Guidance for Scoring a Trial Presentation

Mock Trial is a subjective exercise when scoring. It is ultimately up to the perception of each individual Scoring Evaluator as to how effective the students and teams are in presenting their side of the case. As the trial progresses, the Evaluators will award point to students at each stage of the trial. Individual students will be rated on a scale of 1-10 speaker points, according to their role(s) in the trial. The Evaluator is scoring INDIVIDUAL PERFORMANCE in each speaker category. The Evaluator is NOT scoring the legal merits of the case. At the end of the scoresheet, the evaluator will assess the TEAM PERFORMANCE in the Team Points box.

What to Look For When Scoring Teams – The first page shows criteria that should be considered by Evaluators at each phase of a team’s trial presentation. This is meant to be a list of what to expect from each stage of the trial. Students’ and teams’ proper handling of these items will translate to the score you give each stage.

Scoring Matrix – The second page contains a guideline of appropriate points for attorneys and witnesses and the intent of those scores’ meanings. This is not meant to be a checklist of assigned points but more of a guideline to adjust points as each student presents their role. Though an attorney does something that falls in the 4-5 category, they may hit everything else at a higher number. Evaluators should weigh the entire performance of each student and score them with these guidelines in mind.

Evaluators should start each presentation expecting a score of 6 and adjust accordingly from there. In order to show the good from the bad from the great, there must be a differentiation between scores; everyone cannot get a 9 and 10. Being a competition, someone has to win and someone has to lose. The scores must reflect what the students did during the trial round accurately to advance the competition properly. The comment section of the scoresheet may be used to provide additional feedback and context for the scores.

Evaluators are encouraged to adjust scores for individual portions as the trial progresses if they feel the need. The Plaintiff’s opening statement that was originally thought of as a “9” might really look like a 7 or 8 after seeing the Defense’s. Feel free to go “Back” and make changes. Your progress will not disappear on later pages.

Evaluators may individually consider penalties for violation(s) of the Rules (and spirit) of the Competition or the Code of Ethical Conduct. Penalties would reduce point awarded in the appropriate speaker’s section or as a Team Points score. Penalties will not be indicated separately on the scoresheet. Please see Rule 30(b) for the treatment of rule infractions.

Guidance for Team Points and the Outstanding Attorney and Witness Awards are found on the last page of this section.
**WHAT TO LOOK FOR WHEN SCORING TEAMS**

**ATTORNEYS**

**Opening Statement**
- Provided overview on the witnesses and their testimony, evidence, and how it will prove the case
- Introduced a theme/theory of the case
- Outlined the burden of proof
- Requested relief (what the side is asking the court to decide)
- Non-argumentative

**Direct Attorney/Examination**
- Asked properly phrased open ended questions that allowed explanation or description of the situation
- Sequenced questions logically
- Did not ask questions that required any unfair extrapolations
- Laid foundation for witness testimony
- Elicited relevant, important evidence from witnesses
- Continued with consistent theme/theory of the case
- Provided proper objections during opposing team’s cross-examination
- Utilized objections to move the case forward and not just to throw the other side off their game
- Made/defended objections utilizing rules of evidence or the rules of the competition
- Recovered well after objections
- Adjusted to judges’ rulings
- Followed proper protocol for handling and introducing exhibits
- Demonstrated an understanding of the rules of competition and evidence
- Limited re-direct to scope of cross-examination
- On re-direct, rehabilitated witnesses

**Cross Attorney/Examination**
- Continued with consistent theme/theory of the case
- Provided proper objections during opposing team’s direct examination
- Made/defended to objections utilizing rules of evidence or the rules of the competition
- Utilized objections to move the case forward and not just to throw the other side off their game
- Recovered well after objections
- Adjusted to judges’ rulings
- Followed proper protocol for introducing exhibits
- Demonstrated an understanding of the rules of competition and evidence
- Limited re-cross-examination to scope of re-direct examination

**Closing Arguments**
- Incorporated what transpired during trial
- Summarized the evidence with reasoned arguments
- Outlined the strengths of his/her side’s witnesses and the weaknesses of the other side’s witnesses
- Discussed relevant exhibits when appropriate
- Theme was carried through to closing
- Refers to jury instructions or other legal standards when necessary
- Asked for the verdict, including a request for relief, and explained why the verdict was justifiable
- Effectively answered and rebutted opponent’s case

**WITNESSES**

**Performance**
- Presented an interesting and authentic character
- Character and performance was consistent between direct and cross
- Played up the strengths of his/her statements and adequately explained the weaknesses
- Understood the facts of the case and the exhibits
- Provided logical testimony
- Sounded spontaneous and not memorized
- Did not give excessively long or non-responsive answers on cross-examination (time sucking)
- Maintained factual position under cross-examination
- Did not offer answers that included any unfair extrapolations
- Recovered well after objections
- Remained in character when not on the witness stand

**Notes**
- Witnesses now receive one score on direct and another separate score on cross. This is to allow for differences in performance and character between direct and cross and to address any rules issues, i.e. unfair extrapolation and time sucking in either portion.
- *** Do NOT reward excessive explanations and/or obstructionist behavior meant to waste opposing team’s time.
- *** Do NOT reward unfair extrapolations.
## SCORING MATRIX

<table>
<thead>
<tr>
<th>ATTORNEYS</th>
<th>WITNESSES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Outstanding and Superior</strong></td>
<td><strong>Excellent responses to other team’s presentation</strong></td>
</tr>
<tr>
<td><strong>Very Good</strong></td>
<td><strong>Compelling trial presentation</strong></td>
</tr>
<tr>
<td><strong>Average (Proficient)</strong></td>
<td><strong>Adjusted case other team’s presentation</strong></td>
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<tr>
<td><strong>Poor</strong></td>
<td><strong>Minimally responsive to other team’s presentation</strong></td>
</tr>
<tr>
<td><strong>Ineffective</strong></td>
<td><strong>Failed to consider other team’s presentation</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>10 – 9</th>
<th>9 – 8</th>
<th>8 – 7</th>
<th>7 – 6</th>
<th>6 – 5</th>
<th>5 – 4</th>
<th>4 – 3</th>
<th>3 – 2</th>
<th>2 – 1</th>
<th>1 – 0</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Case/rules/legal issues excellent understanding</strong></td>
<td><strong>Witness statements and exhibits excellent understanding</strong></td>
<td><strong>Responses was clear, audible, confident and with conviction</strong></td>
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<tr>
<td><strong>Trial procedure understanding was superior</strong></td>
<td><strong>Performance felt spontaneous and and natural</strong></td>
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<tr>
<td><strong>Delivery was compelling</strong></td>
<td></td>
<td><strong>Eye contact mostly maintained when appropriate</strong></td>
<td><strong>Voice was clear, audible, confident and with conviction</strong></td>
<td><strong>Performance was compelling (see Rules 3 &amp; 5)</strong></td>
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<tr>
<td><strong>Script not used, reacts to the moment</strong></td>
<td><strong>Voice was often difficult to hear</strong></td>
<td><strong>Eye contact maintained some of the time when appropriate</strong></td>
<td><strong>Voice was clear, audible, confident and with conviction</strong></td>
<td><strong>Performance was mostly credible and convincing (see Rules 3 &amp; 5)</strong></td>
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<tr>
<td><strong>Notes only used for issues raised during trial</strong></td>
<td></td>
<td><strong>Eye contact was maintained</strong></td>
<td><strong>Voice was clear, audible, and confident</strong></td>
<td><strong>Performance was compelling (see Rules 3 &amp; 5)</strong></td>
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<tr>
<td><strong>Questions/arguments were compelling</strong></td>
<td></td>
<td><strong>Responses was consistent with facts</strong></td>
<td><strong>Voice was clear, audible, and confident</strong></td>
<td><strong>Performance was compelling (see Rules 3 &amp; 5)</strong></td>
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<tr>
<td><strong>Objections/responses were appropriate and mastered</strong></td>
<td><strong>Superior recovery after objections</strong></td>
<td><strong>Eye contact was maintained after objections</strong></td>
<td><strong>Voice was clear, audible, confident and with conviction</strong></td>
<td><strong>Performance was compelling (see Rules 3 &amp; 5)</strong></td>
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*Note: Performance felt spontaneous and and natural, and Performance was compelling (see Rules 3 & 5) are examples of annotations added for clarity.*
**Team Points**

On a scale of 1-10 (with 10 being the highest), rate the performance of each team as a whole by awarding points to each team as Team Points. Each Evaluator should consider “6” as the average Team Points award, with reductions made for team penalties and additions for outstanding team performance:

- As a whole, did the team present an effective case?
- As a whole, did the team members show an understanding of the rules of the competition, the rules of evidence, the applicable law and the facts of the case?
- As a whole, did the team present their case within the letter and the spirit of the mock trial rules? Were all trial strategies used ethical and the team adhere to the Code of Ethical Conduct? – see Rule 7(f).
- Was the team’s demeanor positive and did all members observe proper courtroom decorum at all times?
- Was a cohesive theme of the case was used throughout each portion of the trial presentation?
- Was each member of the team able to present information in a logical and articulate manner?
- As a whole, did the team seem poised, knowledgeable and well prepared?
- Did witnesses respond to questions accurately, within the scope of the information contained in their witness statement, and related exhibits (unfair extrapolation)? Did they answer concisely (time sucking)?
- Did the attorneys ask witnesses for information outside the scope of the appropriate case materials (unfair extrapolation)? – See Rules 3 & 4
- Did team members direct comments to the appropriate audience - judge, jury or witness - with good eye contact?
- Was there was minimal reliance on notes throughout the entire presentation? - see Rule 52
- Were appropriate time limits followed in each portion of the trial? – see Rule 17
- If there were rule infractions, you may deduct them from the Team Points per Rule 30(b).

**Teams MAY NOT receive the same Team Point award. Ties are NOT ALLOWED in the Team Points box.**

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**Outstanding Attorney and Witness Awards**

Evaluators are strongly encouraged to recognize outstanding individual performance by honoring one OUTSTANDING ATTORNEY and one OUTSTANDING WITNESS per competition Round. This would be a joint decision of the majority of the Judging Panel, including all Evaluators and the Presiding Judge. The appropriate certificates should be completed and signed by the Judging Panel and returned to the trial Coordinator for distribution during the awards ceremony.

**2022 Season:** At the end of the online scoresheet, each Evaluator and the Presiding Judge will individually give a ranking of the top-three Attorneys and top-three Witnesses from their courtroom. Due to the decentralized nature of the virtual competition, it most likely won’t be possible for all of the Panel members to discuss their thoughts on the Awards as a group after the scoresheets have been submitted. Evaluators will log off after the trial to then work on their scoresheet and submit it.