**Presiding Judges**

* Please review the volunteer brief and case materials before the tournament
	+ 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:
	+ Ask thescoring 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.
	+ **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.**
	+ 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.
	+ No motions allowed in pre-trial, except regarding admissions of stipulations.
	+ Teams may request to stray from the podium – you are encouraged to grant permission because it lends to performance.
	+ 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.
	+ 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.
	+ 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.
	+ 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.
	+ 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)
	+ Students will state objection.
	+ Ask opposing counsel for response.
	+ Ask objecting counsel for rebuttal and a response if warranted by rebuttal. Allows student attorneys to demonstrate knowledge so please allow responses.
	+ Explain why you are overruling or sustaining. Overrule with the suggestion to take it up on Cross, Re-Direct, etc.
	+ Keep teams from objecting just to object; objecting constantly delays rounds and is unprofessional.
	+ 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), the opposing attorney may object to the unfair extrapolation.
	+ When an unfair extrapolation objection is made, the attorney conducting the examination may:
		- withdraw the challenged testimony or question,
		- concede the objection,
		- establish that the challenged information is in the case problem, or
		- establish that the challenged information is not material.
	+ Argument on the objection is to be made in open court. It is within the sole discretion of the presiding judge how much time will be permitted for such arguments. The resolution of any unfair extrapolation objection rests solely with the scoring panelists, in accordance with this language that the presiding judge may read to the scoring panelists:

*You, the scoring panelists, are the sole arbiters of this dispute. Based upon your own individual observations, good faith judgment, and consistent with the intent of this judicial process, you may decide that:*

1. *There was no extrapolation; or*
2. *The statement was not unfair extrapolation (or the question did not ask for unfair extrapolation) as it was not material; or*
3. *The statement was unfair extrapolation (or the question was asking for unfair extrapolation) as it was material.*

*The ultimate decision is in the discretion of each of you individual scoring panelists. Consistently with your decision, you may award one or more points, deduct one or more points, or take no action at all with respect to any of the parties involved. If you determine that there was no unfair extrapolation (or that there was no question asking for unfair extrapolation) you may deduct one or more points from the objecting party if you believe that the objection was not made in good faith, was improvident, or was poor sportsmanship. Your decision is final.*

**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.
	+ 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.
	+ 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:
	+ Start ONLY after score sheets have been submitted.
	+ 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
	+ Critiques should focus on **performance** and **NOT THE MERITS** of the case as written and should be positive rather than negative.
	+ Do not comment on accents or clothing.
	+ NO AFTER CHATS FOR FOURTH ROUND