

Mock Trial Matters



NATIONAL HIGH SCHOOL MOCK TRIAL CHAMPIONSHIP

Calendar

- **December 1, 2008**—Georgia Website goes live!
www.nhsmtcATL09.org
- **January 15, 2008**—Preliminary Interest forms due to Stacy Rieke, Georgia Host Director
- **January 15**—Tournament registration information available online from Georgia Host Committee
- **January 15**—Deadline for Letter of Intent to host in 2012
- **February 1**—Golden Gavel Nominations due to Justice George Carley
- **March 15**—Deadline to submit letters for Board candidacy (May Elections)
- **March 15**—Deadline to submit items for spring newsletter to Susan Roberts
- **March 31 (5 pm)**—National Case release date
- **April 1**—2012 Bid proposal deadline
- **April 10**—Hotel reservation deadline
- **April 17**—tournament ticket order deadline
- **May 6-10**—National Tournament in Atlanta, GA!

We're Glad Georgia's on Your Mind in 2009!

“What is that thing on your logo? Is that a flower?” It most certainly is! It's our state flower—the **Cherokee Rose**. (Isn't it lovely?) You can tell it's not a dogwood blossom (like the 1993 Atlanta t-shirt that Judge Jimmy Dehn from Minnesota sports at most nationals) because it has five petals, not four. OK, so maybe a peach or a gavel or the scales of Justice would have been more predictable, but the Georgia planning committee isn't into “predictable” this year.

We've got an outstanding tournament planned for your state champion team in May. A challenging criminal case is ready to go and competition rounds will be held at the **Fulton County Courthouse**. We'll host the team Welcome/Pin Exchange reception at the **Hyatt Regency** (our host hotel) and the Friday event will be held at the **Georgia Aquarium**—the largest Aquarium in the world—with catering by Wolfgang Puck Caterers! The awards banquet will be back at the Hyatt, to wrap up the weekend on Saturday.

One unique offering in 2009 will be the **State Champion T-Shirt Design contest**. The contest is sponsored by the **Savannah College of Art and Design** and they'll supply the jurors, as well. We've noticed that most state champion teams arrive at the tournament wearing cleverly designed t-shirts trumpeting their state victory. This year, we're going to take it to the next level and find out which team can design the best state champion t-shirt. Information and rules for the contest will be posted online in early December. **Encourage your team to participate—there will be prizes!**

For the first time ever, a national tournament planning committee has made a commitment to “**go green**” wherever we can. We're going to feature green transportation options (yes, including walking) and we're going to make green choices in tournament souvenirs and materials when possible. We hope that you'll appreciate and enjoy our efforts to “go green” this spring.

The Georgia Host Committee is striving to give your state champion team a memorable experience in **Atlanta** in 2009. We look forward to welcoming you to our capitol city in May! In the meantime, visit us online at www.nhsmtcATL09.org (after 1 December).



2009 NHSMTC (Georgia) Preliminary Interest Form

STATE COORDINATORS: To indicate intent to send your state championship team to Nationals in Atlanta, Georgia and to be listed on the 2009 National Mock Trial mailing list and thereby receive registration materials, please detach this form from the newsletter, complete the information below and return this page to:

2009 National Mock Trial Championship (Atlanta, GA)

Stacy Rieke, Host Director
104 Marietta Street, NW; Suite 100
Atlanta, GA 30303
FAX # (404) 527-8717

MORE INFORMATION WILL BE SENT TO STATE COORDINATORS BY MAIL BEFORE THE END OF THE YEAR.

Official registration materials will be available by **January 15th** online at www.nhsmtcATL09.org.

General competition information will be posted on this site by 1 December.

YES!! My state will be represented at Nationals in 2009!

Please print or type:

State: _____

Coordinator Name: _____

Title: _____

Company: _____

Mailing Address: _____

Suite or Floor: _____

City: _____

State: _____ Zip Code: _____

Work Phone (with area code): _____

Cell Phone (with area code): _____

Fax (with area code): _____

E-mail address: _____



Return A.S.A.P. or before
Thursday, January 15, 2009

Contact Stacy Rieke with any questions:

(404) 527-8779 – office

(404) 527-8717 – fax

stacyr@gabar.org

More information about the national tournament will be mailed to state coordinators before the end of the year.

2010 Tournament: Philadelphia, Pennsylvania



Philadelphia is caught up in a wave of Phillies fever, but there is a growing excitement building in the city of brotherly love and sisterly affection for another group of champions as the birthplace of America's liberty prepares to host the 2010 National High School Mock Trial Championship. The Pennsylvania Bar Association, with leadership sponsor Drexel University, is targeting May 5-9, 2010 for a great celebration of mock trial accomplishment featuring a Friday night student extravaganza at the National Constitution Center that captures the echoes of American history of the host city (and of the 2010 competition problem)! While the students are enjoying a Friday night variety of activities from historical inquiry to sampling a taste of Philadelphia (cheese steaks, tastycakes and soft pretzels, oh my!) at the NCC, the adults will be feted at Philadelphia's City Hall by Mayor Michael Nutter and such local notables as Ben Franklin.

From the opening pin exchange Thursday night at the competition Marriott Hotel at 12th and Market Streets in the heart of Philadelphia, through the trials in the Criminal Justice Center just across the street from the Marriott, to a closing Saturday dinner gala that will be headlined by the Governor of Pennsylvania and his wife, First Lady and Third Circuit Court of Appeals Judge Midge Rendell, Pennsylvania is pulling out all of the stops to make the 2010 mock trials something to remember. And for anyone with leftover energy, there will be optional ghost tours, runs up the Art Museum steps past Rocky's statue (Yo, Adrian!), and maybe even a visit from some members of the world champion Phillies. Come May 2010, Philadelphia will once again be the city of champions!

Place a bookmark on <http://2010nationalmocktrial.com/> and check out the website for the 2010 Pennsylvania Championships!

2011 Tournament: Phoenix, Arizona



Get ready to pack your sunglasses, sunscreen and warm (okay, some might say hot) weather clothes. At the October mid-year board meeting, the NHSMTTC board made it official—the national championship will make a long overdue return to the west. The Arizona Foundation for Legal Services and Education is pleased that the board accepted its bid to host the 2011 national championship in downtown Phoenix. Phoenix is the country's fifth largest city, and with Phoenix Sky Harbor International Airport located only a few miles away, downtown Phoenix is easily accessible from all parts of the country. The Maricopa County Superior Courthouse is walking distance from the Hyatt Downtown Phoenix, which will serve as the official host hotel for all teams. The temperature in Phoenix in May can creep into the 90s, but don't worry—as those of us from Phoenix are quick to point out, and as the rest of you will soon learn—it's a dry heat!

Spring Board Elections



A scheduled election will be held during the State Coordinators' meeting in Atlanta in May 2009. There are two (2) and possibly three (3) Board positions up for election this year. The Directors whose terms are expiring in May 2009 are: John Wheeler (IA) and Stephen Miller (TX). According to the by-laws, interested candidates must submit their letter of intent to run to the Board Chair (John Wheeler) no later than March 15, 2009. If this deadline is missed, but a person still wishes to be nominated for one of the Board positions, that individual must communicate this intention to the Board Chair by the end of the May Coordinators' meeting. This communication must be accompanied by a nominating petition signed by at least three State

Coordinators. Additionally, nominations may be made from the floor during the State Coordinators' meeting in May. (See NHSMTTC, Inc. By-Laws Article IV, Section 2)

A Word From Our Chair



John Wheeler has served as Chair of the National Board of Directors since 2005. He is the Director of the Iowa Center for Law and Civic Education in Des Moines

Just back from the mid-year Board meeting in Atlanta and I can tell you, we're in for a real treat this May! Preparations are well underway for another fabulous National Championship. There's a lot of enthusiasm among members of the **State Bar of Georgia** and the Georgia Judiciary to have us there this Spring. As you know, putting on a national tournament is no cake walk. (Although the folks in Delaware made it look so easy last year!) I am privileged to work with two of the main "movers and shakers" of the upcoming Atlanta competition on the National Board. Both **Stacy Rieke** and **Justice George Carley** have put their whole hearts into this event. And knowing both of them as I do, I can assure you, it will be spectacular!

There are a couple of items that I want to bring to your attention as we prepare for the May 2009 tournament:

- At our October meeting, the Board gave final approval to the **Arizona Bar Foundation** to host the **2011** National High School Mock Trial Championship in **Phoenix**. Mark your calendars now for fun in the sun, **May 5 – 8, 2011!**
- On a related note, we are now soliciting bids for the **2012** competition! If you are interested in working with us to put together a bid, please contact me or the Site Selection Committee Chair, **Dee Runaas**, for details.
- The on-line **National Online Mock Trial Practicum** project is up and running for the 2008-2009 academic year. We are continually looking for ways to improve content and

to include areas of interest to mock trialers and coaches. Along with Great River Technologies, we are putting together a **National Board of Advisors** for this web-based project. In previous communications, I have asked state coordinators to recommend people in your states who might be willing to serve on such a board. These advisors will review the site and make specific recommendations for content and delivery. If you or someone you know would like to be a part of this group, please contact me.

- The "Mock Trial Experience" need not end at the high school level! There are more than 600 **college mock trial teams** nationwide. This number keeps growing each year! By the May State Coordinators meeting, I hope to have in both print and electronic form a list (with contact information) of all colleges and universities in the United States that participate in the college mock trial program. Many of these programs now offer financial assistance (and even scholarships!) for talented mockers.
- Finally, a reminder that **nominations** are due in March for seats on the National High School Mock Trial Board of Directors. There are at least 2 seats up for grabs this Spring, with the likely possibility of a third seat as well. You may email me or Nominations Committee Chair **Judy Yarbrow** with your intention to run for election. The deadline is **March 15, 2009**.

See you in Atlanta in May! Happy Trials!

Golden Gavel Nominations



The Golden Gavel Award recognizes any adult individual who has demonstrated exemplary dedication and commitment to the goals and ideals of the national high school mock trial program. To nominate someone for this prestigious award, describe in 500 words or less why the nominee should be considered for the award. The nomination should include the nominee's qualifications such as length of service/participation in the national mock trial championships; the extent of that participation; the importance or significance of the nominee's contributions; and how these qualifications help to further the goals and mission of the NHSMTC. Nominations are due

each year by **February 1st** to the Chair of the Awards Committee. In 2009, nominations should be sent to **Justice George Carley** by fax at 404/657-7576 or by mail to 536 State Judicial Building; 40 Capitol Square SW; Atlanta, GA 30334. (The nomination form is online.)

Mock Trial Makes A Difference

Article by Heather Romero Barrett, an Arizona high school mock trial student, and submitted by Susan Nusall, the Arizona Coordinator. Reprinted with permission.

My most important accomplishment in high school has been winning 2nd place at the 2007 State Mock Trial Tournament. For me, it was something that required more work than acing any calculus test and more dedication than qualifying for Regional Honor Orchestra, and it helped bolster my ambition to someday become a lawyer. Mock Trial has been the most significant activity in my life throughout high school, and winning second place in the state competition was a great mile stone in my mock trial career. It acknowledged how far not only myself, but my team as a whole, had come since our first year in mock trial.

Not only that, but winning at the state competition has also made me more confident in my abilities as a public speaker. Throughout middle school and part of high school I was petrified of speaking in front of my peers. Public speaking was easily one of my worst fears. Mock Trial is the only reason I've been able to overcome it. By joining Mock Trial I forced myself into an activity that required me to hone my public speaking skills in order to be effective in the courtroom and score highly. Since I've always been teamed with very competitive people I've had to ensure that my performance has always met their expectations and my own; which meant exhibiting a confidence in myself that I lacked before joining mock trial. It's because of the rigors of mock trial that I gained self-confidence which in turn has allowed me to become an effective public speaker. Last month I was able to debate in front of 200 juniors for my senior mock election project; something I would never have believed I could do when I was younger.

In addition to helping me overcome my fear of public speaking, I've learned more from mock trial than from any other activity in my life. Mock trial has taught me not to fear failing, and to cooperate with a team. Working on a team is something I will have to do for years, and learning to work with people that I clash with is a skill that I will put to good use for the rest of my life. Overcoming my fear of failure has taught me to have faith in my talents and be proud of my achievements no matter what the outcome.

My team's accomplishment at the state tournament last year was an event that made me realize all the work I've put into perfecting my mock trial techniques over the last three years have paid off. Our second place victory made me believe that all of the changes I saw in myself from the time I entered high school to now weren't just something I was imagining - they were visible to everyone who I met.

Rules Changes for 2009 Tournament



At its recent meeting, the Board adopted some Rule changes. Changes to **Rule 1.4** and **4.6** were made simply to conform the Rule to the existing practice. It is our hope that we are now done tinkering with the Timekeeping rules as it appears that the changes to the timekeepers working together has been successful. The change to **Rule 5.2** deals with a judge emergency. The change to **Rule 5.4** is part of our continuing effort to get the ballot right and to avoid confusion.

In addition, the Board also approved changes to the Rules of Evidence. The essence of those changes is to adopt most of the changes that were adopted to the Federal Rules of Evidence a few years ago in order to get our rules closer to real life. **These rules will be effective for the 2010 competition in Philadelphia (NOT ATLANTA!).** The existing Rules of Evidence (the rules used in the Delaware competition) will be in effect for Atlanta.

Mock Trial News and Notes



ARIZONA (*Susan Nusall, Coordinator*) Arizona will be including a middle school tournament for the first time this year. The first and second place teams from the Pinal County tournament will be invited to showcase at the Arizona State High School Mock Trial Tournament on March 28th. We're excited about this opportunity to grow the program and are extremely grateful to all the State Coordinators who have offered words of wisdom and great "how to" advice! Thank you!

GEORGIA (*Stacy Rieke, Coordinator*) The Georgia High School Mock Trial Competition is in its 21st season and this year is shaping up to be one of the best ever. We conducted our 11th annual Law Academy for 46 mock trial team leaders at the University of Georgia's School of Law in mid-September and will conduct our 11th Annual Craig Harding Memorial Court Artist contest in conjunction with our regional competitions in early February. We've exhibited at the annual GCSS and Georgia

Independent School's conferences this fall, making a number of new contacts for our program. We hosted an annual coach orientation meeting at the end of October and had a great turnout. All-in-all, the enthusiasm is high here in Georgia as we near our annual case release date and look forward to our regional, then the state and then the national competitions this season!

GUAM (*Bruce Bradley, Executive Director, Guam Bar Association*) Thanks for keeping us in the loop - we're way out here in Guam, so every little bit of info from the mainland is helpful. We have a new State Coordinator - Erika Scherer. Her e-mail is elscherer@guamsupremecourt.com. She has taken over the reins from Josephine (Poping) Cepeda, who took over a different position within the Judiciary of Guam. Erika worked with Poping during last year's season and is excited about filling the Coordinator seat this year.

INDIANA (*Susan Roberts, Coordinator*) We love meeting and discussing ideas with other State Coordinators through the National High School Mock Trial Championship. It is through these discussions that we implement new ideas to continue to improve and develop Indiana's mock trial program. Recently, we held a workshop for new schools and attorneys interested in the mock trial program. It was a success, and Indiana appreciates the resources from Georgia and Minnesota in conducting a workshop! We also were inspired by the number of States that have convinced their respective continuing legal education commissions to approve CLE credit for attorneys participating in the program. So, we rolled up our sleeves and went to work on putting that in motion. The success and encouragement from other State Coordinators made it seem a realistic objective. And guess what? We were approved for CLE credit for the presenters of our mock trial workshop! We're optimistically hopeful for approval of CLE credits for attorney volunteer judges and perhaps coaches, too! One additional element we incorporated into our program this year came as an inspiration from Minnesota - - a YouTube contest! We think the students will be very enthusiastic about this competition! Thank you to all State Coordinators for sharing your ideas and success stories with everyone! Together we conquer! Our Middle School program is now in its third year and growing! We appreciate Iowa's encouragement and generosity in sharing their middle school case with Indiana. The middle school competition will be held in December. Indiana's High School case will be released November 10th exploring the constitutional issue of free speech in the high school context. Indiana's High School competition begins in February.

MINNESOTA (*Emily Reilly, Coordinator*) Minnesota has added a YouTube Competition for all of its Mock Trial enthusiasts! Given all of the benefits of the Mock Trial experience, Minnesota is asking the students to show in a YouTube video the "top five things I learned in mock trial!" Competitors are asked to create a video portraying five things that they have learned by participating in the high school mock trial program. The videos will be learning tools for mock trial participants worldwide. The winner will be recognized on the mock trial website, at the State Awards banquet in Duluth on March 11th, 2009.

Mock Trial News and Notes, Cont.



NEBRASKA (*Cindy Lilleoien, Coordinator*) Nebraska's mock trial students will be testing their skills in *State of Nebraska vs. Chris Byrd*, involving a parent who hosted a graduation party for a son is charged with "Procuring Alcohol Minor" after an underage attendee at the party crashes a vehicle into a tree following the party. This original case was recently created by the Foundation's Mock Trial Case Committee, chaired by Thomas E. Keefe. Michael D. Gooch, co-chair of the committee, and Keefe were joined by writers Stephanie R. Hupp, Joel D. Nelson, Kristi J. Egger-Brown, and Lory A. Pasold in framing this criminal law problem for the 2008-2009 Mock Trial season. Annually, more than 1,200 students from more than 80 Nebraska schools participate in this Law-Related Education activity. Approximately 500 lawyers and judges volunteer their time to serve as regional coordinators, coaches, or judged for this popular Law-Related Education activity. Winners from each of the 12 Nebraska Mock Trial regions will have an opportunity to compete for

the state title in Lincoln on December 8 and 9. Students participating in the state tournament will be honored at the annual Mock Trial Banquet at the Cornhusker Marriott Hotel on the evening of December 8.

OHIO (*Addie Natalie, State Coordinator*) The 2008-2009 Ohio High School Mock Trial competition ventures for the first time into the area of immigration policy, which has been a political issue at the forefront of our national debate. In this year's case, a talented high school soccer player with college aspirations has had his or her dream of a Division I scholarship threatened by a new school district resolution that requires students to show proof of U.S. citizenship or legal status in the United States before being allowed to participate in extracurricular activities. The student in this hypothetical case is unable to comply with the new resolution, having neither documentation nor personal knowledge of his or her status as a citizen or legal immigrant. Additionally, the Ohio Center for Law-Related Education wants to know about students who have participated in our programs in past years. Where are they now? What are they doing? If you are or know anything about that former middle school mock trial student, Youth for Justice team member, We The People classmate, or Ohio Mock Trial competitor - please share it OCLRE by emailing DDeHaan@ocle.org.

RHODE ISLAND (*Jennifer Conrad, Coordinator*) Rhode Island's Mock Trial Tournament celebrates its 25th year with the 2009 season. Teams from throughout the state are already hard at work preparing their arguments for this year's murder case. The thirty-six Senior High team participating in this year's Tournament hold their three round regular season from December through February, with the top sixteen teams advancing to the Tournament Round. The final trial to determine the State Champion is always an exciting event: the semi finalists argue their case before the Chief Justice of the Rhode Island Supreme Court and a jury of distinguished jurists, attorneys, and citizens.



Bookmark the 2009
Atlanta Tournament
Website on December 1st!
www.nhsmtcATL09.org

Great River Technologies: Web Resource Available



The **National Mock Trial Practicum** web site provides an exceptional opportunity for coaches to supplement the mock trial resources available to teams participating in mock trial programs throughout the nation. It is a general information, interactive website whose purpose is to enhance the Mock Trial experience for stu-

dents, teachers, coaches, and judges, to provide an interactive area that will help students better understand how to give a statement, ask questions, control a difficult witness, and make timely objections. It also allows coaches to run a strong Mock Trial program even if they are new to the activity, don't have access to an attorney coach, or would just like to better understand the process and involvement.

The National High School Mock Trial Championship Board of Directors fully supports this site and recommends its use to individual teams and statewide mock trial programs, alike. The Board is looking for ways to improve content and to include items of interest to mock trial students, teachers and coaches. Along with Great River Technologies, we are putting together a **National Board of Advisors** for this web-based project. Contact **John Wheeler** if you are interested in serving on this advisory board.

Scoresheet/Ranking Report Pick-Up Procedure after Tournament



During the Board's recent October pre-tournament meeting, the directors discussed our policy for the dissemination of the scoresheets and the ranking report after the tournament rounds have been completed. The following updated procedure was approved and will be added to the tournament's policy manual for the 2009 tournament in Atlanta:

- 1) After the championship round of competition, the scoring coordinator will provide the host coordinator with each team's sealed scoresheet packet, including the final ranking report for the tournament.
- 2) At that time, the host coordinator will secure all packets together (including all copies of the ranking report) in a locked area for distribution on Sunday morning. Scoresheets and ranking reports are NOT available to anyone prior to the official distribution.
- 3) Packets (which will include 1 copy of the ranking report) may be picked up from the host coordinator at the designated location in the host hotel no earlier than 7:00 a.m. on the Sunday morning following the championship round. (In **Atlanta**, the scoresheets will be available for pick-up beginning at **8:00 a.m.**)
- 4) Only the state coordinator or his/her official designee (the person who completed on-site registration for the team and signed for the registration materials earlier in the week) may pick up the packet. No coach, student, parent, judging panel member or other spectator may pick up the scoresheet packet.
- 5) If the state coordinator or his/her official designee is not available to pick up their team's scoresheet packet on Sunday morning, then the packet will be mailed to the state coordinator via regular mail (no tracking number) on the Monday following the tournament.
- 6) It is the responsibility of the state coordinator to fully inform their state champion team's coaches, students and spectators of this policy well in advance of the beginning of the National tournament.
- 7) The state coordinator, at their discretion, may further distribute the scoresheets and the ranking report to their state champion team after it is received from the host director.

If there are questions regarding this updated policy, contact John Wheeler or Stacy Rieke (2009 Host Director). We look forward to a smooth and orderly distribution process (with no drama) on Sunday, May 10th in Atlanta.

In Rare Opportunity, Local Lawyers get a Chance to Mock a Judge

Article by Michelle M. Lore, which appeared last January in the *Minnesota Lawyer* and submitted by Emily Reilly, the Minnesota Coordinator. Reprinted with permission.

It's not often that a practicing attorney gets to play judge. But, thanks to the Minnesota High School Mock Trial Program, many lawyers will be doing just that starting next week. The first trials of the 2008 competition kick off on Jan. 22 all across Minnesota. After several local and regional rounds, the state competition will take place in St. Paul in mid-March. The national tournament will be held in Wilmington, Del., in May.

Members of Minnesota's legal community play a critical role in the program, serving as coaches for the students and judges of the competitions. Those who take on these roles say the mock trial program is not just an educational tool for students, but it's also beneficial for the lawyers who participate. Judging, in particular, is a way to polish up one's own trial advocacy skills and knowledge of the rules of evidence, said Minneapolis attorney Kyle Kaiser, a mock trial judge who is also a member of the MSBA's Mock Trial Advisory Committee.

"The students come up with highly creative and interesting ways to challenge every piece of evidence," he said. "And hearing these broad and sometimes complex evidentiary challenges improves the attorney-judge's practice by reminding us to constantly consider how a piece of evidence will be admissible or viewed as trial progresses."

Judging kids

The Minnesota State Bar Association has played a pivotal role in the mock trial program for more than two decades. It assists schools in identifying coaches and judges, provides case materials, schedules competitions and posts scores. Tenth Judicial District Court Judge James Dehn has been involved with the program as a judge since the early 1990s and as a coach since the late '80s. "I'm a mock trial junkie and just loving doing it," he said. "It's a way of exposing kids to the court setting and giving them a unique appreciation of American jurisprudence."

Dehn, who's been on the bench for more than 20 years, said that in some ways judging a mock trial is harder than judging a real trial. "As a presiding [mock trial] judge, not only are you grading [the students], but you are handling all the objections," he said. In addition to judging at the regional and state levels, Dehn has judged mock trials at the national level, something he said can be a real challenge. "It's like a drill for a judge, because I never get that level of objections at a regular trial," he said. "It's like machine-gun objections; you've got to be prepared. ... At some level, it's like a regular trial on fast forward."

Minneapolis attorney Trina Alvero, a mock trial judge who's been involved with the program since she was in high school, said that the level of sophistication of the objections often takes attorney-judges off guard. "Mock trial competitors are often coached by litigators with years of trial experience," she said. "So the students often bring a very polished and intellectually rigorous performance to the table, putting even well-seasoned attorneys to the test at the higher levels of competition."

Improving skills

Those involved in the mock trial program say that judging is a great way for attorneys to improve on their own trial skills. The MSBA website notes: "[W]e explore the roles of the attorney and judge and how these roles differ and how they compliment each other. By gaining a better understanding of both these roles, you will enhance your effectiveness on behalf of clients. Taking on the judge's role in the MSBA Mock Trial Program allows you to reflect on your own core values as you evaluate the performance of the students modeling attorneys and witnesses at trial. Your participation will undoubtedly better your practice."

IBM in-house attorney William McGinnis, who has been judging mock trials for three years, agreed that working through the trial process with the students is beneficial for the attorney-judges. "You get energy from the students, who do an excellent job of handling the material," he added. Each mock trial problem has a number of difficult evidentiary issues built in, from basic hearsay in a witness statement to complex issues related to impeachment and character evidence. "The cases make very good use of issues around hearsay," said McGinnis. "Most cases challenge the limits of those rules."

In Rare Opportunity..., cont.

Continued from previous page...

Dehn concurred. “I’ve had kids raise objections I’ve had to ponder,” he said. “It’s increased my skills in handling evidentiary issues just because I’ve been exposed to new nuances I’ve not thought of before.”

Kaiser observed: “Even if you can’t recite McCormick on Evidence, or don’t know the difference between Rule 404 (b) evidence and a Rule 608 impeachment, judging a competition can help you bone up your evidence skills very quickly. After all, the students should be able to react to any adverse ruling, regardless of how technically accurate it may be — and there’s no appellate court to determine if you’ve ‘abused your discretion,’” Kaiser quipped.

Another benefit of serving as a mock trial judge is that it gives attorneys the chance to sit in the judge’s chair.

“Even in the initial rounds, a practicing attorney will get a rare perspective on evidentiary objections — the view from the bench, instead of the counsel table,” said Alvero. “It allows lawyers to preside over cases,” said Dehn. “They get that experience of sitting on the bench ... and the opportunity to try cases.”

McGinnis added that unlike lawyers — who can sit in their office and mull over an evidentiary issue — judges have to make split-second decisions on admissibility. “[Mock trial judging] keeps you in tune with the fast pace of what a trial might be like,” he said. Some practitioners view their work as a mock trial judge as a way to reflect on their own careers. “The program encourages self-reflection, the pursuit of excellence, and inter-generational mentorship, said Alvero. “I believe that these goals and aspirations become a two-way street as students and practitioners share their experiences, challenge themselves with new roles and learn from each others’ example. Lessons of a lifetime can be gained in brief and crystallizing moments.”

What it takes to be a mock trial judge

According to Minneapolis attorney Kyle Kaiser, a mock trial judge and member of the MSBA’s Mock Trial Advisory Committee, judging a mock trial requires “a little bit of preparation, a bit of dedication and a bit of confidence.”

The preparation necessary is primarily a read-through of the rules of the competition, the abridged rules of evidence and the case materials. On the day of the competition, a judge arrives at the contest site a few minutes early to check in and then is directed to the appropriate courtroom. The judge will either be a “scoring” judge or a “presiding” judge. A scoring judge sits at or near the bench, observes the trial, takes notes and scores the performance of each participant for each portion of the trial. The presiding judge also scores the students but also listens to the evidence, controls the courtroom and rules on objections.

“Just as in real courtrooms, the judge’s manner varies from judge to judge,” said Kyle. “I, personally, prefer to ask the students questions to probe their knowledge of the rules — or to aid novice attorneys in zeroing in on the best evidentiary issues — but some judges simply let each side respond to the objection once or twice and then offer a ruling.” At the conclusion of the trial, each judge will give the students oral feedback on their performance, pronounce their ruling on the legal merits of the case — which has nothing to do with the actual scoring — and will announce their ruling based upon the cumulative points on his or her ballot.



Top 10 Mock Trial Judging Tips from Minnesota Mock Trial:

1. Read the materials (the students know when you don’t); know the rules.
2. Know the mock trial rules.
3. Judge based on mock trial standards, not your real life opinion of the case.
4. Use the rating standards. Be consistent and compassionate. Be fair; be reasonable.
5. Be concise in your post-trial feedback and mindful of the clock.
6. Use a calculator to check your math. An error in arithmetic can change the outcome of the trial!
7. Spend three hours reading the case materials before the trial.
8. Arrive early so the trial can begin on time.
9. In the event of a tie, the tie-breaker point is used by the presiding judge to break the tie.
10. Even though some testimony might be irrelevant, it must be let in for mock trial purposes. Some people still need to tell their stories.

National High School Mock Trial Championship, Inc.

John Wheeler, Chair
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Des Moines, IA 50309

Phone: (515) 243-3179

E-mail: jwheeler@iowabar.org

We're on the Web!

www.nationalmocktrial.org

Mock Trial Matters Newsletter

To submit items for the spring issue
contact: **Susan Roberts**

(765) 428-7019 or skr@stuartlaw.com

2009 Board of Directors

Hon. George H. Carley (Georgia)
Dewain D. Fox (Arizona)

Pete Jones (Co-Host Director—Delaware)

Jane Meyer (Pennsylvania)

Stephen Miller (Texas)

Bob Noel (Louisiana)

Emily Reilly (Minnesota)

Stacy Rieke (Host Director—Georgia)

Susan K. Roberts (Indiana)

Dee Runaas (Illinois)

Hon. Richard Sievers (Nebraska)

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Pennsylvania)

John Wheeler (Iowa)

Michael White (Alaska)

Judy Yarbrow (Host Director—Texas)

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Wisconsin)

**2009 Non-Board
Committee Members**

Peggy Caldwell (GA), *Ad Hoc Scoring Comm.*; Cynthia Cothran (SC), *Ad Hoc Scoring Comm.*; Hon. Gene Franchini (NM) *Awards Comm.*; Hon. Robert Kinney (WI) *Awards Comm.*; Danelle Liwski (AZ), *Ad Hoc Scoring Comm.*; Billy Stover (KY), *Ad Hoc Scoring Comm.*; Kathy Vick-Martini (WI) *Awards Comm.*; Ann Marie Waldron (IN), *Ad Hoc Scoring Comm.*

For a complete list of Committee assignments, visit our website. To volunteer for Committee service, contact John Wheeler.

The National High School Mock Trial Championship is committed to the study, understanding and appreciation of the American justice system. The mock trial format presents a hypothetical legal case to teams of students who play the roles of witnesses and attorneys. Students participating in mock trials gain an understanding of our society's approach to dispute resolution and justice in general with a hands-on experiential approach. Critical thinking, formulation of ideas and opinions, oral presentation, effective advocacy and even value definition are all required skills to successfully argue a case.

**Judging Panel Volunteers Needed
for the 2009 National Tournament
in Atlanta!**

Go online for a volunteer form:

www.nhsmtcATLO9.org

Contact **Stacy Rieke** at stacyr@gabar.org or
(404) 527-8779 for more information.

**25th Anniversary
NHSMTC Lapel Pins for Sale!**

\$1.75/pin (*price has been reduced!*)

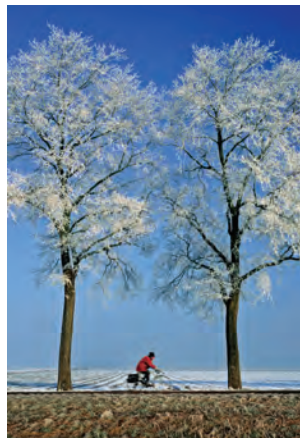
Make check payable the NHSMTC, Inc. and send to

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104 Marietta Street, NW

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**Have a
Wonderful,
Safe and
Healthy
Winter
Semester!**