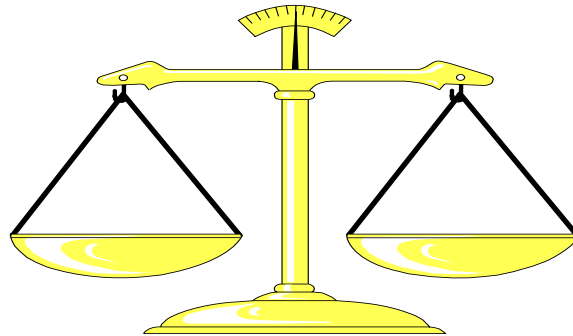


JOHN S. BRADWAY HIGH SCHOOL MOCK TRIAL COMPETITION

PHILADELPHIA REGION COMPETITION MANUAL - updated 11/08/2010

Rules of Competition, Evidence, Scoring & Procedure

2010-11



Sponsored by:

*Temple-LEAP
&*

Young Lawyers Division of the Philadelphia Bar Association

Weather Emergencies & Information

**Temple LEAP
Mock Trial Hotline
215-204-1887**

Mock Trial Website:

<http://www.law.temple.edu/centers/leap>

email: LEAP@temple.edu

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The additional items listed below must be obtained via the internet at www.pabar.org or by contacting Maria Engles at the Pennsylvania Bar Association:

Hints for preparing for competition

Guidelines for Presiding Judges

Teaching Tips

Guidelines for Scoring Judges

Guidelines for Attorney Advisors

Ms. Engles's contact information is:

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RULES OF COMPETITION
2011 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. THESE RULES VARY SIGNIFICANTLY FROM THOSE FOUND IN PAST YEARS IN ACCORDANCE WITH THE WORK DONE THIS YEAR BY THE RULES COMMITTEE.

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 STATE (PBA) MOCK TRIAL WEBSITE.

NOTE: SOME CLAUSES IN THESE RULES RELATE TO THE ROLE OF THE RULES COMMITTEE. THESE CLAUSES ARE ITALICIZED, BECAUSE THEY ARE STILL BEING CONSIDERED BY TEMPLE LEAP. IF ULTIMATELY ACCEPTED BY THE TEMPLE LEAP AND THE MOCK TRIAL COORDINATOR, THEY WILL BE INCORPORATED INTO THIS YEAR'S RULES OF COMPETITION AND WILL BE FULLY EFFECTIVE AS IF THEY HAD BEEN INCORPORATED FULLY INTO THE RULES OF COMPETITION AS INITIALLY PUBLISHED.

PART I: TOURNAMENT STRUCTURE AND ADMINISTRATION

A. AUTHORITY FOR JOHN S. BRADWAY COMPETITION

The John S. Bradway Mock Trial Competition is sponsored by Temple-LEAP and by the Young Lawyers Division of the Philadelphia Bar Association. The Bradway competition is part of the Pennsylvania Bar Association's Mock Trial Competition. The Bradway Competition serves as the Philadelphia Regional Championships for purposes of participation in the Pennsylvania Bar Association's Mock Trial Competition (hereinafter, the "Pennsylvania State Championship" or "Pennsylvania State Competition").

Temple-LEAP is the state-sanctioned coordinator for the Mock Trial Program, and the Mock Trial Coordinator serves as the state-sanctioned Regional Coordinator for the Philadelphia Region.

Except as otherwise noted herein, the rules of the John S. Bradway Competition are consistent with those of the Pennsylvania State Championship.

B. THE GENERAL STRUCTURE OF THE JOHN S. BRADWAY COMPETITION

1. The John S. Bradway Competition is divided into two principal sections: the Standard Draw Tournament and the Developmental Tournament. A team must elect to participate principally in either the Standard Draw Tournament or the Developmental Tournament.

2. Teams participating in the Standard Draw Tournament and the Developmental Tournament shall meet in Round 3 of the Bradway Competition (the “Round of 16”), at which the tournaments shall merge to determine a City Champion.
3. Each team, regardless of whether it participated in the Standard Draw Tournament or the Developmental Tournament, shall have the opportunity to win the Philadelphia City Championship and to participate in the Pennsylvania State Championship as a representative of the Philadelphia Region.
4. Eligibility for entrance into the Developmental Tournament shall be determined by the Mock Trial Coordinator in accordance with rules below.
5. The John S. Bradway Competition shall be overseen by the Mock Trial Coordinator, whose decisions interpreting and applying the rules of competition shall be final.
6. *The Mock Trial Coordinator shall be assisted in her duties by a Rules Committee, which shall advise the Mock Trial Coordinator on the Rules and shall assist the Mock Trial Coordinator with the tabulation of results.*
7. The Mock Trial Coordinator shall be further assisted by the Chair(s) of the Mock Trial Subcommittee of the Executive Committee of the Young Lawyers Division of the Philadelphia Bar Association.
8. The purpose of these rules is to foster an environment of learning and participation within this Competition. Accordingly, upon request by a participating team, any of these Rules of Competition may be deviated from at the sole discretion of the Mock Trial Coordinator. A deviation will be permitted only upon good cause shown. In determining whether good cause exists, the Mock Trial Coordinator should consider the opinions of the Chair(s) of the Mock Trial Subcommittee of the Executive Committee of the Young Lawyers Division of the Philadelphia Bar Association *and the Rules Committee.*

C. GOALS OF COMPETITION AND CODE OF ETHICAL CONDUCT

1. Education of students is the primary goal of the mock trial competition. Competition helps to achieve this goal, but is not itself an end of the tournament, and teachers and attorney advisors are reminded of their responsibility to keep the competitive spirit at a reasonable level.
2. Every team member, teacher coach and 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.
3. 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 disqualification from the competition. The Mock Trial Coordinator may, in the Coordinator’s sole discretion, permit a team to compete that inadvertently failed to submit a signed Code of Ethical conduct.

4. 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.

D. REGISTRATION, SCHEDULING, AND THE RULES OF COMPETITION

1. All case materials, coaching instructions and necessary competition information are available on the Pennsylvania Bar Association's website (www.pabar.org).
2. Review of the John S. Bradway Competition's rules and information will occur at the coaches' meeting. A coach from every team competing in the John S. Bradway Competition shall attend this meeting.
3. Teams that do not have an adult representative at the coaches' meeting must contact the Mock Trial Coordinator to arrange a make-up meeting.
4. The John S. Bradway Competition 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/or by logistics (court availability) will be communicated to all teacher coaches through the Temple-LEAP office.
5. Information relating to round scheduling will be posted on the Mock Trial Hotline and the Temple-LEAP website. Coaches are responsible for checking these sources for information regarding the scheduling of their team's trial.
6. **If two or more members of your team cannot attend the date to which your team is assigned for Rounds 1 and 2, you must contact the Mock Trial Coordinator by December 13, 2010.** All reasonable efforts will be made to have your team moved to the other designated date for Rounds 1 and 2. The Mock Trial Coordinator shall have final discretion as to scheduling of teams.
7. If an additional conflict should arise after the submission of the conflict form, teams should notify the Mock Trial Coordinator as soon as possible. The Mock Trial Coordinator cannot guarantee that an accommodation will be possible, either before or after December 13, 2010.
8. Proper rules of courthouse and courtroom decorum and security shall be followed. The Mock Trial Coordinator may, at her discretion, impose sanctions, up to and including disqualification, for any misconduct or breaches of decorum which affect the conduct of a trial; which disrupt the courthouse operations or impact courthouse facilities; or which impugn the reputation or integrity of any team, school, participant, court officer, judge or the mock trial program.
9. For the first two rounds of the competition, teams shall provide the identity and gender of their witnesses to Temple-LEAP at least 2 full school 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. The Mock Trial Coordinator may, in the Coordinator's sole discretion, waive this requirement for teams from schools attended by members of only one gender.

10. Videotaping:

- a. Video recording of trials is allowed with the permission of the presiding judge, the Mock Trial Coordinator, and the opposing team.
- b. If logistics limit video recording to only one team, the videotaping team must offer a copy of the recording to the opposing team. If the recording is made via tape or if the opposing team desires a hard copy of the recording the opposing team must provide a blank videotape cassette or DVD, as appropriate, for copying purposes.
- c. Recordings shall be held by the Mock Trial Coordinator until the recording teams have completed their participation in the competition.
- d. No team may challenge any trial occurrence, trial ruling, rules violation, or time penalty assessments through video recording replays.

E. TRANSPORTATION

1. Each team is responsible for arranging its own transportation to all rounds of competition, including the Pennsylvania State Championship.
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 Mock Trial Coordinator may declare a forfeit.
4. Inclement weather:
 - a. The Mock Trial Coordinator shall have the final decision as to whether a match is postponed due to inclement weather.
 - b. Make-up trials will be scheduled as soon as possible in order to preserve the competition. Make-up trials will occur during the periods designated for such trials in the calendar.
5. In Philadelphia, please call the **Mock Trial Hotline** at **(215) 204-1887** to get the latest message regarding a scheduled competition.

F. TEACHER AND ATTORNEY COACHES

1. 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.
 - a. 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 first round of competition.
2. Each team is responsible for obtaining its own attorney or law student advisor to assist teams in preparing the case. It is strongly recommended that advisors plan to meet with the team for at least ten hours prior to and during the competition rounds.
3. Contact information for the attorney or law student coach(es) shall be provided to the Mock Trial Coordinator promptly so that all information may be forwarded to them.
4. Teams having difficulty finding an advisor may contact the Mock Trial Coordinator for assistance in locating an advisor, and the Mock Trial Coordinator will work with the Philadelphia Bar Association to assist teams in locating an advisor. Neither the Mock Trial Coordinator nor the Philadelphia Bar Association can guarantee that the Mock Trial Coordinator will be able to locate a willing attorney and/or law student for every team.

G. TEAM COMPOSITION

1. For any trial, all teams shall consist of at least 3 attorneys and 3 witnesses.
2. There is no limit in the Bradway Competition to the number of students that are permitted to participate on the mock trial team.
3. Teams with fewer than 6 members present at a round of competition will be allowed to participate for exhibition purposes only. **However, having fewer than six team members at a scheduled round results in a team loss on all ballots for purposes of the competition.**
4. A team may use its members to play different roles in different trials or it may substitute alternates for different trials.
5. Teams shall be composed of students in the 9th through 12th grades.
6. The method of team selection is left to the discretion of the individual schools.
7. Home-schooled students are eligible to compete in the mock trial competition, and interested home-school students should contact Temple-LEAP to find out how they can compete.

8. Rules for Entering Multiple Teams from the Same School:
 - a. Schools may enter up to two teams in the Philadelphia Regional Competition provided that they pay the registration fee for each team entered to compete in the competition and meet all requirements for each team.
 - b. A school may enter a third team with the permission of the Mock Trial Coordinator if the third team can be added without disruption to overall scheduling.
 - c. No team will be considered registered for the competition until the fee is paid.
 - d. 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.
 - e. Teams from the same school are considered separate and may not, under any circumstances, communicate with each other about other teams with whom they have competed during the competition.
 - f. Where a school has more than one team competing, it must have a separate coach for each team no later than the start of competition rounds, except that a team participating in the Developmental Tournament may be coached by the same coach as a team participating in the Standard Draw Tournament until the third round of the competition, after which the coach must only coach one of those teams.
 - g. Where possible, coordinators will avoid scheduling trials such that a team from one school competes against more than one team from another school.
9. Students from non-traditional schools (alternative schools, magnet schools, vocational-technical schools, charter schools, cyber schools, home schools, etc.) shall be eligible if they are eligible under the rules promulgated by the Pennsylvania State Competition (State Rule 2.1.2 or its successor).
10. Each team will be identified by an anonymous code that the team will receive prior to its first trial. Teams may identify themselves only by their anonymous code. Teams, team members, and their associates are not to wear any article of clothing or carry, display, or make visible any briefcases, bookbags, purses, folders, binders or other items that will identify their schools during the competition rounds.
11. 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 Pennsylvania State Championship shall provide the names of the eight students who will be representing the school at the state competition to Temple-LEAP and the state coordinators no later than one week prior to the Championships.

12. A team that advances to the Pennsylvania State Championship must narrow its team to eight students, in accordance with the rules of the state competition. Once designated, these eight 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 eight students for lodging at the state competition.

H. FORMAT OF THE COMPETITION GENERALLY

1. Based on historical registration, the John S. Bradway Competition is expected to involve more than thirty-two teams but fewer than sixty-four teams. If more than sixty-four teams register for the Bradway Competition, the Mock Trial Coordinator may modify these rules to accommodate the additional teams, *following consultation with the Rules Committee*.
2. The John S. Bradway Competition consists of six rounds of competition in a modified round robin format. These rounds shall be referred to herein as the First Round, Second Round, Third Round, Quarterfinals, Semifinals, and City Championship.
3. As noted above, the John S. Bradway Competition is divided into two segments, the Standard Draw Tournament and the Developmental Tournament.
4. All teams will participate in the first two rounds of competition, whether they are in the Developmental Tournament or the Standard Draw Tournament.
5. All teams will have the opportunity, except where one of their opponents forfeits, to try both sides of the case.
6. Whenever possible, no two teams from the same school shall compete prior to the Quarterfinals.
7. Whenever possible, no two teams that have previously met in a round of competition shall compete again, except in the City Championship.
8. Pairings for the entire Tournament will be made by the Mock Trial Coordinator or her designee, including, by designation, members of the Temple-LEAP staff, *members of the Rules Committee* or the Chair(s) of the Mock Trial Committee of the Executive

Committee of the Young Lawyers Division of the Philadelphia Bar Association, provided that no individual actively associated with a mock trial team that is competing shall participate in the draw.

9. Those teams that participated in the Quarterfinals in the year preceding the year of competition shall be designated Power Protected Teams.
 - a. If a school that enters more than one team in the tournament had only one team in the preceding year's quarterfinals, that school shall designate which of its teams shall be designated as its Power Protected Team.
10. The John S. Bradway Competition will use the same scoring format and scoring sheet as the Pennsylvania State Competition.
11. Forfeits:
 - a. If there is an extenuating reason for the forfeiture, the Mock Trial Coordinator may, in her discretion, attempt to reschedule the match.
 - b. If there is no valid reason for the forfeiture, the Mock Trial Coordinator may attempt to find an opponent to compete with the non-forfeiting school. The score received by the substituting school will not count.
 - c. All schools are expected to cooperate with the coordinator if asked to be a substitute school.
 - d. If it is impossible to reschedule the match for the non-forfeiting school, the non-forfeiting school will be given a win on all ballots and the forfeiting school will be given a loss on all ballots.

I. POWER MATCHING RULES – ALL ROUNDS

1. Whenever power matching is required, teams shall be ranked as follows:
 1. Won-Loss Record
 2. Total Ballots (i.e. number of juror score sheets on which that team was named as the winner)
 3. Scoring Rank (as defined below)
 4. Total Score (Points) - Team Evaluation Category
 5. Total score (Points) - Openings and Closings categories
 6. Random Draw
2. Scoring Rank shall be the sum of two factors: Scoring Margin and Scoring Factor.
 - a. Scoring Margin shall mean the total number of points scored by a team less the total number of points scored by the other team(s) against which that team competed.

- i. By way of illustration, assume that a team wins two ballots by scores of 87-82 and 89-85 and loses a ballot by a score of 80-79. The team's Scoring Margin is +5 on the first ballot, +4 on the second ballot, and -1 on the third ballot. Accordingly, its Scoring Margin is 8 ($5 + 4 - 1 = 8$).
 - b. Scoring Factor shall mean the difference between the aggregate number of points scored by the team on all ballots in a round and the average number of points scores by all teams in that round.
 - i. Take the example in subpart (a), above. Assume that the average team in that round scored 80 points per ballot, for a total score of 240 ($80 + 80 + 80 = 240$). The team in the example scored a total of 256 points ($87 + 89 + 80 = 256$). The team's Scoring Factor for the round is therefore 16 ($256 - 240 = 16$).
 - ii. The team's Scoring Rank is the sum of its Scoring Margin (8) and Scoring Factor (16), 24 ($16 + 8 = 24$).
 - iii. NOTE: Scoring Rank differentiates teams based both on how much better or worse the team was than its opponent in a given round (Scoring Margin) and, as much as can be determined, how it compared with the other teams competing that round (Scoring Factor). Thus, it is better able to correct both the problem of pure Scoring Margin (its inability to distinguish a close match between high-scoring teams and one between low-scoring teams) and the problem of pure Scoring Factor (a disproportionately low-scoring judge's disproportionate effect on the team's overall rank).
 - c. In the event of a forfeit, the non-forfeiting team shall receive a win, three ballots, and a Scoring Rank equal to that of the average winning team from the round in which the forfeit occurred. The forfeiting team shall receive a loss, zero ballots, and a Scoring Rank equal to that of the worst performing team which competed in the round.

J. FORMAT OF THE DEVELOPMENTAL TOURNAMENT

1. The Developmental Tournament is intended to provide those teams that have less experience an opportunity to compete against other teams at their experience level in order to better serve the educational goals of the John S. Bradway Tournament.
2. Admission to the Developmental Tournament is at the sole discretion of the Mock Trial Coordinator or her designee. Participation in the Developmental Tournament is recommended for those teams that:
 - a. Are from schools new to mock trial or that have not consistently participated in recent years;

- b. Are largely or entirely composed of students new to mock trial;
 - c. Have new teacher or attorney coaches; and/or
 - d. Face other difficulties that make the Developmental Tournament likely to provide a better educational experience for those teams.
3. No team shall be compelled to enter the Developmental Tournament. Even a team qualified for the Developmental Tournament and for which the Developmental Tournament is recommended will be placed in the Standard Draw Tournament at its election.
 4. No Power Protected Team shall be admitted to the Developmental Tournament. However, second or third teams from programs that have one or more Power Protected Team in the Standard Draw Tournament may be admitted to the Developmental Tournament at the Mock Trial Coordinator's discretion if they meet one or more of the foregoing qualifications.
 5. The Developmental Tournament shall be a modified round-robin tournament that proceeds generally in the same format as the First Round and Second Round of the Standard Draw Tournament, except that the Mock Trial Coordinator or her designee shall have discretion to modify pairings for purposes of facilitating scheduling or serving other educational objectives.
 6. Judging for the Developmental Tournament shall be similar to that of the Standard Draw Tournament, except that the judges at the Developmental Tournament will be instructed that the competition is an educational exercise and will more actively assist the students with their presentations, in order to further the educational goals of the John S. Bradway Competition.
 7. At the conclusion of the Developmental Tournament, a champion for that Tournament shall be named and the remaining teams in that Tournament shall be ranked in accordance with the power matching rules above.

K. FORMAT OF THE STANDARD DRAW TOURNAMENT – ROUNDS 1 AND 2

1. The Standard Draw Tournament shall consist of the Liberty and Patriot Divisions.
2. Teams shall be placed randomly into either the Liberty or the Patriot Division, except that:
 - a. Those Power Protected Teams that finished 1st, 3rd, 5th and 7th in the preceding year's competition shall be placed in the Patriot Division.
 - b. Those Power Protected Teams that finished 2nd, 4th, 6th and 8th in the preceding year's competition shall be placed in the Liberty Division.

3. During the First and Second Rounds of competition, to the extent possible, teams in the Patriot Division shall compete only against other teams in the Patriot Division and teams in the Liberty Division shall compete only against other teams in the Liberty Division.
4. To the extent possible, the Patriot Division shall complete the First and Second Rounds of competition on a single day.
5. To the extent possible, the Liberty Division shall complete the First and Second Rounds of competition on a single day.
6. The Patriot and Liberty Divisions shall have the same number of teams to the greatest extent possible.
7. First Round Pairings:
 - a. Pairings for the First Round of competition shall be determined by random draw, except that Power Protected Teams shall not compete against one another in the First Round.
 - b. Sides for the First Round shall be determined by random draw.
8. Second Round Pairings:
 - a. For the Second Round of competition, each team will compete on the other side of the case, regardless of whether it won or lost in the First Round.
 - b. Prior to the Second Round of competition, all teams that competed as the plaintiff/prosecution shall be power ranked against the other teams that competed as the plaintiff/prosecution. Likewise, all teams that competed as the defendant/defense shall be power ranked against the other teams that competed as the defendant/defense.
 - c. If the same number of teams won on each side of the case, the highest ranked plaintiff/prosecution team that won shall be paired against the lowest ranked defendant/defense team that also won, and the pairings shall proceed in that fashion until all teams are paired.
 - d. If an uneven number of teams won on each side of the case, the highest ranked winning team on the side won by the greater number of teams shall be paired against the team on the other side of the case that is ranked at the number of teams that were victorious on the side that won the greater number of times.
 - i. By way of illustration, if in Round 1, five teams portraying the plaintiff win, but only three teams portraying the defense win, the highest-ranked plaintiff's team would compete against the fifth-ranked defense team, even though that team previously lost.

9. If the process described in the foregoing sub-paragraphs generates an illegal pairing (e.g. because the teams are from the same school or have previously met), the Mock Trial Coordinator or her designee for pairing purposes shall adhere as closely to these rules as possible while generating a legal match.
 - i. By way of illustration, taking the example above where an uneven number of teams on each side wins, if the pairing of the top plaintiff's team against the fifth best defense team would produce an illegal rematch, the top-ranked plaintiff's team would be matched against the fourth ranked defendant's team and the fifth ranked defense team would compete against the second-ranked plaintiff's team instead.

L. FORMAT OF THE THIRD ROUND

1. The Third Round of the John S. Bradway Competition shall consist of sixteen teams from the Liberty Division, the Patriot Division, and the Developmental Tournament, as follows:
 - a. The Developmental Tournament champion shall be included in the Third Round.
 - b. If the Developmental Tournament has at least eight participating teams, the runner-up of the Developmental Tournament shall be included in the Third Round.
 - c. If the Developmental Tournament has fifteen or more participating teams, the Developmental Tournament shall contribute one additional team for every six participating teams, rounding up.
 - d. The power rankings for the Patriot and Liberty Divisions shall be combined to generate an aggregate power rankings chart showing the seeding position for every team in the Standard Draw Tournament. Neither Division shall be given any preference in this ranking.
2. The team or teams in the Third Round from the Developmental Tournament will be seeded at the bottom of the sixteen teams, in the position in which they finished.
 - a. By way of illustration, if only six teams compete in the Developmental Tournament, the Tournament champion would be seeded sixteenth in the Third Rounds. If eight teams competed in the Developmental Tournament, the Tournament champion would be seeded fifteenth in the Third Round and the Developmental Tournament runner-up would be seeded sixteenth.
3. After the team(s) from the Developmental Tournament is/are seeded, the remaining slots in the Third Round shall be assigned to teams from the Standard Draw Tournament in order of their place in the aggregate power rankings, irrespective of the Division from which they emerged.

- a. By way of illustration, if two teams are drawn from the Developmental Tournament, the top fourteen ranked teams from the aggregate power rankings of the combined Patriot and Liberty Divisions shall be seeded, in order, first through fourteenth.
4. The top seeded team in the Third Round will be paired against the lowest seeded team in the Third Round, and the pairings will proceed in that fashion until all teams are paired (i.e. the second seeded team is paired with the fifteenth seeded team, the third seeded is paired with the fourteenth seeded team, and so forth).
5. If the process described in the foregoing sub-paragraphs generates an illegal pairing (e.g. because the teams are from the same school or have previously met), the Mock Trial Coordinator or her designee for pairing purposes shall adhere as closely to these rules as possible while generating a legal match.
6. Sides for the Third Round shall be determined by random draw.
7. Beginning with the Third Round, a single elimination format will be used.

M. FORMAT OF THE QUARTERFINALS, SEMIFINALS, AND CHAMPIONSHIP

1. The Quarterfinals shall consist of the eight winning teams from the Third Round.
2. Prior to the Quarterfinals, the remaining eight teams shall be seeded based on their overall power ranking.
 - a. Because the teams in the Developmental Tournament will not have comparable power matching data for the first two rounds of competition, should any Developmental Tournament team advance, it will be seeded fifth. Should additional Developmental Tournament teams advance, they will be seeded sixth, seventh, etc., in order of their power matching based only on the scores from the Third Round. .
3. The eight teams shall be placed into a bracket, with the first seeded team to compete against the eighth seeded team in the Quarterfinals, with the winner of that round to meet the winner of the match between the fourth and fifth seeded teams in the Semifinals, and with the second seeded team to compete against the seventh seeded team, with the winner of that match to meet the winner of the match between the third and the sixth seeded teams in the Semifinals.
 - a. NOTE: this is an “NCAA Basketball Tournament” style bracket.
 - b. If this bracketing would result in the possibility of an illegal pairing before the Championship, one of those teams will be moved to the nearest slot to its seeding in the other portion of the bracket, to prevent those teams from meeting before the Championship, in accordance with Rules I.H.7 (no rematches before the

Championship) and I.H.6 (no teams from the same school meeting before the Quarterfinals).

4. In the Quarterfinals, Semifinals, and Championship, points will continue to be awarded for educational purposes. However, advancement from the Quarterfinals and Semifinals and victory in the Championship will be based solely on ballots.
5. Teams will not be re-seeded for the Semifinals.
6. Side choice in the Quarterfinals and Semifinals:
 - a. If two teams meeting in the Quarterfinals or Semifinals were on different sides in the preceding round, they will switch sides for the round in which they compete.
 - i. By way of illustration, assume Teams A and B meet in the Quarterfinals. If Team A was the plaintiff in the Third Round and Team B was the defendant in the Third Round, Team A would be the defendant and Team B would be plaintiff in the Quarterfinals.
 - b. If two teams meeting in the Quarterfinals or Semifinals were on the same side in the previous round, sides for their match shall be determined by random draw, except that in the Semifinals, a team that has been on the same side for the two preceding rounds must switch sides unless it is playing a team that has also been on that side for the two preceding rounds.
 - i. By way of illustration, assume Teams X and Y meet in the Semifinals. Team X was the plaintiff in both the Third Round and the Quarterfinals. Team Y was the defendant in the Third Round and the plaintiff in the Quarterfinals. Team X must be the defendant in the Semifinals, and Team Y therefore will be the plaintiff.
 - ii. By way of further illustration, taking the above example, if Team Y had also been the plaintiff in both the Third Round and the Quarterfinals, sides for the Semifinals would have been determined by random draw.
7. The Mock Trial Coordinator may, in her discretion, make public the bracket prior to the Quarterfinal round.
8. Sides for the Championship shall be determined by random draw, except that if only one of the teams has been on the same side for three consecutive rounds, it shall be on the other side in the Championship.
 - i. By way of illustration, if Teams P and Q meet for the City Championship, and Team P has been the plaintiff in the Third Round, Quarterfinal and Semifinal, it will be the defendant in the City Championship unless Team Q was also the plaintiff in all three of those rounds.

PART II: TRIAL ENACTMENTS

A. CASE MATERIALS

1. The case materials for the John S. Bradway Competition shall be those used by the Pennsylvania State Championship.
2. All necessary competition information, including case materials and all supplements thereto, will be posted on PBA website - www.pabar.org - under the Young Lawyers Division (YLD) (direct access is available at <http://www.pabar.org/public/yld/meetings/yldstatewidemock.asp>). Teams without access to the internet 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.
3. Supplemental Questions and Materials
 - a. 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 Pennsylvania Bar Association 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.
 - b. Please consult the state rules of competition regarding the evidentiary value teams are to give the official supplemental memo. As a general matter, supplemental clarifications may be used in all the same ways (including impeachment and testimony) that items in the main body of the case materials are used. In addition, supplemental answers clarifying a witness statement/affidavit are to be treated as follows:
 - i. 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.
 - ii. If the clarifying information is not attributed to a single witness, assume that all witnesses have this knowledge.
 - iii. 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.
 - c. 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).

B. ADMINISTRATION OF TRIALS

1. Trial Rosters:
 - a. Prior to the trial, each team must provide a trial roster identifying all student roles for that trial. Copies of the roster are to be made available to the Presiding Judge, the Scoring Judges, the Mock Trial Coordinator and opposing counsel.
 - b. Teams may use the roster form found on the State Mock Trial Website or one of their own creation.
 - c. On the trial roster, each team should be identified only by its mock trial code. No information identifying the school competing shall be placed on the form.
 - d. Each roster shall identify the gender of each of the witnesses that team is calling.
 - e. If the case contains witnesses who are not being called, the gender of these witnesses should also be identified on the trial roster form.
2. All cases will be tried to a jury, and all arguments are to be directed to the jury. Teams may address the scoring judges as the jury and, wherever possible, the scoring judges will sit as a jury panel. In cases where the presiding judge is also a scoring judge, teams should ask the presiding judge whether arguments should be made to both judge and jury or may be made to the jury alone.
3. The trial proceedings are governed by the Rules of Evidence (Mock Trial Version), by these Rules, and by that statutory, regulatory or decisional law expressly included with the case materials. Accordingly:
 - a. No team may make an objection based on the Constitution of the United States or the Constitution of the Commonwealth of Pennsylvania.
 - b. No team may make an objection based on the Pennsylvania Rules of Civil Procedure, Federal Rules of Civil Procedure, Pennsylvania Rules of Evidence, Federal Rules of Evidence, or other statutory or regulatory law that might otherwise bear on the case.
 - c. No team may introduce or refer, during any portion of its case or its objections, to statutory, regulatory, or decisional law not provided in the case materials. By way of (non-comprehensive) illustration, no team may refer to the Restatement of Law or Pennsylvania state court decisions not included in the case materials in order to define any legal term, and no team shall refer to Daubert, Frye, or similar decisions in arguing whether an expert witness is qualified.
 - d. 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 scoring judges will be informed of the violation by the Mock Trial Coordinator or her designee and may consider the violation in awarding points.

- e. Except as provided in the Rules of Evidence, no motions, pretrial or otherwise, are allowed. 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.” Teams may refer to this rule in declining to make motions or in responding to motions improperly made by the opposing team.

C. ORGANIZATION OF TRIALS

1. Courtroom Organization:

- a. The Plaintiff/Prosecution team shall be seated closest to the jury box.
- b. Student timekeepers shall sit at the bailiff or courtroom deputy’s station or in such other place as the Mock Trial Coordinator shall designate. Except in rare circumstances, as determined by the Mock Trial Coordinator or her designee, student timekeepers may not sit in the jury box.
- c. Teacher coaches, attorney advisors, and observers must remain outside the bar in the spectator section of the courtroom during the entire trial.
- d. No team shall rearrange the courtroom without prior permission of the presiding judge and/or the Mock Trial Coordinator.
- e. At the conclusion of each trial, the participating teams shall cooperate to completely restore the courtroom to the condition in which they found it. No team shall leave behind notes, exhibits, or refuse of any kind.

2. 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?

3. 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 for the segment of the trial in which the stipulation is read (i.e. against direct examination time if read as part of the direct examinations, cross examination time if read during cross examination). However, because they are in evidence, either party may argue from a stipulation during its closing argument regardless of whether that stipulation was read during the trial.

4. The John S. Bradway competition allows any team member to communicate with the participating team members so long as it is done in an unobtrusive manner. Any witness communicating with the attorneys should, however, do so in a manner consistent with the character of the witness.
5. No teacher coach, attorney coach, law student coach or other individual associated with the team (including parents) may talk to, signal or otherwise communicate with, or in any way coach their team during the trial. 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 at least a one point penalty per communication, and may result in more severe sanctions, up to and including disqualification, at the discretion of the Mock Trial Coordinator.
6. Teams may allocate the seating at the table as they wish as long as it does not disrupt the trial process, except that non-party witnesses may not sit at counsel table.
7. Each team must call all of its witnesses.
8. Witnesses must be called only by their team and must be examined by both sides.
9. Witnesses may not be recalled by either side.
10. The prosecution/plaintiff presents its witnesses first.
11. Costumes and props of any kind are prohibited.

D. RULES RELATING TO ATTORNEY PERFORMANCE

1. In the Pennsylvania State Championship, each attorney must conduct at least 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 eight attorneys in each competition in Philadelphia (one for opening, one for closing and six to cover the six examinations).
2. For the Pennsylvania State Championship, 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.
3. An attorney may perform any combination of examinations, including a direct examination, a cross examination, both a direct and a cross examination, two direct examinations, or two cross-examinations.
4. 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.

5. Attorneys may use notes in presenting their cases. However, because presenting a case without notes is more challenging, attorneys are cautioned that scoring judges may consider the degree to which notes were used in assessing teams' relative performances.
6. Opening statements must be given by both sides at the beginning of the trial.
7. Prosecution/plaintiff gives its opening statement first; defense/defendant gives the closing argument first.
8. There is no rebuttal argument in the John S. Bradway competition.
9. The attorney presenting the opening statement may not make the closing argument in the case.
10. Closing Arguments must be based on the actual evidence and testimony presented during the trial. Teams introducing facts not presented during the trial, even if those facts are in the case materials, may be penalized by the scoring judges.
11. No objections may be raised during Opening Statements or during Closing Arguments.

- a. If a team believes an objection would have been proper during the opposing team's Opening Statement or Closing Argument, the attorney responsible for giving the same statement for the objecting team may, at the conclusion of her opponent's statement or argument, 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.

- b. The opposing attorney (i.e. the attorney against whose statement or argument objection was made) will be allowed a short rebuttal.
 - c. The presiding judge shall note the objection but not rule upon it. Presiding and scoring judges will weigh the proposed objection individually.
 - d. This objection procedure should be used sparingly and only when there is a valid reason to do so. It should not be done as a method of harassment or to object to marginal issues.
 - e. Violations of this rule will result in a mandatory one point penalty per violation.
12. 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 scoring judges to score the students on their arguments.

13. Only the attorney responsible for examining a given witness may make or answer objections relating to that witness. Thus, only the attorney who will give the cross-examination of a witness may object to testimony or questions during the direct examination of that witness, and only that attorney may respond to objections during the cross-examination of that witness. Correspondingly, only the attorney who gives the direct examination of a witness may object to the questions or testimony of that witness on cross-examination, and only that attorney may respond to objections during the direct examination of that witness.
14. Voir dire examination of a witness is not permitted. This does not preclude a team from challenging an expert witness's credentials on cross examination.
15. Unless instructed to do otherwise by the judge, attorneys will stand while giving opening and closing statements, during direct and cross examinations, for all objections and responses, and whenever they are addressing the Court.
16. 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. Consistent with the foregoing rules, if the defendant is one of the three defense witnesses in the case, the defendant must be called.

E. RULES RELATING TO WITNESS PERFORMANCE

1. Witnesses are not permitted to use notes during testimony, except that witnesses in the Developmental Tournament may use notes during the Developmental Tournament. Should they do so, judges in the Developmental Tournament may score teams that rely less on notes more favorably than those that use them more extensively.
2. A witness is not bound by statements contained in another witness's statement/affidavit, and witnesses are presumed only to know those matters described in their own statements or affidavits. Accordingly:
 - a. If a witness is asked questions about facts in another's statement or affidavit on direct examination, that witness may be subject to impeachment by omission. While such testimony will not be an unfair extrapolation, because the information is in the case materials, the scoring judges may deduct points for going beyond the statement with the individual witness.
 - b. If a witness is asked questions about facts in another witness's statement or affidavit on cross examination, that witness may answer in any manner consistent with the rules regarding unfair extrapolation.
 - c. Witnesses may not be impeached with other witness's statements/affidavits.

3. Expert Witnesses:

- a. Some witnesses in the case materials may be identified as potential expert witnesses. Unless there is a stipulation as to their expertise, however, proper foundation must be laid before the witness may render an expert opinion. If such foundation is not laid, objection may be made to opinion testimony offered that witness.
- b. In any case, the expert's credibility may be attacked on cross-examination. In accordance with Rule II.D.14, no voir dire examination is permitted.
- c. Witnesses not specifically identified as experts may be qualified as such if the proper foundation is laid.

4. Unfair Extrapolations (formerly Beyond the Scope of the Affidavit):

The case materials are carefully designed and balanced in order to give each side an equal chance to win the case on points. "Good" facts and "bad" facts are included in each statement, and teams are expected to grapple with those facts. Introduction of new, material facts into the case is therefore not only unfair, it is a threat to the integrity of the competition itself. Accordingly:

- a. Each witness is deemed to have reviewed her statement/affidavit and to have sworn to the truth of her witness statement/affidavit under penalty of perjury.
- b. Each statement/affidavit is deemed to be true and correct as to the best of that witness's knowledge at the time of trial.
- c. Each witness is bound by her witness statement/affidavit. No witness may deny the truth of a fact contained in her witness statement/affidavit.
- d. Fair extrapolations based upon the witness's statement are permitted. A fair extrapolation is one that is neutral and can be reasonably inferred from the information in the witness's statement. In other words, to be a fair extrapolation, a fact must both be based on information actually in the witness's statement/affidavit and must not materially affect the case.
- e. An unfair extrapolation is one that has no basis in the witness's affidavit/statement and/or that has been invented by the witness in order to strengthen his/her testimony.
- f. No attorney should ask a question calling for information outside the scope of the problem or requesting an unfair extrapolation.
 - i. If a witness testifies in contradiction to a fact in the witness's statement/affidavit, including by unfair extrapolation, the opposition may impeach the testimony of the witness. In other words, the opposition may

point out the contradiction on cross-examination by introducing the witness's contrary statement into evidence.

- ii. Each witness is deemed to have included all relevant, material facts in her statement/affidavit. Accordingly, unfair extrapolations are subject to impeachment by omission. That is, if confronted with an unfair extrapolation on cross-examination, the witness may not respond that she was not asked the question at the time that she gave the statement.
 - iii. An attorney who asks such a question on direct examination should be penalized by the scoring judges. The witness should respond to such questions with “I don’t know,” and the witness may be penalized if she invents material facts in response to such a question.
 - iv. If an attorney who asks a cross-examination question requiring an answer outside the scope of the witness’s affidavit, that witness may respond in any way consistent with her affidavit. The cross-examining team is bound by the answer, and such answer shall be considered a fair extrapolation as long as it is consistent with the witness’s statement/affidavit.
 - g. Although the Pennsylvania State Championship allows for an objection that an extrapolation is unfair, the John S. Bradway Competition does not. The only method for challenging an unfair extrapolation in the John S. Bradway Competition is through impeachment.
5. Witnesses are presumed to have knowledge of stipulated facts and may be examined regarding these facts so long as it can be reasonably inferred that the witness would have knowledge of the fact or facts in question.
 6. Non-party witnesses are deemed sequestered, but they may remain in the courtroom.
 - a. Accordingly, non-party witnesses are deemed not to have heard any prior testimony in the case, even though the students portraying those witnesses were physically present during the prior testimony.
 - b. Likewise, party witnesses may be questioned about what they saw, heard or otherwise observed in the courtroom prior to their testimony.
 - c. Party witnesses shall include the plaintiff and the defendant in a civil case and shall include the defendant in a criminal case. In a criminal case or a case in which an entity is sued or suing, the representative of that party shall be considered a party. The following individuals are therefore considered party witnesses, without exclusion: the executor of an estate, the investigating officer (in a criminal trial), and the owner, president, chief executive officer, or other executive officer or employee of a business entity.

- d. Non-party witnesses are all witnesses who are not parties to the suit, including both lay and expert witnesses who do not fit the above criteria.
7. Witnesses may be judged on the consistency of their behavior with the characters that they are portraying at any time during the trial, including during those times that their characters would be sequestered.
8. No team may attempt to deliberately and excessively use up another team's time allotment. Accordingly:
 - a. No witness may unnecessarily repeat answers, feign confusion or otherwise deliberately draw out a cross examination.
 - b. No witnesses may stall or deliberately evade questions about which they have knowledge.
 - c. The preferred method for an attorney to avoid filibustering by a witness is through effective cross-examination. Attorneys seeking to avoid filibustering should ask a question which calls for a "yes" or "no" answer.
 - i. Many presiding judges will permit a witness to explain a "yes" or "no" answer, which permission is consistent with these rules. Witnesses permitted to explain their answers shall keep such explanations brief and responsive.
 - ii. Any lengthy explanations must be given, if at all, on re-direct examination and counted against the time of the witness's own team.
 - d. Should 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.
 - e. Alternatively, as noted above, bailiff/timekeepers may, on their own, stop the clock when it appears such tactics are being used. A bailiff also maintains discretion to recommend that the scoring judges impose penalty points for repeated filibustering and/or stalling.
 - i. A bailiff/timekeeper who stops the clock for filibustering should inform the presiding and scoring judges that she did so at the first break in the presentation and should note when the time was stopped, when it was restarted, and approximately how much of the examination was off the clock.
9. No student may use a fake accent during trial.
10. A witness is prohibited from making reference to his or her own physical traits or physical traits of other witnesses where such information is not included in any witness statement. (For example, a witness may not call attention to her size to show inability to

complete some physical act included in the case materials.) An attorney is likewise prohibited from making argument pointing out physical traits of a witness not otherwise included in the case materials. Such references are unfair extrapolations. (See Rule 4.6) Teams are not prohibited, however, from raising issues about general or common human traits and abilities relevant to the case.

F. EXHIBITS

1. In accordance with the Mock Trial Rules of Evidence and with the case materials:
 - a. All exhibits contained in the case materials are stipulated to being authentic.
 - b. Exhibits are subject to objection on evidentiary grounds other than authenticity.
 - c. All exhibits contained in the case materials will be pre-marked and maintain their pre-markings for trial.
 - d. 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.
 - e. Witness statements/affidavits do not have to be marked as exhibits for purposes of identification in the event of an attack on the witness's credibility or trustworthiness (impeachment).
2. Teams may introduce as evidence only those documents and materials that are provided with the case materials and may use them only in the form provided with the case materials. In order to ensure that all teams have the same capacity to produce evidence, regardless of resources:
 - a. No enlargements will be permitted.
 - b. Exhibits that are in color as part of the case materials may be presented in either black and white or color, and shall be considered equally admissible, authentic, and valid regardless of which way they are printed.
 - c. Unless previously approved by the coordinator, no electronic equipment (including laptop computers) may be used by teams during the actual competitions.
3. All exhibits must be admitted before they may be published to the jury.
4. 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.
5. 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 exhibits if she does not reference their contents in her statement.

G. TIME LIMITS

Limitations on time are a necessary but artificial element to mock trials. They are incorporated in order to balance the presentations and to limit the time commitment demanded of our teams and our judges. They are to be respected, and they are not to be used to artificially manipulate the trial to a team’s advantage.

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

Opening Statements - 5 Minutes Maximum (per side)

Evidence Presentation - 26 Minutes Maximum (per side)

Each team has a twenty-six (26) 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 - 5 Minutes Maximum (per side)

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

2. Time Limit violations will result in penalty point deductions from a team’s score, imposed as follows:

<u>Opening/Closing Time over 5 min max:</u>		<u>Testimony Portion – Time over 26 min. max:</u>	
0 to 15 seconds (grace period)	0 points	0 to 30 seconds (grace period)	0 points
16 to 45 seconds	2 points	:31 to 1:00	2 points
:46 to 1:15	4 points	1:01 to 1:30	4 points
1:16 to 1:45	6 points	1:31 to 2:00	6 points
1:46 to 2:15	8 points	2:01 to 2:30	8 points
etc.		etc.	

3. Time Stoppage:

a. The clock will be stopped as follows:

- i. 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 resumes when the examination resumes.
- ii. 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 questions while doing any of these.
- iii. During Sidebars
- iv. Whenever the judge is talking

- v. During administration of the witness oath
- b. The clock will continue to run as follows:
 - i. During Opening Statements and Closing Arguments
 - ii. During the Examination of witnesses
 - iii. When stipulations are read into evidence
 - iv. During the marking of exhibits if the attorney continues to ask questions
 - c. Discretionary clock stoppage: The clock may be stopped, at the official timekeeper's discretion, if the timekeeper believes a witness on cross examination (or on re-cross) is filibustering, being deliberately evasive, repetitive, and/or is stalling in order to force the examining attorney to use up time. The presiding judge may also direct that the clock be stopped.
 - d. 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.
4. The time recorded by the mock trial timekeeper will be the official time and may not be disputed.
5. Each team may keep a watch at counsel table during the trial. In the John S. Bradway Competition, 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, if it chooses, have a designated timekeeper during the Bradway Competition.
6. Timekeeper Signs:
- a. As a courtesy to the teams, during the 26-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 15 minutes, 10 minutes, 5 minutes, 1 minute and no time left.
 - b. As a courtesy to the teams, 1-minute and no-time-left cards will be shown by the timekeeper during openings and closings.
 - c. Teams are responsible for keeping track of their own time. Failure by the timekeeper to show a sign(s) is not objectionable or appealable, and teams will be penalized if they exceed their time even if the timekeeper fails to show a sign.

H. SCOUTING PROHIBITED

- 1. Team members, alternates, teacher coaches, attorney advisors, family members and any other persons associated with a mock trial team, are prohibited from viewing another team's performances until the observing team is eliminated from the Competition.

2. Team members and associates are prohibited from contacting teachers, students and attorney advisors from other schools concerning other trials.
3. No team may obtain or provide a video recording of the performance of any team still participating in the Competition, except that members of a team against which a particular team competed may request a copy of any video recording of the round in which the teams met, as set forth in Rule I.D.10.
4. As noted above, schools with more than one team competing in the competition may not share information regarding their opponents between or among the school's teams.
5. For schools with more than one team competing in the competition, students on one team may not observe the trials of the other team(s) from their school until their team is no longer in the competition.
6. It shall not be considered scouting for teams to arrange, by mutual consent, unofficial scrimmages between them. Nor shall such scrimmages be considered in pairing teams or in determining the existence of a judicial conflict.

I. JUDGING

1. Each trial shall be judged, if possible, by at least three scoring judges (formerly known as evaluating judges), be presided over by a single presiding judge, and be attended by a bailiff.
2. When necessary, the presiding judge and/or the bailiff can be used as a scoring judge.
3. The determination of which team has won a given trial will be made by those judges scoring the trial, including, where necessary, the presiding judge or bailiff designated as a scoring judge.
4. Presiding judges shall be proficient in the law. Whenever possible, presiding judges will be attorneys with considerable courtroom and/or mock trial experience.
5. Scoring judges shall be proficient in the law, and every effort will be made to select scoring judges who have trial and/or mock trial experience. Subject to this guideline, and consistent with the rules of the Pennsylvania State Championship, scoring judges may include attorneys, law students, paralegals, and educators or students with extensive experience with mock trial.
6. Judicial Conflicts
 - a. A judge should be disqualified from scoring a trial where the judge has a direct conflict with either team involved in the trial. Examples of a direct conflict include, but are not limited to, situations where a judge or his or her family members attended one of the schools competing, a judge who has a relative who participates on one of the school's mock trial teams, a judge who has a personal friendship with a team advisor or parent, or a judge who

previously scored a trial involving one of the teams competing (for the year in question). It is within the coordinator's discretion to determine whether such a conflict exists.

- b. A direct conflict does not include a situation where the judge recognizes a team advisor or student/parent through professional acquaintance or through participation in mock trials in years previous. Mere recognition of a team or its members is not a basis for disqualification absent some direct conflict.
 - c. A judge who becomes aware of the direct conflict prior to or during a trial should be excused from her responsibilities as soon as possible. If the judge was not aware of the conflict until after he or she has completed the scoresheet, it is left to the discretion of the Mock Trial Coordinator whether to disqualify the judge. This program requires extensive volunteer support and it is assumed all participants will make every effort to identify potential conflicts.
 - d. A judge who recognizes a conflict or potential may, at her election, reveal the existence of that conflict or potential conflict and describe its nature to the teams involved upon recognition of its existence. The presiding judge may then ask the teams whether they object to the potentially conflicted or conflicted judge continuing to judge the round. If neither team objects, the conflict shall be considered waived and the judge shall continue to judge the round.
7. Scoring judges provide their scores on the sheet designed for and used by the Pennsylvania State Championship, utilizing the same scoring system as the Pennsylvania State Championship.
 8. The John S. Bradway Competition uses a one person/one vote system for determining the winner of trials.
 9. Judges must vote consistently with their score sheet. The team with the majority of votes is the winner for the round.
 10. Judges are forbidden from discussing their scores before they are submitted, and they are prohibited from attempting to influence the scores given by other judges. Accordingly, it is possible that some rounds will result in a split decision (i.e. two judges voting for one team, one judge voting for the other).
 11. Variance in Judging:
 - a. It is understood and expressly stated as a guiding principal of the John S. Bradway Competition that mock trial (like trial practice more generally) is not subject to a scientific analysis that will always and everywhere produce the same, easily replicable results.
 - b. Accordingly, it is understood and expressly stated as a guiding principle of the John S. Bradway Competition that spectators, participants, and even other judges may not agree with the determinations reached by certain scoring judges and that these disagreements are natural and predictable.

- c. Nonetheless, it is understood and expressly stated as a guiding principle of the John S. Bradway Competition that the determinations of the scoring judges will be respected as legitimate, good faith attempts to assess the performance of the competitors.
- d. Schools, their attorney advisors and teacher coaches, parents and any other associates are prohibited from publicly derogating the scoring judges, and teacher coaches and attorney coaches are specifically cautioned about derogating the scoring judges to their students or their family members.
- e. Schools, their attorney advisors and teacher coaches, parents and any other associates are prohibited from contacting scoring judges or presiding judges to question any scores. Any and all such questions should be directed to the Mock Trial Coordinator *and/or the Chair of the Rules Committee at the Mock Trial Coordinator's designation.*
- f. This rule will be strictly and aggressively enforced.
- g. Penalties up to and including point deductions and team disqualification may be assessed by the Mock Trial Coordinator for a violation of this rule.

12. Determination of the trial winner:

- a. Announcements of trial winners will be made as soon as practicable, consistent with the importance of accuracy in making such announcements.
- b. As a general matter, the winner of a round will not be announced at the conclusion of that round. If the decision of the scoring judges is announced, this announcement shall be considered unofficial and preliminary until confirmed.
- c. The Mock Trial Coordinator *and/or Rules Committee Chair or their designee* will promptly double check the arithmetic of the scoring judges and make any necessary changes.
 - i. If a score sheet has not been completed properly, i.e. an scoring judge has not completed a segment of the sheet, and this is discovered before the scoring judges have been excused, the scoring judge will be asked to complete the score sheet.
 - ii. If the omission or error did lead or could have led to a tie score and the scoring judge cannot be reached, the tie will be broken using the tiebreaking box at the bottom of the scoring sheet.
 - iii. If the omission or error is discovered by the coordinator after the scoring judge has been excused and the tiebreaking box is left blank or is illegible, that score sheet will be disqualified.

- iv. In lieu of any disqualified ballot, the teams shall be assigned a number of points equal to the average points they received on each valid ballot, rounded up, for purposes of determining power matching.
 - v. If disqualification of a ballot results in a tie in the Third Round or thereafter, the presiding judge will be asked to break the tie.
 - d. Any ties (whether occasioned by an arithmetic error that cannot be resolved as above or some other procedural problem, such as disqualification of a judge subsequent to the round's conclusion) shall be broken, in order, by the sum of the total points awarded on all valid ballots, by the sum of the Team Evaluation scores on all valid ballots, the sum of the Opening and Closing scores on all valid ballots, and random draw.
13. 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. As a general matter, score sheets will be mailed to the teacher coach, attorney coach or law student coach after the competition has concluded.
14. 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 shall be made in a sportsmanlike manner.
15. In the John S. Bradway Competition, presiding and scoring judges are asked not to render a verdict on the merits. Should they do so anyway, such a verdict is to be considered strictly advisory and will be given no weight by the Mock Trial Coordinator *or the Rules Committee*.

16. The decisions of the scoring judges are final.

J. DISPUTE RESOLUTION

- 1. Disputes regarding the Rules of Competition or any other procedural (i.e. non-evidentiary) matters must be handled in accordance with the procedures in this section. Disputes not raised through these procedures may be deemed waived or barred by the Mock Trial Coordinator.
- 2. Disputes inside the bar (actions that occur as part of the trial):
 - a. Disputes which involve students competing in a trial and occur within the bar must be brought to the attention of the presiding judge at the conclusion of that trial. Disputes relating to the trial that are not raised at the conclusion of the trial are waived.

- b. 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.
- c. Only student attorneys may invoke the dispute procedure. At no time in this process may team sponsors or coaches communicate or consult with the student attorneys.
- d. The presiding judge will review the written dispute and determine whether the dispute should be heard or denied.
 - i. 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.
 - ii. If the judge feels the grounds for the dispute merit a hearing, the procedure shall be as follows:
 - 1. The written dispute 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.
 - 2. The designated spokespersons shall be given time (not to exceed 3 minutes) to prepare their arguments.
 - 3. The presiding judge conducts a hearing on the dispute, providing each team's spokesperson 3 minutes for a presentation. The spokespersons may be questioned by the judge.
 - 4. At no time in this process may team sponsors or coaches communicate or consult with the student attorneys.
 - 5. 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.
 - iii. 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 shall consider the dispute before reaching their final decisions. What impact to give the dispute is a matter left to the scoring judges individually, and it may or may not affect the final decision.

3. Disputes outside the bar (actions that occur as part of the gallery)
 - a. 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 coaches and/or attorney coaches only.
 - b. Any disputes outside the bar must be made promptly to the Mock Trial Coordinator or her designee and should be presented on the dispute form.
 - c. The Mock Trial Coordinator or her designee 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 or her designee may notify the judging panel of the affected courtroom of the ruling on the charge.
 - d. At her discretion, the Mock Trial Coordinator or her designee may consult with other individuals in resolving disputes and/or designate other individuals, *including Chair of the Rules Committee or the members of the Rules Committee not affiliated with a competing team*, to rule upon disputes.
 - e. In order for disputes to be preserved, they must be reported immediately to the Mock Trial Coordinator and put in writing on a dispute form. Accordingly, disputants are encouraged to raise the disputed issue as promptly as possible, including while the trial is proceeding, with the Mock Trial Coordinator or her designee.
 - f. 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.
 - g. Protests on the basis of resources, make up of the scoring panel, and/or opponent pairing will not be entertained.

K. SCORING PENALTIES

1. The Mock Trial Coordinator has complete discretion to assess penalties for any violation of the Rules of Competition or Rules of Evidence.
2. Where no specific penalty is provided for the Rule violated, the coordinator may impose up to a five point penalty per violation.
3. All penalty point deductions, including time penalties, will be imposed by taking a deduction from each individual score sheet. Such deduction shall be separately listed and identified on each individual score sheet.