

**Trial “Script” for Presiding Judge
Virtual Competition
(12-2023)**

[Note: items enclosed in brackets should not be read aloud unless they denote a choice of verbiage.]

Good [morning\afternoon\evening]. **My name is _____, and I will be the presiding judge for this round. I work at _____ and have been judging Mock Trial for _____.**

I will now let my co-judges introduce themselves and request they activate their video for that purpose. [After scoring judges make their introductions, ensure their video and audio are off.]

Before we start, we need to go over some rules for this virtual session:

- 1. Any updates to your team rosters should be uploaded to the Chat Box at this time.**
[Allow time for judges and the teams to receive and review the updated rosters or even print them.]
- 2. Exhibits will be shown via screen sharing. But all witnesses and counsel still need to have copies of exhibits and statements. A cross-examining attorney seeking to impeach on the basis of an inconsistency may simply assume the witness and the opposing attorney have the witness’s statement readily available.**
- 3. All witnesses are deemed to be sworn in.**
- 4. Only activate your video and audio when you are participating in the round.**
- 5. In the event of technical difficulties any pause in the round will be announced by the presiding judge and timekeepers are to “stop the clock” and we will follow the rules in VC Rule 2.**
- 6. I remind you, the restrictions on communication in Rule 4.12 and the VC Modification to the rule apply to the round. There shall be absolutely no verbal or non-verbal communication by a coach or spectator with any member of their team during competition until I announce the trial is complete.**
- 7. Under VC Modification to Rule 4.12 only a team’s attorneys participating in today’s round may communicate with one another.**
- 8. The trial is deemed to be tried before a jury. Participants will consider the camera as the jury.**
- 9. At this point, I want to remind you of some modifications to the Rules of Competition:**
 - a. Under Rule 3.6, teams may use a laptop or tablet during the round, so long as these devices are not used to violate the rules on trial communication or any other competition or courthouse rules;**
 - b. Under Rule 4.3, while stipulations are not to be read into the record, they are deemed to have been admitted and are considered part of the record;**

- c. **Under Rule 4.5, the presiding judge may permit a brief recess following the presentation of the prosecution case and add a reasonable time addition to the two minutes contemplated for the preparation of closing arguments;**

10. Please be prepared to discuss your selections for the other team’s Outstanding Attorney and Outstanding Witness during the team conference following closing arguments.

Pretrial

I will now have the teams introduce themselves. After that, we will address any pretrial matters that either team desires to bring before the court.

First, may we have introduction of the Prosecution and I ask that you activate your camera when you are introducing yourselves and then deactivate it when you are done.

Thank you and now for the Defense, and again, I ask that you activate your camera while you make your introduction.

Are there any Pretrial Matters starting with the Prosecution? [Prosecution is to move the adoption of Pre-Trial Stipulations set out at pages 13 and 14 of the Case Materials. If they do not, you may remind them of it. Respond as needed to the requests.]

Defense? [Respond as needed to the requests.]

Opening Statements

Are the parties prepared to make opening statements?

Prosecution, you may proceed.

[After opening by Prosecution.] **Defense, you may proceed?**

Witness Testimony

[When an objection is raised, allow the parties to fully argue the objection in turn.]

The Prosecution may call its first witness.

Defense do you wish to cross examine the witness? ...

Any redirect? [If there was redirect ask “any recross?” Do not allow any re-redirect or re-recross.]

[After “nothing further from this witness.”] **This witness is excused. Timekeepers, please activate your videos to tell us what you have for time remaining for direct and cross examination? Prosecution? Defense?** [Anticipate some discrepancy, the Presiding Judge must reconcile the difference before continuing. If minor, go with the longer of the two times. If more significant, seek to determine why the discrepancy has occurred. Possibilities include failing to

stop the clock for evidentiary arguments, use of other than 25 minutes for direct and 18 for cross examination or reporting time used rather than subtracting from the 25 and 18.]

Please call your second witness? [After direct and cross, then redirect and recross (if any), repeat the timekeeper check above.]

Please call your last witness?

[After Prosecution rests.] **The Defense may call its first witness.**

Prosecution, do you wish to cross examine the witness?

Any redirect? [If there was redirect ask “**any recross?**” Do not allow any re-redirect or re-recross.]

[After “nothing further from this witness.”] **This witness is excused.** [Repeat the timekeeper check above.]

Please call your second witness? [After direct and cross, then redirect and recross (if any), repeat the timekeeper check above.]

Please call your last witness?

Preparation for and Closings

[After “the Defense rests.”] **Counsel, you now have two minutes to prepare your closing arguments. Counsel may only confer with Co-counsel. Timekeeper, please let me know when two minutes have elapsed?**

Prosecution, are you ready to proceed? Any unused time, up to three minutes may be used for rebuttal. ... You may proceed.

Defense are you ready to proceed? ... You may proceed.

Prosecution, do you wish to make a rebuttal? [Expect counsel to request the timekeeper to state how much time they have for rebuttal.]

Post-Trial Matters

The teams, including the witnesses, bailiff, and timekeeper, now have two minutes to confer to select the opposing team’s Outstanding Attorney and Outstanding Witness and to determine if they wish to raise any significant rules violations. Timekeeper please let me know when two minutes has elapsed.

Does either team wish to report any significant rules violations?

[If yes, one attorney from complaining team has 2 min. to describe the violation and the responding team has 2 min. to rebut through one of its attorneys. Up to 5 minutes of additional time may be granted for both teams to further assert their positions. Then each judge makes individual point deductions as they determine on their scoresheet. The presiding judge does not issue a ruling on the matter. *(Rule 4.23.1)*]

For the Prosecution, please identify who your team has selected from the opposing team for recognition for outstanding performance.

Thank you and now from the Defense, please identify who your team has selected from the opposing team for recognition for outstanding performance.

[The Presiding Judge is to record on their electronic score sheet the selection by the teams for recognition. Please use the rosters to assure you have the names for the four students selected. The MSBA will be generating certificates of the recognition based on the information you enter.]

The trial is now complete. The restriction on communication is now lifted and once we recess you may communicate with your coaches and spectators. The Judges will take a brief recess for the scoring panel to confer. We will be moving to a separate Zoom room to do that. Expect us to return in about 5 to 10 minutes. When we return, we will provide critiques and announce the team we determined to have won this round. We are in recess.

[You should leave this Breakout Room and will be placed in a private Breakout Room with the other judges.]

Time for judges to debrief and tabulate scores is up to 10 min. Under Rules 4.24 and 5.2, in the first four regional trials, we have two official scoresheets. If we have a three-judge panel, the presiding judge should score, but his/her sheet is only used if there is a tie) and winner is the team that gets the most points on the two scoresheets. If there is a tie, the presiding judge breaks the tie. If there is a tie and there are only two judges, the winner is the team winning on the presiding judge's scoresheet. All judges should submit their scoresheet immediately after the trial is over. Note that the presiding judge will complete a full scoresheet.

Per Rule 4.24, time for constructive comments for students is 10 minutes total for all comments. Remember do not comment on the appearance of any participant.]

After returning to the Trial Breakout Room.

The trial will come to order. Before we announce prevailing team, we will provide brief critiques. [Provide critique as appropriate.]

Based on our scoring, we have this round won by _____. Please understand, however, that all scores must be verified by MSBA. *[(Rule 4.24)]* Scoresheets will be emailed to the teams in about two days. The students may remain for questions as long as an adult coach is willing to remain. Thank you.

[You may offer to stay on the Zoom call for one-on-one questions SO LONG AS AN ADULT COACH IS PRESENT AT ALL TIMES.]