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CALIFORNIA MOCK TRIAL PROGRAM JUDGE/ATTORNEY HANDBOOK 2011-2012



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INTRODUCTION

Thank you for agreeing to serve as an attorney scorer or judge for Constitutional Rights Foundation's California Mock Trial program. The program reaches over 8,000 students from around the state and involves thousands of members from the bar and bench. As a volunteer, you are an invaluable part of an extraordinary learning experience for California's young people.

Students have labored for months preparing this year's case and they value your comments and scoring of their presentations. Your role as a mock trial volunteer is critical to creating a positive learning experience, so it is crucial that your feedback be fair, helpful and positive. Your comments and accurate scoring of the trials you review are fundamental to making the mock trial an educational experience for all the students involved.

INSTRUCTIONS FOR ATTORNEYS AND JUDGES

BEFORE THE COMPETITION:

Please review the facts, pretrial argument (Only applicable to high school trials) and witness statements. All scoring attorneys and presiders are expected to be familiar with these materials.

- ♦ **Presiders**, please review the mock trial scoring and procedural reminders and the summary of pretrial and trial procedures in this packet.
- ♦ **Scoring attorneys**, please review the mock trial scoring and procedural reminders, and evaluation and scoring criteria in this packet. When filling out score sheets, **please make your decisions independently**. There should be no conferring with other attorney scorers.

ORIENTATION: Each individual county may or may not conduct volunteer orientations. In Los Angeles County and at the state competition, there will be a mandatory 10-minute orientation session prior to the start of each round of competition for all new volunteers. The orientation will cover basic rules, last-minute instructions, and trial assignments.

ATTORNEY SCORERS: Generally, your role is to numerically score the presentation based on the criteria in this handbook. You will also be asked to provide positive and constructive comments to students at the conclusion of the trial.

JUDGE/PRESIDER: The role of the judge is to preside over the trial and help students to relax and enjoy this educational experience. As the presider, you will make all decisions regarding the running of the trial, including ruling on the pretrial argument, ruling on objections, and ruling on competition violations and announcing a verdict. Remember, the verdict is independent of which team may have won/loss the trial.

INTRODUCTORY SCRIPT FOR PRESIDING JUDGE

NOTE: This script incorporates some of the unique instructions of the mock trial competition. Please feel free to use all or portions of this script during the trial.

OPENING REMARKS

A few words of welcome or insight into the trial process can help but the students at ease

INTRODUCTIONS

“To help myself and the attorney scorers, will the Prosecution team please state your name and role?” “Defense team please state your name and role.”

INSTRUCTIONS

“You must complete your presentations within the specified time limits. The clerk will signal you as your time for each section of the presentation begins to run out. When your total time for each section runs out, you will be stopped, even if you have not finished. Attorneys must call four witnesses.

“At the end of the trial I will render a verdict of guilty or not guilty in relation to the charge brought. The teams will be rated based on the quality of their performances, independent of my verdict.”

“Barring unforeseen circumstances, no recesses will be called. If for any reason a recess is necessary, team members should remain in their appropriate places and should have no contact with spectators.”

In the interest of time, would both sides like to waive the reading of the evidence and stipulations?” (If not read the evidence and stipulations in the case packet).

“Please remember that objections are limited to the Mock Trial Simplified Rules of Evidence located in the case packet.”

“If there are no questions, the trial will begin.”

STOP...

High schools teams will begin with pretrial arguments, middle school teams will begin the trial. Middle school trials move on to page 6.

<h2 style="text-align: center;">SUMMARY OF PRETRIAL MOTION PROCEDURES</h2>
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We encourage presiders to challenge the attorneys with questions about the case law during pretrial arguments.

No objections are allowed during pretrial arguments. Points may be deducted for objections made during pretrial arguments.

1. The hearing is called to order.
2. 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. The time spent answering the judge’s questions is not included in the four-minute time limit.
3. The judge asks the prosecution to summarize arguments made in its opposition motion. The same conditions as in #2, above, apply to the prosecution.
4. 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.
5. The judge offers the prosecution two minutes of rebuttal time. The same conditions as in #4, above, apply to the prosecution.
6. At the end of the oral arguments, before ruling, the judge asks students if they would like 30 seconds to consult with teacher/attorney coaches regarding any trial irregularities.
7. The judge will rule on the motion and begin trial.

PRETRIAL MOTION SCRIPT

“Both sides have four minutes to present their arguments. Defense will begin. I may interrupt to ask clarifying questions. Time spent answering my questions is not included in the four-minute time limit.”

“At the conclusion of your arguments, each side will be offered two minutes of rebuttal time. Please remember that the rebuttal time is to be used to counter your opponent’s arguments. It cannot be used to raise new issues.”

“Is counsel for the defense ready to begin? Please summarize your arguments.”
“Is counsel for the prosecution ready to begin? Please summarize your arguments.”

Does the defense have a rebuttal? Does the prosecution have a rebuttal?

“Before I rule on the motion students may confer with their attorney/teacher coach regarding any trial irregularities. Please do so now.”

Would the prosecution team like to note any trial irregularities? Defense team?

Rule on motion and begin trial

SUMMARY OF TRIAL PROCEDURES

1. Attorneys present physical evidence for inspection.
2. Judge states charges against defendant.
3. Prosecution delivers its opening statement. No questioning during opening statements.
4. 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.
5. Prosecution calls its witnesses and conducts direct examination.

6. After each prosecution witness is called to the stand and has been examined by the prosecution, the defense cross-examines the witness.
7. After each cross-examination, prosecution may conduct re-direct examination of its own witnesses if necessary.
8. After prosecution presents all its witnesses, defense delivers its opening statement (if it did not do so earlier).
9. Defense calls its witnesses and conducts direct examination.
10. After each defense witness is called to the stand and has been examined by the defense, the prosecution cross-examines the witness.
11. After each cross-examination, defense may conduct re-direct examination of its own witnesses if necessary.
12. Prosecution gives its closing argument, then defense presents its closing arguments. No questioning during closing arguments.
13. Prosecution and defense present rebuttal arguments.
14. At the end of the trial before ruling, the judge asks students if they would like 30 seconds to consult with their teacher/attorney coaches regarding any trial irregularities.
15. Judge deliberates, announces verdict in court, and conducts a short debrief of the trial with the scoring attorneys (not to exceed 10 min.)

TRIAL PROCEDURES SCRIPT

“Prosecution/Defense, do you have any physical evidence you would like to present for inspection?”

“The people of the state of California are charging the defendant, Ryan Buschell in violation of Section 187 of the California Penal Code, murder and with violating the California Concealed Carry Statute

“Prosecution, are you ready to present opening statements?” (At the conclusion of opening statements, defense may present their opening statement or wait until the prosecution has completed their case).

“Prosecution, you may call your first witness.”

“Defense, cross-examination?”

“Prosecution, would you like to redirect?”

“Prosecution, please call your next witness.”(Repeat for all four witnesses)

“Is the defense ready to proceed?” (Begin with opening statement or call first witness. (Same procedure as with prosecution).

When the defense team completes their case, begin closing arguments.

“Prosecution, would you like to give your closing arguments?” (Repeat for defense)

“Rebuttal?” (Prosecution and defense)

“Before I rule on the motion, students may confer with their attorney/teacher coach regarding any trial irregularities. Please do so now.”

Would the prosecution team like to note any trial irregularities? Defense team?

TRIAL CONCLUSION

1. **Announce a verdict (although no scores or winners will be announced at this time).**
2. **Remind scorers to complete all boxes on score sheet, collect scores, and complete tiebreaker.**
3. **Commence debrief by judge and scoring attorneys (please limit comments to no more than 10 minutes).**
4. **Return envelope with score sheets and tiebreaker to mock trial staff. The judge is responsible for completing the purple tie-breaker form after each trial. Even if the judge does not think the trial was a tie, the form must be completed. The tie-breaker form is not the verdict, but rather an indication of which team performed better overall. Do not announce scores or tiebreaker information to the teams.**

GENERAL TIPS FOR ATTORNEY & JUDGE VOLUNTEERS

DO's:

Do be fair.

Do try to help the students relax. Remember this is supposed to be a positive experience for them!

Do offer a few words of encouragement or insight into the trial process before the trial begins. This will help put the students at ease, and by emphasizing the educational, rather than the competitive aspects of the mock trial, you will help to bring the experience into proper perspective.

Do give positive and constructive feedback at the conclusion of the trial.

DON'TS:

Do not lecture the students.

Do not ask students to comment on cases, trial procedures or information not included in the case packet.

Do not give negative comments.

Do not announce a winner.

Please Keep in Mind...

- Mock trial students take their work and efforts very seriously. Judges and attorneys should be equally as serious about their roles and responsibilities. You are in a position of great influence with respect to the students' evaluation of their work and themselves.
- Your comments are very important to the students who participate, so please be positive and constructive. Students are likely to take such comments to heart. Being mindful that the participants are middle school or high school students and not college or law students, and that mock trial is a law-related education function, judges/attorneys should strive to educate and inform participants as well as to give them advice on improving their performances.

THANK YOU FOR YOUR DEDICATION TO THE YOUTH OF CALIFORNIA AND WE HOPE YOU ENJOY YOUR MOCK TRIAL JUDGING/SCORING EXPERIENCE!

Important Excerpts From the Team Rule Book

It is very important to read the fact situation and witness statements carefully. Because this is a mock trial, students will refer to specific facts and make references to certain pages in the text, and you need to be familiar with the pertinent details.

Administrative

Rule 1.2 Trial Procedures

- A. Teachers and attorney coaches must identify themselves to the judge before the trials begin.
- B. Teacher sponsors, attorney coaches, mock trial participants and spectators, are to remain in the courtroom throughout the trial.
- C. Before the trial, a student from each school will present a team roster/award nomination form to the judge and scoring attorney(s). This form will have names and designated trial roles. If you feel a student did an outstanding job, please place a check by the student's name on the nomination form.

D. Teams may also submit team created rosters, however no additional materials may be furnished to the presiding judges or scoring attorneys by student team members, teachers, or attorney coaches.

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F. Recesses will not be allowed in local or state competitions for any reason (unless authorized by mock trial staff or judge).

G. Tie-breakers: At the State Finals and the Los Angeles County competition, any tie will be broken by the president's independent selection of the winning team. At local competitions, counties may use this procedure or select a different one.

H. Use of laptop computers or cellular phones during trials is prohibited.

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J. Costumes and theatrical makeup are prohibited. 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. Portrayals of racial, ethnic, gender stereotypes are

inappropriate and should not be used.

- K. Gender-neutral names allow students of either gender to play the role of any witness. Any questions regarding gender, race, or physical characteristics not included in the official case materials are not allowed

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Rule 1.3 Copyright and Plagiarism

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- D. Trials are open to the public, but no intentional scouting is allowed (SEE CODE OF ETHICS IN CASE PACKET)

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The Trial

Rule 3.1 Physical Evidence

- A. The prosecution team must bring to each trial, the physical evidence listed under the heading "Physical Evidence" in the case materials.
- B. No other physical evidence, if any, will be allowed. All persons and evidence not provided for in the case packet are to be considered unavailable and questioning regarding their whereabouts is prohibited. Additional charts will not be allowed.
- C. Whether a team introduces, uses, and moves the physical evidence into evidence is entirely optional, but all physical evidence must be available at trial for either side to use. If the prosecution team fails to bring physical evidence to court, it

may be reflected in the team performance/participation score.

- D. Evidence should not be altered in any way. Permanently defacing an exhibit is not permitted. The use of electronic or light projected aids is prohibited.
- E. 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 presiders.

Rule 3.2 Spectator Contact

- A. Once the trial has begun, contact is prohibited between a witness and **any** other team member, teacher, parent or school representative.
- B. The only communication allowed during the trial is between trial attorneys on the same side.
- C. The defendant may sit at counsel table and communicate with the defense attorneys. All communication must be non-disruptive to the trial.
- D. Pretrial attorneys may not sit with the trial attorneys and may not communicate with the trial attorneys at any time.
- E. Once the trial has begun, there must be no spectator contact with student team members, whether in the hallway or the courtroom.

- F. Sponsors, teacher and attorney coaches, other team members, and spectators may not talk, signal, or otherwise communicate with the students.
- G. There will be an automatic deduction of **five points per score sheet** if the judge finds that this rule has been violated or if such conduct is observed by Mock Trial staff.

Rule 3.3 Witnesses

- A. Although witnesses are excluded from the trial proceedings in actual trials, for educational purposes witnesses in the Mock Trial competition will remain in the courtroom for the entire trial, in designated seating at the front of the courtroom. Unless otherwise specified, witnesses may not testify or respond to another witness's testimony
- 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. The fact situation is a set of indisputable facts from which the attorneys may draw reasonable inferences. A witness may testify only to facts stated in or reasonably inferred from her/his witness statement, fact situation, stipulations, and exhibits (if she/he reasonably would have knowledge of those facts).

- D. Unless otherwise stated, attorneys may not solicit information from a witness that requires the witness to testify to information from another witness's statement.
- E. The witness statements contained in the packet should be viewed as signed statements made to the police by the witnesses. Unless otherwise specified, a witness can be impeached if she/he contradicts the material contained in her/his witness statement using the procedures as outlined in the case packet.
- F. Because this is a mock trial, witnesses may not be treated as hostile witnesses.
- G. All witnesses must be called. If the direct examination attorney runs out of time without calling one or more witnesses, the cross-examination team will be automatically awarded five points for each witness not called, and the direct examination attorney will automatically receive a score of zero for the witness performance and direct examination for each witness not called. No other witnesses may be called.
- H. Cross-examination is required for all witnesses. If the cross-examination attorney runs out of time and is not able to cross one or more witnesses, the cross-examination attorney will receive a cross-examination score of zero for the witnesses not able to cross.

Rule 3.4 Attorneys

- A. Attorneys may conduct re-direct examination when appropriate. No re-cross-examination is allowed.
- B. Only the direct and cross-examination attorneys for a particular witness may make objections during that testimony. Points may be deducted for objections made by the wrong attorney.
- C. Attorneys may use notes while presenting their cases. Witnesses are not allowed to use notes when testifying.
- D. The Mock Trial competition proceedings are governed by the Mock Trial Simplified Rules of Evidence in the case packet. Only specified types of objections will be recognized in the competition. Other more complex rules may not be used at the trial. Legal motions not outlined in the official materials will not be allowed.
- E. 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.) Points may be deducted for objections made during opening statements or closing arguments.
- F. At the State Finals and Los Angeles County competition, there will be 30

seconds provided at the end of the trial for team members from each performing team, to confer with the team's attorney coach and teacher sponsor.

- G. If there are any irregularities regarding the rules of competition, which the team would like the judge and scorers to be aware of, one team member will have 30 seconds to orally note the irregularities to the court. Coaches may not directly make arguments on behalf of the team.
- H. Teams arguing a violation of the rules, must be able to point to specific incident(s) of the misconduct.
- I. This rule should be used for specific rule violations and should not be used to argue additional points of law or rebut opponent's closing argument.
- J. Regarding questions of rule violations, the judge's decision will be the final.

Rule 3.5 Conduct of the Pretrial Motion

Note: The pretrial motion (oral arguments only) is a mandatory part of the mock trial competition at the state level and in Los Angeles County.

- A. Each student arguing a pretrial motion has four minutes to present a statement and two minutes for rebuttal. During these proceedings, students must be prepared to

answer questions from the judge to clarify their position(s).

B. No objections are allowed during pretrial arguments. Points may be deducted for objections made during pretrial arguments.

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D. Additional background research may supplement their understanding of the issues at hand, but such supplemental materials may not be cited in arguments.

E. No written pretrial motion memoranda may be submitted at the trials.

F. Except for the pretrial motion and motions introducing the exhibits provided, **all motions are prohibited.** If a motion is made, two points will automatically be deducted from the team's total performance score.

G. At the State Finals and in Los Angeles County, there will be 30 seconds provided at the end of the pretrial motion for team members from each performing team, to confer with the team's attorney coach and teacher sponsor.

H. If there are any irregularities regarding the rules of competition, which the team would like the judge and scorers to be aware of, one student team member will have 30 seconds to orally note the irregularities to the court.

I. This time should not be used to argue additional points of law or rebut opponent's closing argument. Regarding questions of rule violations, the judge's decision will be the final.

Rule 3.6 Creating a Material Fact

A. Definition and Purpose. For the California Mock Trial Competition, a material fact is a fact that tends to prove a pivotal point in the case. A witness MAY NOT create a material fact that is not included in his/her witness statement.

B. Interpretation and enforcement. If an attorney believes a material fact was created, the attorney can make an objection for a "Creating a Material Fact". The presider determines if a material fact was created and rules on the objection accordingly.

Rule 3.7 Reasonable Inferences

A. Although a witness may not create a material fact, they can make a reasonable inference. A reasonable inference is defined as non-material information to which a witness testifies that is not included in the record but reasonably relates to that witness's testimony.

B. Reasonable inferences do not create material facts. Because of the contrived format of the Mock Trial Competition, the length and content of witness statements must be limited. Reasonable inferences can be used to respond to the

inevitable content gaps in witness statements.

C. It is each student's responsibility to work closely within the record. Inferences and objections about those inferences should be minimized, and points may be deducted for interference with the trial.

D. The record defined. The record is the official source of information in the casebook for witness testimony. The record includes a witness's own statement, all stipulations and exhibits, and any portion of the fact situation of which that witness reasonably would have knowledge.

E. Reasonable defined. In an effort to maintain a fair competition, an inference is only "reasonable," and therefore allowable, if it is neutral and does not create a material fact. Inferred information that is material and pivotal to the facts at issue is by definition unreasonable, and as such is subject to objection.

F. EXAMPLE:

Reasonable Inference

Suppose your witness statement asserts that you left the Ajax Store and walked to your car, but gives no further details about the matter. You are asked whether you left the store through the Washington Avenue exit or the California Avenue exit. If this point is *not* a disputed or essential fact in the case, you could *reasonably infer* either exit as your answer.

G. EXAMPLE:

Unreasonable Inference

On the other hand, if your witness statement asserts that someone fired a shot through your closed curtains into your living room. If asked whether you saw who shot the gun, you would have to answer, "No." You could not reasonably claim to have seen the person through a periscope on the roof or a tear in the curtains. This is an example of an *unreasonable inference*, one where the attorney's question and the witness's answer are attempting to create a material fact.

Rule 3.8 Clerks/Timing

A. The Mock Trial Competition involves timed presentations. One team's unreasonable running of the opposing team's time is inappropriate. If the presider determines there has been an unreasonable running of time, the witness may be admonished by the presider and the presider may direct the scorers to deduct 1 point from the offending witness's score.

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B. Each team will have 40 minutes to present its case. Time limits for each section are as follows:

Pretrial Motion (4 minutes)

Rebuttal (2 minutes)

Opening/Closing Arguments (9 minutes)

Rebuttal (1 minute)

Direct/Re-direct

Examination (14 minutes)

Cross-Examination (10 minutes)

C. The clerk will stop the clock when witnesses are called to the stand, attorneys make objections, and judges question attorneys and witnesses or offer their observations. The clock will not be stopped if witnesses are asked to approach the diagram or for other physical demonstrations. Time will not be rounded off.

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E. One minute is automatically reserved for rebuttal at the conclusion of closing statements. Only issues that were addressed in an opponent's closing argument may be raised during rebuttal. Formal reservation of rebuttal time is not required.

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H. Any objections to the clerk's official time must be made by this unofficial timer during the trial and before the verdict is rendered. The judge shall decide whether to accept the clerk's time or make a time adjustment.

I. Only official team members may serve as unofficial timers. To avoid timing issues, **we highly recommend that both the official and unofficial timer sit next to each other during the trial.**

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K. The judge and attorney scorers will be allowed 10 minutes for debriefing. Following the verdict, the clerk will begin timing the debriefing. The clerk will provide the judge attorney scorers with a

five-minute and 1 minute warning. The clerk will not be scored on timing the debriefing.

Rule 3.9 Rule Interpretation

A. The presider is the ultimate authority throughout the trial. If there is a rule infraction, it is solely the student attorneys' responsibility to bring the matter to the presider's attention before a verdict is rendered.

B. There will be no bench conferences allowed. All trials at the state and Los Angeles County competitions are bench trials. Please do not make any jury references as students have prepared for bench trials.

C. The presider will determine if a rule was, in fact, violated. Her/his word is final.

D. The bailiff must have a copy of the rules of competition for reference.

E. Unless a specific point deduction for a particular infraction is provided in these rules, each scorer will determine the appropriate amount of deduction individually.

F. These 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.

G. Arguing for hyper technical interpretations of the rules, especially when designed to embarrass others, is to be avoided.

EVALUATION CRITERIA

Students are to be rated on the five-point scale for each category according to the following criteria appropriate to each presentation. **Points should be deducted if criteria are not met or are violated.** NOTE: Some scores are weighted and therefore can affect a team's score more dramatically. These include the pretrial motion (x3) and the closing argument (x2) .

1. Pretrial Motion (x3)

- Clear and concise presentation of issues and appropriate use of case materials.
- Well-developed, reasoned, and organized arguments.
- Solid understanding of the legal reasoning behind the arguments.
- Responded well to judge's questions and maintained continuity in argument.
- Effective rebuttal countered opponent's argument.

2. Opening Statement

- Provided a clear and concise description of the anticipated presentation.

3. Direct/Re-Direct Examination

- Questions required straightforward answers and brought out key information for her/his side of the case.
- Attorney effectively responded to the objections made.
- 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.
- Attorney made **effective** objections to cross-examination questions of her/his witness when appropriate. Attorney did not make **unnecessary** objections.
- Throughout questioning, attorney made appropriate use of time.
- Attorney used **only** those objections listed in the Summary of Evidentiary Objections.

4. Cross-Examination

- Attorney made **effective** objections to direct examination (of the witness she/he cross-examined) when appropriate. Attorney did not make **unnecessary** objections.
- 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.

5. Witnesses

- Witness was believable in her/his characterizations and presented convincing testimony.
- Witness was well prepared for answering the questions posed to her/him 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 testified to key facts in a consistent manner and avoided irrelevant comments.
- Witness did not disrupt the trial with unreasonable inferences.

6. Closing Argument (x2)

- Attorney's performance 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.
- Attorney made an organized and well-reasoned presentation summarizing the most important points for her/his team's side of the case.
- Effective rebuttal countered opponent's arguments.

7. Clerk and Bailiff

- The clerk or bailiff was present and punctual for trial.
- The clerk or bailiff performed her/his role so that there were no disruptions or delays in the presentation of the trial.
- The clerk or bailiff conducted her/himself professionally without attracting any unnecessary attention.

8. Team

- Team members were courteous, observed general courtroom decorum, and spoke clearly and distinctly.

2 BELOW AVERAGE FAIR, WEAK PERFORMANCE

- Some organization
- Some preparation and some understanding of case and legal procedure
- Awkward presentation
- Did not clearly demonstrate legal knowledge or understand role
- Stronger voice needed, more eye contact
- Invents material facts and repeatedly stumbles over responses
- Needs more work on poise and delivery

3 AVERAGE MEETS REQUIRED STANDARDS

- Organized
- Adequate preparation and demonstrated a basic understanding of case and legal procedure
- Acceptable but uninspired presentation
- Demonstrated basic legal knowledge and mostly understood role
- Audible voice and some eye contact
- Needs more spontaneity and persuasiveness

4 ABOVE AVERAGE GOOD, SOLID PERFORMANCE

- Well-organized and good preparation
- Demonstrated good understanding of case and legal procedure
- Good smooth presentation
- Clearly demonstrated legal knowledge and understood role
- Questions/answers mostly advance case theory
- Able to be spontaneous some of the time
- Mostly believable performance
- Easily audible voice, much eye contact

5 EXCELLENT EXCEPTIONAL PERFORMANCE

- Excellent preparation and well organized
- Demonstrated superior ability to think on her/his feet
- Demonstrated outstanding knowledge of case and legal procedure
- Questions and answers almost always advanced case theory
- Resourceful, original & innovative approaches
- Portrayal was both extraordinary and realistic, not overly rehearsed or memorized
- Clear understanding of rules and procedures
- Strong voice and eye contact
- Polished