



SUMMARY OF SIGNIFICANT INSTRUCTIONS CONCERNING THE NATIONAL TRIAL COMPETITION

- 1. Team Identity:** Each team will be identified only by the names of the individual student advocates and by a team letter or number designation. **DO NOT ASK PARTICIPANTS WHICH SCHOOLS THEY REPRESENT.** The National Rules prohibit identification of schools to avoid the appearance of favoritism for one school over another based on school affiliation.
- 2. Legal Arguments:** Every effort should be made to keep legal arguments on motions to a minimum. This is a trial competition and the emphasis is on trial-type skills, not appellate advocacy.
- 3. Witnesses Required:** Each side shall call two witnesses. Examinations, except for redirect and recross, cannot be waived. Plaintiff's rebuttal is limited to the scope of defense's closing argument.
- 4. Motions to Exclude Witnesses:** If a party moves to exclude witnesses or "invokes the rule," the presiding judge may rule on the motion, as he/she believes appropriate. Even if the motion to exclude is granted, however, the witnesses are *not*, in reality, to be excluded from the courtroom. For most of the witnesses, the reward of being a witness is the opportunity to see and hear an entire trial.
- 5. Bench Conferences During the Trial:** From time to time, student advocates may ask that motions or arguments be heard at the bench, out of the hearing of the jury. Participants must assume that a jury is present, even if one is not actually impaneled. For the purposes of this competition, you are to treat all requests for bench conferences as if a jury is actually present. If the presiding judge deems a hearing at the bench appropriate, the hearing should *not* actually be held at the bench. The presiding judge should instruct the participants to assume that they have approached the bench and to proceed with their arguments so that all judges, jurors, and witnesses can hear.

Even though they do not expect to approach the bench, participants are expected to make appropriate requests for bench conferences to demonstrate sensitivity to the need of excluding some matters from the hearing of the jury.
- 6. Role of the Jury:** In all but the final championship round, jurors will not be present, although the trial must be conducted as if a jury has been impaneled. No time should be spent reading the charge of the court or the instructions to the jury.
- 7. Scoring the Participants:** Experience with trial competitions indicates a substantial danger of "impressionistic" judging unless uniform judging procedures are used. In order to achieve uniform evaluation, we suggest judges mark their score sheets at the completion of each phase of the trial—i.e. before students proceed to the next stage of the case. For example, at the conclusion of the plaintiff's opening statement, the presiding judge should pause briefly before allowing defense counsel to proceed with his opening statement. The judges should use their time to score the plaintiff's opening statement. Scoring should take only a few moments and scoring student performances at each phase of the trial avoids the danger that a last cross-examination or a strong closing argument will undermine the consistent good work of a team in the earlier phases of the trial.

- 8. Deciding on the Winning Team:** At the conclusion of the testimony and argument, the presiding judge should ask *everyone* except the critiquing judges to leave the room. Each judge should again review the criteria on various aspects of trial skills. After the judges have marked their ballots individually, the presiding judge will complete the Master Ballot reflecting the majority decision of the panel. The Master Ballot, the individual ballots, and the score sheets should be given to the bailiff. The bailiff will deliver the judging forms to persons designated by the sponsor or the NTC Committee, who will check and verify the scores. *The judging panel is requested to remain in the courtroom until the bailiff returns and announces that the results of the round have been tabulated and verified by the chair of the competition.*
- 9. Do Not Announce Decisions:** Team advancement to the quarter-final rounds will be determined by compiling team scores from the three preliminary rounds. It would be premature to announce results of any individual trial before all preliminary trials are complete.

Only the judges in the semifinal and final championship rounds may announce their decision as to which team has won the trial.

- 10. Critiquing:** The true justification for the efforts of all participants, coaches, witnesses, judges, and NTC Committee members is the learning that takes place by participation in the competition. Critiquing by judges represents a key aspect of the learning process, which is the primary goal of the competition.

The NTC Committee strongly urges judges to spend no more than *fifteen minutes* seriously critiquing the performances of the student advocates. This can be done while the panel is waiting for the results to be verified by the NTC Committee. A "serious critique" is one that omits pro forma compliments and addresses questions of technique, skill, and strategy. Judges should also be mindful of the fifteen-minute rule so that students may eat and prepare before the next round.