

State Bar Association of North Dakota High School Mock Trial Tournament
Score Sheet

P = Plaintiff: _____ (Team Code)	D = Defense: _____ (Team Code)
Date: _____	ROUND: (CIRCLE ONE) 1 2 3 4 Final

Using a scale of 1 to 10, rate the P and D in the categories below.
 Use whole numbers. DO NOT use decimals/fractional points or award zero points.
DO NOT ADD SCORES AT THE END OF THE ROUND – TAB ROOM WILL ADD TOTALS.
OVERALL TIES ARE PERMITTED UNDER THE KHSMT RULES.

Not Effective	Fair	Good	Excellent	Outstanding
1-2	3-4	5-6	7-8	9-10

SCORE SHEET/BALLOT		P	D
Opening Statement			
Prosecution First Witness:	Direct Examination		
	Cross-examination		
Prosecution Second Witness:	Direct Examination		
	Cross-examination		
Prosecution Third Witness:	Direct Examination		
	Cross-examination		
Defense/Defendant First Witness:	Direct Examination		
	Cross-examination		
Defense/Defendant Second Witness:	Direct Examination		
	Cross-examination		
Defense/Defendant Third Witness:	Direct Examination		
	Cross-examination		
Closing Argument			

_____ Judge's Code

SBAND High School Mock Trial Tournament

Explanation of the Performance Ratings Used on the Score Sheet

(See Rules 5.3, 5.4, Criteria for Scoring and Performance Ratings, and Score Sheet)

Individual participants will be rated on a scale of 1 – 10 points, according to their roles in the trial. The Scoring Judge is scoring **individual performance** in each category. The scoring judge is NOT scoring the legal merits of the case.

Scoring Judges may individually consider penalties for violation of the Rules of the Competition. Penalties would reduce point awards in the appropriate performance categories below. Penalties will not be indicated separately on the score sheet.

In Rounds 1-4, judges may recognize outstanding individual presentations by selecting one OUTSTANDING ATTORNEY and one OUTSTANDING WITNESS per round per team. In the championship round, judges may select only one OUTSTANDING ATTORNEY and one OUTSTANDING WITNESS for the round (not one per team). Each judge determines individually which students will receive his/her votes.

Points	Performance	Criteria for Evaluating Student Performance
1 - 2	Not Effective	Unsure of self, illogical, uninformed, not prepared, speaks incoherently, definitely ineffective in communication.
3 - 4	Fair	<i>Minimally</i> informed and prepared. Performance is <i>passable</i> , but lacks depth in terms of knowledge of task and materials. Communication lacks clarity and conviction.
5 - 6	Good	Good, solid, but less than spectacular performance. Can perform outside of written notes, but with less confidence than when using written notes. Logic and organization are adequate, but not outstanding. Grasps major aspects of the case but does not convey mastery of it. Communications are clear and understandable, but could be stronger in fluency and persuasiveness.
7 - 8	Excellent	Fluent, persuasive, clear and understandable. Organizes materials and thoughts well and exhibits mastery of the case and materials. Thinks quickly and spontaneously. Does not read from notes that were prepared before trial.
9 - 10	Outstanding	Superior qualities listed for 7-8 points performance. Additionally thinks well on feet, is logical, and keeps poise under duress. Can sort essential from nonessential and use time effectively to accomplish major objectives.

The team with the higher number of points shall win the ballot; the team winning the majority of the ballots shall win the round.

After the trial, Scoring Judges are reminded to ensure that all scores are filled in, then sign the score sheet before folding it and handing it to the timekeepers for delivery to the tabulation room.

Criteria for Scoring & Performance Ratings

CRITERIA FOR SCORING A TRIAL ROUND

The following criteria should be considered by scoring judges during the course of a team's trial presentation. Scoring judges should consider "5" the average point award. All points assessed in a trial round are subjective.

Opening Statement

- Provided a case overview
- Identified the theme/theory of the case
- Mentioned the key witnesses
- Provided a clear and concise description of their team's side of the case
- Stated the relief requested
- Discussed the burden of proof
- Presentation was non-argumentative
- Points shall be deducted for use of notes, except for notes made during the course of the trial

Direct Examinations (Student Attorneys)

- Properly phrased questions – non-leading
- Used proper courtroom procedure
- Demonstrated understanding of facts, issues, and law
- Used case theme/theory appropriately/effectively during line of questioning
- Handled objections appropriately and effectively and did not overuse objections
- Did not ask questions that called for an unfair extrapolation from the witness
- Demonstrated an understanding of the *Federal Rules of Evidence (Mock Trial Version)*
- Handled physical evidence appropriately and effectively (if applicable)
- Points shall be deducted for use of notes, except for notes made during the course of the trial

Cross-Examinations (Student Attorneys)

- Properly phrased questions – leading
- Effective questioning
- Properly impeached witness (if applicable)
- Handled objections appropriately and effectively
- Did not overuse objections
- Used various techniques, if necessary, to handle a non-responsive witness
- Demonstrated an understanding of the *Federal Rules of Evidence (Mock Trial Version)*
- Handled physical evidence appropriately and effectively (if applicable)
- Points shall be deducted for use of notes, except for notes made during the course of the trial

Witness Performance

- Credible portrayal of character

- Showed understanding of the facts of the case
- Sounded spontaneous, not memorized
- Poised and observed appropriate courtroom decorum
- Avoided unnecessarily long and/or non-responsive answers on cross-examination
- Points should be deducted for the use of unfair extrapolations

Closing Argument

- Theme/theory continued in closing argument
- Summarized the evidence
- Emphasized the supporting points of their own case and damaged the opponent's case
- Concentrated on the important, not the trivial
- Applied the applicable law
- Discussed burden of proof
- Responded to any questions from the judge with poise (if applicable)
- Overall, the closing argument was persuasive
- Points shall be deducted for use of notes, except for notes made during the course of the trial

SBAND High School Mock Trial Tournament

Timekeeper’s Responsibilities

(See Rules 1.4, 3.2, 4.5, 4.6, and 4.7)

- Each team is responsible for reviewing the following procedural information and Rules 1.4, 4.5, and 4.6 outlining the timekeeper’s responsibilities for keeping time accurately and fairly throughout the state tournament.
 - **WORKING TOGETHER as a “neutral timing team,”** timekeepers from both teams (a) will ensure that accurate time for both teams has been kept; (b) will show “time-remaining” cards simultaneously to both teams; and (c) will notify the presiding judge that “TIME” has expired at the end of each segment of the trial by showing the “STOP” time card. The four trial segments as defined in Rule 4.5, Trial Sequence and Time Limits, are as follows: (1) Opening Statement (maximum of 5 minutes per side); (2) Direct and Redirect Examination (maximum of 25 minutes per side); (3) Cross and Recross-examination (maximum of 20 minutes per side); and (4) Closing Argument (maximum of 5 minutes per side).
 - Each team is responsible for training at least one student to serve as the team’s official timekeeper.
 - **ALL TEAMS** are to bring to the state tournament:
 - **Two (2) STOP WATCHES** (one for keeping time for the Prosecution/Plaintiff side and one for keeping time for the Defense side, regardless of which side your team is presenting in a given round) – **required**
 - A trained **OFFICIAL TIMEKEEPER** – *required*
 - Clipboard for the timekeeper – *optional*
 - Two pencils
 - One set of “Time-Remaining” Cards with the following designations to signal time: 20:00, 15:00, 10:00, 5:00, 4:00, 3:00, 2:00, 1:00, 0:40, 0:20, and STOP.
 - Time Card Use Table (found in these materials)—should duplicate one copy
 - Timekeeping Sheet (found in these materials)—should duplicate 4-6 copies
- No stop watches, clipboards, or pencils will be available from the mock trial coordinator at the competition site.**
- All teams must use the “Time Remaining” cards that are described in Rule 1.4 and NO others. Time intervals may not be altered in any way.
 - Teams and their official timekeepers are responsible for being proficient in the timekeeping responsibilities. The team’s timekeeper must be familiar with the trial sequence, and is encouraged to have practiced completing the timekeeping sheet during team scrimmages or practice rounds before the tournament begins.
 - In each trial, both teams’ timekeepers will sit in the front row of the jury box and keep time for both teams.

Timekeeping Procedures

- I. **BEFORE THE TRIAL** (See information in *Timekeeper's Responsibilities* in these materials.)
- II. **DURING THE TRIAL**
 - A. Timekeepers play an essential role during a mock trial competition round and therefore must work together as a neutral “timekeeping team” to ensure that time is kept accurately and fairly for both sides in the round.
 - B. Enter the Round Number and Team Codes in the spaces provided at the top of the Timekeeping Sheet. Arrange your stopwatches, time cards, and Time Card Use Table.
 - C. Keep time during the trial, remembering the following:
 - Use one stopwatch for each side – PROSECUTION on your left and DEFENSE on your right.
 - **RESET STOPWATCH TO ZERO ONLY** at the following times:
 - at the beginning of each side’s opening statement;
 - at the beginning of each side’s direct examination
 - at the beginning of each side’s cross-examination; and,
 - at the beginning of each side’s closing argument
 - **DO NOT** reset stopwatch to zero at any other time.
 - **DO NOT** reset stopwatch to zero at the end of direct and cross-examinations (you will need to resume direct examination timing for redirect questioning, and cross-examination time for recross questioning);
 - **DO NOT** reset stopwatch to zero at the end of the Prosecution’s closing argument (you will need to resume the Prosecution’s closing argument timing for the Prosecution’s **rebuttal**).
 - **START** timing only when each attorney starts to speak, (i.e. when the attorney actually speaks the first word of his or her opening, closing, or examination question – examples include but are not limited to, “May it please the court...,” or, “Your Honor, Ladies and Gentlemen of the jury...” [for openings/closings] or, “Please state your name for the court...” [for examination question) – **NOT** when an attorney responds to a presiding judge’s inquiry as to whether or not that side is ready to proceed, asks for permission to reserve time for a rebuttal, asks for permission to use/move a podium, or to swear a witness, etc.)
 - **STOP** timing during objections, responses to objections, questioning by the judge, and when the attorney says his or her last word on completion of a given task.
 - Remember: **DO NOT** count time:
 - From the time an objection is raised until after the ruling by the presiding judge and the examining attorney says the first word to continue the examination;
 - During the time a judge may raise questions to a team or the panel.
 - Time **DOES NOT STOP** for the introduction of evidence.

- D. Display time cards **simultaneously** throughout the round to **both teams** (attorneys and witnesses) and the presiding judge only at the intervals set out in the Time Card Use Table. Display the **STOP** card to both teams, the presiding, and the scoring judges.
- E. Timekeeping each trial is a function of both teams' timekeepers working together. Timekeepers **may not** display any increments of time (not outlined on the Time Card Use Table) to their own team independently of the opposing team's timekeeper at any time during the trial.

III. **DISCREPANCIES IN TIME BETWEEN TEAM TIMEKEEPERS DURING A TRIAL**

- A. If timing variations of **15 seconds or more** occur at the completion of any **task** (i.e. at the end of each opening, at the end of each witness examination, at the end of each cross-examination, and at the end of each closing argument) during the trial, the timekeepers are to notify the presiding judge that a time discrepancy has occurred. In this event, one timekeeper will politely address the presiding judge and say, "Your Honor, under Rule 4.6 there is a time discrepancy of more than 15 seconds."
- B. The presiding judge will ask the nature of the discrepancy and then rule on the discrepancy before the trial continues.
- C. Timekeepers will synchronize their stopwatches to match the ruling of the presiding judge (as an example, if Prosecution/Plaintiff's stopwatch indicates that the Prosecution/Plaintiff has 2 minutes left in the direct examination block of time and the Defense stopwatch indicates time has expired in the direct examination block for the Prosecution/Plaintiff team, the presiding judge *might* decide to split the difference in the timing variation and give the Plaintiff team 1 minute to conclude the direct examination. The Defense timekeeper would adjust timing to allow for the 1 minute timing decision.)
- D. Any discrepancies between timekeepers less than 15 seconds will not be considered a violation.
- E. No time disputes will be entertained after the trial concludes.
- F. The decisions of the presiding judge regarding the resolution of timing disputes are final.

IV. **AFTER THE TRIAL**

- A. The timekeeper is NOT required to turn in the timekeeping sheet at the end of the trial.

**SBAND High School Mock Trial Tournament
Time Card Use Table**

For Direct Examination

When your stopwatch says	Hold up the timecard that says
5:00	20:00
10:00	15:00
15:00	10:00
20:00	5:00
21:00	4:00
22:00	3:00
23:00	2:00
24:00	1:00
24:20	0:40
24:40	0:20
25:00	STOP

For Cross-examination

When your stopwatch says	Hold up the timecard that says
5:00	15:00
10:00	10:00
15:00	5:00
16:00	4:00
17:00	3:00
18:00	2:00
19:00	1:00
19:20	0:40
19:40	0:20
20:00	STOP

For Opening Statements & Closing Arguments

When your stopwatch says	Hold up the timecard that says
1:00	4:00
2:00	3:00
3:00	2:00
4:00	1:00
4:20	0:40
4:40	0:20
5:00	STOP

**SBAND High School Mock Trial Tournament
Timekeeping Sheet**

Round Number: _____ Prosecution/Plaintiff Team Code: _____ Defense Team Code: _____

Opening Statements (5 minutes each)

Prosecution/Plaintiff _____
Defense _____

Direct/Redirect Examination of Three Prosecution/Plaintiff Witnesses (25 total minutes)

FIRST WITNESS (ending time) _____
SECOND WITNESS (cumulative ending time) _____
THIRD WITNESS (cumulative ending time: > 25 = time violation) _____

Cross/Recross-examination of Three Prosecution/Plaintiff Witnesses (20 total minutes)

FIRST WITNESS (ending time) _____
SECOND WITNESS (cumulative ending time) _____
THIRD WITNESS (cumulative ending time: > 20 = time violation) _____

Direct/Redirect Examination of Three Defense Witnesses (25 total minutes)

FIRST WITNESS (ending time) _____
SECOND WITNESS (cumulative ending time) _____
THIRD WITNESS (cumulative ending time: > 25 = time violation) _____

Cross/Recross-examination of Three Defense Witnesses (20 total minutes)

FIRST WITNESS (ending time) _____
SECOND WITNESS (cumulative ending time) _____
THIRD WITNESS (cumulative ending time: > 20 = time violation) _____

Closing Arguments (5 minutes each)

Prosecution/Plaintiff (and rebuttal, if any) _____
Defense _____

Remember: Clock Stops for Objections

Timekeeper's Signature: _____ Team Code: _____