



Mock Trial Training

Trial Presentation

SC Bar Law Related Education (LRE) Division
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Trial Sequence and Time Limits

Timing Segments	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

- Stopwatch starts when the first word is spoken by the student attorney or as directed by the presiding judge.
- Stopwatch stops for objections.
- Stopwatch stops when the last word is spoken in each segment.
- Remaining time from one segment is not transferrable.
- Stopwatch only starts at zero at the beginning of each segment.



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Usage of Notes

- 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.
- Students at the counsel table may pass notes among themselves in front of the bar.
- Teams may use personal notes at counsel table; however, they may not be shown to presiding judge, a witness, or jury. (Only case materials provided by the SC Bar may be used to show opposing counsel or the jury.)



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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.”



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Usage of Technology

- Use of laptops, chrome books, any wearable technology (i.e. smartwatches, fitbits, watches, etc.), cell phones and any other electronic devices are prohibited at the competitions – especially in front of the bar.
- Any such devices in front of the bar constitutes a five point penalty per scoring judge per device.



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Bailiff

The Plaintiff's / Prosecution's Bailiff meets with the presiding judge prior to the round starting and receives a card with their scripts to announce the opening of the court with the judge's name and the script to swear in witnesses.

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

Virtual: There is no bailiff.



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Bailiffs

- Confirms exhibits are in a neutral location for both teams and are in the correct order before and after each trial;
- Confirms a case materials are located on the witness stand before and after each trial;
- Plaintiff / Prosecution bailiff opens court by announcing the name of court and the presiding judge;
- Plaintiff / Prosecution bailiff swears in all witnesses at once;
- Ensures no communication occurs across the bar during the recess;
- Collects badges and laminated timesheet at end of third round and turns into the presiding judge;
- Does not wear costumes; and
- Can also double as timekeeper, if needed.



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Bailiff Scripts

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:
Raise your right hand.
"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 of Bailiff Opening Court:
www.scbarr.org/lre



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Opening Statements

- The Plaintiff/Prosecution side goes first ;
- Opening Statement is made to the jury (5 minutes);
- No objections allowed;
- 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 of Opening Statement:
www.sobar.org/lre



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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
 - Available as large copies and in case materials located in a neutral location for both teams and in the case materials on the witness stand.

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



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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 exhibits and a copy of the case materials 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 / "published" to the jury after they are admitted into evidence only with the permission of the presiding judge.
- Exhibits may be used in the closing argument as long as they have been entered into evidence.



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What is Not an Exhibit?

- Pleadings, statutes, and affidavits are not exhibits.
- Teams may use as props or demonstrative objects only those items that are officially provided by the SC Bar as part of the case materials.
- Teams may NOT bring to court other items to use as props or demonstrative devices. Nor may teams use loose items that they may find in the courtroom (e.g. pens, water bottles, flip charts, etc.) for props, exhibits, or other demonstrative purposes.



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Procedure for Introduction of Exhibits

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



Video Example of Introducing Evidence:
www.scbar.org/lre



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Evidence: Witnesses

- **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 from knowing what is in another affidavit.
- **The Court Shall Exercise:**
 - Reasonable control over the mode of questioning of the witnesses.
 - The presentation of evidence.



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Witness Questioning - Directs

- **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?



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Witness Questioning - Crosses

- **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 on Cross Examination:
www.scbarr.org/lre



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Closing Arguments

- There is up to a two-minute recess provided to revise closing argument – no one leaves courtroom
- Only team members in front of bar can speak with another during the recess (except for timekeepers)
- Closing Arguments are limited to five minutes and are also limited to what was presented during the trial
- Incorporate exhibits into the closing argument as long as they have been entered into evidence and are relevant.



Video Example of Closing Argument:
www.scbarr.org/lre



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Closing Arguments (continued)

- 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.



Video Example of Objection to Closing Argument:
www.scbare.org/lre



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Video Examples



www.scbare.org/lre



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Questions?

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