

JUDGE INSTRUCTIONS

Thank you for volunteering to judge for the ULRE Mock Trial Competition. Judges are a very important part of the mock trial learning experience, and we appreciate your time. The Judge's Instructions will aid Judges in preparing for and running a trial. Please become familiar with these materials.

If you have any questions while reviewing this information, please contact the state coordinator, Melissa Orton, at melissamocktrialutah@gmail.com. In case of an emergency during a trial, call or text Melissa at 571-232-4143.

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BRIEF JUDGE OVERVIEW

Your purpose is to score the student teams on their trial presentation, not the merits of the case.

Quick Reminders

- Follow the provided script for conducting the trial.
- No electronics (beyond the Judge's devices for scoring) are allowed in the courtroom. No cell phone use during the trial.
- Witnesses may not use notes. They should know their witness statements and the exhibits. If a witness is successfully impeached, you should factor that into your scoring.
- Attorneys can use notes - you can factor in the use or non-use of notes to your score.
- Redirect and recross are allowed. Permit the teams to do these if they wish.

Objections:

- Allow responses to an objection- don't rule without giving the other attorney a chance to respond.
- Allow the teams to argue their objections and responses back and forth. This gives the evaluators a bigger picture of the student's knowledge and skills and provides a more complete score.
- However, don't let the objection arguments go on forever.
- Consider the appropriate Rule of Evidence in making your ruling.
- When in doubt, ask to review the rule.

Not permitted:

- Motions
- Marking exhibits
- Unfair extrapolation
- Sidebars

Scoring

- Allow judges time to complete the scoring
- Once the trial is finished, Judges will complete the online ballots independently. Do not discuss who you thought won until everybody has finished and submitted their scoresheets.
- If your numerical score comes up with a tie, please see if there is anywhere that you think it would be appropriate to adjust the score to avoid a tie.
- Do not announce a winner or deliver a verdict. Allow teams to give Star Awards.
- Point deductions: going over time, communication between competing students and observers/coaches, unbalanced team roles, or for other rule violations or egregious breaches of decorum.

Report back to the URLE Court Coordinator after completing the round, just in case of a problem with your scoresheet. Please DO NOT leave the courthouse before we officially release your panel. We will release panel members as soon as possible.

JUDGE PREPARATION

IN ADVANCE

- Take the time to review the case materials, including the errata, Mock Trial Rules of Competition, and other information in the [Judge Folder](#).
- Check the [schedule](#) for your judging assignments. If you are unable to attend your scheduled trial date, let the coordinator know immediately. If possible, find a substitute to fill in for you.

THE DAY OF THE TRIAL

- Check your [Courtroom Assignment](#) –you will find the courtroom number and round number.
**Judge assignments may not be made until the day of trial and are subject to change.*
- Prepare your ballot:
 - Download a fresh copy of the ballot [here](#).
 - Open the ballot for editing (Adobe Acrobat or Google Chrome recommended).
 - Save the ballot with a new name consisting of your name, courtroom number, and round number (e.g. 'John Doe W32 Round 1.pdf')
- The Trial Roster, listing the students and the roles they are playing, will be available before the trial. Use the link for the Trial Roster on the Courtroom assignments doc.
- Please arrive 30 minutes prior to the trial start time.
- When you arrive at the courthouse/ location:
 - Locations, parking, and wifi information found on [Courthouse Information](#).
 - Security: If the courthouse has a security check, you can move to the front of the line to get through quickly.
 - Check-in at the Judge's Orientation. Any updates with judging, room assignments, etc., will be available at the orientation.

TRIAL MANAGEMENT

- The Judging Panel is typically conducted by a panel of three individuals: the presiding judge and two scoring judges.
- Depending on the room setup, the Presiding judge will sit behind the bench, while the remaining judges will sit where they may observe student presentations.
- The presiding judge:
 - Will run the courtroom according to the Mock Trial Script.
 - Rules on all objections.
 - Should pay particular attention to the legal merits of the case.
 - Observe student presentations and complete the ballot.
- The scoring judge(s):
 - Observe student presentations and complete the ballot.
- More information may be found in the Rules of Competition Appendix, Rules 5.1-5.5, at the end of this document.

MOCK TRIAL SCRIPT

Follow this script as you conduct the trial proceedings.

**Judges, please do NOT enter the courtroom before the trial is set to begin.*

***Please notify the coordinator if not all judges are present.*

PRE-TRIAL MEETING

When judges are all present and ready to start, one judge may enter the courtroom to signify that they are ready to meet with the bailiffs.

- Judges will meet with both teams' bailiffs outside the courtroom.
- The purpose is for judges to give specific instructions and for bailiffs to ask procedural questions that they may have.

Give the bailiffs a few minutes to return to their seats before entering the courtroom.

SCRIPT FOR BEGINNING THE TRIAL ROUND

As the judges enter the courtroom, the bailiff for the Plaintiff/Prosecution will say: *"All rise for the Honorable Judges. The Mock Trial Court is now in session, the Honorable Judge (name of Presiding Judge) presiding."*

All participants remain standing until the Presiding Judge asks them to be seated. The Presiding Judge asks the bailiff to call the day's calendar, at which point the bailiff says: *"Your Honor, today's case is (name of case), Case Number (read number)."*

Once the judges are seated, the Presiding Judge will read the following:

INTRODUCTORY REMARKS

"Welcome to the Utah Mock Trial Program sponsored by the: Utah State Bar, Utah Bar Foundation, Utah Administrative Office of the Courts, and Utah Law Related Education. We appreciate the teachers, coaches, and parents who have helped the students learn about the United States legal system and prepare for trial today.

The trial will follow these procedures today:

- Please show respect for courtroom decorum.
- No communication in any form is allowed between students and non-competing students, coaches, or observers.
- Schools should not be identified to the judges.
- No one from another team or affiliated with another team is permitted in the courtroom.
- Points are awarded for performance only, not for the decision on the merits.
- Any violation of rules by teams, coaches, or observers may result in point deductions.
- I remind you now to turn off all electronic devices."

SCRIPT TO BEGIN THE TRIAL- Opening Statements

- Ask each team if they are ready to proceed.
 - “Is the Plaintiff/ Prosecution ready to proceed?”
 - “Is the Defense ready to proceed?”
- Ask each team if it has any pre-trial matters to cover.
 - “Are there any pre-trial matters?”
- Begin the trial with the opening statements.
 - “Is the Plaintiff/ Prosecution prepared to give their opening statement?”
- The Defense may opt to give their opening statement after the Plaintiff/ Prosecution’s opening statement, or they may opt to give it after the Plaintiff/ Prosecution’s case in chief.
 - “Would the Defense like to give their opening statement now?”

SCRIPT FOR CALLING WITNESSES

*Each team will have three witnesses, each played by a different team member. The characters’ names are gender-neutral to allow any student to play the role using the names provided in the case. Witnesses must be called only by their own team during their case-in-chief and examined by both sides. Each team must call all three of its assigned witnesses. Witnesses may not be recalled by either side. Attorneys may use paper notes in presenting their cases. Witnesses are **not** permitted to use notes while testifying during the trial.*

Begin with the Plaintiff/ Prosecution Witnesses.

- “Would the Plaintiff/ Prosecution like to call their first witness?” Swear in Plaintiff/ Prosecution witness.
- “Is the Defense ready to cross-examine?”
- “Is there a re-direct?”
 - “Re-cross?”

Continue for all three Plaintiff/ Prosecution Witnesses. After the third witness, the judge may say:

- “Does the Plaintiff/ Prosecution rest?”

After all three Plaintiff/ Prosecution witnesses, judges may decide to take a 5-minute break.

Now it’s time for the Defense Witnesses.

- “Would the Defense like to call their first witness?” Swear in Defense witness.
- “Is the Plaintiff/ Prosecution ready to cross-examine?”
- “Is there a re-direct?”
 - “Re-cross?”

Continue for all three Defense Witnesses. After the third witness, the judge may say:

- “Does the Defense rest?”

After all three Defense witnesses, judges may decide to take a 3-minute break to allow students to prepare for Closing arguments.

Follow the Trial Sequence below to conduct the trial proceedings.

Note: Attorneys are not required to use the entire time allotted to each part of the trial. Time remaining in one part of the trial may not be transferred to another part of the trial. (Rule 4.5)

TRIAL SEQUENCE	
5 minutes/team	<p>Opening Statements</p> <ul style="list-style-type: none"> • Plaintiff/ prosecution opening statement • Defense opening statement
25 minutes for direct 20 minutes for cross	<p>Plaintiff/ Prosecution Witnesses</p> <p>Plaintiff/ prosecution witnesses are called: direct examination followed by cross-examination.</p> <ul style="list-style-type: none"> • Ask if there is a re-direct or re-cross <p><i>*Only one redirect examination and one recross examination per witness.</i></p>
<p><i>Optional 5-minute break</i></p> <p>*While a directed verdict argument may be heard, it may NOT be granted. For scoring purposes, both sides of the case must be presented in mock trial.</p>	
25 minutes for direct 20 minutes for cross	<p>Defense Witnesses</p> <p>Defense witnesses are called: direct examination followed by cross-examination.</p> <ul style="list-style-type: none"> • Ask if there is a re-direct or re-cross <p><i>*Only one redirect examination and one recross examination per witness.</i></p>
<p><i>Optional 3-minute break to allow teams to prepare for closing statements</i></p>	
5 minutes total/ team	<p>Closing Arguments</p> <p>Plaintiff/ prosecution closing statement</p> <p>Defense closing statement</p> <p>Plaintiff/ prosecution rebuttal <i>*The Prosecution/ Plaintiff may reserve a portion of its closing time for a rebuttal. They must request rebuttal time <u>before starting the closing statement, or the time will not be allowed.</u> The rebuttal is limited to the scope of the Defense's closing argument.</i></p>
<p><i>Optional 5-minute recess for judges to complete ballots</i></p>	
	<p>Debrief</p> <p>Students present STAR awards</p> <p>Judge introductions and remarks (3 minutes per judge)</p>

SCRIPT FOR CONCLUDING THE TRIAL ROUND

After the closing arguments have been performed:

1. Ask the bailiffs if there were any time discrepancies during the trial that have not already been brought to the attention of the Presiding Judge
2. Take a 5-minute recess.
 - a. Use this time for judges to fill out their ballots.
 - b. Instruct the teams to prepare to give their STAR awards. STAR awards are given by the students, and they will conduct this portion.
 - c. After 5 minutes, return to the courtroom
3. Allow each team to present their Star Attorney and Star Witness Awards. "Are the teams ready to present their STAR awards- let's begin with the Prosecution".
4. Judges may introduce themselves and take up to 3 minutes to offer a brief critique and share their top witness and attorney from each side. This is optional. Please follow the Critique Guidelines below.
5. Thank the teams for their participation.
6. Ask the defense bailiff to close the court. They will say, "All rise. The Honorable Court is hereby adjourned".

GUIDANCE ON OBJECTIONS FOR PRESIDING JUDGES

Objections allow students to demonstrate their knowledge. Each attorney should be afforded an adequate opportunity to state the grounds for the objection and to respond to the other attorney. It is important that the Judges be able to observe how both sides handle an objection sequence.

- Make rulings on objections raised based ONLY on the [Rules of Competition](#) and the [Simplified Rules of Evidence](#). Both sets of Rules are included in the digital folder and are located in the handbook. Note: For educational purposes, mock trial rules of evidence are simplified and different than the Federal Rules of Evidence.
- Insist that counsel address the court and not each other.
- Do not allow the participants to get bogged down in lengthy debates.

Rule 4.13- Objections

Only the attorney examining a particular witness shall make objections to that witness's cross-examination, and the attorney who cross-examines a witness shall be the only one to make objections to that witness's direct examination. Teams are to use the Rules of Evidence for the Competition. Additionally, attorneys can make the following objections:

1. **Argumentative Questions:** An attorney shall not ask argumentative questions.
2. **Lack of Foundation:** Attorneys shall lay a proper foundation before moving the admission of evidence. After the exhibit has been offered into evidence, the exhibit may still be objected to on other grounds.
3. **Assuming Facts Not in Evidence:** Attorneys may not ask a question that assumes unproven facts. However, an expert witness may be asked a question based upon stated assumptions, the truth of which is reasonably supported by evidence (sometimes called a "hypothetical question").
4. **Questions Calling for Narrative or General Answer:** Questions must be stated so as to call for a specific answer. (Example of improper question: "Tell us what you know about this case.")
5. **Non-Responsive Answer:** A witness' answer is objectionable if it fails to respond to the question asked.
6. **Asked and Answered:** Questions designed to elicit the same testimony or evidence previously presented in its entirety are improper if merely offered as a repetition of the same testimony or evidence from the same or similar source.
7. **Leading:** (applicable to direct examination only) (Rule 611c). A leading question is a question that suggests to the witness the answer desired by the examiner, often "yes" or "no." In mock trials, witnesses may generally not be asked leading questions by the attorney who calls them, except when the attorney asks questions on preliminary, non-substantive matters.
8. **Narration:** The questions must not be so broad that the witness must "narrate" to give an answer. Also, an attorney may object to improper narration if a witness continues outside the bounds of the original question.
9. **Compound:** Questions should be about one topic or fact only. Compound questions are objectionable because the answers to compound questions are unclear and often only partially correct, particularly on cross-examination.

Additional objections are allowed as available under the Mock Trial Rules of Evidence.

CRITIQUE GUIDELINES

The students appreciate the comments that you make after each round.

- No more than 2-3 minutes per judge to give the teams feedback about the trial.
- For many students, critiques are the most valuable part of the competition.
 - The goal of this program is the proper education and development, nurture, and guidance of young people. Please keep those goals in mind when speaking to students and coaches.
 - Please remember these are high school or junior high school students (some as young as twelve years old). These students participate in mock trial as an extracurricular activity and devote hours preparing for and participating in the program.
 - The most valuable assistance you can provide is to point out generally what the team did well and/or make general constructive comments on any deficiencies in the presentation.
 - Comments should be of a general nature and not directed toward individual members of the team.
 - Be fair and distribute your comments broadly – students listen closely during the critique for clues about which team won, so please be careful not to give away the result.
- Announce your choice of Best Witness and Best Attorney for both the Prosecution/Plaintiff and Defense sides.
- **Do not announce scores or the results of the Round.**

Please DO NOT:

- Refer to “real world” rules during the trial or the debriefing session.
- Tell students “they are better than real lawyers.”
- Compare team performance with another team in this competition or with a team you saw at some other point in time.
- Ask a team to identify itself by school, even post-trial. Teams aren’t permitted to share what school they are from.

COMPLETING THE BALLOT

Using the Ballot

1. Before the trial, download a fresh copy of the ballot [here](#).
 - Open the ballot for editing (Adobe Acrobat or Google Chrome recommended).
 - Save the ballot with a new name consisting of your name, courtroom number, and round number (e.g., 'John Doe W32 Round 1.pdf')
2. Complete online score sheets independently of one another. Do not discuss who you thought won with other judges until everybody has finished their scoresheets.
3. In case of technical issues, it's recommended that you save the ballot multiple times during the trial.
4. No tie scores. The presiding judge will mark the tie-breaker box on their score sheet.
5. Ensure all fields in the ballot are filled out before submission.
6. When you have internet access, submit the ballot via **one of the three methods**:
 - Uploading the ballot through the **BALLOT FORM**.
 - Email the ballot as an attachment to: mocktrialutah+ballots@gmail.com
 - Upload your ballot directly to the **BALLOT FOLDER** in Google Drive.
7. Please submit the ballot within 15 minutes of the trial conclusion.

SCORING GUIDELINES

- Students should be evaluated only on their performance, including their substantive presentation of the facts and law, not the legal merits of the case. Judging is to evaluate the effectiveness of each team's presentation of the side of the case to which it has been assigned.
- The mock trial case is constructed with the intent to be balanced; either side may “win” by how their case is presented.
- Judges are not to decide for or against either party.
- Do not announce a verdict or share scores with the teams.

WHAT TO LOOK FOR WHEN SCORING TEAMS

Judges should consider the following criteria during a team’s trial presentation. Judges may award and deduct points at their discretion. All scores/points are subjective.

<p style="text-align: center;">5 Poor</p>	<p style="text-align: center;">6-7 Average/ Proficient</p>	<p style="text-align: center;">8-9 Very Good</p>	<p style="text-align: center;">10 Outstanding/ Superior</p>
<p style="text-align: center;">Opening Statement</p>	<ul style="list-style-type: none"> • Provided an overview of the witnesses and their testimony, evidence, and how it will prove the case • Introduced a theme/theory of the case • Outlined the burden of proof • Requested relief (what the side is asking the court to decide) • Non-argumentative 		
<p style="text-align: center;">Direct Examination</p>	<ul style="list-style-type: none"> • Asked properly phrased open-ended questions that allowed explanation or description of the situation • Sequenced questions logically • Did not ask questions that required any unfair extrapolations • Laid foundation for witness testimony • Elicited relevant, important evidence from witnesses • Continued with consistent theme/theory of the case • Provided proper objections during the opposing team’s cross-examination • Utilized objections to move the case forward and not just to throw the other side off their game • Made/defended objections utilizing rules of evidence/ rules of competition. • Recovered well after objections • Adjusted to judges’ rulings • Addressed actual testimony • Followed proper protocol for introducing exhibits • Demonstrated an understanding of the rules of competition and evidence • Limited re-direct to the scope of cross-examination • On re-direct, rehabilitated witnesses 		

<p>Witness Performance</p>	<ul style="list-style-type: none"> ● Presented an interesting and authentic character ● Understood the facts of the case and the exhibits ● Provided logical testimony ● Sounded spontaneous and not memorized ● Did not give excessively long or non-responsive answers on cross-examination ● Portrayed a consistent character under cross-examination ● Maintained factual position under cross-examination ● Did not offer answers that included any unfair extrapolations ● Recovered well after objections ● Remained in character when not on the witness stand
<p>Cross-Examination</p>	<ul style="list-style-type: none"> ● Continued with consistent theme/theory of the case ● Provided proper objections during the opposing team's direct examination ● Made/defended objections utilizing rules of evidence/rules of the competition ● Utilized objections to move the case forward and not just to throw the other side off their game ● Recovered well after objections ● Adjusted to judges' rulings ● Addressed actual testimony ● Elicited facts favorable to the attorney's case ● Asked properly phrased questions that weakened the testimony given during the direct examination ● Used appropriate leading questions suggesting a "yes/no" answer ● Attempted to appropriately control the witness consistent with the judge's rulings ● Properly impeached the witness, if needed, without appearing to harass or intimidate
<p>Closing Argument</p>	<ul style="list-style-type: none"> ● Incorporated what transpired during the trial ● Summarized the evidence with reasoned arguments ● Outlined the strengths of their side's witnesses and the weaknesses of the other side's witnesses ● Discussed relevant exhibits when appropriate ● The theme was carried through to closing ● Refers to jury instructions or other legal standards when necessary ● Asked for the verdict, including a request for relief, and explained why the verdict was justifiable ● Effectively answered and rebutted opponent's case
<p>Bailiff</p>	<ul style="list-style-type: none"> ● The bailiff was present and punctual for trial ● The bailiff performed their role so that there were no disruptions or delays in the presentation of the trial ● The bailiff conducted themselves professionally without attracting unnecessary attention ● Proper use of Time-Cards & handling of exhibits ● Knowledgeable about their role in trial