

## Considerations in Scoring Mock Trial Attorneys and Witnesses

### Attorneys

Opening Statement	<p>Did they provide an overview of the witnesses and their testimony, evidence, and how it will prove the case?</p> <p>Did they introduce a theme/theory of the case?</p> <p>Did they outline the burden of proof?</p> <p>What is the requested relief (what the side is asking the court to decide)?</p>
Direct Attorney / Examination	<p>Asked properly phrased open ended questions that allowed explanation or description of the situation</p> <p>Sequenced questions logically</p> <p>Did not ask questions that required any unfair extrapolations</p> <p>Laid foundation for witness testimony</p> <p>Elicited relevant, important evidence from witnesses</p> <p>Continued with consistent theme/theory of the case</p> <p>Provided proper objections during opposing team's cross examination</p> <p>Utilized objections to move the case forward and not just to throw the other side off their game</p> <p>Made/defended objections utilizing rules of evidence or the rules of the competition</p> <p>Recovered well after objections</p> <p>Adjusted to judges' rulings</p> <p>Addressed actual testimony</p> <p>Followed proper protocol for introducing exhibits</p> <p>Demonstrated an understanding of the rules of competition and evidence</p> <p>On re-direct, <b>which is fully optional</b>, rehabilitated/redeemed witnesses<sup>1</sup></p>
Cross Attorney / Examination	<p>Continued with consistent theme/theory of the case</p> <p>Provided proper objections during opposing team's direct examination</p> <p>Made/defended to objections utilizing rules of evidence or the rules of the competition</p> <p>Utilized objections to move the case forward and not just to throw the other sided off their game</p> <p>Recovered well after objections</p> <p>Adjusted to judges' rulings</p> <p>Addressed actual testimony</p> <p>Elicited facts favorable to the attorney's case</p> <p>Asked properly phrased questions that weakened the testimony given during direct examination</p> <p>Used appropriate leading questions suggesting a "yes/no" answer</p> <p>Attempted to appropriately control the witness consistent with the judges' rulings</p> <p>Properly impeached the witness, if needed, without appearing to harass or intimidate</p> <p>Followed proper protocol for introducing exhibits</p> <p>Demonstrated an understanding of the rules of competition and evidence</p> <p>Limited re-cross examination to scope of redirect examination, <b>recross examinations are fully optional</b><sup>2</sup></p>
Closing Arguments	<p>Incorporated what transpired during trial</p> <p>Summarized the evidence with reasoned arguments</p> <p>Outlined the strengths of his/her side's witnesses and the weaknesses of the other side's witnesses</p> <p>Discussed relevant exhibits when appropriate</p> <p>Theme was carried through to closing</p> <p>Refers to jury instructions or other legal standards when necessary</p> <p>Asked for the verdict, including a request for relief, if appropriate and explained why the verdict was justifiable</p>

### Witnesses

Performance	<p>Presented an interesting and authentic character</p> <p>Played up the strengths of his/her statements and adequately explained the weaknesses</p> <p>Understood the facts of the case and the exhibits</p> <p>Provided logical testimony</p> <p>Sounded spontaneous and not memorized</p> <p>Did not give <b>excessively</b> long or <b>excessively</b> non-responsive answers on cross examination<sup>3</sup></p> <p>Portrayed a consistent character under cross examination</p> <p>Maintained factual position under cross examination</p> <p>Recovered well after objections</p> <p>Remained in character when not on the witness stand</p>
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### Notes

<sup>1</sup> Redirect and re-cross examinations are fully optional. Teams must make such decisions based on time constraint and other factors.

<sup>2</sup> See above.

<sup>3</sup> It is important to note the word "excessively" in this consideration. Witnesses may be coached to strategically respond to questions in order to avoid unnecessary concessions. Witnesses should not intentionally waste their opponent's time.