

JUDGES' HANDBOOK

PURPOSE OF THE MOCK TRIAL PROGRAM

- To increase students' understanding of the judicial process.
- To increase students' speaking, listening, writing and analytical skills.
- To encourage team work, cooperation and respect for fellow students.
- To enhance students' understanding of law-related education.

THANK YOU FOR PARTICIPATING! WITHOUT THE GENEROUS SUPPORT OF VOLUNTEER JUDGES LIKE YOU, THIS PROGRAM WOULD NOT BE POSSIBLE.

PROCEDURES

The starting time of a trial should not be delayed more than 15 minutes unless otherwise notified by the competition coordinator.

Preliminaries:

Is the arrangement of the courtroom satisfactory?

- a. Is there a participant (lawyer or witness) who requires alternate accommodations?
- b. Does any party intend to use an easel or other demonstrative aid?

Pre-Trial Conference:

The Presiding Judge calls the Court to order, announces the case by the names of the parties and asks counsel to approach the bench for a brief pre-trial conference.

- * One attorney from each side will introduce all team members and may offer a student roster which lists the team members' names and parts.
- * Both sides will exchange identities/genders of witnesses.
- * Students may ask questions regarding trial procedure.
- * The Presiding Judge will indicate his/her preference for marking exhibits for the trial.
- * The Presiding Judge will not entertain any pre-trial motions or requests for directed verdicts.
- * **N.B. Coaches and other observers may not talk to, signal or communicate with team members (including team alternates) once the pre-trial conference has been completed.**

Conducting the Trial:

- * Upon completion of the pre-trial conference, the Presiding Judge will ask the parties if they are ready to proceed and call upon the Prosecution to present its case.
- * Normal courtroom etiquette will be followed.
- * It is helpful to both students and judges if brief recesses (no more than 5 minutes) are called after the Prosecution rests its case and before closing arguments.
- * Student are advised of appropriate dress. While costuming (appropriate for the courtroom) is allowed, students should be scored on their performance, not their appearance.

Alleged Rules Violation: Rules violations may occur due to the inexperience of the students. If an incident occurs the students should do the following:

- **The students shall call a bench conference.**
- The problem should be discussed with the students and noted on the bottom of page 4 of the ballot. The notes should contain the dispute, the judges' reasoning and the outcome.
- Rules violations can be an opportunity to teach the students. Each student should leave the bench conference with an understanding of the judge's ruling and why the situation went the way it did.
- The Judge may bring the rules violation to the attention of the tournament director.
- If the violation greatly affects or will affect the outcome of the trial, or if the Judges are uncomfortable or unable to mediate the dispute, the Judge may call a recess and notify the tournament director.

TEAM COMPOSITION

All teams will consist of four attorneys and three witnesses and a timekeeper. Teams may also have two alternates. No more than seven students will argue one side of the case during a trial.

Each student attorney must perform two functions during the trial.

- Opening statement
- Direct examination of a witness
- Cross examination of a witness
- Closing argument

N.B. The same student may not perform both the opening and closing argument.
In High School competition, no student may perform either two cross examinations or two direct examinations.

TIME LIMITATIONS

Opening Statement: 4 minutes each side
 Direct and Re-Direct of all Witnesses: 25 minutes per side
 Cross and Re-Cross of all Witnesses: 20 minutes per side
 Closing Argument: 8 minutes (including prosecution/plaintiff rebuttal)
 Rebuttal: The amount of time reserved

TIMEKEEPERS: The student timekeepers are responsible for notifying the Court when time expires. The clock stops during objections and bench conferences, but not during conference with co-counsel. Should time expire, the Presiding Judge may allow a student to finish a thought, but no more than 45 seconds may be allotted.

WITNESS EXAMINATION

- Statements in the case materials should be treated as signed and sworn affidavits of the witnesses.
- All witnesses must be called and each side may call only its own witnesses. No rebuttal witnesses may be called.
- The content of all evidence is stipulated to be true and accurate; after laying proper foundation, witnesses may only interpret the meaning of these findings.
- Witness statements may be used to refresh a witness's recollection or to impeach a witness on cross-examination, but witnesses may not use notes.
- Any attempt to invent facts during direct examination is improper and subject to a special objection.

UNFAIR EXTRAPOLATION / INVENTION OF FACT

On cross examination, a witness shall be allowed to give any answer provided it is responsive to the question, is in character, and does not contradict the witness's statement. Any such contradictions should be dealt with through impeachment.

On direct examination, a witness is allowed to make reasonable inferences from the witness statement, but may not invent material facts. If a witness invents a fact which affects the outcome of the trial, the opposing attorney may object and move to strike that portion of the testimony.

Should an attorney object that a witness has made an unfair extrapolation or gone beyond the scope of the affidavit, judges should determine whether the alleged extrapolation is of any significance. If it is not, the objection should be overruled. If it does involve a material fact or may affect the outcome of the case, judges are advised to consider the extrapolation and issue one of the following rulings:

- a. no extrapolation has occurred;
- b. the extrapolation was fair;
- c. an unfair extrapolation has occurred;
- d. ruling is taken under advisement.

If the extrapolation has a great impact on the trial, or if the Judges are uncomfortable or unable to resolve the situation, the Presiding Judge may call a recess and notify the tournament director.

The decision of the judges on the extrapolation is final and the Presiding Judge will rule in court to clarify the course of further proceedings. Judges' may determine what impact, if any, the extrapolation has on the witness's or attorney's performance which may then affect individual scores.

OBJECTIONS

- Mock Trial students follow a simplified version of the Rules of Evidence and Procedure.
- Student-attorneys are expected to make objections during examinations, but are not permitted to do so during opening statements or closing arguments.
- Points should not be deducted if the attorney's objection is overruled.
- Accurate objections should factor into a particular student's score. Failure to make an objection, if tactical, should also be considered positively.
- The judge may give each student **one** opportunity to respond to the objection before ruling on the objection.
- Judges should not recognize any objections other than those specifically listed in the Iowa Mock Trial Program book of Rules and Procedures.

Only the following objections are allowed in Mock Trial:

Relevance (Rules 401-403)

Hearsay (Rules 801-804)

Recognize only the following exceptions:

- a. admission by a party opponent
- b. prior statement under oath
- c. present sense impression
- d. excited utterance
- e. state of mind
- f. statements made for purposes of medical diagnosis
- g. recorded recollection
- h. records of regularly conducted activity
- i. dying declaration
- j. declaration against interest

Beyond the scope (Rule 611)

Leading questions (Rule 611)

Character of the Witness (Rule 404 and Rules 608-609)

Asked and Answered ((Rule 1102)

Questions calling for a narrative answer (Rule 104)

Non-responsive (Rule 1106)

Lack of foundation (Rule 1104)

Assumes facts not in evidence (Rule 1103)

Speculation (Rule 1105)

Argumentative/Badgering the Witness (Rule 1101)

Lack of personal/professional knowledge (Rule 602 and Rules 701-704)

Unfair extrapolation (special Mock Trial Objection) (Rule 1107)

For your convenience, a list of acceptable objections is included on the "**JUDGE'S EZ - REFERENCE** ." This form will be available at the competition site. Please refer to it during the course of the trial.

JUDGES' DECISIONS

Two decisions will be made:

1) Legal Merits: Decision based upon the facts and applicable law of the case.

Only this decision can be announced at the conclusion of the trial.

2) Performance: Decision based upon the overall presentation of the case.

*This is the score which determines the winner of the round and **must be kept confidential** until the outcome of the trial is verified in the tab room.*

All judge's decisions are final!

SCORING

(use a ball point pen & please write firmly)

Please consider the students' thought organization, their grasp of the facts and law and the persuasiveness of the argument/testimony. Bear in mind the level of expertise of which this grade level (Junior High or High School) is capable and compare students with other students, not with law students or attorneys. Allow for "stylistic differences" and use the ballot criteria for scoring guidance. Note that there is an additional score for team performance. This reflects the team performance as a whole: how well the members worked together, carried through on themes, the overall level of preparation and professionalism, and whether team members stayed in character throughout the trial.

Please verify that you have marked all numbers on the ballot. All ballots should be returned with all copies intact to the tournament director at the conclusion of the round. Ballots should not leave the tournament site as they are returned to teams at the end of the day.

At the conclusion of the trial, and before offering oral critique, judges should transfer scores onto the Score Sheet (page 5), list any Outstanding nominations (please pay attention to the order in which you nominate students as this DOES influence the outcome of awards) and have the forms delivered to the tabulation room. Upon completion of comments to the students, judges should report to the Judges Room to return the remaining pages of the ballot and to check if any tie-breaking is necessary. **N.B. No performance "ties" are allowed! All scoring judges' ballots will be averaged. After averaging the scores, if there is a "tie" situation, judges will be asked to confer in the tab room and break the tie.**

FEEDBACK

At the **conclusion** of the trial, please offer the students constructive feedback. Judges are limited to 5 minutes of oral critique in order to keep trials running on schedule. Please make specific notes of each student's performance as the trial proceeds; such notes can aid in scoring and in offering student feedback. Your written comments are also reviewed by students and play an important part in the educational process.

THANK YOU FOR VOLUNTEERING YOUR TIME TO MAKE MOCK TRIALS A POSITIVE EXPERIENCE FOR IOWA STUDENTS!