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Ruth R. Wagoner

Bellarmino University, rwagoner@bellarmine.edu

R. Adam Molnar

Bellarmino University

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How Attorneys Judge Collegiate Mock Trials

Ruth R. Wagoner & R. Adam Molnar

Abstract

In collegiate mock trial competition, practicing attorneys who don't coach or know the participating schools judge the students' persuasive skill. Fifty-six attorneys were interviewed after they judged collegiate mock trials. They were asked which student behaviors they rewarded, which behaviors they punished, and overall which team presented more effectively. The attorneys' responses were grouped into thematic categories and arranged by priorities. Attorneys were consistent in what they said they valued in student performances. Interviewees' answers to the question about overall team performance were compared with the numeric ballots. If global assessment were included, it would change the outcome of a substantial number of trials, which raises the question if such an item would have the same effect on any graded competition.

Keywords: mock trial, judging speech competition, scoring ballots

The Nature of the Soul

How Attorneys Judge Collegiate Mock Trials

According to Aristotle, persuasion is always aimed at the audience. Commenting on the text, Cooper (1932) noted, "a speech is to be judged by its effect upon someone. Since discourse has its end in persuasion, the speaker or writer must know the nature of the soul he wishes to persuade" (p. xx). In collegiate mock trial, the holder of the soul is the trial evaluator, the judge. Typically attorneys from the local community, judges receive a short set of standardized instructions and then assign point scores for each student's performance based on a common rubric. Additionally, judges often provide the contestants written critiques of their performance.

Mock trial merits study as a form of persuasion for several reasons. Because the teams each represent one side of a legal dispute, it is adversarial; because the courtroom has strict rules of decorum and evidence, it is highly structured; and because the student attorneys react to opposing lines of argument, it is interactive. Yet, despite the unique elements, the essence of a trial is persuasion, to convince a judge or jury. An examination of judges' comments about points awarded and withheld suggests how to improve persuasion in a mock trial. To that end, this paper reports on interviews that explored mock trial judges' content and language in explaining how they assigned points. The analysis section identifies common topics and language used by the attorneys when they were asked about their scoring decisions. While judges cited different examples of strong and weak behavior, there was surprising uniformity in the topics cited by the interviewees. This thematic analysis provides an informal example of inter-rater agreement.

About Collegiate Mock Trial

At the undergraduate level, Mock Trial is governed by the American Mock Trial Association (AMTA). About 275 schools participate in AMTA, including 17 of the top 20 schools in the US News rankings (“National University Rankings”, 2011). At the beginning of each year, teams are given a fictional legal case, complete with witness affidavits, applicable case law, and a slightly modified version of the Federal Rules of Evidence. Teams of six students, three attorneys and three witnesses, prepare cases for both the plaintiff/prosecution and the defense. At a college mock trial tournament, teams compete against teams from other schools, arguing one side of the case per round. Teams switch sides of the case in successive rounds. Trials last from 1.5 to 3 hours; in most tournaments, teams compete in four rounds over a weekend.

For each tournament, hosts recruit volunteers to serve as judges. Almost all scorers are attorneys from the community in which the competition is held. At championship level tournaments, AMTA requires all judges be attorneys. Coaches or others affiliated with a team are not considered suitable judges. This standard is met at most non-championship competitions, including the two in this study. The evaluators do not know which schools the teams represent; college names are concealed during the round. Judges score each trial using a ballot standardized by AMTA (see Appendix). Each side receives point scores for 14 functions during the trial. Each attorney and each witness receive a score for both direct examination and cross examination. The opening statement and closing argument for each side are scored separately. For each function, teams can receive up to 10 points. The team with the higher total score wins the ballot of that judge; ties are possible. Most often, two attorneys working independently score each trial. It is common for judges’ ballots to differ on the cumulative score for the trial.

As the sponsoring organization for college mock trial, AMTA has developed a standardized set of instructions for trial judges, which almost all tournaments use, including those in this study (AMTA, 2009). An AMTA committee developed these directions to provide uniformity in application of the point-scoring criteria listed on the ballot. The numeric scores on the ballot are the only official means of evaluating performances in the trial. While the judges may provide oral and written commentary to the teams, the words have no effect on the decision.

Literature Review

Despite 25 years of AMTA competition, little academic research has been published about intercollegiate mock trial. There is one book, *Pleasing the Court*, (Vile, 2005) describing intercollegiate mock trial, which is a resource for those interested in competing or learning about mock trial. It describes in some detail how to start a mock trial program and develop a competitive team. Wagoner (2005) argued AMTA mock trial was an excellent vehicle for teaching critical thinking skills. She contended the adversarial nature of the courtroom, combined with public presentation, worked better than pencil and paper tests. In 2005, Walker applied an Aristotelian rhetorical analysis to AMTA mock trials,

concluding students who used appeals to logic, emotion, and credibility would be able to capitalize on the available means of persuasion to “achieve the verdict and the points desired” (p. 286). Zeigler and Moran explored judges’ gender stereotypes when evaluating student performances. Based on their analysis of ballots, direct observation, and interviews with coaches, they concluded females who acted like men scored higher (2008, p. 201). Most recently, Noblitt, Zeigler, and Westbrook examined AMTA ballots for gender bias. They concluded “that comments and assessment criteria may diverge and that the sex of both the evaluator and the student may be important” (2011, p. 136).

Other articles address the use of mock trial simulations in the classroom, such as those by Lassiter and Feser (1990) and Beck (1999). Carlson and Russo (2001) used college students as mock jurors to study pre-decisional distortion. They found both students and potential jurors spotlight evidence that is consistent with their current beliefs about the case. Navarro (2004) identified behaviors of law enforcement officials that positively and negatively affected their credibility with jurors.

Unlike mock trial, “A great deal of research focusing on the use of the individual event ballots can be found in the forensic literature” (Jensen, 1997, p.4). This research examined ballots using content analysis (Carey & Rodier, 1987; Cronn-Mills & Croucher, 2001; Dean & BeNoit, 1984; Edwards & Thompson, 2001; Elmer & VanHorn, 2003; Jensen, 1997; Klosa & DuBois, 2001; Mills, 1991). Typically, the researchers “allowed the categories to emerge from the data” (Cronn-Mills & Croucher, 2001), sorting scorers’ comments into classifications (Cronn-Mills & Croucher, 2001, Dean & BeNoit, 1984; Edwards & Thompson, 2001; Jensen, 1997; Klosa & DuBois, 2001; Mills, 1991).

Elmer and Van Horn sorted scorers’ comments into positive and negative categories before they were compared to criteria for assessment. They used key words to separate the comments into five categories relevant to oral interpretation (2003). Carey and Rodier (1987) used a non-frequency content analysis in which they counted the number of comments on each ballot before sorting the comments into six categories. Three articles from a special edition of Communication addressed practices for judging intercollegiate debates (Klopf, 1972a, 1972b, 1972c).

In an article reprinted from 1919, Westfall noted, “we are naturally interested in finding out what people make the most satisfactory judges” (2000, p. 11). He argued debaters should be judged by their “power to convince and persuade” and the best judge of this was the “average, intelligent individual” (p. 12). Nicolai (1987) compared professional and lay judges’ decisions by contrasting undergraduates’ unofficial, untabulated ranking sheets against professional judges’ scores. The results showed that differences in decisions are typical within the professional judging ranks, as well as between lay and professional scorers. Nicolai did not argue that one type of judge was superior to the other. Rather, he offered an explanation of why the two types of judges might score performances differently. He described forensics as an “art form with many rules” and suggested this set of rules “may be the real cause for the dissimilar rankings” (Nicolai, 1987, p. 11).

Opsata (2005) also examined differences in judges' experience when she compared the ballots of experienced and inexperienced judges in the 2005 California High School Speech Association state tournament. She compared ballots from rounds scored by both experienced people, who had previously judged more than three tournaments, and those without experience. The results showed more than half the time (65.5%) the judges agreed. The rate of agreement was similar to results from three national tournaments that used only experienced judge panels.

Because AMTA mock trial relies primarily on attorneys without any affiliation with mock trial programs, the question of experienced versus inexperienced judges is not as pressing as what will judges score well and what will they penalize. The question, implicit in all these articles, is how best to coach. In collegiate mock trial, the lawyers who judge the competition are required to assign numbers to each student's performance. This study explored the words judges used when describing their scoring process. The authors interviewed attorneys immediately after judging a trial and asked them questions in an effort to clarify what those numbers mean, and how they correspond to student behavior in the courtroom.

Methods

The authors attended two invitational tournaments in the fall of 2008. The tournament directors granted permission to interview the attorneys who judged the competitions. The first tournament was held in two buildings, district and circuit courthouses, with a small town atmosphere in the mid-south. Approximately three weeks after the first tournament, the authors traveled to a larger city in the mid-south to conduct interviews at another invitational. This event was held in one building, a combined circuit and district courthouse, in a more metropolitan area.

Each tournament had four rounds. Interviews were conducted after rounds one, two, and three at the first event, and after all four rounds at the second event. Each round, interviews began after ballots had been submitted from the first completed trial. Two people scored each round. After seeing that a trial had finished, the interviewers headed to that courtroom and attempted to speak with both judges, though some left before they could be contacted, and a few (one at the first event and two at the second) declined the interview. After completing interviews in one courtroom, the questioners then moved to the next available completed trial. This process continued, selecting trials sequentially, until all matches had completed and all judges had either been approached or left. (There was one exception; instead of the just completed event, one judge preferred to answer about a trial he had judged the day before.) This procedure maximized the number of interviews collected after each round.

A total of 56 audio taped interviews were conducted, 24 at the first event and 32 at the second. Judges were identified by their placement in the courtroom, or on sight by the difference in appearance from college students. The authors conducted all interviews at the first event, and 27 at the second. The remaining five were collected by three experienced educator coaches, faculty at

institutions attending the tournament. A few subjects were interviewed twice, after they judged different trials. There were 22 unique subjects at the first tournament, with two repeats, and 29 unique subjects at the second competition, with three repeats. Both judges participated in eight instances (16 interviews total) at the first event, and 14 instances (28 interviews total) at the second event. The remaining interviews, eight at the first tournament and four at the second, reflected the input from only one of the two scoring judges in a trial.

Questions focused on how scorers linked behaviors to numbers. The following questions were asked at the first event. At the second event, the third question was slightly modified, substituting “presented” for “communicated,” in an effort to elicit more comments about substantive issues in the trial.

1. What behaviors and actions did you reward with higher scores?
2. What behaviors and actions did you reward with lower scores?
3. Which team do you think communicated their case more clearly?

Why?

The interviewees gave open-ended responses to these questions, with very little additional prompting. In addition to the audio records, the interviewers took extensive notes during the interviews, which generally lasted five to seven minutes.

At the second event, in addition to the interviews, a supplemental ballot was provided to all judges, both interviewed and non-interviewed. This ballot contained one question, the third question in the interview format: “Overall, which team did a better job presenting their case?” The result of the question did not affect scoring in the tournament; those tabulating results did not use it in any way. During judges’ instructions, the attorneys were informed that the supplemental ballot would not affect scoring in the tournament. Sixty of the 62 additional ballots were returned, an excellent 97% response rate. The authors matched the qualitative response to the supplemental question with the quantitative total score on that judge’s ballot. The authors were interested in differences between points awarded on the AMTA ballot, which measures only individual performance, and judges’ opinions on overall presentation, which is a more global assessment.

Thematic Content Analysis

When interviewed, judges at both events identified many of the same topics, even using similar language to describe behavior. The authors followed the suggestions of Braun and Clarke (2006) for conducting a thematic analysis of content. The analysis captures ideas given by the interviewees, levels of “patterned response or meaning within the data set” (p. 82). Because mock trials are an under-researched area, the goal is to provide a sense of the predominant themes (p. 83). Unlike directed content analysis, the categories were not predetermined; they emerged as the authors listened to interview tapes and reviewed notes. This procedure aligns with most of the ballot analyses from forensics described in the literature review.

If at least one-fourth of the interviewees at either event raised a topic, that topic is included below. Preparation, demeanor, natural behavior, cross exami-

nation, and thinking on your feet were frequently mentioned at both tournaments. A new category emerged at the second event, case theme and legal consistency. Each topic description includes a narrative with quotations from the scoring attorneys.

Preparation

At the first competition, this was the most commonly mentioned area in both positive and negative comments. As one judge remarked, "I don't want to reward those who wing it." Comments about preparation appeared less frequently at the second tournament, and when it did appear, it was less likely to be the primary comment. The authors attribute this to levels of experience. The first event occurred early in the mock trial season, three weeks before the second; the additional time gave teams more practice and experience.

According to the interviewees, students functioning as attorneys must have a "command of the rules of evidence" and the laws applicable to the case. Prepared questions should be organized; there should be a "theory of the case," with questions built towards a logical conclusion. When judges can follow a team's case argument and stay focused on that, they score the side higher. Additionally, attorneys should not use notes; several interviewees commented that they never knew how bad using notes in a courtroom setting looked until they saw it from the judges' perspective.

Witnesses, at a minimum, need to know the facts of their statement very well. To score better, they also "need to know more than their [prepared] answers." In one trial, "One witness got hammered on inferences; she didn't know" how to extend her responses. Beyond facts, witnesses must "fall into that character;" believability and entertainment value were scored highly. The best witnesses combine facts, character, and answers that "tie into the theme" set by the attorneys.

Demeanor

Professionalism and respect to the judges, opposing attorneys, and witnesses was rewarded. Strong courtroom presence, "ownership of the courtroom," was positive, "he [an attorney] brought it to me." Several judges commented about proper courtroom position. On direct examination, witnesses should look at the jury, and attorneys should look at their witnesses, not the judges or jury. On cross examination, attorneys should try to get witnesses to look at them, not the jury.

Arrogance and disrespect to others were negative factors at both events, though these issues were mentioned more frequently at the first event. People should show "no disrespect and [be] very cordial." Attorneys should not take rulings personally or make flippant remarks. Pride is penalized. As one judge commented, "it makes it hard to feel for the person; it fogs vision." Another noted "you can practice law without promoting arrogance."

Natural Behavior

Judges preferred “people who seemed natural, not acting.” Actions that appeared memorized, timid, or practiced were marked lower, as “Professionalism in a natural way influences who the jury likes better.” Two judges mentioned hand gestures and mannerisms; “some seemed more relaxed and well spoken.” This applied to both witnesses and attorneys; a judge explained her decision by saying that “as a whole, [one team’s] witnesses and attorneys seemed more articulate and at ease”.

Cross Examination

Attorneys needed to control the opposing witness on cross examination. At the first tournament, nine interviewees commented on this factor, the most of any single topic. Directed more towards the attorneys than the witnesses, the suggestions are uniform. “My co-judge agreed; the single biggest weakness was loss of control of witness on cross.” Open-ended questions are bad on cross examination; an attorney should “lock the witness into yes or no.” Otherwise, “the witness took advantage of an open question.” Attorneys should not allow witnesses to ramble or run on; “they [the cross examining attorney] should have controlled the situation.” Lawyers need to impeach witnesses when necessary. When that fails, one person advised that cutting losses and moving on is sometimes the best strategy.

Thinking on Your Feet

Particularly for attorneys, this was an important topic. This applied while examining witnesses; attorneys should “think on their feet and move on if necessary.” Judges considered arguments about objections very important because spirited debate showed students’ ability to think on their feet. “You can miss that [thinking] unless there is an objection battle.” If an attorney couldn’t “handle objections” by justifying the basis for the objection or question, or “didn’t know why an objection should be overruled,” that attorney was marked down. Sometimes multiple arguments are necessary. After the judge’s ruling, attorneys with “the ability to bounce back after losing an objection” were rewarded by the scorers. Lawyers should also renew an objection if the situation persists, even if the ruling was not originally in their favor; otherwise, “the attorney who won [can take] *carte blanche*.”

Theme and Legal Consistency

When reviewing comments from the second event, the authors were surprised by this category. It became the most frequently mentioned topic in the second set of interviews, mentioned by over half the judges. At times, theory was the decisive factor in determining the winner. To quote one judge, the better team had a “great case and theory. They repeated it ... in opening, closing, and every witness.” Good teams, the “real teams,” had a “gestalt of coherence. It all meshes.” According to another judge, he was “normally not a theme person, but [the theme] helped on facts.” Legal consistency includes “identifying the elements of the evidence” and “pulling together evidence into arguments.” In one

trial, the better team “laid out what they had to prove” in a clear and concise manner.

Commentary

While most comments were consistent with judge instructions, a small number acted outside the guidelines. One scorer felt that lawyers should focus more on storytelling than “speaking legalese,” and reduced attorneys’ scores for behaving as lawyers. Another judge did not appreciate polish and smoothness, though several other judges remarked positively on the students’ professionalism. Half the interviews included a comment about opening or closing statements, but these were difficult to categorize. Most commented about a particularly good or bad speech.

After the interviews, the authors’ impression is that the judges felt most strongly about demeanor and preparation. These two topics were mentioned by more judges than others, and they were mentioned first. Eight interviewees mentioned preparation as their first sentence, while seven cited demeanor.

Though judges’ comments were quite similar, there were some variations. They might be a function of differences in students’ performances, in judges’ instructions, or in judges’ values. Changes in competitors’ performance are always a possibility, but the authors saw no trials and have no information about this. It is unlikely that discrepancies in the instructions to judges accounted for differences in interview content. Both tournaments used the AMTA standardized presentation for judges’ instructions. Furthermore, the same person delivered the presentation in six of the seven source rounds. The third possibility is that judges in the two locations had differing perspectives on what they valued in trials. Judges at the second tournament practiced in a more metropolitan area; there is a cultural difference between the two locations. The authors believe that this accounts for some of the variation in comments, particularly in courtroom demeanor.

Global Assessment

The authors compared the qualitative response to the third question, about overall communication and presentation, with the quantitative total score on that judge’s ballot. We looked for inconsistencies between what judges said about the teams and how they scored the trial. When a judge’s verbal description indicated Team A won, we checked to see if that judge awarded more points to that team. A ballot was considered consistent when the team identified as better at communicating either was awarded more points or tied the other team. This definition does not include two situations in which a judge’s scores favored one team by more than 20 points, yet the interviewees responded that the round was very close. While a cause of some concern, these were not considered inconsistent because the direction was the same.

At the first event, one interviewee served only as a presiding judge, not completing a scoring sheet. Of the 23 available comparisons, 15 (65%) were consistent; their interview response matched their numeric score. Eight (35%) had made a reversal, awarding lower points to the team that they indicated dur-

ing the interview had won. At the second event, judges filled out supplemental ballots. Of the 60 supplemental ballots, 14 (23%) were inconsistent; that is, the global assessment differed from the result of that judge's scored ballot.

Overall, 22 of the 83 results (27%) were inconsistent. For these ballots, the score differences ranged from 1 to 27 points (mean = 5.27, median = 4). The 27 point outlier skewed the mean; the second largest gap was 11. Hypothetically, if two points were assigned to the better team, 13 out of 83 results (16%) would be changed. That is, the other team would have won, a draw would have become a win, or a win would have changed to a draw.

In their responses to the question about communication, several judges mentioned that their overall view was strongly affected by an opening statement or closing argument. While this would likely affect a jury decision, it has a much smaller effect on which team wins the ballot. Of the 14 scores for each team, the opening and closing receive just one score each. Also, scorers are instructed not to change earlier marks based on actions later in the trial.

Limitations

There are minor technical limitations with this study. There are potential issues with the number of tournaments visited. While there were a sizable number of interviews at each tournament, the authors visited only two tournaments. According to information about invitational tournaments on the AMTA website (AMTA, 2012), there were at least 40 events scheduled in the 2008-2009 season. Furthermore, both tournaments took place in the same geographic region. If perceptions differ across the United States, this research did not capture any regional effect.

Interviewer bias, where obtained data tends to agree with the personal convictions of the interviewer, can affect any study based on content analysis (Mouly, 1970, p. 267). The authors made extensive efforts to minimize potential interviewer bias. First, neither author had read the case materials, so the authors had no preconceptions about what should happen in the trial. Second, all judges were asked the same three questions at each event. Rephrasing and clarifying questions were minimal. The only follow-up questions were requests for clarification with examples, and requests for information about witnesses when interviewees focused solely on attorney behaviors. Third, the authors reduced potential bias from familiarity by attempting to avoid people known to the authors. When the same judge was interviewed a second time, in all but one instance a different interviewer recorded the comments.

Practical Applications

The setting for this study, collegiate mock trial, is relatively restricted. While the specifics are very interesting to participants, it may appear that the results have little external validity. As defined in Wood (2004), external validity refers to the generalizability of results beyond the confines of the particular situation (p. 72). This study has external validity because it raises two general questions for anyone who evaluates student performances. The first question is how

scorers interpret instructions. The second is the effect of combining even a small global assessment with part-by-part scoring.

First, attorneys were quite consistent in their comments about what they did and did not value in students' performances. The lawyers who volunteer to judge these competitions come from civil and criminal practices. Years of experience vary from zero to 25. Many attorneys never participate in a courtroom trial. Despite these differences in background, it is remarkable that they show a high degree of consensus in their values. Law school training and the brief AMTA instructions appear sufficient to yield relatively high inter-rater agreement. Through common assignments and common rubrics, people of similar background can reach agreement on what is and is not valued in evaluating students' speeches.

The second question also deals with evaluation, the interplay between examining parts of a performance and its global effect. The AMTA ballot explicitly asks judges to evaluate individual performances. Attorneys are repeatedly instructed to "score as they go" and discouraged from retrospective marking. The instructions for judges distributed by AMTA and used at most tournaments include the statement "IT IS VITAL THAT YOU SCORE AS YOU GO" in capital letters (AMTA, 2009). The ballot has no place for an overall assessment of team performance. The advice to debate judges from the special issue of *Communication* warns against such a piecemeal approach. "These speeches are not separate entities but parts of an organic whole. Each speech relates to the earlier one and each must be criticized in terms of this interrelationship" (Klopf, 1972a, p. 32).

Like debate, mock trial has interactive elements with successive presentations that build upon or refute case argument. The results show that judges' global view of team performance frequently differs (27%) from the assessment of individual performances. Adding a two point item for overall team performance on a 280 point ballot would change the trial result about one-sixth of the time.

No matter what rubric, judging mock trials and speeches is not easy; as Beck (1999) wrote, "the process of judging arguments used in trials and debates requires the highest order of thinking and decision making" (p. 82). This article has investigated how attorneys judged intercollegiate mock trials. Content analysis showed a general agreement on behaviors that judges reward and punish during a trial. The data also indicate that if a global assessment were included, it would affect a substantial number of decisions. In trials, as in other persuasive situations, "it pays to win the audience over" (Aristotle, trans. 1932, p. 4).

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Ruth R. Wagoner, (Ph.D., University of Kentucky, 1994) is a Professor in the School of Communication, Bellarmine University, 2001 Newburg Rd., Louisville, KY 40205 (phone: 502.893.0920; email: rwagoner@bellarmine.edu; fax 502.272.7467).

R. Adam Molnar (M.S., University of Chicago, 2010) was an Assistant Professor in the Bellarmine department of mathematics. He is now a doctoral student in the Mathematics Education program at the University of Georgia.

A version of this paper was presented at the annual meeting of the National Communication Association in New Orleans in November 2011.

Appendix: American Mock Trial Association Ballot



AMERICAN MOCK TRIAL ASSOCIATION BALLOT

5

This is a pressure form. Please write firmly with ballpoint pen to make a copy. Do not put the ballots on top of each other when you write on them.

PL./PROS. TEAM # _____ DEFENSE TEAM # _____

ROUND 1 2 3 4 _____ JUDGE'S NAME _____
(Please Print)

SCORE SUMMARY/SPEED SHEET

Please fill out this sheet and hand it in IMMEDIATELY after the trial, before you consult with the other judges or offer any oral critique. The prompt completion of this sheet is important to the timeliness of the next round and the efficiency of the entire tournament. Thanks for your cooperation. (Please DO NOT use decimals or fractions in judging performances.)

PLAINTIFF/PROSECUTION

- _____ Opening statement
- PL./PROS. CASE-IN-CHIEF
- _____ Direct exam of π #1
- _____ Witness #1 direct
- _____ Witness #1 cross
- _____ Direct exam of π #2
- _____ Witness #2 direct
- _____ Witness #2 cross
- _____ Direct exam of π #3
- _____ Witness #3 direct
- _____ Witness #3 cross
- _____ Cross exam of Δ #1
- _____ Cross exam of Δ #2
- _____ Cross exam of Δ #3
- _____ Pl./Pros. closing argument

DEFENSE

- _____ Opening statement
- _____ Cross exam of π #1
- _____ Cross exam of π #2
- _____ Cross exam of π #3
- DEFENSE CASE-IN-CHIEF
- _____ Direct exam of Δ #1
- _____ Witness #1 direct
- _____ Witness #1 cross
- _____ Direct exam of Δ #2
- _____ Witness #2 direct
- _____ Witness #2 cross
- _____ Direct exam of Δ #3
- _____ Witness #3 direct
- _____ Witness #3 cross
- _____ Defense closing argument

OUTSTANDING ATTORNEYS AND WITNESSES

Each judge should rank the top four attorneys and witnesses where rank #1 represents the best performance. Please indicate which side the nominees represent by circling P or D. Use the student's name, not the character's name - look at pages 2 and 3 if in doubt.

ATTORNEYS

- 1. _____ P D
- 2. _____ P D
- 3. _____ P D
- 4. _____ P D

WITNESSES

- 1. _____ P D
- 2. _____ P D
- 3. _____ P D
- 4. _____ P D