

2012 MOCK TRIAL TOURNAMENT

KICKOFF MEETING

THURSDAY
OCTOBER 20, 2011



WELCOME!

President of the RILEP Board of Directors:
Michael D. Lynch, Esq.

President-Elect of the RILEP Board of Directors as of 11/1/11:
Megan Jane Goguen, Esq. - Hanson Curran LLP -
Providence

Our Program Chair:
Daniel A. Procaccini, Associate Judge
Rhode Island Superior Court

Quick Introductions:

- Name
- School
- How many years in the MTT



THE STATE OF RHODE ISLAND

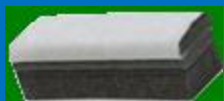
v.

Taylor Durden



DISCUSSION OF THE CASE

- Criminal Case
- The State of Rhode Island, Prosecution
- Taylor Durden, Defendant
- Taylor Durden is charged with the death of Jessica Bateson



WITNESSES

PROSECUTION'S WITNESSES

Sgt. Chris Knight

Jamie Chessler, MD

Alex Richards

DEFENSE'S WITNESSES

Taylor Durden

Ryan Paulsen, MD

Carson Baker



BURDEN OF PROOF

- In a criminal case, the law places the burden of proof upon the government (State of Rhode Island).
- The State has to prove each and every element of the offense beyond a reasonable doubt.



BURDEN OF PROOF, cont'd

- The Law presumes the defendant to be innocent of all the charges against him/her.
- The burden of proof never shifts to the defendant: the law does not require the defendant to prove him/herself innocent.



REASONABLE DOUBT

- Does not mean beyond all conceivable doubt.
- Is a doubt based upon reason and not conjecture or speculation.
- Is based upon evidence or lack of evidence.
- Proof beyond a reasonable doubt exists when, after you have thoroughly considered and examined all of the evidence that is before you, you have a firm belief that the defendant is guilty as charged.



THE ORDER OF THE TRIAL

Opening Statements:

Prosecution goes first,
followed by Defense.

- ✓ This is a team's opportunity to present a road map for the jury and to present their theory of the case.



WITNESS TESTIMONY

Direct Examination

- ✓ How you build your case is strategic.
 - ✓ You want to build upon the testimony of each witness in a logical sequence.

Cross-Examination

- ✓ You want to create doubt particularly with respect to the elements of the case.



REDIRECT AND RECROSS

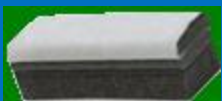
Redirect

- ✓ If the witness has been impeached or damaged, a team member can try to rehabilitate that witness.

Recross

- ✓ Limited to the matters raised on redirect.
- ✓ The team member should not go back into an area covered in direct.

Note: Sometimes a Judge may not allow.



CLOSING ARGUMENT

- Teams have 2 minutes after the final witness finishes to make sure their closing arguments accurately reflect the testimony given at trial.
- Defense goes first.
- Prosecution follows- gets the "last word."
- No objections during closing arguments- attorney may address the court afterwards. (see Handbook)



2012 Mock Trial Tournament

RULES CHANGES/
REMINDERS
(summary)



Rule 1.4 Attendance

A. Trial Start Time

1. Except for the Senior Division's playoff rounds, all trials begin at 12:30 PM, and usually end by 2:00 PM. (Note: the start of a trial may be delayed while the court concludes its real business; trials may end after 2:00 PM). In the event that a team is running late and needs to notify us of it in order to prevent receiving a penalty, we are providing cell phone numbers. If not sure who the trial official is you, can contact either of us and we will be sure to get the message to the proper Trial Official.

Linda Quattrucci: 401-639-4225

Edward Watters: 401-924-2841



RULES EXPERTS

- Our goal for 2011/2012 is to once again codify the role of the Rules Expert and to clarify the duties of the Rules Expert versus those of a trial Attorney.
- Clarifications are in sections 3.1, B, G, H, J, and K.
- B. It will be the responsibility of the Rules Expert to bring **the seven (7) copies** of the rosters to the Trial Official by 12:15, not the coaches. (This will be helpful in a situation where the coach is trying to find parking, to prevent the rosters from being late the Rules Expert can be dropped off at the door to bring them to the courtroom.)



RULES EXPERT

- G. Alleged violations involving Rules 1.6 B (Roster) and Rule 2.3 (Dress Code) shall be addressed before the trial begins. Once the trial starts, they will not be addressed.
- H. Once the trial starts, the role of the rules expert is limited to infractions related to the following sections: Rule 2.1 (Rules of Preparation), Rule 2.2 Courtroom Decorum), Rule 2.4 (Equip/Props), Rule 2.5 (Photos/Videos) and Rule 3.5 (C through D - Witness Parameters). The rules expert will bring the opposing teams' infractions to the Trial Official's attention at the appropriate designated times:



RULES EXPERT cont'd

- J. During the trial, all trial related issues, including rules infractions, evidentiary objections and rulings thereon, are the sole responsibility of the trial attorneys and to be raised as they occur.
- K. It is the responsibility of the rules expert to obtain the copies of the score sheet from the Trial Official prior to departing to courtroom.



RULES EXPERT cont'd

- (sect. G cont'd) prior to the start of the trial and/or during the break before the start of closing arguments.
- The Trial Official will advise the Presiding judge of any alleged violations which will be addressed when the Presiding Judge takes the bench before the trial starts/resumes before closing arguments.



RULES OF PREPARATION

- Rule 2.1 B 4-5:

4. Tournament Rules and the Code of Ethical Conduct apply to guests and observers as well as trial participants. It is the team's responsibility to make students and guests aware of the Code of Ethical Conduct and the Rules of the Tournament.

If a spectator arrives after the trial has started and has not been previously made aware of the rules, the coaches sitting in the back of the courtroom can quietly ask the spectator to step outside to inform them of the rules in order to prevent a penalty.

5. Opening statements, closing arguments, direct and cross-examinations should be the work of team members and NOT scripted by coaches or other advisors.



COURTROOM DECORUM

Rule 2.2 E:

E. Once the trial begins, any contact or communication between observers, coaches, friends, or relatives **with** the students presenting the case (attorneys, witnesses and rules expert) is strictly prohibited.



COURTROOM DECORUM cont'd

- Rule 2.2 G:

Students will not bring water bottles into the courtroom, unless required for medical reasons, and then the Trial Official shall be advised.



DRESS CODE

Rule 2.3 B, C & D.:

- B. For all attendees, t-shirts, bare midriffs, excessively short skirts, skintight clothes, and flip-flops are *not* appropriate for the courtroom. Any facial piercing must be removed before coming to court; male participants must remove earrings. Appropriate professional attire for female attorneys includes either slacks or dress/skirt length no shorter than two inches above the kneecap, and conservative necklines. Open-toe shoes are allowed.
- C. It is not appropriate for attorneys to wear sneakers in the courtroom. When possible they should not be worn. When there are unforeseen circumstances the coach should contact the trial official prior to the trial start.
- D. Business attire is required for attorneys. Jeans are not allowed for the attorneys.

Note: Savers has used and brand new clothes very inexpensive - but we understand the economic circumstances - the coaches can bring this to the trial official's attention.



WITNESS PARAMETERS

- Rule 3.5 D & E:
- D. Once the trial has begun, there will be no communication between the witnesses, other team members in the audience, coaches or spectators. The witnesses may communicate quietly with each other during the course of the trial.



WITNESS PARAMETERS cont'd

- E. During the two minute break to prepare closing arguments, the witnesses may speak with the attorneys and rules expert at the table about their testimony.



Scope of Witness Testimony

- Rule 3.6 A - B:
- A. Embellishment: Minor embellishments are allowed as long as they may be inferred or extrapolated from the case facts. For example, supplying a date and place of birth is usually a minor fabrication that makes the case a little more realistic without changing the facts at issue. A fair extrapolation is one that is neutral to both sides.
- B. Unfair extrapolations are fabrications that are pivotal to the case. If there is a question about whether a fabrication is harmless background information or an unfair embellishment, it is best to leave it out. When in doubt, leave it out!



INTRODUCTION OF PHYSICAL EVIDENCE

(on Page 24, not 23 as listed in table of contents in printed book, copy issued to be placed in books.)

- Rule A. 1.
 - The attorney presenting the document does NOT assign numbers to the document, that is the role of the Presiding Judge.

Note: Due to most Judges feedback, they like to have the students ID the document and then put it in as full, they feel it is educational so we have reinstated A. 5, 6, and 7 in the Rules of Evidence.

- 5. Have the witness identify the exhibit. The witness' answer should serve to identify only.
- 6. Ask the witness a series of questions about the exhibit. to establish its relevancy.
- 7. Offer the exhibit into evidence.



RULES SPECIFIC TO JUNIOR DIVISION

- Rule 3.7, D & E:
 - A. D. An attorney making the opening statements for a team may *not* make the closing-argument.
 - B. E. For the Junior Division teams, in order to encourage participation and gain experience, the team may have up to 2 additional attorneys for the express purpose of delivering the opening or closing statement. In order to maintain an equitable presentation, if a team does choose to use (an) additional attorney(s), only 3 attorneys may be seated at the attorney's table at one time. The additional attorney(s) must sit with the team's witnesses.



UNIFIED CONSENT FORM

- We are again using the Unified Consent Form which contains
 - ✓ Release of Liability
 - ✓ Authorization for Treatment
 - ✓ Consent Form
- If a parent does not wish to sign a particular section (ex: photographs) then the parent does not check the corresponding section.



UNIFIED CONSENT FORMS

The Unified Consent Forms and the Code of Ethical Conduct must be completed and returned to the Partnership.

The sooner the better.

If you can't get them to us until the first trial, you must give them to the Trial Official at the first trial, or your second trial will not be scheduled.



RILEP.org

- Take a look at our new website
 - Case - uploaded 10/21/11
 - This presentation 10/20/11
- Trial forms uploaded
 - Directions uploaded
 - Educational materials uploaded



Thank you!

*Best wishes for a great
season!*

