

New Hampshire High School Mock Trial State Championship

Judging Guidelines

Thank you for agreeing to be a judge today! This packet was designed to assist first-time evaluators understand their role. Please review this material carefully. Before the round begins, the State Coordinator will highlight the most important parts of this document, take any questions you may have, and provide you with additional logistical information.

Merits of the case. The students preparing the case have received a packet of case materials that include affidavits for the six witnesses you will see in trial, a few exhibits that they may or may not choose to enter into evidence, the complaint, answer, statutes, and limited case law. Mock trial cases are designed to be fact balanced so that each side of the case has roughly the same quality of evidence to work with. *It is important that you not judge the merits of the case, but rather how well the students negotiate the facts as they are provided.* At the end of the trial, you are not asked to decide which side “won”, only to evaluate how well the students argued the evidence they had.

Score using the ballot as your guide. The ballot is comprised of five separate sheets. The first four sheets are for narrative critiques. The fifth sheet is where numerical scores go. Attached to this guide is a sample ballot.

Some notes on scoring:

- a. Each attorney and witness is scored on a scale from 1 (worst) to 10 (best). Do not use fractions, as the tabulators will disregard them.
- b. It is imperative that you score as you go.**
- c. At the bottom of the ballot, you must list the top attorneys and witness. You must fill out five names for each list. For witnesses, make sure you are using the students’ actual names, not the names of the characters they are portraying.
- d. Make sure you fill out every blank on the fifth page.**

What to look for when evaluating. Judging a mock trial is almost wholly subjective. Attorneys should be evaluated on their knowledge of case facts, courtroom procedure, the rules of evidence, and courtroom decorum. Witnesses should be evaluated on how convincing their portrayals are and how well their testimony corresponds with their side’s case theory. Remember that witness will try to entertain and engage with you. This is to be encouraged.

What to expect in a round. Before the round begins, you will be assigned to a courtroom either as a presiding judge or as a scoring judge. The presiding judge sits on the bench and rules on objections. Scoring judges sit in the jury box and observe as if they were a jury. If there are three scoring judges, the presiding judge will not fill out a

ballot. If there are only two scoring judges, the presiding judge will also score. The trial proceeds as follows:

- Pre-trial matters
- Plaintiff opening (no objections are permitted during openings or closings)
- Defense opening
- Plaintiff Case in Chief
 - Witness 1 direct
 - Witness 1 cross (not limited in scope)
 - Optional re-direct (limited scope) and re-cross (limited scope)
 - Repeat for witnesses 2 and 3
- Defense Case in Chief
 - Witness 4 direct
 - Witness 4 cross
 - Optional re-direct and re-cross
 - Repeat for witnesses 5 and 6
- Plaintiff Closing
- Defense Closing
- Optional Plaintiff rebuttal, if time allows

You will give each team member at least two scores. Every witness is scored for his or her performance on both direct and cross. Every attorney is scored for their performance on their direct and their cross. Attorneys receive an additional score if they perform an opening or closing statement.

Notes on presiding. At the beginning and ends of trial, you will follow a set script, which you will find on the bench at the beginning of every round. Make sure that you follow the steps outlined in the scripts, as this is what students are prepared for. A copy of the script is attached to this document. You will be asked to rule on objections according to the New Hampshire Mock Trial Rules of Evidence. These rules are very close to the Federal Rules of Evidence. The students also have been given case law and statutes. *Do not apply any rules, statutes, or precedents not included in the case material.*

To keep the trial moving, each team will provide a timekeeper. The student timekeepers will inform you if either team has violated a time limit. Use your discretion in giving extra time. In general, presiding judges allow for a student to finish the question and answer they are asking when the time stops. You may allow recesses at your discretion, but it is highly recommended that you not allow more than one (typically between cases-in-chief), and keep the recess under 10 minutes (5 is preferable). You may give a 1 minute waiting period before closing arguments for teams to prepare, but ask the gallery to remain seated and silent.

Motions and objections. No motions are permitted except a motion to strike. Experts need not be formally qualified as such as long as sufficient foundation has been laid to establish expertise.

Invention of Fact. Students may not invent material not contained in their case packets that materially changes the case. This means that some invention is allowed, and even encouraged to some extent, when it adds character but does not change the substance of the case. Students have been well trained to handle this by conducting an impeachment, but may sometimes use a special “invention of fact” objection. If asked to make a ruling, please do so, but also encourage the attorney to impeach.

At the end of trial. The presiding judge will ask at the end of the round for all ballots to be completed and given to the timekeepers, who will take them to the tabulation room. Please give the timekeepers your ballots as quickly as possible. After the ballots have left the room, you will be asked to give the students oral feedback on their performances. Each evaluator should give the students a few suggestions, and the entire critique should last no more than fifteen minutes. Remember that the students have worked very hard and will not have much time to make changes based on your feedback before the next round, so keep these comments general and constructive. More critical feedback will be contained in your written critiques, which the students will see.