

**2017 JUDGE RICHARD N. WARE, IV**

**MEMORIAL  
HIGH SCHOOL  
MOCK TRIAL COMPETITION**

**Handbook**

*Sponsored by:*

**Louisiana State Bar Association  
Young Lawyers Division Council**



*Serving the Public. Serving the Profession.*

# **THE 2017 MOCK TRIAL CASE**

**43rd JUDICIAL DISTRICT COURT  
FOR THE PARISH OF RIVIERE RAPIDE**

**NO. MC-2017**

**DIVISION "A"**

**LOGAN AND HAYDEN HARRISON**

**VERSUS**

**RIVIERE RAPIDE SCHOOL DISTRICT**

**IN MEMORY OF  
JUDGE RICHARD N. WARE, IV  
1949-1996**

This competition is dedicated to and named in memory of the Honorable Richard N. Ware, IV, district court judge for the 39<sup>th</sup> Judicial District Court of Louisiana. For nearly a decade, Judge Ware assisted the Young Lawyers Division of the Louisiana State Bar Association in the administration of its various public service projects. He was particularly devoted to serving each year as the presiding judge of the final round of the Louisiana High School Mock Trial Competition. Despite the fact that the competition was held in different parishes around the state and at different times each year, Judge Ware was always willing to clear his calendar and devote many hours to serve as a “real” judge for students who had worked so hard to prepare and present their cases. The Young Lawyers Division of the Louisiana State Bar Association dedicates the high school mock trial program to Judge Richard N. Ware, IV in honor and memory of his dedication and service throughout the years.

**SPECIAL ACKNOWLEDGMENTS**

This year’s mock trial problem was written by Members of the University of Louisiana-Monroe’s Mock Trial Team, Olivia Sage, Sarah Cheatham, and Dorae Dadgar, under the direction of Bob Noel. The Louisiana Young Lawyers Division expresses its sincere thanks to Mr. Noel and the ULM Mock Trial Team for their gracious assistance and support of this program.

The Louisiana Young Lawyers Division would also like to acknowledge the work of the Regional Coordinators and the local bar associations that plan and host each of the four regional competitions. Without their hard work and dedication, the State Competition would not be possible. These Coordinators provide invaluable services to the participating schools, including distributing the problem, organizing and running the regional competitions, rounding up volunteers, and assisting with the State Competition.

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## ABOUT THE MOCK TRIAL COMPETITION

### GENERAL OVERVIEW

The Louisiana High School Mock Trial Competition is designed to introduce young people to the art of advocacy, supplement their knowledge of the workings of our court system, and provide them with the opportunity to develop the skills of teamwork and oral presentation. In the state competition, teams from schools across the state are matched against each another in a courtroom setting. The students prepare their case as both the plaintiff and the defense and will present before a judge and mock trial jury (i.e., performance judges) at trial.

Each team is comprised of students who portray each of the principal players in a courtroom trial. Some will act as the plaintiff(s) whose rights or interests are the subject of the trial or as witnesses whose testimony is a necessary and valuable component of nearly every trial (student-witnesses). Others will portray the lawyers (student-attorneys) who will present the case at trial and enjoy the responsibility of making persuasive legal arguments to the judge.

The case problem is fictional. The characters, names, incidents, places, exhibits, and dialogues are used fictitiously and do not refer to or portray any actual persons, places, or institutions. Any resemblances to actual people, places or events are coincidental, and are being used solely for the purpose of providing the students with a comprehensive legal problem to use in the competition.

### MOCK TRIAL PROBLEM DISTRIBUTION AND REGISTRATION

This handbook contains the official materials that each team will need to prepare for the 2017 Louisiana High School Mock Trial Competition, sponsored and administered by the Young Lawyers Division of the Louisiana State Bar Association.

This handbook is available on the Louisiana State Bar Association's website, [www.lsba.org](http://www.lsba.org) under the Young Lawyers Division tab. Any questions regarding distribution of the handbook should be directed to the Regional Coordinator and/or the Mock Trial Committee Co-Chairs.

### SCHOOL ELIGIBILITY AND RESPONSIBILITY

All schools within the State of Louisiana, whether public or private, are eligible to field teams at the regional level of the High School Mock Trial Competition. The top two (2) teams from each of the four regions are permitted to advance to the State Competition scheduled to take place at the 4th Judicial District Court in Monroe, Louisiana on **March 11, 2017**.

Once a school receives the problem and has compiled one or more teams, it must register its team(s) with the Regional Coordinator. The registration form can be found in this Handbook. Schools may enter multiple **teams of at least six (6) and no more than eight (8) students**, each led by one or more teacher-coach(es) and guided by one or more attorney-coach(es).

Each school is responsible for selecting the teacher-coach or coaches and team members (including three student-attorneys, three student-witnesses, and two alternates). The schools are also responsible for arranging their teams' transportation to and from the Regional and State Competition sites. Further, each team entered into the Louisiana High School Mock Trial Competition is expected to conduct several practice sessions before the Regional Competition.

### **BAR ASSOCIATION ASSISTANCE**

Teams may enlist one or more attorneys of their choice to assist them in preparing for the competition. If a team is unable to enlist an attorney on its behalf, volunteer attorneys will be requested to assist in preparing the teams for trial. If a team wishes to have a volunteer attorney assigned, it should contact the appropriate Regional Coordinator.

### **REGIONAL COMPETITION**

Each participating region will sponsor a Regional Competition and declare a Regional Champion and Regional Runner-Up from the competing high schools. The participating regions (and their respective Regional Coordinators) may be found at page 11 of this handbook. The Regional Champion and Regional Runner-Up from each region will be invited to compete in the State Competition at the **4<sup>th</sup> Judicial District Court in Monroe, Louisiana on March 11, 2017**. In the event there are an odd number of teams slated for the State Competition, the host region will be invited to send an additional team to participate in the State Competition.

### **STATE COMPETITION**

If your team is a Regional Champion or the Regional Runner-Up, please fill out the State Competition Registration Form located on page 39 of this handbook and e-mail it to the State Coordinator at the address set forth in the section on "Additional Contact Information" within one week of your Regional Competition. The State Coordinator will then send you a schedule of events, itinerary, and hotel information for the State Competition.

Registration for the State Competition is set to begin for all participating teams at **7:30 a.m. on Saturday, March 11, 2017**, at the 4<sup>th</sup> Judicial District Court in Monroe, Louisiana. On Saturday, there will be three rounds of competition. Each team will participate in round one and round two, the teams will break for lunch, then the final two teams will be announced and the final round will be held. Everyone is encouraged to attend the final round.

Following the competition, there will be a ceremony for all participants, guests, and judges, during which awards will be presented to the State Champion, State Runner-Up, Most Outstanding Witness, and Most Outstanding Attorney. Volunteer attorneys and judges vote for the outstanding witness and attorney awards throughout the competition; *the winners of these awards are NOT limited to the two final teams*. In addition, all participating students receive certificates of merit for participating in the State Competition.

## NATIONAL COMPETITION

The Louisiana State Bar Association Young Lawyers Division is committed to partially sponsoring the winning team of the State Competition as Louisiana's representative at the National Mock Trial Competition, which will be held in **Hartford, Connecticut, on May 11-13, 2017**. The Louisiana State Bar Association Young Lawyers Division has sponsored a Louisiana team in the prestigious National Mock Trial Competition for more than twenty-five years, and the Young Lawyers Division is proud to offer this additional opportunity for educational enrichment to the State Champion.

Please note that the National Competition problem is different from the State Competition problem. The National Competition problem will be distributed to each of the teams from the numerous states that participate in the National Competition. We will provide a copy of the problem to the State Champion as soon as it is available. An information packet will accompany the problem. Room, meal, and airfare reservations, as well as t-shirt orders will need to be placed with the National Coordinators as soon as possible following the State Competition. If, for any reason, the State Champion is unable or unwilling to attend the National Competition, the State Runner-Up will have the opportunity to compete in its place.

We anticipate that student teams will be asked to register in Boise on Thursday, **May 11, 2017**, and to attend a get-to-know-you mixer with teams competing from other states. Teams usually bring souvenir items to trade with other students. These items symbolize each team's state and typically include pins, magnets, and other items bearing the state's name. For example, the Louisiana team may give out Mardi Gras beads or Tabasco. Practice rooms are available a few days before the competition begins. The competition begins on Friday morning and ends on Saturday afternoon. An awards banquet is held on Saturday evening.

The Louisiana State Bar Association Young Lawyers Division will assist in registering the winning team in the National Tournament and agrees to provide partial funding (as available) for transportation and housing; **however, it will be the responsibility of the winning school, school district, and parents of each individual student to provide the balance of the funding that may be necessary to participate in the National Competition.** In previous years, the Young Lawyer Division has contributed funds to assist with travel and lodging expenses and hopes to be able to do so again this year. Funds will be distributed to the winning team in the form of reimbursement.

## PROGRAM OBJECTIVES

For the participating **students**, the Mock Trial Competition will:

- Increase proficiency in fundamental skills including listening, speaking, reading, and reasoning;
- Promote confidence in public speaking;
- Encourage teamwork;
- Further an understanding of the substantive law; and
- Provide exposure to the procedure by which our courts have applied the substantive law.

For participating **schools**, the Mock Trial Competition will:

- Promote cooperation and healthy competition among students of various abilities and interests;
- Demonstrate the achievement of high school students to the community;
- Provide hands-on experience outside the classroom from which students can learn about law, society, and themselves; and
- Provide a challenging and rewarding experience for participating teachers and coaches.

## CODE OF ETHICAL CONDUCT

**Students and teacher-coaches should read, understand, and discuss this Code of Ethical Conduct at the first team meeting.**

All participants must adhere to the high standards of scholarship expected of students in their academic performance. The teacher-sponsor is responsible for the team's adherence to these principles. Suspected violations of this Code will be referred to the teacher-sponsors of the teams involved.

Plagiarism of any kind is unacceptable. The students' written work and oral presentations at both the Regional and State Competitions must be their own.

Students, teachers, and coaches must exhibit good sportsmanship in both victory and defeat in their relations with other teams and individuals. They must at all times show respect for fellow students, opponents, judges, coaches, competition coordinator(s), and volunteers. Trials will be conducted honestly, fairly, and with the utmost civility. Students shall not willfully violate the rules of the competition in spirit or in practice, and shall avoid tactics they know are wrong or that violate the rules.

Each team is responsible for its conduct and the conduct of persons associated with the team (friends, relatives, etc.) throughout the competition.

All coaches agree to focus attention on the educational value of the mock trial competition, to uphold the highest standards of the legal profession, encourage fair play, and discourage willful violations of the rules. Coaches shall instruct students as to proper procedure and decorum and will assist their students in understanding and abiding by the rules and Code of



Ethical Conduct. Coaches should ensure that the students understand and agree to comply with this Code. Violations of this Code may result in forfeiture and disqualification from the competition.

## **JUDGING THE COMPETITION**

### **GENERAL OVERVIEW**

The competition will be comprised of successive rounds wherein two teams will be matched against each other in the presentation of the mock trial problem. Teams will not learn whether they represent the plaintiff of the defendant until the day of the competition; therefore, every team must be prepared to present both sides of the mock trial problem.

At least one presiding judge will conduct the trial, and at least one performance judge will evaluate each team's performance using a scoring sheet. The performance of each student-attorney and each student-witness will be judged on a scale of one to ten, with one being the lowest score and ten being the highest. Each team should review and be familiar with the guidelines used by the judges in evaluating team and individual performances. Copies of the score sheet and the criteria for scoring are included in this handbook.

Judges have the option to orally critique the performance of each team following the conclusion of each round, but their written comments will not be dispersed. The expression, "beauty is in the eye of the beholder," points out the differences that exist between human perceptions. That same subjective quality is present in the scoring of the Mock Trial. Even with rules and evaluation criteria for guidance, just as in "real life," not all judges and attorney-scorers evaluate a performance identically. The organizers of this competition have done everything possible to ensure consistency in scoring; however, the competition reflects a "real life" quality that is a part of all human interactions, much like true legal proceedings.

### **PERFORMANCE JUDGES**

Performance judges determine which team made the best overall presentation. Depending on how your Regional Competition is organized, the presiding and performance judge may be the same person.

When deciding which team made the best overall presentation, the performance judges should consider the performance of all student-witnesses and student-attorneys from both sides. To this end, each performance judge is provided a score sheet which he/she will complete as the trial progresses. Each performance judge will use a standardized point system to determine which team will advance. If the two performance judges select opposite schools as winners, the presiding judge will select a winner without regard to the number scores.

In addition to the score sheet, performance judges also consider the following for student-witness presentations:

- Did the student-witness maintain eye contact with the student-attorney, the presiding judge, the performance judge(s), etc. while on the stand?
- Did the student-witness's testimony appear unrehearsed?
- Could the student-attorney's or student-witness's questions and responses be heard by the entire court?

*Credit should be given to the team which truly had a well-balanced presentation, with its strong points equally distributed among all student-attorneys and student-witnesses rather than relying on the strength of one student-attorney or student-witness.*

Following the State Competition, each school participating in the State Competition will receive its score sheet and win/loss record. Ranking of state finalists will only be given through third place.

## REGIONAL COORDINATORS

<b>Region 1</b>	
<p>Valerie DeLatte Louisiana 2<sup>nd</sup> Circuit Court of Appeal 430 Fannin Street Shreveport, La 71101 Telephone: (318) 227-3732 <a href="mailto:vdelatte@la2nd.org">vdelatte@la2nd.org</a></p>	<p>Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll, and Winn Parishes</p>
<b>Region 2</b>	
<p>Lafayette Young Lawyers Association Daniel J. Phillips, Chair of the Mock Trial Committee</p> <p>Daniel J. Phillips Durio, McGoffin, Stagg &amp; Ackermann 220 Heymann Boulevard Lafayette, Louisiana 70503 Telephone: (337) 233-0300 <a href="mailto:dan@dmsfirm.com">dan@dmsfirm.com</a></p>	<p>Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Iberia, Jefferson Davis, Lafourche, Lafayette, St. Landry, St. Mary, St. Martin, Terrebonne, and Vermilion Parishes</p>
<b>Region 3</b>	
<p>Monica M. Vela-Vick Hammonds, Sills, Adkins &amp; Guice, LLP 2431 South Acadian Thruway, Suite 600 Baton Rouge, Louisiana 70808 Telephone: (225) 923-3462 <a href="mailto:mvela-vick@hamsil.com">mvela-vick@hamsil.com</a></p> <p>Baton Rouge Bar Association liaison Lynn Hayes (225) 214-5564</p>	<p>Assumption, Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, Tangipahoa, Washington, West Baton Rouge, and West Feliciana Parishes</p>
<b>Region 4</b>	
<p>Jefferson Bar Association Betty Maury, Chair of the JBA YLD High School Mock Trial Committee</p> <p>Betty Maury Div. "P" Law Clerk Hon. Judge Lee V. Faulkner, Jr. 24<sup>th</sup> Judicial District Court Telephone: (504) 365-3384 <a href="mailto:bettym@24jdc.us">bettym@24jdc.us</a></p>	<p>Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, and St. Tammany Parishes</p>

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## CANCELLATION / POSTPONEMENT POLICY

The LSBA Young Lawyers Division reserves the right to modify or cancel a program if circumstances warrant. It is not with pleasure that a scheduled activity is cancelled. The YLD reserves the right to move forward with a scheduled event or to cancel or reschedule an event due to unfavorable weather conditions, force majeure, or any other circumstance, as determined necessary by the YLD Executive Board in consultation with the LSBA Staff Liaison.

## APPLICABLE LAW

The statutory law of River Rapide Parish applicable to the 2017 problem is included with the case materials. For purposes of the 2017 Mock Trial Competition, statutes, case law, and/or jury charges are applicable and binding only if they are from the jurisdiction of River Rapide Parish or from the River Rapide Parish Statutes (RRPS).

All trials are governed by the National High School Mock Trial Rules of Evidence, which are provided, as well as the Rules of Competition provided below.

## RULES OF COMPETITION

### A. ADMINISTRATION

**Rule 1.1: Rules** –All trials will be governed by the Rules of Competition for the Louisiana High School Mock Trial Competition and the National High School Mock Trial Rules of Evidence. Questions regarding these rules or the interpretation thereof are within the discretion of the Young Lawyers Division Mock Trial Committee (“Committee”), whose decision is final.

**Rule 1.2: Code of Conduct** - The Rules of Competition, as well as proper rules of courthouse and courtroom decorum and security, must be followed. The Committee possesses discretion to impose sanctions, up to and including forfeiture or disqualification, for any misconduct occurring while a team is present for the State Championship, flagrant rule violations, or breaches of decorum which affect the conduct of a trial or which impugn the reputation or integrity of any team, school, participant, court officer, judge, or the mock trial program. Such discretion is also granted to each of the Regional Coordinators.

**Rule 1.3: Emergencies** - During a trial, the presiding judge shall have discretion to declare an emergency and adjourn the trial for a short period of time to address the emergency.

### B. THE PROBLEM

**Rule 2.1: The Problem** - The problem is a fictional fact pattern which may contain any or all of the following: statement of facts, petition, answer, stipulations, witness statement/affidavits, jury charges, exhibits, etc. Stipulations may not be disputed at trial. Witness statements may not be altered. The problem shall consist of three witnesses per side, all of whom have names and characteristics which allow them to be played by either males or females. All three witnesses must be called at trial.

**Rule 2.2: Witnesses Bound by Statements** – Each witness is bound by the facts contained in his/her own witness statement, the Statement of Facts, if present, and/or any necessary documentation relevant to his/her testimony. Fair extrapolations may be allowed, provided reasonable inference may be made from the particular witness’s 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 under Rule 2.3, “unfair extrapolation.” A witness is not bound by facts contained in other witnesses’ statements.

**Rule 2.3: Unfair Extrapolation** – A fair extrapolation is one that is neutral. Unfair extrapolations are best attacked through impeachment and closing arguments and are to be dealt with in the course of the trial. If a witness is asked for information not contained in his/her statement, the answer must be consistent with the statement and may not materially affect the witness’s testimony or any substantive issue of the case.

Attorneys for the opposing team may refer to Rule 2.3 in a special objection, such as “unfair extrapolation” or “This information is beyond the scope of the statement of facts.”

Possible rulings by a judge include:

- (a) No extrapolation has occurred;
- (b) An unfair extrapolation has occurred;
- (c) The extrapolation was fair; or
- (d) Ruling is taken under advisement.

The decision of the presiding judge regarding extrapolations or evidentiary matters is final. When an attorney objects to an extrapolation, the presiding judge will rule in open court to clarify the course of further proceedings.

**Rule 2.4: Genders of Witnesses** – All witnesses and parties are gender neutral. Personal pronoun changes in witness statements indicating gender of the characters are allowed. Any student of either gender may portray the role of any witness or party.

**Rule 2.5: Voir Dire** – *Voir Dire* examination of a witness is not permitted.

### C. TEAMS:

**Rule 3.1: Team Eligibility** – Teams competing in the Louisiana High School Mock Trial State Competition must be comprised of the same students who participated in the Regional Competition. The Regional Coordinator may designate an alternate team should the Regional Championship team or Regional Runner-Up be unable to participate, so long as all students on the team are from the same original team. Regions may not combine members from different teams and/or enter an “all- star” team in the State Competition. The Committee shall determine what an “all-star” team is, and its determination will be final.

**Rule 3.2: Team Composition** – Teams consist of eight members assigned to roles representing the prosecution/plaintiff and defense/defendant sides. Only six members may participate in any given round. (See Rule 3.3 for further explanations referring to team participation.) Each team is responsible for having a timekeeper. An “official” timekeeper may be used in the Regional Competitions or State Competition. In the absence of an “official timekeeper”, each team should be prepared to provide its own timekeeper who, in conjunction with the timekeeper for the opposing team, will monitor and reconcile the duration of each team’s presentation during each phase of the competition. (See, Sample Timekeeper Sheet at page 37).

The team roster becomes official at the time of on-site registration at the Regional Competition. Once this occurs, team member substitutions are strictly prohibited. No team, for any reason, shall be allowed to substitute any other person for an official team member.

A school may field more than one team. If a school chooses to do so, no substitutions are allowed between teams. In the event that a team is undermanned, the replacement may come from any other student in the school's student body. A school may not combine members from different teams and/or enter an "all-star" team in the State Competition.

**Rule 3.3: Team Presentation** – At the regional competition, teams must present both the prosecution/plaintiff and defense/defendant sides of the case, using six team members in each trial round. For each trial round, teams shall use three students as attorneys and three students as witnesses. Only in the case of an emergency occurring during a round of competition may a team participate with less than six members. In such a case, a team may continue the round by making substitutions to achieve a two attorney/three witness composition.

Given the scoring system at the three-round State competition, it is not guaranteed that each team will present both sides of the case. However, each team will participate in two rounds.

If an emergency causes a team to use less than three attorneys, the team may be penalized by reduction of points for that round or may be caused to forfeit the round, depending upon the nature of the emergency. Final determination of emergency, forfeiture, or scoring record will be made by the Coordinator(s) for the respective competition.

**Rule 3.4: Team Duties** – Team members are to evenly divide their duties. Each of the three attorneys will conduct one direct examination and one cross-examination. In addition, one will present the opening statements and another will present the closing arguments. In other words, the following attorney duties are to be evenly distributed:

1. Opening Statements
2. Direct Examination of Witness #1
3. Direct Examination of Witness #2
4. Direct Examination of Witness #3
5. Cross Examination of Witness #1
6. Cross Examination of Witness #2
7. Cross Examination of Witness #3
8. Closing Argument (including Rebuttal) [See Rule 4.5]

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

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

Each team must call three witnesses. Witnesses may only be called by their own team during its case-in-chief and then cross-examined by the opposing side. Witnesses may not be recalled by either side.

**Rule 3.5: Team Roster** – Copies of the team roster form must be completed and duplicated by each team prior to arrival at the courtroom for each round of competition. Teams must be identified by the code assigned at registration. No information identifying team origin should appear on the form. Before beginning a trial, the teams must exchange copies of the team roster form. The form should identify the gender of each witness so that references to such parties will be made in the proper gender. Copies of the team roster form should also be made available to the judging panel and presiding judge before each round.

#### **D. THE TRIAL**

**Rule 4.1: Courtroom Setting** – The plaintiff/prosecutor team shall be seated closest to the jury box. No team shall rearrange the courtroom without prior permission of the judge.

**Rule 4.2: Stipulations** – Stipulations shall be considered part of the record and already admitted into evidence.

**Rule 4.3: The Record** – Stipulations, the indictment (if applicable), or the charge to the jury will not be read into the record.

**Rule 4.4: Swearing of Witnesses** – The following oath may be used before questioning begins:

*“Do you promise that the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the mock trial competition?”*

The swearing of witnesses will occur in one of two ways. Either the presiding judge will indicate all witnesses are assumed to be sworn, or the above oath will be conducted by (a) the presiding judge, (b) a bailiff, or (c) the examining attorney. The presiding judge will indicate which method will be used during all rounds of the current year’s tournament. Witnesses may stand or sit during the oath.

#### **Rule 4.5: Trial Sequence and Time Limits**

The trial sequence and time limits are as follows:

1. Opening Statement: 5 minutes per side
2. Direct and Re-direct Examination: Optional 30 minutes per side
3. Cross and Re-cross Examination: Optional 15 minutes per side
4. Closing Argument: 5 minutes per side

The prosecution/plaintiff gives its opening statement and closing argument first. The prosecution/plaintiff may reserve a portion of its closing time for a rebuttal, but *rebuttal is limited to the scope of the defense’s closing argument.*

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



**Rule 4.6: Timekeeping** – Time limits are mandatory and will be strictly enforced. Each team is required to have its own timekeeper and timekeeping aids and may use its own timekeeper and timekeeping aids even if an “official timekeeper” is used in the regional competitions. However, if there is an official timekeeper assigned to a particular trial, then that timekeeper’s tally of the duration of the presentation is “official” and final. **Student/team timekeepers may not use cell phones, iPads, tablets, or other “smart” devices to keep time.**

Time for objections, extensive questioning from the judge, or administering the oath will not be counted as part of the allotted time during examination of witnesses and opening and closing statements. Time does not stop for introduction of exhibits.

**Rule 4.7: Time Extensions** – The presiding judge has sole discretion to grant time extensions. If time has expired and an attorney continues without permission from the Court, each scoring judge may elect to discount points for exceeding the time limit.

**Rule 4.8: Motions Prohibited** – No motions may be made.

**Rule 4.9: Sequestration** – Teams may not invoke the rule of sequestration.

**Rule 4.10: Bench Conferences** – Bench conferences may be granted at the discretion of the presiding judge, but should be made from the counsel table in the educational interest of handling all matters in open court. If the presiding judge orders the jury out of the room, the jury (performance judges) should remain in order to score the student-attorneys on their performances.

**Rule 4.11: Supplemental Material/Costuming** – Teams may refer only to materials included in the trial packet. *No illustrative aids of any kind may be used unless provided in the case packet. No enlargements of the case materials will be permitted.* Absolutely no props or costumes are permitted unless authorized specifically in the case materials. Costuming is defined as hairstyles, clothing, accessories, and makeup which are case specific. No computers, cellular phones, iPads, tablets, or other electronic equipment may be used by any team for any reason during any round of competition.

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

**Rule 4.12: Trial Communication** – Coaches, teachers, alternates, guests, and spectators shall not talk to, signal, communicate with, or coach their teams during the trial. This rule remains in force in the event of an emergency recess. Team members may communicate among themselves during trial; however, no disruptive communication is allowed. Signaling of time by the teams’ timekeepers shall not be considered a violation of this rule.

Coaches, teachers, alternates, and spectators must remain outside the bar in the spectator section of the courtroom. Only team members participating in a particular round may sit inside the bar and communicate with each other. All cellular and/or tablet devices should be turned off during the competition.

**Rule 4.13: Viewing a Trial** – Team members, alternates, attorney/coaches, teacher-sponsors, and any other persons directly associated with a mock trial team, except for those authorized by the Committee, are not allowed to view other teams compete in the State Competition as long as their team remains in the competition. If one school has more than one team competing in the State Competition, the attorney/coaches may not view more than one team compete per round (there shall be no “scouting” of a team’s possible opponent by any team members, alternates, attorney/coaches, teacher-sponsors, or any other persons directly associated with a mock trial team).

**Rule 4.14: Videotaping/Photography** – Any team has the option to refuse participation in videotaping, tape recording, and still photography by opposing teams. Media coverage will be allowed by the two teams in the championship round.

**Rule 4.15: Jury Trial** – The case will be tried to a jury, and arguments are to be made to judge and jury. Teams may address the performance/scoring judges as the jury.

**Rule 4.16: Standing During Trial** – Unless excused by the judge, attorneys will stand while giving opening and closing statements, during direct and cross examinations, and for all objections.

**Rule 4.17: Objections During Opening Statement/Closing Argument** – No objections may be raised during opening statements or closing arguments. If a team believes an objection would have been proper during the opposing team’s opening statement or closing argument, one of its attorneys may, following the opening statement or closing argument, stand to be recognized by the judge and state, “If I had been permitted to object during the opening statement/closing argument, I would have objected to the opposing team’s statement that \_\_\_\_\_.” The presiding judge will not rule on the “objection.” Presiding and performance/scoring judges will weigh the “objection” individually. No rebuttal by opposing team will be heard.

#### **Rule 4.18      Objections**

1. **Argumentative:** An attorney shall not ask argumentative questions; however, the court may, in its discretion, allow limited use of argumentative questions on cross examination.
2. **Lack of Proper Predicate/Foundation:** Attorneys shall lay a proper foundation prior to moving for 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 to call for specific answer. (Example of improper question: “Tell us what you know about this case.”).
5. Non-Responsive Answer: A witness’s answer is objectionable if it fails to respond to the question asked.
6. Repetition: 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.

Teams are not precluded from raising additional objections which are available under the National High School Mock Trial Championship Rules of Evidence (See Appendix).

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**Rule 4.20: Procedure for Introduction of Exhibits** – As an example, the following steps maybe used to effectively introduce evidence:

1. All evidence should be pre-marked as exhibits.
2. Ask the presiding judge for permission to approach the bench. Show the presiding judge the marked exhibit. Do this while saying, “Your honor, may I approach the bench to show you what has been marked for identification as Exhibit No. \_\_\_?”
3. Wait for the judge’s response while showing the exhibit to opposing counsel.
4. Ask for permission to approach the witness and wait for the judge’s response. Give the exhibit to the witness while saying, “I am handing you what has been marked for identification as the plaintiff/the defendants’ Exhibit No. \_\_\_.”
5. Ask the witness to identify the exhibit (tell you what it is) by asking, “Would you identify this please?”
6. Witness answers with identification only.
7. Offer the exhibit into evidence by saying, “Your Honor, we offer, file and introduce into the record Exhibit No. \_\_\_. The authenticity of this exhibit has been stipulated.”
8. Court: “Is there an objection?” If opposing counsel does not believe that a proper foundation has been laid, he should object at this time.
9. Opposing Counsel: “No, your Honor.” Or “Yes, your Honor.” If the response is “yes”, the objection will be stated on the record.

10. Court: “Is there any response to the objection?” You must respond to the objection or advise the Court that you will lay a proper foundation.

11. Court: “Exhibit No \_\_\_\_ is/is not admitted into evidence.”

**Rule 4.21: Use of Notes** – Attorneys may use notes when presenting their cases, but it is important to learn your questions and know your case without memorizing your questions like a speech. **Reading from notes is very ineffective and can reduce your score.** Always remember to listen to the witnesses’ answers and adjust your questions accordingly. Witnesses are not permitted to use notes while testifying during trial. Attorneys may consult with each other at counsel table verbally or through the use of notes. No computers, cellular phones, iPads, or tablets may be used in the competition for this purpose.

**Rule 4.22: Redirect/Re-cross Examinations** – Re-direct and Re-cross examinations are permitted, provided they conform to the restrictions in Rule 611(d) in the National High School Mock Trial Rules of Evidence (Mock Trial Version).

**Rule 4.23: Scope of Closing Arguments** – Closing Arguments must be based on the actual evidence and testimony presented during the trial.

**Rule 4.24: The Critique** – The judging panel is allowed ten (10) minutes for debriefing. The timekeeper will monitor the critique following the trial. Presiding judges are to limit critique sessions to a combined total of ten (10) minutes. There is no critique in the championship round. Judges shall not make a ruling on the legal merits of the trial. Judges may not inform the students of score sheet results.

**Rule 4.25: Offers of Proof** – No offers of proof may be requested or tendered.

## **E. JUDGING AND TEAM ADVANCEMENT**

**Rule 5.1: Finality of Decisions** – All decisions of the judging panel are final.

**Rule 5.2: Composition of Judging Panels** – The judging panel will consist of at least three members. The composition of the judging panel and the role of the presiding judge will be at the discretion of the Regional Coordinator or the Committee, with the same format used throughout the competition, as follows:

1. One presiding judge and two performance/scoring judges (all three of whom complete score sheets); or
2. One presiding judge and three performance/scoring judges (only the performance/scoring judges complete score sheets); or
3. One presiding judge and two performance/scoring judges (only the performance/scoring judges complete score sheets and the presiding judge completes a form which selects only the winner and does not assign point totals for either team).

The performance/scoring judges may be persons with substantial mock trial coaching or scoring experience or attorneys. Each scoring panel shall include at least one attorney. The presiding judge shall be an attorney. At the discretion of the Regional Coordinator or Committee, the Championship round may have a larger panel. All presiding and performance/scoring judges shall receive the mock trial manual, a memorandum outlining the case orientation materials, and a briefing in a judges' orientation.

**Rule 5.3: Score Sheets/Ballots** – The term “ballot” refers to the form on which each individual performance/scoring judge records his/her decision regarding which team made the best presentation in each round. The term “score sheet” is used in reference to the form used to record speaker and team points. Score sheets are to be completed individually by the performance/scoring judges. Performance/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. While the judging panel may deliberate on any special awards, (i.e., Outstanding Attorney/Witness) the judging panel should not deliberate on individual scores.

**Rule 5.4: Completion of Score Sheets** – Each performance/scoring judge shall record a number of points (1-10) for each team's presentation of the trial. At the end of the trial, each performance/scoring judge shall add each team's individual points to arrive at the team's total score.

**Rule 5.5: Team Advancement** – Teams will be ranked based on the following criteria, in this order:

1. At the Regional Competition, the method of advancement will be dictated by the number of teams participating. All teams must compete in at least 2 rounds.
2. At the State Competition, all teams will compete in at least two rounds, and teams will be rated based on the following criteria:
  - i. Win/Loss record – the number of rounds won or lost by a team;
  - ii. Total number of ballots – the number of scoring judges' votes a team earned in preceding rounds;
  - iii. Total number of points accumulated in each round; and
  - iv. Point spread against opponents – the point spread is the difference between the total points earned by the team whose tie is being broken less the total points of that team's opponent in each previous round. The greatest sum of each point spread will break the tie in favor of the team with the largest cumulative point spread. All teams will compete in at least 2 rounds, and winners in each round will be matched against winners in the previous round.

### **Rule 5.6: Power Matching/Seeding**

A random method of selection will determine opponents in the first round. A power-match system will determine opponents for all other rounds. The two teams emerging with the strongest record from the initial rounds will advance to the final round. The first-place team will be determined by ballots from the championship round only.

Power matching will provide that:

1. Parings for the first round will be random;
2. Brackets and sub-brackets will be determined by win/loss record. If the number of teams in a win/loss bracket is equal to or greater than twelve (12), the bracket will be split in half to create two sub-brackets for power-matching purposes only. Sorting within brackets and sub-brackets will be determined in the following order: (1) win/loss record; (2) ballots; (3) total points; then (4) point spread. The team with the highest number of ballots in the bracket or sub-bracket will be matched with the team with the lowest number of ballots in the bracket or sub-bracket; the next highest, with the next lowest, and so on until all teams are paired.
3. If there is an odd number of teams in a bracket or sub-bracket, the team at the bottom of that bracket or sub-bracket will be matched with the top team from the next lower bracket or sub-bracket.
4. Teams will not meet the same opponent twice.
5. To the greatest extent possible, teams will alternate side presentation in subsequent rounds. Bracket and sub-bracket integrity in power matching will supersede alternative side presentation.

**Rule 5.7: Selection of Sides for Championship Round --** The following procedure shall be used to determine which team will represent which side in the Championship Round:

1. The team with the letter/numerical code which comes first will be considered the “Designated Team.”
2. The coin will be tossed by a designee of the Regional Coordinator or the Committee.
3. If the coin comes up heads, the Designated Team shall represent the plaintiff/prosecution in the Championship Round. If the coin comes up tails, the Designated Team shall represent the defendant.

**Rule 5.8: Effect of Bye/Default** – A “bye” becomes necessary when an odd number of teams are present for the tournament. The Regional Coordinator or the Committee has the discretion to decide how to handle a bye in all rounds of the tournament, which may include the following procedure:

The team drawing the “bye” in round one will, by default, be awarded a win, three ballots, and the average number of points for all round one winners, which total will be adjusted at the end

of the round to reflect the actual average earned by the team.

The team drawing a “bye” in subsequent rounds will, by default, receive a win and three ballots for that round. For the purpose of power matching, the team will temporarily be given points equal to the average of its own points earned in its preceding trials. At the end of the final round preceding the championship round, the average from all actual rounds participated in by the team will be used for the total points given for that team’s bye round.

## **F. DISPUTE RESOLUTION**

**Rule 6.1: Reporting a Rules Violation Inside the Bar** – Disputes which involve students competing in a round and occur within the bar must be filed immediately following the conclusion of that trial round. Disputes must be brought to the attention of the presiding judge at the conclusion of the trial.

If any team believes that a substantial violation of the rules has occurred, a student-attorney must indicate that the team intends to file a dispute. The scoring panel will be excused from the courtroom, and the presiding judge will provide the student-attorney with a dispute form on which the student will record, in writing, the nature of the dispute. The student may communicate with counsel and/or student witnesses before lodging the notice of dispute or in preparing the form.

At no time in this process may team sponsors or coaches communicate or consult with the student-attorneys. Only student-attorneys may invoke the dispute procedure.

**Rule 6.2: 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 the denial, announce her/his decision to the Court, retire to complete his/her score sheet (if applicable), and submit the dispute form with the score sheets. If the judge feels the dispute merits a hearing, the form will be shown to opposing 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 judge will conduct a hearing on the dispute, providing each team’s spokesperson with three minutes for a presentation. The spokespersons may be questioned by the 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. That decision will be recorded in writing on the dispute form with no further announcement.

**Rule 6.3: Effect of Violation on Score** – If the presiding judge determines that a substantial rules violation has occurred, the judge will inform the scoring judges of the dispute and provide a summary of each team’s argument. The scoring judges will consider the dispute before reaching their final decisions. The dispute may or may not affect the final decision, but the matter will be left to the discretion of the scoring judges.

**Rule 6.4: Reporting of Rules Violations Outside the Bar** – Disputes which occur outside the bar only during a trial round may be brought by teacher-coaches or attorney-coaches exclusively. Such disputes must be made promptly to a trial coordinator or a member of the Committee, who will ask the complaining party to complete a dispute form. The form will be taken to the tournament’s communications center, whereupon a dispute resolution panel will (a) notify all pertinent parties; (b) allow time for a response, if appropriate; (c) conduct a hearing; and (d) rule on the charge. The dispute resolution panel may notify the judging panel of the affected courtroom of the ruling on the charge or may assess an appropriate penalty. The dispute resolution panel will be comprised of individuals designated by the Regional Coordinator or the Committee.

## **SUGGESTIONS FOR TEACHER-COACHES**

**SUGGESTED PREPARATION TIME: 2-4 weeks of daily meetings OR 2-3 meetings a week for 2-3 months**

Work with student-attorneys, concentrating on what should be covered in an opening statement and a closing statement. Give them ideas, but don’t write the statements for them. Ask members of the team what they think should be included in the opening and closing statements. Student-witnesses are called to the stand; student-attorneys examine them. Have other team members make suggestions.

If time allows, practice opening and closing statements, how to lay the foundation for exhibits, and what to do when the opposition objects to a question. Your attorney-coach will be an important resource to help you understand these procedures. When practicing for the trial, allow students to act as the presiding judge and opposing counsel.

### **Attorney-Coach Assistance:**

Students need to understand the legal terminology of the entire case. It is to your team’s advantage to have an attorney-coach. Obtain an attorney-coach from your community. If you do not know any attorneys, contact the Regional Coordinator in your parish and he/she will make efforts to secure a volunteer attorney-coach for your team.

Meet early with your attorney-coach. Review the points of the case and establish your strategy. Include all of the members of your team in these discussions so that they understand the case. Your attorney-coach will help student-attorneys prepare key questions for direct and cross-examination. The attorney-coach should also question the witnesses to ensure that they know and understand their roles and points of law. Practice trials should be conducted with your attorney-coach and should include both direct and cross-examination in a courtroom setting.

### **General Suggestions:**

Your team will benefit from observing a real trial before competing in the Mock Trial Competition. Contact the Clerk of Court for the court in your parish to find out when a trial is scheduled at the courthouse. The public is allowed to attend most trials.



Many mock trial materials and examples of mock trial methods are available on the internet. An attorney-coach and/or a teacher-coach may be able to find suitable examples of opening/closing statements and direct/cross examination methods.

## **SUGGESTIONS FOR ATTORNEY-COACHES**

**SUGGESTED PREPARATION TIME:** Five two-hour sessions before the trial

**SUGGESTED PLACE FOR MEETING:** Meet in a local courtroom to help the students feel comfortable in a courtroom setting. Courtrooms are usually available in the evenings; arrangements may be made with the clerk of the district court.

**PROPS:** An easel or blackboard for visual aids that explain trial procedure concepts.

### **FIRST SESSION**

1. Distribute information packets and instruct the team to read all the materials between the first and second meetings.
2. Explain trial procedures, i.e., opening and closing statements, direct examination, cross examination, calling witnesses, and making and responding to objections

### **SECOND SESSION**

1. Determine the factual basis for the case.
2. Put the students on the stand with their notes then conduct a direct examination to show team members how it's done.

### **THIRD SESSION**

1. Go through the trial, concentrating on what should be covered in an opening statement and closing argument. Give the students ideas, but do not write the statements for them. Ask members of the team what they think should be included in the opening and closing statements.
2. Call witnesses to the stand and allow student-attorneys to examine them. Encourage other team members to make suggestions.

### **SUBSEQUENT SESSIONS**

1. Examine the opposition's witnesses and locate possible areas where objections may occur; look for other areas that your team's attorneys might want to focus on during cross examination.
2. If time allows, practice opening and closing statements, how to lay foundation for exhibits, what to do when opposing counsel objects to a question.

## GUIDELINES FOR STUDENT-ATTORNEYS

### I. GENERAL SUGGESTIONS

Trial attorneys control the presentation of evidence at trial and argue the merits of their side of the case. They introduce evidence and question witnesses to bring out the facts surrounding the allegations.

The Plaintiff attorneys present the case for the Plaintiff. By questioning witnesses, they will try to convince the jury that a preponderance of the evidence shows that the Louisiana Department of Transportation is responsible for the damages sustained by the Plaintiff.

The Defense attorneys present the case for the Louisiana Department of Transportation. They will offer their own witnesses to present the defendant's version of the facts. The defense may undermine the Plaintiff's case by showing that the Plaintiff's witnesses are unreliable or that their testimony does not make sense or is inconsistent. They will also try to show that the Plaintiff or a third party was primarily responsible for the damages sustained by the Plaintiff.

Attorneys on both sides should:

- Always be courteous to witnesses, other attorneys, and the presiding judge.
- Always stand when addressing the judge, questioning witnesses, and arguing or asserting objections. Also, stand when the judge enters or leaves the room.
- Dress appropriately — this may mean a coat and tie for gentlemen and a dress or suit for ladies.
- Always respond with “Your Honor” when addressing the judge. For example, when responding to a question you should reply, “Yes, Your Honor” or “No, Your Honor” as appropriate.
- Student-attorneys should not make objections when it is unlikely that the judge will agree with the objection. Also, keep in mind that judges often do not like constant objections; numerous objections disrupt the flow of the trial. Finally, be able to explain the reason and basis for any objection.
- If the presiding judge rules against you on an objection, an argument, or in the overall case, take defeat gracefully.
- If an objection is made and the presiding judge sustains the objection, it means that he agrees with the objection and believes that the question is improper. The question cannot be answered, and the questioning attorney must move on.
- If an objection is made and the presiding judge overrules the objection, it means

that he does not agree with the objection and he believes the question is proper. The questioning attorney may continue.

## II. OPENING STATEMENTS

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

**Method:** Student-attorneys will introduce the judge and jury to themselves, their client, and the case by revealing the following in a clear and concise manner:

1. Name of case.
2. Name of attorney.
3. Name of client.
4. Name of colleagues.
5. A short summary of facts.
6. Mention of the burden of proof (the amount of evidence needed to prove a fact) and who has it.
7. A clear and concise overview of the witnesses and physical evidence that you will present, stating how each will help improve your case.

### Other suggestions:

- Learn your case thoroughly (facts, law, burdens, etc.)
- Never promise to prove anything that you will not or cannot prove using the evidence and testimony contained in this handbook.
- Proper phrasing in opening statements includes: “The evidence will indicate that...”; “The facts will show that...”; “Witnesses [use full names] will be called to tell...”; and “The defendant will testify that...”.
- Write a clear, concise, and well organized statement and memorize it. Do not read it at trial.
- It is essential that you appear to have confidence in your case.
- Eye contact with the jury is recommended. Do not read from prepared materials. Use your notes sparingly. You should always appear confident.
- Use the future tense when describing what you will do (*e.g.* “The facts will show...” or “Our witnesses’ testimony will prove...” etc.)

### **III. DIRECT EXAMINATION**

**Objective:** 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 witnesses' credibility.

**Method:** Call for the witness with a formal request such as "Your Honor, I would like to call [full name of witness] to the stand." The clerk will then swear in the witness. Student-attorneys will elicit from witnesses relevant facts that are favorable to their theory of the case. Consider the following:

1. Isolate the information that each witness can contribute to your case and prepare a series of questions designed to get that information.
2. Make sure all items that you need to prove your case will be presented through your witnesses.
3. Use clear and simple questions.
4. Elicit information through questions and answers.
5. Never ask a question to which you don't know the answer.
6. Keep the witness from rambling about unimportant matters

#### **Other suggestions:**

- Avoid asking leading questions that require only a "yes" or "no" answer. Leading questions are only allowed during cross-examination.
- Practice with your witnesses.
- Don't ask questions requiring opinion testimony, unless the witness has been certified as an expert by the court.

#### **Advice in Developing and Presenting Favorable Testimony:**

- Try to ask only the questions that you practiced with your witnesses and ask a limited number.
- 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.
- 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 use the exhibit, if it helps your case, ask the judge to admit it as evidence.
- Be prepared to respond to objections from opposing counsel.

### **Suggestions for the Opposing Side:**

- Listen closely to the testimony that is being introduced.
- Object to testimony or introduction of evidence when necessary.
- Write down pertinent testimony and prepare for cross-examination of witnesses.

## **IV. CROSS-EXAMINATION**

**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.

**Method:** Student-attorneys will examine the opponent’s witnesses and elicit relevant facts that are intended to discredit that witness or the opponent’s theory of the case. Consider the following:

1. An attorney should attempt to explain, modify, or discredit that which has been introduced as evidence.
2. Use narrow, leading questions.
3. Do not have a witness repeat a statement unless you are leading somewhere.

### **Suggested Types of Questions to ask:**

- Questions to 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 he/she has hated the defendant since childhood).
- Questions to weaken the testimony of the witness by showing his/her testimony is questionable because of poor perception (*e.g.* a witness who has poor eyesight claims to have observed all the details of a fight that took place 500 feet away in a crowded room).
- Questions to show that an expert witness or even a lay witness who has testified to an

opinion is not competent or qualified because he or she does not have the proper training or experience (*e.g.*, a psychiatrist testifying to 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 tarnish the witness' credibility by showing that he/she gave a contrary statement earlier (*e.g.*, the witness' testimony is different from what he or she testified to during the pre-trial hearing).

#### **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.
- Never ask anything but a leading question (questions that suggest the answers and usually only require a "yes" or "no" answer).
- Be brief. Don't ask so many questions that well-made points are lost. Prepare short questions using easily understood language.

#### **Advice in Presenting an Effective Cross-Examination:**

- 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 an opportunity to reemphasize the strong points made during direct examination.
- Don't quarrel or bicker with the witness.
- Don't harass or intimidate the witness with the questions that you ask him or her. Know your case inside and out.
- Do not read the entire presentation; look at the witness, the judge, and the jury.

#### **V. RE-DIRECT AND RE-CROSS EXAMINATION**

If either attorney wishes, he/she can conduct a re-direct or re-cross examination. This is most often done to re-establish or again discredit a witness' statements.

#### **VI. CLOSING STATEMENTS**

**Objective:** To provide a clear and persuasive summary of the evidence you presented to prove the case and the weaknesses of the other side's case.

**Method:** Student-attorneys will address the judge and jury and summarize their theory of the case. Consider the following:

1. Thank the jury for their time and attention.
2. Isolate the issues and describe briefly how your presentation resolved those issues.
3. Review the witness testimony. Outline the strengths of your side's witness and also the weaknesses of the other side's witnesses. Remember to adapt your final statement to reflect what the witness actually said rather than the anticipated testimony. Closing statements should not be composed entirely before trial since they should highlight the important developments which occurred during trial. Relaxed and informal statements are likely to be more effective.
4. Review the physical evidence. Outline the strengths of your evidence and the anticipated weakness of the other side's evidence. This too must be adapted at trial.
5. State the applicable statutes and any cases that support your side.
6. Remind the jury of the required burden of proof (amount of evidence needed to prove a fact). If you are the attorney for the plaintiff/prosecution, you must tell the jury how you have met that burden. If you are the attorney for the defense, you must tell the jury how the other side has failed to meet its burden.
7. Argue your case by stating how the law applies to the facts as you have proven them.
8. Don't forget to request the verdict/remedy you desire.

**Other suggestions:**

- Be sure your statement is well organized.
- Rehearse as much as possible.

**Advice in Presenting an Effective Closing Argument:**

- 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 cannot anticipate everything perfectly before the actual presentation of the case.
- Argue your side, but do not appear to be vindictive. Fairness is important.
- Be relaxed and ready for interruptions by certain judges who like to ask questions during

closing statements.

- Do not make objections during the other side's closing argument. Do not read your presentation.
- Maintain eye contact with the jury

## SUGGESTIONS FOR STUDENT-WITNESSES

### GENERAL SUGGESTIONS

- If you are going to testify about records, familiarize yourself with them before coming to trial.
- Do not try to memorize what you will say in court, but try to recall what you observed at the time of the incident.
- When you are called to the stand, don't be nervous. There is no reason to be.
- You will be asked to take an oath to tell the truth. Remember the seriousness of this oath during the entire time you are testifying. If you willfully fail to tell the truth while testifying, you will be subject to penalties for perjury.
- If asked whether you have discussed the case with anyone, you should indicate any occasion that you have talked with the prosecutor, the defense attorney, or anyone else.
- 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.
- Listen carefully to the questions. Before you answer, make sure you understand what was asked. If you do not understand, ask that the question be repeated.
- Do not give your personal opinions 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 you do not know.
- If you realize you have answered a question incorrectly, ask the judge if you may correct your mistake.
- If the judge interrupts or an attorney objects to your answer, stop answering immediately. Likewise, if an attorney objects to a question, do not begin your answer until the judge tells you to continue.
- Be polite while answering the question. Do not lose your temper with the attorney questioning you.



- Always be courteous to witnesses, other attorneys, and the judge.
- Always stand when the judge enters or leaves the room.
- Dress appropriately (this may mean coat and tie for gentlemen and dresses or equivalent for ladies) or other appropriate attire for your character, but remember, no costumes.
- Always say, “Yes, Your Honor” or “No, Your Honor” when answering a judge’s question.
- If the judge rules against you in the case, take the defeat gracefully and be cordial to the judge and the other side.

## CRITERIA FOR EVALUATING PERFORMANCE

The Performance/Scoring Judge scores student performance in each category-NOT on legal merits of the case. Points will be awarded using the following criteria:

Points	Performance	Criteria
1-2	Not Effective	Disorganized, unsure of self, illogical, uninformed, demonstrates lack of preparation and understanding of task, simply ineffective in communication.
3-4	Fair	Minimal performance and preparation; performance is passable but lacks depth in terms of knowledge of task and materials; communication lacks clarity and conviction.
5-6	Good	Good; Acceptable; fundamental understanding of task can perform outside the script, but with less confidence than when using the script; grasps major aspects of the case, but does not convey a mastery of the case; communications are clear and understandable, but could be stronger on fluency and persuasiveness.
7-8	Excellent	Presentation is fluent, persuasive, clear and understandable; organizes materials and thought well and exhibits a mastery of the case and of the materials provided; presentation was both believable and skillful.
9-10	Outstanding	Spectacular performance; thinks well on feet; logical, keeps poise under stress; performance was resourceful, original and innovative; can sort out essential from non-essential uses of time effectively, to accomplish major objectives knows how to emphasize vital points of trial and emphasizes them.

Student participants should also be mindful of the following considerations which the Performance/Scoring Judges may take under consideration when considering their scores:

Opening Statements: Did the student-attorney:

- Provide a case overview;
- Mention the key witnesses;
- State the relief requested;
- Provide a clear and concise description of his or her case?

Direct Examination: Did the student-attorney:

- Use properly phrased questions (who, what, where, and how);
- Use proper courtroom procedure;
- Demonstrate an understanding of the factual and legal issues;
- Properly introduce and use evidence;
- Defend objections in clear, concise and well-reasoned terms;
- Use time effectively;
- Comply with all rules of the competition and the spirit of fair play?

Cross Examination: Did the student-attorney:

- Use leading questions;
- Properly and effectively impeach witnesses;
- Raise proper objections;
- Assert well-reasoned bases for objections raised;
- Demonstrate knowledge and familiarity with the Rules of Evidence;
- Refrain from asserting objections in a disruptive manner;
- Act courteously to the opponent;
- Comply with all rules of the competition and the spirit of fair play?

Witnesses: Did the student-witness:

- Appear credible;
- Demonstrate a knowledge and familiarity with the facts;
- Respond spontaneously (not rehearsed);
- Seem poised;
- Observe proper courtroom decorum?

Closing Statement: Did the student-attorney:

- Summarize the evidence;
- Emphasize the supporting points of his or her own case and point out weaknesses in the opponent's case;
- Concentrate on the important facts, not the trivial;
- Apply the applicable law;
- Respond to the judge's
- Respond to the judge's questions with poise and confidence?

## SCORE SHEET

Prosecution: \_\_\_\_\_

Defense: \_\_\_\_\_

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

Round: \_\_\_\_\_

Using the below scale (1-10), please rate the prosecution (P) and defense (D) in the categories below.

Not Effective                      Fair                      Good                      Excellent                      Outstanding

1              2              3              4              5              6              7              8              9              10

Prosecution		Defense	
<i>Item</i>	<i>Score</i>	<i>Item</i>	<i>Score</i>
Opening Statements		Opening Statements	
PROSECUTION'S 1 <sup>ST</sup> WITNESS • Direct Examination		• Cross Examination	
PROSECUTION'S 1 <sup>ST</sup> WITNESS • Witness Performance			
PROSECUTION'S 2 <sup>ND</sup> WITNESS • Direct Examination		• Cross Examination	
PROSECUTION'S 2 <sup>ND</sup> WITNESS • Witness Performance			
PROSECUTION'S 3 <sup>RD</sup> WITNESS • Direct Examination		• Cross Examination	
PLAINTIFF'S 3 <sup>RD</sup> WITNESS • Witness Performance			
		DEFENDANT'S 1 <sup>ST</sup> WITNESS • Direct Examination	
• Cross Examination		DEFENDANT'S 1 <sup>ST</sup> WITNESS • Witness Performance	
		DEFENDANT'S 2 <sup>ND</sup> WITNESS • Direct Examination	
• Cross Examination		DEFENDANT'S 2 <sup>ND</sup> WITNESS • Witness Performance	
		DEFENDANT'S 3 <sup>RD</sup> WITNESS • Direct Examination	
• Cross Examination		DEFENDANT'S 3 <sup>RD</sup> WITNESS • Witness Performance	
Closing Arguments		Closing Arguments	
<b>Plaintiff Total</b>		<b>Defendant Total</b>	

**Please vote for the student you think was the best attorney and the best witness in this trial. You may identify them by name or role.    Best Attorney: \_\_\_\_\_ Best Witness: \_\_\_\_\_**

## TIMEKEEPER SHEET

Prosecution:

Defense:

Date:

Round:

Plaintiff		Defendant	
<i>Item</i>	<i>Time</i>	<i>Item</i>	<i>Time</i>
Opening Statements- 5 mins		Opening Statements- 5 mins	
PLAINTIFF'S DIRECT EXAMINATION OF ITS WITNESSES- 30 mins total		DEFENDANT'S CROSS EXAM OF PLAINTIFF'S WITNESSES- 15 mins total	
PLAINTIFF'S 1 <sup>ST</sup> WITNESS • Direct Examination		• Cross Examination	
PLAINTIFF'S 1 <sup>ST</sup> WITNESS • Redirect Examination		• Recross Examination	
PLAINTIFF'S 2 <sup>ND</sup> WITNESS • Direct Examination		• Cross Examination	
PLAINTIFF'S 2 <sup>ND</sup> WITNESS • Redirect Examination		• Recross Examination	
PLAINTIFF'S 3 <sup>RD</sup> WITNESS • Direct Examination		• Cross Examination	
PLAINTIFF'S 3 <sup>RD</sup> WITNESS • Redirect Examination		• Recross Examination	
<b>SUBTOTAL</b>		<b>SUBTOTAL</b>	
PLAINTIFF'S CROSS EXAM OF DEFENSE'S WITNESSES- 15 mins total		DEFENSE'S DIRECT EXAM OF ITS WITNESSES- 30 mins total	
• Cross Examination		DEFENDANT'S 1 <sup>ST</sup> WITNESS • Direct Examination	
• Recross Examination		DEFENDANT'S 1 <sup>ST</sup> WITNESS • Redirect Examination	
• Cross Examination		DEFENDANT'S 2 <sup>ND</sup> WITNESS • Direct Examination	
• Recross Examination		DEFENDANT'S 2 <sup>ND</sup> WITNESS • Redirect Examination	
• Cross Examination		DEFENDANT'S 3 <sup>RD</sup> WITNESS • Direct Examination	
• Recross Examination		DEFENDANT'S 3 <sup>RD</sup> WITNESS • Redirect Examination	
Closing Arguments- 5 mins		Closing Arguments- 5 mins	
<b>SUBTOTAL</b>		<b>SUBTOTAL</b>	
<b>Plaintiff Total</b>		<b>Defendant Total</b>	

**LOUISIANA HIGH SCHOOL MOCK TRIAL COMPETITION  
REGIONAL COMPETITION REGISTRATION FORM**

**SCHOOL INFORMATION**

Name:

Address:

Phone: (    )

Fax: (    )

E-mail:

**STUDENT INFORMATION**

1.

5.

2.

6.

3.

ALT.

4.

ALT.

**TEACHER SPONSOR(S) INFORMATION**

Name:

Name:

Work Phone: (    )

Work Phone: (    )

Home Phone: (    )

Home Phone: (    )

E-mail:

E-mail:

**ATTORNEY-COACH(S) INFORMATION**

Name:

Name:

Work Phone: (    )

Work Phone: (    )

Home Phone: (    )

Home Phone: (    )

E-mail:

E-mail:

**RETURN THIS COMPLETED FORM TO YOUR REGIONAL COORDINATOR**

**LOUISIANA HIGH SCHOOL MOCK TRIAL COMPETITION  
STATE COMPETITION REGISTRATION FORM**

<b>SCHOOL INFORMATION</b>	
Name:	
Address:	
Phone: (    )	Fax: (    )
E-mail:	

<b>STUDENT NAMES AND T-SHIRT SIZE</b>	
1.	5.
2.	6.
3.	ALT.
4.	ALT.

<b>TEACHER SPONSOR(S) INFORMATION</b>	
Name:	Name:
Work Phone: (    )	Work Phone: (    )
Home Phone: (    )	Home Phone: (    )
E-mail:	E-mail:

<b>ATTORNEY-COACH(S) INFORMATION</b>	
Name:	Name:
Work Phone: (    )	Work Phone: (    )
Home Phone: (    )	Home Phone: (    )
E-mail:	E-mail:

**RETURN THIS COMPLETED FORM TO YOUR REGIONAL COORDINATOR  
& SUBMIT A COPY TO THE STATE CHAIRPERSON**

**APPENDIX**

**NATIONAL HIGH SCHOOL MOCK TRIAL CHAMPIONSHIP  
RULES OF EVIDENCE  
(Mock Trial Version)**