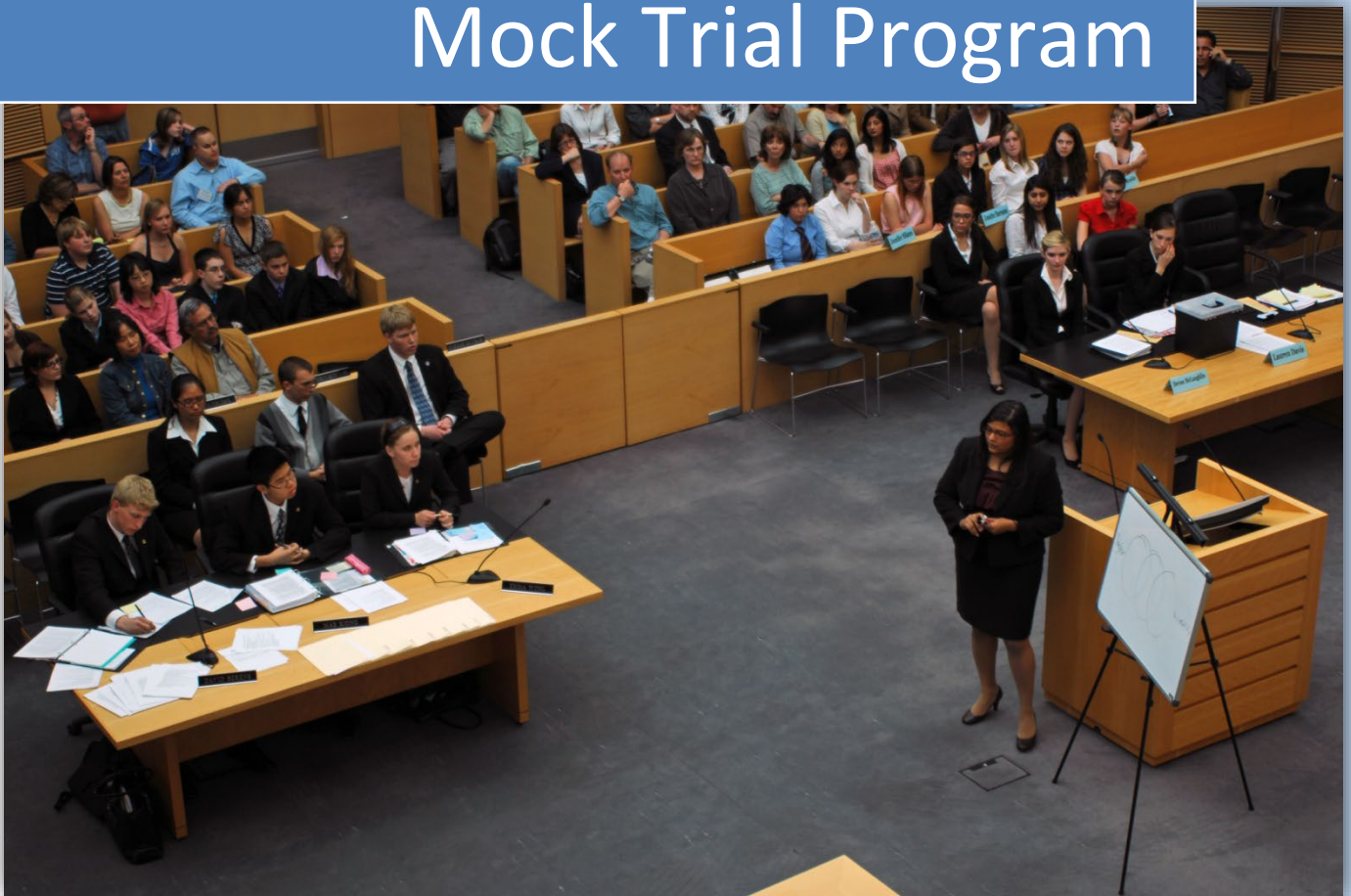


# Teacher Coach Manual

## Arizona High School Mock Trial Program



Arizona Foundation for Legal Services &  
Education

4201 N. 24th Street, Suite 210

Phoenix, AZ 85016

[www.lawforkids.org/mock-trial](http://www.lawforkids.org/mock-trial)

## Contents

Foreword .....	1
 <u>Trial and Tournament Information</u>	
Policies for All Foundation Competition Programs .....	2
Power-matching .....	7
Court Artist .....	9
General Guidelines .....	11
 <u>Training and Preparation</u>	
Timeline .....	16
Glossary .....	17
Guidelines for Teacher Coaches .....	22
Guidelines for Attorney Coaches .....	25
Teacher/Attorney Coach Sample Assessment Rubric .....	27
Trial Procedures & Presentations .....	32
Suggestions for Student Attorneys .....	36
Suggestions for Student Witnesses .....	41
Make the Most of Your Presentation .....	43
10 Most Difficult Things .....	47
Helpful Hints .....	48
Judging Guidelines .....	50
 <u>Forms and Resources</u>	
Student Roster Form .....	50
Sample Score Sheet .....	53
Timekeeper Instructions .....	54
Timekeeper Responsibilities .....	55
Timekeeping Sheet .....	56
Timecard Use .....	56
Teacher Resources .....	58

*This Teacher Coach Manual as well as the Arizona High School Mock Trial Tournament Rules are available on the Arizona Mock Trial Website – [www.lawforkids.org/mock-trial](http://www.lawforkids.org/mock-trial)*



## **Foreword**

The Arizona Foundation for Legal Services & Education and the Young Lawyers of Arizona are excited to welcome you to the Arizona High School Mock Trial Program! This extraordinary educational opportunity, which began in 1981, has become a huge success because of the participation of schools such as yours. To assist you with your mock trial program we are providing you with this Teacher Coach Manual.

The Teacher Coach Manual contains crucial support materials, information, and forms for the teacher coach. Teachers are encouraged to share this material, which can also be found on our website, with their Attorney Coaches and students. We suggest that you download and save the Calendar / Timeline page from the Mock Trial website, [www.lawforkids.org/mock-trial](http://www.lawforkids.org/mock-trial), and add the important Tournament dates to your calendar of practice times and scheduled meetings with attorneys. A current list of Regional Coordinators and their contact information can also be downloaded and saved with this manual.

The official Tournament Rules and other important documents are located at [www.lawforkids.org/mock-trial](http://www.lawforkids.org/mock-trial). Please download them and share with your Attorney Coach and students.

Welcome to the Arizona High School Mock Trial community!



## **Policies for All Foundation Competition Programs**

(Approved by LRE Committee & Foundation Board 12-10-09)

### **Acronym and Term Definitions**

1. Appointed Foundation Staff – the Foundation utilizes multiple staff to assist with the implementation of Competition Programs. The term Appointed Foundation Staff applies to the staff appointed by the Foundation, regardless of the exact position title, to oversee the implementation of the Competition Program.
2. Foundation – Arizona Foundation for Legal Services & Education, Inc. or Arizona Bar Foundation
3. Foundation Competition Program – or Foundation Program -an activity sponsored by the Foundation which involves a demonstration of knowledge by students from across Arizona showcasing their proficiency in an area of law and ability to communicate and apply that knowledge.
4. Foundation Volunteer Coordinator – the Foundation utilizes multiple volunteers to assist with the implementation of Competition Programs. The term Foundation Volunteer Coordinator applies to the volunteer appointed by the Foundation to assist with guiding the implementation of the Competition Program, regardless of the exact volunteer position title.
5. LRE – law related education, which includes civics, social studies, justice studies, and all applications of citizenship taught with an interactive method maximizing the involvement of the student and application to daily life.
6. Participant -include teachers, the Teacher Coach, administrators, students, volunteers, parents, and/or guests attending any Foundation Program.
7. Teacher Coach -The Teacher Coach of a team must be a faculty member at the same public or private school at which the students are officially enrolled. A Teacher Coach for the purposes of the Foundation Programs includes School Resource Officers working within the LRE Programs.

### **Anti-Discrimination Policy**

All Foundation competition program participants are required to uphold equal opportunity standards without discrimination or regard to race, color, national origin, age, gender, political or sexual orientation, military service, pregnancy, disability, or any other legally protected status.

### **Code of Ethical Conduct**

The purpose of Foundation Competition Programs is to allow students to develop skills in analysis, critical thinking, communication and presentation skills, and practical experience of applying the acquired knowledge of the law to a relevant issue. Other important objectives include: improving proficiency in speaking, listening, reading, and reasoning skills; promoting effective communication and cooperation between the educational and legal communities; providing an opportunity to compete in an academic setting; and promoting cooperation among young people of diverse interests and abilities.

As a means of diligent application of the Foundation Programs, the following Code of Ethical Conduct for all Participants has been adopted:

1. Each Participant promises to compete with the highest standards of respect for other participants, whether they are opponents, judges, evaluators, Teacher Coaches and competition personnel. All competitors and participants will focus on accepting defeat and success with dignity and restraint. The competition and activities will be conducted honestly, fairly, and with the utmost civility. Members and participants will avoid all tactics they know are wrong or in violation of the Rules. Participants will not willfully violate the Rules of the Program in spirit or in practice.
2. Teacher Coaches agree to focus attention on the educational value of the Foundation Programs. They shall discourage willful violations of the Rules. Teacher Coaches will instruct students as to proper procedure and decorum and will assist their students in understanding and abiding by competitions Rules and this Code of Ethical Conduct.
3. Teacher Coaches agree to uphold the highest standards of the educational/legal profession and will zealously encourage fair play. They will promote conduct and decorum in accordance with the Rules of Foundation Programs and this Code of Ethical Conduct.
4. Students are assuming the role of a professional and are expected to dress accordingly to maintain a professional appearance. Additionally to assure there is no opportunity for preferential treatment of one school over another, students and/or other participants should not wear paraphernalia or clothing that provides any identification of their school including school name and/or mascot.
5. All Participants are bound by all sections of this Code and agree to abide by the provisions. Schools are responsible for insuring that all Participants are aware of the Code. Students and Teacher Coaches will be required to sign a copy of this Code. This signature will serve as evidence of knowledge and agreement to the provisions of the Code. Violations of this Code of Ethical Conduct may be grounds for reductions in scores, disqualification from a contest and/or suspension or expulsion.
6. Presiding judges and evaluators are asked to observe the Competition with an objective eye. Interjecting one's own personal style and bias is of no value in the education process. Team members have agreed to abide by the Rules and this Code in spirit and in practice; therefore, violations should result in a lowering of the score. All judges and evaluators agree to be prepared and knowledgeable about this Code of Ethical Conduct, the Rules of the Program/Competition, and the procedures. The appearance of impropriety, bias or favoritism shall be avoided. Program/Competition judges will evaluate the competition with objectivity and honesty.

#### **Foundation and Foundation Volunteer Responsibility**

1. The Foundation will assure volunteers are aware of the Program Rules and Code of Ethical Conduct.
2. Foundation volunteers will agree to follow the rules and assist the program with an unbiased view and actions toward any team or school.
3. The Foundation will assure volunteers have the proper instructions and resources to complete their assignments and fill their agreed-upon responsibilities.
4. The Foundation and/or its volunteers will inform the schools of any changes in venue, time, and/or program functioning in an expeditious manner.
5. Foundation volunteers will bring any conflict or dispute needing resolution to the Appointed Foundation Staff for immediate attention. The Appointed Foundation Staff will inform the appropriate parties after



consultation with Foundation management and other volunteer coordinators. The volunteers will respect the decision made as final.

6. The Foundation and its volunteers will provide opportunity for evaluation and feedback of its Programs and will make continual strides for improvement and enhancement of LRE learning opportunities.
7. The Foundation staff and volunteers will follow the policies outline herein and will assure that all Rules and Guidelines of each Foundation Program are in compliance with the Policies as approved by the Foundation LRE Committee and Foundation board

**Permission to Videotape, Photograph and Use of Likeness:**

1. Video/audio taping of one school by another during the competition is prohibited without proper permission.
2. Video/audio taping by a Teacher Coach or other participant requires the direct permission of the assigned Appointed Foundation Staff.
3. Those individuals wishing to video/audiotape the competition must sign in at the registration desk and provide the Foundation with the name of the student they are in attendance with and an appropriate release form from the school as is applicable.
4. All students, Teachers, advisors, observers, guests, and volunteers associated with this competition are hereby notified that the competition coordinators may use video/audiotape, photographs, and likeness for the purpose of:
  - i. Completing print & electronic publications that may be used for Law-Related Education and development projects of the Arizona Foundation for Legal Services & Education.
  - ii. Newspaper/magazine articles and other publications to promote the Foundation Program and/or the Foundation in reference to the students direct involvement in law-related education and related activities.
  - iii. Foundation web sites for informational purposes.
  - iv. Public Service Announcements, radio announcements, television commercial or program and any production by and for the Foundation.

**Qualification of Students**

To participate in a Foundation Program, students must meet the following criteria:

1. A student must be an officially enrolled student at the public or private school which he/she seeks to represent in the Foundation program according to the school grade criteria outlined in each program.
2. Dual enrolled students – students officially enrolled at more than one school may only compete for the school at which their official permanent records are located.
3. Officially enrolled students – a student is not considered officially enrolled at a school unless he/she is taking a course at the school for which they will receive a grade, other than a pass/fail, and which is entirely unrelated to the Foundation program.
4. A home-schooled student will be considered an officially enrolled student at any school within the school district in which he/she resides for home school.
5. All students on a team must be officially enrolled at the same school or in the case of a team with a home school student, within the same school district.



6. Students engaged in college courses or an internship will be considered officially enrolled high school students provided the school at which their official records are located still consider them officially enrolled at the school and they are not considered to have graduated or withdrawn from the school.
7. Students must be officially enrolled at the time the team is registered for the program. The Teacher is thereafter responsible for immediately notifying the Appointed Foundation Staff of any change in a student's status. Any student not officially enrolled on the day of a competition will be ineligible to participate in any capacity.
8. No regional or consolidated teams will be allowed. If a school is composed of several campuses or affiliated schools, all students on a team must attend classes on the same campus. In the event a student attends classes on more than one campus, each campus will be considered a different school and the limitations set forth for dual enrolled students will be applicable.

### **Rules Interpretation and Appeals**

1. Appeals concerning Rules. With regard to interpretation and/or enforcement of the Rules of the Program, certain matters can be appealed to the Appointed Foundation Staff. The appeal must be made in writing within 10 calendar days of the action or decision appealed from or before the day of the Competition whichever period is shorter and signed by the Teacher of the appealing team. No appeal will be considered that is not in writing and signed. The Appointed Foundation Staff will notify the Teacher of the decision on the appeal after consultation with the Foundation management staff and appropriate Program Volunteer Coordinators (e.g., Legal Counsel, Regional coordinator)
2. Appeals concerning Eligibility. All appeals concerning the eligibility of a team or a student shall be raised, in writing, two weeks prior to the beginning of the appropriate Competition. Appeals must be signed by the Teacher of the objecting or disputed team and specify precisely the nature and grounds for the protest or objection. A copy of the written appeal will be mailed or delivered to the Teacher of the team/student under dispute. Any appeal not in writing and signed will not be considered. The Appointed Foundation Staff will notify the Teacher of the decision on the appeal prior to the Competition date, after consultation with the Foundation management staff and appropriate Program Volunteer Coordinators (e.g., Legal Counsel, Regional coordinator) The following are criteria for any consideration of an exception: a) the school sponsoring the team has never competed before or has not competed for at least four (4) consecutive years; b) only one (1) student does not meet the eligibility criteria; and c) the ineligible student has never participated in the program.
3. Authority of the Appointed Foundation Staff. The Appointed Foundation Staff has discretion and authority regarding the proper interpretation, enforcement and application of the Foundation Program Rules. All decisions made by the Appointed Foundation Staff with regard to the Rules and any appeals thereon shall be final and not subject to further review or appeal. Prior to making a final decision regarding any appeal or Rule interpretation, the Appointed Foundation Staff shall discuss the issue/appeal with the Foundation management and appropriate Foundation Volunteer Coordinator. By registering for Foundation programs, each high school, Teacher, attorney Coaches, student, parents of students, or anyone related to a team's participation acknowledges and voluntarily agrees to comply with the Rules of the Program and further agrees to the absolute and final authority of the Appointed Foundation Staff as set forth in this section.

### **School & Teacher Responsibility**

1. Teacher Coaches -The Teacher Coaches of a team must be a faculty member at the same public or private school at which the students are officially enrolled. A Teacher Coach for the purposes of the

Foundation Programs includes School Resource Officers working within the LRE Programs.

2. The School responsibility includes the Teacher Coaches being with his/her team in all scheduled activities associated with the preparation for and at the Regional competition and State Finals, if invited.
3. If the Teacher Coach is coaching two or more teams, he/she will be responsible for making sure that a responsible adult stays with the additional teams at all times during activities associated with the Foundation programs.
4. Teacher Coach responsibilities also include taking care of the necessary arrangements of notifying the parents of participating students about the dates, times, and locations of all program activities. Teacher Coaches must acquire the necessary emergency information and permission/release forms from the parent(s)/guardian should an accident take place involving the students, which absolves the Arizona Foundation for Legal Services & Education, any of its volunteers, supporters, regulators and/or affiliates from responsibility for student safety.
5. The Teacher is deemed to certify that all students meet the criteria as an officially enrolled student when the team is registered. The Teacher Coaches must notify the Appointed Foundation Staff of any change in a student's status. A Teacher Coach who fails to certify the eligibility of the students on the team or to notify the appropriate entities of any change in a student's status may be suspended from the Foundation programs for one year.
6. A school is responsible for all of its Participants including teachers, the Teacher Coach, administrators, students, volunteers, parents, and/or guests attending any Foundation Program. Any violation of the Rules of the Program or Code of Conduct by any of these parties may result in the team(s), student(s) or school(s) ineligibility to participate in the Program at the sole discretion of the Appointed Foundation Staff or Foundation Volunteer Coordinator after appropriate consultation with Foundation management.
7. Schools are responsible for insuring that all Participants are aware the Foundation may be photographing or filming during the event and their attendance signifies their permission to have the Foundation use these photographs and/or videos in the promotion of the Foundation Programs. Further, to give notice that by appearing at the competition consent to be video/audio taped and/or photographed for promotional purposes is implied and that members of the media are invited to cover events.
8. The Teacher Coach is responsible for ensuring that each student arrives at the Program event with a completed parent permission form allowing the photographing, video/audio taping of the student. If a student fails to have this form completed, it is the Teacher Coach's responsibility to ensure that the student is not photographed, video/audio taped, or interviewed.
9. Schools are responsible for insuring all Participants are aware of the code of Ethical Conduct.
10. The school is responsible to inform the Appointed Foundation Staff prior to a scheduled competition if any students have special needs, so necessary accommodations can be made.

## **Power-matching**

(Rule V.4a-b) A power-matching scoring system will be used for the Regional and State Tournaments, except as provided in Rule V.4 (b). The main concept of power-matching is that at each stage of the tournament, as much as possible, teams should compete against teams with a similar record. Under a power-matching scheme, teams are matched at each level of the tournament according to their win-loss record. The first round of the tournament will be pre-set, purely at random, except that (if reasonably possible) teams from the same school will not be matched against each other in the first round. All subsequent rounds of the tournament will be matched according to the results of the prior rounds.

Before each subsequent round, teams will be ranked based on the following criteria in the order listed:

- (i) win-loss record;
- (ii) total number of ballots (this criterion applies only if judging panels are used);
- (iii) cumulative points;
- (iv) cumulative point spread.

Brackets will be determined by win-loss record. Within each bracket, subject to the limitations on power-matching set forth below, the top ranked team (according to the criteria set forth above) will be paired against the lowest ranked team, the second highest against the second lowest, and so on until all teams in the bracket are paired. If there are an odd number of teams in a bracket, then the team that has not been paired against a team from its bracket will be placed at the top of the next lowest bracket.

In pairing teams (except for final rounds), the following limitations on "pure" power-matching will be applied in this order of importance:

- A. Each team must represent each side of the case twice;
- B. A team may not face an opponent more than once, unless the number of teams at the tournament makes this restriction impossible (in which case the teams must present the opposite sides of the case);
- C. To the extent possible, teams should not appear before the same judge; but if this is not possible, then every effort will be made to have the team appearing before the judge for the second time present the opposite side of the case; and
- D. If a "bye" is being used, then the tournament coordinator has discretion to adjust the power-matching criteria to assign the "bye" in the manner that least affects the tournament's outcome.

The tournament champion will be the team that wins the Finals Round pairing between the top two teams, if there is a Finals Round. Teams will be selected for the Finals Round on the basis of their win-loss record followed by cumulative number of ballots (this criterion applies only if judging panels are used), then cumulative point total, and then cumulative point differential. If there is no Finals Round, the winning team is determined by the win-loss record compiled during the four rounds of the tournament, followed by cumulative points, and then cumulative point differential.

V.4b) In regions with fewer than 10 teams, the Regional Coordinator has discretion not to use the power-matching system set forth in Rule V.4(a). If the Regional Coordinator elects not to use the power-matching system, then the Regional Coordinator shall: (i) notify the State Coordinator and the Legal Counsel Coordinator of that decision at least two weeks prior to the Regional Tournament, and consult with the State Coordinator and the Legal Counsel Coordinator as to the pairing method that will be used at the Regional Tournament; and (ii) after the State Coordinator and Legal Counsel Coordinator approve the pairing method, promptly provide advance notice of the pairing method to be used to the teacher coaches

of the teams assigned to the region. Final decision-making authority with respect to the pairing method to be used at regions with fewer than 10 teams rests with the State Coordinator and Legal Counsel Coordinator.

Assume that four 10 teams were given scores of 29, 26, 23, and 22. Under the power-matching system, the 10 team that earned 29 points would meet the 10 team that earned 22 points, and then the other 10 teams would meet. The only limiting factor is that sides must be adjusted, to ensure that teams represent each side of the case twice. As such, a team that represented plaintiff in Round 1 usually will represent the defendant in Round 2. With that constraint in mind, Round 2 would be matched along the lines indicated above. To the extent possible, the 0-1 teams would meet each other. Round 3 would be matched in the same manner based on results of the first two rounds of the tournament. As much as possible, 2-0 teams would meet each other, 1-1 teams would meet each other and 0-2 teams would meet each other, and so forth, until all rounds are concluded. The overall result of this system is that teams who have lost a round have the opportunity to pull themselves back into the tournament if they are successful in defeating teams with the same record. However, there are limitations on the ability to perform "pure" power-matching. For example, as noted above, a limiting factor will be that each team must be plaintiff/prosecution twice and defendant twice. Also, to the extent possible, each team should also face a different team and judge in each round.

## **Court Artist Contest**

As an added feature of the Mock Trial program, we invite artistically talented students from schools participating in the Mock Trial Tournament to submit a drawing of an actual courtroom scene for judging in this state-wide competition. Each school in the Regional Tournament can be represented by a maximum of two courtroom artists, nominated by a teacher, who will document the trial in which their school's team is competing.

The drawings will be judged, and each artist will receive a certificate. Regional winners will be notified as soon as the judging is complete, and will receive a plaque. A state winner will also be announced at the State Tournament.

The Regional and State winning drawings will then be on display at the Foundation offices. Any submitted illustrations may be used for local news releases and statewide publications.

To register, each contestant must complete the **Court Artist Registration Form** below and submit it by the due date in the Calendar. Mail the form(s) to:

Arizona Foundation for Legal Services & Education  
Mock Trial Court Artist Contest  
4201 N. 24 St., Suite 210  
Phoenix, AZ 85016

### **TO QUALIFY, ALL CONTESTANTS *MUST* STRICTLY FOLLOW THESE RULES:**

1. All Court Artists **MUST** observe all rules regarding ethical conduct for the Mock Trial program.
2. Court Artists will sketch for the rounds in which their school's team(s) are competing.
3. Sketches must be created during Rounds 1 and/or 2 of the regional competition, but need not be completed during the rounds. Artists may work on sketches during breaks in the competition.
4. Only the best **TWO** sketches per artist may be submitted for judging to the regional coordinator by the end of the championship round.
5. Sketches must be black-and-white, and any dry medium may be used.
6. Artists must supply all their materials.
7. Sketches must depict actual courtroom scenes observed by the artist, and they must be created and completed solely by the artist submitting the sketches for judging without help from any outside sources.
8. Because these pictures may be reproduced, they need to have strong enough line value and shading to be seen clearly once scanned.
9. Artists must check-in with the regional coordinator before each round of the competition begins for courtroom assignments and seating instructions.

All entries become the property of the Arizona Foundation for Legal Services & Education and may be used by the Foundation for whatever purpose is deemed appropriate. A team of judges from around Arizona will judge sketches based on accuracy of proportion, realism, figure/ground relationship and use of contrast, etc.

COURT ARTIST CONTEST REGISTRATION FORM CAN BE FOUND AT THIS LINK:  
<https://lawforkids.org/document-center-4/court-artist-contest/1246-registration-form>

Email registration form to:

[John.Armendt@azflse.org](mailto:John.Armendt@azflse.org)

OR

Mail registration form to:

Arizona Foundation for Legal Services & Education  
Mock Trial Court Artist Contest  
4201 N. 24 Street, Suite 210  
Phoenix, AZ 85016

Maximum TWO entries per school

By submitting this form, contestants agree to observe all rules regarding ethical conduct for the Mock Trial program in order to compete.

*If you have any questions, please contact Hayley Ivins at [Hayley.ivins@azflse.org](mailto:Hayley.ivins@azflse.org) or 602-773-3432  
Please coordinate with the Mock Trial teacher coach at your school to insure that all participation criteria are met.*

*Thank you!*

## General Guidelines

### TIME MANAGEMENT AND FAIR PLAY

Each year the coordinators remind all participants that both the letter and the spirit of the Mock Trial Rules should be followed at all times during the tournaments. According to Section III of the rules, each round of a mock trial is governed by time limits. These limits are set to encourage students to prioritize their presentation in order to create the most effective case, based on the materials provided, for their particular side, either Plaintiff/Prosecution or Defense. These limits are also in place to insure the smooth and efficient progress of all trial rounds during a tournament. During some rounds of previous mock trial tournaments, some student witnesses, on cross examination, have abused the spirit of these time limits by giving unnecessarily long, nonresponsive answers for the sole purpose of using up their opponents' allotted cross examination time.

While this practice by a witness on cross examination is not specifically prohibited by the rules, it does not fall within the spirit of the Rules and **IS TO BE DISCOURAGED BY ALL COACHES**. Coaches should instruct their witnesses on cross examination to provide a direct and succinct answer to the question asked. Coaches should instruct student attorneys to ask closed-ended questions on cross-examination to prevent witnesses from "running" with a narrative, nonresponsive answer. A student attorney who receives what s/he feels to be a nonresponsive answer during a cross examination should be coached in various manners of controlling the witness, including seeking the assistance of the presiding judge by way of objection.

Both the student attorney and the student witness must abide by all rulings of the presiding judge. Presiding judges and scoring judges will be instructed to take into account, when evaluating the overall witness and team performances, whether a particular witness has enhanced or degraded his/her team's performance by using delaying tactics on cross examination, including, but not limited to: answers in narrative form, nonresponsive answers, excessive requests to have questions repeated and/or excessively long pauses during questioning. If there is a question regarding this practice or the instructions that will be given to all judges, please contact the Legal Counsel Coordinator or Regional Coordinator well in advance of tournament rounds.

### APPROPRIATE DRESS FOR TOURNAMENT ROUNDS

The Arizona High School Mock Trial Program Coordinators encourage all participants to arrive at the tournament dressed appropriately to appear in court (Section II, Rule 18). Please use good, professional judgment when helping students determine what is and what is not "appropriate for court". Dress rehearsals are an excellent opportunity to observe what students plan to wear before the day of the tournament. The coordinators offer the following examples as advice to coaches when assessing appropriate and inappropriate dress for court. When in doubt, please err on the conservative side.

***Appropriate attire may include, but is not limited to the following:*** sports coats or blazers (with or without a tie) ; Slacks, chinos or "Dockers"; "Polo" shirts (**shirts with collars**) ; Oxford button down shirts; turtleneck or mock turtleneck shirts; Culottes, skirts, skorts or split skirts (worn with hosiery) ; Sweaters or cardigans; Loafers and socks or hosiery; Suits (with ties for men; skirt and/or slacks for ladies) ; Dresses; head covering worn for religious reasons.

***Inappropriate attire may include, but is not limited to the following:*** Blue jeans; Denim skirts or dresses; Tshirts (**shirts without collars**) ; Shorts; tank tops; bare midriffs; halter tops; low-cut blouses; sweat suits (wind or track suits) ; skirts or dresses shorter than 3" above the knee; Lycra or spandex tops or bottoms; tennis shoes;



hiking boots; excessive jewelry; men's or women's hats.

All judges in the mock trial tournament are given the following instructions regarding the appearance of student participants:

**Students should not be evaluated based upon their dress, their jewelry, their hairstyle or any other aspect of their physical appearance. We are proud that students from diverse racial, ethnic, religious and economic backgrounds participate in the Arizona High School Mock Trial Program.**

#### **RULE CITATION**

Please take care in assuring that your students are familiar with the Arizona High School Mock Trial Rules of the Program and the Arizona High School Mock Trial Rules of Evidence. These are available at [www.lawforkids.org/mock-trial](http://www.lawforkids.org/mock-trial). In consultation with your attorney coaches, you should determine whether rule numbers will be cited in all objections, in only some objections, or not at all. Keep in mind that even if students do not cite rule numbers when making objections, the presiding judge may ask them for the rule that forms the basis of their objection. If a presiding judge makes such a request, a student attorney should be prepared to offer that information. Further, be aware that some judges may increase scoring based upon correct citation either on the student's own volition or under question from the court; however, incorrect citation or the omission of a citation may cause decreased scoring by some judges. Many factors go into determining the score to be given each individual student and/or team. Keep all these considerations in mind when preparing your team for the tournament.

#### **UNFAIR EXTRAPOLATIONS**

This area is always problematic. Rule 4 of Section II of the Rules of the Program governs the issue of extrapolations. An extrapolation is the addition or alteration of a fact included in a witness' statement. Rule 4(d) prohibits "material and substantive" testimony that is not contained in the witness' statement. Whether testimony is "material and substantive" depends on the nature of the expanded testimony and the context within the issues presented by the problem. The key is to look for an advantage gained by the extrapolating witness. For example, if the particular statement mentioned that the witness took an umbrella to a party, a witness could certainly testify that it was raining, or s/he thought it was going to rain, so long as that fact is not crucial to the issue at hand. By way of another example, it is an extrapolation if a witness testifies that s/he traveled through a green light on a certain date and time, but his/her statement is silent as to that fact. It is an unfair extrapolation (i.e., material and substantive) only if the issue in the case was the color of the traffic light. If the color of the light is only tangential or immaterial to the issues involved, then no advantage has been gained. Judges are instructed that students who handle unfair extrapolations by successfully impeaching the witness should be given more points than those who solely rely on the judge to rule on "unfair extrapolation" or "beyond the witness" statement" objections.

#### **TEAM CANCELLATION**

Our Regional Coordinators work very hard to plan for the local tournaments. Not only do they have to arrange for the logistics involving the teams, they must also recruit judges and attorneys to score the rounds. As we approach tournament dates, it is important for teacher coaches to keep the coordinators aware of any developments with your teams that would alter their planning. If your team decides not to participate, please inform your Regional coordinator and the State coordinator as soon as possible. It is very important that attorneys and judges to report to courthouses unnecessarily. This is a waste of their time and does not encourage them to volunteer for future tournaments. The Regional Coordinator will also need to make adjustments in the initial matches. Additionally, team withdrawal before the day of the tournament may affect the viability of the region. The goal is to have each Region consist of no less than four different schools, although there will be no mandatory minimum number of teams permitted in a Region, and no more than 20 teams per Region. The number and designation of teams assigned to

each Region is within the discretion of the State Coordinator, the Legal Counsel Coordinators and the Regional Coordinator, and may also be changed without further notice. Small regions are particularly vulnerable, if too many teams withdraw before the day of the tournament. Please weigh your decision very carefully when making plans to withdraw from the tournament. Please be courteous and keep us informed if your team plans to not participate.

## REGIONAL SCHEDULES

The regional trial schedule must be followed as closely as possible. All team members need to understand that trials will proceed as closely to the announced schedule as possible, *regardless of individual student or team conflicts*. If a team is not ready for a trial round and all other parties are in place, the absent or incomplete team may be forced to forfeit the round. We cannot inconvenience the judges and attorneys evaluating rounds because of individual participant or team needs. We rely too much on their willingness to volunteer to inconvenience them in any way. The rules clearly provide for forfeiture, and if necessary, the trial coordinator will call a forfeit against a team that is causing delays at trial in the best interest of the program to keep trials moving forward.

Experienced coaches have learned to be prepared for the contingency that their team may find itself moving from one round that may have run overly long with only a short break before the next round. It is entirely unreasonable for teams caught in this predicament to request that the regional coordinator delay the entire tournament so that their teams may have a break or eat. This would inconvenience a much larger number of people for the benefit of a few, and the coordinator, in these circumstances, has to consider the larger number—especially the volunteer judges and attorneys waiting to score rounds and the courthouse staff and security personnel.

Experienced coaches are prepared for this by having assisting parents or students ready with a snack for the students, so that they may quickly store up energy for the next round. Power bars are life savers in situations like this, and so is careful planning to insure that all team members have had a very good breakfast and are prepared for a long work day in which they may not get to eat until well after normal lunch time. This kind of situation can happen in real court trials, and mock trials are not immune to this.

All across Arizona, courthouses have been increasing their security measures in light of the unfortunate reality that there are those in our society who would endanger the orderly progress of the justice system. Security is a serious matter and must be treated seriously by all teams. Team members should follow any security measures required in these courthouses to the letter, without joking. People who do not respect the procedure may be denied access to the facilities, thus prohibiting their participation in the program. Please remember not to carry any weapons of any kind (including pocketknives and scissors).

## THE STATE FINALS

The State Finals will take place on the date noted in the Mock Trial Calendar posted on the website. If funding is available, teams from outside the Maricopa County area may be provided lodging the night before the tournament. Information on lodging accommodations will be sent to you prior to the State Tournament. All teams will participate in four rounds; serving as the Defense twice and the Prosecution twice. The preliminary rounds will be followed by the finals with the top four teams participating. An awards assembly will be held immediately following the finals, at which the State Champion will be announced and other awards will be presented.

## THE NATIONAL TOURNAMENT

The National High School Mock Trial Championship is held in a different city each year, usually beginning on the Friday before Mother's Day in May. The first two preliminary rounds will be held on Friday and

the second two preliminary rounds will be held on Saturday. The final round is held late Saturday afternoon. The days/dates/times of the national tournament cannot be changed. The host state's planning committee has made logistical and financial commitments to court facilities, hotels and the facilities for the tournament's social events that cannot be altered. Participation in the national tournament is an **optional activity** for the Arizona champion team. The team may elect not to participate. In the case that a state champion team elects not to participate (for whatever reason) in the national tournament, the State Coordinator and Legal Counsel Coordinators may invite the second place team from the state tournament to represent the Arizona at the National Tournament. It is important for the state champion to decide immediately whether or not the team will participate in the national tournament so that the second place team will have time to prepare, if necessary.

The case for the national tournament will be released on or by 1 April. The Arizona Team will have approximately **six weeks** to prepare for trial. Spring break occasionally falls within this preparation period and the state champion team must consider this scheduling issue when determining rehearsal schedules for the national tournament. Each state is allowed to send eight students to compete in four rounds. During these rounds, the students must be able to play both sides of the case, each including three witness and three attorney roles. Please note that, unlike Arizona's rules, the national rules do not guarantee that each team will present each side of the case twice. One of the eight competition team members (not participating in a given round) must act as an official timekeeper in that round. States are allowed to bring along as many additional students as they wish. While those extra students are not allowed to play an active role in the tournament rounds, they may fully participate in all other activities associated with the tournament.

Funding from the Arizona High School Mock Trial Program is extremely limited for support of the state champion. The Mock Trial Office cannot cover expenses outside the official delegation but can possibly include a gift from the Arizona Foundation for Legal Services & Education if it is within that year's budget. Please contact your State Coordinator for more information, and for assistance in identifying other sources of funding from within the team's local legal and business community and from other statewide organizations.

Participation by family members is welcome at Nationals to the extent that facilities allow for admission of observers. The State Coordinator will handle all logistical arrangements for the official team, other team members, all coaches and any parents/spectators wishing to travel with the Arizona delegation to the National tournament each year. Trial rounds are generally open to the public, but restricted capacity may require ticketing by round. Other activities are offered on a ticketed, pay-as-you-go basis. Most reservations must be made by 15 April each year; the State Coordinator will provide specific deadline dates to the state champion team as soon after state finals as possible. Because of the size of the National tournament, the teams/observers may be required to use several hotels. Space in the tournament hotel **may** be available at tournament rates for parents/spectators and/or other members of the Arizona delegation. Other hotels are usually in close proximity to the tournament hotel in the host city. Parents/spectators may also be eligible to participate in group airfare discounts negotiated in the spring.

## USE OF COURTHOUSES

Most, if not all, of the regional tournaments are held at court facilities. It is important that mock trial participants and guests treat the court facilities with respect so that we can continue to use the court facilities for the tournaments. Please encourage your attorney coach (es) to inform the court administrator and your regional coordinator if you plan to use the courthouse for practice sessions. The more open the lines of communication, the better. We ask all participants and guests to ***please be conscientious***. Trash inside a courtroom or in a courthouse should always be placed in appropriate trash

receptacles. (Of course, no food or canned drinks should **ever** be brought into a courtroom!) Students should not “play” with electronic or other equipment in courtrooms, including microphones or telephones, and should never be left unsupervised for any length of time. The facilities should always be left in the same, or better, condition than the way they were found. Specifically, before leaving a courtroom each team should clean up any trash and extra copies of exhibits; return any moved furniture to its place, etc. Together, we can insure that the Arizona High School Mock Trial Tournament retains its privilege to have access to Arizona’s courts.

## INSTRUCTIONAL RESOURCES

Our mock trial web site ([www.lawforkids.org/mock-trial](http://www.lawforkids.org/mock-trial)) contains information on all aspects of the program, varying from rules of the program and required forms to helpful hints for instruction. We encourage you to look at multiple resources to ensure that you are providing your students with the all the necessary guidance. Listed below (and on the “Resources” page of this Manual) are several resources including websites, videos, and books to assist you with your Mock Trial Program. DVDs of actual Mock Trial Tournaments are also available. If you have discovered another resource that you feel would be valuable for others to utilize, we would love to hear about it. Please feel free to contact us with your ideas.

## WEBSITES:

[www.lawforkids.org/mock-trial](http://www.lawforkids.org/mock-trial) – Arizona’s Mock Trial Website  
[www.civicvalues.org](http://www.civicvalues.org) – New Mexico’s Mock Trial Website

**\* Please be advised: When viewing another state’s mock trial program, keep in mind that their rules and process may differ from that of the Arizona Mock Trial Program. Only Arizona’s rules & procedures will be accepted at regional and state tournaments.\***

## Timeline

Make copies of rules of tournament and simplified rules of evidence for students	<b>October</b>
ONLINE team registrations are due to the Arizona Foundation for Legal Services & Education	<b>November</b>
Set up schedule with attorney-coach to spend time with students.	<b>October/November</b>
Experiment with students being both attorneys and witnesses for both the Plaintiff (Prosecution) and Defense before selecting which students will perform those roles for the actual competition.	<b>December- January</b>
Attend meeting scheduled by your Regional Coordinator.	<b>January/February</b>
Team Rosters must be finalized and registered online with the Arizona Foundation for Legal Services & Education	<b>February</b>
Conduct a pretournament meeting with students regarding the purpose of the upcoming tournament, code of ethical conduct, and dress/conduct at the courthouse	<b>February</b>
Review scoring guidelines and Dispute Resolution section of the Rules of tournament.	<b>February</b>
Arrive at designated place for the Regional Tournament. Regional Coordinators will provide lunch for participants. Any guest(s) attending the tournament should make their own arrangements for lunch. Give yourself plenty of time to arrive, take care of paperwork, and gather thoughts before the tournament begins. Remember to register your team.	<b>March</b>
Teacher Coaches of the teams invited to the State Finals will be contacted following the Regional Tournaments.	<b>March</b>
Arizona Mock Trial State Tournament	<b>March</b>

The National Championship takes place in May.

## **Glossary**

**acquittal** A finding of "not guilty," certifying the innocence of a person charged with a crime.

**adversary system** The trial methods used in the U.S. and some other countries, based on the belief that the truth can best be determined by giving opposing parties full opportunity to present and establish their evidence, and to test by cross-examination the evidence presented by their adversaries, under established rules of procedure before an impartial judge and/or jury.

**alternative dispute resolution** Processes that people can use to help resolve conflicts rather than going to court. Common ADR methods include mediation, arbitration and negotiation.

**Amicus curiae** A friend of the court; one not a party to a case who volunteers to offer information on a point of law or some other aspect of the case to assist the court in deciding a matter before it.

**appeal** A request by the losing party in a lawsuit that the judgment be reviewed by a higher court.

**appellant** The party who initiates an appeal. Sometimes called a petitioner.

**appellate court** A court having jurisdiction to hear appeals and review a trial court's decision.

**appellee** The party against whom an appeal is taken, sometimes called a respondent.

**bar** The whole body of lawyers. The "case at bar" is the case currently being considered.

**brief** A written argument prepared by counsel to file in court setting forth both facts and law in support of a case.

**burden of proof** In the law of evidence, the necessity or duty of affirmatively proving a fact or facts in dispute on an issue raised between the parties in a lawsuit. The responsibility of proving a point—the burden of proof—is not the same as the **standard of proof**. "Burden of proof" deals with which side must establish a point or points; "standard of proof" indicates the degree to which the point must be proven. For example, in a civil case the burden of proof rests with the plaintiff, who must establish his or her case by such standards of proof as "a preponderance of evidence" or "clear and convincing evidence."

**case law** Law based on previous decisions of appellate courts, particularly the Supreme Court.

**certiorari** "To make sure." A request for certiorari is an appeal which the higher court is not required to grant. If it does, then it agrees to hear the case, and a writ of certiorari is issued commanding officials of inferior courts to convey the record of the case to the higher court.

**civil case** A case involving disputes between two or more people, between people and companies, or between people and government agencies.

**common law** The term generally refers to the "judge-made law" (case law or decision law). The common law originated in England in the rulings of judges based on tradition and custom. These rulings became the law common to the land. Common law is distinguished from statutes (laws enacted by legislatures).

**complaint** The first legal document filed in a civil lawsuit. It includes a statement of the wrong or harm done to the plaintiff by the defendant and a request for a specific remedy from the court. A complaint in a criminal case is a sworn statement regarding the defendant's actions that constitute a crime.

**criminal case** A case brought by the government, through a prosecutor, against a person thought to have broken the law. (Criminal law is a broad field of the law involving action taken by the state against a person accused of committing a crime.)

**crime** An act, or failure to act, forbidden by law and designated a crime in the statutes.

**decision** The judgment reached or given by a court of law.

**decree** An order of the court. A **final** decree is one which fully and finally disposes of the litigation; an **interlocutory** decree is one that often disposes of only part of a lawsuit.

**defendant** In a civil case, the person being sued. In a criminal case, the person charged with a crime.

**dispute** A conflict of claims or rights for which a legal suit may be brought.

**dissent** The disagreement of one or more judges with the decision of the majority.

**due process of law** Law in its regular administration through the courts of justice; the guarantee of due process requires that every person be protected by a fair trial; i.e., the right to an impartial judge and jury, the right to present evidence on one's own behalf, the right to confront one's accuser, the right to be represented by counsel, etc.

**enjoin** To issue an injunction, i.e., to issue a court order prohibiting an act.

**equal protection of the law** The guarantee in the Fourteenth Amendment to the U.S. Constitution that all persons be treated equally by the law. Court decisions have established that this guarantee requires that courts be open to all persons on the same conditions, with like rules of evidence and modes of procedure; that persons be subject to no restriction in the acquisition of property, the enjoyment of personal liberty, and the pursuit of happiness, which do not generally affect others; that persons are liable to no other or greater burdens than such laid upon others; and that no different or greater punishment is enforced against them for a violation of the laws.

**federalism or federal system** As applied to the United States, a division of powers between the federal or U.S. government and the governments of the fifty states. The states have powers of their own, such as power to create a public school system. The federal government has powers such as the control over coinage and the regulating of foreign trade. Both have concurrent powers in such areas as taxation and public health and welfare.

**felony** A most serious crime with penalties of imprisonment ranging from a year and a day to life, or, in some states, punishable by death.

**finding** Formal conclusion by a judge or regulatory agency on issues of fact; also a conclusion by a jury regarding a fact.



**grand jury** A jury of inquiry that hears evidence and, if satisfied that there is a probable cause that a crime was committed, presents an indictment. A petit jury is the jury in a criminal trial that decides the guilt or innocence of the accused.

**grievance** A legal dispute.

**grounds** The basis or foundation for some action; legal reasons for filing a lawsuit.

**homicide** The killing of one person by another.

**impartial** Objective; provision of the Sixth Amendment to the U.S. Constitution requiring the judge or a jury not to favor one party over another or to prejudge the merits of the case.

**indictment** A formal charge or accusation of criminal action.

**injunction** A court order prohibiting a threatened or continuing act.

**judicial review** The power of the Supreme Court to declare an act of Congress unconstitutional. *Marbury v. Madison* is the classic case of judicial review.

**legislative history** Background of action by a legislature, including testimony before committees, written reports and debates on the legislation.

**litigation** The process of resolving a dispute over legal rights in court.

**misdemeanor** Less serious crime; in Minnesota punishable by 90 days in jail and/or \$500 fine. **Gross misdemeanor** is a less serious class of crime with penalties of imprisonment from 91 days to one year or a fine greater than \$500 or both. A **petty misdemeanor** is a minor offense for which one may be fined.

**moot** A moot case or a moot point is one not subject to a judicial determination because it involves an abstract question or a pretended controversy which has not yet actually arisen or has already passed. Mootness usually refers to a court's refusal to consider a case because the issue involved has been resolved prior to the court's decision, leaving nothing which would be affected by the court's decision.

**motion** An application for a rule or order, made to a court or judge.

**opinion** A written statement of a judge setting forth the reasons for a decision and explaining his or her interpretation of the law applicable to the case. A **majority** opinion represents the views of more than half of the judges who participated in the case. A **plurality** opinion represents the view of the greatest number of judges, but less than half of those who hear the case. For example, suppose nine judges hear a case and decide it by a five-to-four vote. If all five agree in their reasons for the decision and join in an opinion stating those reasons, it would be a majority opinion. However, if three of the five agree on the reasoning and the other two agree with the decision but not with the reasoning, the opinion of the three would be a plurality opinion. A **dissenting** opinion is one which disagrees with the decision of the majority. A **concurring** opinion agrees with the decision of the majority, but differs from the reasoning of the majority opinion.

**ordinance** The laws passed by city government.

**overrule** To overturn; as, for example, when a court of appeals decides that a previous decision in a different case, by that court or by a lower court, was incorrect. After a case has been overruled it can no longer be referred to as a precedent.

**perjury** Lying under oath.

**plaintiff** The complaining party to litigation; one who initiates the court action.

**precedent** A prior judicial decision that serves as an example or rule to authorize or justify another.

**prosecutor** A public officer who conducts criminal proceedings on behalf of the people (i.e., the government's attorney in a criminal case).

**public defender** A public officer who provides Constitutionally-guaranteed defense for those who are accused of criminal offenses but cannot afford to hire an attorney.

**ratification** The process of approving an amendment to the U.S. Constitution, which is spelled out in Article 5 of that document.

**relief** Deliverance from oppression, wrong, or injustice; a general designation of the assistance, redress, or benefit which a plaintiff seeks at the hands of the court.

**remand** To send back to a lower court, a higher court can remand a case to a lower court with instructions to carry out certain orders.

**remedy** Legal or judicial means by which a right or privilege is enforced or the violation of a right or privilege is prevented, redressed, or compensated.

**reverse** To overturn the ruling of a lower court.

**standard of proof** The level of evidence necessary to prevail in a legal case. It varies depending on the nature of the case. The standard is "**beyond a reasonable doubt**" (the jury has a higher degree of certainty about the defendant's guilt although need not be 100% convinced) in criminal cases, and "**preponderance of the evidence**" or "**clear and convincing evidence**" (the majority of the evidence) in most civil cases.

**statutory law** Law enacted by the legislative branch of government, as distinguished from **case law** or **common law**. A statute is an act of the legislature declaring, commanding or prohibiting something. Regulation refers to rules made by government agencies that carry out the intent of a statute.

**stay** To stop or hold off. To stay a judgment is to prevent it from being enforced.

**subpoena** A process which requires a person to appear as a witness and give testimony in court.

**supreme court** The highest court of most states; the highest court of the United States. The U.S. Supreme Court is made up of a chief justice and eight associate justices appointed by the president. Supreme Court decisions must be followed by lower courts in similar cases. However, the Supreme Court itself need not abide by its earlier decisions if it becomes convinced that circumstances demand a new approach. After a major decision by the Supreme Court, legislatures often revise laws to bring them into accord with the Constitution as interpreted by the decision.

**supremacy clause** Article 6, clause 2 of the Constitution, which declares the federal Constitution and laws to be binding over the state constitutions and laws.

**trier of fact** The judge or jury when deciding the events that actually happened as proven in a trial. A **court trial** is a type of trial where the judge is the trier of fact as well as law. A **jury trial** is a type of trial where the jury is the trier of fact.

**voir dire** The process of selecting a jury.

**warrant** A court order calling for the arrest of the person named for a specific charge or the search of a specified area.

## **Guidelines for Teacher Coaches**

### **Role of the Teacher Coach**

Your role as a mentor and a leader is critical to the success of your team. Your general responsibilities include assisting your team members with the following:

1. **Education and Sportsmanship**

Learning about the law and the legal system, as well as the substantive issue around which the case is based, is the primary goal of the Mock Trial program. Healthy competition helps to achieve this goal; however, teacher advisors must remember their responsibility to keep the competitive spirit at a *reasonable level*. The reality of the adversary system is that one party wins and the other loses, and teacher advisors must prepare their teams to accept *graciously* either outcome in a mature manner. Teacher advisors can help prepare students for either outcome by placing the highest value on excellent preparation and presentation, rather than on winning or losing the trial.

2. **Rules of the Program and Procedure**

Please ensure that you and your team members have read the rules thoroughly several times. You are expected to help your team members learn and adhere to them, as well as to the Code of Ethical Conduct.

3. **Role Assignments**

Team members should be strongly encouraged to select roles based on their interests and abilities, not on the basis of any gender or cultural stereotypes which might be drawn from the characterizations in the fact pattern. Note that all witnesses, unless otherwise noted, are gender neutral and may be played by males or females.

4. **Team Preparation**

Teams must learn and prepare to present both sides of the case. Once your team has done this, you are strongly encouraged to arrange and conduct practice mock trials (scrimmages) prior to regional and state final tournaments. Scrimmages require only one attorney to act as a presiding judge because it is not necessary to award points to teams during these practice rounds. Your attorney coach may be able to help you obtain use of a courtroom, but classrooms or other facilities may also be used.

### **Working with an Attorney Coach**

While the Arizona Foundation for Legal Services & Education is available to help locate an attorney to coach a team entered in the competition, you, as a local teacher, are often the best judge of a suitable person to assist your team. Possible sources include the following: parents or relatives of students, alumni, acquaintances, local law firms, county attorney's office, school board members or local judges. If you are unable to find an attorney to work with your team, fill out the "Need an Attorney Coach?" form on the Law for Kids website at this link: <https://lawforkids.org/need-an-attorney-coach>.

Since attorneys have time limitations, they should be used as consultants when their expertise is needed, but they do not need to be present at all team activities or practices, unless they wish to do so. As a consultant, the attorneys should **advise** students, but should not author any portion of the team's trial materials.

### **After You Have Identified Your Attorney Coach**

1. Invite her/him to attend the training workshop in your area.
2. Provide her/him with a copy of the mock trial materials so s/he can become familiar with the case problem and rules of competition, evidence and procedure.
3. Discuss meeting times and places with students.
4. Discuss the case and the attorney's suggestions regarding strategy and arguments for both sides.

### Before Meeting With Your Attorney Coach

1. Have the students learn the statement of facts and witness statements (in affidavits) as thoroughly as possible. You might try having the students quiz each other one student looks at the facts and affidavits and asks the other student(s) questions; then reverse roles.
2. Try brainstorming with your students to elicit factual arguments for both the plaintiff/prosecution and the defense; i.e., which facts support the plaintiff's/prosecution's case and which facts support the defendant's case?
3. Have students try to string facts together to make a logical assumption about the case.
4. Have students read through the procedures for trial of civil/criminal cases, the simplified rules of evidence, and the mock trial rules. Discuss with your students and be sure to write down any questions they have for your attorney coach. For rules clarification, log onto [www.lawforkids.org/mock-trial](http://www.lawforkids.org/mock-trial) and post a question in the Question Center.
5. Conduct lessons designed to familiarize students with the court system and civil or criminal procedure. It will help your team if they observe a real trial before the mock trial. Contact the clerk of the district court in your county to find out when a trial is scheduled at the courthouse. The public is invited to attend these trials.

### Together With Your Attorney Coach

Learn the problem, the rules of program and procedure and the rules of evidence.

1. Develop a case strategy. The entire team should work together on this process. You should be sure your attorney understands that her/his role is to serve as a consultant to the students, not as a director or decision maker for the team. For the educational goals of the mock trial program to be achieved, it is the team members who must be the ones who actually prepare their own presentations, which should be consistent with the strategy that has been established. Consider the following when developing your team strategy:
  - What are the strengths of your case? These are the points and issues you will want to emphasize.
  - What are the weaknesses of your case? These are the points and issues for which you must prepare a counterargument.
  - Are your strategies integrated? That is, are the witnesses and attorneys all promoting the same "theme" and "theory?" You need to work as a team during the course of the trial, and each team members must always be certain about where you are headed.
  - Where are the possible holes in your strategy? You don't want to be confronted with surprises at trial, and you must be prepared to cope with the unexpected.
  - Is there a particular key witness whom you will want to exploit during cross-examination?
  - Will we need to use all our time? If your strategy has been achieved before you have used all your allotted time that is fine.
  - While it is not necessary for mock trial purposes, you may wish to research cases cited as references in order to better understand the trial.
2. Other considerations when preparing your case:
  - In which order to call your witnesses
  - Physical position in the courtroom
  - What information should be contained in your opening statement and closing argument. (Again, remember that the coaches may give the students ideas, but should not write the statements for them.)
  - What questions to ask on direct and cross-examination of each of the six witnesses.

- How to avoid asking objectionable questions and what to do if one of your questions is objected to.
- How and when to object to the opposition's questions.
- How to introduce exhibits and offer them into evidence.
- How to exhibit proper courtroom decorum and good sportsmanship.

### **Practicing With Your Attorney Coach**

1. Observe a real trial in county or district court.
2. Consider asking a speech or drama teacher to observe your team in action and offer suggestions for improving the students' presentations.
3. Practice the trial in full, including direct and cross-examinations, in front of your attorney coach or another local attorney or judge who is willing to sit in and offer suggestions. Your team should have presented its entire case several times prior to the regional competition.
4. Set up a scrimmage among your own team members, if there are enough students participating. Have one group present the prosecution/plaintiff's side and the other group present the defense. If you do not have enough students on your team, set up a scrimmage with another school, to give teams the full flavor of participating in a mock trial. Arrange for a local attorney or judge to preside, if at all possible, conduct the trial in a courtroom setting.





## **Guidelines for Attorney Coaches**

As a mentor and a role model, you are critical to the success of your team. Of primary importance is your ability to impart to the students that we are a society governed by the rule of law. By the end of the mock trial season, it is our hope they will have a keen understanding and an abiding respect for the law and the legal system. We realize this is not an easy charge, but who better than you the lawyer can help them develop that understanding and respect? Naturally, they will look to you for guidance in both their performance and their courtroom decorum. As a result, it is critical that you demonstrate for them professional and ethical behavior.

And, as much as you will want to help the students, to point them in the right direction, and to give them the benefit of your experience, remember that the students and teachers will develop a better understanding of the case and learn more from the experience, if the attorney advisors do not dominate the preparation phase of the competition. To achieve the educational goals of the mock trial program, the preparation phase of the contest must be to be a cooperative effort of students, teacher and attorney coach. Remember, it is critical to avoid (even the appearance of) "talking down" to students and/or stifling discussion through the use of complicated "legalese."

Finally, the session descriptions below are suggestions only. You and the teacher advisor should approach the tasks in whatever order you deem appropriate, *provided that all of them are covered*.

### **First Session**

1. Prior to meeting with the team, confirm the teacher advisor has already distributed the case materials among the team members, and they have read and are familiar with them.
2. At the first meeting, confirm the students understand the sequence of a trial, the steps in each sequence, the layout of the courtroom and the participants in a mock trial. If the team members are not clear on these concepts, review them prior to moving forward.
3. Review the Rules of Evidence (mock trial simplified version) with your team. They are available on the web site, [www.lawforkids.org/mock-trial](http://www.lawforkids.org/mock-trial). Ensure the team members know the hearsay rule and all its exceptions.

### **Second Session**

1. Examine and discuss the factual basis of the case, witnesses' testimony, and the strengths and weaknesses of each side of the case. Remember your team must prepare to present both sides. Key information might be listed on the blackboard as the discussion proceeds so that it can be referred to at some later time. Categorize facts: important, damaging, conflicting.
2. Discuss the law involved in the case and the burden of proof. Put the students on the stand with notes and then have the attorney coach proceed with an example of direct and cross-examinations.
3. Determine the roles of the team members, establishing who will act as witnesses and attorneys. Since each team is required to represent both sides of the case during the competition, all roles in the case should be assigned and practiced.
4. Emphasize that team members should not memorize their roles since in a real trial they would have to play it by ear. Rather than memorizing his/her role(s), each student should concentrate on knowing all the facts of the case.

### **Third Session**

Go through the trial from beginning to end, ensuring all the following steps are covered.

1. Work with the student attorneys, concentrating on what should be covered in an opening statement and a closing argument. Remember that the role of the attorney coach is that of a consultant, not an author. Give the students ideas, but don't write statements for them. Ask other members of the team what they think should be included in the opening and closing.



2. Have witnesses called to the stand to be examined by student attorneys. Work with students to develop questioning techniques that will elicit testimony to support either side of the case. Have other team members make suggestions to both witnesses and attorneys.
3. Have attorneys practice making objections, and discuss both the style and substance of the objections thoroughly.
4. Have attorneys practice responding to objections. This is one of the most difficult skills for students to master, and it can only be achieved through knowing the rules inside and out.

#### **Subsequent Sessions**

1. Conduct cross-examination and define possible areas where objections could occur; look for other areas that your team's attorneys might want to focus on during cross-examination; have all team members make suggestions.
2. Practice opening statements and closing arguments, how to lay a foundation for exhibits, what to do when the opposing team objects to your questions.
3. Discuss appropriate courtroom decorum and etiquette.

#### **Last Session Prior to Regionals**

1. Conduct a final run-through of the entire trial. Allow team members, attorney coach(es) and the teacher advisor(s) to act as the presiding judges and the opposing team's attorneys.
2. Enlist the support of community members, especially attorneys or judges, to sit in and offer suggestions.
3. You are encouraged to attend the regional competition. This will not only bolster the team's courage, but it will also demonstrate to them your commitment and your interest in their achievements.

#### **If Your Team Advances to the State Tournament**

Only a percentage of the teams competing in each region will advance to the State Tournament. Advancing teams are notified by email the week following Regionals. If your team is among those that advance, the time between Regionals and the State Tournament are the team's opportunity to improve its performance. The score sheets from Regionals will be provided to the teacher, and these should be reviewed to identify potential areas for improvement.

#### **If Your Team Does Not Advance to the State Tournament**

First and foremost, let your team know you are aware of and respect the work they have invested to prepare for Regionals. Naturally, if they didn't really work hard, that sentiment should be downplayed. But, any student who shows up for practice, learns her or his role and actually works hard should be congratulated regardless of the outcome.

Consider attending the championship round with our team. From the experience, your team members will have an accurate perception of the level of expertise that must be achieved to advance to the final round, and they may feel better about not advancing when they have the opportunity to view the presentations of those who did and compare it with their own performances at Regionals.

## Teacher/Attorney Coach Assessment Rubric\* For Mock Trial Participant Performance

**For Use During Rehearsals Only. This is NOT the score sheet used by Judges during the tournaments.**

*\*Based on the Georgia High School Mock Trial Competition Judging Panel Scratch Sheet and the Illinois State Bar Association High School Mock Trial rubric for teacher evaluation assistance.*

Participants are scored by evaluators on a scale of 1-10: **Not Effective (1-2); Fair (3-4); Good (5-6); Excellent (7-8); Outstanding (9-10)** During tournament rounds, evaluators award and deduct points at their discretion. All scores/points in a tournament round are subjective and therefore scores/points are the last item considered in the power match process (see Rules 26-29 for details).

<b>Plain/Pros</b>		<b>Defense</b>
	<b>Opening Statement</b> <ul style="list-style-type: none"> <li>➤ Provided a case overview</li> <li>➤ The theme of the case was identified</li> <li>➤ Mentioned the key witnesses</li> <li>➤ Provided a clear and concise description of their team's side of the case</li> <li>➤ Stated the relief requested</li> <li>➤ Discussed the burden of proof</li> <li>➤ Non-argumentative</li> <li>➤ Points may be deducted for use of notes, at the evaluators discretion (see Rule 46)</li> <li>➤ Points should be deducted if opening statement exceeds time limit</li> </ul>	
	<b>Plain/Pros Attorney direct examination (and optional redirect) of <u>Witness #1</u>-</b> <ul style="list-style-type: none"> <li>➤ properly phrased questions – non-leading</li> <li>➤ used proper courtroom procedure</li> <li>➤ demonstrated understanding of facts, issues, and law</li> <li>➤ used case theme appropriately/effectively during line of questioning</li> <li>➤ handled objections appropriately and effectively and did not overuse objections</li> <li>➤ did not ask questions that called for an unfair extrapolation from the witness</li> <li>➤ demonstrated an understanding of the modified federal rules of evidence</li> <li>➤ handled physical evidence appropriately and effectively (if applicable) – see Rule 45</li> </ul>	
	<b>Plain/Pros <u>Witness #1</u>-</b> <ul style="list-style-type: none"> <li>➤ witnesses <u>may not</u> use notes</li> <li>➤ credible portrayal of character</li> <li>➤ showed understanding of the facts</li> <li>➤ sounded spontaneous, not memorized</li> <li>➤ poised and observed courtroom decorum</li> <li>➤ Avoids unnecessarily long and/or non-responsive answers on cross</li> <li>➤ points should be deducted for the use of unfair extrapolations</li> </ul>	
	<b>Defense Attorney cross (and optional re-cross) of <u>Witness #1</u></b> <ul style="list-style-type: none"> <li>➤ properly phrased questions - leading</li> <li>➤ effective</li> <li>➤ properly impeached witness</li> <li>➤ handled objections appropriately and effectively</li> <li>➤ did not overuse objections</li> <li>➤ used various techniques, if necessary, to handle a non-responsive witness</li> <li>➤ demonstrated an understanding of the modified federal rules of evidence</li> <li>➤ handled physical evidence appropriately and effectively (if applicable) – see Rule 45</li> </ul>	

	<b>Plain/Pros Attorney direct examination (and optional redirect) of <u>Witness #2</u>-</b> <ul style="list-style-type: none"> <li>➤ properly phrased questions – non-leading</li> <li>➤ used proper courtroom procedure</li> <li>➤ demonstrated understanding of facts, issues, and law</li> <li>➤ used case theme appropriately/effectively during line of questioning</li> <li>➤ handled objections appropriately and effectively and did not overuse objections</li> <li>➤ did not ask questions that called for an unfair extrapolation from the witness</li> <li>➤ demonstrated an understanding of the modified federal rules of evidence</li> <li>➤ handled physical evidence appropriately and effectively (if applicable) – see Rule 45</li> </ul>	
	<b>Plain/Pros <u>Witness #2</u>-</b> <ul style="list-style-type: none"> <li>➤ witnesses <u>may not</u> use notes</li> <li>➤ credible portrayal of character</li> <li>➤ showed understanding of the facts</li> <li>➤ sounded spontaneous, not memorized</li> <li>➤ poised and observed courtroom decorum</li> <li>➤ Avoids unnecessarily long and/or non-responsive answers on cross</li> <li>➤ points should be deducted for the use of unfair extrapolations</li> </ul>	
	<b>Defense Attorney cross (and optional re-cross) of <u>Witness #2</u></b> <ul style="list-style-type: none"> <li>➤ properly phrased questions - leading</li> <li>➤ effective</li> <li>➤ properly impeached witness</li> <li>➤ handled objections appropriately and effectively</li> <li>➤ did not overuse objections</li> <li>➤ used various techniques, if necessary, to handle a non-responsive witness</li> <li>➤ demonstrated an understanding of the modified federal rules of evidence</li> <li>➤ handled physical evidence appropriately and effectively (if applicable) – see Rule 45</li> </ul>	
	<b>Plain/Pros Attorney direct examination (and optional redirect) of <u>Witness #3</u>-</b> <ul style="list-style-type: none"> <li>➤ properly phrased questions – non-leading</li> <li>➤ used proper courtroom procedure</li> <li>➤ demonstrated understanding of facts, issues, and law</li> <li>➤ used case theme appropriately/effectively during line of questioning</li> <li>➤ handled objections appropriately and effectively and did not overuse objections</li> <li>➤ did not ask questions that called for an unfair extrapolation from the witness</li> <li>➤ demonstrated an understanding of the modified federal rules of evidence</li> <li>➤ handled physical evidence appropriately and effectively (if applicable) – see Rule 45</li> </ul>	
	<b>Plain/Pros <u>Witness #3</u>-</b> <ul style="list-style-type: none"> <li>➤ witnesses <u>may not</u> use notes</li> <li>➤ credible portrayal of character</li> <li>➤ showed understanding of the facts</li> <li>➤ sounded spontaneous, not memorized</li> <li>➤ poised and observed courtroom decorum</li> <li>➤ Avoids unnecessarily long and/or non-responsive answers on cross</li> <li>➤ points should be deducted for the use of unfair extrapolations</li> </ul>	
	<b>Defense Attorney cross (and optional re-cross) of <u>Witness #3</u></b> <ul style="list-style-type: none"> <li>➤ properly phrased questions - leading</li> <li>➤ effective</li> <li>➤ properly impeached witness</li> <li>➤ handled objections appropriately and effectively</li> <li>➤ did not overuse objections</li> <li>➤ used various techniques, if necessary, to handle a non-responsive witness</li> <li>➤ demonstrated an understanding of the modified federal rules of evidence</li> <li>➤ handled physical evidence appropriately and effectively (if applicable) – see Rule 45</li> </ul>	

	<b>Defense Attorney direct examination</b> (and optional redirect) of <b>Witness #1-</b> <ul style="list-style-type: none"> <li>➤ properly phrased questions – non-leading</li> <li>➤ used proper courtroom procedure</li> <li>➤ demonstrated understanding of facts, issues, and law</li> <li>➤ used case theme appropriately/effectively during line of questioning</li> <li>➤ handled objections appropriately and effectively and did not overuse objections</li> <li>➤ did not ask questions that called for an unfair extrapolation from the witness</li> <li>➤ demonstrated an understanding of the modified federal rules of evidence</li> <li>➤ handled physical evidence appropriately and effectively (if applicable) – see Rule 45</li> </ul>	
	<b>Defense Witness #1-</b> <ul style="list-style-type: none"> <li>➤ witnesses <u>may not</u> use notes</li> <li>➤ credible portrayal of character</li> <li>➤ showed understanding of the facts</li> <li>➤ sounded spontaneous, not memorized</li> <li>➤ poised and observed courtroom decorum</li> <li>➤ Avoids unnecessarily long and/or non-responsive answers on cross</li> <li>➤ points should be deducted for the use of unfair extrapolations</li> </ul>	
	<b>Plain/Pros Attorney cross</b> (and optional re-cross) of <b>Witness #1</b> <ul style="list-style-type: none"> <li>➤ properly phrased questions - leading</li> <li>➤ effective</li> <li>➤ properly impeached witness</li> <li>➤ handled objections appropriately and effectively</li> <li>➤ did not overuse objections</li> <li>➤ used various techniques, if necessary, to handle a non-responsive witness</li> <li>➤ demonstrated an understanding of the modified federal rules of evidence</li> <li>➤ handled physical evidence appropriately and effectively (if applicable) – see Rule 45</li> </ul>	
	<b>Defense Attorney direct examination</b> (and optional redirect) of <b>Witness #2-</b> <ul style="list-style-type: none"> <li>➤ properly phrased questions – non-leading</li> <li>➤ used proper courtroom procedure</li> <li>➤ demonstrated understanding of facts, issues, and law</li> <li>➤ used case theme appropriately/effectively during line of questioning</li> <li>➤ handled objections appropriately and effectively and did not overuse objections</li> <li>➤ did not ask questions that called for an unfair extrapolation from the witness</li> <li>➤ demonstrated an understanding of the modified federal rules of evidence</li> <li>➤ handled physical evidence appropriately and effectively (if applicable) – see Rule 45</li> </ul>	
	<b>Defense Witness #2-</b> <ul style="list-style-type: none"> <li>➤ witnesses <u>may not</u> use notes</li> <li>➤ credible portrayal of character</li> <li>➤ showed understanding of the facts</li> <li>➤ sounded spontaneous, not memorized</li> <li>➤ poised and observed courtroom decorum</li> <li>➤ Avoids unnecessarily long and/or non-responsive answers on cross</li> <li>➤ points should be deducted for the use of unfair extrapolations</li> </ul>	
	<b>Plain/Pros Attorney cross</b> (and optional re-cross) of <b>Witness #2</b> <ul style="list-style-type: none"> <li>➤ properly phrased questions - leading</li> <li>➤ effective</li> <li>➤ properly impeached witness</li> <li>➤ handled objections appropriately and effectively</li> <li>➤ did not overuse objections</li> <li>➤ used various techniques, if necessary, to handle a non-responsive witness</li> <li>➤ demonstrated an understanding of the modified federal rules of evidence</li> <li>➤ handled physical evidence appropriately and effectively (if applicable) – see Rule 45</li> </ul>	

	<b>Defense Attorney direct examination (and optional redirect) of <u>Witness #3</u>-</b> <ul style="list-style-type: none"> <li>➤ properly phrased questions – non-leading</li> <li>➤ used proper courtroom procedure</li> <li>➤ demonstrated understanding of facts, issues, and law</li> <li>➤ used case theme appropriately/effectively during line of questioning</li> <li>➤ handled objections appropriately and effectively and did not overuse objections</li> <li>➤ did not ask questions that called for an unfair extrapolation from the witness</li> <li>➤ demonstrated an understanding of the modified federal rules of evidence</li> <li>➤ handled physical evidence appropriately and effectively (if applicable) – see Rule 45</li> </ul>	
	<b>Defense <u>Witness #3</u>-</b> <ul style="list-style-type: none"> <li>➤ witnesses <u>may not</u> use notes</li> <li>➤ credible portrayal of character</li> <li>➤ showed understanding of the facts</li> <li>➤ sounded spontaneous, not memorized</li> <li>➤ poised and observed courtroom decorum</li> <li>➤ Avoids unnecessarily long and/or non-responsive answers on cross</li> <li>➤ points should be deducted for the use of unfair extrapolations</li> </ul>	
	<b>Pros/Plain Attorney cross (and optional re-cross) of <u>Witness #3</u></b> <ul style="list-style-type: none"> <li>➤ properly phrased questions - leading</li> <li>➤ effective</li> <li>➤ properly impeached witness</li> <li>➤ handled objections appropriately and effectively</li> <li>➤ did not overuse objections</li> <li>➤ used various techniques, if necessary, to handle a non-responsive witness</li> <li>➤ demonstrated an understanding of the modified federal rules of evidence</li> <li>➤ handled physical evidence appropriately and effectively (if applicable) – see Rule 45</li> </ul>	
	<b>Closing Argument</b> <ul style="list-style-type: none"> <li>➤ Theme continued in closing argument</li> <li>➤ Summarized the evidence</li> <li>➤ emphasized the supporting points of their own case and damaged the opponent's case</li> <li>➤ concentrated on the important, not the trivial</li> <li>➤ Applied the applicable law</li> <li>➤ Discussed burden of proof</li> <li>➤ Responded to judge's questions with poise</li> <li>➤ Overall, the closing argument was persuasive</li> <li>➤ There should be only a minimal reliance on notes during the closing argument</li> <li>➤ Points should be deducted if closing argument exceeds time limit</li> </ul>	
	<b>Sub Total--sum of speaker points above - 110 points maximum each side</b>	

	<p style="text-align: center;"><b>Team Points</b></p> <p><i>Evaluators will award 1 to 10 points in this category to each team in a round. These points are subjective and the amount awarded is at the discretion of the evaluator. <b>No ties are allowed.</b></i></p> <p><i>Evaluators may consider the following elements when awarding team points:</i></p> <ul style="list-style-type: none"> <li>➤ As a whole, the team presented an effective case.</li> <li>➤ As a whole, the team members showed an understanding of the rules of the tournament, the modified federal rules of evidence, the applicable law and the facts of the case.</li> <li>➤ As a whole, the team presented their case within the letter and the spirit of the mock trial rules, all trial strategies used were ethical and the team adhered to the Code of Ethical Conduct.</li> <li>➤ A cohesive theme of the case was used throughout each portion of the trial presentation</li> <li>➤ Each member of the team was able to present information in a logical and articulate manner.</li> <li>➤ As a whole, the team seemed poised, knowledgeable and well-prepared.</li> <li>➤ Witnesses responded to questions accurately, within the scope of the information contained in their witness statement and related exhibits, and attorneys did not ask witnesses for information outside the scope of the appropriate case materials.</li> <li>➤ Team members directed comments to the appropriate audience - judge, jury or witness - with good eye contact. The team's demeanor was positive and all members observed proper courtroom decorum at all times.</li> <li>➤ There was minimal reliance on notes throughout the entire presentation.</li> <li>➤ Appropriate time limits were followed in each portion of the trial.</li> </ul>	
	<b>FINAL POINT TOTAL --add Sub-Total and Team points</b> <b>110 points maximum each side NO TIE ALLOWED</b>	

**POINT(S) PERFORMANCE CRITERIA FOR EVALUATING STUDENT PERFORMANCE**

*On a scale of 1-10 (with 10 being the highest), rate the performance of the two teams in the categories on the score sheet. Each category is to be evaluated separately. Do NOT give fractional points. After scoring speaker points for individuals, award 1-10 points to each team as the team award.*

**1-2 = Not Effective** - Unsure of self, illogical, uninformed, not prepared, speaks incoherently, definitely 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 it. Communications are clear and understandable, but could be stronger in fluency and persuasiveness.

**7-8 = Excellent** - Fluent, persuasive, clear, and understandable. Organizes materials and thoughts well and exhibits mastery of the case and materials.

**9-10 = Outstanding** - Superior in qualities listed for 7-8 points' performance. Thinks well on feet, is logical, and keeps poise under duress. Can sort out essential from the nonessential and use time effectively to accomplish major objectives. Demonstrates the unique ability to utilize all resources to emphasize vital points of the trial.

## **Trial Procedures & Presentations**

Observe the mock trial rules in the courtroom at all times: Rise when addressing the judge, direct ALL remarks to the judge, jury, or witness—NEVER to opposing counsel. Natural movement of attorneys during trial is encouraged; however, while examining witnesses, do not approach the bench, jury or witness without permission from the judge. The case will be tried as if to a jury if there is a panel of scoring judges. If there is one presiding/scoring judge, the case will be tried as a bench trial. The following remarks are general guidelines designed to aid teams in “technique.” They are not to be interpreted as rules of the tournament, unless otherwise designated.

*Pretrial Motions, a Motion for a Directed Verdict, or a Motion for an acquittal or dismissal at the end of the Plaintiff/Prosecution’s case may not be presented or considered (See Rule II.21 and 25).*

### **I. OPENING STATEMENTS**

Purpose: To introduce yourself and your client and to acquaint the jury and judge with the nature of the case. Outline the case from your point of view and mention key witnesses’ testimony and tell the jury and judge what relief you are requesting.

Avoid: Too much narrative detail about witness testimony and exaggeration and overstatement of facts that may not be proven. Do not argue or discuss the law, as it is not permitted here. *Try to avoid reading too much.* Use of notes should be kept to a minimum during the course of the trial. Defendant should not repeat undisputed facts.

### **II. STIPULATIONS**

See Rule II.3

### **III. PRESENTING EVIDENCE**

#### **A. DIRECT EXAMINATION**

Purpose: To present evidence that warrants submission of your case to the jury and judge. Present facts that support your case with clarity. Try to show your witnesses at their best.

Avoid: Complex and verbose questions. Keep it simple. Take the witness by small steps. Don’t attempt to elicit conclusions—that is the jury’s job (or the judge’s job if no jury is present). Avoid redundant, monotonous questioning. Use care in allowing narrative testimony; it could prove dangerous if the witness gets out of your control. When your facts are in, cease questioning.

#### **B. CROSS EXAMINATION**

Purpose: To discredit the witness and to discover the flaws in his/her testimony. Try to secure admissions that help your case.

Avoid: Hostility toward the witness—juries and judges usually resent it. Don’t engage in “fishing expeditions” by giving the witness a chance to clarify damaging statements. When you have a favorable answer, drop the matter and wait for closing argument to emphasize it.

#### **Impeachment**

If testimony is given which you feel contradicts the witness’ statement, wait until cross examination, then confront the witness with the statement and bring out inconsistencies in testimony given.

On cross examination, the attorney may want to show the jury and judge that the witness should not be believed. This is called impeaching the witness. It may be done by asking questions about prior conduct that make the witness’ credibility (truth telling ability) doubtful. Impeachment may also be done, if the



witness' testimony warrants it, by asking the witness whether s/he has ever testified differently, then using the witness' signed and sworn statement. It is not necessary to tender a witness' statement in evidence in order to read from it for impeachment purposes. The attorney should ask the witness whether the statement was made under oath, at a time much closer to the events in controversy, and contained all that the witness could then remember. The attorney may then want to (1) read and ask the witness to confirm only that portion of the statement that is in question, (2) leave the matter and point out on closing argument the contradiction between the statement and the witness' testimony (both of which were under oath), (3) ask the witness why his/her testimony is different today under oath than it was when it was then under oath and much nearer in time to the events (***this can be a dangerous question***), or (4) ask the witness whether s/he was lying under oath when s/he gave his/her statement or lying under oath today (***this can also be a dangerous question unless the contradiction is very clear, definite, and material, and may be objectionable as an argument***).

NOTE: Witnesses must admit making their statements when directly confronted with the question, "Do you remember making and signing this statement under oath," or one substantially similar. Don't waste time by "over impeaching" on matters, which aren't material to your case.

At the conclusion of Prosecution/Plaintiff's evidence, Prosecution/Plaintiff should let it be known it is through by stating, "The Prosecution/Plaintiff rests its case, your Honor." At conclusion of Defense/Defendant's evidence, Defense/Defendant should let it be known s/he is through by stating, "The Defense/Defendant rests its case, your Honor." This lets the Court know to proceed with the rest of the trial.

### C. OBJECTIONS

Purpose: To present to the judge a rule of evidence that would bar an answer to the question asked (or result in striking from the record the answer, if already given). Special objections may also be used to bring a procedural problem to the judge's attention.

NOTE: If the argument on the application of the rule of evidence would result in the jury being made aware of the challenged evidence, counsel may acknowledge for the record that the argument is being made to the court outside the presence of the trial jury. During the course of the trial, it is strongly suggested that student attorneys handle situations where an unfair extrapolation may have occurred through impeachment and only request a ruling from the judge on a perceived unfair extrapolation as a last resort.

Opposing Counsel: Upon an objection being raised, opposing counsel should immediately rise and be prepared to respond to the objection, arguing why it should be overruled. Because of the educational nature of the program, presiding judges are strongly urged to allow the full objection process to be completed before ruling. Note, however, that excessive objections may result in point deductions and may result in the judge ruling immediately in the interest of time. See Rules II.22 and III.3.

NOTE: An attorney may object any time the opposing attorneys have violated the Rules of Evidence. The attorney wishing to object should stand up and state the reason. Then the judge will turn to the attorney who asked the question, and that attorney usually will have a chance to explain why the objection should not be accepted ("sustained") by the judge. The judge will then decide to "sustain" the objection, thereby disallowing the question or discarding the answer; or the judge will "overrule" the objection, thereby allowing the question to be answered or the answer to remain on the trial record. Student attorneys should be prepared to cite the correct rule number upon which their objection is based, if asked for that information by the Court.

**REMEMBER: Winning or losing the ruling on an objection is not what is important, and the scoring judges are not looking at whether an attorney wins or loses on an objection, or even on a series of objections, but rather the presentation of the objection(s) and opponent's response(s) (both verbally and strategically) to the objection(s) and to the Court's ruling(s).**

Following are examples of standard objections:

1. IRRELEVANT EVIDENCE: "I object, your Honor. The evidence/testimony is irrelevant to any issue in this case."
2. LEADING QUESTION: "Objection. Counsel is leading the witness." (NOTE: Remember that an attorney may ask leading questions when cross examining the opponent's witnesses.)
3. IMPROPER CHARACTER TESTIMONY: "Objection. The witness' character or reputation has not been put in issue." OR "Objection. Only the witness' character for truthfulness is at issue here."
4. HEARSAY: "Objection. Counsel's question is seeking a hearsay response." (NOTE: If the witness makes a hearsay statement, the attorney should say, "The witness' answer is based on hearsay and I ask that the statement be stricken from the record.") In responding to a hearsay objection, it may be appropriate for counsel to point out a specific exception or to argue that the hearsay rule does not apply: "Your Honor, the testimony is not offered to prove the truth of the matter asserted, but only to show . . ."
5. OPINION: "Objection. Counsel is asking the witness to give an expert opinion for which s/he has not been qualified."

#### D. REDIRECT/RECROSS [optional]

Purpose: To rehabilitate a witness or repair damage done by your opponent.

NOTE: If the credibility or reputation for truthfulness of the witness has been attacked on cross examination, the attorney whose witness has been damaged may wish to ask several more questions. These questions should be limited to the damage the attorney thinks has been done and should be phrased to try to "save" the witness' truth telling image in the eyes of the court. Redirect examination is limited to issues raised by the attorney on cross examination. If questions on other matters are asked, a proper objection would be: "Objection: Counsel is asking the witness about matters that did not come up in cross examination." See Rule II.12

#### E. EXHIBITS

Purpose: So that exhibits may be referred to in detail and parts read to the jury.

Procedure: Student attorneys must be able to lay an appropriate foundation for the exhibit to be introduced. Generally, this consists of eliciting testimony that the exhibit is what it purports to be. For example, to introduce a written report, the witness must be able to testify from personal knowledge who prepared the report, when it was prepared, and that the copy to be introduced is a true and correct copy of the report.

NOTE: Generally, no attorney or witness may read from an exhibit until it is identified and admitted into evidence by the court.

### IV. CLOSING ARGUMENTS

Purpose: To summarize your case. Point out testimony, which supports your case and that which damages your opponent's. This is where you put the pieces together for the jury and judge. Argue what you feel is important and discard the unimportant. *Be an advocate—forcefully urge your point of view. Be dynamic—avoid a boring review of the facts. This is high drama so take full advantage of it.* State your case so you are sure it is fully understood. Correct any misunderstanding that the jury or judge may have. You may use all

exhibits that have been admitted into evidence at this point. Point out bias, credibility, self-interest or prejudice of witnesses.

Avoid: Assuming the jury and judge have understood the impact of all the testimony. Be cautious in using ridicule, for while it can be effective, it is also dangerous. Avoid illogical or confusing argument. Organize in advance by anticipating your opponent's argument. Avoid weak words, such as "we believe" and "we think," etc. BE POSITIVE.

NOTE: Asking the jurors and judge to put themselves in your client's position is improper. Overt appeals to sympathy and prejudice of jurors or the judges are also improper. No rebuttal closing arguments are permitted. See Rule II.24

TIME: Closing arguments are limited to 5 minutes per side, regardless of how much time the side has remaining. Mandatory penalty points are assessed for closing arguments that exceed 5 minutes. See Rule III.1

### PREPARING AND PRESENTING YOUR CASE

Carefully examine the problem materials. Review the facts, witness statements and documents, taking care to note all conflicts and information that is unclear. Formulate as many theories of the case as you can and consider what problems you will have proving each theory. A key part of trial preparation is planning direct and cross examination.

Go over each witness statement with the person selected for that role and be sure each witness is thoroughly prepared. **Remember that well prepared and believable witnesses increase the team's chance of success.** (Witnesses can gain just as many points for a team through their performance as a student attorney can gain. Each witness should be given a copy of his/her individual statement and should be informed of the facts of the whole case so that each will understand his/her role in the picture. Additionally, each witness should be familiar with the other statements and all exhibits, even though they are bound only by what's included in their own individual statement and related exhibits. It's important for witnesses to understand how they fit into the overall theme of the case from the Plaintiff/Prosecution and Defense perspectives. Prepare the witness for cross examination by having another team member play the part of an opposing attorney.

Attorneys may use notes in presenting their cases. **However, student attorneys should be encouraged by their coaches to wean themselves away from their notes throughout the preparation process.** Reliance on notes during a mock trial presentation, especially after the student has had several weeks to prepare for the competition round, may not be looked upon favorably by scoring judges. Witnesses are not permitted to use notes while testifying during the trial. Documents included in the trial packet may be used either to refresh the memory of a witness or to impeach the witness.

The Mock Trial Program is designed to foster a better understanding of the legal process and to encourage the development of analytical and communicative skills, regardless of the career path the student wishes to embark upon. An integral part of a winning case is the effective presentation of the evidence. **A dry, mechanical, memorized presentation cannot match the effectiveness of an examination done with imagination and polish.** It is a proven fact that interested jurors are more attentive to the case than bored ones. An effective advocate may not always be able to turn a bad case into a winner, but s/he can usually keep a winner from stumbling in the face of a vigorous challenge. The judge/evaluators are aware of this and will grade your presentations accordingly.

## **Suggestions for Student Attorneys**

This outline offers various hints to help students prepare to be attorneys on the mock trial teams. Included are tips and techniques for both advance preparation before trial and the presentation at trial of the opening statement, direct and cross-examinations, and closing argument.

### **General Suggestions**

1. Always be courteous to witnesses, other attorneys, and the judge.
2. Always stand when talking in court and when the judge enters or leaves the room.
3. Dress appropriately.
4. Always say, "Yes, Your Honor" or "No, Your Honor" when answering a question from the judge.
5. If the judge rules against you on a point or in the case, take the adverse ruling gracefully and be cordial to the judge and the other team. Remember that not everyone can win the competition, so learn as much as you can and have fun while participating in the project.

### **Opening Statement**

1. Objective  
To acquaint the presiding judge and the scoring judges (the jury) with the case; and, to outline what you are going to prove through witness testimony and the admission of evidence. Arguments, discussion of law, or objections by the opposing attorney are not permitted.
2. Advice for Preparing - What to Include
  - Name of case
  - Names of attorneys (you and your colleagues).
  - Name of client (the State, if you are the prosecution; the defendant, if you are the defense)
  - Name of opponent
  - A short summary of the facts
  - A clear and concise overview of the witnesses, testimony and physical evidence that you will present, stating how each will help prove your case.
  - Mention of the burden of proof (the amount of evidence needed to prove a fact) and who has it in this case
  - Conclusion and request for relief.
3. Advice for Preparing - What to Avoid
  - Too much detail, which can tire or confuse the court
  - Exaggeration and overstatement
  - Argument, which violates the basic function of the opening statement (i.e., to provide the facts of the case from your client's viewpoint)
4. Advice for Presenting
  - Use the future tense in describing what you will do (e.g., "The facts will show," or "Our witnesses' testimony will prove," etc.)

- Do not read the opening; make eye contact with the jury tell your story, preferably without the use of notes.
- First and last sentences should be the strongest, to capture the judges' attention and leave them with a lasting impression.
- Be earnest, loud and clear.

#### 5. Other Suggestions

- Learn your case thoroughly (facts, law, burdens, etc.).
- Never promise to prove anything that you will not or cannot.
- Write a clear, concise, and well-organized statement - after hearing your opening the jury should have a very clear idea regarding what the case is about.

### **Direct Examination**

#### 1. Objectives

To obtain information from favorable witnesses you call in order to prove the facts of your case; to present enough evidence to warrant a favorable verdict; to present facts with clarity and understanding; to present your witness to the greatest advantage; and to establish your witness' credibility.

#### 2. Advice for Preparing - What to Include

- Isolate the information that each witness can contribute to your case and prepare a series of questions designed to elicit that information.
- Make sure all items that you need to prove your case will be presented through your witness.
- Use clear and simple questions.
- Elicit information through questions and answers.

#### 3. Advice for Preparing - What Not to Include

- Any question to which you do not know the answer

#### 4. Advice for Presenting

- Be a "friendly guide" for the witnesses as they tell their stories. Let the witnesses be the stars.
- Try to ask only the questions that you have practiced with your witnesses; ask only the questions, which are necessary to elicit the desired testimony; and stay within your time limits.
- Be prepared to think and respond quickly to an unexpected answer from a witness and add a short follow-up to be sure you obtained the testimony you wanted.
- Present your questions in a relaxed and clear fashion; be sure to listen to the answers.
- If you need a moment to think, ask the judge if you can discuss a point with your co-counsel.
- Be sure all documents are marked for identification purposes before you refer to them during trial. Refer to them as Exhibit 1, etc. After you have finished using the exhibit, if it helps your case, ask the judge to admit it as evidence.

#### 5. Other Suggestions

- Ask open-ended questions. These usually begin with "who," "what," "when," "where," "why," or "how," or by asking the witness to "explain" or "describe."

- Avoid asking leading questions (there are a few generally accepted exceptions to this rule, i.e., questioning on preliminary matters such as name, address, occupation).
  - Practice with your witnesses.
  - Don't ask questions requiring opinion testimony, unless the witness has been certified as an expert by the court.
  - Remember that in the event your witness' memory fails, you may refresh his/her memory by the use of the transcript. (Refer to The Simplified Rules of Evidence)
6. What does the Opposing Attorney do during this Time?
- Objects to testimony or introduction of evidence when necessary.
  - Takes down pertinent information and prepares for cross-examination of witnesses.

### **Cross-Examination**

1. Objective

To make the other side's witnesses less believable in the eyes of the trier of fact; to negate your opponent's case; to discredit the testimony of your opponent's witnesses; and to discredit real evidence that has been presented.

2. Advice for Preparing:

- Carefully analyze all possible adverse testimony and other evidence to find weaknesses; an attorney should attempt to explain, modify, or discredit the opponent's evidence by exposing its weaknesses.
- Jot down ideas or key words, which may be used to write out the cross-examination questions later. Prepare short questions using easily understood language.
- Use narrow, leading questions (ones that suggest the answers and normally require only a yes or no answer).
- Know your case materials thoroughly. It is essential that you appear confident in your case.

3. Types of Questions to Ask

- Questions that establish that the witness is lying on important points (e.g., the witness first testifies to not being at the scene of the accident and soon after admits to being there).
- Questions to show that the witness is prejudiced or biased (e.g., the witness testifies that s/he has hated the defendant since childhood).
- Questions to weaken the testimony of the witness by showing his/her opinion is questionable because of poor circumstances such as location or lighting (e.g., a witness who has poor eyesight claims to have observed all the details of a fight that took place 100 feet away from him/her in a crowded bar).
- Questions to show that an expert witness or even a lay witness, who has testified to an opinion, is not competent or qualified because s/he does not have the proper training or experience (e.g., a psychiatrist testifying to the defendant's need for dental work or a high school graduate testifying that in his/her opinion the defendant suffers from a chronic blood disease).
- Questions to reflect on a witness' credibility by showing that s/he gave a contrary statement earlier (e.g., the witness' testimony is different from what s/he testified to during the pretrial hearing).

#### 4. Advice for Presenting

- Be relaxed and ready to adapt your prepared questions to the testimony that is actually heard during the direct examination.
- Always listen to the witness' answer.
- Don't give the witness the opportunity to re-emphasize the strong points made during direct examination.
- Be fair and courteous; don't quarrel with the witness.
- Use narrow, leading questions that suggest an answer to the witness (these are generally questions that require a "yes" or "no" answer). Do not allow the witness to explain anything (i.e., do not ask "Why?"). Try to stop the witness if his/her explanation is extensive and hurting your case by saying "You may stop here, thank you," or "That's enough, thank you."
- Don't harass or intimidate the witness by the questions you ask. It may be useful not to insist on an answer.
- Save the ultimate point for closing.
- Eye contact with the witness is recommended.

#### 5. Other Suggestions

- Anticipate each witness' testimony and write your questions accordingly. Be ready to adapt your questions at the trial depending on the actual testimony.
- Be brief. Don't ask so many questions that well-made points are lost in the shuffle.

#### 6. What does the Opposing Attorney do during this Time?

- Listens carefully, objecting when appropriate, and noting pertinent testimony to prepare for re-direct, if necessary.
- Protects the witness from having his/her credibility threatened by the demeanor of the cross-examining attorney (e.g., by requesting that the judge instruct the attorney to stop arguing with the witness).

### **Re-Direct Examination**

If either attorney wishes, s/he can conduct re-direct examination. This is most often done to "rehabilitate" a witness if the cross was effective or to reinforce a witness' statement that was made during the direct examination.

### **Closing Arguments**

#### 1. Objective

- To provide a clear and persuasive summary of: (1) the evidence you need to prove the case, and (2) the weaknesses of the other side's case.

#### 2. Advice for Preparing - What to Include

- Thank the judge for his/her time and attention.
- Isolate the issues and describe briefly how your presentation resolved those issues.



- Review the witness testimony. Outline the strengths of your side's witnesses and also the weaknesses of the other side's witnesses. (Remember to adapt your final statement to reflect what the witnesses actually said rather than relying on just the anticipated weaknesses of the other side.)
- Closing arguments should not be composed entirely before trial since they should highlight the important developments for each side, which occurred during the trial. Relaxed and informal statements are likely to be more effective.
- Review the physical evidence. Outline the strengths of your evidence and also outline the anticipated weakness of the other side's evidence. (This section too must be adapted at trial.)
- State the applicable statutes, which support your side.
- Remind the judge of the required burden of proof. If you are the plaintiff's/prosecution's lawyer, you must tell and convince the court that you have met that burden. If you are the attorney for the defense, you must inform and convince the court that the other side has failed to meet its burden.
- Argue your case by stating how the law applies to the facts as you have proven them.
- Don't forget to confidently request the verdict/remedy you desire.

### 3. Advice for Presenting

- You must always be flexible. Adjust your statement to the weaknesses, contradictions, etc. in the other side's case that actually came out during the trial. You can't anticipate everything perfectly before the actual presentation of the case.
- Argue your side, but don't appear to be vindictive. Fairness is important.
- Be relaxed and ready for interruptions by certain judges who like to ask questions during closing arguments.
- Do not make objections during the other side's closing argument.
- Do not read throughout your presentation. It is much easier to avoid reading if your notes contain only a brief outline/list of the important points you want to remember to cover. If you are using notes, make eye contact with the judge as often as possible.
- Rehearse as much as possible (this will help you feel comfortable presenting your closing without reading it).
- Make sure your argument is well organized.

## Suggestions for Student Witnesses

Witnesses play a key role on the mock trial teams. While many students may consider the attorneys roles as more important, mock trial judges report that their decision depends as much on the witness' performances as on those of the attorneys. *Many* a trial has been won or lost on the witness stand.

### General Suggestions

1. Familiarize yourself thoroughly with the case materials. Know what you should testify to and what other witnesses know. Witnesses may not use notes while being questioned.
2. Do not try to memorize what you will say in court, but try to recall what you observed at the time of the incident (i.e., play the role as if you are the person whose identity you are assuming). You must establish your credibility as a witness by accurately portraying the character. Demonstrate knowledge and understanding of the person (both their strengths and weaknesses).
3. Go over your testimony repeatedly with your attorneys. Have them cross-examine you on the weaknesses in your testimony. Be prepared to handle hostile questions.
4. You are not allowed to make up testimony on direct examination. If asked a question during cross-examination, to which the case materials supply no answer, you may make up an answer, which will not be inconsistent with your previous testimony. (Refer to the Rules of the Mock Trial Tournament)
5. Listen carefully to the questions. Before you answer, make sure you understand what was asked. If you do not understand, ask that a question be repeated. If you realize that you answered a question incorrectly, ask the judge if you may correct your answer.
6. When answering questions, speak clearly so you will be heard. The judge must hear and record your answer; therefore, do not respond by shaking your head "yes" or "no."
7. Do not give your personal opinion or conclusions when answering questions unless specifically asked. Give only the facts as you know them, without guessing or speculating. If you do not know, say so.
8. Be polite while answering questions. Do not lose your temper with the attorney questioning you. Remember that you are there to tell what you know, and not necessarily to be an advocate for your side.
9. Always be courteous to witnesses, other attorneys, and the judge(s).
10. Always stand when the judge enters or leaves the room. Always say "Yes, Your Honor" or "No, Your Honor" when answering a question from the judge.
11. Dress appropriately (to show respect for the court).
12. If the judge rules against you in the case, take the defeat gracefully and act cordially toward the judge and the other side.

### Opening Statements

**Objective:** To acquaint the judge with the case and outline what your attorneys are going to prove through witness testimony and the admission of evidence.

### Direct Examination

**Objective:** To obtain information from favorable witnesses your attorneys call in order to prove the facts of your case.

#### **1. Advice for Preparing**

- Know the case inside out, especially your witness statement (or affidavit).

- Know the questions that your side's attorney will ask and prepare clear and convincing answers that contain the information that the attorney is trying to elicit from your testimony.
- Practice with the attorney.

## **2. Advice in Presenting**

- Be as relaxed and in control as possible. An appearance of confidence and trustworthiness is important.
- Don't read or recite your witness statement verbatim. You should know its contents beforehand.
- Be sure that your testimony is never inconsistent with the facts set forth in your witness statement (or affidavit).
- Don't panic if the attorney or judge asks you a question you haven't rehearsed.

## **Cross-Examination**

**Objective:** To make the other side's witnesses less believable in the eyes of the trier of fact.

### **1. Advice for Preparing**

- Learn the case thoroughly, especially your witness statement.
- Anticipate what you will be asked on cross-examination and prepare answers accordingly. In other words, isolate all the possible weaknesses, inconsistencies, and problems in your testimony, and be prepared to explain them.
- Practice, practice, practice.

### **2. Advice for Presenting**

- Be as relaxed and in control as possible. An appearance of confidence and truthfulness is important.
- Be sure that your testimony is never inconsistent with the facts set forth in the witness statement.
- Don't read or recite your witness statement word for word.
- Cross-examination can be tough, so don't get flustered.
- Your job as a witness is to tell the truth, as you know it, about what happened. It is not your job to be an "advocate" for your side or to argue with opposing counsel.

## **Closing Statements**

**Objective:** to provide a clear and persuasive summary of: 1) the evidence presented to prove the case, and 2) the weaknesses of the other side's case.

## **Make the Most of Your Presentation**

### **1. Dress Appropriately**

Your personal appearance affects the way people view you and your performance, and, therefore, you should dress appropriately for the courtroom. What does appropriately mean? It means business, not casual, dress. For young women, this could be a dress, a skirt and jacket, or slacks and a jacket. (If you wear a skirt or dress, be conservative in your choice of hem length.) For young men, it could be slacks and a shirt and tie, or slacks with a jacket and tie or a suit. Costumes of any kind, including uniforms, are prohibited under the mock trial rules, but it is acceptable to dress "in character."

### **2. Prepare the Courtroom**

- a. Arrive at the courtroom at least 15 minutes early so that you can acquaint yourself with the layout, make any necessary adjustments and be ready to start the trial exactly on time.
- b. The prosecution team sits at the table closest to the jury box, and the defense team sits at the other table. You may not rearrange the room.
- c. If you are videotaping the trial (allowed only if both teams agree), be unobtrusive -- draw no attention to yourself.)
- d. Confirm the trial tables seat three attorneys comfortably. Be sure that there is adequate room to rise from your chair and adequate passageway to approach the bench or the witness. If the mock trial case includes a defendant who is testifying, s/he may also be seated at the table with the attorneys. If the defendant will not be testifying, the rules prohibit placing anyone at the trial table to "represent" that character.
- e. Attorneys should neatly organize their materials on the tables. Get rid of all unnecessary papers, briefcases and pencils.
- f. Witnesses should seat themselves in separate areas of the spectators' section.
- g. Ensure neither team members nor spectators are wearing hats.
- h. Ensure neither team members nor spectators are chewing gum.

### **3. Remember Your Posture**

Participants should remember that from the elevated bench the judge has a good view of the entire courtroom. Your seating posture has a definite impact on the judge's impression of you. Attorneys especially need to be conscious of how they are seated. Sit straight but not so stiff as to be uncomfortable. Put your feet flat on the floor or cross your legs in a professional manner. Avoid nervous mannerisms, such as shaking your leg or tapping your pencil.

### **4. Speak Effectively**

- a. All participants should speak clearly and carefully enunciate each word, as microphones are not usually available.
- b. For attorneys, all speaking is done from a standing position. For witnesses all speaking is done in a seated position from the witness stand.
- c. If you are an attorney and you are addressed by the Court, stand promptly before responding.

### **5. Deliver Your Best Opening Statement or Closing Argument**

Since these are extemporaneous speeches, attorneys should employ effective speech-making techniques. Do not assume you are allowed to move around the courtroom; instead, request the presiding judge's permission to move freely around the courtroom. If permission is granted, be extremely cautious of getting too close to the jury box; you must avoid violating the "personal space" of those in the jury box.

- a. Organize any materials before beginning.
- b. Rise slowly.
- c. With confidence, walk slowly yet deliberately to the podium or the area from which you will deliver the opening or closing.
- d. Get your body ready by assuming a good speech-making posture. Your feet should be set apart a bit and your weight balanced on the balls of your feet.
- e. Before your first word, look the judge directly in the eyes saying, "May it please the court" and then begin to speak directly to the members of the jury (the scoring judges).
- f. Try to keep a conversational tone in your voice. Speak to the judges in a clear voice that is slow enough and loud enough for them to follow your ideas without straining.
- g. Avoid using slang, and always use your very best vocabulary.
- h. Use variety in your delivery. You can emphasize major points in several different ways, i.e., pause before an important idea; raise your volume slightly to accentuate an important idea; or slow down to draw attention to an important idea.
- i. If you concentrate on communicating directly to the judges, gestures should be no problem. Natural gestures are always good to emphasize ideas. They will come instinctively if your focus is on talking to the judges. Don't force gestures and always avoid repetitive or unnecessary gestures.
- j. Movement is often dictated by the courtroom situation. If you are at a podium with a microphone, don't move away from the podium. In cases where there is no podium, well-timed movement can help punctuate a point or help you release nervous energy. Be sure not to pace. Keep your focus on directing the speech to the judges.
- k. Never move so that you are in front of the opposing counsel's table. This applies when giving openings/closings and when you're questioning a witness. Opposing counsel may object on the grounds that you are obstructing their view.
- l. Be aware that judges may interrupt during your closing statement and ask you a question. Pause. Listen carefully to the question. Then answer to the best of your ability. The most important thing is to maintain your poise.
- m. When you have concluded your presentation, say, "Thank you, Your Honor," while looking directly at the presiding judge. Pause briefly and then take your seat. Show no signs of relief and don't immediately turn to speak to co-counsel. Always maintain that aura of poise and confidence.

## **6. Question Witnesses Skillfully**

- a. Always rise to do the questioning.
- b. You may have questions written out, but be ready to adapt when objections are made or when a witness doesn't respond as you had expected.
- c. Speak slowly!!!
- d. Listen to the witness' response. S/He may not say what you had anticipated and thus you may have to insert or reword questions for clarification.

- e. If opposing counsel makes an objection, stop speaking and give them the floor.
- f. Be prepared to respond to an objection. Do so as articulately and confidently as you possibly can. Do not ramble. Not all judges will expect you to respond, and, in fact, sometimes you'll have to ask if the judge will allow you to do so.
- g. If the judge rules against you on an objection, show no signs of dismay. Simply proceed with another question. The key is to maintain your poise.
- h. If you honestly don't know how to proceed, ask the judge if you may confer with your co-counsel. Make the conference brief. Use this conference technique only when absolutely essential. Judges may become frustrated if you hold up the trial too often. Remember: this conference counts as part of your time allotment.
- i. Never ask a question to which you don't know the answer.
- j. When you have finished your questioning, say "No further questions, Your Honor," and take your seat in a confident manner.

## **7. Be a Great Witnesses**

- a. Generally, all witnesses will be sworn at the beginning of the trial as one group.
- b. When you are called, go to the witness stand. When the judge indicates that you may take your seat, respond by saying, "Thank you."
- c. Seat yourself in the witness box in a professional manner.
- d. Position yourself so that you can comfortably give your responses to the scoring judges, who are seated in the jury box.
- e. Speak loudly and clearly and in a manner best fitting the character you are portraying.
- f. Stay in character!
- g. Don't allow any unnecessary movement or gestures to distract from your testimony.
- h. When an objection is made, immediately stop talking.
- i. Wait until the objection is decided and even then don't respond until the attorney doing the questioning indicates that you should do so.
- j. Do not attempt to answer a question that you don't understand. Ask for clarification to be sure that you understand the question that is being asked.
- k. Never argue with the judge or the opposing counsel. Leave that to your attorney. Keep a cool head!
- l. Do not leave the witness box until the judge directs you to "step down." In an instance where a judge might forget, wait a bit and then ask, "May I step down, Your Honor?"
- m. Walk slowly and confidently back to your seat.
- n. Do not speak to anyone along the way or when you are seated.

## **8. Maintain Your Demeanor During Recess and Debriefing**

- a. Rise when the judges leave the courtroom; maintain order and quiet while they are out; and, rise when the judges reenter the courtroom.
- b. Listen quietly and respectfully during the debriefing. When all the judges have concluded their comments, feel free to applaud, not only for them but also for your opponents and yourselves.

## 9. Exhibit Good Sportsmanship

You now have the opportunity to meet the other team. Walk over to the other team members. Shake hands, and introduce yourself. It's always appropriate to congratulate them on a good aspect of their performance. Remember, good sportsmanship is part of being a winner.





## **10 Most Difficult Things**

The numbered items below, which appear in no particular order, have been identified from watching countless mock trials, as well as dozens of national championships. If you can master these, you will do well as a member of your mock trial team.

1. Determine which points are the most necessary in order for you to prove the elements of your case, and then make sure that you do, indeed, prove them.
2. Tell clearly in the opening statement what you intend to prove, and argue effectively in the closing argument that the facts and evidence you have presented have proved your case.
3. Learn, understand and recall in court the rules of evidence and be able to use them to introduce documentary or physical evidence.
4. Follow the formality of the court, e.g., stand up when the judge enters or when addressing the judge, call the judge "Your Honor," etc.
5. Phrase questions on direct examination that are not leading. (Carefully review the rules of evidence and watch for this type of questioning in practice sessions).
6. Refrain from asking so many questions on cross-examination that well-made points are lost. When a witness has been contradicted or otherwise discredited, student attorneys tend to ask additional questions, which often lessen the impact of points previously made. Pointless questions should be avoided! Questions should require answers that will make only good points for the side.
7. Think quickly on your feet. Occasions when you'll need to be quick include when a witness gives an unexpected answer, when an attorney asks an unexpected question or makes an unexpected objection, or when the presiding judge decides to question an attorney or a witness.
8. Make objections and respond to objections.
9. Refrain from reading opening statements and closing arguments.
10. Learn and understand the hearsay rule and all its exceptions.

## **Helpful Hints**

1. Since a school team is required to represent both sides of the case during the competition, all roles in the case should be assigned and practiced.
2. Credibility of 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."
3. Student team members have primary responsibility for deciding what possible questions should be asked of each witness on direct and cross-examination. This work can be done in class, through group work, or as an outside class assignment.
4. Based on the experience obtained through several years of mock trial competitions in other states, it was found that the best teams generally had their students prepare their own questions. The Teacher Coach and the Attorney Coach then provided continual feedback and assistance on the assignment to the students as it was completed.
5. After the students prepare the questions for the witnesses, the team should hold several practice sessions where their attorneys question individual witnesses, and the rest of the class or team evaluates which questions are good, and which might be dropped or added. These sessions will also help prepare the witnesses for the tournament.
6. Based on the experience of these practice sessions, attorneys should revise their questions and witnesses should restudy the parts of their witness statements which are weak. It is important for both the attorneys and witnesses to remain flexible and be prepared for the "unexpected" during the actual trials.
7. Opening statements and closing arguments should also be prepared in advance by team members. Legal and non-legal language should be avoided where its meaning is not completely understood by attorneys and witnesses.
8. Closing arguments should not be totally composed before trials, as they are supposed to highlight the important developments for the plaintiff (prosecution) and the defense which have occurred during the trial. The more relaxed and informal arguments are, the more effective they are likely to be.
9. As a team gets closer to the first round of the contest, it is suggested that they conduct at least one complete trial as a kind of "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. Time keeping should be included as part of the practice. A team's Attorney Coach should be invited to attend this session and comment on the presentation.
10. The ability of a team to adapt to different situations is often a key part 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 depends 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, even if they appear contrary to outlined contest procedures and rules.

11. As the students practice with the case, refer to the "Judge's Rating Sheet" so that the students are aware of what the judges in the tournaments will be looking for.
12. If any questions arise regarding the case, please feel free to contact either the Legal Counsel Coordinator or your Regional Coordinator for clarification.



## **Judging Guidelines**

### **I. OUTLINE OF TRIAL PROCEDURE**

1. Judges should announce when they are ready, and introduce themselves and the case caption.
2. Have a representative from each team approach the bench and provide the Student Roster Forms to the Judge. Have the teams introduce themselves and the roles that each student is playing.
3. Judges should be extremely cognizant of time. Attempt to keep teams on time throughout the tournament. Judges can deduct points for baseless and excessive objection or arguments and other actions which take too much time. In no instance should a Judge cut-off a closing argument or prevent a team from presenting its closing argument.
4. At the end of the trial, the Judges should remain at the bench and immediately complete their scoring sheets, including adding their points, prior to giving any critiques to the students. Indicate at the bottom of the score sheet the name of the individual who was the outstanding performer from that round. Scoring sheets and the Student Roster Forms for each team should be given to the runner immediately after the tournament and prior to giving any critique to the students.
5. ANNOUNCE THE DECISION WITH REGARD TO THE MERITS OF THE CASE ONLY (i.e. DID PLAINTIFFS/STATE CARRY ITS BURDEN OR NOT). NEVER ANNOUNCE THE DECISION WITH REGARD TO PERFORMANCE AND SCORE.
6. In closing, give brief comments and critiques as to perceptions to student knowledge and skill gained from preparing the case. Please limit your comments to five minutes or less. Do not embarrass any team members when critiquing. The goal of critiquing is to assist teams in presenting the case in future rounds.

### **II. IMPORTANT RULES OF THE TOURNAMENT**

- a. Review the Guidelines for Standardized Scoring. It is important for Judges to be familiar with the Criteria for Evaluating Student Performance in order to ensure uniformity in scoring and judging.
- b. Every witness must be called as part of the tournament. If a team decides, for strategy reasons, not to call a witness, they may so inform the Judge. However, the team still must put the witness on the stand in order for the witness' performance, along with the performances of the attorneys questioning the witness, to be scored. Witnesses may not use notes while on the witness stand.
- c. Only the attorney questioning or cross examining a witness may make objections for that witness. Any team member may make an objection for improper communications. Only attorneys may confer with one another. Conferring between attorney and witness, or conferring among witnesses is expressly prohibited and may result in a deduction of points. Be watchful of improper coaching "on the sidelines" or improper communications. If you note such improper communications, solve the problem. For example, Judges may wish to first give admonition; if the coaching continues, Judges may deduct points.
- d. It is in the Judge's sole discretion whether to allow redirect and recross examination of witnesses. We strongly urge Judges to, generally, not allow redirect and recross examination because time is often too short.
- e. Judges should be thoroughly familiar with the problem and have it available during the tournament. The rules of the tournament allow teams to object based upon the fact that certain facts are not a part of the problem. If the Judge is not specifically familiar with the fact being objected to, the Judge should rely on counsel to cite the page of the problem where the alleged fact exists in order to allow the Judge to make the proper ruling.
- f. The Mock Trial Rules of Evidence apply to the tournament, and are different from the Arizona Rules of Evidence. Judges should familiarize themselves with the Mock Trial Rules of Evidence, and be familiar with the differences from the rules they are normally used to enforcing. For instance, under

the Mock Trial Rules of Evidence, admissions against interest are only exceptions to the hearsay rule if made a party in the case.

- g. All documents have been stipulated to for authentication purposes.
- h. Teams may videotape the round unless the other team objects.
- i. TECHNICAL OBJECTION. Rule 501 of the Mock Trial Rules of Evidence allows an objection that the opposing attorneys have violated the Rules of Evidence of the Rules of the Tournament. Although Judges should be familiar with all the Rules, if the Judge is not familiar with the Rule at the time of the objection, the Judge should seek assistance from counsel from each party, to direct the Judge to the specific Rule that the attorney is claiming has been violated. The Judge should also give the opposing side an opportunity to explain why they think that the Rule has not been violated. In no instance should a Judge merely overrule the objection because the Judge is not familiar with the Rule claimed to have been violated.
- j. DISPUTE RESOLUTION. Judges should be aware that the Rules of the Tournament allow teams to communicate to the Tournament Coordinator if they believe that there has been a significant Rules violation. The dispute resolution process allows the Tournament Coordinator to hear from both teams with regard to the alleged Rules violation. If the Tournament Coordinator determines that no Rules violation has been committed, that is the final disposition. If the Tournament Coordinator determines that a possible Rules violation does exist, the Trial Judge will be informed of the dispute, and given a summary of each team's argument by the Coordinators.

When Rules violations are brought to the attention of the Tournament Coordinators, they will attempt to have the dispute resolved immediately, while the circumstances surrounding the alleged violation are still present in the minds of the teams and the Judge.

ALL JUDGES SHOULD READ THE DISPUTE RESOLUTION GUIDELINES OF THE RULES OF THE PROGRAM.

### **III. NO APPEARANCE OF IMPROPRIETY**

- a. Judges should not participate in judging a round if they have a relative who is a student at the school; JUDGES SHOULD NOT EXCHANGE GREETINGS WITH ATTORNEYS OR COACHES THAT THEY KNOW DURING THE TOURNAMENT; GENERALLY, STUDENTS THAT THEY KNOW DURING THE TOURNAMENT; GENERALLY, STUDENTS TAKE EVERY GESTURE OR COMMENT VERY SERIOUSLY. BE CAREFUL.

### **IV. MISCELLANEOUS**

- b. All witnesses should stand and be sworn at the outset of the trial, or an admonition given to all witnesses that they been sworn to tell the truth.
- c. Each year's problem has appended to it various documents relative to an underlying social issue addressed in the problem. Additionally, the problem will have Statements of Fact and Statements of Stipulated Facts. This information is not documentary evidence, and may not be used as exhibits, not may it be used to impeach witnesses. If a witness testifies contrary to the Statement of Facts of the Statement of Stipulated Facts, the other side's only remedy is to make a Technical Objection.
- d. Judges are reminded that uniformity and professionalism are essential during the Tournament. Students involved in the Tournament take the Tournament very seriously, as they should, and everyone involved should respect the importance of the Tournament to the participants.

## **Student Roster Form**

### **STUDENT ROSTER**

This form is to be completed prior to the beginning of each Round and handed to the judge when the delegated student introduces the team members.

**SCHOOL /TEAM CODE** \_\_\_\_\_

**ROUND** (circle one)     **I**     **II**     **III**     **IV**     **SEMI FINALS**     **FINALS**

**PLAINTIFF/PROSECUTION**                      **DEFENDANT** (circle one)

Please print student names and indicate alternates where applicable:

ATTORNEY \_\_\_\_\_

ATTORNEY \_\_\_\_\_

ATTORNEY \_\_\_\_\_

WITNESS \_\_\_\_\_

WITNESS \_\_\_\_\_

WITNESS \_\_\_\_\_

ALTERNATE/TIMEKEEPER \_\_\_\_\_

ALTERNATE/TIMEKEEPER \_\_\_\_\_

ALTERNATE/TIMEKEEPER \_\_\_\_\_

Judge \_\_\_\_\_

**Arizona High School  
Mock Trial Competition  
Score Sheet**

(Circle one) Round 1   2   3   4  
Competition: Regional   State  
Region \_\_\_\_\_

Courtroom \_\_\_\_\_

**P**=Prosecution/Plaintiff \_\_\_\_\_ **D**=Defendant/Defense \_\_\_\_\_

Using a scale of 1 to 10, rate the **P** and **D** in the categories below.

**DO NOT USE FRACTIONAL POINTS.**

<u>Not Effective</u>		<u>Fair</u>		<u>Good</u>		<u>Excellent</u>		<u>Outstanding</u>	
1	2	3	4	5	6	7	8	9	10

Category		P		D
Opening Statement			Opening Statement	
Prosecution/Plaintiff First Witness	Direct Examination		Cross-Examination	
	Witness Presentation			
Prosecution/Plaintiff Second Witness	Direct Examination		Cross-Examination	
	Witness Presentation			
Prosecution/Plaintiff Third Witness	Direct Examination		Cross-Examination	
	Witness Presentation			
Defendant/Defense First Witness	Cross Examination		Direct Examination	
			Witness Presentation	
Defendant/Defense Second Witness	Cross Examination		Direct Examination	
			Witness Presentation	
Defendant/Defense Third Witness	Cross Examination		Direct Examination	
			Witness Presentation	
Closing Argument			Closing Argument	
Subtotal			Subtotal	
Penalty Points			Penalty Points	
Total Points (Absolutely no ties)			Total Points (Absolutely no ties)	

Overall Best Performance:

Outstanding Individual Performer:

\_\_\_\_\_  
(School Name)\_\_\_\_\_  
(Student's Name)

*Judges: Please deliver ballot and student roster to timekeeper before debriefing the team*



## Timekeeper Instructions

1. **ALL TEAMS** are to bring two (2) **STOPWATCHES** and a **trained** TIMEKEEPER. No stopwatches and no timecards will be available at the tournament. Your timekeeper(s) shall be designated on your team's registration. Timekeepers are to be so noted on your "team roster" form in each round.
  
2. **TWO STOPWATCHES** are needed by each team (one watch for keeping time for the Plaintiff/Prosecution and one watch for keeping time for the Defense, regardless of which side your team is presenting). Each team also must have the Timekeeper's Responsibilities Sheet AND its own "**TIME-REMAINING**" CARDS. (The timekeeper must be familiar with the trial sequence chart and have practiced completing the tally sheet before the tournament begins.) In each trial, **both** teams' timekeepers will sit in the jury box (or other appropriate place if no jury box is available) and keep time **for both teams**. In all trials, **both timekeepers** will turn in the timing sheet to the mock trial coordinators (or their designees).
  
3. **WORKING TOGETHER**, timekeepers from both teams will (a) keep accurate time for both teams; (b) show "time-remaining" cards to both teams; and (c) notify the presiding judge that "TIME" has expired at the end of the trial by showing the "STOP" card. At the end of each segment of the trial (i.e. at the end of both openings, at the end of each direct examination, at the end of each cross examination, and at the end of both closing arguments), **if there is more than a 15 second discrepancy** between the Plaintiff/Prosecution and Defense teams' timekeepers, the procedure below will be followed.
  - If timing variations of 15 seconds or more occur at the completion of any segment of the trial, timekeepers are to notify the presiding judge that a time discrepancy has occurred.
  - The presiding judge will rule on any time discrepancy before the trial continues. Timekeepers will synchronize stop watches to match the presiding judge's ruling (for example if Plaintiff/Prosecution stop watch indicates 2 minutes left for plaintiff's case and the Defense stop watch indicates time is expired, the presiding judge might decide to split the difference in the timing variation and give Plaintiff/Prosecution 1 minute to conclude. Defense would adjust timing to allow for the 1 minute timing decision.)
  - Any discrepancies between timekeepers less than 15 seconds WILL NOT be considered a violation.
  - Timekeepers may raise time discrepancies only at the end of each phase of the trial presentation. No time disputes will be entertained after the trial concludes. The decisions of the presiding judge regarding the resolution of timing disputes are final.

Timekeepers' cards are to show time remaining as indicated on the Time Card Use sheet. Rounding seconds used up or down to whole minute integers will make timekeeping easier. Both timekeepers are responsible for keeping accurate time. Both timekeepers are to sign their own timekeeping sheet and return both sheets with the judges' scoresheets.

## Timekeeper Responsibilities

### BEFORE THE TRIAL

1. Be sure to have:
  - 1 Timekeeping Sheet;
  - 1 Time Card Use Sheet;
  - 2 stop watches;
  - 1 set of time cards;
  - 2 pencils.
2. Enter the courtroom; take your position (at the end of the jury box closest to the audience, if a jury box is available). Rise when the judge and jury enter the courtroom. Be seated when the judge grants permission for all to be seated.

### DURING THE TRIAL

1. Enter the Round Number and Team names in the spaces provided at the top of the Timekeeping Sheet. Arrange your stopwatches, time cards and Time Card Use Table.
2. Keep time during the trial, remembering the following.
  - i. Use **one** stopwatch for each side – PLAINTIFF/PROSECUTION on your left and DEFENSE on your right.
  - ii. **RESET** stopwatch to zero at the beginning of each side's closing argument, if and *only* if the total time remaining for that team is greater than 5 minutes.
  - iii. **DO NOT** reset stopwatch to zero at any other time.
  - iv. **START** timing only when the actual opening statement/closing argument or questioning begins (e.g., *do not start* when an attorney calls the next witness or when a witness is sworn).
  - v. **STOP** timing during objections, responses to objections, and questioning by the judge.
  - vi. At the end of each segment of the trial (i.e. at the end of both openings, at the end of each witness examination, and at the end of both closing arguments), **if there is more than a 15 second discrepancy** between the Plaintiff/Prosecution and Defense teams' timekeepers, the procedure outlined below in Section IV will be followed. Display time cards to the attorneys and witnesses at the intervals set out in the time Card Use Table. Display the STOP card to the presiding, scoring judges, and teams.

### AFTER THE TRIAL

1. Add up the time used for each side and sign the timekeeping sheet.
2. Give your timesheet to the runner who picks up the scoresheets.
3. Remind the judges that they have 5 minutes for debriefing and that you will signal when time for debriefing has expired.
4. Reset your stopwatch to zero and start time for the debriefing.
5. Signal the presiding judge when the 5 minutes allowed for debriefing have expired

### DISCREPANCIES IN TIME BETWEEN TEAM TIMEKEEPERS

1. If timing variations of **15 seconds or more** occur at the completion of any segment of the trial, timekeepers are to notify the presiding judge that a time discrepancy has occurred.
2. The presiding judge will rule on any time discrepancy before the trial continues. Timekeepers will synchronize stop watches to match the presiding judge's ruling (for example if Plaintiff/Prosecution stop watch indicates 2 minutes left on a direct examination and the Defense stop watch indicates time is expired, the presiding judge might decide to split the difference in the timing variation and give Plaintiff/Prosecution 1 minute to conclude the direct examination. Defense would adjust timing to allow for the 1 minute timing decision.)
3. Any discrepancies between timekeepers less than 15 seconds will not be considered a violation.
4. Timekeepers may raise time discrepancies only at the end of each segment of the trial presentation. No time disputes will be entertained after the trial concludes. The decisions of the presiding judge regarding the resolution of timing disputes are final.

## **Arizona High School Mock Trial Tournament**

### **Timekeeping Sheet**

Round Number \_\_\_\_\_

Prosecution Team \_\_\_\_\_

Defense Team \_\_\_\_\_

**Opening Statements**

Prosecution \_\_\_\_\_

Defense \_\_\_\_\_

**Direct/Redirect Examination of Three Prosecution Witnesses**

FIRST WITNESS (cumulative ending time) \_\_\_\_\_

SECOND WITNESS (cumulative ending time) \_\_\_\_\_

THIRD WITNESS (cumulative ending time) \_\_\_\_\_

**Cross/Recross Examination of Three Prosecution Witnesses**

FIRST WITNESS (cumulative ending time) \_\_\_\_\_

SECOND WITNESS (cumulative ending time) \_\_\_\_\_

THIRD WITNESS (cumulative ending time) \_\_\_\_\_

**Direct/Redirect Examination of Three Defense Witnesses**

FIRST WITNESS (cumulative ending time) \_\_\_\_\_

SECOND WITNESS (cumulative ending time) \_\_\_\_\_

THIRD WITNESS (cumulative ending time) \_\_\_\_\_

**Cross/Recross Examination of Three Defense Witnesses**

FIRST WITNESS (cumulative ending time) \_\_\_\_\_

SECOND WITNESS (cumulative ending time) \_\_\_\_\_

THIRD WITNESS (cumulative ending time) \_\_\_\_\_

**Closing Arguments (5 minutes each)**

*If a team's cumulative time used as shown on the stopwatch is less than 30 minutes, then reset the stopwatch so that the maximum 5 minute closing can be timed. If a team's cumulative time used is equal to or greater than 30 minutes, then do not reset the stopwatch and raise the STOP sign when the cumulative time reaches 35 minutes.*

PROSECUTION \_\_\_\_\_

DEFENSE \_\_\_\_\_

**Total time Prosecution** (must be 35 minutes or less) \_\_\_\_\_**Total time Defense** (must be 35 minutes or less) \_\_\_\_\_**TIMEKEEPER'S SIGNATURE** \_\_\_\_\_

### Timecard Use

For All Phases Of Trial Up To Closing:

When your stopwatch says	Hold up the timecard that says
5:00	30:00
10:00	25:00
15:00	20:00
20:00	15:00
25:00	10:00
26:00	9:00
27:00	8:00
28:00	7:00
29:00	6:00
30:00	5:00
31:00	4:00
32:00	3:00
33:00	2:00
34:00	1:00
34:20	0:40
34:40	0:20
35:00	STOP

For Closing Arguments

If the cumulative time shown on the stopwatch prior to the closing is less than 30 minutes, **then reset the stopwatch** and use the following chart:

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

If the cumulative time shown on the stopwatch prior to the closing is equal to or greater than 30 minutes, then do **not** reset the stopwatch, announce the time remaining for closing argument (35 minutes minus the total time used up to that point) and use the following chart:

When your stopwatch says	Hold up the timecard that says
31:00	4:00
32:00	3:00
33:00	2:00
34:00	1:00
34:20	0:40
34:40	0:20
35:00	STOP

## **Teacher Resources**

### **LRE Academy at the Arizona Foundation for Legal Services & Education**

The Academy provides new and experienced school resource officers, school probation officers, teachers and administrators LRE training and instruction that is research-based and proven effective. The Academy will offer basic and advanced level LRE courses designed to assist educators with the implementation of law-related education lessons and activities. Mock Trial trainings are offered free of charge. Visit [www.lawforkids.org/lre-academy](http://www.lawforkids.org/lre-academy) for more information.