

State Bar Association of North Dakota High School Mock Trial Competition

Competition Handbook



LAW RELATED EDUCATION
Changing How Students Think

Adopted 2019

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Welcome to the State Bar Association of North Dakota (SBAND) High School Mock Trial Competition!

Mock Trials are extremely rewarding, especially to those high school students interested in debate, public speaking, or law. The mission of SBAND's High School Mock Trial Program is to develop and assist students as they explore fundamental concepts related to access to justice through unique and realistic learning opportunities. This goal will be achieved by providing analytically-based law-related curriculum and educational programs for secondary education students. Participants in the SBAND High School Mock Trial include coordinators, volunteers, coaches, and team members. Their commitment to mock trial will make this program an outstanding experience for all who participate.

The SBAND High School Mock Trial Competition is an integral part of law-related education in North Dakota. Mock trial, which is a model of project-based learning, is a national educational competition that requires students not to win a case on its merits, but instead deliver the best solution to a mock trial problem. Teams from all over the United States and abroad compete yearly at a local, state and national championship.

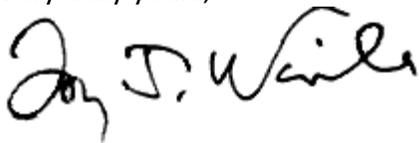
Many involved are former mock trial team members and coaches and we understand the commitment required to prepare for a competitive and rewarding competition. To honor your commitment, we provide competing students with a world class mock trial experience. The support of support of competition volunteers, partners, and corporate and individual donors is vital to the success of this program.

To our competitors, we wish you the best of luck as you present your solution to the mock trial problem. To our volunteers, sponsors, and donors, we hope that you see the value of analytically-based law-related education and continue to support this worthwhile program.

SBAND expresses special thanks to the National Mock Trial Program and the Virginia Law Related Educational Institute who were instrumental in helping us develop our program.

Please contact me or my staff at SBAND if you have any questions about this manual.

Very truly yours,

A handwritten signature in black ink that reads "Tony J. Weiler". The signature is written in a cursive, flowing style.

Tony Weiler, Executive Director
State Bar Association of North Dakota



The Purpose of Mock Trial

The SBAND High School Mock Trial Competition provides students with an opportunity to participate in a highly educational law-related activity. While the competition is competitive, the goal of the competition is to provide students with law-related education that focuses on:

- Increasing understanding of the judicial process and access to justice
- Developing and refining speaking, listening, writing, and analytical skills
- Encouraging teamwork, cooperation, and respect for fellow teammates, and
- Furthering an understanding of law-related education

All participants in the competition, whether they be students, sponsors, coaches, or volunteers, are reminded that the primary goal of the activity is educational. SBAND adopts the National High School Mock Trial Championship Code of Conduct and reserves the right to disqualify or bar a participant from future competitions and event for any violation of that code of conduct.

Insurance and Securing Facilities

SBAND will secure facilities for the state competition. SBAND will secure personal and property liability insurance for all competition sites. SBAND is not responsible for the loss of personal property or money by a party attending a SBAND High School Mock Trial event.

State Competition

The State Competition

The state competition is held between the first and third weekend in March. The competition will be held at a facility such as a courthouse or college.

At the end of the competition, all teams will be awarded certificates. The top three teams will be receiving a plaque or trophy. Individual student awards will be presented for outstanding attorney and outstanding witness.

Scrimmages

Scrimmages provides students with an opportunity to practice skills in a real-time environment. Students become comfortable competing in a competition setting, as well as refine techniques. SBAND does not sanction scrimmages. During the registration period, SBAND will provide teachers with a running list of the other schools who have registered and their contact information. Teams wishing to scrimmage another team should contact the teacher directly to coordinate.

Adoption of National Mock Trial Rules and Rules of Evidence

The SBAND High School Mock Trial Championship adopts the National High School Mock Trial Championship Rules and Rules of Evidence. The National Mock Trial Rules sets forth the rules of the competition itself while the Rules of Evidence are modified Federal Rules of Evidence prepared by the National High School Mock Trial Championship.

Anti-Scouting Provision

Prior to the competition, teams may prepare, practice, and scrimmage each other, as well as discuss strategy and any other issues related to the SBAND High School Mock Trial Competition.

Once a team enters the state competition, that team may not share any information related to the actions, strategy, solution, or presentation by any opposing team to any other team. This includes information gleaned from any qualifying competition. The state coordinator or designee will determine the appropriate penalty for both the offering and offered team.

Amendments as Needed for the Competition

The state coordinator may at his or her discretion amend both the rules of the competition and rules of evidence as required, per the needs of the competition. Amendments will be or provided to participating teams prior to a competition. Corrections to, or clarification of, the mock trial problem are not considered amendments to the rules.

The Mock Trial Problem

Drafting the Problem

Each year's mock trial problem is designed so that neither side of the case has an unfair advantage. The problem may be either civil or criminal in nature and covers any area of law. Criminal cases will be weighted in recognition that the prosecution carries a much heavier burden than the plaintiff in a civil case. All witnesses available to testify will be given gender neutral names so that they may be played by either male or female students. Teams are responsible for communicating the gender of the witnesses to each other prior to the start of the round.

Each side will be assigned three witnesses whom they must call to testify. All witnesses should have a mix of good and bad facts for their side of the case. Additionally, both teams should be given at least one expert witness. A witness's affidavit, deposition transcript, or expert report should indicate which exhibits included in the case packet that witness is familiar with, if any.

Corrections and Clarifications Prior to Trial

The mock trial Chair may make corrections or changes to the problem, as needed, prior to competition. Changes will be issued via a new version of the problem. The newest version of the problem becomes effective once all teams have been notified of the updates. All teams must use the latest version of the case.

Any team may seek clarification of any part of the problem. Requests for clarification should be sent to tony@sband.org and titled "Request for Clarification." The mock trial chair will review the request and respond in one of the following ways:

1. Send a return email to notify the team that the request is improper because the information sought is immaterial to the case, designed to be ambiguous, or already answered by some other portion of the case packet.
2. Send a message to all registered teams that includes the question asked and the committee's answer to the question.
3. If warranted, the chair may update the problem to resolve any issue in need of clarification.

The Competition Venue

Appropriate Facilities

Competitions are held at locations that can accommodate multiple trials occurring at once. Schools, courthouses, and other similar places are all acceptable locations for a competition. Trial rooms will be large enough to accommodate two teams, their sponsors/coaches, and the judging panel, but may or may not be large enough to accommodate significant spectators. Spectators may be asked to leave by competition staff if there is not enough room to accommodate everyone.

The Courtroom

When rounds take place in rooms other than actual courtrooms, competition staff will arrange the room to simulate a court of law. There will be two counsel tables, one for the attorneys of each team. Witnesses for each team will sit in chairs behind their respective counsel tables. A separate table will be set up for the judging panel with the witness chair placed to one side. Students are permitted to treat the judging table as both the bench and the jury box. The space between counsel tables and the judging table will be the well of the courtroom.

When rounds take place in actual courtrooms, competitors will utilize the set up already in place. Competitors are not permitted to move or attempt to alter the courtroom in any way. Plaintiff or prosecution will sit at the counsel table closest to the jury box.

All judges will be given placards designating them as either scoring judges or the presiding judge. Teams will also be given a placard with their team identification code to be displayed on their counsel tables. Judges will be provided with a clipboard, pen, and water bottle for use during trial.

Accommodations for Students

The SBAND High School Mock Trial Program encourages participation by all students in mock trial. SBAND will make efforts to secure facilities that comply with federal disability access laws and will further attempt to accommodate teams on which a disabled student is a member. SBAND will not provide for a disability aide or device such as a sign language interpreter, but the use of such an aide or device will be allowed during the competition.

Any team requesting an accommodation should contact SBAND no less than three weeks prior to the competition so that we can attempt to prepare for the accommodation. Accommodation requests after that date may not be honored by SBAND.

Team Registration and Team Roster

Team Registration

All teams wishing to register for the SBAND High School Mock Trial Competition must do so before the deadline set by SBAND. No team may register within three weeks prior to a competition.

SBAND establishes the following fees and deadlines effective September 2020:

Registration (by December 1 st)	\$150 registration
Late Registration (Closes December 31 st)	\$200 registration
Team withdrawal/refund deadline	December 20 th

Teams will use a registration form provided to them on the SBAND website. A copy of that form is included in the appendix of this handbook. Teams may register via email or by sending their registration through the mail. Fees are subject to change from year to year.

Team Roster

Completed copies of a team roster must be duplicated by each team prior to the competition. Handwritten rosters will not be accepted. Roster must include the following information in the format set forth in the appendix of this handbook:

- Team identification letter (assigned at registration)
- Name of team coach
- The name and position of each attorney (opening, closing, cross, etc.), and
- The name and gender of each witness, including the team member's name

No information identifying the geographic location or name of the team's school or primary homeschool location may be included on the roster.

One copy of a team roster must be submitted upon registration on the first day of competition. That copy will be designated the official team roster of the competition. Before each round, teams will exchange copies of their team roster. A copy of the team roster must also be made available to the judging panel and presiding judge before each round. Teams are not required to present their witnesses in order of appearance on the team roster, but they must indicate to the scoring judges only if such a change is to be made prior to each round.

Judges' Lounge

Prior to every round, judges will report to the Judges' Lounge to check in and be briefed on the competition rules. The Judges' Lounge is off limits to all competitors and spectators and is restricted to judges and competition staff. Food and drinks will be provided for the judges.

Before rounds begin, a brief presentation will be given to judges covering mock trial specific rules and how to properly score a round. Judges will then be assigned to rooms and a presiding judge for each round will be designated by competition staff. Staff will then escort judges to the correct rooms.

Scoring, Rulings, and Instructions

Use of Power Rankings and Aggregate Score

SBAND High School Mock Trial uses a modified power ranking or "Swiss Ranking" system like that used by the National High School Mock Trial Competition (for an explanation of that system see <http://www.nationalmocktrial.org/scoring/>). Power ranking in SBAND HSMT is used as follows:

- *Round Robin Rounds* – power rankings determine match-ups, with the highest-ranked winning team facing the lowest-ranked winning team in the next round and the highest-ranked defeated team facing the lowest-ranked defeated team, with rankings based on scores for that round. Except in instances when a bye is necessary, teams at the state competition will be scored on four rounds of competition, with a fifth round to determine the state champion and all other rankings. Teams at regional and district competitions will be scored on three rounds of the competition and ranked accordingly.
- *Odd number of teams* - In the event of an odd number of teams, one team will be selected at the start of each round by random draw to serve a bye. The National High School Mock Trial Championship rules will apply in terms of scoring when a bye is necessary. Teams may only serve one bye. At a regional competition, the bye team from round one and round two will meet in an additional round, and three fully scored rounds at regional competitions will be used to determine placement.
- *State Competition Championship Round* – In the fifth round of the state competition only, the teams with the top two scores (best win-loss records and tiebreakers) will meet to determine the state champion. The teams with the next two highest scores will meet for the consolation round, and so on until all teams (10 max) are seeded for the final round. In the event of a tie based on win-loss record, the team with the higher aggregate score advances. During the final round, the team with the higher win-loss score (or aggregate score if a tie exists) selects whether they wish to prosecute or defend the case. The raw score in each championship round match determines the winner of the match and final placement in the competition. In the event of an odd number of teams, the lowest team in the competition will not participate.

Rulings on Challenges

The competition uses a modified dispute resolution procedure based on the rules of the National Mock Trial Championship. Rule violations reported during a round will be handled pursuant to Rule 6.1 to 6.3. The trial judge, at his or her discretion, may request the assistance of the statewide coordinator or designee in terms of handling the dispute, but the ultimate outcome of the dispute, including both the ruling by the trial judge and scoring by scoring judges, is not appealable.

Rule violations reported after the round must be reported directly to the statewide coordinator or designee prior to the next round. The coordinator or designee will at his or her discretion accept written statements from both teams and rule accordingly, providing their ruling to the scoring judges for consideration. The ruling of the statewide coordinator or their designee is deemed final. Teams may not appeal evidentiary decisions to the statewide coordinator or the coordinator's designee.

Scoring Ballot

The scoring ballot included in the appendix of this handbook is the official scoring ballot for the SBAND High School Mock Trial Competition. The scoring ballot is adopted from the Nebraska High School Mock Trial Competition. The "prosecuting" school is the school representing either the Commonwealth in a criminal trial or the plaintiff in a civil trial.

Included with the scoring ballot is a Scoring Rubric and factors to consider. Scoring judges are encouraged to review and use this material to provide as close to a uniform experience as possible to participating teams.

Once all scoring ballots for each round are tabulated by the competition, the scoring ballot will be photocopied and/or emailed to each team sponsor for review. If there is no method to copy or email a scoring ballot at the competition site, the scoring ballot itself will be made available to each team sponsor for review. No round will be delayed due to the late presentation of a scoring ballot to a team sponsor.

Constructive Critiques

Trial and scoring judges are highly encouraged to provide feedback to students once scoring ballots are collected. SBAND is committed to providing all participating students with a positive educational experience and asks that all judges keep this in mind when providing critiques. To that end, suggestions for constructive critiques of students will be provided to trial and scoring judges.

Instructions for Trial Judges

Instructions for trial judges explain the role of the presiding judge during a round. The instructions cover the timing of the trial, evidentiary rulings, and competition violation disputes. Instructions are included in the appendix.

Instructions for Scoring Judges

Instructions for scoring judges explain the purpose of mock trial, use of the scoring sheet and rubric, challenge procedures, and post-trial critique. Instructions are included in the appendix.

Instructions for Coaches

Coaches are responsible for ensuring that their teams abide by the competition rules and cooperate with tournament staff. Coaches are welcome to watch all the rounds in which their students compete and discuss strategy and constructive critiques with their students between rounds. Coaches are not permitted, however, to coach or communicate with their students during a round. Coaches may communicate or otherwise interact with their team during a round only in the event of a medical or other emergency. Instructions for Coaches are included in the appendix of this handbook.

Closed Tabulation Room

The tabulation room is closed at all competitions except to the state coordinator, mock trial chair, and their respective designees. Scores will be provided post competition through electronic means.

Individual Awards

During the first four rounds, scoring judges will rank on their scoring ballot the top four attorneys and top four witnesses for each round. Rankings receive the following points: rank one receives five points, rank two receives four points, rank three receives three points, and rank four receives two points. Individual awards are given to the students who achieve the highest cumulative scores for a side of a case. In the event of a tie, the win-loss record of the student's team will determine the winner. In the event of a further tie, the total aggregate score of the team will be used. In the event of an odd number of teams, the lowest-scored rank for each team member will be dropped from those teams that did not serve a bye round.

Four awards for best attorney and four awards for best witness will be presented at the conclusion after round four of the competition and the conclusion of the competition.

Pre-Competition Meeting and Timekeeper Meeting

Before the beginning of the first round, team coaches will report to a single location for a meeting with the statewide coordinator or his or her designee. The coordinator or designee will welcome all teams and discuss any unique rules for the tournament or related to the facility. Timekeepers from each team will also meet with the statewide coordinator or his or her designee to discuss timekeeping rules.

Post-Competition

The winner of the SBAND High School Mock Trial Competition will advance to the National High School Mock Trial Championship. SBAND will be responsible for payment of the National High School Mock Trial Championship association fee. The advancing team is responsible for the team registration fee and all additional costs related to the competition. The advancing team must notify SBAND by email of their intent to participate in the national championship by 5:00 PM on the first Friday following the SBAND competition. The winner of the SBAND competition is recognized as the champion even if the team is unable to attend the national competition.

If the advancing team is unable to attend the national competition, SBAND will contact the first runner up in the SBAND competition and provide them the opportunity to advance to the national competition. The first runner up will have forty-eight hours to confirm by email that it will attend the national competition. If the first runner up is unable to attend the national competition, SBAND will contact the second runner up in the SBAND competition and award them advancement to the national competition. The second runner up will have forty-eight hours to confirm by email that it will attend the national competition. This cycle will continue until a team can attend the national competition, or the time to enter the national competition expires.

Use of Social Media, Photography and Videotaping

Promoting SBAND activities and accomplishments allows our partners, donors, attendees, and the community an ability to see the incredible opportunities we provide to our attendees. As such, the following guidelines are adopted for the competition:

- The use of social media is encouraged during the competition subject to the following:
 - Both teams must both agree to the use of social media prior to each round and advise the judge of their decision.
 - Teams and spectators may not post specifics of the trial on social media during the competition (e.g., “Johnny makes his opening statement to the court!” is acceptable, but “The other team argued that our witness is lying. Sad!” is not acceptable).
 - Team members actively participating in each round may not have electronic devices of any kind on their possession except a stop watch for team timers.
- Spectators, the media, and SBAND representatives may take pictures and videos of any part of the competition (subject to SBAND opt-out allowances).
- If a team wishes to videotape any part of, or the entirety of a round, the opposing team must agree, and the requesting team must advise the judge of their decision.

Any violation of the above guidelines will be considered a violation of mock trial rules and are subject to the mock trial rule resolution procedure set forth in this handbook.



Changing How Students think!

SBAND High School Mock Trial Competition Registration Form

Name of Sponsoring School or Organization: _____

Address: _____

Name of Coach: _____

Phone Contact Number: _____

Email Contact: _____

I have enclosed a check for the following (made payable to "SBAND"),

Registration (December 1 st deadline)	\$150 registration	[]
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Late Registration	\$200 registration	[]
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Total: _____

The team withdrawal deadline is December 20th. No refunds will be processed after that date.

Return this form and your payment to:

State Bar Association of North Dakota
1661 Capitol Way, 104LL
Bismarck, ND 58501

This registration form is available at <https://www.sband.org/page/HighSchoolMockTrial>

, 20XX

Dear,

We are pleased to register you for the 20XX SBAND High School Mock Trial Competition! Included with this letter is a schedule for the weekend, directions to court rooms, and instructions for team sponsors and coaches.

Your registration and team identification information is as follows:

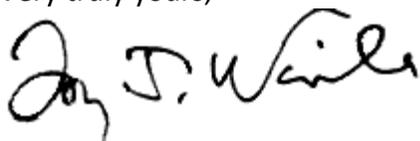
Registration Receipt Date:

Team code:

There are multiple lodging and restaurant opportunities in the Bismarck area. Please visit for <https://noboundariesnd.com/> additional information.

We look forward to seeing you on ,20XX in Bismarck! Please contact me if you need any additional information.

Very truly yours,

A handwritten signature in black ink that reads "Tony J. Weiler". The signature is written in a cursive, flowing style.

Tony Weiler, Executive Director
State Bar Association of North Dakota



SBAND High School Mock Trial Competition

Tentative Schedule

(subject to change)

Friday, March XX, 20XX

7:00 am to 8:00 am	Registration in the main lobby (present your official roster)
8:00 am to 8:30 am	Coaches meeting in the Court Room (coaches only)
8:30 am to 9:00 am	Judges meeting (teams report to their assigned courtrooms)
9:00 am to 11:30 am	Round One
11:30 pm to 12:30 pm	Break for lunch
12:30 pm to 3:00 pm	Round Two
3:30 pm to 6:00 pm	Round Three

Saturday, March XX, 20XX

8:30 am to 9:00 am	Judges meeting (teams report to their assigned courtroom)
9:00 am to 11:30 am	Round Four
11:30 to 1:00 pm	Break for lunch
1:00 pm to 3:30 pm	Round Five for top teams placement (the top two teams meet in the Court Room to decide the state championship)
3:30 pm	Awards ceremony in the TBD

I hope that you and your students are enjoying high school mock trial! One way to enhance this experience is to scrimmage another mock trial team in your area.

Why scrimmage?

Scrimmaging provides students with an opportunity to practice skills in a real-time environment. Student become comfortable competing in a competition setting, as well as refine certain techniques.

Who should scrimmage?

First year teams are highly encouraged to scrimmage. New teams should focus on developing fundamental skills to secure the best educational experience at the competition. For experienced teams, scrimmaging allows for the refinement and perfection of higher level mock trial skills.

Dose scrimmaging give away my solution?

No. The goal of mock trial is not to win the case on the merits, but to instead present the best solution to a mock trial problem. Team members are scored on their understanding of the facts, law, courtroom procedures, and rules of evidence, all of which can be assessed at a scrimmage. State teams often scrimmage each other the day before the start of the National High School Mock Trial Competition.

Should I run my entire case?

Teams do not need to run their entire case at a scrimmage, though new teams are encouraged to do so to gain experience prior to the competition. Experienced teams should consider concentrating on basic aspects of the case, and save unique solutions to the mock trial problem for the state competition.

How do I schedule a scrimmage?

While SBAND does not sanction scrimmages, but we are happy to help find attorney coaches to help you.

Please contact us at carrie@sband.org if you want help setting up a scrimmage or finding an attorney coach. We will rely your request accordingly.

Team Roster

Team Identification Letter Assigned at Registration: _____

If the team is the **prosecution/plaintiff** the roles are assigned as follows:

Attorneys		
	Name	Assignment
1		
2		
3		
Witnesses		
	Name	Assignment
1		
2		
3		
Timer		

If the team is the **defense** the roles are assigned as follows:

Attorneys		
	Name	Assignment
1		
2		
3		
Witnesses		
	Name	Assignment
1		
2		
3		

Team substitutions must be handwritten in this space with a copy turned into registration prior to the round in which the substitution occurs:

Substitution		
	Name	Assignment
1		
2		
3		

SCORING JUDGE'S SCORE SHEET

Date: _____ Round: _____

School Numbers Prosecution: _____ Defense: _____

Rate the performance of each team member on a scale of 1 to 10, recording one score in each box.

Do NOT use fractions. 1-2= not effective 3-4= fair 5-6= good 7-8= excellent 9-10= outstanding

Ballot		Prosecution	Defense
Opening statements			
Prosecution first witness	Direct Examination		
	Cross Examination		
	Witness Performance		
Prosecution second witness	Direct Examination		
	Cross Examination		
	Witness Performance		
Prosecution third witness	Direct Examination		
	Cross Examination		
	Witness Performance		
Defense first witness	Direct Examination		
	Cross Examination		
	Witness Performance		
Defense second witness	Direct Examination		
	Cross Examination		
	Witness Performance		
Defense third witness	Direct Examination		
	Cross Examination		
	Witness Performance		
CLOSING ARGUMENTS			
TEAM TOTALS (add scores in each column)			

Please deliver ballot to coordinator before critique.

Tiebreaker (in case of tie, circle the party that won this round)

PROSECUTION

DEFENSE

(Signature of Judge)

INDIVIDUAL AWARDS

Date: _____ Round: _____

Number of Schools Prosecution: _____ Defense: _____

Please rank the top four attorneys and witnesses in this round and circle which side of the case he or she was on. Please use the real names of the witnesses, not their characters.

Best Attorneys	<i>(circle side)</i>		Best Witnesses	<i>(circle side)</i>	
1. _____	P	D	1. _____	P	D
2. _____	P	D	2. _____	P	D
3. _____	P	D	3. _____	P	D
4. _____	P	D	4. _____	P	D

SCORING RUBRIC

POINTS	PERFORMANCE	CRITERIA FOR EVALUATING STUDENT PERFORMANCE
1-2	Not Effective	Unsure of self, illogical, uninformed, not prepared, speaks incoherently, ineffective in communication.
3-4	Fair	Minimally informed and prepared. Performance is passable but lacks depth in terms of knowledge of task and materials. Communications lack clarity and conviction.
5- 6	Good	Good, solid, but less than spectacular performance. Can perform outside the script but with less confidence than when using script. Logic and organization are adequate, but not outstanding. Grasps major aspects of the case but does not convey mastery of same. 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.
9-10	Outstanding	Superior in qualities listed for "Excellent" rating. Thinks well on feet, is logical, kept poise under duress. Can sort out essential from the nonessential and uses time effectively to accomplish major objectives. Demonstrates the unique ability to utilize all resources to emphasize vital points of the trial.

Factors to Consider

OPENING STATEMENTS - Provided a case overview; mentioned the key witnesses stated the relief requested; and provided a clear and concise description of their case.

DIRECT EXAMINATION - Used properly phrased questions (who, what, where, when, how); used proper courtroom procedure; demonstrated understanding of issues and facts; properly introduced evidence; defended objections in clear, concise terms; used time effectively; and complied with all rules of the competition and spirit of fair play.

CROSS EXAMINATION - Used leading questions; properly impeached witnesses; raised proper objections and stated reasons clearly; knew Rules of Evidence and did not overuse objections; was courteous of opponent; and complied with rules of competition and spirit of fair play.

WITNESSES - Credible; understood facts; responded spontaneously; poised and observed courtroom decorum.

CLOSING ARGUMENTS - Summarized the evidence; emphasized the supporting points of their own case and damaged the opponent's; concentrated on the important, not the trivial; applied the applicable law; and responded to the judge's questions with poise.

TIMING – Points may be deducted if a team member does not adhere to timing requirements



CONSTRUCTIVE CRITIQUES

An important aspect of the mock trial educational process is the critique provided by the trial and scoring judges at the end of each round. The comments and suggestions on this page are meant to assist you in your role as educator about the law and our legal system.

Please read these comments and try to give students positive suggestions that will help them do better next time, as well as understand how our justice system works. Critiques for each round should last no more than eight minutes per team.

- For many students, the critique is the most valuable part of the competition. They learn from hearing *specifically* what they did incorrectly and what they did correctly.
- Humor is a welcome tension reliever during the critique.
- Your comments should bear in mind the educational goals of the competition.
- Remember that you are helping *educate, guide and nurture* students. Treat students with the respect that you expect to receive from them and let them see why you volunteered your time and effort to the competition.
- Encourage questions during the critique.
- Remember you are a role model for the students and an ambassador for your profession.
- Let students know that not all attorneys use the same methods and techniques. Differences of opinions regarding style of trial presentations are common.

These are some suggestions on how to best provide your valuable feedback to students

"Perhaps an alternative way of handling the questioning of that witness would have been to..."

"Your opening statement was good, but it may have been even better if you had..."

"I cannot recall hearing evidence about ..., which would have helped your client's case. If you did include such evidence, I suggest that next time you make it somehow stand out stronger by..."

SBAND is committed to providing our participating students with a positive experience. Remember that you do not know the background or circumstances of these young people. As such, please do not do any of the following,

- Criticize students for their dress.
- Expect high school students to understand all that law students or lawyers understand.
- Talk down to students.



INSTRUCTIONS FOR TRIAL JUDGES

Thank you for participating in the SBAND High School Mock Trial Competition! By volunteering your time, you are furthering the analytical education of SBAND students in four distinct ways:

- Increasing their understanding of the judicial process
- Developing and refining their speaking, listening, writing and analytical skills
- Encouraging teamwork, cooperation, and respect for fellow teammates, and
- Furthering their understanding of law-related education

Please follow these instructions to provide as close to a uniform experience as possible to our participating teams.

The Round Begins

Your courtroom will be made ready prior to the start of each round. Your courtroom may be an actual courtroom, a mock courtroom, or classroom. In the case of a classroom, all efforts will be made to arrange the room to best simulate a courtroom setting.

As in a real courtroom, the prosecution/plaintiff will sit closest to the jury box. Three attorneys from each team will sit at the litigant's table. Team timers will sit in assigned seats. Witnesses will sit immediately behind the attorneys if possible. Only the six team members playing in the round may talk to each other. No motions for sequestration are permitted.

Teams will exchange a copy of their team rosters with you, the opposing team, and the scoring judges. The team roster allows the teams to identify the gender of witnesses, as well as allows scoring judges the opportunity to write the names of participants on the scoring sheet.

Pretrial

Call the court to order. The attorneys for each side will stand and enter their appearances. Request that the parties advise you of any stipulations already entered into the evidence.

Here are some issues you may encounter at pretrial:

- Do not entertain any motions except to strike testimony following a successful objection to its admission.
- Do not allow the use of demonstrative evidence, aides or costuming during the trial unless specifically allowed by the problem.
- Please set forth your preference for marking of exhibits.
- Require opening statements to be delivered at the start of the trial; no objections are allowed during opening statements.

The Trial

You have three responsibilities at trial: timing, evidentiary objections, and objections to the rules of mock trial.

Timing - Timers are team members who act as neutral parties during the trial. Each timer is provided with a set of cards setting forth the remaining time in a round and will simultaneously keep time. You do not have to keep track of time; the timers are responsible for bringing any time violations to your attention. Both teams must call all three witnesses per round. Mock trial timing follows trial procedure as follows:

1. Opening Statement - *5 minutes each side*
2. Direct and Cross of All Plaintiff/Prosecution Witnesses - *25 minutes total for plaintiff/prosecution, 20 minutes total for defense*
3. Direct and Cross of all Defense Witnesses - *25 minutes total for defense, 20 minutes total for plaintiff/prosecution*
4. Recess Prior to Closing – *5 minutes*
5. Closing Argument - *5 minutes each side (including prosecution/plaintiff rebuttal)*
6. Rebuttal - *The amount of time reserved*

Timers should be within 15 seconds of each other or notify you of a discrepancy, which you may correct as you see fit. Time stops only for objections, questioning from the judge, or administering the oath. Time does not stop for introduction of exhibits. You may grant brief extensions of time when warranted (e.g., to finish a thought).

Evidentiary Objections – SBAND High School Mock Trial follows the National High School Mock Trial Rules of Evidence except that all witnesses are pre-sworn and no oath is given. These rules are substantially similar to the Federal Rules of Evidence. If there is a discrepancy between Mock Trial Rules and SBAND Rules of Evidence, you should use the Mock Trial Rules.

Allow students the opportunity to argue their objections and respond to one another. Time constraints, however, should be taken into consideration and objection battles should not last longer than a couple minutes. Rule on the objection that the attorney made, not on the objection that they maybe should have made. Do not object for either side or rule *sua sponte*.

Teams may make an objection for unfair extrapolation, which bars a witness from testifying in a manner inconsistent with the facts in the trial problem. Encourage teams to attack unfair extrapolations through impeachment and closing arguments. See the attached bench memo for further instructions on this issue.

Alleged Competition Rules Violation – In addition to the Rules of Evidence, students are bound by the Rules of SBAND High School Mock Trial. These rules are designed to keep the playing field even. See the attached bench memo in the event of an alleged violation.



Bench Memo

Evidentiary Objections - Only the following objections are allowed under the rules of mock trial:

Judicial notice (Rule 201)

Relevance (Rules 401-411)

Privileges (Rule 501)

Witnesses

General rule of competency (Rule 601)

Need for personal knowledge (Rule 602)

Impeachment (Rules 607-609)

Religious beliefs or opinions (Rule 610)

Mode and order of interrogation and presentation (Rule 611)

Handle the following objections as follows

Beyond the scope - cross *shall not* be limited to the scope of the direct examination, but may inquire into any relevant facts or matters contained in the witness statement including all reasonable inferences and may inquire as to material and admissible admissions

Leading question – as regularly administered

Control of proceedings – includes badgering, non-responsive, speculation, etc.

Refreshing a witness's memory/prior statements (Rules 612-613)

Opinions and expert testimony (Rules 701-705)

Hearsay (Rules 801-805)

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

Unfair extrapolation – This is a special Mock Trial Objections (Mock Trial Rule 2.3)

A fair extrapolation is one that is neutral. Unfair extrapolations are best attacked through impeachment and closing arguments. If a witness is asked information not contained in the witness' statement, the answer must be consistent with the statement and may not materially affect the witness' testimony or any substantive issue of the case. Objections are "unfair extrapolation," or "This information is beyond the scope of the statement of facts." Your possible rulings can include,

- a) No extrapolation has occurred
- b) An unfair extrapolation has occurred
- c) The extrapolation was fair, or
- d) Ruling is taken under advisement.

The decision of the presiding judge regarding extrapolations or evidentiary matters is final.

Violation of Mock Trial Rules – Follow these instructions if you run into a Rules of Mock Trial issue. You may request the assistance of the state coordinator or his or her designee for help at any time, but you are responsible for the final ruling.

1. If a team member complains of a violation during the round, advise the team that they may file their dispute with the court immediately following the conclusion of the round.
2. At the end of the round, if a team believes that a substantial rules violation has occurred, a team attorney must indicate to you that the team intends to file a dispute.
3. Excuse the scoring panel from the courtroom and provide the complaining team with a dispute form. The team members playing in that round only may discuss the issue before submitting the form, but they may not talk with their sponsor, coach or non-competing team members.
4. Review the written dispute and determine whether it should be heard or denied. If the dispute is denied, record the reason for your denial, announce your ruling, and turn the dispute form in with the score sheets.
5. If you feel that the issue warrants a hearing, provide the form to opposing counsel for their written response. Once the team records its response and provides it to you, ask each team to designate a spokesperson from the members playing in that round only.
 - a. Spokespersons will have three minutes to prepare their arguments.
 - b. Conduct a hearing on the dispute, providing each team's spokesperson three minutes for a presentation (you may question the spokesperson and the spokesperson may not talk with anyone else at this point).
 - c. Adjourn the court and record your decision on the form.
 - d. If you rule that a "substantial" rule violation occurred, advise the scoring judges of the dispute and provide a summary of each team's argument. The scoring judges will consider the dispute before reaching their final scoring decisions.



Dispute Resolution Sheet

Round: _____

Name of bench judge: _____

Complaining Party team ID Number: _____

Briefly set forth the nature of your alleged violation:

Was a hearing necessary? Yes No

Opposing parties written response (if a hearing is necessary):

If a hearing occurred, who were the spokespersons?

Complaining party: _____

Defending party: _____

Your ruling:



INSTRUCTIONS FOR SCORING JUDGES

Thank you for participating in the SBAND High School Mock Trial Competition! By volunteering your time, you are furthering the analytical education of SBAND students in four distinct ways:

- Increasing their understanding of the judicial process
- Developing and refining their speaking, listening, writing and analytical skills
- Encouraging teamwork, cooperation, and respect for fellow teammates, and
- Furthering their understanding of law related education

Please follow these instructions to provide as close to a uniform experience as possible to our participating teams.

Scoring sheet - You will be provided a scoring sheet for each round. Both teams will present a team roster to you prior to trial. Please use that roster to fill in the names for all participating team members (either as attorney or witness). Teams do not have to disclose to each other the order in which they will present witnesses, so do not disclose that information.

The Rubric – The competition uses a standard rubric or scoring method to grade team members. The rubric allows for an objective score based on the performance of each team member. Criteria for evaluating performance and factors to consider are provided as guidance. You may deduct points if a team member goes over a time limit without a judge’s permission. You may not award or deduct points based on a team member’s attire or physical issue.

Individual ranking – Rank the top four attorneys and top four witnesses for each round on your ballot. Your rankings will be used to determine individual awards at the end of the competition.

Violation of Mock Trial Rules – If a team reports a rules violation at conclusion of the trial, the judge may retrieve your scoring sheet and excuse you from the courtroom to conduct a hearing. If the judge finds a violation, he or she will report the violation, the arguments made by each team, and his or her decision. You may deduct points based on the judge’s decision at your discretion. The same procedure may occur if a rule violation is reported after a round is complete.

Post-trial critique – You are encouraged to participate in a post-trial critique of each team. Please use the constructive critique form as guidance when speaking with our hard-working SBAND students, many of whom find this opportunity highly beneficial if not inspiring!



INSTRUCTIONS FOR TEAM SPONSORS AND COACHES

Team sponsors and coaches have a tremendous impact on the development of their teams. Sponsors and coaches should keep in mind that the primary goal of mock trial is to educate students about the law and to develop their analytical thinking and oratory skills. While the competitive aspect of mock trial is fun and engaging, sponsors and coaches should remember that they are responsible for ensuring that their students also learn about civility and fair play.

SBAND High School Mock Trial takes seriously the need for a fair and balanced competition with the goal of educating students. SBAND asks that all team sponsors and coaches keep in mind this helpful list of best and discouraged practices.

Best Practices

- Prepare and duplicate your team roster in advance of the competition (handwritten rosters will not be accepted). Include one roster to be presented at registration. Rosters must include the following information:
 - Team identification number (assigned at registration)
 - Name of team sponsor
 - The name and position of each attorney (opening, closing, cross, etc.), and
 - The name and gender of each witness, including the team member's name
- Encourage all students to treat other teams with respect and courtesy
- Allow students to try new and creative ideas, but veto anything that could be deemed unethical or offensive
- Take notes during rounds to give constructive feedback to students
- Help your team understand what constitutes appropriate courtroom attire, but keep in mind that some students may have limited means

Discouraged Practices

- Do not write or prepare all the material for students – students should be encouraged to do their own work and sponsors should edit and critique material
- Do not yell at or belittle students
- Do not get into arguments with other team sponsors or competition staff
- Do not attempt to communicate with your team during a round unless there is an emergency (this includes nonverbal communication)



Social Media Guide

SBAND High School Mock Trial Competition

Promoting the activities and accomplishments of the SBAND High School Mock Trial Competition allows our partners, donors, attendees, and the community an ability to see the incredible opportunities we provide to our attendees. We encourage social media use as you prepare for and attend the SBAND High School Mock Trial Competition (“SBAND HSMTC”). Follow these guidelines so that we maintain the positive and educational value of this opportunity:

1. If your team members give permission the team coach/teacher can submit photos to carrie@sband.org of your competition preparation to use on our website. We want to see how much fun you are having at practice, but DO NOT give away your solution or strategy prior to the event.
2. The team coach can also submit posts of your team and its members during the competition, including during rounds.
3. The following rules apply if you are going to post to social media during each round:
 - a. Both teams must both agree to the use of social media prior to each round and advise the judge of their decision. Photography only by spectators is allowed during all rounds.
 - b. Team members actively participating in each around may not have electronic devices of any kind on their possession except a stop watch for team timers.
 - c. You may not post specifics of the trial during the competition. For example,
 - i. You can post “Johnny makes his opening statement to the court!”
 - ii. You cannot post “The other team argued that our witness is lying. Sad!”
 - d. Any violation of these rules will be considered a violation of mock trial rules and are subject to the mock trial rule resolution procedure set forth in the Mock Trial Handbook.
4. The rules of decorum as set forth in the Mock Trial Handbook apply to this policy. Do not use social media to complain, disparage, criticize, or otherwise state a complaint or concern about the SBAND HSMTC. All competition issues should be addressed to the state coordinator.
5. Many school divisions and schools implement policies regarding the use of social media and academic honesty. SBAND will cooperate with these entities if contacted for information regarding potential rules violations at the SBAND HSMTC.

Enjoy the competition responsibly!

