



Presiding JUDGE TIP SHEET

The success of the Mock Trial program depends heavily on informed and effective judging. The Law-Related Education Committee offers this tip sheet as a guide, but it is no substitute for reading the case, the competition rules, the modified rules of evidence, and the bench brief.

Your responsibilities as a presiding judge include guiding the trial process, ruling on objections, ensuring a fair trial, creating a positive competition experience, handling disputes, providing positive comments, and collecting all needed paperwork from teams and scoring judges.

NEW for 2013/14 Competition Year:

- **RULINGS FROM THE BENCH** – All presiding judges should rule according to the bench brief even if s/he disagrees with the bench brief to ensure the same rulings occur in every round.
- **JUDGES' BENCH BRIEF** – Please do not discuss contents of bench brief with teams before, during, or after competition. The document is for judges only.
- **CREATION OF MATERIAL FACT OBJECTIONS PENALTY FORM** – This is a new form that presiding judges will complete each time there is a creation of material fact objection. Teams will need to be instructed to quit deliberations and timekeepers not to keep time while the form is being completed. Please read the directions on the new form prior to presiding over the first round. The presiding judge will announce all rulings on such objections at the time the objection is made according to Rule 6.2. Objections may not be raised regarding COMF violations or rulings at the end of the round.
- **CREATION OF MATERIAL FACT OBJECTION (Rule 2.3)** – Scoring judges may wish to consider whether the material fact was offered intentionally or accidentally - a circumstance that may warrant a lower penalty.
- **CREATION OF MATERIAL FACT OBJECTION PENALTY (Rule 2.3)** – Remember the 1-7 point penalty is to be assessed as a team penalty in the penalty box at the bottom of the scoresheet and not as an individual penalty against the testifying witness or his/her lawyer. Individual scores should NOT be adjusted to account for a COMF; the only penalty is a team penalty. (Unintentional: 1–2 pts., Intentional: 3–7 pts.)
- **PENALTY FORM – RULES VIOLATIONS** replaces the traditional dispute form as it now provides a place to report time violations.
- **TEAM COMPOSITION (Rule 3.3 High School)** – High school teams have gone back to a minimum of two attorney students and a maximum of three attorney students. (*Middle school is still 3 – 4 attorney students.*)
- **TIME EXTENSION REQUESTS (Rule 4.6)** – A time extension may only be requested at the end of time with a maximum of 30 seconds granted.
- **OBJECTIONS TO OPENING STATEMENT AND CLOSING ARGUMENT (Rule 4.17)** – The objection may only be made immediately following the opening statement or closing argument and may not be raised as a dispute after the round.
- **POST TRIAL DISPUTES (Rule 6.1)** – The presiding judge announces his/her ruling prior to adjourning.
- **SCORESHEET** – The scoresheet now includes additional places for time violations, COMF violations, and rules violations. Scoresheets should not be totaled until you meeting with the presiding judge to review any penalties.

Important Notes for New and Experienced Presiding Judges:

- **JUDGE'S COMMENTS** are no longer provided at the end of trial. Instead congratulate both teams.
- **A PRESIDING JUDGE CHECK LIST** is used for each round. You can start the check list even if teams are still completing practice scoresheets and then come back to distributing them before the trial starts.
- **COMPETITION HANDBOOK / CASE MATERIALS / EXHIBITS** are provided in a neutral location for both teams and in the witness box. A set of exhibits will also be in a neutral location for both teams. Teams cannot show personal copies of materials to judges unless told otherwise by the State Coordinator.

- **MOST EFFECTIVE NOMINATIONS BY STUDENTS** are done at the end of the round by presenting blank certificates to the opposing team.
- **TEAMS MUST CALL ALL WITNESSES** including their third witness even if the team runs out of time. In that event, the team will be allotted a maximum of three minutes for direct examination of its third witness and will receive a time penalty of ten points in the penalty box as a rules violation. **You will need to note this on a Penalty Form to have this penalty tracked and signed off on by all the judges.**
- Do **NOT** discuss scoring or case issues with students, coaches, and/or spectators during or after the competition.
- Attendance at the judges' orientation on the day of competition is mandatory, even for experienced judges. Any last minute issues, case corrections, and judging conflicts will be discussed at the orientation.

Preparation for the Trial Prior to Competition Day:

- **Review:** Tip Sheet, Scoring Matrix, Bench Brief, Case, Competition Rules, Rules of Evidence and Creation of Material Fact Objections Penalty Form
- Arrive at scheduled time. If lost or delayed, please contact regional coordinator with number provided.
- Move to the front of courthouse entrance lines. (Teams know judges have priority.)
- Presiding judges may bring their personal robes or wear robes provided on-site.

Differences Between Mock Trial and Real Trial:

- a) **REAL TRIAL LAWYER STANDARDS NOT THE SAME:** Judges should not impose the standards of real trial lawyers on the students who are competing in Mock Trial. Please consult the Mock Trial *Modified* Rules of Evidence, which differ from "real" evidence rules in at least the following ways:
 - Exceptions to hearsay and other evidence rules are limited.
 - Not all objections are available to Mock Trial teams.
 - Check the rules before ruling on an objection that is unfamiliar.
- b) **WITNESS AFFIDAVITS:** Witnesses are limited to what is in their affidavits. There are two ways for an attorney to deal with a witness who testifies outside of his/her affidavit:
 - Impeach the witness with the affidavit, or
 - Creation of material facts objection (aka unfair extrapolation).

A "creation of material facts" or "unfair extrapolation" objection is not an evidentiary objection, but an allegation that the lawyer/witness on the other side has violated the rules by making up facts favorable to his/her side.

When a creation of material facts objection is made, you must resolve whether the objecting attorney's position is correct or whether the testimony offered is a "reasonable inference" from the materials provided. To rule on this quickly, you can require the attorney who is offering the allegedly "created material fact" to point to where this testimony, or the testimony from which it may be reasonably inferred, appears in the witness's affidavit.

After hearing from both sides, you rule on the "creation of material fact" objection using the Creation of Material Fact Objection Penalty Form. As the presiding judge, announce all rulings on such objections at the time the objection is made according to Rule 6.2. Disputes may not be raised regarding COMF violations or rulings at the end of the round.

Making up materials facts is cheating. The team doing so must be penalized and not rewarded for creativity. All judges must be familiar with the affidavits in order to identify the created facts.

At the Competition, Before the Trial Starts:

Judging / Scoring Conflicts:

- The Mock Trial Regional Coordinator announces the teams competing prior to arriving at the competition in the email regarding competition specifics. If you have a conflict (relative on the team, you know the attorney coach, etc.), please let the coordinator know prior to the day of the competition.
- Upon entering the courtroom, if you or a scoring judge recognizes a school and thinks they
 - may have a conflict; they should alert the judging team to recess and then speak with the regional coordinator. Do not make an announcement of this conflict, simply leave courtroom.
 - can judge fairly without bias, the trial can proceed.

Judging and Courtroom Assignments:

- The coordinator announces judging teams and room assignments.
- Judging teams meet and stay together as a group once assigned. Do not leave individually to the assigned courtroom as looking for a missing judge can delay the start time.
- Scoring judges sit in the jury box behind or off to the side of the timekeepers, who will also be in the jury box. (For High School Mock Trial, the jury box may also have a courtroom artist(s) and sitting off to the side or in front of the scoring judges.)

Practice Scoresheet:

- Teams will complete practice scoresheets with student names, roles, and gender prior to each round. (*A sample practice scoresheet is at the end of this document.*)
- The Plaintiff/Prosecution team is responsible for collecting the completed practice sheets and distributing them to the presiding and scoring judges prior to the trial starting.
- The practice scoresheet will have the exact order of students and witnesses performing in the trial.
- In rare cases, you may be asked to serve as a scoring judge in the event a courtroom has only two scoring judges on the scoring team. All efforts to reduce dual roles will be made. Should you be asked to score, it will be helpful to have read the scoring judges' tip sheet as well.

At Assigned Courtroom with Team of Scoring Judges:

- **BAILIFF:** You will have an index card to provide the bailiff, which will have your name printed on them. You meet with the Plaintiff/Prosecution's bailiff prior to starting the round and provide them with the card. Bailiffs may need help pronouncing your name.
- **BAILIFF OPENS COURT AND INTRODUCES PRESIDING JUDGE:** Take this role very seriously. The bailiffs have very few duties and are eager to perform the duties they are assigned.
- **CONFIRM TEAM CODES:** Judges will know which two team codes they are assigned to judge. Team codes are in place of school names. Prior to beginning any introductions or housekeeping, please confirm the two teams seated in the courtroom are correct by asking for their team codes -- not their school names.

General Housekeeping Items to Review in the Courtroom:

The presiding judge should try to run these housekeeping items as quickly as possible.

- **VISITOR / OBSERVER BADGES:** Everyone behind the bar should be wearing coded visitor badges matching the teams in front of the bar. Observers connected with other schools are not allowed to observe the trial. You ask if anyone not connected with either team to leave courtroom and find the Coordinator.
- **LIMITED SEATING:** If limited seating exists in the courtroom. Ask observers of the students not competing in that round to give up their seats to the observers of the performing students. The excused observers will receive the same courtesy when their students perform. Teams only have 24 visitor badges.
- **SHARING OF GALLERY SEATING:** Ask coaches if their team and guests are seated on the correct side of the courtroom. Sitting on the opposing side should only be with the other team's permission. No team is permitted to dominate gallery space.
- **NO STANDING PERMITTED:** All spectators behind the bar must be seated during the trial. No obstruction of aisles or doorways is permitted.

- **LIMIT MOVEMENT DURING TRANSITIONS:** If it is necessary to enter or exit the courtroom during the trial, it should be done during a transition between witnesses. (Teachers have been prompted to have someone not viewing the trial be placed outside the courtroom door(s) to assist with guests.)
- **NO COMMUNICATION WITH JUDGES:** Attorney/teacher coaches, parents, and students are not allowed to have contact with any judges on the day of the competition to prevent the appearance of impropriety.
- **NO COMMUNICATION OVER THE BAR:** The rules prohibit communication between team members and coaches, non-competing students, bailiffs, timekeepers, and observers during the trial. Team members in front of the bar are the only ones who may confer with one another.
- **NO BENCH CONFERENCES:** Everything is done in the presence of the judges.
- **COURTROOM SKETCH ARTIST AND COURTROOM JOURNALIST – HS ONLY:** Acknowledge and welcome the courtroom sketch artists and journalists seated in the jury box either in front or off to the side of the scoring judges. They are to be reminded that no communication will take place with other team members and their area is to be cleaned up after the competition with all trash disposed. (If there is not enough jury space, the journalists and their guests are to sit in the gallery.)
- **PHOTOGRAPHY AND VIDEOTAPING:** Ask both teams if they permit the opposing team to take pictures or video tape the round.
 - If both teams approve, the use of video/cameras is permitted from a seated position with no flash.
 - **Should a team object to this, no explanation is required.**
 - It is possible that a parent or guest enters the courtroom with a video camera after this discussion. If you ruled no videotaping, at a break, instruct the new guest(s) to put the camera away.
 - ***In the Federal Courthouse***, no cameras or cell phones are permitted.
- **NO MOVING FURNITURE:** We cannot move any furniture in the courtrooms from other rooms.
- **TIMEKEEPER PLACEMENT:** Identify the timekeepers provided by both teams and make sure they are seated together in the jury box. They should be seated where the team members can see the time cards.
 - Timekeepers sit in front of or off to the side of scoring judges so they cannot see their scoresheets.
 - If timekeepers are not in the jury box, they are allowed to move to the jury box or another location for an attorney to see their remaining time for their opening statement and closing argument.
- **TIMEKEEPERS WORKING SILENTLY AND SIMULTANEOUSLY:** Timekeepers only communicate through time cards provided by the SC Bar. They are not permitted to wave their cards or voice, “STOP.” They silently/ simultaneously display the applicable “Time Remaining” cards with the same amount of time.
- **STOPWATCHES:** The Mock Trial Regional Coordinator will have backup stopwatches.
- **TIME LIMITS:** Openings, directs, crosses, and closings are timed. Although not encouraged, attorneys can ask for more time when their time runs out. Granting additional time is up to you, but **no more than 30 seconds** should be given. If granting more time, state exactly how much time is granted to track overages.
 - Scoring judges independently consider each team’s adherence to time limits. You may allow a team to briefly finish its presentation if time elapses and the attorney is in their final sentence – not last few comments.

Some Delay Tactics to Abuse Time:

- Attorneys - Every member of counsel looking at evidence prior to approving;
 - Witnesses - Speaking slowly to the point of being annoying;
 - Witnesses - Refusing to answer questions until the question is repeated one or more times; and
 - Witnesses - Answering a yes/no question with lengthy narrative.
- **TIME DISCREPANCY VERIFICATION THROUGHOUT TRIAL:** Allow timekeepers a brief pause after each segment (both openings, each case in chief, and both closings) to allow them to determine if there are any time discrepancies to report. Then, prompt them to report any time discrepancies of **15 or more seconds**. (Any discrepancies less than 15 seconds are not entertained.)

In the event of a time discrepancy, the official timekeeper is with the Prosecution/Plaintiff side. Possible contributions to a time discrepancy that you will want to inquire about include the following:

- “Did you stop timing objections?” (**Objections are not timed.**)
- “Did you stop timing during the swearing in of the witnesses?” (**Swearing of witnesses are not timed.**)
- “Did you stop timing for the attorneys to confer with co-counsel?” (**Conferring with co-counsel is timed.**)

- **Was the introduction of co-counsel and witnesses timed?**
 - **before** the opening statement **is NOT timed** -- AND -- **during** the opening statement **is timed**.
- **COSTUMING:** Costuming (wigs, uniforms, badges, etc.) is not permitted. Make-up for purposes of showing disfigurement or scarring is not permitted. **Using accents is NOT costuming.**
- **PROPS:** Teams may not bring any other items to use as props or demonstrative devices. Nor may teams use loose items found in the courtroom (e.g., pens, water bottles, flip charts, etc.) for props, exhibits or demonstrative purposes. Teams may use as props or demonstrative objects only if provided by the SC Bar as part of the case materials.
- **JURY CHARGES** are **NOT read to the students.**
- **EMERGENCIES:** If an emergency occurs, the teams report it immediately to you and the regional coordinator. Communication in the courtroom should be minimal with no communication across the bar unless the emergency requires such. Except in an emergency, no one may address you except for team members participating in the round.

In the event of an emergency with a scoring judge who needs to leave the courtroom, ask for a brief recess, have both teams' bailiffs monitor for non-communication, assess whether the judge will return in a reasonable amount of time, or needs to be replaced. Everyone else remains seated and quiet.

- **CODE OF ETHICAL CONDUCT:** All teams (coaches and students) sign a Code of Ethical Conduct agreement in order to compete. Remind them the agreement applies before, during, and after the competition and also applies to respecting the courthouse property. Any violation can bring harsh penalties up to and including immediate expulsion from the competition.
- **INTRODUCTIONS – SCORING JUDGES:** The scoring judges introduce themselves without indicating if they are a new judge, do not do trial work, just passed the Bar exam, or did not read the case materials.
- **INTRODUCTIONS – EACH TEAM:** Team members introduce themselves with their name and role without identifying the school they represent. Introductions are in the order written on the practice scoresheet.

Overview of the Check List Provided on the Day of Competition

Starting the Trial:

- **OPENING STATEMENTS: (5 Minutes Per Side)** Both sides deliver their opening statements. Any time remaining from openings is **NOT** carried over to closing arguments; there are **NO REBUTTALS** to the openings; and **NO OBJECTIONS** may be raised during the openings – only immediately following an opening.
- **ANY TIME VIOLATIONS?** The timekeepers are given a few seconds to check their timesheets. You ask if there are any time violations of 15 seconds or more. If there are time violations, the timekeepers report them to you right then and not at end of trial. Acknowledge the violation; ask for stopwatches be cleared back to zero, and state that the violation will be recorded on the Penalty Form under Time Violations.
- **BAILIFF SWEARS IN ALL WITNESSES:** Witnesses are asked to stand. Plaintiff/Prosecution's Bailiff will be asked to swear in all witnesses at once.
- **PLAINTIFF / PROSECUTION'S CASE IN CHIEF**
DIRECT / CROSS EXAMINATIONS: (TIME LIMITS: 25 minutes direct total / 20 minutes cross total)
 Witnesses are called in the order they are listed on the practice scoresheet. A cross examination is not limited to direct examination. Redirects and re-crosses are permitted. If a team rests and it has not called all of their witnesses, do **NOT** let the team rest. Teams can be severely penalized if all witnesses are not called. In the event time runs out before all witnesses are called, that team is required to call their remaining witnesses with no more than three minutes added to the clock. (Scoring judges will penalize the team being awarded the additional three minutes ten points in the penalty box. A Penalty Form will need to be completed for this penalty to be tracked and signed off by all of the judges.)
- **ANY TIME VIOLATIONS?** Follow time violation procedure above.
- **DEFENSE'S CASE IN CHIEF - DIRECT / CROSS EXAMINATIONS:**
(TIME LIMITS: 25 minutes direct total / 20 minutes cross total) Same procedure as Plaintiff/Prosecution.
- **ANY TIME VIOLATIONS?** Follow time violation procedure above.

RULINGS / PROCEDURE: Be as nice as possible as this is not a real trial, the students are not real lawyers and the students and their parents are watching. Make accurate rulings, not favoring one side over the other.

It can be very tempting to want to help underperforming teams in order to facilitate the momentum of the trials; however, there is a difference between moving a trial along and helping a team. It is the responsibility of the coaches to prepare a team for the trial. Helping an underperforming team on the day of the competition shows favoritism to one team. Examples of helping a team incorrectly would be:

- "What you are trying to say is....."
- "Did you mean to say"?
- "Are you sure you don't want to"
- Sustaining or overruling an objection for the wrong reason is considered helping a team.
- You have to rule on the arguments made.

OBJECTIONS:

You may not exclude evidence without an objection, even if you believe that it is not relevant or otherwise inadmissible. It is up to the students to object to questions, testimony, and exhibits.

If you are not familiar with the Modified Rules of Evidence, you may ask the student to refer to the rule that applies to the objection. If in doubt, err on side of letting evidence in.

Control the objections. The process should allow for an objection to be made, the opposing counsel responds, and the motioning attorney responds with follow-up. Any narrative after this point is ceased and a ruling is made unless additional narrative is needed to rule. Encourage quality objections instead of quantity.

Timing stops during objections, but time is still important. Trials need to conclude on time for the competition to stay on schedule. Simply rule on an objection. It is not necessary to explain the ruling as no record is being made and there is no appeal.

Re-direct and re-cross are allowed, but nothing further. Re-cross IS LIMITED to matters addressed in re-direct. No extra time is allowed. (Teams may ask for permission to ask the timekeeper how much time is remaining prior to proceeding with redirect or re-cross.)

There are two unusual objections that the presiding judge may encounter:

(1) TESTIMONY / QUESTION OUTSIDE THE WITNESS AFFIDAVIT: The witness has "created" facts which are not contained in the rules and the creation helps or hurts a team's position." (Some students might refer to this as "unfair extrapolation.") Should this occur, the presiding judge can either:

- Ask the witness if s/he can testify to the fact based on personal knowledge, or
- Ask the attorney presenting the facts to show where those facts are contained in the witness's affidavit.

You rule using the COMF Penalty form.

(2) VIOLATION OF THE MOCK TRIAL RULES: This applies to rules such as communication with members of the audience, costuming, etc. You will make a note and state that the teams will argue the violation at the conclusion of the trial when the scoring judges have been excused from the courtroom.

Other objections should be fairly standard and are set forth in the rules. Teams are limited to the objections contained in the Modified Rules of Evidence.

• **RECESS PRIOR TO CLOSING ARGUMENTS : (TIME LIMIT: 5 Minutes)**

- Allow a five minute recess and ask the timekeepers to time the recess.
- Students in front of the bar DO NOT leave the courtroom. Visitors may leave during the recess, but if they are not back before the five minute recess they are not permitted back in during the closings.
- The gallery should remain quiet during the recess as the purpose of the recess is for teams to make any necessary adjustments to the closing arguments.
- All judges should remain in the courtroom and no talking among themselves.
- Students in front of the bar are permitted to confer with one another to adjust their closings.

- Students in front of the bar should not communicate with coaches or guests behind the bar or with bailiffs, timekeepers, sketch artists, or journalists.
- Scoring judges may not talk amongst themselves during the recess to ensure independent scoring.
- **CLOSING ARGUMENTS AND REBUTTAL (5 Minutes Per Side)** Closing arguments take place with Plaintiff/Prosecution presenting first. Plaintiff/Prosecution can ask you for permission to reserve any remaining time from their closing argument for a rebuttal. You must grant the request once you confirm there is time remaining. The Plaintiff/Prosecution may not rebut if the closing attorney did not reserve time during the closing.
- **ANY TIME VIOLATIONS?** Follow time violation procedure above.

Ending the Trial

- **RE-INTRODUCTIONS OF TEAM MEMBERS:** To give most effective awards, students re-introduce themselves slowly in the order they performed as well as the role in the trial without identifying their school.
- **EXCUSE SCORING JUDGES:** The scoring judges are dismissed to complete scoresheets.
- **TEAMS CHECK FOR RULES VIOLATIONS BY MEETING WITH COACHES:** Teams are allowed to consult with their bailiffs, timekeepers and coaches during the dispute preparation period of two minutes. (Rule 6.1) Let both sides address any violations. If any team believes a substantial rules violation has occurred, one of its student attorneys will present its position by completing a green Penalty Form provided by you and submits the completed form back to you. **(Coaches cannot complete this form.)**
- **DISPUTE RESOLUTION:** Procedures for the dispute are on the back of the Penalty Form. The team that has a dispute raised against them has an additional two minutes to consult with their coaches. The moving party cannot confer further with their coaches. Only team members can argue violations – not coaches. Announce your decision on rules violations.
- **MOST EFFECTIVE NOMINATIONS MADE BY TEAMS: (TIME LIMIT: 2 Minutes)** After dispute resolutions, hand each team two certificates (Most Effective Witness and Attorney). Each team nominates a most effective witness and attorney from the opposing team, announces recipients, and awards them with their certificates upon completion. The most effective awards determined by the students do not replace the most effective awards determined by the scoring judges announced at the end of the competition. Nominations made by the students are not to be shared with the scoring judges.
- **CONGRATULATE TEAMS:** Do NOT provide comments, but instead congratulate both teams quickly.
- **COLLECT TIMESHEETS:** Collect the completed and signed timesheets from both timekeepers.
- **BAILIFFS COLLECT BADGES:** After the last round of the day, ask both bailiffs to stand at exits and collect team and visitor badges.
- **TEAMS EXIT QUIETLY:** Ask teams to exit quietly into the hallways as trials may still be in session.
- **RETURN TO SCORING ROOM:** After collecting the two timesheets, green Penalty Forms, the blue COMF Penalty form, and any judges' material brought into the courtroom, you return to the scoring room.
- **DISCUSS VIOLATION(S) WITH SCORING JUDGES:** Share any penalties that were raised, what ruling was made, and if the ruling(s) require penalties. Scoring judges do not have to agree on the same penalty as long as the penalty is within the range posted on the back of the penalty form. You and the scoring judges are required to sign the penalty forms even if no disputes were raised.
- **MOST EFFECTIVE NOMINATIONS:** You and the scoring judges nominate a most effective attorney and witness from the round on the nomination form provided. Scoresheets are helpful in this discussion. There is no criteria for these awards; however, the awards should go to students with the highest scores.
- **COLLECT PAPERWORK:** Collect all three completed official scoresheets, three practice scoresheets, both timesheets, green penalty forms for rules violations, the yellow penalty form for time penalties, the blue COMF penalty form, and most effective nomination ballot. The scoring team should not proceed to the next trial until all paperwork is completed, and submitted to the coordinator.
- **ASK JUDGING TEAM TO STAY:** All judges are welcome to stay for the announcements made at the conclusion of the competition day.

Creation of Material Fact Objections Penalty Form

Date: _____

P		D
	v.	

Round: 1 2 3 4 5

Competition Location:

- Coastal (Conway) Lowcountry (Charleston) Lexington
 Midlands (USC) Piedmont (Greenville) State

Instructions for Presiding Judge: Creation of Material Fact (COMF) objections may only be made at the time the evidence is offered and will not be entertained after the witness has been excused from the stand. The presiding judge must complete this form each time a COMF Objection is made.

- The attorney making the objection *must* support it by explaining in detail (1) how the fact gives the opponent a significant legal advantage, and (2) why it cannot be regarded as a fair inference from the case materials.
- The attorney offering the evidence must be prepared to explain either (1) that the fact does not offer a significant legal advantage or (2) that the fact can be fairly inferred from the case materials. (Use back and additional sheets as necessary for additional objections.)

**** The presiding judge and scoring judges must sign this form at the end of the round.**

OBJECTION #1

1. Responding Team Code: _____ (P / D)

- Was a fact created that was not a fair inference? Yes No (go to 2)
 If Yes, is the created fact material? Yes No (go to 2)

PENALTY GOES TO:		
P	D	Neither

If Yes, announce that you found that a material fact was created. Instruct the scoring judges to assess a penalty of 1 to 7 points against the responding team in the Penalty Box on the scoresheet.

**** Since answered "YES" to both parts of question one, you do not have to answer question two.**

2. Objecting Team Code: _____ (P / D)

- Was the objection made in good faith? Yes No

If Yes, announce that you found no material fact was created, that the objection was made in good faith, and that no penalty will be assessed against either team.

If no, announce that you found no material fact was created and that the objection was made in bad faith. Instruct the scoring judges to assess a penalty of 1 to 7 points against the objecting team in the Penalty Box on the scoresheet.

Presiding Judge Notes: _____

OBJECTION #2

1. Responding Team Code: _____ (P / D)

- Was a fact created that was not a fair inference? Yes No (go to 2)
 If Yes, is the created fact material? Yes No (go to 2)

PENALTY GOES TO:		
P	D	Neither

If Yes, announce that you found that a material fact was created. Instruct the scoring judges to assess a penalty of 1 to 7 points against the responding team in the Penalty Box on the scoresheet.

**** Since answered "YES" to both parts of question one, you do not have to answer question two.**

2. Objecting Team Code: _____ (P / D)

- Was the objection made in good faith? Yes No

If Yes, announce that you found no material fact was created, that the objection was made in good faith, and that no penalty will be assessed against either team.

If no, announce that you found no material fact was created and that the objection was made in bad faith. Instruct the scoring judges to assess a penalty of 1 to 7 points against the objecting team in the Penalty Box on the scoresheet.

Presiding Judge Notes: _____

OBJECTION #3

1. Responding Team Code: _____ (P / D)

- Was a fact created that was not a fair inference? Yes No (go to 2 on the next pg.)
 If Yes, is the created fact material? Yes No (go to 2 on the next pg.)

PENALTY GOES TO:		
P	D	Neither

If Yes, announce that you found that a material fact was created. Instruct the scoring judges to assess a penalty of 1 to 7 points against the responding team in the Penalty Box on the scoresheet.

**** Since answered "YES" to both parts of question one, you do not have to answer question two.**

PRACTICE SCORESHEET

2013 MIDDLE SCHOOL MOCK TRIAL

P	v.	D

Plaintiff Witnesses	
Sidney Curie.....	Plaintiff / Dog Owner
Jamie Newton.....	Pres. / CEO of Dog Show
Alex Darwin, D.V.M.....	Veterinarian

Defense Witnesses	
Pat Kepler.....	Pres./CEO of Petzicon
Sam Tesla.....	Chemical Engineer
Terry Goodall.....	Accountant

OPENING STATEMENTS		GENDER	P	D	JUDGES' NOTES
(P) Name of Attorney:					
(D) Name of Attorney:					
PLAINTIFF'S CASE IN CHIEF			P	D	
(P) 1st Witness Sidney Curie Jamie Newton Alex Darwin	(P) Witness - Student Name:				
	(P) Direct Attorney:				
	(D) Cross Attorney:				
(P) 2nd Witness Sidney Curie Jamie Newton Alex Darwin	(P) Witness - Student Name:				
	(P) Direct Attorney:				
	(D) Cross Attorney:				
(P) 3rd Witness Sidney Curie Jamie Newton Alex Darwin	(P) Witness - Student Name:				
	(P) Direct Attorney:				
	(D) Cross Attorney:				
DEFENSE CASE IN CHIEF			P	D	
(D) 1st Witness Pat Kepler Sam Tesla Terry Goodall	(D) Witness - Student Name:				
	(D) Direct Attorney:				
	(P) Cross Attorney:				
(D) 2nd Witness Pat Kepler Sam Tesla Terry Goodall	(D) Witness - Student Name:				
	(D) Direct Attorney:				
	(P) Cross Attorney:				
(D) 3rd Witness Pat Kepler Sam Tesla Terry Goodall	(D) Witness - Student Name:				
	(D) Direct Attorney:				
	(P) Cross Attorney:				
CLOSING ARGUMENT			P	D	
(P) Name of Attorney:					
(D) Name of Attorney:					
OVERALL TEAM PERFORMANCE					
Total Penalties		-	-		Total penalties from penalty tracking section below.
Grand Total					

P D

PENALTY TRACKING SECTION	P	D	(The penalty tracking section is completed in the scoring room.)
Creation of Material Fact Objection #1			
Creation of Material Fact Objection #2			
Creation of Material Fact Objection #3			
Creation of Material Fact Objection #4			
Creation of Material Fact Objection #5			
Rules Violation Penalty			Penalties from the <u>Rules Violations Penalty Form</u> and <u>Creation of Material Fact Objection Penalty Form</u> are assessed here. The total penalties for each side are transferred to the penalty boxes above. This practice scoresheet is submitted to LRE and is not shared with teams. Teams receive the official scoresheet.
Time Penalty			
Total Penalties	-	-	