



## Trial Guidelines (Script) for Presiding Judges

### Prepare for the Round(s)

- Please be familiar with the case materials before you come to the competition. (There will be a review and orientation session before each Round, during which time you may ask questions about specific points.)
- Your preparation may proceed in this order:
  - Review the Bench Brief for this Mock Trial case (*this will be emailed to each Judging Panel volunteer*)
  - Read the case materials (online—JUDGING PANEL INFORMATION section)
  - Familiarize yourself with the modified Georgia Rules of Evidence used for this competition and with the competition Rules related to trial Rounds
  - Familiarize yourself with the information contained in this checklist
- Please bring the following items with you to the competition site:
  - Bench Brief
  - The HSMT Rules provided in this manual
  - Ballpoint pen
  - These Trial Guidelines

### Materials/Supplies

- Each Presiding Judge will be provided the following supplies by the on-site trial Coordinator before each trial Round:
  - Three official scoresheets (in carbonless triplicate)
  - Three unofficial scratch sheets (green cardstock) – Used as a rough draft during the trial
  - Three 8.5"x14" worksheets (in carbonless duplicate) – Used to make notes for yourself/teams during the trial
  - One Outstanding Attorney certificate (ivory cardstock)
  - One Outstanding Witness certificate (white cardstock)
  - 3 writing pads – To give evaluators something to write on during trial
  - Dispute forms
- Prior to the Round, give each evaluator a green scratch sheet, long worksheet and writing pad.
- After the Round, provide each evaluator with an official scoresheet.
  - The Outstanding certificates will be used after the scoresheets have been completed and turned in.
- All above materials (used and unused) should be returned to the trial/scoring coordinator when the panel returns to the Judging Panel Orientation room after the critique.

## Pre-Trial Matters

### ***THIS PRE-TRIAL CONFERENCE IS REQUIRED!*** **PLEASE DO NOT SKIP IT!**

*Please handle pre-trial matters in this order by reviewing the following items with the teams prior to the beginning of the Round:*

1. Welcome both teams and remind them that while this is a competitive event, the main goal of the program is for them to gain a greater understanding of our legal system by participating in a performance-based, interactive activity. Remind them that it should be fun, too.
2. If video cameras or other recording/photographic devices are present, confirm that neither team objects. **(Rule 26)**
3. Remind all present that no communication is allowed between competing team members and others in the courtroom until the trial is concluded. **(Rule 24)**
4. Remind audience members that only people associated with the participating teams and officials associated with hosting are permitted in the courtroom. Ask anyone not associated with the teams in the Round and/or competition officials to leave immediately. **(Rule 25)**
  - Special permission has been given to groups who did not field a team this season from other schools to observe trials so as to give their students an idea of the competition and motivation for next season's attempt.
5. Remind everyone in the courtroom that they should not wear or display anything that may identify the teams competing in that courtroom to the Judging Panel. (i.e. a letter jacket, team t-shirt, etc.) Also remind them not to say which school team they're associated with. **(Please DO NOT ask a team to identify itself by school or anything other than its code at any point, even post-trial.)**
6. Confirm the presence of the student Timekeepers. The Timekeepers should be seated in the courtroom where they will be able to sit together—usually in the jury box and in front of the evaluators—and where they will be most visible to the teams.
  - **NOTE ON TIMEKEEPERS:** If only one team has a Timekeeper, that Timekeeper must keep time for both teams in the Round **(Rule 7(j))**. If neither team has a Timekeeper, the witnesses from each team will rotate keeping time. **(Rule 7(j))** and the Timekeeper Instructions in the Team Manual).
7. Confirm that Team Trial Rosters have been exchanged by the teams and provided to each member of the Judging Panel. Collect one for yourself.
8. Specifically instruct student participants to turn off and store any electronic device (including but not limited to a phone, computer, tablet, iPad, etc.)
9. Specifically remind Judging Panel members to please refrain from answering or using any electronic device during the course of the Round.
10. Instruct all observers in the courtroom to turn off all electronic devices (cell phones, Blackberries, laptops, iPods, iPads etc.) or place them on "silent mode". **(Rule 24(g))**
11. Instruct observers that they must exit the courtroom in order to use an electronic device (including video games).
12. Instruct observers to limit the number of times they go in and out of the courtroom. Observers should exit and/or enter the courtroom only during breaks in the action (i.e. after both openings are finished, between witnesses, between sides and before closings begin). Our goal is to **limit distractions** for the teams and the Judging Panel members.
13. Ask each team to introduce its participating members by name and role. (Remind students that they need not re-introduce themselves at a different point in the proceedings.)

14. Ask each team if it has any pre-trial matters to cover.
  - a. Provide the lead plaintiff/prosecution attorney the enlarged exhibits and instruct them as to where they should be placed in the courtroom for both teams to use.
15. Ask each team if it is ready for trial.
16. Swear the witnesses as a group:

### Script for Swearing in the Witnesses

1. Ask all witnesses to stand and raise their right hands.
2. Read the oath aloud (Rule 16):

**“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?”**  
**“If so, answer ‘I do.’”**
3. After the witness response, the witnesses will be seated and the trial will proceed.

### Conduct the Trial

1. Proceed according to the Rules of the Georgia High School Mock Trial Competition.
2. Make rulings on objections raised based **ONLY** upon the Rules of the Georgia High School Mock Trial Competition and the **Modified Georgia Rules of Evidence** used in the Georgia HSMTC. The Rules are included in this manual and are located on the Mock Trial website.
3. Student attorneys should be prepared to locate and cite specific Rules, including Rule numbers, when making or responding to objections, upon request of the Presiding Judge or of their own volition.
4. Please refer to the Rule an attorney specifies when making an objection and make your ruling consistent with the Rule as it currently appears in the Mock Trial materials.
5. Presiding Judges **MUST NOT** attempt to teach during a trial. Please **do not** assist team members by suggesting they raise a more appropriate objection or use a more appropriate Rules citation or ask a more appropriate question on direct or cross, etc.
6. When objecting to something, students must be allowed an opportunity to demonstrate their knowledge. Each attorney should be afforded an adequate opportunity to state the grounds for the objection and to respond to the other attorney. It is important that the Scoring Evaluators be able to observe how both sides handle an objection sequence. Do not, however, allow the participants to get bogged down in long debates.
7. Don't simply allow everything to come in, but don't keep everything out, either. The Problem Subcommittee has built in some challenges in regard to the evidence and participants, especially at the State level, must be required to think on their feet and deal with adverse rulings from time to time.
8. Insist that counsel address the court and not each other.
9. Interpret **Rule 4** regarding extrapolations strictly and narrowly. Teams have been advised that the best way to handle unfair extrapolations is through impeachment on cross examination and in the closing argument (if appropriate). Teams have been advised to only ask for a ruling on unfair extrapolations under Rule 4 from a Presiding Judge as a last resort.
10. Do not allow bench conferences—if a bench conference is requested, arguments must be made from council tables (because this is an educational exercise, not a real trial) so that the Scoring Evaluators may hear and evaluate the participants during each portion of their presentation. (**Rule 22**)
11. Given these parameters, the Mock Trial Round should reflect actual courtroom practice as closely as possible.

## Emergencies during the Trial Round

- Rule 28(e) exists to deal with Judging Panel emergencies during a Round.
- If a student has an emergency and needs to leave the courtroom, it is important that the court allow them to do so, but must remind observers not to have communication with the student. The coordinating team should also be notified. (Hopefully, the emergency will be of a nature where the student involved can handle the situation and the trial may move on in the absence of the student.)
- No other team member may leave his/her seat during an emergency break and certainly may not communicate with any coach or spectator outside the bar. (Rule 24(e))
- Team members within the bar should not leave the courtroom without the permission of the court. (see Rule 24(e))
- **Restroom breaks are not an emergency.** Presiding Judges, please DO NOT ALLOW RESTROOM BREAKS BETWEEN PORTIONS OF THE TRIAL.

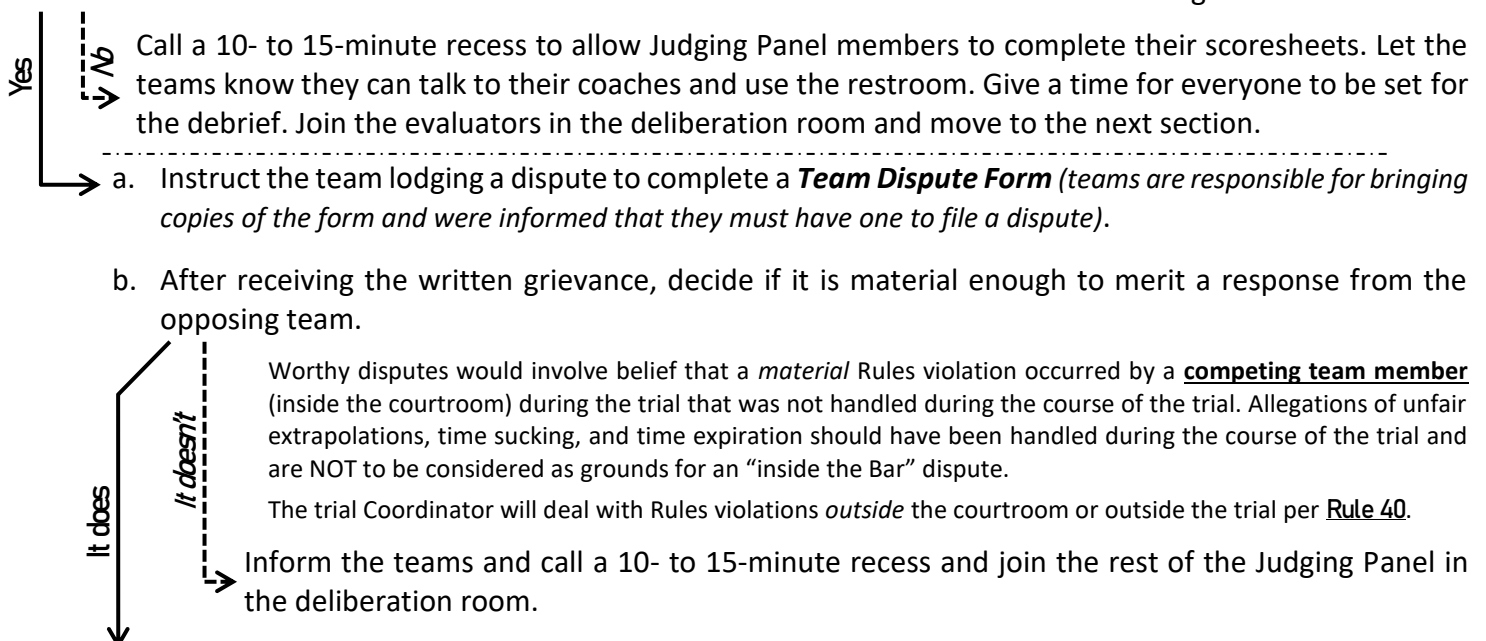
## Concluding the Trial Round

1. Ask the audience to give the teams a Round of applause.
2. Remind the Scoring Evaluators that they may not confer when completing their scoresheet, but that they may confer concerning the Outstanding Attorney and Witness Awards.
3. Ask the Scoring Evaluators to retire to their deliberation room to complete their scoresheet.
4. Ask the Timekeepers if there were any time discrepancies during the trial that have not already been brought to the attention of the Presiding Judge and then have them deliver the completed timesheets to you.
  - a. The Timesheets should be turned in to the Trial Coordinator with the rest of the Round's materials after the Critique.
5. Conduct the "Inside the Bar" Dispute Resolution Procedure:

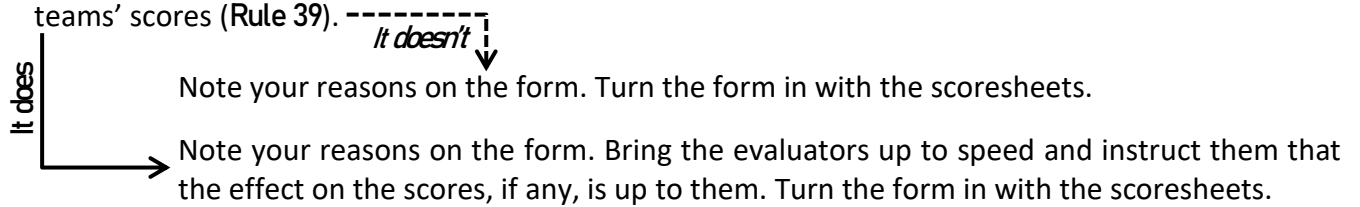
## "Inside the Bar" Dispute Resolution Procedure

*See Rules 37-39 for more information*

Ask if either team has reason to believe that a *material* Rules violation has occurred during the trial.



- c. Give the form to the opposing team for their written response and have it returned to you.
- d. Have the teams designate a spokesperson for the hearing and give them 3 minutes to prepare their case. Give each side 3 minutes to make their arguments. Make notes on the form.
- e. Make no announcement. Call a 10- to 15-minute recess. Before joining the rest of the panel, decide if the matter warrants bringing it to the attention of the evaluators for potential adjustments to the teams' scores (Rule 39).



## Retire to Deliberation Room with Evaluators

1. When in the jury deliberation room, remind the Scoring Evaluators that they must complete their scoresheet independently of one another, along with the following:
  1. Students should be evaluated **only on their performance**, including their substantive presentation and knowledge of the facts and law.
  2. We expect every student participant to observe proper courtroom decorum, to speak as clearly as possible and abide by the Code of Ethical Conduct at all times; however, students **should not be** evaluated based upon their dress, their jewelry, their hairstyle or any other aspect of their physical appearance or their real-life accent, dialect or the fact that English may not be their first language. We are proud that students from diverse racial, ethnic, religious and economic backgrounds participate in the Georgia High School Mock Trial Competition.
2. The courtroom liaison (or you, if one isn't present) should collect all scoresheets from the Scoring Evaluators and...
  - ✓ ...check that **all blanks are filled** in on each scoresheet
  - ✓ ...check that **no fractions or decimals** have been used
  - ✓ ...check that there are **NO TIES** in the **Team Points**
  - ✓ ...check that one team is circled in the **tie-breaker box**
  - ✓ ...check that each scoresheet is **signed**
  - a. Give the scoresheets to the trial Coordinator/courtroom liaison prior to conferring on the Outstanding Awards. All scoresheets should be returned immediately upon completion – not after the critique has ended – the competition day is on a tight schedule and Judging Panel assistance in this area is crucial.
3. Confer with the Scoring Evaluators to name one Outstanding Attorney and one Outstanding Witness for the Round. (Discuss this matter only **after** the scoresheets are completed and turned in to the trial Coordinator.) Make sure that all evaluators and yourself have signed the certificates. Leave them in the deliberation room.
4. Return with the scoring Evaluators to the courtroom to perform the Critique.

## Perform the Debrief/Critique

1. Please limit the critique for the entire Panel to a total of **10 minutes**.
2. **Do not announce scores, the results of the Round or the identities of the Outstanding Attorney and/or Witness.**
3. **Be brief!** The teams are on a very tight schedule.
4. **NEVER** ask the teams to identify their school.
5. Humor is a welcome tension reliever during critiques – remind everyone that their experience during the competition weekend should be exciting, enjoyable and fulfilling.
6. Comments should be of a general nature and not directed toward individual members of the team.
  - a. Do not attempt to give coaching pointers or other critique of performance, theme, theory, arguments, questions, answers, etc. to the teams. Each team’s coaches have spent the previous several months preparing the teams to present the case in a specific manner. Well intentioned Judging Panel members who attempt to help “fix” items unwittingly undermine the coach’s preparations for the team.
7. Be fair and distribute your comments broadly – students listen closely during the critique for clues about which team won the Rounds, so please be careful not to give away the result.
8. For many students, critiques are the most valuable part of the competition. The most valuable assistance you can provide is to point out generally what the team did well and/or make general constructive comments on any deficiencies in the presentation. Please keep in mind that teams have no time to change major portions of their presentation between Rounds.
9. Please bear in mind the educational goals of this activity. These are high school students, not yet candidates for the Bar, so our criticism should be constructive and supportive, avoiding vigorous remarks laden with our own emotions that can be personally destructive to students. What is at stake here is not legal hardball—a cold-blooded approach to winning or losing. The stakes are the proper education and development, nurture and guidance, of young people. Please keep those goals in mind when speaking to students and coaches outside the courtroom as well.
10. Please do not make personal derisive comments either to the participants or any person while on the premises of the competition. Please keep in mind at the competition that many of the students’ friends and family members may be within earshot. Also, please remember these are high school students (some as young as fourteen years old) from diverse racial, ethnic, religious and economic backgrounds. These students participate in mock trial as an extracurricular activity and devote hundreds of hours preparing for and participating in the competition.
11. Do not refer to “real world” Rules during the trial or the debriefing session.
12. Please do not tell students “they are better than real lawyers”.
13. Please do not publicly compare team performance with another team in this region or with a team you saw in a different competition at some other point in time. These sorts of comparisons are not helpful.
14. Please do not approach teams or coaches who do not win the regional championship after the debriefing or the entire competition has concluded and suggest to them “they should have won” and/or that the champion team “was not as good as they were”.

## Accompany the Evaluators to the Judging Panel Orientation Room

- Gather all trial materials (comment sheets, Outstanding Awards, time sheets, Team Trial Rosters) and return to the judging panel orientation area. Turn in all of the materials provided to the Judging Panel to

the coordinating team. Please do not throw any competition materials away in a courtroom trash can; we do not want teams to find items related to other teams.

- Please wait until the Panel has been cleared and released by the scoring room before the evaluators leave the competition site.

## Final Notes for all Judging Panel Members

1. Conflicts with any team in the competition, or with a particular team in a particular Round, should be brought to the attention of the trial Coordinator immediately.
2. If you personally know a student or coach, please do not engage in personal conversations during the competition. The appearance of a Judging Panel member having a previous personal connection to a team member or team gives other teams a reason to doubt your impartiality in scoring. We trust your professionalism; however, appearances can be tough to overcome. It is very disheartening for a team to see a Panel member greet an opposing team member by name and ask him/her “How’s your grandma doing?”
3. **Please do not leave the courthouse until the trial coordinator officially releases you after returning to the Judging Panel room after the critique.** The Scoring Coordinator must have time to review the scoresheets from your Judging Panel to determine if there are any potential problems (i.e. blanks, ties, mathematical errors, illegible writing, etc.). If an error is found, the trial Coordinator will need you on hand to correct the error before the competition can move forward. The Scoring Coordinator will work as quickly as possible to “clear” each Judging Panel in a timely manner. We thank you for your patience as our volunteer coordinating staff provides our students with the best possible competition experience.
4. **Do not base your decisions on the merits of the case** – student knowledge and performance are the only items that should be evaluated.
5. Refrain from mentioning to students if you are not thoroughly prepared to serve on a Judging Panel or are unfamiliar with the materials or Rules. Students will be highly disappointed if they learn that this is the case, because they have spent so much time and effort preparing their presentations.

***\*\*\* Thank you for your service! \*\*\****