



## California Mock Trial Program 2018-2019 Team Rulebook



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

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San Diego County High School Mock Trial Committee  
[www.sdmocktrial.org](http://www.sdmocktrial.org)

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## **Administration**

### **Rule 1.1 — Rules**

- A. All trials will be governed by the rules of the California Mock Trial Program and the California Mock Trial Rules of Evidence.
- B. All participants must follow all rules and regulations as specified in the California Mock Trial materials as disseminated by the local County Mock Trial Committee. Failure of any member or affiliate of a team to adhere to the rules may result in disqualification of that team as determined in the sole discretion of the local County Mock Trial Committee.

### **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.

- A. All competitors, coaches and other participants, including observers shall show proper courtroom decorum, courtesy and respect for all team members and participants, including their opponents and all courthouse staff, judges, attorney coaches, teacher sponsors and mock trial staff and volunteer personnel, throughout the competition.
- B. All competitors, coaches, teacher sponsors and participants, including observers, shall show dignity and restraint, irrespective of the outcome of any trial. Trials, contests and activities shall be conducted honestly, fairly, and with civility.
- C. Team members and all student participants shall conform to the highest standards of deportment and good conduct. Team members and participants shall not employ tactics they believe to be wrong or in violation of the rules. Team members and participants shall not willfully violate the rules of the competition in spirit or in practice. All teams and participants are responsible for insuring that all observers are aware of this Code.
- D. Teacher Sponsors 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 shall 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 shall zealously encourage good sportsmanship and fair play. Attorney Coaches are reminded that they must serve as positive role models for the students. They shall promote good 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 shall 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. By participating in the program, students, teacher sponsors 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 competition as determined in the sole discretion of the local County Mock Trial Committee.
- G. Security at San Diego County events is provided by the San Diego Sheriff's Department and all Deputy Sheriffs' and Court Services Officers' directives must be followed by all participants and affiliates while in the County Courthouse. Any parents, teachers or attorney coaches who may also be employed as state or federal peace officers are not authorized to bring any weapons, including service or personal firearms, into the County Courthouse.

### **Rule 1.3 — Trial Procedures**

- A. The mock trial is a bench trial; participants shall not address the scoring attorneys as if they were a jury even if they are sitting in the jury box. Participants shall direct all presentations to the judicial presider.
  - At the State Finals, a ten point deduction must be taken from each score sheet when a team member addresses the scorers.
  - At the San Diego County Competition, a five point deduction will be taken from each score sheet when a team member addresses the scorers.
- B. When the trial begins, the judicial presider will ask the team members, teachers, and attorney coaches to introduce themselves. Other than the clerk and bailiff, team members must not communicate with the scoring attorneys until the conclusion of the trial.
- C. Teams shall be identified by assigned team code only and not by school name.
- D. All participants are required to wear appropriate courtroom attire. Spectators are prohibited from wearing clothing that identifies their school/county.
- E. Teacher sponsors, attorney coaches, participants, and spectators shall remain in the courtroom throughout the mock trial so as to not disrupt the mock trial.
- F. Teams are required to submit a team roster to each of the judicial presider, (2-4) scoring attorneys, and the opposing team. Teams competing in San Diego County shall add student photos to their team roster, but may not add any other information (fillable team roster forms can be found at [sdmocktrial.org](http://sdmocktrial.org) in the 2019 Competition Forms section).
- G. All team members participating in a mock trial must be in the courtroom at the appointed time, ready to begin the round. Incomplete teams shall begin the mock trial on time without their missing members or with alternates.
- H. If a scheduled team is not present within 15 minutes after the scheduled mock trial time, that team shall forfeit the trial and is subject to possible disqualification (subject to the sole discretion of the local County Mock Trial Committee). Mock Trial teams traveling to the downtown County Courthouse should allow for traffic delays.
- I. At the State Finals, it is mandatory for at least one team representative to attend the announcement of the finalists for the Championship Trial. If a team is announced and no representative is present, the team forfeits the Championship Trial and the third ranked team will take the absent team's place in the Championship Trial.
- J. Recesses will not be allowed in local or state competitions for any reason (unless authorized by the local County Mock Trial Committee or judicial presider on an emergency basis).
- K. Tie-breakers: At the State Finals, any tie will be broken by the judicial presider's independent selection of the winning team. San Diego County adopts this procedure.
- L. Use of laptop computers, tablets, or cellular/smart phones during mock trials is prohibited.
- M. Teams may only video/audio record a trial involving their school. Any team has the option to refuse participation in video/audio recording and still photography conducted by an opposing school. In order to participate in the San Diego County Competition, you have agreed to allow video/audio recording and still photography for purposes of use by the local County Mock Trial Committee. Video/audio recording is allowed for educational purposes only, and video/audio recordings should not be shared with any other team before the State Finals without the permission of both teams. CRF will not accept any videotape for complaint purposes nor will the local County Mock Trial Committee.
- N. Other than the exhibits provided for in the trial packet, no other illustrative aids of any kind may be used.
- O. Props, costumes, and theatrical makeup are prohibited. Costuming includes hairstyles, clothing accessories that are specific to a role in the case. In keeping with the educational

philosophy and objectives of the competition, 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 shall not be allowed.

- P. Gender-neutral names in the mock trials allow students of either gender to play the role of any witness. Any questions regarding gender, race, or physical characteristics not included in the official case materials are not allowed.

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

- A. The California Mock Trial materials are protected by copyright and may not be re-printed anywhere, including on the Internet, without express permission from CRF. Any violation of this rule may result in litigation and in disqualification of a team or county. However, CRF hereby grants to all recipients a license to reproduce the lesson included in the beginning of the case packet and the exhibits, for distribution to students and educators.
- B. Any alteration or viewing of confidential California Mock Trial materials posted on the CRF web site will result in the immediate school disqualification and potential litigation.
- C. Plagiarism\* of any kind is unacceptable. Students' written and oral work must be their own. (\*Webster's Dictionary defines plagiarism as, "to steal the words, ideas, etc. of another and use them as one's own.")
- D. Trials may be open to the public but scouting is not allowed (see Code of Ethical Conduct).

### **Teams**

#### **Rule 2.1 — Team Eligibility**

- A. To participate in the State Finals (March 22 – March 24, 2019), each County must implement the following procedures B-K. San Diego County adopts these procedures.
- B. A county Mock Trial coordinator must be identified.
- C. Working in conjunction with CRF, the county coordinator and local County Mock Trial Committee must plan and implement a competition involving high school teams from the county or other nearby counties.
- D. If a team is the only team from a county in which no county competition is conducted, the team will still be eligible for the State Finals. We strongly recommend that such teams participate in the competition of another county to afford the teams an opportunity to improve their skills. Participation in another county's competition will not impact the team's eligibility for State Finals.
- E. All county competitions must be completed by March 1, 2019. County coordinators must inform CRF of the name of the winning team by March 1, 2019.
- F. A teacher sponsor or other school representative must be identified for each team.
- G. All team members must be eligible under school district and state rules applicable to involvement in high school extracurricular activities.
- H. All team members must be students registered at the school for which they are competing.
- I. After the completion of the local competition, no new team members may be added to a team attending the State Finals.
- J. The teacher sponsor has an affirmative duty to verify each competitor's eligibility from their team. Submission of the student team roster on the San Diego County website constitutes certification that the eligibility status of each participant has been verified by the teacher sponsor.

- K. San Diego County teams are composed of high school students whether a high school includes grades 9-12, or only grades 10-12. Grade level composition is up to each team. Teams can include freshman through seniors.
- L. 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.
- M. Two small schools may join together to form a single Mock Trial team if neither school has a pre-existing Mock Trial program. For the purposes of the California Mock Trial program, a "small" school is one with 200 or fewer enrolled students. Such combination teams are eligible to represent their county at the State Finals.
- N. At the discretion of the local County Mock Trial Committee, a community service-oriented, non-profit 501(c)(3) organization, such as YMCA and Boys and Girls Club, may form a Mock Trial team only if there is no Mock Trial program offered at the team members' schools of attendance. However, attempting to create an all-star team is not permitted. The non-profit organization cannot be formed for the sole purpose of creating a Mock Trial team. 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 see approval from their local County Coordinator and may be subject to CRF approval. Check with the local County Mock Trial Committee for further requirements.

## Rule 2.2 — Team Composition

- A. A team may have between 8 to 25 team members, including alternates and supporting roles. Official team roster must be composed of registered team members only.
- B. We encourage you to use the maximum number of students allowable, especially at schools with large student populations.
- C. 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.
- D. We encourage teams to use the maximum number of student attorneys when possible.
  - A maximum of two 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.
  - A maximum of three Trial Attorneys for prosecution and a maximum of three 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.
- E. We also encourage you to involve as many students as possible in support roles, such as researchers and understudies.
- F. The maximum number of students for each role is below:
  - Two Pretrial Motion Attorneys — one Pretrial attorney for the defense and one Pretrial Attorney for the prosecution (maximum). **Pretrial attorneys shall not serve as trial attorneys during the same round, but may serve as a witness.**
  - Three Trial Attorneys for the prosecution (maximum)
  - Three Trial Attorneys for the defense (maximum)
  - Four Witnesses for the prosecution (all four must be called in one trial)

- Four Witnesses for defense (all four must be called in one trial)
- One Clerk
- One Bailiff

### **Rule 2.3 — Team Withdrawal**

- A. If a team needs to withdraw from the competition, the teacher sponsor must notify the county coordinator as soon as possible at [sdmocktrial@gmail.com](mailto:sdmocktrial@gmail.com). A partial refund of ½ of the team registration fee will be returned to a team that submits a written team withdrawal with refund request no later than January 4, 2019. No refunds after January 4, 2019.
- B. The state finals registrations fee is non-refundable.

### **Rule 2.4 — Wild Card Teams**

- A. If there are an odd number of county championship teams attending the State Finals, a wild card team from a county will be selected randomly. The wild card team will be full participants and eligible for team awards. The same registration fees and forms are required for the wild card team. All counties will have the opportunity to submit to CRF their second place team to serve as a possible wild card at the time of first-place team registration.
- B. In San Diego County, if there are an odd number of teams present for any given round, the county coordinator will designate a substitute team. The substitute team will be the defense or prosecution team from an existing competing team. Substitute team's scores will be for practice purposes only and will not count towards their team's win/loss record or percentages. The scores from the trial will count for the opposing team and will be added to the team's win/loss record and percentages.

### **Rule 2.5 — Awards**

- A. At the State Finals awards will be given as follows:
  - Prosecution pretrial attorneys – 2 awards
  - Defense pretrial attorneys – 2 awards
  - Prosecution attorneys – 3 awards
  - Defense attorneys – 3 awards
  - Prosecution witnesses – 4 awards
  - Defense witnesses – 4 awards
  - Clerk – 1 award Bailiff – 1 award
  - Courtroom Artists – 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup>
  - Journalists – 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> place
  - Adult Advocate of the Year
- B. At the San Diego County competition awards will be given as follows:
  - Prosecution pretrial attorney – 2 awards
  - Defense pretrial attorney – 2 award
  - Prosecution attorney – 3 awards
  - Defense attorney – 3 awards
  - Prosecution witnesses – 4 awards
  - Defense witnesses – 4 awards
  - Clerk – 1 award
  - Bailiff – 1 award

- C. At the State Finals, the top eight teams will receive medals.
  - In San Diego County, the top two teams will receive a school plaque and individual ribbons for team members. All participants will receive a Certificate of Participation.

## **The Trial**

### **Rule 3.1 — The Case**

- A. The case materials contain the sources for the Mock Trial Competition. 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. Stipulations are facts agreed to be true therefore they are uncontroverted.
- 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. 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.
- 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 the 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 the use of the item, the judge will rule whether the evidence is appropriate or not.
  - 2- Before beginning the trial, mark all exhibits for identification. Address the judge 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 Defendant's) Exhibit # and request that the court so admit it."
  - 2- At this point, opposing counsel may make any proper objections.

- 3- The judge will then rule on whether the item 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 3.3 — Trial Communication**

- A. Once the trial has begun, attorney coaches, teacher sponsors, team alternates, and spectators may not talk to, signal, communicate with or coach their team members during any mock trial.
- B. Mock Trial is a bench trial; attorneys and witnesses may not verbally address the scoring attorneys as if they were a jury.
- C. Communication between trial attorneys is allowed during the trial but must be non-disruptive.
- D. The defendant may sit at counsel table and communicate with the defense attorneys. All communication must be non-disruptive to the mock trial.
- E. After the pretrial motion hearing, pretrial attorneys may not sit with the trial attorneys and may not communicate with the trial attorneys at any time during the trial.
- F. Once the trial has begun, there must be no spectator contact with student team members, whether in the hallway or in the courtroom.
- G. If any section of rule 3.3 has been violated, scorers must deduct ten points per score sheet per violation.

### **Rule 3.4 — Witnesses**

- A. Although witnesses are excluded from the trial proceedings in actual trials, for educational purposes, witnesses in the Mock Trial competition shall remain in the courtroom for the entire mock trial. Witnesses will sit in designated seating at the front of the courtroom and shall not disturb the mock trial.
- 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 witness 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 witness statement.
- E. The witness statements contained in the case material should be viewed as signed statements made to the police by the witnesses and adopted as their own statement. Unless otherwise specified, a witness can be impeached if her/his testimony contradicts the case 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. Time management of the trial is an important part of mock trial.
- H. Cross-examination is required for all witnesses. If the cross-examination attorney does not cross-examine one or more witnesses, the cross-examination attorney will receive a cross-examination score of zero for the witnesses not questioned under cross-examination.
- I. Witnesses are not allowed to use notes while testifying during the trial.

### **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 the judicial 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 judicial presider regarding extrapolations or evidentiary matters is final.
- J. 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 two points deducted from their individual scores.
- K. If a team has several team members making unfair extrapolations, in addition to the individual points deductions, five points must be deducted from the offending team's performance/participation score.

### **Rule 3.6 — Attorneys**

- A. The Prosecution presents the opening statement and closing argument first.
- B. Attorneys may conduct re-direct examination when appropriate. No re-cross-examination is allowed. Witnesses may not be recalled to the stand.
- C. The attorney who conducts the direct examination of a witness is the only person allowed to make objections to the cross-examination of that witness. The attorney who conducts the cross-examination of a witness is the only person allowed to make objections during the direct examination of the witness. Two points must be deducted for objections made by the wrong attorney.
- D. Attorneys may use notes while presenting their cases. Witnesses, however, 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 materials. Only specified types of objections will be recognized in the competition. Other rules of evidence may not be used at the mock 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 judicial 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.
- H. At the State Finals and in San Diego 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 a team would like to bring to the attention of the judicial presider and attorney scorers, one team member will have 30 seconds to orally note the irregularities to the judicial presider. Coaches may not directly make arguments on behalf of the team.
- J. Teams arguing a rule violation must be able to point to specific incident(s) of the misconduct and be able to cite to the judicial presider, the corresponding violation in the team rulebook and/or case material.
- K. The judicial presider will hear the alleged violation(s) and rule on the violation(s), the judicial presider's decision will be final and any interpretation of the Mock Trial Competition rules and their application shall be determined in the sole discretion of the local County Mock Trial Committee.
- L. If the judicial presider determines a violation exists, and there is not a specified deduction outlined in the team rulebook, the judicial 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. The 30 second 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 judicial presider's decision shall be final. The local County Mock Trial Committee in its sole discretion determines interpretation of the Mock Trial Competition rules and their application.

### **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 San Diego County.

- A. The defense will argue the pretrial motion first (as they are the proponent).
- 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 judicial presider in order to clarify their position.
- C. No objections are allowed during pretrial arguments. Two Points must be deducted for objections made during any pretrial arguments.
- D. In order to present a position in the most persuasive manner, pretrial attorneys should carefully review and become familiar with the materials provided in the mock trial case materials.
- E. Additional background research may supplement student 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/participation score.

### **Rule 3.8 — Clerk, Bailiff and Unofficial Timers**

- A. The Mock Trial Competition involves timed presentations. At the San Diego County Competition, the clerk and unofficial timer must bring a stop watch or any other electronic timing device and a time sheet to each trial. Any team member of the team presenting defense may serve as an unofficial timer. This unofficial timer must be identified before the trial begins. To avoid timing issues, both the official and unofficial timers must sit next to each other during the trial. The time sheet can be downloaded from [sdmocktrial.org](http://sdmocktrial.org). At the State Finals, the clerk and unofficial timer must use only a stop watch (no cell phones, tablets, or other electronic devices).
- B. The clerks may only use the time cards from [sdmocktrial.org](http://sdmocktrial.org) printed out on white paper (card stock recommend but not necessary). (At the State Finals teams must use the laminated time cards provided by CRF, which will be distributed by the presider. The time cards must be returned to the presider after each trial). The time cards will be printed with:
  - 2 minutes
  - 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 judicial presider determines there has been an unreasonable running of time, the witness may be admonished by the judicial presider and the judicial presider may direct the attorney scorers to deduct five point from the offending witness' score.
- E. Each team will have 40 minutes to present its case, including the pretrial motion. (The time may be utilized however they choose, but the maximum allowable totals for each section must be observed.)

Time limits for each section are as follows:

- Pretrial Motion (4 minutes) and Rebuttal (2 minutes)
  - Opening Statements/Closing Arguments (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..."
  - "Please state your name for the court..."
- G. The time will be stopped when:
- Witnesses are called to the stand
  - Attorneys make objections
  - Judicial presider questions attorneys and witnesses
  - Judicial presider offers their observations
- H. 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.
- I. One minute is automatically reserved for rebuttal at the conclusion of closing arguments. 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. At the State Finals, two-minute, one-minute, and 30 second visual warnings (not verbal) must be given before the end of each section. The clerk will stop students (both visually and verbally) at the end of the allotted time for each section. Thus, there will be no allowance for overtime. Two points must be deducted per score sheet if the judicial presider finds that any section of this rule has been violated.
- In San Diego County both visual and verbal warnings will be allowed for two-minute, one-minute, 30 second, and stop warnings.
- K. If timing variations of 15 seconds or more occur at the completion of any task during the trial, the timers will notify the judicial presider immediately that a time discrepancy has occurred. Any time discrepancies less than 15 seconds are not considered a violation. No time discrepancies will be entertained after the trial concludes. The judicial presider shall determine whether to accept the clerk's time or to make a time adjustment.
- L. At the end of the pretrial motion and the trial, the clerk will time the 30-second rule.
- M. The judicial presider and attorney scorers will be allowed at total of 10 minutes for debriefing at the end of the trial. Following the verdict, the judicial presider will complete the tie breaker form and collect the score sheets, time sheets, and award nomination forms, place them in the envelope provided and give the envelope to the courtroom monitor. The clerk will then begin timing the debriefing. The clerk will provide the judicial presider and attorney scorers with a two minute, one minute, 30 second visual warnings and will stop (both verbal and visual) the debriefing.
- 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 2018-19 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 permissible. If spectators must step outside, they should do so quietly in order to avoid disrupting the participants.
- Q. The bailiff will call the court to order using the following language:  
"All rise, Superior Court of California, County of San Diego, Department \_\_\_\_\_, is now in session. Judge \_\_\_\_\_ presiding. (Allow time for the presider to take the bench.) "Please be seated and come to order."

## **Rules**

### **Rule 4.1 — Rule Interpretation**

- A. The judicial presider is the ultimate authority throughout the mock trial. If there is a rule infraction, it is solely the student attorneys' responsibility to bring the matter to the judicial presider's attention before a verdict is rendered.
- B. There will be no bench conferences (no sidebars) allowed.
- C. The judicial 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 materials for reference during the mock trial.
- E. Unless a specific point deduction for a particular infraction is provided in these rules, each attorney 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 or to gain unfair advantage, is prohibited and five points must be deducted.

## **Judging and Team Advancement**

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

- All decisions of the judicial presider and scoring attorneys are final. The local County Mock Trial Committee in its sole discretion ultimately resolves any disputes over interpretation or application of the rules.

### **Rule 5.2 — Scoring Panel**

- A. The competition "scoring panel" will typically consist of two to four scoring attorneys. Judicial presiders do not score the mock trials. They preside and render the verdict.
- B. At the State Finals, the scoring panel may be people with substantial Mock trial coaching experience, scoring experience, law students, paralegals or attorneys. There will be at least one attorney on each scoring panel. The presider shall be either an attorney or judge. In San Diego County, the judicial presiders are all current or retired state or federal Judges, Magistrates or Commissioners, and the scorers are all attorneys, preferably those with courtroom trial experience.
- C. San Diego Conflict of Interest Policy: Attorneys who have a child (or close friend or relative) competing on a high school team during the 2018-2019 San Diego County High School Mock Trial Competition are ineligible to serve as attorney scorers during the competition. Attorneys who serve as an adviser, or a judge or scorer for unofficial scrimmages for any San Diego County high school team or teams during the 2018-2019 competition year are ineligible to serve as attorney scorers for the 2019 competition.

### **Rule 5.3 — Evaluation**

- Each scoring attorney will use the evaluation and scoring criteria to assign a numerical value (1-10) to individual and team presentations.
  - Closing argument and pretrial arguments are weighted twice as much as other categories.
  - The Clerk and bailiff are evaluated using a scale of 1-5.

### **Rule 5.4 — 1-10 Point Scale**

**Please note: New this year, San Diego County will begin using a 1-10-point scale for the San Diego County Competition.**

- A. Students are to be rated on the ten-point scale for each category according to the criteria appropriate to each presentation.
- B. Scoring attorneys will consider a "5" as a starting point and move up or down based on the presentation content and quality.
- C. Scoring attorneys must award points individually and not in 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 are scoring the individual presentation in each category.
- F. The scoring attorneys are not evaluating the legal merits of the case.

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

- A. Team rankings are based on the win-loss and percentage system in an effort to eliminate the artificial highs and lows inherent in any numeric scoring system
- B. Round one assignment will be random. Round two assignments and beyond will be based on a power matching system.
- C. In an event of a tie, the winning team will be determined by the official judicial presider tie breaker ballot.
- D. Teams will be ranked by the following order:
  - 1) First by Win/Loss Record - determined by the total number of raw points given in the trial. For example:
    - Team "A" has a total of 187 raw points.
    - Team "B" has a total of 176 raw points.
    - The winner of the trial is Team "A" with 187 raw points
  - 2) Percentage - After the raw points are calculated to determine a winner; the raw points are converted into a percentage to rank the team in their bracket. Given the example above:
    - Team "A's" raw points are added to team "B's" raw points to determine the total amount of points given at the trial:  
 $187(\text{Team A raw points}) + 176 (\text{Team B raw points}) = 363 \text{ raw points}$
    - Team A's raw points are divided by the total points to get a percentage  $187/363 = 51.52\%$
    - Team B's raw points are divided by the total points to get a percentage  $176/363 = 48.48\%$
- E. For power matching purposes, brackets will be separated first by win/loss record and second by cumulative percentages.

- F. If a bracket is equal to or greater than twelve, the bracket will be split in half to create two sub-brackets for power matching purposes. Sorting within the power matching bracket will be done in the following order:
  - 1) Win/loss record
  - 2) Cumulative percentagesThe team with the highest number of wins and percentage within a bracket, will be matched with the team with the lowest number of wins and percentage within the bracket, the next highest with the next lowest and so on until all teams are paired.
- G. If there is an odd number of teams in a bracket, the team at the bottom of that bracket will be matched with the top team from the next lower bracket.
- H. Final rankings will be determined after the completion of round four of the competition, first by win/loss record and then by cumulative percentages.
- I. To the greatest extent possible, teams will alternate side presentations in subsequent rounds and will not meet the same opponent twice. However, bracket integrity in power matching will supersede presentation in the State Finals. In San Diego County, the committee reserves the right to match teams to ensure offering each team two rounds as prosecution and two rounds as defense. All teams must agree to take whichever team or side (prosecution or defense) they are assigned and to make any necessary changes if requested by the Mock Trial Committee which may be necessary for the good of the overall competition.

#### **Rule 5.6 — Championship Trial**

- A. At the State Finals, selection of side assignment: If each of the finalist teams have presented an equal number of prosecution and defense rounds, the side assignments for the final round will be determined by a coin toss.
- B. The team with the lowest numerical team code (whichever comes first numerically), will be considered the "designated team."
- C. If the coin comes up heads, the designated team will represent the prosecution in the championship round. If the coin comes up tails, the designated team will represent the defendant.

#### For The San Diego Competition

- D. The two teams with the highest cumulative power score will compete in the championship round.
- E. The team with the highest cumulative score can select the side assignment of their choosing.

## **Summary of Pretrial Motion Procedures**

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

## **Summary of Trial Procedures**

- Attorneys present physical evidence for inspection.
- Judicial 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 or desired.
- 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 or desired.
- Prosecution gives its closing argument, and then defense presents its closing argument. No questioning during closing arguments.
- Prosecution and defense each present rebuttal closing arguments.
- At the end of the trial and before ruling, the judicial presider asks students if they would like 30 seconds to consult with their teacher/attorney coaches regarding any mock trial irregularities.
- Judicial presider deliberates (bench trial), announces verdict in court, and conducts a short debrief of the mock trial with the scoring attorneys (not to exceed 10 min.)

## Evaluation Criteria

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

## Evaluation Criteria

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

## Guidelines for (1-10) Scoring

The following are general guidelines to be applied to each category on the score sheet. It is strongly recommended that scorers use “5” as an indication of an average performance, and adjust higher or lower for stronger or weaker performances.

Attorneys	Score	Witnesses
<p>Excellent understanding of the case, rules, and legal issues                      Questions and arguments advanced case and didn't ask for answers that asked for unfair extrapolations                      Persuasive and articulate delivery made without use of notes                      Thought well on feet, in control of situation, and responded to other team's presentation                      Objected when appropriate; clearly understood how to respond to objections                      Maintained eye contact with judge and witnesses, spoke in clear and audible voice</p>	<p><b>9-10</b>  <b>Excellent</b></p>	<p>Excellent understanding of case, witness statements, and exhibits (if applicable)                      Convincing, credible presentation                      Answers were thorough, accurate, persuasive, and natural, not scripted                      Didn't provide answers that embellished facts and/or went outside scope of case materials                      Maintained eye contact with judge and student attorneys; strong, audible voice</p>
<p>Good understanding of the case, rules, and legal issues                      Most questions and arguments advanced case and didn't ask for unfair extrapolations                      Mostly persuasive and articulate delivery; used notes occasionally                      Able to think on feet some of the time                      Most objections were appropriate; usually understood how to respond to objections                      Mostly maintained eye contact with judge and witnesses                      Mostly spoke in clear and audible voice</p>	<p><b>7-8</b>  <b>Above Average</b></p>	<p>Good understanding of witness statements and exhibits (if applicable)                      Mostly convincing, credible presentation                      Most answers were thorough, accurate, persuasive, and mostly natural, not memorized                      Rarely provided answers that embellished facts and/or went outside scope of case materials                      Sometimes forgot to maintain eye contact with judge and student attorneys                      Mostly spoke in clear and audible voice</p>
<p>Fair understanding of case, rules, and legal issues                      Used notes, sometimes stumbled on delivery                      Some questions and arguments advanced case and didn't ask for unfair extrapolations                      Prepared for trial but often relied on preparation and not responding to other team's presentation                      Missed appropriate opportunities to object; didn't always understand how to respond to objections                      Sometimes forgot to maintain eye contact with judge and witnesses                      Sometimes difficult to hear</p>	<p><b>5-6</b>  <b>Average</b></p>	<p>Fair understanding of witness statements and exhibits (if applicable)                      Somewhat convincing, credible presentation                      Answers not always thorough, accurate or persuasive; sounded scripted, not natural                      Some answers embellished facts and/or went outside scope of case materials                      Sometimes forgot to maintain eye contact with judge and student attorneys                      Sometimes difficult to hear</p>
<p>Demonstrated little understanding of case, rules, and legal issues                      Needs work on poise and delivery; didn't respond to other team's presentation                      Read mostly scripted questions; relied heavily on notes                      Few questions and arguments advanced case; may have asked questions that required unfair extrapolations                      Struggled to understand when to object and how to respond to objections; used objections to interfere with other team's presentation                      Often forgot to maintain eye contact with judge or witnesses                      Often difficult to hear</p>	<p><b>3-4</b>  <b>Below Average</b></p>	<p>Struggled to understand witness statements and exhibits (if applicable)                      Presentation not convincing, credible; often unrealistic                      Answers were generic and often didn't seem natural, but based on memorized script; sometimes stumbled over responses                      Often provided answers that embellished facts and/or went outside scope of case materials                      Often forgot to maintain eye contact with judge and student attorneys                      Often difficult to hear</p>
<p>Did not understand case, rules, or legal issues                      Not persuasive or articulate in delivery; read entirely from script                      Not prepared for trial; not able to think on feet                      Questions and arguments didn't advance case; asked for answers that required unfair extrapolations                      Did not know when to object or how to respond to objections                      Disruptive/disrespectful/inappropriate actions                      Did not maintain eye contact with judge or witnesses; unclear or inaudible voice</p>	<p><b>1-2</b>  <b>Far Below Average</b></p>	<p>Did not understand witness statements and exhibits                      Presentation not convincing or credible; seems unrealistic                      Answers were not thorough, accurate, or persuasive, and didn't sound natural; stumbled over responses                      Answers not consistent with the facts and/or went outside scope of case materials                      Did not maintain eye contact with judge or student attorneys                      Weak, inaudible, or unclear voice                      Disruptive/disrespectful/inappropriate actions                      Gave excessively long, non-responsive answers on cross examination to deliberately use up opposing counsel's time</p>

Clerk	Score	Bailiff
<p>Very professional demeanor  Clear understanding of procedures; excellent time keeping  Clear, audible voice when issuing verbal warnings (if applicable)  Visual warnings were clearly visible to student attorneys  Able to think well on feet, in control of situation</p>	<p><b>5</b>  Excellent</p>	<p>Very professional, believable presentation  Consistent use of clear and audible voice, and eye contact  Consistently natural delivery of script  Excellent understanding of role and procedures</p>
<p>Professional demeanor  Good understanding of procedures; good time keeping  Mostly spoke in clear, audible voice when issuing verbal warnings (if applicable)  Visual warnings were mostly clearly visible to student attorneys</p>	<p><b>4</b>  Above Average</p>	<p>Professional, believable presentation  Used clear, audible voice, and eye contact a lot of the time  Knew script and delivery was mostly consistently natural  Good understanding of role and procedures</p>
<p>Good demeanor  Basic understanding of procedures; able to keep time  Was heard when issuing verbal warnings (if applicable)  Visual warnings were visible to student attorneys</p>	<p><b>3</b>  Average</p>	<p>Mostly natural, believable presentation  Audible voice, some eye contact  Apparent that script was memorized  Understood role and procedures</p>
<p>Demeanor lacked professionalism  Demonstrated little understanding of procedures; time keeping not entirely accurate  Not clear or audible when issuing verbal warnings (if applicable)  Visual warnings may not have been visible to student attorneys</p>	<p><b>2</b>  Below Average</p>	<p>Presentation not realistic, lacked professionalism  Voice not all that clear or audible; little eye contact  Used notes, stumbled with script  Did not have a good understanding of role and procedures</p>
<p>Complete lack of professionalism  No understanding of procedures; time keeping was inaccurate  Verbal warnings not used or completely inaudible (if applicable)  Verbal warnings not used or not at all visible  Disruptive/disrespectful/inappropriate actions</p>	<p><b>1</b>  Far Below Average</p>	<p>Complete lack of professionalism  Voice not audible or clear; no eye contact  Relied almost entirely on notes/script  Did not understand role and procedures  Disruptive/disrespectful/inappropriate actions</p>