



SAN DIEGO COUNTY HIGH SCHOOL MOCK TRIAL PROGRAM: RULES AND PROCEDURES UPDATE

Presented by:

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November 17 and November 30, 2021



What we hope students take away from the mock trial program and competition:

- The benefits of working with a team and meeting fellow students they would not have otherwise met;
- Learn from skilled attorney coaches who also become mentors;
- Improve public speaking skills;
- Learn how to develop facts and organize persuasive arguments;
- Understand the importance of civility;
- Have a great life experience!

GOALS FOR THIS EVENING



1. Logistics Information
2. Tips for Preparing for Competition
3. Review of Some Important Competition Rules and Procedures

WHY IS **DECEMBER 10** IMPORTANT??

- Participant Agreements/Photo Releases, Team Rosters, and Fee Must be Submitted by December 10
- We Need a Reliable Count of Participating Schools to Assess Resource Needs



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WHY IS



IMPORTANT?

- **Last Date to Change Team Roster**
- **Last Date to Be Eligible for Refund if Your Team Must Withdraw**
- **Final Decisions About Logistics Will be Made Based on January 14, 2022 Numbers**





COMPETITION DATES

ROUND ONE: FEBRUARY 8

ROUND TWO: FEBRUARY 16

ROUND THREE: FEBRUARY 23

ROUND FOUR: FEBRUARY 26 A.M.

SEMI-FINAL ROUND: FEBRUARY 26 P.M.

**AWARDS CEREMONY AND ANNOUNCEMENT
OF SEMI-FINALISTS: FEBRUARY 26 MIDDAY**

CHAMPIONSHIP ROUND: MARCH 1

BE ON THE LOOKOUT



- **AMENDMENTS TO THE SAN DIEGO COUNTY RULEBOOK**
 - Script for Asserting Irregularities
 - Time Check Procedures
- **SOLICITATIONS FOR SCORERS**
- **MORE ERRATA**
- **CRF'S FINAL VERSION OF CASE (released in January 2022)**

HOW MIGHT COVID-19 AFFECT THE COMPETITION?



We are **preparing for an in-person competition***, complying with all Superior Court and San Diego County rules and guidance regarding public events. This may include requirements such as mask wearing, social distancing, screening for COVID symptoms, use of hybrid forums (virtual as well as in-person) and a lot of flexibility and understanding.

Note: We are counting on teachers and attorney coaches to share any rules or regulations their school or school district may have regarding extracurricular activities.

***If we must pivot to a virtual competition, notice will be provided via email and on the website, and we will hold an additional briefing on Zoom about virtual procedures.**

WHAT ABOUT PARENTS AND OBSERVERS?



ROUNDS ONE – FOUR: We are hopeful that parents/guardians will be able to be physically present in the courtrooms to observe. Social distancing may apply.

SEMI-FINAL AND FINAL: May be present. Will also be available online.

AWARDS CEREMONY: May be present. Will also be available online.



**ROUNDS ONE THROUGH
THREE WILL START
PROMPTLY AT 5:30 P.M.**

**TEAMS SHOULD PLAN TO BE
IN THE COURTHOUSE BY 4:30
P.M.; ANNOUNCEMENTS WILL
BEGIN AT 4:45 P.M.**



Note: If a scheduled team is not present in the assigned courtroom within 15 minutes of the designated start time, the team forfeits the trial and is subject to disqualification. Rule 1.3 G.

VIDEO/AUDIO/STILL PHOTOGRAPHY POLICY



- Teams may only take video/audio/still photography of a trial involving their own team with the permission of the opposing team and the judicial officer. Any team has the option to refuse video/audio/still photography by opposing team. Video/audio/still photography is for training purposes only and may not be posted on the internet or published in any manner.
- The competition has official photographers working on behalf of the Mock Trial Committee who may access all trials, orientations, and the awards ceremony to document everyone's participation. All students have signed permission slips allowing use of these photographs by the Committee.

TEAM MATCH-UPS

- Round One: **Random Selection.**
- Rounds Two and Three: **Based on Win-Loss Record and Power Scores; Teams Will Be Placed in Brackets. Top and Bottom in Each Bracket Will Be Matched.**
- Round Four: **Based on Win-Loss Record and Power Scores; Teams Placed in Brackets. Top and Bottom Matched, with Consideration of Whether Prosecution or Defense in the Preceding Round.**
- **Four Teams with Best Win-Loss and Power Scores Will Be Selected for Semi-Finals. If a Tie, Tie-Breaker Forms Will Be Used. Winner of Each Semi-Final Round Will Go On to the Championship Round. Team with Highest Power Score Can Select the Side Assignment They Wish to Have in the Championship Round.**
- Explained in Rule 5.5.



PREPARATION TIPS:

- Take time to review SD Rules and Scoring Criteria with students. Consider designating a “rules guru.”
- Routinely look for website announcements, FAQs, and training tips and materials. Encourage students to do so as well. Respond to Mock Trial emails quickly.
- Scrimmage, if you can.
- Be mindful of our conflict-of-interest policy.
- Notify Committee in advance via Gmail if a student needs an accommodation.

TEAM COMPOSITION:

- Teams 8 – 25 members. Must have 8 active team members participating in each trial (Rule 2.2 A & B).
- 1 pretrial motion attorney; 3 trial attorneys maximum (will also make opening & closing); pretrial attorney may not sit at counsel table or assist trial attorneys.
- 4 witnesses (all 4 must be called in one trial).
- Direct exam and cross-exam; May re-direct; No re-cross exam.
- 1 clerk - participates with the prosecution team.
- 1 bailiff - participates with the defense team.
- 1 unofficial timer – participates with the defense team.
- Students can take on different rolls during your school's prosecution or defense rounds.

STRONGLY DISCOURAGED ACTIONS (FOR WHICH MANDATORY PENALTIES APPLY)

- Ignoring team composition requirements (Rule 2.2 C & D).
- Running of time (Rule 3.8 D).
- Failure to call a witness (Rule 3.4 G).
- Failure to cross-examine a witness (Rule 3.4 H).
- Objection by wrong attorney during direct, cross or re-direct (Rule 3.6 C).
- Objection during pretrial argument, opening statement, or closing argument (Rules 3.7 C, 3.6 G).
- Unfair extrapolation (Rule 3.5 J).
- Assertion of hyper technical rules violations (Rule 3.6 L).
- Improper trial communication with coaches, teachers, spectators and between pretrial and trial attorneys and team members (Rules 3.3A, E G and H).

TRIAL COMMUNICATION- RULE 3.3

- Once trial starts, teachers, attorney coaches, teammates, and spectators are not allowed to communicate unless it is expressly permitted by the rules (e.g. communication between trial attorneys, between defense attorneys and defendant, between team attorneys and coaches for 30 second irregularities consult).
- Pretrial attorneys cannot sit with trial attorneys.
- Mandatory 5-point penalty from team score for violations of Rules 3.3 A, E and G; up to 2-point penalty from team score for violations of Rules 3.3 B or F or if permissible communication is disruptive.
- No use of electronic devices (except by clerk for time keeping).



RULE 3.8 (D) – RUNNING OF TIME

- 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 5 points from the offending witness' score.
- Running of time is now officially part of the scoring guidelines as well.

THE CLERK'S ROLE AND TIME KEEPING

- **Clerk** has an essential and **neutral role** (as does the bailiff), as time keeper; providing warnings and displaying timecards (2 minute, 1 minute, 30 seconds, and stop).
- Coaches are urged to work with clerks so they understand the requirements of the role.
- Rule 3.8 G has expanded list of events which stop time:
 - Witnesses called to stand and be sworn by bailiff
 - Attorneys make objections
 - Judge questions attorneys and witnesses
 - Judge offers observations
 - **A witness asks for a question to be repeated**
 - **Attorneys request time remaining (remaining time must be provided for both sides).**
- **SDHSMTC will likely amend rulebook to address the frequency of time checks and issues relating to time keeping.**



RULES OF EVIDENCE

- The Simplified Rules of Evidence are similar to CA rules
- Developing familiarity with the SRE and objections
 - Common: Relevancy, Hearsay, Foundation, Leading
 - Less Common: More Prejudicial Than Probative, Improper Opinion, Impeachment with Prior Acts, Compound Question, Calls for a Narrative, Asked and Answered, Non-Responsive, Beyond the Scope
 - Unique To Mock Trial: Unfair Extrapolation
 - **Unique to SD: Unreasonable Running of Time**
- Objections:
 - Can only be made by the attorney examining the witness for the opposing side
 - Should never be made during pretrial motion, opening statement, or closing argument
 - Work on how to make an objection

SCORING BASICS



1. Independent Scoring – Scoring attorneys do not consult with each other or the judge. Judge does not score.
2. Scorers score students' individual presentations – not as compared to the opposing team.
3. Scorers' primary goal is to apply Evaluation Criteria and score based on that criteria. Secondly, scorers will be noting particular points for comments/constructive criticism after scores are submitted.
4. Many penalties are preset; some require judicial finding first.



RULES 5.3 AND 3.6

- **Each scoring attorney will independently use the evaluation and scoring criteria to assign a numerical value (1-10) to individual and team presentations.**
- **Judges will rule on alleged rule violations. If the judge determines there has been a rule violation -- unless a specific point deduction for a particular infraction is provided in the rules -- each attorney scorer will determine the appropriate amount of deduction (if any) individually. Rule 3.6(L). Scorers may also deduct points for rule violations they observe.**

POINTS



- Scoring attorneys are instructed to start from the middle of average range (in a 10-point scale, that would be 5) based on the guidelines.
- Be mindful of trial phases that have greater weight for tallying the team score (pretrial motion and closing arguments are x2).
- Be mindful of preset penalties.
- Coach and audience communication could result in deduction of points.
- Unless a specific point deduction is provided in the rules, each attorney scorer will determine the appropriate amount of deduction individually.

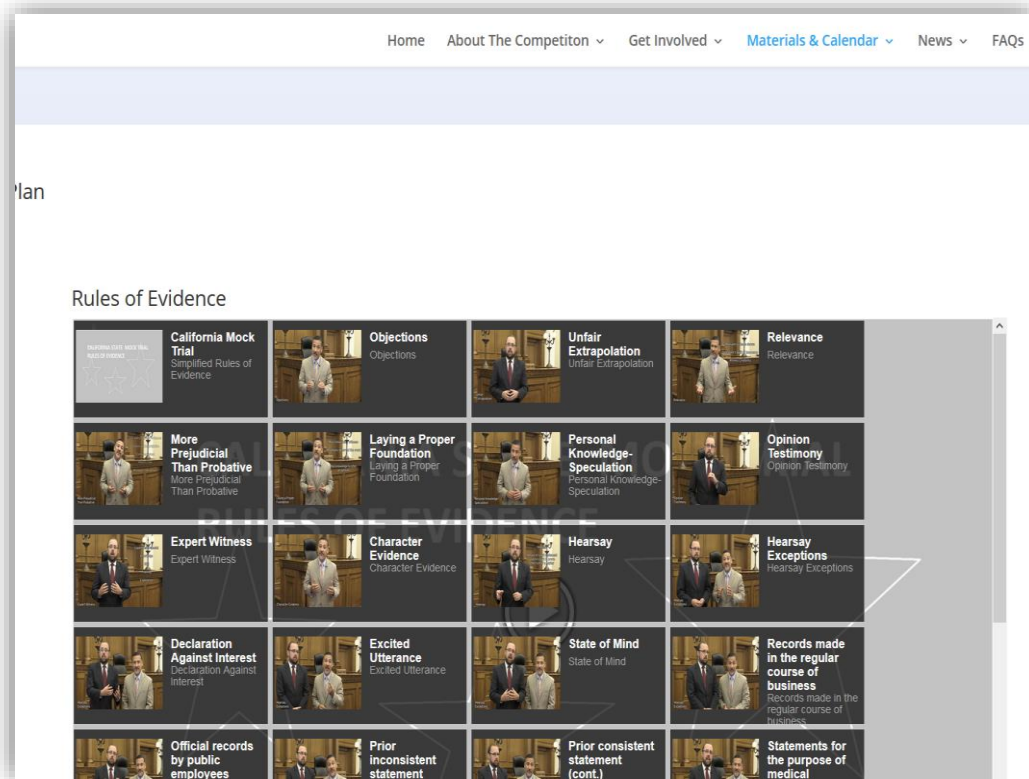
WHERE TO FIND HELPFUL MATERIALS

- What You Already Have:

Case Materials, Team Rule Book, and Simplified Rules of Evidence

- Other Resources:

- Local and CRF Q & A (found at sdmocktrial.org)
- Links to tutorials (found at sdmocktrial.org)
- Always use sdmocktrial.org website – some of our procedures differ from those used by CRF



A FEW FINAL THOUGHTS

- This is a competition but the primary goal is individual growth for each student. The learning process and the experience is our number one priority.



- Good citizenship and sportsmanship is paramount!



**Thank You for Participating in the
2022 San Diego County High School
Mock Trial Competition!**

