

IDAHO MOCK TRIAL COACH MANUAL



IDAHO LAW
FOUNDATION

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INTRODUCTION AND OVERVIEW

This handbook was developed in part from materials adapted from the Colorado and South Carolina mock trial programs as well as the Mock Trial Strategies website. Thanks goes out to those programs for graciously allowing Idaho to utilize their materials for our handbook. Thanks are also offered to the many people who worked on and reviewed this manual, including Dave Lloyd, Hon. Jessica Lorello, Edith Pacillo, and Judy Grier.

WHAT IS THE MOCK TRIAL COMPETITION?

The High School Mock Trial Program supports participating teams from high schools all across Idaho, as they learn about court procedures, prepare a hypothetical legal case, and present the case in a simulated courtroom competition. Each team must work to learn the facts of the case and create strategies for trial.

The competition is held in the Spring, in real courtrooms, before real judges and attorneys, teams try cases they have been preparing since the Fall. From opening statements, through direct and cross examination of witnesses, to closing arguments, each team has its own attorneys and witnesses and must be ready to present either side of the case before juries who score their performances.

OBJECTIVES & BENEFITS OF MOCK TRIAL

Given the fundamental place of law in American society, it is critical for young people to know how our legal system functions, how law affects them, and in turn, how they can have an impact on the legal system. Through participation in mock trial, young people are given a hands-on opportunity to examine the legal process and current legal issues while they develop important critical thinking, research, and presentation skills.

Mock trials also encourage the involvement of community members in the classroom. Legal professionals share their expertise with students. Other community leaders become involved in working with participants on the content and issues involved in cases. The goal of mock trial is not to win for the sake of winning, but to learn and understand the meaning of good citizenship in our democracy.

The impact of the program is measured by successfully attaining the following objectives:

- Helping students increase basic life and leadership skills such as active listening, speaking, writing, reading, and analyzing.
- Increasing comprehension of the historical, ethical, and philosophical bases of our judicial system while demystifying the law and court procedures.
- Building bridges of natural cooperation, respect, and support between students and legal professionals.
- Offering a positive experience with the legal system, bringing the courts to young people rather than young people to court.

HOW TO USE THIS HANDBOOK

This handbook is meant for both teacher and attorney coaches to help them start, manage, and grow mock trial programs at their schools. It provides tools and advice that takes technical legal knowledge and breaks it down into steps that make it easier for students to understand. If you have any questions or concerns about this handbook, contact Carey Shoufler at cshoufler@isb.idaho.gov. All mock trial materials are housed at idahomocktrial.org.

COACH ROLES & RESPONSIBILITIES

TEACHER COACH

The teacher coach serves as an advisor and administrator for the mock trial team. For most teams, the teacher coach is the primary point of contact and serves as the liaison between the different team stakeholders – the school, students, parents, the attorney coach, and Idaho Mock Trial staff.

While staff is available to help recruit an attorney to help coach a team, the teacher coach is often the best judge of a suitable person to assist with the team. Possible attorneys include parents or other relatives of students, alumni, or friends. While a school can have one attorney who works with multiple teams, it's recommended that each team have its own attorney coach.

ATTORNEY COACH

The attorney coach serves as a consultant to the team, advising team members as they prepare their own presentations – opening and closing statements, direct and cross examination, and witness performance. By the end of the season, it's the hope of the mock trial program that students will have a better understanding of and respect for the law and our legal system. It's important to remember that students and teachers will develop a better understanding of the case and learn more from the experience if the attorney coach does not dominate the preparation phase of the competition.

Even if a school only has one team, it's often helpful to have more than one attorney coach to spread out the time commitment. Since most attorneys have time limitations, they should be used as consultants for their expertise when needed. While the specific details should be negotiated between the teacher and attorney coach, attorneys don't have to be present for all practices.

ATTORNEY & TEACHER PARTNERSHIP

The motto of the Idaho Mock Trial Program is: Education first. Competition second. The primary goal of mock trial is to learn about the law and the legal system. Healthy competition helps achieve this goal. With that in mind, coaches must remember their responsibility to keep the competitive spirit at a reasonable level. Coaches must work together to prepare teams to graciously accept either outcome by placing the highest value on preparation and presentation rather than winning or losing.

There are many different ways an attorney coach may work with the team. Some attorney coaches don't come into the process until the case has been released. Some want to be involved early in the process to assist in teaching students about the legal system or helping determine student roles. Some teacher coaches choose to teach substantive law and invite attorney coaches for specific sessions on specific topics. Then there are teacher coaches who only handle the administrative side of mock trial such as the recruitment, registrations, coordination of schedules and practice dates, student handouts, etc.

Whatever roles attorneys and teachers decide to play in this process, it's important that both work together to clearly define responsibilities and develop a plan of action for the season. The overall goal is to create a partnership that prepares students to participate in the program and facilitates a fun and beneficial experience. It's important to maintain open and frequent communication throughout the season so there are no misunderstandings that could affect the team's progress or preparation.

PHASES OF PREPARATION

New teams should consider previewing mock trial in the spring before starting a program. Teacher coaches can take students to observe a competition and/or volunteer to judge at a competition. The teacher might also identify an attorney coach and meet with that person before school starts to begin developing a season plan.

AUGUST & SEPTEMBER

- Teacher coach works with school administration to solidify support for the mock trial program and work out any logistical concerns such as the ability to print materials for students and establish whether there is a budget for printing, registration, and travel
- Teacher coach secures an appropriate practice room that has a space for materials such as an easel, a table for coaches, the ability to move furniture around, and as few interruptions as possible
- Established teams should hold a meeting with returning team members
- Attorney and teacher coaches meet to set season schedules and determine how the partnership will work for the season (e.g. who will do what)
- Registration opens on September 1
- Set up a shared drive with a folder structure for mock trial materials
- Promote mock trial and recruit students
- Consider setting an attendance policy for participation; be clear on expectations and consequences of spotty attendance
- Develop and collect season contracts from students and parents (see Appendix A)

OCTOBER & NOVEMBER

- Finalize recruitment and select participants (consider recruiting extra participants in the event that a student has to drop out) by as early as possible in October
- Begin weekly practices
- Consider selecting team captains; we recommend two per team (one for each side of the case); captains are typically students with prior mock trial experience and/or strong leadership abilities and enthusiasm for mock trial; they can help motivate, guide, and keep the team on track
- Learn the sequence and steps of trial, the layout of a courtroom, and the specifics of each role
- Conduct a walkthrough of the mock trial website, pointing out resources and reviewing the rules of competition and rules of evidence with the students
- Discuss the rules of evidence, with a focus on objections – what they are, how they're used, when to use them
- The case typically drops on November 15; consider reviewing the case before giving it to students and then passing it out for review during the Thanksgiving break along with some specific review questions

DECEMBER & JANUARY

- Conduct an initial case review with students, including an initial analysis, witness analysis and profile, exhibit analysis, and theme and theory
- Develop a master timeline of material events in the case; the timeline should identify the sources from which the facts in the timeline derive
- Finalize roles; here's some questions to consider: Who are the best storytellers (opening statement)? Who can think on their feet (good for cross examination and objections)? Who can argue well (closing arguments and objections)? Who can act well (witnesses)? Before finalizing roles, take student preferences into account; discuss the skills and preparation for each role; create an initial roster; and get feedback from students
- Have witnesses begin to review their witness statements
- Have attorneys and witnesses partner to begin drafting scripts for direct and cross examination
- Add work documents to the shared drive for review
- Do some practice with direct and cross examination
- Begin drafting opening statements and closing arguments
- Depending on when your regional competition is held, consider increasing practices to two days a week (all teams should think about increasing practices to two days a week about a month before the competition, if possible)

- For logistical reasons it may not be possible in all communities, but if possible, try to schedule some practices in a local courthouse
- Conduct a walkthrough of the full case (with notes) by the end of January
- Review the scoring guide to help students understand how they will be evaluated; while the scoring guide shouldn't be the full focus of what students are working to accomplish, it does help give them a better understanding on how they will be judged during competition

FEBRUARY & MARCH

- By early February, the case for both sides should be finalized
- Begin practicing with timekeepers to make sure all parts of the case are staying within time limits
- Consider bringing in a drama teacher to work on characterization with both witnesses and attorneys
- Practice making and responding to objections; consider having students also rule on the objections as part of this exercise
- Review the Code of Civility & Ethics with team members and send a copy of the document to parents
- Hold a public dress rehearsal in the community (invite parents and local community members, including attorneys, to give feedback)
- If possible, schedule a scrimmage with another local team; two weeks before your competition the team should be ready for a scrimmage and able to conduct a full trial
- Practice, polish, practice, polish!
- Attend regional and, if qualified, state competitions

APRIL & MAY

- Other than the team preparing for nationals, teams should hold a debrief and end of season celebration
- Consider developing some tasks to keep returning students engaged during the off-season

THE TEAM

COMPOSITION

A mock trial team consists of 6 to 9 students. Students play roles as attorneys, witnesses, and/or timekeepers. It's important to note that a student can play more than one role on a team, depending on whether the team is presenting the prosecution/plaintiff or defense side of the case, but a team CANNOT have separate students for each side of the case. Typically, all roles are intended to be gender neutral.

Below is a table to illustrate one possible configuration for a team with 9 students.

Role	Prosecution	Defense
Attorney 1	Jane	Chris
Attorney 2	Henry	Henry
Attorney 3	John	Andrea
Witness 1	Sarah	Jane
Witness 2	Anna	Stacy
Witness 3	Tim	John
Timekeeper	Andrea	Tim
Alternate 1	Stacy	Sarah
Alternate 2	Chris	Anna
Courtroom Artist	Mary	Mary

Each school can have up to three teams, but each team must have separate students. It's also advisable to have separate teacher and attorney coaches for each team.

ROLES

- **Attorneys:** Attorneys work in teams of two or three to present the case for their side. Their duties include opening statements, direct and cross examination, and closing arguments. Duties among the attorneys must be evenly distributed.
- **Witnesses:** Mock Trial problems have three witnesses for each side of the case. Each witness takes the stand and answers questions asked by an attorney from their own side of the case (direct examination) and an attorney from the opposing side of the case (cross examination). Mock trial witnesses are not allowed to use notes during their testimony.
- **Timekeepers:** Each team is responsible for training at least one official timekeeper. The timekeeper from the plaintiff/prosecution side and the timekeeper from the defense side work together as a timekeeping team to ensure accurate and fair time has been kept for both teams. For more information about the timekeeping role and duties, read the Timekeeping Guide and watch the Timekeeper Orientation Video found on the Idaho Mock Trial website.
- **Courtroom Artists:** The Courtroom Artist Contest is an optional mock trial role, open to students in grades 9 to 12 to encourage artistically talented students the opportunity to participate in the mock trial program. Artists observe trials and submit sketches that depict actual courtroom scenes. Artists are not counted as part of the 9-person team limit. Courtroom artists are not required but are encouraged as a way to bring more students into the mock trial process.

THE MOCK TRIAL SEASON

STARTING & MANAGING A TEAM

PROMOTING MOCK TRIAL

Regardless of what method is used for promoting mock trial, enthusiasm and setting clear expectations will be the deciding factors for whether a school has enough students to participate on a team, as well as the level of excitement and commitment they have to stay with the team for the full season. Below are some ideas on how to generate school-wide interest in a mock trial team.

- Use your school newsletter, posters, and announcements to invite students to an informational meeting
- Promote mock trial on the school's website and on the school's social media sites
- If a few students have expressed interest or if your school has previously participated in mock trial, encourage the interested or experienced students to recruit their friends. Peer to peer word of mouth is an extremely effective recruitment tool
- Invite interested students to view a lunchtime or afterschool demonstration of a mock trial
- Present clips from a mock trial video at lunchtime or after school. The video could be a previous mock trial competition or clips from a famous legal movie like *A Time to Kill* or *A Few Good Men*
- Talk up the mock trial program with students and engage other teachers to make announcements or to identify students that might have an interest in the program

HOLDING AN INFORMATION SESSION

The teacher coach should make this meeting a fun and engaging event. Offer pizza or other snacks. While it may not always be feasible, consider setting up the information session in a courtroom and walking students through the parts of a trial. However it's organized, the teacher needs to make sure it both piques the students' interest and also helps them understand the commitment they will need to make to participate. This meeting also needs to cover important logistical information. Consider inviting attorney coaches to these events.

- Include a general practice schedule so students have a clear understanding of the time commitment and when they are expected to be available; letting students know these dates from the start can help them figure out if they have any scheduling conflicts and lessen the possibility of having students withdraw from the program later in the season
- Have information about the dates and times for regional and state tournaments (if available) so students know when they must be available; these dates are non-negotiable – if a student cannot participate in tournaments due to a scheduling conflict, then mock trial is probably not the best activity for them, unless the team has a enough members who can commit to participating in the competition

- Consider having a mock trial contract for students and parents to fill out (see Appendix A for a sample); this contract can help inform parents about mock trial and also help determine if students can meet the participation obligations for the season
- Provide information on what, if any, incentive (grade, credit, etc.) is available to students for their participation, if appropriate

SELECTING PARTICIPANTS

Recruiting efforts should appeal to students from a broad range of interests including students who have a strong interest in writing, students who participate in drama, and students who participate in speech and debate. But it's important to also consider student interest as part of the process. One of the most rewarding parts of mock trial can be encouraging a student to try something they didn't think they would be good at and discovering they have talents and skills they didn't know they had.

- Look for students who have the availability, enthusiasm, and commitment to the program; consider setting an attendance expectation (students must attend a certain number of practices and must be available to attend competitions)
- Skills to look for include writing, public speaking, poise, and critical thinking (especially an ability to think on one's feet)
- Recruit more students than needed; a team needs a minimum of six students; it's not uncommon for students to drop out over time due to conflicts, grades, or other issues
- Sometimes first-time participants are interested in observing the process prior to playing a role at competition; as part of building a multi-year program it's OK to let some students have non-speaking roles like timekeeper or team manager
- Once you have covered the different mock trial roles with students, consider having them fill out a form that asks them what role(s) they are interested in and why

Auditions

While not required as part of our program, some schools conduct try-outs – especially if there are enough students for a school to have more than one team. Auditions may allow a coach to determine the level of ability, commitment, and to which teams to assign students. They can also help determine whether students remain more suited to the role of attorney or witness.

REGISTERING TEAMS

Idaho's mock trial program uses an online registration system that can be accessed from our website at idahomocktrial.org. Each school can register up to three mock trial teams. Here are some important things to know about registering teams:

- The registration fee is \$200 per team between September 1 and October 30 and \$300 per team between November 1 and December 31; registration fees can be paid by either check or credit card
- The registration fee is non-refundable

- The registration fee also includes a season completion deposit of \$50 per team; this fee is refundable for all teams who compete through their regional competition
- The registration fee for courtroom artists is \$30 artist
- Teams cannot receive the case materials until they have registered their team(s) and paid the registration fees

MAKING MOCK TRIAL A GROUP EFFORT

It's important that there is a teacher or team of teachers who serves as the main points of contact for the school. It can be helpful to engage others in the process as needed. In addition to the attorney coach, it's great to involve other teachers to help on an as needed basis – English teachers to help with writing opening and closing statements; speech and debate teachers to help with public speaking skills; drama teachers to help with presentations and body language. Additionally, if there is a parent or parents that would be willing to help organize the team, it takes some of the burden off of the teacher coach.

Some teams recruit a team manager, generally another student who would like to be involved in mock trial but doesn't want to play an attorney or witness role or select a team captain who helps keep the team organized and motivated.

KEEPING THINGS ORGANIZED

The dates for the season vary slightly from year to year. The most up-to-date information can be found on our mock trial website at idahomocktrial.org. Mock trial staff will send out periodic e-mails with important information and reminders. Here are some general dates to keep in mind:

- Registration opens on September 1 and closes on December 31
- The case is typically released on November 15
- It's important to note that the first release is not the final version of the case; once the initial case is released, there is a review period where teams can ask for clarification on the case; the final version of the case with any updates is generally released the first week in January
- Regional competitions are typically held on Saturdays during February and early March
- The State Competition is generally held during mid-March. Typically, we schedule the competition on the Wednesday through Friday before spring break for the Boise/West Ada school districts.

The most up-to-date information and deadlines are kept on the main mock trial page. Make sure you know all these dates and incorporate them into your season schedule.

SEASON SCHEDULE

The schedule can vary from team to team. Some teams offer mock trial as a class but for the majority of our schools, mock trial is an extra-curricular activity. Some teams meet before school; some hold practices on weekends, and others hold practices after school. It's important to create a master calendar for the entire season that includes:

- Practice dates and times (typically once a week early in the season, more as it gets closer to competitions)
- Competition dates, times, and locations
- Deadlines for completion of tasks
- Scheduled scrimmages with other schools if available in your area
- If possible, create a group e-mail, text, or listserv to allow team members to stay in contact throughout the season

COLLABORATIVE ONLINE WORK AREAS

Consider using an online work group accessible by all team members (e.g. a Google Group or Dropbox). Using a shared drive can maximize time efficiency; enable team members to create, share and comment on each other's drafts between practices; allow documents to be jointly viewed and worked on during practices; and enable coaches and team captains to review, keep track of, and give input on the work students are doing.

A possible folder structure includes:

- Season schedule
- Team contact information
- Timeline of case events
- Separate Prosecution/Plaintiff and Defense folders that include:
 - Theory, theme, and legal elements of the case
 - Opening statement
 - Direct examinations (one for each witness)
 - Master Issue sheet
 - Exhibit analysis (one for each Exhibit)
 - Witness analysis & profile (one for each witness)
 - Cross examinations (one for each witness)
 - Closing argument
 - Objection log

THE CASE

Before diving into the case, make sure that students understand some of the basics including the steps in a trial, which can be found in the rules of competition. Other basics include: the differences between a civil and a criminal case, the roles of the plaintiff/prosecution and the defense, and the burden of proof based on the case type. Once students understand these basics, it's time to begin reviewing the case materials.

INITIAL CASE ANALYSIS

Because the case is a pretty long document, teams might consider breaking it down into smaller parts, reviewing each part (e.g. stipulations, complaint, witness statements, exhibits, jury instructions) and the purpose each serves. Then teams can work together to conduct an initial analysis of the case. This may take a few practice sessions. Elements of analysis include:

- Creating a timeline of events
- Outlining the elements of the case (the components of the case that have to be proven to prevail as set forth in the jury instructions)
- Identifying the facts that are in dispute between the two sides
- Creating a list of the strong and weak points for each side of the case
- Determining which party has the burden of proof, and what standard applies (preponderance of the evidence or beyond a reasonable doubt)

By the end of the initial analysis, students should be able to tell a summarized story about each side of the case in their own words. They can think about this story as if they were telling it to a reporter or to a friend who asked what happened.

At this stage, teams should also have the beginnings of a master issue sheet. This is a list that contains all of the legal and factual issues that are part of the case. Drafts of timeline, case stories and master issue should be added to the team's shared drive. These items will likely be refined over time.

WITNESS ANALYSIS & PROFILE

Teams can divide up and have one or two people work together to answer the following questions about their assigned witness to report back to the full team. The answers to these questions should be typed and added to the team's shared drive.

- 1) What will this witness achieve?
- 2) Why is this witness testifying?
- 3) What issues is this witness addressing?
- 4) What are the strengths and weaknesses of this witness' testimony?
- 5) What is this witness' background and personality?
- 6) What are some words that could be used to describe this witness?
- 7) How should this witness be portrayed? Why?
- 8) What will other witnesses say about this witness?
- 9) What will this witness say about others involved with this case?
- 10) Which exhibits could this witness use and how?

EXHIBIT ANALYSIS

As part of their preparation, teams should create a folder or document in the team's shared drive that includes an analysis for each exhibit. The following questions can serve as a guide for exhibit analysis.

- 1) How would the plaintiff/prosecution use it? (For background? To prove something (if so what?)?)
- 2) How would the defense use it? (For background? To prove something (if so what?)?)
- 3) Which witness(es) should use it and why?
- 4) What, if any, are the possible reasons not to use the exhibit?
- 5) What are the specific foundational questions that need to be asked about this exhibit?
- 6) Could this exhibit be objected to? On what grounds? (Note that common objections for exhibits include hearsay, relevance, lack of foundation, and inadmissible character evidence)
- 7) What is the plan B if the objection to the exhibit is sustained and the exhibit does not get entered into evidence? What alternate ways are there to present the evidence or make the same point you had hoped to make with the exhibit?

THEORY & THEME

THEORY

A theory of the case is a brief statement that describes what the case is about and why your side should win. For example, in a murder trial the prosecution's theory is that the defendant purposely took the life of the victim and describe why and how it happened. The defense's theory is that the defendant did not purposely take the life of the victim and describe why it's not possible and what happened from the defense perspective.

The theory is the grounding principle for a team's side of the case. Everything a team does should be tied to the case theory and be included in all parts of the case – opening statements, witness examination, and closing arguments.

A good theory contains several characteristics. It should be:

- Logical
- Persuasive
- Consistent with the facts of the case (including facts that might be bad for your side)
- Consistent with the law included in the jury instructions
- A good story that's easily understood
- Interesting to the jury

A useful way to help students work on theory is to have them work together to develop a paragraph that explains their side of the case. Each side should have a separate theory.

THEME

A theme is a much shorter version of the case theory. It is the theory boiled down to a sentence, a phrase, or even a word, and gives the jurors an easy way to understand the case.

Like the case theory, the theme must be based on the facts of the case. It should provide an easy catch phrase to help guide the jury to a verdict and provide a vivid image or emotion for the jury every time it's used. Below are some examples of themes from some well-known trials:

- **OJ Simpson murder trial:** If the glove doesn't fit, you must acquit.
- **Products liability case about a design flaw in a tire that lead to car crashes:** Unsafe at any speed
- **McDonalds hot coffee case:** It only takes 3 to 7 seconds (how long it takes hot coffee to cause third degree burns)
- **Medmal Rehab Facility case (facility didn't notify surgeon of changes in patient post-op condition leading to a loss of limb):** Plaintiff was promised a new knee but ended up losing a leg

Strong mock trial teams are able to include the theme in every phase of the trial. A good theme should be introduced in the opening statement and repeated during witness examinations and closing arguments.

THE COMPETITION

Please note that the structure of competitions for 2021 may change due to any scheduling complications arising from the current pandemic. Any changes will be shared with teams as soon as possible.

REGIONAL COMPETITIONS

Currently, Idaho holds three regional competitions in different parts of the state: Eastern Idaho, Northern Idaho, and the Treasure Valley. Regional competitions are usually held on Saturdays in February or early March. Teams participate in three rounds of competition and the top 12 teams from the three regions move on to participate in the state competition.

If the team is among those that advance, the time between regional and state competitions is the team's opportunity to improve its performance. The ballots from the regional competition are provided to the teacher coach and can be used to identify potential areas for improvement.

If the team does not advance to state, first and foremost, let the team know you are aware of and respect the work they have invested to prepare for regionals. Any student who shows up for practices and works to learn his or her role should be congratulated regardless of the outcome.

If it's feasible, even teams that didn't qualify for the state competition should consider attending as observers or volunteers. Viewing state trial rounds may motivate students to improve their performances for the next season.

STATE COMPETITION

The state competition is held on a Wednesday to Friday in Boise in mid-March. The 12 qualifying teams participate in four rounds of competition over two evenings. The top four teams move on to the semi-final rounds on Friday morning and the top two teams compete for the state championship on Friday afternoon.

One of the main differences between regionals and state is that at regionals teams are power-matched. Detailed information about power-matching is included in the Rules of Competition and it's important for teams to take the time to fully understand how this system works.

For teams traveling to state from outside the Boise area, the Idaho Mock Trial program will provide up to four hotel rooms per team for Wednesday and Thursday nights at a hotel arranged by the mock trial program and will provide reimbursement for travel expenses. Teams are responsible for arranging their own travel and can submit an expense report (with receipts) for reimbursement.

NATIONAL COMPETITION

The team that qualifies to represent Idaho at nationals has between six and eight weeks between the end of the Idaho season and the national competition. During that time, the team needs to be able to learn a new case (always released on April 1) and arrange for travel. The national mock trial organization has put together a document for new coaches that goes into more detail on other things teams need to do to prepare for nationals. This document will be sent to the state championship team.

Idaho's mock trial program will pay the \$500 registration fee for Nationals, but teams will need to raise the funds to cover travel, lodging and some food costs. Coaches who have attended nationals in the last several years indicate that the average cost **per student** to attend nationals ranges from \$800 to \$1200.

COURTROOM SET UP

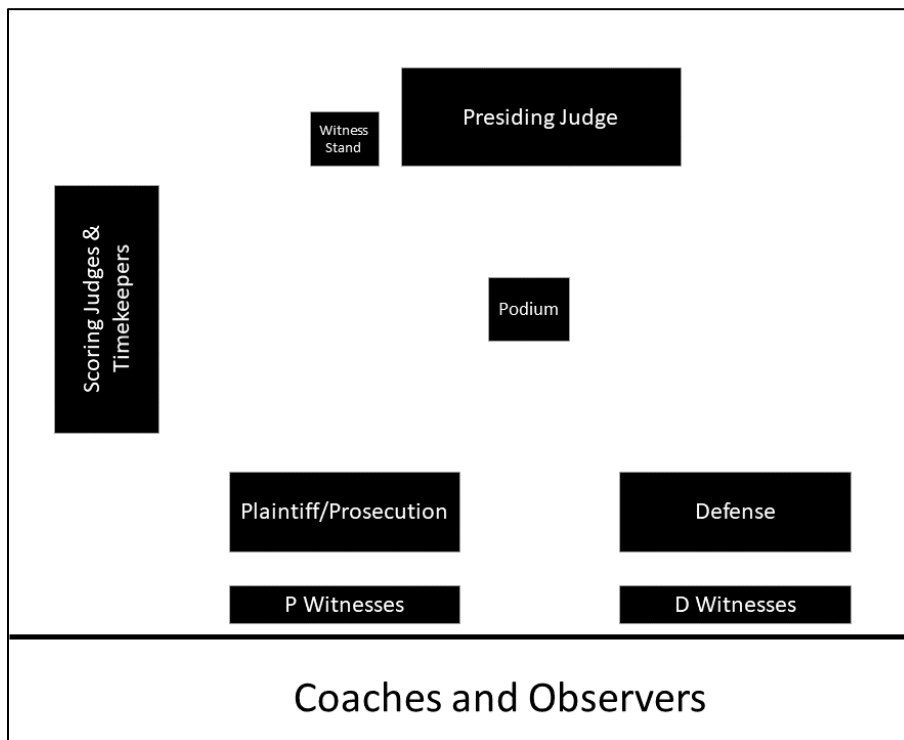
The plaintiff/prosecution team sits nearest to the jury box. There is generally some kind of divider between the trial participants (presiding judge, the scoring judges, competing team members) and the rest of the courtroom (i.e. coaches, non-competing team members, and other observers). This divider is called "the bar." Activity takes place either "inside the bar" or "outside the bar". During a trial round it is particularly important there is no communication between those inside the bar and outside the bar.

Tips for preparing the courtroom include:

- If possible, arrive at the courtroom 10-15 minutes early to get acquainted with the layout, make any necessary adjustments, and be ready to start the trial on time
- If a team is videotaping the trial (allowed only if both teams agree), the camera and the person filming should be in a good spot on the team's side of the courtroom behind the bar and out of the way of other spectators

- If a team has a courtroom artist, the artist should sit in a place where they can best see what’s happening in the courtroom; sometimes this will be in the jury box, sometimes in the gallery
- The timekeeper should be seated in the jury box (if possible) ensuring everyone inside the bar can easily see the timecards as they are displayed
- Confirm the trial tables seat all attorneys comfortably and that there’s adequate room to rise and approach the bench or the witness
- Attorneys should organize their materials on their tables
- Witnesses should seat themselves behind the attorneys’ table, but inside the bar (if possible)
- Ensure everyone in the courtroom has their cell phones turned off or set to silent mode

The diagram below shows a typical layout of a courtroom. It’s important to make sure team members understand that not all courtrooms are set up the same. Sometimes the jury box is on the other side of the room and sometimes there may not be a jury box. If there is not enough room inside the bar for witnesses, they can sit in the front row outside the bar, but the rule still applies that there should be no interaction with these participating members and coaches or observers.



THE TRIAL

ATTORNEYS & WITNESSES

GENERAL INFORMATION

- Remember that not everyone can win the competition, so learn as much as you can and have fun while participating
- Always be courteous and exhibit good sportsmanship to witnesses, attorneys, judges, other volunteers, observers, and mock trial staff
- Remember to maintain good posture
- Maintain appropriate eye contact
- Speak in a clear, calm voice; loud enough to be heard and slowly enough to be understood
- Avoid fidgeting and other nervous habits, like clicking a pen
- Do not chew gum
- Dress professionally
- Say, “Yes, Your Honor” “No, Your Honor” or “Thank you, Your Honor” when answering a question or responding to the presiding judge

WITNESS PREPARATION

- The student portraying a witness should be the authority on that witness and know the materials associated with the witness thoroughly – the witness statement, exhibits, and any other materials associated with the witness
- Stay in character throughout the entire trial – not just on the witness stand
- All witnesses will be sworn at the beginning of the trial as one group
- The witness sits in the witness box positioned in a way to make eye contact with and give responses to the jurors
- Since witnesses are not allowed to use notes, it’s important that they know how to answer fully, clearly, and naturally without the use of notes
- Know how to spell your witness’ name
- Answer questions verbally; nodding won’t work in court
- Witnesses shouldn’t make up testimony; they need to tell the truth based on what’s included in the case materials
- Listen to the questions before answering and if you don’t understand ask for clarification
- Don’t allow any unnecessary movements or gestures distract from the testimony

- When an objection is made, the witness should immediately stop talking and wait until the objection is decided and, even then, wait for the attorney to indicate whether or not to answer the question
- Don't leave the witness box until excused by the presiding judge. If the presiding judge forgets, the witness may ask, "May I be excused, Your Honor?"

ATTORNEY PREPARATION

- Always stand when talking in court and when judges (including jury members) enter or leave the room
- Except before and after the trial, never speak to opposing counsel; address them through the presiding judge
- Stand promptly when communicating with the presiding judge
- Maintain a confident demeanor throughout the trial

OPENING STATEMENTS & CLOSING ARGUMENTS

Each side is given 5 minutes to deliver their opening statements and another 5 minutes to deliver their closing arguments. The plaintiff/prosecution goes first, and the defense goes second. For closing arguments, the plaintiff/prosecution can reserve some time to give a rebuttal after the defense has delivered its closing argument. Objections by opposing counsel are not permitted during opening statements or closing arguments.

OPENING STATEMENTS

The opening statement is the first opportunity to introduce the case to the judge and jury. A good opening statement outlines the case to be presented in a way that is orderly and easy to understand. The opening statement should answer the following questions:

- 1) Who are you (including all co-counsel) and who do you represent?
- 2) What is your theory and theme of the case?
- 3) What's your side's story about what happened?
- 4) Who are your witnesses and what will their testimony show?
- 5) What are the key elements that the evidence will prove and how will it be proven?
- 6) What is the burden of proof and the applicable law for this case?
- 7) What verdict do you want the jury to return and why?

The tables below provide some possible language that might be used for the requested jury verdict based on the type of case and who is being represented.

Party	Civil Case
<i>Plaintiff</i>	Verdict finding the defendant liable for...
<i>Defendant</i>	Verdict in favor of my client because the plaintiff failed to prove...

Party	Criminal Case
<i>Prosecution</i>	Verdict finding the defendant guilty of ...
<i>Defendant</i>	The state has failed to meet its burden of proving my client committed... Therefore, we ask you to return a verdict of not guilty.

It’s important to note that an opening statement is not an argument or a discussion of the law but rather tells the jury what the evidence will show and serves as a road map for the jury to follow. Arguments regarding the law as applied to the evidence presented should be reserved for the closing arguments.

CLOSING ARGUMENTS

The closing argument is a team’s final statement to the jury. It should present a narrative that explains how the evidence presented during the trial supports the requested verdict. Sometimes there is evidence in the case materials that does not make it into the trial--if it wasn’t included in any of the witness testimony, then it shouldn’t be discussed during closing arguments. That’s why it’s important for attorneys to organize their questions for direct and cross examination to introduce evidence and include the exhibits that they want to use as part of the closing arguments and to keep track of what evidence was actually presented *for both sides*.

The following elements should be included in closing arguments:

- Reintroduce your theory and theme of the case.
- Retell your side’s story about what happened (make sure to incorporate specific evidence/testimony that was introduced during the trial).
- Revisit the key elements that the evidence proved and how it was proven.
- Restate the burden of proof and the applicable law for the case. The best place to find this information is in the jury instructions.
- Remember to ask the jury for the verdict you are seeking and tell them why it’s the proper verdict.

One way to make sure your team can tailor their closing arguments to specific information that happened during the trial is through the use of an outline. The outline is prepared in advance and includes space for notes on information that is revealed during the trial. It includes:

- A list of the key facts for each witness and a checklist or space for notes when/if these facts are entered into evidence and through which witness
- A list of exhibits and space for notes for each exhibit that is admitted during the trial; if the exhibit wasn't admitted, you can't refer to it in closing argument
- Space for notes on actual witness testimony and quotes
- Space for notes on the opposing counsel's cross examination
- Space for notes on opposing counsel's theme and theory and other arguments made during opening statements and closings arguments

TIPS FOR OPENING STATEMENTS & CLOSING ARGUMENTS

- Opening statements and closing arguments will go through a lot of editing and revisions as you develop them; don't be afraid to experiment with language and ideas until you are satisfied with your content
- Make sure you get input from your coaches and teammates, including witnesses who are experts on the witnesses they are portraying and can likely offer good advice on the key points that need to be covered for each witness
- The job during opening statements and closing arguments is to tell a story to the jury in a way that is helpful and persuasive so make sure to paint a vivid picture and use descriptive language to make your most important points; everything you say and do needs to have a purpose
- Make eye contact and talk directly to the jury, standing close but not so close that you encroach their space
- Don't stand in front of members of the opposing team in an effort to obstruct their view; doing so will draw an objection and the judge will direct you to move
- Be assertive but not aggressive, appearing natural, conversational, and engaging
- Choreograph your movements and gestures, but practice so that they look natural and not staged; don't be a statue!
- If possible, memorize your opening statement but if you are worried you might forget something put your notes with your key points on the edge of counsel's table so that you can glance at if you need a reminder
- Memorize parts of your closing arguments but be prepared to incorporate key points that happened in the trial (the outline method described above can help with that)

DIRECT & CROSS-EXAMINATION

DIRECT EXAMINATION

During direct examination, attorneys asks questions of the witnesses who support their side of the case. The plaintiff/prosecution present their witnesses first, followed by the defense witnesses. The attorney's job during direct examination is to help each witness tell their story in a way that paints the witness in the best possible light. The direct examination should focus on questions that will elicit the testimony and evidence to support your side of the case.

Questions asked on direct examination should be open-ended and not suggest the answer to the question (typically who, what, where, when, why, and how questions). Most direct examinations begin by having the witness introduce him/herself. For example, "Can you please state your name and spell your last name for the record."

The introductory question is followed by questions that are referred to as foundational. These types of questions elicit information about the witness' relationship to the case and the basis of his/her knowledge. For expert witnesses, the attorney must also ask questions that lay the foundation for the witness' expertise.

Attorneys may also choose to elicit any "bad" information included in a witness' statement as part of a direct examination. This is often an effective strategy to take the "sting" out of potentially damaging information by letting the jury know the team is not trying to hide the bad information. This also allows the attorney to frame the information in the most positive light.

CROSS-EXAMINATION

Unlike in an actual trial, the mock trial competition rules allow students to ask questions on cross-examination that exceed the scope of what was asked on direct examination. The goal of cross-examination is to undermine the testimony and credibility of a witness and/or to gain admissions from the witness that are favorable to your side of the case. The best cross-examinations reflect excellent familiarity with the case overall, the witness' written statement, and the witness' testimony on direct.

Unlike the direct examination, in cross-examination you can, and generally should, ask questions that suggest the answer you would like the witness to give. This is referred to as "leading the witness." Examples of the type of leading language used in cross-examination include, "Isn't it true that..." or "You didn't actually see the incident, did you?" Attorneys should only ask cross-examination questions that they know the answers to. Attorneys will also need to learn techniques for controlling difficult witnesses on cross-examination.

REDIRECT EXAMINATION

Redirect examination occurs after cross examination. It is an opportunity to rehabilitate a witness from any attacks that occurred during cross examination and to reiterate the most important points the witness made for your side of the case. Reiterating the most important points does not mean repeating the entire direct examination – you just want to emphasize the high points. You should also avoid asking questions that go beyond the scope of what was covered on cross examination as doing so is subject to an objection. Attorneys will need to make

the strategic decision whether to conduct a redirect examination, but if conducted, the best redirect examinations are precise and to the point.

RE CROSS EXAMINATION

Recross examination occurs only if there has been a redirect examination. As with redirect, questions asked during any recross examination should be brief and to the point. Recross should only be used to address an important point made on redirect. Attorneys may choose to forego recross examination if the redirect wasn't noteworthy.

TIPS FOR WITNESS EXAMINATION

- The students portraying witnesses should be experts on the information contained in their statements; attorneys should collaborate with witnesses to develop questions for both direct and cross-examination
- Attorneys should strategize on how much time they expect to spend for examination of each of the three witnesses; teams have a total of 20 minutes for direct examination and 20 minutes for cross-examination
- Identify the four to five key points to make with each witness and construct questions accordingly
- The sequence of questions should be presented in a logical order and be clear and concise; the jury should be able to understand the importance of each question and why it was asked
- Make sure all the materials are organized prior to conducting the witness examination – mark key points in witness testimony and have any exhibits to be used with a witness ready to go
- Remember that the attorneys at the table are a team; while one attorney is conducting the examination, the other attorney(s) can help organize any materials the examining attorney might need, including locating information in a witness statement to use to refresh a witness' recollection or to impeach a witness
- Questions should be prepared in advance, but attorneys should make sure to listen to the answers given and respond to the witness' actual testimony, asking any necessary follow-up or clarifying questions and eliminating any questions that elicit redundant information
- Attorneys should never ask questions to which they don't know the answer
- Make sure you are prepared for any objections and avoid ending the examination on an objection that is sustained
- In general, do not interrupt the witness; if a witness is getting long-winded, use polite phrases to redirect the witness (for example: "If I could redirect you for a moment, Mr. Jones.")
- Conclude questioning by eliciting an answer that makes an important point for the case and when finished with the questioning make sure to say, "No further questions, Your Honor."
- Always be courteous with the witness and opposing counsel – even on cross-examination

- Attention should primarily be focused on the witness with occasional eye contact with the jury, usually on important points

OBJECTIONS

An objection is a statement made by an attorney during direct or cross-examination of witnesses to challenge specific evidence. The end goal of an objection is to have evidence limited or ruled inadmissible by a presiding judge.

Making clear, powerful objections is one of the most important skills necessary for a strong mock trial attorney. In order to make or respond to an objection, attorneys need to be able to react quickly and think on their feet.

Idaho's Rules of Competition and Rules of Evidence are used to form the basis of any objections used during competition. It's important for all team members to take the time to thoroughly understand these rules and decide which specific rules are most applicable to the current year's case. This includes being able to recite the rule number as part of an objection to let the presiding judge know which rule is being relied on in support of the objection.

THE PROCESS FOR OBJECTING

Only the attorneys who are responsible for the witness on the stand can make objections. Attorneys cannot object during opening statements or closing arguments.

STEPS FOR OBJECTING

Because objections are a good opportunity to illustrate knowledge of the case and the rules, practicing making and responding to objections will be time well spent. It's important to make sure that objections are timely and well-founded and not being used for the purpose of harassing the opposing team or wasting time.

Attorneys should object to the question before the witness begins to answer, object to the witnesses' answer as soon as they realize the testimony is objectionable, or object to a document (such as an exhibit) when the document is moved for admission as evidence. Objections should always be addressed to the presiding judge and not to opposing counsel.

The process for making an objection is as follows:

- 1) Stand and say, "Objection", even if it means interrupting opposing counsel or a witness when they are speaking.
- 2) State the rule and/or the grounds for the objection. If the presiding judge asks for more information, give a short, one sentence reason for the objection.
- 3) The judge will likely give opposing counsel a chance to respond to the objection. It is important to have a few stock phrases ready in case you freeze up when responding to an objection. Sometimes opposing counsel will make an objection that is unclear. It is OK to say, "Your honor, I do not understand the basis of the objection, could counsel clarify?"

- 4) If the objecting attorney has more to add after opposing counsel responds, the objecting attorney can ask: “May I be heard, your honor?” and then provide further argument. Again, keep it short.

Note: If the attorney honestly does not know how to proceed, s/he should ask the presiding judge if s/he may confer with his/her co-counsel. If the request is granted, make the conference brief. Use this conference technique only when absolutely essential as presiding and scoring judges may become frustrated if the student attorney holds up the trial too often; REMEMBER: this conference counts as part of the time allotment.

SUSTAINING OR OVERRULING AN OBJECTION

Once attorneys have had the opportunity to make their arguments, the judge will either sustain or overrule the objection. When the judge sustains an objection, this means that the judge agrees with the objection and has decided the evidence is not admissible. If a judge overrules an objection, it means the judge disagrees with the objection and has decided the evidence is admissible.

Sometimes judges do not use the words “sustained” and “overruled.” Attorneys must listen closely to the judge’s ruling, and if in doubt, ask for clarification. If the judge rules in your favor of an objection, it’s important to make sure to follow up. Sometimes an attorney will get a favorable ruling and then not take advantage of it.

For objections on questions:

- If the objection is **sustained**, the witness cannot answer the question and the questioning attorney must ask another question or conclude their examination of the witness.
- If the objection is **overruled**, the witness can answer the question. It’s usually helpful if the attorney repeats the question for the benefit of the witness and the scoring judges.

For objections on testimony

- If the objection is **sustained**, the witness cannot say any more on the objectionable issue and the attorney who made the objection can move to strike the testimony. This means the attorney asks the judge to exclude the improper testimony from evidence and the evidence can’t be used by either party for the rest of the trial, including closing arguments.
- If the objection is **overruled**, the witness can continue testifying.

For objections on exhibits

- If the objection is **sustained**, the exhibit cannot be shown to the jury or read from by the witness.
- If the objection is **overruled**, the exhibit can be shown to the jury and read from by the witness.

Whether the judge sustains or overrules an objection, it’s important for attorneys to accept the court’s ruling gracefully. Attorneys can say something like, “Yes, your honor” or “Thank you, your honor”. Attorneys should also pay attention to their facial expressions or other body language and not show any signs of frustration if the ruling doesn’t go their way.

TYPICAL MOCK TRIAL OBJECTIONS

OBJECTIONS TO QUESTIONS

Questions have to be asked in a proper form. When an attorney makes this type of objection, they are objecting to the how the question is asked not to the substance of the question. Often these objections can be fixed by allowing the attorney to rephrase the question.

- **Leading:** A leading question is a question that suggests an answer. Leading questions are not allowed during direct examination but are allowed during cross-examination. An example of a leading question during direct examination would be: "You were at the café at 8:00 on the night of the murder, correct?" The proper form of this question for direct examination would be: "Where were you at 8:00 on the night of the murder?"
- **Compound:** During a trial, attorneys must ask one question at a time. A compound question is really two or more questions pretending to be one question and is typically linked by "and" or "or". An example of a compound question would be: "Did you go to the café and then go to Katie's house for dinner?"
- **Calls for Narrative:** A narrative question asks the witness to tell a story as opposed to answering a specific question. For example, "Tell us what happened on December 22nd." calls for story whereas "Where were you at 8:00 on the night of December 22nd?" which is meant to get more specific information.
- **Argumentative:** While it is the job of an attorney to ask questions, an argumentative question will try to draw a conclusion or make a point in a way that challenges, badgers, or otherwise appears overly aggressive with the witness as opposed to getting the witness to provide relevant information. An example of an argumentative question might be: "Wasn't it careless to leave such a dangerous item in such a public, easily accessible location?"
- **Asked and Answered (Repetitive):** If an attorney has asked a question and the witness has given an answer, the attorney cannot ask the same question of this witness again. However, if the witness is not fully answering the question asked, the attorney may object on the grounds that the witness is being non-responsive.
- **Relevance:** The question being asked does not relate to the merits of the case or another admissible purpose such as foundation or permissible character evidence. More information about relevance can be found in Article IV of the Rules of Evidence.
- **Assuming Facts Not in Evidence:** During direct examination, attorneys may not ask questions that assume unproven facts. However, an expert witness may be asked a question based on stated assumptions, the truth of which is reasonably supported by evidence (sometimes called a hypothetical question).
- **Outside the Scope:** Attorneys cannot ask questions during redirect about topics not previously covered cross examination or ask questions on recross examination for topics not covered in redirect examination. For example, in a car accident case, if the cross examination was limited to asking about weather conditions, opposing counsel cannot ask about the

color of the traffic light on redirect. Any questions that try to get testimony beyond what is allowed on redirect or recross would be subject to an objection as “outside the scope.”

OBJECTIONS TO TESTIMONY

Objections to testimony relate to the substance of the evidence a witness is presenting. An attorney makes this type of objection to try and exclude information given by the witness during the trial.

- **Non-Responsive:** This objection is made when a witness does not answer the question being asked by the attorney. This objective can also be used to reel in a witness who has lapsed into narrative in response to a yes/no question.
- **Relevance:** The answer being offered does not relate to merits of the case or another admissible purpose such as foundation or permissible character evidence.
- **Lack of Foundation:** Understanding how to “lay a foundation” is an important skill. A witness needs to have testified to enough background facts to show they are able to provide the testimony they are giving. If this objection is sustained, the judge may ask the questioning attorney to ask more general questions that lead up the testimony that was objected to.
- **Speculation:** A witness must have personal knowledge of the things they testify to; they can’t guess at the answer. Usually, witnesses speculate when they testify about another person’s thoughts or motivations like why another person said or did something or what another person thought or felt.
- **More Prejudicial than Probative:** This objection is used when the testimony being offered can do significant harm to your case but is not relevant enough to help your opponent’s case. For evidence to meet this standard, the objecting attorney must show that the evidence is so harmful that the harm substantially outweighs any relevance the evidence has. There must be a substantial danger that the evidence will lead to undue prejudice, confusion of the issues, is a waste of time, or is misleading.
- **Improper Lay Witness Opinion:** Generally, lay witnesses (non-experts) can only testify about things of which they have personal knowledge. Lay witnesses can give opinions based on things they observe with their senses as long as the opinion is relevant to understanding their testimony. If a lay witness tries to offer testimony that requires special knowledge or training, their testimony is improper.
- **Improper Expert Witness Opinion:** Expert witnesses have special knowledge, education, training, experience, or skills. Unlike lay witnesses, they can testify to their opinions about matters even if they don’t have personal knowledge of them as long as their opinions are based on evidence that experts in their field generally rely on. Expert witnesses must be qualified to give expert opinions. This means you must lay foundation for their expertise prior to asking for an expert opinion.
- **Unfair Extrapolation:** This rule only exists in the mock trial world and addresses a situation where a witness tries to include a material fact that is not part of the case packet (e.g.

witness statements, exhibits, etc.). A fact is material if it makes a difference in the outcome of the case. It's important for attorneys to know their witness statements so they can catch testimony that is outside allowable facts. While an attorney can use this objection, often the best way to handle an unfair extrapolation is through -cross-examination. This helps the judging panel know that the cross-examining attorney has a good grasp of the facts of the case, that the witness on the stand has told a falsehood, and that the cross-examining attorney has strong impeachment skills.

HEARSAY

Because it's one of the most difficult objections to master, hearsay deserves a little more in-depth explanation. The Idaho Mock Trial Rules of Evidence includes a lot of information about hearsay and the exceptions to hearsay. It's important that mock trial coaches take the time to help students understand how this objection works, particularly how it might apply to the current season's mock trial case.

A hearsay objection is made when a witness testifies about an out-of-court statement the witness is claiming was made by another person when the witness is using the contents of the statement to try to prove a fact in the statement to be true or false. The statement is considered unreliable and inadmissible because the person who allegedly made the statement is not on the stand to offer whether the statement is true or false. For example, it would be hearsay for a witness to say: "My sister told me that she saw the defendant hit the victim."

Although hearsay is not usually allowed at a trial, a judge may permit it if:

- 1) The statement (called an admission against interest) was made by a party in the case and it contains evidence which goes against his or her side (e.g., in a murder case, the defendant told someone that he or she committed the murder.);
- 2) The statement describes the then-existing state of mind of a person in the case, and that the person's state of mind is an important part of the case;
- 3) The statement is a regularly kept record of a business or other association, recorded by someone with personal knowledge near the time the matters recorded occurred;
- 4) The statement is a present sense impression, describing an event or condition while the witness was perceiving it, or immediately afterwards; or
- 5) The statement is not being offered for the truth of the matter asserted. For instance, a police officer, hears cries of "Help, John is trying to kill me!" from inside John's house. The officer kicks the front door down and enters John's home. John sues the police officer for invading his home. In her defense, the officer asserts that there was just cause to enter John's home because she had a genuine belief that a crime was occurring. At trial, the police officer testifies about what she heard before she kicked down the door. The issue at trial is not whether John tried to kill the victim but rather whether the officer's entry into the home was lawful. Therefore, the victim's statement "John is trying to kill me!" is not being offered to prove that John tried to kill the victim ("the truth of the matter asserted"). Rather, the statement is being offered to prove that the officer had probable cause to enter the home. Whether John was actually trying to kill the victim is irrelevant to the issue at hand; what

matters is whether the officer *believed* that someone was in danger and whether it had been necessary to kick down the door to investigate further. The victim’s statement is evidence that the officer, having heard the cries for help, reasonably kicked down the door.

USING AN OBJECTION LOG

It’s important to note that a team cannot map out every possible objection that may come up during competition. That’s why it’s important for team members to be well-versed in the rules of competition and evidence. Teams should consider having a notebook that includes tabs or sticky notes to easily access language for typical objections.

However, as teams immerse themselves in the case materials, they can create an ongoing list of testimony or other materials that may result in objections. Teams should be taught to look for places in the materials where an objection might be made and then talk through the specific objections and responses during practices. The Objection Log can be stored in the team’s shared drive and coaches and team members can add to the document throughout the season.

The example below shows a sample Objection Log for a case where someone died as a result of Pat Jones (defendant) running a stop sign. Pat has been charged with manslaughter.

Witness or Exhibit	Testimony or Description	Objection	Response
Chris Smith (P)	Chris says in his/her testimony that Pat was depressed, which led to him/her being inattentive and running the red light and causing the accident (lines 25 to 30 in Chris’ statement)	Speculation and/or improper lay witness testimony; Chris is not a medical expert and cannot guess at or give an opinion about Pat’s thoughts and feelings	Pat told Chris (lines 50 to 53 in Pat’s statement) that s/he had started seeing a therapist after his/her mom died and Chris drove Pat to his therapist appointment, therefore Chris had direct knowledge of Pat addressing his/her depression
Charlie Neil (D)	Witness says that she observed Chris upset just before getting into his car and overheard him tell another man that about a recent breakup.	Hearsay and relevancy	Witness is testifying about her present sense impression

Witness or Exhibit	Testimony or Description	Objection	Response
Pat Jones (D)	Pat says that Chris is a pathological liar and has been since they were kids. His/her take on this matter cannot be trusted. (lines 84 to 95)	Improper character evidence	Witness credibility is always at issue
Exhibit 2	Prescription for anti-depression medication left in Chris' car by Pat	Irrelevant because there is no toxicology or other evidence that Pat had the medication in his/her blood or that depression causes inattentive driving.	The objection goes to the weight to be given to the evidence, not its admissibility.

EXHIBITS

Exhibits are used to strengthen a team's case. Attorneys can introduce any of the exhibits provided with the case materials. It's important to note that these exhibits cannot be altered in any way and exhibits not specifically provided for in the case materials are not allowed. Once an exhibit has been admitted into evidence, attorneys from both sides can use it without having to reintroduce it.

The procedure for entering exhibits into evidence can be found in Rule 4.17 in the Rules of Competition. Teams should practice this process and have it memorized prior to their competition.

Until an exhibit is actually admitted into evidence, a witness cannot be asked substantive questions about it. Prior to an exhibit being admitted, witnesses can be asked preliminary questions to "lay the foundation" for the admission of the exhibit. These preliminary questions include identifying:

- What the exhibit is
- When the exhibit was created
- Who created the exhibit
- Whether it would be helpful in supporting the witness's testimony (as in the case of an expert witness)

Lack of Foundation is a common objection to an exhibit and can usually be corrected by asking additional questions.

RESOURCES

Idaho's mock trial program considers our website to be the main hub for all our materials. You can access the website at idahomocktrial.org. On this site teams can register and find a list of the important dates for the mock trial season.

The Idaho Mock Trial site includes a materials page with:

- The Code of Ethics & Civility
- The Rules of Competition
- The Rules of Evidence
- Previous mock trial cases
- The Scoring Guide
- The Timekeeping Guide
- Forms used during the season

The site also includes information for courtroom artists, training and orientation videos, videos of past competitions, and a list of the results and awards from previous seasons.

Teams can also access the Idaho Mock Trial social media sites. Idaho's mock trial program often posts announcements and other important information on our social media sites so coaches and team members are encouraged to follow these sites.

APPENDIX A: SAMPLE INFORMATION LETTER & CONTRACT

INFORMATION LETTER

Welcome to Mock Trial! I hope that your son or daughter enjoys this unique high school experience – one that can have lasting and practical application long after the high school years.

A mock trial is a simulated trial that features students in the roles of attorneys, witnesses, timekeepers, and courtroom artists. The purpose of mock trial is to help students learn the legal procedures by which facts are determined and the rules of law applied to a case. Student teams from approximately 30 schools from all parts of Idaho participate in the high school mock trial program. The competition is sponsored by the Idaho Law Foundation's Law Related Education Program.

Student teams made up of six to nine students who are given a case packet that contains a fact situation, legal citations and case law, witness statements, and exhibits. The student's job is to develop arguments using the facts with the appropriate law. Real judges and attorneys score the teams based on how effectively they prepare and present their case.

We will be practicing [HOW MANY DAYS A WEEK ON WHAT DAYS AT WHAT TIMES]

Mock Trial is an extracurricular activity that relies on teamwork and practice just like a sports team. Once your son or daughter has committed to participating in Mock Trial, the rest of the team will be counting on the attendance and involvement of every team member. If your son or daughter cannot attend practices or one of the competition dates below, please do not sign this permission form.

Your child must be available on the following dates for regional and (if qualified) state competitions [ENTER DATES, DAYS, TIMES OF COMPETITIONS]

[INCLUDE INFORMATION HERE ABOUT ANY EXPENSES AND OR NEED FOR TRANSPORTATION]

[CONSIDER INCLUDING INFORMATION ABOUT HOW PARENTS CAN BE INVOLVED, INCLUDING ENCOURAGING THEM TO ATTEND THE COMPETITION TO SEE THEIR CHILDREN COMPETE]

If you need to contact me, please call the school at XX. I can also be reached by email at XX.

CONTRACT

My child and I understand the information presented in the Information Letter. We understand that my child's participation requires a commitment of time and energy to the activity and to the other participants as well. Other students will be relying on my child's dedication and regular participation. [ADD ANY SPECIFIC ATTENDANCE REQUIREMENTS]

We commit to being available on the following competition dates:

[ENTER DATES AND TIMES FOR COMPETITIONS]

We understand the information above and give my consent for my child to compete on the Mock Trial Team.

[ADD SPACES FOR THE PARENT AND THE CHILD TO PRINT AND SIGN THEIR NAMES]

Note: this may also be an opportunity to recruit parents to help out. Consider adding a space for parents to list ways they can be involved and include their contact information.