



ACS JAKARTA MOCK TRIAL COMPETITION 2015

Team Rulebook

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Administration

Rule 1.1 – Rules

- A. All trials will be governed by the rules of the ACS Jakarta Model Congress Club

Rule 1.2 – Sportsmanship Rules

- A. All participants are expected to display proper courtroom decorum and courtesy throughout the competition. All participants are required to wear Western Business attire.
- B. All participants are expected to act with good sportsmanship and respect for others in both victory and defeat throughout the competition. Attorney coaches and teachers must model good sportsmanship. Poor behavior may impact team performance scores.
- C. All participants are expected to be polite and patient to all Model Congress Club staff members, teachers, and jury.
- D. Delegates must wear appropriate clothing (including shoes) at all events. Any delegate participating in improper attire will be disqualified.

Rule 1.3 – Trial Procedures

- A. Courtrooms will be closed during trials, and no participating or spectating party is allowed or leave throughout the trial.
- B. When the trial begins, the presiding judge will ask the team members to introduce themselves to the presiding judge and the jury.
- C. Mock Trial participants and spectators must remain in the courtroom throughout the trial to not disrupt the trial.
- D. All team members participating in a trial must be in the courtroom at the appointed time, ready to begin the round. Incomplete teams must begin the trial without their other members.
- E. If a scheduled team is not present within 10 minutes after the scheduled trial time, that team will be disqualified.
- F. Any tie will be broken by the presider's independent selection of the winning team.
- G. Use of laptop computers, tablets, or cellular phones during this trial is prohibited.
- H. Other than the exhibits provided for in the trial packet, no other illustrative aids of any kind may be used.
- I. Props, costumes, and theatrical makeup are prohibited. Costuming includes hairstyles, clothing accessories that are specific to a role in the case. In keeping with the educational philosophy and objectives of the ACS Jakarta Model Congress Club, teams should concentrate on presenting the trial in a realistic manner, with the witnesses wearing appropriate courtroom attire.
- J. Gender-neutral names allow delegates of either gender to play the role of any witness. Any questions regarding gender, race, or physical characteristics not included in the official case materials are not allowed.

Teams

Rule 2.1 – Team Eligibility

- A. Only students of ACS Jakarta are allowed to participate in the ACS Jakarta Mock Trial Competition.
- B. This competition is only open to students in grades 7 to 12.
- C. All ACS Jakarta Model Congress Club delegates are required to participate in this competition with the exception of students of Grade 10 and 12 who are going to have their mock examinations – To them, participation is optional

Rule 2.2 – Team Composition

- A. Each team must consist of 6 members. There are no restrictions as to how many members in each team are Model Congress Club delegates.
- B. Of the 6 team members, 3 will be attorneys and 3 will be witnesses. Attorneys and witnesses are not required to switch roles after each trial. However, we encourage all teams to do so because it gives equal opportunity for each team member.
- C. An attorney is not allowed to do both opening and closing speeches.
- D. Each attorney must take one direct examination and one cross-examination.

Rule 2.3 – Awards

- A. Awards will be given out during the closing ceremony.
- B. Awards will be given as follows:
 - Best Delegate
 - Honorable Mention
 - Best Team
- C. Certificates of participation will be given to each participating delegate.

The Trial

Rule 3.1 – The Case

- A. The case brief contains the sources for this competition. These sources include the summary of facts, applicable case laws, charges, exhibits/evidence and witness affidavits.
- B. The fact situation is a set of undisputable facts. Witnesses may draw reasonable inferences from the facts that do not materially impact the case.
- C. No external information is allowed to be brought up in trial, except for additional precedents, statutes or case laws which have relevance to the case.

Rule 3.2 – Trial Format

- A. All trials will follow the following format:
 - Prosecutor/Plaintiff Opening Statement
 - *Defense Opening Statement*
 - Direct Examination of Prosecutor/Plaintiff Witness #1
 - *Cross Examination of Prosecutor/Plaintiff Witness #1*
 - Direct Examination of Prosecution/Plaintiff Witness #2
 - *Cross Examination of Prosecutor/Plaintiff Witness #2*
 - Direct Examination of Prosecutor/Plaintiff Witness #3
 - *Cross Examination of Prosecutor/Plaintiff Witness #3*

- *Direct Examination of Defense Witness #1*
 - Cross Examination of Defense Witness #1
 - *Direct Examination of Defense Witness #2*
 - Cross Examination of Defense Witness #2
 - *Direct Examination of Defense Witness #3*
 - Cross Examination of Defense Witness #3
 - Prosecutor/Plaintiff Closing Statement
 - *Defense Closing Statement*
- B. Only one re-direct examination is allowed. Re-cross examinations will not be permitted for this competition.
- C. The prosecutor/plaintiff and the defense attorneys are allowed one rebuttal each for closing statements.

Rule 3.3 – Attorneys

- A. Attorneys are limited to calling their own witnesses, they must call all of their witnesses, and they may not re-call any witness.
- B. Attorneys may use notes in presenting their cases.
- C. To allow the judge and the jury to hear and see better, attorneys will stand during opening and closing statements, direct and cross-examinations, all objections, and whenever speaking to the judge.
- D. Student attorneys should always feel free to request bench conferences to clear up any procedural or factual questions. One representative from each side must be present for all bench conferences.

Rule 3.4 – Witnesses

- A. Witnesses are bound by the facts found in the witness statements and must adhere to them. All participants agree that the statements are signed and sworn affidavits.
- B. Witnesses may give minor embellishments as long as the embellishments can be reasonably inferred from the Summary of Facts and do not contradict with their own affidavits (the presiding judge determines what is and what is not reasonable). If a witness is asked a question on cross-examination and the answer is not in the affidavit, the witness may invent an answer consistent with other facts in the trial and with the affidavits of the witnesses. In general, the answer must be reasonable. Do not, however, rely on making things up as you go along. Witnesses can easily get confused and end up perjuring themselves or making themselves look like they lack credibility.
- C. On direct examination, the witness is limited to the facts given. If a witness gives testimony that contradicts the facts given in the witness statement, that testimony may be impeached only on cross-examination through the correct use of the affidavit (that is, point out the contradiction on cross-examination by introducing the witness' statement to the court). This is outlined in rule 3.8 – Evidence.
- D. If the answer by the witness is actually contrary to the stipulated affidavit, the cross-examination attorney may impeach the witness, described further below.
- E. If a witness invents an answer that is likely to substantially affect the outcome of the trial (for example, if a witness other than the defendant in a murder trial states, "I killed him"), the opposition should object immediately and ask for a bench conference; the presiding judge will decide whether to allow the testimony.

- F. If certain witnesses are stipulated as experts (doctors, law-enforcement officials, etc.), their expert qualifications may not be challenged or impeached by the opposing side. Their testimony concerning the facts of the case, however, may be challenged. Simply knowing your witness statement very well does not make you an expert witness.
- G. Witnesses are not permitted to use notes and have their affidavits while testifying.
- H. Witnesses are limited to plead the 5th Amendment **twice** during each cross examination in a civil or criminal domestic case if it involves self-incrimination. If the attorney's question does not suggest the witness to self-incriminate, the witness may not plead the 5th Amendment and may be impeached.
- I. In International cases, a witness does not have the right to "decline to answer".

Rule 3.5 – Opening Statement

- A. The objective of an opening statement is to acquaint the jury with the case and outline what you are going to prove through witness testimony and the admission of evidence. This is the jury's first impression; your opening should be substantive and engaging.
- B. The opening statement should include:
 - A short summary of facts (this is most important for the prosecution).
 - A clear and concise overview of the witnesses and physical evidence you will present and how each will contribute to proving your case. Know all names of witnesses and relevant places. Be sure to keep in mind the genders of witnesses from the opposing side.
 - Mention the burden of proof (the amount of evidence needed to prove a fact) and who has the burden in this case. Reference the applicable law.
- C. Opening statements must be limited to 5 minutes.

Rule 3.6 – Direct Examination

- A. The objective of the direct examinations is to obtain information from the witness you call in order to prove the facts of your case; to present enough evidence to warrant favorable verdict; to present your witness to the greatest advantage; and to establish your witness' credibility.
- B. In preparing, endeavor to:
 - Isolate exactly what information each witness can contribute to proving your case and prepare a series of questions designed to obtain that information.
 - Make sure that all of the items you need prove your case will be presented through your witnesses.
 - Use clear and simple questions.
 - Never ask a questions to which you do not know the answer.
 - Cease questioning when your facts are in evidence. Say "No further questions" and sit back down.
 - Keep the objections in mind when framing your questions and try to phrase potentially objectionable material in a non-objectionable way.
 - Limit questions to the information presented in the witness's own statements.
 - Keep to the questions you have practiced with your witnesses, and ask a limited number of questions. At the same time, listen to the answer

- C. Leading questions are not allowed during direct examinations and are objectionable by the opposing attorney.
- D. Each direct examination must be limited to 7 minutes.
- E. Re-direct examination is limited only to issues raised by the opposing attorney during cross-examination. If the credibility of the witness has been attacked on cross-examination, the attorney whose witness has been attacked may wish to ask some questions to “save” the witness’ truth-telling image in the eye of the court. Counsel, however, is limited to two questions, so make them count.

3.7 – Cross Examination

- A. The objective of a 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 discredit him or her (ie. make the witness less believable).
- B. In preparing, consider asking the following types of questions:
 - Questions that establish that the witness is not telling the truth on important points (eg. the witness first testifies to not being able at the scene of the accident and later admits to being there). This is called impeaching the witness, which will be explained later.
 - Questions that weaken the testimony of the witness by showing the information he or she has given is questionable (eg. the witness with poor eyesight claims to have observed all the details of a fight that took place 100 feet away in a crowded bar).
 - Questions 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 (eg. a psychiatrist testifying to the defendant’s need for dental work or a high school student testifying that in his opinion the defendant suffers from a mental disease).
 - Questions that reflect on the witness’ credibility showing that he or she has given a contrary statement at another time (eg. the witness testifies to the exact opposite of what he/she testified to during pre-trial hearing).
 - Ask questions that can answered with a simple “yes” or “no”. Don’t ask questions which allow the witness to sidetrack your argument or defend their answers.
 - Questions are only limited by matters directly relating to the case.
 - Never ask a question to which you do not know the answer.
- C. Each cross-examination must be limited to 7 minutes.
- D. A re-cross examination may be asked by the cross-examining attorney, but are limited to matters raised by the re-direct examination. Again, counsel is limited to two questions.

3.8 – Closing Statement

- A. The objective of a closing argument is to provide a clear and persuasive summary of the evidence you presented, to show weakness in the other side’s case, and the merits of yours.
- B. Be sure to include the following:

- Thank the judge and jury for their time and attention. Do this quickly and then move on to your arguments. Jury members will know when courtesy ends and sweet-talking begins.
 - Isolate the issues and describe briefly how your presentation addresses these issues.
 - Review witnesses' testimonies. Outline the strengths of your evidence and the weakness of the other side's evidence.
 - Argue your case by stating how the law applies to the facts of the case at hand.
 - Remind the jury of the required burden of proof. Either show that your side has met the burden of proof or that the opposing side has not. The closing statement should be updated before you present it to include anything that came out during the course of the trial that you had not anticipated. Likewise, evidence that was kept out during the proceedings should not be included. This is a compelling argument for planning a closing statement, taking notes during the trial, and then updating the original closing statement. In your closing statement, you can make references to times when the other side contradicted itself or left out important points. The more you refer to events in this actual trial, the more you will impress the jury. Also, remember that the ultimate purpose of the closing is to convince the jury to decide in your favor. The above outline is merely a guideline. The best closing convinces the jury in a creative but affective manner.
- C. Each closing statement must be limited to 7 minutes.

Rule 3.9 – Objections

- A. If an objection has been made by opposing counsel, the directing/crossing attorney can withdraw the question before a sustentation by the judge as follows: "Your honor, I withdraw my question."
- B. There are a limited number of objections that attorneys will be allowed to use during this competition. These objections are listed below.
1. Hearsay
 - Any evidence or statement made by someone who is not present in the court that is offered to prove the truth or fact asserted in the statement is hearsay and is generally impermissible. If the testimony is offered for the sole purpose of proving that the statement was said, then it is not hearsay - in other words, if the question is not asked to prove the "truth of the matter asserted."
 - Form of objection: "Objection, your honor. Counsel's question is calling for a hearsay response." OR "Objection, your honor. The witness' testimony is based on hearsay. I ask that the statement be struck from the record."
 - In response to the objection, the attorney who has asked the question may either argue that the testimony is not hearsay (because it is not being used to prove the truth of the matter asserted, only that it was said).
 2. Opinions of Witnesses
 - As a general rule, witnesses may not give opinions. Certain witnesses who have special knowledge or qualifications may give an expert opinion, often called an expert conclusion, within his/her area of expertise.
 - Form of Objection: "Objection your honor. Counsel is asking the witness to give an opinion for which the witness is not qualified."

3. Lack of Personal Knowledge
 - A lay witness may not testify to any matter of which the witness has no personal knowledge.
 - Form of objection: “Objection, your honor. The witness has no personal knowledge that would enable the witness to answer that question.”
4. Relevance of evidence
 - The only testimony or physical evidence allowed is relevant evidence, meaning the evidence must make some fact of consequence in the case more or less probable.
 - However, if the relevant evidence is unfairly prejudicial, any confuse the issues, or is a waste of time, it may be excluded from the court. The decision is made by the judge.
 - Form of objection: “Objection, your honor. Counsel is asking the witness to speculate.”
5. Speculation
 - Witnesses may not be asked to provide testimony based on speculation.
 - Form of objection: “Objection, your honor. Opposing counsel is asking the witness to speculate.”
6. Lack of Foundation
 - Evidence or testimony must have sufficient preliminary evidence of the authenticity and relevance for its admission.
 - Form of objection: “Objection, your honor. The evidence/testimony lacks foundation.”
 - The counsel will be given to opportunity to lay the foundation for the evidence/testimony that was objected upon. If the counsel fails to do so, the evidence/testimony will be deemed inadmissible.
7. Leading Question
 - Questions that suggest the answer (eg. “There was a gun in her purse, correct?”).
 - Form of objection: “Objection, your honor. Counsel is leading the witness.” OR “Objection, your honor. Counsel is asking a leading question.”
 - As mentioned before, leading questions are only allowed during cross-examinations.
8. Narrative
 - Questions that are vague and allow for a long, drawn out answer are inappropriate. (eg. “Tell us what you know about the case.”)
 - Form of objection: “Objection, your honor. This question calls for a narrative answer.” OR “Objection, your honor. The witness is narrating.”
9. Unresponsive
 - The attorney directing or crossing a witness may object if the witness does not directly respond to the questions put to him/her. Witnesses may also be unresponsive if their testimony goes beyond what is asked.
10. Badgering
 - Attorneys may not ask a barrage of questions without giving the witness ample time to respond. Although the judge may demonstrate his or her own discretion on this issue, attorneys typically may not repeatedly ask question in a way that may be construed as aggressive.

- Form of objection: “Objection, your honor. Opposing counsel is badgering the witness.”

Rule 3.10 – Entering Evidence

- A. A number of cases in this tournament rely on both testimony from witnesses and evidence. There is a set procedure for entering evidence, so that the court understands the information the attorneys are presenting.
- B. The procedure to enter evidence is as follows:
 1. “Your Honor, I ask that (piece of evidence) be marked for identification as Prosecutor’s/Plaintiff’s/Defendant’s Exhibit #1” (Have exhibit marked by judge).
 2. Show evidence to opposing counsel so s/he knows what you are referencing.
 3. Ask the judge to approach the witness (“Your Honor, may I approach the witness?”) with the exhibit pre-marked for identification.
 4. After the judge grants permission, approach the witness, hand the witness the pre-marked exhibit, and ask the witness to identify it. “I now hand you what is pre-marked for identification as Plaintiff’s Exhibit #1. Do you recognize it?” (The witness should say yes and describe the identifying characteristics of the document.)
 5. If the attorney chooses to place the document into evidence, he says, “Your Honor, I offer this (piece of evidence) marked as plaintiff’s Exhibit #1 into evidence and ask the court to admit it.” Note that if the exhibit is not entered into evidence, the jury may not use the pre-marked exhibit at all for evidentiary purposes when deciding the outcome of the case.
 6. The judge will ask, “Is there any objection?” Subsequently, the opposing attorney may either object, after which the judge will hear arguments from both sides on the admissibility of the pre-marked exhibit and determine if s/he will admit it, or the attorney may not object, and the judge will admit the pre-marked exhibit into evidence.

Judging

Rule 4.1 – Finality of Decisions

- A. All decisions by the presiding judge and jury are final.

Rule 4.2 – Judging Panel

- A. The judging panel will consist of the presiding judge and jury, both of whom had previous experience with model congress, model united nations and/or mock trial.
- B. In some cases, an ACS Jakarta teacher may also be a member of the jury.

Rule 4.3 – Evaluation

- A. Each presiding judge and jury will use the evaluation and scoring criteria to assign a numerical value (1-10, 10 being the highest) to each individual performance (attorneys and witnesses). The individual scores will be tallied at the end of each trial.
- B. The team that receives the highest score wins the round.
- C. In the case of a tie, the presiding judge will have the final decision.

- D. The evaluation and scoring criteria, along with the scoring sheet, can be found at the end of this brief.