

# RESPONSIBILITIES OF THE JUDGING PANEL

## PRESIDING JUDGE

- Introduce yourself, “the jury” (the scoring judges), and the official timekeeper(s).
- Deal with these pre-trial matters before opening statements.
  - If video cameras or other recording/photographic devices are present, confirm that neither team objects.
  - Remind all present that **no communication** is allowed between the participating team members and others in the courtroom until the trial is concluded.
  - Confirm that Team Rosters have been exchanged by the teams and provided to each member of the judging panel.
  - Ask each team to identify its participating members by name and role ( do **not** ask a school to identify itself by anything other than its code.
  - Ask each team if it is ready for trial.
- Select one of the following:
  1. Stipulate that all witnesses are assumed to have been sworn in
  2. Ask the bailiff, in one is provided, to swear in the witnesses
  3. Swear in the witnesses, either as a group at the beginning of the trial or prior to the testimony of each, using the following oath:

“Do you promise that the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the mock trial competition?”

- Conduct the 84-minute trial

Permit **no** exhibits or displays outside the case materials. Permit **no** enlargements of case materials.

The **Prosecution** makes its opening statement immediately followed by the **Defense**.

Make rulings on objections raised based upon the Nevada High School Mock Trial Rules.

Allowable evidentiary objections are:

1. Irrelevant Evidence
2. Leading Questions
3. Narrative Question and/or Response
4. Improper Character Testimony
5. Beyond the Scope of Cross/Re-Direct Examination
6. Hearsay
7. Speculation
8. Opinion
9. Lack of Personal Knowledge
10. Asked and Answered
11. Request for Bench Conference
12. Lack of Foundation
13. Compound Question
14. Argumentative/ Badgering

Upon an objection being raised, opposing counsel should immediately rise and ask the judge if they may respond to the objection, arguing why it should be overruled. Because of the educational nature of the program,

presiding judges are strongly urged to allow the full objection process to be completed before the ruling.

All objections must be made during the trial by the student attorney responsible for the questioning of that witness.

An attorney may occasionally make an objection that the adverse witness is “inventing facts” or engaging in “unfair extrapolation”. This is **not an evidentiary objection** at all but rather **an allegation that the witness has violated the rules by making up a fact that is favorable to his/her side which is beyond the scope of the mock trial materials**. In order to determine whether the proffered testimony is a “reasonable inference”, the presiding judge should require the attorney who is the proponent of the evidence to point to where this testimony, of the testimony, from which it may be reasonable inferred, appears in the witness’s affidavit.

Motions relying on extraneous rules of evidence are **not** allowed. Examples of such motions include:

1. Motion is Limine
2. Motion to Sequester Witness
3. Motion to File Amicus Brief
4. Motion for Summary Judgment
5. Motion for Directed Verdict at any Time
6. Motion for Offer of Proof
7. Motion for Judgment Notwithstanding the Verdict
8. Motion to Dismiss
9. Motion for Mistrial
10. Permission to Voir Dire Witness

The following instructions are utilized in order to handle rebuttals during the closing arguments

When both sides have rested their cases, the Prosecution has two choices for closing:

1. The Prosecution can make its entire argument before the Defense's closing argument
  2. The Prosecution can give a portion of its closing argument and reserve the remaining time for rebuttal to be made after the Defense's closing. If the Prosecution plans to reserve some of its time for rebuttal, it must inform the Court at the time the first part of the closing is made.
- Deal with these post-trial matters before announcing a 15-minute recess
    - Ask the timekeeper(s) to complete and deliver the time sheets to you.
    - Ask if either team has a reason to believe that a material rules violation/outside the bar has occurred during the trial. If so, provide the team lodging the dispute with a Team Dispute Form. Collect it and follow the Dispute Resolution Procedure, rule 33 in your packet.

\*Announce the 15-minute recess

- Stay in the room with the scoring judges for the completion of score sheets/ballots. Record / adjust for any violations.
  - Collect the score sheets/ballots from the scoring judges and the time sheet(s). Be certain that all blanks are filled in on all score sheets/ballots.
  - Give the score sheets/ballots to the Official Timekeeper(s).
- Immediately initiate the Critique; limit the Critique for the entire panel to a total of 15 minutes. **DO NOT ANNOUNCE ANY SCORES OR RESULTS.**

## **SCORING JUDGES**

- Check the sample one-page practice score sheet/ballot to familiarize yourself with the scoring procedure.
- At the conclusion of the trial, complete the three-part final score sheets/ballots. **REMEMBER THAT THE LEGAL MERIT OF THE CASE HAS NO BEARING ON WHETHER A TEAM WINS THE CASE.**
- **Check your math and then give your completes score sheets/ballots to the presiding judge.**
- **Participate in the Critique. DO NOT ANNOUNCE ANY SCORES OR RESULTS.**

## **ALL JUDGES**

- The trial you have observed has been conducted by high school students who, for the most part ,participate in mock trial as an extracurricular activity in addition to their regular schoolwork and, for many, the demands of a part time job. Almost without exception, each of them has worked very hard in preparation and has done his/her best in presentations.
- Keep the critique light and pleasant. However, touch on problems in order to help the students improve in the next rounds.
- Be brief. The Competition is on a tight schedule between rounds.

**Thank you for participating. Have fun.**