

Mock Trial Definitions

(In Reference to Mock Trial)

| | |
|----------------------------|--|
| Accurate | Free from mistakes or errors. |
| Admissible Evidence | Evidence that can be legally and properly introduced in a civil or criminal trial. |
| Affidavit | A portion of the case that contains the witness' sworn statement. |
| Alternate | Students on the team serving as backups listed on the Team Roster Form (approved at the on-site registration). Alternate students can substitute for missing, late, and/or sick students prior to completing the practice scoresheet at the beginning of each round. |
| Answer | The defendant's response to the plaintiff's allegations as stated in the complaint. An item-by-item, paragraph-by-paragraph response to points made in a complaint; part of the pleadings. |
| Assertion | A confident and forceful statement of fact or belief. |
| Attorney Coach | An attorney volunteer who works with a school's teacher(s) and students in preparing for a Mock Trial competition. |
| Authentic | Real or genuine; not copied or false. |
| Bailiff | A student serving as a court attendant with the responsibility of announcing the opening of the court, swearing in the witnesses (if on the Prosecution/Plaintiff side of the team), monitoring the courtroom for improper communication, and ensuring all exhibits are in order before and after each trial and in their neutral location. |
| Ballot | Refers to the decision made by a scoring judge as to which team scored the most points in a given round. The team earning the highest points on a scoring judge's scoresheet is the winner of that ballot. The team earning at least two of the three ballots, wins the round. The number of ballots earned is one of the determining factors when power matching and for the purposes of ranking teams. |
| Bar | The "bar" in a courtroom is traditionally a railing or low wall separating the visitors from the presiding judge, scoring judges in the jury box, student attorneys, and testifying witnesses. |
| Bench Conference | When a student attorney requests to meet at the presiding judge's bench along with one of the opposing team's student attorneys; which is not permissible in Mock Trial unless requested by the presiding judge. |
| Bias | Prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair. |

| | |
|--------------------------------|--|
| Burden of Proof | A duty placed upon a civil or criminal defendant to prove or disprove a disputed fact. In criminal cases, the Prosecution must prove the defendant's guilt beyond a reasonable doubt. |
| Bye Round | A special round put in place when there are an odd number of teams competing in a regional competition since each trial requires two teams. The team not assigned to compete in a round is provided a courtroom. The bye round procedure allows for the odd team not performing in any given round an alternate way to temporarily have scores for the purposes of power matching. (See SC Bar Mock Trial Competition Handbook - Rule 5.9 Bye Round for additional information.) |
| Bye Team | Due to an uneven number of teams competing in a regional competition, this team is the team without an opponent in a round. This team sits out the indicated round. Due to the "bye" team assignment, the bye team is guaranteed to perform at least once with both sides of the case. This team experiences the bye round procedure for purposes of power matching. (See SC Bar Mock Trial Competition Handbook - Rule 5.9 Bye Round for additional information.) |
| Case | A fictitious fact pattern drafted for the purposes of Mock Trial. The document contains statement of facts, indictment pleadings, stipulations, witness affidavits, jury charges, and exhibits. |
| Case in Chief | The portion of a trial whereby both the Prosecution/Plaintiff and Defense in the case present their individual evidence. |
| Circumstantial Evidence | Evidence based on inference and not on personal knowledge or observation. |
| Civil Case | A case involving disputes involving two or more people, between people and companies, or between people and government agencies; generally about something another person did or failed to do. |
| Closing Argument | An opportunity to provide a clear and persuasive argument to convince the scoring judges the evidence presented is sufficient to win the case for the side represented. The closing student attorney makes the final plea about what evidence is credible or not and which witnesses should be believed or not. Only facts presented in the trial may be discussed in this phase. |
| Competing Team Member | A student performing during a particular trial round. |
| Competitive Team | A team that competes in all assigned rounds at regionals and is eligible to advance to the state competition. |
| Complaint | The first legal document filed in a legal lawsuit. It includes a statement of the wrong or harm done to the plaintiff by the defendant and a request for a specific remedy from the court. A complaint in a criminal case is a sworn statement regarding the defendant's actions that constitute a crime. |

| | |
|---------------------------|---|
| Coordinator | The lead person running the on-site competition for a regional competition and/or state competition. |
| Criminal Case | A case brought by the government, through a prosecutor, against a person thought to have broken the law. (Criminal law is a broad field of law involving action taken by the state against a person accused of committing a crime.) |
| Cross-Examination | When a student attorney asks the opposing team's witness a series of questions to show weakness or less believability in the witness' testimony. Questions asked on cross-examination can be leading questions and are not limited to the direct examination questioning. |
| Declarant | The person who made the statement. |
| Defendant | In a civil case, the person being sued. In a criminal case, the person accused of the crime. |
| Defense | The case presented by or on behalf of the party being accused or sued in a lawsuit. |
| Direct Evidence | The testimony of a person who asserts or claims to have actual knowledge of a fact, such as an eyewitness. |
| Direct Examination | When a student attorney asks one of his/her witnesses direct/open-ended questions to allow the witness to tell his/her story through a series of asked questions; questions that evoke facts from a witness. |
| Discussion Forum | A place to post questions online concerning the content of the Case Materials, the Competition Rules, and the competition. Once registered online with the discussion forum, it takes up to 48 hours to be approved. Teams are accountable for any changes made to Competition Rules and/or case on the discussion forum. The discussion forum closes within ten business days of a competition. Click Here for the Discussion Forum |
| Dispute Process | The opportunity provided to teams at the conclusion of the trial to raise a rule violation committed by a team or team member during the competition round. |
| Evidence | Information presented through testimony or in documents. |
| Exhibit | A document or other item introduced as evidence during a trial or hearing. |
| Floater Team | Many teams are assigned as a "floater" team so that bye rounds in a regional competition can be avoided. There are always several floater teams identified when the regional assignments are announced. Floater teams are teams that fall in between two or more regions and can easily travel to a different region. Floater teams should remain in constant |

contact with the State Mock Trial Coordinator on flexibility and the latest date a team can remain as a floater.

| | |
|----------------------------|---|
| Forfeiting Team | A team that decides to no longer compete in the remainder of the competition. Other than an emergency, a team forfeiting a round is automatically disqualified and ineligible to compete the following school year. |
| Ghost Ballot | A winning ballot is awarded when there is an absence of a third scoring judge. The presiding judge determines who wins on the ghost scoresheet regardless of which team received the highest averaged total. |
| Ghost Scoresheet | When a third scoring judge is missing, a third scoresheet is created by averaging the cumulative scores of the two other scoresheets. |
| Hearsay | A statement that: (1) the declarant does not make while testifying at the current trial or hearing; and (2) a party offers in evidence to prove the truth of the matter asserted in the statement. |
| Inadmissible | Cannot be admitted or received as evidence according to the Rules of Evidence. |
| Impeachment | To bring attention to an inconsistency or an omission in a witness' testimony. |
| Indictment | A written accusation by a grand jury charging a person with a crime. |
| Judging Panel | A group of attorney volunteers that make up of the presiding judge and the scoring panel (three scoring judges). |
| Jury | A group of attorney volunteers that are considered scoring judges. |
| Jury Charge | A set of directions or guidelines that a judge gives a jury concerning the law of the case. |
| Material Fact | A fact that cannot be reasonably inferred from the affidavit or exhibits in the Case Materials and that would provide one side a significant legal advantage. |
| Motion | Oral or written request made by a party to an action. |
| Motions in Limine | A motion, discussed outside the presence of the jury, to request that certain testimony be excluded. |
| Non-Forfeiting Team | The team that was assigned to a trial with an opposing team that forfeited. |
| Objection | A formal statement opposing something that has occurred, or is about to occur, in court and seeking the presiding judge's immediate ruling on the point. |

| | |
|---------------------------------|---|
| Opening Statement | The introduction of the case. It is the first time the student attorneys from each side have an opportunity to say what happened to their client and in the overall case. This opening statement includes foreshadowing what is to be proven through witness testimony and the admission of evidence. |
| Overall Team Performance | A score that is worth up to ten points and takes into account the overall team's civility/incivility, abusive/excessive objections, scripting, delay tactics, usage of exhibits, thematic presentation, consistency of legal arguments, and teamwork. |
| Overrule | A ruling made by a presiding judge when the evidence is admissible. By overruling the objection, the judge allows the question or evidence in court. |
| Phase | A distinct period in the trial, i.e. openings, the Prosecution/Plaintiff's Case in Chief, the Defense's Case in Chief and Closing. |
| Plaintiff | In a civil trial, a person who brings a case against another in a court of law. |
| Pleadings | A formal document in which a party to a legal proceeding sets forth or responds to allegations, claims, denials, or defenses. |
| Power Match | The act of pairing teams together for the next round of competition based on a previous round's results; wins, ballots, points and point spread. |
| Presiding Judge | The person on the judge's bench who oversees pre-trial matters, the trial process, and post-trial process. The presiding judge makes rulings that are final. |
| Probative Value | Evidence which is sufficiently useful / important to prove something in a trial. |
| Prosecution | In a criminal trial, the act or process of holding a trial against a person who is accused of a crime to see if that person is guilty. |
| Random Pairings | When teams are randomly drawn and paired prior to the competition day and are not paired on any criteria. |
| Rebuttal | The time given to a party to present contradictory evidence or arguments. Only the Prosecution/Plaintiff may offer a rebuttal. |
| Recess | A break provided before closing arguments allowing competing team members an opportunity to prepare their closing arguments. |
| Re-Cross-Examination | Questions asked that are limited to the scope of the re-direct examination. |

| | |
|------------------------------|--|
| Re-Direct Examination | Questions asked that are limited to the scope of the cross-examination. |
| Round | A group of trials scheduled to occur at the same time. |
| Rules of Evidence | Standards governing whether evidence in a civil or criminal case is admissible. |
| Scope | The extent of the area or subject matter that something deals with or to which it is relevant. |
| Scoresheet | This term is used in reference to the form on which points are recorded. Scoresheets allow for evaluation up to ten points for each individual's performance, overall team performance, and any penalties that may be assessed. |
| Scoring Judge | A judge who completes a scoresheet, which also may be a presiding judge under SC Bar Mock Trial Competition Handbook - Rule 5.2 Composition of Judging Panels; also referred to as members of the jury. All judges are volunteers. |
| Scoring Panel | Up to three scoring judges that may be referred to as members of the jury. |
| Scrimmage | After all the initial trial preparation is done, teams are allowed to arrange independent meetings to practice the trial before the scheduled competitions. Because scrimmages are independently coordinated, scrimmages do not impact any competition pairings. |
| Seeding | Advancing state teams are power matched for the first round at the state competition based on total wins, ballots, points, and point spread earned at their regional competitions. |
| Sequestration | The removal or separation of a witness from the courtroom. (not a part of Mock Trial) |
| Statement | A person's oral assertion, written assertion, or nonverbal conduct, if the person intended it as an assertion. |
| Statute | A law passed by the legislative body. |
| Stipulation | An agreement by attorneys on both sides of a civil or criminal case about some aspect of the case. |
| Sustain | After an objection, a ruling made by the presiding judge when the evidence is inadmissible. |

| | |
|----------------------------|---|
| Teacher Coach | A teacher who sponsors and promotes Mock Trial, recruits/auditions students, helps students prepare for Mock Trial, works with the attorney coach, facilitates completion of paperwork for the SC Bar and the school/school district, serves as a representative for the school, serves as a school approved chaperone for the students, etc. |
| Team | A group of Mock Trial teacher coaches, attorney coaches, and students. |
| Team Member | A student registered to compete serving the role as an attorney, witness, timekeeper, bailiff, and/or as an alternate. |
| Timecard | Cards used by the timekeeper to show the time used. |
| Timekeeper | A student on the team responsible for fairly and accurately keeping and reporting the time during the trial presentation. |
| Timesheet | The form used by the timekeeper to record the times used in each phase of the trial. |
| Transition | When a student witness is going to or leaving from the witness stand. |
| Trial | A single competitive match between two teams. A formal examination of evidence before the presiding judge and scoring judges. The trial consists of opening statements from both parties, the Plaintiff's / Prosecution's Case in Chief, the Defense's Case in Chief, and the closing arguments from both parties. |
| Virtual Competition | A competition that is held online with teams and judges participating via Zoom. |
| Visitor | An individual attending the competition to view a specific team. Teams have a limited number of visitors allowed in the courtroom. Each visitor is responsible for knowing and following all the Competition Rules that apply to them. |
| Voir Dire | To challenge the qualifications of an expert witness by addressing questions to the witness, which is not permissible in Mock Trial. |
| Wild Card Team | The next highest ranking teams based on wins, ballots, points, and point spread from across the state. |
| Witness | A person who testifies to what he or she saw, heard, or otherwise experienced. |