

2022-2023 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
Daily Journal Corporation

*Modified for use in the 2023 Competition
by the San Diego County High School Mock Trial
Committee sdmocktrial.org

Table of Contents

Administration

Rule 1.1 — Rules	1
Rule 1.2 — Code of Ethical Conduct	1
Rule 1.3 — School Eligibility	2
Rule 1.4 — Copyright and Plagiarism	2
Rule 1.5 — Scouting	3

Teams

Rule 2.1 — Team Eligibility	3
Rule 2.2 — Team Composition	4
Rule 2.3 — Team Withdrawal	5

The Trial

Rule 3.1 — The Case	5
Rule 3.2 — Trial Procedures	5
Rule 3.3 — Trial Communication	8
Rule 3.4 — Physical Evidence	8
Rule 3.5 — Witnesses	9
Rule 3.6 — Unfair Extrapolation	10
Rule 3.7 — Attorneys	11
Rule 3.8 — Conduct of the Pretrial Motion	11
Rule 3.9 — Timing and the Roles of Clerk, Bailiff, and Unofficial Timer	12

Evaluation and Team Advancement

Rule 4.1 — Rule Interpretation	15
Rule 4.2 — Finality of Decisions	15
Rule 4.3 — Scoring Pane	15
Rule 4.4 — Evaluation	16
Rule 4.5 — Scoring	16
Rule 4.6 — Rankings and Ties	16
Rule 4.7 — Forfeit	17
Rule 4.8 — Championship Trial	17
Rule 4.9 — Awards	17

Summary of Pretrial Motion Procedures & Trial Procedures	19
---	----

Evaluation Criteria	20
----------------------------	----

Guidelines for (1-10) Scoring	22
--------------------------------------	----

Summary of Allowable Evidentiary Objections	25
--	----

Introduction

This Rulebook sets forth the rules to be used for the February 2023 San Diego County High School Mock Trial Competition. The San Diego County High School Mock Trial Committee (SD Committee) is planning for an in-person competition at the San Diego Superior Court, 1100 Union Street, San Diego. However, this Rulebook contains rules for an in-person competition along with rule modifications to be used if circumstances necessitate a virtual competition.

Administration

Rule 1.1 — Rules

- A.** All mock trials in San Diego County will be governed by the California Mock Trial Rulebook, California Case Materials, and the California Mock Trial Rules of Evidence, produced by the Constitutional Rights Foundation (CRF), as modified by the SD 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 SD Committee. Failure of any member or affiliate of a team to adhere to the rules may result in consequences up to and including disqualification or expulsion of that team.
- C.** This Team Rulebook contains rules for an in-person competition as well as any rule modifications to accommodate a virtual competition. Any rule modifications are listed immediately after the rule that is being modified listed under **virtual**.

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, teachers, attorney coaches, and other participants, including observers, will show courtesy and respect for all team members and participants, including their opponents and all courthouse staff, judges, attorney coaches, teachers and mock trial staff, and volunteer personnel.
- B.** All competitors, teachers, 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 to focus on the educational value of the Mock Trial Competition. Attorney coaches are reminded that they must serve as positive role models for the students. They will promote conduct and decorum among their team members and fellow coaches in accordance with the letter and the spirit of the competition's Rules and this Code of Ethical Conduct and will demonstrate the same through their own behavior. They will emphasize the educational value of the experience by requiring that all courtroom presentations (e.g., pretrial, questions, objections, etc.) be substantially the work product of the student team members.

- F. 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 and/or suspension or expulsion from the program.

Rule 1.3 — School Eligibility

- A. To participate in the State Finals, each county must implement procedures in B-F, listed below.
- B. A Mock Trial County coordinator must be identified (usually through the county office of education) and approved by CRF. The county coordinator must register their county, agree with the terms and responsibilities set forth by CRF, and pay county registration fees by set deadlines.
- C. Working in conjunction with CRF, the county coordinator must plan and implement a county competition involving only schools from their own county. With CRF approval, the county coordinator may represent more than one county.
- D. If a school is the only school participating in Mock Trial from a county in which no county competition is conducted, that school will be eligible for the State Finals. We strongly recommend that such a school participate in scrimmages. In order to be added to the scrimmage list, schools must register through the CRF mock trial website.
- E. All county competitions must be completed by March 1, 2023. County coordinators must inform CRF of the name of the winning school by March 1, 2023. Should the county's winning school not be able to participate at the state finals, then the second-place team is eligible to represent the county at the state finals.
- F. In addition to registering with their county, all schools and individual team members must provide information requested by the SD Committee to assist the committee with the CRF registration.
- G. Home-schooled students may participate in the Mock Trial Program in one of two ways:
 - 1. As a member of the team at the public school the student would attend if not home-schooled.
 - 2. As a member of an independent team exclusively composed of home-schooled students within their county.
 - 3. Applicants must seek approval from their local County Coordinator and are subject to CRF approval.
- H. Two small schools may temporarily, for no more than two years, join to form a single Mock Trial team if neither school had a pre-existing Mock Trial Program to pilot the program. For the purposes of the California Mock Trial Program, a "small" school is one with 200 or fewer enrolled students. Applicants must seek approval from their local County Coordinator and are subject to CRF approval. Such combination teams are eligible to represent their county at the State Finals.
- I. Mock Trial teams must be an official school based program. On a case-by-case basis, non-school based non-profit organizations (i.e., Boys/Girls Clubs, YMCA, etc.) may be permitted to sponsor a Mock Trial team for students whose school does not offer the Mock Trial program. However, attempting to create an all-star team is not permitted. Among requirements that applicants must demonstrate are a non-profit in good standing, have an operational history as a youth-serving organization, provide adequate insurance, and have a functioning governance structure. Applicants must seek approval from their local County Coordinator and are subject to CRF approval.

Rule 1.4 — Copyright and Plagiarism

- A. The California Mock Trial case materials are protected by copyright law and may not be re-printed anywhere, including posting on the Internet, without express permission from CRF. In addition, the current CA Mock Trial case materials may not be used in invitationals, tournament, and academic camps without express written permission from CRF. Any violation of this rule may result in litigation and in disqualification of a team or county. However, CRF grants to all recipients a license to reproduce the exhibits, for distribution to registered and participating students and educators.

- B. Any alteration or viewing of confidential California Mock Trial case materials posted on the CRF web site will result in the immediate school disqualification and potential litigation.
- C. Plagiarism* of any kind is unacceptable. Students' written and oral work must be their own. (*Webster's Dictionary defines plagiarism as, "to steal the words, ideas, etc. of another and use them as one's own.")
- D. Trials are open to participating teams and their invitees as permitted by the SD Committee. No intentional scouting is allowed.

[Virtual] *It is not permissible to share virtual links and passwords with anyone other than your own team members, teachers, and attorney coaches. Do not post links or passwords on social media or any other platforms. Anyone who violates the established virtual security measures will be automatically disqualified from the competition. No intentional scouting is allowed.*

- E. Teams may be supplied links on digital platforms so that family members, friends and other team members may observe their team's performance. These links may be shared only with those expressly authorized by the SD Committee. No intentional scouting is allowed, and links may not be shared with teams other than those performing in a particular courtroom. Observers watching on a digital platform may not, under any circumstances, record any portion of a mock trial session.

Rule 1.5 — Scouting

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

Teams

Rule 2.1 — Team Eligibility

- A. A teacher or school administrator must be identified to serve as the liaison to the SD Committee and will be responsible for submitting all required forms and team registration fee.
- B. All team members must be eligible under school district and state rules applicable to involvement in extracurricular activities.
- C. All team members must be currently registered during the academic year as students at the school for which they are competing.
- D. The teacher or school administrator has an affirmative duty to verify each team member's eligibility. Submission of the team roster constitutes certification that the status of each participant has been verified.
- E. After January 20, 2023, no new team members may be added to a team. This also applies to individual teams from counties where two teams per school are allowed. Team members must remain in the designated registered team, no substitution between teams. Teams representing a county at the state finals must be composed of students who registered and participated on the current county winning team.

Rule 2.2 — Team Composition

- A. A team must have a minimum of 8 students to participate and may have up to a maximum of 25 students. We encourage teams to use the maximum number of students allowable, including support roles, such as researchers and understudies. We highly encourage teams to have more than the (8) minimum of team members, should there be a need for substitutes/understudies if team members are not able to make it to the competition at any given time. 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. Pretrial attorneys may not serve as trial attorneys during the same round but may serve as a witness, unofficial timer, or bailiff.

Prosecution Roles	Defense Roles
Pretrial Motion Attorney – 1 student	Pretrial Motion Attorney – 1 student
Trial Attorneys – 2 to 3 students*	Trial Attorneys – 2 to 3 students*
Witnesses – 4 students	Witnesses – 4 students
Clerk – 1 student	Bailiff – 1 student
	OPTIONAL-Unofficial Timer – 1 student
*A minimum of two trial attorneys with a maximum of three trial attorneys. 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.	

- B. At each trial, a team must have a minimum of 8 active team members composed of registered team members only. In the event of an emergency that would cause a team to be unable to participate with minimum of eight active team members, the team must notify the SD Committee as soon as possible. It is within the sole discretion of the SD Committee to determine whether an emergency exists and will decide whether the team will forfeit or whether the team may continue with less than eight active team members. Points deduction may be taken if a team continues with less than eight active team members for more than one trial.

Active Team Member* – A minimum of 8 at each trial	
	Prosecution/Defense
Pretrial Motion Attorney	1 Student
Trial Attorneys	2 Students
Witnesses	4 Students
Clerk/Bailiff	1 Student
*An active team member is defined as the student that will be serving a role in a trial.	

- C. The official trial team roster must be submitted prior to each trial. The official trial team roster must identify the 8 minimum active registered team members and their roles. No changes may be made after submission and students must perform the roles as identified on the official trial roster. The clerk and bailiff are required to distribute team rosters to the presider, scoring attorneys, and the opposing team. For the San Diego County competition, teams must add student photos to the trial team roster but may not add any other information.

[Virtual] Teams are required to submit trial team rosters by the designated deadline prior to each round. Trial team rosters must identify each active member and team substitutes with their individual roles, as well as the maximum of two coach names. No changes to the trial roster may be made after submission and students must perform the roles as identified on the roster.

- D. If any section of Rule 2.2 A. or B. has been violated, scorers must deduct five points from the team's participation score. Scorers have discretion to deduct up to three points from the team score for violations of Rule 2.2 C.

Rule 2.3 — Team Withdrawal

- A. If a team needs to withdraw from a competition, the teacher must notify the SD Committee as soon as possible.
- B. Competition registration fees are non-refundable after January 20, 2023.
- C. If a team is eligible to move on to the state finals or national competition and decides not to participate, the team must notify the SD Committee by February 28, 2023.

The Trial

Rule 3.1 — The Case

- A. The case material contains the sources for the Mock Trial Program. These sources include the facts, witness statements, all the pretrial materials, charges, exhibits, rules of evidence, stipulations, role descriptions, Mock Trial procedures and California Mock Trial Simplified Rules of Evidence.
- B. The fact situation is a set of indisputable facts.
- C. Stipulations may not be disputed at trial.
- D. Stipulations will be considered part of the record and already admitted into evidence.
- E. Stipulations and charges will not be read into the record.

Rule 3.2 — Trial Procedures

- A. The Mock Trial Competition is a bench trial. Attorneys and witnesses are not allowed to verbally address the scoring attorneys as if they were a jury (i.e., “Ladies and gentlemen of the jury...”).

[Virtual] *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 (i.e., “Ladies and gentlemen of the jury...”). All active team members, team substitutes, coaches, and other attendees must have their video off and microphone muted unless presenting. All active team members and team substitutes must have the case, team rulebook, and official exhibits readily available but may only refer to them when allowed.*

- B. When the trial begins, the judge will ask the team members, teachers, and attorney coaches to introduce themselves. Other than the clerk and bailiff when distributing the team rosters, team members must not communicate with the scoring attorneys until the conclusion of the trial.

[Virtual] *When the trial begins, the judge will ask the team members, teachers, and attorney coaches to introduce themselves. The active team members, team substitutes, and coaches will turn on their video and unmute their microphone but will remain seated when briefly introducing themselves. No communication with the scoring attorneys until the conclusion of the trial.*

- C. Teams will be identified by team code only and not by school/county name.

[Virtual] *Teams will be identified by team code only and not by school/county name. All attendees must follow the naming protocol to be admitted to the virtual courtroom and throughout the trial as follows **Trial # - Team Code (P/D) First and Last Name - Role**. See the following examples.*

Prosecution	Defense
Trial #-Team code (P) First and Last Name-Role	Trial #-Team code (D) First and Last Name-Role
Active team members (8 min. to 9 max. students): <ul style="list-style-type: none"> • 1-ABC (P)Sawyer Smith-Pretrial Attorney • 1-ABC (P)Cameron Holmes-Trial Attorney • 1-ABC (P)Keegan Lopez-Trial Attorney • 1-ABC (P)Dakota Cheung-Trial Attorney • 1-ABC (P)Desi Kunstler-Witness Remi Montoya • 1-ABC (P)Casey Silber-Witness Drew Marshak • 1-ABC (P)Jules Jackson-Witness Max Bird • 1-ABC (P)Micah Eisenberg-Witness Kai Chavez • 1-ABC (P)Adrian Carroll-Clerk 	Active team members (8 min. to 10 max. students): <ul style="list-style-type: none"> • 1-XYZ (D)Reagan Klein-Pretrial Attorney • 1-XYZ (D)Marlow Patterson-Trial Attorney • 1-XYZ (D)Sam Kolostian-Trial Attorney • 1-XYZ (D)Blake Williams-Trial Attorney • 1-XYZ (D)Bailey Matsumoto-Witness Lee Croddy • 1-XYZ (D)Val Glick-Witness Zuri O'Neill • 1-XYZ (D)Quinn Clappitt-Witness Les Beart • 1-XYZ (D)Amari Wolpert-Witness Erin Sullivan • 1-XYZ (D)Casey Davidson-Bailiff • 1-XYZ (D)Bernie Worcester-Unofficial Timer
Substitute team members (max. 4 students): <ul style="list-style-type: none"> • 1-ABC (P)Devon Morrison-Attorney Sub • 1-ABC (P)Hayden Rodriguez-Attorney Sub • 1-ABC (P)Morgan Bonderman-Witness Sub • 1-ABC (P)Lin Stark-Witness Sub 	Substitute team members (max. 4 students): <ul style="list-style-type: none"> • 1-XYZ (D)Tory Lee-(Attorney Sub.) • 1-XYZ (D)Fabian Moreno-(Attorney Sub.) • 1-XYZ (D)Avery Williams-(Witness Sub.) • 1-XYZ (D)Cameron Awbrey-(Witness Sub.)
Coaches (max. 2 coaches): <ul style="list-style-type: none"> • 1-ABC (P)Julian Blake-Coach • 1-ABC (P)Hayden West-Coach 	Coaches (max. 2 coaches): <ul style="list-style-type: none"> • 1-XYZ (D)Devin Tyler-Coach • 1-XYZ (D)Frankie Lyman-Coach

D. All participants are required to wear appropriate courtroom attire. Participants and spectators are prohibited from wearing clothing that identifies their school/county.

[Virtual] All attendees are required to wear appropriate courtroom attire and are prohibited from wearing clothing that identifies their school/county. All participants should have a blank background (light neutral colors such as white, beige, or grey), if possible, without any distracting objects in the background. Virtual backgrounds or profile pictures are prohibited.

E. At least one attorney coach or teacher must be in the courtroom during the trial. Teachers, attorney coaches, and participants are to remain in the courtroom throughout the trial so as to not disrupt the trial. Spectators may leave and reenter the courtroom if they can do so without disrupting the mock trial.

[Virtual] 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.

F. Teams are required to bring six copies of their team roster to their assigned courtroom for each round of the competition which will be distributed to the judge, scoring attorneys, and opposing team. Teams competing in San Diego County shall add student photos to their team roster but may not add any other information. In addition, teams are required to bring five copies of the award nomination form filled out with the competing students' names to their assigned courtroom for rounds one through four of the competition which will be distributed to the judge and scoring attorneys. A fillable team roster form and award nomination form can be found at sdmocktrial.org on the materials page.

[Virtual] Teams are required to submit team rosters by the designated deadline prior to each round. Team rosters must identify each active member and team substitutes with their individual roles, as well as the maximum of two coach names. No changes to the roster may be made after submission and students must perform the roles as identified on the roster.

G. All team members participating in a trial must be in the courtroom at the scheduled time, ready to begin the round and are to remain in the courtroom throughout the trial. Incomplete teams must begin the trial without their missing members or with their substitutes. If a scheduled team is not present in the assigned courtroom within 15 minutes, that team forfeits the trial and is subject to possible disqualification (subject to the discretion of the SD Committee). Mock Trial teams traveling to the downtown Superior Court Central Courthouse should allow for traffic delays. All participants shall allow for the extra time it takes to get through security screening upon entering the courthouse.

[Virtual] All team members participating in a trial must be in the virtual courtroom at the appointed time, ready to begin the round, and are to remain in the virtual courtroom throughout the trial. Incomplete teams must begin the trial without the missing members and utilize their substitute members. If a scheduled team is not present within 15 minutes, that team forfeits the trial and is subject to possible disqualification (subject to the discretion of the SD Committee).

H. Recesses will not be allowed for any reason (unless authorized by Mock Trial staff or judge).

I. Use of laptop computers, tablets, or cellular/smart phones during mock trial is prohibited.

[Virtual] A laptop, computer, tablet, or a phone must be used to attend and participate in the virtual competition. The use of such device is limited to present the case and may not be used for communication with team members, coaches, etc. (The exceptions are communication between trial attorneys during the trial using the private chat feature only, during the 30 seconds rule between active team members, and their coaches via the private chat feature to discuss any substantial trial irregularities, and between the clerk and unofficial timer via the private chat feature for time checks.) One person per screen while making a presentation.

J. **[Virtual]** In the event of technical difficulties from a team member during a trial, it is permissible to have the designated substitute team member fill in as an emergency substitute for the team member experiencing technical difficulties.

- 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.

- *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 SDCHSMTC staff through point deductions or other means up to and including disqualification from the competition.*
- *Before substituting a role, the 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.”*
- *The presentation will be scored on the presentation by the initial active team member and the designated substitute, taken as a whole.*
- *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.*

- K.** Any tie will be broken by the judge’s independent selection of the winning team via a tiebreaker form.
- L.** At the State Finals, it is mandatory for at least one team representative to attend the announcement of the finalists for the Championship Trial and attend the finalists meeting immediately following the announcement. If a team representative is not present, the team forfeits the Championship Trial and the third ranked team will take the absent team’s place in the Championship Trial.
- M.** In order to participate in the San Diego County competition, participants have agreed to allow video recording and still photography for use by the SD Committee. Teams may only video/audio record a trial involving their school and must get approval from the opposing team. Recording is for educational purposes only. A team’s trial recordings can only be shared with the current team members (including teachers and coaches). The recordings may not be posted, streamed, or shared with anyone else. Team members are also to be notified of this rule as any violations could bring sanctions to the team up to and including disqualification. Neither the SD Committee nor CRF will accept any video for complaint purposes.

[Virtual] *All participants must consent to video and audio recordings and electronic posting (including video meeting, social media, or other platforms) of each mock trial by the SD Committee. Any recording is for educational purposes only. A team’s trial recordings can only be shared with the current team members (including teachers and coaches). Team members are also to be notified of this rule as any violations could bring sanctions to the team up to and including disqualification at any level of the mock trial competition. Neither SD Committee nor CRF will accept any video for complaint purposes.*

- N.** Other than the exhibits provided in the trial material, no other illustrative aids of any kind may be used.
- [Virtual]** *All active team members and team substitutes must have the case and official exhibits readily available but may only refer to them when allowed. Only the official exhibits provided in the trial material may be referred to, no other illustrative aids of any kind may be used.*
- O.** Props, costumes, and theatrical makeup are prohibited. Costuming includes hairstyles and clothing accessories that are specific to a role in the case. In keeping with the educational philosophy and objectives of the Mock Trial Program, teams should concentrate on presenting the trial in a realistic manner, with witnesses wearing appropriate courtroom attire and using their normal speaking voices, with no artificial accents. Portrayals of racial, ethnic, and gender stereotypes are inappropriate and are not allowed.
- P.** Gender-neutral names allow for students of any gender to play the role of any witness. During trial, questions regarding gender, race, or physical characteristics not included in the official case materials are not allowed. A witness is prohibited from referring to their own physical traits or gender as well as the physical traits or gender of other witnesses where such information is not included in any witness statement. (For example, a witness cannot call attention to their size to show inability to complete some physical act included in the case materials or state that witness was treated differently because of their

gender.) An attorney is likewise prohibited from making arguments pointing out physical traits of a witness not otherwise included in the case materials. Such references are unfair extrapolations, see Rule 3.6 for point deductions. Teams are not prohibited, however, from raising issues about general or common human traits and abilities relevant to the case.

Rule 3.3 — Trial Communication

- A. Once the trial has begun, teachers, attorney coaches, alternates, and spectators are not allowed to communicate (including signaling and passing notes) with the teams, unless permitted by these rules.

[Virtual] Once the trial has begun, teachers, attorney coaches, substitute team members, and other attendees are not allowed to communicate (including chat feature-except when allowed in individual rules, signaling, texting, IM, passing notes, etc.) with the teams, unless permitted by these rules.

- 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 is allowed during the trial but must not be disruptive.

[Virtual] Communication between trial attorneys (and the defendant) is allowed during the trial using the private chat feature only.

- D. The defendant may sit at the counsel table and communicate with the defense attorneys. All communication must not be disruptive to the trial.

[Virtual] The defendant is present during the trial. Under the conditions of an online trial, any witness that reasonably knows or should know the defendant, is assumed to have correctly identified the defendant as the defendant in this case.

- E. After the pretrial motion, the pretrial attorneys may not sit with the trial attorneys.

- F. Pretrial attorneys may not communicate with the trial attorneys at any time.

[Virtual] The pretrial attorneys may not communicate with the trial attorneys or with any other team member at any time.

- G. Once the trial has begun, other than what is permitted by these rules, there must be no communication among student team members.

- H. Scorers must deduct five points from the team score for each violation of Rules 3.3 A and F and G. Scorers may impose up to two points from the team score for each violation of Rules 3.3 B or E, or if communication permitted by this rule is disruptive.

Rule 3.4 — 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.

[Virtual] 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 but may only refer to them when allowed.

- 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 if the witness recognizes the item. If the witness does, ask the witness to explain it or answer questions about it. This shows how the exhibit is relevant to the trial.

[Virtual] All items are presented prior to trial.

- 1- All participants must have all exhibits readily available but may only refer to them when allowed.
- 2- The attorney wishing to use an exhibit will identify the exhibit they wish to use and request the Court’s permission to view it.
- 3- Attorneys will not be required to confirm that they have shown the exhibit to opposing counsel.
- 4- The attorney will ask the witness to identify the exhibit. “Would you identify the exhibit please?”
- 5- Witness answers with identification only.
- 6- Offering the exhibit into evidence. “Your honor, we offer Exhibit ____ into evidence at this time.”
- 7- The court will respond: “Is there an objection?” (If opposing counsel believes a proper foundation has not been laid, the attorney should be prepared to object at this time.)
- 8- 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?”
- 9- Judge: “Exhibit _____ is/is not admitted.”
- 10- If the exhibit is admitted into evidence, the attorney may now solicit testimony on its contents.
- 11- 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. Witnesses and attorneys are 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 3.5 — Witnesses

- A. Although witnesses are excluded from the trial proceedings in actual trials, for educational purposes, witnesses in the Mock Trial Program will remain in the courtroom for the entire trial. Witnesses will sit in designated seating in the courtroom.

[Virtual] 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 for their examination only.

- B. The fact situation, witness statements, stipulations, and exhibits are the official case materials and make up the sole source of information for testimony.
- C. A witness can only testify to their own witness statement and any portion of the fact situation, stipulations, and exhibits of which they would reasonably have knowledge. Witnesses may not testify or respond to

another witness' testimony, unless otherwise stated in the stipulations.

- D. Unless otherwise stated, attorneys may not solicit information from a witness that requires the witness to testify to information from another witness' statement or information not included in their own statement except as permitted in Rule 3.5 C.
- 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 the witness contradicts their witness statement or any portion of the fact situation, exhibits, or stipulations of which they could reasonably have knowledge using the procedures as outlined in the case material.
- F. Because this is a mock trial, witnesses may not be treated as hostile witnesses.
- G. All witnesses must be called in the allotted time. If the direct examination attorney runs out of time without calling one or more witnesses, the direct examination attorney and the witness will each automatically receive a score of zero for each witness not called, and the cross-examination attorney will automatically be awarded ten points for each witness not called. Once the time allotted for witnesses has ended, direct examination attorneys may not call any other witnesses.
- H. Cross-examination is required for all witnesses. If the cross-examination attorney does not cross one or more witnesses, the cross-examination attorney will receive a cross-examination score of zero for the witnesses.
- I. Witnesses are not allowed to use notes while testifying during trial.

[Virtual] *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 3.6 — 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 their 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 non-material reasonable inference based on their official record. A fair extrapolation does not alter the material facts of the case.
- D. Unfair extrapolations are best tackled through impeachment and closing argument. They should be dealt with by attorneys during the trial.
- E. Attorneys shall not ask questions calling for information outside the scope of the case materials or requesting an unfair extrapolation.
- F. If a witness is asked for information not contained in the witness's statement, the answer must be consistent with the statement and may not materially affect the witness's testimony or any substantive issue of the case.
- G. If a witness provides UE in testimony, the opposing attorney may make a UE objection.
- H. When a "UE" objection is made, possible rulings by a 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.
- J. Witnesses 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, up to five points may be deducted from the offending team’s presentation/participation score.

Rule 3.7 — Attorneys

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

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

[Virtual] Attorneys may conduct a re-direct examination when appropriate. No re-cross-examination is allowed. Witnesses may not be recalled to the stand. During witness examinations, the two attorneys examining the witness must have their video on. The attorney must unmute their microphone when examining the witness. The attorney not examining a witness at the time will have their microphone muted. If the attorney wants to raise an objection, the attorney can unmute their microphone to do so but must remain seated.

- 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. Scorers may deduct up to two points from the offending attorney’s score for each objection made by the wrong attorney.
- D. Attorneys may use paper notes while presenting their cases. Notes in any digital format or on a 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 (as modified for San Diego County) in the case materials. Only specified types of objections listed in the case materials will be recognized in the competition. Other evidentiary rules may not be used at the trial.
- F. 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, scorers may deduct up to two points from the team’s total team presentation/participation score.
- 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 30 seconds provided, if needed, at the end of the pretrial and at the end of the trial for active team members from each team to confer with their team’s teacher and/or attorney coaches to discuss any trial irregularities. See procedures outlined in Rule 4.1.

[Virtual] There will be 30 seconds provided, if needed, at the end of the pretrial and at the end of the trial for active team members from each team to confer with their team’s coaches via the private chat feature to discuss any trial irregularities. See procedures outlined in Rule 4.1.

Rule 3.8 — Conduct of the Pretrial Motion

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

[Virtual] The defense will argue the pretrial motion first. The pretrial attorneys may elect to stand or remain seated while giving their pretrial argument. The pretrial 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. 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.

Rule 3.9 — Timing and the Role of Clerk, Bailiff, and Unofficial Timer

- 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 must sit next to each other during the trial and may communicate with each other.

[Virtual] 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 use the chat feature for time checks during the trial.

- B. The clerk and unofficial timer must bring a stopwatch or digital timing device (no cell phones, tablets, or other electronic devices), official timesheet, and official timecards to each trial. The official timesheet and timecards can be found at sdmocktrial.org. Timecards must be printed on white paper (card stock recommended but not required). At the State Finals, teams must use the laminated timecards provided by CRF, which will be distributed by the judge. The timecards must be returned to the judge after each trial.

The timecards will have the following time warnings:

- 2 minute
- 1 minute
- 30 seconds
- Stop

[Virtual] The clerk and unofficial timer must bring a stopwatch or digital timing device (no cell phones, tablets, or other electronic devices), official timesheet, and official timecards to each trial. The official timesheet and timecards can be found at sdmocktrial.org. Timecards must be printed on white paper (card stock recommended but not required).

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 by a witness’ delay in responding to questions, or offering non-responsive or narrative answers (filibustering), is not allowed. A team’s unreasonable running of the opposing team’s time is inappropriate. If an attorney believes a witness is unreasonably running time, in addition to objecting that an answer is non-responsive, or a narrative, the attorney can object, saying, “Objection, your honor. The witness is unreasonably running time.” If the judge determines there has been an unreasonable running of time, the witness may be admonished by the judge and the judge will direct the attorney scorers to deduct five points 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 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 and are sworn in by the bailiff
 - Attorneys make objections and judge rules on objection
 - Judge questions attorneys and witnesses
 - Judge offers their observations
 - A witness asks for a question to be repeated
 - Attorneys request the time remaining
- [Virtual]** *The time will be stopped when:*
- Attorneys make objections and judge rules on objection
 - Judge questions attorneys and witnesses
 - Judge offers their observations.
 - A witness asks for a question to be repeated
 - Attorneys request the time remaining
 - There are technical difficulties, and a substitute team member notifies the judge of the change.
- H. Requests for the clerk to provide time remaining, also known as time checks, are limited to four per team during the trial. The clerk must provide the time remaining for both teams when a request is made by an attorney.
- I. The time will not be stopped if witnesses are asked to approach the diagram. Time will not be rounded off and must be measured to the whole second.
- [Virtual]** *Time will not be rounded off and must be measured to the whole second.*
- J. 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.
- K. Both visual and verbal warnings will be given at two-minute, one-minute, and 30 seconds before the end of each section. 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. Two points must be deducted from the clerk’s score if any section of this rule has been violated. Scorers may deduct additional points from the clerk’s score if there are multiple violations of the rule.

[Virtual] Both visual and verbal warnings will be given at two-minute, one-minute, 30 seconds, and stop warnings. The clerk must have their video off and microphone muted when not presenting time warnings. To provide a time warning or respond to a time remaining request, 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. Two points must be deducted from the clerk's score if any section of this rule has been violated. Scorers may deduct additional points from the clerk's score if there are multiple violations of the rule.

- 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 under 15 seconds are usually not considered a violation unless there is an intentional error or repeated errors on the part of the clerk. 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 30-second rule.
- N. The judge and attorney scorers will be allowed 10 minutes for debriefing. The clerk will time the debriefing. The clerk will provide the judge and attorney scorers with a 2 minute, 1 minute, 30 second visual warnings, and will advise when ten minutes has expired.

[Virtual] The judge and attorney scorers will be allowed 10 minutes for debriefing. The clerk will time 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, 30 second visual warnings, and will advise when ten minutes has expired.

- O. The clerk will not be scored on timing the debriefing, consultations, and any formal presentations regarding irregularities. No extensions of time will be granted.
- P. The bailiff will call the court to order and swear in the witnesses. In addition, the bailiff must bring a copy of the 2022-23 Team Rulebook and Case Packet should the judge need to clarify an issue or question.

[Virtual] The bailiff will call the court to order and swear in the witnesses. The bailiff may elect to stand or remain seated and must have their video on and their microphone unmuted to call the court to order and swear in the witnesses. In addition, the bailiff must bring a copy of the 2022-23 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 audience to turn off all cell phones and that ABSOLUTELY NO FOOD is allowed in the courtroom. Water is permitted. If spectators must step outside, they should do so quietly to avoid disrupting the participants.

[Virtual] Before calling the court to order, the bailiff will remind all attendees in virtual courtroom to turn off their cell phones. In addition, videos must be off, and microphone muted unless presenting.

- R. The bailiff will call the court to order using the following language:
"All rise, Superior Court of the State of California, County of San Diego, Department ____, is now in session. The Honorable _____ presiding. (Allow time for the presider to take the bench.) Please be seated and come to order."

[Virtual] 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. The Honorable _____ presiding."

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

[Virtual] 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?”

Evaluation and Team Advancement

Rule 4.1 — Rule Interpretation

- A.** The rules are designed to introduce the procedures of law to participants and to foster good sportsmanship. Interpretations of the rules should be guided by common sense.
- B.** No bench conferences are allowed.
- C.** Unless a specific point deduction for a particular infraction is provided in the rules, each scorer will determine the appropriate amount of deduction individually.
- D.** If there are any irregularities regarding the rules of the competition which a team would like to bring to the judge and scorers’ attention, one active team member will have 30 seconds to orally present the claimed irregularities to the judge. Attorney Coaches may not directly make claims on behalf of the team.
- E.** The active team member claiming an irregularity must be able to point to the specific incident of misconduct and cite the corresponding rule in the team rulebook and/or case material to the judge using the following script:
“Your Honor, the Prosecution/Defense identified a substantial trial irregularity (or irregularities). The opposing team [specify team member] violated Rule [specify rule and section] by [explain violation]. [Optional] The violation worked to the advantage of the other team and disadvantaged our team by [explain impact].”
One active team member arguing against a claimed rule violation, in 30 seconds, should cite specific conduct and rules which support their position.
- F.** The judge will hear arguments in favor of and against an alleged rule violation/irregularity and make a decision as to whether a rule violation occurred. The judge’s decision will be final.
- G.** If the judge determines a violation has occurred, and there is not a specified mandatory point 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 independently how many points (if any) will be deducted from the individual or offending team’s score.
- H.** 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 from the participation score of the team asserting hyper technical claim or irregularity.
- I.** Claims of irregularities regarding the rules of the competition are not to be used to argue additional points of law or rebut opponent’s arguments.

Rule 4.2 — Finality of Decisions

- A.** All decisions of the judge and scoring attorneys are final. No exceptions.
- B.** The SD Committee, in its sole discretion, ultimately resolves any disputes over interpretation or application of the rules.

Rule 4.3 — 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.** The presider will be an active or retired judicial officer. If no judicial officers are available to fill all judge roles, the SD Committee may invite an experienced attorney to serve as a presiding judge.
- C.** 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 2022-2023 San Diego County High School Mock Trial Competition season

(September 2022 through March 1, 2023) are ineligible to serve as scorers during the competition. Attorneys who serve as an adviser, coach, judge, or scorer for practices or unofficial scrimmages for any San Diego County high school team or teams during the 2022-2023 competition season (September 2022 through March 1, 2023) are ineligible to serve as an attorney scorer for the 2023 competition.

Rule 4.4 — 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 4.5 — Scoring

- A.** Students are to be rated on the ten-point scale for each category (except for the clerk and bailiff) according to the criteria appropriate to each presentation.
- Clerk and bailiff are evaluated using a scale of 1-5.
- B.** On the ten-point scale scoring attorneys should consider a “5” as a starting point and move up or down based on the presentation.
- C.** Scoring attorneys must award points individually and not with consultation from other scoring attorneys.
- D.** Some scores are weighted and therefore can affect a team’s score more dramatically. These include the pretrial motion (x2) and the closing argument (x2).
- E.** The scoring attorneys will use the evaluation and scoring criteria to score the individual presentation in each category.
- F.** The scoring attorneys are not evaluating the legal merits of the case.

Rule 4.6 — Rankings and Ties

- A.** The side (prosecution/defense) assignments and match-ups for the first round will be random. For the second round, team side assignments will be flipped and team match-ups will be based on a power matching system. Any rounds beyond that will be based on a power matching system.
- B.** Team rankings are based on the win-loss and percentage system to eliminate the artificial highs and lows inherent in any numeric scoring 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 twelve 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 championship 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 SD 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 changes requested by the SD Committee that may be necessary for the good of the overall competition.

Rule 4.7 — Forfeit

- A. All team members participating in a trial must be in the courtroom at the appointed time, ready to begin the round. Incomplete teams must begin the trial without their missing members or with their alternates. If a scheduled team is not present in the assigned courtroom within 15 minutes, that team forfeits the trial and is subject to possible disqualification (subject to the discretion of the San Diego County Mock Trial Committee). Mock Trial teams traveling to the downtown Superior Court Central Courthouse should allow for traffic delays. All participants shall allow for the considerable time it takes to get through security screening upon entering the courthouse.)
- B. A forfeiting team will receive a loss and points equal to 50% of the score of the team that received the fewest points in that round.
- C. The team scheduled to go against the forfeiting team will receive a win. The percentage will be determined by the difference in the margin of victory between the two lowest percentages in the winners' bracket.

Rule 4.8 — Championship Trial

- 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.

Rule 4.9 — Awards

- A. An award ceremony for the San Diego County High School Mock Trial Competition will be held on February 25, 2023. Awards will be given as follows:
- Prosecution Pretrial Attorney – 3 awards
 - Defense Pretrial Attorney – 3 awards
 - Prosecution Attorney – 4 awards
 - Defense Attorney – 4 awards
 - Prosecution Witness – 5 awards
 - Defense Witness – 5 awards
 - Clerk – up to 2 awards
 - Bailiff – up to 2 awards

- David H. Bartick Civility Award

The SD Committee reserves the right to bestow additional awards, and registered teams will be notified by February 1, 2023.

- 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.
- C.** Teams will select a most valuable player (MVP) from their opposing team for each round of competition. At the end of each round and before the debrief, each team will be given a few minutes to confer to select a student from the opposing team who they feel should be recognized with an MVP award. Criteria for this award include the student's demonstration of skill in the performance of the student's trial role, adherence to mock trial rules, civility, and collegiality towards the opposing team. All students who are selected as an MVP will receive a special certificate and be acknowledged during the award ceremony.

Summary of Pretrial Motion Procedures

Presiders are encouraged to challenge the attorneys with questions about the case law during pretrial arguments and are encouraged to try to ask a balanced number of questions for each side. No objections are allowed during pretrial arguments.

- The bailiff will call the court to order.
- The judge asks the defense to summarize the arguments made in the motion. The defense has four minutes. The judge may interrupt to ask clarifying questions. Time is stopped when the judge is asking questions, and when the pretrial attorney is responding to a question.
- The judge asks the prosecution to summarize the arguments made in the motion. The prosecution has four minutes. The judge may interrupt to ask clarifying questions. Time is stopped when the judge is asking questions, and when the pretrial attorney is responding to a question.
- The judge 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 judge offers the prosecution two minutes of rebuttal time.
- At the end of the oral arguments, the judge asks students if they would like 30 seconds to consult with teacher/attorney coaches regarding any substantial motion irregularities.
- The judge will rule on the motion and begin trial.

Summary of Trial Procedures

- Attorneys present physical evidence for inspection.
- Judge states charges against the defendant.
- Prosecution delivers its opening statement. No questioning by judge during opening statements.
- Defense may choose to deliver its opening statement at this point or may wait to open after the prosecution has completed its case in chief.
- Prosecution calls its witnesses and conducts direct examination.
- After each prosecution witness is called to the stand and has been examined by the prosecution, the defense cross-examines the witness.
- After each cross-examination, prosecution may conduct re-direct examination of its own witnesses if necessary.
- After the prosecution presents all its witnesses, defense delivers its opening statement (if it did not do so earlier).
- Defense calls its witnesses and conducts direct examination.
- After each defense witness is called to the stand and has been examined by the defense, the prosecution cross-examines the witness.
- After each cross-examination, defense may conduct re-direct examination of its own witnesses if necessary.
- Prosecution gives its closing argument, and then defense presents its closing arguments. No questioning by judge during closing arguments.
- Prosecution and defense present rebuttal arguments.
- At the end of the trial, the judge asks students if they would like 30 seconds to consult with their teacher/attorney coaches regarding any substantial trial irregularities.
- Allow students two minutes to decide which student from the opposing team will receive the MVP certificate. As students are conferring, remind scoring attorneys to complete score sheets and collect score sheets and award nomination forms. Judge will complete the purple Judge's Choice in case of tie. Ask students to present the MVP certificate to the opposing team.
- Judge conducts a short debrief of the trial with the scoring attorneys (not to exceed 10 min.)
- Judge announces the verdict.

Evaluation Criteria

Pretrial Motion (X2)	
<ul style="list-style-type: none"> • A clear and concise presentation of issues and appropriate use of case materials. • Well developed, reasoned, and organized arguments. 	<ul style="list-style-type: none"> • A solid understanding of legal reasoning behind the arguments. • Responded well to judge’s questions and maintained continuity in argument. • Effective rebuttal countered the opponent’s argument.
Opening Statement	
<ul style="list-style-type: none"> • Provided a case overview • Theme/theory of the case was identified • Overview of key witnesses and their testimony • Introduction of Attorneys 	<ul style="list-style-type: none"> • Outlined burden of proof • Request for relief (what the side is asking the judge to decide) • Mention of applicable law or statutes to be covered
Direct/Re-Direct Examination	
<ul style="list-style-type: none"> • Questions required straightforward answers and brought out key information for their side of the case. • Attorney properly introduced exhibits and, where appropriate, properly introduced evidence as a matter of record. • Attorney properly phrased and rephrased questions and demonstrated a clear understanding of trial procedures. • Responded to objections utilizing rules of evidence or the rules of competition. 	<ul style="list-style-type: none"> • Attorney made effective objections to cross-examination questions of their witness when appropriate. • Attorney did not make unnecessary objections and used only those objections listed in the Summary of Evidentiary Objections. • Throughout questioning, the attorney made appropriate use of time. • Attorney avoided leading questions • Did not ask opinion questions unless witness is an expert.
Cross-Examination	
<ul style="list-style-type: none"> • Attorney made effective objections to direct examination (of the witness they cross-examined) when appropriate. • Used narrow questions that suggested a yes or no answer and did not allow the witness to provide a narrative explanation. • Responded to objections utilizing rules of evidence or the rules of the competition. • Followed protocol to introduce or object to exhibits. • Utilized objection as a means to forward the case and not just to disrupt the other side’s direct examination; unnecessary objections, excessive interruptions, and/or obstructionist behavior should not be rewarded. 	<ul style="list-style-type: none"> • Attorney properly phrased and rephrased questions and demonstrated a clear understanding of trial procedures. • Attorney exposed contradictions in testimony and weakened the other side’s case. • Impeached the witness without appearing to harass or intimidate them. • Referred to witness testimony and followed rules for showing the testimony to the witness. • Demonstrated a clear understanding of the rules of competition and of evidence.

Evaluation Criteria

Witnesses	
<ul style="list-style-type: none"> • Witness was believable in their characterizations and presented convincing testimony. • Witness was well prepared for answering the questions posed to them under direct examination and responded well to them. • Witness responded well to questions posed under cross-examination without unnecessarily disrupting or delaying court proceedings. • Witness understood the facts. 	<ul style="list-style-type: none"> • Witness testified to key facts in a consistent manner and avoided irrelevant comments. • Witness did not disrupt the trial with unreasonable inferences. • Played up the strengths of their statements and adequately explained the weaknesses. • Did not use notes. • Sounded spontaneous and not memorized. • Did not wear a costume or stage make-up and spoke in their normal voice.
Closing Arguments (x2)	
<ul style="list-style-type: none"> • Attorney’s presentation contained elements of spontaneity and was not based entirely on a prepared text. • Attorney incorporated examples from the actual trial, while also being careful not to introduce statements and evidence that were not brought out during the trial. • Outlined the strengths of their side’s witnesses and the weakness of the other side’s witnesses. 	<ul style="list-style-type: none"> • Asked for the verdict in their favor, including a request for relief, and explained why the verdict was justifiable. Attorney made an organized and well-reasoned presentation summarizing the most important points for their team’s side of the case. • Effective rebuttal countered the opponent’s arguments. • Reviewed the exhibits and how they helped the case. • Stated the applicable law or statutes and how they supported the side’s theory. • Addressed the elements and the burden of proof.
Clerk	
<ul style="list-style-type: none"> • Present and punctual for trial. • Performed their role so that there were no disruptions or delays in the presentation of the trial. • Handled time keeping responsibilities attentively and accurately. 	<ul style="list-style-type: none"> • Conducted themselves professionally without attracting any unnecessary attention. • Properly used verbal and visual time warnings.
Bailiff	
<ul style="list-style-type: none"> • Present and punctual for trial. • Performed their role so that there were no disruptions or delays in the presentation of the trial. 	<ul style="list-style-type: none"> • Conducted themselves professionally, inspired confidence, and commanded respect, without attracting any unnecessary attention. • Knowledgeable about script and role in trial. • Followed script.
Team Presentation	
<ul style="list-style-type: none"> • Team members were courteous, observed general courtroom decorum, spoke clearly and distinctly, and displayed good sportsmanship/civility to all competitors, regardless of trial results. • Team members were involved in the presentation of the case and actively participated in fulfilling their respective roles. • Witnesses performed in synchronization with attorneys in presenting their side of the case. 	<ul style="list-style-type: none"> • As much as possible, each trial attorney displayed examination and argumentation skills, and when appropriate, displayed knowledge of California Simplified Rules of Evidence in making objections. • Team members demonstrated cooperation and teamwork. • The teachers and attorney coaches displayed civility and good sportsmanship. • Team members’ roles were evenly divided.

Guidelines for (1-10) Scoring

Attorneys		Witnesses
<ul style="list-style-type: none"> • 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 the other team's presentation • Objected when appropriate; clearly understood how to respond to objections • Maintained eye contact with the judge and witnesses, spoke in a clear and audible voice. Did not verbally address the attorney scorers. 	9-10 - Excellent	<ul style="list-style-type: none"> • 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 the judge and student attorneys; strong, audible voice. Did not verbally address the attorney scorers.
<ul style="list-style-type: none"> • 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 the judge and witnesses. Did not verbally address the attorney scorers. • Mostly spoke in a clear and audible voice 	7-8 - Above Average	<ul style="list-style-type: none"> • 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 the judge and student attorneys • Mostly spoke in a clear and audible voice. Did not verbally address the attorney scorers.
<ul style="list-style-type: none"> • Fair understanding of case, rules, and legal issues • Verbally addressed the scoring attorneys as if they were a jury • 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 the 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 	5-6 - Average	<ul style="list-style-type: none"> • Fair understanding of witness statements and exhibits (if applicable) • Verbally addressed the scoring attorneys as if they were a jury • Running of time of the opposing team's time • 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
<ul style="list-style-type: none"> • Demonstrated little understanding of case, rules, and legal issues • Needs work on poise and delivery; didn't respond to the 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 the other team's presentation • Often forgot to maintain eye contact with judge or witnesses • Often difficult to hear • Verbally addressed the scoring attorneys as if they were a jury 	3-4 - Below Average	<ul style="list-style-type: none"> • Struggled to understand witness statements and exhibits (if applicable) • Presentation not convincing, credible; often unrealistic • Verbally addressed the scoring attorneys as if they were a jury • 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 • Deliberately use up opposing counsel's time

<ul style="list-style-type: none"> • 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 • Verbally addressed the scoring attorneys as if they were a jury 	1-2 - Far Below Average	<ul style="list-style-type: none"> • 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 • Deliberately used up opposing counsel's time • Verbally addressed the scoring attorneys as if they were a jury
Clerk		Bailiff
<ul style="list-style-type: none"> • 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 	5 - Excellent	<ul style="list-style-type: none"> • 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
<ul style="list-style-type: none"> • 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 	4 - Above	<ul style="list-style-type: none"> • 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
<ul style="list-style-type: none"> • 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 	3 - Average	<ul style="list-style-type: none"> • Mostly natural, believable presentation • Audible voice, some eye contact • Apparent that script was memorized • Understood role and procedures
<ul style="list-style-type: none"> • 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 	2 - Below	<ul style="list-style-type: none"> • 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
<ul style="list-style-type: none"> • 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 	1 - Far Below	<ul style="list-style-type: none"> • 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

Participation and Team Presentation	
9-10 Excellent	<p>All competitors, teachers, coaches, and other participants, including observers, excelled in all of the following areas:</p> <ul style="list-style-type: none"> • 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. • showed dignity and restraint, irrespective of the outcome of any trial. Trials, contests, and activities were conducted honestly, fairly, and with civility. • conformed to the highest standards of deportment. • focused on the educational value of the Mock Trial Competition. • used proper procedure and decorum. • abided by the letter and the spirit of the competition's Rules and the Code of Ethical Conduct. • did not employ tactics they believe to be wrong or in violation of the Rules. • did not willfully violate the Rules of the competition in spirit or in practice. • worked in sync and advanced a common theme. • team members' roles were evenly divided. • team members' presentation was natural; no overacting.
7-8 Above Average	<ul style="list-style-type: none"> • All competitors, attorney coaches and other participants, including observers, displayed strength in all of the above-listed areas, with no more than one, apparently inadvertent, rules violation.
5-6 Average	<ul style="list-style-type: none"> • All, or almost all, competitors, attorney coaches and other participants, including observers, displayed strength in almost all of the above-listed areas, and there were only minor, and only apparently inadvertent, rules violation.
3-4 Below Average	<ul style="list-style-type: none"> • There were examples of competitors, attorney coaches or other participants, including observers, falling short in one or more of the areas listed above, which could include engaging in multiple inadvertent, or one or more apparently strategic, rules violations.
1-2 Far Below Average	<ul style="list-style-type: none"> • There were multiple examples of competitors, attorney coaches or other participants, including observers, falling short in one or more of the areas listed above, which could include engaging in multiple serious or apparently strategic, rules violations.
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"> • Failure to cross-examine a witness (Attorney score) • Failure to conduct direct examination of a witness (Attorney and witness score) • Can apply only to rule violations that specify a zero score

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.”