

XIV. SUMMARY OF RULES APPLICABLE TO ATTORNEYS AND WITNESSES DURING THE TRIAL

IMPORTANT NOTE & DISCLAIMER:

Everyone involved with teams attending the Invitational is expected to read the entire Handbook. This is a summary for the convenience of participants. This Summary is NOT an official part of the Handbook and may NOT be referred to regarding questions or disputes. All references MUST be made to the original materials previously presented in this Handbook.

General and team rules:

1. Mock trial procedures are governed by the ISBA Parent/Guardian, Teacher and Student Code of Conduct and the Mock Trial Simplified Rules of Evidence and Procedure. Other rules of procedure or evidence are not used. *Part A., Section VIII., Paragraph I. Part B., Section VIII.*
2. All participants are expected to display proper courtroom decorum and collegial conduct, during, before and after trial and at the hotel. All participants are also expected to wear appropriate courtroom attire while in trial. *Part A., Section IX.*
3. Each team will try the case twice: once as prosecutor or plaintiff and once as defense or defendant. Each team must call two (2) witnesses and only two (2) witnesses and may not call the opposing team's witnesses as part of its own case. *Part A., Section VIII., Paragraph G. Part B., Section VI., Paragraph C.*
4. Students may read materials other than those provided in preparation for the mock trial. However, they may only cite materials included in the ISBA mock trial packet, and they may only introduce into evidence those exhibits given in the case materials. Teams may NOT cite as authority any material that may be referred to in citations or footnotes in the materials. *Part B., Section VIII., Paragraph C.*
5. Participants may not dispute witness statements and stipulations nor question the authenticity of documents at trial. *Part A., Section X., Paragraph B.*
6. Teams must be in the courtroom ten (10) minutes prior to the assigned time. If a team fails to report to the assigned courtroom within fifteen (15) minutes after the assigned time, the team will forfeit the round. *Part A., Section X., Paragraph E.*
7. Attorneys and witnesses may not use **electronic devices** such as: laptop computers, cell phones, iPads, tablet computers or any other electronic communication or storage devices in the courtrooms. The trial may be audio-taped or videotaped for educational use if both sides agree and if the recording equipment is placed on counsel table or in the audience and if the taping does not disrupt the trial. *Part A., Section X., Paragraph G. and Section XIII.*
8. **Exhibits may not be enlarged, laminated or otherwise enhanced.** Attorneys and witnesses may not use props of any kind. *Part B., Section VIII., Paragraph C.*

9. There will be no voir dire of jurors, no motions in limine, no pretrial motions or conferences, no motions to sequester witnesses, no calling of hostile witnesses and no motion for directed verdict or dismissal. *Part A., Section VIII., Paragraphs F. & H. and Section B., Section IV.*

10. Students may not communicate with anyone outside the team during the trial including but not limited to, alternates, parents, teachers and lawyer coaches. This prohibition includes during any breaks in the trial. *Part B., Section V.*

11. Students may only ask for a recess in the case of an emergency. *Part A., Section XX.*

12. Teams must observe the time limits. Evaluators may deduct points for exceeding the time limits. Teams may not borrow time from one portion of the trial to use in another portion. *Part A., Section X., Paragraph C.*

13. If a participant believes there has been a rule violation or other problem during the trial, the student should request a bench conference with the judge or refer that violation or problem to their teacher or attorney advisor who should be familiar with the ISBA Mock Trial Dispute policy. *Part A., Section XI.*

Attorney rules:

14. Attorneys should be prepared to conduct opening statements, direct examination of their chosen witnesses, cross examination of opponent witnesses, and closing arguments. *Part B., Section VI.*

15. Attorneys may use notes, but not in electronic form. *Part B., Section V.*

16. Re-direct and re-cross examinations are permitted, provided they fall within the appropriate time limitations set for the teams. *Part B., Section VI., Paragraphs E. & F.*

17. Prosecution/Plaintiff *may* reserve a portion of its closing time for rebuttal. Rebuttal is limited to the scope of the Defense's closing argument. *Part B., Section VI., Paragraph H.*

18. Attorneys may make objections during direct and cross-examination but these should be limited and should be made by the attorney responsible for that witness. No objections will be permitted during opening statements and only very limited objections are allowed for the closing arguments and only after they have concluded. *Part B., Section VI., Paragraphs C-D.*

Witness rules:

19. Witnesses are bound by the facts in their affidavits as well as by facts in other affidavits if it is apparent that the witness must have known them. If a witness testifies in contradiction of a fact, the opposition may impeach the testimony, or point out the contradiction on cross-examination by introducing the witness's statement to the court. There is no objection for "creation of fact" or "beyond the scope of the materials." *Part A., Section VIII., Paragraph C. Part B., Section VIII., Paragraph A., Number 2. c., Part B., Section VIII., Paragraph D.*

20. Participants may not alter witness statements. If a witness is asked a question *on cross-examination* about information that is not part of the case materials, he or she may answer *consistent with the facts* in the materials, even if not directly part of the materials. If the answer is likely to affect the outcome of the trial, the opposition may object and ask for a bench conference. The presiding judge will decide whether to allow the testimony. If the presiding judge rules that testimony is an unreasonable deviation from a witness affidavit and disallows the testimony, each evaluator may subtract points for each rule deviation. *Part B., Section V. Part B., Section VII., Paragraph 2.*

21. Witnesses may not use notes. They shall not use costumes, accents, dialect, etc. *Part B., Section V. Part B., Section VIII., Paragraph C.*



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XV. SAMPLE FORMS

Illinois State Bar Association High School Mock Trial Score Sheet

JUDGES AND EVALUATORS PLEASE NOTE:

Re-direct, re-cross and Plaintiff rebuttal in closing are allowed, but not required.

Plaintiff _____ Defense _____

On a scale of 1-5, please rate the teams for all categories below, recording a score in each box provided. No fractions please.

1-Not effective 2-Fair 3-Good 4-Excellent 5-Outstanding

SCORING CHART		PLAINTIFF/PROSECUTION	DEFENSE/DEFENDANT
Opening Statement			
Plaintiff's 1st Witness	Direct & Redirect Exam by Atty (P)		
	Cross & Recross Exam by Atty (D)		
	Witness Performance (P)		
Plaintiff's 2nd Witness	Direct & Redirect Exam by Atty (P)		
	Cross & Recross Exam by Atty (D)		
	Witness Performance (P)		
Defendant's 1st Witness	Direct & Redirect Exam by Atty (D)		
	Cross & Recross Exam by Atty (P)		
	Witness Performance (D)		
Defendant's 2nd Witness	Direct & Redirect Exam by Atty (D)		
	Cross & Recross Exam by Atty (P)		
	Witness Performance (D)		
Closing Arguments & Plaintiff's Rebuttal			
General Team Presentation			
TOTAL POINTS			

I award this ballot to: _____ Prosecution _____ Defense
 Nomination for Outstanding Attorney _____ P / D

Nomination for Outstanding Witness _____ P / D

Evaluator's Printed Name: _____

Evaluator's Signature: _____

Do not show scores to the students, teachers or guests. Please return all completed score sheets to the Mock Trial Coordinator at the conclusion of each trial.

**ISBA HIGH SCHOOL
MOCK TRIAL PROGRAM
JUDGE'S SCORESHEET**

Please indicate the school/team name for the:

Petitioner/Plaintiff/Prosecution: _____

Respondent/Defendant/Defense: _____

Please rate the teams using the following scale for overall achievement. Please do NOT use fractional points.

Points awarded may not exceed 45 for each team.

I AWARD THE PETITIONER TEAM _____ OVERALL ACHIEVEMENT POINTS.

I AWARD THE RESPONDENT TEAM _____ OVERALL ACHIEVEMENT POINTS.

1-9 Not effective

10-18 Fair

19-27 Good

28-36 Excellent

37-45 Outstanding

I award this ballot to:

____ Plaintiff Team

____ Defense Team

Nomination for OUTSTANDING ATTORNEY _____

Nomination for OUTSTANDING WITNESS _____

Judge's Signature _____

Thank you.

**Explanation of the Performance Ratings Used on the Presiding Judge and Evaluator
Mock Trial Score sheets**

Participants should be rated on a scale of 1-5, with five being the highest level of achievement. Remember, you are NOT scoring on the merits of the case; rather, you are scoring on student achievement, understanding, presentation, conduct, etc. Evaluators may individually consider penalties for violations of the mock trial rules. Penalties may reduce point awards in appropriate categories. Do not indicate separately any penalties you may give.

1-9 on Presiding Judge Scoresheet/1 on Evaluator Score sheet - Not Effective/Poor

Attorneys: Unsure of self, illogical, uninformed, not prepared, speaks incoherently, ineffective presentation of case materials, no strategy evident. Poor speaking voice, no eye contact, excessive use of notes. Questions irrelevant, leading or repetitive.

Witnesses: Witness presentation inadequate; reliance on reminders from lawyers. Witness uncooperative.

10-18 on Presiding Judge Scoresheet/2 on Evaluator Score sheet - Fair/Needs Improvement

Attorneys: Minimally informed and prepared. Performance is passable but lacks depth in terms of knowledge of appropriate tasks and materials. Communications lack clarity and conviction. Exhibits some case strategy. Questions somewhat irrelevant and often misleading. Minimal use or overuse of objections. Only fair response to objections from opposing counsel.

Witnesses: Witness exhibits fair understanding of affidavit and responds appropriately but needs assistance or seems to falter.

19-27 on Presiding Judge Scoresheet/3 on Evaluator Score sheet - Good

Attorneys: Good, solid, but less than spectacular performance. Logic and organization are adequate but could have been better. Grasps major aspects of the case, but does not convey mastery. Communications are clear and understandable, but could be more fluent and persuasive. Deals with objections adequately. Good control of witness. Questions not leading.

Witnesses: Witness exhibits good knowledge of role and tells story in coherent manner. Needs few reminders from lawyers. Good eye contact.

28-36 on Presiding Judge Scoresheet/4 on Evaluator Score sheet - Very Good/Excellent

Attorneys: Fluent, persuasive, clear and understandable. Organizes materials and thoughts well and exhibits mastery of case and materials. Asks suitable questions and follows through with appropriate questions on cross. Evidences a clear case strategy and controls the witnesses very well.

Witnesses: Excellent knowledge of role and good speaking voice. Answers were responsive. Answers questions from both sides appropriately. Believable; does not appear to be too staged.

37-45 on Presiding Judge Scoresheet/5 on Evaluator Score sheet - Outstanding

Attorneys: Superior in qualities listed for Excellent performance. Thinks well on feet, is logical, and keeps poise under duress. Can sort out the essential from the nonessential and use time effectively to accomplish major objectives. Demonstrates the unique ability to utilize all resources to emphasize vital points of the trial.

Witnesses: Exceptional knowledge of roles. Persuasive and believable. Responds effectively to questions from lawyers on both sides. Eye contact. Absolutely believable in role.