



# CIVICS FIRST

Advancing Democracy & Law Education in Connecticut

## Mock Trial Competition Rules

All Connecticut mock trials will be governed by the Connecticut Mock Trial Rules of Competition ("Rules of Competition") and the Connecticut Mock Trial Rules of Evidence ("Rules of Evidence").

Questions or interpretations of the Rules of Competition are within the sole discretion of the Board of Directors of Civics First, Inc., and/or its designee ("Civics First"), whose decision is final.

Each competitor and coach should be thoroughly familiar with these rules. Failure to comply with these rules may result in disqualification. Consequences will be determined by the competition coordinator(s).

### Rule 1.1 Rule Violations

**All rule violations must be brought to the judge's attention by participating student "attorneys" during the trial in a timely and appropriate manner. UNDER NO CIRCUMSTANCES may any coach or member of the audience interrupt the trial for ANY reason, except as provided in these rules, nor may they communicate rule violations to the student "attorneys" in any way during the trial. It is the responsibility of the students participating in the competition to be thoroughly familiar with the rules and alert the judges to any and all violations. Failure to do so results in missed opportunity.** It is simply too difficult for competition coordinator(s) to witness all violations or to make a ruling based upon an alleged violation that they did not witness. Trial judges will be instructed to note violations and discuss them with the coordinators after the trial as the judges are present and can make the best assessment at the time of the actual occurrence of the alleged violation if it is brought to their attention in a timely and appropriate manner. Rule violations should be brought up as an objection like any other objection.

### Rule 1.2. Code of Conduct

The Rules of Competition, as well as proper rules of courthouse and courtroom decorum and security, must be followed. Please remember that this program is intended to be an academic, educational and enjoyable experience for all involved. Please follow a proper sense of fairness in competition and remember the spirit of the competition is to provide an engaging educational activity for students. Civics First possesses discretion to impose sanctions, including but not limited to disqualification, immediate eviction from the competition, and/or forfeiture of all fees and awards (if applicable) for any misconduct occurring while a team is present for any mock trial competition conducted by Civics First, including flagrant rule violations and/or breaches of decorum which affect the conduct of a trial or which impugn the reputation or integrity of any team, school, participant, court officer, judge, or the mock trial program.

### **Rule 1.2a**

**Courtesy Toward Judges:** All participants should rise when a judge enters or exits the courtroom. Judges should be addressed as "Your Honor," even when making an objection. Request the court's permission to approach a witness or the bench. Do not interrupt or argue with the judge.

### **Rule 1.2b**

**Courtesy Toward Witnesses:** Do not intimidate or insult witnesses. Avoid confusing witnesses with verbose or convoluted questions. Do not insinuate facts which your team will not present evidence to support. For example, do not ask an opposing witness "have you been released yet from treatment by a psychiatrist for being a habitual liar?" unless you have evidence that this is true.

### **Rule 1.2c**

**Courtesy Toward Attorneys:** The judges may not interrupt an attorney's opening or closing statement. Attorneys should avoid frivolous objections. Direct all your remarks to the judge or the witness, not to opposing counsel. For example, when making an objection, say "Your Honor, I object on the ground that...." rather than saying "Attorney Dumkoff, you know that evidence is hearsay!"

### **Rule 1.2d**

**Personal Appearance:** **Personal appearance (clothing, grooming, etc.) creates an impression. Participants, both witnesses and attorneys, should consider the impression they wish to make. Avoid distracting habits such as gum-chewing, pencil-tapping, or nervous fidgeting and dress appropriately for a courtroom.**

### **Rule 1.2e**

**No food or beverages should be brought to any courthouse.**

### **Rule 1.2f**

**Be courteous during security checks.**

### **Rule 1.3. Emergencies**

During a trial, the presiding judge and/or Civics First shall have discretion to declare an emergency and adjourn the trial for a short period of time to address the emergency. Any actions taken by Civics First in the event of a declared emergency will be final.

### **Rule 2.0 TEAMS**

**Team members:** Each school may enter up to four teams in the regional rounds. A school with multiple teams may be asked to compete in different regions. **WE MUST HAVE A COMMITMENT THAT ALL TEAMS REGISTERED WILL COMPETE.** Each team shall be composed of not less than six nor more than fourteen students (with extras). For any single round in the competition, three students shall act as attorneys and three students shall act as witnesses. Thus, on larger teams, some students will be observers for a given round. **PLEASE NOTE MINIMUM NUMBER OF STUDENTS IS SIX.** If a team has less than 12 students, students who have 2 roles must have their second role on the opposite side from the

first role in the competition (i.e.: prosecution and defense sides).

Additionally, a person will be designated as the official timekeeper for the team at each trial. The official timekeeper may be (but need not be) one of the team members who competes as an attorney or a witness; however, a student may not be a timekeeper in a trial in which he or she is performing as an attorney or a witness.

### **Rule 2.1 Coaches**

Each team shall work with their school's law instructors and a practicing attorney (or attorneys) to prepare for competition. Coaches may attend their team's competitions but **may not give advice or signals or communicate in any way with their team during the competition.**

### **Rule 2.2 Judges**

There will be a panel of up to three judges for each trial, to be chosen by the Mock Trial Regional Coordinators and Civics First. The Committee shall endeavor to find judges who are impartial to either competing school. If not enough judges are available for a given round, there may be a single judge. **At the semi-final level there will be one presiding judge that responds to all objections and three separate scoring judges. This format will be used whenever there are enough judges to do so in the lower rounds.**

### **Rule 2.3 Team Eligibility**

Teams competing in the Connecticut High School Mock Trial Competition are to be comprised of students who are enrolled in a particular school, community group or approved home study program with an adult advisor for the current academic year. Each school may enter up to four teams in the regional rounds.

**No school with an outstanding balance from the previous year's competition will be allowed to participate. All outstanding balances must be paid up prior to the commencement of the competition not including the fee for the current year's participation. Although fees for the current year must be made prior to the end of that academic school year.**

### **Rule 2.4 Team Roster Form**

The Team Roster will become official at the time of on-site registration at the team's Regional Competition and may not be altered if the team advances. The Team Roster must include the names of all of the students who are either competing for that team, serving as timekeeper, or attending as an alternate, up to a maximum of fourteen. Copies of the Team Roster Form must be completed and duplicated by each team prior to each trial.

Before beginning a trial, the teams must exchange copies of the Team Roster Form. The Form should identify the gender of each witness so that references to witnesses will be made in the proper gender. Copies of the Team Roster Form should also be made available to the judging panel and/or presiding judge before each round.

### **Rule 2.5 Team Presentation**

Teams must prepare both the Prosecution/Plaintiff and Defense/Defendant sides of the case, using six individual team members in each trial. For each trial round, teams shall use three students as attorneys and three students as witnesses. If a team has less than twelve members

then roles may be doubled up between but not within prosecution and defense sides. In other words, one person may play a part on prosecution and a part on defense but not two parts on one side.

### **Rule 2.6 Team Duties**

Team members are to evenly divide their duties. Each of the three attorneys will conduct one direct examination and one cross-examination; in addition, one of the three will present the opening statement and another will present the closing argument.

Attorneys control the presentation of evidence at trial and argue the merits of their side of the case. They do not themselves supply information about the facts of the case. Instead, they introduce evidence and question witnesses to develop their case.

The attorney who examines a particular witness on direct examination is the only person who may object to the opposing attorney's cross-examination questions, and the attorney who cross-examines a witness is the only person permitted to make objections during the direct examination of that witness.

Witnesses tell the court the facts in the case. Each team must see that their witnesses are thoroughly prepared and familiar with their roles and must call all of its assigned witnesses. Teams may not call any "surprise," or additional, witnesses (witnesses whose testimony is not contained in the case materials.) Each team **must** call all three of its assigned witnesses. Witnesses must be called only by their own team during their case-in-chief and examined by both sides. Witnesses may not be recalled by either side.

### **Rule 2.7 Student Timekeepers**

Each team participating in the competition is responsible for providing one student as an official timekeeper in each of its trials. The official timekeeper must be an official team member listed on the Team Roster Form; however, the timekeeper need not be a competing team member. All timekeepers must be familiar with the procedure for keeping time during the trial. In addition, each timekeeper must be equipped with a stopwatch and a set of "Time Remaining" cards, provided by the team, 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". Modification of intervals is not permitted.

### **Rule 3.0 Delay of Trial**

The failure of a team to report promptly at the assigned time should be reported to the judge, who will notify the competition staff. A team arriving more than 15 minutes late may forfeit the round.

### **Rule 3.1 Viewing of other trials**

Team members (including coaches, understudy witnesses and attorneys, etc.) **may not view other teams in competition so long as they remain in the competition themselves. This includes viewing other teams from the same school.** Team members, alternates, attorney coaches, teacher sponsors, and any other persons directly associated with a mock trial team, except for those authorized by Civics First, are not allowed to view other teams' performances so long as their team remains in the competition. This includes members of teams from the same school in that if a school has more than one team participants may only observe their own team not the other teams from their school as long as they remain in the competition. Coaches with more than one team may observe any trial in which one of their team is participating.

### **Rule 3.2 Regionals**

All teams will participate in a regional tournament. Civics First will notify schools as to specific dates. All schools compete twice at the regional level, once for each side - prosecution/plaintiff and defense/defendant. No guarantees can be made regarding which site a school will attend, and a school with multiple teams may be asked to compete in different regions in order to balance out entries.

### **Rule 3.3 Quarter and Semi-Finals**

Teams that win in both trials of their regional round as provided in these rules will be invited to advance to the quarterfinals. The quarterfinals will be a single elimination tournament; that is, all teams will compete at least once, but only those teams that win will advance to the next round of the quarterfinals. Number of rounds will be based on number of teams advancing and pairings and sides will be chosen randomly. Winning teams will follow the pre-determined bracket schedule regardless of which side they have or will be presenting so no team is assured of switching sides in any given round at any time after the regional level. The top four teams that win their case in the second round of the quarterfinals will advance to the semi-final round. The semi-final round will be a single elimination tournament. The two winning teams from the semi-finals will advance to the final competition.

### **Rule 3.4 Final Competition**

The two winning teams in the semi-final competition will compete for the state championship. The sides will be determined by a flip of a coin in advance by Civics First. All participating schools are invited to attend.

### **Rule 3.5 Uneven Number of Teams Procedure**

In the event an uneven number of teams are ready for trial at any given level of competition, the site coordinator and/or Civics First will randomly draw from a group of volunteer teams which a full teams of 12 students to have both their prosecution and defense sides compete simultaneously against different opponents in order to even out the matches. In the event NO team is able to compete against the unmatched team, the unmatched team will receive a bye and advance by default.

### **Rule 3.6**

Civics First reserves the right to make adjustments to these rules as needed to ensure fairness to all teams. Whenever possible, these adjustments will be made in writing in advance of the competition to which they apply.

### **Rule 4.0 The Case**

The case will be a fact pattern which may contain any or all of the following: statement of facts, indictment, stipulations, witness statements/affidavits, jury charges, and exhibits. Stipulations may not be disputed at trial. No case materials may be altered by either team. The case shall consist of three witnesses per side, all of whom shall have names and characteristics that would allow them to be played by either males or females.

#### **Rule 4.1 Witnesses Bound by Statements**

Each witness is bound by the facts contained in his/her own witness statement, the Statement of Facts, if present, and/or any necessary documentation relevant to his/her testimony. Fair extrapolations may be allowed, provided reasonable inference may be made from the witness' statement.

A witness is not bound by facts contained in other witness statements.

#### **Rule 4.2 Unfair Extrapolation; Special Objection**

A fair extrapolation is one that is neutral. Unfair extrapolations may be attacked through an objection, through impeachment, and/or during 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.

Attorneys for the opposing team may refer to a special objection, such as "unfair extrapolation," or "This information is beyond the scope of the statement of facts." When an attorney objects to an extrapolation, the judge will rule in open court to clarify the course of further proceedings. The decision of the presiding judge regarding extrapolations or any other evidentiary matters is final.

#### **Rule 4.3 Research and Resources**

During the trial, teams may use only those exhibits, court rules, statutes, and/or cases provided in the official competition case materials. Neither team may submit briefs to the Court or hold any opponent responsible for knowing of any outside resources.

##### **Rule 4.3a**

**Exhibits:** Teams are responsible for having a clean copy of each exhibit for use in the competition. An exhibit must be admitted as a full exhibit by a team during the trial in order for the team to use the exhibit in its case.

##### **Rule 4.3b**

**Further Study:** Teams **may** read other cases, statutes, and materials to add to their understanding of the problem and strategies others have used in similar situations. However, no competitor shall be held responsible for knowing any information that is not contained in the case materials, a reasonable inference thereof, or common knowledge

#### **Rule 5.0 Courtroom Setting**

The Prosecution/Plaintiff team shall be seated closest to the jury box; if there is no jury box then the Prosecution/Plaintiff team shall be seated on the judge's left. No team shall rearrange the courtroom without prior permission of the judge, Civics First staff, or court personnel.

#### **Rule 5.1 Stipulations**

Stipulations should not be considered to be known by the Judge(s) and must be pointed out by a competing attorney when a clarification is necessary.

### **Rule 5.2 Reading Into The Record Not Permitted**

Stipulations, the indictment, and/or the Charge to the Jury will not be read into the record.

### **Rule 5.3 Trial Sequence and Time Limits**

The trial sequence at time limits are as follows:

1. Opening statement (5 minutes per side)
2. Direct and Redirect (optional) Examination (25 minutes per side)
3. Cross and Re-cross (optional) Examination (20 minutes per side)
4. Closing argument (7 minutes per side)

The Prosecution/Plaintiff gives the opening statement first. The Prosecution/Plaintiff gives the closing argument first and may reserve a portion of its closing time for a rebuttal. The Prosecution/Plaintiff need not request or state that it is reserving rebuttal time. The Prosecution/Plaintiff's rebuttal, if any, is limited to the scope of the Defendant's closing argument.

Attorneys are not required to use the entire time allotted to each part of the trial. Time remaining in one part of the trial may not be transferred to another part of the trial.

### **Rule 5.4 Timekeeping**

Each team is required to provide one student who will serve as the official timekeeper for that team. Timekeepers are responsible for fairly and accurately keeping and reporting the time during the trial presentation and during any disputes. During the rounds of the competition, timekeepers are to act as a neutral entity. Timekeepers are not to communicate with their respective teams during the course of the trial presentation, recesses or during any dispute procedure, except to display the time remaining cards and indicate (as directed by the presiding judge) how much time is remaining during a particular part of the trial.

Time limits are mandatory and will be enforced. Time runs from the beginning of the witness examination, opening statement, or closing argument until its conclusion. Introduction of counsel or witnesses prior to the opening statement shall not be included in the time allotted for opening statements. However, if counsel or witnesses are introduced once the opening statement has commenced, such time shall be included in the time allotted for the opening statement. Time stops only for objections, questioning from the judge, or administering the oath. Time does not stop for introduction of exhibits.

Timekeepers should display the applicable "Time Remaining" cards simultaneously. At the end of each task during the trial presentation (i.e. at the end of each opening, each witness examination, each cross examination and each closing argument) if there is more than a 15 second discrepancy between the teams' timekeepers, the timekeepers must notify the presiding judge of the discrepancy. The presiding judge will then rule on the discrepancy, the timekeepers will synchronize their stopwatches accordingly and the trial will continue. Any discrepancies between timekeepers less than 15 seconds will not be considered. No time disputes will be entertained after the trial concludes. The decisions of the presiding judges regarding the resolution of time disputes are final.

If a team is unable to provide a timekeeper, then the actions of the sole timekeeper are not subject to dispute by that team.

**Rule 5.5 Time Extensions and Scoring**

The presiding judge has sole discretion to grant time extensions. If time has expired and an attorney continues without permission from the Court, the scoring judges may determine individually whether or not to discount points in a category because of over-runs in time. 9

**Rule 5.6 Re-direct/Re-cross**

Re-direct and re-cross examinations are permitted although not required, and are included in the total witness examination time allotment.

**Rule 5.7 Scope of Closing Arguments**

Closing arguments must be based upon the actual evidence and testimony presented during the trial.

**Rule 5.8 Standing During Trial**

Unless excused by the presiding judge, attorneys will stand while giving opening statements and closing arguments, during direct and cross examinations, and for all objections and any other time in which they address the bench.

**Rule 6.0 Objections Generally**

The only allowable objections are those contained in the Rules of Competition or the Connecticut High School Mock Trial Rules of Evidence. If counsel makes an objection not contained in these rules, counsel responding to the objection must point out to the judge, citing Rule 4.12, that the objection is beyond the scope of the allowable objections. However, if counsel responding to the objection does not point out to the judge the application of this rule, the court may exercise its discretion and consider such objection.

In addition to objections that are available under the Connecticut High School Mock Trial Rules of Evidence these objections may be entertained by the presiding judge:

1. Lack of Proper Foundation: Attorneys shall lay a proper foundation prior to moving the admission of evidence. [See Rule 4.14.]
3. Assuming Facts Not in Evidence: Attorneys may not ask a question that assumes unproved facts. However, an expert witness may be asked a question based upon stated assumptions, the truth of which is reasonably supported by evidence (sometimes called a "hypothetical question").
4. Questions Calling for Narrative or General Answer: Questions must be stated so as to call for a specific answer. (Example of improper question: "Tell us what you know about this case.")
5. Non-Responsive Answer: A witness's answer is objectionable if it fails to respond to the question asked.
6. Asked and Answered: Except as may be necessary on cross-examination to fully develop witness testimony, a question which has been answered should not be asked again of the same witness.
7. Compound Question: A question that combines two or more questions is not permissible.



8. Beyond the Scope of Cross or Re-Direct Examination: After cross-examination, provided that time remains to do so, additional questions may be asked by the direct examining attorney, but only on matters raised on cross examination. After re-direct examination, provided that time remains to do so, additional questions may be asked by the cross-examining attorney, but only on matters raised on re-direct examination.

### **Rule 6.1 Objections During Opening Statement/Closing Argument**

No objections may be raised during or after opening statements or closing arguments.

### **Rule 6.2 Procedure for Introduction of Exhibits**

As an example, the following steps effectively seek to introduce evidence:

1. All evidence will be pre-marked as exhibits.
2. Show the exhibit to opposing counsel.
3. Ask for permission to approach the witness. "Your Honor, may I approach the witness with what has been marked for identification purposes as Exhibit No. \_\_\_?"
4. Ask the witness to identify the exhibit. "I now hand you what has been marked for identification as Exhibit No. \_\_\_\_\_. Would you identify it please?" Witness should answer to identify only.
5. Ask the witness a series of questions that are offered for proof of the admissibility of the exhibit. These questions lay the foundation or predicate for admissibility, including questions of the relevance and materiality of the exhibit, but need not include questions as to chain of custody, business record, authenticity or any other bases related to the accuracy or authenticity of the exhibit.
6. Offer the exhibit into evidence. "Your Honor, we offer Exhibit No. \_\_\_ into evidence."
7. Court: "Is there an objection?" (If opposing counsel believes that a proper foundation has not been laid or that the exhibit is objectionable on other grounds, the attorney should be prepared to object at this time.)
8. Opposing Counsel: "No, Your Honor," OR "Yes, Your Honor." If the response is "yes", the objection will be stated for the record. Court: "Is there any response to the objection?"
9. Court: "Exhibit No. \_\_\_ (is/is not) admitted." If admitted, questions on content may be asked of any witness.

### **Rule 6.3 Allowable Motions**

The only motions permissible are motions to move exhibits into evidence and motions requesting the judge to strike testimony following a successful objection to its admission.

**Rule 6.4 Sequestration**

Teams may not invoke the rule of sequestration.

**Rule 6.5 Bench Conferences**

Bench conferences are allowed.

**Rule 6.6 Offers of Proof**

No offers of proof may be requested or tendered.

**Rule 7.0 Supplemental Material; Costuming**

Teams may refer only to materials included in the trial packet. No illustrative aids of any kind may be used, unless provided in the case packet. No enlargements of the case materials will be permitted. Absolutely no props or costumes are permitted unless authorized specifically in the case materials. Costuming is defined as hairstyles, clothing, accessories, and make-up which are case-specific.

The only documents which the teams may present to the presiding judge and/or judging panel are the individual exhibits as they are introduced into evidence and the team roster forms. Exhibit notebooks are not to be provided to the presiding judge and/or judging panel.

**Rule 7.1 Trial Communication**

Coaches, teachers, alternates, and observers shall not talk to, signal, communicate with, or coach their teams during trial. This rule remains in force during any recess which may occur. Attorneys on the same team may communicate among themselves during the trial verbally or through written notes, except during the argument of objections; however, no disruptive communication is allowed. Other than actual testimony, witnesses are not allowed to communicate with anyone during a trial or any recess of a trial. Signaling of time by the teams' timekeepers shall not be considered a violation of this rule.

Coaches, teachers, alternates and observers must remain outside the bar in the spectator section of the courtroom. Only team members participating in this round may sit inside the bar and communicate with each other, except as provided above. Violations of this rule may result in removal of the offender from the courtroom and possibly disqualification of the team depending upon the severity of the violation. Suspected violations should be brought to the attention of the judges in a timely manner so judges may handle the situation as it arises. If any coach of a team in the trial suspects such a communication violation they are allowed to write a note to the judge(s) and pass it to them through the bailiff as long as this can be done without disrupting the proceedings and without communication that is in violation of this rule with the exception of the passing of the note to the bailiff. Any other person observing the trial proceedings, including spectators that suspect such a violation they may communicate such suspicion to the coach and the coach shall decide whether or not to communicate such suspicion to the judge(s) through the bailiff. ONLY the coach may communicate this suspicion to the judge(s) through the use of the bailiff.

**Rule 7.2 Videotaping/Audiotaping/Still Photography**

Videotaping or audiotaping is not allowed during any trial, except by Civics First. Teams may take still photographs of their own team members only and may not include ANYONE in

their photos that are not a part of their school. However no pictures may be taken during trial proceedings at all except by Civics First.

### **Rule 7.3 Use of Notes**

Attorneys may use notes in presenting their cases. Witnesses are not permitted to use notes while testifying during the trial. Attorneys may consult with each other at counsel table verbally or through the use of notes. The use of laptops or other electronic devices is prohibited.

### **Rule 7.4 The Critique**

The judging panel is allowed 10 minutes for debriefing. Presiding judges are to limit critique sessions to a combined total of ten (10) minutes.

Judges shall not make a ruling on the legal merits of the trial and may not inform the students of score sheet results unless requested to so by Civics First staff.

### **Rule 8.0 Finality of Decisions**

All decisions of the presiding judge and/or judging panel are **FINAL**.

### **Rule 8.1 Score Sheets**

Score sheets are to be completed individually by the scoring judge or judges. The team that receives the most points wins the round.

### **Rule 9.0 DISPUTE RESOLUTION**

Any alleged rules violation must be brought to the presiding judge's attention by participating student attorneys during the trial in a timely and appropriate manner. Under no circumstances may any coach or member of the audience interrupt the trial for ANY reason, nor may they communicate rule violations to the student attorneys in any way during the trial. It is the responsibility of the student attorneys participating in the competition to be thoroughly familiar with the rules and to alert the presiding judge to any and all violations. Failure to do so results in missed opportunity. The only exception to this rule is the suspected violation of the communications rule in which a coach may pass a note to the bailiff only to be passed on to the judge(s). Any audience member that suspects such a violation must notify the coach and the coach is the only one allowed to pass the note.

### **Rule 9.1 Dispute Resolution Procedure**

Possible rulings by the presiding judge will be based upon severity of the violation and may include:

- a) No rules violation has occurred;
- b) A rules violation has occurred but no action is required;
- c) A rules violation has occurred and the presiding judge is able to issue a ruling to correct the violation at that time; or,
- d) Ruling is taken under advisement and the alleged rules violation will be reported to Civics First for possible future action.

The decision of the presiding judge regarding rules violations is final.

### **Rule 9.2 Reporting of Rules Violation Outside the Bar**

Alleged rules violations which occur **outside** the bar during any trial round may be brought by teacher or attorney-coaches exclusively. Such notification must be made promptly to Civics First in writing, although oral notification may precede such writing. Civics First will consider the report and take any actions deemed appropriate and fair. Actions taken by Civics First under this provision are final.

## **STEPS IN A MOCK TRIAL**

### **Rule 10.0 Opening Court**

The bailiff will open court by saying: " All Rise. The Superior Court for the State of Connecticut is now open and in session, the Honorable Judges \_\_\_\_\_ presiding. All persons having due cause of action herein, draw near and give attention according to law. You may be seated." When the judge enters, all participants should rise and remain standing until the judge is seated.

### **Rule 10.1 Call of the Calendar**

The Judge will announce the name of the first case and ask if the parties are ready: "The Court will now hear the case of \_\_\_\_\_ v. \_\_\_\_\_." Is the Plaintiff ready? (Plaintiff's attorney answers "Ready, Your Honor"). Is the Defense ready? (Defense's attorney answers "Ready, Your Honor"). "You may proceed."

### **Rule 10.2 Opening Statements (5 minutes per team)**

The plaintiff in a civil case or prosecution in a criminal case makes an opening statement first, followed by the defense. In the opening statement, the attorney introduces the members of his/her team and outlines the case as they intend to present it, highlighting key testimony, summarizing the evidence which will be presented to prove the case and describing the relief requested.

"Your Honor, my name is \_\_\_\_\_ attorney for Mr./Ms. \_\_\_\_\_, the (Plaintiff/Defendant). My colleagues are \_\_\_\_\_, and \_\_\_\_\_." (In a criminal case the prosecution would say: "Your Honor, my name is \_\_\_\_\_ attorney for the State of New Justice. My colleagues are \_\_\_\_\_, and \_\_\_\_\_.")

### **Rule 10.3 Direct Examination by the Plaintiff/Prosecution**

The plaintiff/prosecution's attorneys conduct direct examination (questioning) of each of its own witnesses to bring out the facts of the case. At this time, testimony and other evidence to prove the plaintiff/prosecution's case will be presented. The purpose of direct examination is to allow the witness to narrate the facts in support of the case.

NOTE: The attorneys for both sides, on both direct and cross examination, should remember that their only function is to ask questions; attorneys themselves may not testify or give evidence, and they must avoid phrasing questions in away that might violate this rule.

The attorney calls a witness by saying: "Your Honor, I would like to call Fran Witness to the stand." The bailiff then swears in the witness by asking the following: "Do you solemnly

swear or affirm that the testimony you may give in the cause now pending before this Court shall be the truth, the whole truth and nothing but the truth according to the Mock Trial Rules?" The witness takes the oath or affirmation by saying: "I do."

**Rule 10.4 Cross-Examination by Defense.**

After the direct examination of a witness for the Plaintiff/Prosecution, a defense attorney cross-examines the witness in order to show the weaknesses in his or her testimony and test the witness's credibility. The cross examiner seeks to clarify or cast doubt upon the testimony of the opposing witnesses. Inconsistency in stories, bias, and other damaging facts may be pointed out to the judge through the use of effective cross examination.

**Rule 10.5 Redirect Examination**

Following the Cross-examination, the Plaintiff/Prosecution attorney who did the direct may conduct redirect examination of its witnesses to clarify any testimony that was cast in doubt or impeached during cross examination. The attorney may ask questions to "rehabilitate" the witness, to explain any damaging admissions, or to reestablish the testimony. The attorney cannot ask questions about facts not already brought out during the cross examination. These questions are limited to the scope of the cross-examination.

**Rule 10.6 Re-Cross Examination**

The defense attorney who conducted the cross-examination of that witness may conduct a re-cross examination of the same opposing witness to impeach previous testimony. The defense attorney may ask questions on points brought out during redirect examination only.

**Rule 10.7 The Defense's Case: Direct Examination by Defense**

After the plaintiff/prosecution has presented its case, the defense attorneys conduct direct examination (questioning) of each of their own witnesses. At this time, testimony and other evidence to prove the defendant's case will be presented. The purpose of direct examination is to allow the witness to narrate the facts in support of the case.

**Rule 10.8 Cross Examination by the Plaintiff/Prosecution Attorneys**

After the attorney for the defense has completed questioning a witness, the judge then allows the plaintiff/prosecution attorney to cross examine the witness. The cross examiner seeks to clarify or cast doubt upon the testimony of the opposing witnesses. Inconsistency in stories, bias, and other damaging facts may be pointed out to the judge through the use of effective cross examination.

**Rule 10.9 Redirect Examination**

Following the cross-examination, the defense attorney who did the direct may conduct redirect examination of its witnesses to clarify any testimony that was cast in doubt or impeached during cross examination. The attorney may ask questions to "rehabilitate" the witness, to explain any damaging admissions, or to reestablish the testimony. The attorney cannot ask questions about facts not already brought out during the cross examination. These questions are limited to the scope of the cross-examination.

**Rule 10.10 Re-Cross Examination**

The plaintiff/prosecution attorney who conducted the cross-examination of that witness may conduct a re-cross examination of the same opposing witness to impeach previous testimony. The defense attorney may ask questions on points brought out during redirect examination only.

**Rule 10.11 Closing Arguments (5 minutes per team)**

The Prosecution/Plaintiff gives the closing argument first and may reserve a portion of its closing time for a rebuttal. The Prosecution/Plaintiff need not state that it is reserving rebuttal time prior to commencing its closing argument. The Prosecution/Plaintiff's rebuttal, if any, is limited to the scope of the Defendant's closing argument. The closing attorney summarizes the case in the light most favorable to their respective positions, with reference to testimony which supports their case and relevant case and statutory provisions.

**Rule 10.12 Verdict**

The Judges will retire (leave the courtroom) to review their notes and to reach a decision. **The decision of the judge is final.**

**HINTS ON PREPARATION FOR A MOCK TRIAL  
TOURNAMENT**

The following tips have been developed from previous experiences in training a mock trial team.

All students should read the entire set of materials, and discuss the information/procedures and rules used in the mock trial contest.

The facts of the case, witnesses' testimony, and the points for each side in the case then should be examined and discussed. Key information should be listed on the chalkboard as discussion proceeds so that it can be referred to at some later time.

Even though a school team has to represent only one side in the case during any single round of the competition, all roles in the case should be assigned and practiced. This will help in practicing the case as well as preparing for future rounds.

The credibility of the witnesses is very important to a team's presentation of its case. As a result, students acting as witnesses need to really "get into" their roles and attempt to think like the persons they are playing. Students who are witnesses should read over their statements (affidavits) many times and have other members of the team or their class ask them questions about the facts until they know them "cold."

Based on the experiences obtained through several years of mock trial competitions, we have found that the best teams generally had the students prepare their own questions, with the teacher-coach and attorney-advisor giving the team continual feedback and assistance on the assignment as it was completed. Based on the experience of these practice sessions, attorneys should revise their questions and witnesses should restudy the parts of their witness statements where they are weak.

Opening statements should also be written by team members. Legal and/or non-legal language should be avoided where its meaning is not completely understood by attorneys and witnesses.

Closing arguments should not be totally composed before the trial, as they are supposed to highlight the important developments for the plaintiff and the defense which have occurred during the trial. The more relaxed and informal such statements are, the more effective they are likely to be. Students should be prepared for interruptions by judges who like to question the attorneys, especially during the closing argument.

As a team gets closer to the final round of the contest, the tournament requires that it conduct at least one complete trial as a "dress rehearsal." All formalities should be followed and notes taken by the teacher coach and students concerning how the team's presentation might be improved. A team's attorney advisor should be invited to attend this session and comment on the enactment.

The ability of a team to adapt to different situations is often a key component in a mock trial enactment, since each judge or lawyer acting as a judge, has his or her own way of doing things. Since the proceedings or conduct of the trial often depend in no small part on the judge who presides, student attorneys and other team members should be prepared to adapt to judicial rulings and requests.

## **TRIAL SETTING**

Before participating in a mock trial, it is important to be familiar with the physical setting of the courtroom, as well as the events that generally take place during the exercise and the order in which they occur. This section outlines the usual steps in a "bench" trial- - that is, a trial without a jury.

## **COURTROOM LAYOUT**

JUDGE

BAILIFF

WITNESS STAND

JURY BOX

DEFENDANT'S  
TABLE

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PLAINTIFF'S TABLE

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AUDIENCE

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## SEATING

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### **PARTICIPANTS**

The Judge

The Attorneys

- Plaintiff - Defendant (Civil Case) Prosecution
- Defendant (Criminal Case)

The Witnesses

- Plaintiff - Defendant (Civil Case)
- Prosecution - Defendant (Criminal Case)