

California Mock Trial Program 2016-2017 Attorney Handbook



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

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Mock Trial Attorney Packet

Dear Mock Trial Volunteer,

Thank you once again for your willingness to support Mock Trial. This program could not be run successfully without your help. In order to assist you in your volunteer efforts, please review the information contained in this packet.

This packet is a modified version of the 2016-2017 Judge/Attorney Handbook issued by the organization that runs the state-wide California Mock Trial competition and includes information specific to the Orange County Mock Trial competition.

If you have questions about any of these materials, please feel free to contact me.

With many thanks,

Theresa Bernard
CRF-OC Program Manager



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Introduction

Thank you for agreeing to serve as an attorney scorer or judge for the Constitutional Rights Foundation's California Mock Trial program. The program reaches over 8,000 students from around the state and involves thousands of members from the bar and bench. As a volunteer, you are an invaluable part of an extraordinary learning experience for California's young people.

Students have labored for months preparing this year's case and they value your comments and scoring of their presentations. Your role as a mock trial volunteer is critical to creating 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.

Instructions for Attorneys and Judges

Before the competition, please review:

- ♦ Facts
- ♦ Pretrial Materials (Only applicable to high school trials)
- ♦ Witness statements.
 - **Presiders**—review the presider script and California Mock Trial Rules of Evidence.
 - **Scoring attorneys**—review the evaluation and scoring criteria in this packet. When filling out score sheets, **make your decisions independently**. There should be no conferring with other attorney scorers.

Attorney Scorers: Generally, your role is to numerically score the presentation based on the criteria in this handbook (see pages 14-17). You will also be asked to provide positive and constructive comments to students at the conclusion of the trial.

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 13), and ruling on competition violations and announcing a verdict. Remember, the verdict is independent of which team may have won/lost the trial.

Orange County Mock Trial Volunteer Instructions

Procedural Reminders

- ☐ Opening/Closing Statements: No objections should be allowed during opening/closing statements.
- ☐ Objections: Only the attorney who conducts direct examination on a witness may raise an objection during cross-examination of that witness.
- ☐ Cross-examination: Because mock trial attorneys are not permitted to call opposing witnesses as their own, the scope of cross-examination is not limited to issues raised on direct examination.
- ☐ Witnesses: There are 4 witnesses for each side and all witnesses **MUST** be called during the trial. If a team fails to call all 4 witnesses for direct examination, the team automatically receives zero (0) points for direct examination and zero (0) points for witness performance of the uncalled witnesses, and the opposing team receives ten (10) points for cross-examination of the uncalled witness.
- ☐ Testimony: A witness may testify to any matter directly stated or reasonably inferable from the fact situation and her/his witness statement. Please review "unfair extrapolation" discussion included in your packet.

Scoring

- ☐ Please give a score for every item. Do not leave blanks! Please fill in bubbles as completely as possible.
 - Students are to be rated on the ten-point scale for each category according to the criteria appropriate to each presentation (bailiffs and clerks are scored on a 0-5 scale).
 - Scorers should consider a "5" as a starting point and move up or down based on the presentation.
 - **Scorers are not evaluating the legal merits of the case.**
- ☐ Make all scoring decisions independently.
- ☐ Remember that the following scores are weighted: Closing Argument score x2 and Pretrial Motion score x2.
- ☐ All accents and gender references should be disregarded for scoring purposes.
- ☐ Team Performance/Participation Score: Consider how attorneys, witnesses, and clerk or bailiff work together for a smooth trial presentation. Ethical behavior and good sportsmanship should also be included in this score.
- ☐ Rule Violations
 - This is a bench trial. The presider will determine if a rule was, in fact, violated. Her/his word is final.
 - Unless a specific point deduction for a particular infraction is provided in the rules, each scorer will determine the appropriate amount of deduction (if any) individually.
 - 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.
 - This is not a drama competition. While witnesses need to create an interesting character, excessive 'acting' to the detriment of the overarching purpose of the competition should effect scoring.
- ☐ **PLEASE DO NOT RELEASE SCORES AT THE TRIAL.**

Team Roster/Awards

- ☐ You should receive a copy of the roster from both the Prosecution and Defense teams for each trial you score. A sample of the "Team Roster/Award Nomination Form" is included in this packet. See page 20.
- ☐ You may use the space provided on this form to leave comments for the students. Teachers and attorneys coaches will be sent a copy of any comments you provide.
- ☐ The roster also serves as an award nomination form. The nomination forms should be returned to the judge at the end of each round. The nominations are tallied for each student role (pre-trial attorneys, attorneys, witnesses, bailiffs, and clerks). The winners are announced in January and students will receive their award at the Mock Trial Awards Reception on February 9, 2017.

Conclusion

- ☐ Immediately following the verdict (*before debriefing*), scorers should hand score sheets to the presider. The presider submits score sheets and other trial paperwork to CRF-OC personnel.
- ☐ The presiding judge and scoring attorneys will have 10 minutes to debrief the students. Please be prepared to provide appropriate constructive criticism for each team.

Summary of Pretrial Motion Procedures

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. Points should be deducted for objections made during pretrial arguments.**

1. The hearing is called to order.
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.
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.
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.
5. The presider 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 presider asks students if they would like 30 seconds to consult with teacher/attorney coaches regarding any trial irregularities.
7. The presider 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 presider asks students if they would like 30 seconds to consult with their teacher/attorney coaches regarding any trial irregularities.
15. Presider deliberates, announces verdict in court, and conducts a short debrief of the trial with the scoring attorneys (not to exceed 10 min.)

General Tips for Attorney & Judge Volunteers

Do's:

- Do** be fair.
- Do** try to help the students relax. Remember this is supposed to be a positive educational experience for them.
- Do** offer a few words of encouragement or insight into the trial process before the trial begins. This will help put the students at ease, and by emphasizing the educational, rather than the competitive aspects of the mock trial, you will help to bring the experience into proper perspective.
- Do** give positive and constructive feedback at the conclusion of the trial.

Don'ts:

- Do not** lecture the students.
- Do not** ask students to comment on cases, trial procedures or information not included in the case packet.
- Do not** give negative comments.
- Do not** announce a winner.

Please Keep in Mind...

- Mock trial students take their work and efforts very seriously. Judges and attorneys should be equally as serious about their roles and responsibilities. You are in a position of great influence with respect to the students' evaluation of their work and themselves.
- Your comments are very important to the students who participate, so please be positive and constructive. Students are likely to take such comments to heart. Being mindful that the participants are middle school or high school students and not college or law students, and that mock trial is a law-related education function; judges/attorneys should strive to educate and inform participants as well as to give them advice on improving their presentations.

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

Important Excerpts from the Team Rule Book

Administrative

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 1.3 Trial Procedures

- A. The mock trial is a bench trial; participants may 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. Orange County teams will be identified by their school name.
- D. All participants are required to wear appropriate courtroom attire. Spectators are permitted to wear clothing that identifies their school.
- E. Teacher coaches, attorney coaches, and spectators are to remain in the courtroom throughout the trial as much as possible as to not disrupt the trial.
- F. Teams are required to submit team rosters to the presider, scoring attorneys, and the opposing team. Teams may add student photos to the team roster, but may not add any other information.
- 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 in LA County), 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, cellular phones, or other electronic devices during trials is prohibited.
- N. Other than the exhibits provided in the trial material, no other illustrative aids of any kind may be used.
- O. Props, costumes, and theatrical makeup are prohibited. Costuming includes hairstyles and clothing accessories that are specific to a role in the case. In keeping with the educational philosophy and objectives of the Mock Trial Program, teams should concentrate on presenting the trial in a realistic manner, with witnesses wearing appropriate courtroom attire and using their normal speaking voices. Portrayals of racial, ethnic, and gender stereotypes are inappropriate and should not be used.
- P. Gender-neutral names allow students of either 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.

The Trial

Rule 3.1 – The Case

- B. The fact situation is a set of indisputable facts.
- C. Stipulations may not be disputed at trial.
- D. Stipulations will be considered part of the record and already admitted into evidence.
- E. Stipulations and charges will not be read into the record.

Rule 3.2 – Physical Evidence

- A. The prosecution team must bring to each trial, the physical evidence listed under the heading "Physical Evidence" in the case materials. All reproductions can be as small as the original size of the exhibits found in the case material, but no larger than 22 x 28 inches. If the prosecution team

fails to bring physical evidence to court, it may be reflected in the team performance/participation score.

- B. No other physical evidence will be allowed. All physical evidence and witnesses found in this case, but not made physically available for trial, are unavailable and their availability may not be questioned.
- 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.
- 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. After the pretrial, the 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 ten points per score sheet if the presider finds that any section of 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 Program 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, unless otherwise stated in the stipulations.
- 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 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 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 when testifying.

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 course of the trial. (See Impeachment during Cross-Examination in the case packet.)
- E. If a witness is asked 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.
- F. Attorneys shall not ask questions calling for information outside the scope of the case materials or requesting an unfair extrapolation.
- 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.
- J. Point deduction(s) should be considered for individual scores of participants who make unfair extrapolations or ask questions that call for unfair extrapolations. 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 a point or points deducted from their individual scores.
- K. The number of points deducted should be determined by the severity of the extrapolation. If a team has several team members making unfair extrapolations, the offending team’s overall points should also be reduced accordingly.

Rule 3.6 Attorneys

- 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 Orange County), 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 3.7 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 Orange County).

- C. No objections are allowed during pretrial arguments. Points may be deducted for objections made during pretrial arguments.
- 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 3.8 – Clerks and Unofficial Timers

- A. The Mock Trial Competition involves timed presentations. In Orange County, the clerk and unofficial timer must bring a stop watch (no cell phones, tablets, or other electronic devices) 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). At the State Finals (and LA County), 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 have the following time remaining warnings: ***Teams in Orange County must bring their own time cards and use those found on the CRF-OC website.***
 - 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.

- F. The time will be stopped when:
 - witnesses are called to the stand
 - attorneys make objections
 - presiders questions attorneys and witnesses
 - presiders offer their observations or allow for a brief pause to score between each section of the trial.
- G. The time will not be stopped if witnesses are asked to approach the diagram or for other physical demonstrations. Time will not be rounded off.
- J. At the State Finals, two-minute, one-minute, and 30 second visual only warnings must be given before the end of each section. 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.
 - **In Orange County, the clerk will provide a visual warning when two-minutes and one-minute remain for each section. The clerk will provide a visual AND verbal warning when 30-seconds remain and when it is time to stop for each section.**

Rules

Rule 4.1 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 and case material 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 5.3 – 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 (with the exception of 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 attorney is scoring the individual presentation in each category.
- F. The scoring attorneys are not evaluating the legal merits of the case.

California Mock Trial Rules of Evidence

Summary of Allowable Evidentiary Objections

(See Mock Trial Simplified Rules of Evidence of the case packet for more detail)

Remember these are the only objections allowed and are modified for the mock trial competition.

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.”

Evaluation Criteria

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

Evaluation Criteria

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

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:

0 = Penalty/Rule Violation (Nonperformance of required presentation)

1-2 = Very Poor (Unacceptable Performance)

3-4 = Below Average (Fair/Weak Performance)

5-6 = Average (Good/Meets Required Standards)

7-8 = Above Average (Very Good/Solid Performance)

9-10 = Outstanding (Exceptional Performance)

Score	Criteria	Examples
9-10	<ul style="list-style-type: none"> Demonstrates superior ability to think on his/her feet Thorough knowledge of case facts and legal procedure Questions/answers 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 	<p>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</p> <p>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</p> <p>Witnesses: Answers questions on direct examination reflecting complete knowledge of facts, only concedes points on cross examination where he/she has to, but without appearing obstructionist or unnecessarily wasting opponents time</p>
7-8	<ul style="list-style-type: none"> 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 	<p>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</p> <p>Trial attorneys: Asks good questions of witnesses; able to make reasonable offers of proof regarding objections; minimal reliance on prepared materials (less than 25%)</p> <p>Witnesses: Answers questions easily on direct examination, reflecting good knowledge of facts; concedes points on cross examination when pushed; demonstrates an above average knowledge of the witness statement</p>
5-6	<ul style="list-style-type: none"> Preparation demonstrates basic understanding of case facts and legal procedure Audible voice and some eye contact Ordinary presentation with significant reliance on prepared materials 	<p>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</p> <p>Trial attorneys: Asks reasonable questions and makes reasonable objections; struggles to make offer of proof when pushed regarding objections; significant reliance on prepared written materials (as much as 50%)</p> <p>Witnesses: Answers most questions properly on direct examination; concedes points quickly on cross examination</p> <hr/> <p>The Maximum Score for a Clerk: (5) Accurate time keeping; immediately provides "time remaining" when requested.</p> <p>The Maximum Score for a Bailiff (5) Efficiently calls witnesses to stand and swears them in properly; thoroughly familiar with competition rules.</p>

3-4	<ul style="list-style-type: none"> Some organization but minimal preparation and awkward presentation Poor demonstration of knowledge of case facts and legal procedure Weak voice and little eye contact (heavy reliance on prepared written materials) 	<p>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 answer to questions from judge; awkward transitions from questioning back to argument</p> <p>Trial attorneys: Struggles to ask coherent questions that advance the case; makes unreasonable or inappropriate objections; struggles to provide offer of proof when questions objected to; presentation is more than 90% reading of prepared material – no thinking on one’s feet</p> <p>Witnesses: Unable to answer questions; poor knowledge of witness statement; answers mostly impeached due to witness lack of knowledge; obvious stalling of time/asking attorney to re-ask reasonable questions</p> <hr/> <p>Clerk: (4) Accurate time keeping; in minimal time provides “time remaining” when requested by attorneys. (3) Accurate time keeping; provides “time remaining” when requested by attorneys after performing.</p> <p>Bailiff: (4) Calls witnesses to stand and swears them in properly. (3) Calls witnesses to stand and swears them in properly, but blandly.</p>
1-2	<ul style="list-style-type: none"> 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 	<p>Pre-trial attorneys: Argument demonstrates no organization; no knowledge of relevant facts or case law demonstrated; inaudible presentation</p> <p>Trial attorneys: Asks questions that do not make sense or are completely objectionable; reading from prepared materials in a low voice; no eye contact</p> <p>Witnesses: Unable to answer most questions; incomprehensible answers when answers are provided; little if any knowledge of witness statement; obvious stalling of time/asking attorney to re-ask reasonable questions</p> <hr/> <p>Clerk: (2) Significant dispute(s) over time keeping; unable to timely provide attorneys with “time remaining” when requested; speaks in low voice. (1) Unable to provide attorneys with “time remaining” consistently and without significant delay or interruption to trial</p> <p>Bailiff: (2) Swears in witnesses awkwardly; speaks softly; oath not clearly memorized (1) Unable to consistently swear witnesses in using prepared oath; occasionally disrupts the trial; partly inaudible swearing in of witness</p>
0	<ul style="list-style-type: none"> 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 “10”). Rule 3.4(G). Failure to conduct cross examination of a witness (“0” cross examination attorney score for each witness not able to cross). Rule 3.4(H). Other rule violation as directed by Judge 	

MOCK TRIAL SCORE SHEET

Presiding Judge: _____

Attorney Scorer: _____

Presider's Tiebreaker (circle one): **P** **D**

9-10 = Outstanding
3-4 = Below Average

7-8 = Above Average
1-2 = Very Poor

5-6 = Average
0 = Penalty/Rule Violation

PLEASE ENSURE THAT YOU COMPLETE ALL SECTIONS OF THIS FORM, INCLUDING THE BACKSIDE OF THIS PAGE.
IF A SCORE OF 3 OR LOWER IS GIVEN, PLEASE PROVIDE COMMENTS ON THE TEAM ROSTER.

	PROSECUTION	DEFENSE
PRETRIAL X2 (Defense Presents 1st)	0 1 2 3 4 5 6 7 8 9 10	0 1 2 3 4 5 6 7 8 9 10
OPENING STATEMENTS	0 1 2 3 4 5 6 7 8 9 10	0 1 2 3 4 5 6 7 8 9 10
PROSECUTION'S 1ST WITNESS Direct/Re-examination by attorney Witness performance Cross-examination by attorney	0 1 2 3 4 5 6 7 8 9 10 0 1 2 3 4 5 6 7 8 9 10	0 1 2 3 4 5 6 7 8 9 10
PROSECUTION'S 2ND WITNESS Direct/Re-examination by attorney Witness performance Cross-examination by attorney	0 1 2 3 4 5 6 7 8 9 10 0 1 2 3 4 5 6 7 8 9 10	0 1 2 3 4 5 6 7 8 9 10
PROSECUTION'S 3RD WITNESS Direct/Re-examination by attorney Witness performance Cross-examination by attorney	0 1 2 3 4 5 6 7 8 9 10 0 1 2 3 4 5 6 7 8 9 10	0 1 2 3 4 5 6 7 8 9 10
PROSECUTION'S 4TH WITNESS Direct/Re-examination by attorney Witness performance Cross-examination by attorney	0 1 2 3 4 5 6 7 8 9 10 0 1 2 3 4 5 6 7 8 9 10	0 1 2 3 4 5 6 7 8 9 10

SAMPLE

CONTINUE TO NEXT PAGE



	PROSECUTION	DEFENSE
DEFENSE'S 1ST WITNESS Direct/Re-examination by attorney		0 1 2 3 4 5 6 7 8 9 10
Witness performance		0 1 2 3 4 5 6 7 8 9 10
Cross-examination by attorney	0 1 2 3 4 5 6 7 8 9 10	
DEFENSE'S 2ND WITNESS Direct/Re-examination by attorney		0 1 2 3 4 5 6 7 8 9 10
Witness performance		0 1 2 3 4 5 6 7 8 9 10
Cross-examination by attorney	0 1 2 3 4 5 6 7 8 9 10	
DEFENSE'S 3RD WITNESS Direct/Re-examination by attorney		0 1 2 3 4 5 6 7 8 9 10
Witness performance		0 1 2 3 4 5 6 7 8 9 10
Cross-examination by attorney	0 1 2 3 4 5 6 7 8 9 10	
DEFENSE'S 4TH WITNESS Direct/Re-examination by attorney		0 1 2 3 4 5 6 7 8 9 10
Witness performance		0 1 2 3 4 5 6 7 8 9 10
Cross-examination by attorney	0 1 2 3 4 5 6 7 8 9 10	
CLOSING ARGUMENTS X2	0 1 2 3 4 5 6 7 8 9 10	0 1 2 3 4 5 6 7 8 9 10
CLERK	0 1 2 3 4 5	
BAILIFF		0 1 2 3 4 5
TEAM PERFORMANCE & PARTICIPATION	0 1 2 3 4 5 6 7 8 9 10	0 1 2 3 4 5 6 7 8 9 10

SAMPLE

Internal Use Only:

Round #		0	1	2	3	4	5	6	7	8	9
Prosecution Team #		0	1	2	3	4	5	6	7	8	9
		0	1	2	3	4	5	6	7	8	9
Defense Team #		0	1	2	3	4	5	6	7	8	9
		0	1	2	3	4	5	6	7	8	9

PROSECUTION TEAM MOCK TRIAL ROSTER / AWARD NOMINATION FORM

TEAM NAME: Bayside High School

DATE: 11/15/16

ROUND #: 1

COURTROOM #: C24

SCORERS AND PRESIDERS: PLEASE CHECK THE BOXES NEXT TO THE NAMES OF ANY STUDENTS YOU WOULD LIKE TO NOMINATE FOR AN *OUTSTANDING PERFORMANCE AWARD*. THESE NOMINATIONS WILL BE TALLIED FOR THE PRESENTATION OF AWARDS AT THE MOCK TRIAL AWARDS RECEPTION. (NO BOXES SHOULD BE CHECKED WHEN THIS FORM IS GIVEN TO YOU!)

✓ CHECK TO NOMINATE	STUDENT'S ROLE	STUDENT'S NAME
<input checked="" type="checkbox"/>	Pretrial Motion Comments: <u>GREAT USE OF ANALOGIES!</u>	Robert Robertson
<input type="checkbox"/>	Opening Statement Comments:	Sally Smith
<input type="checkbox"/>	Prosecution Attorney: Direct Examination of Prosecution Witness #1 Comments:	John Doe
<input type="checkbox"/>	Prosecution Witness #1: <u>Lin Stark</u> Comments:	Jane Doe
<input type="checkbox"/>	Prosecution Attorney: Direct Examination of Prosecution Witness #2 Comments:	Sally Smith
<input type="checkbox"/>	Prosecution Witness #2: <u>Julian Blake</u> Comments:	Richard Roe
<input type="checkbox"/>	Prosecution Attorney: Direct Examination of Prosecution Witness #3 Comments:	Michael Jones
<input type="checkbox"/>	Prosecution Witness #3: <u>Officer Hayden West</u> Comments:	Sam Gibson
<input type="checkbox"/>	Prosecution Attorney: Direct Examination of Prosecution Witness #4 Comments:	John Doe
<input type="checkbox"/>	Prosecution Witness #4: <u>Dana Greyjoy</u> Comments:	Mason Peterson
<input checked="" type="checkbox"/>	Prosecution Attorney: Cross-Examination of Defense Witness #1 <u>Cameron Aubrey</u> <u>EXCELLENT OBJECTIONS!</u>	<u>John Doe</u>
<input type="checkbox"/>	Prosecution Attorney: Cross-Examination of Defense Witness #2 <u>Devin Tyler</u>	<u>Sally Smith</u>
<input type="checkbox"/>	Prosecution Attorney: Cross-Examination of Defense Witness #3 <u>Frankie Lyman</u>	<u>Michael Jones</u>
<input type="checkbox"/>	Prosecution Attorney: Cross-Examination of Defense Witness #4 <u>Addison Frey</u>	<u>John Doe</u>
<input type="checkbox"/>	Closing Argument Comments:	Michael Jones
<input type="checkbox"/>	Clerk Comments:	Jessica Green

SCORER/PRESIDER'S NAME (PLEASE PRINT): TOM RICHARDSON

SCORER/PRESIDER'S SIGNATURE: [Signature]

DEFENSE TEAM
MOCK TRIAL ROSTER / AWARD NOMINATION FORM

SAMPLE

TEAM NAME: Sunnydale High School

DATE: 11/15/16

ROUND #: 1

COURTROOM #: C24

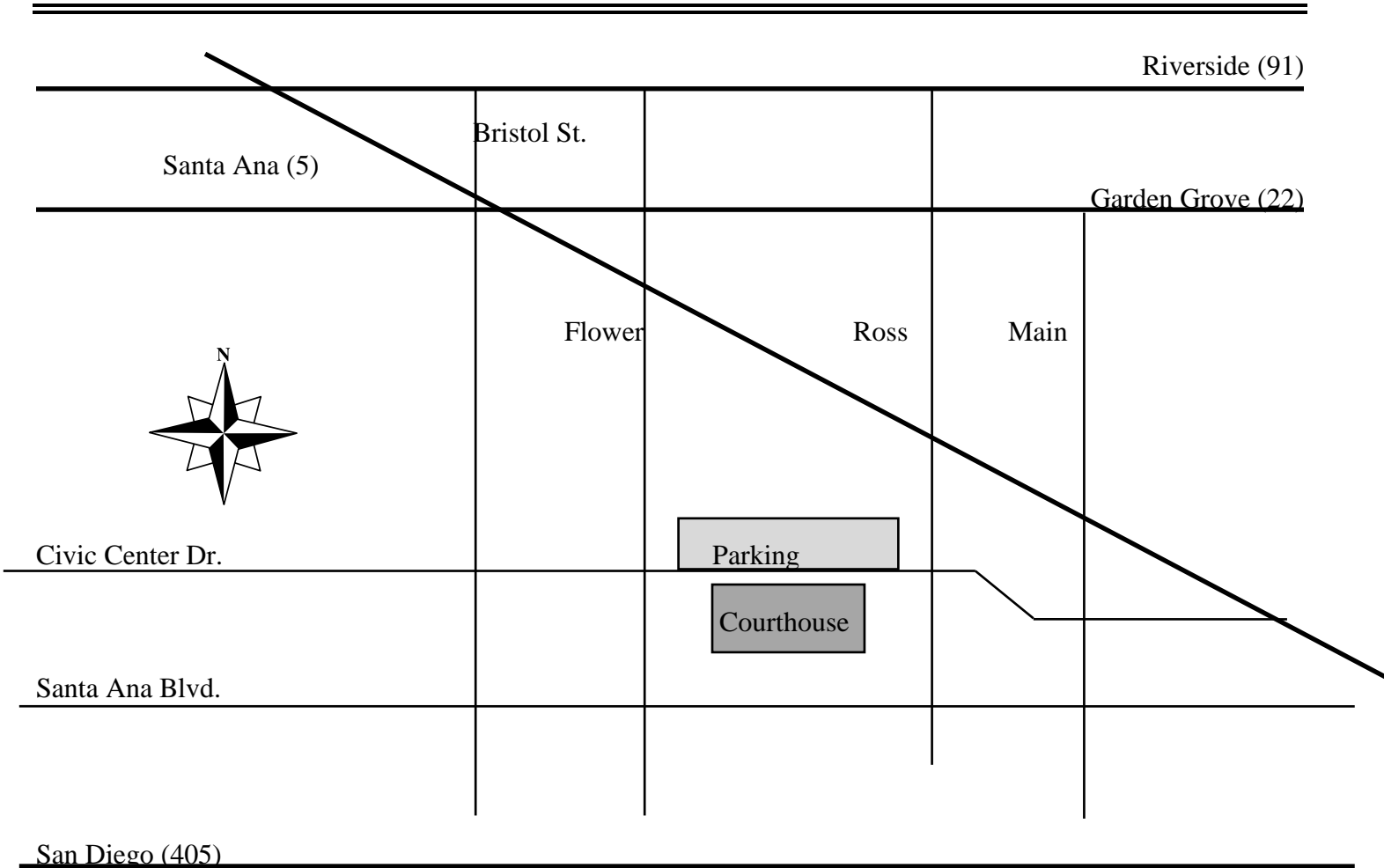
SCORERS AND PRESIDERS: PLEASE CHECK THE BOXES NEXT TO THE NAMES OF ANY STUDENTS YOU WOULD LIKE TO NOMINATE FOR AN *OUTSTANDING PERFORMANCE AWARD*. THESE NOMINATIONS WILL BE TALLIED FOR THE PRESENTATION OF AWARDS AT THE MOCK TRIAL AWARDS RECEPTION. (NO BOXES SHOULD BE CHECKED WHEN THIS FORM IS GIVEN TO YOU!)

✓ CHECK TO NOMINATE	STUDENT'S ROLE	STUDENT'S NAME
<input type="checkbox"/>	Pretrial Motion Comments:	Taylor Chin
<input type="checkbox"/>	Opening Statement Comments:	Sarah Andrews
<input type="checkbox"/>	Defense Attorney: Cross-Examination of Prosecution Witness #1 Comments: <u>Lily stark</u>	<u>William Rogers</u>
<input type="checkbox"/>	Defense Attorney: Cross-Examination of Prosecution Witness #2 Comments: <u>Julian Blake</u>	<u>Lily Thomas</u>
<input type="checkbox"/>	Defense Attorney: Cross-Examination of Prosecution Witness #3 Comments: <u>Hayden west</u>	<u>William Rogers</u>
<input type="checkbox"/>	Defense Attorney: Cross-Examination of Prosecution Witness #4 Comments: <u>Dana Greyjoy</u>	<u>Sarah Andrews</u>
<input type="checkbox"/>	Defense Attorney: Direct Examination of Defense Witness #1 Comments:	William Rogers
<input type="checkbox"/>	Defense Witness #1: <u>Cameron Awbrey</u> Comments:	Becca Bolton
<input type="checkbox"/>	Defense Attorney: Direct Examination of Defense Witness #2 Comments:	Lily Thomas
<input type="checkbox"/>	Defense Witness #2: <u>Devin Tyler</u> Comments: <u>SPEAK LOUDER.</u>	Jessica Myers
<input type="checkbox"/>	Defense Attorney: Direct Examination of Defense Witness #3 Comments:	Sarah Andrews
<input type="checkbox"/>	Defense Witness #3: <u>Frankie Lyman</u> Comments:	Jason Fitter
<input type="checkbox"/>	Defense Attorney: Direct Examination of Defense Witness #4 Comments:	William Rogers
<input type="checkbox"/>	Defense Witness #4: <u>Addison Frey</u> Comments:	Jillian Grey
<input checked="" type="checkbox"/>	Closing Argument Comments: <u>VERY POWERFUL!</u>	Lily Thomas
<input type="checkbox"/>	Bailiff Comments:	Fred Hobert

SCORER/PRESIDER'S NAME (PLEASE PRINT): TOM RICHARDSON
SCORER/PRESIDER'S SIGNATURE: T R

Central Justice Center

700 Civic Center Drive West
Santa Ana, CA 92701



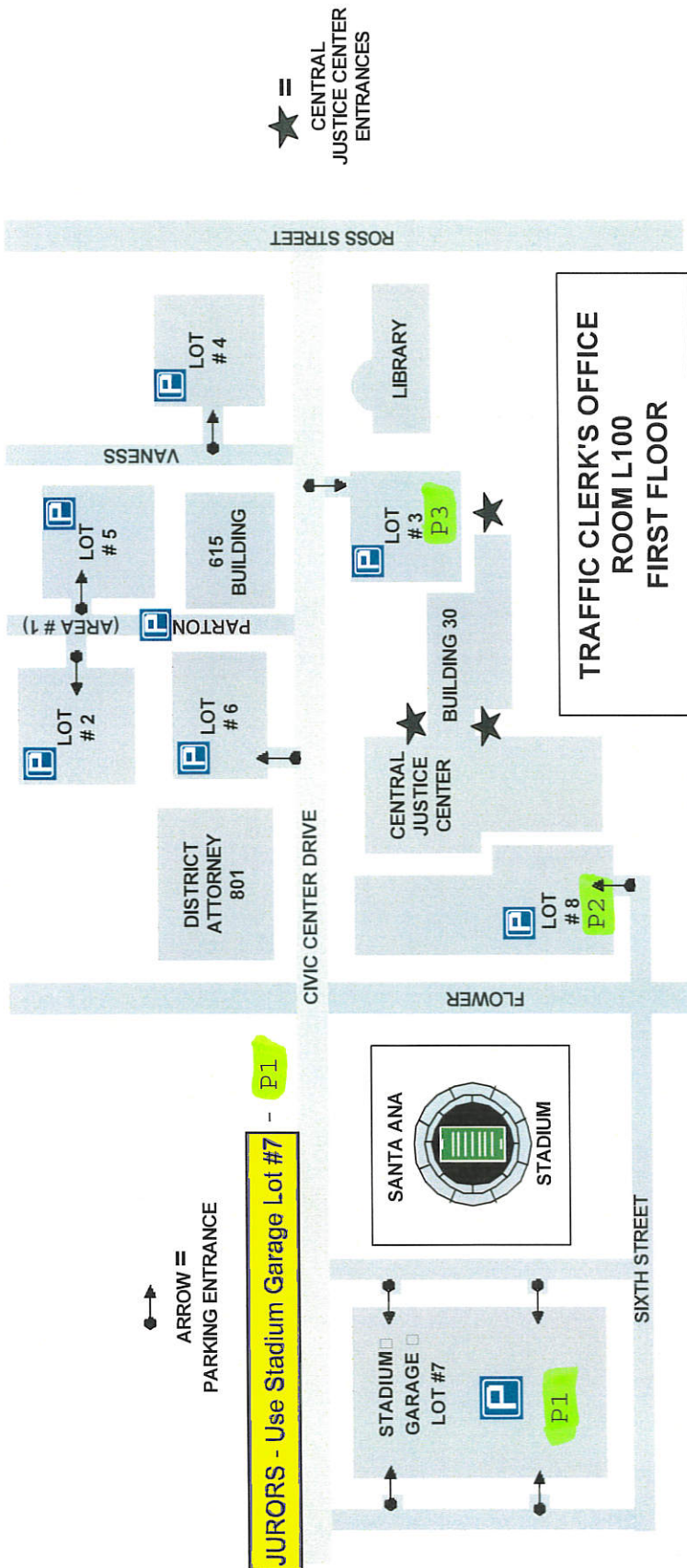
From the North:

5 South
Exit Main Street South
Turn right on Civic Center Drive West

From the South:

5 North
Exit Grand, make a left (West)
Turn right on Santa Ana Blvd.
Turn right on Main Street
Left on Civic Center Drive West

**Recommended parking lot is located on the right-hand side across the street from the courthouse. (May be necessary to pay.)



CENTRAL JUSTICE CENTER PARKING GUIDE

*Rates subject to periodic rate adjustments

AREA #1

CITY METERS
3 min = .5, 6 min =
.10, 15 min = .25

LOT #3

P3 PARKING CONCEPT INC.
690 CIVIC CENTER, WEST
(NEXT TO LIBRARY)
* \$1.50 per 30 min. or
portion thereof
\$20.00 max

LOT #5

DIAMOND PARKING
NEXT TO 615 PARTON
* 0-1 hours \$2.00
0-4 hours \$5.00
0-10 hours \$7.00

P1 LOT #7

STADIUM GARAGE PARKING
* \$1.50 per 60 min. or
portion thereof \$13 max.
Public and Juror Parking Lot

LOT #2

PUBLIC PAY IN ADVANCE
PARKING ALONG PARTON
* 0-2 hours \$5.00
2-4 hours \$7.00
4-8 hours \$10.00

LOT #4

DIAMOND PARKING SERVICE
ACROSS FROM LIBRARY
* 0-2 hours \$5.00
2-10 hours \$10.00

LOT #6

MODERN PARKING INC.
801 CIVIC CENTER DRIVE WEST
* \$1.00 per 20 min.
\$20.00 max.

P2 LOT #8

FLOWER PARKING
(NEXT TO COURTHOUSE)
* \$1.50 per 30 min. or
portion thereof \$20 max.