# California Mock Trial Program
# 2026-2027 Team Rulebook with
# Orange County Appendix

Official Materials for the California Mock Trial Competition
A Program of Teach Democracy

Co-Sponsored by: American Board of Trial Advocates
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Table of Contents


Administration ..... 2
Rule 1.1 — Rules ..... 2
Rule 1.2 — Code of Ethical Conduct ..... 2
Rule 1.3 — School Eligibility ..... 3
Rule 1.4 — Copyright and Plagiarism ..... 4
Rule 1.5 – Scouting ..... 4
Teams ..... 4
Rule 2.1 — Team Eligibility ..... 4
Rule 2.2 — Team Composition ..... 5
Rule 2.3 — Team Withdrawal ..... 6
Rule 2.4 — Wild Card Teams ..... 6
The Trial ..... 6
Rule 3.1 — The Case ..... 6
Rule 3.2— Trial Procedures ..... 7
Rule 3.3— Trial Communication ..... 8
Rule 3.4 – Deliberate Running of the Opponent's Time "Filibustering" ..... 8
Rule 3.5 – Physical Evidence ..... 8
Rule 3.6 — Witnesses ..... 9
Rule 3.7 — Unfair Extrapolation ..... 10
Rule 3.8 — Attorneys ..... 11
Rule 3.9 — Conduct of the Pretrial Motion ..... 12
Rule 3.10 — Clerk, Unofficial Timers, and Bailiff ..... 12
Rule 3.11 – Courtroom Artist & Journalist ..... 14
Evaluation & Team Advancement ..... 14
Rule 4.1 — Rule Interpretation ..... 14
Rule 4.2 – Finality of Decisions ..... 15
Rule 4.3 — Judging Panel ..... 15
Rule 4.4 —Point Scale ..... 15
Rule 4.5 — Rankings and Ties ..... 15
Rule 4.6 — Championship Trial ..... 15
Rule 4.7— Awards ..... 15
Summary of Pretrial Motion Procedures ..... 16
Summary of Trial Procedures ..... 16
Evaluation Criteria ..... 18
Mock Trial Scoring Guidelines ..... 20
Appendix: Orange County Rules & Procedures ..... 22

# Administration

### Rule 1.1 — Rules

- **A.** The California Mock Trial Program is governed by the California Mock Trial Rulebook, California Case Materials, and the California Mock Trial Rules of Evidence.
- **B.** All participants in the CA Mock Trial competition must follow all rules and procedures as specified in the California Mock Trial Rulebook, California Case Materials, and the California Mock Trial Rules of Evidence disseminated by CRF. At the county level, county coordinators may modify some of the rules and procedures to better suit their county competition. Failure of any member or affiliate of a team to adhere to the rules may result in disqualification of that team.
- **C.** All team members must abide by all state, local, school district and/or school protocols and guidelines regarding infectious diseases as well as any policies set by CRF-OC and the Orange County Superior Court when participating in any mock trial-related activities (including, but not limited to, practices, scrimmages, and competitions). Failure to adhere to these health and safety protocols may result in disqualification from the competition.

### Rule 1.2 — Code of Ethical Conduct

All participants (including observers) are bound by all sections of this Code and agree to abide by the provisions. This Code extends to any online activity by team members.

- **A.** All competitors, teacher coaches, attorney coaches, and other participants, including observers, will show courtesy and respect for all team members and participants, including their opponents and all courthouse staff, judges, attorney coaches, teacher coaches and mock trial staff and volunteer personnel.
- **B.** All competitors, coaches and participants, including observers, will show dignity and restraint, irrespective of the outcome of any trial. Trials, contests and all related mock trial activities will be conducted honestly, fairly, and with civility. This Code extends to any online activity by team members.
- **C.** Team members and all student participants will conform to the highest standards of deportment. Team members and participants will not employ tactics they believe to be wrong or in violation of the Rules. Members and participants will not willfully violate the Rules of the competition in spirit or in practice. All teams and participants are responsible for ensuring that all observers are aware of the Code.
- **D.** Teacher coaches agree to focus on the educational value of the Mock Trial Competition. They shall discourage willful violations of the Rules and/or this Code. Teachers will instruct students as to proper procedure and decorum and will assist their students in understanding and abiding by the letter and the spirit of the competition's Rules and this Code of Ethical Conduct.
- **E.** Attorney coaches agree to uphold the highest standards of the legal profession and will zealously encourage fair play to focus on the educational value of the Mock Trial Competition. Attorney coaches are reminded that they must serve as positive role models for the students. They will promote conduct and decorum among their team members and fellow coaches in accordance with the letter and the spirit of the competition's Rules and this Code of Ethical Conduct and will demonstrate the same through their own behavior. They will emphasize the educational value of

the experience by requiring that all courtroom presentations (e.g. pretrial, questions, objections, etc.) be substantially the work product of the student team members.

**F.** Intentional scouting is prohibited and a violation of this code. Please see Rule 1.5.

**G.** By participating in the program, students, teacher coaches and attorney coaches are presumed to have read and agreed to the provisions of the Code. Violations of this Code of Ethical Conduct may be grounds for reductions in scores, disqualification from a contest and/or suspension or expulsion from the program.

### Rule 1.3 — School Eligibility

**A.** To participate in the State Finals, each county must implement procedures B-F, listed below.

**B.** A Mock Trial County coordinator must be identified (usually through the county office of education) and approved by CRF. The county coordinator must register their county, agree with the terms and responsibilities set forth by CRF, and pay county registration fees by set deadlines.

**C.** Working in conjunction with CRF, the county coordinator must plan and implement a county competition involving only schools from their own county. With CRF approval, the county coordinator may represent more than one county.

**D.** If a school is the only school participating in Mock Trial from a county in which no county competition is conducted, that school will be eligible for the State Finals. We strongly recommend that such a school participate in scrimmages. In order to be added to the scrimmage list, schools must register through the CRF mock trial website.

**E.** All county competitions must be completed by March 1, 2026. County coordinators must inform CRF of the name of the winning school by March 1, 2026. Should the county's winning school not be able to participate at the state finals, then the second-place team is eligible to represent the county at the state finals.

**F.** In addition to registering with their county, all schools must be registered with CRF. Check with your county coordinator for instructions.

- In Orange County, all schools and individual team members must register through CRF-OC's website at: www.crfoc.org/programs/mock-trial by the designated deadlines.

**G.** 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.
2. As a member of an independent team exclusively composed of home-schooled students that reside within their county.

**H.** Two small schools may temporarily, for no more than two years, join to form a single Mock Trial team if neither school had a pre-existing Mock Trial Program to pilot the program. For the purposes of the California Mock Trial Program, a "small" school is one with 200 or fewer enrolled students. Applicants must seek approval from their local county coordinator and are subject to CRF approval. Such combination teams are eligible to represent their county at the State Finals.

**I.** Mock Trial teams must be an official school-based program. On a case-by-case basis, non-school based non-profit organizations (i.e. Boys/Girls Clubs, YMCA, etc.) may be permitted to sponsor a Mock Trial team for students whose school does not offer the Mock Trial program. However, attempting to create an all-star team is not permitted. Among requirements that applicants must demonstrate are a non-profit in good standing, have an operational history as a youth-serving organization, provide adequate insurance, and have a functioning governance structure. Applicants must seek approval from their local County Coordinator and may be subject to CRF approval.

### Rule 1.4 — Copyright and Plagiarism

- **A.** The California Mock Trial materials are protected by copyright and may not be re-printed anywhere, including posting on the Internet, without express permission from CRF. In addition, the current CA Mock Trial case materials may not be used in invitational, tournament, and academic camps 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 exhibits, for distribution to participating 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 Ethical Conduct).

### Rule 1.5 – Scouting

- **A.** Team members, coaches, and any other persons directly associated with a mock trial team, except for those authorized by the competition administrators, are not allowed to view other teams' trials, so long as their team remains in the competition.
- **B.** Team members and individuals associated with competing teams are prohibited from contacting teachers, students, and attorney advisors from any other team in any manner to obtain information about an opponent. This prohibition is read and will be construed broadly, and it includes, without limitation, any form of personal communication, voice/telephone communication, and/or electronic communication, including electronic mail, instant messaging, and communication or messaging through social media sites.
- **C.** It is not a violation of this rule for teams to participate voluntarily in practice or scrimmage matches prior to competition. It is a violation of this rule for teams to seek information about opposing teams in rounds of the competition from individuals who observed such scrimmages, including members of the team competing in that scrimmage.
- **D.** Violations of rule may be grounds for disqualification from the competition and/or suspension or expulsion from the program.

## Teams

### Rule 2.1 — Team Eligibility

- **A.** A teacher or school representative must be identified to represent the team and must be present with the team during the entire competition.
- **B.** All team members, including courtroom art and journalist contestants, must be eligible under school district and state rules applicable to involvement in extracurricular activities.
- **C.** All team members, including artists and journalists, must be currently registered during the academic year as students at the school for which they are competing.
- **D.** The teacher coach has an affirmative duty to verify each team member's eligibility. Submission of the team roster constitutes certification that the status of each participant has been verified.

**E.** Junior and Senior divisions will be determined based on the participating school's grade level structure. 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.

**F.** Orange County schools must have a minimum of 12 students recruited for their team in order to register for the program.

**G.** After CRF-OC's roster deadline, no new team members may be added to a team. This also applies to individual teams from counties where two teams per school are allowed. Team members must remain in the designated registered team, no substitutions are permitted between the two teams. Teams representing a county at the state finals must be composed of students who registered and participated on the current county winning team.

## Rule 2.2 — Team Composition

**A.** A team must have a minimum of 8 students to participate in a trial and may have up to a **maximum of 25 students** listed on their official team roster. The official team roster must be composed of registered team members only. We highly encourage teams to have more than the minimum of team members should there be a need for substitutes/understudies if team members are not able to make it to the competition at any given time. If a team has less than 8 students for any round of the competition, CRF-OC staff must be notified immediately.

**B.** As much as possible, team members are to evenly divide their duties. Involvement of all possible team members in the presentation of the case is reflected in the team performance/participation score. We encourage teams to use the maximum number of student attorneys when possible.

- A maximum of two (2) Pretrial Motion Attorneys—One pretrial attorney for the defense and one pretrial attorney for the prosecution. Pretrial attorneys may not serve as trial attorneys during the same round, but may serve as a witness. This is the only dual role that may be performed within a single round and is advised to be used as a measure of last resort.
- A minimum of two (2) and a maximum of three (3) Trial Attorneys for Prosecution and a minimum of two (2) and a maximum of three (3) Trial Attorneys for Defense—It is highly recommended that different trial attorneys conduct the opening statement and the closing argument and that each trial attorney conduct at least one direct examination and one cross-examination.

| Prosecution Roles | Defense Roles |
|---|---|
| **Pretrial Motion Attorney** – 1 student | **Pretrial Motion Attorney** – 1 student |
| **Trial Attorneys** – 2-3 students* | **Trial Attorneys** – 2-3 students* |
| **Witnesses** – 4 students | **Witnesses** – 4 students |
| **Clerk** – 1 student | **Bailiff** – 1 student |
| | **OPTIONAL – Unofficial Timer** – 1 student |

**C.** A school cannot field more than two teams. See Appendix Section 6 for further details on Orange County policy

**D.** Additional Student Participation – The Courtroom Artist and Journalist Contests allow additional students the opportunity to participate in the Mock Trial Program. The courtroom artist and journalist are official team members, but are not counted toward the team's student limit.

- For State Finals—Two (2) artists per county may compete at the state competition. The courtroom artist is an official team member, but is not counted toward the team's student

limit. (Note that the winner of the state competition is eligible to compete at the national competition).

- For State Finals—Two (2) journalists per county may compete at the state competition. The journalist is an official team member but is not counted toward the team's student limit. (Note that winner of the state competition does not compete at the national competition).

**E.** In Orange County—Three (3) artists and three (3) journalists per team may compete at the county competition. For contest rules, see Rule 3.11 Courtroom Artist and Journalist.

### Rule 2.3 — Team Withdrawal

**A.** If a team needs to withdraw from a competition, the teacher coach must notify the county coordinator and CRF as soon as possible.

**B.** The State Finals and Orange County registration fees are non-refundable.

**C.** If a team is eligible to move on to the state finals or national competition and decides not to participate, the team must notify CRF prior to the designated registration deadline.

### Rule 2.4 — Wild Card Teams

**A.** A random drawing of county names was conducted to determine the order of potential wild card teams during the annual county coordinators meetings. If there are an odd number of county championship teams attending the State Finals, the second-place teams drawn as potential wild card teams are as follows:

| | |
|---|---|
| 1) Santa Cruz | 6) San Bernadino |
| 2) Contra Costa | 7) Placer |
| 3) San Francisco | 8) Sacramento |
| 4) Napa | 9) Monterey |
| 5) San Luis Obispo | 10) San Joaquin |

Should there be an odd number of teams participating in the 2025 State Finals, Santa Cruz County's second place team will be the first team to be asked to be the wild card. If that second-place team declines the opportunity, then we will ask Contra Costa's second-place team, and so on and so forth. At the local level, the county coordinators determine substitute team procedures. For Orange County Procedures, see Appendix Section 1.

**B.** If needed and once finalized, the wild card team will be an official team representing their county and eligible for awards. The team must complete all registration requirements, including payment of registration fees.

## The Trial

### Rule 3.1 — The Case

**A.** The case material contains the sources for the Mock Trial Program. These sources include the facts, witness statements, all the pretrial materials, charges, exhibits, rules of evidence, stipulations, role descriptions, Mock Trial procedures and California Mock Trial Simplified Rules of Evidence.

**B.** The fact situation is a set of indisputable facts.

**C.** Stipulations may not be disputed at trial.

**D.** Stipulations will be considered part of the record and already admitted into evidence.
**E.** Stipulations and charges will not be read into the record.

## Rule 3.2— Trial Procedures

**A.** The mock trial is a bench trial; attorneys and witnesses may not verbally address the scoring attorneys as if they were a jury (i.e*., "Ladies and gentlemen of the jury…")*. Eye contact is permissible.
**B.** Before the pretrial motion 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.** In Orange County, teams will be identified by their school name.
**D.** All participants are required to wear appropriate courtroom attire. In Orange County, spectators may 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 so as not to disrupt the trial.
**F.** Teams are required to submit to CRF-OC their completed Competition Team Roster/Award Nomination form by the designated deadline set by CRF-OC staff prior to each round. After this deadline, no changes can be made to Competition Team Roster/Award Nomination form.
**G.** All team members participating in a trial must be in the courtroom at the scheduled time, ready to begin the round, and are to remain in the courtroom throughout the trial. Incomplete teams must begin the trial without their other members or with alternates. If a scheduled team is not present within 30 minutes after the scheduled trial time, that team forfeits the trial and is subject to possible disqualification (subject to the discretion of Mock Trial staff).
**H.** Recesses will not be allowed in local or state competitions for any reason (unless authorized by Mock Trial staff or presider).
**I.** Use of laptop computers, tablets, cellular phones, or other electronic devices during trials is prohibited. In Orange County, clerks may use their cellphone as a timing device. See Rule 3.10(B).
**J.** Tie-breakers: At the State Finals, 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. For Orange County procedures, see Appendix Section 2.
**K.** At the State Finals, it is mandatory for at least one team representative to attend the announcement of the finalists for the Championship Trial and attend the finalists meeting immediately following the announcement. If a team representative is not present, the team forfeits the Championship Trial and the third ranked team will take the absent team's place in the Championship Trial.
**L.** Teams may only video/audio record a trial involving their school and must get approval from the opposing team. Any team has the option to refuse participation in video/audio recording and still photography. Any recording is for educational purposes only. The trial recordings can only be shared with the current team members and their families. The recordings may not be posted, streamed, shared with anyone else. Team members and family members are also to be notified of this rule as any violations could bring sanctions to the team up to and including disqualification. CRF will not accept any video for complaint purposes.
**M.** Other than the exhibits provided in the trial materials, no other illustrative aids of any kind may be used.
**N.** Props, costumes, and theatrical makeup are prohibited. Costuming includes hairstyles and clothing accessories that are specific to a role in the case. In keeping with the educational philosophy and objectives of the Mock Trial Program, teams should concentrate on presenting the trial in a realistic

manner, with witnesses wearing appropriate courtroom attire and using their normal speaking voices. Portrayals of racial, ethnic, and gender stereotypes are inappropriate and are not allowed.

**O.** Gender-neutral names allow students of any gender to play the role of any witness. During trial, questions regarding gender, race, or physical characteristics not included in the official case materials are not allowed. A witness is prohibited from referring to their own physical traits or gender as well as the physical traits or gender of other witnesses where such information is not included in any witness statement. (For example, a witness cannot call attention to their size to show inability to complete some physical act included in the case materials or state that witness was treated differently because of their gender.) An attorney is likewise prohibited from making arguments pointing out physical traits of a witness not otherwise included in the case materials. Such references are unfair extrapolations, see Rule 3.7 for point deductions. Teams are not prohibited, however, from raising issues about general or common human traits and abilities relevant to the case.

### Rule 3.3— Trial Communication

**A.** Once the trial has begun, coaches, teachers, alternates, and spectators are not allowed to communicate (including but not limited to signaling, texting, and passing notes) with the teams.

**B.** Communication between trial attorneys is allowed during the trial but must be non-disruptive.

**C.** The defendant may sit at the 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.** If any section of rule 3.3 has been violated, scorers must deduct 5 points per score sheet per violation.

### Rule 3.4 – Deliberate Running of the Opponent's Time "Filibustering"

**A.** Although a witness may be permitted to give a brief, responsive answer other than a simple "yes" or "no" to questions on cross-examination, consistent with common trial practice, no witness may provide non-responsive or narrative answers on cross-examination to consume the other team's cross-examination time. Student attorneys can object with "narrative" and/or "non-responsive" objections during the trial if this occurs. The presider may, in his or her discretion, admonish the witness, and/or add time to the opposing party if this occurs.

**B.** The scoring attorneys will use their discretion to determine independently how many points will be deducted to the offending team's score for filibustering whether or not the presiding judge has directed the witness to answer more responsively.

**C.** If a team has several team members filibustering, in addition to the individual point deductions, five points may be deducted from the offending team's participation score.

**D.** Any effort to deliberately consume the opposing team's time through these techniques may also violate the Code of Conduct and may be sanctionable under Rule 1.2.

### Rule 3.5 – 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. Teams will not be penalized if they choose not to reproduce and enlarge the exhibit as found in the case material. If the prosecution team

fails to bring physical evidence to court, it may be reflected in the team presentation/participation score. Note: All Orange County teams must use the enlarged exhibits issued by CRF-OC.

**B.** No other physical evidence will be allowed. All physical evidence and witnesses found in this case, but not made physically available for trial, are unavailable and their availability may not be questioned.

**C.** Procedures for introducing items into evidence – Attorneys may introduce physical exhibits, if any are listed under the heading "Evidence," provided that the objects correspond to the description given in the case materials. Below are steps to follow when introducing physical evidence (maps, diagrams, etc.). All items are presented prior to trial.

1. Present the item to an attorney for the opposing team prior to trial. If that attorney objects to use of the item, the presider will rule whether the evidence is appropriate or not.
2. Before beginning trial, mark all exhibits for identification. Address the presider as follows: "Your honor, I ask that this item be marked for identification as Exhibit __."
3. When a witness is on the stand testifying about the exhibit, show the item to the witness and ask the witness if he/she recognizes the item. If the witness does, ask him or her to explain it or answer questions about it. This shows how the exhibit is relevant to the trial.

**D.** Moving the Item into Evidence – Exhibits must be introduced into evidence if attorneys wish the court to consider the items themselves as evidence, not just the testimony about the exhibits. Attorneys must ask to move the item into evidence during the witness examination or before they finish presenting their case.

1. "Your honor, I ask that this item (describe) be moved into evidence as People's (or Defense's) Exhibit and request that the court so admit it."
2. At this point, opposing counsel may make any proper objections.
3. The presider will then rule on whether the items may be admitted into evidence.

**E.** Whether a team introduces, uses, and moves the physical evidence into evidence is entirely optional, but all physical evidence must be available at trial for either side to use.

**F.** Evidence should not be altered in any way. It is not permitted to mark on the exhibits. Any alterations to the exhibits may be grounds for disqualification from the competition.

**G.** Illustrative aids of any kind are prohibited, including but not limited to the use of electronic or light projected aids.

**H.** 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 3.6 — 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.** The fact situation, witness statements, stipulations, and exhibits, are the official case materials and make up the sole source of information for testimony.

**C.** A witness can only testify to their own witness statement and any portion of the fact situation, stipulations, and exhibits of which they would reasonably have knowledge. Witnesses may not testify or respond to another witness' testimony, unless otherwise stated in the stipulations.

**D.** Unless otherwise stated, attorneys may only solicit information from a witness that requires the witness to testify to their own witness statement and any portion of the fact situation, stipulations, and exhibits of which they would reasonably have knowledge. Witnesses may not testify or respond to another witness' testimony, unless otherwise stated in the stipulations.

**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 they contradict the case material contained in their witness statement or fact situation using the procedures as outlined in the case material.

**F.** Because this is a mock trial, witnesses may not be treated as hostile witnesses.

**G.** All witnesses must be called in the allotted time. If the direct examination attorney runs out of time without calling one or more witnesses, the direct examination attorney and the witness will each automatically receive a score of zero for each witness not called, and the cross-examination attorney will automatically be awarded ten points for each witness not called. Once the time allotted for witnesses has ended, direct examination attorneys may not call any other witnesses.

**H.** Cross-examination is required for all witnesses. If the cross-examination attorney does not cross one or more witnesses, the cross-examination attorney will receive a cross-examination score of zero for the witnesses.

**I.** Witnesses are not allowed to use notes while testifying during trial.

### Rule 3.7 — 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 tackled 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.** Attorneys shall not ask questions calling for information outside the scope of the case materials or requesting an unfair extrapolation.

**F.** If a witness is asked information not contained in the witness's statement, the answer must be consistent with the statement and may not materially affect the witness's testimony or any substantive issue of the case.

**G.** Attorneys for the opposing team may refer to this rule as a special "unfair extrapolation" objection.

**H.** When a "UE" objection is made, possible rulings by a presider may be one of the following:

a) No extrapolation has occurred. Objection overruled.
b) An unfair extrapolation has occurred. Objection sustained.
c) The extrapolation was fair. Objection overruled.

**I.** The decision of the presiding judge regarding extrapolations or evidentiary matters is final. The scoring attorney must take the presiding judge's ruling on unfair extrapolations into consideration when determining the point deduction.

**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 from their team presentation/participation score.

## Rule 3.8 — Attorneys

**A.** The prosecution presents the opening statement and closing argument first.

**B.** The attorneys may not make their opening statement, conduct their direct examination/cross-examination of witnesses, or make a closing argument from the well. They must remain behind the podium or the counsel table. Attorneys may seek the permission of the presider to enter the well for the limited purpose of presenting an exhibit to a witness or questioning a witness about an exhibit or their witness statement.

**C.** Attorneys may conduct a re-direct examination when appropriate. No re-cross examination is allowed. Witnesses may not be recalled to the stand.

**D.** The attorney who conducts the direct examination of a witness is the only person allowed to make objections to the cross-examination of that witness. The attorney who conducts the cross-examination of a witness is the only person allowed to make objections during the direct examination of the witness. Two points must be deducted for each objection made by the wrong attorney.

**E.** Attorneys may use notes while presenting their cases.

**F.** The Mock Trial competition proceedings are governed by the California Mock Trial Simplified Rules of Evidence in the case material. Only specified types of objections will be recognized in the competition. Other rules may not be used at the trial.

**G.** The pretrial motion, motions entering exhibits into evidence, and motion to strike testimony are the only motions allowed. All other motions are prohibited. If a motion is made that is not listed in this section, two points must be deducted from the team's total team presentation/participation score.

**H.** 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.) Two points must be deducted for objections made during opening statements or closing arguments.

**I.** Procedural rule violations should be raised at the time they occur during trial so the presider can make a fair ruling on whether there was a violation. Procedural rule violations not raised during the trial are considered waived and may not be raised during the 30-second rule. Examples of procedural rule violations include, but are not limited to:

- Rule 2.2(A), (B)
- Rule 3.8 (C), (E), (F), (G)
- Rule 3.9 (C), (E), (G)
- Rule 3.10 (B), (D), (E), (J)

**J.** Teams arguing a violation of the rules must be able to point to the specific incident(s) of the misconduct and be able to cite to the presider the corresponding violation in the team rulebook and/or case material.

**K.** The presider will hear the alleged violation and rule on the violation; the presider's decision will be 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 attorneys 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.** There will be 30 seconds provided at the end of the trial for team members from each team to confer with the team's attorney coach and teacher coach to discuss any trial irregularities which could not have been raised during the course of the trial.

**N.** If there are any irregularities regarding the rules of the competition, which a 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.

**O.** The 30-second rule should be used for substantial rule violations and should not be used to argue additional points of law or rebut the opponent's closing argument or re-litigate matters where a presider has already made a ruling.

**P.** Before raising any rule violation, teams should bear in mind that the overall focus of their performance should be on presenting the substantive merits of the Mock Trial case rather than technicalities.

### Rule 3.9 — Conduct of the Pretrial Motion

**A.** The defense will argue the pretrial motion first.

**B.** Each attorney arguing a pretrial motion has four minutes to present a statement and two minutes for rebuttal. During these proceedings, pretrial attorneys must be prepared to answer questions from the presider to clarify their position(s).

**C.** No objections are allowed during pretrial arguments. Two points must be deducted for objections made during pretrial arguments.

**D.** To present a position in the most persuasive manner, attorneys should carefully review and become familiar with the materials provided in the mock trial case packet.

**E.** Additional background research may supplement their understanding of the issues at hand, but such supplemental materials may not be cited in arguments.

**F.** No written pretrial motion memoranda may be submitted at trial.

**G.** The pretrial motion, motions entering exhibits into evidence, and motion to strike testimony are the only motions allowed. All other motions are prohibited. If a motion is made that is not listed in this section, two points must be deducted from the team's total performance score.

### Rule 3.10 — Clerk, Unofficial Timers, and Bailiff

**A.** The Mock Trial competition involves timed presentations. The clerk is the official neutral timekeeper for the trial. The clerk must keep accurate time for both teams, provide time remaining warnings, and complete a timesheet. In addition, any member of the team presenting defense may serve as an unofficial timer. This unofficial timer must be identified before the trial begins. To avoid timing issues, both the clerk and unofficial timer must sit next to each other during the trial.

**B.** In Orange County, the clerk and unofficial timer must bring a stopwatch or cellphone and CRF-OC's time sheet to each trial. If a cellphone is used as a timing device, it must be in 'do not disturb' mode with notifications turned off. The time sheet is accessible from the shared google folder. The clerks may only use the timecards provided in CRF-OC's shared google folder. The timecards will have the following time remaining warnings:

- 2 minutes
- 1 minute
- 30 seconds
- Stop

**C.** Modifications of time intervals are not permitted.

**D.** Running of another team's time is not allowed. See Rule 3.4.

**E.** Each team will have 40 minutes to present its case, including the pretrial motion. Time limits for each section are as follows:

- Pretrial Motion (4 minutes) and Rebuttal (2 minutes)

- Opening Statement/Closing Argument (9 minutes) and Rebuttal (1 minute)
- Direct/Re-direct Examination (14 minutes)
- Cross Examination (10 minutes)

**F.** The time will start when each attorney starts to speak (i.e. first word of pretrial, opening, direct, cross-examination, and closing. Examples include but are not limited to:
- "May it please the court…"
- "Your Honor…"

**G.** The time will be stopped when:
- Witnesses are called to the stand
- Attorneys make objections/raise rule violations
- Presider questions attorneys and witnesses
- Presider offers their observations
- A witness asks for a question to be repeated
- Attorneys request the time remaining (Note: Clerks must provide the time remaining for both teams when a request is made by an attorney)

**H.** The time will not stop while an attorney or witness approaches an exhibit. Time will not be rounded off and must be measured to the whole second.

**I.** One minute is automatically reserved for rebuttal at the conclusion of closing argument. Only issues that were addressed in an opponent's closing argument may be raised during rebuttal. Formal reservation of rebuttal time is not required.

**J.** Orange County abides by the following rule: The clerk will provide a visual warning only when two minutes and one-minute remain. The clerk will provide both visual and verbal warnings when 30 seconds remain and when it is time to stop. The time remaining cards must be displayed in a manner to ensure that there is a clear view for the counsel and presiding judge. There will be no allowance for overtime. Two points must be deducted per score sheet if the presider finds that any section of this rule has been violated.

**K.** If timing variations occur of 15 seconds or more at the completion of any task during the trial, the timers will notify the judge immediately that a time discrepancy has occurred. Any time discrepancies less than under 15 seconds are not considered a violation. No time discrepancies will be entertained after the trial concludes. The presider shall determine whether to accept the clerk's time or make a time adjustment.

**L.** At the end of the trial, the clerk will time the 30-second rule.

**M.** The presider and attorney scorers will be allowed a total of 10 minutes for debriefing. Following the verdict, the clerk will begin timing the debriefing. Presiders will strictly enforce the 10-minute debrief. The clerk will provide 2-minute, 1 minute, 30 second visual warnings and will stop (both verbally and visually) the debriefing. Once the debrief has concluded, teams will need to promptly exit the courtroom, ensuring that they return the court to the condition they found it upon entering. Students will NOT be permitted to ask for individual feedback from volunteers. Any team that remains in the courthouse after 7:50 pm (absent an ongoing trial) may have points deducted from their Team Performance & Participation score.

**N.** The clerk will not be scored on timing the debriefing, consultations, and any formal presentations regarding irregularities. No extensions of time will be granted.

**O.** The bailiff will call the court to order and swear in the witnesses. In addition, the bailiff must bring a copy of the Team Rulebook and Case Packet should the presider need to clarify an issue or question.

**P.** Before calling the court to order, the bailiff will remind the audience to turn off all cell phones and that ABSOLUTELY NO FOOD is allowed in the courtroom. Water is OK. If spectators must step outside, they should do so quietly to avoid disrupting the participants.

**Q.** The bailiff will call the court to order using the following language: "All rise, Superior Court of the State of California, County of _____, Department____, is now in session. Judge _____, presiding. (Allow time for the presider to take the bench.) Please be seated and come to order."

**R.** The bailiff will swear in the witnesses by using the following language: "Do you solemnly affirm that the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the Mock Trial competition?"

### Rule 3.11 – Courtroom Artist & Journalist

**A.** The sketch must depict an actual courtroom scene observed by the courtroom artist. Artists are reminded not to focus too much on the background. The courtroom artist may only observe and sketch the trials in which their team is competing in. The sketch must be created and completed by the courtroom artist during the official round without the help of any source or person. The artist cannot take photos during the trial to reference when creating their sketch.

**B.** The art submission must be done in color.

**C.** The drawing must be on paper of the dimensions 11" x 14', with a horizontal/landscape format.

**D.** The art submission must be labeled with the team name and student name only (on the back of the work). No name/signature on the front of the submission is allowed.

**E.** The artist must submit their art by the designated deadline.

**F.** The article must be based on what the journalist witnessed at the designated official trial and cannot be written prior to the trial. The journalist may only report on their own team's trial.

**G.** The journalist must draft their article completely independently. The submitted article must be in the journalist's voice.

**H.** Courtroom journalists may not use dictionaries and thesauruses during trial, but they may use them in completing their articles.

**I.** After the completion of the designated official trial, the journalist must type their article. Articles must be in 12-point Times New Roman font, with one-inch margins, double-spaced, and may not exceed 850 words, excluding the journalist's name and team name.

**J.** The journalist must submit their article as a Word document or as a PDF file by the designated deadline and to the designated email to be entered in the contest.

**K.** Further instructions for Orange County Contestants are posted on the CRF-OC website.

## Evaluation & Team Advancement

### Rule 4.1 — Rule Interpretation

**A.** The rules are designed to introduce the procedures of law to participants and to foster good sportsmanship. Interpretations of the rules should be guided by common sense.

**B.** No bench conferences allowed.

**C.** Unless a specific point deduction for a particular infraction is provided in these rules, each scorer will determine the appropriate amount of deduction individually.

**D.** 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. The guidelines for raising procedural rule violations are listed under Rule 3.8(H)-(O).

**E.** The presider will determine if a rule was, in fact, violated. Her/his word is final.

**F.** The bailiff must have a copy of the rules of competition and case materials for reference.

**G.** Arguing for hyper technical interpretations of the rules, especially when designed to embarrass others or to gain an unfair advantage, is prohibited.

### Rule 4.2 – Finality of Decisions

**A.** All decisions of the presider and scoring attorneys are final. No exceptions. See Appendix Section 4 for Orange County procedures on raising challenges.

### Rule 4.3 — 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, the scoring panel may consist of people with substantial Mock Trial coaching/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 cannot serve as scoring attorneys or presiders if their team is still active in the tournament.

### Rule 4.4 —Point Scale

**A.** Students are to be rated on the ten-point scale for each category (except for the clerk and bailiff) according to the criteria appropriate to each presentation. The clerk and bailiffs are evaluated using a scale of 1-5.

**B.** Scoring attorneys should consider a "5" as a starting point and move up or down based on the presentation.

**C.** Scoring attorneys must award points individually and not with consultation from other scoring attorneys.

**D.** Some scores are weighted and therefore can affect a team's score more dramatically. These include the pretrial motion (x2) and the closing argument (x2).

**E.** The scoring attorneys will use the evaluation criteria and scoring guidelines to score the individual presentation in each category.

**F.** The scoring attorneys are not evaluating the legal merits of the case.

### Rule 4.5 — Rankings and Ties

See Appendix Sections 2 & 3 for Orange County Procedures

### Rule 4.6 — Championship Trial

See Appendix Sections 2 & 3 for Orange County Procedures

### Rule 4.7— Awards

**A.** At the State Finals, awards will be given as follows: For Orange County procedures, see Appendix Section 5

- Prosecution Pretrial Attorney – 2 awards
- Defense Pretrial Attorney – 2 awards
- Prosecution Attorney – 3 awards

- Defense Attorney – 3 awards
- Prosecution Witness – 4 awards
- Defense Witness – 4 awards
- Clerk – 1 award
- Bailiff – 1 award
- Courtroom Artists – 1st, 2nd, and 3rd place
- Journalists – 1st, 2nd, and 3rd place
- Adult Advocate of the Year

**B.** At the State Finals, the top eight teams will receive medals. All team members will receive a participation certificate.

## Summary of Pretrial Motion Procedures

Presiders are encouraged to challenge the attorneys with questions about the case law during pretrial arguments and are encouraged to try to ask a balance number of questions for each side. No objections are allowed 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.
- ✓ 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 and announces verdict in court.
- ❑ Allow students two minutes to decide which student from the opposing team will receive the MVP certificate. As students are conferring, remind scoring attorneys to complete score sheets and then collect score sheets and award nomination forms. Presider will circle their choice for the tiebreaker.
- ❑ Presider conducts a short debrief of the trial with the scoring attorneys (not to exceed 10 min.)

## Evaluation Criteria

### Pretrial Motion (X2)

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

### Opening Statement

- Provided a case overview
- Theme/theory of the case was identified
- Overview of key witnesses and their testimony
- 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

- Questions required straightforward answers and brought out key information for their 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.
- Attorney made effective objections to cross-examination questions of their 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

- Attorney made effective objections to direct examination (of the witness they 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.
- 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

- Witness was believable in their characterizations and presented convincing testimony.
- Witness was well prepared for answering the questions posed to them 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.
- 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 their statements and adequately explained the weaknesses.
- Did not use notes.
- Sounded spontaneous and not memorized.
- Did not wear a costume.

| Closing Arguments (x2) | |
|---|---|
| • Attorney's presentation contained elements of spontaneity and was not based entirely on a prepared text.<br>• 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.<br>• Outlined the strengths of their witnesses and the weakness of the other side's witnesses. | • 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 their team's side of the case.<br>• Effective rebuttal countered opponent's arguments.<br>• Reviewed the exhibits and how they helped the case.<br>• Stated the applicable law or statues and how they supported the side's theory. |
| **Clerk** | |
| • Present and punctual for trial.<br>• Performed their role so that there were no disruptions or delays in the presentation of the trial. | • Conducted themselves professionally without attracting any unnecessary attention.<br>• Properly used verbal and visual time warnings when appropriate. |
| **Bailiff** | |
| • Present and punctual for trial.<br>• Performed their role so that there were no disruptions or delays in the presentation of the trial. | • Conducted themselves professionally without attracting any unnecessary attention.<br>• Knowledgeable about script and role in trial.<br>• Followed script. |
| **Team Presentation** | |
| • Team members were courteous, observed general courtroom decorum, spoke clearly and distinctly, and displayed good sportsmanship to all competitors, regardless of trial results.<br>• All team members were involved in the presentation of the case and actively participated in fulfilling their respective roles.<br>• Witnesses performed in synchronization with attorneys in presenting their side of the case. | • 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.<br>• Team members demonstrated cooperation and teamwork.<br>• The teachers and attorney coaches displayed good sportsmanship.<br>• Team members followed the set rules. |

## 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 use 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 | • Demonstrates superior ability to think on their feet<br>• Thorough knowledge of case facts and legal procedure<br>• Questions/answers advance theory of the case<br>• Resourceful, innovative and original approaches<br>• Extraordinary but realistic portrayal (not overly rehearsed or memorized)<br>• Strong voice and significant eye contact; polished presentation | **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<br>**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<br>**Witnesses**: Answers questions on direct examination reflecting complete knowledge of facts, only concedes points on cross examination where they have to, but without appearing obstructionist or unnecessarily wasting opponent's time |
| 7-8 | • Demonstrates good understanding of case facts and legal procedure<br>• Questions/answers mostly advance theory of case<br>• Demonstrates some spontaneity in mostly believable performance<br>• Easily audible voice with frequent eye contact; smooth presentation | **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<br>**Trial attorneys**: Asks good questions of witnesses; able to make reasonable offers of proof regarding objections; minimal reliance on prepared materials (less than 25%)<br>**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 |
| 5-6 | • Preparation demonstrates basic understanding of case facts and legal procedure<br>• Audible voice and some eye contact<br>• Ordinary presentation with significant reliance on prepared materials | **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<br>**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%)<br>**Witnesses**: Answers most questions properly on direct examination; concedes points quickly on cross examination<br>**The Maximum Score for a Clerk:**<br>(5) Accurate time keeping; immediately provides "time remaining" when requested.<br>**The Maximum Score for a Bailiff**<br>(5) Efficiently calls witnesses to stand and swears them in properly; thoroughly familiar with competition rules. |

| | | |
|---|---|---|
| 3-4 | • Some organization but minimal preparation and awkward presentation<br>• Poor demonstration of knowledge of case facts and legal procedure<br>• Weak voice and little eye contact (heavy reliance on prepared written materials) | **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<br>**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<br>**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<br>**Clerk:** (4) Accurate time keeping; in minimal time provides "time remaining" when requested by attorneys.<br>(3) Accurate time keeping; provides "time remaining" when requested by attorneys after performing.<br>**Bailiff:** (4) Calls witnesses to stand and swears them in properly.<br>(3) Calls witnesses to stand and swears them in properly, but blandly. |
| 1-2 | • Grossly incomplete and disjointed presentation<br>• Disorganized<br>• Wholly inadequate preparation, demonstrating little or no understanding of case facts and legal procedures<br>• Inaudible voice and little or no eye contact (complete reliance on prepared materials)<br>• Disruptive or disrespectful behavior during trial | **Pre-trial attorneys**: Argument demonstrates no organization; no knowledge of relevant facts or case law demonstrated; inaudible presentation<br>**Trial attorneys**: Asks questions that do not make sense or are completely objectionable; reading from prepared materials in a low voice; no eye contact<br>**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<br>**Clerk**: (2) Significant dispute(s) over time keeping; unable to timely provide attorneys with "time remaining" when requested; speaks in low voice.<br>(1) Unable to provide attorneys with "time remaining" consistently and without significant delay or interruption to trial<br>**Bailiff**: (2) Swears in witnesses awkwardly; speaks softly; oath not clearly memorized<br>(1) Unable to consistently swear witnesses in using prepared oath; occasionally disrupts the trial; partly inaudible swearing in of witness |
| 0 | • 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").<br>• Failure to conduct cross examination of a witness ("0" cross examination attorney score for each witness not able to cross). | |

CRF OC
MOCK TRIAL

## Appendix: Orange County Rules & Procedures

***The rules and procedures found in this appendix are specific to Orange County and supersede the California State Rules in regard to the Orange County Mock Trial Competition in cases in which State and County rules differ.***

**SECTION 1: "GHOST"/SUBSTITUTE TEAMS *(Orange County Procedure regarding Rule 2.4)***

If an odd number of teams register for the competition, CRF-OC staff will select a "ghost" team for each of the preliminary rounds. The "ghost" team is chosen on a first come, first served basis from those teams that indicated their ability to field a substitute team. The "ghost" team's score will not count toward their team's overall ranking. The scores from the trial will count for the opposing team's win/loss record and average point differential for ranking purposes.

**SECTION 2: WIN/LOSS DETERMINATION (*Replaces Rule 4.5*)**

***Match Assignments:*** Matchups will be determined by random draw for Rounds 1-4.

***Scoring Rounds 1-7:*** Winners of each round will be determined by the team that has won the most scorecards during the match. The team with the most points on a scorecard wins the card. If there is a tie, the team with the highest number of total points from all scorecards wins. If the teams are still tied, the presiding judge will determine the winner of the round.

***Scoring the Final Round:*** Scoring during the final round is slightly different from previous rounds and the procedure varies depending on the number of scorers present at each session. For a detailed explanation of the procedures, contact the Program Director.

**SECTION 3: PLAYOFF DETERMINATION AND PROCEDURES (*Replaces Rule 4.5/4.6*)**

Upon completion of round 4, only the top 16 teams will advance to Round 5. Advancement will be determined first by **win/loss record**. In the event of a tie, the highest average point differential for the first four rounds will be the deciding factor.

Teams will be matched for the playoff rounds using a power ranking system (Team 1 vs. Team 16, Team 2 vs. Team 15, etc.). These matchups may be changed to avoid rematches. A team's seeding does not change during the entire duration of playoffs. To the extent possible, teams will switch sides (P/D) from what they were in the previous round.

**SECTION 4: PROCEDURES FOR RAISING CHALLENGES**

***Code of Ethics Violations***
Students who feel that the Code of Ethics was not strictly observed during the competition may bring their grievance to the attention of the presiding judge. CRF-OC staff will not hear complaints after the round of competition has been completed. In keeping with the professional atmosphere in which the competition is conducted, frivolous grievances may cost the accusatory team up to 5 points. This point deduction will be exercised entirely at the court's discretion.

***Objections to Judges/Scorers***
If a team objects to a judge or scoring attorney assigned to their match, the objection must be raised with CRF-OC staff ***before*** the match begins or the objection is waived. CRF-OC staff retains full discretion concerning how to handle any

challenge. When appropriate, CRF-OC staff will attempt to substitute another judge/scorer for any judge/scorer removed due to objections but may be unable to do so.

In determining how to respond to such challenges, staff will be guided by the principle that there are three recognized grounds for objecting to a scorer: (1) a scoring attorney/judge is the coach of another mock trial team active in the competition, (2) a scoring attorney/judge works for the same firm as the coach of the opposing mock trial team, or (3) a scoring attorney/judge has a son/daughter who participates on another mock trial team. CRF-OC staff members retain the authority to deal with challenges raised on other grounds according to their judgment. Challenges based on the temperament of the scorer will not result in the removal of the scorer.

***Objections to Scores and Win/Loss result***

It is the goal of the Constitutional Rights Foundation of Orange County that every student who participates in the mock trial competition shall have his/her performance fairly evaluated by the volunteer scoring attorneys. There is a high degree of subjectivity inherent in the scoring of mock trial competitions. There will often be wide disagreement about the scores given to performances. Nevertheless, there may be instances when a mock trial coach believes it is appropriate to challenge the result of a match and/or a score as the result of a mistake or impropriety. Such challenges must be submitted to the CRF-OC Program Manager in writing and received by CRF-OC staff no later than 5:00pm the day following the match in question. CRF-OC will provide a copy of the challenge and the scores at issue to the other team involved in the disputed match and invite comments from its teacher and/or coach. CRF-OC retains sole authority about how to handle properly submitted challenges. Generally, CRF-OC will not disclose which scorer completed which scorecard. In the event that CRF-OC makes a finding that there is clear and convincing evidence that a mistake or intentional impropriety occurred, CRF-OC may announce a correction to a previously announced score and re-determine the winner of a particular match according to the corrected score.

**SECTION 5: AWARDS *(Orange County Procedure regarding Rule 4.7)***

Awards for outstanding teams, students and adult volunteers who participated in the Orange County competition will be presented at the Mock Trial Awards Reception.

- Awards will be presented to all members of the top two teams.
- Team Civility Award
- Awards will be given to outstanding students in each role listed below. The number of awards listed for each role is approximate. The number can be changed at the discretion of CRF-OC.
    - Pretrial Attorneys - 10 awards
    - Attorney – 18 awards
    - Witnesses – 2 awards for each of the eight witnesses
    - Bailiff – 2 awards
    - Clerk – 2 awards

  Outstanding students are selected based on Teacher/Attorney Coach nominations as well as MVP nominations from students, and nominations from attorney scorers and presiding judges. Any student who is nominated will have his/her name listed on the CRF-OC website. Please note: ***the nomination list in no way indicates that an individual student will receive an award nor indicates the number of nominations each student received for a particular round.***
- Awards will be presented to the 1st and 2nd place winners of the Art Contest and Journalism Contest
- Awards will be presented to the following outstanding adult volunteers:
    - Judge of the Year
    - Law Firm of the Year
    - Attorney Coach of the Year
    - Attorney Scorekeeper of the Year
    - Teacher Coach of the Year

**SECTION 6: POLICY REGARDING MULTIPLE TEAMS**

CRF-OC will permit a school to enter a second team into the competition provided there is space. The criteria and procedures for requesting a second team are as follows:

- Schools will be initially limited to 1 team per school
- Teachers can request to enter a second team on their school registration form
- A minimum of eighteen (18) students per team (a total of 36 students) is required to form a second team
- Schools requesting a second team will be notified after the registration deadline whether or not they will be permitted a second team. In the event that there are more schools requesting a second team than there are spots available, CRF-OC may use a random lottery to determine which schools will have a second team.

Policies Regarding Second Teams in the Competition:

- If a school is allowed a second team, all members of each team must compete **exclusively** for the team for which they are registered. Teams are encouraged to title the teams with names that do not indicate a ranking (i.e. Blue team and Gold team, not Varsity and JV, or Team 1 and Team 2). The two teams, if drawn to play each other in rounds 1-4, will be randomly redrawn for that round of competition. If two teams from the same school advance to the playoffs and seeding dictates that they face each other, the two teams will compete against each other.
- CRF-OC will examine Team Roster/Award Nomination forms throughout the course of the competition. If it is found that schools with second teams are “padding” their roster and not fully utilizing all the members of their team, the school will be ineligible for a second team in future years.