

# GUAM HIGH SCHOOL MOCK TRIAL

## RULES OF THE COMPETITION

The Guam High School Mock Trial Competition (“Competition”) is governed by the National High School Mock Trial Championship (“National Championship”) Rules of the Competition (with minor revisions for Guam) (“Rules of Competition”) and the National High School Mock Trial Rules of Evidence (“Rules of Evidence”). Any clarification of the Rules of Competition, the Rules of Evidence, or the case materials will be issued in writing to all participating teams in a timely manner and no less than two weeks prior to the tournament whenever possible. The state coordinator, upon the advice and consent of the members of the Guam High School Mock Trial Committee, will distribute to each team any such clarification.

The Rules of Competition and the Rules of Evidence govern the Guam High School Mock Trial Competition. All teams are responsible for the conduct of persons associated with their teams throughout the Competition.

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# GUAM HIGH SCHOOL MOCK TRIAL

## RULES OF THE COMPETITION

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### ADMINISTRATION

#### **Rule 1.1. Rules**

All trials will be governed by the Rules of the National High School Mock Trial Championship (“Rules of Competition”) and the National High School Mock Trial Championship Rules of Evidence (“Rules of Evidence”).

Questions or interpretations of the Rules of Competition and the Rules of Evidence are within the discretion of the Board of Directors of the National High School Mock Trial Championship, Inc. (“National Board”), whose decision is final.

#### **1.1G1 Rules of the Competition**

The rules of the GUAM HIGH SCHOOL MOCK TRIAL (“GHSMT”) Competition and the National High School Mock Trial Championship Rules of Evidence will govern all local matches. All references to the National Board or the Board will refer to the GHSMT Committee. All references to the National Championship or the Championship will refer to the GHSMT Competition.

#### **Rule 1.2. Code of Conduct**

The Rules of Competition, as well as proper rules of courthouse and courtroom decorum and security, must be followed. The National Board may impose sanctions on teams or individuals for (i) any misconduct occurring while a team is participating in the National Championship, (ii) flagrant rule violations, and (iii) breaches of decorum which affect the conduct of a trial or which impugn the reputation or integrity of any team, school, participant, court officer, judge, or the mock trial program. These sanctions include, but are not limited to, adjustment of points or standings, disqualification, immediate eviction from the Championship events, and forfeiture of all fees and awards (if applicable).

In the Rules of Competition, all references to “participating” include any activity as a part of a National Championship in-person or virtually.

#### **Rule 1.3.A. Emergencies**

During a trial, the presiding judge has the discretion to declare an emergency and adjourn the trial for a short period of time to address the emergency.

In the event of an emergency that would cause a team to be unable to continue a trial or to participate with less than six members, the team must notify the National Board as soon as is reasonably practical. It is within the sole discretion of the National Board, or its designee(s), to determine if an emergency exists. Upon a determination that an emergency exists, the National Board, or its designee(s), will declare an emergency and will decide whether the team will forfeit or whether the team may take appropriate measures to continue any trial round with less than six members. A penalty may be assessed if a team continues with less than six members.

A forfeiting team will receive a loss, zero ballots, and points equal to the score of the team that received the fewest points in that round. The non-forfeiting team will receive a win, ballots, and points as if the team received a “bye” pursuant to Rule 5.8.

Final determinations of emergency, forfeiture, reduction of points, and advancement will be made by the National Board.

### **Rule 1.3.B. Technical Difficulties in a Virtual Competition**

In the event of technical difficulties substantially impairing participation in the trial during a virtual competition, the presiding judge has the discretion to declare a technical emergency and adjourn the virtual trial for a short period of time to resolve the technical difficulties.

If the technical difficulty is substantially impairing a participant's participation in the trial and cannot be resolved within a reasonable, but brief, amount of time, then the trial will continue with another member of the impacted team substituting for the impacted team member. The emergency substitute must be a member of the same team as the impacted participant.

Before making an emergency substitution, the impacted team must make the presiding judge aware, by stating words to the effect of, "Your honor, before I begin I would like to inform the court that I am [insert name] and I am substituting for [insert name], who is unable to compete due to technical difficulties." Teams shall advise the National Board of any emergency substitution following the round of competition.

The presentation will be scored based on the performance by the initial team member and the emergency substitute, taken as a whole.

Once the presiding judge determines either at the request of the team or *sua sponte* that a student is unable to compete in a role due to technical difficulties, to minimize disruption, the impacted student is not permitted to return and compete in the role for which a substitution was made. If the technical difficulty is resolved, the impacted participant may return and participate in his or her other roles, if any. For purposes of this rule, a witness examination consisting of direct, cross, any re-direct and any re-cross is one role, so that a participant who requires an emergency substitution for a witness examination may not return and participate until the entire witness examination is completed.

For purposes of this rule, technical difficulties include internet failure, and computer, device, or microphone failure. Failure of a camera only does not permit emergency substitution under this rule. Students who lose internet connection shall rejoin the trial using a telephonic connection, if possible.

In the event of a loss of connection for a timekeeper, that team shall defer to its opponent's timekeeper for that trial segment. The team whose timekeeper lost connection may substitute another timekeeper qualified under Rule 1.4 for the remaining trial segments. The timekeepers shall confer consistent with Rule 4.6(e) regarding time remaining at the beginning of each trial segment.

Technical emergencies resulting from the loss of the connection of a presiding or scoring judge shall be handled in accordance with Rule 5.2.A.

If the technical difficulty prevents an entire team from completing in part or all of a round, the presiding judge shall declare a recess of up to 15 minutes to allow that team to reconnect, either via video or by connecting on audio-only via telephone. If reconnection is impossible, the National Board or its designee may declare a forfeit in favor of the team that maintains its connection no sooner than the end of the 15-minute recess. If at least five witnesses have been subject to cross-examination, the National Board or its designee may in its sole discretion complete the ballot, assigning scores equal to their average score on all segments that could not be completed by the disconnected team and a "10" to the team that remained connected.

In the event that a technical emergency prevents an entire team from connecting via video but that team is able to connect via audio-only, the opposing team and all judges shall turn off their video until video connection from both teams has been restored.

No student or team may feign technical difficulty or invoke the technical difficulty rule for purposes other than a genuine technical difficulty. Such an act would violate the Rules of Competition and Code of Ethical Conduct and may be sanctioned in accordance with Rule 1.2.

**Rule 1.4. Student Timekeepers**

Teams shall provide timekeepers for the National Championship as follows:

- a. Each team participating in the National Championship is responsible for providing at least one student as an official timekeeper. All timekeepers must be official team members.
- b. Any student who will keep time, including any witness who will keep time in accordance with Rule 3.2, is required to attend the scheduled timekeeper orientation, which will be held before competition rounds begin. If a team does not have a timekeeper attend the required orientation meeting, that team will defer to its opponents' timekeepers in all rounds of the competition.
- c. If a team desires to assign more than one student to the timekeeper role, then all students who will be assigned to the timekeeper role must attend the timekeeper orientation. (See Rule 1.4(b)) The team's official student timekeeper will keep time for both sides during all competition rounds.

**Rule 1.5. Relationship to Other Laws; Accommodation of Disability**

The Rules of Competition will be interpreted and administered consistent with all applicable laws. Accordingly, should any applicable law require variance from these rules or accommodation of any competitor for any reason, including a legally-recognized disability, that team member or their coach may apply to the National Board or its designee for accommodation, and such reasonable accommodation as the law requires shall be granted. The National Board will consider all requests and determine what reasonable accommodations can be made consistent with National Board policies. These accommodations may include adjustment of the Rules of Competition where appropriate. The timeliness of the request for accommodation may be material to whether an accommodation is granted. Where possible, teams competing against the team for which an accommodation was granted shall be informed of the accommodation in advance of a competition round but will ordinarily not be informed of the specific nature of the issue that led to the accommodation.

**Rule 1.6. Adoption or Modification of Rules During Competition**

- a. For the purposes of this Rule, "during the competition" means arising between the adjournment of the National Board meeting immediately preceding the competition and the conclusion of the Championship Round.
- b. If the National Board determines by a majority vote that the Rules of Competition fail to address an issue raised during one of the competition rounds, two thirds of the National Board may establish a rule to be in effect for the duration of competition.
- c. If during a competition, the application of a Rule of Competition would operate in a manner not contemplated by the National Board in establishing these Rules, the National Board may modify the Rule or the application of the Rule in the best interests of the competition for the duration of the competition. It is anticipated that this rule will rarely be invoked, and may only be invoked if:
  1. Two thirds of the National Board determine that the application of the Rule of Competition would operate in a manner not contemplated by the National Board in establishing these Rules; and
  2. Two thirds of the National Board determine that the particular modification of the Rule of Competition or application of the Rule of Competition would be in the best interests of the competition.
- d. In any case in which this rule is invoked, the National Board will share its decision with all affected teams.

[New rule added July 20, 2023]

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## **THE PROBLEM**

### **Rule 2.1. The Problem**

The problem will be an original fact pattern which may contain any or all of the following: statement of facts, pleadings, indictment, stipulations, witness statements/affidavits, jury charges, orders/rulings, and exhibits. Stipulations may not be disputed at trial. Witness statements may not be altered.

The problem shall consist of three witnesses per side, all of whom shall have names and characteristics that would allow them to be played by individuals of any gender. All three of the witnesses must be called.

### **Rule 2.2. Witnesses Bound by Statements**

Each witness is bound by the facts contained in that witness's statement, the Statement of Facts, if present, and/or any necessary documentation relevant to that witness's testimony. Fair extrapolations may be allowed, provided reasonable inference may be made from the witness's statement. If, during direct examination, an attorney asks a question which calls for extrapolated information pivotal to the facts at issue, the information is subject to objection under Rule 2.3, "unfair extrapolation."

A witness is not bound by facts contained in other witness statements.

### **Rule 2.3. Unfair Extrapolation**

A fair extrapolation is one that is neutral. Unfair extrapolations are best attacked through impeachment and closing arguments and are to be dealt with during the trial.

If a witness is asked information not contained in the witness's statement, the answer must be consistent with the statement and may not materially affect the witness's testimony or any substantive issue of the case.

Attorneys for the opposing team may refer to Rule 2.3 in a special objection, such as "unfair extrapolation," or "This information is beyond the scope of the statement of facts."

Possible rulings by a judge include:

- a. No extrapolation has occurred;
- b. An unfair extrapolation has occurred;
- c. The extrapolation was fair; or,
- d. Ruling is taken under advisement.

The decision of the presiding judge regarding extrapolations or evidentiary matters is final.

When an attorney objects to an extrapolation, the judge will rule in open court to clarify the course of further proceedings.

### **Rule 2.4. Gender of Witnesses**

All witnesses are gender neutral. Personal pronoun changes in witness statements indicating the preferred gender of the characters may be made. Any student may portray the role of any witness of any gender.

### **Rule 2.5. Voir Dire**

Voir dire examination of a witness is not permitted.

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## TEAMS

### Rule 3.1. Team Eligibility

- a. Subject to the other provisions in this section, a team representing a member in the National Championship must be comprised of a minimum number of six (6) students and a maximum number of nine (9) students, each of whom in the school year of the National Championship:
  1. Participated on the state championship team or international equivalent at any level of the state competition;
  2. Represent the same mock trial organization as defined in Rule 3.1.b; and
  3. Were or are enrolled in grades nine (9) through twelve (12), or for international teams, the equivalent in their respective countries.
- b. A mock trial organization is composed of students that reside in the same NHSMTTC member's geographic territory, is approved to participate in the NHSMTTC member's state competition, and is:
  1. A school (whether public, private, charter, parochial, etc.) or international equivalent;
  2. A team consisting of home school students; or
  3. One of the following:
    - a. An organization (e.g., a YMCA, a law Explorer post, a program targeted at helping at-risk youth succeed, etc.), provided that the organization is permitted to compete to increase participation in mock trial and not for purposes of creating a competitive advantage, and the students of the mock trial organization are unable to participate under subsection b.1 of this Rule; or
    - b. A team consisting of students from two or more schools in geographic proximity who are not otherwise able to field a mock trial team under this Rule, and provided that the team is permitted to compete to increase participation in mock trial and not for purposes of creating a competitive advantage.
  4. For teams not meeting the criteria in section b.1 through b.3 of this Rule, the State Coordinator shall receive approval for the team prior to the commencement of the first round of the NHSMTTC member's competition in which that team competes. Failure to receive timely approval may result in the team being ineligible to compete in the National Championship, should that team win a member's competition.
- c. The State Coordinator and the teacher-sponsor have an affirmative obligation to verify each mock trial organization's eligibility. Submission of a roster for the National Championship constitutes certification that the status of each participant for the mock trial organization has been verified and that the roster complies with Rule 3.1.
- d. The National Board recognizes that it is a difficult process to create a mock trial program in a state that does not have an ongoing competition. In an effort to assist a state's efforts to establish a mock trial competition, if such state does not have an organization or person willing or capable of sponsoring the program in the full membership process, a mock trial coordinator from another state or a member of the National Board may agree to assist the new state in forming a competition and fielding a team at the National Championship. If a coordinator or National Board member agrees to do so, the state champion of the new state may compete at the National Championship provided that the following conditions are met:
  1. There was a tournament involving at least two teams from at least two different schools from that state during that school year;

2. The team sent to the National Board from that state meets all other requirements set forth in the Rules of Competition; and
3. The team or its sponsoring entity has fulfilled all financial obligations required of all other teams participating in the National Championship. No state may field a team in the National Championship in this manner for a period of more than three years. After three years, at the latest, an organization or person seeking to sponsor that state's mock trial program which/who is not already a Member must apply for and be accepted as a Full Member pursuant to Article III of the NHSMTC Amended and Restated Bylaws in effect at the time.

**Rule 3.2. Substitution of Members on National Championship Team**

- a. If the state championship team has seven or more students available to compete at the National Championship, it may not add additional students to its roster for the National Championship.
- b. If the state championship team has four, five, or six students available to compete in the National Championship, the team may add up to two students, to reach a roster size of a maximum of seven students. A state championship team may not have a roster size of greater than seven (7) students if any student on the team is a replacement student. Additional students may be added only from individuals who were members of the mock trial organization during the current academic year, although they do not have to have participated in mock trial (e.g., a team may add an otherwise-eligible student enrolled at the same school or registered with the same organization, even if that student did not participate in mock trial).
- c. Should the state champion be unable to compete or elect not to compete in the National Championship, the State Coordinator has the sole discretion to designate an alternate team from their state competition to compete in the National Championship. Absent good cause, State Coordinators should ordinarily designate alternate teams in order of their finish in the state competition.
- d. If the alternate team has four, five, or six students available to compete, students may be added to the team consistent with subsection b of this Rule, except that these students cannot come from a team that finished higher in the state competition than the replacement designee team (e.g., if neither the state champion nor state runner-up can compete, members of those teams are ineligible to join a designated alternate team that finished third).

**Rule 3.3. Team Composition**

Teams consist of six to nine official team members. Only these official team members may be assigned to attorney, witness, and timekeeper roles representing the prosecution/plaintiff and defense/defendant sides. In each round, three official team members will serve as attorneys, and three different official team members will serve as witnesses. A seventh official team member, if available, will serve as timekeeper. If a team has only six official team members, it must designate two or more of its witnesses to serve as timekeepers in each round. Each timekeeper must meet the requirements of Rule 1.4 as the team's timekeeper.

Any student outside the declared official team is considered an additional non-competing team member. Additional non-competing team members may neither compete nor keep time for the team at any point during the competition. The Team Roster will become official at the close of on-site registration for an in-person competition, and at 5:00 p.m. local time of the Host location on the day prior to the first round for a virtual competition.

**Rule 3.4. Team Duties**

Except as permitted during technical difficulties under Rule 1.3.B, each of the three attorneys will conduct one direct examination and one cross-examination; in addition, one will present the opening statement and

another will present the closing arguments. In other words, the attorney duties for each team will be divided as follows:

1. One attorney will be responsible for the direct examination of one witness and the cross-examination of one witness;
2. One attorney will be responsible for the direct examination of one witness, the cross-examination of one witness, and the opening statement; and
3. One attorney will be responsible for the direct examination of one witness, the cross-examination of one witness, and the closing argument (including rebuttal, if any).

Opening Statements must be given by both sides at the beginning of the trial.

The attorney who examines a particular witness on direct examination is the only person who may make the objections to the opposing attorney's questions of that witness' cross-examination, and the attorney who cross-examines a witness will be the only person permitted to make objections during the direct examination of that witness.

Each team must present the side assigned to it in each round. Each team must call all three of its assigned witnesses. Witnesses must be called only by their own team during their case-in-chief and examined by both sides. Witnesses may not be recalled by either side.

### **Rule 3.5. Team Roster Form**

Copies of the Team Roster Form must be completed and duplicated by each team prior to arrival at the courtroom for each round of competition for an in-person competition. For a virtual competition, teams must submit Team Roster Forms in accordance with the protocol established and announced for the competition. Teams must be identified by the code assigned at registration. No information identifying team origin should appear on the form.

Before beginning a trial in an in-person competition, the teams must exchange copies of the Team Roster Form. Team Roster Forms will be distributed to judges in a virtual competition according to the protocol established for the competition. The Form should identify the preferred gender of each witness so that references to such parties will be made using the correct pronouns. Copies of the Team Roster Form should also be made available to the judging panel and presiding judge before each round. Teams shall not knowingly disclose their place of origin to any member of the judging panel or to the presiding judge.

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## **THE TRIAL**

### **Rule 4.1. Courtroom Setting**

For an in-person competition, the Prosecution/Plaintiff team shall be seated closest to the jury box. No team shall rearrange the courtroom without prior permission of the presiding judge. If a team is granted permission to rearrange the courtroom, that team shall restore the courtroom to its original condition at the conclusion of the trial round.

For a virtual competition, each participant is encouraged to log into the virtual platform separately from a normal personal computer, tablet, cellular phone, or similar device. At a minimum, each of a participating attorney, witness, and timekeeper shall utilize an individual device. Each participant shall use a screen name formatted according to the protocol established and announced for the competition. Once the trial begins, only participants who are competing in a particular trial segment will have their camera turned on. All team members who are not actively participating in that trial segment must have their cameras turned off, except for timekeepers turning on their cameras to display remaining time consistent with Rule 1.4. For purposes of this

rule, the witness, direct-examining attorney, and cross-examining attorney must have their cameras turned on for the entire witness examination.

**Rule 4.2. Stipulations**

Stipulations will be considered a part of the record and already admitted into evidence.

**Rule 4.3. Reading into the Record Not Permitted**

Neither the stipulations, the indictment, nor the Charge to the Jury will be read into the record.

**Rule 4.4. Swearing of Witnesses**

The following oath may be used before questioning begins:

“Do you promise that the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the mock trial competition?”

The swearing of witnesses will occur in one of two ways. Either the presiding judge will indicate that all witnesses are deemed to be sworn using the above oath, or the above oath will be administered by the presiding judge or a bailiff provided by the host state. The host state will indicate which method will be used during all rounds of the current year’s tournament. Witnesses may stand or sit during the oath.

For a virtual competition, all witnesses will be deemed to be sworn.

**Rule 4.5. Trial Sequence and Time Limits**

The trial sequence and time limits are as follows:

- a. Opening Statement (5 minutes per side)
- b. Direct and Redirect (optional) Examination (25 minutes per side)
- c. Cross and Re-cross (optional) Examination (20 minutes per side)
- d. Closing Argument (5 minutes per side)

The Prosecution/Plaintiff gives the opening statement first. The Prosecution/Plaintiff gives the closing argument first; the Prosecution/Plaintiff may reserve a portion of its closing time for a rebuttal. The Prosecution/Plaintiff need not request or state that it is reserving rebuttal time. The Prosecution/Plaintiffs rebuttal is limited to the scope of the Defendant's closing argument.

Attorneys are not required to use the entire time allotted to each part of the trial. Time remaining in one part of the trial may not be transferred to another part of the trial.

**Rule 4.6. Timekeeping**

- a. Timekeepers are responsible for fairly and accurately keeping and reporting the time during the trial presentation and during any disputes under Rule 6.2.
- b. During the rounds of the competition, timekeepers are to act as a neutral entity. Timekeepers are not to communicate with their respective teams during the course of the trial presentation, recesses, or during any dispute procedure, except to display the time remaining or to indicate (as directed by the presiding judge) how much time is remaining during a particular part of the trial.
- c. Time limits are mandatory and will be enforced. Time runs from the beginning of the witness examination, opening statement, or closing argument until its conclusion. Introduction of counsel or

witnesses prior to the opening statement is not included in the time allotted for opening statements. However, if counsel or witnesses are introduced once the opening statement has commenced, such time is included in the time allotted for the opening statement. Time stops only for objections, questioning from the judge, or administering the oath. Time does not stop for introduction of exhibits. The presiding judge shall have discretion to stop time for technical difficulties in a virtual competition that do not rise to the level of an emergency under Rule 1.3.B.

- d. In trial, each team will use three sets of time cards, one set for openings and closings, one set for direct examination, and one set for cross-examination. Each card will display both the “Time Elapsed” and the “Time Remaining.” The National Board and/or Host will provide a format for time cards. For an in-person competition, the Host will provide time cards. Teams are not permitted to use other time cards. The time cards will be allocated as follows (shown as Time Elapsed/Time Remaining):
  1. Opening and Closing: 1:00 / 4:00; 2:00 / 3:00; 2:30 / 2:30; 3:00 / 2:00; 3:30 / 1:30; 4:00 / 1:00; 4:20 / 0:40; 4:30 / 0:30; 4:40 / 0:20; 4:50 / 0:10, STOP
  2. Direct examinations: 3:00 / 22:00; 5:00 / 20:00; 7:00 / 18:00; 10:00 / 15:00; 13:00 / 12:00; 15:00 / 10:00; 18:00 / 7:00; 20:00 / 5:00; 21:00 / 4:00; 22:00 / 3:00; 23:00 / 2:00; 24:00 / 1:00; 24:20 / 0:40; 24:40 / 0:20; STOP
  3. Cross-examinations: 2:30 / 17:30; 5:00 / 15:00; 7:30 / 12:30; 10:00 / 10:00; 12:30 / 7:30; 15:00 / 5:00; 16:00 / 4:00; 17:00 / 3:00; 18:00 / 2:00; 19:00 / 1:00; 19:20 / 0:40; 19:40 / 0:20; STOP
- e. Teams may not use these cards to signal time other than the aggregate time elapsed and remaining. (For example, teams may not use these cards to show the time remaining of the time allocated by that team to a particular trial segment.)
- f. At the end of each task during the trial presentation (i.e., at the end of each opening, at the end each direct witness examination, at the end of each cross examination and at the end of each closing argument) if there is more than a 15 second discrepancy between the teams’ timekeepers, the timekeepers must notify the presiding judge of the discrepancy. The presiding judge will then rule on the discrepancy, the timekeepers will synchronize their stopwatches accordingly and the trial will continue. Any discrepancies between timekeepers less than 15 seconds will not be considered. No time disputes will be entertained after the trial concludes. The decisions of the presiding judge regarding the resolution of time disputes are final.
- g. During a virtual competition, timekeepers shall post the time using the “chat” or similar feature visible to all participants at the end of each task during the trial presentation (i.e., at the end of each opening, at the end of each witness direct examination, at the end of each cross examination, and at the end of each closing argument).
- h. In a virtual competition, the timekeepers must signal time by posting the time signals permitted by subsection a in the chatroom function of the virtual competition platform. The timekeepers also may display Time Remaining cards by activating their camera to do so.
- i. Students keeping time may use stopwatches or cellular phones. Any cellular phone used for timekeeping must be kept in airplane mode and silenced during the duration of the trial round.

[minor revisions approved: July 20, 2023]

#### **Rule 4.7. Time Extensions and Scoring**

The presiding judge has sole discretion to grant time extensions. Such extensions should be granted sparingly and should be limited in duration, for example, to finish a question, answer, or thought. In all other cases, the presiding judge must stop the presentation once time expires. If time has expired and an attorney continues without permission from the court, the scoring judges may individually decide whether or not to deduct points in a category because of over-runs in time.

**Rule 4.8. Motions Prohibited**

The only motion permissible is one requesting the presiding judge to strike testimony following a successful objection to its admission.

**Rule 4.9. Sequestration and Exclusion**

Teams may not request actual or constructive sequestration or exclusion of witnesses.

**Rule 4.10. Bench Conferences**

Teams may not request bench conferences, and bench conferences are not permitted in either in-person or virtual competitions. Objections are deemed to have occurred at sidebar.

**Rule 4.11. Enlargements, Costuming, Props, and Accents**

- a. No enlargements of the case materials are permitted except as provided by the Host.
- b. No props are permitted.
- c. No costumes are permitted unless authorized specifically in the case materials. Costuming is defined as hairstyles, clothing, accessories, or make up which are case specific.
- d. An accent is not considered costuming. Competing students may affect an accent that is not their own.

**Rule 4.12. Trial Communication**

Coaches, teachers, alternates, and observers shall not talk to, signal, communicate with, or coach their teams during trial. This rule remains in force during any emergency recess that may occur. Team members (other than the timekeeper) may, among themselves, communicate during the trial; however, no disruptive communication is allowed and no participant may communicate with a witness while that witness is testifying other than through the course of that witness's questioning. Signaling of time by the teams' timekeepers shall not be considered a violation of this rule.

Coaches, teachers, alternates, and observers must remain outside the bar in the spectator section of the courtroom. Only team members participating in this round may sit inside the bar and communicate with each other.

During a virtual competition, no one may use the "chat," "instant message," or "chatroom" function of the electronic platform, except to: (1) display timekeeping messages, as permitted by Rule 1.4, and (2) to communicate in the case of a technical emergency where audio and video functions are lost but access to the chat or instant messaging function is intact. Observers are not permitted to use the chat or instant messaging functions at any time.

During a virtual competition, only the six participating attorneys and witnesses may communicate with one another. The six participating attorneys and witnesses may use computers, cellular telephones, or other devices to facilitate this communication.

**Rule 4.13. Scouting and Viewing Trials**

Team members, coaches, and any other persons directly associated with a mock trial team, except for those authorized by the National Board, are not allowed to view other teams' performances in the National

Championship, so long as their team remains in the competition. No person shall display anything that identifies their school, state, or organization of origin while in the courtroom.

Team members and individuals associated with competing teams are prohibited from contacting teachers, students, and attorney advisors from any other team in any manner in an effort to obtain information about an opponent. This prohibition is read and will be construed broadly, and it includes, without limitation, any form of personal communication, voice/telephone communication, and/or electronic communication, including electronic mail, instant messaging, and communication or messaging through social media sites.

It is not a violation of this rule for teams to participate voluntarily in practice or scrimmage matches in advance of the National Championship. It is a violation of this rule for teams to seek information about opposing teams in rounds of the National Championship from individuals who observed such scrimmages, including members of the team competing in that scrimmage.

To the extent that a team or its members makes information publicly available that bears on its strategy or other issues that would normally constitute the object of scouting, it shall not constitute scouting for another team to view these materials. For example, if members of a team post videos of their team's performance in exhibitions or scrimmages to the public internet; create publicly-accessible online materials such as scripts or flash cards on an internet site; or post to publicly-accessible social media information about their performance, strategy, or other matters, it is not scouting for a potential opponent of another team to view that material. Teams are strongly discouraged from actively seeking out information of this kind, and it may constitute scouting for a member of a competing team to actively seek on social media information posted about a future opponent, such as social media information posted by members of teams that opponent faced in prior rounds.

#### **Rule 4.14. Videotaping/Photography**

In order to support civics education, facilitate media coverage, and provide a maximum opportunity for family, friends, peers, and teachers to view our teams competing, all participants must consent to video or audio recording and electronic posting (including video meeting, social media, or other platforms) of each performance at the National Championship, except as provided in Rule 1.5 or otherwise determined by the National Board.

No team may post, share with another competing team, or otherwise disseminate any recording of any competition round prior to the conclusion of the National Championship. Each team shall inform any family member or other observer of this rule. Violations of this rule, even by an individual who is not a team member, may result in sanction of the team affiliated with the individual who recorded and/or posted, shared, or otherwise disseminated the recording up to and including disqualification from the competition.

The National Board or its designee may permit exception to this rule for media coverage.

#### **Rule 4.15. Jury Trial**

The case will be tried to a jury; arguments are to be made to a judge and the jury. Teams may address the scoring judges as the jury.

#### **Rule 4.16 Standing During Trial**

For in-person trials, student attorneys will stand while giving opening statements and closing arguments, during direct and cross examinations, and for all objections, unless excused by the presiding judge. For virtual trials, student attorneys may elect to stand or remain seated during their own examinations, opening statements, and closing arguments, but all objections shall be made while seated.

#### **Rule 4.17. Objections During Opening Statement/Closing Statement**

No objections may be raised during opening statements or during closing arguments. If a team believes an objection would have been warranted during the opposing team's opening statement or closing argument, the opposing attorney for that segment may, following the opening statement or following the closing argument, object and provide a basis for the objection. During a virtual competition, the attorney shall make the objection while remaining seated. The opposing team is then allowed to respond to the objection. The presiding judge will not rule on this objection, and each scoring judge will weigh the objection individually.

**Rule 4.18.       Objections**

- a. Argumentative Questions: An attorney shall not ask argumentative questions.
- b. Lack of Proper Predicate/Foundation: Attorneys shall lay a proper foundation prior to moving the admission of evidence. After the exhibit has been offered into evidence, the exhibit may still be objected to on other grounds.
- c. Assuming Facts Not in Evidence: Attorneys may not ask a question that assumes unproved facts. However, an expert witness may be asked a question based upon stated assumptions, the truth of which is reasonably supported by evidence (sometimes called a “hypothetical question”).
- d. Questions Calling for Narrative or General Answer: Questions must be stated so as to call for a specific answer. (Example of improper question: “Tell us what you know about this case.”)
- e. Non-Responsive Answer: A witness’ answer is objectionable if it fails to respond to the question asked.
- f. Repetition: Questions designed to elicit the same testimony or evidence previously presented in its entirety are improper if merely offered as a repetition of the same testimony or evidence from the same or similar source.

Teams are not precluded from raising additional objections that are available under the Rules of Evidence.

**Rule 4.19       Filibustering or Deliberate Time Wasting**

Although a witness may be permitted to give a brief, responsive answer other than a simple “yes” or “no” to questions on cross-examination, consistent with common trial practice, no witness may provide non-responsive or narrative answers on cross-examination in order to consume the other team’s cross-examination time. The presiding judge is encouraged to control any effort at marginally-responsive, narrative “filibustering” or “deliberate time wasting.”

In addition to being objectionable during the trial, an effort to deliberately consume the opposing team’s time through these techniques may also violate the Code of Conduct and may be sanctionable under Rule 1.2. A presiding judge who believes that egregious misconduct under this rule has occurred may refer the matter for consideration by the National Board immediately following the trial round. Whether to bring this concern to the attention of the National Board is solely at the discretion of the presiding judge; individual teams may not appeal this issue under Rules 6.1 or 6.2.

Scoring judges may deduct points for filibustering or deliberate time wasting whether or not the presiding judge has directed the witness to answer more responsively, and scoring judges should deduct points for filibustering or deliberate time wasting that persists after such a direction by the presiding judge.

**Rule 4.20.A       Procedure for Introduction of Exhibits – Generally**

As an example, the following steps effectively introduce evidence:

1. All evidence will be pre-marked as exhibits.

2. Ask for permission to approach the witness. “Your Honor, may I approach the witness with what has been marked for identification purposes as Exhibit No. ?”
3. Show the exhibit to opposing counsel.
4. Ask the witness to identify the exhibit. “I now hand you what has been marked for identification as Exhibit No. . Would you identify it please?” Witness should answer to identify only.
5. Ask the witness a series of questions that are offered for proof of the admissibility of the exhibit. These questions lay the foundation or predicate for admissibility, including questions of the relevance and materiality of the exhibit.
6. Offer the exhibit into evidence. “Your Honor, we offer Exhibit No. into evidence.”
7. Court: “Is there an objection?” (If opposing counsel believes a proper foundation has not been laid, the attorney should be prepared to object at this time.)
8. Opposing Counsel: “No, Your Honor,” OR “Yes, Your Honor.” If the response is “yes,” the objection will be stated for the record. Court: “Is there any response to the objection?”
9. Court: “Exhibit No. \_\_\_\_ (is/is not) admitted.” If admitted, questions on content may be asked.
10. If an exhibit is introduced into evidence, a team may publish it to the jury at the presiding judge’s discretion.

**Rule 4.20.B Procedure for Introduction of Exhibits – Special Rules for a Virtual Competition**

During a virtual competition, the procedure in Rule 4.20.A shall be followed, except that:

1. All witnesses shall have all case materials available and in their possession during their testimony but may only refer to them when prompted by an examining attorney.
2. Attorneys will not physically approach witnesses. Instead, attorneys will identify the exhibit they wish to show the witness and request the Court’s permission for the witness to view it.
3. Attorneys will not be required to confirm that they have shown the exhibit to opposing counsel.
4. Instead of the language in Step 4, above, the attorney will say words to the effect of “I now show you what has been marked for identification as Exhibit No. . Would you identify it please?” Witness should answer to identify only.
5. When an exhibit – or, during impeachment or refreshment of recollection, some other document – is shown to a witness, a member of the examining attorney’s team shall make that document available to all participants via “screen sharing” or similar technology. The member of the team responsible for posting the exhibit must be a team member competing in the round or the timekeeper for the round.
6. Exhibits or other documents posted in this manner will be deemed not to have been shown to the jury unless they are admitted into evidence and formally published to the jury. Publication to the jury is at the presiding judge’s discretion.
7. Teams may use technology to mark exhibits electronically only to the extent that marking physical exhibits would have been permitted by Rule 4.11. Any marked electronic exhibits may only be used as provided in Rule 4.11.

**Rule 4.21. Use of Notes**

Attorneys may use notes in presenting their cases. Witnesses are not permitted to use notes while testifying during the trial. Attorneys may consult with each other at counsel table verbally or through the use of notes. The use of laptops or other electronic devices is prohibited, except during a virtual competition.

**Rule 4.22 Redirect/Recross**

Redirect and recross examinations are permitted, but any redirect and recross examination is limited in scope to matters raised in cross examination and redirect examination, respectively. Re-redirect and re-recross examination are not allowed.

**Rule 4.23. Scope of Closing Arguments**

Closing Arguments must be based upon the actual evidence and testimony presented during the trial.

**Rule 4.24. The Critique**

The judging panel is allowed 10 minutes for critiquing. The timekeepers will monitor the critique following the trial. Presiding judges are to limit critique sessions to a combined total of ten (10) minutes. There is no critique in the fourth round.

Judges shall not make a ruling on the legal merits of the trial. Judges may not inform the students of score sheet results.

**Rule 4.25 Offers of Proof**

No offers of proof may be requested or tendered.

**Rule 4.26. Trial Materials; Outside Legal Research Prohibited at Trial**

Teams may refer only to materials included in the trial packet. No illustrative aids of any kind may be used, unless provided in the case packet or by the Host.

**Rule 4.27. Marking Documents at Trial**

No trial exhibits may be modified prior to the trial exhibit being admitted. Once a trial exhibit has been admitted, attorneys and witnesses may in real time highlight, underline, zoom in, or otherwise mark (e.g., circling, drawing an arrow, or making another, similar mark) the admitted exhibits during direct or cross examination, either physically or electronically. No other alterations, animations, or enhancements to the trial exhibit are allowed.

A team may also mark other documents in the case materials during trial, such as by real time highlighting, underlining, zooming in, or otherwise marking a pleading or witness statement. If a team wishes to mark a trial exhibit entered but not marked by the opposing team, it must substitute its own clean copy of that trial exhibit for this purpose before any markings are made.

**Rule 4.28. Sharing Documents with Scoring Panel; Using Documents During Argument**

Unless otherwise provided in the Case Materials, the only documents which the teams may provide to the presiding judge or scoring panel are the individual trial exhibits as they are introduced into evidence, the Roster Forms, and the Stipulations. Exhibit notebooks are not to be provided to the presiding judge or scoring panel.

If a trial exhibit is marked during an examination for demonstrative purposes, the marked exhibit may be used as a demonstrative exhibit during the trial and during closing arguments but may not be entered into evidence as a trial exhibit. Other documents, such as witness statements or pleadings, whether marked under Rule 4.27 or not, may not be entered into evidence, used as demonstratives during closing argument, or otherwise shown to the scoring panel.

During closing argument, teams may show the jury any document introduced as evidence and may use as a demonstrative any trial exhibit marked under Rule 4.27, the jury verdict sheet or special interrogatories, and jury instructions.

**Rule 4.29. Reference to Witness Gender and Physical Traits**

A witness is prohibited from making reference to the witness's own physical traits or gender, or reference to the other witnesses' physical traits or gender, where such information is not included in any witness statement. (For example, a witness cannot call attention to size to show inability to complete some physical act included in the case materials or state that the witness was treated differently because of the witness's gender.) An attorney is likewise prohibited from making argument pointing out physical traits of a witness not otherwise included in the case materials. Such references are unfair extrapolations. (See Rule 2.3.) Teams are not prohibited, however, from raising issues about general or common human traits and abilities relevant to the case.

The team member playing the witness is allowed to act as though the team member has any condition, deformity, or disability described in the affidavits. Under no circumstances is the opposing team permitted to question the existence of such conditions based on the fact that the team member playing the witness does not actually have them. While the opposing team may cross examine the witness on the extent of the condition based on information provided in the affidavits, the opposing team may not challenge the witness to prove the existence of the condition by asking the team member to show the condition to the jury.

**Rule 4.30. Roster Forms, Name Tags, and Name Plates**

Each team shall complete a roster in the form provided by the Host. No roster forms may be altered except to provide the information requested. Teams must provide their rosters to the presiding judge, scoring panel, and opposing team at the beginning of each trial round.

Unless provided by the Host, name tags or name plates at counsel table are not permitted. The Host or National Board may provide an enlarged or alternate version of an exhibit. If so provided, use of that version of that exhibit does not violate these rules.

In a virtual competition, students may be directed to display screen names according to a protocol established and announced for a virtual competition. Such display is not a violation of this rule.

**Rule 4.31. Sleeves and Lamination of Trial Exhibits**

Teams may, but are not required to, use lamination or page sleeves for their trial exhibits or other case materials. If teams choose to laminate a page or use page sleeves, teams will ensure that each page is clean prior to trial.

[New rule added July 20, 2023]

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## **JUDGING AND TEAM ADVANCEMENT**

### **Rule 5.1. Finality of Decisions**

All decisions of the judging panel are FINAL.

### **Rule 5.2.A Composition of Judging Panels**

The judging panel will consist of at least three individuals. The composition of the judging panel and the role of the presiding judge will be at the discretion of the Board or its designee, as follows:

1. One presiding judge and two scoring judges; or
2. One presiding judge and at least three scoring judges.

The scoring judges may be persons with substantial mock trial coaching or scoring experience or attorneys. Each scoring panel shall include at least one attorney. The presiding judge shall be an attorney.

At the discretion of the host director, the Championship round may have a larger panel.

All presiding and scoring judges will receive the mock trial manual, a memorandum outlining the case, orientation materials, and a briefing in a judges' orientation.

In the event of an emergency (i.e., sudden illness, etc.), if a judging panel member must leave the courtroom or the virtual competition platform, the presiding judge will call for a brief recess and assess whether the judging panel member will be able to return in a reasonably short period of time. If the judging panel member is unable to return to the courtroom or virtual competition platform in a reasonably short period of time, the dispute resolution committee must be informed. Once the panel composition is adjusted by this committee to best meet the requirements of the rules, the round should continue. During any recess under this rule, the teams, whenever possible, should remain in their appropriate positions within the courtroom or in the virtual competition platform until the round resumes.

If the technical or other emergency impacts the presiding judge, a designated scoring judge will serve as the presiding judge until the dispute resolution committee can be informed and can act to adjust the panel composition.

### **Rule 5.2.B Conflicts Between Judges and Teams**

The National Board recognizes that conflicts of interest between judges and participants may arise. This program requires extensive volunteer support, and it is assumed all participants will make every effort to identify potential conflicts. The sole discretion for determining whether a judicial conflict exists is vested in the National Board or its designee. While conflicts will most likely arise between judges and teams from the host state, there is a potential for similar conflicts to occur between judges from another state and that state's team or, as a result of a coincidence, judges from one state and a team from a different state. The following criteria will be applied in determining whether a presiding judge or scoring judge will be disqualified, and apply equally to both types of judges:

1. A judge shall be disqualified from participating in a trial when the judge has a conflict with either team involved in the trial. Examples of a mandatory disqualifying conflict include where the judge is a coach of one of the teams, is a relative or close friend of a competing student or one of the team's coaches, or the state coordinator for the state which either team is from.
2. A judge shall be excused if that judge or his or her family members attended one of the schools competing, a juror has a personal friendship with a team advisor or parent, or a judge previously scored a trial involving one of the teams competing (for the year in question). However, in the case

of such potential conflicts, it is within the discretion of the National Board or its designee to determine whether such a conflict exists. In addition, reasonable effort will be made by the National Board or its designee to prevent a judge who was a coach at a district, regional or state level competition from judging a round involving a team from that same state, with the understanding that if that is not reasonably possible with regard to judges from the host state, the National Board or its designee may allow that judge to participate in a trial, taking into consideration his or her experience as a judge and whether the judge is familiar with either team involved in the trial.

3. A situation where the judge recognizes a team advisor or student/parent through professional acquaintance or through participation in mock trials in years previous will not ordinarily be considered to be a conflict, unless there is a closer relationship of the kind that would prevent the judge from fairly scoring a round. Mere recognition of a team or its members is not a basis for disqualification absent a more significant conflict.

A judge who becomes aware of a conflict prior to or during a trial should be excused from the panel as soon as possible. If the judge was not aware of the conflict until after he or she has completed the scoresheet, it is left to the discretion of the National Board to determine whether to disqualify the juror.

The National Board will take reasonable steps to avoid any conflict between judges, teams, coaches and coordinators or sponsors of teams. In all such cases, however, the National Board or its designee reserves the right to permit a judge to participate in a trial if there are no reasonable alternatives.

#### **Rule 5.2.C Disqualification of Judges**

The National Board, or its designee, has discretion in cases involving juror irregularity to disqualify a scoring judge's score sheet.

#### **Rule 5.2.D Process Following Disqualification of a Ballot**

If a scoring judge's ballot needs to be disqualified following the conclusion of a round, the presiding judge's ballot will replace the disqualified ballot.

If two ballots need to be disqualified following the conclusion of a round, if there are two legal ballots remaining and those ballots agree on the winning team of the round, a third ballot will be generated consisting of the average total score of those two ballots. This third ballot will be used as the official ballot for power matching purposes.

If two ballots need to be disqualified following the conclusion of a round, if there are two legal ballots remaining and those ballots do not agree on which team won the round, the following process will be employed:

1. An average of the total points on the two valid ballots shall be generated, and the winner on points of that average ballot shall be deemed the winner of the trial.
2. If the average ballot is tied, the tie shall be broken by highest average score in the closing argument category. If the ballot remains tied, that tie shall be broken by the highest average score in the opening statement category. If the ballot remains tied, the winner of the trial shall be determined by coin toss. However, the tie is broken, that team shall be given one additional point on the third ballot.
3. This third ballot shall be used for all power matching purposes.
4. In all cases where the averaging of two ballots above results in a score that is not a whole number, the score shall be averaged by rounding up to the nearest whole number.

**Rule 5.3. Score Sheets/Ballots**

The term “ballot” will refer to the decision made by a scoring judge as to which team made the best presentation in the round. The term “score sheet” is used in reference to the form on which points are recorded. Score sheets are to be completed individually by the scoring judges and the presiding judge. Scoring judges are not bound by the rulings of the presiding judge. The team that earns the highest points on an individual judge’s score sheet is the winner of that ballot. Unless otherwise provided under these Rules, the team that receives the majority of the three scoring judge ballots wins the round. The ballot votes determine the win/loss record of the team for power-matching and ranking purposes. While the judging panel may deliberate on any special awards (i.e., Outstanding Attorney/Witness), the judging panel should not deliberate on individual scores.

**Rule 5.4. Completion of Score Sheets**

At the end of each trial, including the championship round, each scoring judge and the presiding judge shall record a number of points (1-10) for each presentation of the trial. At the end of the trial, each scoring judge and the presiding judge shall total the sum of each team’s individual points, place this sum in the Total Points box, and enter the team (“P” for prosecution/plaintiff; “D” for defense/defendant) with the higher total number of points in the tie-breaker box. **NO TIE IS ALLOWED IN THE TOTAL POINTS BOXES.**

In the event of a mathematical error in tabulation by the scoring judges which, when corrected, results in a tie in the column Total Points box, the Tiebreaker Box shall determine award of the ballot.

**Rule 5.5. Team Advancement**

Teams will be ranked based on the following criteria in the order listed:

1. Win/Loss Record - equals the number of rounds won or lost by a team;
2. Total Number of Ballots - equals the number of scoring judges’ votes a team earned in preceding rounds;
3. Total Number of Points Accumulated in Each Round;
4. Point Spread against Opponents - the point spread is the difference between the total points earned by the team whose tie is being broken less the total points of that team's opponent in each previous round. The greatest sum of these point spreads will break the tie in favor of the team with the largest cumulative point spread.

~~**Rule 5.6. Power Matching/Seeding**~~

~~Pairings for the first round will be determined by random draw. A power match system will determine opponents for all other rounds. The two teams emerging with the strongest record from the four rounds will advance to the final round. The first place team will be determined by ballots from the championship round only.~~

~~Power matching will provide that:~~

- ~~1. All teams are guaranteed to present each side of the case at least once;~~
- ~~2. Subject to Rule 5.6.6 below, the ranking of teams for purposes of power matching shall be in the order of:
  - ~~a. Total matches won;~~
  - ~~b. Number of ballots won;~~~~

- c. ~~Total points scored in all rounds to that point;~~
- d. ~~Total margin of victory in all rounds to that point.~~
- 3. ~~To the greatest extent possible, teams will alternate side presentation in subsequent rounds. Subject to Rule 5.6.6, below, the team with the highest seed in the bracket will be matched with the team with the lowest rank in the bracket, the team with the next highest rank in the bracket will be matched with the team with the next lowest rank in the bracket, and so forth, until all teams are paired.~~
- 4. ~~If there is an odd number of teams in a bracket, the top ranked team from the next lower bracket will be “pulled up” into the higher bracket to create a bracket with an even number of teams. Pairing will occur normally from that point.~~
- 5. ~~Teams will not meet the same opponent twice;~~
- 6. ~~Choice of side of the case~~
  - a. ~~The choice of sides in Round 1 shall be random.~~
  - b. ~~To the greatest extent possible, consistent with the following rules, teams will alternate side presentations in subsequent rounds.~~
  - c. ~~After Round 1, teams will be paired within a bracket to allow for the greatest number of teams within the bracket to play the opposite side that they played in Round 1.~~
  - d. ~~After Round 2, any team that has not switched sides will play the side that it has not yet played.~~
  - e. ~~After Round 3, with the exception of the bracket of 3-0 teams, teams shall be paired within each bracket such that as many teams as practicable have competed twice on each side of the case, except that no team shall be moved more than two slots in the ranking.~~
  - f. ~~After Round 3, subject to Rule 5.6.5, the teams in the 3-0 bracket shall be strictly paired in accordance with their ranking. Where a team that has competed twice on the plaintiff/prosecution side is matched against a team that has competed twice on the defense, the teams shall be assigned sides such that they each have competed twice on each side. Otherwise, the determination of sides shall be random.~~

**Rule 5.7. Selection of Sides for Championship Round**

In determining which team will represent which side in the Championship Round, the following order will be used:

1. If the teams competed against each other at any stage of the Competition, the teams will switch sides for the Championship Round.
2. Subject to the previous paragraph, if one team represented the plaintiff/prosecution or the defendant three times prior to the Championship Round, then that team will represent the side which they represented only once in the competition, unless the other team also represented that same side three times.
3. In all other cases, a coin flip will determine which team will represent which side.
  - a. The team with the letter/numerical code which comes first alphabetically or numerically will be considered the “Designated Team.”
  - b. The coin will be tossed by a designee of the host state coordinator.

- c. If the coin comes up heads, the Designated Team shall represent the plaintiff/prosecution in the Championship Round. If the coin comes up tails, the Designated Team shall represent the defendant.

[rule revised July 20, 2023]

#### **Rule 5.8. Byes at the National Championship**

A “bye” becomes necessary when an odd number of teams are participating in a given round of the National Championship. It is the intent of the National Board to avoid byes where possible. To avoid having a bye to start the National Championship, the host state, upon determining that a bye would be necessary, will have a second team from its own state participate.

In the event of a circumstance resulting in an odd number of competing teams in a given round, the following procedure will apply:

1. The team drawing the “bye” (no opponent for a single trial round) in rounds two through four will, by default, receive a win and three ballots for that round. For power-matching purposes, the team will temporarily be given points equal to the average of its own points earned in its preceding trials. At the end of the fourth round, the average from all three actual trial rounds participated in by the team will be used for the final points given for that team’s bye round.

For example, a team receiving a bye in round three would receive three ballots and an average of its points earned in rounds one and two. At the end of the fourth round, however, the points actually awarded to the team for the bye round will be adjusted to take into consideration the fourth-round performance of the team.

2. A team receiving a bye in round one will be awarded a win, three ballots and the average number of points for all round one winners, which total will be adjusted at the end of each round to reflect the actual average earned by that team.

[rule revised October 14, 2023]

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## **DISPUTE RESOLUTION**

### **Rule 6.1.A Disputes at the Conclusion of the Trial – In-Person Competitions**

At the conclusion of each trial, the presiding judge must inquire of the teams whether either team believes that a substantial violation of the rules occurred during trial. The competing team members are permitted to consult for a time not to exceed two minutes with the team’s coaches before determining whether the team wishes to raise any substantial violations it believes occurred.

The process for determining that dispute shall be as follows (scoring judges shall remain in the courtroom for the duration of the dispute):

- a. One of the student members of one of the competing teams shall state that the team wishes to file a claim that a substantial rules violation occurred (a “dispute”).
- b. The presiding judge will provide the student with a dispute form, on which the student will record in writing the nature of the dispute. No more than two minutes per team shall be allotted for this process. The student may communicate with his/her team members and coaches in preparing the form.
- c. The team accused of a material rules violation shall have the opportunity to respond in writing. No more than two minutes per team shall be allotted for this process. The student may communicate with her/his team members and coaches in preparing the form.
- d. One member of each team shall briefly present the team’s position to the presiding judge. No more than two minutes per team shall be allotted for this explanation.

- e. The presiding judge shall ask any questions and perform any additional investigation s/he believes appropriate.
- f. If the dispute is denied, the presiding judge will record the reasons for this, announce his/her decision to the Court, retire to complete his/her score sheet (if applicable), and turn the dispute form in with the score sheets.
- g. If the dispute is granted, that decision will be recorded in writing on the dispute form, with no further announcement. The dispute form will be turned in with the score sheets.
- h. The presiding judge will advise the teams as to whether the dispute is granted or denied.

**Rule 6.1.B Disputes at the Conclusion of the Trial – Virtual Competitions**

The foregoing rules shall also apply in virtual competitions, except that students shall not complete a dispute form. Instead, students shall have two minutes to prepare an argument regarding their dispute in consultation with coaches and team members, and the presiding judge shall take notes regarding the nature of the dispute and the arguments presented by each team.

**Rule 6.2. Effect of Violation on Score**

After hearing the teams’ arguments, the scoring judges may account for their view of that dispute in their scoring. The presiding judge’s determination of the dispute is not binding on the scoring judges.

**Rule 6.3.A Disputes After the Conclusion of the Trial – In-Person Competition**

Disputes which could not have been brought to the attention of the presiding judge may be brought to the attention of the Board by teacher or attorney coaches exclusively. Such disputes must be made promptly to a trial coordinator or a member of the National Board, who will ask the complaining party to complete a dispute form. The form will be taken to the tournament’s communications center, whereupon a dispute resolution panel will: (a) notify all pertinent parties; (b) allow time for a response, if appropriate; (c) conduct a hearing; and (d) rule on the charge.

The dispute resolution panel may notify the judging panel of the affected courtroom of the ruling on the charge and/or may assess an appropriate penalty.

The dispute resolution panel will be designated by the National Board.

**Rule 6.3.B Disputes After the Conclusion of the Trial – Virtual Competition**

The foregoing rules shall also apply in virtual competitions, except that the National Board or its designee shall, in consultation with the Host, designate in advance of competition a mechanism for submission and resolution of disputes.

**COURTROOM ARTIST CONTEST**

**Rule 7.1. Registration and Eligibility**

Each State that has a courtroom artist program may register their state champion courtroom artist to compete in the NHSMTC Courtroom Artist Contest. In the event that the state champion is unable to attend, the state coordinator has the sole discretion to designate a substitute artist, so long as the artist participated in the state’s courtroom artist contest during the current competition year.

Courtroom artists are subject to all relevant Mock Trial Competition Rules, restrictions, and eligibility requirements and will be held to NHSMTTC Code of Ethical Conduct. Artists are bound by Rule of Competition 4.13 and are deemed to be a member of their state team for purposes of Rule of Competition 4.13. The courtroom artists will use the same team code as their Mock Trial team and will accompany their state team throughout the entire competition. The courtroom artist may not serve in any other role on their state's Mock Trial team.

For a virtual competition, courtroom artists shall follow the naming conventions established for competing team members and shall accompany their state team to any designated virtual courtrooms.

#### **Rule 7.2.A Trials/Trial Depiction – In-Person Competition**

Sketches must depict actual courtroom scenes observed by the courtroom artist. Sketches are created and completed by the courtroom artist during the course of the round three trial without the help of any source or person. Laptops are not permitted in the competition venue.

The courtroom artist may only observe and sketch the trials in which his/her state is competing.

The presiding judge may allow courtroom artists to sit in the jury box. However, they shall not be seated in such a way to see the scoring judges' scoresheets.

Once the trial begins, the courtroom artist may not move about the courtroom. The courtroom sketch artists may not communicate, either verbally or non-verbally, with any member of the Mock Trial teams or any visitors, coach, or third party during the trial rounds.

#### **Rule 7.2.B Trials/Trial Depiction – Virtual Competition**

The rules for trial depiction are the same as those during an in-person competition, except that:

1. Because there is no physical "courtroom" in a virtual competition, courtroom artists are permitted to create details of a courtroom setting in crafting their competition pieces.
2. Competing student attorneys may be drawn either standing or sitting, even if they were sitting during the virtual competition round.
3. It is not a violation of these rules for courtroom artists to depict a courtroom scene that they did not observe. If a template courtroom is provided by the National Board or the Host, that courtroom must be used in the depiction.
4. All depictions of competing students and judges shall be accurate to the mode and manner of their dress and of traditional courtroom dress, even if the entirety of their clothing is not visible during the virtual competition.
5. Courtroom artists are advised not to focus too much on the courtroom background for their competition pieces. Competition piece judging will weigh more heavily the depiction of faces and bodies during a virtual competition.
6. Courtroom artists are permitted to use a laptop computer throughout a virtual competition.
7. Courtroom artists are encouraged to explore ways to utilize the competition's chosen technical platform to make their art easier to create and more detailed. For example:
  - a. Courtroom artists may wish to test whether a particular method of connection (e.g. using an app vs. a direct internet connection, using an app on an iPad vs. a laptop) provides the clearest views and best controls.
  - b. Courtroom artists may wish to test using different views (such as a layout in which the video of the individual speaking will appear larger on the screen).

- c. Courtroom artists are permitted to experiment with these settings on their own systems during rounds 1 and 2, so that they may prepare to use those that prove most effective in Round 3.
8. Instead of sitting in the jury box, courtroom artists shall be permitted into the virtual courtroom on the same terms as any official team member.
9. The ban on courtroom communication includes any use of a chat function, text messaging, or other mechanisms of communication.
10. If the Courtroom Artist loses connection, it shall not constitute an emergency for purposes of Rule 1.3.

#### **Rule 7.3.A Submission Specifications – In-Person Competition**

Courtroom artists must supply their own materials and follow these parameters:

- a. The art submission may be done in color or in black and white.
- b. The drawing must be on paper of the dimensions 11” X 14”, in a horizontal/landscape format.
- c. The drawing may be done in any of the following media: Color pencil, pen and ink, pastel, marker. No watercolors or paint are allowed.
- d. The art submission must have the artist’s name and team code placed on the back of the sketch; no signatures on the front of the submission are allowed.

Courtroom artists are responsible for ensuring their work area is left neat and orderly with all trash disposed in the appropriate trash receptacle.

Each artist submits one sketch to the presiding judge or courtroom liaison at the conclusion of the trial.

#### **Rule 7.3.B Submission Specifications – Virtual Competition**

The rules for submission of the artist’s work following Round 3 are the same as those during an in-person competition, except that:

1. At the conclusion of the trial, the artist must turn on their video to allow for a screen shot of the drawing.
2. A picture of the art sketched during Round 3 must be submitted within 30 minutes of the conclusion of the Round 3 trial to be considered in the contest.
3. The submission process, labeling protocol, and technical specifications for courtroom artist depictions – maximum file size, minimum or maximum resolution, and image format (.jpg, .tiff, .pdf, etc.) – shall be announced in advance of the competition by the Host. In advance of the competition, artists are encouraged to explore options for high-resolution scanning or photography of their work.
4. Courtroom artists shall maintain a digital copy and shall retain the physical copy of their Round 3 submission piece until, at least, the end of the National Championship.

#### **Rule 7.4. Judging Components**

Sketches are evaluated and scored anonymously by a judge or judging team. The highest scored sketch will be named the NHSMTTC Courtroom Artist National Champion.

The results of the NHSMTTC Courtroom Artist competition will be announced at the Awards Ceremony.

A sample judging scoresheet is posted to the NHSMTC website for information on how sketches are scored.

**Rule 7.5. Release**

All courtroom artist submissions become the property of the NHSMTC and may be used for any purpose it deems appropriate, including but not limited to reproduction and dissemination, with recognition to the artist.

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**COURTROOM JOURNALIST CONTEST**

**Rule 8.1. Registration and Eligibility**

Each state that has a courtroom journalist program may register their courtroom journalist state champion to compete in the NHSMTC Courtroom Journalist Contest. In the event that the state champion is unable to attend, the state coordinator has the sole discretion to designate a substitute journalist, so long as the substitute journalist participated in the state's courtroom journalist contest during the current competition year. Absent good cause, state coordinators should ordinarily designate courtroom journalists in order of their finish in the state competition.

Courtroom journalists are subject to all relevant Mock Trial Competition Rules, restrictions, and eligibility requirements, and they will be held to NHSMTC Code of Ethical Conduct. Courtroom journalists are bound by Rule of Competition 4.13 and are deemed to be a member of their state team for purposes of Rule of Competition 4.13. The courtroom journalists will use the same team code as their Mock Trial team and will accompany their state team throughout the entire competition. The courtroom journalist may not serve in any other role on their state's Mock Trial team.

For a virtual competition, courtroom journalists will follow the naming conventions established for competing team members and will accompany their state team to any designated virtual courtrooms.

**Rule 8.2.A Trials/Trial Depiction – In-Person Competition**

Articles must report on what the courtroom journalists observed during their respective team's trial. Articles are created and completed by the courtroom journalist during the course of the Round 3 trial without the help of any source or person. Articles must be based on what occurs during the Round 3 trial, not what occurred in earlier rounds of competition.

During the Round 3 trial, courtroom journalists are bound by Rule 4.21, and thus they must take handwritten notes, not notes on laptops or other electronic devices. After the Round 3 trial has concluded and teams have been dismissed, courtroom journalists may use laptops, desktops, or other devices to complete the article for submission.

The courtroom journalist may only observe and report on the trials in which their state is competing.

The presiding judge may allow courtroom journalists to sit in the jury box. However, they shall not be seated in such a way to see the scoring judges' scoresheets.

Once the trial begins, the courtroom journalists may not move about the courtroom. The courtroom journalists may not communicate, either verbally or non-verbally, with any member of the Mock Trial teams or any visitors, coach, or third party during the trial rounds.

Courtroom journalists must supply their own equipment and note-taking supplies.

Courtroom journalists are responsible for ensuring their work area is left neat and orderly, with all trash disposed in the appropriate trash receptacle.

### **Rule 8.2.B Trials/Trial Depiction – Virtual Competition**

The rules for trial depiction are the same as those during an in-person competition, except that:

1. Courtroom journalists are permitted to use a laptop computer or other electronic device throughout a virtual competition for purposes of observing the trial. Otherwise, Rule 4.21 applies, and they must take all notes by hand.
2. Courtroom journalists will be permitted into the virtual courtroom on the same terms as any official team member.
3. If the Courtroom Journalist loses connection, it is not an emergency under Rule of Competition 1.3.
4. Note: the ban on courtroom communication includes any use of a chat function, text messaging, or other mechanisms of communication.

### **Rule 8.3 Submission Process**

1. At the conclusion of the trial, the courtroom journalist must move to a location other than the courtroom to type their article. The host committee may designate a location for courtroom journalists, or they may return to their hotel spaces or to a public area.
2. Courtroom journalists will have a period of time to complete their article following the conclusion of Round 3. The exact deadline for submission will be provided by the host committee in advance of the competition, based on the competition schedule. Articles sent after that deadline may be disqualified from consideration.
  - a. Typically, courtroom journalists will have 60-90 minutes to complete their work and submit their article following the conclusion of Round 3.
3. The courtroom journalist will submit the article on deadline, via email.
  - a. The host committee will designate an email address to which the articles must be submitted by the deadline set by the host committee.
  - b. Articles must be sent as attachments to the email, not in the body of the email itself.
  - c. Attachments must be in Word or .pdf format.
  - d. In the body of the email, the courtroom journalist will provide a word count for the article using the word count function of their word processing program. Any false statement with respect to word count is a violation of Rule 1.2.
4. Courtroom journalists may not have dictionaries and thesauruses in the courtroom, but they may have and use them in completing their articles.
5. Courtroom journalists may use any publicly-available source of information (e.g. webpages not behind a paywall) in completing their articles.
6. Courtroom journalists will maintain a digital copy of their article submission piece until, at least, the end of the National Championship.

### **Rule 8.4 Article Specifications**

1. Submitted articles should be in the voice of a reporter covering the Round 3 trial.
2. Each courtroom journalist shall place their name and team code only – not their state – on the top left corner of the page.
3. The article must be in 12-point, Times New Roman font with one-inch margins.

4. The article must be double spaced.
5. No article may exceed 850 words, excluding the journalist's name and team code.

**Rule 8.5            Judging**

Articles are evaluated and scored anonymously by a judge or judging team. The highest scored article will be named the NHSMTTC Courtroom Journalist National Champion.

The results of the NHSMTTC Courtroom Journalist competition will be announced at the Awards Ceremony.

A sample judging scoresheet is posted to the NHSMTTC website.

**Rule 8.6            Release**

All courtroom journalist submissions become the property of the NHSMTTC and may be used for any purpose it deems appropriate, including but not limited to reproduction and dissemination, with recognition to the courtroom journalist.

(Amended 10/14/2023)