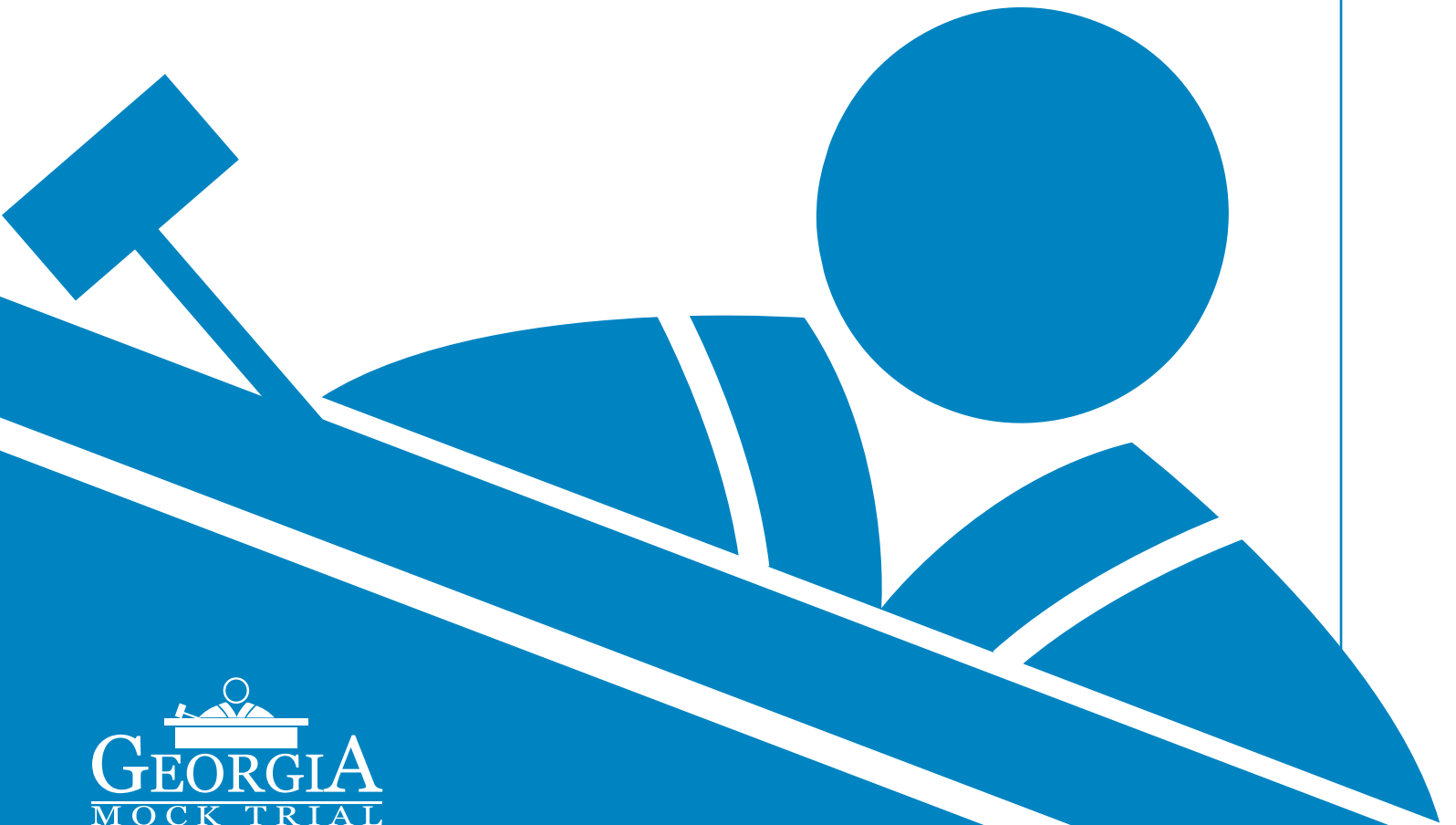


# JUDGING PANEL MANUAL

2022 MOCK TRIAL SEASON





## 2022 High School Mock Trial Committee

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The Georgia High School Mock Trial Competition is a project of the High School Mock Trial Committee of the Young Lawyers Division of the State Bar of Georgia

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# KEY POINTS FOR ALL JUDGING PANEL MEMBERS

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# Key Competition Orientation Points

Thank you for giving your time to sit as a member of a judging panel for our competition. Please be sure to look through this Manual to orient yourself on what to expect on the day of the competition. For those who are veterans of the Georgia High School Mock Trial Competition, we welcome your experience and dedication to the program; please look at the Quick Points for your role for a reminder of some important steps.

One of the most important things for the competition is an understanding of the scoring structure for each Round. Whether you're a rookie or veteran, please review the section on scoring at the end of this manual.

## Judging Panel Composition

- **Presiding Judge:** In each courtroom, there will be one Presiding Judge who is responsible for maintaining order, moving the trial along in the designated time allotment, ruling on evidentiary motions, and overseeing all procedures during the trial.
- **Scoring Evaluator:** In each courtroom, there will be three Evaluators who will evaluate the students' performances and who will be responsible for completing a scoresheet based upon individual performances of each team. **Students are scored on their presentation skills and preparation of their case, not on the merits of the case.**

## On-Site Orientation

- There will be a brief orientation session in the jury room presented by a member of the Coordinating team before each Round of competition. This is necessary for Panel check-in, courtroom assignments, and to address issues that may arise from prior Rounds.
- All participating Presiding Judges and Scoring Evaluators are required to attend the orientation before their scheduled Round(s).
- All Judging Panel members who volunteer in more than one Round must attend the orientation session before *each* scheduled Round.

## Time Commitment

- Ample time should be allowed before the competition date to thoroughly review the case materials and other preparation materials, which have been posted online.
- Past experience shows that most judges spend at least two hours reviewing the case materials before arriving at the competition site.
- On the day of competition, at least four (4) hours should be set aside per Round that is scheduled.

## Goals & Rationale of the Competition

- The Georgia High School Mock Trial program is designed to educate high school students about our legal institutions.
- The Mock Trial program is not a training program for junior lawyers.
- The Mock Trial program encourages young people to develop their analytical abilities and their communication skills while increasing their self-confidence.
- Fundamentally, the Mock Trial is an academic exercise/performance and although this is also a competition, the lasting value of the experience comes from obtaining an understanding of our judicial system and of the constitutional processes used as we strive to create a just society.

## Judging Panel Conflicts with Competing Teams

- The Subcommittee on the Rules has identified several areas of conflict that Judging Panel volunteers may have with teams in the competition. These conflicts may include, but are not limited to the following examples:
  - The Judging Panel member **formerly coached a team** in the competition;
  - The Panel member is **a family member of a team member or coach**;
  - The Panel member **works in the same firm**, office or department as a coach;
  - The Panel member has a spouse that is a **faculty member at a competing school**.

- Having a conflict with a team in the competition does not necessarily exclude a volunteer from serving on a Judging Panel during the competition; however, we must be able to identify all potential conflicts in order to address them appropriately.

### Student Expectations of Judging Panel Volunteers

- It is vitally important to the students that the Judging Panel appears both knowledgeable and fair.
- Students have been working on this case for more than four months in preparation for this competition; therefore, they have probably memorized every nuance, misplaced semi-colon, and hidden tidbit of information contained in the materials.
- Students are keenly aware of every act by the Judging Panel listening to the case, and thus it is very important for you to prepare thoroughly by reading the case materials and other trial aides carefully before competition day.
- Volunteer Judging Panel members aren't expected to have studied the case materials for as long or as thoroughly as a student or coach would, but students expect volunteers to make an effort to understand and appreciate their command of every aspect of their case.
- *Students have told us through the evaluation process that rather than feeling more relaxed when a member of the Judging Panel says he or she is unprepared, they feel disappointed and deprived.*
- High School mock trial is very different from real trials and different from college and/or law school mock trials and our students are so keenly aware of the High School Mock Trial Rules that they feel confused and cheated when a Judging Panel volunteer makes a statement such as, "That's not how it is done in real trials."
- Judging Panel members should keep in mind that these are high school students you are observing and critiquing, and tailor your expectations and comments accordingly.
- Obviously, we would like to have the students feel as positively about their participation in the program as possible, so whenever possible, offer positive, constructive criticism and avoid dwelling on the negative aspects of a presentation.
- Discouragement and hurt feelings are not goals of this program.

### Judging Panel Composition in Rounds

- In most rounds, the Judging Panels will consist of a Presiding Judge and three Evaluators, where only the Evaluators will complete scoresheets.
- In some rounds, however, (most likely due to low volunteer numbers) the Panels may consist of a Presiding Judge and two Evaluators, where all three will complete scoresheets.
- In extreme cases, there may only be one Presiding Judge and one Evaluator on the Panel. In this instance, the third scoresheet for the courtroom will be created by averaging the numbers from each of the two submitted ballots.

### Mock Trial Rules & Rulings

- The Georgia High School Mock Trial Competition uses a modified set of the Georgia and Federal Rules of Evidence
  - Keeping within this set of Rules is critical to the success of each competition Round.
- Presiding Judges should not rely on their real-world experiences as judges and lawyers to make rulings that are not recognized or contained in the Mock Trial materials; this is confusing to the students and not helpful in the context of this academic experience.

### Student Attorney Roles

- Teams are required to have three student attorneys. The required division of duties is discussed in **Rule 15(g)**.
- Special Rules govern cross-examination responsibilities (see **Rule 15**) and the oath of witnesses (see **Rule 16**).
- Attorneys will deliver one opening statement, conduct direct and cross-examinations, and conclude with one closing argument per team.
- Re-direct examination is allowed, but is optional and may be conducted only as to new issues or facts brought out in cross-examination.
- Attorney duties are to be divided equally among the attorneys on each team as prescribed in **Rule 15**.

## Student Witness Roles

- There are three witness statements for each side and all three witnesses will be called during the trial.
- The statements are provided in full in the case materials provided on the website.
- Witnesses themselves should view these witness statements as signed statements made under oath.
- Witnesses will testify to materials in the witness statements and related exhibits, and those facts that can be reasonably inferred from these two sources.
- Witnesses can be impeached if they contradict the material contained in their witness statements, although witnesses can draw reasonable inferences from the witness statements.
- Only the witnesses described in the case materials are allowed to testify.
- Witnesses cannot be sequestered, and they must remain in the courtroom throughout the Round.

## Introduction of Evidence

- The procedure for the introduction of evidence may be found in **Rule 50**.
- Evidence must be introduced using this particular procedure and no other.
- Time will not stop for the introduction of evidence.

## Time Limits & Timekeeping

- Two students, one from each team, will act as official Timekeepers.
- Both Timekeepers will keep time, using a stopwatch and will indicate time remaining in any given portion of the trial by simultaneously displaying yellow time cards.
- The Timekeepers will be on their own device and will turn their cameras on when it's time to show a time card. They will post the time remaining for each side after each part of the trial in the Zoom chat.
- The time limits, listed in **Rule 17**, are very important in the mock trial, and it is important that you be strict in your enforcement of these limits.
- Note that under **Rule 18(g)**, if there is a discrepancy of more than 15 seconds, the Timekeepers will notify the Presiding Judge and he or she will immediately resolve that discrepancy before the Round continues.
- The Presiding Judge will collect the time sheets from both Timekeepers before the Judging Panel retires for deliberation and will return these documents with the scoresheets and award certificates.

## Observers in the Courtroom

- Unfortunately, due to the logistical challenges with the virtual format and hosting, observers will not be allowed to view trials this season.

## Scoring

- The official scoresheet/ballot will be completed online, using the same scoring and commenting processes as in past seasons.
- When completing the official ballot, each scoring evaluator must make his or her own decisions independently and may not confer with other panel members about the scores.
- The scoring is done on a one (1) to ten (10) point system, with scores of **6** representing an average performance. Zero (0) is not a valid score.
  - Any score less than a 4 should be explained in comments so teams may understand the score.
- A PDF scratch sheet is available on the *Judging Panel* page of the Mock Trial website.
  - This scratch sheet contains information each Evaluator should consider during each portion of the trial presentation.
- The official ballot may be completed during the Round or once they have retired from the courtroom at the conclusion of the Round.
- The team with the largest number of Total Points on the official ballot will win that ballot.
- The team with the largest number of ballots per courtroom wins the courtroom.

### Awarding Points – Speaking Points

- Speaker Points will be awarded to each student attorney and witness for each stage of the trial.
  - **NEW FOR 2022:** Witnesses will be eligible for 10 points for their direct examination testimony and another 10 points for their cross-examination testimony.
- An explanation of the meaning of each score number can be found on the Judging Panel page of the Mock Trial website, in the Evaluator Materials, and in the Bench Brief. Please use this as a guide for awarding points.
- Be sure to award a score in each blank box on the ballot.
- Use the points to help differentiate between the varying levels of skill, knowledge and performance of the students. Not all student presentations can receive a 9 and 10; there has to be a differentiation of scores to show the good from the great.

### Awarding Points – Team Points

- Evaluators must also award 1-to-10 points to each team as the Team Points award.
- Each Evaluator should consider 6 as the average Team Points award, with reductions made for team penalties and additions for outstanding team performance.
- Team Points awards of 4 or lower should be explained on the comment sheet.
- Teams may not receive the same Team Points award.

### Tie-Breaker

- Evaluators must indicate which team should receive a tie-breaking point in case there is a tie in the Final Point Total. The additional point will only be awarded by the Scoring Coordinator in the case of a tie.

### Recognizing Outstanding Attorneys & Witnesses

- For this 2022 virtual trial rounds, each judging panel member will rank their top three attorneys and top three witnesses from the competition round on their scoresheet. The average ranking of the entire round's judging panel members will be determined to record the Award.

### Court Artist Contest

- Some teams will have a student competing in the Court Artist Contest.
- The Artists will use Rounds 1 and 2 of the Regional Competition to practice in the virtual setting and complete their competition entries in Rounds 3 and 4.

# CODE OF ETHICAL CONDUCT

## For all Participants in the Georgia Mock Trial Competition and in all GHSMTC Special Projects

The purpose of the Georgia Mock Trial Competition, and all of its Special Projects, is to stimulate and encourage a deeper understanding and appreciation of the American legal system. This purpose is accomplished by providing students the opportunity to participate actively in the learning process. The education of young people is the primary goal of the Georgia Mock Trial Competition. Healthy competition helps to achieve this goal. Other important objectives include: improving proficiency in speaking, listening, reading, and reasoning skills; promoting effective communication and cooperation between the educational and legal communities; providing an opportunity to compete in an academic setting; and promoting cooperation among young people of diverse interests and abilities. As a means of diligent application of the Georgia Mock Trial Competition's Rules during the competition season and in all Special Projects, the following Code of Ethical Conduct has been adopted for all participants:

Students, teacher coaches and attorney coaches will be required to sign a copy of this Code. This signature will serve as evidence of knowledge and agreement to the provisions of the Code. Violations of this Code of Ethical Conduct may be grounds for reductions in scores, disqualification from a contest and/or suspension or expulsion from the Law Academy.

§1 **Team members and all student participants in all Special Projects**, including but not limited to the Law Academy and the Craig Harding Memorial Court Artist Contest, promise to compete with the highest standards of deportment. Team members and participants will avoid all tactics they know are wrong or in violation of the Rules, including the use of unfair extrapolations. Members and participants will not willfully violate the Rules of the competition in spirit or in practice.

§2 **Teacher Coaches** agree to focus attention on the educational value of the Mock Trial Competition. They shall discourage willful violations of the Rules and/or this Code. Teachers will instruct students as to proper procedure and decorum and will assist their students in understanding and abiding by the letter and the spirit of the competition's Rules and this Code of Ethical Conduct.

§3 **Attorney Coaches** agree to uphold the highest standards of the legal profession and will zealously encourage fair play. Attorney Coaches are reminded that they are in a position of authority and thus must serve as positive role models for the students. They will promote conduct and decorum among their team members and fellow coaches in accordance with the letter and the spirit of the competition's Rules and this Code of Ethical Conduct and will demonstrate the same through their own behavior. They will emphasize the educational value of the experience by requiring that all questions, objections, responses, opening statements and closing arguments be substantially the work product of the team members.

§4 **All participants (including observers)** are bound by all sections of this Code and agree to abide by the provisions. All competitors, coaches and other participants, including observers will show respect for all team members and participants, including their opponents and all judges, evaluators, attorney coaches, teacher coaches and mock trial staff and/or volunteer personnel. All competitors, coaches and participants, including observers, will focus on accepting defeat and success with dignity and restraint. Trials, contests and activities will be conducted honestly, fairly, and with the utmost civility. Teams are responsible for insuring that all observers are aware of the Code.

§5 **Judging panel volunteers** are asked to observe and score the trials with an objective eye. Interjecting one's own personal style and biases is of no value in the education process. Evaluators are seeking highly skilled advocates, not hostility or pettiness. Judging panel members are asked to use only constructive language if comments are written on the worksheet provided or given verbally during debriefing. Panel members will refrain from personal, derogatory comments about students, coaches or other competition participants, personnel or volunteers and in no instance shall use profanity in any form (including abbreviations), either in writing or verbally, during the competition. Team members have agreed to abide by the Rules and this Code in spirit and in practice; therefore, violations should result in a lowering of the score. All judges and evaluators promise to be prepared and knowledgeable about this Code of Ethical Conduct, the Rules of the Competition, the problem and the procedures. The appearance of impropriety, bias or favoritism shall be avoided. Presiding Judges will conduct trials with objectivity and honesty.



# The Ten Commandments of Judging Mock Trials

- I. Please be mindful that this is a learning experience for the students. No derogatory remarks should be made about the teams or students in the presence of other students or parents.
- II. No verdict or winner should be announced in the courtroom.
- III. No special motion, such as directed verdict or dismissal, or bench conferences (other than those argued from council tables – see Rule 19) are allowed. The Stipulations are at the beginning of the case materials in the manual and are already a part of the record.
- IV. Scoresheets must be complete, with no boxes left blank and no tie in Team Points box. No fractions are allowed.
- V. *Any potential* conflict with a team must be brought to the attention of the Coordinator *before* the Round begins. The Coordinator will then determine if the conflict is sufficient to disqualify the evaluator from a particular courtroom.
- VI. Evaluators must make their scoring decisions independently, before any discussion with other Evaluators. However, the panel as a whole should deliberate on Outstanding Witness/Attorney Awards.
- VII. A Scoring Evaluator may award points to a team despite an adverse ruling from the bench. The intent is to evaluate the students on performance, not the outcome.
- VIII. Please do not leave the courthouse until you have been dismissed by the Scoring or Trial Coordinator.
- IX. During the debriefing, the critique should be positive and the criticism constructive. Comments should be brief and held within the 10-minute total time limit. Teams must move on to the next Round and do not have time to make significant changes in style or presentation between Rounds.
- X. If evaluators have not prepared thoroughly and are unfamiliar with the case materials, *they should refrain from mentioning this to the students.*

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