

Magistrates' Court Mock Trial Competition 2018/19

Volunteer Role Guide: Judge
England, Wales and Northern Ireland



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Magistrates Association

Welcome to the Magistrates' Court Mock Trial Competition 2018/19

This guide contains information about your role as a Judge. The local organiser will be your main point of contact, as they co-ordinate the event locally. They will be responsible for the following:

- A briefing to ensure that volunteers are familiar with their roles
- Dealing with scoring queries and deciding when announcements are made about the winner
- Arranging a timetable for the day.

We would like to take this opportunity to thank you for volunteering for the Magistrates' Court Mock Trial Competition. Your support for the competition is greatly appreciated. If you have any queries at any stage of the competition, please contact the Programmes Coordinator on 020 7566 4142 or on 020 7566 4155 or get in contact via e-mail at mcmt@youngcitizens.org

We look forward to working with you.

The Programmes Team

Young Citizens

Young Citizens is a charity (no. 801360) that was set up in 1989. We inspire people to take part in society as equal members of it. We help them learn how to do so effectively by teaching them citizenship skills. In particular, we help young people to understand how the law, politics, and public life affect them. To do this we: promote civic participation; help schools and colleges to deliver citizenship education; work with young people on issues that concern them.

The Magistrates' Court Mock Trial Competition is organised in partnership with the Magistrates' Association and sponsored by Her Majesty's Courts and Tribunal service (an executive agency of the Ministry of Justice) and the Jomati Foundation.

Role guide: Judge

As the competition runs nationwide, it is very important that judging is consistent across all heats. The following guidelines should be followed strictly.

Important things to note

- **You will need to read and familiarise yourself with the case prior to the day of the event.** This is essential as you will need to be familiar with witness statements in order to assess whether or not the witnesses are sticking to their statement and whether or not the lawyers are introducing new evidence, as you will need to mark accordingly.
- Please also familiarise yourself with the order of procedure and the time allocations. The competition's roles and order of procedure do vary slightly from what happens in a real magistrates' court due to a number of restrictions. Please judge according to the competition, and not the way it is done in court.
- Teachers and students rely heavily on the feedback provided to them at the end of the trial. Please take the time to complete one form between the three of you to give to each of the teams, but prioritise filling in your judging sheet (there is an example of both a judging sheet and a feedback sheet form at the end of this guide).
- The students' performances should determine the judge's scores, rather than the merits of the case. The actual verdict reached in the trial is irrelevant to the score of the team.

Guidelines

1. Although you are part of a panel, you must not confer with each other
2. Do not average your marks with the other judges
3. At the end of each trial, add up your individual marks to determine the overall score for each team
4. Do not award half-marks
5. One team must score more than the other - draws are not permitted
6. Give your completed judging sheet and feedback form to the court steward or scorer (please ensure the top of the sheet has been filled out with school names it is as this will greatly assist the scorer)
7. Do not intervene in the proceedings at any time
8. **Please ensure marks are allocated based on the guidelines.**

Allocating marks

All students, with the exception of the lawyers, get a maximum of 10 marks. Lawyers get 10 marks for each part of their performance. The team also gets up to 10 marks for their overall performance.

Students must fulfill certain criteria to gain marks. Please see pages 5 to 7 for these criteria. Students **must fulfill all criteria required for the mark they are awarded.**

However, please use the "5-6" bracket of criteria as your benchmark from which to start and then mark up or down according to the criteria listed below. This benchmark guideline has been introduced to reflect teacher's concerns regarding differences in the number of marks awarded by the three different judges who form part of the same judging panel marking the same trial. Therefore, using a benchmark set of criteria as a starting point for allocating marks should help ensure that all judges use the same starting point whilst also adhering to the judging criteria structure.

Please ensure that the marks you award reflect the key general rules of the competition:

- Students should not read excessively from notes or speak from memorised scripts
- Students should not introduce new evidence that is not included in the witness statements
- Student should keep within the time limits set, though a few seconds over is okay.

Gender

To clarify, all of the names that we use in the cases are not gender-specific to enable the roles to be played by any student. The students should be prepared to refer to the person to whom they are actually speaking to (or about) at the trial on the day of the heat by the preferred pronoun of the actual person. It may be that though a student looks to be of one gender they would prefer another pronoun to be used, student lawyers have been asked to check this with witnesses.

The confusion lies where the students have practised the case with their teammates and the person playing the role on their team is of a different gender than the person playing the role at the actual trial. Please note that if the student does not follow this rule and adapt their questions, it is considered to be 'speaking from a memorised script' and they should be marked accordingly. Alternatively, if they do follow it, it is considered as part of 'responding spontaneously'.

Feedback forms

Please fill in the students' feedback form and hand them to the court steward with the completed judging sheets. The court steward will then ensure that the feedback forms are handed to the teachers at the end of local heats.

We can appreciate that the feedback forms can take a while to fill in however they are vital to give entrants an immediate idea of what they did well and what they could improve on. Teachers have said that the feedback forms are useful for their students' development. Please remember to give balanced and objective feedback. This feedback is meant to be encouraging so please refrain from being overly critical!

Judging Criteria

Lawyers:

Number of marks	Opening (4 mins) / Closing (4 mins) Speech	Examination-in-Chief (4 1/2 min)	Cross-Examination (4 1/2 min)
1-2	Lasts over four minutes	Lasts over four and a half minutes	Lasts over four and a half minutes
	Read completely from a script	Read completely from a script	Read completely from a script
	New evidence introduced	New evidence introduced	New evidence introduced
	Unclear or inaccurate	Excessive leading questions	Questions too long and complex
	Lacks confidence	Questions too long and complex	Questions don't take account of answers
3-4	Lasts over four minutes	Lasts over four and a half minutes	Lasts over four and a half minutes
	Mainly read from a script	Mainly read from a script	Mainly read from a script
	New evidence introduced	Some new evidence introduced	Some new evidence introduced
	Unclear or inaccurate in places	Asks some leading questions	Some questions too long and complex
	Lacks confidence	Some questions too long and complex	Questions often don't take account of answers
5-6	Four minutes or less	Lasts four and a half minutes or less	Lasts four and a half minutes or less
	Some reliance on a script	Some reliance on a script	Some reliance on a script
	No new evidence introduced	No new evidence introduced	No new evidence introduced
	Mainly clear and accurate	Very few leading questions	Most questions clear and concise
	Has some confidence	Most questions clear and concise	Some questions take account of answers
7-8	Lasts four minutes or less	Lasts four and a half minutes or less	Lasts four and a half minutes or less
	Little reliance on a script	Little reliance on a script	Little reliance on a script
	Information virtually all accurate	Almost no unnecessary leading questions	Nearly all questions clear and concise
	Mainly confident presentation	Nearly all questions clear and concise	Most questions take account of answers
9-10	Lasts four minutes or less	Lasts four and a half minutes or less	Lasts four and a half minutes or less
	Virtually no reliance on a script	Virtually no reliance on a script	Virtually no reliance on a script
	No new evidence introduced	No new evidence introduced	No new evidence introduced
	Information completely accurate	No unnecessary leading questions	All questions clear and concise
	Confident presentation	All questions clear and concise	Nearly all questions take account of answers

Other roles:

Number of marks	Legal Adviser	Magistrate
1-2	Frequently does not follow procedure	Frequently not attentive during trial
	Speech lasts over three minutes	Does not grasp facts of the case
	Inaccurate reading of Section 9 statement (s)	Does not contribute to the discussion
	Reads the main issues of the case only from what is provided	Does not apply the law in decision making or base the decision on what is said in court
3-4	Often does not follow procedure	Often not attentive during trial
	Speech lasts over three minutes	Grasps little facts of the case
	Inaccurate reading of Section 9 statement(s)	Contributes little to the discussion
	Mostly reads the main issues of the case from what is provided and uses little of their own words	Does not apply the law in decision making or base the decision on what is said in court
5-6	Sometimes does not follow procedure	Sometimes attentive during trial
	Speech lasts over three minutes	Grasps some of the facts of the case
	Some inaccuracies in reading of Section 9 statement(s)	Contributes to the discussion, but is not fair, impartial or is over-powering
	Has identified some of the main issues of the case using some of their own words	Applies some of the law in decision-making and mostly bases decision on what is said in court
7-8	Usually follows procedure	Usually attentive during trial
	Speech lasts three minutes or less	Grasps most of the facts of the case
	Reading of Section 9 statement(s) mainly accurate	Mostly contributes to the discussion fairly and mostly bases decision on what is said in court
	Has identified most of the main issues of the case in their own words	Applies most of the law in decision-making and mostly bases decision what is said in court
9-10	Always follows procedure	Attentive during trial
	Speech lasts three minutes or less	Good grasp of the facts of the case
	Reading of Section 9 statement(s) accurate	Contributes to the discussion fairly and impartially without being overpowering
	Has identified all of the main issues of the case in their own words	Applies the law in decision-making and bases decision on what is said in court

Number of marks	Witness	Usher
1-2	Responses not spontaneous	Frequently does not follow procedure
	New evidence introduced	Frequently does not deal with disruptions
	Not convincing	
	Lacks confidence	
3-4	Responses often not spontaneous	Often does not follow procedure
	Some new evidence introduced	Often does not deal with disruptions
	Often not convincing	
	Lacks confidence	
5-6	Responses sometimes spontaneous	Sometimes attentive during trial
	No new evidence introduced	Sometimes does not deal with disruptions
	Often convincing	
7-8	Responses often spontaneous	Usually follows procedure
	No new evidence introduced	Usually deals with disruptions
	Usually convincing	
	Mainly confident presentation	
9-10	All responses spontaneous	Always follows procedure
	No new evidence introduced	Always deals with disruptions
	Always convincing	

Number of marks	Overall team performance
1-2	Do not work as a team
	Impression that the students don't understand what they are doing
3-4	Often do not work as a team
	Impression that the students sometimes don't understand what they are doing
5-6	Sometimes do not work as a team
	Impression that the students usually understand what they are doing
7-8	Usually work as a team
	Impression that the students usually understand what they are doing
9-10	Always work as a team
	Impression that the students completely understand what they are doing

Order of Procedure

Role	Event (Spoken lines in bold type)	Timing
BEGINNING OF TRIAL		
Usher	'Court rise'	N/A
Everyone	Stands	
Usher	Lead magistrates into courtroom	
Magistrates	Enter the court, bow and sit. Lawyers and court staff bow in return	
Everyone	Sits	
Legal Adviser	Stands. 'The prosecution is represented today by [names] and the defence by [names]' . Gives the ID slips to the lead magistrate	
Legal Adviser	Legal adviser asks the defendant to stand	2 minutes
Defendant	Stands	
Legal Adviser	'What is your name?'	
Defendant	'My name is...'	
Legal Adviser	'Is your address...?'	
Defendant	'Yes'	
Legal Adviser	'Is your date of birth...?'	
Defendant	'Yes'	
Legal Adviser	'Are you represented by...?'	
Defendant	'Yes'	
Legal Adviser	'You are charged with...' (insert charge from Case Outline here). 'Do you understand?'	
Defendant	'Yes'	
Legal Adviser	'How do you plead?'	
Defendant	'Not guilty'	
Legal Adviser	To the magistrates: 'We are in a position to proceed with the trial today. May the defendant be seated?'	N/A
Lead Magistrate	Gives the defendant permission to sit down.	
CASE FOR THE PROSECUTION		
1st Prosecution Lawyer	Makes the opening speech	4 minutes
1st Prosecution Lawyer	Calls the 1st prosecution witness	N/A
Usher	Leads the witness to the witness box. Asks them to repeat this affirmation: 'I do solemnly, sincerely and truly declare and affirm that the evidence I shall give shall be the truth, the whole truth, and nothing but the truth'	
1st Prosecution Witness	Repeats affirmation	
1st Prosecution Lawyer	Examination-in-chief of 1st prosecution witness	4 1/2 minutes
1st Defence Lawyer	Cross-examination of 1st prosecution witness	4 1/2 minutes

Usher	Leads the 1st prosecution witness back to his / her seat	N/A
2nd Prosecution Lawyer	Calls the 2nd prosecution witness	
Usher	Leads the witness to the witness box. Asks them to repeat this affirmation: 'I do solemnly...' (as above)	
2nd Prosecution Witness	Repeats affirmation	
2nd Prosecution Lawyer	Examination-in-chief of 2nd prosecution witness	4 1/2 minutes
2nd Defence Lawyer	Cross-examination of 2nd prosecution witness	4 1/2 minutes
Usher	Leads 2nd prosecution witness back to his / her seat	N/A
1st Prosecution Lawyer	Asks legal adviser to read Section 9 statement	
	Please note the legal adviser cannot read the Section 9 statement unless prompted to do so by the 1st prosecution lawyer	
Legal Adviser	Reads Section 9 statement	Up to 3 minutes
2nd Prosecution Lawyer	'This is the case for the prosecution'	N/A
CASE FOR THE DEFENCE		
1st Defence Lawyer	Calls the defendant	
Usher	Leads defendant to the witness box. Asks them to repeat this affirmation: 'I do solemnly...' (as above)	
Defendant	Repeats affirmation	
1st Defence Lawyer	Examination-in-chief of defendant	4 1/2 minutes
1st Prosecution Lawyer	Cross-examination of defendant	4 1/2 minutes
Usher	Leads defendant back to his / her seat	N/A
2nd Defence Lawyer	Calls 2nd defence witness	
Usher	Leads 2nd defence witness to the witness box. Asks them to repeat this affirmation: 'I do solemnly...' (as above)	
2nd Defence Witness	Repeats affirmation	
2nd Defence Lawyer	Examination-in-chief of 2nd defence witness	4 1/2 minutes
2nd Prosecution lawyer	Cross-examination of 2nd defence witness	4 1/2 minutes
Usher	Leads 2nd defence witness back to his / her seat	N/A
1st Defence Lawyer	Makes closing speech. 'That is the case for the defence'	4 minutes
CONCLUSION OF THE TRIAL		
Legal Adviser	Summary of the law for the magistrates	3 minutes
Usher	'Court rise'	N/A
Everyone	Stands	
Magistrates	Retire to consider their verdict	15 minutes
Usher	'Court rise'	N/A
Everyone	Stands	
Usher	Leads magistrates into courtroom	
Magistrates	Enter the court. Bow to the court before sitting. Lawyers and court staff bow in return	
Everyone	Sits	

Important Notes

- Do not award half marks
- Make sure the Total Marks for each team are not the same
- Give your completed sheet to the Court Steward as soon as possible
- Don't forget to award mark for overall team performance

Judging Sheet

Judge's Name		Court No.	
Prosecuting Team (red badges)			
Defending Team (blue badges)			
Final Verdict (tick)	Guilty	Not Guilty	

Stage in the Trial	Time	Prosecution (Red Badges)	Max	Defence (Blue Badges)	Max
Prosecution opening speech	4		10		
Examination-in-chief of 1st pros. witness	4 1/2		10		
Cross-examination of 1st pros. witness	4 1/2				10
1st prosecution witness			10		
Examination-in-chief 2nd pros. witness	4 1/2		10		
Cross-examination of 2nd pros. witness	4 1/2				10
2nd prosecution witness			10		
Examination-in-chief of defendant	4 1/2				10
Cross-examination of defendant	4 1/2		10		
Defendant					10
Examination-in-chief of 2nd def. witness	4 1/2				10
Cross-examination of 2nd def. witness	4 1/2		10		
2nd defence witness					10
Defence closing speech	4				10
Legal Adviser (<i>overall role</i>)	2/3/3		10		
Usher (<i>overall role</i>)					10
Magistrates (<i>performance in retiring room</i>)	12				
Red Team 1			10		
Red Team 2			10		
Red Team 3			10		
Blue Team 1					10
Blue Team 2					10
Blue Team 3					10
Team performance mark			10		10
Total Marks			120		120
Total Marks - checked by scorer			120		120

Judges' Feedback Form *completed by** _____ *(*please initial all judges*)*

Name of School: _____ (Prosecuting / Defending?)

Feedback for the school teacher / coach - Please highlight any areas of this school's performance you found particularly strong, or that could be improved for next time -	
Tick of applicable:	Please comment on any area highlighted:
Team generally well prepared? Or should I allow more rehearsal time?	
Knowledge of the Statements generally? Did they know the facts?	
Were questions accurate / appropriate?	
Any issues with 'leading questions'?	
Were follow up questions based on answers?	
Any issue with time keeping?	
Any issue following procedure?	
Was it easy to hear everyone clearly? Were they loud enough?	
How were out Magistrates in the retiring room?	
Main area we gained points:	
Main area we lost of didn't gain points?	
Any additional comments on individual or the team performance today?	



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