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Administration

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### Rule 1.1 –Rules

- A. All trials will be governed by the rules of the California Mock Trial Program and the California Mock Trial Rules of Evidence
- B. All participants in the Mock Trial competition must follow all rules and procedures as specified in the Mock Trial materials or disseminated by CRF staff or county coordinators. Failure of any member or affiliate of a team to adhere to the rules may result in disqualification of that team.

### Rule 1.2— Code of Ethical Conduct

All participants (including observers) are bound by all sections of this Code and agree to abide by the provisions.

- A. All competitors, coaches and other participants, including observers will show courtesy and respect for all team members and participants, including their opponents and all courthouse staff, judges, attorney coaches, teacher coaches and mock trial staff and volunteer personnel.
- B. All competitors, coaches and participants, including observers, will show dignity and restraint, irrespective of the outcome of any trial.



D. Trials are open to the public, but no intentional scouting is allowed ( see Code of Ethical Conduct).

## Teams

### Rule 2.1 — Team Eligibility

- A. To participate in the State Finals, each county must implement procedures B-K, listed below.
- B. A county Mock Trial coordinator must be identified (usually through the county office of education).
- C. Working in conjunction with CRF, the coordinator must plan and implement a competition involving teams from the county or other nearby counties. With CRF approval, the coordinator may represent more than one county.
- D. If a team is the only team from a county in which no county competition is conducted, that team will be eligible for the State Finals. We strongly recommend that such a team participate in the competition of another county to afford the team an opportunity to improve its skills. Participation in another county's competition will not impact the team's eligibility for State Finals.
- E. All county competitions must be completed by March 1, 2017. County coordinators must inform CRF of the name of the winning team by March 1, 2017.
- F. In addition to registering with their county, all teams and individual team members must be registered

- B. We encourage teams to use the maximum number of students allowable, including support roles, such as researchers, understudies, and photographers.
- C. Team structure — Involvement of all possible team members in the presentation of the case is reflected in the team performance/participation score. As much as possible, team members are to evenly divide their duties.
- D. We encourage teams to use the maximum number of student attorneys when possible.
  - t A maximum of two (2) Pretrial Motion Attorneys—One pretrial attorney for the defense and one pretrial attorney for the prosecution. Pretrial attorneys may not serve as trial attorneys during the same round, but may serve as a witness.
  - t A maximum of three (3) Trial Attorneys for Prosecution and a maximum of three (3) Trial Attorneys for Defense—It is highly recommended that different trial attorneys conduct the opening statement and the closing argument and that each trial attorney conduct at least one direct examination and one cross-examination.
- E. Additional Student Participation – The Courtroom Artist and Journalist Contests allow additional students the opportunity to participate in the Mock Trial Program. The courtroom artist and journalist are official team members, but are not counted toward the team's student limit. Official contest rules can be found at [www.crf-usa.org](http://www.crf-usa.org). Check with your county coordinator for additional requirements.
  - t For State Finals—Two (2) artists per county may compete at the state competition. The courtroom artist is an official team member, but is not counted toward the team's student limit. (Note that the winner of the state competition is eligible to compete at the national competition).
  - t For State Finals—Two (2) journalists per county may compete at the state competition. The journalist is an official team member, but is not counted toward the team's student limit. (Note that winner of the state competition does not compete at the national competition).
  - o For LA County—Three (3) artists and three (3) journalists per team may compete at the county competition.

#### Rule 2.3 — Team Withdrawal

- A. Any team that withdraws from a local or state competition will receive a partial monetary refund only if the county coordinator is notified in writing by a date established by the coordinator, and if no date is specified, two weeks before the day of the first round of competition.
  - o For State Finals—Last day for ½ refund is March 10. No refunds after March 10.
  - o For LA County—Last day for ½ refund is October 21. No refunds after October 21.

#### Rule 2.4 — Wild Card Teams

- A. For State Finals—If there are an odd number of county championship teams attending the State Finals, a wild card team from a county will be selected randomly. All counties will have the opportunity to submit to CRF their second place team to serve as a possible wild card at the time of first-place team registration. Once selected the wild card team will be an official team representing their county and eligible for awards. The team must complete all registration requirements, including payment of registration fees.
  - t At the local level, the county coordinators determine substitute team procedures.
  - t In LA County, if there are an odd number of teams present for any given round, CRF staff will locate a substitute team. The substitute team will be the defense or prosecution team from an existing competing team. Substitute team's scores will be for practice purposes only and will not count towards their team's win/loss record or percentages. The scores from the trial will count for the opposing team and will be added to the team's win/loss record and percentages. The substitute team will not pay a registration fee, nor will they be eligible for awards.

Rule 2.5 — Awards

A. At the State Finals, awards will be given as follows:

- t Prosecution Pretrial Attorney – 2 awards
- t Defense Pretrial Attorney – 2 awards
- t Prosecution Attorney – 3 awards
- t Defense Attorney – 3 awards
- t Prosecution Witness – 4 awards
- t Defense Witness – 4 awards
- t Clerk – 1 award
- t Bailiff – 1 award
- t Courtroom Artists – 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> place
- t Journalists – 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> place
- t Adult Advocate of the Year

B. At the State Finals, the top eight teams will receive medals.

- t In LA County, only the top two teams will receive medals. The quarterfinalist will receive ribbons and all nominated students will receive honorable mention certificates.

The Trial

Rule 3.1 — The Case

A. The case material contains the sources for the Mock Trial Program. These sources include the facts, witness statements, all the pretrial materials, charges, exhibits, rules of evidence, stipulations, role descriptions, Mock Trial procedures and California Mock Trial

- B. The only communication allowed during the trial is between trial attorneys.
- C. The defendant may sit at the counsel table and communicate with the defense attorneys. All communication must be non-disruptive to the trial.
- D. After the pretrial, the pretrial attorneys may not sit with the trial attorneys and may not communicate with the trial attorneys at any time.
- E. Once the trial has begun, there must be no spectator contact with student team members, whether in the hallway or the courtroom.
- F. There will be an automatic deduction of five points per score sheet if the presider finds that any section of rule (3.3) has been violated

#### Rule 3.4 — Witnesses

- A. Although witnesses are excluded from the trial proceedings in actual trials, for educational purposes, witnesses in the Mock Trial Program will remain in the courtroom for the entire trial . Witnesses will sit in designated seating at the front of the courtroom.
- B. Witnesses may not testify or respond to another witness' testimony, unless otherwise stated in the stipulations.
- C. The fact situation, witness statements, stipulations and exhibits, are the official case materials and make up the sole source of information for testimony.
- D. Unless otherwise stated, attorneys may not solicit information from a witness that requires the witness to testify to information from another witness' statement or information not included in their own statement.
- E. The witness statements contained in the case materials should be viewed as signed statements made to the police by the witnesses. Unless otherwise specified, a witness can be impeached if she/he contradicts the case material contained in her/his witness statement or fact situation using the procedures as outlined in the case material
- F. Because this is a mock trial, witnesses may not be treated as hostile witnesses.
- G. All witnesses must be called in the allotted time. If the direct examination attorney runs out of time without calling one or more witnesses, the direct examination attorney and the witness will each automatically receive a score of zero for each witness not called, and the cross-examination attorney will automatically be awarded five points for each witness not called. Once the time allotted for e an-3(n)2.9(es)f-4(.)-5(g)-7(tt c)-26gtt ctt c ae0 Td [(l)-9(c)-2(a).1(a)-4.9(r)7(l)-7(e)-3(d)-9(.)]



- F. Attorneys shall not ask questions calling for information outside the scope of the case materials or requesting an unfair extrapolation.
- G. Attorneys for the opposing team may refer to this rule as a special “unfair extrapolation” objection .
- H. When a “UE” objection is made, possible rulings by a presider may be one of the following:
  - a) No extrapolation has occurred. Objection overruled.
  - b) An unfair extrapolation has occurred. Objection sustained.
  - c) The extrapolation was fair. Objection overruled.
- I. The decision of the presiding judge regarding extrapolations or evidentiary matters is final.
- J. Point deduction(s) should be considered for individual scores of participants who make unfair extrapolations or ask questions that call for unfair extrapolations. Witnesses and attorneys making unfair extrapolations and attorneys who ask questions that require the witness to answer with an unfair extrapolation should be penalized by having a point or points deducted from their individual scores.
- K. The number of points deducted should be determined by the severity of the extrapolation. If a team has sever Tc n

- M. This rule should be used for substantial rule violations and should not to be used to argue additional points of law or rebut opponent's closing argument.
- N. This time should not to be used to argue additional points of law or rebut opponent's arguments. Regarding questions of rule violations, the presider's decision will be the final.

**Rule 3.7 — Conduct of the Pretrial Motion**

Note: The pretrial motion (oral arguments only) is a mandatory part of the Mock Trial competition at the state level (and in LA County for senior division only) .

- A. The defense will argue the pretrial motion first.
- B. Each attorney arguing a pretrial motion has four minutes to present a statement and two minutes for rebuttal. During these proceedings, pretrial attorneys must be prepared to answer questions from the presider to clarify their position(s).
- C. No objections are allowed during pretrial arguments. Points may be deducted for objections made during pretrial arguments.
- D. In order to present a position in the most persuasive manner, attorneys should carefully review and become familiar with the materials provided in the mock trial case materials .
- E. Additional background research may supplement their understanding of the issues at hand, but such supplemental materials may not be cited in arguments.
- F. No written pretrial motion memoranda may be submitted at trial .
- G. The pretrial motion, motions entering exhibits into evidence, and motion to strike testimony are the only motions allowed . All other motions are prohibited. If a motion is made that is not listed in this section, two points will automatically be deducted from the team's total performance score.

**Rule 3.8 — Clerk and Unofficial Timers**

- A. The Mock Trial competition involves timed presentations. At the State Finals (and LA County), the clerk and unofficial timer must bring a stop watch (no cell phones, tablets, or other electronic devices) and a time sheet to each trial. The time sheet can be downloaded from CRF's website.
- B. The clerks may only use the time cards from CRF's website, printed out on white paper (card stock recommend but not necessary). At the State Finals (and LA County), teams must use the laminated time cards provided by CRF, which will be distributed by the presider. The time cards must be returned to the presider after each trial. The time cards will have the following time remaining warnings:
  - t 2 minute
  - t 1 minute
  - t 30 seconds
  - t Stop
- C. Modifications of time intervals are not permitted.
- D. Running of another (i)-6(s)2(tr)-4(l222)-53(a)-5(3f -0.004 Tc 0.008 Tw ))TJ 08 Tw [[Tw J 07(p)]T Tw 0.3 0 T

- F. The time will be stopped when:
  - t Witnesses are called to the stand
  - t Attorneys make objections
  - t Presider questions attorneys and witnesses
  - t Presider offers their observations.
- G. The time will not be stopped if witnesses are asked to approach the diagram or for other physical demonstrations. Time will not be rounded off.
- H. Teams may divide:
  - t 9 minutes for opening statement and closing arguments
  - t 14 minutes for direct and re-direct examination, and
  - t 10 minutes for cross-examination as desired
 (The time may be utilized however they choose, but the maximum allowable totals for each section must be observed.)
- I. One minute is automatically reserved for rebuttal at the conclusion of closing argument. Only issues that were addressed in an opponent's closing argument may be raised during rebuttal. Formal reservation of rebuttal time is not required.
- J. At the State Finals, two-minute, one-minute, and 30 second visual warnings (not verbal) must be given before the end of each section. The clerk will stop students (both visually and verbally) at the end of the allotted time for each section. Thus, there will be no allowance for overtime. There will be an automatic deduction of one point per score sheet if the presider finds that any section of this rule has been violated.
  - o In LA County, both visual and verbal warnings will be given a two-minute, one-minute, 30 second, and stop warnings.
- K. Any member of the team presenting defense may serve as an unofficial timer. This unofficial timer must be identified before the trial.

- F. These rules are designed to introduce the procedures of law to participants and to foster good sportsmanship. Interpretations of the rules should be guided by common sense.
- G. Arguing for hyper technical interpretations of the rules, especially when designed to embarrass others, is prohibited.

#### Judging and Team Advancement

##### Rule 5.1 — Finality of Decisions

- A. All decisions of the presider and scoring attorneys are final. No exceptions.

##### Rule 5.2 — Judging Panel

- A. The judging panel will typically consist of three to four people (a presider, and several scoring attorneys). In some cases beyond the Mock Trial staff's control, a scoring panel may consist of one presider and one scoring attorney. In that situation the presider will be required to both preside and score the trial.
- B. At the State Finals, the scoring panel may consist of people with substantial Mock Trial coaching/scoring experience, law students, paralegals or attorneys. There will be at least one attorney on each scoring panel. The presider shall be either an attorney or judge.
- C. Subject to the discretion of the county coordinator, attorney and teacher coaches cannot serve as scoring attorneys or presiders if their team is still active in the tournament.

##### Rule 5.3 — Evaluation

- A. Each scoring attorney will use the evaluation and scoring criteria to assign a numerical value (1



### Summary of Pretrial Motion Procedures

- x Presiders are encouraged to challenge the attorneys with questions about the case law during pretrial arguments.
- x No objections are allowed during pretrial arguments. Points may be deducted for objections made during pretrial arguments.
- x The hearing is called to order.
- x The presider asks the defense to summarize the arguments made in the motion. The defense has four minutes. The presider may interrupt to ask clarifying questions. The time spent answering the presider's questions is not included in the four-minute time limit.
- x The presider asks the prosecution to summarize the arguments made in the motion. The prosecution has four minutes. The presider may interrupt to ask clarifying questions. The time spent answering the presider's questions is not included in the four-minute time limit.
- x The presider offers the defense two minutes of rebuttal time. The rebuttal time is used to counter the opponent's arguments. It is not to be used to raise new issues.
- x The presider offers the prosecution two minutes of rebuttal time.
- x At the end of the oral arguments, before ruling, the presider asks students if they would like 30 seconds to consult with teacher/attorney coaches regarding any trial irregularities.
- x The presider will rule on the motion and begin trial.

### Summary of Trial Procedures

- x Attorneys present physical evidence for inspection.
- x Presider states charges against defendant.
- x Prosecution delivers its opening statement. No questioning during opening statements.
- x Defense may choose to deliver its opening statement at this point or may wait to open after the prosecution has completed its case in chief.
- x Prosecution calls its witnesses and conducts direct examination.
- x After each prosecution witness is called to the stand and has been examined by the prosecution, the defense cross-examines the witness.
- x After each cross-examination, prosecution may conduct re-direct examination of its own witnesses if necessary.
- x After prosecution presents all its witnesses, defense delivers its opening statement (if it did not do so earlier).
- x Defense calls its witnesses and conducts direct examination.
- x After each defense witness is called to the stand and has been examined by the defense, the prosecution cross-examines the witness.
- x After each cross-examination, defense may conduct redirect examination of its own witnesses if necessary.
- x Prosecution gives its closing argument, and then defense presents its closing arguments. No questioning during closing arguments.
- x Prosecution and defense present rebuttal arguments.
- x At the end of the trial before ruling, the presider asks students if they would like 30 seconds to consult with their teacher/attorney coaches regarding any trial irregularities.
- x Presider deliberates, announces verdict in court, and conducts a short debrief of the trial with the scoring attorneys (not to exceed 10 min.)



## Evaluation Criteria

Closing Arguments (x2)	
<ul style="list-style-type: none"> <li>x Attorney's presentation contained elements of spontaneity and was not based entirely on a prepared text.</li> <li>x Attorney incorporated examples from the actual trial, while also being careful not to introduce statements and evidence that were not brought out during the trial.</li> <li>x Outlined the strengths of his/her side's witnesses and weakness of the other side's witnesses.</li> </ul>	<ul style="list-style-type: none"> <li>x Asked for the verdict, including a request for relief, explained why the verdict was justifiable. Attorney made organized and well-reasoned presentation summarizing the most important points for her/his team's side of the case.</li> <li>x Effective rebuttal countered opponent's arguments.</li> <li>x Reviewed the exhibits and how they helped the case.</li> <li>x Stated the applicable law or statutes and how they supported the side's theory.</li> </ul>
Clerk	

- x Present and punctual for trial.
- x Performed all duties of the clerk (Case 4:07-cv-00180-Pre f\* 3032 at t



## Guidelines for (10) Scoring

The following are general guidelines to be applied to each category on this strength. It is recommended that scorers use 5 as an indication of an average performance, and adjust higher or lower for stronger or weaker performances.

Attorneys	Score	Witnesses
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Excellent understanding of the case, rules, and legal questions and arguments advanced case and didn't ask for

