



2018-2019
APPENDIX
to the
Regional Host
Handbook

Prepared by the Texas Young Lawyers Association



INTRODUCTION

Thank you for hosting a National Trial Competition (NTC) regional competition this year. The NTC Committee of the Texas Young Lawyers Association (TYLA) and the American College of Trial Lawyers (ACTL) appreciates your dedication and are here to help you succeed in planning the regional competition.

We provide this Appendix to the Regional Host Handbook in order to assist you with administering a successful regional competition. The following documents are included in the Appendix:

- 1- Guidelines for NTC Judges;
- 2- Guidelines for NTC Witnesses;
- 3- NTC Scoring Ballot (required ballot);
- 4- NTC Scoring Criteria (should be copied on the back of the scoring ballot);
- 5- Master Scoring Ballot for Preliminary Rounds;
- 6- Bailiffs' Guidelines & Instructions;
- 7- Bailiffs' Timekeeping Sheet (optional); and
- 8- Regional Results and next year's Regional Host Information.

If you have any questions about the Regional Host Handbook or this Appendix, please do not hesitate to contact me.

Sincerely,

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NATIONAL TRIAL COMPETITION

GUIDELINES FOR NTC JUDGES

Thank you for agreeing to be a judge during the National Trial Competition. Over 150 law schools are participating in a regional competition this year, and the top two teams from each of the 15 regions will advance to the national competition in Texas. Please follow the guidelines below when judging a mock trial round.

A. SOME IMPORTANT, BASIC GUIDELINES

1. Before the mock trial, the student advocates will have 15 minutes to prepare (or “woodshed”) their witness volunteers, who are not part of the mock trial team. They cannot confer with the witnesses after the woodshedding session.
2. Student advocates may examine witnesses sitting or standing.
3. Each side has a maximum of 75 minutes to present its case (excluding time for making/responding to motions), and a bailiff will keep track of time. Objections do not count towards time unless they become excessive.
4. Witnesses are allowed to have their depositions and related exhibits on the witness stand. Witnesses may highlight and underline portions of their depositions; they cannot make any other markings on their documents.
5. The *reasonable inference rule* applies during the mock trial (see below); thus, witnesses may testify as to reasonable inferences drawn from the facts in the problem.
6. To keep the mock trial limited to the case materials, the rules of the competition discourage impeachment by omission during cross examination (see below).
7. Re-cross is not permitted; a student advocate is not permitted to waive any scored portion of the mock trial, e.g., cross examination; and, Plaintiff’s rebuttal is limited to the scope of defense’s closing argument.
8. Please do not ask any student advocate what law school he/she is from, even after the mock trial is over.
9. When the mock trial is over, the presiding judge should ask everyone to leave the room while the scoring judges fill out the ballots. Please do not conference with the other judges about your scores.
10. Please total the scores on your scoring ballot. Keep in mind that ties are not permitted.
11. After all of the judges have completed their ballots, the presiding judge should fill out the Master Ballot, put all individual ballots and the Master Ballot in the competition envelope, and give the envelope to the bailiff. The bailiff will take the ballots to the scoring committee for verification.
12. Please do not leave until the bailiff comes back to your room and releases everyone. Judges should use the time to comment on the student advocates’ performances. To keep the competition schedule on time, the NTC committee strongly urges judges to spend no more than 15 minutes commenting on the student advocates’ performances.
13. Protests must be lodged within five (5) minutes after the mock trial round ends. The bailiff will keep track of the five-minute period.

B. HOUSEKEEPING MATTERS AND MOTIONS

The student advocates will address housekeeping matters, e.g., to invoke “the rule” and constructively exclude witnesses from the courtroom. They may also present motions in limine before they present their cases. The bailiff will keep track of the time spent on motions in limine, as the competition rules limit the time for these motions. In addition, under the Federal Rules student advocates may make a motion for judgment of acquittal (or a motion for judgment as a matter of law in civil cases) after the plaintiff’s case-in-chief. These motions must be denied so that the student advocates representing the defense can present their case.

C. REASONABLE INFERENCE RULE AND IMPEACHMENT BY OMISSION

Ethical responsibilities and the practicalities of the competition situation require that student advocates be restricted to the materials provided so they cannot create or manufacture evidence or exhibits missing from the problem. Student advocates need to try the problem, not the problem drafter.

Reasonable Inference Rule: Generally, each witness knows nothing beyond the facts contained in his or her deposition/statement. The competition rules do, however, allow a team to provide witnesses with information provided in the case materials. Furthermore, the rules allow a witness to make *reasonable inferences* from the materials provided only as to nonmaterial facts, e.g., in the State of Lone Star it was dark outside at 11:30 p.m. The rules specifically prohibit student advocates from suggesting or encouraging testimony about material facts outside the record, and a protest procedure governs how teams must address alleged violations of this rule (see below).

Cross Examination: If during a direct examination a witness testifies to a material fact not contained in the case materials, the witness may be impeached during cross examination through “*impeachment by omission.*” A witness must admit that the fact was suggested by counsel or that the witness him/herself made up the material fact, if true

During cross examination, an advocate may question the witness about non-events that are reasonable inferences based on the problem materials. For example, if a police officer witness is testifying and the record is completely silent relating to DNA samples, it is reasonable to assume the police officer witness did not collect DNA samples from the crime scene. In this example, it is permissible to ask the police officer witness “You never collected any DNA samples, correct?”

However, an advocate may not invent facts or use outside resources in their questions to enhance the cross examination of a witness. For example, if a police officer witness is testifying and the record is completely silent relating to DNA samples, an advocate shall not reference topics outside of the problem materials such as; the reliability of DNA, the scientific theory of DNA, the process of DNA collection, etc. In this example, it is not permissible to ask the police officer witness, “You’re aware that margin of error for DNA tests can be as high as five percent, correct?”

D. SCORING THE STUDENT ADVOCATES

Student advocates are individually scored out of a total of 50 points. The opening (or closing) statement is scored on a scale from 1-20, and the direct and cross examinations are scored on a scale from 1-15. Thus, the highest potential team score is 100 total points.

Please keep the following in mind when you score the student advocates:

- (1) They should be evaluated solely on demonstration of trial advocacy skills. Thus, you should not consider the merits of the case, and should not award or deduct points because of a particular witness’s quality or lack of facility;
- (2) Advocates should conduct the trial as if a jury were present, regardless of whether a jury is actually

impaneled for the trial; and,

(3) Judges are encouraged to mark their score sheets at the completion of each phase of the trial, i.e., before students proceed to the next scored portion of the case.

Judging Panels: A judging panel of at least (3) attorneys will be evaluate each mock trial. Before the beginning of the trial, one of the panel members will be designated as "presiding judge" and will make rulings during the trial. The presiding judge and two additional judges will score each of the student advocates. (If you have a four-person panel, the presiding judge will not score the mock trial.) The outcome of the trial will be determined by tallying the score sheets of all three judges. The scoring ballots will be kept confidential until the competition committee allows the student advocates and their coaches/advisors to examine them.

Please total the points for each team and vote for the team that demonstrated the better advocacy skills. **Ties are not permitted.** In the unlikely event that total points are equal, you must reevaluate your scores.

Please do not announce the winning team after a preliminary round mock trial unless a competition administrator has instructed you that you may do so. In most regional competitions and at the national competition, only the judges in some of the break rounds announce the winning team.

E. INVALID OBJECTION – OUTSIDE THE RECORD

The judging panel shall not entertain an objection based solely on the ground that the witness's testimony is "outside the facts contained in the case material." Such an objection would require the panel to expend valuable time reading the materials during the competition. Cross-examination and closing arguments provide adequate opportunities for the student advocates to demonstrate effectively that the witness has strayed from the acknowledged facts of the case.

F. PROTESTS

Judges are involved in the protest procedures only if a team alleges that a student advocate has violated the competition rules concerning evidence outside the record as described above. *Protests must be made to the presiding judge within five (5) minutes of the completion of the round or be waived.* Completion of the round is the moment the presiding judge releases the students following comments. The bailiff must be present at that time to keep track of this five-minute period.

Protests are lodged with the regional host, not the judging panel, and the regional host will monitor whether the protest is lodged within the five-minute period. Judges will not be involved in hearing the protest, but judges may need to be consulted as part of the protest procedure and may be needed to determine the remedy for conduct ruled as a violation. The NTC protest committee will hear the protest and will make a ruling. Please remain available to ensure that the judges are not needed to determine an appropriate remedy following a protest.

During the investigation, the bailiff and any witnesses whose testimony is at issue should remain in or near the courtroom.

THANK YOU FOR JUDGING!

NATIONAL TRIAL COMPETITION

Guidelines for NTC Witnesses

Thank you for volunteering to be a witness during the National Trial Competition (NTC). The NTC committee thanks you for your time, as your participation helps to make this competition a success! Below are some general guidelines that you should follow when preparing for and when witnessing in the competition.

What is NTC?

The National Trial Competition (NTC) is arguably the most prestigious law school mock trial competition in the nation, which was created to stimulate law student interest in developing trial advocacy skills. The competition is co-sponsored by the Texas Young Lawyers Association (TYLA) and the American College of Trial Lawyers (ACTL). This year, over 300 mock trial teams will compete at regional competitions during February and the top two teams from each of the 15 regions will advance to the national competition in Texas.

What exactly does a witness do in a mock trial?

Your participation is vitally important because each mock trial includes four witnesses – two for the plaintiff (who brought the lawsuit) and two for the defendant. A mock trial team consists of two law students, and each student (called a student advocate) is responsible for examining and cross-examining one witness on the witness stand. The four witnesses provide testimony about people, events, and documents in order for the teams to argue the case. Thus, you will be playing a witness in the trial and will take the stand to testify. You will be examined by two student advocates: one will direct your testimony and one will cross-examine you.

How do I prepare to be a good witness?

Before the mock trial, you will be provided with a deposition (or statement) and may also be provided with some related exhibits. You should read the materials closely several times so that you are familiar with all of the facts. This review will help you answer questions without having to flip through the documents during your testimony.

Can I make notes on my deposition?

The competition rules do not allow witnesses to make notes on any depositions, statements, or exhibits. This enables all witness to be on an even playing field when taking the stand. You may, however, highlight or underline portions of the materials, and you should take the materials to the stand with you. If you have written any notes on the documents, you will be provided with a clean copy when you arrive at the competition.

Do I get to meet with a student advocate before the mock trial round?

Yes. Before the round begins, the student advocate who will be directing your testimony will meet with you to discuss your testimony. This session is called the “woodshed” session and will last 15 minutes. The student will most likely go over some of the questions he/she will ask you. The student may also go over questions about trial exhibits and what kind of questions you should expect on cross-examination. After the woodshed session, you cannot confer with the student advocates regarding your testimony.

What if I forget some of my testimony when I am on the witness stand?

Witnesses are not expected to know everything by heart. If you forget some of your testimony, you may refer to any documents that you have been provided and that you take to the stand. If you do not remember the answer to a question, you should simply say, “I don’t remember” or “I don’t know.” The student advocates may “refresh” your memory if you forget information. They will do so by asking if you remember giving deposition testimony and whether the deposition would refresh your memory. You should answer “yes” to both of these questions.

Should I stick to the information in the materials?

In general, your deposition contains the truth as you know it, and you may testify only to the facts contained in the mock trial problem. You may, however, testify as to a reasonable inference drawn from the facts of the problem on non-material facts. For example, if you play a police officer, it would be reasonable to infer that you completed a police academy. It would not be reasonable to assume that you were first in the police academy class.

Teams have been instructed to stick to the facts in the mock trial problem. Thus, if the opposing team on cross examination asks you a question that is not addressed anywhere in the materials, you may still answer the question. For example, if you are playing a police officer and the deposition does not address whether or you conducted a blood test and opposing counsel says, “And you didn’t even perform a blood test, did you?” then you may answer “yes” or “no.” In other words, by asking a question based on information not contained in the materials, the student advocate is opening the door and you may answer accordingly.

What will happen during the mock trial?

Student advocates will first make several motions. Each team will then make opening statements and will start calling witnesses to the stand. At the end of the trial, the student advocates will make a closing statement. After you have been excused from the witness stand, you are free to leave or you may stay to observe the rest of the mock trial.

Do you have any other helpful tips?

Please do not ask the student advocates what law school they are from because they are not allowed to tell you. And, although your participation as a witness is very important, please remember that you are not an official member of the mock trial team. In other words, you should balance the role of playing an actual witness with the need to be fair to both teams. For example, you should not be so difficult on cross examination that it negatively affects the opposing team’s performance. You should give honest and truthful answers based upon the material you have been provided.

What if something comes up and I have to cancel?

We are always short of witnesses so please make every effort to attend the competition. If you must cancel, please contact a competition administrator as soon as possible so that another volunteer can be assigned to your mock trial round. If you have a friend or family member who would like to witness during the competition, please give that person the competition administrator’s contact information. We would love to include them!

THANK YOU FOR WITNESSING!

NATIONAL TRIAL COMPETITION

OFFICIAL SCORING BALLOT

<i>Prosecution Team Number:</i>	v.	<i>Defense Team Number:</i>
Round:		Courtroom:
<u><i>Points for Prosecution</i></u>	<u>Scoring Category</u> <i>(no scored portion can be waived)</i>	<u><i>Points for Defense</i></u>
_____ of 20	<i>Opening Statement</i> – 20 Points Possible	_____ of 20
_____ of 15	<i>Direct of Prosecution Witness No. 1</i> (15 Points Possible for Prosecution only)	N/A
N/A	<i>Cross-examination of Prosecution Witness No. 1</i> (15 Points Possible for Defense only)	_____ of 15
_____ of 15	<i>Direct of Prosecution Witness No. 2</i> (15 Points Possible for Prosecution only)	N/A
N/A	<i>Cross-examination of Prosecution Witness No. 2</i> (15 Points Possible for Defense only)	_____ of 15
N/A	<i>Direct of Defense Witness No. 1</i> (15 Points Possible for Defense only)	_____ of 15
_____ of 15	<i>Cross-examination of Defense Witness No. 1</i> (15 Points Possible for Prosecution only)	N/A
N/A	<i>Direct of Defense Witness No. 2</i> (15 Points Possible for Defense only)	_____ of 15
_____ of 15	<i>Cross-examination of Defense Witness No. 2</i> (Total of 15 Points Possible for Prosecution only)	N/A
_____ of 20	<i>Closing Argument</i> – 20 Points Possible	_____ of 20
_____ of 100	TOTAL POINTS (TOTAL OF 100 POINTS POSSIBLE FOR EACH TEAM)	_____ of 100
Prosecution	Winning Team – Circle One (Ties are <u>not</u> permitted.)	Defense
Judge's Signature		Date:

NATIONAL TRIAL COMPETITION

NTC SCORING CRITERIA

Opening Statement (Total of 20 points possible - one advocate will present opening for each team)

1. Generally confined to outline of evidence to be presented?
2. Clearly and persuasively presented theory of case?
3. Personalized himself/herself and client?
4. Made appropriate objections/responses, if any?

Direct examination (Total of 15 points possible - each advocate will conduct the direct examination of one witness)

1. Questions generated minimum number of valid objections?
2. Made or failed to make objections with tactical or substantive merit?
3. Appropriately responded to objections made?
4. Appropriate general attitude and rapport with jury?
5. Testimony developed in interesting and coherent fashion?
6. Listened to and followed up on witness answers?
7. Showed strength and weakness of witness in most favorable light?

Cross examination (Total of 15 points possible - each advocate will cross-examine one witness)

1. Questions generated minimum number of valid objections?
2. Made or failed to make objections with tactical or substantive merit?
3. Appropriately responded to objections made?
4. Used leading questions appropriately and advantageously?
5. Listened to and followed up on witness answers to elicit helpful testimony?
6. Used impeachment opportunities and demonstrated same effectively?
7. Did not develop a cross examination based on facts not contained in the problem?

Closing Argument (Total of 20 points possible - one advocate will present closing for each team)

1. Presented a cohesive theory of the case and dealt effectively with the weaknesses?
2. Effectively called attention to opponent's flaws?
3. Presented persuasive argument?
4. Utilized effective style and law?
5. Inappropriately interrupted argument of opposing counsel?
6. Properly confined rebuttal to rebuttal materials?
7. Effectively countered opponent's argument in rebuttal?

NATIONAL TRIAL COMPETITION

Master Scoring Ballot for Preliminary Rounds

Round # _____ Courtroom _____ Date _____

Team Number _____
(Prosecution Team)

vs.

Team Number _____
(Defense Team)

Ballot For:
(Circle One)

POINTS FOR PROSECUTION

POINTS FOR DEFENSE

Judge 1 _____

P or D

Judge 2 _____

P or D

Judge 3 _____

P or D

Total Number of Ballots for Prosecution _____

Total Number of Ballots for Defense _____

The Winning Team Number is _____ *Ties are not permitted.

By: _____
Presiding Judge

NATIONAL TRIAL COMPETITION

Bailiffs' Guidelines & Instructions

Thank you for volunteering to be a bailiff during the National Trial Competition. The NTC committee thanks you for your time, as your participation helps to make this competition a success! Below are some general guidelines and some instructions that you should follow when serving as a bailiff in the competition.

What is NTC?

The National Trial Competition (NTC) is arguably the most prestigious law school mock trial competition in the nation, which was created to stimulate law student interest in developing trial advocacy skills. The competition is co-sponsored by the Texas Young Lawyers Association (TYLA) and the American College of Trial Lawyers (ACTL). This year, over 300 mock trial teams will compete at regional competitions during February and the top two teams from each of the 15 regions will advance to the national competition in Texas.

What are my primary responsibilities?

The bailiff is the person who signals the beginning of the mock trial, the person who keeps the trial on track by enforcing time limits, and the person who makes sure the scoring ballots have been correctly tallied and then verified by a competition administrator. Thus, the bailiff plays an important role in the competition. Please do not ask any team member where he/she is from, as they are not allowed to tell you.

What should I do before the mock trial begins?

Before the trial begins, a competition administrator will assign you to a competition courtroom. You will most likely escort the judges to the courtroom. At this time, or at some point before the round begins, you should get the name of the presiding judge. The presiding judge's name should be on the scoring envelope, which contains a scoring ballot for each judge. If his/her name is not on the envelope, then simply ask for his/her name. The envelope will also tell you the team numbers for each team competing in your assigned courtroom.

In addition, ask the student advocates what time signals they require. You should give them notice of the time left at regular intervals, and upon request by the student advocates.

To begin the trial, you should stand and state:

All please rise!

The _____ District Court of _____ County, U.S.A., is now in session,

The Honorable Judge _____ presiding.

The Court (the judging panel) will then direct the student advocates to be seated, and the mock trial will begin.

What do I need to know about timekeeping?

The bailiff must keep time in accordance with the competition rules. A full version of the competition rules can be found on the TYLA website, www.tyla.org/ntc.

Written Track of Time: Make sure that you keep written track of the time used by each side for each opening statement, each direct examination, each cross examination, etc. The only proper way to keep track of the time being used is to keep a written, running tally. You are encouraged to use the attached timekeeping sheet.

Timekeeping Device: The competition host will probably provide you with a timekeeping device. If you have a reliable timekeeping device that can keep track of two time totals, you may be able to use it during the competition.

Pre-trial Motions: After the student advocates take care of some “housekeeping” matters, they make some pre-trial motions. Presentation and argument of pretrial motions shall be limited to a total time of 16 minutes divided equally between the parties as follows: (1) the plaintiff shall have four minutes to present any motions, (2) the defense shall have four minutes to respond, (3) the defense shall have four minutes to present any motions, and (4) the plaintiff shall have four minutes to respond.

Time for Case Presentation: Each team will have 75 minutes to present and argue its case. Thus, you will start counting down from 75 minutes when each team does an opening statement.

Objections: During the trial, a student advocate will occasionally make an objection to testimony or an exhibit. When this happens, you must stop the clock. You will then resume the clock after the student advocates address the objection and the presiding judge rules on the objection.

The bailiff should inform each team when they have used their allotted time by standing.

What do I do after the mock trial is over?

At the end of the trial, the presiding judge will ask that the courtroom be cleared so that the judges may fill out the scoring ballots. The judges will complete their ballots and the presiding judge will fill out the Master Ballot. You will collect all scoring ballots and the Master Ballot. ***You must review the ballots to make sure they have been correctly marked.*** Specifically, you must check to make sure that each judge completed his/her ballot using the correct scoring range (the opening and closing statements are scored from 1-20; the direct and cross examinations are scored from 1-15). You must also check to make sure that a judge did not end up with a tie; ties are not permitted. If a judge scored using the wrong range or has a tie, simply ask the judge to correct the ballot.

When the ballots are correct, please put them (with the Master Ballot on top) in the scoring envelope and take the envelope to the competition scoring room. You will wait until a competition administration verifies the scoring ballots. After the ballots are verified, a competition administrator will allow you to turn to the courtroom to release the judges and the student advocates.

The judges will use the time you are away to give the student advocates comments about their performances.

What is a protest and when must it be lodged?

After a trial is completed, a team may lodge a protest that material evidence outside the record was introduced. Such protests must be lodged with the presiding judge within five (5) minutes of the completion of the trial. Your job is to determine if any such protests are timely. It is VERY IMPORTANT that you note the time as soon as the trial ends and advise the presiding judge when the five (5) minutes have elapsed.

If a timely protest is lodged, the presiding judge may ask you to determine which witness's testimony is in issue. If possible, you should locate the witness and ask him/her to remain at or near the courtroom. You may also need to locate a competition administrator.

THANK YOU FOR BEING A BAILIFF!

NATIONAL TRIAL COMPETITION

Bailiffs' Timekeeping Sheet*

<i>Prosecution Team Number:</i>		v.	<i>Defense Team Number:</i>	
Round#				Courtroom
<u><i>Prosecution</i></u> Time Remaining	Each team starts with 75 minutes; Do not include time spent on objections.			<u><i>Defense</i></u> Time Remaining
	<i>Opening Statement</i>			
	<i>Direct of Prosecution Witness No. 1</i>			N/A
N/A	<i>Cross-examination of Prosecution f Witness No. 1</i>			
	<i>Direct of Prosecution Witness No. 2</i>			N/A
N/A	<i>Cross-examination of Prosecution Witness No. 2</i>			
N/A	<i>Direct of Defense Witness No. 1</i>			
	<i>Cross-examination of Defense Witness No. 1</i>			N/A
N/A	<i>Direct of Defense Witness No. 2</i>			
	<i>Cross-examination of Defense Witness No. 2</i>			N/A
	<i>Closing Argument</i>			
	Total Time Remaining			
Protest Period Start:			5 Min. Protest Period End:	

*Bailiffs are not required to use this timekeeping sheet, and they do not have to turn it back into the competition administrators.

NATIONAL TRIAL COMPETITION
Regional Results and 2018-2019 Regional Host Information

2018-2019 HOST SCHOOL: _____ REGION # _____

CONTACT PERSON: _____ EMAIL: _____

REGIONAL RESULTS: Please list the TOP TWO ADVANCING teams.

1st Place LAW SCHOOL: _____

PARTICIPANTS' NAMES: _____

CONTACT PERSON _____

CONTACT'S PHONE: _____ EMAIL: _____

Runner-up LAW SCHOOL: _____

PARTICIPANTS' NAMES: _____

CONTACT PERSON: _____

CONTACT'S PHONE: _____ EMAIL: _____

DESIGNATION OF 2019-2020 REGIONAL HOST:

2019-2020 REGIONAL HOST: _____

HOST CONTACT PERSON: _____

(Please list a coach/ advisor only, not a student)

MAILING ADDRESS: _____

TELEPHONE: _____ E-MAIL: _____

If a law school does not volunteer to serve as a regional host for 2019-2020, then the NTC committee may appoint a school to serve as the regional host or the law schools in the region may not be able to compete in next year's competition. Please leave a note if a decision was not made during the coaches meeting.

**PLEASE EMAIL THIS FORM WITHIN (3) BUSINESS DAYS
AFTER THE COMPETITION TO:**

Bree Trevino at btrevino@texasbar.com