

**Trial “Script” for Presiding Judge  
(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.**

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

- 1. I remind you that the restrictions on communication in Rule 4.12 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.**
- 2. The trial is deemed to be tried before a jury. Participants will consider the scoring judge(s) as the jury.**
- 3. 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;**
  - d. Under Rule 4.11, laminated or page sleeves may be used as an exhibit. A team may use a marker, highlighter, or other device to mark up the opposing teams exhibit so long as it is not destructive of the exhibit. During closing, teams may use a paper based flip chart with hand lettering/drawing;**
  - e. Under Rule 7.1, Courtroom Artists may sit in the jury box. [if there is space and it does not interfere with the scoring judges]. At the conclusion of the round, the Artist may bring their drawing to the Bench for submission.**
- 4. 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.**

**Thank you and now for the Defense.**

**Are there any Pretrial Matters starting with the Prosecution?** [Prosecution is to move the adoption of Pre-Trial Stipulations set out at pages 11 and 12 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.**

**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 tell me the time you each have remaining for direct and cross?** [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 Plaintiff 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.** [After direct and cross, then redirect and recross (if any), 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 and please present their certificates.**

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

**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. [If there is a separate room you may go to it, otherwise fill out the scores in place and ask them to keep the sound down.] When we return, we will provide critiques and announce the team we determined to have won this round. We are in recess.**

[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.]

**The trial will come to order. Before we announce prevailing team, we have 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.**

**If there are Courtroom Artists in the room, please bring your drawing to the Bench for submission.**

**Thank you.**