

2011

Illinois State Bar Association

HIGH SCHOOL MOCK TRIAL RULES AND PROCEDURES HANDBOOK

Teachers - ALWAYS read the rules and make sure students know them.

**A Project of the ISBA
Standing Committee on
Law-Related Education for the Public
And the Illinois LEARN Program**

**Co-Sponsored by the Constitutional Rights Foundation Chicago
And
The University of Illinois Springfield**



**ILLINOIS STATE
BAR ASSOCIATION**

Illinois State Bar Association
424 South Second Street, Springfield, IL 62701
800.252.8908 217.525.1760 Fax: 217.525.9063

A.	Rules And Procedures – “The Nuts And Bolts”	
I.	Introduction	3
II.	Goals Of The High School Mock Trial Invitational	4
III.	Registration Procedures	5
IV.	Mock Trial Policy-Entry Criteria	6
V.	Attorney Advisors	6
VI.	Law Examination	6
VII.	Electronic Devices Restricted	6
VIII.	Scheduling	7
IX.	Tournament Format	7
	State Format	7
X.	Tournament Rules	8
	I. Rules	8
	A. The Case	8
	B. Witnesses Are Bound By The Facts In Their Affidavits	8
	C. All Witnesses Are Gender Neutral	9
	D. <i>Voir Dire</i> Not Permitted	9
	E. Each Side Is To Call Two Witnesses	9
	F. No Team May Call A "Hostile Witness."	9
	G. Jury Trials	9
	II. Trials	9
XI.	Dress Code And Conduct	9
XII.	Teams	9
XIII.	Student Attorney Duties	10
XIV.	Pre-Trial Motions	10
XV.	Breaks And Trial Decorum	11
XVI.	Viewing Other Trials	11
XVII.	Miscellaneous Research And Role Playing	11
XIX.	Rosters/Attendance And Procedures During Trial	11
	A. Rosters	11
	B. Courtrooms	12
XX.	Time Guidelines For Mock Trials	12
XXI.	Videotaping, Photography And Audio Taping	14
XXII.	Judging And Evaluation	14
XXIII.	Dispute Resolution And Rule Violations	15
	A. Rules Violations During Trial	15
	B. Concerns After Trial Concludes	15
XXIV.	Additional Preparatory Information	16
	Guidelines For Students	16
XXV.	Guidelines For Students Acting As Timekeepers	18
	Sample Mock Trial Time Sheet	19
XXVI.	Guidelines For Teacher And Attorney Advisors	20
XXVII.	Guidelines For Presiding Judges And Evaluators	21
XXVIII.	Observers	22
	Sample Press Release	26
B.	Trial Format And Procedures - “A How-To Guide”	27
I.	A Typical Courtroom Layout	27
II.	Mock Trial Participants	27
III.	Steps In A Mock Trial	28
	Simplified Rules Of Evidence	29
A.	Witness Examination	29
B.	Additional Rules Of Evidence	31
	Teacher Rubric Forms	35
	Dispute Resolution Options	37

A. Rules and Procedures – “The Nuts and Bolts”

I. INTRODUCTION

Mock trial provides an opportunity for students to learn what it is like to prepare and present a legal case before the Illinois Courts.

It is mandatory that all participants follow all official Tournament Rules. Infractions may lead to disqualification and elimination from participation in future years.

Students learn to work as a team, develop oral presentation skills, set goals, plan effectively, think on their feet, and face challenging obstacles with enthusiasm and confidence.

To the teachers, lawyers and judges of this program, thank you for contributing your talents and time. By doing so, you are making exceptional educational opportunities available to the youth of Illinois.

Mock trials are a distinctive way to learn about the legal processes used to remedy some disputes in Illinois. The mock trial presentations are only one component of this activity and are really a means to "showcase" team achievement. While "winners" are announced, it is important that the goals of the program provide an opportunity for students to learn, and to meet with others to show what has been learned. One weekend's performance is not meant to be the ultimate goal the mock trial experience. If students achieve and meet the goals set forth by their teachers, their parents and themselves, then they have achieved an extraordinary level of success in their high school careers.

The main educational component of the mock trial experience is in the hands of the teachers, lawyers and judges who assist in preparing the teams for the mock trials. It is up to these teachers and legal professionals to prepare the students for the mock trial experience, which includes taking the time to explain that in any dispute settled by trial, there will be a winner and there will be a loser and sometimes the results are difficult to understand and may seem unfair or arbitrary. Keeping this in mind, teachers and attorneys should prepare students for both possibilities and stress that both winning and losing are learning experiences. Accepting defeat and success with dignity and restraint should be a component of all mock trial training.

It is impossible to predict how a team will perform or how the evaluators will perceive individual presentations. In real life, judges and jurors have no prior knowledge of the case; however, mock trial evaluators and trial judges are sent case materials prior to the mock trial event and are asked to become familiar with the materials. Please remember that this is a voluntary, educational program offered with the assistance of volunteer lawyers and judges who donate their time and expertise in an effort to provide an educationally stimulating exercise for the students.

All participants in the mock trial program should understand that any evaluation of student work and presentation skills is subjective and that scores *will not* be released as they are only used as a part of the overall prerequisites for the ISBA to select a team to attend the National High School Mock Trial Championships on the Thursday, Friday and Saturday of Mother's Day Weekend in May. The National Mock Trial Championships are conducted on Thursday,

Friday and Saturday. Winning team members should be prepared to arrive at the event no later than Thursday afternoon and depart on Sunday.

The Illinois State Bar Association, the Law Related Education Committee members, and the volunteer lawyers and judges strive to evaluate teams and individuals in a fair and equitable manner; however, as with any subjective rating system inconsistencies may occur. As in the Illinois courts, those who are disappointed with, or excited by, the results are expected to conduct themselves with appropriate decorum and respect.

If you have any questions, please fax your question to the mock trial office at 217.525.9063.

The Illinois State Bar Association would like to thank the following for their support and assistance with the Illinois State Bar Association High School Mock Trial Invitational:

*The ISBA Committee on Law-Related Education for the Public
The Constitutional Rights Foundation Chicago
The Illinois LEARN Program
University of Illinois Springfield*



II. GOALS OF THE HIGH SCHOOL MOCK TRIAL INVITATIONAL

1. To increase student understanding of the American judicial system.
2. To familiarize students with the law, courtroom procedures, and the legal system.
3. To build bridges of cooperation, respect and support between the community and the legal profession.
4. To improve basic skills such as listening, speaking, writing, reading, analyzing, and working as a team.
5. To learn the meaning of good citizenship in a democracy through participation in our system of law and justice.
6. To develop team spirit, establish objectives, and work toward a common goal. Students who participate in the mock trial program increase their knowledge and skills, understand our system of justice better and are able to articulate in a reasoned, thoughtful manner.



III. REGISTRATION PROCEDURES

Non-Refundable Team Registration fee - \$100
DUE NO LATER THAN February 1, 2011

Payment must be by check or money orders only.
Please make checks and money orders payable to
Illinois LEARN Program/Mock Trials
No Purchase Orders Will Be Accepted.

ALL REGISTRATION MATERIALS MUST BE SUBMITTED BY
February 1, 2011

Registration forms are available at
<http://www.isba.org/teachers/mocktrial>

State Trials, Springfield - Friday and Saturday, March 4 and 5, 2011
University of Illinois Springfield
Public Affairs Center - Lower Level

National Championship – **Phoenix, Arizona**, Mother's Day Weekend, May 2011
Visit <http://www.nationalmocktrial.org/> for additional information on the National High School Mock Trial Championship event.

NOTE: Registration fees are **not** refundable and teams that drop after the drop deadline (without good cause) will disqualify their school from participation in next year's mock trial tournament. Teams may drop one week prior to the mock trial event without penalty.

The mock trial registration packet includes registration forms and additional documents that **MUST** be completed and submitted by the established deadlines. These **MANDATORY** forms include:

- The official team registration form – due on registration deadline
- Registration fee – due on registration deadline
- The official team roster (may be faxed one week prior to trial)
- Certificate of assurance that all work is that of the students (signed by teacher) – due on registration deadline
- Law Test Questions (from the teacher) – due on registration deadline
- Certificates of release for all students attending (signed by parent/guardian) (may be faxed one week prior to trial)
- Certification of participation in regional/practice trial (may be faxed one week prior to trial)
- Code of Conduct (signed by teachers, students, and parents) (may be faxed one week prior to trial)
- Team Roster Forms (may be completed on site at the mock trials for distribution during trial)
- Special Requests (only if there are any – must be submitted on registration deadline)

All teams must participate in a regional or practice trial before attending the state program in Springfield and forms must be completed and returned indicating such participation.

Forms are contained in the forms packet that is sent with registration materials. In addition, all participants and guests are asked to sign a form indicating that they have read and understand the Code of Conduct and have also read and understand the Rules of the Mock Trials. All teams must be affiliated with a sponsoring school, law explorer group, home school group, or other group approved by the Committee on Law-Related Education.

Space at this event is limited. The ISBA and the LRE Committee reserve the right to limit the number of guests viewing any trial. There is a maximum room capacity for each room which must not be exceeded. Consider these limitations when inviting guests. Teams may not change rooms without the express permission of the ISBA and the LRE Committee. ISBA and the Committee are bound by contracts and restricted to using only the space allotted in the contract. Teams breaching the contract or causing disruption will be immediately disqualified and barred from future participation for a period of at least one year.

IV. MOCK TRIAL POLICY-ENTRY CRITERIA

All teams must undertake at least one practice/regional trial with another school, or with another team from their school, prior to officially attending a mock trial event in Springfield. These preliminary trials must be judged or evaluated by a judge or attorney volunteer. A letter/form signed by the teacher coach and the judge/attorney must be submitted prior to attending the ISBA High School Invitational.

The Committee supports the concept of more than one team per high school; however, due to space and time limitations, official registrations may only be submitted by one team per school or group approved by the Committee.

V. ATTORNEY ADVISORS

All teams participating in the ISBA High School Invitational are **STRONGLY ENCOURAGED** to utilize an attorney advisor to assist them with preparations for the mock trial event. Local attorney advisors should be considered an integral part of the educational process and they help fulfill one of the stated goals of this program, i.e., to build bridges of mutual cooperation, respect and support between the community and the legal profession.

An attorney with a child entered in the tournament may coach his or her child's mock trial team and may also act as a judge (if needed) for any of the trials during the tournament except those trials in which his or her child is competing. Attorney advisors will be asked to judge or evaluate only in emergency situations.

Please note: No teacher or attorney advisor may coach more than one team.

VI. LAW EXAMINATION

As a mandatory component of the mock trial invitational, all teams will be expected to take a mock trial written examination. Teachers submit questions for the exam. The format is split between multiple choice and true/false questions. Individual awards will be given for achievement on the examination.

All scores added together will determine the final eight teams. Thus, scores from Friday

and Saturday preliminary trials, as well as the law exam score will determine who proceeds to the final round of trials; however, the law exam score will not be included in team totals in the final eight trials.

All team members, including alternates, must take the exam and the team will be scored based on the average of the individual team members' scores.

VII. ELECTRONIC DEVICES RESTRICTED

There is a **no electronic device** rule in the courtrooms in Springfield, which will prohibit the use of laptop computers, cell phones, or any other electronic communication or storage devices. Regional or invitational programs are encouraged to implement this rule as well.

VIII. SCHEDULING

If a team participating in the Invitational has special requests for times to go to trial on Friday or Saturday, please complete and return the appropriate special request form. Every effort will be made to accommodate all requests; however, **there are no guarantees**. Teams should plan on being available for any mock trial time on either day. Please note, times are approximate, as we won't know when trials will be scheduled until we know how many teams are formally registered (only known after the official registration deadline).

Teachers, parents and lawyer coaches are strongly encouraged to undertake reasonable schedules that do not institute an unfair burden on students involved in the mock trial program. This exercise is meant to be educational, first and foremost. However, the competitive aspect seems to have become an understood, but not necessarily an acceptable, footnote to this program. While we hope that students learn much from this experience, we also hope they are able to enjoy the program and the camaraderie that working as a part of a team creates. Overzealous adult intervention places unfair burdens on the students and should be avoided.

IX. TOURNAMENT FORMAT

STATE FORMAT

A. The State Championship Tournament is a two-day, weekend event (Friday and Saturday) with no more than 60 officially registered teams presenting their trials during the event. Teams will be accepted on a first-come/first-served basis.

Trials will begin at or about 11:00 A.M. on Friday, depending on the number of teams participating. No meals will be provided by ISBA for this event.

Schools and approved groups must make all room reservations on their own, and are responsible for all hotel charges.

Schools are responsible for all transportation costs.

The Illinois State Bar Association and the other co-sponsors/hosts of the program assume no responsibility for the student participants. The responsibility for the safety

and well-being of the students rests with the host schools, teacher coaches, and chaperones.

B. Teams will be paired for each trial by a random draw. Teams will participate in one trial on Friday (as prosecution or defense) and will argue the opposite side of the case on Saturday. The teams accumulating the highest number of points at trial will be announced (this accumulation will include the written law exam team average). The ISBA and the Committee on Law-Related Education may announce the top 8 scoring schools and may conduct a final trial (random draw as to side of case argued and against which team). Following the final trials, if held, the top three schools will be announced (based on highest overall trial score, but not including the written law exam team average). In the event the ISBA and the Committee on Law-Related Education determine that a final trial round is not going to be conducted, the top three schools will be announced following the official tournament. Winners will be notified on the Monday following the trial event. The team achieving the highest point total in the final trial (not including the written law exam team average) will advance as Illinois' representative to the National High School Mock Trial Championship.

C. The state champion is eligible to participate in the National High School Mock Trial Championship. If the first place team cannot participate, the second place team is eligible. ISBA will grant the state championship school **\$1000** to defray expenses for the National High School Mock Trial Championship. The state championship school is responsible for providing funding for the remaining expenses. ISBA will also pay National High School Mock Trial Championship registration fees (\$300).

X. TOURNAMENT RULES

ISBA reserves the right to cancel or revise the trial format at any time prior to or during the event, with appropriate notice to participants.

I. RULES

The Rules of the ISBA High School Mock Trial Invitational and the Simplified Rules of Evidence and Procedure govern this event. Each Illinois High School may enter one team consisting of seven students (**seven** participants; teams may also bring three alternates who may participate if one of the official team members is unable to do so). Teams comprised of members of a Law Explorers Group, Scouting Troop, YMCA Youth and Government, Boys/Girls Club, Home School Groups, or other sponsored group may also participate with prior approval from the ISBA State Coordinator. As with official high school teams, these groups must have an adult coach or supervisor/sponsor. "Independent" ad hoc teams comprised of individuals not part of an officially sponsored group are prohibited from participating. **No "all star" teams are allowed, pulled from various groups or schools.** All participants must read the rules and indicate that they have read and understand them on the appropriate forms provided.

A. The case materials contain: a statement of facts (this is a synopsis of the case and should not be considered an official document for use in the trials), complaint, stipulations, witness statements/affidavits, jury instructions, exhibits, etc. Stipulations provided may NOT be disputed at trial. No additional statements/affidavits, jury instructions, exhibits or stipulations may be created by participants. Witness statements may NOT be altered. Teams must be prepared to present both sides of the case, once as prosecution and once as defense.

All affidavits and exhibits are authentic and may not be disputed at trial, signed or unsigned, dated or undated.

B. Witnesses are bound by the facts in their affidavits as well as by facts in other affidavits if it is apparent that the witness must have known them. If a witness testifies in contradiction of a fact, the opposition may impeach the testimony, or point out the contradiction on cross-examination by introducing the witness's statement to the court. There is no objection for "creation of fact" or "beyond the scope of the materials."

If a witness is asked a question *on cross-examination* about information that is not part of the case materials, he or she may invent an answer *consistent with the facts* in the materials. If the answer is likely to affect the outcome of the trial, the opposition may object and ask for a bench conference. The presiding judge will decide whether to allow the testimony. If the presiding judge rules that testimony is an unreasonable deviation from a witness affidavit and disallows the testimony, a subtraction of points from the total score will result. Each judge may subtract up to three points for each ruled deviation. Subtraction of points will only occur if, and after, such a ruling is made.

Information provided in the Statement of Facts should not be referred to during trial, unless it is confirmed in a witness statement.

C. All witnesses are written in a gender neutral format.

D. *Voir dire* examination of a witness is not permitted.

E. Each side is to call **two** witnesses. Each witness is bound by the facts in his/her witness statement. Teams must announce which witnesses they will be presenting upon entering the courtroom (approximately 10 minutes prior to trial time).

F. No team may call a "hostile witness."

G. As these are jury trials, closing arguments should be directed to the "jury." Trial evaluators will the jurors but will need not be asked to render a verdict.

II. TRIALS

Trial proceedings are governed by the Mock Trial Simplified Rules of Evidence and Procedures found in this handbook. Other rules are not to be used at trial.

Each school, or approved group, must have present at all times during the trials its teacher coach, attorney advisor and/or other adult designated by the teacher or school to be responsible for the team.

XI. DRESS CODE AND CONDUCT

All participants are expected to display proper courtroom decorum and collegial conduct. This conduct is expected to continue at the hotel and while waiting to go to trial. All participants are also expected to wear appropriate courtroom attire.

XII. TEAMS

A. Students participating in the Illinois State Bar Association's High School Mock Trial Invitational must be currently enrolled in grades 9-12 at the time of the competition. One team of seven (plus three alternates) from each Illinois high school or group may participate (limited to 60 total participating teams).

If a team registers for the mock trial event but fails to appear for trial *without reasonable and proper notification*, an automatic forfeiture will be declared and the team will be prohibited from participating the following year. If a team experiences illness or other problems, which renders the majority of team members unable to participate, the team may continue in the mock trial program with a minimum of five participants (three acting as attorneys and two acting as witnesses); however, teams with fewer than five available participants will automatically forfeit the opportunity to proceed to the final eight trials, but may continue participating so long as the reduced number does not infringe on the ability of the opposing team to perform.

Teams are expected to be in the assigned courtrooms at the time trials are scheduled to begin. The start of trial will be held no longer than fifteen (15) minutes. If a team fails to appear within the 15-minute time allotment, that team will forfeit the trial and the opposing team will assume the role of a "bye" team. "Bye" teams are awarded the average number of points achieved by all teams participating in that particular trial time slot or may go to trial at a later time if appropriate arrangements can be made.

B. Teams must be prepared to present both sides of the case. Teams may fill the two witness and the attorney positions from their team roster in any manner they choose for any single trial, so long as only seven team members are used. Team members may not switch roles, as identified on the roster, during a trial. **Alternates may participate when needed but official team participants may not exceed seven.**

XIII. STUDENT ATTORNEY DUTIES

Attorney duties in each trial include:

opening statements,
direct examination of witness #1,
direct examination of witness #2,
cross examination of witness #1,
cross examination of witness #2, and
closing arguments.

Each team must be prepared to argue both sides of the case. Each team must call two witnesses and may not call the opposing team's witnesses as part of its own case.

Objections during direct and cross-examination should be limited and should be made by the attorney responsible for that witness; e.g., the attorney who handled direct examination of the witness may object during cross; the attorney who will cross-examine the witness may object during direct examination. No objections will be permitted during opening statements and only very limited objections are allowed at the end of the closing arguments. Prosecution/Plaintiff **may** reserve a portion of its closing time for rebuttal. Rebuttal is limited to the scope of the Defense's closing argument. (Rebuttal is optional.)

Re-direct and re-cross examinations are permitted, provided they fall within the appropriate time limitations set for the teams. (Redirect and recross are optional.)

Witness statements and stipulations may not be disputed at trial. The authenticity of the documents may not be questioned.

XIV. PRE-TRIAL MOTIONS

When specifically allowed by the judge, pre-trial motions are limited to two minutes. Pre-trial motions may include entering stipulations and any other appropriate motions listed for the case. No other pre-trial motions are allowed. Also, motions in limine are not allowed, nor are motions to exclude witnesses from the courtroom. A motion for directed verdict or dismissal of the case at the end of the prosecution's case may not be used.

A pre-trial conference with the presiding judge may be granted if the judge and parties agree. Student attorneys may request bench conferences during a trial to clear up any procedural or factual questions. Only one representative from each side may be present for all bench conferences. These conferences should be limited to no longer than one minute.

XV. BREAKS AND TRIAL DECORUM

During the trial, including any recess or unplanned breaks, coaches and all other observers may not talk, signal, pass notes, or otherwise communicate with or coach their teams (this includes those team members who are alternates during a given trial). Team members not actively participating in the mock trial currently being conducted may not communicate with team members who are actively participating either during the trial or during any recess that may be called. A team may motion for a recess only in the event of an emergency, i.e., health emergency. Should a recess be called, teams are not to communicate with any observers, coaches or instructors regarding the trial. Student attorneys may use notes during the trial, but witnesses may not. **If a witness is using cards this is a breach of the rules. As restricting their use of the cards may harm the opposing team's presentation, the student may continue to use the cards but the judge and evaluators should view this as a rule infraction and may penalize with a point reduction.**

Team members actively taking part in any given trial may, among themselves, communicate during the trial. However, no disruptive communication is allowed. Again, no communication is allowed between the participating team members and those serving as alternates. **Absolutely no communication is allowed between team members and the attorney or teacher coaches while the trial is in progress. This includes verbal communications, signals and notes.**

Teams may not request sequestration.

XVI. VIEWING OTHER TRIALS

If students and teachers wish to view a trial on Saturday, they must wait outside the courtroom until the participating teams are seated, and their families and guests are also accommodated. If space permits, students and teachers may view the trial, but must remain in the courtroom until the trial is completed. Viewing students may be asked to leave the courtroom at any time at the discretion of the presiding judge or an ISBA LRE Committee member.

REMEMBER: Space at this event is limited. The ISBA and the LRE Committee reserve the right to limit the number of guests viewing any trial. There is a maximum room capacity for each room which must not be exceeded. Consider these limitations when inviting guests. Teams may not change rooms without the express permission of the ISBA and the LRE Committee. ISBA and the Committee are bound by contracts and restricted to using only the space allotted in the contract. Teams breaching the contract or causing disruption will be immediately disqualified and barred from future participation for a period of at least one year.

XVII. MISCELLANEOUS RESEARCH AND ROLE PLAYING

Students may read materials other than those provided in preparation for the mock trial; however, they may only cite materials included in the ISBA mock trial packet, and they may only introduce into evidence those exhibits given in the case materials. Teams may NOT cite as authority any material that may be referred to in citations or footnotes in the materials. Props and enlargements are NOT permitted. Costumes, accents, use of dialect, etc. are considered props and are not allowed. **Exhibits may not be enlarged, laminated or otherwise enhanced.**

XIX. ROSTERS/ATTENDANCE AND PROCEDURES DURING TRIAL

A. Rosters - Each team is required to submit the names of its team members to the state mock trial coordinator with their registration materials. The names submitted are the only members that may participate. Trial rosters for distribution to opposing teams are found at the back of this booklet and must be completed and duplicated prior to trial.

B. Courtrooms - Teams should be in their assigned courtrooms 5-10 minutes prior to the starting time of each trial. If a team has not arrived 15 minutes after the scheduled starting time, the presiding judge may declare a forfeit. Extenuating circumstances may be taken into consideration by the judge. Advisors and observers should stay in the courtroom for the entire trial.

C. Fill out team rosters before trial and provide one copy to opposing team, one copy to presiding judge, and one copy to scoring judges. It is important that these are ready at the start of the trial to ensure that trials remain on schedule.

XX. TIME GUIDELINES FOR MOCK TRIALS

PLEASE NOTE: Time guidelines for cross-examination have been increased to allow time for discrediting/impeaching a witness who may have created facts. This is in response to the elimination of "creation of material fact" and "outside the scope of the mock trial materials" objections that were permitted in previous years.

When practicing, be sure your case conforms to these time restrictions or penalties may ensue.

NEW TIME BLOCK FORMAT HAS BEEN ADOPTED

PLAINTIFF = P DEFENDANT = D

Pre-Trial Motions (when specifically allowed) (2 minutes) _____

P Opening Statement (3 minutes) _____

D Opening Statement (3 minutes) _____

P Case in Chief

P Direct Examination of both witnesses (including optional redirect) – 15 mins _____

D Cross Examination of both witnesses (including optional recross) - 11 mins _____

D Case in Chief

D Direct Examination of both witnesses (including optional redirect) - 15 mins _____

P Cross Examination of both witness (including optional recross) - 11 mins _____

P Closing Arguments (5 minutes) _____

D Closing Arguments (4 minutes) _____

Prosecution/Plaintiff gives opening statement first. Prosecution/Plaintiff gives closing argument first; the Prosecution/Plaintiff may reserve a portion of its closing for a rebuttal. The Prosecution/Plaintiff's rebuttal is limited to the scope of the Defense's closing argument.

Attorneys are not required to use the entire time allotted to each part of the trial. Time remaining in one part of the trial may not be transferred to another part of the trial.

Round off times to the nearest one half minute:

Examples: 3 minutes, 10 seconds = 3 minutes

4 minutes, 15 seconds = 4 1/2 minutes

2 minutes, 45 seconds = 3 minutes

TIMERS - TEAM ALTERNATES MAY SERVE AS TIMER FOR THE TRIAL.

Timers may use appropriate time props to indicate to team members how much time remains for presentations. Appropriate time props would include cards that could be raised as unobtrusive notification, but does not include any method that creates a disruption in the trial (such as speaking, ringing bells, etc.)

B. Interruptions in the presentations, such as objections, rulings on objections, or bench conferences, do not count as part of a team's time allotment.

No objections are allowed during opening statements and no objections will be permitted during closing arguments; however, at the conclusion of the trial, before critique begins, if a team has an objection to something stated by the opposition during their closing argument, one student may ask to be recognized and state, "If we could have objected during closing argument, we would have on..." and state the grounds for the objection. The judge needs to rule on this objection. Each scoring evaluator will take the statement into consideration on his or her own. Prosecution/Plaintiff may reserve a portion of its closing time for rebuttal. Rebuttal is limited to the scope of the defense's closing argument.

C. Judges will take into account a team's adherence to the time allowances in making their evaluations. Teams must have accurate timekeepers and keep presentations within specified time allotments. Judges may allow teams to finish their presentations should they go over their time allowance; however, points will be deducted.

D. Each team should furnish a timekeeper. Timekeepers will sit side-by-side and jointly time the trials. The timekeepers need not be a member of the official team but MAY NOT be a teacher or attorney advisor. Time cards and hand signals are appropriate ways to signal time limitations, as long as they are not disruptive in any way.

XXI. VIDEOTAPING, PHOTOGRAPHY AND AUDIO TAPING

Videotaping of trials is allowed only if both teams agree, the presiding judge agrees, the camera is stationery and the taping does not in any way disrupt the trial. Teams may audiotape their trials if allowed by the presiding judge. The tape recorder should be placed either at the counsel's table or in the audience. Taping should not in any way disrupt the trial. Photographs should be taken before trial begins or after trial concludes. No photos should be taken during the trial proceedings. The only exception to this rule is the ISBA mock trial coordinator or ISBA designated photographers. Schools are encouraged to provide copies of their taped trials to the ISBA Mock Trial Coordinator after the trials.

XXII. JUDGING AND EVALUATION

The presiding judge, who may also score the trial, will run each trial. One presiding and at least one scoring evaluator will evaluate each trial. Scoring panels may include attorneys, judges, educators, community leaders, law students or other appropriate individuals.

The presiding judge has authority over matters concerning court procedure, and he or she may comment on or question the proceedings, the student attorneys or the witnesses at any time during the trial.

At the end of each trial, the presiding judge may render a decision based on the merits of the case; however, this does not determine whether the team "wins" or "loses" the trial. The presiding judge may also complete a score sheet awarding points to each team.

Each presiding judge and scoring evaluator also rates the teams by awarding team points in several categories. Numerical scores will not be announced at trial and will not be released after the conclusion of the event.

Prior to each trial, we ask that all presiding judges read the following statement:

While the Illinois State Bar Association, the Law Related Education Committee members, and the volunteer lawyers and judges all strive to evaluate teams and individuals in a fair and equitable manner, as with any subjective rating system there may be perceived inconsistencies. As in the Illinois courts, those who are disappointed and/or pleased with the results are expected to conduct themselves with appropriate decorum and respect. Thank you.

It is the policy of the Illinois State Bar Association and the Committee on Law-Related Education NOT to release rankings or scores for this event (other than announcing the top

eight teams that will progress to the final round of trials and, thereafter, the top three ranked schools at the conclusion of the program).

THE DECISIONS OF THE JUDGES AND EVALUATORS ARE FINAL AND ARE NOT OPEN TO DISPUTE.

XXIII. DISPUTE RESOLUTION AND RULE VIOLATIONS

A. Rules Violations During Trial

If during the course of a trial a team has reason to believe that a significant violation of the rules has occurred, and that the violation may be corrected during the course of the trial, a member of that team should request a bench conference and communicate the complaint to the presiding judge. To the extent possible, the judge will attempt to resolve the dispute during the course of the trial, and may consider the validity or invalidity of the complaint in his or her determination as to which team gave the better performance during the trial.

The presiding judge will be allowed to consider the dispute before marking his or her score sheet. The dispute may or may not affect the final decision, but the matter will be left to the discretion of the presiding judge. The presiding judge's decision will be final.

If the judge is unable to make a determination on a possible rule infraction, a member of the Committee on Law-Related Education may be consulted.

B. Concerns After Trial Concludes

If concerns remain or were not brought out during trial, if a team has serious reason to believe that a significant rules violation has occurred, the teacher or attorney advisor shall communicate the complaint to the presiding judge, or to a member of the Law-Related Education Committee. The evaluators may continue to complete their score sheets and offer comments to the teams during this time. The LRE Committee may, at its discretion, call upon representatives from the teams to question the allegations. All decisions of the Committee are final. At no time should a parent or student observer bring an allegation to the Committee or to the presiding judge. All such allegations must be brought by the teacher or attorney advisor.

XXIV. ADDITIONAL PREPARATORY INFORMATION

GUIDELINES FOR STUDENTS

A. **DECORUM:** Be courteous to witnesses, other attorneys and to the judges. Carry your professional attitudes with you during the trial, and during the entire mock trial process. During trial, rise when addressing the judge; direct all remarks to the judge or witnesses, not to opposing counsel; don't make objections unless you have a basis and are relatively sure the judge will agree.

B. **Attorneys**

1. **OPENING STATEMENTS:** The objective of the opening statement is to acquaint the judge and the jury with the case and to outline what you are going to prove through witness testimony and the admission of evidence. Include a short summary of the facts; mention the burden of proof (the amount of evidence needed to prove a fact) and who has the burden in this case; the applicable law; a clear and concise overview of the witnesses and physical evidence that you will present and how each will contribute to proving your case. Remember, it is essential that you appear confident in your case. Stand before the jury and use eye contact. Students may move about to facilitate expression.

2. **DIRECT EXAMINATION:** The objective of direct examination is to obtain information from favorable witnesses you call in order to prove the facts of your case, to present your witnesses to the greatest advantage, to establish your witness's credibility and to present enough evidence to warrant a favorable verdict.

Isolate the information each witness can contribute to proving your case and prepare a series of questions designed to obtain that information. Be sure that all items you need to prove your case will be presented through your witnesses. Use clear and simple questions. Ask questions that will require more than a "yes" or "no" answer. Don't ask a question to which you don't know the answer.

Be relaxed and clear in the presentation of your questions. Listen to all answers given by the witnesses. If you need a moment to think, don't be afraid to ask for a moment to collect your thoughts, or to discuss a point with your co-counsel. Simply ask the presiding Judge, "Your Honor, may I take a moment?"

3. **EXHIBITS:** There is a special procedure for introducing physical evidence during a trial. The basic steps to use when introducing a physical object or document (such as a pre-trial statement) into evidence in a court are available in the Teacher Training Manual.

Be sure to follow the appropriate steps:

1. ask the judge that the exhibit be marked for identification
2. show the document to the judge
3. show the document to the opposing attorney
4. if the opposing attorney does not object, show the document to the witness you are questioning
5. establish relevance and authenticity of the document through witness testimony
6. after you have finished using the exhibit ask the judge to admit it as evidence
7. the judge will rule if the document should be admitted into evidence
8. if the judge allows admission into evidence, for mock trial purposes, you may show

the document to the jury (evaluators).

4. **CROSS-EXAMINATION:** The objective of cross-examination is to obtain favorable information from witnesses called by the opposing counsel, and if a witness has no testimony favorable to you, to make that witness less believable. This is when you may challenge any creation of material fact that the opposing team may have attempted to enter into evidence through impeachment techniques. Ask questions that reflect on the witness's credibility by showing that he or she has given a contrary statement at another time, or that the witness may be prejudiced or biased in his or her opinion. Ask questions that weaken the testimony of the witness by showing that his or her opinion is questionable or that show that an expert witness, or even a lay witness who has testified to an opinion, is not competent or qualified due to lack of training or experience.

Be relaxed and ready to adapt your prepared questions to the actual testimony given during the direct examination by always listening to the witness's answer. Try to avoid giving the witness an opportunity to re-emphasize the points made against your case during direct examination. Don't harass or attempt to intimidate the witness.

5. **REDIRECT AND RECROSS:** After cross examination, additional questions may be asked by the direct examining attorney, but questions must be limited to matters raised by the attorney on cross examination. Likewise, additional questions may be asked by the cross examining attorney on re-cross, but such questions must be limited to matters raised on redirect examination and should avoid repetition.

6. **CLOSING ARGUMENTS:** Remember to direct your closing to the jury. The objective of the closing argument is to provide a clear and persuasive summary of the evidence you presented to prove the case, along with the weaknesses of the other side's case, and to argue for your position. Be an advocate--forcefully urge your point of view but avoid a boring review of the facts. Remember to be careful to adapt your statement at the end of the trial to reflect what the witnesses actually said and what the physical evidence showed. It is not appropriate to cite case law or statutes provided in the mock trial material. These materials are provided as background information to facilitate development of case strategy, etc. Prosecution/Plaintiff may reserve a portion of its closing time for rebuttal. Rebuttal is limited to the scope of the defense's closing argument.

C. WITNESSES

1. **DECORUM:** If you are going to testify about records or documents, familiarize yourself with them thoroughly before coming to trial. When answering questions, speak clearly so that you will be heard. Listen carefully to the questions. Before you answer, make sure you understand what has been asked. If you do not understand, ask that the question be repeated or clarified. If the judge interrupts or an attorney objects to your answer, stop answering immediately. Likewise, if an attorney objects to a question, do not begin your answer until the judge tells you to do so.

2. **DIRECT EXAMINATION:** Learn the case thoroughly, especially your witness statement. Review your testimony with your attorney. Know the questions that your attorney will ask you and prepare clear and convincing responses that contain the information the attorney is trying to get you to say. Try to be as relaxed and in control as possible. An appearance of confidence and truthfulness is important. Don't recite your witness statement

verbatim. You should know its content beforehand so you can paraphrase or put it in your own words, but be sure that your testimony is never inconsistent with, nor a material departure from, the facts set forth in your affidavit.

3. **CROSS-EXAMINATION:** Anticipate the types of questions or areas of questioning that you will be asked on cross-examination and prepare answers accordingly. Try to isolate possible weaknesses, inconsistencies or problems in your testimony and be prepared to explain them. Practice with your attorney, asking him or her to act as opposing counsel. Don't be afraid to buy time by saying something like, "Excuse me just a moment while I try to remember," or "let me take another look at that exhibit, please." Be sure that your testimony is consistent with the facts set forth in your witness statement. Testimony is acceptable so long as it can be reasonably inferred from your fact statement. If asked on cross-examination to testify about information that is not a part of the case materials, you may invent an answer which is consistent with the other affidavits and facts in the trial. This is in fact an opportunity to create an answer helpful to your side.

You may choose, if asked a question to which your statement gives no answer, to respond with an innocuous answer such as, "I don't remember" or "I don't believe I can answer that question, would you please rephrase it?" If pressed, you may still prefer to step out of character and say, "I don't know; that information is not included in these case materials."

NOTE: Direct examination of Plaintiff/Prosecution witnesses includes Cross-examination by Defense and Redirect examination by Plaintiff and Recross examination by Defense, which occurs in real trials, but in mock trials it is strongly suggested that teachers allow only a very limited redirect, if at all. Only the Plaintiff may rebut the Defendant's closing argument.

XXV. GUIDELINES FOR STUDENTS ACTING AS TIMEKEEPERS

ONE STUDENT FROM EACH TEAM WILL BE ASSIGNED THE DUTY OF KEEPING TIME DURING THE TRIAL. TEAMS SHOULD COME PREPARED WITH A STOPWATCH. FORMS WILL BE PROVIDED AT THE TRIAL LOCATION.

The student timekeepers may be your alternate team members. Timers will be seated next to each other and should agree, within reason, to the times entered on the time sheet. If two different timepieces are used, some minor discrepancies are expected. The presiding judge will be the final arbiter if time disputes arise. One timekeeper may be used, if both sides agree prior to trial. Please remember, the timekeeper cannot be a teacher or attorney advisor.

Interruptions during the trial, such as objections, rulings on objections, exhibits being introduced, witnesses being sworn in, or bench conferences do not count as part of a team's time limit.

The time sheet on the following page outlines the specified time block limits for each segment of the trial.

ISBA MOCK TRIAL TIME SHEET – REVISED TO REFLECT TIME BLOCKS

Each trial must be limited to one hour. We have listed below a breakdown of how the trial should proceed. Violations of these time limitations may cause a deduction in scoring.

EVALUATOR: _____

SCHOOL NAMES: _____ Plaintiff

_____ Defendant

P Opening Statement (3 minutes) _____

D Opening Statement (3 minutes) _____

P Case in Chief

P Direct Examination of both witnesses (including optional redirect) – 15 mins _____

D Cross Examination of both witnesses (including optional recross) - 11 mins _____

D Case in Chief

D Direct Examination of both witnesses (including optional redirect) - 15 mins _____

P Cross Examination of both witness (including optional recross) - 11 mins _____

Closings

P Closing Arguments (including optional rebuttal) - 5 minutes _____

D Closing Arguments - 4 minutes _____

Prosecution/Plaintiff gives opening statement first. Prosecution/Plaintiff gives closing argument first; the Prosecution/Plaintiff may reserve a portion of its closing for a rebuttal. The Prosecution/Plaintiff's rebuttal is limited to the scope of the Defense's closing argument. Attorneys are not required to use the entire time allotted to each part of the trial. Time remaining in one part of the trial may not be transferred to another part of the trial.

Round off times to the nearest one half minute:

Examples: 3 minutes, 10 seconds = 3 minutes

4 minutes, 15 seconds = 4 1/2 minutes

2 minutes, 45 seconds = 3 minutes

Stop timing for judge's rulings, objections, exhibits being introduced, witnesses being sworn, or bench conferences.

XXVI. GUIDELINES FOR TEACHER AND ATTORNEY ADVISORS

Advisors help the team decide which students will play which parts in the mock trial and assist the students in developing those roles. All teachers, volunteer attorneys and judges, and team members are expected to adhere to the rules, facts and all materials provided in the ISBA High School Mock Trial Invitational. Please be aware that periodic changes are made to the rules. Please read all materials carefully. Teachers are responsible for providing accurate e-mail addresses, and for checking update memorandums placed on the ISBA Mock Trial webpage.

Education of students is the goal of the Mock Trial Invitational. Advisors are reminded to keep the competitive spirit at a reasonable level. This is intended as a learning experience, not a competition. The reality of the adversarial system is that one party wins and the other loses, and coaches should prepare their teams to be ready to accept either outcome in a mature manner. Advisors prepare students for either outcome by placing the highest value on excellent preparation and presentation, rather than on winning or losing the trial.

It is imperative that all participants understand that any evaluation of student work and presentation skills is subjective and scores at the state level will not be released as they are only used as a guideline to select a team to attend the National High School Mock Trial Championships. It is the Committee's firm belief that any student who successfully completes the rigorous learning program will experience an opportunity for personal growth as a result of the experience and will, therefore, have fully achieved the goals set forth by the ISBA and the mock trial program.

Students MUST formulate their own openings, closings and questions. While the teachers and attorney advisors may assist and direct, the work product must be that of the student participants.

Practice sessions are invaluable. Contact other teams in your area and have practice trials. The ability of a team to adapt to different situations is often a key part in a mock trial enactment since each judge or evaluator has his or her own way of doing things and their own perceptions of how they would present the trial material. Since the proceedings of the trial often depend on the judge who presides, student attorneys and other team members should be prepared to adapt to judicial rulings and requests, even if they appear contrary to outlined tournament procedures and rules.

Courtroom etiquette and decorum should be stressed at practice and observed at trial (i.e., standing when the judge enters or leaves the room, and calling the judge "Your Honor"). This conduct should be continued in all public areas during the trials and at the hotels.

REMEMBER: Space at this event is limited. The ISBA and the LRE Committee reserve the right to limit the number of guests viewing any trial. There is a maximum room capacity for each room which must not be exceeded. Consider these limitations when inviting guests. Teams may not change rooms without the express permission of the ISBA and the LRE Committee. ISBA and the Committee are bound by contracts and restricted to using only the space allotted in the contract. Teams breaching the contract or causing disruption will be immediately disqualified and barred from future participation for a period of at least one year.

XXVII. GUIDELINES FOR PRESIDING JUDGES AND EVALUATORS

Every mock trial has a presiding judge who will rule on the merits of the case, respond to objections and direct the overall trial. At the conclusion of the trial, the judge may offer a ruling as to which side has won on the merits of the case (this will have no bearing on whether a team actually wins the trial.) Presiding judge's score sheets are a short form on which the judge declares which team, in his or her opinion, has exhibited the best performance based on legal skills and knowledge, presentation skills, etc.

When deciding which team made the better overall team presentation, the judge should consider the performances of all attorneys and all witnesses for both sides. The judge should not announce whom he or she has selected as the best overall team.

Each mock trial may have evaluators who may be attorneys, judges, paralegals, educators, city officials or others involved in the educational process with some knowledge of the trial process. Performance evaluators must complete the attached score sheet, awarding points based on performance and skills presented at trial.

The evaluators should not announce point scores to the students, teachers, attorney advisors or others in attendance. Evaluators will be encouraged to make brief oral comments to the students on their trial presentations.

The Tournament Rules and the Simplified Rules of Evidence govern all trials. Please study these rules, case materials and score sheets before judging the trials.

The presiding judge should attempt to move the trial along: it should last approximately one hour. Teams are given specified time limits for each portion of the trial. There will be at least one timekeeper at each trial. You may allow a team to finish their presentation if they go over their time allowance; however, you must report the over-time to the performance evaluators.

If Team A determines that Team B has overrun a designated time limitation, Team A may bring the discrepancy to the judge's attention by objecting to the opposing attorney's remarks if the allotted time is exceeded. (If time limitations are exceeded during opening or closing, during which objections are not allowed, at the conclusion of the opening/closing, the opposing team may call the time infraction to the judge's attention.) Judges may sustain these objections if valid. The judge may permit Team B to conclude its presentation quickly or may halt Team B's presentation accordingly. Remember, when considering time violations, objections are not timed, nor are bench conferences, or swearing in of witnesses.

If a witness invents an answer that is very likely to affect the outcome of the trial, the opposition should object immediately and ask for a bench conference. The presiding judge will decide whether to allow the testimony. There is no longer an objection "creation of material fact" or "beyond the scope of the mock trial materials." Mock trial participants have been told and are expected to address any "creation" through the use of other more realistic objections or through impeaching the witness on cross-examination.

After the trial, judges may make comments about the performance of each team. Time may be limited between trials, but we hope you will be able to BRIEFLY say things to the students, which are informational and constructive.

After judges have finished their oral comments, they should complete the score sheets. After EACH trial, the completed and signed score sheets should be turned in to the tournament coordinator.

Trial evaluators will play the role of jurors. Juries need not render verdicts.

SUGGESTED CRITERIA FOR EVALUATORS

Participants are rated according to a numerical scale. The evaluators are scoring STUDENT ACHIEVEMENT in each category. You are not scoring on the merits of the case. You may consider penalties for violations of the Tournament Rules. Penalties would reduce point awards in the appropriate categories below. Penalties should not be indicated separately on the score sheet.

DO NOT SHOW THE SCORESHEET OR DISCUSS NUMERICAL SCORES WITH THE STUDENTS, TEACHERS OR ATTORNEY ADVISORS. DO NOT RENDER A VERDICT

XXVIII. OBSERVERS

Observers - Other classes, parents and friends of the participants are welcome to attend the trials and observe their own teams. Observers are asked to please be courteous and cooperative during the event. Some courtrooms are smaller than others and space may be an issue. In order to assure fairness, we ask that guests observing the plaintiff/prosecution team please take seats behind their team, and guests observing the defendant/defense team please take seats behind their team. Generally, guests should wait to be seated until all members of both teams have entered the room.

Space at this event is limited. The ISBA and the LRE Committee reserve the right to limit the number of guests viewing any trial. There is a maximum room capacity for each room which must not be exceeded. Teams may not change rooms without the express permission of the ISBA and the LRE Committee. ISBA and the Committee are bound by contracts and restricted to using only the space allotted in the contract. Teams breaching the contract or causing disruption will be immediately disqualified and barred from future participation for a period of at least one year.

**ISBA HIGH SCHOOL
MOCK TRIAL PROGRAM
JUDGE'S SCORESHEET**

Please indicate the school/team name for the:

Petitioner/Plaintiff/Prosecution: _____

Respondent/Defendant/Defense: _____

Please rate the teams using the following scale for overall achievement. Please do NOT use fractional points.

Points awarded may not exceed 45 for each team.

I AWARD THE PETITIONER TEAM _____ OVERALL ACHIEVEMENT POINTS.

I AWARD THE RESPONDENT TEAM _____ OVERALL ACHIEVEMENT POINTS.

1-9	Not effective
10-18	Fair
19-27	Good
28-36	Excellent
37-45	Outstanding

I award this ballot to:

_____ **Plaintiff Team**

_____ **Defense Team**

Nomination for OUTSTANDING ATTORNEY _____

Nomination for OUTSTANDING WITNESS _____

Judge's Signature _____

Thank you.

Explanation of the Performance Ratings Used on the Presiding Judge and Evaluator Mock Trial Score sheets

Participants should be rated on a scale of 1-5, with five being the highest level of achievement. Remember, you are NOT scoring on the merits of the case; rather, you are scoring on student achievement, understanding, presentation, conduct, etc. Evaluators may individually consider penalties for violations of the mock trial rules. Penalties may reduce point awards in appropriate categories. Do not indicate separately any penalties you may give.

1-9 on Presiding Judge Scoresheet/1 on Evaluator Score sheet - Not Effective/Poor

Attorneys: Unsure of self, illogical, uninformed, not prepared, speaks incoherently, ineffective presentation of case materials, no strategy evident. Poor speaking voice, no eye contact, excessive use of notes. Questions irrelevant, leading or repetitive.

Witnesses: Witness presentation inadequate; reliance on reminders from lawyers. Witness uncooperative.

10-18 on Presiding Judge Scoresheet/2 on Evaluator Score sheet - Fair/Needs Improvement

Attorneys: Minimally informed and prepared. Performance is passable but lacks depth in terms of knowledge of appropriate tasks and materials. Communications lack clarity and conviction. Exhibits some case strategy. Questions somewhat irrelevant and often misleading. Minimal use of objections. Only fair response to objections from opposing counsel.

Witnesses: Witness exhibits fair understanding of affidavit and responds appropriately but needs assistance or seems to falter.

19-27 on Presiding Judge Scoresheet/3 on Evaluator Score sheet - Good

Attorneys: Good, solid, but less than spectacular performance. Logic and organization are adequate but could have been better. Grasps major aspects of the case, but does not convey mastery. Communications are clear and understandable, but could be more fluent and persuasive. Deals with objections adequately. Good control of witness. Questions not leading.

Witnesses: Witness exhibits good knowledge of role and tells story in coherent manner. Needs few reminders from lawyers. Good eye contact.

28-36 on Presiding Judge Scoresheet/4 on Evaluator Score sheet - Very Good/Excellent

Attorneys: Fluent, persuasive, clear and understandable. Organizes materials and thoughts well and exhibits mastery of case and materials. Asks suitable questions and follows through with appropriate questions on cross. Evidences a clear case strategy and controls the witnesses very well.

Witnesses: Excellent knowledge of role and good speaking voice. Answers were responsive. Answers questions from both sides appropriately. Believable; does not appear to be too staged.

37-45 on Presiding Judge Scoresheet/5 on Evaluator Score sheet - Outstanding

Attorneys: Superior in qualities listed for Excellent performance. Thinks well on feet, is logical, and keeps poise under duress. Can sort out essential from the nonessential and use time effectively to accomplish major objectives. Demonstrates the unique ability to utilize all resources to emphasize vital points of the trial.

Witnesses: Exceptional knowledge of roles. Persuasive and believable. Responds effectively to questions from lawyers on both sides. Eye contact. Absolutely believable in role.

SAMPLE PRESS RELEASE

Please remember to include mention of the Illinois State Bar Association in your draft press releases. This is one way we can monitor the public relations aspect of this program and how successful we are in communicating the value of this educational endeavor.

Students from _____ High School in _____, will take their case to the **Illinois State Bar Association's** High School Mock Trial Program on _____(date). Students will act as attorneys and witnesses in this program, which teaches about the American justice system. The Illinois State Bar Association has sponsored the mock trial program for high school students annually since 1984. This year's mock trial is based on the facts in a hypothetical case, _____ v. _____, a criminal/civil trial.

Team members include: list student names.

Insert appropriate quotes from teacher or lawyer coach.

Teams from across the state were invited to participate in this annual event.

The mock trial experience includes presenting both sides of the legal question. Volunteer judges and attorneys evaluate students on their arguments and students must also take a written test about the issues of the case.

Include comments from students.

Include photos, if possible.

For additional information, please contact one of the following:

Local contact (teacher name, address and telephone)

Or

State Mock Trial Coordinator

Illinois State Bar Association

424 South Second Street

Springfield, IL 62701

800/252-8908 or 217/525-1760

B. TRIAL FORMAT AND PROCEDURES - “A How-To Guide”

All ISBA High School Mock Trials will be conducted as jury trials; however, you do not have to concern yourself with the additional steps involved in a jury trial: *voir dire* (jury selection) and jury instructions (when the judge explains the law to the jury). Jury instructions may be provided in the mock trial case materials as a guideline on what needs to be proved, but they should not be referred to during trial. For purposes of these trials, please address the lawyer/evaluators as the jury.

Please address the presiding judge when addressing remarks to the court.

I. A TYPICAL COURTROOM LAYOUT

PRESIDING JUDGE - JUDGE'S BENCH

WITNESS
STAND

JURY BOX/
SCORING EVALUATORS

DEFENDANT

PLAINTIFF

OBSERVERS

This is the format to be used in the mock trial courtrooms.
Plaintiff's side should be seated nearest the witness stand.

II. MOCK TRIAL PARTICIPANTS

- judge and scoring/performance evaluators
- attorneys
- prosecution and defense (criminal case)
- plaintiff and defendant (civil case)
- witnesses for each side
- student time keeper(s)
- clerk/bailiff (not necessary at mock trial)
- court reporter (not necessary at mock trial)

III. STEPS IN A MOCK TRIAL

A. Call to Order

The judge will call the court to order and make any necessary announcements. The case will be announced...i.e., The Court will now hear the case of *State of Illinois v. John Doe*," and the judge will ask the attorneys for each side if they are ready.

B. Pretrial Motions and Opening Statements

IN THE INTEREST OF TIME, ONLY VERY LIMITED PRE-TRIAL MOTIONS ARE ALLOWED IN THE MOCK TRIAL INVITATIONAL. Pre-trial motions, when allowed by the rules, may not take

longer than two minutes and are restricted to those listed as being appropriate to each year's case materials.

Opening Statements - During trials, students should stand to make their presentations for opening, closing, direct and cross-examinations. Student attorneys must ask the presiding judge for permission to approach the witness or the bench. Student attorneys may move about to facilitate expression.

Plaintiff - standing, the attorney introduces him or herself and colleagues to the judge and jury, and summarizes the evidence that will be presented to support the case.

Defense - standing, the attorney introduces him or herself and colleagues to the judge and jury, and summarizes the evidence that will be presented to rebut the case made by the plaintiff.

NO OBJECTIONS MAY BE MADE DURING OPENING STATEMENTS.

C. Direct examination by plaintiff's attorneys - The attorneys call their witnesses and conduct direct examination in order to present testimony and other evidence to prove their case.

D. Cross-examination by defense's attorneys - After the attorney for the plaintiff has completed questioning the witness, the judge allows the defense's attorney to cross-examine the witness. The cross-examiner seeks to clarify or cast doubt upon the testimony of the plaintiff's witnesses.

E. Re-direct by plaintiff attorney of witness – limited to matters brought out on cross-examination.

F. Re-cross by defense attorney of witness – limited to matters brought out on redirect.

G. Direct examination by defense's attorneys - After both sides have examined all the plaintiff's witnesses, the defense's witnesses are called for questioning.

H. Cross-examination by plaintiff's attorneys - Cross-examination of each of the defense's witnesses follows the same pattern as cross-examination of the plaintiff's witnesses.

I. Re-direct by defense attorney of witness – limited to matters brought out on cross-examination

J. Re-cross by plaintiff's attorney – limited to matters brought out on re-direct.

K. Closing arguments - Plaintiff - the plaintiff's attorney should stand, address the jury and review the case. The review should indicate how the evidence has satisfied the elements of the charge or claim, point out the law applicable to the case and ask for a favorable verdict.

Defense - The defense's attorney should stand, address the jury and also review the case, stressing the evidence and the law favorable to the defense's case and asking for a verdict favorable to the defense.

L. Plaintiff's rebuttal – may rebut only what has been brought out in defense's closing.

H. Deliberations - The presiding judge may confer with the scoring/performance evaluators before scoring begins. These deliberations should be done quietly or in private so the teams do not overhear the discussions. The jury (lawyer/evaluators) will not be called upon to render a verdict.

SIMPLIFIED RULES OF EVIDENCE

Rules of evidence are used to regulate the admission of proof (i.e., testimonial or physical evidence). These rules ensure that parties receive a fair hearing and exclude any evidence deemed irrelevant, incompetent, untrustworthy or unduly prejudicial. If it appears that a rule of evidence is being violated, an attorney may raise an objection addressed to the presiding judge. The judge then decides whether the rule has been violated and whether the evidence (testimony or document) must be excluded.

For the mock trial program, the rules and evidence have been modified and simplified as set forth below. NOTE: not every judge will interpret the rules of evidence in the same way, so students should be prepared to point out specific rules to which they may be referring to, or relying upon, and argue for the interpretation and application of the rule they think proper. Regardless of how the judge rules, accept his or her ruling with grace and courtesy.

A. WITNESS EXAMINATION

1. Direct examination (attorneys call and question witnesses)

a. Form of questions: the attorney who calls witnesses may not ask witnesses leading questions. A leading question is one that suggests to the witness the answer desired by the examiner, often suggesting a "yes" or "no" answer. Direct questions generally are phrased to evoke a set of facts from the witness.

Example of a leading question: "Were you trying to commit suicide when you had your accident?" or, on cross-examination, "You don't really like dogs, do you?"

Example of a direct (non-leading) question: "What happened after you left the store?"

b. Narration: While the purpose of direct examination is to get the witness to tell a story, the questions must ask for specific information and must not be so broad that the witness is allowed to wander or "narrate" a whole story. Narrative questions often begin with "how," "why," or "explain" and may be objected to if the opposing attorney feels that the testimony should be more focused.

Example of a narrative question: "What happened on the date in question?"

Narrative answers: At times, a narrative question may be appropriate, but the witness's answer may go beyond the facts for which the question asked. Such answers are subject to objection on the grounds of narration.

c. Scope of direct examination: Direct examination may cover all facts relevant to the case for which the witness has firsthand knowledge. Any factual areas examined on direct

examination may be subject to cross-examination. Scope of re-direct is limited to matters brought out by opposing counsel during cross examination of your witness.

d. Refreshing recollection: If a witness is unable to recall a statement made in his or her affidavit, or if the witness contradicts his or her affidavit, the attorney on direct may seek to introduce into evidence that portion of the affidavit that will help the witness to remember.

2. Cross-examination (attorneys question witnesses called by the other side). Scope of re-cross is limited to matters brought out by opposing attorney during direct examination of your witness.

a. Form of questions: An attorney may ask leading questions when cross-examining the opponent's witnesses. Questions tending to evoke a narrative answer should be avoided.

b. Scope of cross-examination: For mock trial purposes, attorneys may, in a limited sense, ask questions on matters not brought out during direct examination; however, generally questions should be limited to facts brought out on direct. Grounds for an exception to this Rule are caused by inadequate conduct of direct examination. If a team asks limited questions on direct as a strategy to undermine the opposing team, they may be penalized by receiving a lower score on the evaluation by not exhibiting sufficient expertise for the evaluators to score AND they may hurt their side of the case presentation when the expanded cross-examination brings out necessary information of value to the opposing team.

c. Impeachment: On cross-examination, the attorney may want to show the court that the witness should not be believed. This is called impeaching the witness. It may be done by asking questions about prior conduct that makes the witness's credibility doubtful, by showing that the witness is biased for or against one of the parties, by showing that the witness could not have seen or heard what he or she is testifying to, or by asking about evidence of certain types of prior criminal convictions. These types of questions should only be asked if the attorney has information indicating that the conduct actually happened.

Example (Prior conduct): "Is it true you were kicked out of college because they discovered you had falsified your application?"

Example (Past conviction): "Isn't it true that you've been convicted of a criminal offense?"

Example (Bias): "You do a lot of business with the defendant, don't you?"

Example (Perception): "Isn't it true that you couldn't hear what she said with fifty people shouting around you?"

If the witness's testimony warrants, impeachment may also be done by introducing the witness's affidavit and asking the witness a specific question as to whether he or she has contradicted something that was specifically stated in the affidavit. It is not effective cross-examination to try to impeach a witness on an entire affidavit.

Redirect and recross should be used primarily to rehabilitate your witness if they misstated or erred during their direct or cross examinations. Redirect and recross may also be used to clarify or strengthen a particular point for emphasis. No "new" information may be brought out on redirect or recross.

B. ADDITIONAL RULES OF EVIDENCE

1. Hearsay - Hearsay is "a statement, other than one made by the declarant while

testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted." In other words, hearsay is any testimony about what someone else has said it used for its "meaning" (more about that in paragraph f below). Generally, hearsay is inadmissible, because second or third-hand information about what someone else said is inherently unreliable and is not subject to meaningful cross-examination. If followed strictly, the rule would restrict the judge or jury to deciding a case based only on first-hand testimony heard in court.

Courts have, however, recognized certain general categories of hearsay, which may be admissible. The exceptions have been made for numerous reasons, including the practical necessity of not excluding valuable information and the somewhat greater reliability associated with certain types of statements.

a. One exception is former testimony: if a witness testifies about his or her firsthand observations in another hearing or a deposition, and is subject to cross examination, and if that witness subsequently becomes unavailable, the earlier testimony is admissible in the form of a transcript, although by definition it is hearsay at the trial. This is necessary to prevent cases from being unprovable or not defensible by the mere passage of time or the disappearance or death of witnesses, and it is permissible because the testimony is relatively reliable.

b. Another exception is made for statements that show the declarant's mental, emotional or physical condition (the "state of mind" exception). For example, "He told me he felt sick to his stomach about the beating he had just witnessed," offered to show mental or physical state of mind at the time.

c. Another exception is for the "excited utterance," a statement made shortly after an event, while the declarant is still excited. The reason usually given for permitting such statements is that a higher degree of reliability is associated with them.

d. Statements made for the purpose of medical diagnosis, describing past or present symptoms, are considered inherently reliable because of the declarant's desire to receive proper treatment.

e. The public records exception allows the records of a public agency to be admitted, or used in court, because they describe matters the agency is legally charged to record.

f. Another exception is not really an exception at all, because the definition of hearsay already excludes it--secondhand testimony that is not offered to prove the truth of the matter asserted, or is not offered for its "meaning." For example, a statement offered to show that the declarant could speak English, or to show the statement's effect on the listener (i.e., "the police officer told me the bridge was out," to explain why the speaker took a back road, but not to prove that the bridge really was out).

g. Another type of statement that is simply defined by the rules of evidence as not hearsay is the admission by a party opponent. Any statement made by an opposing party is not excluded as hearsay.

2. Opinions of Witnesses - As a general rule, witnesses may not give opinions on questions that require special knowledge unless they are qualified as experts. An expert may

be called as a witness to render an opinion based on professional experience, and an expert may be asked a hypothetical question. However, the attorney for the party for whom the expert is testifying must qualify the witness as an expert. This means that before an expert may be asked for an expert opinion, the questioning attorney must bring out the expert's qualifications and experience.

Witnesses who are not testifying as experts may give "lay" opinions, which are based on what they saw or heard. Any witness may offer an opinion based on the common experience of laypersons in the community if based on events of which the witness has firsthand knowledge.

Expert witnesses must rely on their own witness affidavits and may not refer to any accompanying case law and/or statutes provided in the materials.

3. Lack of Personal Knowledge - A witness may not testify about any matter of which he or she has no personal knowledge.

4. Relevance of Evidence - Generally, only relevant testimony and evidence may be presented. Relevant evidence is that which tends to make a fact that is important to the case more probable than the fact would be without the evidence. However, if the relevant evidence is unfairly prejudicial, may confuse the issues or is a waste of time, the court may disallow it. This includes testimony, pieces of evidence and demonstrations that either have no direct bearing on issues of the case or have nothing to do with making these issues clearer.

5. Introduction of Physical Evidence: There is a special procedure for introducing physical evidence during a trial. The physical evidence must be relevant to the case, and the attorney must be prepared to defend its use on that basis. In addition, for mock trial purposes, it must be a part of the case materials. Below are the basic steps for an attorney to use when introducing a physical object or document into evidence in court.

First, exhibits should be pre-marked for identification. Then show the exhibit to opposing counsel, who may later make an objection if the document is offered into evidence. Then show the exhibit to the witness. Address the witness who will identify the exhibit, "_____, do you recognize this document which is marked for identification is Exhibit # ____?" Assuming the witness recognizes the document, "Tell the Court what Exhibit # ____ is." The witness then describes the exhibit. If you are using a document to refresh recollection, you may direct the witness's attention to the portion of the document and ask him or her to read the section. If you wish to place the exhibit into evidence, address the judge, "You Honor, I offer this document into evidence as Plaintiff's/Prosecution's or Defense Exhibit # ____."

Opposing counsel may then object to the exhibit's admission (if there is some basis for objection), and the judge will decide whether the exhibit will be admitted. If it is admitted, it should be given to the judge who will give directions for its disposition.

6. Character Evidence: Character evidence (such as bad temper, stinginess, etc.) is generally not admissible if offered to prove that a witness or a defendant acted that way on the occasion in question. The main exception is evidence of a truthful or untruthful character, which is admissible (though evidence to bolster a witness's truthfulness is allowed only after the witness's truthfulness has been attacked). This evidence may be presented in the form of another witness's opinion, testimony regarding a "reputation" that the person has in some community or evidence of specific conduct that demonstrates truthfulness or untruthfulness.

Another exception has arisen regarding "specific instances of conduct" of a defendant in a criminal case (especially actions that seem to establish a characteristic pattern of repeated offenses or a "signature" crime). Even though the rule in the first paragraph of this section still applies, the evidence may be admissible for some other purpose, and the list of recognized other purposes has very nearly swallowed up the general prohibition: "proof of motive, opportunity, intent, preparation, plan, knowledge, identify, or absence of mistake or accident."

C. OBJECTIONS

Objections to inadmissible evidence are fundamental to the judicial process. An objection should be used to keep improper evidence out of the trial.

An attorney may object any time the opposing attorney has violated the rules of evidence. (Note: Only the attorney who questions a witness should object to the questions posed to that witness by the opposing counsel.) The attorney wishing to object should also stand to address the judge at the time of the violation. When an objection is made, the judge may ask the reason. Then the judge will turn to the attorney who asked the question and that attorney usually will have a chance to explain why the judge should not sustain the objection. The judge will then decide to either sustain the objection, thereby disallowing the question or discarding the answer, or to overrule the objection, thereby allowing the question to be answered or the answer to remain on the trial record. The presiding judge may direct the "jury" to disregard overruled information.

Following are examples of standard forms of objections:

Irrelevant evidence: "I object, Your Honor. This testimony is irrelevant to the issues of this case," or "Irrelevant."

Leading questions: "Objection. Counsel is leading the witness." (This is only objectionable when done on direct examination.)

Improper character testimony: "Objection. The witness's character (or reputation) has not been put in issue."

Beyond the Scope of Direct Examination: "Objection, Your Honor. Counsel is asking about matters that did not come up in the direct exam." (Or, matters that are "beyond the scope of the direct examination").

Hearsay: "Objection, Your Honor. Counsel's question/the witness's answer is based on hearsay." If the witness has already given a hearsay answer, the attorney should also say, "and I ask that the statement be stricken from the record."

Opinion: "Objection, Your Honor. Counsel is asking the witness to give an opinion."

Lack of Personal Knowledge: "Objection, Your Honor. The witness has no personal knowledge to answer the question."

Argumentative Question: "Objection, The question is argumentative," or "Your Honor, Counsel is arguing with the witness."

Speculation: "Objection. Counsel is asking the witness to speculate in order to answer the question."

NOTE: The "creation of material fact" objection has been eliminated and may not be utilized in the mock trial program. If an opposing team attempts to enter evidence, through questions on direct examination, teams are encouraged to object or discredit the witness on cross-examination. Elimination of this objection DOES NOT permit teams to create facts. Creation of material facts that are revealed/exposed on cross-examination may cause point deductions for the creating team. Attempts to manipulate a trial by entering false testimony as a "time consumption" tactic will be penalized by severe point deductions

Narrative: "Your Honor, the witness is testifying in the narrative."

Asked and answered: "Objection, Your Honor, the question has already been asked and answered."

Non-responsive: "Objection, Your Honor, the witness's answer is non-responsive. Would you please direct the witness to answer the question as asked?"

Lack of Foundation: "Objection. No foundation has been laid to show that this witness is qualified to respond to that question." (This might arise if a witness is asked to testify to a fact, such as the color of a car, without first showing that the witness saw the car at some point, or if an expert is asked to give an opinion before his or her qualifications are established.)

Objections should be limited to those listed above or those mentioned in "Additional Rules of Evidence." Teams should NOT go beyond these materials to master the Illinois Evidence Statutes. If an opposing team goes against these rules, this paragraph should be brought to the attention of the Presiding Judge. Judges are instructed to deduct points for inappropriate objections.

Winning or losing the ruling on an objection is not as important as how knowledgeable the team is about the rules and how each team reacts to the decision of the Presiding Judge.

Teachers may use this teaching RUBRIC, which was created by teachers familiar with the ISBA High School Mock Trial experience:

<p>Opening Statement 5 4 3 2 1 0 Relevant, appropriate comments 5 4 3 2 1 0 Delivery Style</p>		<p>Opening Statement 5 4 3 2 1 0 Relevant, appropriate comments 5 4 3 2 1 0 Delivery Style</p>	
<p>Plaintiff Witness ONE <u>Lawyer Evaluation</u></p> <p>5 4 3 2 1 0 <u>Questions</u>: Well-prepared (non-leading)</p> <p>5 4 3 2 1 0 <u>FOCUS</u> of questions was obvious. Goals of questioning were clear.</p> <p>3 2 1 0 <u>RELEVANCE</u> of questions towards goals. Questions were focused.</p> <p>3 2 1 0 <u>POISE</u> of lawyer. Overall composure, handling of objections, preparation, etc....</p>		<p>Plaintiff Witness ONE <u>Lawyer Evaluation on Cross Examination</u></p> <p>5 4 3 2 1 0 <u>Questions</u>: Well-prepared (leading)</p> <p>5 4 3 2 1 0 <u>FOCUS</u> of questions was obvious. Goals of questioning were clear.</p> <p>3 2 1 0 <u>POISE</u> of lawyer. Overall composure, handling of objections, preparation, etc....</p>	
<p>WITNESS ONE</p> <p>5 4 3 2 1 0 <u>KNOWLEDGE</u> of affidavit</p> <p>3 2 1 0 <u>POISE</u> on cross especially</p> <p>3 2 1 0 <u>OVERALL</u> character believable? Comfort level of witness, was it too staged?</p>			
<p>Plaintiff Witness TWO <u>Lawyer Evaluation</u></p> <p>5 4 3 2 1 0 <u>Questions</u>: Well-prepared (non-leading)</p> <p>5 4 3 2 1 0 <u>FOCUS</u> of questions was obvious. Goals of questioning were clear.</p> <p>3 2 1 0 <u>RELEVANCE</u> of questions towards goals. Questions were focused.</p> <p>3 2 1 0 <u>POISE</u> of lawyer. Overall composure, handling of objections, preparation, etc....</p>		<p>Plaintiff Witness TWO <u>Lawyer Evaluation on Cross Examination</u></p> <p>5 4 3 2 1 0 <u>Questions</u>: Well-prepared (leading)</p> <p>5 4 3 2 1 0 <u>FOCUS</u> of questions was obvious. Goals of questioning were clear.</p> <p>3 2 1 0 <u>POISE</u> of lawyer. Overall composure, handling of objections, preparation, etc....</p>	
<p>WITNESS TWO</p> <p>5 4 3 2 1 0 <u>KNOWLEDGE</u> of affidavit</p> <p>3 2 1 0 <u>POISE</u> on cross especially</p> <p>3 2 1 0 <u>OVERALL</u> character believable? Comfort level of witness, was it too staged?</p>			

Team/School _____

Team/School _____

PLAINTIFF

DEFENSE

<p align="center">Defense Witness ONE</p> <p><u>Lawyer Evaluation on Cross Examination</u></p> <p>5 4 3 2 1 0 <u>Questions</u>: Well-prepared (leading)</p> <p>5 4 3 2 1 0 <u>FOCUS</u> of questions was obvious. Goals of questioning were clear.</p> <p>3 2 1 0 <u>POISE</u> of lawyer. Overall composure, handling of objections, preparation, etc....</p>		<p align="center">Defense Witness ONE</p> <p><u>Lawyer Evaluation</u></p> <p>5 4 3 2 1 0 <u>Questions</u>: Well-prepared (non-leading)</p> <p>5 4 3 2 1 0 <u>FOCUS</u> of questions was obvious. Goals of questioning were clear.</p> <p>3 2 1 0 <u>RELEVANCE</u> of questions towards goals. Questions were focused.</p> <p>3 2 1 0 <u>POISE</u> of lawyer. Overall composure, handling of objections, preparation, etc....</p>	
		<p align="center">WITNESS ONE</p> <p>5 4 3 2 1 0 <u>KNOWLEDGE</u> of affidavit</p> <p>3 2 1 0 <u>POISE</u> on cross especially</p> <p>3 2 1 0 <u>OVERALL</u> character believable? Comfort level of witness, was it too staged?</p>	
<p align="center">Defense Witness TWO</p> <p><u>Lawyer Evaluation on Cross Examination</u></p> <p>5 4 3 2 1 0 <u>Questions</u>: Well-prepared (leading)</p> <p>5 4 3 2 1 0 <u>FOCUS</u> of questions was obvious. Goals of questioning were clear.</p> <p>3 2 1 0 <u>POISE</u> of lawyer. Overall composure, handling of objections, preparation, etc....</p>		<p align="center">Defense Witness TWO</p> <p><u>Lawyer Evaluation</u></p> <p>5 4 3 2 1 0 <u>Questions</u>: Well-prepared (non-leading)</p> <p>5 4 3 2 1 0 <u>FOCUS</u> of questions was obvious. Goals of questioning were clear.</p> <p>3 2 1 0 <u>RELEVANCE</u> of questions towards goals. Questions were focused.</p> <p>3 2 1 0 <u>POISE</u> of lawyer. Overall composure, handling of objections, preparation, etc....</p>	
		<p align="center">WITNESS TWO</p> <p>5 4 3 2 1 0 <u>KNOWLEDGE</u> of affidavit</p> <p>3 2 1 0 <u>POISE</u> on cross especially</p> <p>3 2 1 0 <u>OVERALL</u> character believable? Comfort level of witness, was it too staged?</p>	
<p align="center">CLOSING Argument</p> <p>5 4 3 2 1 0 Relevant, appropriate comments, use of testimony</p> <p>5 4 3 2 1 0 Delivery Style, poise</p>		<p align="center">CLOSING Argument</p> <p>5 4 3 2 1 0 Relevant, appropriate comments, use of testimony</p> <p>5 4 3 2 1 0 Delivery Style, poise</p>	

TOTAL FOR PLAINTIFF: _____

TOTAL FOR DEFENSE: _____

DISPUTE RESOLUTION OPTIONS (not used in the mock trial scenario)

Alternative forms of dispute resolution are gaining wider acceptance because, as a general proposition, they achieve superior results in a substantial percentage of conflicts that otherwise would have to be resolved through traditional litigation.

Negotiated settlements occur each day between our peers, parents, employers and in business resolutions. Examples include conflicts with parents, teachers and friends and the resolution or lack of resolution over those issues. Parties using this model may achieve a result where both parties win or achieve some of that which they wanted.

Mediation employs a third party who aids in the resolution of a conflict and incorporates the skills of active listening, respect for need of resolution and acknowledgement of an ongoing relationship between the parties. In mediation, a third person becomes a sounding board for the two individuals who have the conflict. The third party may or may not come up with a solution that the parties will adopt. Both parties using this model may achieve or win some of their goals.

Arbitration may be appropriately taught as the logical escalation of mediation. It may be binding arbitration in which the decision of the arbitrator carries the weight of law. In arbitration the parties go through a process to pick the arbitrator. Arbitration is becoming the commonly used process to resolve consumer disputes between buyer and seller. Both parties using this model may achieve some of their goals. The arbitration process is more akin to the judicial trial where generally one party wins.

Litigation is undertaken when a court of law is chosen to resolve a dispute. It is certainly the most formal process of those mentioned here. Litigation employs procedures including how and when parties may present their side of the issue. Often, there is a discovery process used before a case goes to trial that can take months or years. It is the most pervasive formal structure of our judicial system and is adversarial in nature. Litigation often breaks down the ability to give and take on an issue and generally separates parties from having a positive future relationship. Court proceedings generally result in winners and losers.



**ILLINOIS STATE
BAR ASSOCIATION**

Illinois State Bar Association
424 South Second Street, Springfield, IL 62701
800.252.8908 217.525.1760 Fax: 217.525.9063
www.isba.org