



PRESENTATION FOR JUDGES

AGENDA

Trial Structure & The Case

Scoring, Presiding, & Commenting

Timekeeping & Other Rules

TRIAL STRUCTURE & THE CASE

Learning about the mock trial world

What is mock trial?

Mock trial is a simulation of a **civil jury trial** where students **portray attorneys and witnesses**. The trial happens in the fictional jurisdiction of **Midlands**, which has its own:

Case Law

Statutes

Rules of Evidence (similar to FRE)



This Year's Case: *Felder v. Koller Campbell Air*

On July 4, 2021, a small private plane, tail number N985MT crashed into Mount McIntosh. Both the pilot, Reese Campbell, and his passenger, Morgan Felder died in the crash.

As a result, Morgan Felder's spouse, Ari Felder, has brought a claim for negligence against the pilot's company, Koller Campbell Air, LLC.

This will be a bifurcated trial, dealing with liability only. The defense may elect to pursue one or more affirmative defenses.



If you've heard this case before...

Witness selection varies from round to round.

Do not score on these strategic choices, only on performance of what was actually presented.



Scoring Considerations and the Student Experience

- While this is a competitive activity, as Judges, we ask that you help us to make this a safe, welcoming, and educational experience for all of our students.
- Consider implicit bias - **Implicit Bias** exists when we have attitudes toward people or associate stereotypes with them without our conscious knowledge.
- AMTA asks that you evaluate student competitors only on the performances they present during today's trial.

PRESIDING, SCORING, & COMMENTING

How to evaluate the round

TRIAL COMPONENTS

Pre-trial Matters / Introductions

Opening Statements

Plaintiff Case-in-Chief

Customary Break

Defense Case-in-Chief

Customary Break

Closing Arguments / Rebuttal

Your Role

You are here to “judge” the competition. You will do so in panels of two or more individuals.



PRESIDER

Score
(if 2-judge panel)

Provide feedback

Preside
(rule on objections, keep trial moving)



SCORER (x2)

Score

Provide feedback



**You're not
reaching a
verdict.**

Notes for Presiders

Differences from real-world trials

Both teams must...

- Present opening statements at the start of trial
- Call three witnesses
- Cross-examine all witnesses called

Notes for Presiders

Differences from real-world trials

- NO objections to openings or closings
- NO motions in limine, for a directed verdict, or mistrial
- NO side bars
- NO objections or questions from the judges
- NO scope limitations on cross-examination (but scope is limited on re-direct and re-cross examination)
- NO requirements that expert witnesses be tendered
- NO binding federal precedents, though competitors will inform you of Midlands case law if necessary.



SCORING THE TRIAL

Scoring Framework

RANGE

Score from **1-10**,
with 10 being the
highest score

No decimals, only
whole numbers

No zeros*

* Unless the role didn't occur

CALIBRATION

Score differences
between teams

Scale doesn't matter,
just be internally
consistent





**Use whole numbers,
and point
differential matters,
not total points!**

The Ballot

Ballot has 3 carbon copy pages

Don't write on the full stack!

Be sure to set each page directly on the table to write



AMERICAN MOCK TRIAL ASSOCIATION BALLOT

5

This is a pressure form. Please write firmly with ballpoint pen to make a copy.
Do not put the ballots on top of each other when you write on them.

PL./PROS. TEAM # _____ DEFENSE TEAM # _____

ROUND 1 2 3 4 — JUDGE'S NAME _____
(Please Print)

SCORE SUMMARY/SPEED SHEET

Please fill out this sheet and hand it in IMMEDIATELY after the trial, before you consult with the other judges or offer any oral critique. The prompt completion of this sheet is important to the timeliness of the next round and the efficiency of the entire tournament. Thanks for your cooperation. (Please DO NOT use decimals or fractions in judging performances.)

PLAINTIFF/PROSECUTION

_____ Opening statement

PL./PROS. CASE-IN-CHIEF

_____ Direct exam of π #1

_____ Witness #1 direct

_____ Witness #1 cross

_____ Direct exam of π #2

_____ Witness #2 direct

_____ Witness #2 cross

_____ Direct exam of π #3

_____ Witness #3 direct

_____ Witness #3 cross

_____ Cross exam of Δ #1

_____ Cross exam of Δ #2

_____ Cross exam of Δ #3

_____ Pl./Pros. closing argument

DEFENSE

_____ Opening statement

_____ Cross exam of π #1

_____ Cross exam of π #2

_____ Cross exam of π #3

DEFENSE CASE-IN-CHIEF

_____ Direct exam of Δ #1

_____ Witness #1 direct

_____ Witness #1 cross

_____ Direct exam of Δ #2

_____ Witness #2 direct

_____ Witness #2 cross

_____ Direct exam of Δ #3

_____ Witness #3 direct

_____ Witness #3 cross

_____ Defense closing argument

OUTSTANDING ATTORNEYS AND WITNESSES

Each judge should rank the top four attorneys and witnesses where rank #1 represents the best performance. Please indicate which side the nominees represent by circling P or D. Use the student's name, not the character's name – look at pages 2 and 3 if in doubt.

ATTORNEYS

1. _____ P D

2. _____ P D

3. _____ P D

4. _____ P D

WITNESSES

1. _____ P D

2. _____ P D

3. _____ P D

4. _____ P D

Ballot Organization

LEFT
Plaintiff

RIGHT
Defense

Defense scores
are shaded

Plaintiff

Defense

AMERICAN MOCK TRIAL ASSOCIATION BALLOT 5

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PL./PROS. TEAM # _____ DEFENSE TEAM # _____
ROUND 1 2 3 4 — JUDGE'S NAME _____
(Please Print)

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PLAINTIFF/PROSECUTION	DEFENSE
____ Opening statement	____ Opening statement
PL./PROS. CASE-IN-CHIEF	
____ Direct exam of π #1	____ Cross exam of π #1
____ Witness #1 direct	
____ Witness #1 cross	____ Cross exam of π #2
____ Direct exam of π #2	
____ Witness #2 direct	____ Cross exam of π #3
____ Witness #2 cross	
____ Direct exam of π #3	DEFENSE CASE-IN-CHIEF
____ Witness #3 direct	____ Direct exam of Δ #1
____ Witness #3 cross	____ Witness #1 direct
____ Cross exam of Δ #1	____ Witness #1 cross
____ Cross exam of Δ #2	____ Direct exam of Δ #2
____ Cross exam of Δ #3	____ Witness #2 direct
____ Pl./Pros. closing argument	____ Witness #2 cross
	____ Direct exam of Δ #3
	____ Witness #3 direct
	____ Witness #3 cross
	____ Defense closing argument

OUTSTANDING ATTORNEYS AND WITNESSES

Each judge should rank the top four attorneys and witnesses where rank #1 represents the best performance. Please indicate which side the nominees represent by circling P or D. Use the student's name, not the character's name – look at pages 2 and 3 if in doubt.

ATTORNEYS	WITNESSES
1. _____ P D	1. _____ P D
2. _____ P D	2. _____ P D
3. _____ P D	3. _____ P D
4. _____ P D	4. _____ P D

Using the Ballot

After each witness has finished, you should have four scores filled out:

- Directing attorney
- Witness on direct
- Crossing attorney
- Witness on cross

PL./PROS. CASE-IN-CHIEF	
<u>8</u>	Direct exam of π #1
<u>8</u>	Witness #1 direct
<u>7</u>	Witness #1 cross
	<u>7</u> Cross exam of π #1

NOTE

No separate scores for:

- Pre-trial matters
- Re-direct examinations
- Re-cross examinations
- Rebuttal
- Objections

Instead, you can consider these in the corresponding scored portion (for example, the rebuttal may influence your score for closing).



**Score as you go &
write scores on
the ballot!**

NOTE

There are several differences from other competitions:

- Witnesses are scored
 - Scored on both direct and cross examination
- Witnesses are allowed to wear costumes, but they're not required
- Attorneys and witnesses are allowed to use demonstrative aids (subject to objection)

Individual Awards

Write the student's
REAL name, not
their character

Circle P or D

Must fill out all
four slots

OUTSTANDING ATTORNEYS AND WITNESSES

Each judge should rank the top four attorneys and witnesses where rank #1 represents the best performance. Please indicate which side the nominees represent by circling P or D. Use the student's name, not the character's name – look at pages 2 and 3 if in doubt.

ATTORNEYS

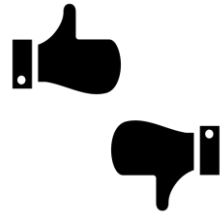
1. _____ P D
2. _____ P D
3. _____ P D
4. _____ P D

WITNESSES

1. _____ P D
2. _____ P D
3. _____ P D
4. _____ P D



**Score on your own.
Don't confer with
your co-judge.**



PROVIDING COMMENTS

Giving Comments

All scoring judges
should receive **four
comment sheets**
(also carbonless copy
paper, so may bleed!).

Students fill out their
names / roles / team
code.



AMERICAN MOCK TRIAL ASSOCIATION BALLOT

1

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PL./PROS. TEAM # _____ DEFENSE TEAM # _____

ROUND 1 2 3 4 — JUDGE'S NAME _____
(Please Print)

INSTRUCTIONS

Thank you for taking the time to educate and evaluate these students. Please read the following guidelines to provide a consistent assessment of the students' skills. Each function of the trial is scored, and each counts toward the overall team points that will determine a win or loss. Please mark the score on the **SCORE/SPEED SHEET** (page 5) at the appropriate spot. Use spaces to write comments, as the forms will be given to students after the tournament. **NOTE: All areas for DEFENSE are shaded.**

All students should follow AMTA guidelines on objecting, impeaching witnesses, and admitting exhibits. You should not deduct points because those procedures differ from those used in your practice. The AMTA board has voted to eliminate bench conferences, so if there is a dispute, have the presiding judge make a ruling and move on.

Students in attorney roles should be judged on the basis of their knowledge of the law, court procedure, and grasp of the case. In addition, consider their organization, poise, clarity, and ability to focus your interest. Students in witness roles should be judged on the basis of their convincing portrayal of their characters, including consistency with facts in the affidavit, poise, clarity, and ability to focus your interest. Please use the full range of the 10-point scale below to distinguish outstanding performances from those that are good, average, or weak. Please **DO NOT** put scores on pages 1-4. Ballots are not graded and any and all notes should be included on the ballots as the trial progresses. Judges will **NOT** have time to transfer notes made on a legal pad or scrap paper to the ballot. Your comments are an important learning tool for the students, and we appreciate your efforts to provide them with feedback. Additional comments that won't fit in a given student space can be made on page 4.

10	9	8	7	6	5	4	3	2	1
Excellent					Average				Poor

We want to encourage the student participants to engage in the following behaviors, so please consider them in evaluating the students:

ATTORNEYS

- Made timely objections and avoided specious objections
- Demonstrated understanding of legal procedure/reasoning, could "think on feet"
- Direct examination was well-structured, coherent
- Controlled witness on cross-examination
- Articulate and professional in presentation, with minimal use of notes
- Impeached witnesses to delineate discrepancies between testimony and affidavit
- Opening statement established theory of the case
- Closing argument addressed strengths of own case, weaknesses of opponent's case
- Worked well with other team members
- Displayed appropriate decorum to team members, judges, and opposing team throughout the round
- Spoke loudly and clearly enough to be heard, understood

WITNESSES

- Dress and demeanor appropriate for witness being portrayed
- Maintained portrayal of character throughout trial, even when not on stand, without relying on notes
- Showed emotion appropriate to role
- Avoided impeachment
- Gave responses that helped team, without inventing material facts on direct examination
- Responded well to unanticipated questions on cross examination
- Knew part cold, believable performance
- Maintained poise during cross examination, did not become inappropriately flustered or uncertain
- Worked well with other team members
- Displayed appropriate decorum to team members, judges, and opposing team throughout the round
- Spoke loudly and clearly enough to be heard, understood

PL./PROS. OPENING STATEMENT NAME _____

DEFENSE OPENING STATEMENT NAME _____

Giving Comments

Use blank spaces to
write comments

Non-shaded refer to
Plaintiff parts

Shaded is for Defense

Find **student names**
for individual awards

Plaintiff

PL./PROS. WITNESS #1 Character Name _____

DIRECTING ATTORNEY'S NAME	WITNESS'S NAME
CROSSING ATTORNEY'S NAME	

Defense

The diagram illustrates a legal form layout. At the top, the word 'Plaintiff' is written in blue. Below it, a dotted line connects to a label 'PL./PROS. WITNESS #1' and a text field 'Character Name'. The form itself is a large rectangle containing two columns. The left column has two rows: the top row is labeled 'DIRECTING ATTORNEY'S NAME' and the bottom row is labeled 'CROSSING ATTORNEY'S NAME'. The right column has two rows: the top row is labeled 'WITNESS'S NAME' and the bottom row is empty. The 'DIRECTING ATTORNEY'S NAME' and 'WITNESS'S NAME' boxes are outlined in dark blue. The 'CROSSING ATTORNEY'S NAME' box is shaded light gray and outlined in dark red. A dotted line connects the word 'Defense' at the bottom to the 'CROSSING ATTORNEY'S NAME' box.

Giving Comments

Students will receive copies of the written comments after the competition

After the trial is complete, please provide a few minutes of verbal feedback



TIMEKEEPING & OTHER RULES

Keeping by the AMTA book

Timekeepers

Students act as timekeepers

The trial has a 3-hour time limit,
and each part of the trial has
specific time limits

Please enforce time limits when
informed of them to avoid
exceeding the “all-loss time”



Invention of Fact

Expert and Lay Witnesses

Most witnesses in the case

Limited to sworn affidavits and reports (and materials relied upon) and reasonable inferences on direct examination

On cross examination, must not contradict their affidavit, **but** if an attorney asks a question outside of the affidavit, then the attorney is stuck with the answer

Party Representatives

Plaintiff Ari Felder &
Defendant Casey Koller

Not bound by an affidavit and **are allowed to invent facts** outside their deposition and outside the case materials

Are prohibited from **contradicting** their depositions, and may be impeached with their deposition or other case materials

Invention of Fact

In Trial Remedies

This competition has **NO “invention of fact” objection**

Instead, the rules allow students to attempt to impeach the witness during cross examination

Each scoring judge determines whether testimony offered by a witness is a reasonable inference or an egregious invention of fact

If you believe the impeachment was effective in showing there was an egregious invention of fact, then score accordingly on your blue ballot

Anonymity & Spectators

Students' school identity should remain anonymous until after the round

All trials are public; don't assume the identity of the teams based on who enters the courtroom



AMTA Representatives

Ensure that all rules are followed

May enter the courtroom to
inform you of time limit issues

May enter the courtroom to
resolve conflicts students brought
to their attention

Please follow their instructions!



Conflicts

If you have **already judged a team at this particular tournament**, please DON'T start the trial; inform the AMTA representative

If you are **affiliated with the team** (i.e. your child is on the team), please DON'T start the trial; inform the AMTA representative



COVID-19 Protocols

- AMTA is following any applicable state, local, and campus related COVID-19 restrictions
- Some students or teams may choose to wear face masks due to medical restrictions or comfort level
- The choice of a student or team to wear or not wear a mask must not affect your scores in any way
- Please do not ask or direct any student wearing a mask to remove it



What happens
next?

Questions & Judging Assignments!



A blue-tinted photograph of a busy office environment. In the foreground, a man in a white shirt and dark vest sits at a desk, looking towards the left. Behind him, another man in a suit stands and gestures with his hands. Several other people are visible in the background, some seated at desks with computers. The office has wooden paneling and various office supplies. A large white text overlay is centered in the image.

Thanks!