

# 2011 Rules of Competition

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# RULES OF COMPETITION <sup>1</sup>

## GENERAL INFORMATION

### Rule 1.1 Scope of Rules

All trials will be governed by these Rules of Competition and the Rules of Evidence (Pennsylvania Mock Trial Version), unless otherwise noted. Interpretations of these Rules are within the discretion of the Mock Trial Executive Committee (hereinafter “Executive Committee”), whose decisions are final. Any explanatory materials provided to the teams containing information inconsistent with these Rules are to be ignored.

The Executive Committee shall consist of the YLD Chair, YLD Chair-Elect, the Chair(s) of the Competition (including co-chairs and/or vice-chairs) and other persons with mock trial experience as appointed by the YLD Chair. The Executive Committee is the body responsible for running all aspects of the Competition.

### Rule 1.2 Code of Conduct

Education of students is the primary goal of the Mock Trial Competition. Teacher coaches and attorney advisors are reminded of their responsibility to keep the competitive aspect of the Competition in perspective. Every student team member, teacher coach and attorney advisor must sign a Code of Ethical Conduct which can be found on the State Mock Trial website listed in Rule 3.1. The signed Code of Ethical Conduct must be shown to the mock trial coordinator prior to every trial. No team will be allowed to compete without a completed form.

The Code of Ethical Conduct, the Rules of Competition, and rules relating to courthouse and courtroom decorum and security must be followed. Each team is responsible for the conduct of its 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. The Coordinator possesses discretion to impose sanctions, up to and including forfeiture or disqualification, for any misconduct, flagrant rule violations 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, juror or the mock trial program.

### Rule 1.3 Competition Regions

All Pennsylvania teams are assigned to compete in one of nine (9) geographic mock trial Regions. Each Region may be further divided up into Districts. The projected Regional/District makeup for the Competition (subject to alteration based upon actual school participation) is as follows:

Region 1 - Allegheny County

Region 2 - Northwest

District 1 Armstrong, Beaver, Butler and Lawrence Counties

District 2 Clarion, Crawford, Erie, Forest, McKean, Mercer, Venango and Warren Counties

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<sup>1</sup> Language in these Rules that is new, or includes substantial change to the prior year’s Rules, is highlighted and in *italics*. Deleted language is indicated with a ~~strikethrough~~.

Region 3 - Southwest

- District 1 Westmoreland County
- District 2 Greene, Fayette and Washington Counties
- District 3 Bedford, Blair Cambria, Fulton, Huntingdon, Jefferson, Indiana, Mifflin and Somerset Counties

Region 4 - North Central

- District 1 Cameron, Centre and Clearfield, Clinton, Elk, and Potter Counties
- District 2 Columbia, Lycoming, Montour, Northumberland, Snyder, Tioga and Union Counties

Region 5 - Northeast

- District 1 Berks, Carbon, Lehigh, Northampton and Schuylkill Counties
- District 2 Luzerne County
- District 3 Bradford, Lackawanna, Sullivan, Susquehanna, Wayne and Wyoming Counties
- District 4 Monroe and Pike Counties

Region 6 - South Central

- District 1 Cumberland, Dauphin, Franklin, Juniata, Lebanon and Perry Counties
- District 2 Adams and York Counties
- District 3 Lancaster County

Region 7 - Southeast

- District 1 Chester County
- District 2 Delaware County
- District 3 Bucks County

Region 8 - Philadelphia County

Region 9 - Montgomery County

**Rule 1.4 Transportation**

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

**Rule 1.5 Competition Dates and Scheduling**

District and Regional Coordinators have the complete authority to establish the time, date and location of trials. The schedule for the district or regional competition rounds will be distributed by the district/regional coordinator. (A Coordinators list is available on the mock trial website - Rule 3.1.)

### **Rule 1.6 Conflict Dates**

A Conflict Dates form must be submitted by each team to its District and Regional Coordinator(s) by the deadline denoted on the Competition Schedule (posted on the web site). A copy of this form is available on the web site. Coordinators can not guarantee these dates will be honored but will do their best to accommodate requests. If no conflict dates are indicated, the coordinator will assume none exist. The fewer conflict dates included, the more likely the coordinator will be able to honor them.

### **Rule 1.7 Postponements**

The coordinator shall have the final decision as to whether a trial is postponed due to inclement weather or other compelling reasons. Coordinators are to notify participants as soon as possible of their decision to postpone a trial. The last week of the district competition will be designated as a makeup week and schools are expected to be available to make up a weather-postponed match if the need arises.

### **Rule 1.8 Deviation from Rules**

It is the intent of the Executive Committee 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 Executive Committee. A deviation will be permitted only upon good cause shown. In determining whether good cause exists, the Executive Committee may consider the opinions of the Coordinator(s) representing the District and Region from which the team requesting a deviation is located.

## **TEAMS**

### **Rule 2.0 Registration**

Any team entered into the competition is required to submit the registration fee as indicated in the Mock Trial registration materials. The registration fee is a per team fee. No team will be considered registered for the competition until the fee is paid.

### **Rule 2.1 Team and Student Eligibility**

#### **Rule 2.1.1 Team Eligibility**

Any Pennsylvania school, home schooling group or other sanctioned organization may enter teams consisting of students from 9th through 12th grade. The method of team selection is left to the discretion of the individual school, group or organization.

- (a) Home School Groups: A team may be formed of students who are home-schooled, provided the students are eligible under Rule 2.1.2. The students on such team may reside in multiple public school districts. With the approval of the regional coordinator, a home school team must pick a county of residence and participate with other teams in that county for the entire season. The county chosen must have a logical geographical nexus to the residency of the students who make up the home school team. A home school group must receive permission of the Executive Committee before participating.

- (b) Other Sanctioned Organizations: A team may be formed by another organization, such as a Law Explorer Post. However, the team may not include students who attend schools which sponsor mock trial teams. If a student's school sponsors a team, the student must participate at that school.

### **Rule 2.1.2 Student Eligibility**

To be eligible to participate in the statewide high school mock trial competition, a student must be enrolled in the 9th to 12th grades of a Pennsylvania secondary school, or be homeschooled and be a resident of Pennsylvania. Except as otherwise provided in this Rule, a student is eligible only at the school at which the student is enrolled.

- (a) Home School Students: Home-schooled students are eligible to compete in the statewide mock trial competition as follows:
- (i) If the public school district in which the student resides sponsors a participating mock trial team, the home-schooled student must tryout/compete with that school's team.
  - (ii) If the public school district in which the student resides does not have a participating mock trial team, the home-schooled student may participate with a team of other similarly-situated home-schooled students as set forth in Rule 2.1.1(a).
- (b) Alternative School, Magnet School, Vocational-Technical, Charter School and Cyber-Charter School Students: Students enrolled in these schools are eligible to tryout/compete in the statewide mock trial competition only at the school in which the student is enrolled if that school sponsors a mock trial team. With the approval of the regional coordinator, schools covering more than one county must choose a county of residence and participate with other teams in that county for the entire season. If the school does not sponsor a mock trial team, the student may participate at the public school of the student's residence.

### **Rule 2.2 Student Composition**

There is no limit to the number of students permitted to participate on a mock trial team. However, for any trial, all teams shall consist of **six (6)** ~~five (5)~~ students (three (3) attorneys and **three (3)** ~~two (2)~~ witnesses). Each team may also provide a student timekeeper.

Any team advancing to the state competition will be required to narrow its team to eight (8) members in accordance with Rule 8.3.1 and its subsections.

### **Rule 2.3 Advisors**

Each team must have at least one teacher coach and at least one attorney advisor who is recruited by the school. If an attorney advisor cannot be found by the school, one will be assigned by the District or Regional mock trial coordinator. Teacher advisors are responsible for contacting the

coordinator to obtain an attorney advisor. (A Coordinators list is available on the mock trial website - Rule 3.1.)

All teams are to work with their assigned attorney advisors in preparing their cases. Each attorney advisor will meet with the team for a minimum of ten (10) hours prior to and during the district competition rounds.

#### **Rule 2.4 Teacher Orientation**

Attendance at a teacher orientation session is mandatory for all teacher coaches without prior mock trial experience. Attendance for “veteran” teachers is optional but recommended. Teachers are encouraged to invite attorney advisors to attend this session.

The orientation sessions will be scheduled between the dates noted on the Competition Schedule posted on the Mock Trial Website (Rule 3.1). Please contact your District or Regional Coordinators for the date and time of the session. (A Coordinators’ List is available on the mock trial website)

#### **Rule 2.5 Multiple Teams**

Schools may enter one or two teams. A school may enter a third team with the permission of the local coordinator in charge of scheduling if the third team can be added without disruption to overall scheduling. Teams from the same school are considered separate and may not, under any circumstances, communicate with each other about other teams in the competition.

##### **Rule 2.5.1 Administration**

Schools entering multiple teams must submit rosters for each team to their regional 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 regional coordinator.

##### **Rule 2.5.1 Advisors**

While it may be conducive for schools entering multiple teams in the competition to work and practice together, once competition rounds begin each team must have its own teacher and attorney coach. This separation is necessary to avoid the appearance of impropriety and scouting.

##### **Rule 2.5.1 Scheduling**

Coordinators will try to avoid scheduling trials whereby a team from one school competes against one of multiple teams from another school. If this situation does occur, the single teams should not be assigned the same trial role (i.e. plaintiff/prosecution or defendant) against more than one team from the same school, unless unavoidable.

## **CASE MATERIALS**

### **Rule 3.1 Mock Trial Website**

All necessary Competition information, including forms, case materials and all supplements thereto, will be posted on the PBA website - [www.pabar.org](http://www.pabar.org) under the link for the Young Lawyers Division - Mock Trial.

### **Rule 3.2 Case Materials**

The Competition case materials will consist of a fact pattern containing any or all of the following: statement of facts, **pleadings** indictment, stipulations, witness statements/affidavits, jury charges, exhibits, etc. The witness statements/affidavits and any additional stipulations may not be disputed at the trial.

### **Rule 3.3 Supplemental Case Materials - Evidentiary Value**

Supplemental clarifications of the case materials 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 supplemented material.
- b. If the clarifying information is not attributed to a single witness, assume that all witnesses have knowledge of the supplemented material.

A witness who is challenged as to his or her knowledge reflected in the statement/affidavit may refer to the supplemental clarifications to show knowledge.

### **Rule 3.4 Questions Regarding the Case Materials**

Please direct all questions about the content of the case materials as directed in the contact page of 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 3.3 regarding the evidentiary value of the official supplemental memo.

### **Rule 3.5 Additional Materials**

Students are permitted to read other cases and materials in preparation for the mock trial. However, they may cite only the cases and statutes given and may introduce as evidence only those documents and materials provided and in the form provided.

## **WITNESSES**

### **Rule 4.1 Calling of Witnesses**

Each team must call **all** ~~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.

### **Rule 4.2 Witness Gender and Physical Traits**

All witnesses have names and characteristics that are gender neutral. Teams must exchange the gender of their ~~two~~ witnesses at least 48 hours prior to the day of trial through communication between teacher coaches, where possible. (Contact your district or regional coordinator for this information. Coordinator information is posted on the web site – see Rule 3.1.)

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 can 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.

### **Rule 4.3 Voir Dire**

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

### **Rule 4.4 Case Materials and Exhibits**

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.

### **Rule 4.5 Witness Statements**

A witness may not be asked questions about information contained in another witness' statement/affidavit. Nor may a witness be asked questions about what another witness testified to at the trial.

### **Rule 4.6 Witness Statements -- Unfair Extrapolation**

Each witness is bound by his/her written statement/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.

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. Although unfair extrapolations are subject to objection as "unfair extrapolation," they are best attacked through impeachment and closing arguments.

Attorneys should not ask questions calling for information outside the scope of the case materials or requesting an unfair extrapolation. An attorney who asks a question on cross or re-cross examination that requires an answer outside the scope of the witness' affidavit is bound by the answer given by the witness.

The decision of the presiding judge regarding extrapolations is final. Possible rulings by the judge are: no extrapolation; fair extrapolation; unfair extrapolation; or taken under advisement.

#### **Rule 4.7      Sequestration**

Non-party witnesses are presumed to be sequestered but may remain in the courtroom during trial.

#### **Rule 4.8      *[Reserved]* Party Witnesses**

~~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. [Please refer to Rules 6.9 and 6.22]~~

#### **Rule 4.9      Expert Witnesses**

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 be otherwise impeached on cross examination. Witnesses not specifically identified as experts may be qualified as such if the proper foundation is laid. *In either case, the expert's qualifications, credibility, biases and eh scope and depth of her/his expertise may be otherwise raised on cross examination.*

## **EXHIBITS**

#### **Rule 5.1      Generally**

Teams may introduce as evidence only those documents and materials that are provided and must present them in the form provided. No enlargements will be permitted. Colored exhibits may be presented in either black and white or in color.

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.

#### **Rule 5.2      Authenticity**

All exhibits contained in the case materials are stipulated to being authentic. Exhibits may be objected to on evidentiary grounds other than authenticity.

**Rule 5.3 Pre-markings**

All exhibits contained in the case materials will be pre-marked. The exhibits should maintain their pre-markings for trial.

**Rule 5.4 Witness Statements / Affidavits**

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).

**Rule 5.5 Lack of Proper Predicate/Foundation**

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.

**Rule 5.6 Publication to Jury**

All exhibits must be admitted before they may be published to the jury. Publication is permitted at the presiding judge's discretion.

**Rule 5.7 Binders and Exhibit Books**

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.

**TRIAL ENACTMENTS****Rule 6.1 Arrival at Courthouse / Failure to Appear**

Teams should report to their assigned courtrooms at least fifteen (15) minutes prior to the starting time for each trial.

If a team has not arrived within fifteen (15) minutes of the scheduled starting time, the mock trial 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 compete against the non-forfeiting school so that the non-forfeiting school is not penalized. The score received by the substituting school will not count. Schools are strongly encouraged 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 declared the winner and the forfeiting school the loser.

**Rule 6.2 Preservation of Anonymity**

Participants and spectators are requested not to wear or bring anything into the courtroom that could identify their school or team.

### **Rule 6.3 Scouting Prohibited**

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 team's 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. This rule applies to schools entering more than one team.

### **Rule 6.4 Electronic Equipment – Video Recording/Photography**

Unless previously approved by the coordinator, no laptop computers or other electronic equipment may be used by teams during the competition, except as provided below.

Both teams are permitted to video record a trial if previously cleared with the judge through the mock trial coordinator. If logistics limit video recording to only one team, then the recording team must provide a copy of the recording videotape to the opposing team. *Where necessary*, the opposing team must provide a blank videotape cassette, *DVD or other electronic storage media of the kind in which the recording was made* for copying purposes. *Recordings and copies* Tapes are to be shared only with the teams featured in the specific recording videotape.

Under NO circumstances may teams challenge any trial occurrences or time penalty assessments through videotape replays.

### **Rule 6.5 Case Presentation**

Each team must be prepared to present both sides of the case.

### **Rule 6.6 Trial Roster Form**

Prior to each trial, each team must complete a Trial Roster identifying all student roles for that trial. (The Trial Roster form can be found on the mock trial web site.) Copies are to be made available to the Presiding Judge, the mock trial coordinator, and to opposing counsel before each round. Do not place the school name or information identifying team origin on the form.

### **Rule 6.7 Student Roles**

For any trial, all teams will use three (3) students to act as attorneys and *three (3)* ~~two (2)~~ students to act as witnesses. Each team may also provide a student timekeeper. A team may use its members to play different roles in different trials or it may substitute alternates from its roster for different trials. Each team must call *all* witnesses provided for its side in the case materials. Teams may not call witnesses from the other side.

## **Rule 6.8 Jury Trial**

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 (Pennsylvania Mock Trial Version). Other more complex rules may not be raised in the trial.

## **Rule 6.9 Courtroom Seating**

The Plaintiff/Prosecution team shall be seated closest to the jury box. Only the **six** five participating team members may sit inside the bar and communicate with each other. A non-testifying party ~~witness~~ **or party representative/agent** may sit at counsel table, but may not communicate with the participating team members. Student timekeepers may be seated inside the bar and specifically, in the jury box, so long as there is adequate room and the student is not sitting immediately next to or behind a juror.

Additional team members, 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 permission.

## **Rule 6.10 Attorney Duties**

~~Team members are to divide their duties as outlined below:~~

- ~~(a) Each team performs eight six segments in every trial: an opening statement, two direct examinations of their own witnesses, three two cross examinations of the opposing side's witnesses and a closing argument. Each attorney must conduct two of these six trial segments.~~

**(a) The eight attorney duties for each team per trial are as follows:**

- 1. Opening Statement**
- 2. Direct or Cross Examination of Witness #1**
- 3. Direct or Cross Examination of Witness #2**
- 4. Direct or Cross Examination of Witness #3**
- 5. Cross or Direct Examination of Witness #1**
- 6. Cross or Direct Examination of Witness #2**
- 7. Cross or Direct Examination of Witness #3**
- 8. Closing Argument**

**Two attorneys must be assigned to perform three of these duties and one attorney must be assigned to perform two of these duties.**

- (b) Opening Statements must be given by both sides at the beginning of the trial. The prosecution/plaintiff gives the opening statement first. The defense/ defendant gives the closing argument first. There is no rebuttal.
- (c) The attorney presenting the opening statement may not make the closing argument.
- (d) Each attorney on a team must conduct at least one direct examination or one cross examination of a witness.
- (e) An attorney may not conduct all three direct examinations or all three cross examinations but is permitted to conduct two direct or two cross examinations so long as the other requirements of this rule are met .*
- ~~(e) Nothing will prohibit a designated attorney from conducting both direct examinations or both cross examinations so long as the other requirements of this rule are met.~~
- (f) The attorney conducting the direct examination of a witness must conduct the re-direct examination of a witness and the attorney conducting the cross examination must conduct the re-cross examination of that witness.

#### **Rule 6.11 Swearing of Witnesses**

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.”

#### **Rule 6.12 Stipulations**

Stipulations shall be considered part of the record and already admitted into evidence. *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.* Stipulations may be read into the record at anytime 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.

#### **Rule 6.13 Use of Notes**

Attorneys may use notes in presenting their cases. Witnesses are prohibited from using notes while testifying during trial.

#### **Rule 6.14 Costuming and Props**

Absolutely no costumes or props, including fake accents, are permitted.

### **Rule 6.15      Outside Materials**

If during a trial a student uses 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 jurors (scoring judges) will be informed of the violation by the mock trial coordinator and may consider such action in awarding points.

### **Rule 6.16      Standing During Trial**

Unless excused by the judge, attorneys will stand while giving opening and closing statements, during direct and cross examinations, and for all objections.

### **Rule 6.17      Objections**

The attorney conducting the direct examination of a witness is solely responsible for answering objections concerning that witness. Likewise, the attorney conducting a cross examination of a witness is the only attorney permitted to make objections concerning that witness' testimony. An objection following an opening statement or closing argument may be made by any attorney.

### **Rule 6.18      Scope of Closing Arguments**

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

### **Rule 6.19      Objections During Opening Statements and Closing Arguments**

NO objections may be raised **during** opening statements or closing arguments. Violation 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, following the opening statement or closing argument, 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 objection should be made after the conclusion of the statement against which the objection is being raised.

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. Please remember this objection procedure should be utilized sparingly and only when there is a valid reason to do so.

### **Rule 6.20      Motions Prohibited**

Except as provided in the Rules of Evidence (Pa. Mock Trial Version), no motions, pretrial or otherwise, are allowed. Even if an improper motion is entertained by the court, the jurors will be instructed as to the specific prohibition and will consider the prohibition in evaluating the teams.

### **Rule 6.21      Bench Conferences**

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.

### **Rule 6.22 Trial Communication**

In any given trial, no communication among team members, other than the ~~six~~ five students participating as attorneys or witnesses in that trial, is permitted with the exception that unobtrusive signaling by the team's timekeeper will not be considered a violation of this rule. Any non-testifying party ~~or party representative/agent~~ sitting at counsel table is prohibited from communicating with the ~~six~~ five team members.

Additionally, teacher coaches, attorney advisors, alternates and all other observers may not talk to, signal or otherwise communicate with, or in any way coach their team. This rule remains in force during any recess time which may occur. Violation of this rule will result in imposition of a ~~two~~ one point penalty per communication.

### **Rule 6.23 Trial Sequence and Time Limits**

Each team shall be limited to the following time frames:

- Opening Statements - 5 Minutes Maximum (per side)
- Evidence Presentation - ~~20~~ 26 Minutes Maximum (per side)

Each team has a ~~twenty (20)~~ ~~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~~ 6 Minutes Maximum (per side)

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

Each team is permitted to have a student attorney ask the official timekeeper how much time remains at the midpoint of the trial (i.e., immediately after the conclusion of the plaintiff/prosecution's testimony and before defense witnesses are called). Each student attorney may communicate with their student timekeeper regarding time remaining.

### **Rule 6.24 Time Limits and Witness Filibustering or Stalling/Penalty**

Limitations on time are a necessary but artificial element to mock trials. The Executive Committee strongly discourages as a tactic an attempt by one team to deliberately use up another team's time allotment via witness filibustering or stalling. Witnesses are not permitted to be unnecessarily repetitive or draw out a cross examination nor stall or be deliberately evasive in answering questions about which they have knowledge. Witnesses are presumed to know their witness statement/affidavits and exhibits.

The best method for an attorney to avoid filibustering by a witness on cross examination is for the attorney to ask a question that calls for a "yes" or "no" answer. Many 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's own team.

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 either direct the bailiff/timekeeper to stop the clock or direct that the witness give his or her explanation on re-direct examination. Bailiff/timekeepers may, at their discretion, stop the clock when it appears such tactics are being used (see Rule 6.26(c)). A bailiff also maintains discretion to impose penalty points for repeated filibustering and/or stalling.

**Rule 6.25 Time Violations - Grace Period**

Time 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 according to the following schedule:

|   |  |
|---|--|
| <p><u>Opening / Closing - Time over maximum:</u><br/>         0 to 15 seconds (grace period) 0 points<br/>         16 to 45 seconds 2 1-point<br/>         :46 to 1:15 4 2 points<br/>         1:16 to 1:45 6 3-points<br/>         1:46 to 2:15 8 4-points<br/>         etc.</p> | <p><u>Testimony Portion - Time over 26 20-min. max:</u><br/>         0 to 30 seconds (grace period) 0 points<br/>         :31 to 1:00 2 1 point<br/>         1:01 to 1:30 4 2 points<br/>         1:31 to 2:00 6 3 points<br/>         2:01 to 2:30 8 4 points<br/>         etc.</p> |
|---|--|

**Rule 6.26 Clock Management**

(a) The clock will be stopped by the official timekeeper:

- 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 the objection. Time will resume when the examination resumes.
- 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.
- During sidebars
- Whenever the judge is talking
- During administration of the witness oath

(b) The clock will continue to run:

- During opening statements and closing arguments
- During the examination of witnesses
- When stipulations are read into evidence.
- During the marking of exhibits if the attorney continues to ask question

(c) Discretionary clock stoppage. The clock may be stopped, at the official timekeeper’s discretion:

- For witness filibustering, repetition, stalling. If the timekeeper believes a witness on Cross Examination (or 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. (See Rule 6.24)

#### **Rule 6.27 Time Cards**

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 ~~26~~ 20 minute block of time allotted for evidence presentation, 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. One minute and No Time left cards will be used during openings and closings. Teams are nevertheless responsible for keeping track of their own time. Failure by the timekeeper to show a sign(s) is not appealable.

#### **Rule 6.28 Student Timekeepers**

Each team is permitted to have its own student timekeeper and timekeeping aids. The timekeeper is permitted to unobtrusively signal time to his or her team. Unobtrusive signaling includes use of cards or hand signals; the timekeeper may not verbally communicate with team members. The mock trial coordinator may assess, in his or her discretion, up to two penalty points per violation.

If approved, the timekeeper should sit inside the bar and specifically, in the jury box, so long as there is adequate room and the student is not sitting immediately next to or behind a juror (scoring judge).

Student timekeepers may be informed of the official time at the trial mid-point by a student attorney as provided in rule 6.23.

#### **Rule 6.29 Best Witness and Best Advocate Awards**

While the jurors are 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 input from the teacher coach or attorney advisor and should be made in a sportsmanlike manner.

## **JUDGING**

#### **Rule 7.1 Finality of Decisions**

THE DECISIONS OF THE JURORS (SCORING JUDGES) ARE FINAL.

#### **Rule 7.2 Trial Judge's Verdict**

The presiding trial judge may render a decision, or verdict, based upon the merits of the case and the applicable law. This decision does not determine which team wins or advances to the next competition round. A trial judge who acted as a scoring judge, however, should not render a decision on the merits. (See Rule 7.6)

### **Rule 7.3 Juror's Verdict**

A decision, or verdict, as to which team has won the trial will be rendered by a panel of jurors (scoring judges) following each trial. Jurors are provided scoresheets and rate the performances of student-attorneys and student-witnesses, as well as overall team performance. ~~The maximum score per team is 90 points.~~ Generally, the winner of any trial will be determined by majority vote of the jury panel, based upon scoresheet totals (each scoresheet equals one vote), subject to limited exceptions discussed in the General Contest Format section.

### **Rule 7.4 Announcing a Winner**

It is within the discretion of the mock trial coordinator to decide whether to announce the winner of a particular trial at the conclusion of the trial. If the decision of the jurors is announced, it is presumed that this decision is **UNOFFICIAL**. The mock trial coordinator will promptly double check the arithmetic of the jurors and make any necessary math corrections and notify the teams of the official result of the trial. Teams have forty-eight (48) hours from receipt of the scoresheets to notify the coordinator of any scoresheet errors effecting the outcome of the trial.

### **Rule 7.5 Juror and Trial Judge Contact Prohibited**

Teacher coaches, attorney advisors, students, parents and any other person associated with a mock trial team are absolutely prohibited from contacting jurors or presiding judges to question any scores or decision(s) by the jury. Any and all such questions should be directed to the mock trial coordinator and only then by the teacher advisor (or his or her designee). 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.

### **Rule 7.6 Jurors - Panel Makeup**

Coordinators are encouraged to use only jurors (scoring judges) who are familiar with the law, *preferably attorneys*. The size and makeup of the jury are determined by the coordinator. Every effort will be made to provide a minimum of three jurors for every trial. Coordinators may use the presiding judge as a scoring judge in order to obtain a panel of three. All jurors are presumed competent.

### **Rule 7.7 Jurors - Conflicts and Disqualification**

A juror should be disqualified from scoring a trial where the juror 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 juror or his or her family members attended one of the schools competing, a juror who has a relative who participates on one of the school's mock trial teams, a juror who has a personal friendship with a team advisor or parent, or a juror 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.

A direct conflict does not include a situation where the juror 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.

A juror who becomes aware of the direct conflict prior to or during a trial should be excused from the panel as soon as possible. If the juror was not aware of the conflict until after he or she has completed the scoresheet, it is left to the discretion of the coordinator whether to disqualify the juror. This program requires extensive volunteer support and it is assumed all participants will make every effort to identify potential conflicts.

## GENERAL CONTEST FORMAT <sup>2</sup>

### Rule 8.1 District Competition

- (a) Each team will participate in at least two trials against other teams within the same district, or within the same region if no district divisions exist. Some local competitions may provide for additional rounds.
- (b) Pairings for the district competition will be made by the district coordinator or by the regional coordinator in regions without district divisions.
- (c) Every team will switch sides in the case for the second round of competition, unless unavoidable.
- (d) Individual counties may sponsor a countywide competition. The winners of individual county competitions will also be eligible for the district champion title. When necessary, a district playoff will be scheduled between county champions to determine the district champion team.
- (e) The district champion teams in each region compete to determine the regional champion.
- (f) No team may be eliminated from district competition if it has not lost either of its first two trials.
- (g) The winner of any regular county or district trial will be determined by majority vote of the jury panel.
  - i. In determining majority vote of the panel, each juror (scoring judge) is assigned one vote based upon the numeric total of his/her scoresheet, minus any deductions for penalties.
  - ii. If an individual juror's scoresheet ends in a tie (including after the deduction of penalty points, if any), the winner of that scoresheet will be chosen based upon the team indicated by the juror in the Tiebreaker Box. If the juror's scoresheet is tied and the juror fails to indicate a winner in the Tiebreaker Box, and the error is not immediately discovered, the scoresheet will be considered a tie. Where there exists an

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<sup>2</sup> District and regional coordinators are authorized to use alternative formats at the respective level, provided that: (1) the Mock Trial Executive Committee has approved the format and (2) all teachers in the subject area are advised of the modifications.

inconsistency between the numeric score and the team chosen in the tiebreaker category, numeric score prevails concerning the winner of that scoresheet.

- iii. If the jury panel's vote is tied (e.g. 3-3 or 2-2-1), 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 Closing Arguments category.
- (h) District Playoffs - The format for determining the winner, amongst the undefeated teams in a district, is left to the discretion of the district coordinator. (See footnote 2)

## **Rule 8.2 Regional Competition**

- (a) Generally - The regional competition will consist of a regional final, and, in some cases, regional semifinals. Regional semifinals will be held in regions with three or more districts but are optional in regions with two or less districts. In regions with three districts, the three district winners and the second place team from the district with the greatest number of participating teams should compete in the semifinals. The method of determining matchups for regional semifinals is to be made by the regional coordinator. This method should be communicated to the teams prior to the start of regional competition.
- (b) Regional Semifinals - It is within the discretion of the regional coordinator to choose the method of determining the winners of semifinals. One method is that the two winning teams in each semifinal advance to the final. Under this format, the winners of each semifinal trial will be determined by majority vote of the jury panel, as set forth in Rule 8.1(g) above. Another method is for the same jury to evaluate both semifinal trials. The top two teams can then be ranked by the jurors based upon highest average team score, or some other method of ranking. Under this format, it is possible that the two advancing teams will have competed against each other in the semifinals.
- (c) Regional Final - The winner of the regional final will be determined by majority vote of the jury panel, as set forth in Rule 8.1(g) above.
- (d) All Regional champions will advance to the State Competition.

## **Rule 8.3 State Finals Competition**

### **Rule 8.3.1 Administrative Matters**

#### **(a) 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 region chosen to advance a second team will be randomly selected.

#### **(b) 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.

**(c) 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 hotel rooms per team (eight students and one teacher coach) for Friday night accommodations. Each team must provide its own transportation to Harrisburg.

**(d) 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.

**(e) Scoring for the Finals Tournament**

**(1) 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 Statements and Closing Arguments categories.

**(2) 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 scoresheet, minus any deductions for penalties.

**(3) Prohibition against scoresheet ties / tiebreaker category**

In no case, may an individual scoresheet be counted as a tie. If the juror's scoresheet ends in a numeric tie after deduction of all penalty points, if any, the winner of that scoresheet 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 scoresheet.

**(f) Videorecording**

Videorecording is permitted for Rounds 1 and 2 and the Semifinals. Any video taken in Rounds 1 and 2 must be handed over to Mock Trial Personnel until the conclusion of the Semifinal Rounds.

**Rule 8.3.2 Rounds 1 and 2**

**(a) 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.

**(b) 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.

**(c) 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 scoresheets 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.

**(d) 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:

- (1) 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.

(2) 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.

(3) 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.

**(e) 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.

### **Rule 8.3.3 Semifinals and Final**

**(a) Semifinals Pairings**

The highest ranked team will be matched against the fourth ranked team and the second ranked team will be matched against the third ranked team. Determination of which side will be prosecution/plaintiff or defense/defendant will be randomly selected and announced at the time the semifinalists are announced except that teams paired in Rounds 1 or 2 that are scheduled to compete against each other in a semifinal will switch sides of the case.

**(b) 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 after Rounds 1 and 2.

**(c) Semifinals Results**

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

**(d) 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 two finalists had been previously paired in either Round 1 or 2, they will switch sides of the case for the Final. If the teams had been assigned opposite roles in their semifinals, they will switch sides for the final, except if they had been previously paired in which case they will switch sides from the previous pairing.

**(e) 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 after Rounds 1 and 2.

**(f) Final Results**

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

## **PENALTY IMPOSITION and DISPUTE RESOLUTION**

## **Rule 9.1 Penalties**

Mock trial coordinators have complete discretion to assess penalty point deductions for any violation of the Rules of Competition where the Rules permit such deductions (see e.g. Rules 6.22 (improper trial communication), 6.24 (filibustering) and 6.28 (improper student timekeeper communication)). Where no specific penalty is provided for the Rule violated, the coordinator may impose up to a five (5) point penalty per violation. In the case of time violation penalties, the mock trial coordinator must impose the penalty points as set forth in Rule 6.25. All penalty point deductions, including time penalties, will be imposed by deducting the penalty from each individual scoresheet.

## **Rule 9.2 Dispute Resolution**

Any team that seeks a remedy due to any issue arising during the mock trial competition must raise the issue under these Dispute Resolution Rules. An issue that is not raised under these procedures is deemed waived.

### **9.2.1 Inside the Bar Disputes**

#### **(a) Described**

An inside the bar dispute is one concerning a possible substantial rule violation that arises in a competition round as part of the trial.

Examples of inside the bar issues that might be raised include, but are not limited to, a witness using notes, a team using attorneys in roles not permitted, costume or prop usage, showing of incorrect official time card, and a juror who misses part of the trial. Inside the bar disputes do not include disputes that can be raised by an evidentiary objection or that involve discretionary decisions by the presiding judge on a trial issue.

#### **(b) Raising an Inside the Bar Issue, Waiver**

If a team believes that a substantial rule violation has occurred inside the bar, one of the participating student attorneys must, immediately upon the conclusion of trial, inform the presiding judge that he or she intends to file a dispute on the appropriate form. Only student attorneys may raise an inside the bar issue. Disputes of this type that are discovered, or should have been discovered during the trial, are waived if not raised immediately upon the conclusion of trial.

#### **(c) Dispute Resolution Procedure**

The scoring panel will be excused from the courtroom and the presiding judge (or mock trial coordinator) will direct the student attorney to complete the "Inside the Bar Dispute Form." The student may communicate with fellow student attorneys and/or student witnesses before lodging the notice of dispute or preparing the form.

The presiding judge will review the dispute form and determine whether the issue raised warrants a hearing or should be denied without a hearing. The presiding

judge may consult with the mock trial coordinator in resolving the issue. If the dispute is denied without a hearing, the judge will record the reason(s) on the dispute form and announce the decision to the teams.

If the judge decides that the grounds for the dispute merit a hearing, the judge will conduct a short hearing in the courtroom. In the case of a dispute at the state finals competition, the judge shall be joined by two members of the Executive Committee. The dispute form will be shown to opposing counsel for a written response. After the team has recorded its response and given 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 arguments, the judge (and committee members in the state finals) will hear argument, providing each team's spokesperson three minutes for a presentation. The spokesperson may be questioned by the judge (or committee members). After the hearing, the presiding judge (and committee members) will adjourn and promptly consider the dispute. The judge's ruling will be recorded in writing on the dispute form.

At no time in the process may teacher coaches or attorney advisors communicate or consult with the student attorneys.

**(d) Effect of Violation**

If the judge, or, in the case of the state finals, a majority of the hearing panel, determine that a substantial rules violation has occurred, the judge or a designee will inform the scoring judges of the dispute, each team's arguments and the judge's (or panel's) ruling. The scoring judges will consider the dispute before submitting their scoresheets. The dispute may or may not effect the final decision, but the matter will be left to the discretion of the scoring judges.

**(e) Finality of Decision**

The decision by the presiding judge, or the panel in the case of the state finals, is final and not subject to further review.

**Rule 9.2.2 Outside the Bar Disputes**

**(a) Described**

An outside the bar dispute is one concerning a possible substantial rule violation that arises outside the bar during the course of a trial round, i.e. in the gallery or outside the courtroom. These issues may arise just prior to, during or immediately following a trial round, but before the jury has been excused.

Examples include, but are not limited to, communication during the trial between non-team members/coaches and participating team members (that could not have been observed inside the bar) and a potential juror conflict not discovered until after trial commences.

**(b) Raising an Outside the Bar Issue, Waiver**

Outside the bar disputes must be made promptly to the mock trial coordinator, who will ask the complaining party to complete the "Outside the Bar Dispute Form." Only the teacher coach or attorney advisor may submit the dispute form.

Disputes of this type that are discovered or should have been discovered by the protesting team are waived if not raised as soon as possible.

**PLEASE NOTE: Prior to trial, it is the responsibility of coaches and advisors to eliminate any potential problems that are noticed by bringing them to the attention of the mock trial coordinator. If potential violations are noted prior to trial, but not raised until after trial, the dispute will be deemed waived.**

**(c) Dispute Resolution Procedure**

The mock trial coordinator will, if possible, notify all pertinent parties, allow time for a response if appropriate, conduct a hearing if necessary, and rule on the charge. In the case of the state finals, the complaint will be taken to at least two members of the Executive Committee, who will follow the above procedure.

**(d) Effect of Violation**

If the judge, or, in the case of the state finals, the Executive Committee, determines that a substantial rules violation has occurred, the judge or a designee will inform the scoring judges of the dispute, each team's arguments and the mock trial coordinator's (or committee's) ruling. The scoring judges will consider the dispute before submitting their scoresheets. The dispute may or may not effect the final decision, but the matter will be left to the discretion of the scoring judges.

**(e) Finality of Decision**

The decision by the mock trial coordinator, or Executive Committee members in the case of the state finals, is final and not subject to further review.

**Rule 9.2.3 Post Trial Disputes and Non-Trial Disputes**

**(a) Described**

A post trial dispute involves an issue or possible substantial rule violation or other error that could not have been discovered until after the trial was completed. Examples of these types of disputes include, but are not limited to, discretionary post trial decisions of the mock trial coordinator, scoresheet errors, scouting violations, and juror conflicts not discovered until after trial.

Non-trial disputes involve issues that arise at any time during the competition but do not involve events of a particular trial. Examples include issues such as team or student eligibility, scouting and scheduling.

**(b) Raising a Post Trial Issue, Waiver**

Only the teacher coach may file a post trial / non-trial dispute. Such disputes must

be made to the mock trial coordinator in writing on the "Post Trial / Non-Trial Dispute Form." Disputes of this type are waived if not raised as soon as possible, and in no case more than two working days after the date of discovery or the date the issue should have been discovered.

**(c) Dispute Resolution Procedure**

The mock trial coordinator will promptly review the dispute form and decide whether the issue has merit. If the coordinator decides the issue has no merit, s/he shall promptly notify the teacher coach, providing the reason(s) in writing on the dispute form. If the mock trial coordinator determines the issue has merit, the mock trial coordinator will provide the opposing team's teacher coach (or designee) with a copy of the dispute form and that teacher coach will be given an opportunity to respond in writing. The mock trial coordinator may optionally hold a telephone conference with the parties. The mock trial coordinator will then promptly issue a written decision on the dispute.

**(d) Appeal of Mock Trial Coordinator's Decision**

**(1) District (or County) Competition Trials** - If a team feels that a district coordinator has abused his/her discretion in ruling on a post trial/ non-trial dispute, the teacher coach may file an appeal by contacting the regional mock trial coordinator. The appeal shall be in writing and specifically outline the position of the team. The regional coordinator will determine if the district coordinator abused his/her discretion. This appeal must be sought within two working days of notice to the teacher coach of the mock trial coordinator's ruling on the post trial dispute.

Any team wishing to challenge the regional coordinator's decision shall have the option of contacting the mock trial Executive Committee and requesting a telephone conference to argue its case. The responding team will be invited to state its position as well. The Executive Committee will determine if the regional coordinator abused his or her discretion. The decision of the Executive Committee is final. This request for a conference must be made no later than two working days following the regional coordinator's decision on the appeal.

**(2) Regional Competition Trials** - If a team feels that a regional mock trial coordinator has abused his/her discretion in ruling on a post trial /non-trial dispute, the teacher coach may file an appeal by requesting a telephone conference with the mock trial Executive Committee to argue its case. The appeal shall be in writing and specifically outline the position of the team. The responding team will be invited to state its position as well. The Executive Committee will determine if the regional coordinator has abused his or her discretion. The decision of the Executive Committee is final. The request for a conference must be made no later than two working days following the coordinator's denial of the appeal.

**INSIDE THE BAR DISPUTE FORM**

*Please consult Rule 9.2.1*

**PBA/YLD STATEWIDE HIGH SCHOOL MOCK TRIAL COMPETITION**

**To be completed by complaining student:**

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

Side of Protesting Team (circle one):            Plaintiff/Prosecution or Defense

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

Student Attorney Raising Protest: \_\_\_\_\_

Nature of Complaint (Please cite to Rule violated where applicable) \_\_\_\_\_

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

**REMEDY SOUGHT** \_\_\_\_\_

**To be completed by presiding judge:**

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

*(If argument is denied, judge must record his/her reasons below and announce the decision to the teams.)*

Presiding Judge's decision for denial (without hearing) : \_\_\_\_\_

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

*(If argument is warranted, the remainder of this form should be completed.)*

**To be completed by responding student:**

Team Name/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 then be given 3 minutes to argue/defend its position. The presiding judge (and members of the State Mock Trial Executive Committee, where applicable) may question the spokespersons.*

*Once argument is completed, the judge (or panel) will retire to consider his/her ruling. The decision is to be recorded below. If a substantial rules violation has occurred, the judge will inform the scoring judges of the dispute, provide a summary of each team's argument and inform the scoring judges of his or her ruling.*

**To be completed by presiding judge:**

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

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

Judge's Ruling: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Scoring judges notified:      Yes \_\_\_\_\_ No \_\_\_\_\_

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

**This form is to be turned in with the scoresheets  
to the mock trial coordinator or bailiff.**

**OUTSIDE THE BAR DISPUTE FORM**

*Please consult Rule 9.2.2*

**PBA/YLD STATEWIDE HIGH SCHOOL MOCK TRIAL COMPETITION**

**To be completed by complaining teacher/attorney:**

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

Side of Protesting Team (circle one): \_\_\_\_\_ Plaintiff/Prosecution or Defense

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

Teacher Coach / Attorney Advisor Raising Protest: \_\_\_\_\_

Nature of Complaint (Please cite to Rule violated where applicable) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**REMEDY SOUGHT** \_\_\_\_\_

**To be completed by mock trial coordinator:** Parties Notified \_\_\_\_\_

\_\_\_\_\_

**To be completed by responding teacher/attorney:**

Team Name/Code of Responding Team: \_\_\_\_\_

Response: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**To be completed by mock trial coordinator:**

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

\_\_\_\_\_

\_\_\_\_\_

Scoring judges notified: Yes \_\_\_\_\_ No \_\_\_\_\_

Signature of mock trial coordinator: \_\_\_\_\_

**POST TRIAL / NON-TRIAL DISPUTE FORM**

*Please Consult Rule 9.2.3*

**PBA/YLD STATEWIDE HIGH SCHOOL MOCK TRIAL COMPETITION**

**To be completed by complaining teacher:** Date: \_\_\_\_\_

Team Name/Code of Protesting Team: \_\_\_\_\_ Date of Trial (if applicable)\_\_\_\_\_

Side of Protesting Team (circle one) (if applicable): Plaintiff/Prosecution or Defense

Presiding Judge (if applicable): \_\_\_\_\_

Teacher Coach Raising Protest: \_\_\_\_\_

Nature of Complaint (Please cite to Rule violated where applicable) \_\_\_\_\_

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

**REMEDY SOUGHT** \_\_\_\_\_

*(The teacher coach must submit this form as soon as possible to the mock trial coordinator.)*

**To be completed by mock trial coordinator:**

Meritorious issue raised? Yes \_\_\_\_\_ No \_\_\_\_\_

*(If the coordinator decides the issue has no merit, s/he shall promptly notify the teacher coach of the decision, providing the reason(s) in writing, below.)*

Mock trial coordinator's reason for finding no merit: \_\_\_\_\_

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

*(If the issue is determined to have merit, the coordinator will provide a copy of this form to the opposing team's teacher coach for a written response (provided there is an opposing viewpoint). The mock trial coordinator will then promptly issue a written decision on the dispute, below.)*

**To be completed by responding teacher** (if applicable):

Teacher Coach Responding to Dispute: \_\_\_\_\_

Response to Complaint: \_\_\_\_\_

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*(Once written responses are turned in, the mock trial coordinator may hold an optional telephone conference.)*

**To be Completed by mock trial coordinator:**

Protesting Team's Additional Arguments: \_\_\_\_\_

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Responding Team's Additional Arguments: \_\_\_\_\_

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Mock trial coordinator's Ruling: \_\_\_\_\_

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Signature of mock trial coordinator: \_\_\_\_\_

**The mock trial coordinator must provide a copy of this completed form to both parties, as soon as possible.**