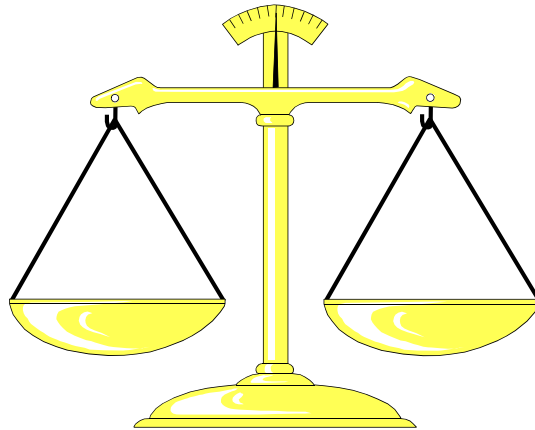


JOHN S. BRADWAY  
HIGH SCHOOL MOCK TRIAL COMPETITION

PHILADELPHIA REGION COMPETITION MANUAL – updated 11/16/2005

Rules of Competition, Evidence, Scoring & Procedure

2006



*Sponsored by:*

*Temple-LEAP  
&*

*Young Lawyers Division of the Philadelphia Bar Association*

**Weather Emergencies  
&  
Information**

**Temple LEAP  
Mock Trial Hotline**

**215-204-1887**

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The additional items listed below must be attained via the internet at [www.pabar.org](http://www.pabar.org) or by contacting Jayanne Hayward at the Pennsylvania Bar Association. Ms. Hayward's information is:

Jayanne Hayward  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
1-800-932-0311, ext. 2223  
Fax: 717-238-7182  
[jayanne.hayward@pabar.org](mailto:jayanne.hayward@pabar.org)

Hints for preparing for competition  
Teaching Tips  
Guidelines for Attorney Advisors

Guidelines for Presiding Judges  
Guidelines for Evaluating Judges

**RULES OF COMPETITION**  
**2006 JOHN S. BRADWAY PHILADELPHIA HIGH SCHOOL TRIAL COMPETITION**

The Philadelphia Mock Trial Competition is governed by the rules set forth below:

**THE PHILADELPHIA RULES OF COMPETITION FOR PURPOSES OF THE JOHN S. BRADWAY PHILADELPHIA HIGH SCHOOL MOCK TRIAL COMPETITION TAKE PRECEDENCE OVER ANY CONFLICTING INFORMATION FOUND IN ANY OTHER SOURCE, INCLUDING THE RULES OF EVIDENCE. SIGNIFICANT CHANGES IN RULES FROM PRIOR YEARS WILL BE DENOTED BY *ITALICS* TYPEFACE.**

***NOTE: THESE RULES VARY IN FORMAT AND OCCASIONALLY SUBSTANCE FROM THOSE USED ON THE STATE MOCK TRIAL LEVEL. THE TEAM(S) ADVANCING TO THE STATE COMPETITION WILL HAVE TO USE THE STATE MOCK TRIAL RULES AS POSTED ON THE MOCK TRIAL WEBSITE.***

**A. TEAMS**

1. Education of students is the primary goal of the mock trial competition. Competition helps to achieve this goal and teachers and attorney advisors are reminded of their responsibility to keep the competitive spirit at a reasonable level. Every team member, the teacher coach and the attorney advisor must sign the Code of Ethical Conduct, found within this rule book. This signed Code of Ethical Conduct must be filed with Temple-LEAP in advance of the competition and shown to the coordinator at the beginning of each trial. Failure to file the signed Code of Ethical Conduct with Temple-LEAP prior to the first round of competition will result in that team's elimination from the competition. If the Mock Trial coordinator determines that a team has breached the Code of Ethical Conduct, the coordinator may assess sanctions up to and including team disqualification from the competition.
2. All case materials, coaching instructions and necessary competition information are available on the Pennsylvania Bar Association's website ([www.pabar.org](http://www.pabar.org)). Review of the Philadelphia Region's competition rules and information will occur at the coaches' meeting. Attendance at this meeting is mandatory. Teams that do not have an adult representative at this meeting will need to make arrangements to go over the information with the Mock Trial Coordinator.
3. Each team **MUST** have an adult representative present at the coaches' meeting. Teams unable to have an adult present at the meeting must contact the Mock Trial Coordinator and arrange for a makeup session.
4. The Philadelphia region will follow the calendar distributed by Temple-LEAP and found at the end of this rule book. Any changes necessitated by forces of nature (weather) and beyond (court availability) will be communicated to all teacher coaches through the Temple-LEAP office. **Information relating to round scheduling will be posted on the**

**Mock Trial Hotline – 215-204-1887. Coaches are responsible for checking this line for information regarding the scheduling of their team’s trial.**

5. **Conflict dates, using the conflict form in this rule book, must be submitted to the Mock Trial Coordinator at Temple-LEAP no later than December 16, 2005 and must cover the period from January 30 through March 11, 2006.** All possible efforts will be made regarding scheduling and the Mock Trial Coordinator shall have final discretion as to scheduling of teams. If an additional conflict should arise after the submission of the conflict form, teams should notify the Mock Trial Coordinator as soon as possible. However, no guarantees will be made regarding whether accommodations for the conflict can occur.
6. Trial Coordinators have COMPLETE discretion to assess sanctions, up to and including disqualification, for any violations of the Rules of Competition or Rules of Evidence for which no specific penalty is otherwise provided.
7. There is no limit in the Philadelphia regional competition to the number of students that are permitted to participate on the mock trial team and all teams must follow the guidelines of Rule F.16(a)-(k) in Trial Enactments. However, for any trial, all teams shall consist of at least 3 attorneys and 2 witnesses. A team that advances to the state competition must narrow its team to 8 students. These 8 students will be that school’s mock trial team for purposes of the state competition. No substitutions will be permitted and the Pennsylvania Bar Association will provide funding for only these 8 students for lodging at the state competition.
8. Students from 9th through 12th grade may be on teams. Home -schooled students are eligible to compete in the mock trial competition. Interested home-school students should contact Temple-LEAP to find out how they can compete.
9. The method of team selection is left to the discretion of the individual schools.
10. Each team must have at least one teacher coach. **THE TEACHER COACH IS THE MAIN POINT OF CONTACT BETWEEN TEMPLE-LEAP AND THE TEAM. OFFICIAL NOTICES WILL ALWAYS GO TO THE TEACHER COACH. RECOGNIZING THAT SOME SCHOOLS UTILIZE A TEACHER COACH AS MORE OF A "SPONSOR" THAN A "HANDS-ON" COACH, TEMPLE-LEAP WILL ATTEMPT TO ACCOMMODATE THOSE TEAMS THAT WISH TO HAVE NOTICES SENT TO SOMEONE OTHER THAN THE TEACHER COACH. HOWEVER, SUCH REQUESTS MUST BE MADE IN WRITING TO TEMPLE-LEAP PRIOR TO THE START OF THE ACTUAL TRIALS.**
1. *Each team is responsible for obtaining its own attorney or law student advisor. Attorney and law student advisors are to assist teams in preparing the case. They are to meet with the team for at least ten hours prior to and during the competition rounds. Information regarding the attorney(s) or law student(s) shall be communicated to the Mock Trial Coordinator so that all information may be forwarded to them. Teams having difficulty finding an advisor may contact the Mock Trial Coordinator for assistance in locating an*

*advisor. This contact shall **NOT** constitute a guarantee that the Mock Trial Coordinator will assign an attorney and/or law student to a team.*

2. For any single trial, all teams must consist of at least 3 attorneys and 2 witnesses. Teams with fewer than 5 members present will be allowed to participate for exhibition purposes only. **Having less than five team members at a scheduled round results in a team loss for purposes of the competition.**
3. Schools may enter up to two teams provided that they pay the registration fee for each team entered to compete in the competition and meet all requirements for each team. **No team will be considered registered for the competition until the fee is paid.**
4. Schools entering more than one team must submit rosters for each team to the Mock Trial Coordinator prior to the start of trials. These rosters may not be changed at any point in the competition, including the state competition, except for compelling reasons and with the permission of the Mock Trial Coordinator. Teams from the same school are considered separate and may not, under any circumstances, communicate with each other about other teams. Additionally, where a school has more than one team competing, they must have a separate coach for each team no later than the start of competition rounds. Where possible, coordinators will avoid scheduling trials such that a team from one school competes against both teams from another school.
5. Each team will be identified by an anonymous code that the team will receive prior to its first trial. Teams are reminded that they are not to identify themselves to the court by anything other than their anonymous code. Teams are not to wear any article of clothing that will identify their schools during the competition rounds.
6. A team may use its members to play different roles in different trials or it may substitute alternates for different trials.
7. **Prior to the first round of competition**, each team must submit a team roster list to Temple-LEAP as well as to the Pennsylvania Bar Association identifying all students participating on the team. The Bar Association can be reached at:

Pennsylvania Bar Association  
100 South Street  
P.O. Box 186  
Harrisburg, PA 17108-0186  
fax - 717.238.7182  
phone – 1.800.932.0311

The school advancing to the state quarter-finals shall provide the names of the eight students that will be representing the school at the state competition to Temple-LEAP and the state coordinators no later than one week prior to the state quarter-finals.

8. Each team must prepare to present both sides of the case.

9. Each team must call both of its witnesses. Witnesses must be called only by their team and examined by both sides. Witnesses may not be recalled by either side. The prosecution/plaintiff presents its witnesses first.

Voir dire examination of a witness is not permitted. This does not preclude a team from challenging an expert witness' credentials on cross examination.

Teams are reminded that in a criminal case, no negative inference may be made if the defendant does not testify. **If a team improperly raises a negative inference, the proper response is for the opposing team to raise an objection pointing out the violation. The objecting team may not move for a mistrial.**

10. The Prosecution/Plaintiff gives the Opening Statement first. The Defense/Defendant give the Closing Argument first. There is NO rebuttal.
11. Each school is responsible for the conduct of its team participants. Misconduct, withdrawals from the competition and breaches of courthouse and courtroom decorum and/or rules of security will be addressed by the mock trial coordinator. Sanctions and/or penalties up to and including team disqualification may be imposed.

## **B. COMPETITION**

1. All necessary competition information, including case materials and all supplements thereto, will be posted on PBA website – [www.pabar.org](http://www.pabar.org) - under the Young Lawyers Division (YLD) (direct access is available at [www.pabar.org/yldstatewidemock.shtml](http://www.pabar.org/yldstatewidemock.shtml)). Teams without access to the web may request a hard copy version from the Pennsylvania Bar Association. Information on how to contact the Bar Association can be found on the Table of Contents page of this Rule Book.
2. District/County/Regional Coordinators have the complete authority to establish the time, date and location for the trials for which they are responsible. Temple-LEAP serves as the state sanctioned coordinator for the Mock Trial Program.
3. **Temple-LEAP will accept conflict dates from coaches until December 16, 2005 (see rule A.5 under Teams).** Conflict date forms should not be sent to the state coordinator. The conflict dates must cover the period from **January 30, 2006 through March 11, 2006**, which is through the end of the Regional Competition. Coordinators do not guarantee that these dates will be honored but they will do their best to accommodate requests. If no conflict dates are indicated, the coordinator shall assume that no conflicts exist. Once a schedule is finalized, the coordinators shall not be required to change scheduled dates due to an undisclosed conflict.
4. The schedule for the local competition rounds will be distributed by the local Mock Trial Coordinator. The schedule for the Mock Trial Competition can be found at the end of this rule book.

5. Supplemental Questions -- Questions regarding the content of the case materials are to be submitted as directed in the contact page to the case materials. Answers to questions will be posted on the mock trial web site. The final posting will become the official supplemental memo and may be used in the Competition. Earlier dated copies may not be used. Please consult rule B.6 regarding the evidentiary value teams are to give the official supplemental memo. Teams are responsible for checking the website for supplements. Teams without internet access can receive these changes by requesting them from the Pennsylvania Bar Association (address above).
6. Supplemental Materials -- Evidentiary Value – Supplemental clarifications may be used in all the same ways (including impeachment and testimony) that the main body of the case materials are used. Supplemental answers clarifying a witness statement/affidavit are to be treated as follows:
  - a. If the clarifying information needs to be attributed to a specific witness, then the information becomes part of that witness's statement/affidavit and only that witness has knowledge of the fact.
  - b. If the clarifying information is not attributed to a single witness, assume that all witnesses have this knowledge.

The practical implication of this is that if a witness is challenged as to his or her knowledge reflected in the statement/affidavit, he or she may refer to supplemental clarifications to show knowledge.

7. **There is NO SCOUTING permitted.** Team members, alternates, teacher coaches, attorney advisors, family members and any other persons associated with a mock trial team, are prohibited from viewing another teams' performances until the observing team is eliminated from the Competition. Team members and associates are also prohibited from contacting teachers, students and attorney advisors from other schools concerning other trials in an effort to obtain information about an opponent. **This includes a prohibition against obtaining or providing videotape copies of trials involving any team still participating in the Competition. Additionally, schools with more than one team competing in the competition may NOT share information regarding their opponents from one team to another. Students on one team may NOT observe the trials of the other team from their school until they are no longer in the competition.**

## C. TRANSPORTATION

1. Each team is responsible for arranging its own transportation to all rounds of competition, including the state finals.
2. All attempts will be made to minimize travel and to make arrangements as convenient and equitable as possible.

3. Teams should report to their assigned courtrooms at least 15 minutes prior to the starting time for each trial. If a team has not arrived 15 minutes after the scheduled starting time, the coordinator may declare a forfeit. If there is an extenuating reason for the forfeiture, the coordinator, in his/her discretion, may attempt to reschedule the match. If there is no valid reason for the forfeiture, the coordinator may attempt to find an opponent to go against the non-forfeiting school so that the non-forfeiting school is not penalized. The score received by the substituting school will not count. All schools are expected to cooperate with the coordinator if asked to be a substitute school. If it is impossible to reschedule the match for the non-forfeiting school, the non-forfeiting school will be given a win and the forfeiting school will be given a loss.
4. The coordinator shall have the final decision as to whether a match is postponed due to inclement weather. Coordinators are to notify participants as soon as possible of their decision to postpone a match. Make up trials will be scheduled as soon as possible in order to preserve the competition. The last week of the competition will be designated as a makeup week and schools are expected to be available for additional trials, if necessary, due to inclement weather. **In Philadelphia, please call the Mock Trial Hotline at (215) 204-1887 to get the latest message regarding a scheduled competition.**

#### **D. JUDGING**

1. The presiding trial judge may render a decision based on the merits of the case and the applicable law. This decision does not determine which team “wins” or advances to the next competition round. In Philadelphia, this decision has been eliminated from the competition. It was eliminated in the 2001 competition as a way to avoid improper announcements in front of the scoring panel and as a way to preserve the presiding judge’s vote should it be needed for a tie break.
2. **A decision (verdict) as to which team has won will be rendered by a panel of evaluating judges (jurors) following each trial.** Evaluating judges are provided with score sheets and rate the performances of all student-attorneys, student-witnesses and overall team performance. For each category, the evaluating judges rank the performance on a scale of one to five. The maximum score per team per juror is 90 points. Fractions are not permitted. **The Philadelphia Region uses a one person/one vote system. Judges must vote consistent with their score sheet. The team with the majority of votes is the winner for the round.**
3. THE DECISIONS OF THE EVALUATING JUDGES ARE FINAL.
4. Schools, including their attorney advisors and teacher coaches, parents and anyone associated with teams, are prohibited from contacting evaluating judges or presiding judges to question any scores. Any and all such questions should be directed to the mock trial coordinator. This rule will be strictly enforced. Penalty points up to team disqualification may be assessed by the mock trial coordinator for a violation of this rule.

5. IT IS IN THE DISCRETION OF THE MOCK TRIAL COORDINATOR WHETHER TO ANNOUNCE THE WINNER OF A PARTICULAR TRIAL AT THE CONCLUSION OF THE TRIAL. IF THE DECISION OF THE EVALUATING JUDGES IS ANNOUNCED, IT IS UNDERSTOOD THAT THIS IS **UNOFFICIAL**. THE MOCK TRIAL COORDINATOR WILL PROMPTLY DOUBLE CHECK THE ARITHMETIC OF THE EVALUATING JUDGES AND MAKE ANY NECESSARY CHANGES. IF A SCORE SHEET HAS NOT BEEN COMPLETED PROPERLY, I.E. AN EVALUATING JUDGE HAS NOT COMPLETED A SEGMENT OF THE SHEET, AND THIS IS DISCOVERED BEFORE THE EVALUATING JUDGES HAVE BEEN EXCUSED, THE COORDINATOR WILL ASK THE EVALUATING JUDGE TO COMPLETE THE SCORE SHEET. IF THE OMISSION OR ERROR IS DISCOVERED BY THE COORDINATOR AFTER THE EVALUATING JUDGE HAS BEEN EXCUSED, THAT SCORE SHEET WILL BE DISQUALIFIED.
6. While the jury is deliberating and after the presiding judge has made his/her comments, each team will award to the opposing team a Best Witness and Best Advocate award. This decision is to be made solely by the students without any input from the teacher coach or attorney advisor and should be made in a sportsmanlike manner.
7. Coordinators are encouraged to use only evaluating judges who are familiar with the law.
5. Score sheets will be distributed to the teacher coach, attorney coach or law student coach only after they have been verified by the Mock Trial Coordinator. If this can be done before the conclusion of the round, then score sheets will be given at that time. Otherwise, score sheets will be mailed to the teacher coach, attorney coach or law student coach. If the score sheets have been verified at the conclusion of the round and there is no adult associated with the team present to receive the score sheets, the score sheets will be mailed to the school by the Mock Trial Coordinator.
6. Disputes must be handled according to the Dispute Resolution Procedures below:

#### **DISPUTE RESOLUTIONS**

##### **Inside the bar (actions that occur as part of the trial):**

Disputes which involve students competing in a trial and occur within the bar must be filed immediately following the conclusion of that trial. Disputes must be brought to the attention of the presiding judge at the conclusion of the trial. *Disputes relating to the trial that are not raised at the time of the trial are WAIVED.*

If any team believes that a substantial rules violation has occurred, one of its student attorneys must indicate that the team intends to file a dispute. The scoring panel will be excused from the courtroom, and the presiding judge will provide the student attorney with a dispute form, on which the student will record in writing the nature of the dispute. The student may communicate with student counsel and/or student witnesses before lodging the notice of dispute or in preparing the form. **AT NO TIME IN THIS PROCESS MAY TEAM SPONSORS OR**

**COACHES COMMUNICATE OR CONSULT WITH THE STUDENT ATTORNEYS.  
ONLY STUDENT ATTORNEYS MAY INVOKE THE DISPUTE PROCEDURE.**

The presiding judge will review the written dispute and determine whether the dispute should be heard or denied. If the dispute is denied, the judge will record the reasons for this, announce his/her decision to the Court and turn in the dispute form with the score sheets. If the judge feels the grounds for the dispute merit a hearing, the form will be shown to opposing counsel for their written response. After the team has recorded its response and transmitted it to the judge, the judge will ask each team to designate a spokesperson. After the spokespersons have had time (not to exceed 3 minutes) to prepare their arguments, the judge will conduct a hearing on the dispute, providing each team's spokesperson 3 minutes for a presentation. The spokespersons may be questioned by the judge. **AT NO TIME IN THIS PROCESS MAY TEAM SPONSORS OR COACHES COMMUNICATE OR CONSULT WITH THE STUDENT ATTORNEYS.** After the hearing, the presiding judge will adjourn the court and consider his/her ruling on the dispute. That decision will be recorded in writing on the dispute form with no further announcement.

If the presiding judge determines that a substantial rules violation has occurred, the judge will inform the scoring judges of the dispute and provide a summary of each team's argument. The scoring judges will consider the dispute before reaching their final decisions. The dispute may or may not affect the final decision, but the matter will be left to the discretion of the scoring judges.

**Outside the bar (actions that occur as part of the gallery)**

Disputes which involve people other than student team members and occur in the gallery of the court during a trial may be brought by teacher and/or attorney coaches only. Such disputes must be made promptly to a Mock Trial Coordinator who will ask the complaining party to complete a dispute form. The Mock Trial Coordinator will take the form and (a) notify all pertinent parties; (b) allow time for a response; (c) conduct a hearing; and (d) rule on the charge. The Mock Trial Coordinator may notify the judging panel of the affected courtroom of the ruling on the charge.

**IN ORDER FOR DISPUTES OF THIS NATURE TO BE PRESERVED, THEY MUST BE REPORTED IMMEDIATELY TO THE MOCK TRIAL COORDINATOR AND PUT IN WRITING ON A DISPUTE FORM. DISPUTES RAISED AFTER TRIAL OR AFTER THE DECISION OF THE COURT WILL NOT BE ENTERTAINED AND WILL HAVE NO EFFECT ON THE OUTCOME OF THE TRIAL. *PROTESTS ON THE BASIS OF RESOURCES, SCORING PANEL MAKE UP, AND OPPONENT WILL NOT BE ENTERTAINED.***

## **E. EXHIBITS**

1. Teams may introduce as evidence only those documents and materials that are provided and in the form provided. No enlargements or color reproductions of the case materials will be permitted. Unless previously approved by the coordinator, no electronic equipment may be used by teams during the actual competitions.

The case materials will generally identify those exhibits with which a witness is familiar, Nevertheless, any witness who demonstrates knowledge of the contents of an exhibit may testify about the exhibit. It is presumed, unless otherwise noted, that a witness does not have knowledge of any other exhibits.

2. All exhibits contained in the case materials are stipulated to being authentic. Exhibits may be objected to on evidentiary grounds other than authenticity.
3. All exhibits contained in the case materials will be pre-marked. The exhibits should maintain their pre-markings for trial.
4. Witness statements/affidavits do not have to be marked as exhibits for purposes of identification in the event of an attack on the witness' credibility or trustworthiness (impeachment).
5. Attorneys shall lay a proper foundation prior to moving for the admission of evidence. After the exhibit has been offered into evidence, the content of the exhibit may still be objected to on other grounds.
6. All exhibits must be admitted before they may be published to the jury.
7. No exhibit binders or books may be presented to the judge and/or jury. Exhibits must be submitted and entered individually subject to evidentiary objections.

## **F. TRIAL ENACTMENTS**

1. Participants and spectators are requested not to wear or bring anything into the courtroom that could identify their school or team.
2. Prior to the trial, each team must provide a trial roster identifying all student roles for that trial. Teams may use the form found on the State Mock Trial Website or one of their own creation. Copies of the roster are to be made available to the Presiding Judge, the Evaluating Judges, the Mock Trial Coordinator and opposing counsel. **Do NOT place the school name or information identifying the team origin on the form.** Additionally, teams are to identify the gender of the witness that they are not calling (if applicable).

3. The case will be tried to a jury; arguments are to be made to the jury. Teams may address the scoring judges as the jury. In cases where the presiding judge is also a scoring judge, arguments may be made to both judge and jury.

The trial proceedings are governed by the Rules of Evidence (Mock Trial Version). Other more complex rules may not be raised in the trial.

4. The Plaintiff/Prosecution team shall be seated closest to the jury box. Student timekeepers may NOT sit in the jury box. Teacher coaches, attorney advisors, and observers must remain outside the bar in the spectator section of the courtroom. No team shall rearrange the courtroom without prior permission of the judge.
5. In the interest of time, witnesses will be sworn in as a group before the trial begins. The following oath may be used:

“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.”

6. Stipulations shall be considered part of the record and already admitted into evidence. Stipulations may be read into the record at any time after openings and before closings as part of each team’s case. The time it takes to read a stipulation will be assessed against a team’s allotted time.
7. Unless excused by the judge, attorneys will stand while giving opening and closing statements, during direct and cross examinations, and for all objections.
8. The witness statements and any additional stipulations may not be disputed at the trial. The case materials will generally identify the exhibits with which a witness is familiar. Nevertheless, any witness who demonstrates knowledge of the contents of an exhibit may testify about the exhibit. It is presumed, unless otherwise noted, that a witness does not have knowledge of any other exhibits.
9. A witness may NOT be asked questions about information contained in another witness’ statement/affidavit.
10. Some witnesses in the case materials may be identified as expert witnesses. In such a case, the fact of the witness’ expertise may not be questioned; however, the expert’s credibility may otherwise be impeached on cross examination. Witnesses not specifically identified as experts may be qualified as such if the proper foundation is laid.
11. Unfair Extrapolations (formerly “Beyond the Scope of the Affidavit”)

Each witness is bound by his/her written affidavit.

If a witness testifies in contradiction to a fact in the witness’ statement, which is to be treated as a sworn affidavit, the opposition may impeach the testimony of the witness ... that is, point out the contradiction on cross-examination by

introducing the witness' contrary statement into evidence. If a team raises the contradiction with the witness, the witness may **NOT** respond that they were not asked the question at the time that they gave the statement.

Fair extrapolations based upon the witness' statement may be allowed. A fair extrapolation is one that is neutral and can be reasonably inferred from the information in the witness' statement. An unfair extrapolation is one that has no basis in the witness' affidavit and has been invented by the witness in order to strengthen his/her testimony. Unfair extrapolations are best attacked through impeachment and closing arguments.

Attorneys should not ask questions calling for information outside the scope of the problem or requesting an unfair extrapolation. An attorney who asks a cross-examination question requiring an answer outside the scope of the witness' affidavit is bound by the response given by the witness. The decision of the presiding judge regarding extrapolations is final.

**The statewide rules of evidence allow a specific objection of “unfair extrapolation” when the witnesses make questionable inferences. This objection is not allowed in the Philadelphia region. Teams are required to impeach if they wish to challenge such statements.**

12. Witnesses are not permitted to use notes during testimony. Attorneys may use notes in presenting their cases.
13. Closing Arguments must be based on the actual evidence and testimony presented during the trial.
14. **NO objections may be raised during Opening Statements or during Closing Arguments.** Violations of this rule will result in a mandatory one point penalty per violation.

If a team believes an objection would have been proper during the opposing team's Opening Statement or Closing Argument, the attorney, at the conclusion of the statement against which the objection is being raised may stand to be recognized by the judge and may say, "If I had been permitted to object during the Opening Statement or Closing Argument, I would have objected to the opposing team's statement that \_\_\_\_\_." The attorney may cite this Rule in making this objection.

The presiding judge should note the objection but not rule upon it. Presiding and scoring judges will weigh the proposed objection individually. The opposing team will be allowed a short rebuttal. Remember, this objection procedure should be used sparingly and only when there is a valid reason to do so.

15. Bench conferences (sidebars) may be granted at the discretion of the presiding judge, but, absent exceptional circumstances, should be conducted in open court from counsel table in order for the evaluating judges to score the students on their arguments.

16. Attorney and Witness Duties

- (a) For Statewide competition, each attorney must conduct two (2) segments of the trial. In Philadelphia, this rule is not followed to allow additional students to participate, if desired. Thus it is possible to have six attorneys in each competition in Philadelphia (one for opening, one for closing and four to cover the four examinations).
- (b) Opening statements must be given by both sides at the beginning of the trial. Prosecution/plaintiff gives the opening statement first; defense/defendant gives the closing argument first. **There is no rebuttal.**
- (c) The attorney presenting the opening statement may not make the closing argument in the case.
- (d) For the Statewide competition, each attorney on the team must engage in at least one direct examination or one cross-examination of a witness. In Philadelphia, this rule is not followed to allow additional students to participate, if desired. **However, no single student may do more than two examinations (whether cross or direct) of witnesses.**
- (e) Nothing will prohibit a designated attorney from making both direct examinations or both cross-examinations so long as all other requirements of this rule are met.
- (f) Each team must call two witnesses. Witnesses must be called only by their team and examined by both sides. Witnesses may not be re-called by either side. Prosecution/plaintiff presents its witnesses first.
- (g) The attorney conducting the direct examination must conduct any re-direct examination of a witness and the attorney conducting the cross examination must conduct any re-cross examination of that witness.
- (h) The attorney conducting the direct examination of a witness is responsible for answering all objections to that witness' testimony including questions during re-direct; the attorney conducting a cross examination of a witness is the only attorney permitted to make objections to that witness' testimony and to questions asked during direct and redirect examination. The attorney conducting the cross examination of a witness is responsible for answering all objections to that witness' testimony including questions during re-cross; the attorney conducting a direct examination of a witness is the only attorney permitted to make objections to that witness' testimony and to questions asked during cross and re-cross examination.
- (i) Objections to openings and closings may only be made following the speech in accordance with Rule F.14. An objection following an Opening Statement or Closing Argument may be made by any attorney.

- (j) Non-party witnesses are presumed sequestered but may remain in the courtroom.
  - (k) A party witness identified in the materials (ex. criminal defendant, civil plaintiff or defendant) who is not called by a team may sit at counsel table but is prohibited from communicating with the five participating team members.  
**Philadelphia allows any team member to communicate with the participating team members so long as it is done in an unobtrusive manner. Additionally, teams may allocate the seating at the table as they wish as long as it does not disrupt the trial process.**
17. Students may read other cases and materials in preparation for the mock trial. However, they may cite only the cases and statutes given and they may introduce as evidence only those documents and materials that are provided and in the form provided. No enlargements, color reproductions, etc. will be permitted during the trial. Unless previously approved by the coordinator, no electronic equipment may be used by teams during the actual competitions.
- If during a trial a student uses any materials or items not included in the case materials or either cites or makes reference to any case or statute not included in the case materials, the opposing team should object and ask for a sidebar conference. The evaluating judges will be informed of the violation by the mock trial coordinator and may consider such action in awarding points.
- The trial proceedings are governed by the Rules of Evidence (Pa. Mock Trial Version, except as modified for Philadelphia by the local rules of Competition) found in the packet of case materials. Other more complex rules may not be raised in the trial.
18. No costumes and props, including fake accents, are not permitted.
19. Proper rules of courthouse and courtroom decorum and security, must be followed. The mock trial coordinator possesses discretion to impose sanctions, up to and including disqualification, for any misconduct or 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.
20. For the first two rounds of the competition, teams shall provide the identity and gender of their witnesses to Temple-LEAP at least 2 days before their scheduled trial. Teams that do not comply with this rule will receive a penalty of 1 point for each day that the information is late. For all rounds after the first two, teams shall provide the identity and gender of their witnesses at least 15 minutes before the trial. Students and advisors are expected to act ethically in fulfilling this obligation.
21. In the Philadelphia Region, any team member may communicate with the participating students so long as it is done in a manner that is unobtrusive and does not disrupt the trial process. However, no teacher coach, attorney coach, law student coach or other adult associated with the team (including parents) may talk to, signal or otherwise

communicate with, or in any way coach their team. This rule remains in force until the conclusion of the trial and encompasses any recess time which may occur. Violation of this rule will result in imposition of a one point penalty per communication.

22. Videotaping of trials by both teams is permitted if previously cleared with the judge through the mock trial coordinator. If logistics limit videotaping to only one team, then the videotaping team must offer a copy of the videotape to the opposing team. The opposing team must provide a blank videotape cassette for copying purposes. Tapes are to be shared only with the teams featured in the specific videotape. In Philadelphia, tapes are held until the taping teams have completed their participation in the competition.
23. Under NO circumstances may teams challenge any trial occurrences or time penalty assessments through videotape replays.
24. Except as provided in the Rules of Evidence, no motions, pretrial or otherwise, are allowed. Even if a motion is entertained by the court, the evaluating judges will be instructed as to the specific prohibition and will consider the prohibition in evaluating the teams. However, teams should be prepared to object to an opponent's offer of such motions and ask for an actual sidebar, if necessary, to have the bailiff explain the prohibition to the judge. If a judge asks for motions, the proper response is, "We have no motions to make, Your Honor, as the rules of the competition prohibit them."

## **G. TIME LIMITS**

1. Time Limits & Witness Filibustering/Stalling: Limitations on time are a necessary but artificial element to mock trials. It is not a desired goal of this competition that a team deliberately attempt to use up another team's time allotment. Thus, witnesses are not permitted to be unnecessarily repetitive or draw out a cross examination for the purpose of using up the other team's time allotment. Nor are witnesses permitted to stall or be deliberately evasive in answering questions about which they have knowledge. Witnesses are presumed to know their witness statements and any exhibits about which they are familiar.

The best method for an attorney to avoid filibustering by a witness on cross examination is to ask a question which calls for a "yes" or "no" answer. Most presiding judges, however, permit a witness to explain a "yes" or "no" answer. While we recognize that a witness may explain his or her answer, explanations should be kept brief. Any lengthy explanations should be given on re-direct examination and counted against the time of the witness' own team.

Should such filibustering or stalling occur during a trial, the examining attorney may bring it to the attention of the presiding judge and request that the judge direct the bailiff/timekeeper to stop the clock. Bailiff/timekeepers may, on their own, stop the clock when it appears such tactics are being used (see Rule F.4.c). A bailiff also maintains discretion to impose penalty points for repeated filibustering and/or stalling.

2. Each team shall be limited to the following time frames:

- Opening Statements - 5 Minutes Maximum (per side)
- Evidence Presentation - 20 Minutes Maximum (per side)

Each team has a twenty (20) minute block of time to complete all of its direct, re-direct, cross, and re-cross examinations as well as reading relevant stipulations to the jury. How this time is allotted is left to the discretion of each team.

- Closing Arguments - 6 Minutes Maximum (per side)

Time remaining in one part of the trial may not be transferred to another part of the trial.

3. Time Limit violations will result in penalty point deductions from a team's score, imposed as follows: There is no penalty for any time up to 15 seconds over the maximum time permitted for Opening Statements and Closing Arguments nor for any time up to 30 seconds over the maximum time permitted for Evidence Presentation. Penalty points will be imposed for time violations according to the following schedule:

<u>Opening / Closing – Time over maximum:</u>		<u>Testimony Portion – Time over 20 min. max:</u>	
<i>0 to 15 seconds (grace period)</i>	<i>0 points</i>	<i>0 to 30 seconds (grace period)</i>	<i>0 points</i>
<i>16 to 45 seconds</i>	<i>1 point</i>	<i>:31 to 1:00</i>	<i>1 point</i>
<i>:46 to 1:15</i>	<i>2 points</i>	<i>1:01 to 1:30</i>	<i>2 points</i>
<i>1:16 to 1:45</i>	<i>3 points</i>	<i>1:31 to 2:00</i>	<i>3 points</i>
<i>1:46 to 2:15</i>	<i>4 points</i>	<i>2:01 to 2:30</i>	<i>4 points</i>
<i>etc.</i>		<i>etc.</i>	

4. [a] The clock will be stopped, as follows:

- C During Objections - The clock will stop as soon as a student attorney raises an objection and will remain stopped until the judge has ruled upon objection; time will resume when the examination resumes.
- C Exhibits – During the marking of exhibits, while an exhibit is being shown to the judge or opposing counsel or being published to the jury, unless the attorney is asking a question while doing any of these.
- C During Sidebars
- C Whenever the judge is talking
- C During administration of the witness oath

[b] The clock will continue to run, as follows:

- C During Opening Statements and Closing Arguments
- C During the Examination of witnesses
- C When stipulations are read into evidence.
- C During the marking of exhibits if the attorney continues to ask question

[c] Discretionary clock stoppage: The clock may be stopped, at the timekeeper's discretion, as follows:

For witness filibustering, repetition, stalling: If the timekeeper believes a witness on Cross Examination (or on Re-cross) is filibustering, being deliberately evasive, repetitive, or is stalling in order to force the examining attorney to use up time, he or she may stop the clock. The presiding judge may also direct that the clock be stopped under Rule G.1. Furthermore, excessive filibustering, evasiveness, repetitiveness, or stalling may result in the imposition of penalty points under Rule G.1.

5. Each team may keep a watch at the attorney's table during the trial. In the statewide competition, teams are permitted to have a student timekeeper to warn of time violations (so long as it is done in an unobtrusive manner which does not disrupt the proceedings). If any other person contacts the team, the mock trial coordinator may assess, in his/her discretion, up to two penalty points from the total average score of the team in violation of this rule. In Philadelphia, any team member may warn of time violations (so long as it is done in an unobtrusive manner which does not disrupt the proceedings). Thus, a team may have a designated timekeeper in Philadelphia. The student timekeeper may NOT sit in the jury box.
6. The time recorded by the mock trial timekeeper will be the official time and may not be disputed. As a courtesy to the teams, during the 20 minute block of time allotted for direct, re-direct, cross and re-cross examinations, the mock trial timekeeper will use time cards to notify the teams when they have 10 minutes, 5 minutes, 1 minute and no time left. One minute and no time left cards will be used by the during openings and closings. A team that exceeds its allotted time may continue its case. However, the timekeeper will continue keeping time and will notify the scoring judges of the exceeded times and the appropriate deductions to take. Teams are encouraged to keep track of their own time. Failure by the timekeeper to show a sign(s) is not appealable.

## **H. GENERAL CONTEST FORMAT<sup>1</sup>**

### District Competition:

Reserved for the State Mock Trial Rules as Philadelphia Region operates differently.

### Regional Competition:

Reserved for the State Mock Trial Rules as Philadelphia Region operates differently.

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<sup>1</sup>Regional, District and County Coordinators are authorized to use alternative formats at the respective level provided that: (1) the Chair of the Statewide Mock Trial Committee has approved the format; (2) all teachers in the subject area are advised of the modifications prior to the first round of competition; (3) all participants are made aware that the format at the state level will remain as set forth in the Statewide Rules.

### Philadelphia Competition:

- (a) Philadelphia serves as a district and regional competition. The winner of the Competition will advance to the State Competition.
- (b) The competition will be conducted in a modified round robin style.
- (c) Pairings for the trials will be distributed by the Mock Trial Coordinator and Temple-LEAP
- (d) Each team will participate in at least two trials. Each team will switch sides in the case for the second round of competition.
- (e) Scoring will be done on a majority of the ballots of the judges. Judges are to vote consistent with their scoring of teams. The team that receives the majority of votes from the judges will be declared the winner for the round.
- (f) Following the first two rounds of the competition, teams with two losses will be eliminated. All remaining teams will be ranked based on their win-loss record (2-0 or 1-1) and the number of ballots they won in the first two trials (6, 5, etc). The top 16 teams will advance to the next round. Teams will then be power ranked (highest ranked team going against the lowest ranked team, the next highest against the next lowest, etc.) and brackets established for the remainder of the competition.
- (g) Beginning with the third round, a single elimination format will be used.
- (h) Teams that face each other a second time under the format will switch sides.

### State Competition

#### 8. Team Eligibility

Twelve teams qualify for the state tournament; the top two teams from the three regions with the greatest school participation as well as the regional champion from the remaining *six* regions. School participation will be determined by the number of teams registered on the competition start date. In the event two or more regions have the same number of participating teams, and only one team can be chosen, the team advancing will be randomly selected.

#### 9. General Format

All twelve teams will participate in two rounds of trials on Friday, once as prosecution/plaintiff and once as defense/defendant. The top four teams will advance to the semifinals held Saturday morning. The two semifinal winners will advance to the state final held immediately following the semifinals.

10. Team Size and Hotel Accommodations.

A team advancing to the state competition must narrow its team to eight (8) students. Each team may also provide a timekeeper in addition to the eight students, however, the timekeeper will not be considered an official team member. No substitutions will be permitted except for compelling reasons and with the permission of the mock trial chair. The PBA/YLD will provide a total of four rooms per team (eight students and one teacher coach) for Friday night accommodations. Each team must provide its own transportation to Harrisburg.

11. Team Unavailability

The Executive Committee maintains discretion to find a replacement team if a team eligible for the state tournament withdraws. The replacement team will be eligible to advance to the semifinals and final. If no replacement is made, the team against whom the withdrawing team was matched in Round 1, will receive a bye. For Round 2, the team with the lowest ranking in Round 1 will receive a bye. For scoring purposes, any team receiving a bye will have its score doubled.

12. Scoring for the Finals Tournament

(a) Trial Winners

The winner of any individual trial in any round of the competition will be determined by the majority vote of the jury (scoring judge) panel.

If for some reason a jury panel vote is tied, the tiebreakers for determining the trial winner are: (1) most points in the trial; (2) most points in the Team Evaluation category; (3) most points in the Opening Statement and Closing Argument categories.

(b) Individual juror votes

Each juror (scoring judge) for all rounds of trials will be assigned one vote based upon the numeric total of his/her score sheet, minus any deductions for penalties.

(c) Prohibition against score sheet ties / tiebreaker category

In no case, may an individual score sheet be counted as a tie. If the juror's score sheet ends in a numeric tie after deduction of all penalty points, if any, the winner of that score sheet will be the team chosen by the juror in the tiebreaker category. All jurors must select a team in the tiebreaker category regardless of that juror's score. Where there exists an inconsistency between the numeric score and the team chosen in the tiebreaker category, numeric score prevails concerning the winner of that score sheet.

(d) Penalty Point Deduction

For all trial rounds, penalty points will be deducted from each score sheet and not from the total team average score.

**Rounds 1 and 2**

13. Rounds 1 and 2 Scoring

All Round 1 and 2 trials will be scored by jury panels consisting of the same number of jurors. Each juror will be assigned one vote based upon the result from his/her scoresheet. Should a panel be short of jurors, the presiding judge may be asked to score.

14. Round 1 Pairings

Pairings for Round 1 will be randomly selected with the provision that teams from the same region will not be paired in Round 1. Determination of which side will be prosecution/plaintiff or defense/defendant will be randomly selected. Teams will be informed of their side of the case prior to the trial and must exchange witness information with the opposing team as directed by the mock trial coordinator.

15. Round 1 Results

At the conclusion of Round 1, the teams will be ranked from 1 to 12 based upon the following criteria:

- 1) Won-Loss Record
- 2) Total juror score sheets won
- 3) Total Score (Points)
- 4) Total Score (Points) – Team Evaluation Category
- 5) Total score (Points) - Openings and Closings categories

Results from Round 1 will not be announced.

16. Round 2 Pairings

Every team will switch sides of the case for Round 2. Teams paired in Round 1 will not be paired in Round 2, unless unavoidable. Pairings will be made based upon a modified power ranking system wherein, to the extent possible, Round 1 winning teams will be paired against other winning teams, and losing teams against losing teams. Under all scenarios, it is possible for a team losing either Round 1 or Round 2 to advance to the semifinals.

After all teams are ranked, the Round 2 pairings will be determined as follows:

**a)** If, amongst the six Round 1 winning teams, three had been assigned the prosecution/plaintiff and three had been the defense/defendant, pairings will be as follows:

The highest ranked Round 1 winner will be paired against the lowest ranked Round 1 winner which was on the opposite side of the case. The second highest ranked winning team will be paired against the next remaining lowest ranked winning team, and so on. Pairings for Round 1 losing teams will be the same, i.e., the highest ranked Round 1 losing team will be paired with the lowest ranked Round 1 losing team which was on the opposite side of the case, and so on.

NOTE: This scenario guarantees that three advancing semifinalists will be 2-0 and one 1-1.

**b)** If, amongst the six Round 1 winning teams, two or four had been assigned the prosecution/plaintiff (or defense/defendant), pairings will be as follows:

The six winning teams and the next two highest ranked losing teams, which will provide an equal number of teams assigned from both sides of the case (four prosecution/plaintiff, four defense/defendant), will be ranked 1 through 8. The highest ranked team will be paired up against the lowest ranked of the eight teams which was on the opposite side of the case in Round 1 (assuming the teams did not meet in Round 1, if so, the top ranked team will be paired against the next lowest ranked eligible opponent). The second highest ranked team will then be paired against the next remaining lowest ranked eligible team, and so on, until all eight teams are paired.

The four lower ranked teams will be similarly paired: The highest ranked team will be paired against the lowest ranked eligible team which was on the opposite side of the case. The remaining two teams will be paired with each other.

NOTE: This scenario guarantees that either two, three or four of the advancing semifinalists will be 2-0.

**c)** If, amongst the six Round 1 winning teams, zero, one, five or six had been assigned the prosecution/plaintiff (or defense/defendant), pairings will be as follows:

All twelve teams will be considered as a group. The highest ranked team will compete against the lowest ranked team which was on the opposite side of the case, assuming the teams did not meet in Round 1. (If the teams did meet in Round 1, the top ranked team will be paired against the next lowest ranked eligible opponent). The second highest ranked team will be paired against the next remaining lowest ranked eligible team, and so on, until all twelve teams are paired.

NOTE: Under this scenario, anywhere from zero to six teams could end up 2-0; thus, there is a slight possibility one or two undefeated teams would not advance to the semifinals.

17. Round 2 Results

At the conclusion of Round 2, the teams will again be ranked from 1 to 12 based upon the same criteria set forth above (won-loss record, scoresheets won, total score, total score – team evaluation category, total score – openings and closings). The top four teams will advance to the semifinals. The advancing teams will be announced Friday night at the reception.

Semifinals and Final

18. Semifinals Pairings

Determination of which side will be prosecution/plaintiff or defense/defendant will be randomly selected and announced at the time the semifinalists are announced. The highest ranked semifinalist will be matched against the lowest ranked semifinalist and the second ranked semifinalist will compete against the third ranked semifinalist, with the

provision that teams paired in Rounds 1 or 2 will not be paired in the semifinals, unless unavoidable.

19. Semifinals Scoring

All semifinal trials will be scored by jury panels consisting of no less than six jurors. If the jury panel's vote is tied, the tiebreakers are as follows: (1) most points in the trial; (2) most points in the team evaluation category; (3) most points in the closing argument category, (4) most points in the opening statement category, (5) higher ranking going into the semifinal.

20. Semifinals Results

Following the conclusion of the semifinal trials, the two winning teams will be immediately announced at a location to be named.

21. Final Pairing

Determination of which side of the case each team will be assigned for the Final will be randomly selected where both teams had been assigned the same role in its respective semifinal. If the teams had been assigned opposite roles in their semifinals, they will switch sides for the final. If the two finalists had been previously paired in either Round 1 or 2, they will switch sides of the case for the Final.

22. Final Scoring

The Final will be scored by a jury panel consisting of no less than eight jurors. If the jury panel's vote is tied, the tiebreakers are as follows: (1) most points in the trial; (2) most points in the Team Evaluation category; (3) most points in the Closing Argument category, (4) most points in the Opening Statement category, (5) higher ranking going into the semifinal.

16. Final Results

The state champion will be announced immediately following the conclusion of the trial and tabulation of the score sheets. There will be a short awards ceremony immediately following the announcement of the state champion and runner-up.

## **I. ADMINISTRATION**

7. Penalty Imposition - Mock Trial Coordinators have COMPLETE discretion to assess penalties for any violation of the Rules of Competition or Rules of Evidence. Where no specific penalty is provided for the Rule violated, the coordinator may impose up to a five (5) point penalty per violation.

All penalty point deductions, including time penalties, will be imposed as follows: (1) where the method of determining a trial winner is by total average score, the deduction will be taken from the total average score and not from each individual score sheet; (2) if the scoring method is majority vote of the panel, the deduction will be taken from each individual score sheet.

8. Appeals – Reserved



## RULES OF EVIDENCE

### Pennsylvania Mock Trial Version – 2006

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## **RULES OF EVIDENCE (PA Mock Trial Version)**

In American trials, complex rules are used to govern the admission of proof (i.e., oral or physical evidence). These rules are designed to ensure that all parties receive a fair hearing and to exclude evidence deemed irrelevant, incompetent, untrustworthy, unduly prejudicial, or otherwise improper. If it appears that a rule of evidence is being violated, an attorney may raise an objection to the judge. The judge then decides whether the rule has been violated and whether the evidence must be excluded from the record of the trial. In the absence of a properly made objection, however, the evidence will probably be allowed by the judge. The burden is on the mock trial team to know the Rules of Evidence (Pa. Mock Trial Version) and to be able to use them to protect their client and fairly limit the actions of opposing counsel and their witnesses.

For purposes of mock trial competition, the Rules of Evidence have been modified and simplified. Most of the Rules herein are based upon the Federal Rules of Evidence, and its numbering system. Where rule numbers or letters are skipped, those rules were not deemed applicable to mock trial procedure. *Text in italics indicates language substantially deviating from that contained in the Federal Rules of Evidence.*

Not all judges will interpret the Rules of Evidence (or procedure) the same way, and mock trial attorneys should be prepared to point out specific rules (quoting, if necessary) and to argue persuasively for the interpretation and application of the rule they think appropriate.

The Rules of Competition and these Rules of Evidence govern The Pennsylvania Statewide High School Mock Trial Competition.

## **Article I. General Provisions**

### **Rule 101. Scope**

*These Rules of Evidence (Pa. Mock Trial Version) govern the trial proceedings of the Pennsylvania Statewide High School Mock Trial Competition.*

### **Rule 102. Purpose and Construction**

*These Rules are intended to secure fairness in administration of the trials, eliminate unjust delay, and promote the laws of evidence so that the truth may be ascertained.*

## **Article IV. Relevancy and its Limits**

### **Rule 401. Definition of "Relevant Evidence"**

"Relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

### **Rule 402. Relevant Evidence Generally Admissible; Irrelevant Evidence Inadmissible**

Relevant evidence is admissible, *except as otherwise provided in these Rules*. Irrelevant evidence is not admissible.

### **Rule 403. Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, or Waste of Time**

Although relevant, evidence may be excluded if its probative value is outweighed by the danger of unfair prejudice, if it confuses the issues, if it is misleading, or if it causes undue delay, wastes time, or is a needless presentation of cumulative evidence.

### **Rule 404. Character Evidence Not Admissible to Prove Conduct; Exceptions; Other Crimes**

**(a) Character Evidence.** Evidence of a person's character or character trait, is not admissible to prove action regarding a particular occasion, except:

- (1) Character of accused. Evidence of a pertinent character trait offered by an accused, or by the prosecution to rebut same;
- (2) Character of victim. Evidence of a pertinent character trait of the victim of the crime offered by an accused, or by the prosecution to rebut same, or evidence of a character trait of peacefulness of the victim offered by the prosecution in a homicide case to rebut evidence that the victim was the first aggressor;

(3) Character of witness. Evidence of the character of a witness as provided in Rules 607, 608 and 609.

**(b) Other crimes, wrongs, or acts.** Evidence of other crimes, wrongs, or acts is not admissible to prove character of a person in order to show an action conforms to character. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

#### **Rule 405. Methods of Proving Character**

**(a) Reputation or opinion.** -- In all cases where evidence of character or a character trait is admissible, proof may be made by testimony as to reputation or in the form of an opinion. On cross-examination, questions may be asked regarding relevant, specific conduct.

**(b) Specific instances of conduct.** -- In cases where character or a character trait is an essential element of a charge, claim, or defense, proof may also be made of specific instances of that person's conduct.

#### **Rule 406. Habit; Routine Practice**

Evidence of the habit of a person or the routine practice of an organization, whether corroborated or not and regardless of the presence of eyewitnesses, is relevant to prove that the conduct of the person or organization, on a particular occasion, was in conformity with the habit or routine practice.

#### **Rule 407. Subsequent Remedial Measures**

When measures are taken after an event which, if taken before, would have made the event less likely to occur, evidence of the subsequent measures is not admissible to prove negligence or culpable conduct in connection with the event. This rule does not require the exclusion of evidence of subsequent measures when offered for another purpose; such as proving ownership, control, or feasibility of precautionary measures, if controverted, or impeachment.

#### **Rule 408. Compromise and Offers to Compromise**

Evidence of (1) furnishing or offering or promising to furnish, or (2) accepting or offering or promising to accept, a valuable consideration in compromising or attempting to compromise a claim which was disputed as to either validity or amount, is not admissible to prove liability for or invalidity of the claim or its amount. Evidence of conduct or statements made in compromise negotiations is likewise not admissible. This rule does not require the exclusion of any evidence otherwise discoverable merely because it is presented in the course of compromise negotiations. This rule also does not require exclusion when the evidence is offered for another purpose, such as proving bias or prejudice of a witness, negating a contention of undue delay, or proving an effort to obstruct investigation or prosecution.

### **Rule 409. Payment of Medical or Similar Expenses**

Evidence of furnishing or offering or promising to pay medical, hospital, or similar expenses occasioned by an injury is not admissible to prove liability for the injury.

### **Rule 410. Inadmissibility of Pleas, Plea Discussions, and Related Statements**

Except as otherwise provided in this Rule, evidence of the following is not, in any civil or criminal proceeding, admissible against a defendant who made the plea or was a participant in the plea discussions:

- (1) a plea of guilty which was later withdrawn;
- (2) a plea of nolo contendere;
- (3) any statement made in the course of any proceeding under Rule 11 of the Federal Rules of Criminal Procedure or comparable state procedure regarding either of the forgoing pleas; or
- (4) any statement made in the course of plea discussions made in the course of plea discussions with an attorney for the prosecuting authority which do not result in a plea of guilty or which result in a plea of guilty which is later withdrawn.

However, such a statement is admissible (i) in any proceeding wherein another statement made in the course of the same plea or plea discussions has been introduced and the statement ought, in fairness, be considered with it, or (ii) in a criminal proceeding for perjury or false statement if the statement was made by the defendant under oath, on the record and in the presence of counsel.

### **Rule 411. Liability Insurance (*civil case only*)**

Evidence that a person was or was not insured against liability is not admissible upon the issue whether the person acted negligently or otherwise wrongfully. This rule does not require the exclusion of evidence of insurance against liability when offered for another purpose, such as proof of agency, ownership, or control, or bias or prejudice of a witness.

## **Article VI. Witnesses**

### **Rule 601. General Rule of Competency**

Every person is competent to be a witness.

### **Rule 602. Lack of Personal Knowledge**

A witness may not testify to a matter unless the witness has personal knowledge of the matter.

Evidence to prove personal knowledge may, but need not, consist of the witness' own testimony. This rule is subject to the provisions of Rule 703, related to opinion testimony by expert witnesses.

### **Rule 607. Who may Impeach**

The credibility of a witness may be attacked by any party, including the party calling the witness.

### **Rule 608. Evidence of Character and Conduct of Witness**

**(a) Opinion and reputation evidence of character.** -- The credibility of a witness may be attacked or supported by evidence in the form of opinion or reputation, but subject to these limitations:

- (1) the evidence may refer only to character for truthfulness or untruthfulness, and
- (2) evidence of truthful character is admissible only after the character of the witness for truthfulness has been attacked by opinion or reputation evidence, or otherwise.

**(b) Specific instances of conduct.** -- Specific instances of the conduct of a witness, for the purpose of attacking or supporting the witness' credibility, other than conviction of a crime as provided in Rule 609, may not be proved by extrinsic evidence. They may, however, in the discretion of the Court, if probative of truthfulness or untruthfulness, be asked on cross-examination of the witness

- (1) concerning the witness' character for truthfulness or untruthfulness, or
- (2) concerning the character for truthfulness or untruthfulness of another witness as to which character the witness being cross-examined has testified.

Testimony, whether by an accused or by any other witness, does not operate as a waiver of the accused's or the witness' privilege against self-incrimination with respect to matters related only to credibility.

### **Rule 609. Impeachment by Evidence of Conviction of Crime** *(this rule applies only to witnesses with prior convictions)*

**(a) General Rule.** --

- (1) For the purpose of attacking the credibility of a witness, evidence that a witness other than the accused has been convicted of a crime shall be admitted if elicited from the witness or established by public record during cross-examination, but only if the crime was punishable by death or imprisonment in excess of one year, and the Court determines that the probative value of admitting this evidence outweighs its prejudicial effect to the accused.
- (2) Evidence that any witness has been convicted of a crime shall be admitted if it involved dishonesty or false statement, regardless of the punishment.

**(b) Time Limit.** -- Evidence of a conviction under this Rule is not admissible if a period of more than ten years has elapsed since the date of the conviction or of the release of the witness from the confinement imposed for that conviction, whichever is the later date, unless the Court determines that the value of the conviction substantially outweighs its prejudicial effect.

**(c) Effect of pardon, annulment, or certificate of rehabilitation.** -- Evidence of a conviction is not admissible if

(1) the conviction has been the subject of a pardon or other equivalent procedure based on a finding of the rehabilitation of the person convicted and that person has not been convicted of a subsequent crime which was punishable by death or imprisonment in excess of one year, or

(2) the conviction has been the subject of a pardon, other equivalent procedure based on a finding of innocence.

**(d) Juvenile adjudications.** -- Evidence of juvenile adjudications is generally not admissible under this rule. The court may, however, in a criminal case allow evidence of a juvenile adjudication of a witness other than the accused if conviction of the offense would be admissible to attack the credibility of an adult and the court is satisfied that admission in evidence is necessary for a fair determination of the issue of guilt or innocence.

#### **Rule 610. Religious Beliefs or Opinions**

Evidence of the beliefs or opinions of a witness on matters of religion is not admissible for the purpose of showing that by reason of their nature the witness' credibility is impaired or enhanced.

#### **Rule 611. Mode and Order of Interrogation and Presentation**

**(a) Control by Court.** -- The Court shall exercise reasonable control over questioning of witnesses and presenting evidence so as to (1) make the questioning and presentation effective for ascertaining the truth, (2) to avoid needless use of time, and (3) protect witnesses from harassment or undue embarrassment.

**(b) Cross examination. –**

*(1) The scope of cross examination shall not be limited to the scope of the direct examination, but may inquire into any relevant facts or matters contained in the witness' statement, including all reasonable inferences that can be drawn from those facts and matters, and may inquire into any omissions from the witness statement that are otherwise material and admissible.*

*(2) An attorney who asks a cross examination question requiring an answer outside the scope of the witness' affidavit is bound by the response given by the witness.*

**(c) Leading questions.** -- Leading questions should not be used on direct examination of a witness except as may be necessary to develop the witness' testimony. Ordinarily, leading questions are permitted on cross examination. When a party calls a hostile witness, an adverse party, or a witness identified with an adverse party, leading questions may be used.

**(d) Redirect/Recross.** -- *After cross examination, additional questions may be asked by the direct examining attorney, but questions must be limited to matters raised by the attorney on cross examination. Likewise, additional questions may be asked by the cross examining attorney on recross, but such questions must be limited to matters raised on redirect examination and should avoid repetition.*

**(e) Permitted Objections.** – *The following objections are examples of objections permitted during a trial:*

- (1) Improper Leading Question*
- (2) Irrelevant Evidence*
- (3) Non-responsive Answer*
- (4) Hearsay*
- (5) Improper Opinion or Conclusion*
- (6) Unfair Extrapolation (Beyond the Scope of Witness' Affidavit) [Please Consult Rules of Competition] **NOT PERMITTED IN PHILADELPHIA REGION***
- (7) Argumentative*
- (8) Asked and Answered*
- (9) Failure to Lay a Proper Foundation*
- (10) Beyond the Scope of Cross or Redirect Examination*
- (11) Facts Not in Evidence (Raised Following Closing Argument) [Please Consult Rules of Competition]*

**Teams are not precluded from raising additional evidence objections so long as they are consistent with the Rules of Competition and these Rules of Evidence.**

**(f) Permitted Motions.** - *The only motion permissible is one requesting the judge to strike testimony following a successful objection to its admission.*

**(g) Court Questioning.** - *The presiding judge has discretion to ask questions and seek to clarify facts during the course of the trial.*

## **Rule 612. Writing Used to Refresh Memory**

If a written statement is used to refresh the memory of a witness either while or before testifying, the Court shall determine that the adverse party is entitled to have the writing produced for inspection. The adverse party may cross examine the witness on the material and introduce into evidence those portions which relate to the testimony of the witness.

### **Rule 613. Prior Statements of Witnesses**

**(a) Examining witness concerning prior inconsistent statement.** -- In examining a witness concerning a prior inconsistent statement made by the witness, whether written or not, the statement need not be shown nor its contents disclosed to the witness at that time, but on request the same shall be shown or disclosed to opposing counsel.

**(b) Extrinsic evidence of prior inconsistent statement of witness.** -- Extrinsic evidence of a prior inconsistent statement by a witness is not admissible unless the witness is afforded an opportunity to explain or deny the same and the opposite party is afforded an opportunity to interrogate.

### **Rule 615. Sequestration of Witnesses**

*Non-party witnesses are presumed sequestered but may remain in the court room during trial.*

## **Article VII. Opinions and Expert Testimony**

### **Rule 701. Opinion Testimony by Lay Witness**

If the witness is not testifying as an expert, the witness' testimony in the form of opinions or inferences is limited to those opinions or inferences which are

- (a) rationally based on the perception of the witness and
- (b) helpful to a clear understanding of the witness' testimony or the determination of a fact in issue.

### **Rule 702. Testimony by Experts**

*(experts will be specifically identified in the case materials)*

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify in the form of an opinion or otherwise.

### **Rule 703. Bases of Opinion Testimony by Experts**

The facts or data upon which an expert bases an opinion may be those perceived by or made known to the expert at or before the hearing. If of a type reasonably relied upon by experts in the field in forming opinions or inferences, the facts or data need not be admissible in evidence.

### **Rule 704. Opinion on Ultimate Issue**

(a) Opinion or inference testimony otherwise admissible is not objectionable because it embraces an issue to be decided by the trier of fact.

(b) In a criminal case, an expert witness shall not express an opinion as to the guilt or innocence of the accused.

**Rule 705. Disclosure of Facts or Data Underlying Expert Opinion**

The expert may testify in terms of opinion or inference and give reasons therefor without prior disclosure of the underlying facts or data, unless the Court requires otherwise. The expert may in any event may be required to disclose the underlying facts or data on cross examination.

**Article VIII. Hearsay**

**Rule 801. Definitions**

The following definitions apply under this article:

**(a) Statement.** -- A "statement" is an oral or written assertion or nonverbal conduct of a person, if it is intended by the person as an assertion.

**(b) Declarant.** -- A "declarant" is a person who makes a statement.

**(c) Hearsay.** -- "Hearsay" is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.

**(d) Statements which are not hearsay.** A statement is not hearsay if:

(1) Prior statement by witness. -- The declarant testifies at the trial or hearing and is subject to cross examination concerning the statement and the statement is

(A) inconsistent with the declarant's testimony, and was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition, or

(B) consistent with the declarant's testimony and is offered to rebut an express or implied charge against the declarant of recent fabrication or improper influence or motive, or

(C) one of identification of a person made after perceiving the person; or

(2) Admission by a party-opponent. -- The statement is offered against a party and is

(A) the party's own statement in either an individual or a representative capacity or

(B) a statement of which the party has manifested an adoption or belief in its truth, or

(C) a statement by a person authorized by the party to make a statement concerning the subject, or

(D) a statement by the party's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship, or

(E) a statement by a coconspirator of a party during the course in furtherance of the conspiracy.

### **Rule 802. Hearsay Rule**

Hearsay is not admissible, except as provided by these rules.

### **Rule 803. Hearsay Exceptions, Availability of Declarant Immaterial**

The following are not excluded by the hearsay rule, even though the declarant is available as a witness:

**(1) Present sense impression.** -- A statement describing or explaining an event or condition made while the declarant was perceiving the event or condition, or immediately thereafter.

**(2) Excited utterance.** -- A statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.

**(3) Then existing mental, emotional, or physical conditions.** -- A statement of the declarant's then existing state of mind, emotion, sensation, or physical condition (such as intent, plan, motive, design, mental feeling, pain, and bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the execution, revocation, identification, or terms of declarant's will.

**(4) Statements for purposes of medical diagnosis or treatment.** -- Statements made for the purpose of medical diagnosis or treatment.

**(5) Recorded Recollection.** -- A memorandum or record concerning a matter about which a witness once had knowledge but now has insufficient recollection to enable the witness to testify fully and accurately, shown to have been made or adopted by the witness when the matter was fresh in the witness' memory and to reflect that knowledge correctly.

**(6) Records of regularly conducted activity.** -- A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, unless the source of information or the method or circumstances of preparation indicate lack

of trustworthiness. The term “business” as used in this paragraph includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

**(8) Public Records and Reports.** -- Records, reports, statements, or data compilations, in any form, of public offices or agencies, setting forth (A) the activities of the office or agency, or (B) matters observed pursuant to duty imposed by law as to which matters there was a duty to report, excluding, however, in criminal cases matters observed by police officers and other law enforcement personnel, or (C) in civil actions and proceedings and against the Government in criminal case, factual findings resulting from an investigation made pursuant to authority granted by law, unless the sources of information or other circumstances indicate lack of trustworthiness.

**(18) Learned treatises.** -- To the extent called to the attention of an expert witness upon cross examination or relied upon by the expert witness in direct examination, statements contained in published treatises, periodicals, or pamphlets on a subject of history, medicine, or other science or art, established as a reliable authority by the testimony or admission of the witness or by other expert testimony or by judicial notice.

**(21) Reputation as to character.** -- Reputation of a person's character among associates or in the community.

**(22) Judgment of previous conviction.** -- Evidence of a judgment finding a person guilty of a crime punishable by death or imprisonment in excess of one year, to prove any fact essential to sustain the judgment, but not including, when offered by the Government in a criminal prosecution for purposes other than impeachment, judgments against persons other than the accused.

#### **Rule 804. Hearsay Exceptions, Declarant Unavailable**

**(a) Definition of unavailability.** “Unavailability as a witness” includes situations in which the declarant –

- (1) is exempted by ruling of the court on the ground of privilege from testifying concerning the subject matter of the declarant’s statement; or
- (2) persists in refusing to testify concerning the subject matter of the declarant’s statement despite an order of the court to do so; or
- (3) testifies to a lack of memory of the subject matter of the declarant’s statement; or
- (4) is unable to be present or to testify at the hearing because of death or then existing physical or mental illness or infirmity; or
- (5) is absent from the hearing and the proponent of a statement has been unable to procure the declarant’s attendance (or in the case of a hearsay exception under subdivision (b)(2), (3), or (4), the declarant’s attendance or testimony) by process or other reasonable means.

A declarant is not unavailable as a witness if exemption, refusal, claim of lack of memory, inability, or absence is due to the procurement or wrongdoing of the proponent of a statement for the purpose of preventing the witness from attending or testifying.

*A declarant is not unavailable as a witness if he or she has been identified as a witness in the case materials but has not been called to testify.*

**(b) Hearsay exceptions.** -- The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

(1) Former testimony. Testimony given as a witness at another hearing of the same or a different proceeding, or in a deposition taken in compliance with law in the course of the same or another proceeding, if the party against whom the testimony is now offered or, in a civil action or proceeding, a predecessor in interest, had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination.

(2) Statement under belief of impending death. In a prosecution for homicide or in a civil action or proceeding, a statement made by a declarant while believing that the declarant's death was imminent, concerning the cause or circumstances of what the declarant believed to be impending death.

(3) Statement against interest. A statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far tended to subject the declarant to civil or criminal liability, or to render invalid a claim by the declarant against another, that a reasonable person in the declarant's position would not have made the statement unless believing it to be true. A statement tending to expose the declarant to criminal liability and offered to exculpate the accused is not admissible unless corroborating circumstances clearly indicate the trustworthiness of the statement.

(4) Statement of personal or family history.

(A) A statement concerning the declarant's own birth, adoption, marriage, divorce, legitimacy, relationship by blood, adoption, or marriage, ancestry, or other similar fact of personal or family history, even though declarant had no means of acquiring personal knowledge of the matter stated; or

(B) a statement concerning the foregoing matters, and death also, of another person, if the declarant was related to the other by blood, adoption, or marriage or was so intimately associated with the other's family as to be likely to have accurate information concerning the matter declared.

(6) Forfeiture by wrongdoing. A statement offered against a party that has engaged or acquiesced in wrongdoing that was intended to, and did, procure the unavailability of the declarant as a witness.

**Rule 805. Hearsay within Hearsay**

Hearsay included within hearsay is not excluded under the hearsay rule if each part of the combined statement conforms with an exception to the hearsay rule provided in these rules.

***Teachers: Please present this signed form to the coordinator / bailiff prior to every trial. If you have more students than spaces, please add the necessary lines.***

**CODE OF ETHICAL CONDUCT - 2006**

A plaque in the Lawyers' Lounge of the Dauphin County Courthouse admonishes as follows:

**"DO AS ADVERSARIES DO IN THE LAW  
STRIVE MIGHTILY, BUT EAT AND DRINK AS FRIENDS."**

This admonition forms the basis of the following Code of Ethical Conduct.

1. Students, teachers and attorney advisors agree to treat each other, the evaluating judges, presiding judges, courtroom staff and mock trial coordinators with respect.
2. All participants agree to display proper courtroom decorum and good sportsmanship during all aspects of the competition.
3. All participants acknowledge that the reality of the adversarial system is that one party wins and the other loses. The participants agree to accept either outcome in a mature manner.
4. All participants agree that the highest value should be placed on excellence in preparation, presentation and sportsmanship.

\_\_\_\_\_  
STUDENT

\_\_\_\_\_  
STUDENT

\_\_\_\_\_  
STUDENT

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STUDENT

\_\_\_\_\_  
STUDENT

\_\_\_\_\_  
TEACHER ADVISOR

\_\_\_\_\_  
ATTORNEY ADVISORS

**Teacher Coaches: Please Return This Information to the Temple-LEAP Mock Trial Coordinator no later than December 16, 2006.**

**CONFLICT DATES FORM**

I have looked at the master school calendar and have determined that the following dates, **between January 30 and March 11, 2006**, would not be good for the scheduling of the local, district, or regional trials:

Name: \_\_\_\_\_

School: \_\_\_\_\_

County: \_\_\_\_\_

Phone: (     ) \_\_\_\_\_ Fax: (     ) \_\_\_\_\_

**I understand that the coordinators will attempt to honor conflict dates but that they cannot guarantee conflicting dates will be honored. I/We understand that coordinators do not have to attempt to change any schedules if there are conflict dates not listed above.**

**ATTORNEY ADVISOR**

The following attorney(s) has/have agreed to work with our team. Please attach additional sheets if necessary.

Attorney's Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Phone: (     ) \_\_\_\_\_ Fax: (     ) \_\_\_\_\_

Email: \_\_\_\_\_

## TEAM ROSTER FORM

A copy of this roster shall be completed (please print or type) and **duplicated** by the Prosecution/Plaintiff and Defense/Defendant teams **prior to arrival** at the competition sites. Copies are to be made available to the presiding judge, the coordinator and to opposing counsel before each round. *Do not place school name or information identifying team origin on the form.*

██  
**IN THIS ROUND, STUDENTS LISTED ON  
THIS ROSTER REPRESENT THE:  
(circle one)**

**PLAINTIFF/PROSECUTION**

**DEFENDANT/DEFENSE**

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**Names of Student Attorneys**

**Tasks to be Performed**

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**Names of Student Witnesses**

**Roles/Genders to be Performed**

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*PLEASE BE SURE TO INDICATE THE GENDER OF THE WITNESS ON THE FORM*

2005-2006 JOHN S. BRADWAY  
HIGH SCHOOL MOCK TRIAL COMPETITION  
IN BAR DISPUTE FORM

Team Code of Protesting Team: \_\_\_\_\_ Date: \_\_\_\_\_

Side of Protesting Team (circle one):          Plaintiff          Defense

Presiding Judge: \_\_\_\_\_

Person Raising Protest: \_\_\_\_\_

Nature of Complaint: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Argument to be heard:          Yes \_\_\_\_\_          No (Protest denied) \_\_\_\_\_

If argument is to be heard, opposing counsel is shown written complaint and provides written response. If argument is denied, judge must record his/her reasons below and announce decision to court.

Judge's decision for denial: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Team Code of Responding Team: \_\_\_\_\_

Response to Protest: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Once written responses are turned in, each team designates a spokesperson and has 3 minutes to prepare argument. Each team will be given 3 minutes to argue/defend its position. Judges may question the spokespersons. Please use the back of this form for notes on the team's positions. Once argument is completed, the judge will retire to consider his/her ruling. The decision is to be recorded on the reverse of this form with no further announcement. If a substantial rules violation has occurred, the judge will inform the scoring judges of the dispute and a summary of each team's argument.

Protesting Team's Argument: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Responding Team's Argument: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Judge's Determination: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Scoring judge's notified:     Yes                       No \_\_\_\_\_

Signature of Presiding Judge: \_\_\_\_\_

**This form is to be turned in with the score sheets  
to the Mock Trial Coordinator or Bailiff.**

2005-2006 JOHN S. BRADWAY  
HIGH SCHOOL MOCK TRIAL COMPETITION  
OUTSIDE BAR DISPUTE FORM

Team Code of Protesting Team: \_\_\_\_\_ Date: \_\_\_\_\_

Side of Protesting Team (circle one):            Plaintiff            Defense

Presiding Judge: \_\_\_\_\_

Person Raising Protest: \_\_\_\_\_

Nature of Complaint: \_\_\_\_\_

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Parties Notified: \_\_\_\_\_

Response to Protest: \_\_\_\_\_

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Ruling: \_\_\_\_\_

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Effect for Purposes of Competition: \_\_\_\_\_

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# JOHN S. BRADWAY MOCK TRIAL COMPETITION PLAINTIFF/PROSECUTION SCORE SHEET

*Instructions: Score the team in each of the following categories using the following scale:  
1=Fair; 2=Average; 3=Good; 4=Very Good; 5=Excellent (give only for exceptional performance)*

**Scoring should be independent of your views on the merits of the case.**

**Maximum points per team is 90. Do not use fractions or half-points. There can be no ties.**

Trial Aspect	Evaluation Criteria	Score	Comments
<b>Opening Statement</b>	Poise, articulation, voice inflection		
	Clear, concise, persuasive presentation		
<b>Plaintiff/ Prosecution:  1st Witness</b>	Direct/Re-direct exam: poise, articulation, flow		
	Direct/Re-direct exam: elicited relevant facts		
	Witness: realistic, credible portrayal		
	Cross/Re-cross exam: form, control of witness		
	Cross/Re-cross exam: effectiveness		
<b>Plaintiff/ Prosecution:  2nd Witness</b>	Direct/Re-direct exam: poise, articulation, flow		
	Direct/Re-direct exam: elicited relevant facts		
	Witness: realistic, credible portrayal		
	Cross/Re-cross exam: form, control of witness		
	Cross/Re-cross exam: effectiveness		
<b>Defense:  1st Witness</b>	Direct/Re-direct exam: poise, articulation, flow		
	Direct/Re-direct exam: elicited relevant facts		
	Witness: realistic, credible portrayal		
	Cross/Re-cross exam: form, control of witness		
	Cross/Re-cross exam: effectiveness		
<b>Defense:  2nd Witness</b>	Direct/Re-direct exam: poise, articulation, flow		
	Direct/Re-direct exam: elicited relevant facts		
	Witness: realistic, credible portrayal		
	Cross/Re-cross exam: form, control of witness		
	Cross/Re-cross exam: effectiveness		
<b>Closing Arguments</b>	Poise, articulation, voice inflection		
	Effectiveness of argument; use of fact		
<b>Team Evaluation</b>	Objections/responses to objections		
	Knowledge of the rules		
	Overall effectiveness and cohesiveness		
	Case construction; way case theory implemented		

**FEEL FREE TO USE THE REVERSE SIDE FOR ADDITIONAL COMMENTS:**

# JOHN S. BRADWAY MOCK TRIAL COMPETITION DEFENSE SCORE SHEET

*Instructions: Score the team in each of the following categories using the following scale:  
1=Fair; 2=Average; 3=Good; 4=Very Good; 5=Excellent (give only for exceptional performance)*

**Scoring should be independent of your views on the merits of the case.**

**Maximum points per team is 90. Do not use fractions or half-points. There can be no ties.**

Trial Aspect	Evaluation Criteria	Score	Comments
<b>Opening Statement</b>	Poise, articulation, voice inflection		
	Clear, concise, persuasive presentation		
<b>Plaintiff/ Prosecution:  1st Witness</b>	Direct/Re-direct exam: poise, articulation, flow		
	Direct/Re-direct exam: elicited relevant facts		
	Witness: realistic, credible portrayal		
	Cross/Re-cross exam: form, control of witness		
	Cross/Re-cross exam: effectiveness		
<b>Plaintiff/ Prosecution:  2nd Witness</b>	Direct/Re-direct exam: poise, articulation, flow		
	Direct/Re-direct exam: elicited relevant facts		
	Witness: realistic, credible portrayal		
	Cross/Re-cross exam: form, control of witness		
	Cross/Re-cross exam: effectiveness		
<b>Defense:  1st Witness</b>	Direct/Re-direct exam: poise, articulation, flow		
	Direct/Re-direct exam: elicited relevant facts		
	Witness: realistic, credible portrayal		
	Cross/Re-cross exam: form, control of witness		
	Cross/Re-cross exam: effectiveness		
<b>Defense:  2nd Witness</b>	Direct/Re-direct exam: poise, articulation, flow		
	Direct/Re-direct exam: elicited relevant facts		
	Witness: realistic, credible portrayal		
	Cross/Re-cross exam: form, control of witness		
	Cross/Re-cross exam: effectiveness		
<b>Closing Arguments</b>	Poise, articulation, voice inflection		
	Effectiveness of argument; use of fact		
<b>Team Evaluation</b>	Objections/responses to objections		
	Knowledge of the rules		
	Overall effectiveness and cohesiveness		
	Case construction; way case theory implemented		

**FEEL FREE TO USE THE REVERSE SIDE FOR ADDITIONAL COMMENTS**

**2005-2006 JOHN S. BRADWAY PHILADELPHIA HIGH SCHOOL TRIAL COMPETITION**

**Competition Calendar**

- Friday, October 7, 2005 ..... Deadline for Camp Registration
- Saturday, October 22, 2005 ..... Mock Trial Camp (**Temple Law School**)
- Monday, October 24, 2005 ..... Case Disseminated
- Tuesday, November 15, 2005 ..... Coaches Meeting (**Room 1E - Temple Law School**)
- Friday, December 16, 2005 ..... Conflict Dates Form Due
- Friday, January 13, 2006 ..... Mock Trial Pairings and Code Assignments Sent to Schools
- Wednesday, January 18, 2006 ..... **Typed** Participant List (Students and Coaches) Due  
(Send by U.S. Mail or fax and must be typed)
- Monday, January 30 - Saturday, February 4, 2006 ..... Round 1 at Temple Law School
- \*Thursday, February 9 & Saturday, February 11, 2006 ..... Round 1 at Criminal Justice Center
- Thursday, February 16 & Saturday, February 18, 2006 ..... Round 2 at Criminal Justice Center
- Thursday, February 23 & Saturday, February 25, 2006 ..... Round 3 at the Criminal Justice Center
- Thursday, March 2, 2006 ..... Snow Date (Criminal Justice Center)
- Saturday, March 4, 2006 (**MORNING**) ..... Round 4 at the Criminal Justice Center
- Saturday, March 4, 2006 (**AFTERNOON**) ..... Round 5 at the Criminal Justice Center
- Saturday, March 11, 2006 ..... City Championships at National Constitution Center
- Friday, March 31 - Saturday, April 1, 2006 ..... State Competition in Harrisburg, PA
- Thursday, May 11 - Sunday, May 14, 2006 ..... National Competition in Oklahoma City, OK

**THIS IS A TENTATIVE CALENDAR AND IS SUBJECT TO CHANGE.**

**PARTICIPANT LIST MAY BE SENT BY U.S. MAIL, FAX OR E-MAILED TO [ROBERTA.WEST@TEMPLE.EDU](mailto:ROBERTA.WEST@TEMPLE.EDU)**

Temple-LEAP  
1719 N Broad Street  
Philadelphia PA 19122  
Phone: 215-204-1887; Fax: 215-204-5480

\* **Make up trials only**