

Mock Trial Training

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South Carolina
BAR FOUNDATION
Lawyers Sustaining Justice

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Mock Trial Trial Presentation

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Trial Sequence and Time Limits

Timing	High School and Middle School
Opening Statements	5 minutes per side
Direct and Redirect	25 minutes per side
Cross and Recross	20 minutes per side
Closing Arguments	5 minutes per side

- Clock starts when the first word is spoken by the attorney and
- Clock stops for objections.
- Time for witnesses does not have to be equal as long as it does not exceed the overall allotment of time allocated for witnesses.

Usage of Notes (Rule 4.20)

- During the trial, witnesses may NOT use notes or read from any documents unless questioned or cross-examined about a witness statement.
- Attorneys MAY use notes in their presentation.



Usage of Notes

Continued

Note dependency is a subjective standard.

- Attorneys who read directly from notes during opening statements or closing arguments will likely be considered “note dependent” and receive a low score.
- Attorneys who use notes merely as a guide are not likely to be considered “note dependent.”



Bailiff

(Rule 4.4)

The Plaintiff's / Prosecution's Bailiff meets with the presiding judge prior to the round starting and receives a card with their scripts and the judge's name.

The presiding judge will require the bailiff to swear in all witnesses at one time and not individually.

Bailiff Script

Opening Court:
"ALL RISE!! The Court of Common Pleas (for civil case)
or General Sessions (for criminal case)
is now in session.
The Honorable
(Presiding Judge's name)
is presiding."
Swearing in of Witness:
"Do you promise the testimony you are about to give will
faithfully and truthfully conform to the facts and rules of the
mock trial competition?"



Video Example to Follow

Bailiff



Opening Statements

- The Plaintiff/Prosecution side goes first ;
- Opening Statement is made to the jury (5 minutes);
- No objections;
- No legal argument takes place;
- Limit usage of notes;
- Attorney makes eye contact with jury and speaks up; and
- Attorney presenting opening statement cannot present closing argument;

Process:

- Introduces self and co-council;
- Tells the story;
- Mentions charges and what has to be proven;
- May include what each of the witnesses will bring out;
- May use a theme that will be carried out through the trial;



Video Example to Follow

Opening Statement



Presentation of Evidence

Two Types:

- 1) **Exhibits** (*Documents, Photographs, etc.*)
 - Either side may use any or all of the exhibits
 - All exhibits are provided by the SC Bar

- 2) **Oral Testimony** from the Witnesses



Exhibits

- Case materials contain all exhibits needed.
- Exhibits may not be duplicated, enlarged or otherwise altered. ***The SC Bar will provide each courtroom a set of large and small exhibits to be used during the trial.***
- Each team may use any of the exhibits.
- Teams are scored on their attempt to introduce evidence and the other side based on its objections.
- It is up to each team to determine which witnesses are the best and/or proper witnesses to introduce each exhibit.
- Exhibits may be handed to the jury after they are admitted into evidence only with the permission of the presiding judge.

What is Not an Exhibit?

- ✓ Pleadings, statutes, and affidavits are not exhibits.
- ✓ ***NEW for 2011/2012:***
(addition to Rule 4.19 – Exhibits / Case Materials)

Teams can only use the provided case materials in each courtroom to refer to competitions rules, rules of evidence, pleadings, statutes, and affidavits. Teams may not use personal copies of any portion of the case materials. This does not preclude a team from having their own trial notebooks to use at their own tables.

Procedure for Introduction of Exhibits (Rule 4.19)

- There is a thorough outline on the correct way to enter an exhibit provided in the case materials.



Video Example to Follow

Introducing Evidence



Evidence: Witnesses (Rule 601)

- **Every Witness Is:**
 - To be called
 - Deemed competent to be a witness
 - Gender neutral
 - Does not wear costuming
 - Does not use notes
- **Affidavits / Exhibits:**
 - Witnesses may only provide testimony on what they have personal knowledge of either in their affidavit or exhibits.
 - Witnesses are not responsible or bound for knowing what is in another affidavit.
- **The Court Shall Exercise:**
 - Reasonable control over the mode of questioning of the witnesses
 - The presentation of evidence.

Witness Questioning (Rule 611)

- **Direct Examination** – performed by party calling the witness
- The witnesses can only be asked direct questions and not asked leading questions.
- Examples of two types of questions:
 - **Direct Question:** What color was the car that you saw?
 - **Leading Question:** The car that you saw leaving the scene of the accident was red, wasn't it?

Witness Questioning (Rule 611)

- **Cross examination:** performed by opposing attorney assigned to witness
- **Purpose of Cross Examinations is to show that a witness is:** wrong, biased, or lying
- May cover the subject matter of the direct examination, matters affecting the credibility of the witness and additional matters, otherwise admissible, that were not covered on direct examination.
- Leading questions are permissible on cross-examination.



Video Example to Follow

Closing Arguments

- Five minute recess provided to revise closing argument
- Only team members in front of bar can speak with another during the recess
- Five minutes for closings
- The Prosecution/Plaintiff may request permission to reserve time from their closing for a rebuttal.
 - *Rebuttal is limited to Defense's closing argument.*
- No objections take place during closing arguments.

Questions?

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