

## Mock Trial Scoring Guidelines

Scoring is a subjective process. The most important consideration in scoring is that the ultimate scores reflect the relative differences in the performances of the two teams being scored. Please consider the following guidelines to assist you in scoring each participant:

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### 5 Outstanding

- Demonstrates superior ability to think on his/her feet
- Thorough knowledge of case facts and legal procedure
- Questions/answers almost always advance theory of the case
- Resourceful, innovative and original approaches
- Extraordinary but realistic portrayal (not overly rehearsed or memorized)
- Strong voice and significant eye contact; polished presentation
- Examples:
  - Pre-Trial Attorneys – Argument is extremely well organized; demonstrates complete knowledge of relevant facts and related cases; makes frequent, on-point analogies; distinguishes unfavorable cases; answers questions from judge directly and thoroughly; easily moves back into argument
  - Trial Attorneys – Clear, concise questioning that goes to the heart of key issues; proper objections followed (where applicable) by strong argument; strong response to objections by opponents; little, if any, reliance on notes
  - Witnesses - Answers questions on direct examination reflecting complete knowledge of facts; only concedes points on cross examination when he/she has to, but without appearing obstructionist or unnecessarily wasting opponents time
  - Clerk/Bailiff – Accurate time keeping; immediately provides “time remaining” when requested; efficiently calls witnesses to stand and swears them in properly; thoroughly familiar with competition rules

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### 4 Very Good

- Demonstrates good understanding of case facts and legal procedure
- Questions/answers mostly advance theory of case
- Demonstrates some spontaneity in mostly believable performance
- Easily audible voice with frequent eye contact; smooth presentation
- Examples:
  - Pre-Trial Attorneys – Argument is organized and well thought out; demonstrates good knowledge of facts and related cases; makes several analogies and distinctions thereto; answers questions from judge well; moves back into argument well
  - Trial Attorneys – Ask good questions of witnesses; able to make reasonable offers off proof regarding objections; minimal reliance on prepared materials (less than 25%)
  - Witnesses - Answer questions easily on direct examination, reflecting good knowledge of facts; concede points on cross examination when pushed; demonstrates an above average knowledge of the witness statement
  - Clerk/Bailiff - Accurate time keeping; in minimal time provides “time remaining” when requested by attorneys; calls witnesses to stand and swears them in properly

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### 3 Good

- Preparation demonstrates basic understanding of case facts and legal procedure
- Audible voice and some eye contact
- Ordinary presentation with significant reliance on prepared material
- Examples:
  - Pre-Trial Attorneys – Demonstrates fair knowledge of facts presented by instant motion; average knowledge of related cases; makes very few analogies and distinctions to other cases; demonstrates some difficulty answering questions from judge; struggles to move back into argument

- Trial Attorneys – Ask reasonable questions and make reasonable objections; struggle to make offer of proof when pushed regarding objections; significant reliance on prepared written materials (as much as 50%)
- Witnesses - Answer most questions properly on direct examination; concede points quickly on cross examination
- Clerk/Bailiff - Accurate time keeping; provides “time remaining” when requested by attorneys after performing calculations; calls witnesses to stand and swears them in properly, but blandly

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Fair

- Some organization but minimal preparation and awkward presentation
- Poor demonstration of knowledge of case facts and legal procedure
- Weak voice and little eye contact (very heavy reliance on prepared written materials)
- Examples:
  - Pre-Trial Attorneys – Argument is not well organized or well articulated; struggles with facts of the instant case; demonstrates little if any knowledge of related cases; makes little or no references to other cases in argument; struggles to provide any answers to questions from judge; awkward transitions from questioning back to argument
  - Trial Attorneys – Struggle to ask coherent questions that advance the case; struggle to provide offer of proof when questions objected to; presentation is more than 90% reading of prepared material – no thinking on one’s feet
  - Witnesses - Unable to answer questions; poor knowledge of witness statement; answers mostly impeached due to witnesses lack of knowledge; obvious stalling of time/asking attorney to re-ask reasonable questions
  - Clerk/Bailiff - Significant dispute(s) over time keeping; Unable to timely provide attorneys with “time remaining” when requested; speaks in low voice; swears witnesses in awkwardly; speaks softly; oath not clearly memorized

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Poor

- Grossly incomplete and disjointed presentation
- Disorganized
- Wholly inadequate preparation, demonstrating little or no understanding of case facts and legal procedures
- Inaudible voice and little or no eye contact (complete reliance on prepared materials)
- Disruptive or disrespectful behavior during trial
- Examples:
  - Pre-Trial Attorneys – Argument demonstrates no organization; no knowledge of relevant facts or case law demonstrated; inaudible presentation
  - Trial Attorneys – Ask questions that do not make sense or are completely objectionable; reading from prepared materials in a low voice; no eye contact
  - Witnesses - Unable to answer most questions; incomprehensible answers when answers provided; little if any knowledge of witness statement; obvious stalling of time/asking attorney to re-ask reasonable questions
  - Clerk/Bailiff - Unable to provide attorneys with “time remaining” without significant delay and interruption to trial; Unable to swear witness in using prepared oath; disruptive to trial; inaudible swearing in of witness

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Penalty/Rule Violation

- Failure to call a witness on direct (“0” for witness performance of each witness not called and “0” for direct examination of each witness not called; cross exam automatically awarded “5”) Rule 3.3(G).
- Failure to conduct cross examination of a witness (“0” cross examination attorney score for each witness not able to cross if cross). Rule 3.3(H).
- Other rule violation as directed by Judge