



Mississippi High School Mock Trial Competition 2018

Coaches Manual

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***The Mock Trial Program is a project of the
Young Lawyers Division of The Mississippi Bar***

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2018 Coaches Manual

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Foreword

Mock trials have been popular classroom activities since the 1950's. Evolving from these popular lessons local, state and national mock trial competitions have been organized. Since 1983, the Mississippi High School Mock Trial Competition has been an educational program sponsored by the Young Lawyers Division of The Mississippi Bar.

Mock trials are designed to give students an inside perspective of the legal system, providing them with an understanding of the mechanism through which society chooses to resolve many of its disputes. Students involved with a competitive mock trial team benefit from improved critical thinking and communication skills and they learn the importance of quality preparation, teamwork and following rules. Additionally, the experience they gain, through oral advocacy and networking with other students, teachers, attorneys and judges will stand them in good stead throughout their lives, regardless of their chosen career path.

Law-related and civic education helps to develop young citizens who can sustain and build our nation by making a reasoned and informed commitment to democracy. Law-related and civic education has demonstrated promise in preventing delinquency by fostering social responsibility, personal commitment for the public good and effective participation among our nation's youth. Maintaining our democracy is not an easy task, for each succeeding generation must commit itself to the ideals and institutions that comprise our democratic foundations. Our democracy is a living, constantly evolving set of principles that must be nurtured and guarded by all its citizens.

The **2018 Coaches Manual** for the Mississippi High School Mock Trial Competition is designed to provide support materials and information about the competition's rules, procedures and policies for all teams. All members of the coaching staff are expected to be familiar with the contents of this manual. A full version of the competition rules are posted on the Mock Trial website. In addition, a competition calendar is also posted on the Mock Trial website and should be consulted regularly for updated information.

Thank you for being a part of the 2018 Mississippi High School Mock Trial Competition. We are here to offer teams and coaches assistance in preparing for the upcoming competition season. Please feel free to contact us with any questions or concerns at any time throughout the season. Best of luck to you and your team as you continue to prepare for the Regional Competitions.

Christy V. Malatesta
2018 Mock Trial Committee Chair

René Garner
Mock Trial State Coordinator

2018 Mississippi High School Mock Trial Competition Calendar

2017

Friday, October 6	Case Posted
Wednesday, November 15	Registration Form and Fee Due
Wednesday, November 29	Late Registration Form and Fee Due

2018

Friday, January 5	Deadline to Submit Case and Rules Questions (5 pm)
Saturday, January 20	Jackson Regional
Saturday, January 27	Coast Regional
Saturday, February 3	Oxford Regional
Fri. and Sat., Mar. 2 – Mar. 3	Statewide Competition
May 10 - May 12	National Competition in Reno, Nevada

These dates are correct as of March 22, 2017

Please check the Mock Trial website frequently for updates.

The calendar posted on the Mock Trial website is the official competition calendar.

Competition Policy and Procedure Section



Competition Policies and Procedures

The following section contains a detailed explanation of rules, policies and procedures. The Mock Trial Committee has approved information contained in this section of the Coaches Manual. All teams should know and abide by the information included in this section of the Coaches Manual, as a supplement to the Rules of the Mississippi High School Mock Trial Competition and the Code of Ethical Conduct.

SUBMITTING CASE & RULES QUESTIONS



Each year, the Mock Trial Committee, as well as members of The Mississippi Bar staff, carefully reviews the mock trial case materials. We try to catch every possible error, but nobody's perfect. Additionally, through the course of a season teams may have questions regarding competition rules, policies and procedures. All questions regarding logistics, schedules, competitions, etc. should be directed to the state mock trial coordinator by email or telephone.

ALL questions regarding the **CASE** and the **RULES** should adhere to the following guidelines:

- ◆ **Procedures:** All case and rules questions must be submitted **via email** to the mock trial coordinator (rgarner@msbar.org). **Only teacher or attorney coaches may submit questions on behalf of a team.** The mock trial coordinator will only process written case and rules questions submitted by email and will not accept questions submitted by any other method, including phone, fax or in person.
 - ◆ **Times to Submit Questions:** Teams may submit questions from Sept. 22, 2017, until 5:00 p.m. on Jan. 5, 2018. Questions may also be submitted from Feb. 5 - 21, 2018. This time period is post-Regional competition and pre-Statewide. [Mock Trial Case & Rules Q&A](#)
- ◆ **Receiving Answers:** Teams will check the website for a running list of answers to all case and rules questions submitted throughout the season.
- ◆ **Final Answers:** The final Q&A list will be posted on the website by Feb. 23, 2018, at 5:00 pm.

The fact that the Mock Trial Committee made a correction or addition to the case materials at any point during the season is not relevant during a trial round. Teams are to assume that the fault for any typographical error or any other correction, addition or clarification to the case materials indicated in the Q&A list posted online lies with the mock trial committee, not with a particular witness. The clean, corrected copy of the materials that will be posted by January 12, 2018, is to be considered the first and only version of these materials submitted by any party in this action when trying this case in a competition round.

TEAM CANCELLATION

The Mock Trial Coordinator works very hard to plan for the Regional Competitions. Not only does she have to arrange for the logistics involving the teams, she must also recruit judges to score the rounds. As we approach competition dates, it is important for coaches to keep the coordinator aware of any developments with your teams that would alter her planning. If your team decides not to compete, please inform the mock trial coordinator as soon as possible. The mock trial coordinator will also need to make adjustments in the initial round matches. Finally, we do not want volunteer attorneys and judges to report to courthouses in vain. This is a waste of their time and does not encourage them to volunteer for future competitions. Please be courteous and keep us informed if your team plans not to compete.



COMPETITION DATES



Each year competition dates are pre-set for the regional and state finals competitions so that teams can make plans and finalize their schedules as soon as possible. Regional competitions are held on three weekends in January and February and the state finals tournament is held in late February/early March. School holidays and volunteer availability are taken into account as much as possible when setting competition dates, however, we will never be able to schedule a competition so that all conflicts are avoided for all participants at all times. Once the dates have been set for the regional and state finals competitions, those dates are set in stone, unless a major emergency (i.e. acts of God, war, disaster, strikes, civil disturbance, health epidemic or governmental health advisory, etc.) affecting all of the teams involved at that level of the competition makes it impossible or illegal for a particular competition to go forward on the date scheduled.

REGIONAL COMPETITIONS

The regional schedule/agenda must be followed as closely as possible. All team members and coaches must understand that trials will proceed as closely to the announced schedule as possible, *regardless of individual student or team conflicts*. If a team is not ready for a trial round and all other parties are in place, the absent or incomplete team may be forced to forfeit the round. We cannot inconvenience the judges because of individual participant or team needs. We rely too much on their willingness to volunteer to inconvenience them in any way. The rules clearly provide for forfeiture, and if necessary, the trial coordinator will call a forfeit against a team that is causing delays at trial in the best interest of the program to keep trials moving forward.



Experienced coaches have learned to be prepared for the contingency that their team may find itself moving from one round that may have run overly long with only a short break before the next round. It is entirely unreasonable for teams caught in this predicament to request that the mock trial coordinator delay the entire competition so that their teams may have a break or eat. This would inconvenience a much larger number of people for the benefit of a few, and the coordinator, in these circumstances, has to consider the larger number—especially the volunteer judges and attorneys waiting to score rounds.

Experienced coaches are prepared for this by having assisting parents or students ready with a snack for the students, so that they may quickly store up energy for the next round. Snacks are life savers in situations like this, and so is careful planning to insure that all team members have had a very good breakfast and are prepared for a long work day in which they may not get to eat until well after normal lunch time. This kind of situation can happen in real court trials, and mock trials are not immune to this.

Participation at any level of the Mock Trial Competition is an optional activity. If a duly declared Regional team winner elects not to participate at the state finals tournament, the HSMTC will recognize the next alternate team to represent the Regional at the state level of the competition.

THE STATE FINALS



The 2018 Statewide Competition will take place on Friday, March 2, and Saturday, March 3, 2018, and all rounds will be held at the Hinds County Courthouse. All teams will participate in all four rounds. On Saturday afternoon, an awards ceremony will be held at which the two finalist teams will be announced. A championship final round will immediately follow the ceremony.

THE 2018 NATIONAL TOURNAMENT



In 2018, the National High School Mock Trial Championship will be held in **Reno, Nevada, on May 10-12, 2018**. The first two preliminary rounds will be held on Friday, and the second two preliminary rounds will be held on Saturday. The final round is held late Saturday afternoon. The days/dates/times of the national tournament cannot be changed. The host state's planning committee has made logistical and financial commitments to court facilities, hotels and the facilities for the tournament's social events that cannot be altered.

Participation in the national tournament is an **optional activity** for the Mississippi champion team. The team may elect not to participate. In the case that a state champion team elects not to participate (for whatever reason) in the national tournament, the High School Mock Trial Committee may recognize the state second finalist team to represent the state at this competition.

The case for the national competition will be released on or by April 1. The 2018 Mississippi Champion Team will have approximately **two months** to prepare for trial. Spring Break usually falls within this preparation period and the state champion team must consider this scheduling issue when determining rehearsal schedules for the national tournament.

At Nationals, each state is allowed to send **eight** competing students, plus **one** student timekeeper (**nine students total**) to compete in four rounds. During these rounds, the students must be able to play both sides of the case, each including three witness roles, three attorney roles and one official timekeeper role. States are allowed to bring along as many additional students as they wish. While those extra students are not allowed to play an active role in the competition rounds, they may fully participate in all other activities associated with the tournament.

Participation by family members is welcome at nationals, to the extent that facilities allow for admission to observers. Trial rounds are generally open to the public, but restricted capacity may require ticketing by round. Other activities are offered on a ticketed, pay-as-you-go basis. Most reservations must be made by April 15 each year; the mock trial coordinator will provide specific deadline dates to the state champion team as soon after state finals as possible.

Because of the size of the national tournament, the teams/observers may be required to use several hotels. Space in the tournament hotel **may** be available at tournament rates for parents/spectators and/or other members of the Mississippi delegation. Other hotels are usually in close proximity to the tournament hotel in the host city.

RULE CITATION

Please be sure your students are familiar with the Rules of the Mississippi High School Mock Trial Competition and the Rules of Evidence. In consultation with their coaches, teams should determine whether rule numbers will be cited in all objections, in only some objections or not at all. Keep in mind that even if students do not cite the rule numbers when making objections, the presiding judge may ask them for the rule that forms the basis of their objection. If a presiding judge makes such a request, a student attorney should be prepared to offer that information.



Further, be aware that some judges may increase scoring based upon correct citation either on the student's own volition or under question from the court; however, incorrect citation or the omission of a citation may cause decreased scoring by some judges. Many factors go into determining the score to be given each individual student and/or team. Keep all these considerations in mind when preparing your team for the competition.

AVOID UNFAIR EXTRAPOLATIONS

Please read the section below.

All Coaches are responsible for knowing and abiding by Rule 4!!

Rule 4 prohibits “unfair extrapolations.” Unfair extrapolations are a mock trial phenomenon; they do not exist in real trials. Nevertheless, this is one of the most important rules of the competition. The rule is designed to make sure that students do not unfairly go beyond the bounds of the problem. Because unfair extrapolations are hard to define and are necessarily situation oriented, they create difficulties for judges who are sometimes largely unfamiliar with the facts of the problem.



Please be advised that the Presiding judges have been asked to interpret this rule *strictly and narrowly*. Students who handle unfair extrapolations by successfully impeaching the witness should be given more points credit than those who rely on the judge to rule on “unfair extrapolation” objections. Additionally, judges may assess penalty point deductions when the Rules of the Competition have been violated. Of course, there is no guarantee that each judge will note an infraction or apply the same penalty as another judge, but it is the intention of the Committee to provide opportunities for judges to target particular offenders or penalize the entire team for a pattern of abuse in this area.

Orientation of judging panels will stress this problem with unfair extrapolations, and team coaches are urged to instruct students to remain well within the scope of the case materials and the ideals of the Code of Ethics. These efforts have had a positive impact on the conduct of our trials, and we will remain vigilant in monitoring the use of any extrapolation.

It is your obligation, as teacher or attorney coach, to temper your students’ creativity with a strong message of integrity and fair play. Counsel them to play within the rules of the competition and whenever possible use impeachment as a tool to take advantage of witness extrapolations. A good mock trial is one in which no “unfair extrapolation” objections are necessary.

TIME MANAGEMENT AND FAIR PLAY



Each year the High School Mock Trial Committee reminds all participants that both the letter and the spirit of the Mock Trial Rules should be followed at all times during the competition season. According to Rule 12, each part of a mock trial is governed by time limits. These limits are set to encourage students to prioritize their presentation in order to create the most effective case, based on the materials provided, for their particular side, either Plaintiff/Prosecution or Defense. These limits are also in place to insure the smooth and efficient progress of all trial rounds during a competition.

During some rounds of previous mock trial competitions, some student witnesses, on cross examination, have abused the spirit of these time limits by giving unnecessarily long, non-responsive answers for the sole purpose of using up their opponents’ allotted cross examination time. Please be advised that Rule 45 addresses this issue and provides for discretionary penalty point deductions. This practice should be **DISCOURAGED BY ALL COACHES**.

Coaches should instruct their witnesses on cross-examination to provide a direct and succinct answer to the question asked. Coaches should instruct student attorneys to ask leading and closed-ended questions on cross-examination to prevent witnesses from “running” with a narrative, non-responsive answer. A student attorney who receives what s/he feels to be a non-responsive answer during a cross-examination should be coached in various manners of controlling the witness, including seeking the assistance of the presiding judge by way of objection. Both the student attorney and the student witness must abide by all rulings of the presiding judge. Judges will be instructed to take into account, when evaluating the overall witness and team performances, whether a particular witness has enhanced or degraded his/her team’s performance by using delaying tactics on cross examination, including, but not limited to: answers in

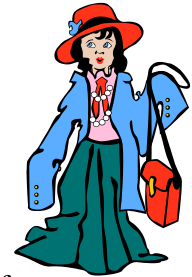
narrative form, non-responsive answers, excessive requests to have questions repeated and/or excessively long pauses during questioning.

A non-exclusive list of examples of witness conduct that may, under certain circumstances, give rise to a properly made objection based on Rule 45 may include, without limitation, offering answers in an unnecessarily long, narrative form; intentionally non-responsive answers to unambiguous questions; excessive requests to have questions repeated; excessively long pauses during questioning; unreasonably lengthy review of any exhibit or witness statement; not heeding a judge's instructions to limit answers appropriately; or by asking the cross examining attorney irrelevant and non-responsive questions.

WITNESS CHARACTERIZATION AND COSTUMING



During most mock trial seasons, there are no costuming options allowed under Rule 18. The Mock Trial Committee realizes that the characterization of witnesses is one of the most enjoyable and entertaining parts of a mock trial competition. However, no illustrative aides, props, uniforms or costumes may be utilized by any student to characterize any witness role they are playing. The committee understands that this is a complex issue, with many shades of gray and many differing opinions on the subject. In all that is done, the Committee's main concern regarding Rule 18 and the issue of costuming is that anything that is allowed is "equally available to all



teams and students." The Committee cannot and will not legislate every clothing decision a team and their coaches must make for a competition round, but asks that in the absence of any specific stipulated exception to Rule 18 in the case materials, that coaches err on the conservative side regarding this issue. The Committee also offers the following examples as *advice* to coaches:

Acceptable (*may include, but is not limited to the following*): body language and movement; vocalization or verbiage that conveys age, station or geographic region (this includes but is not limited to accents, gestures, facial expressions, stooped shoulders, slang phrases etc.)

Not Acceptable (*may include, but is not limited to the following*): ROTC uniform or other uniform worn by a student playing the role of a police or military officer; fake or reading glasses worn by a student who doesn't normally wear prescription or reading glasses; baggy jeans, untucked t-shirt and sneakers worn by a student playing the role of a teenager; a cane used by a student playing an elderly or disabled witness, when the student doesn't normally use a cane; a blazer with a nautical type emblem worn by a student playing the role of a sea captain or sailor; pink hair, leather jacket and faded jeans worn by a student playing the role of a rock star; a wig or silver hairspray worn by a student playing the role of an elderly person; a shawl worn by a student playing the role of an elderly person; make-up worn to imply age or wrinkles, etc.

Judges will continue to be instructed not to add or subtract points based on a student's physical appearance. The committee, the mock trial coordinator and judging panel members have no interest in playing the role of the "fashion police." Judges are instructed to score students on their substantive performance, not on the entertainment value of their appearance, their appearance in general or the legal merits of the case. However, judges are encouraged to deduct points if they feel a team or individual team member has violated the letter or spirit of **any** rule or the Code of Ethical Conduct of the Mississippi High School Mock Trial Competition, including Rule 18.

APPROPRIATE DRESS FOR COMPETITION ROUNDS



The Mississippi Mock Trial Competition encourages all participants to arrive at the competition dressed appropriately to appear in court. This does not necessarily mean that every participant must wear a three-piece suit for the competition; however, we ask that coaches use good, professional judgment when helping students determine what is and what is not “appropriate for court.” The Committee offers the following examples as advice to coaches when assessing appropriate and inappropriate dress for court. When in doubt, we ask that coaches please err on the conservative side.

Appropriate Attire (may include, but is not limited to the following):

Sports coats or blazers (with or without a tie); Slacks or khakis; “Polo” shirts (**shirts with collars**); button down shirts; turtleneck or mock turtleneck shirts; skirts (worn with hosiery); Sweaters or cardigans; Dress shoes or heels, loafers, oxfords (etc.) **and** socks or hosiery; Suits (with ties for men; skirt or slacks for ladies); Dresses; head covering worn for religious reasons.

Inappropriate Attire (may include, but is not limited to the following):

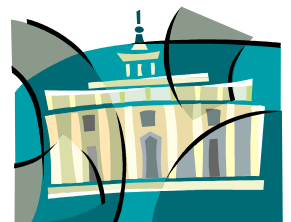
Blue jeans; Denim skirts or dresses; T-shirts, especially those with a logo imprinted on it (**shirts without collars**); Shorts; tank tops; bare midriffs; halter tops; low-cut blouses; sweat suits (wind or track suits); skirts or dresses shorter than 3” above the knee; Lycra or spandex tops or bottoms; excessive jewelry; men’s or women’s hats; fashion hosiery with holes.

All judges in the mock trial competition are given the following instructions regarding the appearance of student participants:

*Students **should not be** evaluated based upon their dress, their jewelry, their hairstyle or any other aspect of their physical appearance. We are proud that students from diverse racial, ethnic, religious and economic backgrounds participate in the Mississippi High School Mock Trial Competition.*

USE OF COURTHOUSES AND OTHER COMPETITION FACILITIES

Most Regional Competitions and the Statewide Competition are held at Mississippi courthouses and/or colleges. All participants in the program are responsible for policing the competition facilities after use to be sure that they are left in the same, or better, condition in which they were found. Please adhere to the general policies of the High School Mock Trial program below and to any specific requirements of a particular competition facility:



- Always follow all directions given by Court Administrators, Security Personnel and Trial Coordinators while at a competition site!
- Never leave students unsupervised at a competition facility.
- Leave all sharp/metal objects (pocket knives, scissors, nail files, etc.) at home or in a vehicle. To move the line along quickly, don’t bring anything to the competition that you don’t absolutely need.
- **NEVER** bring food or beverages into a competition room, and this includes chewing gum.
- Place all trash in an appropriate container.
- Always replace any moved furniture (chairs, podiums, etc.) before leaving the competition room.
- Never handle the electronic equipment (microphones, telephones, computers, etc.) or move paperwork around in a competition room.
- Turn off all electronic devices, including cell phones, or place them on vibrate. Ringing cell phones distract student participants and the judges.
- Know and communicate with your team members and spectators where the evacuation routes and

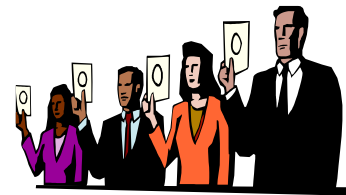
emergency exits are at the competition facilities.

- Be aware that some competition facilities are equipped with security cameras and noise alarms—ask about the security measures taken at your competition facility and have your team govern itself accordingly.
- Be aware that some court security requires that cell phones be turned on at the security checkpoint to prove that they are in working order—if a cell phone isn't necessary, leave it in a vehicle. Also, be aware that some facilities ban camera cell phones.
- Be aware that some competition facilities require the use of elevators for movement between floors, not a stairwell. If this is the case at your court facility, please adhere to this policy and use stairwells only in an emergency. Your patience is, as always, appreciated.

Spectators should allow team members and coaches through security first on competition days. No one should ever joke about security issues at security checkpoints or elsewhere in the facility. If there are any questions regarding courthouse etiquette or security, contact the mock trial coordinator.

JUDGING PANEL CONFLICT RESOLUTION PROCEDURE

The Mock Trial Committee works extremely hard each season to ensure that enthusiastic and knowledgeable VOLUNTEERS staff the competition rounds as judges. The Code of Ethical Conduct for these judges sets the highest standard of objectivity and fairness for our judging panels. The high standards set by the Code should make conflicts and the need to invoke the conflict report procedure extremely rare. By agreeing to participate in the program, our judging panels are agreeing to hold true to these principles. In order to avoid any potential conflicts of interest, the Mock Trial Committee takes the following actions:



- Judges are presented a list of the team names (and schools) at orientation. They will be allowed to recuse themselves from judging a particular team. However, the judges will not know which team/schools they are judging.
- Legitimate conflicts may include, but are not limited to the following examples: the judge formerly coached a team in the competition, the judge is a family member of a team member or coach, the judge works in the same firm, office or department as a coach, and/or the judge has a spouse that is a member of the faculty of a team's school.
- Every effort will be made to honor potential conflicts raised by a member of the judging panel, but the trial coordinator is not required to find a solution to every conflict.

SCORING STANDARDS

Explanation of the Performance Ratings Used on the Mock Trial Ballot

Judges are rating team performance, not the legal merits of the case presented. In deciding which team (attorneys and witnesses) has made the better overall presentation in the case, judges will use the following criteria. Rating must be on a whole point basis (partial points are not allowed).

<u>Points</u>	<u>Performance</u>	<u>Criteria for Rating Performance</u>
1 – 2	NOT EFFECTIVE	Unsure of self, illogical, uninformed, not prepared, speaks incoherently, definitely ineffective in communication.
3 – 4	FAIR	Minimally informed and prepared. Performance is passable, but lacks depth in terms of knowledge of task and materials. Communication lacks clarity and conviction.
5 – 6	GOOD	Good, solid, but less than spectacular performance. Can perform outside the script but with less confidence than when using script. Logic and organization are adequate, but not outstanding. Grasps major aspects of the case, but does not convey mastery of it. Communications are clear and understandable, but could be stronger in fluency and persuasiveness.
7 – 8	EXCELLENT	Fluent, persuasive, clear and understandable. Organizes materials and thoughts well and exhibits mastery of the case and materials..
9 – 10	OUTSTANDING	Superior qualities listed for 7-8 points performance. Additionally, thinks well on feet, is logical, keeps poise under duress. Can sort essential from nonessential and use time effectively to accomplish major objectives. Demonstrates the unique ability to utilize all resources to emphasize vital points of the trial.



HIGH SCHOOL MOCK TRIAL COMPETITION

2018 High School Mock Trial Competition BALLOT

P=Prosecution: _____
(Team Code)

D=Defense: _____
(Team Code)

Date: _____

Round: 1 2 3 4 Bye
(Circle One)

Not Effective	Fair	Good	Excellent	Outstanding					
1	2	3	4	5	6	7	8	9	10

Using a scale of 1 – 10, rate P and D in the categories below. DO NOT use fractional points nor award zero points. DO NOT leave any categories blank.

		P		D
OPENING STATEMENT				
Prosecution Witness #1	Direct Examination		Cross-Examination	
	Witness's Presentation			
Prosecution Witness #2	Direct Examination		Cross-Examination	
	Witness's Presentation			
Prosecution Witness #3	Direct Examination		Cross-Examination	
	Witness's Presentation			
Defense Witness #1	Cross-Examination		Direct Examination	
			Witness's Presentation	
Defense Witness #2	Cross-Examination		Direct Examination	
			Witness's Presentation	
Defense Witness #3	Cross-Examination		Direct Examination	
			Witness's Presentation	
CLOSING ARGUMENTS AND REBUTALS				
TEAM POINTS: (NO Ties in this Category)				
TOTAL POINTS: PLEASE DO NOT TALLY SHEET				
PENALTY DEDUCTION: Any penalty deduction is in the sole discretion of each scoring judge and shall not exceed 10.			Penalty Deduction Comments	

DO NOT SEPARATE COPIES!!!
 White - Coordinator Copy
 Yellow - Defense Copy
 Pink - Prosecution Copy

BEST OVERALL PRESENTATION: Enter P or D →

 Judge's Name (Printed)

Please deliver ballot to runner before critique!

The Power Match System

A Detailed Explanation of the Procedures For Team Advancement For The Mississippi High School Mock Trial Competition (See Rule 27)

The Mississippi High School Mock Trial Competition will employ a “power match” system for team pairing and advancement to succeeding rounds at the **Statewide Competition Only**. There is no power matching at Regionals. Teams will be ranked based on the following criteria in the order listed:

- Win/Loss Record – equals the number of rounds won or lost by a team.
- Total number of points accumulated in each round.
- Point spread against opponents – The point spread is the difference between the total points earned by the team whose tie is being broken less the total points of that team’s opponent in each previous round. The greatest sum of these point spreads will break the tie in favor of the team with the largest cumulative point spread.

Each team competing at Regionals will receive three (3) scores from each round, for a total of six (6) scores. At the end of the second round, the highest and the lowest scores will be thrown out to eliminate any scorer’s bias. The sum total of the four remaining scores will be used in determining the advancement of the teams to the Statewide Competition. Therefore, teams will be ranked, first, according to their win/loss record, and then according to their total points (minus the highest and lowest scores).

The main advantage of using the power matching system at the Statewide Competition is that it requires teams with similar win-loss records to compete against each other at each stage of the competition. The ultimate goal of the system is to allow the two strongest teams at any level of the competition to rise to a place in the championship final round.

The only real alternative to the power matching system is a purely random draw in each round. The use of a random draw system versus the power match system in a mock trial competition has been debated in different states and at different levels since organized competitions began in the late 1970’s. However, the main problem with a random draw system in all rounds, in the context of mock trial, is its unfairness. A purely random draw in all rounds can be inequitable. In the case of a mock trial competition, a random system does nothing to guarantee that teams earn their right to a spot in the final round by insuring that they compete against teams with equivalent records in the other rounds.

Additionally, we have no reliable prior history of the performance of teams in the competition, and therefore, have no basis for seeding the teams for the initial matching. Therefore, the first round matches are the only random matches in the competition. A power-match system will determine opponents for all other rounds. The most important factor in Power Matching is whether a team won or lost, not how many points were achieved. This is foremost in Power Matching.

Power matching will provide that:

- Pairings for the first round will be at random.
- If at all possible, each team will present each side of the case twice.
- Brackets will be determined by win/loss record. Sorting within brackets will be determined in the following order: (1) win/loss record; (2) total number of ballots won; (3) total number of points; then (4) point spread, if necessary, to break a tie within the bracket. The highest ranking team in the bracket will be matched with the lowest ranking opposing team in the bracket; the next highest with the next lowest, and so on until all teams are matched. One goal of Power Matching is to pair teams of opposing sides. However, this is not the primary goal of Power Matching. The primary objective is to be equal and fair, allowing teams to play equally strong teams. Again, if at all possible, teams will play each side twice.

- If there are an odd number of teams in a bracket, a team in the bottom of that bracket will be matched with a team from the next lower bracket.
- Teams will not meet the same opponent twice (unless this occurs in the championship round).
- To determine the two teams rising to the championship round, win/loss, total number of ballots won and total point scores will be totaled for each team. The two teams with the best combined ranking in these categories in this order (i.e., win/loss record, total number of ballots won and total point scores) will rise to the championship round.

If two teams tie in the following categories in this order – win/loss record, total number of ballots won and number of points – the mock trial coordinator will use this procedure to resolve the tie: (1) calculate the point spread for each ballot won by a team and (2) add the point spreads for each team. The team with the largest cumulative point spread wins the tie.

The mock trial committee and the coordinator will implement the power-match system. After each round, they will use appropriate charts to publish the matches and announce competitors for the next round. **In all matching assignments, the committee and coordinator’s decision is not open to dispute or appeal following the rounds.** In each round, each individual judge will complete a ballot.

After the ballots are submitted for a given courtroom, the committee and the coordinator, based on how many of the available ballots each squad won in the round, determines which squad wins the courtroom. The squad that wins the majority of the ballots (i.e. 2 or 3 out of the 3 available) in that courtroom wins the courtroom.

Once the winner and loser in each courtroom are determined, based on the outcome of the ballots, that information is used to determine how teams are ranked within each win-loss record, or *bracket*. Two brackets will exist (1-0 and 0-1) after Round I; as the competition progresses, additional brackets will develop. The ballots and total points assigned by the judges determine how team will be ranked and then matched within each win/loss bracket.

Because we believe that total points are more subjective as a standard of measurement than the win-loss record, the *bracket* becomes the first standard of ranking. It is supplemented by the *ballots* earned and lastly *total points*, so that teams are also ranked within brackets according to ballots and total points earned in the round or previous rounds. Thus, throughout power matching, the following **RANKING RULE** applies: we rank **BRACKET** first (win/loss record), then **BALLOTS**, and then **TOTAL POINTS**. Always, teams are ranked in this order and only in this order.

After squads have been ranked within each bracket after Round I (1-0 and 0-1), team matches are made for Round II by taking the top ranked “P” squad within each bracket and matching it with the lowest ranked “D” squad within the same bracket. This method of matching, called the “**pure power-match formula,**” is designed to allow the most powerful teams to work their way up to the championship round. In making matches for Round II, the mock trial committee and coordinators must also make sure that teams do not compete against their Round I opponents again. This occasionally will require minor adjustments in the pure power-match formula described above.

Teaching Materials Section



Coaching Responsibilities

The following suggestions are provided as general guidelines designed to aid teams in “technique.” They are not to be interpreted as rules of the competition, unless otherwise designated. However, as the teacher coach, you are the best judge of the appropriate teaching methods to utilize in preparing your team for the competition. The materials provided are advisory only and should be utilized at your discretion.

Education of young people about the law and our legal system is the primary goal of the Mississippi High School Mock Trial Competition and healthy competition helps to achieve this goal. However, all coaches are reminded of their responsibility to keep the competitive spirit at a reasonable level. The reality of the adversary system is that one party wins and the other loses, and coaches must prepare their team to be ready to accept either outcome in a mature and gracious manner.

Coaches can help prepare students for either outcome by placing the highest value on excellent preparation and presentation, rather than winning or losing the case. This program stresses that the work product must be that of the students (see Rule 38), but adult assistance does enter into the preparation process in the areas of honing trial skills, assisting in practice rounds, offering critiques of the students’ skills, etc.

It is also the responsibility of all members of the coaching staff to read the rules and the Code of Ethical Conduct thoroughly, to encourage student team members to do the same and to follow the letter and the spirit of both. To these ends, coaches should endeavor to conduct the activity with the following items in mind:

GUIDELINES FOR TEACHER COACHES

(Adapted from Center for Civic Values and the New Mexico Mock Trial Program)

Role of the Teacher Coach

Teacher coaches are the educational backbone of a mock trial team and are the primary point of contact between the state mock trial coordinator, the student team members and members of the coaching staff. Your role as a mentor and a leader is critical to the success of your team. Your general responsibilities include assisting your team members with the following:

- **Education and Sportsmanship**

Learning about the law and the legal system, as well as the substantive issue around which the case is based, is the primary goal of the Mock Trial program. Healthy competition helps to achieve this goal; however, teacher advisors must remember their responsibility to keep the competitive spirit at a *reasonable level*. The reality of the adversary system is that one party wins and the other loses, and teacher advisors must prepare their teams to accept *graciously* either outcome in a mature manner. Teacher coaches can help prepare students for either outcome by placing the highest value on excellent preparation and presentation, rather than on winning or losing the trial.

- **Rules of the Competition and Procedure**

Please ensure that you and your team members have read the rules thoroughly several times. You are expected to help your team members learn and adhere to them, as well as to the Code of Ethical Conduct.

- **Role Assignments**

Team members should be strongly encouraged to select roles based on their interests and abilities, not on the basis of any gender or cultural stereotypes which might be drawn from the characterizations in the fact pattern. Note that all witnesses are gender neutral and may be played by males or females.

- **Team Preparation**

Teams must learn and prepare to present both sides of the case. Your attorney coach may be able to help you obtain use of a courtroom, but classrooms or other facilities may also be used for trial practices.

Working with an Attorney Coach

While the Mock Trial Coordinator is available to help locate an attorney to coach a team entered in the competition, you, as a local teacher, are often the best judge of a suitable person to assist your team. Possible sources include the following: parents or relatives of students, alumni, acquaintances, local law firms, county attorney's office, school board members or local judges. (If *after exhausting all possible avenues*, you are still unable to find an attorney to work with your team, contact the mock trial coordinator by writing to rgarner@msbar.org)

Since attorneys have time limitations, they should be used as consultants when their expertise is needed, but they do not need to be present at all team activities or practices, unless they wish to do so. As a consultant, the attorneys should advise students, but should not author any portion of the team's trial materials.

After You Have Identified Your Attorney Coach

- Provide her/him with a copy of the mock trial materials so s/he can become familiar with the case problem and rules of competition, evidence and procedure.
- Discuss meeting times and places with students.
- Discuss the case and the attorney's suggestions regarding strategy and arguments for both sides.

Before Meeting With Your Attorney Coach

- Have the students learn the statement of facts and witness statements (in affidavits) as thoroughly as possible. You might try having the students quiz each other - one student looks at the facts and affidavits and asks the other student(s) questions; then reverse roles.
- Try brainstorming with your students to elicit factual arguments for both the plaintiff/prosecution and the defense; i.e., which facts support the plaintiff's/prosecution's case and which facts support the defendant's case?
- Have students try to string facts together to make a logical assumption about the case.
- Have students read through the case materials - including all of the competition rules. Discuss with your students and be sure to write down any questions they have for your attorney coach. For rules clarification, contact the Mock Trial Coordinator at rgarner@msbar.org.
- Conduct lessons designed to familiarize students with the court system and civil or criminal procedure. It may help your team if they observe a real trial before the competition. Contact the clerk of the district court in your county to find out when a trial is scheduled at the courthouse. The public is invited to attend these trials. If you are unable to schedule a courtroom visit, make use of other available resources such as television programs which include live coverage of both civil and criminal trials.

Together With Your Attorney Coach

Learn the problem, the rules of competition and procedure, and the rules of evidence.

- **Develop a Case Strategy**

The entire team should work together on this process. You should be sure your attorney understands that her/his role is to serve as a consultant to the students, not as a director or decision maker for the team. For the educational goals of the mock trial program to be achieved, it is the team members who must be the ones who actually prepare their own presentations, which should be consistent with the strategy that has been established.

Consider the following when developing your team strategy:

- What are the strengths of your case? These are the points and issues you will want to emphasize.
- What are the weaknesses of your case? These are the points and issues for which you must prepare a counter-argument.
- Are your strategies integrated? That is, are the witnesses and attorneys all promoting the same “theme” and “theory?” You need to work as a team during the course of the trial, and each team member must always be certain about where you are headed.
- Where are the possible holes in your strategy? You don't want to be confronted with surprises at trial, and you must be prepared to cope with the unexpected.
- Is there a particular key witness whom you will want to exploit during cross-examination?
- Will we need to use all our time? If your strategy has been achieved before you have used all your allotted time, that is fine.

- **Other considerations when preparing your case**
 - In which order to call your witnesses
 - Physical position in the courtroom
 - What information should be contained in your opening statement and closing argument. (Again, remember that the coaches may give the students ideas, but should not write the statements for them.)
 - What questions to ask on direct and cross-examination of each of the six witnesses.
 - How to avoid asking objectionable questions and what to do if opposing counsel objects to a question you have asked.
 - How and when to object to the opposition's questions.
 - How to introduce exhibits and offer them into evidence.
 - How to exhibit proper courtroom decorum and good sportsmanship.

Practicing With Your Attorney Coach

- Consider asking a speech or drama teacher to observe your team in action and offer suggestions for improving the students' presentations.
- Practice the trial in full, including direct and cross-examinations, in front of your attorney coach. Your team should have presented its entire case several times prior to the regional competition.

Five Tips for Teacher Coaches

1. GET EXCITED!!!!

As with most things in education, if you show that you are genuinely excited about this, your students will yield better results. The old adage that you get out of it what you put into it was never truer than in Mock Trial.

2. RECRUIT, RECRUIT, RECRUIT

There are up to nine members for a basic mock trial team (if nine students are utilized, one student is timekeeper only). While it may not seem like a big deal to get nine students on a team, the more selection you give yourself the better. It's much nicer to have to make a tough decision about who gets a part at the last minute rather than trying to fill an empty spot with two practices to go before competition.

Recruit all kinds of students!!!! Mock trial IS NOT an elitist activity for the gifted or advanced!!!

3. EDUCATE YOURSELF

Learn all you can about law, the rules, courtroom procedure, the criminal justice process, and the role of the attorney. The more you know, the more you can give constructive feedback and help your team when the attorney coaches are not available.

4. START EARLY

The case for the competition season is posted to the state site in mid-September. If that's when your team starts work, you are a month and a half behind some teams.

Things you can do early on: start a law club, teach the law, the process, courtroom decorum, critical thinking, teambuilding activities, the rules, procedures, introduction of evidence, roles of participants, etc.

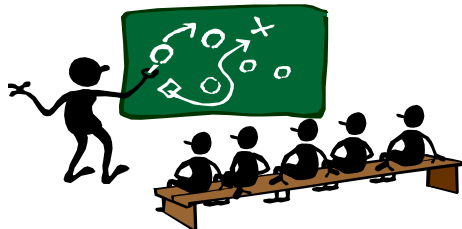
5. USE AVAILABLE RESOURCES

Check with colleges/law schools in the area to see if they will let your students observe/judge their mock trials.

Several books and videos are available to help guide students.

Go to experienced colleagues.

Use courtrooms as practice space whenever possible.



GUIDELINES FOR ATTORNEY COACHES

(Adapted from Center for Civic Values and the New Mexico Mock Trial Program)

As a mentor and a role model, you are critical to the success of your team. Of primary importance is your ability to impart to the students that we are a society governed by the rule of law. By the end of the mock trial season, it is our hope that they will have a keen understanding and an abiding respect for the law and the legal system. We realize this is not an easy charge, but who better than you -- the lawyer -- can help them develop that understanding and respect? Naturally, they will look to you for guidance in both their performance and their courtroom decorum. As a result, it is critical that you demonstrate for them professional and ethical behavior.

And, as much as you will want to help the students, to point them in the right direction, and to give them the benefit of your experience, remember that the students and teachers will develop a better understanding of the case and learn more from the experience, *if the attorney coaches do not dominate the preparation phase of the competition*. To achieve the educational goals of the mock trial program, the preparation phase of the contest must be a **cooperative effort** of students, teacher and attorney coach. Remember, it is critical to avoid (even the appearance of) “talking down” to students and/or stifling discussion through the use of complicated “legalese.”

Finally, the session descriptions below are suggestions only. You and the teacher coach should approach the tasks in whatever order you deem appropriate.

First Session

- Prior to meeting with the team, confirm the teacher coach has already distributed the case materials among the team members, and they have read and are familiar with them.
- At the first meeting, confirm the students understand the sequence of a trial, the steps in each sequence, the layout of the courtroom and the participants in a mock trial. If the team members are not clear on these concepts, review them prior to moving forward.
- Discuss with the team the Mississippi High School Mock Trial Competition Rules of Evidence included in the case materials. Ensure the team members know the hearsay rule and all its exceptions.

Second Session

- Examine and discuss the factual basis of the case, witnesses’ testimony, and the strengths and weaknesses of each side of the case. Remember – your team must prepare to present both sides. Key information might be listed on the blackboard as the discussion proceeds so that it can be referred to at some later time. Categorize facts: important, damaging, conflicting.
- Discuss the law involved in the case and the burden of proof.
- Put the students on the stand with notes and then have the attorney coach proceed with an example of direct and cross-examinations.
- Determine the roles of the team members, establishing who will act as witnesses and attorneys. Since each team is required to represent both sides of the case during the competition, all roles in the case should be assigned and practiced.
- Emphasize that team members should not memorize their roles since in a real trial they would have to play it by ear. Rather than memorizing his/her role(s), each student should concentrate on knowing all the facts of the case.

Third Session

Go through the trial from beginning to end, ensuring all the following steps are covered.

- Work with the student attorneys, concentrating on what should be covered in an opening statement and a closing argument. Remember that the role of the attorney coach is that of a consultant, not an author. Give the students ideas, but do not write statements for them. Ask other members of the team what they think should be included in the opening and closing.
- Have witnesses called to the stand to be examined by student attorneys. Work with students to develop questioning techniques that will elicit testimony to support either side of the case. Have other team members make suggestions to both witnesses and attorneys.
- Have attorneys practice *making* objections, and discuss both the style and substance of the objections thoroughly.
- Have attorneys practice *responding* to objections. This is one of the most difficult skills for students to master, and it can only be achieved through knowing the rules inside and out.

Subsequent Sessions

- Conduct cross-examination and define possible areas where objections could occur; look for other areas that your team's attorneys might want to focus on during cross-examination; have all team members make suggestions.
- Practice opening statements and closing arguments, how to lay a foundation for exhibits, what to do when the opposing team objects to your questions.
- Discuss appropriate courtroom decorum and etiquette.

Last Session Prior to Regionals

- Conduct a final run-through of the entire trial. Allow team members, attorney coach(es) and the teacher coach(es) to act as the presiding judges and the opposing team's attorneys.

If Your Team Advances to State Finals

Only twenty teams will advance to the Statewide Competition. If your team is among those that advance, the time between Regionals and finals are the team's opportunity to improve its performance. The ballots from Regionals will be provided to the teacher coach, and these should be reviewed to identify potential areas for improvement.

If Your Team Does Not Advance to State Finals

First and foremost, let your team know you are aware of and respect the work they have invested to prepare for Regionals.

Consider attending the championship round with your team. From the experience, your team members will have an accurate perception of the level of expertise that must be achieved to advance to the final round, and they may feel better about not advancing when they have the opportunity to view the presentations of those who did and compare it with their own performances at Regionals.

SUGGESTIONS FOR STUDENT ATTORNEYS

(Adapted from Center for Civic Values and the New Mexico Mock Trial Program)

This outline offers various hints to help students prepare to be attorneys on the mock trial teams. Included are tips and techniques for both advance preparation before trial and the presentation at trial of the opening statement, direct and cross-examinations and closing argument.

General Suggestions

- Always be courteous to witnesses, other attorneys, and the judge.
- If able, stand when talking in court and when the judge enters or leaves the room.
- Dress appropriately.
- Always say, “Yes, Your Honor” or “No, Your Honor” when answering a question from the judge.
- If the judge rules against you on a point or in the case, take the adverse ruling gracefully and be cordial to the judge and the other team. Remember that not everyone can win the competition, so learn as much as you can and have fun while participating.

Opening Statement

Objective

To acquaint the judging panel (the jury) with the case, and to outline what you are going to prove through witness testimony and the admission of evidence. Arguments, discussion of law, or objections by the opposing attorney are not permitted.

Advice for Preparing – What to Include

- Name of case
- Names of attorneys (you and your colleagues).
- Name of client (the State, if you are the prosecution; the defendant, if you are the defense)
- Name of opponent
- A short summary of the facts
- A clear and concise overview of the witnesses, testimony and physical evidence that you will present, stating how each will help prove your case.
- Mention of the burden of proof (the amount of evidence needed to prove a fact) and who has it in this case
- Theory of the case
- Conclusion and request for relief

Advice for Preparing – What to Avoid

- Too much detail, which can tire or confuse the court
- Exaggeration and overstatement
- Argument, which violates the basic function of the opening statement (i.e., to provide the facts of the case from your client’s viewpoint)

Advice for Presenting

- Use the future tense in describing what you will do (e.g., “The facts will show,” or “Our witnesses’ testimony will prove,” etc.)
- Do not read the opening; make eye contact with the judging panel; tell your story (preferably without the use of notes.)
- First and last sentences should be the strongest, to capture the judges’ attention and leave them with a lasting impression
- Be earnest, loud and clear

Other Suggestions

- Learn your case thoroughly (facts, law, burdens, etc.)
- Never promise to prove anything that you will not or cannot
- Write a clear, concise, and well-organized statement - after hearing your opening the judging panel should have a very clear idea regarding what the case is about

Direct Examination

Objectives

To obtain information from favorable witnesses you call in order to prove the facts of your case; to present enough evidence to warrant a favorable verdict; to present facts with clarity and understanding; to present your witness to the greatest advantage; and to establish your witness’ credibility.

Advice for Preparing – What to Include

- Isolate the information that each witness can contribute to your case and prepare a series of questions designed to elicit that information
- Make sure all items that you need to prove your case will be presented through your witness
- Use clear and simple questions
- Elicit information through questions and answers

Advice for Preparing – What Not to Include

- Any question to which you do not know the answer

Advice for Presenting

- Be a “friendly guide” for the witnesses as they tell their stories; let the witnesses be the stars
- Try to ask only the questions that you have practiced with your witnesses; ask only the questions, which are necessary to elicit the desired testimony; and stay within your time limits
- Be prepared to think and respond quickly to an unexpected answer from a witness and add a short follow-up to be sure you obtained the testimony you wanted
- Present your questions in a relaxed and clear fashion; be sure to listen to the answers
- If you need a moment to think, ask the judge if you can discuss a point with your co-counsel
- Be sure all documents are marked for identification purposes before you refer to them during trial; refer to them as Exhibit 1, etc.; after you have finished using the exhibit, if it helps your case, ask the judge to admit it as evidence

Other Suggestions

- Ask open-ended questions; these usually begin with “who,” “what,” “when,” “where,” “why,” or “how,” or by asking the witness to “explain” or “describe”
- Avoid asking leading questions (there are a few generally accepted exceptions to this rule, i.e., questioning on preliminary matters such as name, address, occupation)
- Practice with your witnesses
- Don’t ask questions requiring opinion testimony, unless the witness has been certified as an expert by the court
- Remember that in the event your witness’ memory fails, you may refresh his/her memory by the use of their affidavit

What does the Opposing Attorney do during this Time?

- Objects to testimony or introduction of evidence when necessary
- Takes down pertinent information and prepares for cross-examination of witnesses

Cross-Examination

Objective

To make the other side’s witnesses less believable in the eyes of the trier of fact; to negate your opponent’s case; to discredit the testimony of your opponent’s witnesses; and to discredit real evidence that has been presented.

Advice for Preparing

- Carefully analyze all possible adverse testimony and other evidence to find weaknesses; an attorney should attempt to explain, modify, or discredit the opponent’s evidence by exposing its weaknesses
- Jot down ideas or key words, which may be used to write out the cross examination questions later. Prepare short questions using easily understood language
- Use narrow, leading questions (ones that suggest the answers and normally require only a yes or no answer)
- Know your case materials thoroughly; it is essential that you appear confident in your case

Types of Questions to Ask

- Questions that establish that the witness is lying on important points (e.g., the witness first testifies to not being at the scene of the accident and soon after admits to being there)
- Questions to show that the witness is prejudiced or biased (e.g., the witness testifies that s/he has hated the defendant since childhood)
- Questions to weaken the testimony of the witness by showing his/her opinion is questionable because of poor circumstances such as location or lighting (e.g., a witness who has poor eyesight claims to have observed all the details of a fight that took place 100 feet away from him/her in a crowded room)
- Questions to show that an expert witness or even a lay witness, who has testified to an opinion, is not competent or qualified because s/he does not have the proper training or experience (e.g., a psychiatrist testifying to the defendant’s need for dental work or a high school graduate testifying that in his/her opinion the defendant suffers from a chronic blood disease)
- Questions to reflect on a witness’ credibility by showing that s/he gave a contrary statement earlier (e.g., the witness’ testimony is different from what s/he testified to during the pretrial hearing)

Advice for Presenting

- Be relaxed and ready to adapt your prepared questions to the testimony that is actually heard during the direct examination
- Always listen to the witness' answer
- Don't give the witness the opportunity to re-emphasize the strong points made during direct examination
- Be fair and courteous; don't quarrel with the witness
- Use narrow, leading questions that suggest an answer to the witness (these are generally questions that require a "yes" or "no" answer); do not allow the witness to explain anything (i.e., do not ask "Why?"); try to stop the witness if his/her explanation is extensive and hurting your case by saying "You may stop here, thank you" or "That's enough, thank you"
- Don't harass or intimidate the witness by the questions you ask; it may be useful not to insist on an answer
- Save the ultimate point for closing
- Eye contact with the witness is recommended

Other Suggestions

- Anticipate each witness' testimony and write your questions accordingly; be ready to adapt your questions at the trial depending on the actual testimony
- Be brief; don't ask so many questions that well-made points are lost in the shuffle.

What does the Opposing Attorney do during this Time?

- Listens carefully, objecting when appropriate, and noting pertinent testimony to prepare for re-direct, if necessary
- Protects the witness from having his/her credibility threatened by the demeanor of the cross-examining attorney (e.g., by requesting that the judge instruct the attorney to stop arguing with the witness)

Re-Direct Examination

If either attorney wishes, s/he can conduct re-direct examination. This is most often done to "rehabilitate" a witness if the cross was effective or to reinforce a witness' statement that was made during the direct examination.

Closing Arguments

Objective

To provide a clear and persuasive summary of: (1) the evidence you need to prove the case, and (2) the weaknesses of the other side's case.

Advice for Preparing – What to Include

- Thank the judge for his/her time and attention
- Isolate the issues and describe briefly how your presentation resolved those issues

- Review the witness testimony; outline the strengths of your side's witnesses and also the weaknesses of the other side's witnesses (Remember to adapt your final statement to reflect what the witnesses actually said rather than relying on just the anticipated weaknesses of the other side)

- Closing arguments should not be composed entirely before trial since they should highlight the important developments for each side, which occurred during the trial; relaxed and informal statements are likely to be more effective
- Review the physical evidence; outline the strengths of your evidence and also outline the anticipated weakness of the other side's evidence (This section too must be adapted at trial.)
- State the applicable statutes, which support your side
- Remind the judging panel of the required burden of proof; if you are the plaintiff's/prosecution's lawyer, you must tell and convince the court that you have met that burden; if you are the attorney for the defense, you must inform and convince the court that the other side has failed to meet its burden
- Argue your case by stating how the law applies to the facts as you have proven them
- Don't forget to confidently request the verdict/remedy you desire

Advice for Presenting

- You must always be flexible; adjust your statement to the weaknesses, contradictions, etc. in the other side's case that actually came out during the trial; you can't anticipate everything perfectly before the actual presentation of the case.
- Argue your side, but don't appear to be vindictive; fairness is important
- Be relaxed and ready for interruptions by certain judges who like to ask questions during closing arguments
- Do not make objections during the other side's closing argument
- Do not read throughout your presentation; it is much easier to avoid reading if your notes contain only a brief outline/list of the important points you want to remember to cover; if you are using notes, make eye contact with the judging panel as often as possible
- Rehearse as much as possible (this will help you feel comfortable presenting your closing without reading it)
- Make sure your argument is well organized

SUGGESTIONS FOR STUDENT WITNESSES

(Adapted from Center for Civic Values and the New Mexico Mock Trial Program)

Witnesses play a key role on mock trial teams. While many students may consider the attorneys' roles as more important, mock trial judges report that their decision depends as much on the witness' performances as on those of the attorneys. *Many* a trial has been won or lost on the witness stand.

General Suggestions

- Familiarize yourself thoroughly with the case materials. Know what you should testify to and what other witnesses know. Lay witnesses may not use notes while being questioned.
- Do not try to memorize what you will say in court, but try to recall what you observed at the time of the incident (i.e., play the role as if you are the person whose identity you are assuming). You must establish your credibility as a witness by accurately portraying the character. Demonstrate knowledge and understanding of the person (both their strengths and weaknesses).
- Go over your testimony repeatedly with your attorneys. Have them cross examine you on the weaknesses in your testimony. Be prepared to handle hostile questions.
- You are not allowed to make up testimony on direct examination. If asked a question during cross-examination, to which the case materials supply no answer, you may make up an answer, which will not be inconsistent with your previous testimony. (Refer to Mock Trial Competition Rules 3 and 4.)
- Listen carefully to the questions asked. Before you answer, make sure you understand what was asked. If you do not understand, ask that a question be repeated. If you realize that you answered a question incorrectly, ask the judge if you may correct your answer.
- When answering questions, speak clearly so you will be heard. The judge must hear and record your answer; therefore, do not respond by shaking your head "yes" or "no."
- Do not give your personal opinion or conclusions when answering questions unless specifically asked. Give only the facts as you know them, without guessing or speculating. If you do not know, say so.
- Be polite while answering questions. Do not lose your temper with the attorney questioning you. Remember that you are there to tell what you know, and not necessarily to be an advocate for your side.
- Always be courteous to witnesses, other attorneys and the judging panel.
- Always stand when the judge enters or leaves the room. Always say "Yes, Your Honor" or "No, Your Honor" when answering a question from the judge.
- Dress appropriately (to show respect for the court).
- If the judge rules against you in the case, take the defeat gracefully and act cordially toward the judge and the other side.

Opening Statements

Objective

- To acquaint the judge with the case and outline what your attorneys are going to prove through witness testimony and the admission of evidence.

Direct Examination

Objective

- To obtain information from favorable witnesses your attorneys call in order to prove the facts of your case.

Advice for Preparing

- Know the case inside out, especially your witness statement (or affidavit).
- Know the questions that your attorney will ask and prepare clear and convincing answers that contain the information that the attorney is trying to elicit from your testimony.
- Practice with the attorney.

Advice in Presenting

- Be as relaxed and in control as possible. An appearance of confidence and trustworthiness is important.
- Don't read or recite your witness statement verbatim. You should know its contents beforehand.
- Be sure that your testimony is never inconsistent with the facts set forth in your witness statement (or affidavit).
- Don't panic if the attorney or judge asks you a question you have not rehearsed.

Cross-Examination

Objective

- To make the other side's witnesses less believable in the eyes of the trier of fact.

Advice for Preparing

- Learn the case thoroughly, especially your witness statement.
- Anticipate what you will be asked on cross-examination and prepare answers accordingly. In other words, isolate all the possible weaknesses, inconsistencies, and problems in your testimony, and be prepared to explain them.
- Practice, practice, practice.

Advice for Presenting

- Be as relaxed and in control as possible. An appearance of confidence and truthfulness is important.
- Be sure that your testimony is never inconsistent with the facts set forth in the witness statement.
- Don't read or recite your witness statement word for word.
- Cross-examination can be tough, so don't get flustered.
- Your job as a witness is to tell the truth, as you know it, about what happened. It is not your job to be an "advocate" for your side or to argue with opposing counsel.

MAKE THE MOST OF YOUR PRESENTATION

(Adapted from Center for Civic Values and the New Mexico Mock Trial Program)

Dress Appropriately

- Your personal appearance affects the way people view you and your performance, therefore you should dress appropriately for the courtroom. What does appropriately mean? It means business, not casual, dress. For young women, this could be a dress, a skirt and jacket, or slacks and a jacket. (If you wear a skirt or dress, be conservative in your choice of hem length.) For young men, it could be slacks and a shirt and tie, or slacks with a jacket and tie or a suit.
- Costumes of any kind, including uniforms, are prohibited under the mock trial rules.

Prepare the Courtroom

- Arrive at the courtroom at least 10 minutes early so that you can acquaint yourself with the layout, make any necessary adjustments and be ready to start the trial exactly on time.
- The prosecution team sits at the table closest to the jury box, and the defense team sits at the other table. You may not rearrange the room.
- If you are video taping the trial (allowed only if both teams agree), put the camera and the person who will be filming in the jury box. (Be unobtrusive -- draw no attention to yourself.)
- If you are the timekeeper, ensure that all participants, including the judging panel, can easily see the time cards as they are being held.
- Confirm the trial tables seat three attorneys comfortably. Be sure that there is adequate room to rise from your chair and adequate passageway to approach the bench or the witness.
- Attorneys should neatly organize their materials on the tables. Get rid of all unnecessary papers, briefcases and pencils.
- Witnesses should seat themselves in separate areas of the spectators' section.
- Ensure neither team members nor spectators are wearing hats.
- Ensure neither team members nor spectators are chewing gum.
- Ensure that everyone in the courtroom has their cell phone turned off or set on "silent."

Remember Your Posture

Participants should remember that from the elevated bench the judging panel has a good view of the entire courtroom. Your seating posture has a definite impact on the judges' impression of you. Attorneys especially need to be conscious of how they are seated. Sit straight but not so stiff as to be uncomfortable. Put your feet flat on the floor or cross your legs in a professional manner. Avoid nervous mannerisms, such as shaking your leg or tapping your pencil.

Speak Effectively

- All participants should speak clearly and carefully enunciate each word, as microphones are not usually available.
- For attorneys, all speaking is done from a standing position. For witnesses all speaking is done in a seated position from the witness stand.
- If you are an attorney and you are addressed by the Court, stand promptly before responding.

Deliver Your Best Opening Statement or Closing Argument

Since these are extemporaneous speeches, attorneys should employ effective speech-making techniques. Do not assume you are allowed to move around the courtroom; instead, request the presiding judge's permission to move away from the podium.

- Organize any materials before beginning
- Rise slowly
- With confidence, walk slowly yet deliberately to the podium or the area from which you will deliver the opening or closing
- Get your body ready by assuming a good speech-making posture; your feet should be set apart a bit and your weight balanced on the balls of your feet
- Before your first word, look the judge directly in the eyes saying, "May it please the court" and then begin to speak directly to the judging panel
- Try for a conversational tone in your voice; speak to the judges in a clear voice that is slow enough and loud enough for them to follow your ideas without straining
- Avoid using slang, and always use your very best vocabulary
- Use variety in your delivery; you can emphasize major points in several different ways, i.e., pause before an important idea; raise your volume slightly to accentuate an important idea; or slow down to draw attention to an important idea
- If you concentrate on communicating directly to the judges, gestures should be no problem; natural gestures are always good to emphasize ideas; they will come instinctively if your focus is on talking to the judges; don't force gestures and always avoid repetitive or unnecessary gestures
- Movement is often dictated by the courtroom situation; if you are at a podium with a microphone, don't move away from the podium; in cases where there is no podium, well-timed movement can help punctuate a point or help you release nervous energy; be sure not to pace; keep your focus on directing the speech to the judging panel
- Never move so that you are in front of the opposing counsel's table; this applies when giving openings/closings and when you're questioning a witness; opposing counsel may object on the grounds that you are obstructing their view
- Be aware that judges may interrupt during your closing statement and ask you a question; pause; listen carefully to the question then answer to the best of your ability; the most important thing is to maintain your poise
- When you have concluded your presentation, say "Thank you, Your Honor," while looking directly at the presiding judge; pause briefly and then take your seat; show no signs of relief and don't immediately turn to speak to co-counsel; always maintain an aura of poise and confidence

Question Witnesses Skillfully

- Always rise to do the questioning
- You may have questions written out, but be ready to adapt when objections are made or when a witness doesn't respond as you had expected
- Speak slowly!!!
- Listen to the witness' response; s/he may not say what you had anticipated and thus you may have to insert or reword questions for clarification
- If opposing counsel makes an objection, stop speaking and give them the floor
- Be prepared to respond to an objection; do so as articulately and confidently as you possibly can; do not ramble; not all judges will expect you to respond, and, in fact, sometimes you'll have to ask if the judge will allow you to do so
- If the judge rules against you on an objection, show no signs of dismay; simply proceed with another question; the key is to maintain your poise

- If you honestly don't know how to proceed, ask the judge if you may confer with your co-counsel; make the conference brief; use this conference technique only when absolutely essential; judges may become frustrated if you hold up the trial too often; REMEMBER: this conference counts as part of your time allotment.
- Never ask a question to which you don't know the answer
- When you have finished your questioning, say "No further questions, Your Honor," and take your seat in a confident manner

Be a Great Witnesses

- Generally, all witnesses will be sworn at the beginning of the trial as one group
- When you are called, go to the witness stand; when the judge indicates that you may take your seat, respond by saying, "Thank you."
- Seat yourself in the witness box in a professional manner
- Position yourself so that you can comfortably give your responses to the judging panel
- Speak loudly and clearly and in a manner best fitting the character you are portraying
- Stay in character
- Don't allow any unnecessary movement or gestures to distract from your testimony
- When an objection is made, immediately stop talking
- Wait until the objection is decided and even then don't respond until the attorney doing the questioning indicates that you should do so
- Do not attempt to answer a question that you don't understand; ask for clarification to be sure that you understand the question that is being asked
- Never argue with the judge or the opposing counsel; leave that to your attorney; keep a cool head
- Do not leave the witness box until the judge directs you to "step down." In an instance where a judge might forget, wait a bit and then ask, "May I step down, Your Honor?"
- Walk slowly and confidently back to your seat
- Do not speak to anyone along the way or when you are seated

Maintain Your Demeanor During Recess and Debriefing

- Rise when the judges leave the courtroom; maintain order and quiet while they are out; and, rise when the judges reenter the courtroom
- Listen quietly and respectfully during the judges' critique; when all the judges have concluded their comments, feel free to applaud, not only for them but also for your opponents and yourselves

Exhibit Good Sportsmanship

You now have the opportunity to meet the other team. Walk over to the other team members. Shake hands, and introduce yourself. It's always appropriate to congratulate them on a good aspect of their performance. Remember, good sportsmanship is part of being a winner.

COURTROOM DECORUM FOR MOCK TRIAL TEAM MEMBERS

(Adapted from Center for Civic Values and the New Mexico Mock Trial Program)

A critical aspect of trial procedure, often overlooked in teaching about mock trial, is the courtroom decorum of the participants. The following hints are intended to help mock trial team members understand the nuances of appropriate courtroom behavior.

1. Be polite and courteous to the judges. The role of the presiding judge is to make rulings on the procedures and objections. Remember that this is the most powerful person in the courtroom and act accordingly. ALWAYS refer to the presiding judge as “Your Honor,” and accept decisions graciously and politely (yes, Your Honor), even if they are not in your favor. The role of the judging panel is to evaluate the performance of each participant.
2. Courtroom etiquette also demands that you behave courteously and respectfully toward the opposing team before, during and after the trial! To demonstrate your good sportsmanship, shake hands and congratulate your opponents at the conclusion of the judges’ critique. ***THIS APPLIES TO STUDENTS, TEACHER COACHES, ATTORNEY COACHES AND OBSERVERS.*** Any unsportsmanlike conduct by any party, including observers, may result in default of the team affiliated with those individuals. This ruling is in the discretion of the presiding judge.
3. Be prepared to deal with the unexpected. Remember, something may arise for which you are totally unprepared. If you believe the rules were violated, object and be prepared to explain your objection. Maintain your composure, even if you feel the rug has been “pulled out from under” you.
4. Emotions are not banned from the courtroom; however, they must be controlled. It is okay (and may even be part of your trial strategy) to be appropriately indignant, puzzled, etc., but uncontrolled outbursts or wild theatrics are not appreciated by the judging panels and may cost you valuable points.
5. Hats, gum, food or beverages of any kind are prohibited in the courtroom for both participants and spectators.
6. Cell phones should be turned off or placed in “silent” mode. Nothing is more distracting during trial than a ringing cell phone.

Mastering the 10 Most Challenging Skills in a Mock Trial Presentation

(Adapted from Center for Civic Values and the New Mexico Mock Trial Program)

These 10 items have been identified as challenging, but essential mock trial skills to master:

1. Teams must determine which facts/items within the materials provided are the most necessary/important in order to prove the elements of the case, and they must make sure that those elements are, indeed, proven.
2. A student attorney must state clearly in the opening statement what s/he intends to prove, and must argue effectively in the closing argument that the facts and evidence presented have proved their case.
3. A student attorney must phrase questions on direct examinations that are not leading.
4. A student attorney must make strategic use of objections and must respond effectively to an opponent's objections.
5. A student attorney must learn, understand and recall in court the rules of evidence and must be able to use them to introduce documentary or physical evidence.
6. A student attorney must refrain from asking so many questions on cross-examination that well-made points are lost. *(When a witness has been contradicted or otherwise discredited, student attorneys will sometimes ask additional questions, which then lessen the impact of points previously made. Pointless questions should be avoided! Questions should require answers that will make only good points for the side.)*
7. All team members must follow the formality of the court, e.g., standing when the judge enters or when addressing the judge, calling the judge "Your Honor," etc.
8. All team members must think quickly on their feet. This may include times when a witness gives an unexpected answer, when an attorney asks an unexpected question or makes an unexpected objection, when the presiding judge decides to question an attorney or a witness, or, when a presiding judge makes an unexpected ruling on an objection.
9. Student attorneys must refrain from reading opening statements and closing arguments.
10. Team members must learn and understand the hearsay rule and all its exceptions.

Forms Section





Competition Day Check-List for Coaches

*Please take care of the following items **before** your team arrives at the competition site.*

- _____ Plain/Pros. team has enough complete Trial Squad Roster forms for all rounds (Rule 33). You will need **four copies** per round – one for the opposing team and three for the judges.

- _____ Defense team has enough complete Trial Squad Roster forms for all rounds (Rule 33). You will need **four copies** per round – one for the opposing team and three for the judges.

- _____ **ALL** team members, including timekeepers and **ALL** coaches, have signed the [Code of Ethical Conduct](#) (*remember this form is due to the trial coordinator upon check-in.*).

- _____ Both sides of the team have enough clean copies of the exhibits/witness statements for all rounds of competition. Case materials may not be altered (see Rule 18) – i.e. laminated, exhibit stickers affixed, offered in page protectors during the round, etc.

- _____ Timekeepers have reviewed in detail the timekeeper [Trial Sequence and Time Guidelines](#) and the [Time Sheet](#) and have their own stop watches for the competition. They will **NOT** be provided at the competition.

- _____ You have made arrangements for lunch for your team on competition day.

- _____ The team has a list of the most up-to-date Case/Rules Questions and Answers from the website.

Best of luck during the 2018 competition season!

<http://www.msbar.org/programs-affiliates/high-school-mock-trial-competition.aspx>

CODE OF ETHICAL CONDUCT

for all Participants in the

The Mississippi High School Mock Trial Competition

The purpose of the Mississippi High School Mock Trial Competition is to stimulate and encourage a deeper understanding and appreciation of the American legal system. This purpose is accomplished by providing students the opportunity to participate actively in the learning process. The education of young people is the primary goal of the mock trial program. Healthy competition helps to achieve this goal. Other important objectives include: improving proficiency in speaking, listening, reading, and reasoning skills; promoting effective communication and cooperation between the educational and legal communities; providing an opportunity to compete in an academic setting; and promoting cooperation among young people of diverse interests and abilities.

As a means of diligent application of the Mississippi High School Mock Trial Competition's Rules and Competition, the Young Lawyers Division's High School Mock Trial Committee has adopted the following Code of Ethical Conduct for **all** participants:

1 Team members and all student participants in the High School Mock Trial Program promise to compete with the highest standards of deportment, showing respect for their fellow team members and participants, opponents, judges, evaluators, attorney coaches, teacher coaches and mock trial personnel. All competitors and participants will focus on accepting defeat and success with dignity and restraint. Trials, contests and activities will be conducted honestly, fairly, and with the utmost civility. Members and participants will avoid all tactics they know are wrong or in violation of the Rules, including the use of unfair extrapolations. Members and participants will not willfully violate the Rules of the competition in spirit or in practice.

2 Teacher Coaches agree to focus attention on the educational value of the Mock Trial Competition. They shall discourage willful violations of the Rules. Teachers will instruct students as to proper procedure and decorum and will assist their students in understanding and abiding by the competition's Rules and this Code of Ethical Conduct.

3 Attorney Coaches agree to uphold the highest standards of the legal profession and will zealously encourage fair play. They will promote conduct and decorum in accordance with the competition's Rules and this Code of Ethical Conduct. They will emphasize the educational value of the experience by requiring that all questions, objections, responses, opening statements and closing arguments be substantially the work product of the team members. Attorney Coaches are reminded that they are in a position of authority and thus serve as positive role models for the students.

4 All participants (including observers) are bound by all sections of this Code and agree to abide by the provisions. Teams are responsible for insuring that all observers are aware of the Code. Students, teacher coaches and attorney coaches will be required to sign a copy of this Code. This signature will serve as evidence of knowledge and agreement to the provisions of the Code. Violations of this Code of Ethical Conduct may be grounds for reductions in scores, disqualification from the competition and/or suspension from future competitions.

5 Presiding judges and evaluators are asked to observe the trials with an objective eye. Interjecting one's own personal style and biases is of no value in the education process. Evaluators are seeking highly skilled advocates, not hostility or pettifoggery. Team members have agreed to abide by the Rules and this Code in spirit and in practice; therefore, violations should result in a lowering of the score. All judges and evaluators promise to be prepared and knowledgeable about this Code of Ethical Conduct, the Rules of the Competition, the problem and the procedures. The appearance of impropriety, bias or favoritism shall be avoided. Presiding Judges will conduct trials with objectivity and honesty.

Signatures of the Team From

We the undersigned agree to uphold the Code of Ethical Conduct in all rounds of the Mississippi High School Mock Trial Competition.

Students

Teacher Sponsor(s)

Attorney Coach(es)

Insert
TRIAL SQUAD
ROSTER FORM



CHARGE OF ETHICS/RULES VIOLATION

*Outside the Bar on Competition Day
(See Rule 32 for procedure. Please print.)*

Date: _____ Time Submitted: _____

Person Lodging the Dispute: _____

Affiliated with: _____ (*Enter Team Code*)

Grounds for Dispute: _____

Initials of Mock Trial Coordinator: _____ Time dispute presented to Coordinator: _____

Committee Decision (*circle one*): **Grant** **Deny**

Reason(s) for Denying Hearing: _____

Notes from Hearing: _____

Decision/Action of Dispute Panel: _____

Name of Mock Trial Committee Member Consulted: _____

Signature of MT Coordinator

Date/Time of Decision

TIME SHEET

ROUND: *circle one* **1 2 3 4 Bye**

PROS./PLAIN.: _____ *v.* **DEFENSE:** _____

Team Code

Team Code

		PROS./PLAIN.	DEFENSE		
5 minutes	OPENING			OPENING	5 minutes
25 minutes	WITNESS #1 - Direct			WITNESS #1 - Cross	20 minutes
	Re-Direct			Re-Cross	
	WITNESS #2 - Direct			WITNESS #2 - Cross	
	Re-Direct			Re-Cross	
	WITNESS #3 - Direct			WITNESS #3 - Cross	
	Re-Direct			Re-Cross	
20 minutes	WITNESS #4 - Cross			WITNESS #4 - Direct	25 minutes
	Re-Cross			Re-Direct	
	WITNESS #5 - Cross			WITNESS #5 - Direct	
	Re-Cross			Re-Direct	
	WITNESS #6 - Cross			WITNESS #6 - Direct	
	Re-Cross			Re-Direct	
5 minutes	CLOSING			CLOSING	5 minutes

TOTAL TIME USED

PROS./PLAIN.

DEFENSE

Opening Statement _____ : _____

Opening Statement _____ : _____

Direct Examination _____ : _____

Direct Examination _____ : _____

Cross Examination _____ : _____

Cross Examination _____ : _____

Closing Argument _____ : _____

Closing Argument _____ : _____

Attorney Information

Timekeeper: Enter Attorney's initials below as the trial progresses

Pros./Plain. Tasks	Open 1	Direct 2	Direct 3	Direct 4	Cross 5	Cross 6	Cross 7	Close 8
Attorney's Initials								
Defense Tasks	Open 1	Cross 2	Cross 3	Cross 4	Direct 5	Direct 6	Direct 7	Close 8
Attorney's Initials								

SIGNATURE OF TIMEKEEPER: _____ **TEAM CODE:** _____

**If there is a discrepancy between these materials and the
RULES OF THE MISSISSIPPI HIGH
SCHOOL MOCK TRIAL COMPETITION,
rely on the Rules as the standard for the
Mississippi High School Mock Trial Competition.**

If you have any questions regarding Mock Trial,
please contact René Garner, Mock Trial Coordinator
at The Mississippi Bar: 601-355-9226 or rgarner@msbar.org.

**Thank you for participating in the Competition.
Good luck and have a GREAT TIME!!!**