



# 2020 – 2021 California Mock Trial Program

## San Diego County Team Rulebook



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

Co-Sponsored by:  
American Board of Trial Advocates  
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\*Modified for use in the 2021 Competition by the  
San Diego County High School Mock Trial Committee  
[sdmocktrial.org](http://sdmocktrial.org)



November 2, 2020

Dear Mock Trial Participants-

Enclosed you will find our 2020-2021 Team Rulebook for this most unusual competition season. As you know, at a minimum, Rounds One through Four of our Competition will be held virtually, and the original rules promulgated by the Constitutional Rights Foundation (CRF) in September had to be modified to apply to the virtual setting. We have taken CRF's recently-amended Rulebook and adapted it for use in San Diego County. Please note that many important details regarding the State Finals which are contained in the CRF version have been eliminated from our San Diego Rulebook. The winning team from our competition will be required to follow the CRF rules and is urged to consult the CRF Rulebook.

Two important items should be noted about our Rulebook. First, rules which specifically address the virtual format are shaded in grey to highlight them and make participants aware of different procedures. Second, the Committee is still consulting with other counties and with technology experts regarding the best methods (e.g. chatrooms, text groups, etc.) to be used for authorized communications during trial. Thus, we have not yet specified in the Rulebook how coaches and students may engage in permissible communication during the consultation period following the pretrial motion and conclusion of the trial, and between the clerk and unofficial timers. Those details will be released by the Committee in early January 2021 and will be published on our website and via email.

We have also attached to the Rulebook the following:

- 1) Evaluation Criteria (a CRF publication modified for San Diego)
- 2) Scoring Guidelines (a CRF publication modified for San Diego)
- 3) Summary of Allowable Evidentiary Objections (a CRF publication modified for San Diego)

We know this competition holds challenges for the dedicated students, teachers and attorney coaches who are for the first time preparing to compete using technology in a virtual setting. We are inspired by your dedication to mock trial and your desire to make it work, and we pledge to make the process as clear and rewarding as possible.

If you have any questions please feel free to direct them to [sdmocktrial@gmail.com](mailto:sdmocktrial@gmail.com).

With best regards,

*Judge Laura J. Birkmeyer, Chair*  
*On behalf of the San Diego County High School Mock Trial Committee*

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## **Administration**

### **Rule 1.1 — Rules**

- A.** All trials in San Diego County will be governed by the rules of the California Mock Trial Program and the California Mock Trial Rules of Evidence, as modified by the San Diego County High School Mock Trial Committee.
- B.** All participants in the San Diego County High School Mock Trial Competition must follow all rules and procedures as specified in the Mock Trial materials or disseminated by the San Diego County High School Mock Trial Committee. Failure of any member or affiliate of a team to adhere to these rules may result in disqualification of that team.

### **Rule 1.2 — Code of Ethical Conduct**

All participants are bound by all sections of this Code and agree to abide by the provisions.

- A.** All competitors, teachers, attorney coaches and other participants, including observers will show courtesy and respect for all team members and participants, including their opponents and all court staff, judges, attorney coaches, teachers, mock trial staff, and volunteer personnel.
- B.** All competitors, attorney coaches and participants, including observers, will show dignity and restraint, irrespective of the outcome of any trial. Trials, contests and activities will be conducted honestly, fairly, and with civility.
- C.** Team members and all student participants will conform to the highest standards of deportment. Team members and participants may 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.** Teachers 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. 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 attorney 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 presentations (e.g. pretrial, questions, objections, etc.) be substantially the work product of the student team members.
- F.** By participating in the program, students, teachers 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 disqualification from the competition.

### **Rule 1.3 — Trial Procedures**

- A.** All team members, including team substitutes, must have their video off and microphone muted when not presenting.
- B.** All active team members and team substitutes must have the case and official exhibits readily available, but may only refer to them when allowed.

- C. The Mock Trial Competition is a bench trial. Student Attorneys and witnesses are not to verbally address the scoring attorneys as if they were a jury.
- D. When the trial begins, the judge will ask the team members, teachers, and attorney coaches to introduce themselves. The team members, team substitutes, and attorney coaches will turn on their video and unmute their microphone for their brief introduction. Teachers and Attorney Coaches will turn off their video and remain muted for the remainder of the trial.
- E. Teams will be identified by team code only and not by school name. All attendees are required to follow the naming rules in order to be admitted into the virtual courtroom and will be required to be listed on the virtual participant list. Naming rules will be issued by the San Diego County Mock Trial Committee in January 2021.
- F. All participants are required to wear appropriate courtroom attire and are prohibited from wearing clothing that identifies their school.
- G. All participants should have a blank background (light neutral colors as white, beige, or grey), if possible, without any distracting objects in view. Virtual backgrounds or profile pictures are prohibited.
- H. At least one Attorney Coach or teacher must remain in the virtual courtroom throughout the trial. Other Attorney Coaches or teachers who are on the virtual participant list are not required to remain in the virtual courtroom throughout the trial, but may not disrupt the proceedings with their entry or exit.
- I. Teams are required to submit their trial roster by the designated deadline prior to each round. Trial rosters must identify each active team member with their individual roles and team substitutes with their individual roles. No changes to the roster may be made after submission, and students must perform the roles as identified on the trial roster.
- J. All team members participating in a trial must log-in to the virtual courtroom at least one 30 minutes before the start of the trial. All team members are to remain in the virtual courtroom throughout the trial. Incomplete teams must begin the trial without their other members or with their substitutes.
- K. If a scheduled team has not entered the virtual courtroom (or physical courtroom if they are used for the semi-final or championship round) within 30 minutes after the scheduled trial time, that team forfeits the trial and is subject to possible disqualification (subject to the discretion of San Diego County Mock Trial Committee).
- L. Recesses will not be allowed for any reason (unless authorized by Mock Trial committee or judge).
- M. Ties will be decided by the judge's independent selection of the winning team.
- N. A laptop, computer, or tablet must be used to attend and participate in the virtual competition, unless a team receives a waiver in advance from the San Diego County Mock Trial Committee to use a mobile phone. The use of such devices is limited to presenting the case and may not be used for communication with team members, teachers, attorney coaches, or others except as permitted by these mock trial Rules.
- O. All participants must consent to video and audio recording and electronic posting (including video meeting, social media, or other platforms) of each presentation. For all virtual trials, the San Diego County High School Mock Trial Committee may be recording the session. Any recording of the session may be shared with teachers and attorney coaches who, in turn, may share the recording with the student team members and their families. These recordings are for educational purposes only and may not be shared with anyone else or published in any manner on the internet or any social media platform without the permission of the San Diego County Mock Trial Committee.

Violation of this rule may result in a team's disqualification. The San Diego County Mock Trial Committee will not consider any video for complaint purposes.

- P.** Other than the exhibits provided in the trial material, no other illustrative aids of any kind may be used.
- Q.** 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.
- R.** Gender-neutral names allow students of either gender to play the role of any witness. During trial, questions regarding gender, race, or physical characteristics not included in the official case materials are not allowed.
- S.** It is not permissible to share Zoom links and passwords with anyone other than your own team members/teacher/attorney coaches. Do not post links or passwords on social media or any other platforms. Anyone who violates Zoom security measures will be automatically disqualified from the competition.

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

- A.** The California Mock Trial materials are protected by copyright and may not be re-printed anywhere, including on the Internet, without express permission from CRF. Any violation of this rule may result in litigation and in disqualification of a team or county. However, we hereby grant to all recipients a license to reproduce the lesson included in the beginning of the case material 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.").

### **Teams**

#### **Rule 2.1 — Team Eligibility**

- A.** To participate in the State Finals, each county must implement procedures B-K, listed below.
- B.** A county Mock Trial coordinator must be identified (usually through the county office of education).
- C.** Working in conjunction with CRF, the coordinator must plan and implement a competition involving teams from the county or other nearby counties. With CRF approval, the coordinator may represent more than one county.
- D.** If a team is the only team from a county in which no county competition is conducted, that team will be eligible for the State Finals. We strongly recommend that such a team participate in the competition of another county to afford the team an opportunity to improve its 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, 2021. County coordinators must inform CRF of the name of the winning team by March 1, 2021.

- F.** In addition to registering with their county, all teams and individual team members must provide information requested by the San Diego County Mock Trial Committee to assist the committee with the CRF registration.
- G.** A teacher or school representative must be identified and present for each team during competition.
- H.** All team members must be eligible under school district and state rules applicable to involvement in extracurricular activities.
- I.** All team members must be registered at the school for which they are competing.
- J.** No new team members may be added to a team after January 15, 2021. This also applies to schools that have two teams competing and students may not participate on more than one registered team. Team members must remain in the designated registered team with no substitution between the two teams.  
Note: Teams representing a county at the state finals must be comprised of students who registered and participated on the current county winning team.
- K.** The teacher 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.
- 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 had a pre-existing Mock Trial Program. For the purposes of the California Mock Trial Program, a “small” school is one with 200 or fewer enrolled students. Such combination teams are eligible to represent their county at the State Finals.
- N.** Mock Trial teams must be school-based. 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 are subject to CRF approval.

**Rule 2.2 — Team Composition**

- A.** At any given trial, a team must have a minimum of 8 active team members. The official trial roster submitted prior to each trial must list the 8 minimum active team members and their roles.
- B.** A team may have a maximum of 25 team members, including alternates and supporting roles. We encourage teams to use the maximum number of students allowable, including support roles, such as researchers and understudies.
- 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 presentation/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 minimum of two trial attorneys for Prosecution and a minimum of two trial attorneys for Defense and 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. In the event of technical difficulties experienced by a team member during a virtual trial, it is permissible to have another team member designated as an emergency substitute.
  - F. A technical difficulty includes internet failure, computer difficulties, and audio/microphone failure. Camera failure is not considered a technical difficulty and a substitute is not permitted for camera failure. In the event of camera failure, the student should proceed using audio only unless and until video is restored.
  - G. No student or team may feign technical difficulties or invoke the technical difficulty rule for purposes other than a genuine technical difficulty. Such an act would violate the Rules of Competition and Code of Ethical Conduct and may be sanctioned at the discretion of the San Diego County Mock Trial Committee through point deductions or other means up to and including disqualification from the competition.
  - H. Before the commencement of the trial, each team must notify the bailiff if it is experiencing any technical difficulties and advise whether they are offering substitutes for any role. If during trial a substitution is required, the substituting team member must notify the judge (time stops during this transition and starts as soon as the presentation starts): “Your honor, I would like to inform the court that I am (insert name) and I am substituting for (insert name) who is unable to compete due to technical difficulties.”
  - I. The presentation will be scored on the presentation by the initial team member and the substitute, taken as a whole.
  - J. Once a student is deemed unable to compete in a role due to technical difficulties, to minimize disruption, they are not permitted to return and compete in the unfinished role. If the technical difficulties are resolved, they can participate in their other roles in the trial, if any (e.g. a pretrial attorney could return in a witness role). If a trial attorney is subbed out, that trial attorney will not be able to return later.

### **Rule 2.3 — Team Withdrawal**

- A. If a team needs to withdraw from a competition, the teacher must notify the San Diego County Mock Trial Committee as soon as possible.
- B. Competition registration fees are non-refundable after January 8, 2021.

### **Rule 2.4 — Awards**

An award ceremony for the San Diego County High School Completion will be held on February 20, 2021.

- A. Awards will be given in the following categories:
  - 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
- David H. Bartick Civility Award

The San Diego County High School Mock Trial Committee reserves the right to bestow additional awards, and registered teams will be notified by January 8, 2021.

- B.** The first and second place teams will receive a school plaque and first or second place ribbons for all team members. Third and fourth place teams will also be specially acknowledged. All participants will receive a Certificate of Participation.

## **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 — Physical Evidence**

- A.** All active team members and substitute team members must have access to the physical evidence listed under the heading “Physical Evidence” in the case materials.
- 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 listed under the heading “Evidence,” provided that the objects correspond to the case material’s description. Below are the steps to follow when introducing physical evidence (maps, diagrams, etc.). All items are presented prior to trial.
- 1- All participants must have all exhibits readily available but may only refer to them when prompted.
  - 2- The attorney wishing to use an exhibit will identify the exhibit and page number where the exhibit can be found and request the Court’s permission to mark the exhibit for identification.
  - 3- Before the exhibit can be admitted into evidence, the witness testimony must lay a foundation (authentication, relevance, etc.)
  - 4- The attorney will ask the witness to identify the exhibit. For example, “are you familiar with this document? Please identify it?” or what is it?”
  - 5- The witness will identify the exhibit.
  - 6- The attorney may ask “how” the witness is familiar with the exhibit.
  - 7- After a foundation has been laid, the attorney will offer the exhibit into evidence. “you honor; we offer Exhibit \_\_\_ into evidence at this time.”

- 8- The judge will respond: “Is there an objection?” (If opposing counsel believes a proper foundation has not been laid, or other appropriate objection, the attorney should be prepared to object at this time.)
  - 9- Opposing counsel: “No, your honor,” or “Yes, your honor...” If the response is “Yes,” the objection will be stated on the record. Judge: “Is there any response to the objection?”
  - 10-Judge: “Exhibit \_\_\_\_\_ is/is not admitted.”
  - 11-Note, an attorney may choose to ask the court to admit the exhibit into evidence at the conclusion of the witness testimony. Regardless, an attorney must lay a foundation that the witness has knowledge of the exhibit prior to asking questions about the contents of the exhibit.
  - 12-As a reminder, all evidence will be pre-marked as exhibits, and timekeepers will not stop keeping time during the introduction of evidence.
- 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 accessible by all team members.
- 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 judges.

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

- A.** Once the trial has begun, teachers, attorney coaches, substitute team members, and others are not allowed to communicate (including signaling, texting, IM, passing notes, etc.) with the teams.
- B.** The Mock Trial Competition is a bench trial. Attorneys and witnesses are not allowed to verbally address the scoring attorneys as if they were a jury.
- C.** Communication between trial attorneys, and between the defendant and defense trial attorney, when allowed by the Rules, is permitted only in a format to be designated by the San Diego County Mock Trial Committee.
- D.** The pretrial attorneys may not communicate with the trial attorneys at any time.
- E.** Once the trial has begun, other than what is permitted by these rules, there must be no communication with student team members.
- F.** If any section on rule 3.3 has been violated, scorers must deduct five 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 Program will remain in the virtual courtroom for the entire trial. Witnesses must remain seated with their video on and microphone unmuted while testifying.
- B.** Witnesses may not testify or respond to another witnesses' testimony, unless otherwise stated in the stipulations.
- C.** The mock trial fact situation, witness statements, stipulations, and exhibits are the official case materials and make up the sole source of information for testimony.
- D.** Unless otherwise stated, attorneys may not solicit information from a witness that requires the witness to testify to information from another witness's statement or information not included in their own statement.
- E.** The witness statements contained in the case material should be viewed as signed statements made to the police by the witnesses. Unless otherwise specified, a witness can be impeached if she/he contradicts the 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 10 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. Witnesses must have the case and official exhibits readily available during their testimony, but may only refer to them when prompted by an examining attorney.

### **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 judge 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 judge regarding extrapolations or evidentiary matters is final. Scoring attorneys must take the judge’s ruling on unfair extrapolations into consideration when determining the point deduction total.
- 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 one point deducted from their individual scores.
- K.** If a team has several team members making unfair extrapolations, in addition to the individual point deductions, five points should be deducted from the offending team’s presentation/participation score.

### **Rule 3.6 — Attorneys**

- A.** The prosecution presents the opening statement and closing argument first. Attorneys may elect to stand or remain seated while giving their opening statement, direct and cross examinations, and closing arguments. Attorneys must turn on their video and unmute their microphone when presenting.
- B.** During witness examinations, the two attorneys examining the witness must have their video on. The attorney must unmute their microphone when examining the witness. When an attorney is not examining a witness or raising an objection, their microphone must be muted. If an attorney wishes to object, the attorney can unmute their microphone to do so but must remain seated. Attorneys may conduct a 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 or re-direct examination of the witness. Two points must be deducted for each objection made by the wrong attorney.
- D.** Attorneys may use paper notes while presenting their case. Notes in any digital format or on any device may not be kept or used during trial.
- E.** 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.
- 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 judge’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 each objection made during opening statements or closing arguments.
- H.** There will be 60 seconds provided at the end of the pretrial and at the end of the trial for team members from each team to confer with their team’s attorney coaches to discuss any trial irregularities. The only permissible method for this communication will be determined by the San Diego County Mock Trial Committee.

- I. If there are any irregularities regarding the rules of the competition that a team wishes to bring to the attention of the judge and attorney scorers, one active team member will have 30 seconds to orally argue any irregularities to the judge. Attorney coaches may not directly make arguments on behalf of the team.
- J. Teams arguing a violation of the rules must be able to point to specific conduct that comprises the rule violation and cite to the judge the corresponding rule in the team rulebook and/or case material. Teams arguing against an allegation of a rule violation should cite to specific conduct and rules which support their position.
- K. The judge will hear arguments in favor of and against an alleged rule violation and make a decision as to whether a rule violation occurred. Any interpretation of the Mock Trial Competition Rules and their application shall be determined in the sole discretion of the San Diego County Mock Trial Committee.
- L. If the judge determines a violation exists and there is not a specified deduction outlined in the team rulebook, the judge 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 deducted from the individual or team score.
- M. The 60 second rule should be used for substantial rule violations and should not be used to argue additional points of law or rebut an opponent's closing argument.
- N. This time should not be used to argue additional points of law or rebut an opponent's arguments. Regarding questions of rule violations, the judge's decision will be final.

### **Rule 3.7 — Conduct of the Pretrial Motion**

- A. The defense will argue the pretrial motion first. The pretrial attorneys may elect to stand or remain seated while giving their pretrial argument. Attorneys must turn on their video and unmute their microphone when presenting.
- 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 judge to clarify their position.
- C. No objections are allowed during pretrial arguments. Two points must be deducted for each objection made during pretrial arguments.
- D. In order 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 materials.
- E. Additional background research may supplement their understanding of the issues at hand, but such supplemental materials may not be cited in arguments.
- F. No written pretrial motion memoranda may be submitted at trial.
- G. The pretrial motion, motions entering exhibits into evidence, and motion to strike testimony are the only motions allowed. All other motions are prohibited. If a motion is made that is not listed in this section, two points must be deducted from the team's total team presentation/participation score.

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

- 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 timers may communicate in a manner to be determined by the San Diego County Mock Trial Committee for time checks during the trial.

- B.** The clerk and unofficial timer must bring a stopwatch or any other electronic timing device and a timesheet to each trial. The timesheet can be found at [sdmocktrial.org](http://sdmocktrial.org) on the Materials page. The clerk may only use the time cards from the [sdmocktrial.org](http://sdmocktrial.org) (found on the Materials page) printed on white paper (card stock recommended but not necessary).

The timecards will have the following time remaining warnings:

- 2 minute
- 1 minute
- 30 seconds
- Stop

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

- D.** Running of another team's time is not allowed. One team's unreasonable running of the opposing team's time is inappropriate. If the judge determines there has been an unreasonable running of time, the witness may be admonished by the judge and the judge may direct the attorney scorers to deduct five points from the offending witness' score.

- "Objection, your honor. The witness is unreasonably running time."

- E.** Each team will have 40 minutes to present its case, including the pretrial motion. (The time may be utilized however a team chooses, 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 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..."
- "Please state your name for the court..."

- G.** The time will be stopped when;

- Witnesses are called to the stand
- Attorneys make objections
- Judge questions attorneys and witnesses
- Judge offers their observations
- There are technical difficulties and a substitute team member notifies the judge of the change.

- H.** 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 the 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.** Both visual and verbal warnings will be given at two-minute, one-minute, 60 second, and stop warnings. The clerk must have their video off and microphone muted when not presenting time warnings. To provide a time warning, the clerk will turn on their video and unmute their microphone to do so. The time remaining cards must be displayed in a manner to ensure that there is a clear view for the counsel and judge. 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.

- K.** Two points must be deducted per score sheet if the judge finds that any section of this rule has been violated.
- L.** 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 15 seconds are not considered a violation. No time discrepancies will be entertained after the trial concludes. The judge shall determine whether to accept the clerk’s time or make a time adjustment.
- M.** At the end of the pretrial motion and the trial, the clerk will time the 60-second rule.
- N.** The judge and attorney scorers will be allowed a total of 10 minutes for debriefing at the end of the trial. Following the verdict, the clerk will begin timing the debriefing. The clerk must have their video off and microphone muted when not presenting time warnings. To provide a time warning, the clerk will turn on their video and unmute their microphone to do so. The clerk will provide the judge and attorney scorers with a 2 minute, 1 minute, and 30 second visual warnings and will stop (both verbal and visual) the debriefing.
- O.** The clerk will not be scored on timing the debriefing, consultations, or any formal presentations regarding irregularities. No extensions of time will be granted.
- P.** The bailiff may elect to stand or remain seated. The bailiff must have their video off and microphone muted when not presenting. The bailiff will turn on their video and unmute their microphone to call the court to order and swear in the witnesses. In addition, the bailiff must bring a copy of the 2020-21 Team Rulebook and Case Packet should the judge need to clarify an issue or question.
- Q.** Before calling the court to order, the bailiff will remind the virtual courtroom attendees to turn off all cell phones (and silence cell phones if they are permitted by the rules to be used during the trial), as well as confirm that all participants can see and hear the bailiff, clerk, and the judge. The bailiff will also inquire whether either team has suffered any technical difficulties and is offering substitutes. The bailiff will notify the judge of any substitutions.
- R.** The bailiff will call the court to order using the following language:  
 “The Superior Court of the State of California, County of San Diego, Department \_\_\_\_\_, is now in session. Honorable \_\_\_\_\_ presiding.
- S.** The bailiff will swear in the witnesses (witness must remain seated) 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?”

## **Rules**

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

- A.** The judge 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 judge’s attention before a verdict is rendered.
- B.** No bench conferences are allowed.
- C.** The judge will determine if a rule was, in fact, violated. Her/his word is final.
- D.** Unless a specific point deduction for a particular infraction is provided in these rules, each scorer will determine the appropriate amount of deduction individually.
- E.** 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.

- F. Arguing for hyper technical interpretations of the rules, especially when designed to embarrass others or to gain an unfair advantage, is prohibited and five points must be deducted.

## **Judging and Team Advancement**

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

- A. All decisions of the judge and scoring attorneys are final. The San Diego 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 attorneys. Judges do not score the mock trials, they preside and render the verdict.
- B. San Diego County Conflict of Interest Policy: Attorneys who have a child (or close friend or relative) competing on a high school team during the 2020-2021 San Diego County High School Mock Trial Competition season (September 10, 2020 through February 24, 2021) are ineligible to serve as scorers during the competition. Attorneys who serve as an adviser, judge, or scorer for unofficial scrimmages for any San Diego County high school team or teams during the 2020-2021 competition season are ineligible to serve as an attorney scorer for the 2021 competition.

### **Rule 5.3 — Evaluation**

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

### **Rule 5.4 — 1 to 10 Point Scale**

- A. Students are to be rated on the 10-point scale for each category (with the exception of the clerk and bailiff) according to the criteria appropriate to each presentation.
- B. Scoring attorneys should consider a “5” as a starting point and move up or down based on the presentation.
- C. Scoring attorneys must award points individually and not with consultation from other scoring attorneys.
- D. Some scores are weighted and therefore can affect a team’s score more dramatically. These include the pretrial motion (x2) and the closing argument (x2).
- E. The scoring 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.** Assignments for Rounds One and Two will be random. Assignments for Rounds Three and Four and beyond will be based on a power matching system.
- C.** In the event of a tie, the winning team will be determined by the official judge 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 12 teams, 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 percentages
- The team with the highest number of wins and percentage within a bracket will be matched with the team with the lowest percentage within the bracket. Then, the next highest with the next lowest within the bracket and so on, until all teams are paired.
- G.** If there is an odd number of teams in a bracket, the team at the top 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 the Semi-Final round 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 alternate side presentation. The San Diego County Mock Trial 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 requested by the San Diego County Mock Trial Committee that may be necessary for the good of the overall competition.

### **Rule 5.6 — Championship**

- A.** The two winning teams from the semi-final round will compete in the Championship Round.
- B.** The team with the highest score from the semi-final will select the side assignment of their choosing.

## 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 judge’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 judge 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, excessive interruptions, and/or obstructionist behavior should not be rewarded</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 and of evidence</li> </ul>

## Evaluation Criteria

<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> <li>• Witness understood the facts</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 her/his 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>
<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 her/his 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 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 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>• 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> <li>• Team members’ roles were evenly divided</li> </ul>

## Guidelines for Scoring (2020-2021 Competition Year)

Attorneys		Witnesses
<ul style="list-style-type: none"> <li>• Excellent understanding of the case, rules, and legal issues</li> <li>• Questions and arguments advanced case and didn't ask for answers that asked for unfair extrapolations</li> <li>• Persuasive and articulate delivery made without use of notes</li> <li>• Thought well on feet, in control of situation, and responded to the other team's presentation</li> <li>• Objected when appropriate; clearly understood how to respond to objections</li> <li>• Maintained eye contact* with judge and witnesses, spoke in clear and audible voice. Did not verbally address the attorney scorers</li> </ul>	9-10 - Excellent	<ul style="list-style-type: none"> <li>• Excellent understanding of case, witness statements, and exhibits (if applicable)</li> <li>• Convincing, credible presentation</li> <li>• Answers were thorough, accurate, persuasive, and natural, not scripted</li> <li>• Didn't provide answers that embellished facts and/or went outside scope of case materials</li> <li>• Maintained eye contact** with judge and student attorneys; strong, audible voice</li> <li>• Did not verbally address the attorney scorers</li> </ul>
<ul style="list-style-type: none"> <li>• Good understanding of the case, rules, and legal issues</li> <li>• Most questions and arguments advanced case and didn't ask for unfair extrapolations</li> <li>• Mostly persuasive and articulate delivery; used notes occasionally</li> <li>• Able to think on feet some of the time</li> <li>• Most objections were appropriate; usually understood how to respond to objections</li> <li>• Mostly maintained eye contact* with judge and witnesses. Did not verbally address the attorney scorers.</li> <li>• Mostly spoke in clear and audible voice</li> </ul>	7-8 - Above Average	<ul style="list-style-type: none"> <li>• Good understanding of witness statements and exhibits (if applicable)</li> <li>• Mostly convincing, credible presentation</li> <li>• Most answers were thorough, accurate, persuasive, and mostly natural; not memorized</li> <li>• Rarely provided answers that embellished facts and/or went outside scope of case materials</li> <li>• Sometimes forgot to maintain eye contact** with judge and student attorneys</li> <li>• Mostly spoke in clear and audible voice. Did not verbally address the attorney scorers</li> </ul>
<ul style="list-style-type: none"> <li>• Fair understanding of case, rules, and legal issues</li> <li>• Verbally addressed the scoring attorneys as if they were a jury</li> <li>• Used notes, sometimes stumbled on delivery</li> <li>• Some questions and arguments advanced case and didn't ask for unfair extrapolations</li> <li>• Prepared for trial but often relied on preparation and not responding to the other team's presentation</li> <li>• Missed appropriate opportunities to object; didn't always understand how to respond to objections</li> <li>• Sometimes forgot to maintain eye contact* with judge and witnesses</li> <li>• Sometimes difficult to hear</li> </ul>	5-6 - Average	<ul style="list-style-type: none"> <li>• Fair understanding of witness statements and exhibits (if applicable)</li> <li>• Verbally addressed the scoring attorneys as if they were a jury</li> <li>• Running of time of the opposing team's time</li> <li>• Somewhat convincing, credible presentation</li> <li>• Answers not always thorough, accurate or persuasive; sounded scripted, not natural</li> <li>• Some answers embellished facts and/or went outside scope of case materials</li> <li>• Sometimes forgot to maintain eye contact** with judge and student attorneys</li> <li>• Sometimes difficult to hear</li> </ul>
<ul style="list-style-type: none"> <li>• Demonstrated little understanding of case, rules, and legal issues</li> <li>• Needs work on poise and delivery; didn't respond to the other team's presentation</li> <li>• Read mostly scripted questions; relied heavily on notes</li> <li>• Few questions and arguments advanced case; may have asked questions that required unfair extrapolations</li> <li>• Struggled to understand when to object and how to respond to objections; used objections to interfere with the other team's presentation</li> <li>• Often forgot to maintain eye contact* with judge or witnesses</li> <li>• Often difficult to hear</li> <li>• Verbally addressed the scoring attorneys as if they were a jury</li> </ul>	3-4 - Below Average	<ul style="list-style-type: none"> <li>• Struggled to understand witness statements and exhibits (if applicable)</li> <li>• Presentation not convincing or credible; often unrealistic</li> <li>• Verbally addressed the scoring attorneys as if they were a jury</li> <li>• Answers were generic and often didn't seem natural, but based on memorized script; sometimes stumbled over responses</li> <li>• Often provided answers that embellished facts and/or went outside scope of case materials</li> <li>• Often forgot to maintain eye contact** with judge and student attorneys</li> <li>• Often difficult to hear</li> <li>• Deliberately used up opposing counsel's time</li> </ul>

<ul style="list-style-type: none"> <li>• Did not understand case, rules, or legal issues</li> <li>• Not persuasive or articulate in delivery; read entirely from script</li> <li>• Not prepared for trial; not able to think on feet</li> <li>• Questions and arguments didn't advance case; asked for answers that required unfair extrapolations</li> <li>• Did not know when to object or how to respond to objections</li> <li>• Disruptive/disrespectful/inappropriate actions</li> <li>• Did not maintain eye contact* with judge or witnesses; unclear or inaudible voice</li> <li>• Verbally addressed the scoring attorneys as if they were a jury</li> </ul>	1-2 - Far Below Average	<ul style="list-style-type: none"> <li>• Did not understand witness statements nor exhibits</li> <li>• Presentation not convincing or credible; seemed unrealistic</li> <li>• Answers were not thorough, accurate, or persuasive, and didn't sound natural; stumbled over responses</li> <li>• Answers not consistent with the facts and/or went outside scope of case materials</li> <li>• Did not maintain eye contact** with judge or student attorneys</li> <li>• Weak, inaudible, or unclear voice</li> <li>• Disruptive/disrespectful/inappropriate actions</li> <li>• Gave excessively long, non-responsive answers on cross examination</li> <li>• Deliberately used up opposing counsel's time</li> <li>• Verbally addressed the scoring attorneys as if they were a jury</li> </ul>
<b>Clerk</b>		<b>Bailiff</b>
<ul style="list-style-type: none"> <li>• Very professional demeanor</li> <li>• Clear understanding of procedures; excellent time keeping</li> <li>• Clear, audible voice when issuing verbal warnings (if applicable)</li> <li>• Visual warnings were clearly visible to student attorneys</li> <li>• Able to think well on feet, in control of situation</li> </ul>	5 - Excellent	<ul style="list-style-type: none"> <li>• Very professional, believable presentation</li> <li>• Consistent use of clear and audible voice, and eye contact***</li> <li>• Consistently natural delivery of script</li> <li>• Excellent understanding of role and procedures</li> </ul>
<ul style="list-style-type: none"> <li>• Professional demeanor</li> <li>• Good understanding of procedures; good time keeping</li> <li>• Mostly spoke in clear, audible voice when issuing verbal warnings (if applicable)</li> <li>• Visual warnings were mostly clearly visible to student attorneys</li> </ul>	4 - Above	<ul style="list-style-type: none"> <li>• Professional, believable presentation</li> <li>• Used clear, audible voice, and eye contact*** a lot of the time</li> <li>• Knew script and delivery was mostly consistently natural</li> <li>• Good understanding of role and procedures</li> </ul>
<ul style="list-style-type: none"> <li>• Good demeanor</li> <li>• Basic understanding of procedures; able to keep time</li> <li>• Was heard when issuing verbal warnings (if applicable)</li> <li>• Visual warnings were visible to student attorneys</li> </ul>	3 - Average	<ul style="list-style-type: none"> <li>• Mostly natural, believable presentation</li> <li>• Audible voice, some eye contact***</li> <li>• Apparent that script was memorized</li> <li>• Understood role and procedures</li> </ul>
<ul style="list-style-type: none"> <li>• Demeanor lacked professionalism</li> <li>• Demonstrated little understanding of procedures; time keeping not entirely accurate</li> <li>• Not clear or audible when issuing verbal warnings (if applicable)</li> <li>• Visual warnings may not have been visible to student attorneys</li> </ul>	2 - Below	<ul style="list-style-type: none"> <li>• Presentation not realistic, lacked professionalism</li> <li>• Voice not all that clear or audible; little eye contact***</li> <li>• Used notes, stumbled with script</li> <li>• Did not have a good understanding of role and procedures</li> </ul>
<ul style="list-style-type: none"> <li>• Complete lack of professionalism</li> <li>• No understanding of procedures; time keeping was inaccurate</li> <li>• Verbal warnings not used or completely inaudible (if applicable)</li> <li>• Verbal warnings not used or not at all visible</li> <li>• Disruptive/disrespectful/inappropriate actions</li> </ul>	1 - Far Below	<ul style="list-style-type: none"> <li>• Complete lack of professionalism</li> <li>• Voice not audible or clear; no eye contact***</li> <li>• Relied almost entirely on notes/script</li> <li>• Did not understand role and procedures</li> <li>• Disruptive/disrespectful/inappropriate actions</li> </ul>

\* Due to the use of technology in a virtual competition, it is impossible to gauge whether eye contact is maintained. In virtual competitions, student attorneys should be evaluated as to whether they are engaged with the witness or judge, whether they maintain a good screen presence and avoid the appearance of being distracted or lacking attention to the witness or the judge.

\*\* Due to the use of technology in a virtual competition, it is impossible to gauge whether the witness is maintaining eye contact with the student attorneys or judge. In virtual competitions, the witness should be evaluated as to whether they are engaged with the student attorneys or judge, whether they maintain a good screen presence and avoid the appearance of being distracted or lacking attention to the student attorneys or judge.

\*\*\* Due to the difficulty in maintaining eye contact during a virtual competition, the bailiff's performance will be based on screen presence and whether the bailiff avoided the appearance of being distracted or lacking attention during the trial.

Participation and Team Presentation	
9-10 Excellent	<ul style="list-style-type: none"> <li>● All competitors, attorney coaches and other participants, including observers:               <ul style="list-style-type: none"> <li>○ showed courtesy and respect for all team members and participants, including their opponents and all courthouse staff, judges, attorney coaches, teachers, and mock trial staff and volunteer personnel</li> <li>○ showed dignity and restraint, irrespective of the outcome of any trial. Trials, contests and activities were conducted honestly, fairly, and with civility</li> <li>○ conformed to the highest standards of deportment</li> <li>○ focused on the educational value of the Mock Trial Competition</li> <li>○ used proper procedure and decorum</li> <li>○ abided by the letter and the spirit of the competition's Rules and the Code of Ethical Conduct</li> <li>○ did not employ tactics they believe to be wrong or in violation of the Rules</li> <li>○ did not willfully violate the Rules of the competition in spirit or in practice</li> <li>○ team members' presentation was natural no overacting</li> </ul> </li> </ul>
7-8 Above Average	<ul style="list-style-type: none"> <li>● Pretrial attorney served as trial attorney during the same round</li> <li>● The prosecution team failed to bring physical evidence to court</li> <li>● Prohibited motions were used. (The pretrial motion, motions entering exhibits into evidence, and motion to strike testimony are the only motions allowed)</li> <li>● Team members' roles were not evenly divided</li> </ul>
5-6 Average	<ul style="list-style-type: none"> <li>● Used 60-second rule to argue additional points of law or rebut opponent's closing argument</li> <li>● Several team members made unfair extrapolations (in addition to the individual point deductions)</li> <li>● Portrayed racial, ethnic, or gender stereotypes</li> <li>● Team members'; presentation was not natural; overacting was present</li> </ul>
3-4 Below Average	<ul style="list-style-type: none"> <li>● Argued for hyper technical interpretations of the rules to embarrass others or to gain an unfair advantage</li> <li>● Additional exhibits, other than the exhibits provided in the trial material, were used.</li> <li>● Used props, costumes, and theatrical makeup</li> </ul>
1-2 Far Below Average	<ul style="list-style-type: none"> <li>● Competitors, attorney coaches and/or other participants, including observers:               <ul style="list-style-type: none"> <li>○ did not show courtesy and respect for all team members and participants, including their opponents and all courthouse staff, judges, attorney coaches, teachers, and mock trial staff and volunteer personnel</li> <li>○ did not show dignity and restraint, irrespective of the outcome of any trial. Trials, contests, and activities were not conducted honestly, fairly, and with civility</li> <li>○ did not conform to the highest standards of deportment</li> <li>○ did not focus on the educational value of the Mock Trial Competition.</li> <li>○ did not use proper procedure and decorum</li> <li>○ did not abide by the letter and the spirit of the competition's Rules and the Code of Ethical Conduct</li> <li>○ employed tactics they believe to be wrong or in violation of the Rules</li> <li>○ willfully violated the Rules of the competition in spirit or in practice</li> </ul> </li> </ul>
Note:	Any specific point deduction without a designated category can be deducted in the participation and team presentation category.
0 Score (10 Point Deductions)	<ul style="list-style-type: none"> <li>● Failure to cross-examine a witness (attorney score)</li> <li>● Failure to conduct direct examination of a witness (attorney and witness score)</li> <li>● Can apply only to rule violations that specify a zero score</li> </ul>

**California Mock Trial Rules of Evidence**  
**Summary of Allowable Evidentiary Objections**  
**(Modified for San Diego County)**

These are the only objections allowed and are modified for the mock trial competition. (See Mock Trial Simplified Rules of Evidence of the case packet for more details.)

- 1. Unfair Extrapolation:** “Objection your honor. This question is an “unfair extrapolation,” or “This information is beyond the scope of the statement of facts.”
- 2. Relevance:** “Objection, your honor. This testimony is not relevant,” or “Objection, your honor. Counsel’s question calls for irrelevant testimony.”
- 3. More Prejudicial Than Probative:** “Objection, your honor. The probative value of this evidence is substantially outweighed by the danger of undue prejudice (or confusing the issues, wasting time, or misleading the trier of fact).”
- 4. Foundation:** “Objection, your honor. There is a lack of foundation.”
- 5. Personal Knowledge/Speculation:** “Objection, your honor. The witness has no personal knowledge to answer that question.” Or “Objection, your honor, Speculation.”
- 6. Opinion Testimony (Testimony from Non-Experts):** “Objection, your honor. Improper lay witness opinion,” or “Objection, your honor. The question calls for speculation on the part of the witness.”
- 7. Expert Opinion:** “Objection, your honor. There is a lack of foundation for this opinion testimony,” or “Objection, your honor. Improper Opinion.”
- 8. Character Evidence:** “Objection, your honor. Inadmissible character evidence,” or “Objection, your honor. The question calls for inadmissible character evidence.”
- 9. Hearsay:** “Objection, your honor. Counsel’s question calls for hearsay,” or “Objection, your honor. This testimony is hearsay. I move that it be stricken from the record.”
- 10. Leading Question:** “Objection, your honor. Counsel is leading the witness.”
- 11. Compound Question:** “Objection, your honor. This is a compound question.”
- 12. Narrative:** “Objection, your honor. Counsel’s question calls for a narrative.” Or, “Objection, your honor. The witness has lapsed into a narrative answer.”
- 13. Argumentative Question:** “Objection, your honor. Counsel is being argumentative,” or “Objection, your honor. Counsel is badgering the witness.
- 14. Asked and Answered:** “Objection, your honor. This question has been asked and answered.”
- 15. Vague and Ambiguous:** “Objection, your honor. This question is vague and ambiguous as to.”
- 16. Non-Responsive:** “Objection, your honor. The witness is being non-responsive.”
- 17. Outside Scope of Cross-examination:** “Objection, your honor. Counsel is asking the witness about matters beyond the scope of cross-examination.”
- 18. Unreasonable Running of Time:** “Objection, your honor. The witness is unreasonably running time.”