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## **CALIFORNIA MOCK TRIAL PROGRAM**

**Team Rulebook  
2013-2014**



**OFFICIAL MATERIALS FOR THE CALIFORNIA MOCK TRIAL COMPETITION  
A Program of Constitutional Rights Foundation**

**Co-Sponsored by:  
Daily Journal Corporation**

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

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## **Administration**

### **Rule 1.1 — Rules**

- A.** All trials will be governed by the rules of the California Mock Trial Program and the California Mock Trial Rules of Evidence.

### **Rule 1.2 — 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. Attorney coaches and teachers must model good sportsmanship. Poor behavior may impact team performance scores.
- C.** All 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.** Students must wear appropriate clothing (including shoes) at all events. Any student participating in inappropriate behavior will be disqualified from the program at CRF staff discretion and sent home at her/his own expense.
- F.** At the State Finals, all participants are expected to observe the 11:30 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.

### **Rule 1.3 — Trial Procedures**

- A.** The mock trial is a bench trial; students should not address the scoring attorneys as if they were a jury.
- B.** When the trial begins, the presider will ask the team members, teachers and attorney coaches to introduce themselves. Other than the clerk and bailiff, team members must not communicate with the scoring attorneys until the conclusion of the trial.
- C.** Teams will be identified by team code and not by school name.
- D.** Spectators should not wear clothing that identifies their school.
- E.** Teacher sponsors, attorney coaches, Mock Trial participants, and spectators are to remain in the courtroom throughout the trial as much as possible as to not disrupt the trial.
- F.** Teams are required to submit team roster to the presider, scoring attorneys, and the opposing team. Teams may add student photos to the team roster, but may not add any other information.
- G.** All team members participating in a trial must be in the courtroom at the appointed time, ready to begin the round. Incomplete teams must begin the trial without their other members or with alternates.
- H.** If a scheduled team is not present within 30 minutes after the scheduled trial time, that team may forfeit the trial and is subjects to possible disqualification (subject to the discretion of Mock Trial staff).
- I.** At the State Finals, it is mandatory for at least one team representative to attend the announcement of the finalists for the Championship Trial. If a team is announced and no representative is present, the team forfeits the Championship Trial and the third ranked team will take the absent team's place in the Championship Trial.
- J.** Recesses will not be allowed in local or state competitions for any reason (unless authorized by Mock Trial staff or presider).
- K.** Tie-breakers: At the State Finals and the Los Angeles County competition, any tie will be broken by the presider's independent selection of the winning team. At local competitions, counties may use this procedure or select a different one.
- L.** Use of laptop computers, tablets or cellular phones during trials is prohibited.

- M.** You may only video/audio-tape a trial involving your school. Any team has the option to refuse participation in videotaping, tape recording and still photography. 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. CRF will not accept any videotape for complaint purposes.
- N.** Other than the exhibits provided for in the trial packet, no other illustrative aids of any kind may be used.
- O.** Props, costumes and theatrical makeup are prohibited. Costuming includes hairstyles, 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, gender stereotypes are inappropriate and should not be used.
- P.** Gender-neutral names allow students of either gender to play the role of any witness. Any questions regarding gender, race, or physical characteristics not included in the official case materials are not allowed.

#### **Rule 1.4 — Copyright and Plagiarism**

- A.** The California Mock Trial materials are protected by copyright and may not be re-printed anywhere, including on the Internet, without express permission from CRF. Any violation of this rule may result in litigation and in disqualification of a team or county. However, we hereby grant to all recipients a license to reproduce the lesson included in the beginning of the case packet and the exhibits, for distribution to students and educators.
- B.** Any alteration or viewing of confidential California Mock Trial materials posted on the CRF web site will result in the immediate school disqualification and potential litigation.
- C.** Plagiarism\* of any kind is unacceptable. Students' written and oral work must be their own. (\*Webster's Dictionary defines plagiarism as, "to steal the words, ideas, etc. of another and use them as one's own.")
- D.** Trials are open to the public, but no intentional scouting is allowed (See Code of Ethics in the Case Packet).

### **Teams**

#### **Rule 2.1 — Team Eligibility**

- A.** To participate in the State Finals in San Jose (March 21 – March 23, 2014), each county must implement the following procedures B-K.
- B.** A county Mock Trial coordinator must be identified (usually through the county office of education).
- C.** Working in conjunction with CRF, the coordinator must plan and implement a competition involving team(s) from middle and/or high schools in the county or other nearby counties. With CRF approval, the coordinator may represent more than one county.
- D.** If a team is the only team from a county in which no county competition is conducted, 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.
- E.** All local county competitions must be completed by March 3, 2014. County coordinators must inform CRF of the name of the winning team by March 3, 2014.
- F.** In addition to registering with their county coordinator, all teams and students must register as a Mock Trial school and student on CRF's website [www.crf-usa.org](http://www.crf-usa.org).
- G.** A teacher or school representative must be identified for each team.
- H.** All team members must be eligible under school district and state rules applicable to involvement in extracurricular activities.

- I. All team members must be registered at the school for which they are competing.
- J. After the completion of the local competition, no new team members may be added to a team attending the State Finals.
- K. The teacher sponsor has an affirmative duty to verify each competitor's eligibility from their team. Submission of the online student registration on CRF's website constitutes certification that the status of each participant has been verified.
- L. 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, 9th graders at that school may participate in the Junior Division. Similarly, if a senior high school includes grades 9-12, 9th graders enrolled there may participate in the Senior Division.
- M. Home-schooled students may participate in the Mock Trial program in one of two ways:
  1. As a member of the team at the public school she/he would attend if not home-schooled, or a member of a club team if there is no Mock Trial team at the student's local public school.
  2. As a member of an independent team exclusively composed of home-schooled students.
- N. Two small schools may join together to form a single Mock Trial team if neither school had a pre-existing Mock Trial program. For the purposes of the California Mock Trial program, a "small" school is one with 200 or fewer enrolled students. Such combination teams are eligible to represent their county at the State Finals.
- O. YMCA, Boys and Girls Clubs, and other similar organizations are eligible to form Mock Trial teams at the discretion of the county coordinator. Team members may not have Mock Trial teams at their school of attendance.

## **Rule 2.2 — Team Composition**

- A. Teams may have between 8 to 25 team members. The maximum number of official team members includes alternates but does not include artists or journalists. All team members must be registered on CRF's website and those registered will be your official team roster.
- B. We encourage you to use the maximum number of students allowable, especially at schools with large student populations.
- C. Team Structure — Involvement of all possible team members in the presentation of the case is reflected in the team performance/participation score.
- D. As much as possible, team members are to evenly divide their duties.
- E. We encourage you to use the maximum number of student attorneys (when possible). 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.
- F. We also encourage you to involve as many students as possible in support roles, such as researchers, understudies, and photographers.
- G. The maximum number for each role is below:
  - 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 student limit. Only two courtroom artist per county may compete at the state competition. (Note that 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 student limit. Up to two courtroom journalist from each county may compete at the state competition (Note that winner of the state competition does not compete at the national competition).

### **Rule 2.3 — Team Withdraw**

- A.** Any team that withdraws from a local or state competition will receive a partial monetary refund only if the county coordinator is notified in writing by a date established by the coordinator and if no date is specified, two weeks before the day of the first round of competition.

### **Rule 2.4 — Wild Card Teams**

- A.** If there are an odd number of county championship teams attending the State Finals, a wild card team from a county will be selected randomly. The wild card team will be full participants and eligible for team awards. The same registration fees and forms are required for the wild card team. All counties will have the opportunity to submit to CRF their second place team to serve as a possible wild card at the time of first-place team registration. At the local level, the county coordinators determine substitute team procedures.
- B.** At the Los Angeles county competition, if there are an odd number of teams present for any given round, CRF staff will locate a substitute team. The substitute team will be the defense or prosecution team from an existing competing team. Substitute team's scores will be for practice purposes only and will not count towards their team's win/loss record or percentages. The scores from the trial will count for the opposing team and will be added to the team's win/loss record and percentages. The substitute team will not pay a register fee nor will they be eligible for awards.

### **Rule 2.5 — Awards**

- A.** At the State Finals, awards will be given as follows:
- Prosecution pretrial attorneys – 2 awards
  - Defense pretrial attorneys – 2 awards
  - Prosecution attorneys – 3 awards
  - Defense attorneys – 3 awards
  - Prosecution witnesses – 4 awards
  - Defense witness – 4 awards
  - Clerk – 1 award
  - Bailiff – 1 award
- B.** At the State Finals, the top eight teams will receive medals.
- C.** In Los Angeles County only the top two teams will receive medals. Additionally, the quarterfinalist will receive ribbons and all nominated students will receive honorable mention certificates.

## **The Trial**

### **Rule 3.1 — The Case**

- A.** The case packet 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. Witnesses may draw reasonable inferences from the facts that do not materially impact the case.
- C.** Stipulations may not be disputed at trial.
- D.** Stipulations will be considered part of the record and already admitted into evidence.
- E.** Stipulations and charges will not be read into the record.

### **Rule 3.2 — Physical Evidence**

- A.** The prosecution team must bring to each trial, the physical evidence listed under the heading “Physical Evidence” in the case materials. All reproductions can be as small as 10½ x 7¼ but no larger than 22 x 28 inches. If the prosecution team fails to bring physical evidence to court, it may be reflected in the team performance/participation.
- B.** No other physical evidence 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.
- C.** Procedures for introducing items into evidence are provided for in the case packet.
- D.** Whether a team introduces, uses, and moves the physical evidence into evidence is entirely optional, but all physical evidence must be available at trial for either side to use.
- E.** Evidence should not be altered in any way. It is not permitted to mark on the exhibits.
- F.** The use of electronic or light projected aids is prohibited.
- G.** The official diagrams establish only relative positions. Because the scale (if any) is approximate, the diagrams cannot be used to definitively establish distances. The issue of distances should be based on the witnesses’ testimony and is a matter of fact for presiders.

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

- A.** Once the trial has begun, coaches, teachers, alternates and spectators shall not talk to, signal communicate with or coach their teams during trial.
- B.** The only communication allowed during the trial is between trial attorneys.
- C.** The defendant may sit at counsel table and communicate with the defense attorneys. All communication must be non-disruptive to the trial.
- D.** Pretrial attorneys may not sit with the trial attorneys and may not communicate with the trial attorneys at any time.
- E.** Once the trial has begun, there must be no spectator contact with student team members, whether in the hallway or the courtroom.
- F.** There will be an automatic deduction of five points per score sheet if the presider finds that this rule (3.3) has been violated.

### **Rule 3.4 — Witnesses**

- A.** Although witnesses are excluded from the trial proceedings in actual trials, for educational purposes, witnesses in the Mock Trial competition will remain in the courtroom for the entire trial. Witnesses will sit in designated seating at the front of the courtroom.
- B.** Witnesses may not testify or respond to another witness’ testimony.
- C.** The fact situation, witness statements, stipulations and exhibits, are the official case materials and make up the sole source of information for testimony.
- D.** Unless otherwise stated, attorneys may not solicit information from a witness that requires the witness to testify to information from another witness’ statement or information not included in their own statement.
- E.** The witness statements contained in the 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 or fact situation using the procedures as outlined in the case packet.
- F.** Because this is a mock trial, witnesses may not be treated as hostile witnesses.
- G.** All witnesses must be called. If the direct examination attorney 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 attorney 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.

- 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.

### **Rule 3.5 — 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' testimony.
- B. 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.
- C. 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**

Example: 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**

Example: 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' answer are attempting to create a material fact.

- D. 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.

### **Rule 3.6 — 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. If a witness creates a material fact, the attorney from the opposing team may refer to a special objection listed in the case packet under Mock Trial Simplified Rules of Evidence, "Creating a Material Fact (CMF)."
- C. Interpretation and enforcement. If an attorney believes a material fact was created, the attorney can make a special objection listed in the case packet under Mock Trial Simplified Rules of Evidence, "Creating a Material Fact (CMF)." The presider determines if the fact was material and will rule on the objection accordingly.
- D. Possible rulings by a presider include:



- No creation of material fact has occurred.
- There was a creation of a fact that could materially alter the case and therefore not allowed.
- There was a creation of a fact but it is a reasonable inference that is not material to the case.

### **Rule 3.7 — Attorneys**

- A.** The Prosecution gives the opening and closing statements first.
- B.** Attorneys may conduct re-direct examination when appropriate. No re-cross-examination is allowed. Witnesses may not be recalled to the stand.
- C.** The attorney who conducts the direct examination of a witness is the only person allowed to make objections to the cross examination of that witness. The attorney who conducts the cross-examination of a witness is the only person allowed to make objections during the direct examination of the witness. Points may be deducted for objections made by the wrong attorney.
- D.** Attorneys may use notes while presenting their cases. Witnesses are not allowed to use notes when testifying.
- E.** The Mock Trial competition proceedings are governed by the California Mock Trial Simplified Rules of Evidence in the case packet. Only specified types of objections will be recognized in the competition. Other rules may not be used at the trial.
- F.** Legal motions not outlined in the official materials will not be allowed.
- G.** There are no objections allowed during opening statements or closing arguments. (It will be the presider's responsibility to handle any legally inappropriate statements made in the closing, while scorers will also keep in mind the closing argument criteria.) Points may be deducted for objections made during opening statements or closing arguments.
- H.** At the State Finals and Los Angeles County competition, there will be 30 seconds provided at the end of the pretrial and at the end of the trial for team members from each performing team, to confer with the team's attorney coach and teacher sponsor to discuss any trial irregularities.
- I.** If there are any irregularities regarding the rules of the competition, which the team would like the presider and scorers to be aware of, one member will have 30 seconds to orally note the irregularities to the court. Coaches may not directly make arguments on behalf of the team.
- J.** Teams arguing a violation of the rules must be able to point to specific incident(s) of the misconduct and be able to cite to the presider, the corresponding violation in the team rulebook and or case packet.
- K.** The presider will hear the alleged violation and rule on the violation, the presider's decision will be the final.
- L.** If the presider determines a violation exists and there is not a specified deduction outlined in the team rulebook, the presider will direct the scoring attorney's to take the violation into consideration. The scoring attorneys will use their discretion to determine individually how many points (if any) will be taken off their score sheet.
- M.** This rule should be used for substantial rule violations and should not to be used to argue additional points of law or rebut opponent's closing argument.
- N.** This time should not to be used to argue additional points of law or rebut opponent's arguments. Regarding questions of rule violations, the presider's decision will be the final.

### **Rule 3.8 — 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.** The defense will argue the pretrial motion first.
- B.** 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 presider to clarify their position(s).
- C.** No objections are allowed during pretrial arguments. Points may be deducted for objections made during pretrial arguments.

- D. In order to present a position in the most persuasive manner, students should carefully review and become familiar with the materials provided in the mock trial case materials.
- E. Additional background research may supplement their understanding of the issues at hand, but such supplemental materials may not be cited in arguments.
- F. No written pretrial motion memoranda may be submitted at trial.
- G. The pretrial motion, motions entering exhibits into evidence and motion to strike testimony are the only motions allowed. All other motions are prohibited. If a motion is made that is not listed in this section, two points will automatically be deducted from the team's total performance score.

**Rule 3.9 — Clerks/Timing**

- A. The Mock Trial Competition involves timed presentations. In Los Angeles County and at the State Finals, the clerk and unofficial timer must bring a stop watch or other timing device and a time sheet to each trial. The time sheet can be downloaded from CRF's website.
- B. The clerks may only use the time cards from CRF's website, printed out on white paper (card stock recommend but not necessary). In Los Angeles County and at the State Finals, teams must use the laminated time cards provided by CRF (which will be distributed by the presider). The time cards must be returned to the presider after each trial. The time cards will be printed with:
  - 2 minute
  - 1 minute
  - 30 seconds
  - Stop
- C. Modifications of time intervals are not permitted.
- D. Running of another team's time is not allowed. One team's unreasonable running of the opposing team's time is inappropriate. If the presider determines there has been an unreasonable running of time, the witness may be admonished by the presider and the presider may direct the scorers to deduct 1 point from the offending witness' score.
- E. Each team will have 40 minutes to present its case, including the pretrial motion. If no pretrial motion is presented, total time is 34 minutes. Time limits for each section are as follows:
  - Pretrial Motion (4 minutes)
  - Rebuttal (2 minutes)
  - Opening/Closing Arguments (9 minutes)
  - Rebuttal (1 minute)
  - Direct/Re-direct
  - Examination (14 minutes)
  - Cross-Examination (10 minutes)
- F. The clock will be stopped when:
  - witnesses are called to the stand
  - attorneys make objections
  - presiders questions attorneys and witnesses
  - presiders offer their observations.
- G. 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.
- H. Teams may divide:
  - 9 minutes for opening statement and closing arguments
  - 14 minutes for direct and re-direct examination, and
  - 10 minutes for cross-examination as desired
 (The time may be utilized however they choose, but the maximum allowable totals for each category must be observed.)
- I. 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.

- J. Two-minute, one-minute and 30 second visual warnings must be given before the end of each category. The clerk will automatically stop students (both visually and verbally) at the end of the allotted time for each section. Thus, there will be no allowance for overtime.
- K. Any team member of the team presenting defense may serve as an unofficial timer. This unofficial timer must be identified before the trial begins. To avoid timing issues, both the official and unofficial timers must sit next to each other during the trial.
- L. If timing variations occur 15 seconds or more at the completion of any task during the trial, the timers will notify the judge immediately that a time discrepancy has occurred. Any time discrepancies less than 15 seconds are not considered a violation. No time discrepancies will be entertained after the trial concludes. The judge shall determine whether to accept the clerk's time or make a time adjustment.
- N. At the end of the pretrial motion and the trial, the clerk will time the 30-second rule.
- O. The presider and attorney scorers will be allowed 10 minutes for debriefing. Following the verdict, the clerk will begin timing the debriefing. The clerk will provide the presider and attorney scorers with a 2 minute, 1 minute, 30 second visual warnings and will automatically stop (both verbal and visual) the debriefing.
- P. The clerk will not be scored on timing the debriefing, consultations, and any formal presentations regarding irregularities. No extensions of time will be granted.

## **Rules**

### **Rule 4.0 — Rule Interpretation**

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

## **Judging and Team Advancement**

### **Rule 5.1 — Finality of Decisions**

- A. All decisions of the presider and scoring attorneys are final.

### **Rule 5.2 — Judging Panel**

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

### **Rule 5.3 — Evaluation**

- A. Each scoring attorney will use the evaluation and scoring criteria to assign a numerical value (1-5) to individual and team presentations. Note that closing statement and pretrial arguments are weighted twice as much as other categories.

### **Rule 5.4 — 0-5 Point Scale**

- A. Students are to be rated on the five-point scale for each category according to the criteria appropriate to each presentation.
- B. Scoring attorneys should consider a “3” 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 attorney is scoring the individual presentation in each category.
- F. The scoring attorneys is not evaluating the legal merits of the case.

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

- A. Team rankings are based on the win-loss and percentage system in an effort to eliminate the artificial highs and lows inherent in any numeric scoring system. Individual counties are free to implement this scoring system or another of their choice.
- B. Round one assignment will be random. Round two assignments will be based on a power matching system.
- C. In an event of a tie, the winning team will be determined by the official presider tie breaker ballot.
- D. Teams will be ranked by the following order:
- 1) First by Win/Loss Record- determined by the total number of raw points given in the trial. For example:
    - Team “A” has a total of 187 raw points.
    - Team “B” has a total of 176 raw points.
    - The winner of the trial is Team “A” with 187 raw points
  - 2) Percentage-After the raw points are calculated to determine a winner; the raw points are converted into a percentage to rank the team in their bracket. Given the example above:
    - Team “A’s” raw points are added to team “B’s” raw points to determine the total amount of points given at the trial:  
 $187 \text{ (Team A raw points)} + 176 \text{ (Team B raw points)} = 363 \text{ raw points}$
    - Team A’s raw points are divided by the total points to get a percentage  
 $187/363 = 51.52\%$
    - Team B’s raw points are divided by the total points to get a percentage  
 $176/363 = 48.48\%$
- E. Brackets for power matching purposes will be separated first by win/loss record and second by percentages.
- F. If a bracket is equal to or greater than twelve (12) the bracket will be split in half to create two sub-brackets for power matching purposes. Sorting within the power matching bracket will be done in the following order:
- 1) Win/loss record and
  - 2) Percentages
- The team with the highest number of wins and percentage within a bracket, will be matched with a team will be matched with the team with lowest percentage within the bracket, the next highest with the next lowest and so on until all teams are paired.
- G. If there is an odd number of teams in a bracket, the team at the bottom of that bracket will be matched with the top team from the next lower bracket.

## H. Final Rankings

To determine the teams ranked 3<sup>rd</sup>-8<sup>th</sup> place, CRF will take the final rankings after round 4. The teams will be ranked:

- 1) First by the most wins and
- 2) Second by the highest cumulative percentages.

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

I. Teams will not meet the same opponent twice.

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

### **Rule 5.6 — Championship Trial**

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

B. The team with the letter/numerical code (which ever comes first alphabetically or numerically), will be considered the “Designated team”

C. If the coin comes up head's, the designated team shall represent the prosecution in the championship round. If the coin comes up tails, the designated team shall represent the defendant.

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

- Presiders are encouraged to challenge the attorneys with questions about the case law during pretrial arguments.
- No objections are allowed during pretrial arguments. Points may be deducted for objections made during pretrial arguments.
- The hearing is called to order.
- The presider asks the defense to summarize the arguments made in the motion. The defense has four minutes. The presider may interrupt to ask clarifying questions. The time spent answering the presider's questions is not included in the four-minute time limit.
- The presider asks the prosecution to summarize the arguments made in the motion. The prosecution has four minutes. The presider may interrupt to ask clarifying questions. The time spent answering the presider's questions is not included in the four-minute time limit.
- The presider offers the defense two minutes of rebuttal time. The rebuttal time is used to counter the opponent's arguments. It is not to be used to raise new issues.
- The presider offers the prosecution two minutes of rebuttal time.
- At the end of the oral arguments, before ruling, the presider asks students if they would like 30 seconds to consult with teacher/attorney coaches regarding any trial irregularities.
- The presider will rule on the motion and begin trial.

### **Summary of Trial Procedures**

- Attorneys present physical evidence for inspection.
- Presider states charges against defendant.
- Prosecution delivers its opening statement. No questioning during opening statements.
- Defense may choose to deliver its opening statement at this point or may wait to open after the prosecution has completed its case in chief.
- Prosecution calls its witnesses and conducts direct examination.
- After each prosecution witness is called to the stand and has been examined by the prosecution, the defense cross-examines the witness.
- After each cross-examination, prosecution may conduct re-direct examination of its own witnesses if necessary.
- After prosecution presents all its witnesses, defense delivers its opening statement (if it did not do so earlier).
- Defense calls its witnesses and conducts direct examination.
- After each defense witness is called to the stand and has been examined by the defense, the prosecution cross-examines the witness.
- After each cross-examination, defense may conduct re-direct examination of its own witnesses if necessary.
- Prosecution gives its closing argument, and then defense presents its closing arguments. No questioning during closing arguments.
- Prosecution and defense present rebuttal arguments.
- At the end of the trial before ruling, the presider asks students if they would like 30 seconds to consult with their teacher/attorney coaches regarding any trial irregularities.
- Presider deliberates, announces verdict in court, and conducts a short debrief of the trial with the scoring attorneys (not to exceed 10 min.)

## Evaluation Criteria

<b>Pretrial Motion (X2)</b>	
<ul style="list-style-type: none"> <li>• Clear and concise presentation of issues and appropriate use of case materials.</li> <li>• Well-developed, reasoned, and organized arguments.</li> <li>• Solid understanding of legal reasoning behind the arguments.</li> </ul>	<ul style="list-style-type: none"> <li>• Responded well to presider's questions and maintained continuity in argument.</li> <li>• Effective rebuttal countered opponent's argument.</li> </ul>
<b>Opening Statement</b>	
<ul style="list-style-type: none"> <li>• Provide a case overview</li> <li>• Theme/Theory of the case was identified</li> <li>• Mention the key witnesses</li> </ul>	<ul style="list-style-type: none"> <li>• Discuss burden of proof</li> <li>• State the relief requested</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 effectively responded to the objections made.</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> </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.</li> <li>• Throughout questioning, attorney made appropriate use of time.</li> <li>• Attorney used only those objections listed in the Summary of Evidentiary Objections.</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>• Attorney did not make unnecessary objections.</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> </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> </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> </ul>
<b>Closing Arguments (x2)</b>	
<ul style="list-style-type: none"> <li>• Attorney's performance 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> </ul>	<ul style="list-style-type: none"> <li>• 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> </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 her/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 Performance</b>	
<ul style="list-style-type: none"> <li>• Team members were courteous, observed general courtroom decorum, and 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 Team members demonstrated cooperation and teamwork.</li> <li>• The teachers and attorney coaches displayed good sportsmanship.</li> </ul>

## Guidelines for (0-5) Scoring

The following are general guidelines to be applied to each category on the score sheet. It is strongly recommended that scorers use "3" as an indication of an average performance, and adjust higher or lower for stronger or weaker performances.

### 0 — PENALTY

- Failure to cross-examine a witness
- Failure to conduct direct examination of a witness
- Can apply only to rule violations that specify a zero score

### 1 — FAR BELOW AVERAGE (UNACCEPTABLE PERFORMANCE)

- Disorganized
- Communication is minimally clear and disorganized and ineffective.
- Inadequate preparation and poor understanding of case and legal procedure
- Poor presentation
- Inadequate legal knowledge or understanding of role
- Weak or inaudible voice
- Disruptive or disrespectful during trial

### 2 — BELOW AVERAGE (FAIR, WEAK PERFORMANCE)

- Some organization
- Some preparation and some understanding of case and legal procedure
- Awkward presentation
- Demonstrates some legal knowledge or some understanding of role
- Stronger voice needed
- Invents material facts and repeatedly stumbles over responses
- Needs more work on poise and delivery

### 3 — AVERAGE (MEETS REQUIRED STANDARDS)

- Communication is clear and organized but could be stronger in fluency and persuasiveness.
- 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
- Needs more spontaneity and persuasiveness
- Can think on their feet but exhibits less confidence than with the script.

### 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
- Clear mastery of case materials
- Communication is clear, organized and persuasive.
- Mostly believable performance
- Easily audible voice

### 5 — EXCELLENT (EXCEPTIONAL PERFORMANCE)

- Superior in qualities listed in above average presentation.
- 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
- Polished