVERAGE                      MEETS REQUIRED STANDARDS**

- Organized
- Adequate preparation and demonstrated a basic understanding of case and legal procedure
- Acceptable but uninspired presentation
- Demonstrated basic legal knowledge and mostly understood role
- Audible voice and some eye contact
- Needs more spontaneity and persuasiveness

## **4 ABOVE AVERAGE              GOOD, SOLID PERFORMANCE**

- Well-organized and good preparation
- Demonstrated good understanding of case and legal procedure
- Good smooth presentation
- Clearly demonstrated legal knowledge and understood role
- Questions/answers mostly advance case theory
- Able to be spontaneous some of the time
- Mostly believable performance
- Easily audible voice, much eye contact

## **5 EXCELLENT                      EXCEPTIONAL PERFORMANCE**

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

## MOCK TRIAL SCORING & POWER MATCHING SYSTEM

Team rankings are based on the following percentage and win-loss system in an effort to eliminate the artificial highs and lows inherent in any numeric scoring system. (See explanation below.) Individual counties are free to implement this scoring system or another of their choice.

### Round 1

Trial 1			Trial 2		
Teams	Raw Scores	% of Total Points Given	Teams	Raw Scores	% of Total Points Given
<b>SYLVIA'S TEAM</b>			<b>JAMES' TEAM</b>		
Scorer 1	90	54.5%	Scorer 1	91	49.9%
Scorer 2	95		Scorer 2	93	
Scorer 3	85		Scorer 3	89	
<b>TOTAL</b>	270		<b>TOTAL</b>	273	
<b>LAURA'S TEAM</b>			<b>LOURDES' TEAM</b>		
Scorer 1	90	45.5%	Scorer 1	88	50.1%
Scorer 2	65		Scorer 2	92	
Scorer 3	70		Scorer 3	94	
<b>TOTAL</b>	225		<b>TOTAL</b>	274	
<b>TRIAL 1 TOTALS</b>	495	100%	<b>TRIAL 2 TOTALS</b>	547	100%

### Ranking of Round 1 Results and Matching for Round 2

#### Pure Power Matching

Sylvia's Team – 54.5%

Lourdes' Team – 50.1%

James' Team – 49.9%

Laura's Team – 45.5%

Using a pure power matching system, Round 2 matching would be based only on percentages. Because of the need to alternate prosecution and defense designations between Rounds 1 and 2, pure power matching is not always used.

Additionally, when a random draw is used for Round 1 matching, it is possible that the ranking could be skewed by disproportionate percentages. For instance, a trial between two balanced teams could result in low percentages (as with James and Lourdes), while a trial between an

average team and a new, very inexperienced team could result in widely disproportionate percentages (like Sylvia and Laura).

In order to ensure that all teams are fairly assessed, ranking is based on both percentages and win-loss records.

**Round 2**

Trial 3			Trial 4		
Teams	Raw Scores	% of Total Points Given	Teams	Raw Scores	% of Total Points Given
<b>SYLVIA'S TEAM</b>			<b>LAURA'S TEAM</b>		
Scorer 1	100	51.7%	Scorer 1	85	49.6%
Scorer 2	98		Scorer 2	82	
Scorer 3	95		Scorer 3	89	
<b>TOTAL</b>	293		<b>TOTAL</b>	256	
<b>LOURDES' TEAM</b>			<b>JAMES' TEAM</b>		
Scorer 1	95	48.3%	Scorer 1	93	50.4%
Scorer 2	90		Scorer 2	87	
Scorer 3	89		Scorer 3	80	
<b>TOTAL</b>	274		<b>TOTAL</b>	260	
<b>TRIAL 3 TOTALS</b>	567	100%	<b>TRIAL 4 TOTALS</b>	516	100%

Round 2 Ranking

**Win/Loss & Cumulative Percentages**

2 Wins – 0 Losses

Sylvia's Team – 106.2%

1 Win – 1 Loss

James' Team – 100.3%

Lourdes' Team – 98.4%

0 Wins – 2 Losses

Laura's Team – 95.1%

**NOTE: At the State Finals, the power-matching system may be modified at the discretion of CRF staff to assure balanced presentations of prosecution and defense arguments.**