

Presiding Judges

- Please review the volunteer brief and case materials before the tournament
 - o Please reference the Presiding Judge Pre-Trial Procedures on page 13 of the volunteer brief. It outlines a script/guidelines that you can follow at the beginning of the trial to get started

Pre-Trial Issues

- PANELISTS CONFLICTS:
 - o Ask the scoring panelists if they see anyone with whom they would have a conflict that might cause bias, ask if they feel the need to conflict out or if both teams are comfortable with panelist. If a team objects, ask courtroom monitor to notify coordinator. HAVE VOLUNTEER REMAIN IN COURTROOM.
 - o **Prior to starting preliminary trial matters, please wait for OK from State Coordinator via Courtroom Monitor. This is very important. After the conflict check you need the OK from your courtroom monitor to start the trial. We must deal with conflicts immediately so that we don't have to interrupt any trials.**
 - o Please be aware that the State Coordinator may need to interrupt proceedings to deal with issues; we will ask to approach the bench to discuss issues.
 - o No motions allowed in pre-trial, except regarding admissions of stipulations.
 - o Teams may request to stray from the podium – you are encouraged to grant permission because it lends to performance.
 - o Oaths:
 - § Please be sure to administer gallery, volunteer and team oaths.
 - § Witness oaths: Our recommendation (in the interest of a speedy trial round) is to swear in all witnesses at the same time at the beginning of the round.
 - o Videotaping/Audiotaping/Photography
 - § Allowed from gallery if unobtrusive – video/photography – and with permission of BOTH teams.
 - § CBA will take photos and move inside the Bar to do so.
 - o TIMEKEEPING:
 - § One timekeeper per team that's NOT an attorney or teacher coach. Timekeepers go in jury box with panelists – they must sit IN FRONT of scoring panelists.
 - § Time does not stop for introduction of exhibits; time stops for objections and response exchanges, then restarts after ruling with attorney's question or witness's answer.
 - § Timekeepers may not coach from their positions.
 - § Timekeepers should be synchronized and work together.
 - § Coaches don't keep official times for the teams – Team Timekeeper is official.
 - o TEAM IDENTITIES SECRET – teams use Identifier codes – please ask gallery members who have team paraphernalia to leave the courtroom and/or to remove their identifying clothing.
 - o No one is allowed in Jury boxes except timekeepers and panelists/courtroom monitor.

During Trial

- Exhibits are authentic – and their authenticity cannot be challenged unless otherwise explicitly stated. Exhibits are not necessarily admissible.
- Objections: Keep it moving (Round should last approx. 2 hours)
 - o Students will state objection.
 - o Ask opposing counsel for response.
 - o Ask objecting counsel for rebuttal and a response if warranted by rebuttal. Allows student attorneys to demonstrate knowledge so please allow responses.
 - o Explain why you are overruling or sustaining. Overrule with the suggestion to take it up on Cross, Re-Direct, etc.
 - o Keep teams from objecting just to object; objecting constantly delays rounds and is unprofessional.
 - o Presiding judges MUST NOT attempt to teach during a trial. Please do not assist team members by suggesting they raise a more appropriate objection or use a more appropriate rules citation or ask a more appropriate question on direct or cross, etc. At the same time please do not say you will not “be accepting objections to speed the trial on”.
- Unfair Extrapolation: If, during direct examination, a witness testifies to a fact or opinion that is not in the Case Problem, and the fact or opinion is material (as defined in Rule 6.5.2, above), the opposing attorney may object to the unfair extrapolation.
 - o Unfair extrapolations should be dealt with through impeachment and can be addressed in closing argument, however, during direct examination only, an opposing attorney may also object to the unfair extrapolation. The objection will be resolved by the presiding judge.

The presiding judge should sustain the objection if:

- § the fact or opinion is not in the case file; and
- § the fact or opinion is material; and
- § the objection was made during direct examination.

The presiding judge should overrule the objection if:

- § the fact or opinion is in the case file; or
- § the fact or opinion is not material; or
- § the objection was made during cross-examination.

- Disputes: At the conclusion of each trial, the presiding judge must inquire of the teams whether either team believes that a substantial violation of the rules occurred during trial. The competing team members are permitted to consult for a time not to exceed two minutes with the team’s coaches before determining whether the team wishes to raise any substantial violations it believes occurred. The process for determining that dispute shall be as follows (scoring judges shall remain in the courtroom for the duration of the dispute):

- a. One of the student members of one of the competing teams shall state that the team wishes to file a claim that a substantial rules violation occurred (a “dispute”).
- b. The presiding judge will provide the student with a dispute form, on which the student will record in writing the nature of the dispute. No more than two minutes per team shall be allotted for this process. The student may communicate with his/her team members and coaches in preparing the form.
- c. The team accused of a material rules violation shall have the opportunity to respond in writing. No more than two minutes per team shall be allotted for this process. The student may communicate with her/his team members and coaches in preparing the form.
- d. One member of each team shall briefly present the team’s position to the presiding judge. No more than two minutes per team shall be allotted for this explanation.
- e. The presiding judge shall ask any questions and perform any additional investigation s/he believes appropriate.
- f. If the dispute is denied, the presiding judge will record the reasons for this, announce his/her decision to the Court, retire to complete his/her score sheet (if applicable), and turn the dispute form in with the score sheets.
- g. If the dispute is granted, that decision will be recorded in writing on the dispute form, with no further announcement. The dispute form will be turned in with the score sheets.
- h. The presiding judge will advise the teams as to whether the dispute is granted or denied.

After hearing the teams’ arguments, the scoring judges may account for their view of that dispute in their scoring. The presiding judge’s determination of the dispute is not binding on the scoring judges.

Please refer to page 18 of the volunteer brief for this

- Expert witnesses need to be qualified before being allowed to offer opinion testimony, but do not disqualify expert witnesses.
- No props or costumes.
- NO outside case law allowed in case.
- NO bench conferences or recesses (the latter excepted in medical emergency).
- Watch for intentional rambling/difficult witness ploys – teams may use to eat cross exam time.
- Disputes – There are two kinds of objections to violations of the Rules of Competition: INSIDE the bar and OUTSIDE the bar. Refer to Rule of Competition 7.1.
 - o The presiding judge will rule on inside the bar objections—when the objection is made during trial in accordance with Rule of Competition 7.1.p.—or at the conclusion of the trial, at the judge’s discretion. Allegations of rule violations that occur inside the bar that were not successfully resolved during the trial must be filed with the presiding judge by a team—without the participation or assistance of coaches or any other non-team-members—immediately following the conclusion of that trial round.
 - o Allegations of rule violations that occur outside the bar must be brought to the attention of the State Tournament Coordinator or a CBA Mock Trial Committee member

by the team's Teacher or Attorney coach as soon as possible, but no later than 48 hours after the tournament, or within 48 hours of the time the team knew or should have known that rules violation occurred. Any disputes received after this time will not be considered.

- IMPORTANT: DISALLOW contentiousness or rudeness of attorneys towards witnesses and vice versa. If this is evident, please warn and remind student attorneys to modify behavior. Panelists are being told to not reward, but rather penalize, such behavior.
- We may have students with strong accents, please mind teams asking to "repeat" as a stalling technique.

Post Trial Issues

- SCORE SHEETS: Scoring panelists need to complete and turn in score sheets FIRST; THEN after-chats may begin.
- AFTER CHATS:
 - o Start ONLY after score sheets have been submitted.
 - o Keep after-chats brief – 1-2 minutes or less per panelist; ask timekeepers to keep time if you'd like to encourage panelists to share what they liked about performances
 - o Critiques should focus on **performance** and **NOT THE MERITS** of the case as written and should be positive rather than negative.
 - o Do not comment on accents or clothing.
 - o NO AFTER CHATS FOR FOURTH ROUND