



TRIAL COURT

TIPS FOR EVALUATORS

CASE INFORMATION

1. Plaintiff, James O'Callahan, sued his former employer, Continental Catering Consolidated Company (4C's), alleging that as a result of its August 2012 reorganization, 4C's unlawfully discharged him due to his age, in violation of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§621-634 (hereinafter "the ADEA").
2. Each team must call three witnesses.

WITNESSES FOR THE PLAINTIFF:

1. Allison Young
2. Philip Dennis
3. James O'Callahan

WITNESSES FOR THE DEFENDANT:

1. Ted Arts
2. Edward Williams
3. Mike Kiser

THE DOCUMENTS:

- a) Plaintiff's Original Petition
- b) Performance review for James O'Callahan
- c) Performance review for Ted Finnell
- d) Affidavit of Allison Young
- e) Affidavit of Philip Dennis
- f) Affidavit of James O'Callahan
- g) Affidavit of Ted Arts
- h) Affidavit of Edward Williams
- i) Affidavit of Mike Kiser
- j) July 10, 2012 Geographic Territories
- k) January 2012 Geographic Territories
- l) August 2012 Geographic Territories

EVALUATORS AND SCORING

1. Decisions about team and judge scores will be made by one or more evaluators who are Youth and Government judicial alumni, law students, sitting or retired trial and appellate judges, and/or any licensed attorneys.
2. Evaluators score the team performances and the judge's performance. Each evaluator fills out a ballot for each team and the judge. If there is more than one evaluator, the evaluators should not consult with one another during this process.
3. The criteria for scoring is provided on the ballots and replicated below:

| Judge Scoring Criteria | Attorney Team Scoring Criteria |
|--|--|
| Calling the Court to Order (communicating any courtroom rules, swearing in the witnesses, announcing that Court is in session, stating the charges against the Defendant) | Opening Statement (Provided case overview and team’s side of the case; mentioned key witnesses; discussed burden of proof; stated the relief requested; did not use/rely on notes) |
| Knowledge of Trial Procedure (sticking to schedule of trial, rules, and proper procedures. Does not need guidance, does not hesitate during trial proceedings.) | Attorney #1 and Attorney #2 Direct Exam (Developed case theme, avoided leading questions, kept questions short and to the point, handled objections appropriately) |
| Knowledge of Evidence Rules (Knows how to handle entering evidence, the order of presentation, etc.) | Attorney #1 and Attorney #2 Cross Exam (Asked only leading questions, kept questions short and to the point, properly impeached/discredited witness, handled objections appropriately; used various techniques, vocal tempos, volumes, tones and pitches) |
| Knowledge of Objections (Knows how to handle objections, the order of presentation and response, etc.) | Use of Exhibits and Evidence (Exhibits marked, offered, and entered into evidence correctly; effective use of exhibits) |
| Knowledge of the Law | Knowledge of Trial Procedure (Knowledge of schedule of the trial, rules, and proper procedures) |
| Demeanor and Professionalism (Commands respect; engaged, good posture, pleasant disposition) | Objections (Relevant, effective, not unfairly excessive; responded well to objections) |
| Interaction with Trial Participants (does not let attorneys go over time, politely directs attorneys and witnesses to proceed, etc.) | Overall Demeanor (Interaction with Judge and opposing counsel; rapport with Witnesses; stood when addressing the Court; posture) |
| Decision Making Ability (Handles objections and questions efficiently, does not get thrown off by unexpected events) | Witnesses: Performance (credible portrayal of character, appropriate emotion, understanding of facts, sounding spontaneous, appropriate courtroom demeanor, preparation for cross examination. Minimal notes.) |
| Maintaining Control of Courtroom (Presides effectively, keeps time, makes a ruling and explains why that team won) | Preparation (Organization, preparation of facts, good utilization of time, teamwork) |
| | Closing Argument (Organized, persuasive; summarized evidence and points supporting case; discussed burden of proof; pointed out flaws in opponent’s case. Minimal notes.) |

4. NO COMPLETED BALLOTS ARE TO BE SHOWN TO ANY TEAM MEMBER OR ANY OTHER PERSON DURING THE COMPETITION, in compliance with the educational goals of the Judicial section of the Texas YG program. Ballots should be returned to the tournament staff after the round has been concluded and the winning team recorded. Score and comment sheets for a team will be copied and distributed to that team's coach after the competition is completed.
5. Conference staff will check evaluator ballots for complete scoring and for improper scores. Whenever possible, evaluators will be asked to make any necessary corrections. When an evaluator cannot be located or other circumstances prevent timely consultation with the evaluator concerning the ballot, conference staff will correct improper entries before the ballot is totaled or take other appropriate action.
6. General Scoring Guidelines
 - a. Please be sure to completely fill in your name and all the participants' names on the evaluation forms. The Bailiff in your room can help you with this task.
 - b. In scoring, start at 3 and work your way up or down from there based on performance.
 - c. **Remember these are high school students and not college or law school students. Therefore, please provide constructive and kindly worded critiques.**
 - d. PLEASE FILL OUT THE COMMENT FORM FOR EACH TEAM AND JUDGE. We realize we are asking you to juggle a lot of forms. However, we do not always have time for critiques following the trial, and your comments are so helpful to the attorneys teams and judges as they prepare for their next rounds. If there is time, you may give oral feedback, but we ask that you ALWAYS provide some written feedback on your comment form. **Please do not comment on the participants' clothing choices. The judicial staff handles all issues regarding appropriateness of dress.**
 - e. Please return your evaluation packet to the Judicial office promptly so the forms can be tabulated in a timely manner.
 - f. On the evaluation form of the winning team (i.e.: the team the JUDGE picks to win), please make some sort of notation identifying that particular team won the round.
 - g. **IF YOU NOTICE ANYONE IN THE COURTROOM SIGNALING A WITNESS EITHER BY NODDING THEIR HEAD OR MAKING SOME INDICATION OF HOW THEY SHOULD ANSWER A QUESTION, PLEASE MAKE A NOTE ON THE EVALUATION FORM AND REPORT THIS TO THE JUDICIAL OFFICE AS SOON AS THE ROUND IS OVER.**
7. What we expect from the Attorney teams in each category of scoring:
 - a. **Opening Statements**-preferably are memorized, but attorney teams are not **required** to memorize them. They should tell the court what they intend to prove throughout the course of the trial.

- b. **Direct Exam**-scores should be based on how well the attorneys handle difficult situations with witnesses. For example, if a witness does not give the answer the attorney was looking for, the ability to create a new question to extract that information on the spot without getting flustered.
- c. **Cross Exam**-Signs of a good attorney include the abilities to handle hostile witnesses without badgering and to extract information needed. Some attorney teams tend to be rude and badger the witnesses during cross-examination, but rudeness should not be confused with determination to get information or prove a point.
- d. **Use of Exhibits and Evidence**-Attorneys should use the evidence throughout their presentations. The legal process for entering evidence is one of the skills that the attorneys must get right to get a good score. The documents are considered pre-marked. The judge should know the procedure. NOTE: Only the prosecution is required to enter evidence, though there is some evidence that would benefit the defense should they choose to enter it. If the defense does not enter evidence, base scores on their responses to the evidence and the handling of any exhibits.
- e. **Knowledge of Trial Procedure**-Attorneys should know the schedule of the trial (the order of presentation), the rules, and proper procedures.
- f. **Objections**-Attorneys should state objections in a legal manner. The attorneys should know a legal objection. They should not give a long reason as to why the question or answer is not acceptable. The ability to respond to an objection is crucial to a high score (to respond with legal terms to the objections). Score attorneys that do not respond to objections low.
- g. **Overall Demeanor**-Attorneys must ALWAYS stand up COMPLETELY when addressing the judge, when the judge is addressing them, during opening statements and closing arguments, and when objecting or responding to objections. The judge decides whether attorneys should sit or stand while questioning witnesses. Each judge should make his or her preference clear at the beginning of the trial. Attorneys should show respect for the judge at all times and are NEVER permitted to argue with the judge. Remember, the attorneys are in the judge's courtroom, and the judge is completely in control. Respect for the judge, both verbal and nonverbal, is very important in determining an attorney team's score.
- h. **Preparation**-Organization is extremely important if an attorney team plans on scoring high. Attorney teams that are always shuffling around with papers and talking to each other are not well prepared, and evaluators should dock scores accordingly. However, attorneys are allowed to confer with each other as long as it does not become a distraction to the court. Preparation scores also include how strong or weak attorneys' cases are.
- i. **Closing Arguments**-The closing argument should sum up a team's case. If an attorney team reads what seems to be a pre-written speech and makes statements that something was proven or disproved when it was not, the evaluator should score them lower. The purpose of the closing argument is to state what was proven in that specific trial and the facts and evidence that were presented. Attorneys should ask the court for a favorable verdict in their closing argument.

8. What we expect from the Judge in each category of scoring:
- a. Student judges are evaluated on: knowledge of trial procedure, knowledge of evidence rules, knowledge of objections, knowledge of the law, demeanor, interaction with trial participants, decision making ability, and maintaining control of the courtroom.
 - b. The judge should open the case with the case number and names of the parties involved. They should ask if the defense wants the charges read.
 - c. During the trial, the role of the judge is to preside, keep order, make rulings, and oversee the different events in the course of the trial.
 - d. At the end of the trial, the judge should give a verdict and explanation as to why the chosen team won the trial.
 - e. Judges' verdicts for a team do not necessarily mean the judge thought that team was better. Verdicts should not affect how the evaluators score judges.
 - f. Judges should command respect. If an attorney does not stand when he or she is addressed by or is addressing the judge, refers to the judge by name or by other names besides "your honor," "the court," or "judge," the judge should correct him or her.
 - g. It is the judge's courtroom, and he or she is in control of presiding over the trial. A judge who allows a sloppy trial should be counted off. A judge who permits attorneys to argue with him or her or the opposing counsel should be counted off.
 - h. Judges are to keep the trial on schedule, as they are the time keepers. Judges who permit attorneys to run over time should be heavily counted off. Time does stop on objections unless they become excessive.
 - i. If you have any question regarding the case, the judge should be able to help you. If the judge ever stops the trial and asks you a question, the judge is not well prepared. **Evaluators are not permitted to interrupt or stop the trial.**
 - j. The only person who can stop and start the trial is the student judge or the director of the competition.
 - k. No one should ever argue with rulings of the judge.