

# California Mock Trial Clerk, Unofficial Timer, and Bailiff Notes

## 1. General Rules

- When you enter the courtroom, introduce yourself and state your role (bailiff, clerk, or unofficial timer) to the presider and scoring attorneys.
- Speak loudly and clearly.
- Clerk and bailiff distribute your team's roster to the presider, scoring attorneys, and opposing team.
- Maintain courtroom appearance - do not move anything unnecessarily; if you must move something, put it back exactly the way it was when you arrived.
- Act professionally and responsibly - you are officers of the court.
- Duties are identified in case packet.

## 2. Clerk

- Primary responsibility: Official neutral time keeper for the trial. Must also keep accurate time for both teams, show time remaining cards, complete time sheet, and give to the presider at the conclusion of the trial.
- Bring to each trial: timing device, time sheet, time remaining cards, and pencils (x2). Calculator and clipboards are optional.

### Before the trial:

- Enter the courtroom; take your position at the end of the jury box closest to the spectators and away from the scoring attorneys.
- Both the official and unofficial clerks must sit together and ensure you can be easily seen by counsel and the presiding judge.
- The official and unofficial clerks should discuss the visual clues to assist in starting and the auditory and visual clue for stopping time throughout the trial.
- On the time sheet, complete the form with your name, presider's name, round number and school codes.

### During the trial:

- Work with the unofficial timer as a neutral team to ensure time is kept accurately for both sides.
- Start timing only when each attorney starts to speak, (i.e. first word of pretrial, opening, closing, direct, and cross examination). Examples include but are not limited to:

“May it please the court...

“Your Honor...

“Please state your name for the court...” (for witness examinations)

- Time is STOPPED:
  - For all judge-initiated interruptions
  - When witnesses are called, escorted to the stand and sworn in (resume once attorney begins to speak)
  - When an objection is raised, and the time taken to argue it (resume when presider rules on objection)
  - When the judge questions witnesses
  
- Time is NOT STOPPED:
  - During the introduction of evidence
  - When a witness is asked to approach an exhibit
  
- DO NOT round off the time, measure to the whole second.

### **Time Cards**

- The clerk is responsible for giving visual warnings only for “2 min.,” “1 min.,” and “30 sec.” using time remaining cards before the end of each category.
- The clerk will automatically stop students both visually using the “STOP” time card and verbally by announcing “Stop!” at the end of allotted time for each section.
- Time cards are to be displayed in a manner that student attorneys and presider can see them.

### **Pretrial Time Sheets**

- Total time is 6 minutes.
- Pretrial motion – 4 minutes for statement, 2 minutes for rebuttal
- 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.

### **Time Sheets**

- Total time is 34 minutes.
- Opening, Closing – nine minutes and rebuttal – one minute TOTAL.
- Direct & Re-Direct for ALL 4 witnesses – 14 minutes TOTAL.
- Cross-Examination for ALL 4 witnesses – 10 minutes TOTAL.
- After closing arguments, each team may use one minute for rebuttal. Rebuttal time does not have to be formally reserved.
- 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.

### **After the trial**

- Add the subtotals and complete the time sheet.
- Time the 10 minute debrief and use the time cards to visually let the president and attorneys know the time remaining of “2 min.,” “1 min.,” and “30 sec.” Then verbally and visually “STOP” the debriefing when time is done.
- At the conclusion of the debrief, give the final time sheet to the president.

### **3. Unofficial timer**

- Any official team member may serve as an unofficial timer. Review the clerk notes above.
- The unofficial timer must introduce themselves and must sit next to the clerk.
- If timing variations occur 15 seconds or more at the completion of any task during the trial, the timers will notify the judge immediately that a time discrepancy has occurred. Any time discrepancies less than 15 seconds are not considered a violation.

### **4. Bailiff**

- Primary responsibility: Calling court to order & swearing in witnesses. Additionally, the bailiff must bring a copy of the “Team Rulebook and Case packet,” should the judge need to clarify an issue or question.
- When calling court to order or swearing in witnesses, use language in case packet.
- Along with the script outlined in the case packet, remind audience to turn off all cell phones. There is ABSOLUTELY NO FOOD allowed in the courtroom. Water is OK. If guests must step outside they should do so quietly in order to avoid disrupting the participants.