



## Mock Trial

Purpose: To experience the courtroom aspect of criminal law and to demonstrate mock trial skills.

Limit: 1 team of 4-6 students each per chapter

Dress Code: Appropriate dress to include business attire, chapter uniform or other attire appropriate for the competition, or as directed by your chapter advisor.

### **Rule I: Team Composition/Presentation**

1. The competition is open to students currently enrolled in grades 9-12 in Florida schools. All students on a team must be enrolled in the same school in the district they are representing.
2. Only one team may represent a high school at any level of competition.
3. Teams shall consist of a minimum of four and a maximum of six students including alternates to be used in any manner deemed appropriate by the teacher and coach, as long as the distribution of duties does not conflict with all other competition rules. For trial, teams shall use two students as attorneys and two students as witnesses. One student must be designated as a timekeeper.
4. Each team must be fully prepared to argue both sides of the case. (Plaintiff/Prosecution and Defense/Defendant) using 4 team members.
5. Students of either gender may portray the role of any witness. The competition will strive to make roles gender neutral. However, some cases will warrant a specific gender role. In such cases, students of either gender may portray the role but the gender of the witness may not change from the case as presented.
6. Team Roster/"Roll" Call - Copies of the Team Roster form must be completed and returned prior to arrival at the competition site. Before beginning a trial, teams will be asked to prepare a "Roll Call" list to identify the students participating in each round and their corresponding roles. No information identifying team origin should appear on the list.
7. All teachers and/or attorney coaches affiliated with participating Mock Trial teams must attend a Teacher and/or Coaches Meeting, which will include a review of the rules.

### **Rule II: The Case**

1. The case may contain any or all of the following stipulations: documents, narratives, exhibits, witness statements, etc.
2. The stipulations (and fact statements, if any) may not be disputed at the trial. Witness statements may not be altered.



3. All witnesses must be called.

## **Rule III: Trial Presentation**

1. The trial proceedings will be governed by the Simplified Rules of Evidence provided. Other more complex rules may not be raised at the trial. Questions or interpretations of these rules are within the discretion of the State Director, whose decision is final.
2. Each witness is bound by the facts contained in his/her own witness statement, the Statement of Facts, if present, and/or any necessary documentation relevant to his/her testimony. Fair extrapolations may be allowed, provided reasonable inference may be made from the witness' statement. If, in direct examination, an attorney asks a question which calls for extrapolated information pivotal to the facts at issue, the information is subject to objection outside the scope of the problem.  
If, on cross-examination, an attorney asks for unknown information, the witness may or may not respond, so long as any response is consistent with the witness' statement or affidavit and does not materially affect the witness' testimony.  
Adding facts that are inconsistent with the witness statement or with the Stipulated Facts and which would be relevant with respect to any issue in the case is not permitted. Examples include, but are not limited to (a) creating a physical or mental disability, (b) giving a witness a criminal or bad record when none is suggested by the statements, (c) creating facts which give a witness standing as an expert and (d) materially changing the witness' profession, character, memory, mental or physical ability from the witness' statement by testifying to "recent changes."
3. If certain witnesses are stipulated to as experts, their expert qualifications may not be challenged or impeached by the opposing side. However, their testimony concerning the facts of the case may be challenged.
4. On direct examination, the witness is limited to the facts given. If a witness testifies in contradiction to the facts given in the witness statement, that testimony may be impeached on cross-examination by the opposition through the correct use of the affidavit. The procedure is outlined in the Rules of Evidence.
5. On cross-examination, no restrictions will be made on the witness or the cross-examination, except that the answer must be responsive and the witness can be impeached.  
If the attorney who is cross-examining the witness asks a question, the answer to which is not contained in the stipulations or affidavit then the witness may respond to that question with any answer as long as the answer **does not contradict or materially change** the affidavit.  
If the answer by the witness is contrary to the stipulations or the affidavit, the cross-examination attorney may impeach the witness.
6. Use of **voir dire** examination of a witness is not permitted.

## **Rule IV: Student Attorneys**

Team members are to evenly divide their duties. During the competition, each attorney will conduct one direct and one cross; in addition, one will present the opening statement and another will present closing arguments. In other words, the attorney duties for each team will be divided as follows:

- a) Opening Statements



- b) Direct/Re-direct Examination of Witness #1
- c) Direct/Re-direct Examination of Witness #2
- e) Cross/Re-cross Examination of Witness #1
- f) Cross/Re-cross Examination of Witness #2
- h) Closing Arguments
- i) Prosecution's optional closing rebuttal (**see Rule XV**)

Opening statements must be given by both sides at the beginning of the trial.

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

1. Each team must call the witnesses listed in the case materials. Witnesses must be called only by their own team and examined by both sides. Witnesses may not be recalled.
2. Attorneys may use notes in presenting their cases. Witnesses are not permitted to use notes while testifying during the trial.
3. To permit judges to hear and see better, attorneys will stand during opening and closing statements, direct and cross-examinations, all objections, and **whenever addressing the presiding judge**. Students may move from the podium only with the permission of the presiding judge.

## **Rule V: Swearing of Witnesses**

The presiding judge will indicate that all witnesses are assumed to be sworn.

## **Rule VI: Case Materials**

Students may read other cases, materials, and articles in preparation for the mock trial. **However, students may cite only the case materials given, and they may introduce into evidence only those documents given in the official packet.** In addition, students may not use, even for demonstrative purposes, any materials that are not provided in the official packet. **The following are not permitted: props, costumes, enlargements, computers, phones, or electronic devices of any kind.**

## **Rule VII: Trial Communication**

Instructors, alternates, and observers shall not talk to, signal, communicate with, or coach their teams during trial. This rule remains in force during any recess time that may occur. Team members within the bar area may, among themselves, communicate during the trial; however, no disruptive communication is allowed. Non-team members, alternate team members, teachers, and coaches must remain outside the bar in the spectator section of the courtroom. **Only the four members (and one timekeeper) participating may sit inside the bar.**

## **Rule VIII: Trial Start Time**

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The starting time of any trial will not be delayed for longer than ten minutes unless approved by the State Director. Incomplete teams will have to begin without their other members or with alternates.

## **Rule IX: Conduct/Attire**

**All participants are expected to demonstrate proper courtroom decorum and display collegial sportsmanlike conduct. Appropriate courtroom attire is required.**

## **Rule X: Videotaping/Photography**

Cameras and recording devices are permitted; however, the use of such equipment may not be disruptive **and must be approved in advance of the competition by the mock trial director.** When one team requests to videotape during a trial, the opposing team must be consulted and their permission granted prior to taping.

## **Rule XI: Witnesses**

Witnesses are to remain in the courtroom during the entire trial.

## **Rule XII: Jury Trial**

For purposes of the competition, students will assume this is a jury trial. The scoring judge will act as the jury. The presiding judge is the trial judge.

## **Rule XIII: Viewing a Trial**

Team members, alternates, attorney coaches, teacher coaches, and any other persons directly associated with a mock trial team, except those authorized by the mock trial director, are not allowed to view other teams in competition. Judge will maintain order in the courtroom. If observers are disorderly, they will be asked to vacate the premises.

## **Rule XIV: Decisions**

**ALL DECISIONS OF THE PRESIDING JUDGE ARE FINAL.**

## **Rule XV: Time Limits**

1. A total time will be given to each side for direct, cross, re-direct, and re-cross. The sequence and time limits are:

Opening Statements	.5 minutes per side
Direct Examination and Re-direct Examination (optional)	16 minutes total per side

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Cross Examination and Re-cross Examination (optional)	.14 minutes total per side
Closing Argument	.5 minutes per side

None of the foregoing may be waived **except the optional times**, nor the order changed.

The Plaintiff/Prosecution gives the opening statement first. The Plaintiff/Prosecution gives the closing argument first; **the Plaintiff/ Prosecution may reserve one minute or less of the closing time for a rebuttal.** Plaintiff/Prosecution must notify the judge before beginning closing argument if the rebuttal time is requested. The Plaintiff's/Prosecution's rebuttal is limited to the scope of the defense's closing argument.

1. Attorneys are not required to use the entire time allotted to each part of the trial. Time remaining in one part of the trial **may not** be transferred to another part of the trial.
2. Timing will halt during objections and responses to objections. **Timing will not halt during the admission of documentary evidence, unless there is an objection by opposing counsel.** In the interest of fairness, time extensions may be granted at the discretion of the presiding judge. All objections should be argued in open court, not at the bench. Timing will resume after the judge has ruled on the objection. Students should avoid the use of tactics to "run out the clock" during the admission of evidence. Judges will be instructed to consider this in the Team Ethics scoring category.
3. A "timekeeper" will be provided by each team. The timekeeper's role will be expanded to time the 10 minute debrief session for each side. This will help ensure that the schedule is maintained. The timekeeper will announce to the court when time has expired in each of the separate segments of the trial.
4. Team timekeepers must not interfere with the trial or obstruct the view of any witness. They should also be seated so they will not be able to observe the scoring judges as they complete their score sheets. At no time, should team timekeepers view the score sheets of ANY team.

## Rule XVI: Judging

1. The **presiding judge** provides a mandatory performance vote during each round/trial for the team that he or she feels gave the better performance during the trial. The presiding judge does not award points to the teams. The presiding judge's score sheet is a short form on which the judge declares which team in his or her opinion exhibited the best performance. The presiding judge **should not** announce the mandatory performance vote.
2. The **scoring** judge (jury) will utilize prepared score sheets to **rate** the quality of the students' **performances** in the trial. The judges will be instructed to rate the performance of all witnesses and attorneys on the team. Judges will **not** announce the **presentation decision**. Judges should make field notes on students' performances during the round/trial.
3. Judges will be instructed not to tie teams in any round/trial. In the event scores are computed by the judges and errors are found in the computations, score room staff will correct the errors and the corrected scores will be the official scores after adding the individual categories/assessments.



4. The team receiving the majority of the performance votes from the three judges is declared the winner of the trial/round.
5. To enhance the students' learning experience, the judges will be instructed to give each team an **oral critique** after their deliberation. The decision on **which team** gave the better performance will **not** be given to the participants. Students and their coaches will have the opportunity to meet informally with all the judges for 20 minutes (10 minutes per team) immediately following the round/trial. Score sheets should be completed **before** the debriefing. Debriefing sessions will be timed by the timekeepers to avoid lengthy debriefs.
6. **ALL DECISIONS OF THE JUDGES ARE FINAL.**
7. The **Team Ethics** category will score students on the standards recognized in the **Code of Ethical Conduct**.
8. Teacher coaches of mock trial teams may **not** serve as judges in any capacity. Teacher coaches may serve as timekeepers if their team does not advance from their local competition.

## **Rule XVII: Dispute Settlement**

### **Reporting a Rules Violation Inside the Bar**

1. If any team has serious reason to believe that a **material rules violation** has occurred during a trial, one student attorney member of the team shall communicate that a dispute exists to the presiding judge **immediately after** the trial is over and before the critique begins. The scoring judge will be excused from the courtroom, but should remain in the vicinity.
2. The presiding judge will ask that both teams remain in the courtroom. A dispute form shall be completed by the student attorney to record in writing the nature of the dispute. The student attorney may communicate with other student attorneys and witnesses on the team before preparing the form. No more than 3 minutes may be taken to complete the form.  
**At no time** in this process may **team sponsors or coaches communicate or consult** with the students. Only student attorneys may invoke the dispute procedure.

### **3. Dispute Resolution Procedure**

The presiding judge will review the written dispute and determine whether the dispute should be heard or denied. If the dispute is denied, the judge will record the reasons for this, announce her/his decision to the Court, retire to complete his/her score sheet (if applicable), and turn the dispute form in with the score sheets. If the presiding judge feels the grounds for the dispute merit a hearing, the form will be shown to opposing student counsel for their written response. After the team has recorded its response and transmitted it to the judge, the judge will ask each team to designate a spokesperson. After the spokespersons have had time (not to exceed three minutes) to prepare their arguments, the presiding judge will conduct a hearing on the dispute, providing each team's spokesperson three minutes for a presentation. The spokespersons may be questioned by the presiding judge. At no time in this process may team sponsors or coaches communicate or consult with the student attorneys. After the hearing, the presiding judge will adjourn the court and retire to consider her/his ruling on the dispute. The judge will make a final decision as to whether or not a rules



violation has occurred. That decision will be recorded in writing on the dispute form. The presiding judge is **not** required to announce his/her decision to students.

#### 4. **Effect of Violation on Score**

If the presiding judge determines that a substantial rules violation has occurred, the presiding judge will consider the dispute before finalizing their scores. The dispute may or may not affect the final decision, but the matter will be left to the discretion of the scoring judges. All decisions of the judges are **FINAL**.

#### **Rule XVIII: Reporting a Rules Violation Outside the Bar**

1. Disputes that (a) involve people other than student team members and (b) occur outside the bar only during a trial round may be brought by teacher or attorney-coaches exclusively. Such disputes must be entered on a complaint form and turned in to the registration area. The Mock Trial State Coordinator and/or Advisory Committee will review the dispute for appropriate action, if needed. Decisions and actions of the coordinator and/or committee are **FINAL**.

#### **Rule XIX: Score Sheets/Ballots**

1. Score sheet will be completed by the presiding judge. Judge may **not** inform students of score sheet results.
2. The term "ballot" will refer to the decision made by a scoring judge as to which team made the best presentation in the round. The term "score sheet" is used in reference to the form on which speaker and team points are recorded. Score sheets are to be completed individually by the scoring judges. Scoring judges are not bound by the rulings of the presiding judge. **The team that earns the highest points on an individual judge's score sheet is the winner of that ballot.** The team that receives the majority of the three ballots wins the round. The ballot votes determine the win/loss record of the team for power- matching and ranking purposes.
3. Individual assessment categories **including team ethics and team performance** shall be judged on a 1- 10 scale **by the presiding judge only**.
4. In the event of a mathematical error in tabulation by presiding judge, staff will enter the **correct tabulation** of the scores.

#### **Rule XX: Completion of Score Sheets**

1. Each scoring judge shall record a number of points (1-10) for each presentation of the trial. At the end of the trial, each scoring judge shall total the sum of each team's individual points and place this sum in the **column totals** box. The team with the greater number of points wins that scoring judge's performance for that round.
2. The presiding judge shall circle either Plaintiff/Prosecution or defense/defendant on his or her score sheet to indicate which team the presiding judge feels gave the better performance during the trial. The team that the presiding judge circles on their score sheet receives that presiding judge's performance vote for that trial.



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## **Rule XXI: Effect of a Bye/Default**

1. A “bye” becomes necessary when an odd number of teams are present for the competition. For the purpose of competition, when a team draws a bye or wins by default, the winning team for that round will be given a win and the number of ballots and points equal to the average of all winning team’s ballots and points of that same round. The Mock Trial State Coordinator may, if time and space allow, arrange for a “bye round” to allow teams drawing a bye to compete against one another in order to earn a true score.
2. The Mock Trial State Coordinator has the discretion on how to handle a bye in all rounds of the tournament.

## **Rule XXII: State Competition Awards**

Trophies will be awarded to the top five teams.

## **Rule XXIII: Regional Competitions**

1. TBD

Required Personnel: 2 Judges (1 Presiding, 1 Scoring)  
2 Courtesy Corp



## Mock Trial Score Sheet

**P** = Prosecution: \_\_\_\_\_ **D** = Defense: \_\_\_\_\_

**Date:** \_\_\_\_\_

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

Do **NOT** use fractional points. Please use a ballpoint pen.

Not Effective		Fair		Good		Excellent		Outstanding	
1	2	3	4	5	6	7	8	9	10
Score Sheet				P		D			
Opening Statement				( )		( )			
Prosecution Witness		Direct Examination		( )		Cross Examination		( )	
		Witness Presentation		( )					
Defense Witness						Direct Examination		( )	
		Cross Examination		( )		Witness Presentation		( )	
Prosecution Witness		Direct Examination		( )		Cross Examination		( )	
		Witness Presentation		( )					
Defense Witness						Direct Examination		( )	
		Cross Examination		( )		Witness Presentation		( )	
Ethical Conduct				( )		( )			
Team Performance				( )		( )			
Column Totals				( )		( )			



## Mock Trial

### Judge's Winner Sheet

1st Place School \_\_\_\_\_  
Team \_\_\_\_\_

2<sup>nd</sup> Place School \_\_\_\_\_  
Team \_\_\_\_\_

3<sup>rd</sup> Place School \_\_\_\_\_  
Team \_\_\_\_\_

4<sup>th</sup> Place School \_\_\_\_\_  
Team \_\_\_\_\_

5<sup>th</sup> Place School \_\_\_\_\_  
Team \_\_\_\_\_