PBA YLD Mock Trial Program
Overview of the Program

• The PBA YLD Mock Trial Program is almost 40 years old.

• Operated by the Pennsylvania Bar Association Young Lawyers Division.

• Generally, the competition is overseen mostly by volunteers from across the Commonwealth.
Overview of the Program

• One of the largest mock trial competitions in the nation - having almost 300 teams last year representing almost 250 schools.

• Teams consist of a minimum of 6 students
  • 3 witnesses

• 3 lawyers
Purpose of the Program

• Educate students on the judicial system.

• Provide students a firsthand opportunity to see our courts in action.

• Allow students to interact with the legal system in a positive manner.
Eligibility

• Any Pennsylvania school, home schooling group or other sanctioned organization may enter teams consisting of students from 9th through 12th grade.

• The method of team selection is left to the discretion of the individual school, group or organization.
Eligibility

• To be eligible to participate, a student must be enrolled in the 9th to 12th grades of a Pennsylvania secondary school, or be homeschooled and be a resident of Pennsylvania.

• Except as otherwise provided by the competitions rules, a student is eligible only at the school at which the student is enrolled.
Eligibility - Home School Students

• Home-schooled students are eligible to compete in the statewide mock trial competition as follows:

  • If the public school district in which the student resides sponsors a participating mock trial team, the home-schooled student must tryout/compete with that school’s team.

  • If the public school district in which the student resides does not have a participating mock trial team, the home-schooled student may participate with a team of other similarly-situated home-schooled students as set forth by the rules.
Eligibility - Home School Groups

• A team may be formed of students who are home-schooled, provided the students are eligible to compete AND do not reside in a district that has a team.

• The students on such team may reside in multiple public school districts. With the approval of the regional coordinator, a home school team must pick a county of residence and participate with other teams in that county for the entire season.

• The county chosen must have a logical geographical nexus to the residency of the students who make up the home school team. A home school group must receive permission of the Executive Committee before participating.
Eligibility

• Alternative School, Magnet School, Vocational-Technical, Charter School and Cyber-Charter School Students are eligible to tryout/compete in the statewide mock trial competition only at the school in which the student is enrolled if that school sponsors a mock trial team.

• With the approval of the regional coordinator, schools covering more than one county must choose a county of residence and participate with other teams in that county for the entire season. If the school does not sponsor a mock trial team, the student may participate at the public school of the student's residence.
Student Composition

• No limit on the number of students permitted to participate on a mock trial team.
Number of Teams

- A school may register up to 2 teams (a 3\textsuperscript{rd} with permission).
- There are restrictions placed on schools with more than 1 team.
Advisors

• Each team must have a teacher coach.

• Each team *can, but is not required*, to have an attorney coach.
  
  • Does not have to be an attorney in Pennsylvania.
  
  • Does not have to be an active or licensed attorney.
  
  • Attorney advisor recruited by the school.
NOTE!

• The school district sponsoring a team or teams needs to make sure that volunteers have the proper clearances to work with the students in the district.
Competition Regions

• All Pennsylvania teams are assigned to compete in one of ten (10) geographic mock trial Regions.

• Each Region may be further divided up into Districts.
District Competition

- Each team will participate in at least two trials against other teams within the same district, or within the same region if no district divisions exist.

- Some local competitions may provide for additional rounds.

- Pairings for the district competition will be made by the district coordinator or by the regional coordinator in regions without district divisions.

- Every team will switch sides in the case for the second round of competition, unless unavoidable.
District Competition

• Individual counties may sponsor a countywide competition. The winners of individual county competitions will also be eligible for the district champion title. When necessary, a district playoff will be scheduled between county champions to determine the district champion team.

• The district champion teams in each region compete to determine the regional champion.

• No team may be eliminated from district competition if it has not lost either of its first two trials.
Regional Competition

• The regional competition will consist of a regional final, and, in some cases, regional semifinals.

• Regional semifinals will be held in regions with three or more districts but are optional in regions with two or less districts.

• In regions with three districts, the three district winners and the second place team from the district with the greatest number of participating teams should compete in the semifinals. The method of determining matchups for regional semifinals is to be made by the regional coordinator. This method should be communicated to the teams prior to the start of regional competition.

• All Regional champions will advance to the State Competition.
Competition Schedule

- November 1 - Application Deadline/Problem Distributed*
- November to January 2020 - Case Preparation
- December 6 - Conflict Deadline Due
Competition Schedule

• January 6 to February 14, 2020 - District Competition

• February 17-21, 2020 - Inclement Weather Week

• February 24 to March 6, 2020 - District Playoffs

• March 9-13, 2020 - Regional Playoffs

• March 27-28, 2020 - State Championship Weekend
Competition Officials

- State Committee
- Regional Coordinators
- District Coordinators
State Committee

• Co-Chairs:
  • Jonathan D. Koltash
  • Jennifer Menichini

• Committee:
  • Paul Kaufman
  • Jonathan Grode
  • Jane Meyers
  • David Trevaskis
  • Maria Engles
Regional/District Coordinators

• Young lawyer volunteers from across Pennsylvania.

• Responsible for:
  • Overseeing the local competitions;
  • Arranging for courts, judges, and jurors;
  • Scheduling competitions;
  • Communicating with schools; and
  • Dealing with disputes
Competition Problem

• Complex problem drafted uniquely each year for Pennsylvania.

• Consists of witness statements, pleadings, and exhibits.

• Alternates between civil and criminal
  • 2020 is a civil case
Flow of the Competition

- Opening
- Plaintiff/Prosecution's Case
- Defendant’s Case
- Closing
• https://www.youtube.com/watch?v=VxtLuwXpkmw
Opening / Closing – Time over maximum:
0 to 15 seconds (grace period)  0  points
16 to 45 seconds  2  point
:46 to 1:15  4  points
1:16 to 1:45  6  points
1:46 to 2:15  8  points
etc.

Testimony Portion – Time over 30 min. max:
0 to 15 seconds (grace period)  0  points
:16 to :45  2  point
:46 to 1:15  4  points
1:16 to 1:45  6  points
1:46 to 2:15  8  points
etc.
Presiding Judges vs. Scoring Judges

- In most districts and regions, real judges from the Courts of Common Pleas or United States District Courts serve as judges for the competition.

- The jurors (and in some cases paralegals or law students) who are lawyers who volunteer to serve as scoring judges for the competition.
Teaching Tips

• Attorneys can be of assistance to the teacher by participating in discussions concerning the introduction to general law involved in this case; procedures in civil/criminal trial; burden of proof; rules of evidence (explain only simplified rules of evidence); law relevant to the case provided in the materials.

• Brainstorming is a good teacher technique to use for case preparation. Teachers should elicit ideas from students rather than spoon-feed them. Use this technique in reviewing steps of a trial, identifying important facts in the case, identifying important issues, developing arguments, deciding what should be included in opening and closing statements, questioning techniques
Teaching Tips

• During group work, attorneys can take one group and teachers another.

• All participants must be thoroughly familiar with the simplified rules of evidence and rules of competition.

• It is important to de-emphasize the competitive aspects of the experience and to stress the educational benefits and enjoyment.
Teaching Tips

• Some of the more difficult things for students to learn are:
  • to phrase questions on direct examination that are not leading;
  • to introduce documents or physical evidence;
  • to follow the formality of court;
  • not to ask so many questions on cross-examination that well-made points are lost. Students should be encouraged to recognize what answers to questions made good points so that they know when to stop
  • to tell what they intend to prove in an opening statement and to argue that the facts and evidence presented have proven their case.
Teaching Tips

• As soon as possible, student attorneys should begin formulating questions for use in examination of witnesses, and student witnesses should rehearse their testimony; student preparation will progress more rapidly by simulating actual conduct of the trial than by merely conducting general classroom discussion of the steps in the trial.

• Courtroom etiquette and decorum should be stressed at practice and observed at trial (e.g., standing when addressing the court, calling the judge “Your Honor”).
Teaching Tips

• Each attorney should be prepared for interruptions due to objections from the opposing team - or possibly from the judge - on matters such as the relevance of questions or the rationale of the arguments during the closing argument. However, teams are forbidden from objecting during the opposing team’s opening statement and closing argument.

• The witness statements should not be read verbatim in the trial. They serve merely as a point of departure for oral testimony. However, testimony must not be inconsistent with facts set forth in the witness statements.
• The attorney should not do the work of the students. The Rules of
  Competition and Code of Ethical Conduct prohibit attorney
  advisors from drafting statements or questions for the students to
  read or perform verbatim.

• Taking the opportunity to learn from the drafting process away
  from the students hurts their education in the long run, even if it
  may make their performance seem better in the short term.
Rules of Evidence

• The Rules of Evidence (Pa. Mock Trial Version) are fashioned after the Federal Rules of Evidence but have been modified and simplified for the purposes of this mock trial tournament.

• Other more complex rules are not to be raised during the trial enactment.
Time Keepers

• Time is kept, during the district and regional rounds, by an official time keeper.

• Teams can have a student timekeeper as well.
Other “Rules”

- Code of Civility
- Code of Ethics
Available Resources

• PA Bar Association YouTube Page

• PBA YLD Mock Trial Program
  • How To - Tips for Students
  • Mock Trial Learner Outcomes
  • Guidelines
  • Mock Trial Rules/Materials
• The State Champion is sent to the National Mock Trial Competition.

• Travel is covered by the PBA YLD.

• This year’s National Competition is May 6-9, 2020 in Evansville, Indiana.