

# 2021 NATIONWIDE JUDICIAL COMPETITION MOCK TRIAL SCORING RUBRIC

Evaluators should use these criteria to determine each individual score.

Score	1-3	3-5	5-7	7-9	9-10
Description	In-Effective	Poor	Good	Excellent	Exceptional
<b>Witness</b>	Witness does not know their part. Attorney has to consistently refresh witnesses' memory. Witness consistently deviates from statement. Continually opens themselves to impeachment on cross examination.	Witness knows their part, but fails to accurately stay within statement. Ineffective on direct examination and cannot avoid being rendered ineffective during cross examination. Often opens themselves to impeachment.	Witness is familiar with their part, and performs well on direct examination. Witness unable to perform well during cross examination when questions are unpredictable. Testimony can be impeached occasionally.	Witness is fluent with their part. Performs spotlessly on direct examination. Performs well during cross examination and very rarely opens themselves up to impeachment. Has a tendency to throw off cross examining attorney.	Witness is fluent with their part, performs spotlessly on direct and cross examinations. Impervious to impeachment. Creatively and convincingly avoids harming their side's case using only information from their witness statement. Cross examining attorney is rendered ineffective by witness.
<b>Attorney conducting Direct Examination</b>	Attorney fails to pose questions on direct examination that illuminate their own argument. Clear lack of preparation. Illogical.	Attorney questions on direct examination touch on their larger argument, but fail to prove their larger point.	Effective direct examination that brings out pertinent facts relevant to larger argument, yet still wastes time with superfluous info.	Excellent direct examination that brings out relevant facts and does not waste time.	Excellent direct examination. Only relevant facts and no "red herrings."
<b>Attorney conducting Cross Examination</b>	Non-Effective. Witness leads attorney. Team's case is weaker because of cross examination.	Cross examination touches briefly on effective arguments, but fails to paint a coherent picture. Witness leads attorney. Asks questions that obviously lead to info harmful to their own case.	Cross examination is good, but attorney wastes time with unimportant facts. Allows witness to lead them at times. Stumbles often when unexpected occurs.	Cross examination is good. Bolsters overall case and undercuts opponent's argument. Attorney may struggle a bit with witness but is otherwise in control. Is sometimes caught by surprise.	Controls the witness on cross examination. Does not stumble when something unexpected happens.
<b>Attorney conducting Opening Statement/Closing Arguments</b>	Opening and closing statements are incomplete/ ineffective. Opening statement does not set up the map of the case. Closing argument fails to respond to opposing counsels' evidence or case.	Opening and closing statements fail to describe their case effectively. Complete use of notes in opening/closing statements.	Opening and closing statements describe case well, some wasted time, use of notes.	Opening and closing statements do not waste time and lay out a map of their case, notes used sparingly if at all.	Opening and closing statements do not waste time and lay out a precise map of their case. No notes used at all.
<b>Attorney entering Evidence / Objections</b>	Failure to follow proper procedure on entering evidence or experts. Complete misunderstanding of objections per Federal Rules. Often uses objections which are incorrect or irrelevant.	Attorneys attempt to enter evidence and experts, but fail to follow most steps in the process. Superficial understanding of Federal Rules and overall inability to argue objections effectively. Some incorrect or irrelevant use of objections.	Attorneys attempt to enter evidence and experts, however they tend to skip a step once or twice. Knows Federal Rules and objects well, but fails to make convincing arguments.	Attorneys always enter evidence and experts, rarely if ever do they skip a step. Is able to make good objections and makes cogent, if not always convincing arguments.	Attorneys always enter evidence and experts, never skip a step. Objections are good and timely. Arguments are precise and accurate...

\*For a student to receive a 7-10 score, student must uphold the YMCA core values of Honest, Caring, Respect, and Responsibility.

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**Direct Examination:** The first questioning of a witness by the party who called him/her to court. During the course of a direct examination, the attorney who is conducting the interrogation generally asks specific questions that provide the foundation of the case. (Black's Law Dictionary)

**Cross Examination:** After a witness is directly examined, the opposing attorneys conduct a cross-examination to impeach or test the validity of the witness' testimony. The questions on cross-examination are limited to the subjects covered in the direct examination of the witness. Also, the attorney may ask leading questions, in which he/she is allowed to suggest answers or put words in the witness' mouth.

**Opening Statement/Argument:** An introductory statement made by the attorneys for each side at the start of a trial. The opening statement offers a valuable opportunity to provide an overview of the case to the jury and to explain the anticipated proof that will be presented during the course of the trial. The party with the burden of proof will present the first opening statement. In a civil case, the plaintiff's attorney will present the first opening statement. In a criminal case, the prosecution will be first to present an opening statement.

**Closing Statement/Argument:** It is the concluding statement of each party's counsel and is made before deliberation begins. The attorney reiterates the important arguments and requests the judge or jury to consider the evidence and apply the law in his or her client's favor.

**Red herrings:** Red herring refers to an irrelevant legal or factual issue, intended to distract or mislead.