

Berkeley Law

Competitions

2025 BALES TRIAL COMPETITION RULES

Rule 1. CASE PROBLEM

Each year, this competition involves a criminal case problem. This year's case will be *People of the State of California v. Jordan Breyer*. Please note that the allegations involve among other topics the difficult issues of gun handling/discharge, bodily harm, and death. All teams will receive the case problem at the same time to allow equal periods of preparation.

Procedural Matters:

- All facts and materials necessary to try the case will be in the case problem that team members receive. No outside case law or research is permitted or allowed. All materials included as part of the case problem shall be deemed as originals and authentic unless otherwise noted or established by the evidence. All documents that appear to have been sent to or by a witness are considered as having been sent or received by that witness. Nothing in this rule precludes the case problem from providing different instructions.
- Any depositions were given under oath as a full, accurate, and complete description of all material events that occurred. No team is permitted to impeach a witness by arguing the signature on a deposition is not an accurate signature.
- Other than what is supplied in the case problem itself, there is nothing exceptional or unusual about the background information of any of the witnesses that would enhance or diminish their credibility.
- No motions in limine or motions during trial will be permitted. You may ask the judge at the start of trial (before opening statements) whether they require permission to approach for attorney movement around the courtroom (such as approaching witnesses, the judge, the jury, and opposing counsel's table).

Rule 2. DEMONSTRATIVE EXHIBITS / POWERPOINTS

No pre-prepared demonstrative exhibits or PowerPoint will be allowed. We cannot guarantee the ability to use PowerPoint for every room assignment. Moreover, the goal of this competition is for advocates to develop the foundation of trial skills and focus on crafting solid trial pieces –opening statement, closing argument, direct and cross examinations.

Rule 3. OBJECTIONS

The objections outlined in Appendix A of the scoring rubric (and only these objections) will be used in the competition. Please note this list does *NOT* include some objections you may be familiar with, such as hearsay.

Objections made during trial should be brief: state the name of the objection and explain concisely why it is being made (apply the objection rule to the facts/question at issue). Given the logistics involved in this competition, timekeepers will not be pausing time for objections.

Please note: In the interest of ensuring fairness and equity between teams, only the attorney who examines a witness may make and respond to objections for that witness.

Rule 4. STUDENT ELIGIBILITY & TEAM ASSIGNMENTS

All Berkeley Law 1L students (excluding members of Berkeley Law's Board of Advocates Trial Team) are eligible to participate.

A maximum number of 40 students (20 teams of 2 students each) can participate in the Bales Trial Competition due to logistical and resource limitations. If the maximum number of participants is reached, a waitlist will begin. We often need to call up students from the waitlist and encourage students to attend all trainings just in case, as well as to further their own learning.

Each team will randomly be assigned to either prosecute or defend the case. Individual preferences cannot be taken into consideration out of fairness to all participants and in recognition of competition logistics.

Both team members must participate in each trial. One team member must make the opening statement and the other team member must make the closing argument. One team member must do the direct examination and the other team member must do the cross examination.

Please note: Registering for the competition means committing to participating through its completion, including the final round should your team advance. Any decision to drop out after registration will necessarily have negative consequences for fellow teammates, fellow competitors, volunteer judges, and the competition organizers. Out of respect for all of those involved, all participants are expected to honor this commitment.

Rule 5. COMPETITION LOGISTICS

A. Witnesses

Testifying witnesses: For this year's case, the Prosecution must call Deputy Avery Laycook (any gender). The Defense must call Jordan Breyer (any gender). Each team is responsible for bringing and preparing the 1 witness denoted for their side. Witnesses may not be current or former mock trial team members.

Necessary inferences: Witnesses may testify to necessary and inevitable inferences drawn from the case, such as the witness' background. This is NOT a fact that you might wish to be true, nor is it a fact that is merely possible or consistent with other facts in the case.

(For example, if your witness is a doctor, it is a necessary inference that they went to and graduated from medical school. However, it is not a necessary inference that the doctor received any undisclosed specialized training, like training in radiation oncology.) During cross-examination, an advocate may question the witness about necessary inferences based on the problem materials. This is permissible because the witness depositions are full and complete statements of everything the witness knows. (For example, if a doctor is testifying and the record is completely silent on whether the doctor checked the patient's heart rate, it is a necessary inference that the doctor did not do so. If asked about the absence of this information, the witness must admit the patient's heart rate wasn't determined because the case problem does not indicate that this occurred.)

Inappropriate witness behavior: It is not appropriate to draw on stereotypes for any reason. Witnesses should not be "putting on a character" or using any sort of accent or costume as part of a "performance." This trial competition hypothetically addresses real world situations and consequences. It is not a theater, nor should it be treated with attempts at inappropriate levity or humor by witnesses or attorneys for that matter. Witnesses are also not permitted to invent facts but can make necessary inferences (see rule above).

Potential scoring penalties: While witnesses are not scored directly, the violation of these rules by any witness can result in point deductions for the team at the discretion of the scoring judges.

B. Timekeeping

Each side will have a total of 60 minutes to do all their trial pieces -- opening, witness examinations (direct and cross), and closing. Each room will have an assigned timekeeper who is a member of the Berkeley Law Trial Team. While it is common practice in some other mock trial advocacy competitions to pause time for any objections, in this competition given the logistics involved timekeepers will *NOT* be pausing time for objections.

The prosecution, at their discretion, can reserve time up to 5 minutes of their time for a rebuttal after the defense's closing statement.

Word to the wise: You may want to independently monitor the time you use in your segments to ensure sufficient time for your team's closing argument. It would be prudent to ask for a time check after you complete your case-in-chief or before you start your closing. Team members will be asked to conclude their pieces when time has run.

C. Schedule

The preliminary round trials will last approximately 120 minutes (60 minutes per side), followed by an additional 10-15 minutes of feedback from the judges (time permitting).

All judges will be expected to arrive at least 30 minutes in advance for the judge's training.

The top prosecution and defense team will each advance from preliminary rounds to the final round, which will consist of one trial that follows the parameters above.

Rule 6. JUDGES

Competition organizers will strive to provide two scorers per round, to consist of a presiding judge (usually an outside practitioner) and a timekeeper (a Trial Team member). Both positions shall score. Only the presiding judge will be the only one ruling on objections. All final round scorers will be current legal practitioners and/or sitting judges.

The preliminary round scorers will fill out scoring sheets immediately after the round concludes without being able to discuss their thoughts amongst each other. The maximum points any team can get will be 70 points (see Rule 7).

At the end of each round, the scorers will share their substantive feedback and comments on trial preparation. Written feedback from the scorers (if available) will be provided to team members via the Bales Directors no later than the day after trial occurs.

Rule 7. SCORING

A total of 70 points are possible in each trial. Below is an outline for how the points are divided between each piece of the trial, as well as a suggestion for how teams might consider dividing their time:

- Opening Statement: out of 20 points per side (7 minutes each side)
- Direct Examination: out of 15 points per direct (~15 minutes per direct)
- Cross Examination: out 15 points per cross, (~15 minutes per cross)
- Closing Argument: out of 20 points per side (~12 minutes each side)

The winner is declared to be the team with the highest points. Scorekeepers are instructed not to score on the merits of the case but rather on the skills demonstrated by the advocates. Witnesses are not scored, except for a penalty to the extent that they create unfair material facts or improperly create a character.

Scores will be tabulated by the tournament directors. In the preliminary rounds, defense teams will be scored against defense teams and prosecution teams will be scored against prosecution teams. This ensures that participants only need to prepare one side of the case and that no one will be required to switch so that there are opposite pairings for the finals. In the final round, the top prosecution team will go head-to-head with the top defense team. At the trial's conclusion, the two teams will be scored against each other and the final round judges will briefly deliberate.

Participants are encouraged to familiarize themselves with the Evaluation Criteria that will be provided to judges (see Appendix B of the scoring rubric).

As in years past, scores for this introductory competition will not be released. The primary focus of this experience for first-year law students is to develop your trial skills through **practice, training**, and the receipt of **oral and written feedback** from legal practitioners and mock trial members.

Rule 8. OBSERVERS

Preliminary Rounds: The competitors, witnesses, coaches, and judges assigned to each mock trial round are the only people permitted to attend and observe each preliminary round. No one else is permitted to attend your mock trial round out of respect for the competitors, to discourage scouting, and to avoid unnecessary distractions.

Final Round: The final round is open to the Berkeley Law community and will be video/audio recorded.

Communicating with observers: Competitors may speak with their coach and witness when the court calls a brief recess (i.e. at the end of the cases in chief). Otherwise, coaches and witnesses should not be communicating with competitors.