PA Mock Trial Policies and Rules for In-Person Competition
During the COVID-19 Pandemic/Endemic Phase – 2022-2023

Introduction

Pennsylvania mock trial is at its best, most fun, and most authentic when it is in person. There is no way to fully replicate the energy, connection, and excitement of competing live, in a courtroom together. For the past two years, we have not had live trials, and we all want it back. However, COVID-19 remains a significant, arguably endemic part of life as we enter 2023, and it is essential that any in-person competition respects the serious, potentially life-threatening and life-altering risks it poses to competitors, volunteers, and judges. COVID-19 has also had significant impact on the life of our communities and our society. Each of our local communities, based on their individual circumstances, has made decisions that are best for them. To emulate that diversity in a state competition is challenging, if not impossible. What follows is the MTEC’s best effort at acknowledging these realities and reasonably balancing the costs and benefits associated with them.

The goal is not to determine how any particular district or regional competition will function, because that decision will depend on contemporaneous national, state, and local conditions. We will, as we always have, defer to the judgment of our district and regional coordinators with respect to such matters. Rather, the hope is to provide a set of principles and to articulate the possible decisions that the MTEC may make regarding the state championship, by way of providing guidance to teams and to coordinators.

General Principles

A few general principles inform and govern MTEC’s approach. First and foremost, we seek to have a safe, in-person competition for all participants.

Second, decisions about any round of competition will be based on the contemporaneous advice of public health authorities at the national level, state, and local levels. This advice may be weighted differently at different times, but MTEC trusts subject matter experts to guide our policies for each competition and expects that district and regional coordinators will as well.

Third, every decision about the competition will be made as soon as practical, but many decisions may have to be made within days of the round of competition, particularly if epidemiological realities are changing due to social or disease-specific (e.g. new variants) factors. Accordingly, flexibility on everyone’s part will be required, and courtesy will be expected from all participants with respect to late-breaking changes.
Fourth, as noted above, MTEC recognizes that teachers, coaches, and members come from very different political, sociological, and legal situations, and the policies adopted by the Board are constrained by those factors.

Fifth, the rules articulated here are subject to the Rules of Competition governing accommodation of participants. Accordingly, rounds that include an immuno-compromised participant or individuals who require other particular accommodation may be conducted differently than those rounds without any such individual.

Finally, our approach to these questions is informed by the approach taken by the National High School Mock Trial Championship, of which our competition is a part.

The Fundamental Two Rules

Pennsylvania Mock Trial will be in-person wherever and whenever practicable in 2023, but local conditions may mean that some or even all rounds in any particular district or regional competition will be virtual. Teams may be forced by circumstances to perform virtually on little notice and/or to shift back and forth between in-person and virtual rounds of competition. While we anticipate that most rounds of competition will be in-person, teams unwilling or unable to accept this reality should consider withdrawing from competition and will receive a refund of their registration fee.

The Pennsylvania High School Mock Trial Championship is sponsored by the Pennsylvania Bar Association. PBA policies will therefore govern the competition, and changes to PBA policy may change the rules articulated here.

Vaccination

MTEC supports vaccination of all mock trial participants for all communicable diseases for which an FDA-approved vaccine exists, including COVID-19 and its variants. The NHSMTC urges all participants to be vaccinated and to keep current with any recommended boosters. However strongly those positions are held, however, in light of the realities we face, MTEC cannot mandate vaccines for students or coaches.

MTEC will require vaccination for all volunteers and judges at the state level, and it encourages district and regional coordinators to consider the same requirement for their competitions. However, strict enforcement of this policy would require standing up a technological framework for third-party confirmation or an intrusive set of questions to be administered by our coordinators. Accordingly, like our parent organization, the Pennsylvania Bar Association, we will trust the volunteers to follow this rule, without creating an independent administrative mechanism for verification.

Testing

Isolation of infectious individuals is the best defense against spreader events. In an ideal world, teams would rapid-test before each competition round. Indeed, mandatory rapid testing
prevented at least two infected individuals from coming into contact with other participants during the 2022 National Championship in May.

The MTEC cannot require statewide testing before each round of competition, because doing so would impose too great a financial burden on participating schools and could lead to significant and disparate impact on school participation.

MTEC strongly urges coaches to insist on rapid testing for any student who displays any symptoms of COVID-19 in the hours or days before a competition round.

If local rules of competition require testing before other events, such as athletic or academic competitions, that requirement should be extended to in-person mock trial rounds. The MTEC also supports district or – especially – regional coordinators who make the decision that local conditions demand testing before rounds. Coordinators who require financial assistance in obtaining tests should contact MTEC to assess possible approaches.

The state championship involves a relatively small number of teams traveling from across the Commonwealth, and all rounds of competition occur over approximately 30 hours. Accordingly, MTEC reserves the right to require that all teams traveling to Harrisburg for the state championship rapid-test all competitors before the first round of competition. If this requirement is imposed, the MTEC will provide an adequate number of rapid tests to cover official team members, one teacher coach, and one attorney coach for each team. Coaches may be required to report through a system established by the MTEC that all members of the team are negative before they may attend the first formal event of the competition. This decision will be made closer to the state competition.

MTEC will assess the practicability of requiring rapid-testing of all state championship volunteers and may require a negative test before the competition begins.

Any individual who experiences a positive test will be treated as infected until that individual tests negative consistent with contemporaneous guidance from health authorities.

Isolation of Infected Individuals and Effect on Their Teams

Quarantine and Its Costs

If an individual tests positive for COVID-19, they will be quarantined immediately. Teams participating in the state championship will be required to accept the possibility of bearing the additional expense of hotel rooms for any infected participant.

Travel and Its Costs

Depending on contemporaneous health guidance, infected participants may not be able to travel home as scheduled. Any additional travel costs shall be borne by the team.
Isolation of Teams and Creation of Virtual Rounds

If one or more members of a team tests positive shortly before a competition round, that team may not compete in-person in that round at that time, unless the entire competing team has rapid-tested negative for COVID-19. Instead, if practicable, district or regional coordinators will reschedule the round to allow for in-person competition. If rescheduling is not practicable, the teams in that competition round shall compete virtually. Any such round of competition will be governed by the rules of virtual competition, which will remain in place.

Teams are required to have available at least three devices capable of being used in virtual rounds of competition, should those rounds be necessary, and to compete virtually if required to do so by an infection on their team or their opponent’s.

Masking and Other Mitigation Strategies

N95 and KN95 are a proven mechanism for the mitigation of COVID-19’s spread. Accordingly, any district or regional coordinator may require that participants wear masks meeting that standard. Likewise, district or regional coordinators may require that participants take other routine health measures, such as using sanitizing wipes on courtroom surfaces or using hand sanitizer before and after competition rounds. Teams may be required to provide materials at their own expense, although district and regional coordinators enforcing this requirement should contact the MTEC to discuss the possibility of a limited provision of conforming materials.

The MTEC reserves the right to require masking at the state championship. Again, this decision will be made in accordance with national, state, and local guidance closer to the state competition.

Masking and other protective measures are not one-size-fits-all. Coordinators may require everyone to mask at all times, may require masking by every student except the one actively presenting, or may reach other commonsense compromises of the kind bring made in actual courts across the country. Contemporaneous local realities will govern this question.

Regardless of whether masking is required, any participant who wishes may wear a mask or other protective gear for any trial. Presiding and Scoring Judges will be instructed that they cannot require students to remove protective gear and that they are to take no account of it in completing their scoring ballots.

Limitations on Spectators/Observers

One of the best things about mock trial is the participation of students’ peers, family, and friends, and family and friends filling the gallery is an essential part of mock trial. However, during a pandemic, those same individuals significantly increase the risk of an outbreak, both because of their number and because they sit close to one another during trials. In addition, it may be more challenging to find courtroom space for events with many attendees.
Accordingly, any district or regional coordinator may forbid attendance by spectators, family members, and other observers or may strictly limit the number of such individuals attending any particular round of competition.

**Waivers**

The Pennsylvania Bar Association is considering requiring waiver and hold harmless agreements from all participants. If these agreements are required, any minor will also need a corresponding agreement signed by their parent or guardian. MTEC may also require waivers from judges and volunteers. Further information will be forthcoming on this point, if waivers will be required.

**Citation and Effect**

This document supersedes any contrary statements in other Mock Trial rules or policies, such as the Coordinators’ Handbook. The document may be modified by the MTEC before or during the competition, and modification may be required of any provision that becomes inconsistent with Pennsylvania Bar Association policies or practices.

This document may be cited by any team member, volunteer, or coordinator as part of the competition, including during trial.