

GUIDELINES FOR PRESIDING JUDGES – 2007

GENERAL ISSUES:

1. Rules of Trial: The trial format – including the order of trial, student roles, time limits, etc. – is governed by the Rules of Competition. Please consult the coordinator in charge of your trial if you have any questions about the format. Evidentiary issues that arise during trial are governed by the Federal Rules of Evidence.
2. Case Materials and Supplement: All issues relevant for the trial are included in the case materials, including a case supplement. The supplement was created to address questions raised after the case was posted. Some clarifications added substantive information to the case. Witnesses may testify to this new information, as permitted in the supplement.
3. Breaks Between Trial Segments: Assist the coordinator and the timekeeper by allowing “breaks” in the action between each segment of the trial. For example, allow a moment to pass after both the opening statements, after completion of a witness’ testimony, and after both closing arguments. This pause gives the jurors time to complete their scoresheets and make comments.

TRIAL ISSUES:

4. Unfair and Fair Extrapolations: Witnesses may not testify in contradiction of their statements. Nor may they testify beyond the scope of their statements unless asked a question on cross-examination which requires an answer outside the statement’s scope. In that case, the witness may truthfully answer “I don’t know” or “I do not have that information available to me,” or, the witness may invent facts helpful to his/her side.

“Fair extrapolations” of witness statement are permitted; however, **a fair extrapolation is one that is neutral and can be reasonably inferred from information in the statement. An unfair extrapolation is one that has no basis in the witness’ statement and has been invented by the witness in order to strengthen his/her testimony.**

5. Objections – Await a Response: If a student-attorney raises an objection during trial, **please refrain from ruling upon the objection until after the other side has responded.** Student-attorneys are scored on their ability to respond.

POST TRIAL:

6. Dispute Resolution of “Inside the Bar” issues: If a team believes that a substantial rule violation has occurred inside the bar during the trial, one of the participating student attorneys must, immediately upon the conclusion of the trial, inform you that s/he intends to file a dispute on the appropriate form. Only student attorneys may raise these issues. Please consult with your coordinator and Rules of Competition as to the procedure for resolving these issues. If this procedure is invoked, please do not excuse the jury until after the dispute is resolved.

7. Presiding Judge Critique: Following closing arguments, the jurors will exit to tally their scores. This is the appropriate time for a short critique from the bench. As the courtroom is typically filled with nervous students, brief critiques and generally positive observations from the bench are greatly appreciated.

8. Presiding Judge Verdict: In addition to a critique, you have the option of rendering a verdict on the merits based on who you thought won the legal arguments. **Please do not make this decision based upon which team you thought did a better job for competition purposes.**

Also, please refrain from commenting on the weight of the evidence or the burden of proof. Comments that one side had an easier time based on the problem, though well-intentioned, undercut the sense of fairness everyone involved in the program works so hard to foster.

9. Jury Verdict: After the jury member tabulate their scoresheets, they will return to the courtroom. In most trials, a member of the jury will announce the verdict (the trial winner) by simply stating: “we find in favor of the plaintiff/defendant.” The announcement is unofficial and subject to the coordinator double checking for scoresheet errors. Court may be adjourned at this point and they jury excused.

The competition is intended as a learning experience for the students. Although the competitive nature of the event may not always reflect this emphasis, it should be stressed whenever possible. Many participants and observers have never been in a courtroom before or before a judge. This reality should not be forgotten as you preside over the trial and critique the participants.

Thank you for your support of the competition. Please feel free to offer the coordinator any suggestions for improvement of the program.