



Virginia High School Mock Trial Competition Competition Handbook

VIRGINIA LAW-RELATED EDUCATION INSTITUTE

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Contents

Executive Statement	3
The Purpose of Mock Trial in Virginia	4
Insurance and Securing Facilities	4
State and Regional Competitions.....	4
The State Competition	4
Regional Competitions	5
Scrimmages	5
Adoption of National Mock Trial Rules and Rules of Evidence	5
Anti-Scouting Provision	6
Amendments as Needed for the Competition	6
The Mock Trial Problem	6
Drafting the Problem.....	6
Corrections and Clarifications Before Trial	6
The Competition Venue	7
Appropriate Facilities	7
The Courtroom.....	7
Accommodations for Students.....	8
Team Registration and Team Roster	8
Team Registration	8
Team Roster	8
Judges’ Lounge	9
Scoring, Rulings, and Instructions	9
Use of Power Rankings and Aggregate Score	9
Rulings on Challenges.....	10
Scoring Ballot.....	10
Constructive Critiques.....	10
Instructions for Trial Judges	11
Instructions for Scoring Judges	11
Instructions for Coaches.....	11
Closed Tabulation Room	11
Individual Awards.....	11

Pre-Competition Meeting and Timekeeper Meeting.....	12
Introduction to Mock Trial as Project-Based Learning.....	12
Post-Competition	12
Use of Social Media, Photography, and Videotaping.....	13
Registration Form.....	14
Preliminary Schedule.....	15
Team Roster	16
Scoring Judge’s Score Sheet	17
Individual Awards.....	18
Scoring Rubric.....	19
Constructive Critiques	20
Instructions for Trial Judges	21
Bench Memo	23
Dispute Resolution Sheet.....	25
Instructions for Scoring Judges	26
Instructions for Team Sponsors and Coaches	27
Social Media Guide.....	28

Executive Statement

Welcome to the Virginia High School Mock Trial Competition! Whether you are a coordinator, volunteer, coach, or team member, we value your commitment to mock trial and strive to make this program one of the best in the nation!

The mission of the Virginia Law-Related Education Institute (VLRE) is to develop and assist students as they explore fundamental concepts related to the law and government through unique and authentic learning opportunities. We attain this goal by providing an analytically based law-related curriculum and educational programs for secondary education students. We are affiliated with the National High School Mock Trial Championship.

The Virginia High School Mock Trial Competition is an integral part of law-related education in Virginia. Mock trial, which is a model of project-based learning, is a national educational competition that requires students not to win a case on its merits but to deliver the best solution to a mock trial problem. Teams from all over the United States and abroad compete yearly at a national championship.

The Virginia competition began in 2006. We incorporated the competition into our curriculum in 2016 to expand this opportunity to students throughout the Commonwealth. We also welcome teams from Washington, DC, to compete in our competition.

As many of us are former mock trial team members and coaches, we understand the commitment necessary to prepare for a rewarding competition. To honor your commitment, we provide competing students with a world-class mock trial experience. But we cannot do any of this without the support of competition volunteers, partners, and corporate and individual donors.

To our competitors, we wish you the best of luck as you present your solution to the mock trial problem. To our volunteers, sponsors, and donors, we hope that you see the value of analytically based law-related education and continue to support this worthwhile activity.

Please contact VLRE if you have any questions about this manual.

The Purpose of Mock Trial in Virginia

The Virginia High School Mock Trial Competition provides students with an opportunity to participate in a highly educational law-related activity. While the competition is competitive, the goal of the competition is to further the analytical education of Virginia students in four distinct ways:

- Increasing their understanding of the judicial process
- Developing and refining speaking, listening, writing, and analytical skills
- Encouraging teamwork, cooperation, and respect for fellow teammates, and
- Furthering an understanding of law-related education

All participants in the competition, whether they be students, sponsors, coaches, or volunteers, are reminded that the primary goal of the activity is educational. VLRE adopts the National High School Mock Trial Championship Code of Conduct and reserves the right to disqualify or bar a participant from future competitions and events for any violation of that code of conduct.

Insurance and Securing Facilities

VLRE will secure facilities for state, regional, and district competitions. The VLRE will secure personal and property liability insurance for all competition sites. The VLRE is not responsible for the loss of personal property or money by a party attending a Virginia High School Mock Trial event.

State and Regional Competitions

The State Competition

The state competition is held between the first and third weekend in March. Up to 20 teams may advance from regional competitions to the state competition. The two-day competition will consist of four rounds and a final round for placement. All teams compete in the first four rounds of the competition. The top 10 teams at the end of four rounds compete in the final round, with the top two teams competing against each other for the state championship and all other teams competing for placement.

Teams that do not advance to the placement round receive certificates and awards for individual achievement after round four. At the end of the competition, all remaining teams except for the top three teams will be awarded certificates based on their final position in the tournament. The top four teams will then be announced in order, with the top three teams receiving a plaque. Individual student awards will be presented at the time a student's team receives its certificate or plaque.

Regional Competitions

If more than 20 teams register for the competition before the final deadline for registration, the VLRE will hold regional competitions before the state competition. Regional competitions will be run in the same manner as the state competition with the following exceptions:

- A regional coordinator will serve as the designee of the state coordinator.
- Competitions are held between the first week of January and the first week of February.
- There are three rounds held on one day for all teams; there will be no championship round.
- Teams are ranked on all rounds using power rankings with an aggregate score tiebreaker.
- All regional competitions will be held on the same weekend if possible, and

The VLRE will contact all currently registered teams by email when the need for regional competitions is triggered. Once regional location sites are confirmed, the VLRE will again contact all registered teams by email setting forth regional competition sites and dates. The team must respond within 72 hours of the VLRE sending that email, setting forth their regional location preference (the VLRE will accept up to three locations per team). The VLRE will determine regional team assignments as follows (there is no appeal of assignments for regional competitions):

- Preference is given to team requests based on their date of registration (earlier registration dates get preference over later dates).
- The VLRE will balance the number of teams at each site with their travel distance to each site (minimizing travel when possible).

Scrimmages

Scrimmages provide students with an opportunity to practice skills in a real-time environment. Students become comfortable competing in a competition setting, as well as refine techniques. If 20 or fewer teams register for the state competition, VLRE will hold regional scrimmages using the same assignment system used for regional competitions.

Teams wishing to scrimmage another team should contact the VLRE if they need assistance in setting up informal scrimmages.

Adoption of National Mock Trial Rules and Rules of Evidence

The Virginia High School Mock Trial Championship adopts the National High School Mock Trial Championship Rules and Rules of Evidence. The National Mock Trial Rules set forth the rules of the competition itself while the Rules of Evidence are modified Federal Rules of Evidence prepared by the National High School Mock Trial Championship.

Anti-Scouting Provision

The Virginia High School Mock Trial Program welcomes the registration of multiple teams from the same school as well as cooperation by teams from different schools and the homeschool community. Before the competition, teams may prepare, practice, and scrimmage each other as well as discuss strategy and any other issues related to the Virginia High School Mock Trial Competition.

Once a team enters a region or state competition site, that team may not share any information related to the actions, strategy, solution, or presentation by any opposing team to any other team. This includes information gleaned from any qualifying competition. The state coordinator or designee will determine the appropriate penalty for both the offering and offered team.

Amendments as Needed for the Competition

The state coordinator may, at their discretion, amend both the rules of the competition and rules of evidence as required, per the needs of the competition. Amendments will be included in this handbook or provided to participating teams at least three weeks before a competition. Corrections to, or clarification of, the mock trial problem are not considered amendments to the rules.

The Mock Trial Problem

Drafting the Problem

Each year's mock trial problem is designed so that neither side of the case has an unfair advantage. The problem may be either civil or criminal and cover any area of law. Criminal cases will be weighted in recognition that the prosecution carries a much heavier burden than the plaintiff in a civil case. All witnesses available to testify will be given gender-neutral names. Teams are responsible for communicating the gender of the witnesses to each other before the start of the round.

Each side will be assigned three witnesses whom they must call to testify. All witnesses should have a mix of good and bad facts for their side of the case. Additionally, both teams should be given at least one expert witness. A witness's affidavit, deposition transcript, or expert report should indicate which exhibits included in the case packet that witness is familiar with, if any.

Corrections and Clarifications Before Trial

The mock trial committee may make corrections or changes to the problem, as needed, before the competition. No changes, however, may be made one month before the state competition. Changes will be issued via a new version of the problem and accompanied by a change log. The change log will identify what portions of the problem have been altered and on what pages these changes can be

found. Both the new version of the problem and the change log will be made available to all teams at the same time. The newest version of the problem becomes effective once all teams have been notified of the updates. All teams must use the latest version of the case.

Any team may seek clarification of any part of the problem. Requests for clarification should be sent to info@govlre.com and titled "Request for Clarification." The mock trial committee will review the request and respond in one of four ways:

1. Send a return email to notify the team that the request is improper because the information sought is immaterial to the case, designed to be ambiguous, or already answered by some other portion of the case packet.
2. Send a message to all registered teams that includes the question asked and the committee's answer to the question.
3. Post on the VLRE mock trial website the request and resolution by the VLRE.
4. If warranted, the committee may also update the problem to resolve any issues in need of clarification.

The Competition Venue

Appropriate Facilities

Competitions are held at locations that can accommodate multiple trials occurring at once. Schools, courthouses, and other similar places are all acceptable locations for a competition. Trial rooms will be large enough to accommodate two teams, their sponsors/coaches, and the judging panel but may or may not be large enough to accommodate significant spectators. Spectators may be asked to leave by competition staff if there is not enough room to accommodate everyone.

The Courtroom

When rounds take place in rooms other than actual courtrooms, competition staff will arrange the room to simulate a court of law. There will be two counsel tables, one for the attorneys of each team. Witnesses for each team will sit in chairs behind their respective counsel tables. A separate table will be set up for the judging panel with the witness chair placed to one side. Students are permitted to treat the judging table as both the bench and the jury box. The space between counsel tables and the judging table will be the well of the courtroom.

When rounds take place in actual courtrooms, competitors will utilize the setup already in place. Competitors are not permitted to move or attempt to alter the courtroom in any way. Plaintiff or prosecution will sit at the counsel table closest to the jury box.

Accommodations for Students

The Virginia High School Mock Trial Program encourages participation by all students in mock trial. The VLRE will make efforts to secure facilities that comply with federal disability access laws and will further attempt to accommodate teams on which a disabled student is a member. The VLRE will not provide for a disability aid or device such as a sign language interpreter, but the use of such an aid or device will be allowed during the competition.

Any team requesting an accommodation should contact the VLRE no less than three weeks before the competition so that we can attempt to prepare for the accommodation. Accommodation requests after that date will not be honored by the VLRE.

Team Registration and Team Roster

Team Registration

All teams wishing to register for the Virginia High School Mock Trial Competition must do so before the deadline set by the VLRE. No team may register within three weeks before a competition.

Current deadlines will appear on the VLRE website, www.govlre.org.

Teams will use a registration form provided to them on the VLRE website. A copy of that form is included in the appendix of this handbook. Teams may register online or by mail. Fees are subject to change from year to year.

Team Roster

Team rosters must be offered, whether online or in hard copy, before each competition. Each roster must include the following information in the format set forth in the appendix of this handbook:

- Team identification code (assigned at registration)
- Name of team coach
- The name and position of each attorney (opening, closing, cross, etc.), and
- The name and gender of each witness, including the team member's name

No information identifying the geographic location or name of the team's school or primary homeschool location may be included on the roster.

One copy of a team roster must be submitted upon registration on the first day of the competition. That copy will be designated the official team roster of the competition. Before each round, teams will exchange copies of their team roster. A copy of the team roster must also be made available to the judging panel and presiding judge before each round. Teams are not required to present their

witnesses in order of appearance on the team roster, but they must indicate to the scoring judges only if such a change is to be made before each round.

Judges' Lounge

Before every round, judges will report to the Judges' Lounge to check-in and be briefed on the competition rules. The Judges' Lounge is off limits to all competitors and spectators and is restricted to judges and competition staff. Food and drinks will be provided for the judges.

Before rounds begin, a brief presentation will be given to judges covering mock trial-specific rules and how to properly score a round. Judges will then be assigned to rooms and a presiding judge for each round will be designated by competition staff. Staff will then escort judges to the correct rooms.

Scoring, Rulings, and Instructions

Use of Power Rankings and Aggregate Score

The Virginia High School Mock Trial Competition uses a modified power ranking or "Swiss Ranking" system like that used by the National High School Mock Trial Competition (for an explanation of that system see <http://www.nationalmocktrial.org/scoring/>). Power ranking in Virginia is used as follows:

- ***Round Robin Rounds:*** Power rankings determine match-ups, with the highest-ranked winning team facing the lowest-ranked winning team in the next round and the highest-ranked defeated team facing the lowest-ranked defeated team, with rankings based on scores for that round. Except in instances when a bye is necessary, teams at the state competition will be scored on four rounds of competition, with a fifth round to determine the state champion and all other rankings. Teams at regional and district competitions will be scored on three rounds of the competition and ranked accordingly.
- ***Odd number of teams:*** In the event of an odd number of teams, one team will be selected at the start of each round by random draw to serve a bye. The National High School Mock Trial Championship rules will apply in terms of scoring when a bye is necessary. Teams may only serve one bye. At a regional competition, the bye team from round 1 and round 2 will meet in an additional round, and three fully scored rounds at regional competitions will be used to determine placement.
- ***State Competition Championship Round:*** In the fifth round of the state competition only, the teams with the top two scores (best win-loss records and tiebreakers) will meet to determine the state champion. The teams with the next two highest scores will meet for the consolation round, and so on until all teams (10 max) are seeded for the final round. In the event of a tie based on win-loss record, the team with the higher aggregate score advances. During the final round, the team with the higher win-loss score (or aggregate score if a tie exists) selects

whether they wish to prosecute or defend the case. The raw score in each championship round match determines the winner of the match and final placement in the competition. In the event of an odd number of teams, the lowest team in the competition will not participate.

Rulings on Challenges

The competition uses a modified dispute resolution procedure based on the rules of the National Mock Trial Championship. Rule violations reported during a round will be handled under Rules 6.1 to 6.3. The trial judge, at their discretion, may request the assistance of the statewide coordinator or designee in terms of handling the dispute, but the outcome of the dispute, including both the ruling by the trial judge and scoring by scoring judges, is not appealable.

Rule violations reported after the round must be reported directly to the statewide coordinator or designee before the next round. The coordinator or designee will at their discretion accept written statements from both teams and rule accordingly, providing their ruling to the scoring judges for consideration. The ruling of the statewide coordinator or their designee is deemed final. Teams may not appeal evidentiary decisions to the statewide coordinator or the coordinator's designee.

Scoring Ballot

The scoring ballot included in the appendix of this handbook is the official scoring ballot for the Virginia High School Mock Trial Competition. The scoring ballot is adopted from the Nebraska High School Mock Trial Competition. The "prosecuting" school is the school representing either the Commonwealth in a criminal trial or the plaintiff in a civil trial.

Included with the scoring ballot are a scoring rubric and factors to consider. Scoring judges are encouraged to review and use this material to provide as close to a uniform experience as possible to participating teams.

Once all scoring ballots for each round are tabulated by the competition, the scoring ballot will be photocopied and/or emailed to each team sponsor for review. If there is no method to copy or email a scoring ballot at the competition site, the scoring ballot itself will be made available to each team sponsor for review. No round will be delayed due to the late presentation of a scoring ballot to a team sponsor.

Constructive Critiques

Trial and scoring judges are highly encouraged to provide feedback to students once scoring ballots are collected. The VLRE is committed to providing all participating students with a positive educational experience and asks that all judges keep this in mind when providing critiques. To that end, suggestions for constructive critiques of students will be provided to trial and scoring judges.

Instructions for Trial Judges

Instructions for trial judges explain the role of the presiding judge during a round. The instructions cover the timing of the trial, evidentiary rulings, and competition violation disputes. Instructions are included in the appendix.

Instructions for Scoring Judges

Instructions for scoring judges explain the purpose of mock trial, use of the scoring sheet and rubric, challenge procedures, and post-trial critique. Instructions are included in the appendix.

Instructions for Coaches

Coaches are responsible for ensuring that their teams abide by the competition rules and cooperate with tournament staff. Coaches are welcome to watch all the rounds in which their students compete and discuss strategy and constructive critiques with their students between rounds. Coaches are not permitted, however, to coach or communicate with their students during a round. Coaches may communicate or otherwise interact with their team during a round only in the event of a medical or other emergency. Instructions for Coaches are included in the appendix of this handbook.

Closed Tabulation Room

The tabulation room is closed at all competitions except to the state coordinator, competition chair, and their respective designees. Scores will be provided post-competition through electronic means.

Individual Awards

During the first four rounds, scoring judges will rank on their scoring ballot the top four attorneys and top four witnesses for each round. Rankings receive the following points: rank one receives five points, rank two receives four points, rank three receives three points, and rank four receives two points. Individual awards are given to the students who achieve the highest cumulative scores for a side of a case. In the event of a tie, the win-loss record of the student's team will determine the winner. In the event of a further tie, the total aggregate score of the team will be used. In the event of an odd number of teams, the lowest-scored rank for each team member will be dropped from those teams that did not serve a bye round.

Six awards for best attorney and six awards for best witness will be presented at the conclusion after round four of the competition and the conclusion of the competition.

Pre-Competition Meeting and Timekeeper Meeting

Before the beginning of the first round, team coaches will report to a single location for a meeting with the statewide coordinator or their designee. The coordinator or designee will welcome all teams and discuss any unique rules for the tournament or related to the facility. Timekeepers from each team will also meet with the statewide coordinator or their designee to discuss timekeeping rules.

Introduction to Mock Trial as Project-Based Learning

The Virginia High School Mock Trial Program provides a workshop introducing mock trial as project-based learning. This workshop is designed to help new coaches use mock trial as an authentic project-based learning experience. Workshop attendance is not mandatory to participate in the competition.

Post-Competition

The winner of the Virginia High School Mock Trial Competition will advance to the National High School Mock Trial Championship. The VLRE will be responsible for payment of the National High School Mock Trial Championship association fee. The advancing team is responsible for the team registration fee and all additional costs related to the competition. The advancing team must notify the VLRE by email of their intent to participate in the national championship by 5:00 PM on the first Friday following the Virginia competition. The winner of the Virginia competition is recognized as the champion even if the team is unable to attend the national competition.

If the advancing team is unable to attend the national competition, the VLRE will contact the first runner-up in the Virginia competition and provide them the opportunity to advance to the national competition. The first runner-up will have 48 hours to confirm by email that it will attend the national competition. If the first runner up is unable to attend the national competition, the VLRE will contact the second runner-up in the Virginia competition and award them advancement to the national competition. The second runner-up will have 48 hours to confirm by email that it will attend the national competition. This cycle will continue until a team can attend the national competition or the time to enter the national competition expires.

Use of Social Media, Photography, and Videotaping

Promoting VLRE activities and accomplishments allows our partners, donors, attendees, and the community an ability to see the incredible opportunities we provide to our attendees. As such, the following guidelines are adopted for the competition:

- The use of social media is encouraged during the competition subject to the following:
 - Both teams must both agree to the use of social media before each round and advise the judge of their decision.
 - Teams and spectators may not post specifics of the trial on social media during the competition (e.g., “Johnny makes his opening statement to the court!” is acceptable, but “The other team argued that our witness is lying. Sad!” is not acceptable).
 - For in-person competitions, team members actively participating in each round may not have electronic devices of any kind in their possession except a stopwatch for team timers.
- Spectators, the media, and VLRE representatives may take pictures and videos of any part of the competition (subject to VLRE opt-out allowances).
- If a team wishes to videotape any part of or the entirety of a round, the opposing team must agree, and the requesting team must advise the judge of their decision.

Any violation of the above guidelines will be considered a violation of mock trial rules and are subject to the mock trial rule resolution procedure set forth in this handbook.



Virginia Law Related Education Institute

Virginia High School Mock Trial Competition Registration Form

Name of Sponsoring School or Organization: _____

Address: _____

Name of Coach: _____

Phone Contact Number: _____

Email Contact: _____

I have enclosed a check for the following (made payable to "VLRE"),

- | | | |
|--|--------------------|-----|
| Early Registration (October 31 deadline) | \$225 registration | [] |
| Registration (December 1 deadline) | \$250 registration | [] |
| Late Registration (December 31 deadline) | \$275 registration | [] |

Total: _____

The team withdrawal deadline is December 31. No refunds will be processed after that date.

Return this form and your payment to:
Virginia Law-Related Education Institute
3201 Seminary Avenue
Richmond, VA 23227

This registration form is available at www.govlre.com.



Virginia Law Related Education Institute

Virginia High School Mock Trial Competition Preliminary Schedule

(subject to change)

Day 1

7:00 am to 8:00 am	Registration
8:00 am to 8:30 am	Coaches meeting
8:30 am to 9:00 am	Judges meeting
9:00 am to 11:30 am	Round 1
11:30 pm to 12:30 pm	Lunch break
12:30 pm to 3:00 pm	Round 2
3:30 pm to 6:00 pm	Round 3

Day 2

8:30 am to 9:00 am	Judges meeting
9:00 am to 11:30 am	Round 4
11:30 to 1:00 pm	Lunch break
1:00 pm to 3:30 pm	Round 5 for top ten teams
4:00 pm to 4:45 pm	Awards ceremony



Virginia Law Related Education Institute

Team Roster

Team Code Assigned at Registration: _____

If the team is the **prosecution/plaintiff** the roles are assigned as follows:

Attorneys		
	Name	Assignment
1		
2		
3		
Witnesses		
	Name	Assignment
1		
2		
3		
Timer		

If the team is the **defense** the roles are assigned as follows:

Attorneys		
	Name	Assignment
1		
2		
3		
Witnesses		
	Name	Assignment
1		
2		
3		

Team substitutions must be handwritten in this space with a copy turned into registration before the round in which the substitution occurs:

Substitution		
	Name	Assignment
1		
2		
3		

SCORING JUDGE'S SCORE SHEET

Date: _____ Round: _____

School Code Prosecution: _____ Defense: _____

Rate the performance of each team member on a scale of 1 to 10, recording one score in each box.

Do **NOT** use fractions. 1-2= not effective 3-4= fair 5-6= good 7-8= excellent 9-10= outstanding

Ballot	Prosecution	Defense
Opening statements		
Prosecution first witness Direct Examination		
Cross Examination		
Witness Performance		
Prosecution second witness Direct Examination		
Cross Examination		
Witness Performance		
Prosecution third witness Direct Examination		
Cross Examination		
Witness Performance		
Defense first witness Direct Examination		
Cross Examination		
Witness Performance		
Defense second witness Direct Examination		
Cross Examination		
Witness Performance		
Defense third witness Direct Examination		
Cross Examination		
Witness Performance		
CLOSING ARGUMENTS		
TEAM TOTALS (add scores in each column)		

Please deliver the ballot to the coordinator before critique.

Tiebreaker (in case of a tie, circle the party that won this round)

(Signature of Judge)

PROSECUTION

DEFENSE



Virginia Law Related Education Institute

INDIVIDUAL AWARDS

Date: _____ **Round:** _____

Number of Schools Prosecution: _____ Defense: _____

Please rank the top four attorneys and witnesses in this round and circle which side of the case he or she was on. Please use the real names of the witnesses, not their characters.

Best Attorneys	<i>(circle side)</i>		Best Witnesses	<i>(circle side)</i>	
1. _____	P	D	1. _____	P	D
2. _____	P	D	2. _____	P	D
3. _____	P	D	3. _____	P	D
4. _____	P	D	4. _____	P	D



Virginia Law Related Education Institute

SCORING RUBRIC

POINTS	PERFORMANCE	CRITERIA FOR EVALUATING STUDENT PERFORMANCE
1-2	Not Effective	Unsure of self, illogical, uninformed, not prepared, speaks incoherently, ineffective in communication.
3-4	Fair	Minimally informed and prepared. Performance is passable but lacks depth in terms of knowledge of task and materials. Communications lack 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 same. 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 in qualities listed for "Excellent" rating. Thinks well on feet, is logical, kept poise under duress. Can sort out essential from the nonessential and uses time effectively to accomplish major objectives. Demonstrates the unique ability to utilize all resources to emphasize vital points of the trial.

Factors to Consider

OPENING STATEMENTS - Provided a case overview; mentioned the key witnesses stated the relief requested; and provided a clear and concise description of their case.

DIRECT EXAMINATION - Used properly phrased questions (who, what, where, when, how); used proper courtroom procedure; demonstrated understanding of issues and facts; properly introduced evidence; defended objections in clear, concise terms; used time effectively; and complied with all rules of the competition and spirit of fair play.

CROSS EXAMINATION - Used leading questions; properly impeached witnesses; raised proper objections and stated reasons clearly; knew Rules of Evidence and did not overuse objections; was courteous of opponent; and complied with rules of competition and spirit of fair play.

WITNESSES - Credible; understood facts; responded spontaneously; poised and observed courtroom decorum.

CLOSING ARGUMENTS - Summarized the evidence; emphasized the supporting points of their own case and damaged the opponent's; concentrated on the important, not the trivial; applied the applicable law; and responded to the judge's questions with poise.

TIMING – Points may be deducted if a team member does not adhere to timing requirements



Virginia Law Related Education Institute

CONSTRUCTIVE CRITIQUES

An important aspect of the mock trial educational process is the critique provided by the trial and scoring judges at the end of each round. The comments and suggestions on this page are meant to assist you in your role as an educator about the law and our legal system.

Please read these comments and try to give students positive suggestions that will help them do better next time, as well as understand how our justice system works. Critiques for each round should last no more than eight minutes per team.

- For many students, the critique is the most valuable part of the competition. They learn from hearing *specifically* what they did incorrectly and what they did correctly.
- Humor is a welcome tension reliever during the critique.
- Your comments should bear in mind the educational goals of the competition.
- Remember that you are helping *educate, guide, and nurture* students. Treat students with the respect that you expect to receive from them and let them see why you volunteered your time and effort to the competition.
- Encourage questions during the critique.
- Remember you are a role model for the students and an ambassador for your profession.
- Let students know that not all attorneys use the same methods and techniques. Differences of opinion regarding the style of trial presentations are common.

These are some suggestions on how to best provide your valuable feedback to students

- "Perhaps an alternative way of handling the questioning of that witness would have been to..."
- "Your opening statement was good, but it may have been even better if you had..."
- "I cannot recall hearing evidence about ..., which would have helped your client's case. If you did include such evidence, I suggest that next time you make it somehow stand out stronger by..."

The VLRE is committed to providing our participating students with a positive experience. Remember that you do not know the background or circumstances of these young people. As such, please do not do any of the following,

- Criticize students for their dress.
- Expect high school students to understand all that law students or lawyers understand.
- Talk down to students.



INSTRUCTIONS FOR TRIAL JUDGES

Thank you for participating in the Virginia High School Mock Trial Competition! By volunteering your time, you are furthering the analytical education of Virginia students in four distinct ways:

- Increasing their understanding of the judicial process
- Developing and refining their speaking, listening, writing, and analytical skills
- Encouraging teamwork, cooperation, and respect for fellow teammates, and
- Furthering their understanding of law-related education

Please follow these instructions to provide as close to a uniform experience as possible to our participating teams.

The Round Begins

Your courtroom will be made ready before the start of each round. Your courtroom may be an actual courtroom, a mock courtroom, a classroom, or a Zoom room. In the case of a classroom, all efforts will be made to arrange the room to best simulate a courtroom setting.

As in a real courtroom, the prosecution/plaintiff will sit closest to the jury box. Three attorneys from each team will sit at the litigant's table. Team timers will sit in assigned seats. Witnesses will sit immediately behind the attorneys if possible. Only the six team members playing in the round may talk to each other. No motions for sequestration are permitted.

Teams will exchange a copy of their team rosters with you, the opposing team, and the scoring judges. The team roster allows the teams to identify the gender of witnesses, as well as allows scoring judges the opportunity to write the names of participants on the scoring sheet.

Pretrial

Call the court to order. The attorneys for each side will stand and enter their appearances. Request that the parties advise you of any stipulations already entered into the evidence.

Here are some issues you may encounter at pretrial:

- Do not entertain any motions except to strike testimony following a successful objection to its admission.
- Do not allow the use of demonstrative evidence, aids, or costuming during the trial unless specifically allowed by the problem.
- Please set forth your preference for marking of exhibits.
- Require opening statements to be delivered at the start of the trial; no objections are allowed during opening statements.

The Trial

You have three responsibilities at trial: timing, evidentiary objections, and objections to the rules of mock trial.

Timing - Timers are team members who act as neutral parties during the trial. Each timer is provided with a set of cards setting forth the remaining time in a round and will simultaneously keep time. You do not have to keep track of time; the timers are responsible for bringing any time violations to your attention. Both teams must call all three witnesses per round. Mock trial timing follows trial procedure as follows:

1. Opening statement: *5 minutes each side*
2. Direct examinations: *25 minutes each side*
3. Cross examinations: *20 minutes each side*
4. Recess before closing: *5 minutes*
5. Closing argument: *5 minutes each side (including prosecution/plaintiff rebuttal)*
6. Rebuttal: *The amount of time reserved*

Timers should be within 15 seconds of each other or notify you of a discrepancy, which you may correct as you see fit. Time stops only for objections, questioning from the judge, or administering the oath. Time does not stop for the introduction of exhibits. You may grant brief extensions of time when warranted (e.g., to finish a thought).

Evidentiary Objections – Virginia High School Mock Trial follows the National High School Mock Trial Rules of Evidence except that all witnesses are pre-sworn and no oath is given. These rules are substantially similar to the Federal Rules of Evidence. If there is a discrepancy between Mock Trial Rules and Virginia Rules of Evidence, you should use the Mock Trial Rules.

Allow students the opportunity to argue their objections and respond to one another. Time constraints, however, should be taken into consideration and objection battles should not last longer than a couple of minutes. Rule on the objection that the attorney made, not on the objection that they maybe should have made. Do not object for either side or rule *sua sponte*.

Teams may object to unfair extrapolation, which bars a witness from testifying in a manner inconsistent with the facts in the trial problem. Encourage teams to attack unfair extrapolations through impeachment and closing arguments. See the attached bench memo for further instructions on this issue.

Alleged Competition Rules Violation – In addition to the Rules of Evidence, students are bound by the Rules of Virginia High School Mock Trial. These rules are designed to keep the playing field even. See the attached bench memo in the event of an alleged violation.



Virginia Law Related Education Institute

Bench Memo

Evidentiary Objections – Only the following objections are allowed under the mock trial rules:

- Judicial notice (Rule 201)
- Relevance (Rules 401-411)
- Privileges (Rule 501)
- Witnesses
 - General rule of competency (Rule 601)
 - Need for personal knowledge (Rule 602)
 - Impeachment (Rules 607-609)
 - Religious beliefs or opinions (Rule 610)
 - Mode and order of interrogation and presentation (Rule 611)
 - *Handle the following objections as follows*
 - **Beyond the scope:** Cross shall not be limited to the scope of the direct examination, but may inquire into any relevant facts or matters contained in the witness statement including all reasonable inferences, and may inquire as to material and admissible admissions
 - **Leading question:** As regularly administered
 - **Control of proceedings:** Includes badgering, nonresponsive, speculation, etc.
 - Refreshing a witness's memory/prior statements (Rules 612-613)
- Opinions and expert testimony (Rules 701-705)
- Hearsay (Rules 801-805): *Recognize only the following exceptions:*
 - admission by a party opponent
 - prior statement under oath
 - present sense impression
 - excited utterance
 - state of mind
 - statements made for purposes of medical diagnosis
 - recorded recollection
 - records of regularly conducted activity
 - dying declaration
 - declaration against interest

Unfair extrapolation – This is a special mock trial objection (Mock Trial Rule 2.3).

A fair extrapolation is neutral. Unfair extrapolations are best attacked through impeachment and closing arguments. If a witness is asked information not contained in the witness's statement, the answer must be consistent with the statement and may not materially affect the witness' testimony or any substantive issue of the case. Objections are "unfair extrapolation," or "This information is beyond the scope of the statement of facts."

Your possible rulings can include:

- a) No extrapolation has occurred
- b) An unfair extrapolation has occurred
- c) The extrapolation was fair, or
- d) Ruling is taken under advisement.

The decision of the presiding judge regarding extrapolations or evidentiary matters is final.

Violation of Mock Trial Rules – Follow these instructions if you run into a Rules of Mock Trial issue. You may request the assistance of the state coordinator or their designee for help at any time, but you are responsible for the final ruling.

1. If a team member complains of a violation during the round, advise the team that they may file their dispute with the court immediately following the conclusion of the round.
2. At the end of the round, if a team believes that a substantial rules violation has occurred, a team attorney must indicate to you that the team intends to file a dispute.
3. Excuse the scoring panel from the courtroom and provide the complaining team with a dispute form. The team members playing in that round only may discuss the issue before submitting the form, but they may not talk with their sponsor, coach, or noncompeting team members.
4. Review the written dispute and determine whether it should be heard or denied. If the dispute is denied, record the reason for your denial, announce your ruling, and turn the dispute form in with the score sheets.
5. If you feel that the issue warrants a hearing, provide the form to opposing counsel for their written response. Once the team records its response and provides it to you, ask each team to designate a spokesperson from the members playing in that round only.
 - a. Spokespersons will have three minutes to prepare their arguments.
 - b. Conduct a hearing on the dispute, providing each team's spokesperson three minutes for a presentation (you may question the spokesperson and the spokesperson may not talk with anyone else at this point).
 - c. Adjourn the court and record your decision on the form.
 - d. If you rule that a "substantial" rule violation occurred, advise the scoring judges of the dispute and provide a summary of each team's argument. The scoring judges will consider the dispute before reaching their final scoring decisions.



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Dispute Resolution Sheet

Round: _____

Name of bench judge: _____

Complaining Party team ID Number: _____

Briefly set forth the nature of your alleged violation:

Was a hearing necessary? Yes No

Opposing party's written response (if a hearing is necessary):

If a hearing occurred, who were the spokespersons?

Complaining party: _____

Defending party: _____

Your ruling:



Virginia Law Related Education Institute

INSTRUCTIONS FOR SCORING JUDGES

Thank you for participating in the Virginia High School Mock Trial Competition! By volunteering your time, you are furthering the analytical education of Virginia students in four distinct ways:

- Increasing their understanding of the judicial process
- Developing and refining their speaking, listening, writing, and analytical skills
- Encouraging teamwork, cooperation, and respect for fellow teammates, and
- Furthering their understanding of law-related education

Please follow these instructions to provide as close to a uniform experience as possible to our participating teams.

Scoring sheet – You will be provided a scoring sheet for each round. Both teams will present a team roster to you before trial. Please use that roster to fill in the names of all participating team members (either as an attorney or witness). Teams do not have to disclose to each other the order in which they will present witnesses, so do not disclose that information.

The rubric – The competition uses a standard rubric or scoring method to grade team members. The rubric allows for an objective score based on the performance of each team member. Criteria for evaluating performance and factors to consider are provided as guidance. You may deduct points if a team member goes over a time limit without a judge’s permission. You may not award or deduct points based on a team member’s attire or physical issue.

Individual ranking – Rank the top four attorneys and top four witnesses for each round on your ballot. Your rankings will be used to determine individual awards at the end of the competition.

Violation of mock trial rules – If a team reports a rules violation at the conclusion of the trial, the judge may retrieve your scoring sheet and excuse you from the courtroom to conduct a hearing. If the judge finds a violation, he or she will report the violation, the arguments made by each team, and their decision. You may deduct points based on the judge’s decision at your discretion. The same procedure may occur if a rule violation is reported after a round is complete.

Post-trial critique – You are encouraged to participate in a post-trial critique of each team. Please use the constructive critique form as guidance when speaking with our hard-working Virginia students, many of whom find this opportunity highly beneficial if not inspiring!



Virginia Law Related Education Institute

INSTRUCTIONS FOR TEAM SPONSORS AND COACHES

Team sponsors and coaches have a tremendous impact on the development of their teams. Sponsors and coaches should keep in mind that the primary goal of mock trial is to educate students about the law and to develop their analytical thinking and oratory skills. While the competitive aspect of mock trial is fun and engaging, sponsors and coaches should remember that they are responsible for ensuring that their students also learn about civility and fair play.

Virginia High School Mock Trial takes seriously the need for a fair and balanced competition with the goal of educating students. VLRE asks that all team sponsors and coaches keep in mind this helpful list of best and discouraged practices.

Best Practices

- Prepare and duplicate your team roster in advance of the competition (handwritten rosters will not be accepted). Include one roster to be presented at registration. Rosters must include the following information:
 - Team identification number (assigned at registration)
 - Name of team sponsor
 - The name and position of each attorney (opening, closing, cross, etc.), and
 - The name and gender of each witness, including the team member's name
- Encourage all students to treat other teams with respect and courtesy
- Allow students to try new and creative ideas, but veto anything that could be deemed unethical or offensive
- Take notes during rounds to give constructive feedback to students
- Help your team understand what constitutes appropriate courtroom attire, but keep in mind that some students may have limited means

Discouraged Practices

- Do not write or prepare all the material for students – students should be encouraged to do their own work and sponsors should edit and critique material
- Do not yell at or belittle students
- Do not get into arguments with other team sponsors or competition staff
- Do not attempt to communicate with your team during a round unless there is an emergency (this includes nonverbal communication)



Social Media Guide

Promoting the activities and accomplishments of the Virginia Law-Related Education Institute (“VLRE”) allows our partners, donors, attendees, and the community an ability to see the incredible opportunities we provide to our attendees. We encourage social media use as you prepare for and attend the Virginia High School Mock Trial Competition (“VHSMTC”). Follow these guidelines so that we maintain the positive and educational value of this opportunity:

1. Link all mock trial competition-related social media comments directly to VLRE social media accounts. These accounts will be provided to you by a VLRE representative.
2. Please submit posts of your competition preparation. We want to see how much fun you are having at practice, but DO NOT give away your solution or strategy before the event.
3. Please submit posts of your team and its members during the competition, including during rounds. The following rules apply if you are going to submit a post during each round:
 - a. Both teams must both agree to the use of social media before each round and advise the judge of their decision. Photography only by spectators is allowed during all rounds.
 - b. For in-person competitions, team members actively participating in each round may not have electronic devices of any kind in their possession except a stopwatch for team timers.
 - c. You may not post specifics of the trial during the competition. For example,
 - i. You can post “Johnny makes his opening statement to the court!”
 - ii. You cannot post “The other team argued that our witness is lying. Sad!”
 - d. Any violation of these rules will be considered a violation of mock trial rules and are subject to the mock trial rule resolution procedure set forth in the Mock Trial Handbook.
4. The rules of decorum as set forth in the Mock Trial Handbook apply to this policy. Do not use social media to complain, disparage, criticize, or otherwise state a complaint or concern about the VHSMTC. All competition issues should be addressed to the state coordinator.
5. Many school divisions and schools implement policies regarding the use of social media and academic honesty. The VLRE will cooperate with these entities if contacted for information regarding potential rule violations at the VHSMTC.

Enjoy the competition!