

2010 JUDGE RICHARD N. WARE, IV

MEMORIAL STATEWIDE

HIGH SCHOOL

MOCK TRIAL COMPETITION

Handbook and Case Materials

Sponsored by:
Louisiana State Bar Association
Young Lawyers Section Council



This program is financially assisted by the Louisiana Bar Foundation's Interest on Lawyer's Trust Account (IOLTA) program.

THE 2010 MOCK TRIAL CASE

MANUEL RODRIGUEZ

NO. 2010-889

VERSUS

PARISH OF ST. BERNARD

STATE OF LOUISIANA, JAMES P. BUTLER

STATE OF LOUISIANA

*Presented by the
Louisiana Young Lawyers Section
&
Louisiana State Bar Association*

**IN MEMORY OF
JUDGE RICHARD N. WARE, IV
1949-1996**

This competition is dedicated to and named in memory of the Honorable Judge Richard N. Ware, IV. For nearly a decade, Judge Ware assisted the Young Lawyers Section of the Louisiana State Bar Association in the administration of its various public service projects. He was particularly devoted to serving each year as the presiding judge of the final round of the Louisiana Statewide High School Mock Trial Competition. Despite the fact that the competition was held in different parishes around the state and at different times each year, Judge Ware was always willing to clear his calendar and devote many hours to serve as a “real” judge for students who had worked so hard in preparing and presenting their cases. The Young Lawyers Section of the Louisiana State Bar Association dedicates this program to Judge Richard N. Ware, IV in honor and memory of his dedication and efforts throughout the years.

SPECIAL ACKNOWLEDGMENTS

The organizers acknowledge the work of the Regional Coordinators from the eight Louisiana High School Mock Trial Competition Regions. These Coordinators provide the invaluable services of distributing the problem to the participating schools, organizing and running the Regional Competitions, and helping with the State Competition. (This program is financially assisted by the Interest on Lawyer’s Trust Account (IOLTA) Program of the Louisiana Bar Foundation.)

TABLE OF CONTENTS

GENERAL INFORMATION

About the Mock Trial Competition	5
Program Objectives	9
Code of Ethical Conduct	10
Judging the Competition	11
Regional Coordinators	13
Additional Contact Information	14

THE 2010 RULES

Rules of the Competition	15
Rules of Evidence (Mock Trial Version)	26

TEACHING AIDS AND GUIDELINES

Suggestions for Teacher-Coaches	43
Suggestions for Attorney-Coaches	40
Guidelines for Student-Attorneys	45
Guidelines for Student-Witnesses	50
Criteria for Evaluating Performance	

ADDITIONAL INFORMATION

Regional Competition Registration Form	51
State Competition Registration Form	53
Sample Score Sheet	55
Sample Timekeeper Sheet	57

ABOUT THE MOCK TRIAL COMPETITION

GENERAL OVERVIEW

The High School Mock Trial Competition is designed to introduce young people to the art of advocacy, supplement their knowledge of the workings of our court system, and provide them with the opportunity to develop the skills of teamwork and oral presentation. In the state competition, teams from schools across the state are matched against one another in a courtroom setting. They will prepare a case for both the prosecution and the defense and will present their case before a judge and mock jury of Performance Judges at trial.

Each team is comprised of students who will portray each of the principals in a courtroom trial. Some will act as the client whose rights or interests are the subject of the trial or as witnesses whose testimony is a necessary and valuable component of nearly every trial (student-witnesses). Others will portray the lawyers who will present the client's case and enjoy the responsibility of making persuasive legal arguments to the judge (student-attorneys).

MOCK TRIAL PROBLEM DISTRIBUTION AND REGISTRATION

This handbook contains the official materials that each team will need to prepare for the 2010 Louisiana State High School Mock Trial Competition, sponsored and administered by the Young Lawyers Section of the Louisiana State Bar Association.

This handbook will be distributed by the State Coordinator to Regional Coordinators. Thereafter, distribution to the individual schools will be the responsibility of the Regional Coordinators. Any questions regarding distribution of the handbook should be directed to the Regional Coordinator.

SCHOOL ELIGIBILITY AND RESPONSIBILITY

All schools within the State of Louisiana, whether public or private, are eligible to field teams at the regional level of the High School Mock Trial Competition. Only the winning team from each region will be permitted to advance to the State Competition scheduled to take place in Alexandria, Louisiana on **March 20, 2010**.

When a school receives the problem and has compiled a team, it is required to register its team with the Regional Coordinator. The registration form can be found on page 53 of this handbook.

Schools wishing to participate in the competition may enter multiple teams of no less than six and no more than eight students, each headed by one or more teacher-coach(es) and guided by one or more attorney-coach(es).

The schools are responsible for selecting the teacher-coach or coaches and team members (including three student-attorneys, three student-witnesses and two alternates). The schools are also responsible for arranging their teams' transportation to and from the Regional and State Competition sites. Further, each team that has entered in the Louisiana High School Mock Trial Competition is expected to conduct several practice sessions before the Regional Competition.

BAR ASSOCIATION ASSISTANCE

Teams may enlist one or more attorneys of their choice to assist them in preparing for the competition. If a team is unable to enlist an attorney on its behalf, volunteer attorneys will be requested to assist in preparing the teams for trial. If a team wishes to have a volunteer attorney assigned, it should contact the appropriate Regional Coordinator.

REGIONAL COMPETITION

Each participating region will sponsor a Regional Competition and declare the Regional Champion from among the competing high schools. The participating regions (and their respective Regional Coordinators) may be found at page 13 of this handbook. Only the Regional Champion from each region will be invited to compete in the State Competition in Alexandria, Louisiana on March 20, 2010. In the event of an odd number of teams slated for the State Competition, the host region will be invited to send its runner-up team to participate in the State Competition.

STATE COMPETITION

If you become the Regional Champion, please fill out the State Competition Registration Form located on page 54 of this handbook and mail it to the State Coordinator at the address set forth in the section on "Additional Contact Information" within a week of your Regional Competition. The State Coordinator will then send you a schedule of events, itinerary, and hotel information for the State Competition.

Tentatively, the following is planned. Registration will begin for all participating teams on Friday, March 19, 2010, with practice rooms available at a team's request. For teams not registering on Friday, registration will be completed on Saturday prior to the competition. On Saturday there will be three rounds of competition. Every team will participate in round one and

round two, lunch will be provided, then the final two teams will be announced and the final round will be held. Everyone is encouraged to attend the final round. Following the competition, there will be a reception for all participants, guests, and judges, during which awards will be presented to the State Champion, State Runner-Up, Most Outstanding Witness, and Most Outstanding Attorney. Judges will be able to vote on the outstanding witness and attorney awards throughout the competition, as winners of these awards are not limited to the two final teams. In addition, all participating students receive certificates of merit for achieving a place at the State Competition. T-shirts commemorating the event will also be available for purchase.

NATIONAL COMPETITION

The Louisiana State Bar Association Young Lawyers Section has made a commitment to sponsor the winner of the State Competition as Louisiana's representative at the National Mock Trial Competition which will be held in Philadelphia, Pennsylvania on **May 6 – 8, 2010**. This will mark the twenty-fourth year in which the Louisiana State Bar Association Young Lawyers Section has sponsored a Louisiana team in the prestigious National Competition. The Young Lawyers Section is proud to be able to offer this additional opportunity for education enrichment to the State Champion.

Please note that the National Competition problem is different from the State Competition problem. The National problem will be distributed to each of the teams from the numerous states that participate in the National Competition. We will provide a copy of the problem to the State Champion as soon as it is available. An information packet will accompany the problem. Room, meal, and airfare reservations, as well as t-shirt orders will need to be placed with the National Coordinators as soon as possible following the State Competition. If for any reason the Louisiana State High School Mock Trial Champion is unable or unwilling to attend the National Competition, the runner-up will have the opportunity to compete in its place.

We expect that student teams will be asked to register on Thursday, May 6, 2010, and attend a get-to-know-you mixer with the other states' teams. Teams usually trade souvenir items, which they have brought with them, symbolizing their state, such as pins, magnets, and other items bearing the state name. For example, the Louisiana team may give out Mardi Gras beads. Practice rooms are available a few days before the competition begins. The competition lasts from Friday morning through Saturday afternoon. There is an awards banquet on Saturday evening.

Although the Louisiana State Bar Association Young Lawyers Section will register the winning team and its members with the National Tournament and agrees to provide partial funding for transportation and housing, it will be the responsibility of the winning school, school district and individual student's parents to provide the balance of the funding that may be necessary to participate in the National Competition. In previous years, airfare, hotel accommodations, some meals and ground travel have been provided for eight team members, the Teacher-Coach(es) and the Attorney-Coach(es).

PROGRAM OBJECTIVES

For the participating students, the Mock Trial Competition will:

Increase proficiency in fundamental skills including listening, speaking, reading, and reasoning;

Promote confidence in public speaking;

Encourage teamwork;

Further an understanding of the substantive law; and

Provide exposure to the procedure by which our courts have applied the substantive law.

For participating schools, the Mock Trial Competition will:

Promote cooperation and healthy competition among students of various abilities and interests;

Demonstrate the achievement of high school students to the community;

Provide hands-on experience outside the classroom from which students can learn about law, society, and themselves; and

Provide a challenging and rewarding experience for participating teachers.

CODE OF ETHICAL CONDUCT

Students and their teacher-coach should read, understand, and discuss this Code of Ethical Conduct at their first team meeting.

All participants must adhere to the high standards of scholarship expected of students in their academic performance. Plagiarism, defined in Webster's Dictionary as "to steal the words, ideas, etc., of another and use them as one's own," is unacceptable. Students' written work and oral presentation at both the Regional and State Competitions must be their own. The teacher-sponsor is responsible for the team's adherence to these high principles. Suspected violations of this Code will be referred to the teacher-sponsors of the teams involved.

Additionally, students must exhibit good sportsmanship in both victory and defeat in their relations with other teams and individuals. Each team is responsible for its conduct and the conduct of persons associated with that team (friends, relatives, etc.) throughout the competition.

JUDGING THE COMPETITION

GENERAL OVERVIEW

The competition will be comprised of successive rounds wherein a given team will be matched against another team in the presentation of the mock trial problem. At least one Presiding Judge will conduct the trial and at least one Performance Judge will evaluate each team's performance using a scoring sheet. The performance of each student-attorney and each student-witness will be judged on a scale of one to ten, with one being the lowest score and ten being the highest. Each team should review and be familiar with the guidelines the judges are asked to consider in evaluating team and individual performances. A copy of the score sheet and the criteria for scoring are included in this handbook.

Judges have the option to orally critique the performance of each team following the conclusion of each round, but their written comments will not be dispersed. The expression, "beauty is in the eye of the beholder," points out the differences that exist between human perceptions. That same subjective quality is present in the scoring of the Mock Trial. Even with rules and evaluation criteria for guidance, as in "real life," not all judges and attorney-scorers evaluate a performance identically. While the organizers of this competition have done everything possible to ensure consistency in scoring, the competition reflects this "real life" quality that is a part of all human institutions, including legal proceedings.

PERFORMANCE JUDGES

Performance Judges determine which team made the best overall presentation. Depending on how your Regional Competition is set up, the Presiding and Performance Judge may be the same person.

When deciding which team made the best overall presentation, the Performance Judges should consider the performance of all student-witnesses and student-attorneys for both sides. To this end, each Performance Judge is provided a score sheet which he or she will complete as the trial progresses. Each Performance Judge will use a standardized point system to determine which team will advance. If the two Performance Judges select opposite schools as winners, the Presiding Judge will select a winner without regard to the number scores.

Following the State Competition, the score sheet of the school and win/loss record of each school will be mailed to the state final participants. Ranking of state finalists will only be given through third place.

In addition to the score sheet, Performance Judges also will consider the following regarding student-witness presentation:

Whether the student-witness maintains eye contact with the student-attorney, the Presiding Judge, the Performance Judge(s), etc. while on the stand;
Whether the student-witness' testimony appears unrehearsed; and
Whether the student-attorneys or student-witnesses can be heard by the entire court.

Credit should be given to the team which truly had a well-balanced presentation. This team would have its strong points equally distributed among all its student-attorneys and student-witnesses rather than with one student-attorney or student-witness.

**2010 MOCK TRIAL
REGIONAL COORDINATORS**

Region 1:

Susan Eccles
Phelps Dunbar
356 Canal Street, Suite 2000
New Orleans, LA 70130-6534
Telephone: 504-586-9228
Facsimile: 504-568-9130
Susan.eccles@phelps.com

**Orleans, Plaquemines, St. Bernard,
St. Tammany, Tangipahoa, and
Washington**

Region 2:

Kassie Liner Hargis
Law Clerk-Hon. John Walker
7856 Main Street
Houma, LA 70360
Telephone: 985-873-6550
Facsimile: 985-873-6592
khargis@32ndjdc.org

**Assumption, Jefferson, Lafourche,
Terrebonne, St. Charles, St. James,
and St. John the Baptist**

Region 3:

Lindsay Deblois
Davidson, Meaux, Sonnier & McElligott
810 S. Buchanan St.
Lafayette, LA 70501
Telephone: 337-237-1660
Facsimile: (337) 237-3676
ldeblois@davidsonmeaux.com

**Acadia, Iberia, Lafayette, St. Martin,
St. Mary, and Vermilion**

Region 4:

Shayna Sonnier
Hunter & Blazier
1807 Lake Street
Lake Charles, LA 70601
Telephone: 337-436-1600
[ssonier@hunterlaw.com](mailto:ssonnier@hunterlaw.com)

**Allen, Beauregard, Calcasieu,
Cameron, Evangeline, St. Landry,
and Jefferson Davis**

Region 5:

Jason Cashio
Kean Miller
PO Box 3513
Baton Rouge, LA 70821-3513
Telephone: 225-389-3708
jason.cashio@keanmiller.com

**Ascension, East Baton Rouge, West
Baton Rouge, East Feliciana, West
Feliciana, Iberville, Livingston,
Point Coupee, and St. Helena**

Region 6:

George Fine
Provosty, Sadler, deLaunay, Fiorenza & Sobel
P O Drawer 1791
Alexandria, LA 71309
Telephone: 318-445-3631
Facsimile: 318-445-9377
gfine@provosty.com

**Avoyelles, Catahoula, Concordia,
Grant, LaSalle, Natchitoches,
Rapides, Sabine, Vernon, and Winn**

Region 7:

Ashley Burch
McNew, King, Mills, Burch & Landry, LLP
1904 Royal Avenue
Monroe, LA 71201
Telephone: 318-361-3140
ABurch@mkmbllaw.com

**Caldwell, East Carroll, West Carroll,
Franklin, Jackson, Lincoln, Madison,
Morehouse, Ouachita, Richland,
Tensas, and Union**

Region 8:

Scott J. Chaffin, Jr.
Pettiette Armand
400 Texas Street, Suite 400
Post Office Box 1786
Shreveport, LA 71166-1786
Telephone: 318-221-1800
Facsimile: 318-226-0390
schafin@padwbc.com

**Bienville, Bossier, Caddo,
Claiborne, DeSoto, Red River,
and Webster**

ADDITIONAL CONTACT INFORMATION

Louisiana High School Mock Trial Competition Coordinators:

Barbara Bell Melton

Vilar & Elliott, LLC
3709 Masonic Drive
Alexandria, LA 71301
318-442-9533
b.melton@fvelaw.com

Karelia Stewart

Assistant District Attorney
First Judicial District
Caddo Parish, Louisiana
501 Texas Street
Shreveport, La. 71101
318-226-6998 ext. 1023
kstewart@caddoda.com

Rules of the Competition

A. ADMINISTRATION

Rule 1.1 Rules

All trials will be governed by the Rules of the Louisiana High School Mock Trial Championship and the Rules of Evidence (Mock Trial Version). Questions or interpretations of these rules are within the discretion of the Louisiana High School Mock Trial Committee (“Committee”), whose decision is final.

Rule 1.2 Code of Conduct

The Rules of Competition, as well as proper rules of courthouse and courtroom decorum and security, must be followed. The Committee possesses discretion to impose sanctions, up to and including forfeiture or disqualification, for any misconduct occurring while a team is present for the State Championship, flagrant rule violations or breaches of decorum which affect the conduct of a trial or which impugn the reputation or integrity of any team, school, participant, court officer, judge, or the mock trial program.

Rule 1.3 Emergencies

During a trial, the presiding judge shall have discretion to declare an emergency and adjourn the trial for a short period of time to address the emergency.

B. THE PROBLEM

Rule 2.1 The Problem

The problem will be an original fact pattern which may contain any or all of the following: statement of facts, indictment, stipulations, witness statement/affidavits, jury charges, exhibits, etc. Stipulations may not be disputed at trial. Witness statements may not be altered.

The problem shall consist of three witnesses per side, all of whom shall have names and characteristics which would allow them to be played by either males or females. All three of the witness must be called.

Rule 2.2 Witnesses Bound by Statements

Each witness is bound by the facts contained in his/her own witness statement, the Statement of Facts, if present, and/or any necessary documentation relevant to his/her testimony. Fair extrapolations may be allowed, provided reasonable inference may be made from the witness' statement. If, in direct examination, an attorney asks a question which calls for extrapolated information pivotal to the facts at issue, the information is subject to objection under Rule 2.3, "unfair extrapolation." A witness is not bound by facts contained in other witness statements.

Rule 2.3 Unfair Extrapolation

A fair extrapolation is one that is neutral. Unfair extrapolations are best attacked through impeachment and closing arguments and are to be dealt with in the course of the trial.

If a witness is asked information not contained in the witness' statement, the answer must be consistent with the statement and may not materially affect the witness' testimony or any substantive issue of the case.

Attorneys for the opposing team may refer to Rule 2.3 in a special objection, such as "unfair extrapolation" or "This information is beyond the scope of the statement of facts."

Possible rulings by a judge 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. When an attorney objects to an extrapolation, the judge will rule in open court to clarify the course of further proceedings.

Rule 2.4 Gender of Witnesses

All witnesses are gender neutral. Personal pronoun changes in witness statements indicating gender of the characters may be made. Any student may portray the role of any witness of either gender.

Rule 2.5 Voir Dire

Voir Dire examination of a witness is not permitted.

C. TEAMS

Rule 3.1 Team Eligibility

Teams competing in the Louisiana High School Mock Trial State Finals must be comprised of students who participated in the Regional championship team. The Regional Coordinator may designate an alternate team should the Regional championship team be unable to participate, so long as all students on the team are from the same original team. Regions may not enter an “all-star” team. The Committee shall determine what is an “all-star” team, and its determination will be final.

Rule 3.2 Team Composition

Teams consist of eight members assigned to roles representing the prosecution/plaintiff and defense/defendant sides. Only six members may participate in any given round. (See Rule 3.3 for further explanations referring to team participation.) Student timekeepers may be provided by the teams; however, these persons are not considered “official timekeepers” in the tournament. At no time may any team for any reason substitute any other persons for official team members. The Team Roster will become official at the time of on-site registration.

A school may field more than one team. If a school chooses to do so, no substitutions are allowed between teams. In the event that a team is undermanned, the replacement may come from any other student in the school’s student body.

Rule 3.3 Team Presentation

Teams must present both the Prosecution/Plaintiff and Defense/Defendant sides of the case, using six team members in each trial round. For each trial round, teams shall use three students as attorneys and three students as witnesses. Only in the case of an emergency occurring during a round of competition may a team participate with less than six members. In such a case, a team may continue in the competition by making substitutions to achieve a two attorney/three witness composition.

If an emergency causes a team to use less than three attorneys, the team may be penalized by reduction of points for that round or may be caused to forfeit the round, depending upon the nature of the emergency. Final determination of emergency, forfeiture, or scoring record will be made by the Regional Coordinator or the Committee.

Rule 3.4 Team Duties

Team members are to evenly divide their duties. Each of the three attorneys will conduct one direct examination and one cross-examination; in addition, one will present the opening statements and another will present the closing arguments. In other words, the eight attorney duties for each team will be divided as follows:

1. Opening Statements
2. Direct Examination of Witness #1
3. Direct Examination of Witness #2
4. Direct Examination of Witness #3
5. Cross Examination of Witness #1
6. Cross Examination of Witness #2
7. Cross Examination of Witness #3
8. Closing Argument (including Rebuttal) [See Rule 4.5]

Opening Statements must be given by both sides at the beginning of the trial. The attorney who examines a particular witness on direct examination is the only person who may make the objections to the opposing attorney's questions of that witness on cross-examination, and the attorney who cross-examines a witness will be the only one permitted to make objections during the direct examination of that witness.

Each team must call three witnesses. Witnesses may only be called by their own team during their case-in-chief and examined by both sides. Witnesses may not be recalled by either side.

Rule 3.5 Team Roster

Copies of the Team Roster Form must be completed and duplicated by each team prior to arrival at the courtroom for each round of competition. Teams must be identified by the code assigned at registration. No information identifying team origin should appear on the form. Before beginning a trial, the teams must exchange copies of the Team Roster Form. The form should identify the gender of each witness so that reference to such parties will be made in the proper gender. Copies of the Team Roster Form should also be made available to the judging panel and presiding judge before each round.

D. THE TRIAL

Rule 4.1 Courtroom Setting

The Plaintiff/Prosecutor team shall be seated closest to the jury box. No team shall rearrange the courtroom without prior permission of the judge.

Rule 4.2 Stipulations

Stipulations shall be considered part of the record and already admitted into evidence.

Rule 4.3 The Record

Stipulations, the indictment, or the charge to the jury will not be read into the record.

Rule 4.4 Swearing of Witnesses

The following oath may be used before questioning begins:

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

The swearing of witnesses will occur in one of two ways. Either the presiding judge will indicate all witnesses are assumed to be sworn, or the above oath will be conducted by (a) the presiding judge, (b) a bailiff; or (c) the examining attorney. The presiding judge will indicate which method will be used during all rounds of the current year’s tournament. Witnesses may stand or sit during the oath.

Rule 4.5 Trial Sequence and Time Limits

The trial sequence and time limits are as follows:

- | | | |
|----|---------------------------------|------------------------------|
| 1. | Opening Statement | 5 minutes per side |
| 2. | Direct and Redirect Examination | Optional 30 minutes per side |
| 3. | Cross and Recross Examination | Optional 15 minutes per side |
| 4. | Closing Argument | 5 minutes per side |

The Prosecution/Plaintiff gives its opening statement first. The Prosecution/Plaintiff gives its closing argument first; the Prosecution/Plaintiff may reserve a portion of its closing time for a rebuttal. The Prosecution/Plaintiff’s rebuttal is limited to the scope of the Defense’s closing argument.

Attorneys are not required to use the entire time allotted to each part of the trial. Time remaining in one part of the trial may not be transferred to another part of the trial.

Rule 4.6 Timekeeping

Time limits are mandatory and will be enforced. Each team is permitted to have its own timekeeper and timekeeping aids; however, an official timekeeper will be assigned to each trial.

Time for objections, extensive questioning from the judge, or administering the oath will not be counted as part of the allotted time during examination of witnesses and opening and closing statements. Time does not stop for introduction of exhibits.

Rule 4.7 Time Extensions

The presiding judge has sole discretion to grant time extensions. If time has expired and an attorney continues without permission from the Court, the scoring judges may determine individually whether or not to discount points in a category because of over-runs in time.

Rule 4.8 Motions Prohibited

No motions may be made.

Rule 4.9 Sequestration

Teams may not invoke the rule of sequestration.

Rule 4.10 Bench Conferences

Bench conferences may be granted at the discretion of the presiding judge, but should be made from the counsel table in the educational interest of handling all matters in open court.

Rule 4.11 Supplemental Material/Costuming

Teams may refer only to materials included in the trial packet. No illustrative aids of any kind may be used, unless provided in the case packet. No enlargements of the case materials will be permitted. Absolutely no props or costumes are permitted unless authorized specifically in the case materials. Costuming is defined as hairstyles, clothing, accessories, and makeup which are case specific.

The only documents which the teams may present to the presiding judge or scoring panel are the individual exhibits as they are introduced into evidence and the team roster forms. Exhibit notebooks are not to be provided to the presiding judge or scoring panel.

Rule 4.12 Trial Communication

Coaches, teachers, alternates and observers shall not talk to, signal, communicate with, or coach their teams during the trial. This rule remains in force during any emergency recess which may occur. Team members may, among themselves, communicate during the trial; however, no disruptive communication is allowed. Signaling of time by the teams' timekeepers shall not be considered a violation of this rule.

Coaches, teachers, alternates and observers must remain outside the bar in the spectator section of the courtroom. Only team members participating in this round may sit inside the bar and communicate with each other.

Rule 4.13 Viewing a Trial

Team members, alternates, attorney/coaches, teacher-sponsors, and any other persons directly associated with a mock trial team, except for those authorized by the Committee, are not allowed to view other teams' performances in the State competition, so long as their team remains in the competition.

Rule 4.14 Videotaping/Photography

Any team has the option to refuse participation in videotaping, tape recording, and still photography by opposing teams. Media coverage will be allowed by the two teams in the championship round.

Rule 4.15 Jury Trial

The case will be tried to a jury; arguments are to be made to judge and jury. Teams may address the scoring judges as the jury.

Rule 4.16 Standing During Trial

Unless excused by the judge, attorneys will stand while giving opening and closing statements, during direct and cross examinations, and for all objections.

Rule 4.17 Objections During Opening Statement/Closing Argument

No objections may be raised during opening statements or during closing arguments. If a team believes an objection would have been proper during the opposing team's opening statement or closing argument, one of its attorneys may, following the opening statement or closing argument, stand to be recognized by the judge and may say, "If I had been permitted to object during closing arguments, I would have objected to the opposing team's statement that _____." The presiding judge will not rule on the "objection." Presiding and scoring judges will weigh the "objection" individually. No rebuttal by opposing team will be heard.

Rule 4.18 Objections

1. **Argumentative Questions:** An attorney shall not ask argumentative questions. However, the court may, in its discretion, allow limited use of argumentative questions on cross examination.
2. **Lack of Proper Predicate/Foundation:** Attorneys shall lay a proper foundation prior to moving for the admission of evidence. After the exhibit has been offered into evidence, the exhibit may still be objected to on other grounds.
3. **Assuming Facts Not in Evidence:** Attorneys may not ask a question that assumes unproved facts. However, an expert witness may be asked a question based upon stated assumptions, the truth of which is reasonably supported by evidence (sometimes called a "hypothetical question").
4. **Questions Calling for Narrative or General Answer:** Questions must be stated so as to call for specific answer. (Example of improper question: "Tell us what you know about this case.")

5. Non-Responsive Answer: A witness' answer is objectionable if it fails to respond to the question asked.
6. Repetition: Questions designed to elicit the same testimony or evidence previously presented in its entirety are improper if merely offered as a repetition of the same testimony or evidence from the same or similar source.

Teams are not precluded from raising additional objections which are available under the Rules of Evidence (Mock Trial Version).

Rule 4.19 Reserved.

Rule 4.20 Procedure for Introduction of Exhibits

As an example, the following steps effectively introduce evidence:

1. All evidence will be pre-marked as exhibits.
2. Ask for permission to approach the bench. Show the presiding judge the marked exhibit. "Your honor, may I approach the bench to show you what has been marked as Exhibit No. ___?"
3. Show the exhibit to opposing counsel.
4. Ask for permission to approach the witness. Give the exhibit to the witness.
5. "I now hand you what has been marked as Exhibit No. ___ for identification."
6. Ask the witness to identify the exhibit. "Would you identify it please?"
7. Witness answers with identification only.
8. Offer the exhibit into evidence. "Your Honor, we offer Exhibit No. ___ into evidence at this time. The authenticity of this exhibit has been stipulated."
9. Court: "Is there an objection?" If opposing counsel believes a proper foundation has not been laid, the attorney should be prepared to object at this time.
10. Opposing Counsel: "No, your Honor." or "Yes, your Honor." If the response is "yes", the objection will be stated on the record. Court: "Is there any response to the objection?"
11. Court: "Exhibit No. ___ is/is not admitted."

Rule 4.21 Use of Notes

Attorneys may use notes in presenting their cases. Witnesses are not permitted to use notes while testifying during the trial. Attorneys may consult with each other at counsel table verbally or through the use of notes.

Rule 4.22 Redirect/Recross

Redirect and Recross examinations are permitted, provided they conform to the restrictions in Rule 611(d) in the Rules of Evidence (Mock Trial Version).

Rule 4.23 Scope of Closing Arguments

Closing Arguments must be based on the actual evidence and testimony presented during the trial.

Rule 4.24 The Critique

The judging panel is allowed 10 minutes for debriefing. The timekeeper will monitor the critique following the trial. Presiding judges are to limit critique sessions to a combined total of ten minutes. There is no critique in the championship round. Judges shall not make a ruling on the legal merits of the trial. Judges may not inform the students of score sheet results.

Rule 4.25 Offers of Proof

No offers of proof may be requested or tendered.

E. JUDGING AND TEAM ADVANCEMENT**Rule 5.1 Finality of Decisions**

All decisions of the judging panel are final.

Rule 5.2 Composition of Judging Panels

The judging panel will consist of at least three individuals. The composition of the judging panel and the role of the presiding judge will be at the discretion of the Regional Coordinator or the Committee, with the same format used throughout the competition, as follows:

1. One presiding judge and two scoring judges (all three of whom complete score sheets); or
2. One presiding judge and three scoring judges (scoring judges only complete score sheets); or
3. One presiding judge and two scoring judges (scoring judges only complete score sheets and presiding judge completes a form which selects only the winner and does not assign point totals for either team).

The scoring judges may be persons with substantial mock trial coaching or scoring experience or attorneys. Each scoring panel shall include at least one attorney. The presiding judge shall be an attorney. At the discretion of the Regional Coordinator or Committee, the Championship round may have a larger panel. All presiding and scoring judges shall receive the mock trial manual, a memorandum outlining the case orientation materials, and a briefing in a judges' orientation.

Rule 5.3 Score Sheets/Ballots

The term “ballot” will refer to the decision made by a scoring judge as to which team made the best presentation in the round. The term “score sheet” is used in reference to the form on which speaker and team points are recorded. Score sheets are to be completed individually by the scoring judges. Scoring judges are not bound by the rulings of the presiding judge. The team that earns the highest points on an individual judge’s score sheet is the winner of that ballot. The team that receives the majority of the three ballots wins the round. The ballot votes determine the win/loss record of the team for power-matching and ranking purposes. While the judging panel may deliberate on any special awards (i.e., Outstanding Attorney/Witness) the judging panel should not deliberate on individual scores.

Rule 5.4 Completion of Score Sheets

Each scoring judge shall record a number of points (1-10) for each presentation of the trial. At the end of the trial, each scoring judge shall total the sum of each team’s individual points to arrive at the team’s total score.

Rule 5.5 Team Advancement

Teams will be ranked based on the following criteria in the order listed:

1. At the Regional Competition the method of advancement will be dictated by the number of teams participating.
2. All teams must compete in at least 2 rounds.
3. At the State Competition all teams will compete in at least 2 rounds, winners in each round will be matched against winners in the previous round.

Rule 5.6 Selection of Sides for Championship Round

In determining which team will represent which side in the Championship Round, the following procedure shall be used:

1. The team with the letter/numerical code which comes first will be considered the “Designated Team.”
2. The coin will be tossed by a designee of the Regional Coordinator or the Committee.
3. If the coin comes up heads, the Designated Team shall represent the plaintiff/prosecution in the Championship Round. If the coin comes up tails, the Designated Team shall represent the defendant.

Rule 5.7 Effect of Bye/Default

A “bye” becomes necessary when an odd number of teams are present for the tournament. For the purpose of advancement and seeding, when a team draws a bye or wins by default, the team for that round will be given a win. The Regional Coordinator or the Committee

may, if time and space allow, arrange for a “bye round” to allow teams drawing a bye to compete against one another in order to earn a true score. The Regional Coordinator or the Committee has the discretion on how to handle a bye in all rounds of the tournament.

F. DISPUTE RESOLUTION

Rule 6.1 Reporting a Rules Violation Inside the Bar

Disputes which involve students competing in a round and occur within the bar must be filed immediately following the conclusion of that trial round. Disputes must be brought to the attention of the presiding judge at the conclusion of the trial.

If any team believes that a substantial rules violation has occurred, one of its student-attorneys must indicate that the team intends to file a dispute. The scoring panel will be excused from the courtroom, and the presiding judge will provide the student-attorney with a dispute form on which the student will record in writing the nature of the dispute. The student may communicate with counsel and/or student witnesses before lodging the notice of dispute or in preparing the form.

At no time in this process may team sponsors or coaches communicate or consult with the student-attorneys. Only student-attorneys may invoke the dispute procedure.

Rule 6.2 Dispute Resolution Procedure

The presiding judge will review the written dispute and determine whether the dispute should be heard or denied. If the dispute is denied, the judge will record the reasons for this, announce her/his decision to the Court, retire to complete his/her score sheet (if applicable), and turn the dispute form in with the score sheets. If the judge feels the grounds for the dispute merit a hearing, the form will be shown to opposing counsel for their written response.

After the team has recorded its response and transmitted it to the judge, the judge will ask each team to designate a spokesperson. After the spokespersons have had time (not to exceed three minutes) to prepare their arguments, the judge will conduct a hearing on the dispute, providing each team’s spokesperson three minutes for a presentation. The spokespersons may be questioned by the judge. At no time in this process may team sponsors or coaches communicate or consult with the student-attorneys.

After the hearing, the presiding judge will adjourn the court and retire to consider her/his ruling on the dispute. That decision will be recorded in writing on the dispute form, with no further announcement.

Rule 6.3 Effect of Violation on Score

If the presiding judge determines that a substantial rules violation has occurred, the judge will inform 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 decisions. The dispute may or may not affect the final decision, but the matter will be left to the discretion of the scoring judges.

Rule 6.4 Reporting of Rules Violations Outside the Bar

Disputes which occur outside the bar only during a trial round may be brought by teacher or attorney-coaches exclusively. Such disputes must be made promptly to a trial coordinator or a member of the Committee, who will ask the complaining party to complete a dispute form. The form will be taken to the tournament's communications center, whereupon a dispute resolution panel will (a) notify all pertinent parties; (b) allow time for a response, if appropriate; (c) conduct a hearing; and (d) rule on the charge. The dispute resolution panel may notify the judging panel of the affected courtroom of the ruling on the charge or may assess an appropriate penalty. The dispute resolution panel will be comprised of individuals designated by the Regional Coordinator or the Committee.

RULES OF EVIDENCE

(Mock Trial Version)

In Louisiana trials, complex rules are used to govern the admission of proof (i.e. oral or physical evidence). These rules are designed to ensure that all parties receive a fair hearing and to exclude evidence deemed irrelevant, incompetent, untrustworthy, unduly prejudicial, or otherwise improper. If it appears that a rule of evidence is being violated, an attorney may raise an objection to the judge. The judge then decides whether the rule has been violated and whether the evidence must be excluded from the record of the trial. In the absence of a properly made objection, however, the evidence will probably be allowed by the judge. The burden is on the mock trial team to know the Rules of Evidence (Mock Trial Version) and to be able to use them to protect the client and fairly limit the actions of opposing counsel and their witnesses.

For purposes of mock trial competition, the Rules of Evidence have been modified and simplified. They are based on the Federal and Louisiana Rules of Evidence and their numbering systems. Where rule numbers or letters are skipped, those rules were not deemed applicable to mock trial procedure.

Not all judges will interpret the Rules of Evidence (or the Rules of Procedure) the same way, and mock trial attorneys should be prepared to point out specific rules (quoting, if

necessary) and to argue persuasively for the interpretation and application of the rule they think appropriate.

Article I. GENERAL PROVISIONS

Rule 101. Scope

These Rules of Evidence (Mock Trial Version) govern the trial proceedings of the Louisiana High School Mock Trial Competition.

Rule 102. Purpose and Construction

These Rules are intended to secure fairness in administration of the trials, eliminate unjust delay, and promote the laws of evidence so that the truth may be ascertained.

Article II. JUDICIAL NOTICE

Not Applicable.

Article III. PRESUMPTIONS IN CIVIL ACTIONS AND PROCEEDINGS

Rule 301. Presumptions in General Civil Actions and Proceedings

In all civil actions and proceedings ... a presumption imposes on the party against whom it is directed the burden of going forward with evidence to rebut or meet the presumption, but does not shift to such party the burden of proof in the sense of risk of non-persuasion, which remains throughout the trial upon the party on whom it was originally cast.

Article IV. RELEVANCY AND ITS LIMITS

Rule 401. Definition of “Relevant Evidence”

“Relevant Evidence” means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

Rule 402. Relevant Evidence Generally Admissible: Irrelevant Evidence Inadmissible

Relevant evidence is admissible, except as otherwise provided in these Rules. Irrelevant evidence is not admissible.

Rule 403. Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, or Waste of Time

Although relevant, evidence may be excluded if its probative value is outweighed by the danger of unfair prejudice, if it confuses the issues, if it is misleading, or if it causes undue delay, wastes time, or is a needless presentation of cumulative evidence.

Rule 404. Character Evidence Not Admissible to Prove Conduct; Exceptions; Other Crimes

- (a) Character Evidence — Evidence of a person’s character or character trait is not admissible to prove action regarding a particular occasion, except:
 - (1) Character of Accused — Evidence of a pertinent character trait offered by an accused, or by the prosecution to rebut same;
 - (2) Character of Victim — Evidence of a pertinent character trait of the victim of the crime offered by an accused, or by the prosecution to rebut same, or evidence of a character trait of peacefulness of the victim offered by the prosecution in a homicide case to rebut evidence that the victim was the aggressor;
 - (3) Character of Witness — Evidence of the character of a witness as provided in Rules 607, 608, and 609
- (b) Other crimes, wrongs or acts — Evidence of other crimes, wrongs, or acts is not admissible to prove character of a person in order to show an action conforms to character. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

Rule 405. Methods of Proving Character

- (a) Reputation or Opinion — In all cases where evidence of character or a character trait is admissible, proof may be made by testimony as to reputation or in the form of an opinion. On cross-examination, questions may be asked regarding relevant, specific conduct.
- (b) Specific Instances of Conduct — In cases where character or a character trait is an essential element of a charge, claim, or defense, proof may also be made of specific instances of that person’s conduct.

Rule 406. Habit; Routine Practice

Evidence of the habit of a person or the routine practice of an organization, whether corroborated or not and regardless of the presence of eye-witnesses, is relevant to prove that the conduct of the person or organization, on a particular occasion, was in conformity with the habit or routine practice.

Rule 407. Subsequent Remedial Measures

When measures are taken after an event which, if taken before, would have made the event less likely to occur, evidence of the subsequent measures is not admissible to prove negligence or culpable conduct in connection with the event. This rule does not require the exclusion of evidence of subsequent measures when offered for another purpose, such as proving ownership, control, or feasibility of precautionary measures, if controverted, or impeachment.

Rule 408. Compromise and Offers to Compromise

Evidence of furnishing or offering or promising to furnish, or accepting or offering or promising to accept, a valuable consideration in compromising or attempting to compromise a claim which was disputed as to either validity or amount, is not admissible to prove liability for or invalidity of the claim or amount. Evidence of conduct or statements made in compromise negotiations is likewise not admissible. This rule does not require exclusion when the evidence is offered for another purpose, such as providing bias or prejudice of a witness, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

Rule 410. Inadmissibility of Pleas, Plea Discussions, and Related Statement

Except as otherwise provided in this Rule, evidence of the following is not, in any civil or criminal proceeding, admissible against a defendant who made the plea or was a participant in the plea discussion.

- (1) A plea of guilty which was later withdrawn;
- (2) A plea of *nolo contendere*;
- (3) Any statement made in the course of any proceeding under Rule 11 of the Rules of Criminal Procedure or comparable state procedure regarding either of the forgoing pleas; or
- (4) Any statement made in the course of plea discussions with an attorney for the prosecuting authority which do not result in a plea of guilty or which result in a plea of guilty which is later withdrawn.

However, such a statement is admissible

- (1) In any proceeding wherein another statement made in the course of the same plea or plea discussions has been introduced and the statement ought, in fairness, be considered with it, or
- (2) In a criminal proceeding for perjury or false statement if the statement was made by the defendant under oath, on the record and in the presence of counsel.

Rule 411. Liability Insurance (Civil Cases Only)

Evidence that a person was or was not insured against liability is not admissible upon the issue whether the person acted negligently or otherwise wrongfully. This rule does not require the exclusion of evidence of insurance against liability when offered for another purpose, such as proof of agency, ownership, or control, or bias or prejudice of a witness.

Article V. PRIVILEGES

Rule 501. General Rule

There are certain admissions and communications excluded from evidence on grounds of public policy. Among these are:

- (1) Communications between husband and wife;
- (2) Communications between attorney and client;
- (3) Communications among grand jurors;
- (4) Secrets of state; and
- (5) Communications between psychiatrist and patient.

Article VI. WITNESSES

Rule 601. General Rule of Competency

Every person is competent to be a witness.

Rule 602. Lack of Personal Knowledge

A witness may not testify to a matter unless the witness has personal knowledge of the matter. Evidence to prove personal knowledge may, but need not, consist of the witness' own testimony. This rule is subject to the provisions of Rule 703, related to opinion testimony by expert witnesses.

Rule 607. Who may Impeach

The credibility of a witness may be attacked by any party, including the party calling the witness.

Rule 608. Evidence of Character and Conduct of Witness

- (a) Opinion and reputation evidence of character — The credibility of a witness may be attacked or supported by evidence in the form of opinion or reputation, but subject to these limitations:
 - (1) The evidence may refer only to character for truthfulness or untruthfulness, and

- (2) Evidence of truthful character is admissible only after the character of the witness for truthfulness has been attacked by opinion or reputation evidence, or otherwise.
- (b) Specific instances of conduct — Specific instances of the conduct of a witness, for the purpose of attacking or supporting the witness' credibility, other than conviction of crime as provided in Rule 609, may not be proved by extrinsic evidence. They may, however, in the discretion of the Court, if probative of truthfulness or untruthfulness, be asked on cross-examination of the witness
- (1) Concerning the witness' character for truthfulness or untruthfulness, or
 - (2) Concerning the character for truthfulness or untruthfulness of another witness as to which character the witness being cross-examined has testified.

Testimony, whether by an accused or by any other witness, does not operate as a waiver of the accuser's or the witness' privilege against self-incrimination with respect to matters related only to credibility.

Rule 609. Attacking Credibility by Evidence of Conviction of Crime in Civil Cases

- A. General Civil Rule — For the purposes of attacking the credibility of a witness in civil cases, no evidence of the details of the crime of which he was convicted is admissible. However, evidence of the name of the crime of which he was convicted and the date of conviction is admissible if the crime:
- (1) Was punishable by death or imprisonment in excess of six months under the law under which he was convicted, and
 - (2) Involved dishonesty or false statement regardless of the punishment.
- B. Time Limit — evidence of a conviction under this Article is not admissible if a period of more than ten years has elapsed since the date of the conviction.
- C. Effect of pardon or annulment — Evidence of a conviction is not admissible under this Article if the conviction has been the subject of a pardon, annulment, or other equivalent procedure explicitly based on a finding of innocence.
- D. Juvenile Adjudications — The pendency of an appeal there from does not render evidence of a conviction inadmissible. When evidence of a conviction is admissible, evidence of the pendency of an appeal is also admissible.

- E. Arrest, Indictment, or Prosecution — Evidence of the arrest, indictment, or prosecution of a witness is not admissible for the purpose of attacking his credibility.

Rule 609.1. Attacking Credibility by Evidence of Conviction of Crime in Criminal Cases

- A. General Criminal Rule — In a criminal case, every witness by testifying subjects himself to examination relative to his criminal convictions, subject to limitations set forth below.
- B. Convictions — Generally, only offenses for which the witness has been convicted are admissible upon the issue of his credibility, and no inquiry is permitted into matters for which there has only been an arrest, the issuance of an arrest warrant, an indictment, a prosecution, or an acquittal.
- C. Details of Convictions — Ordinarily, only the fact of a conviction, the name of the offense, the date thereof, and the sentence imposed is admissible. However, details of the offense may become admissible to show the true nature of the offense:
 - (1) When the witness has denied the conviction or denied recollection thereof;
 - (2) When the witness has testified to exculpatory facts or circumstances surrounding the conviction; or
 - (3) When the probative value thereof outweighs the danger of unfair prejudice, confusion of the issues, or misleading the jury.
- D. Effect of Pending Post-Conviction Relief Procedures — The pendency of an appeal of other post-conviction relief procedures does not render the conviction inadmissible, but may be introduced as bearing upon the weight to be given the evidence of the conviction.
- E. Effect of Pardon or Annulment — When a pardon or annulment, based upon a finding of innocence, has been granted, evidence of that conviction is not admissible to attack the credibility of the witness.
- F. Juvenile Adjudications — Evidence of juvenile adjudications of delinquency is generally not admissible under this Article, except for use in proceedings brought pursuant to the habitual offender law, R. S. 15:529.1.

Rule 610. Religious Beliefs or Opinions

Evidence of the beliefs or opinions of a witness on matters of religion is not admissible for the purpose of showing that by reason of their nature the witness' credibility is impaired or enhanced.

Rule 611. Mode and Order of Interrogation and Presentation

- A. Control by Court — The Court shall exercise reasonable control over questioning of witnesses and presenting evidence so as to
 - (1) Make the questioning and presentation effective for ascertaining the truth,
 - (2) Avoid needless use of time, and
 - (3) Protect witnesses from harassment or undue embarrassment.
- B. Scope of Cross-Examination — The scope of cross examination 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 that can be drawn from those facts and matters, and may inquire into any omissions from the witness statement that are otherwise material and admissible.
- C. Leading Questions — Leading questions should not be used on direct examination of a witness (except as may be necessary to develop the witness' testimony). Ordinarily, leading questions are permitted on cross examination. When a party calls a hostile witness, an adverse party, or a witness identified with an adverse party, leading questions may be used.
- D. Redirect/Recross — After cross-examination, additional questions may be asked by the direct examining attorney, but questions must be limited to matters raised by the attorney on cross-examination. Likewise, additional questions may be asked by the cross examining attorney on Recross, but such questions must be limited to matters raised on redirect examination and should avoid repetition.

Rule 612. Writing Used to Refresh Memory

If a written statement is used to refresh the memory of a witness either while or before testifying, the Court shall determine that the adverse party is entitled to have the writing produced for inspection. The adverse party may cross examine the witness on the material and introduce into evidence those portions which relate to the testimony of the witness.

Rule 613. Prior Statements of Witnesses

- A. Examining Witness Concerning Prior Statement — In examining a witness concerning a prior statement made by the witness, whether written or not, the statement need not be shown nor its contents disclosed to the witness at that time, but on request the same shall be shown or disclosed to opposing counsel.
- B. Extrinsic Evidence of Prior Inconsistent Statement of Witness — Extrinsic evidence of a prior inconsistent statement by a witness is not admissible unless the witness is afforded an opportunity to explain or deny the same and the opposite party is afforded an opportunity to interrogate.

Article VII. OPINIONS AND EXPERT TESTIMONY

Rule 701. Opinion Testimony by Lay Witness

If the witness is not testifying as an expert, the witness' testimony in the form of opinions or inferences is limited to those opinions or inferences which are rationally based on the perception of the witness and helpful to a clear understanding of the witness' testimony or the determination of a fact in issue.

Rule 702. Testimony by Experts

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify in the form of an opinion or otherwise.

Rule 703. Bases of Opinion Testimony by Experts

The facts or data upon which an expert bases an opinion may be those perceived by or made known to the expert at or before the hearing. If of a type reasonably relied upon by experts in the field in forming opinions or inferences, the facts or data need not be admissible in evidence.

Rule 704. Opinion on Ultimate Issue

Opinion or inference testimony otherwise admissible is not objectionable because it embraces an issue to be decided by the trier of fact.

Rule 705. Disclosure of Facts or Data Underlying Expert Opinion

The expert may testify in terms of opinion or inference and give reasons therefore without prior disclosure of the underlying facts or data, unless the Court requires otherwise. The expert in any event may be required to disclose the underlying facts or data on cross examination.

Article VIII. HEARSAY

Rule 801. Definitions

The following definitions apply under this article:

- A. Statement — A “statement” is an oral or written assertion or nonverbal conduct of a person, if it is intended by the person as an assertion.
- B. Declarant — A “declarant” is a person who makes a statement.
- C. Hearsay — “Hearsay” is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.
- D. Statements which are not hearsay — A statement is not hearsay if:
 - (1) Prior statement by witness — The declarant testifies at the trial or hearing and is subject to cross examination concerning the statement and the statement is
 - (a) Inconsistent with the declarant’s testimony, and was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition; or
 - (b) Consistent with the declarant’s testimony and is offered to rebut an express or implied charge against the declarant of recent fabrication or improper influence or motive; or
 - (c) One of identification of a person made after previewing the person; or
 - (2) Admission by a party-opponent — The statement is offered against a party and is
 - (a) The party’s own statement in either an individual or a representative capacity; or
 - (b) A statement of which the party has manifested an adoption or belief in its truth; or
 - (c) A statement by a person authorized by the party to make a statement concerning the subject; or
 - (d) A statement by the party’s agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship; or

- (e) A statement by a co-conspirator of a party during the course in furtherance of the conspiracy.

Rule 802. Hearsay Rule

Hearsay is not admissible, except as provided by these rules.

Rule 803. Hearsay Exceptions, Availability of Declarant Immaterial

The following are not excluded by the hearsay rule, even though the declarant is available as a witness.

1. **Present Sense Impression** — A statement describing or explaining an event or condition made while the declarant was perceiving the event or condition or immediately thereafter.
2. **Excited Utterance** — A statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.
3. **Existing Mental, Emotional, or Physical Conditions** — A statement of the declarant's then existing state of mind, emotion, sensation, or physical condition (such as intent, plan, motive, design, mental feeling, pain, and bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the execution, revocation, identification, or terms of declarant's will.
4. **Statements for Purposes of Medical Treatment and Medical Diagnosis** — Statements made for purposes of medical treatment and medical diagnosis in connection with treatment and describing medical history, or past or present symptoms, pain, or sensations, or the inception or general character of the cause or external source thereof insofar as reasonably pertinent to treatment or diagnosis in connection with treatment.
5. **Recorded Recollection** — A memorandum or record concerning a matter about which a witness once had knowledge but now has insufficient recollection to enable the witness to testify fully and accurately, shown to have been made or adopted by the witness when the matter was fresh in the witness' memory and to reflect that knowledge correctly.

8. **Public Records and Reports**

- A. Records, reports, statements, or data compilations, in any form, of a public office or agency setting forth:
 - i. Its regularly conducted and regularly recorded activities;
 - ii. Matters observed pursuant to duty imposed by law as to which there was a duty to report; or
 - iii. Factual findings resulting from an investigation made pursuant to authority granted by law. Factual findings are conclusions of fact reached by a governmental agency and may be based upon information furnished to it by persons other than agents and employees of that agency.
- B. Except as specifically provided otherwise by legislation, the following are excluded from this exception to the hearsay rule:
 - i. Investigative reports by police and other law enforcement personnel.
 - ii. Investigative reports prepared by or for any government, public office, or public agency when offered by that or any other government, public office, or public agency in a case in which it is a party.
 - iii. Factual finding offered by the prosecution in a criminal case.
 - iv. Factual findings resulting from investigation of a particular complaint, case, or incident, including an investigation into the facts and circumstances on which the present proceeding is based or an investigation into a similar occurrence or occurrences.

9. **Records of Vital Statistics** — Records or data compilations, in any form, of birth legitimization, adoption, or death, including fetal birth, still birth, and abortion, of marital status, including divorce and annulment, if the report thereof was made to a public office pursuant to requirements of law, and any record included within the Louisiana Vital Statistics Law.

18. **Learned Treatises** — To the extent called to the attention of an expert witness upon cross examination or relied upon by the expert witness in direct examination, statements contained in published treatises, periodicals, or

pamphlets on a subject of history, medicine, or other science or art, established as a reliable authority by the testimony or admission of the witness or by other expert testimony or by judicial notice.

21. **Reputation as to Character** — Reputation of a person’s character among associates or in the community.

22. **Judgment of Previous Conviction** — Evidence of a judgment finding a person guilty of a crime punishable by death or imprisonment in excess of one year, to prove any fact essential to sustain the judgment, but not including, when offered by the Government in a criminal prosecution for purposes other than impeachment, judgments against persons other than the accused.

24. **Testimony as to Age** — A witness’ testimony as to his own age.

Rule 804. Hearsay Exceptions; Declarant Unavailable

A. Definition of Unavailability. — Except as otherwise provided by this Code, a declarant is “unavailable as a witness” when the declarant cannot or will not appear in court and testify to the substance of his statement made outside of court.

This includes situations in which the declarant:

- (1) Is exempted by ruling of the court on the ground of privilege from testifying concerning the subject matter of his statement;
- (2) Persists in refusing to testify concerning the subject matter of his statement despite an order of the court to do so;
- (3) Testifies to a lack of memory of the subject matter of his statement;
- (4) Is unable to be present or to testify at the hearing because of death or then existing physical or mental illness, infirmity, or other sufficient cause; or
- (5) Is absent from the hearing and the proponent of his statement has been unable to procure his attendance by process or other reasonable means. A declarant is not unavailable as a witness if his exemption, refusal, claim of lack of memory, inability, or absence is due to the procurement or wrongdoing of the proponent of his statement for the purpose of preventing the witness from attending or testifying.

B. Hearsay Exceptions — The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

- (1) **Former Testimony** — Testimony given as a witness at another hearing of the same or a different proceeding, if the party against whom the testimony is now offered, or, in a civil action or proceeding, a party with a similar interest, had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination. Testimony given in another proceeding by an expert witness in the form of opinions of inference, however, is not admissible under this exception.
- (2) **Statement Under Belief of Impending Death** — A statement made by a declarant while believing that his death was imminent, concerning the cause or circumstances of what he believed to be his impending death.
- (3) **Statement Against Interest** — A statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far tended to subject him to civil or criminal liability, or to render invalid a claim by him against another, that a reasonable man in his position would not have made the statement unless he believed it to be true. A statement tending to expose the declarant to criminal liability and offered to exculpate the accused is not admissible unless corroborating circumstances clearly indicate the trustworthiness of the statement.
- (4) **Statement of Personal or Family History**
 - (a) A statement, made before the controversy, concerning the declarant's own birth, adoption, marriage, divorce, legitimacy, relationship by blood, adoption, or marriage, ancestry, or other similar fact of personal or family history, even though declarant had no means of acquiring personal knowledge of the matter stated; or
 - (b) A statement, made before the controversy, concerning the foregoing matters and death also, of another person, if the declarant was related to the other by blood, adoption, or marriage or was so intimately associated with the other's family as to be likely to have accurate information concerning the matter declared.
- (5) **Repealed by Acts 1995, No. 1300, §2.**

- (6) **Complaint of Sexually Assaultive Behavior** — A statement made by a person under the age of twelve years and the statement is one of initial or otherwise trustworthy complaint of sexually assaultive behavior.

Rule 805. Hearsay Within Hearsay

Hearsay included within hearsay is not excluded under the hearsay rule if each part of the combined statement conforms with an exception to the hearsay rule provided in these rules.

Rule 806. Attacking and Supporting Credibility of Declarant

When a hearsay statement has been admitted, the credibility of the declarant may be attacked and supported by any evidence which would be admissible for those purposes if declarant had testified as a witness. Evidence of a statement or conduct by the declarant, inconsistent with the declarant's hearsay statement, is not subject to any requirement that the declarant may have been afforded an opportunity to deny or explain. If the party against whom a hearsay statement has been admitted calls the declarant as a witness, the party is entitled to examine the declarant on the statement as if under cross examination.

Article X. CONTENTS FOR WRITINGS, RECORDINGS AND PHOTOGRAPHS

Rule 1001. Definitions

For purposes of the Chapter, the following definitions are applicable:

- (1) Writings and Recordings — “Writings” and “recordings” consist of letters, words, numbers, sounds, or their equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic impulse, mechanical or electronic recording, or other form of data compilation.

- (3) Original — An “original” of a writing or recording is the writing or recording itself or any counterpart intended to have the same effect by a person executing or issuing it.

- (5) Duplicate — A “duplicate” is a counterpart produced by the same impression as the original, ... which accurately reproduces the original.

Rule 1002. Requirement of Original

To prove the content of a writing, recording, or photograph, the original writing, recording, or photograph is required, except as otherwise provided by this Code or other legislation.

Rule 1003. Admissibility of Duplicates

A duplicate is admissible to the same extent as an original unless:

- (1) A genuine question is raised as to the authenticity of the original;
- (2) In the circumstances it would be unfair to admit the duplicate in lieu of the original; or
- (3) The original is a testament offered for probate, a contract on which the claim or defense is based, or is otherwise closely related to a controlling issue.

Rule 1004. Admissibility of other evidence of contents

The original is not required, and other evidence of the contents of a writing, recording, or photograph is admissible if:

- (1) Originals Lost or Destroyed — All originals are lost or have been destroyed, unless the proponent lost or destroyed them in bad faith.
- (2) Original not Obtainable — No original can be obtained by any available judicial process or procedure.
- (3) Original in Possession of Opponent — At a time when an original was under the control of the party against whom offered, he was put on notice, by the pleadings or otherwise, that the contents would be subject of proof at the hearing, and he does not produce the original at the hearing.
- (4) Collateral Matters — The writing, recording, or photograph is not closely related to a controlling issue.
- (5) Impracticality of Producing Original — The original, because of its location, permanent fixture, or otherwise, cannot as a practical matter be produced in court; or the cost or other consideration to be incurred in securing the original is prohibitive and it appears that a copy will serve the evidentiary purpose.

Rule 1005. Public Records

The contents of an official record, or of a document authorized to be recorded or filed and actually recorded or filed, including data compilations in any form, if otherwise admissible, may be proved by copy, certified as correct in accordance with Rule 902 or testified to be correct by a witness who has compared it with the original. If a copy which complies with the foregoing cannot be obtained by the exercise of reasonable diligence then other evidence of the contents may be given.

Rule 1007. Testimony or Written Admission of Party

Contents of writings, recordings, or photographs may be proved by the testimony or, in a civil case, deposition of the party against whom offered or by his written admission, without accounting for the non-production of the original.

Rule 1008. Functions of the Court and Jury

When the admissibility of other evidence of contents of writings, recordings, or photographs under these rules depends on the fulfillment of a condition of fact, the question whether the condition has been fulfilled is ordinarily for the court to determine in accordance with the provisions of Rule 104. However, when an issue is raised

1. whether the asserted writing ever existed, or
2. whether another writing, recording, or photograph produced at the trial is the original, or
3. whether the other evidence of contents correctly reflects the contents, the issue is for the trier of fact to determine as in the case of other issues of fact.

Article XI. OTHER

These rules may be known and cited as Rules of Evidence (Mock Trial Version).

SUGGESTIONS FOR TEACHER-COACHES

SUGGESTED PREPARATION TIME: 2-4 weeks of daily meetings OR 2-3 meetings a week for 2-3 months

Work with student-attorneys concentrating on what should be covered in an opening statement and a closing statement. Give them ideas, but don't write the statements for them. Ask other members of the team what they think should be included in the opening and closing statements. Student-witnesses are called to the stand; student-attorneys examine them. Have other team members make suggestions.

If time allows, practice opening and closing statements, how to lay the foundation for exhibits, and what to do when the opposition objects to your student-attorney's questions. Your attorney-coach will be an important resource to help you understand these procedures. When practicing for the trial, allow students to act as the presiding judge and opposing side's attorneys. Students need to understand the legal terminology of the entire case.

Attorney-Coach Assistance:

It is to your team's advantage to have an attorney-coach. Obtain an attorney-coach from your community. If you do not know any attorneys, contact the Regional Coordinator of the competition for your parish and he or she will make efforts to secure a volunteer attorney-coach for your team.

Meet early with your attorney-coach. Review the points of the case and establish your strategy. Include all the members of your team so they will understand the case. Your attorney-coach will help student-attorneys prepare key questions for direct and cross-examination. The attorney-coach should also question the witnesses to see if they know and understand their roles and points of law. The trials should be conducted in full with direct and cross-examination in the courtroom setting, with your attorney-coach, before the scheduled trial.

General Suggestions:

It will help your team if they observe a real trial before the mock trial. Contact the Clerk of Court for the court in your parish to find out when a trial is scheduled at the courthouse. The public is allowed to attend most trials.

SUGGESTIONS FOR ATTORNEY-COACHES

SUGGESTED PREPARATION TIME: Five two-hour sessions before the trial

SUGGESTED PLACE FOR MEETING: Meet in a local courtroom to help the students feel comfortable in a courtroom setting. Courtrooms are usually available in the evenings; arrangements may be made with the clerk of the district court.

PROPS: An easel or blackboard for visual aids that explain trial procedure concepts.

FIRST SESSION

1. Distribute information packets and instruct the team to read all the materials between the first and second meetings.
2. Explain trial procedures, i.e., opening and closing statements, *voir dire*, direct examination, cross examination, calling witnesses, and objections (hearsay, not proper foundation, leading the witness).

SECOND SESSION

1. Determine the factual basis for the case.
2. Put the students on the stand with their notes; then the attorney-coach proceeds with an example of direct examination.

THIRD SESSION

1. Go through the trial. Work with student-attorneys concentrating on what should be covered in an opening and closing statement. Give them ideas, but do not write the statements for them. Ask other members of the team what they think should be included in the opening and closing statements.
2. Witnesses are called to the stand and student-attorneys examine them. Encourage other team members to make suggestions.

SUBSEQUENT SESSIONS

1. Examine opposing side's witnesses and define possible areas where objections may occur; look for other areas that your team's attorneys might want to focus on during cross examination.
2. If time allows, practice opening and closing statements, how to lay foundation for exhibits, what to do when the opposing side objects to your questions.

GUIDELINES FOR STUDENT-ATTORNEYS

I. GENERAL SUGGESTIONS

Always be courteous to witnesses, other attorneys, and the Presiding Judge.

Always stand when addressing the judge, questioning witnesses, arguing or asserting objections. Also stand when the judge enters or leaves the room.

Dress appropriately — this may mean coat and tie for gentlemen and dresses or suits for ladies.

Always respond with “Your Honor” when addressing the judge. For example, when responding to a question you should reply, “Yes, Your Honor” or “No, Your Honor” as appropriate.

Student-attorneys should refrain from making objections when it is doubtful that the judge will agree with your objection. Also, keep in mind that judges often do not like constant objections; numerous objections disrupt the flow of the trial.

Finally, be able to explain the reason and basis for any objection.

If the Presiding Judge rules against you on an objection, argument or in the overall case, take defeat gracefully.

II. OPENING STATEMENTS

Objective: To acquaint the jury with the case and outline what you are going to prove through witness testimony and the admission of evidence.

Method: Student-attorneys will introduce the judge and jury to themselves, their client and the case by revealing the following in a clear and concise manner:

1. Name of case.
2. Name of attorney.
3. Name of client.
4. Name of colleagues.
5. A short summary of facts.
6. Mention of the burden of proof (the amount of evidence needed to prove a fact) and who has it.
7. A clear and concise overview of the witnesses and physical evidence that you will present, stating how each will help improve your case.

Other suggestions:

Learn your case thoroughly (facts, law, burdens, etc.)

Never promise to prove anything that you will not or cannot prove using the evidence and testimony contained in this handbook.

Write a clear, concise, and well organized statement.

It is essential that you appear to have confidence in your case.

Eye contact with the jury is recommended. Do not read from prepared materials. Use the future tense when describing what you will do (*e.g.* “The facts will show...” or “Our witnesses’ testimony will prove...” etc.)

III. DIRECT EXAMINATION

Objective: 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 witnesses’ credibility.

Method: Student-attorneys will call witnesses to the stand and elicit relevant facts that are favorable to their theory of the case. Consider the following:

1. Isolate the information that each witness can contribute to your case and prepare a series of questions designed to get that information.
2. Make sure all items that you need to prove your case will be presented through your witnesses.
3. Use clear and simple questions.
4. Elicit information through questions and answers.
5. Never ask a question to which you don’t know the answer.

Other suggestions:

Avoid asking leading questions.

Practice with your witnesses.

Don’t ask questions requiring opinion testimony, unless the witness has been certified as an expert by the court.

Advice in Developing and Presenting Favorable Testimony:

Try to ask only the questions that you practiced with your witnesses and ask a limited number.

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.

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 use the exhibit, if it helps your case, ask the judge to admit it as evidence.

Suggestions for the Opposing Side:

Listen closely to the testimony that is being introduced.

Object to testimony or introduction of evidence when necessary.

Take down pertinent testimony and prepare for cross-examination of witnesses.

IV. 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.

Method: Student-attorneys will examine the opponent's witnesses and elicit relevant facts that are intended to discredit that witness or the opponent's theory of the case. Consider the following:

1. An attorney should attempt to explain, modify, or discredit that which has been introduced as evidence.
2. Use narrow, leading questions.
3. Do not have a witness repeat a statement unless you are leading somewhere.

Suggested Types of Questions to ask:

Questions to 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 he or she has hated the defendant since childhood).

Questions to weaken the testimony of the witness by showing his or her testimony is questionable because of poor perception (*e.g.* a witness who has poor eyesight claims to have observed all the details of a fight that took place 500 feet away 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 he or she does not have the proper training or experience (*e.g.*, a psychiatrist testifying to defendant's need for dental work or a high school graduate testifying that in his or her opinion the defendant suffers from a chronic blood disease).

Questions to reflect on the witness' credibility by showing that he or she gave a contrary statement earlier (*e.g.*, the witness' testimony is different from what he or she testified to during the pre-trial hearing).

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.

Never ask anything but a leading question (questions that suggest the answers and usually only require a “yes” or “no” answer).

Be brief. Don’t ask so many questions that well-made points are lost.

Prepare short questions using easily understood language.

Advice in Presenting an Effective Cross-Examination:

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 an opportunity to reemphasize the strong points made during direct examination.

Don’t quarrel with the witness.

Don’t harass or intimidate the witness with the questions that you ask him or her.

Know your case inside and out.

Do not read the entire presentation; look at the judge occasionally.

V. RE-DIRECT AND RE-CROSS EXAMINATION

If either attorney wishes, he or she can conduct a re-direct or re-cross examination. This is most often done to re-establish or again discredit a witness’ statements.

VI. CLOSING STATEMENTS

Objective: To provide a clear and persuasive summary of the evidence you presented to prove the case and the weaknesses of the other side’s case.

Method: Student-attorneys will address the judge and jury and summarize their theory of the case. Consider the following:

1. Thank the jury for their time and attention.
2. Isolate the issues and describe briefly how your presentation resolved those issues.
3. Review the witness testimony. Outline the strengths of your side’s witness and also the weaknesses of the other side’s witnesses. Remember to adapt your final statement to reflect what the witness actually said rather than the anticipated weaknesses of the other side. Closing statements should not be composed entirely before trial since they should highlight the important developments for the

plaintiff and the defense which occurred during the trial. Relaxed and informal statements are likely to be more effective.

4. 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.
5. State the applicable statutes and any cases that support your side.
6. Remind the jury of the required burden of proof (amount of evidence needed to prove a fact. In civil cases by a preponderance of evidence, in criminal cases beyond a reasonable doubt). If you are the plaintiff's/prosecution lawyer, you must tell and convince the jury that you have met that burden. If you are the attorney for the defense, you must inform and convince the jury that the other side has failed to meet its burden.
7. Argue your case by stating how the law applies to the facts as you have proven them.
8. Don't forget to request the verdict/remedy you desire.

Other suggestions:

Be sure your statement is well organized.

Rehearse as much as possible.

Advice in Presenting an Effective Closing Argument:

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 statements.

Do not make objections during the other side's closing argument.

Do not read throughout your presentation.

- Keep eye contact with the jury or look up occasionally.

GUIDELINES FOR STUDENT-WITNESSES

GENERAL SUGGESTIONS

If you are going to testify about records, familiarize yourself with them before coming to trial.

Do not try to memorize what you will say in court, but try to recall what you observed at the time of the incident.

When you are called to the stand, don't be nervous, there is no reason to be.

You will be asked to take an oath to tell the truth. Remember the seriousness of this oath during the entire time you are testifying. If you willfully fail to tell the truth while testifying, you will be subject to penalties for perjury.

If asked whether you have discussed the case with anyone, you should indicate any occasion that you have talked with the prosecutor, the defense attorney, or anyone else.

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.

Listen carefully to the questions. Before you answer, make sure you understand what was asked. If you do not understand, ask that the question be repeated.

Do not give your personal opinions 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 you do not know.

If you realize you have answered a question incorrectly, ask the judge if you may correct your mistake.

If the judge interrupts or an attorney objects to your answer, stop answering immediately. Likewise, if an attorney objects to a question, do not begin your answer until the judge tells you to continue.

Be polite while answering the question. Do not lose your temper with the attorney questioning you.

Always be courteous to witnesses, other attorneys, and the judge.

Always stand when the judge enters or leaves the room.

Dress appropriately (this may mean coat and tie for gentlemen and dresses or equivalent for ladies) or other appropriate attire for your character.

Always say, "Yes, Your Honor" or "No, Your Honor" when answering a judge's question.

If the judge rules against you in the case, take the defeat gracefully and be cordial to the judge and the other side.

CRITERIA FOR EVALUATING PERFORMANCE

The Performance Judge scores student performance in each category-NOT on legal merits of the case. Points will be awarded using the following criteria:

Points	Performance	Criteria
1-2	Not Effective	Disorganized, unsure of self, illogical, uninformed, demonstrates lack of preparation and understanding of task, simply ineffective in communication.
3-4	Fair	Minimal performance and preparation; performance is passable but lacks depth in terms of knowledge of task and materials; communication lacks clarity and conviction.
5-6	Good	Good; Acceptable; fundamental understanding of task can perform outside the script, but with less confidence than when using the script; grasps major aspects of the case, but does not convey a mastery of the case; communications are clear and understandable, but could be stronger on fluency and persuasiveness.
7-8	Excellent	Presentation is fluent, persuasive, clear and understandable; organizes materials and thought well and exhibits a mastery of the case and of the materials provided; presentation was both believable and skillful.
9-10	Outstanding	Spectacular performance; thinks well on feet; logical, keeps poise under stress; performance was resourceful, original and innovative; can sort out essential from non-essential uses of time effectively, to accomplish major objectives knows how to emphasize vital points of trial and emphasizes them.

Student participants should also be mindful of the following considerations which the Performance Judges may take under consideration when considering their scores:

Opening Statements: Did the student-attorney:

- Provide a case overview;
- Mention the key witnesses;
- State the relief requested;
- Provide a clear and concise description of his or her case?

Direct Examination: Did the student-attorney:

- Use properly phrased questions (who, what, where, and how);
- Use proper courtroom procedure;
- Demonstrate an understanding of the factual and legal issues;
- Properly introduce and use evidence;
- Defend objections in clear, concise and well-reasoned terms;
- Use time effectively;
- Comply with all rules of the competition and the spirit of fair play?

Cross Examination: Did the student-attorney:

- Use leading questions;
- Properly and effectively impeach witnesses;
- Raise proper objections;
- Assert well-reasoned bases for objections raised;
- Demonstrate knowledge and familiarity with the Rules of Evidence;
- Refrain from asserting objections in a disruptive manner;
- Act courteously to the opponent;
- Comply with all rules of the competition and the spirit of fair play?

Witnesses: Did the student-witness:

- Appear credible;
- Demonstrate a knowledge and familiarity with the facts;
- Respond spontaneously (not rehearsed);
- Seem poised;
- Observe proper courtroom decorum?

Closing Statement: Did the student-attorney:

- Summarize the evidence;
- Emphasize the supporting points of his or her own case and point out weaknesses in the opponent's case;
- Concentrate on the important facts, not the trivial;
- Apply the applicable law;
- Respond to the judge's questions with poise and confidence?

LOUISIANA HIGH SCHOOL REGIONAL MOCK TRIAL REGIONAL COMPETITION REGISTRATION FORM

SCHOOL INFORMATION

Name:
Address:
Phone: () Fax: ()
E-mail:

SCHOOL INFORMATION

1.	5.
2.	6.
3.	ALT.
4.	ALT.

TEACHER SPONSOR(S) INFORMATION

Name:	Name:
Work Phone: ()	Work Phone: ()
Home Phone: ()	Home Phone: ()
E-mail:	E-mail:

ATTORNEY-COACH(S) INFORMATION

Name:	Name:
Work Phone: ()	Work Phone: ()
Home Phone: ()	Home Phone: ()
E-mail:	E-mail:

RETURN THIS COMPLETED FORM TO YOUR REGIONAL COORDINATOR
--

**LOUISIANA HIGH SCHOOL STATE MOCK TRIAL
STATE COMPETITION REGISTRATION FORM**

SCHOOL INFORMATION

Name:

Address:

Phone: ()

Fax: ()

E-mail:

SCHOOL INFORMATION

1.

5.

2.

6.

3.

ALT.

4.

ALT.

TEACHER SPONSOR(S) INFORMATION

Name:

Name:

Work Phone: ()

Work Phone: ()

Home Phone: ()

Home Phone: ()

E-mail:

E-mail:

ATTORNEY-COACH(S) INFORMATION

Name:

Name:

Work Phone: ()

Work Phone: ()

Home Phone: ()

Home Phone: ()

E-mail:

E-mail:

RETURN THIS COMPLETED FORM TO YOUR REGIONAL COORDINATOR

SCORE SHEET

Plaintiff: _____ Defendant: _____

Date: _____ Round: _____

Using the following scale, please rate the plaintiff (P) and defense (D) in the categories below.

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

P		D
Opening Statements _____ Plaintiff's 1 st Witness Direct Examination _____ Plaintiff's 1 st Witness Witness Performance _____ Plaintiff's 2 nd Witness Direct Examination _____ Plaintiff's 2 nd Witness Witness Performance _____ Plaintiff's 3 rd Witness Direct Examination _____ Plaintiff's 3 rd Witness Witness Performance _____		Opening Statements _____ Cross Examination _____ Cross Examination _____ Cross Examination _____
Cross Examination _____ Cross Examination _____ Cross Examination _____ Closing Arguments _____ Plaintiff Total _____		Defense's 1 st Witness Direct Examination _____ Defense's 1 st Witness Witness Performance _____ Defense's 2 nd Witness Direct Examination _____ Defense's 2 nd Witness Witness Performance _____ Defense's 3 rd Witness Direct Examination _____ Defense's 3 rd Witness Witness Performance _____ Closing Arguments _____ Defense Total _____

Please vote for the student you think was the best attorney and the best witness in this trial. You may identify them by name or role.

Best Attorney: _____

Best Witness: _____

TIMEKEEPER SHEET

Plaintiff:

Defendant:

Date:

Round:

P		D
Opening Statements 5 minutes _____ Plaintiff's Direct Exam of its Witnesses 30 Minutes Total _____ Plaintiff's 1 st Witness Direct Examination _____ Plaintiff's 1 st Witness Redirect Examination _____ Plaintiff's 2 nd Witness Direct Examination _____ Plaintiff's 2 nd Witness Redirect Examination _____ Plaintiff's 3 rd Witness Direct Examination _____ Plaintiff's 3 rd Witness Redirect Examination _____ SUBTOTAL _____		Opening Statements 5 minutes _____ Defense's Cross Exam of Plaintiff's Witnesses 15 Minutes Total _____ Cross Examination _____ Recross Examination _____ Cross Examination _____ Recross Examination _____ Cross Examination _____ Recross Examination _____ SUBTOTAL _____
Plaintiff's Cross Exam of Defense's Witnesses 15 Minutes Total _____ Cross Examination _____ Recross Examination _____ Cross Examination _____ Recross Examination _____		Defense Direct Exam of its Witnesses 30 Minutes Total _____ Defense's 1 st Witness Direct Examination _____ Defense's 1 st Witness Redirect Examination _____ Defense's 2 nd Witness Direct Examination _____

<p>Cross Examination _____</p> <p>Recross Examination _____</p> <p>Closing Arguments 5 minutes _____</p> <p>SUBTOTAL _____</p>		<p>Defense's 2nd Witness Redirect Examination _____</p> <p>Defense's 3rd Witness Direct Examination _____</p> <p>Defense's 3rd Witness Redirect Examination _____</p> <p>Closing Arguments 5 minutes _____</p> <p>SUBTOTAL _____</p>
--	--	---