

## **Ohio High School Mock Trial**

### **Check-list for Presiding Judges**

#### **I. Prepare for the Competition**

Please be familiar with the case materials before you come to the competition. There will be an orientation before each competition during which you may ask questions.

#### **II. Materials/Supplies**

Each judging panel will be provided the following supplies before each trial round:

- Official score sheets, provided by competing teams during pre-trial conference
- Trial Notes sheets
- Summary score sheet to be completed by Presiding Judge
- Checklists for Presiding Judges
- Courtroom Assignments for Panelists
- Outstanding Witness/ Attorney Awards
- Outstanding Awards Tabulation Assistance Sheet
- Quick Reference Guide of Trial Procedure
- Scoring Rubric

#### **III. Deal with Pre-Trial Matters**

- ☐ Presiding Judge and Scoring Judges should introduce themselves.
- ☐ Participating team members should introduce themselves.
- ☐ Discuss whether attorneys may move about the courtroom. This is at the Presiding Judge's discretion but should generally be permitted.
- ☐ Confirm that score sheets have been prepared by the teams and provided to each member of the judging panel, including the presiding judge
- ☐ Confirm the presence of two (2) student timekeepers and that they are seated together where they will be most visible to the teams and to the Presiding Judge.
- ☐ Ask each team if they are ready for trial.

#### **IV. Swearing the Witnesses**

The Bailiff should swear all witnesses as a group immediately following opening statements. Following the reading of the oath by the Bailiff and the response by the witnesses, the witnesses should be seated and the trial should proceed. In the interest of time, please do not swear in each witness individually throughout the course of the trial.

#### **V. Conducting the Trial**

- Proceed according to the Rules of the Ohio High School Mock Trial Competition.

- Make rulings on objections based **ONLY** upon the Ohio High School Mock Trial Competition Rules and Simplified Ohio Rules of Evidence.
- Student attorneys are to **stand** during questioning.
- Timekeepers are to immediately inform the Presiding Judge if they discover a 15 second or more discrepancy between the two timekeepers. If so, the Presiding Judge must rule on the time discrepancy and ask timekeepers to adjust their stopwatches accordingly.
- Students must be allowed an opportunity to demonstrate their knowledge, but don't allow everything to come in if sustaining the objection is appropriate. (Participants must be prepared to think on their feet and deal with adverse rulings that may occur.)
- Each attorney should be afforded an adequate opportunity to state the grounds for the objection and to respond to the other attorney, but ***do not allow the students to get bogged down in long debates over the objection and responses.***
- Insist that counsel address the court and not each other.
- Interpret rules regarding no unfair extrapolations strictly and narrowly. But if the trial is getting bogged down with objections over extrapolations of little importance, encourage counsel to limit their objections to important matters affecting the fairness of the trial and to consider addressing less consequential misstatements through cross examination.
- Student attorneys should be prepared to locate and cite specific rules, including rule numbers, when making or responding to objections, upon request of the Presiding Judge or of their own volition.
- Do not allow bench conferences – all arguments must be made from counsel tables.
- Presiding Judges should not “teach” during a trial or question the witnesses.

## VI. Concluding the Trial

- ☐ Excuse the Scoring Judges from the courtroom to complete their score sheets.
- ☐ Ask the timekeepers if there were any time discrepancies during closing arguments. Then, have them deliver the completed timesheets to you.
- ☐ Ask whether either team has any post-trial objections by reading the following script: **“Does either team have serious reason to believe that a material violation of any rule has occurred during this trial? I will remain on the bench for three minutes, during which time any protest or objection may be brought to my attention by a team attorney. The team attorneys may communicate with any student team members involved in this particular trial but may not communicate in any way with legal advisors, teachers, or anyone outside their performing team members in this trial.”**
- ☐ If neither team has any post-trial objections, call the trial into recess and retire to the scoring room to complete your score sheet and assist the scoring judges with their deliberations.

## VII. Post-Trial Objections

- ☐ If there is a post-trial objection, an attorney from the opposing team should be allowed to respond to the objecting attorney and the Presiding Judge should conduct an inquiry into the matter as s/he deems appropriate. Upon completing the inquiry, **do not announce a**

**finding or ruling.** Instead, call the trial into recess and retire to the scoring room to consult with the Scoring Judges about the objection. The Judging Panel has the option of assessing no penalty or a ten point penalty on all score sheets and should consult with the competition committee if they think more than a five point penalty is warranted or if other assistance is needed.

#### **VIII. Retiring to the Scoring Room**

- Students should be evaluated **only** on their performance, including their substantive presentation and knowledge of the facts and law. Personal styles and preferences are not criteria for evaluating the students.
- Students should not be evaluated based upon their dress, jewelry, hairstyle, or any other aspect of their physical appearance. The Ohio Mock Trial Competition embraces the diversity of racial, ethnic, religious, and economic backgrounds.
- All three Judges should complete their score sheets and cast their respective ballots for the team with the most points on their own respective score sheet.
- ☐ Collect all score sheets from the Scoring Judges. Have the Scoring Judges check the math on all three (3) score sheets.
- ☐ Check that all blanks are filled in on each score sheet.
- ☐ Check that **no fractions** have been used.
- ☐ Make sure there are no ties in the total score on any judge's ballot. Adjusting the Team Performance score is one way to break a tie if necessary.
- ☐ Check that each score sheet has the Judge's name on it.
- ☐ Give the three score sheets, the summary score sheet (ballot sheet), and Timekeeper's sheets to the competition coordinator after the critique.
- ☐ Return with the Scoring Judges to the courtroom to critique the teams and present the Outstanding Witness/Attorney awards.

#### **IX. Conducting the Critique**

- ☐ Limit the critique for the entire panel to a total of twelve (12) minutes.
- ☐ DO NOT announce scores or reveal which team won the round.
- ☐ Recognize each team for a job well done.
- ☐ Remember:
  - Be brief! The teams are on a very tight schedule.
  - Bear in mind the educational goals of the tournament. The participants are high school students – thus, criticism should be constructive and absent of harsh remarks.
  - Humor is a welcome tension reliever during critiques – remind everyone that his or her experience during the competition should be fulfilling and fun.
  - Comments should be of a general nature and not directed toward individual members of a team, except perhaps when pointing out something particularly well done.
  - Be fair and distribute your comments broadly – students listen closely during the critique for clues about which team won the round, so be careful not to give away the result.

- The most valuable assistance you can provide in your critique is to point out (generally) what the **team** did well, rather than to concentrate on what the team or an individual did poorly.

**X. Final Notes for all Panel Members (Presiding and Scoring Judges)**

- Refrain from mentioning to the students if you are not thoroughly prepared to serve on a judging panel or if you are unfamiliar with the materials or rules. Students will be highly disappointed if they learn that this is the case because they have spent so much time and effort preparing.
- Do not refer to “real world” rules during the trial or the debriefing session.
- **Do not base your decisions on the merits of the case**, but rather on the effectiveness of the students’ presentations.
- Pay close attention during the trial presentation. Students watch each judge’s behavior very closely.
- **Please do not leave the courthouse until your round information and score sheets have been tabulated** and any potential problems have been reviewed.
- **Please do not judge any trial in which you might be perceived to be biased toward one of the teams or to otherwise have some conflict of interest.**
- **To ensure the integrity of the Mock Trial program, do NOT interact with any team/legal advisor or student on a personal basis.**

**XI. Mock Trial Procedural Rules**

- ☐ No communication is allowed between participating team members and others in the courtroom until the trial is concluded.
- ☐ No extrapolation is permitted on direct, and only fair and neutral extrapolation is permitted on cross.
- ☐ No objections are permitted during opening statements or closing arguments.
- ☐ The only communication allowed between the timekeepers and the teams is the display of time-remaining cards.
- ☐ Students should stop once the timekeepers indicate time has expired by holding up the “STOP” time card. The questioning attorney may then ask for permission to complete the question or answer, which is at the Presiding Judge’s discretion.
- ☐ Videotaping is at the Presiding Judge’s discretion but should generally be permitted.
- ☐ Only people associated with the participating teams and tournament administrators are permitted in the courtroom.

**\*\*\* Thank you, Ohio High School Mock Trial would not be possible without you \*\*\***