

Ventura County Mock Trial



Court Clerk, Court Bailiff and Unofficial Timer Workshop

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People v. Bratton: A Murder Trial

Court Clerk, Court Bailiff, Unofficial Timer

In an actual trial the court clerk and the court bailiff have the responsibility of aiding the judge in conducting the trial.

In Mock Trial the responsibility is the same!
You will help to set and maintain the tone of the court room.

People v. Bratton: A Murder Trial

Major Duties and Responsibilities

Court Clerk

- The Clerk is part of the Prosecution Team.
- Pick up and deliver the score sheet packet to the courtroom **BEFORE** the trial and give it to the judge.
- Bring a stopwatch – be sure you know how it works.
- Interruptions in the presentations do not count as time.
- When the judge arrives Introduce yourself and explain your role.
- After the witnesses have introduced themselves you will again introduce yourself and explain the timing rules to the court.

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Major Duties and Responsibilities

Court Bailiff

- The Bailiff is part of the Defense Team.
- Pick up and deliver the sealed score sheet packet to the staff table **AFTER** the trial. The judge will have it after all of the scoring attorneys have finished scoring.
- When the judge arrives Introduce yourself and ask permission to explain the rules of Mock Trial to the audience.
- Call the court to order, introduce the presiding judge and state the charges.
- Swear in the witnesses.
- Maintain court room order.
- Bring a copy of the “Rules of Competition” to the court room.

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Major Duties and Responsibilities

Unofficial Timer

- The Unofficial Timer is part of the Defense Team.
- Introduce yourself as the unofficial timer as part of the team introductions.
- You may check time with the clerk twice during pretrial and twice during the trial.
- When possible, sit near the court clerk.
- Any objection's to the clerks official time must be made during the trial, before a verdict is rendered.
- The judge will determine if there has been a rule violation.

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Timing Rules

IX. TIMING

A. The Mock Trial Competition involves timed presentations. One team's unreasonable running of the opposing team's time is inappropriate. If the presider determines there has been an unreasonable running of time, the witness may be admonished by the presider and the presider may direct the scorers to deduct 1 point from the offending witness's score.

B. Each team will have 40 minutes to present its case, including the pretrial motion. If no pretrial motion is presented, total time is 34 minutes. To download a time sheet, please visit our website www.crf-usa.org. Time limits for each section are as follows:

Pretrial Motion.....	4 minutes
Rebuttal.....	2 minutes
Opening Statement & Closing Argument.....	9 minutes
Rebuttal.....	1 minute
Direct & Re-direct Examination.....	14 minutes
Cross-Examination.....	10 minutes

C. The clock will be stopped when witnesses are called to the stand, attorneys make objections, and judges question attorneys and witnesses or offer their observations. The clock will not be stopped if witnesses are asked to approach the diagram or for other physical demonstrations. Time will not be rounded off.

D. Teams may divide the 9 minutes for opening statement and closing arguments, the 14 minutes for direct and re-direct examination, and the 10 minutes for cross-examination as desired (e.g. 3 minutes opening, 6 minutes closing). The time may be utilized however they choose, but the maximum allowable totals for each category must be observed.

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Timing Rules Cont...

E. One minute is automatically reserved for rebuttal at the conclusion of closing statements. Only issues that were addressed in an opponent's closing argument may be raised during rebuttal. Formal reservation of rebuttal time is not required.

F. Two-minute, one-minute and 30 second verbal warnings must be given before the end of each category. The clerk will automatically stop students at the end of the allotted time for each section. Thus, there will be no allowance for overtime.

G. Any team member on the defense team, may serve as an unofficial timer. This unofficial timer must be identified before the trial begins and may check time with the clerk twice during the pretrial (once during the defense argument and once during the prosecution argument) and twice during the trial (once during the prosecution's case-in-chief and once during the presentation of the defense's case). Any objections to the clerk's official time must be made by this unofficial timer during the trial and before the verdict is rendered. The judge shall decide whether to accept the clerk's time or make a time adjustment. Only official team members may serve as unofficial timers. **To avoid timing issues, we highly recommend that both the official and unofficial timer sit next to each other during the trial.**

H. At the end of the pretrial motion and the trial, the clerk will time the 30-second consultations and any formal presentations regarding irregularities. No extensions of time will be granted.

I. The judge and attorney scorers will be allowed 10 minutes for debriefing. Following the verdict, the clerk will begin timing the debriefing. The clerk will provide the judge attorney scorers with a five-minute and 1 minute warning. The clerk will not be scored on timing the debriefing.

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Role Playing

Court Clerk

When the judge arrives introduce yourself and explain that you'll assist him/her as the Prosecution's Clerk.

After the witnesses introduce themselves, you state:

"Good afternoon your Honor and scoring attorneys, I am Jane Doe, D o e, as the Prosecution's Clerk."

"With the courts permission may I please demonstrate the signals I will be presenting in today's trial: Two minutes, One Minute, 30 seconds, TIME."

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Role Playing

Court Bailiff

When the judge arrives in court, introduce yourself and explain that you'll assist him/her as the Defense Bailiff.

Then ask the judge:

"Your Honor, before I introduce you; may I have a minute to explain to the audience the Mock Trial rules regarding proper courtroom decorum and spectator conduct?"

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Role Playing

Court Bailiff Cont...

After the judge gives you permission to address the court, do so:

"May I please have your attention! Ladies & Gentleman, before we begin today's trial, I would like to remind you of our rules."

•Please display proper courtroom decorum and courtesy at all times.

•There can be no eating or drinking, or chewing of gum.

•Please refrain from talking.

•If you must leave the courtroom, please do so without interrupting today's court proceedings.

•Please turn off all cell phones and electronic devices.

•And as per rule: There can be no spectator contact with student team members once the trial has begun. The sponsors and coaches, other team members and spectators may not talk, signal or otherwise communicate with students. Thank you.

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Role Playing

Court Bailiff Cont...

After you have explained the rules, you will bring the court to order, introduce the judge and state the charges:

"All Rise! Superior Court of the State of California, County of Ventura, Dept. _____, the Honorable Judge _____ Presiding, is now in session. Please be seated and come to order. The next case is People v. Bratton

The State is charging the defendant with Two Counts:
Count 1. Incitement of others to commit an unlawful act (California Penal Code Sec. 404.6)

Count 2: Arson (California Penal Code Sec. 451)

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Role Playing

Court Bailiff Cont...

Swearing in the Witnesses: When the witness is about to be called, quickly stand up. Then when the witness is called, look at the judge for approval, swiftly walk out to get the witness.

Announce the Witnesses name in a loud voice. Then say:

"Please follow me..."

"Please stand next to the witness stand..."

"Raise your right hand..."

"Do you solemnly affirm that the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the Mock Trial competition?"

"Please be seated, for the record, please state your name, and spell your last name for the court..."

"Thank you."

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Role Playing

Unofficial Timer

To conduct a time check, request one from the presiding judge and ask the official time keeper how much time he or she has recorded in every complete category for both teams. Compare the times with your records. If the times differ significantly notify the judge and ask for a ruling as to the time remaining.

If the judge approves your request, consult with your attorneys and determine how much time you wish to add or subtract in any category.

If the judge does not allow a consultation, you may request an adjustment.

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Role Playing

Unofficial Timer Cont...

Following is a sample of questions and statements:

"Your Honor, before bringing the next witness, may I compare time records with the official timekeeper?"

"Your Honor, there is a discrepancy between my records and those of the official timekeeper. May I consult with the attorneys on my team before requesting a ruling from the court?"

"Your honor, we respectfully request that ___ minutes/seconds be subtracted/added to/from the Prosecution's/Defense (direct examination/cross-examination/etc.)."

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Evaluation Criteria

Clerk and Bailiff

- The clerk or bailiff was present and punctual for trial.
- The clerk or bailiff performed his/her role so that there were no disruptions or delays in the presentation of the trial.
- The clerk or bailiff conducted her/himself professionally without attracting unnecessary attention.

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Questions

Clerk & Bailiff Notes

2009-2010

I. General Rules

1. When you enter the courtroom, introduce yourself (name and bailiff/clerk role) to the presider and scoring attorneys
2. Speak loudly and clearly
3. Maintain courtroom appearance - do not move anything unnecessarily; if you must move something, PUT IT BACK exactly the way it was when you arrived
4. Please act professionally & responsibly - you are officers of the court
5. Duties are identified in case packet

II. Clerks

1. Primary responsibility: Official Time Keeper for the trial
2. Have your own timing device
3. DO NOT round off the time, measure to the whole second
4. Time is STOPPED:
 - o For all judge-initiated interruptions
 - o When witnesses are called, escorted to the stand and sworn in
 - o When an objection is raised, and the time taken to argue it
 - o When the judge questions witnesses
5. Verbal Warnings
 - o Clerks are responsible for giving two minute-, one-minute and 30 second verbal warnings at the end of each timed category
 - o These warnings should be announced VERBALLY AND with HAND SIGNALS - call out "TWO," "ONE," "THIRTY" and "TIME"
 - o There will be NO allowance for overtime

III. Pretrial Time Sheets

1. Total time is 6 minutes
2. Pretrial motion – 4 minutes for statement, 2 minutes for rebuttal (NOT including time judge asks questions and attorney answers them)
3. The 30 Second Rule for Pretrial – at the end of the pretrial arguments, but before the presider gives a ruling, each team has 30 seconds to consult with their coach regarding any irregularities, and another 30 seconds for an attorney to announce such irregularities to the judge

IV. Time Sheets

1. Total time is 34 minutes
2. Opening, Closing - nine minutes and rebuttal - one minute TOTAL
3. Direct & Re-Direct for ALL 4 witnesses – 14 minutes TOTAL; if a team fails to present a witness, that team automatically receives zero (0) points for the witness and direct exam, and the opponent receives 5 points for cross-examination
4. Cross-Examination for ALL 4 witnesses - 10 minutes TOTAL
5. After closing arguments, each team may use one minute for rebuttal. Rebuttal time does not have to be formally reserved
6. The 30 Second Rule - at the end of the trial, but before the verdict is rendered, each team has 30 seconds to consult with their coach regarding any irregularities, and another 30 seconds for an attorney to announce such irregularities to the judge

V. Unofficial timers

1. Unofficial timers can be any defense team member.
2. Unofficial timers are allowed to do TWO time checks: ONCE during the Prosecution's case-in-chief and ONCE during the Defense's case presentation. If there is a discrepancy at the time check, you should announce it then, it is then up to the judge to decide if the discrepancy is significant and a team should be allotted more time
3. **Unofficial timer should sit besides the clerk when possible.**
4. NOTE: other than time checks, only interrupt trial if it's a BIG DEAL

VI. Bailiffs

- Primary responsibility: Calling court to order & swearing in witnesses
- When calling court to order or swearing in witnesses, use the language in the case materials
- Additionally, Bailiffs are responsible for bringing a copy of the "Rules of the Competition" should the judge need to clarify an issue or question

CALIFORNIA MOCK TRIAL TIME SHEET

Clerk _____ Presider _____ Round _____
 _____ / _____ V. _____ / _____
 Prosecution School/County Defense School/County

INSTRUCTIONS:

Mark the **exact time** in the appropriate blank. **Do not round off.** *For pretrial*, begin with DEFENSE. Stop the clock when the presider asks questions and the attorney answers them. *For Trial direct, cross, and re-direct examination*, record only the time spent by attorneys asking or witnesses answering questions. Stop the clock when: 1) witnesses are sworn in; 2) attorneys make objections; 3) presider questions attorneys or makes comments.

PROSECUTION:

DEFENSE:

PRETRIAL STATEMENT (4 MIN) _____

PRETRIAL STATEMENT (4 MIN) _____

PRETRIAL REBUTTAL (2 MIN) _____

PRETRIAL REBUTTAL (2 MIN) _____

TOTAL PRETRIAL TIME (6 MIN max)
 (NOT part of the Total Trial Time below) _____

TOTAL PRETRIAL TIME (6 MIN max)
 (NOT part of the Total Trial Time below) _____

TRIAL OPENING* (see Statements below) _____

TRIAL OPENING* (see Statements below) _____

DIRECT/RE-DIRECT EXAM (14 MIN)

CROSS EXAM (10 MIN)

Prosecution Witness 1 _____ / _____

Prosecution Witness 1 _____

Prosecution Witness 2 _____ / _____

Prosecution Witness 2 _____

Prosecution Witness 3 _____ / _____

Prosecution Witness 3 _____

Prosecution Witness 4 _____ / _____

Prosecution Witness 4 _____

DIRECT/RE-D SUB-TOTAL _____

CROSS EXAM SUB-TOTAL _____

CROSS EXAM (10 MIN)

DIRECT/RE-DIRECT EXAM (14 MIN)

Defense Witness 1 _____

Defense Witness 1 _____ / _____

Defense Witness 2 _____

Defense Witness 2 _____ / _____

Defense Witness 3 _____

Defense Witness 3 _____ / _____

Defense Witness 4 _____

Defense Witness 4 _____ / _____

CROSS-EXAM SUB TOTAL _____

DIRECT/RE-D SUB-TOTAL _____

***STATEMENTS** (Opening + Closing = 9 MIN, Rebuttal +1 MIN)

***STATEMENTS** (Opening + Closing = 9 MIN, Rebuttal +1 MIN)

Opening (from above) _____

Opening (from above) _____

Closing _____

Closing _____

Rebuttal (1 MIN max) _____

Rebuttal (1 MIN max) _____

STATEMENTS SUB-TOTAL _____

STATEMENTS SUB-TOTAL _____

TOTAL TRIAL TIME (34 MIN max) _____

TOTAL TRIAL TIME (34 MIN max) _____