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.

A. Some Important General Guidelines

1. **You are required to check-in with the NTC hosts one hour before each round.** If you do not check-in, a host committee member will contact you to ensure your connection and availability. If you do not show up for a round for which you are scheduled, your home school’s team may receive a penalty for your absence.

2. **You are required to be in your “courtroom” (i.e. zoom room) at least 15 minutes before the start of the round.**

3. **You are not permitted to discuss the rounds in which you witness with your home school’s team.** Violation of this rule may result in sanctions against your home school’s team.


5. If something comes up and you cannot participate, you must inform the Host, as soon as possible, but no later than one hour before the round. You must also contact your team coach as it is up to your team to provide two witnesses for every round.

6. If you lose your connection to the internet before or during the round, you must inform the Witness Chair as soon as possible and then try to reconnect.

7. When you are done testifying, you may leave the zoom room, but must remain available in case a protest is filed.

B. Meeting with Your Student Advocate (i.e. “woodshedding”)

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.

Here are some important notes about woodshedding:

1. Before the competition begins, you will receive a contact list with the phone numbers and emails of the student advocates participating in the competition.
2. Before each round, you and your assigned advocate will receive a copy of the witness assignments.

3. Your student advocate is responsible for contacting you before the round is set to begin to schedule a woodshedding time with you. You may not communicate with your advocate before or after woodshedding except for the purpose of scheduling the woodshedding session.

4. **It is your responsibility to ensure that the woodshedding only lasts 15 minutes – please start a timer or stopwatch at the beginning of woodshedding.**

5. **Woodshedding may only take place in the hour before each round start time, and it must conclude 15 minutes before each round start time.** For example, if your round starts at 2pm, the woodshedding window is 1pm-1:45pm. In this example, if your student advocate begins your woodshedding at 1:35, he/she may only talk to you for 10 minutes, because woodshedding cannot last past 1:45.

6. During woodshedding, advocates may share their screen to show you documents, but they may not send you anything to keep in your possession. You should not receive any documents or notes before or after woodshedding.

7. You may not take notes during the woodshedding. You should not have any notes from the woodshedding or from the advocate in your possession before or after the woodshedding.

**C. Witnessing in a Virtual Mock Trial**

A mock trial round runs a bit like this: 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 closing statements.

**Zoom Settings:** When you are not testifying, your audio and camera should be “muted” or turned off. Please only turn on your video and audio when you are called to testify. During your testimony, please keep your audio unmuted to avoid delays from muting and unmuting your audio.

**Forgetting a Fact:** We do not recommend that you have any materials open on your computer during your testimony as it typically results in delays during the examination. Witnesses are not expected to know everything by heart. 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.

**Testimony Outside the Materials:** Your deposition and exhibits contain the truth as you know it, and you may testify only to the facts contained in the mock trial problem. You are not permitted to testify to a fact that is not contained in the problem, and you are to notify the Witness Chair if an advocate asks you to do so. If you state a fact in an examination that was not in your materials, and an advocate points out that it is not in your deposition, you are not permitted to respond with “I wasn’t asked that question.” You must simply admit that it is not in your statement. If you state a fact outside of the materials and you are asked whether your attorney instructed you to state the fact, you must answer truthfully. It is okay if you accidentally invent a fact – when the cross-examining advocate takes you through the process of verifying it is not in your statement, simply answer his/her questions directly and truthfully.

**Necessary Inferences:** 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
attended and graduated from a police academy. It would not be necessary to assume that you were first in the police academy class.

**Testimony Outside the Materials on CrossExamination:** 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, you may assume 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?” And that witness would answer “Yes” or “Correct.”

However, an advocate may not invent facts or use outside resources in their questions to enhance the cross examination. For example, if a police officer witness is testifying and the record is completely silent relating to DNA samples, an advocate may 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?” If you receive questions like this, you may answer them however you like – the advocate in this case has opened the door to whatever answer you’d like to give.

**Good Sportsmanship:** You may not intentionally and unreasonably refuse to answer questions during cross examination and shall not take any action designed to exhaust the time of the cross-examining advocate’s team such as repeatedly asking to be refreshed or shown their deposition or statement. Teams that encourage a witness to violate this rule are subject to sanctions, including the team that brought the witness and the team that called the witness. If you are instructed to waste the time of the cross-examining advocate, please inform the Witness Chair.

**THANK YOU FOR WITNESSING!**