

# **NATIONAL TRIAL COMPETITION**

## **Guidelines for NTC Witnesses**

Thank you for volunteering to be a witness during the National Trial Competition (NTC). The NTC committee thanks you for your time, as your participation helps to make this competition a success! Below are some general guidelines that you should follow when preparing for and when witnessing in the competition.

### **What is NTC?**

The National Trial Competition (NTC) is arguably the most prestigious law school mock trial competition in the nation, which was created to stimulate law student interest in developing trial advocacy skills. The competition is co-sponsored by the Texas Young Lawyers Association (TYLA) and the American College of Trial Lawyers (ACTL). This year, over 300 mock trial teams will compete at regional competitions during February and the top two teams from each of the 15 regions will advance to the national competition in Texas.

### **What exactly does a witness do in a mock trial?**

Your participation is vitally important because each mock trial includes four witnesses – two for the plaintiff (who brought the lawsuit) and two for the defendant. A mock trial team consists of two law students, and each student (called a student advocate) is responsible for examining and cross-examining one witness on the witness stand. The four witnesses provide testimony about people, events, and documents in order for the teams to argue the case. Thus, you will be playing a witness in the trial and will take the stand to testify. You will be examined by two student advocates: one will direct your testimony and one will cross-examine you.

### **How do I prepare to be a good witness?**

Before the mock trial, you will be provided with a deposition (or statement) and may also be provided with some related exhibits. You should read the materials closely several times so that you are familiar with all of the facts. This review will help you answer questions without having to flip through the documents during your testimony.

### **Can I make notes on my deposition?**

The competition rules do not allow witnesses to make notes on any depositions, statements, or exhibits. This enables all witness to be on an even playing field when taking the stand. You may, however, highlight or underline portions of the materials, and you should take the materials to the stand with you. If you have written any notes on the documents, you will be provided with a clean copy when you arrive at the competition.

### **Do I get to meet with a student advocate before the mock trial round?**

Yes. Before the round begins, the student advocate who will be directing your testimony will meet with you to discuss your testimony. This session is called the “woodshed” session and will last 15 minutes. The student will most likely go over some of the questions he/she will ask you. The student may also go over questions about trial exhibits and what kind of questions you should expect on cross-examination. After the woodshed session, you cannot confer with the student advocates regarding your testimony.

## **What if I forget some of my testimony when I am on the witness stand?**

Witnesses are not expected to know everything by heart. If you forget some of your testimony, you may refer to any documents that you have been provided and that you take to the stand. If you do not remember the answer to a question, you should simply say, "I don't remember" or "I don't know." The student advocates may "refresh" your memory if you forget information. They will do so by asking if you remember giving deposition testimony and whether the deposition would refresh your memory. You should answer "yes" to both of these questions.

## **Should I stick to the information in the materials?**

In general, your deposition contains the truth as you know it, and you may testify only to the facts contained in the mock trial problem. You may, however, testify as to a necessary inference drawn from the facts of the problem on non-material facts. For example, if you play a police officer, it would be necessary to infer that you completed a police academy. It would not be necessary to assume that you were first in the police academy class.

During cross examination, an advocate may question you about non-events that are necessary inferences based on the problem materials. For example, if a police officer witness is testifying and the record is completely silent relating to DNA samples, it is a necessary inference that the police officer witness did not collect DNA samples from the crime scene. In this example, it is permissible to ask the police officer witness "You never collected any DNA samples, correct?" This is permissible because the witness statements are full and complete statements of everything the witness knows. Therefore, the absence of information in the record pertaining to the collection of DNA means DNA was not collected.

If you are asked on cross examination about the absence of information, you must admit that collection or testing was not done. You may not say "I do not know" or "that was not asked at my deposition." However, teams may not invent facts or use outside resources in their questions to enhance the cross examination of a witness. For example, if a police officer witness is testifying and the record is completely silent relating to DNA samples, an advocate shall not reference topics outside of the problem materials such as: the reliability of DNA, the scientific theory of DNA, the process of DNA collection, etc. In this example, it is not permissible to ask the police officer witness, "You're aware that margin of error for DNA tests can be as high as five percent, correct?" This is not a necessary inference, and you may answer however you want.

## **What will happen during the mock trial?**

Student advocates will first make several motions. Each team will then make opening statements and will start calling witnesses to the stand. At the end of the trial, the student advocates will make a closing statement. After you have been excused from the witness stand, you are free to leave or you may stay to observe the rest of the mock trial.

## **Do you have any other helpful tips?**

Please do not ask the student advocates what law school they are from because they are not allowed to tell you. And, although your participation as a witness is very important, please remember that you are not an official member of the mock trial team. In other words, you should balance the role of playing an actual witness with the need to be fair to both teams. For example, you should not be so difficult on cross examination that it negatively affects the opposing team's performance. You should give honest and truthful answers based upon the material you have been provided.

## **What if something comes up and I have to cancel?**

We are always short of witnesses so please make every effort to attend the competition. If you must cancel, please contact a competition administrator as soon as possible so that another volunteer can be assigned to your mock trial round. If you have a friend or family member who would like to witness during the competition, please give that person the competition administrator's contact information. We would love to include them!