

2018 SCORING GUIDE

NATIONAL HIGH SCHOOL MOCK TRIAL CHAMPIONSHIP



TABLE OF CONTENTS

Scoring Packet	3
Filling out the Score Sheet	3
During the Trial	3
Sample Filled Out Score Sheet.....	4
After the Trial.....	5
What to Look for When Scoring Teams	6
Attorney Performance	6
Opening Statement	6
Direct Examination.....	6
Cross Examination.....	6
Closing Arguments	7
Witness Performance	7
Criteria for Scoring	8
Attorneys	8
Witnesses.....	9
Awards	10
Larry Bakko Professionalism and Civility Award	10

Scoring Packet

The Courtroom Liaison will bring the Scoring Packet to your assigned courtroom and distribute the following items:

- **Presiding Judge’s Checklist:** This is given to the Presiding Judge and provides an outline for the steps the Presiding Judge needs to take during the round.
- **Scratch Score Sheet:** This is given to the Scoring Judges to be filled out during the round.
- **Official Score Sheets:** This triplicate form is given to the Scoring Judges to fill out after the round. Scoring Judges transfer the information from their Scratch Score Sheets to their Official Score Sheets.
- **Inside the Bar Dispute Form:** This is provided to the Presiding Judge in the event of an Inside the Bar Dispute. See Rules 6.1 to 6.3 in the *National High School Mock Trial Championship Rules* for more information.

Filling out the Score Sheet

During the Trial

When you reach your assigned courtroom, your Courtroom Liaison will provide you with a scratch score sheet to fill out during the trial. Use this scratch score sheet to assign provisional scores during the round. Here are some things to keep in mind as you fill out your score sheet:

- Assign points based on student presentations, including knowledge of the facts, law, and rules. Do not assign points based upon your opinion of the case’s legal merits.
- Please score as you go and jot brief notes on your scratch score sheet as trial proceeds. Do not wait until the trial concludes to score; you will not be able to remember it all.
- A Scoring Judge may award points to a team despite an adverse ruling from the bench, since Scoring Judges are not bound by the decisions of the Presiding Judge.

Remember, as you are filling out your score sheet that:

- 1) **You do not leave any categories blank;**
- 2) **You do not give any scores lower than 1 or higher than 10;**
- 3) **You do not award any fractional points (e.g. you need to decide if it’s a 6 or a 7; 6.5 is NOT an appropriate score); and**
- 4) **You do not allow for a tied score between teams.**

Sample Filled Out Score Sheet



SCORE SHEET

P = Plaintiff Team JLA
(team code)

Courtroom: 102

D = Defense Team CBK
(team code)

Round: 1 (2) 3 4 Final
(circle one)

TEAM SCORING: Using a scale of 1-10, rate each team's performance in each category. **Please do not:** (1) Leave any categories blank; (2) Give any scores of zero; (3) Award fractional points; (4) Allow for a tied score; and (5) Inform teams of their scores.

Ineffective 1-2	Fair 3-4	Average 5-6	Excellent 7-8	Superior 9-10
--------------------	-------------	----------------	------------------	------------------

		P	D	
OPENING STATEMENT		(7)	OPENING STATEMENT (8)	
PLAINTIFF FIRST WITNESS	Attorney Direct Examination	(8)	Attorney Cross Examination (7)	
	Witness Performance	(8)		
PLAINTIFF SECOND WITNESS	Attorney Direct Examination	(6)	Attorney Cross Examination (7)	
	Witness Performance	(7)		
PLAINTIFF THIRD WITNESS	Attorney Direct Examination	(8)	Attorney Cross Examination (6)	
	Witness Performance	(8)		
DEFENSE FIRST WITNESS	Attorney Cross Examination	(7)	Attorney Direct Examination (8)	
			Witness Performance (6)	
DEFENSE SECOND WITNESS	Attorney Cross Examination	(9)	Attorney Direct Examination (8)	
			Witness Performance (8)	
DEFENSE THIRD WITNESS	Attorney Cross Examination	(8)	Attorney Direct Examination (7)	
			Witness Performance (7)	
CLOSING STATEMENT		(7)	CLOSING STATEMENT (8)	
COLUMN TOTAL: (Circle Winning Score)		(83)	<-- NO TIES --> (80)	

Judge's Name (Print): Chamberlain Haller
Date: 5/11/18

Please double-check your scores, ensure there are no ties and return this score sheet to your Courtroom Liaison.

WHITE COPY TO STAFF, PINK TO PLAINTIFF, YELLOW TO DEFENSE

After the Trial

When the Presiding Judge announces the recess, the judging panel retires to their assigned jury deliberation room. In the deliberation room, the Presiding Judge will conduct a dispute resolution process according to Rules 6.1 to 6.3, if necessary.

The Scoring Judges will ensure they have completed their scratch score sheets. Remember Scoring Judges DO NOT confer with other panel members regarding individual scores; they complete their scoring independently.

Once the scratch score sheet is complete, the Courtroom Liaison will provide you with your Official Score Sheet. Transfer all information from your scratch score sheet to your Official Score Sheet, taking care to write clearly and legibly and filling in all the required information. Since the Official Score Sheet is a triplicate form, make sure you press down hard enough for the information to carry over to all three pages.

If you need to make a change on your Official Score Sheet, firmly cross out the incorrect information and re-write the correct information legibly, out to the side of its original position. Initial any changes made. DO NOT try to write the new number on top of the original number!

When you have completed your official ballot, review it to ensure the following:

- All boxes are filled in (NO BLANKS PLEASE!) with legible whole numbers from 1 - 10.
- The scores in the Total Score boxes are NOT tied.
- Circle P or D to indicate the side that has the highest point total on the ballot.

Give your Official Score Sheet to the Courtroom Liaison, who will review it before placing it in the Official Ballot Envelope.

What to Look for When Scoring Teams

Attorney Performance

Opening Statement

- Short summary of the facts of the case
- Theory for the case (what happened and why it happened)
- Introduction of attorneys
- Overview of witnesses and their testimony
- Overview of the evidence to be presented and how it will prove the case
- Mention of applicable law or statutes to be covered
- Outline of the burden of proof for the case
- Request for relief (what the side is asking the court to decide)

Direct Examination

- Asks properly phrased open ended questions that allow explanation or description of the situation
- Avoids asking leading questions
- Doesn't ask opinion questions unless the witness is as an expert
- Responds to objections utilizing rules of evidence or the rules of competition
- Refers to witness testimony and follows rules for showing the testimony to the witness
- Follows proper protocol for introducing exhibits
- Utilizes objections as a means to forward the case and not just to throw the other side off their game; excessive interruptions and/or obstructionist behavior should not be rewarded
- Demonstrates an understanding of the rules of competition and evidence
- Does not ask questions that require any unfair extrapolations

Cross Examination

- Asks properly phrased questions that weaken the testimony given during direct examination or gets facts favorable to the attorney's own case
- Uses narrow questions that suggest a yes or no answer and don't allow the witness to provide a narrative explanation
- Impeaches the witness without appearing to harass or intimidate him/her
- Responds to objections utilizing rules of evidence or the rules of competition
- Refers to witness testimony and follows rules for showing the testimony to the witness
- Follows proper protocol for introducing exhibits
- Utilizes objections as a means to forward the case and not just to throw the other side off their game; excessive interruptions and/or obstructionist behavior should not be rewarded
- Demonstrates an understanding of the rules of competition and evidence

Closing Arguments

- Summarizes the case presented and pulls in specifics from the trial
- Summarize the evidence
- Outlines the strengths of his/her side's witnesses and the weakness of the other side's witnesses
- Reviews the exhibits and how they helped the case
- States the applicable law or statutes and how they support the side's theory
- Revisits the theory and shows how the side's theory carried through
- Asks for the verdict, including a request for relief, and explains why the verdict is justifiable

Witness Performance

- Plays up the strengths of his/her statements and adequately explains the weaknesses
- Does not use any notes
- Provides a credible portrayal of witnesses
- Understands the facts
- Sounds spontaneous and not memorized
- Does not wear a costume
- Does not give excessively long, non-responsive answers on cross examination to deliberately use up opposing counsel's time
- Does not offer answers that include any unfair extrapolations

Criteria for Scoring

Attorneys

Score	Criteria
Superior (9 – 10)	<ul style="list-style-type: none"> • Excellent understanding of the case, the rules, and the legal issues • Persuasive and articulate delivery made without the use of notes • Thinks well on his/her feet and responds to the other team's presentation • Questions and arguments move the case forward and do not ask for answers that require any unfair extrapolation • Objects when appropriate and clearly understands how to respond to objections • Maintains eye contact with judges, jurors, and witnesses • Speaks in a clear and audible voice • Keeps within the time limits
Excellent (7 – 8)	<ul style="list-style-type: none"> • Good understanding of the case, the rules, and the legal issues • Mostly persuasive and articulate delivery made with minimal use of notes • Most questions and arguments move the case forward and do not ask for answers that require any unfair extrapolation • Most objections are appropriate; usually understands how to respond to objections • Mostly maintains eye contact with judges, jurors, and witnesses • Mostly speaks in a clear and audible voice
Average (5 – 6)	<ul style="list-style-type: none"> • Fair understanding of the case, the rules, and the legal issues • Somewhat persuasive delivery, but sometimes stumbles or relies on notes • Prepared for trial but often relies on preparation and not responding to the other team's presentation • Some questions and arguments move the case forward and do not ask for answers that require any unfair extrapolation • Misses some appropriate opportunities to object and may not always understand how to respond to objections • Sometimes forgets to maintains eye contact with judges, jurors, or witnesses • Sometimes difficult to hear
Fair (3 – 4)	<ul style="list-style-type: none"> • Struggles to understand the case, the rules, and the legal issues • Generic delivery that relies heavily on notes • Somewhat prepared for trial but does not respond to other team's presentation • Few questions and arguments move the case forward and asks questions that require unfair extrapolation • Struggles to understand when to object or how to respond to objections or uses objections to interfere with other team's presentation and not to advance the case • Often forgets to maintain eye contact with judges, jurors, or witnesses • Often difficult to hear
Ineffective (1 – 2)	<ul style="list-style-type: none"> • Does not understand the case, the rules or the legal issues • Not persuasive or articulate delivery or reads from a script • Not prepared for trial and does not think well on his/her feet • Questions and arguments do not move the case forward and ask for answers that require unfair extrapolation • No understanding of when to object or how to respond to objections • Does not maintain eye contact with judges, jurors, or witnesses • Unclear or inaudible voice • Disruptive and/or disrespectful

Witnesses

Score	Criteria
Superior (9 – 10)	<ul style="list-style-type: none"> • Excellent understanding of witness statements and exhibits • Offers a convincing and credible performance • Responses to questions are thorough, accurate, and persuasive and seem natural and not scripted • Does not provide answers that embellish the facts and/or go outside the scope of the case materials • Maintains eye contact with judges, jurors, and attorneys • Speaks in a clear and audible voice • Keeps within time limits
Excellent (7 – 8)	<ul style="list-style-type: none"> • Good understanding of witness statements and exhibits • Offers a mostly convincing and credible performance • Most responses to questions are thorough, accurate, and persuasive and seem mostly natural and not memorized • Rarely provides answers that embellish the facts and/or go outside the scope of the case materials • Mostly maintains eye contact with judges, jurors, and attorneys • Mostly speaks in a clear and audible voice
Average (5 – 6)	<ul style="list-style-type: none"> • Fair understanding of witness statements and exhibits • Offers a somewhat credible and convincing performance • Responses to questions are not always thorough, accurate, or persuasive and some sound scripted and not natural • Sometimes provides answers that embellish the facts and/or go outside the scope of the case materials • Sometimes forgets to maintains eye contact with judges, jurors, and attorneys • Sometimes difficult to hear
Fair (3 – 4)	<ul style="list-style-type: none"> • Struggles to understand witness statements and exhibits • Offers a performance that often seems unrealistic • Responses to questions are generic and often do not seem natural, but based on a memorized script • Often provides answers that embellish the facts and/or go outside the scope of the case materials • Often forgets to maintains eye contact with judges, jurors, and attorneys • Often difficult to hear
Ineffective (1 – 2)	<ul style="list-style-type: none"> • Does not understand witness statements and exhibits • Does not offer a credible or convincing performance • Responses to questions are not thorough, accurate, or persuasive and do not sound natural • Provides answers that are not consistent with the facts and/or go outside the scope of the case materials • Does not maintain eye contact with judges, jurors, or attorneys • Unclear or inaudible voice • Disruptive and/or disrespectful • Gives excessively long, non-responsive answers on cross examination to deliberately use up opposing counsel's time

Awards

Larry Bakko Professionalism and Civility Award

At the end of the fourth round, each team will submit one team ballot nominating another team for the Professionalism Award. Ballots will be submitted to the Presiding Judge or the Courtroom Liaison and will be turned in with the score sheets.



Larry Bakko Professionalism and Civility Award Team Nomination Ballot

Our team, _____ *(school name),*

votes for the state _____ (or their team code) _____,
for the **Larry Bakko Professionalism and Civility Award** at National High School Mock Trial competition.

Reasons why our team voted for this team are:

Tie Breaker Vote ONLY:

Our team's second choice vote is for the state _____
(or their team code) _____.

Reasons why our team voted for this team are:

*A team **MAY NOT** vote for itself.
ALL teams must submit **ONE** ballot each.*

The team nominated above demonstrated the following qualities throughout this year's state finals tournament:

- A professional demeanor
- Civility
- Integrity
- Honesty
- Fair play
- Respect for the competition
- Respect for fellow competitors
- Respect for volunteers and all associated with the program inside and outside the courtroom throughout the competition

This ballot will be collected by your presiding judge at the end of your fourth round.