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Temple-LEAP
&
Young Lawyers Division of the Philadelphia Bar Association

Weather Emergencies & Information

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TABLE OF CONTENTS

I. Tournament Administration
   A. The John S. Bradway Competition
   B. The Bradway Competition and the Pennsylvania State High School Mock Trial Competition
   C. Administration of the Bradway Competition
   D. Goals of Competition and Code of Ethical Conduct
   E. Competition Ethics
   F. Deviation from Rules in the Best Interests of the Competition

II. Registration and Scheduling
   A. Registration
   B. Schedule of Competition
   C. Conflicts

III. Case Materials and Supplements
   A. Case Materials
   B. Case Supplements, Questions, and Answers

IV. Competition Logistics
   A. Competition Location
   B. Transportation
   C. Inclement Weather
   D. Report Time
   E. Anonymity
   F. Accommodation

V. Teacher and Attorney Coaches
   A. Teacher Coaches
   B. Attorney Advisors
   C. Coaches’ Meeting

VI. Student and School Eligibility
   A. School Eligibility
   B. Student Eligibility
   C. Registering Multiple Teams from One School
   D. Registering a Single Team from Two Schools

VII. Team Composition and Roles
   A. Team Composition
   B. Distribution of Roles, Generally
   C. Distribution of Attorney Roles

VIII. Trial Procedure
   A. Rosters
   B. The Order of Trial
   C. Rules Regarding the Calling of Witnesses
   D. Costumes and Props
   E. Recording of Trials
   F. Trial of All Issues
   G. Form of Trial
   H. Rules of Trial
   I. Courtroom Layout for Trial
   J. Communication During Trial
IX. **Attorney Performance**  
A. Mode of Conducting Examinations and Statements  
B. Use of Notes  
C. Opening Statements and Closing Arguments  
D. One Attorney Per Witness  

X. **Witness Performance**  
A. Sequestration  
B. Use of Notes  
C. The Scope of Witness Knowledge; Witnesses not Bound by Others’ Statements  
D. Expert Witnesses  
E. Unfair Extrapolation  
F. Filibustering  
G. Accents and Costuming  
H. Physical Traits of the Witness  
I. Swearing In Witnesses  

XI. **Exhibits**  
A. Numbering and Marking Exhibits  
B. Moving Admission of Exhibits; Objection to Exhibits  

XII. **Timing**  
A. Timing Generally  
B. Time Limits  
C. Time Penalties  
D. Time Stoppage  
E. Timekeeping  
F. Signaling Time  
G. Stipulations and Timekeeping  

XIII. **Scouting**  
A. Scouting Prohibited  
B. Scrimmages and Pre-Season Tournaments  

XIV. **Scoring**  
A. Scoring Generally  
B. Scoring Range  
C. Finality of Scores  
D. Scoring Penalties  
E. Disqualifying Scoresheets – Juror Irregularity  
F. Correcting or Disqualifying Scoresheets – Scoresheet Errors  
G. Breaking Ties  

XV. **Judging**  
A. Composition of Judging Panels  
B. Judicial Conflicts  
C. Variance in Judging  
D. Not Judging the Merits  

XVI. **Announcement of Results and Pairings**  
A. In General  
B. Sharing Scoresheets with Coaches
XVII. **Tournament Structure – the Standard and Developmental Draws**
   A. Six Rounds
   B. The Standard and Developmental Draws Generally
   C. Eligibility for the Standard Draw
   D. Eligibility for the Developmental Draw
   E. Differences Between the Standard and Developmental Draws
   F. Advancement from the Developmental Draw

XVIII. **Tournament Structure – Pairings**
   A. General Rules
   B. Side Choice
   C. Power Matching
   D. Power Matching Forfeits or Byes
   E. Odd Number of Teams Competing

XIX. **Tournament Advancement**
   A. The First Round
   B. Rules for Pairing all Power Matched Rounds
   C. The Second Round
   D. The Third Round
   E. The Quarterfinals and Semifinals
   F. The City Championship

XX. **Dispute Resolution**
   A. Dispute Resolution Generally
   B. Disputes about Matters Occurring During Trial
   C. Disputes about Matters Not Occurring During the Trial
   D. Appeals from Decisions of the Mock Trial Coordinator
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
- Teaching Tips
- Guidelines for Attorney Advisors
- Guidelines for Presiding Judges
- Guidelines for Scoring Judges

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RULES OF COMPETITION
2021-22 JOHN S. BRADWAY PHILADELPHIA HIGH SCHOOL MOCK 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.**

*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.*

I. **TOURNAMENT ADMINISTRATION**

A. **The John S. Bradway Competition**

The John S. Bradway Mock Trial Competition (“Bradway Competition”) is sponsored by Temple-LEAP and by the Young Lawyers Division of the Philadelphia Bar Association.

B. **The Bradway Competition and the Pennsylvania State High School Mock Trial Competition**

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.

C. **Administration of the Bradway Competition**

1. 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.

2. 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 and creation of pairings.
3. 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.

D. Goals of Competition and Code of Ethical Conduct

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 their competitive spirit secondary to the goal of civics education in friendly, sportsmanlike environment.

E. Competition Ethics

1. 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.

2. Every team member, teacher coach and attorney advisor must sign the Code of Ethical Conduct. 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.

F. Deviation from Rules in Best Interests of the Competition

The purpose of these rules is to foster an environment of learning and participation within this Competition. Accordingly, 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.

G. Construction of Rules

Where there is an ambiguity in the interpretation of a rule and that ambiguity could be resolved by reference to the Pennsylvania state Rules of Competition or the situation is expressly
covered by the Pennsylvania state Rules of Competition, the statewide rules shall provide persuasive guidance in the resolution of the question of these rules.

II: REGISTRATION AND SCHEDULING

A. Registration

All teams shall register using the materials and methods established by the Pennsylvania Bar Association for statewide registration. Teams shall pay any registration fees required by the Pennsylvania Bar Association. Teams facing significant difficulty in meeting the financial obligations associated with registration should confer with the Mock Trial Coordinator.

B. Schedule of Competition

1. Each year, Temple-LEAP will set a calendar for the John S. Bradway Competition.

2. 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.

3. Coaches are responsible for confirming scheduling with the Mock Trial Coordinator or her/his designee.

C. Conflicts

1. 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 January 12, 2022. 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. Teams that do not appear for trial as scheduled may forfeit that trial.

2. Conflicts will rarely, if ever, be granted for Rounds 3-6, except as required to accommodate pursuant to Rule IV.F.

3. 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 the competition begins.

4. If there is an extenuating reason for a late declaration of conflict that would lead to forfeiture, the Mock Trial Coordinator may, in her discretion, attempt to reschedule the match.

   a. Although every effort will be made to accommodate other academic and extracurricular commitments, competing teams are expected to prioritize mock trial competition dates appropriately, and accommodations will rarely be made for individual student conflicts or purely social occasions, even if school-sponsored.
b. Teams are advised that, at the request of the coaches, late-notice conflicts will rarely be granted. Teams declaring a conflict after the deadline for such declarations above should expect to forfeit.

c. 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.

5. All schools are expected to cooperate with the coordinator if asked to be a substitute school.

6. A forfeit shall be treated for power matching purposes in accordance with Rule XVIII.D.

III. CASE MATERIALS AND SUPPLEMENTS

A. Case Materials

1. The Bradway Competition uses the case materials published by the Pennsylvania Bar Association for use statewide, without modification.

2. All case materials, coaching instructions, supplemental documents, and necessary competition information are available on the Pennsylvania Bar Association’s website (www.pabar.org).

3. To the extent that the questions or clarifications of the case materials relate to a point of law, evidence, procedure, or the like, they may be cited as binding authority during any argument on such a point of law, evidence, or procedure by a student attorney and/or may otherwise be used as though they were included in the original case materials.

B. Case Supplements, Questions, and Answers

1. Each year, typically in December and again in revised form in January, the Pennsylvania Bar Association publishes a case supplement and/or Questions & Answers document. This document is part of the case materials for the Bradway Competition, and any modifications it makes to the case materials are binding.

2. 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.

3. 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:
a. If the clarifying information needs to be attributed to a specific witness, then the information becomes part of that witness’s statement/affidavit and only that witness has knowledge of the fact.

b. If the clarifying information is not attributed to a single witness, assume that all witnesses have this knowledge.

c. 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.

4. 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 or the Mock Trial Coordinator.

5. Frequently asked questions from previous years that have general application may also be posted to the mock trial website. These are considered part of the official supplemental memo.

IV. COMPETITION LOGISTICS

A. Competition Location

    Competition locations will be determined by Temple-LEAP and the Philadelphia Bar Association. The majority of competition rounds take place in actual courtrooms in central Philadelphia, although several trials – including the City Championship – have traditionally taken place in the ceremonial moot court room at the Temple University Beasley School of Law.

B. Transportation

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

C. Inclement Weather

    1. The Mock Trial Coordinator shall have the final decision as to whether a match is postponed due to inclement weather.

    2. If a school day is canceled on account of weather, that school’s teams will typically not be expected to compete on that day, regardless of whether other teams are competing that day.
3. Make-up trials will be scheduled as soon as possible in order to preserve the competition. Typically, make-up trials will occur during the periods designated for such trials in the calendar.

D. Report Time

Teams should report to their assigned courthouse location 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 or the Coordinator’s designee may declare a forfeit.

E. Anonymity

Each team will be identified by an anonymous code that the team will receive prior to its first trial. Teams may identify themselves to presiding or scoring judges only by their anonymous code. Teams, team members, and their associates (relatives, non-competing peers, etc.) 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.

F. Accommodation

1. The John S. Bradway Competition is open to all Pennsylvania high school students, regardless of race, gender, sexual orientation, religion, socioeconomic circumstances, national origin, or ethnicity, and reasonable accommodations to ensure equal access to competition opportunities will be provided for all Pennsylvania high school students. This rule will be interpreted and applied consistent with state rules 1.11.1(a) and 1.11.2. Teams considering requesting an accommodation or who have decided to seek an accommodation should read that rule carefully and follow the procedures identified there.

2. Teams that have a bona fide objection to competing on the scheduled competition day due to a religious or other matter of conscience should contact the Mock Trial Coordinator as soon as practicable. The Mock Trial Coordinator will work with such teams to minimize, ameliorate, or eliminate the impact of these conflicts so that members of all faiths and religious traditions may compete equally in the John S. Bradway Competition.

3. Requests to accommodate disabilities, religious objections to scheduling, or other issues will be reviewed on a case-by-case basis by the Mock Trial Coordinators in consultation with the Rules Committee. Accommodation may require changes to competition schedule or rules about which both teams involved in a round of competition will need to know far enough in advance to prepare effectively. The Mock Trial Coordinator may make any accommodation consistent with state rules 1.11.1(a) or 1.11.2.

4. Absent an emergency generating a need for unanticipated accommodation, requests for accommodation should be submitted as soon as the need for accommodation is known and far enough in advance of competition dates to permit time for accommodation to be arranged.
5. Teams should advise the Mock Trial Coordinator of any contingent request that can be anticipated – for example, if a team knows that it will require accommodation if it reaches a future round of competition, but does not know whether it will make that round or if a team knows that it will need an accommodation if it is on one side of the case in a particular round, but does not know which side it will be on – as soon as the possibility can be anticipated, even if no one can yet know whether the accommodation will actually be required.

6. The Mock Trial Coordinator may request verification of the need to accommodate from an appropriately credentialed professional and/or to consult with appropriately credentialed professionals in order to determine an appropriate accommodation.

V. TEACHER AND ATTORNEY COACHES

A. Teacher 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.

2. Official notices will always go to the Teacher Coach, and the Teacher Coach is responsible for informing the team of the contents of these notices and/or responding to them.

   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.

B. Attorney Advisors

1. 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, total, prior to and during the competition rounds. Although the term “attorney” advisor is used, these individuals need not be attorneys licensed to practice in Pennsylvania. Law students, paralegals, retired or inactive attorneys, and – in exceptional cases – even college students may serve as the “attorney advisor,” particularly if they have significant mock trial experience.

2. 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.

3. 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.

C. Coaches’ Meeting
A coach from every team competing in the Bradway Competition shall attend the Coaches’ Meeting convened by the coordinator each year. Teams that do not have an adult representative at the coaches’ meeting must contact the Mock Trial Coordinator to arrange a make-up meeting.

VI. STUDENT AND SCHOOL ELIGIBILITY

A. School Eligibility

1. Schools are eligible to register for the Bradway Competition if they are eligible to register for the Pennsylvania State High School Mock Trial Competition and are located in Philadelphia County.

2. The Bradway Competition is open to public, private, and parochial schools, and no distinction is draw between or among them within the competition.

3. 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).

   a. Students from home schools or other, similar educational collectives should contact Temple-LEAP for additional information on how to register for the Bradway Competition.

   b. Students who attend a school that does not have a mock trial program, but who nonetheless wish to compete in the John S. Bradway Competition, should contact Temple-LEAP to find out how they can compete. Such students are cautioned that their participation in the Pennsylvania State Championships may be limited or prohibited by the rules of that competition.

4. A team that advances to the Pennsylvania State Championship must compete in accordance with the rules of the state competition.

5. The Pennsylvania Bar Association will provide funding for only eight students for lodging at the state competition.

B. Student Eligibility

1. Teams shall be composed of students in the 9th through 12th grades.

2. The method of team selection is left to the discretion of the individual schools.

C. Registering Multiple Teams from One School
1. The Bradway Competition permits a school to register more than one competing team.

2. Each team registered for the Bradway Competition competes separately, and each has an opportunity to win the competition as though it were the only team from its school.

   a. Teams from the same school may not, under any circumstances, communicate with each other about other teams with whom they have competed during the competition.

   b. 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.

   c. If a school registers more than one team, and one is eliminated from competition before the other(s), the advisors of the eliminated team may coach the team that has not been eliminated. However, they cannot engage in any behavior that would violate Rule XIII (Scouting). Coaches from schools registering three or more teams advise the Mock Trial Coordinator which team each coach will be joining after their team is eliminated.

3. A school seeking to register more than one team in the Bradway Competition must separately register with the Pennsylvania Bar Association and pay a separate registration fee. No team will be considered registered for the competition until the fee is paid.

4. A school may only enter a third or fourth team with the permission of the Mock Trial Coordinator. Such permission will typically be given, if the third or fourth team can be added without disruption to overall scheduling.

5. Schools will not typically be permitted to register more than four teams to compete in the Bradway Competition, although in appropriate circumstances, a school may be permitted to register a fifth team for “bye-busting” or other purposes. Such a team will not ordinarily have the opportunity to advance to the Third Round or beyond.

6. Schools entering more than one team must submit rosters for each team to the Mock Trial Coordinator prior to the start of trials. Once the rosters are submitted, team composition 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. However, team roles may vary over time or from round to round, as long as the students registered as competing members of those teams do not change.
7. No team member from one team who has competed in any round of the John S. Bradway Competition in the current year may under any circumstances join another team that has competed in this competition, including another team from her/his own school.

8. Rosters for teams that qualify for the state championships are governed by state rule 2.5.1.

D. Registering a Single Team from Two Schools

1. Consistent with Rule 2.1(c) of the state rules of competition, schools may not combine to field teams for competition.

2. However, if there are two schools with a natural geographic or other relationship (such as “sister” schools, schools that frequently combine for purposes of other athletic or academic activities, etc.) that wish to compete as a single team, they may apply to the Mock Trial Coordinator for permission to do so.

3. Only those schools that could not field a team if forced to compete alone (for example, because each team only has three interested students) will be given permission to compete as a single entity.

4. No teams shall combine for any purpose other than to create a viable team (i.e., schools cannot combine to form “All-Star” teams).

5. This rule is intended to foster the growth of the individual school programs. Accordingly, teams requesting this accommodation should expect that it will be extended – at most – for one or two years, until the individual schools can field eligible teams on their own.

VII. TEAM COMPOSITION AND ROLES

A. Team Composition

1. Each team must have at least six student members.

2. Teams may have as many registered student members as they wish.

3. At least six members of each team must participate in each trial round.

   a. 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 (forfeit) 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, as long as these alternates are registered team members.
a. The Mock Trial Coordinator may, in case of emergency, permit an alternate to compete who was not a registered member of any team prior to that round of competition.

b. Such individuals will be considered registered team members for all purposes once they have appeared in a trial round.

B. Distribution of Roles, Generally

1. For any trial, all teams shall consist of at least 3 attorneys and 3 witnesses.

2. In any trial in which a student competes as an attorney, s/he may not also compete as a witness. However, a student who is an attorney in one trial round may compete as a witness in a different trial round, without limitation.

3. There is no limit in the Bradway Competition to the number of students that are permitted to participate on the mock trial team beyond that imposed by the number of available roles in the problem. Typically, this means that no more than eleven students may compete in any trial round.

   a. Pennsylvania mock trial problems typically have three witnesses per side.

   b. Although no particular distribution of students is required, often teams find it most effective to use three to five attorneys, for a total of six to eight competing students per trial.

C. Distribution of Attorney Roles

1. No attorney may perform more than three of the following eight trial segments:

   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 #4
   6. Cross or Direct Examination of Witness #5
   7. Cross or Direct Examination of Witness #6
   8. Closing Argument

2. The attorney presenting the opening statement may not make the closing argument in the case.

   a. This is the same rule for both the Bradway Competition and the Pennsylvania State Championships.
3. No attorney may perform all three direct examinations or all three cross examinations.
   a. This is the same rule for both the Bradway Competition and the Pennsylvania State Championships.

4. 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).

5. 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.

VIII. RULES RELATING TO TRIAL PROCEDURE

A. Rosters

1. At least fifteen minutes 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.

2. Teams may use the roster form found on the State Mock Trial Website or one of their own creation.

3. 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.

4. Each roster shall identify the preferred gender identifier of each of the witnesses that team is calling.

5. If the case contains witnesses who are not being called, the preferred gender identifier of these witnesses should also be identified on the trial roster form.

B. The Order of Trial

1. Trial shall occur in the following sequence:
   a. Preliminary matters, if any
   b. Opening Statement for Plaintiff/Prosecution
   c. Opening Statement for Defendant
   d. Examination of Witness 1 for Plaintiff/Prosecution
      i. Direct Examination by attorney for Plaintiff/Prosecution
      ii. Cross Examination by attorney for Defendant
      iii. Re-Direct Examination by attorney for Plaintiff/Prosecution, if any
      iv. Re-Cross Examination by attorney for Defendant, if any
e. Examination of Witness 2 for Plaintiff/Prosecution
f. Examination of Witness 3 for Plaintiff/Prosecution
g. Examination of Witness 1 for Defendant
   i. Direct Examination by attorney for Defendant
   ii. Cross Examination by attorney for Plaintiff/Prosecution
   iii. Re-Direct Examination by attorney for Defendant, if any
   iv. Re-Cross Examination by attorney for Plaintiff/Prosecution, if any
h. Examination of Witness 2 for Defendant
i. Examination of Witness 3 for Defendant
j. Closing Argument for Defendant
k. Closing Argument for Plaintiff/Prosecution

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

3. There is no rebuttal argument in the Bradway Competition.

4. After the Scoring Judges have left the room to complete their ballots, 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.

C. Rules Regarding the Calling of Witnesses

1. Each team must call all its witnesses. Consistent with this rule, if the defendant is one of only three defense witnesses in the case, the defendant must be called.

2. Witnesses must be called only by their team and must be examined by both sides.

3. Witnesses may not be recalled by either side.

4. Hostile/Adverse Witnesses and Form of Examination
   a. Witnesses are presumed not to be hostile/adverse to the team calling them. No witness may be treated as hostile or adverse by any party unless the case materials affirmatively identify that witness as a potential hostile witness.
   b. No team may seek to treat as hostile a witness not identified as a potential hostile witness in the case materials, nor may a presiding judge permit a witness not identified as a hostile witness to be examined as of cross during the direct examination.
   c. With respect to any witness identified as potentially hostile or adverse in the case materials, a team may request permission from the Court to treat the witness as hostile, or the witness may be stipulated to be hostile. A hostile witness may be examined as of cross, i.e. the team calling the
hostile witness may use leading questions in the examination of that witness in what would otherwise be the direct examination. A hostile witness may be cross-examined normally, i.e. using leading questions.

D. Costumes and Props

Costumes and props of any kind are prohibited.

E. Recording of Trials:

1. Video recording of trials is allowed with the permission of the presiding judge, the Mock Trial Coordinator, and the opposing team.

2. If logistics limit video recording to only one team, the recording 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, DVD, or other media, as appropriate, for copying purposes. No team shall be required to provide a copy in a format other than that in which the trial was recorded by that team. Alternatively, by mutual agreement, the recording may be made available by other means, including by electronic transmission.

3. No team may challenge any trial occurrence, trial ruling, rules violation, or time penalty assessments through video recording replays.

4. No team may make available a recording of any trial in the John S. Bradway Competition publicly available (including but not limited to by publishing such a recording or any part of such a recording on the internet (e.g. posting to YouTube or making it available for peer-to-peer download) until after the conclusion of the Pennsylvania State Championships.

5. The same rules pertaining to video recording shall apply to audio and stenographic recording.

6. No team, judge, or juror may ask for any portion of the trial (including but not limited to questions asked or testimony received) to be played back from a video recording or read back from a stenographic record during the trial.

7. On some occasions, rounds of the Philadelphia competition may be recorded by a videographer or stenographer arranged by the Mock Trial Coordinator. All teams participating in the Philadelphia competition consent to such a record being created. Likewise, if the Mock Trial Coordinator grants access to media or permits still photography of trial rounds, all teams participating in the Philadelphia competition consent to being photographed.

F. Trial of All Issues

1. The case materials as a whole – and the pleadings in particular –frame the issues for trial, and both the jury instructions and jury interrogatories/verdict sheet define the issues
which are submitted to the trier of fact. Teams may not amend the pleadings or formally abandon one of the causes of action, defenses, or issues for trial provided in the case materials.

2. Teams may choose which evidence they wish to present and which arguments they wish to make or emphasize at trial.

3. No team may object that particular evidence is irrelevant or otherwise admissible or inadmissible because that team or its opponent has chosen not to pursue or contest any cause of action, defense, or issue for trial in the case materials. Nor can a team, by stipulation or otherwise, render particular evidence irrelevant or otherwise admissible or inadmissible by removing from dispute one or more of the causes of action, defenses, or issues for trial identified in the case materials.

G. Form of Trial

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.

H. Rules of Trial

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:

1. No team may make an objection based on the Constitution of the United States or the Constitution of the Commonwealth of Pennsylvania.


3. 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.

4. 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.

5. 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.

I. Courtroom Layout for Trial

1. The Plaintiff/Prosecution team shall be seated closest to the jury box.

2. Student timekeepers shall sit in the jury box, in front of or separated from the scoring judges, where possible, or in such other place as the Mock Trial Coordinator or his/her designee shall identify.

3. 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 (or party representative) witnesses may not sit at counsel table.

4. Teacher coaches, attorney advisors, and observers must remain outside the bar in the spectator section of the courtroom during the entire trial.

5. No team shall rearrange the courtroom without prior permission of the presiding judge and/or the Mock Trial Coordinator.

6. 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, trash, or refuse of any kind.

J. Communication During Trial

1. The John S. Bradway competition allows any team member participating in a competition round 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.

2. 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.

3. No team member is permitted to communicate with a testifying witness during that witness’s examination by the opposing team.

IX. RULES RELATING TO ATTORNEY PERFORMANCE

A. Mode of Conducting Examinations and Statements
1. 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.

2. No bench conferences or sidebars are permitted. All matters that would normally occur in a bench conference or at sidebar – e.g., arguments regarding evidence – are conducted in open court from counsel table in order for the scoring judges to score the students on their arguments. These matters are deemed to have occurred constructively at sidebar.

3. Voir dire examination of a witness is not permitted. Teams may instead challenge an expert witness’s credentials or attack the expert’s credibility, competence, investigation, or bases for opinion on cross examination.

4. Each witness must be examined on both direct and cross examination with at least one question.

B. Notes

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.

C. Opening Statements and Closing Arguments

1. 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.

2. 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.

3. 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 once the statement has concluded, in accordance with the procedure above. The objecting team may not move for a mistrial.

4. Because they are in evidence, either party may argue from a stipulation during its closing argument regardless of whether that stipulation was read into the record independently during the trial.

D. One Attorney Per Witness

1. 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.

2. Only the attorney responsible for examining a given witness may make or answer objections relating to that witness.

   a. 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.

   b. 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.

3. An attorney faced with the question of whether or how to make or respond to an objection may request to consult with her/his co-counsel regarding the objection or response. The presiding judge may, but need not, permit this consultation, so long as consultation is not excessive in nature or frequency and does not unnecessarily delay the trial. In making their scoring decisions, scoring jurors will be permitted to consider such consultation in gauging attorney performance and the overall presentation of the case.

X. RULES RELATING TO WITNESS PERFORMANCE
A. **Witness Sequestration**

1. 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. However, 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 civil 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.

2. 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.

B. **Use of Notes During Trial**

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.

C. **The Scope of Witness Knowledge; Witnesses Not Bound by Others’ Statements**

1. 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.

2. A lay (non-expert) witness is not bound by statements contained in another witness’s statement/affidavit, and lay 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.

d. An expert witness may be asked questions about information contained in another witness’ statement/affidavit or in any exhibit which the expert reviewed in forming her/his expert opinion and which could have impacted that opinion, regardless of whether the expert ultimately credited that information or relied upon it in forming that opinion.

D. Expert Witnesses:

1. 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.

2. 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.

3. Witnesses not specifically identified as experts may be qualified as such if the proper foundation is laid.

4. Once proper foundation has been laid, an expert witness should be formally tendered to the Court before offering an opinion.

E. 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. Each witness is therefore presumed to know any exhibits identified in those statements as having been prepared or reviewed by the witness.
a. Each statement/affidavit is deemed to be true as to the best of that witness’s knowledge at the time of trial. Witnesses are deemed to have included all material facts in their statements, to have had an opportunity to review their statements the day of trial, and to have chosen not to add or correct anything in their statements.

b. Each witness is bound by her witness statement/affidavit. No witness may deny the truth of a fact contained in her witness statement/affidavit.

c. 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.

d. 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.

e. 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 by or about 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.

f. 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.

g. The examples of fair and unfair extrapolation provided by state Rule of Competition 4.6 are incorporated in these rules by reference and shall guide interpretation of this rule.

1. 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.

F. Filibustering

1. 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.

2. 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.
   a. 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.
   b. Any lengthy explanations must be given, if at all, on re-direct examination and counted against the time of the witness’s own team.

3. Should filibustering or stalling occur during a trial:
   a. The presiding judge may order the witness to answer in a more succinct fashion or may order the timekeeper to stop the clock.
   b. The examining attorney may bring it to the attention of the presiding judge and request that the judge direct the timekeeper to stop the clock.
   c. If the filibustering is substantially and unduly prejudicial, the presiding judge may also add an additional, limited period of time to the examination not greater than is necessary to compensate for the filibustering.
   d. Any request to stop the clock or add additional time to the clock must be made during or at the conclusion of the examination in which the perceived filibustering
occurred, so that the presiding judge may rule on whether filibustering occurred, assess how much time any filibustering consumed, and determine what—if any—remedy will be employed while the matter remains fresh.

1. Limitations on time are a necessary but artificial element to mock trials. "Filibustering" refers to deliberate attempts by a witness to consume time by being non-responsive, unnecessarily repetitive, deliberately evasive, or otherwise stalling. Filibustering is prohibited.

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

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

4. 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. Consistent with common trial practice, a presiding judge may permit a witness may explain his or her answer, but 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.

5. Should filibustering occur, the examining attorney may bring it to the attention of the presiding judge or the presiding judge may themself note it. In either case, the judge may direct the bailiff/timekeeper to stop the clock, add time to the clock of the examining team’s time, or direct the witness to give their explanation on re-direct examination.

6. Teams should bring any complaint regarding filibustering to the attention of the presiding judge, along with any request for relief, not later than the conclusion of the testimony of the witness alleged to be filibustering, while the testimony is fresh in the mind of the presiding judge. Failure to do so may be deemed to waive that complaint.

7. In addition to being objectionable during the trial, an effort to deliberately consume the opposing team’s time through these techniques may also violate the Code of Conduct and may be sanctionable under Rule 1.2.

a. A presiding judge who believes that egregious misconduct under this rule has occurred may refer the matter for consideration by the Mock Trial Coordinator immediately following the trial round.

b. Whether to bring this concern to the attention of the Mock Trial Coordinator is solely at the discretion of the presiding judge; individual teams may not appeal this issue, request that the presiding judge refer this matter to the Mock Trial Coordinator, or request relief in this manner.
G.   Accents and Costuming

1.   Students are permitted to affect accents other than their own for purposes of presentation. Should students affect such accents, they may be judged on the accent’s authenticity, consistency, and overall effect. Consistent with the Code of Ethical Conduct, with Rule 1.2, and with the best traditions of this competition, students who adopt accents in their witness portrayals should be sensitive to cultural biases and stereotypes and shall avoid using accents in a manner that is insulting, demeaning, or offensive.

2.   No costuming is permitted.

H.   Physical Traits of the Witness

1.   A witness is prohibited from making reference to their own appearance, physical traits or gender or physical traits or gender, appearance, or physical traits of other witnesses or third parties where such information is not included in any witness statement. (For example, a witness may not call attention to her size or that of someone else to show inability to complete some physical act included in the case materials, or claim that a party or third party was treated differently on account of their gender or race, unless that information is in the case materials.)

2.   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)

3.   Teams are not prohibited from raising issues about general or common human traits and abilities relevant to the case. (For example, a team may raise the implausibility of any human leaping over a ten foot fence in a single bound or covering a mile on foot in two minutes.)

I.   Swearing in 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?

XI.   EXHIBITS

A.   Numbering and Marking Exhibits

1.   All exhibits contained in the case materials will be pre-marked and maintain their pre-markings for trial.
a. 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. They must, however, be printed on white paper.

   c. Unless previously approved by the coordinator, no electronic equipment (including, without limitation, laptop computers, tablet computers such as iPads or Surface systems, eReaders such as Kindle or Nook devices, or cellular telephones) may be used by teams during the actual competitions, except as provided in the timekeeping rules, below.

3. 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.

4. Marking of Exhibits, Documents, and Materials

   a. The only documents which the teams may present to the presiding judge or scoring panel are the individual exhibits as they are introduced into evidence and the team roster forms.

   b. Neither exhibits nor witness statements may be modified before trial, but attorneys and witnesses may mark exhibits or witness statements during direct or cross examination with the permission of the presiding judge. Such marked documents may be used as demonstrative exhibits during the trial and during closing arguments, but may not be entered into evidence.

   c. If a team wishes to mark an exhibit entered by the opposing team, it must substitute its own clean copy of that exhibit for this purpose before any markings are made.

   d. This is a rule of courtesy; the presiding judge may, at his or her discretion, permit the use of an exhibit or witness statement marked before the case began if no other copy is available, so long as the marks do not render illegible the relevant portion of the exhibit or statement. It is anticipated that teams will respond
amicably and cooperatively if asked by an opponent who does not have a clean copy of an exhibit or witness statement to provide one.

B. **Moving Admission of Exhibits; Objection to Exhibits**

1. Exhibits are subject to objection any appropriate evidentiary grounds.
   a. The case materials may contain stipulations that impact the appropriate bases of objections; for example, the materials often stipulate to authenticity or provide other basis for introduction of certain exhibits.

2. Attorneys shall lay a proper foundation prior to moving for the admission of evidence before moving the admission of that evidence.

3. All exhibits must be admitted before they may be published to the jury.

XII. **TIMING**

A. **Timing and Time Limits**

When a team has exhausted the available time for any portion of its presentation, the student(s) must stop their presentation.

At the sole discretion of the presiding judge, a team may be permitted a brief, tightly limited grace period to complete its thought (during opening statements or closing arguments) or to conclude an answer to a question or answer a final question (during a case-in-chief).

B. **Time Limits**

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

   - **Opening Statements**
     - 5 Minutes Maximum (per side)

   - **Evidence Presentation**
     - 30 Minutes Maximum (per side)

   Each team has a thirty (30) 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)

2. Time remaining in one part of the trial may not be transferred to another part of the trial.
C. **Time Stoppage:**

1. The clock will be stopped as follows:
   a. 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.
   b. 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.
   c. Whenever the judge is talking
   d. During administration of the witness oath
   e. During any time a witness spends answering any questions asked by the judge
   f. During any time a witness spends testifying because the witness has been instructed to do so by the judge, contrary to instruction from a student attorney or in the absence of a pending question by a student attorney
   g. During a virtual competition, during any set-up time, such as individuals moving into position, individuals moving to exchange control of a device, or individuals cleaning a shared device.

2. The clock will continue to run as follows:
   a. During Opening Statements and Closing Arguments
   b. During the Examination of witnesses, including impeachment of witnesses
   c. When stipulations are read into evidence
   d. During the marking of exhibits if the attorney continues to ask questions

3. A team that exceeds its allotted time may elect to 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. If a team has gone over the allotted time, the Presiding Judge may—in his or her discretion—advise the team that it is over time.

5. If the team has gone over its allotted time and is beyond the grace period, the Presiding Judge may—in his or her discretion—stop the team from continuing to present that portion of its case.

D. **Timekeeping**

1. Timekeepers are responsible for fairly and accurately keeping and reporting the time during the trial. During rounds of competition, such timekeepers are to act as a neutral
entity, and they may not communicate with their respective teams during the course of the trial presentation, except as provided in these rules.

2. If only one team has a student timekeeper, that student timekeeper’s time shall be the official time.

   a. In the Bradway Competition, a timekeeper should, but need not, be a member of the official team.

   b. With the permission of the opposing team or the Mock Trial Coordinator, a member of the competing team (e.g. a witness, when not testifying) or a coach may serve as a timekeeper.

3. If a discrepancy arises between the timekeepers, they shall attempt to resolve it amicably. If the discrepancy exceeds 15 seconds, and if the student timekeepers are not able to resolve it amicably, they shall inform the judge at the next natural break (i.e. at the close of the witness’s testimony during which the discrepancy grew to exceed 15 seconds or after the opening statement or closing argument has concluded). The presiding judge shall then resolve the discrepancy, and the presiding judge’s decision shall determine the official time.

4. Timekeepers may keep time using devices that are not capable of communication, such as stopwatches. However, should no such devices be available, student timekeepers or they may use a device that could be used to communicate, such as a cellular phone, provided that the communications features of the device have been disabled, such as by placing it in airplane mode.

E. Signalizing Time

1. 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, except that a timekeeper whose team has used the entirety of its allotted time for a particular segment of the trial may say “STOP” at or after the conclusion of the team’s time. The opposing team’s timekeeper may not vocalize in this fashion at any time. The mock trial coordinator may assess, in his or her discretion, up to two penalty points per violation.

2. Student timekeepers may sit inside the bar. Where possible, and with the approval of the presiding judge, student timekeepers should sit 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). A student timekeeper is free to use as many individual cards or hand signals as s/he wishes to show the remaining time to members of her or his own team, so long as those cards or signals are unobtrusive. Such cards may be pre-printed or handwritten, and they made be created during the trial.
3. Student time cards need not reflect the official time remaining, and they may include the time remaining on the team’s subjective allocation of time. For example, if a team expects that the direct examination of the case’s first witness will consume six minutes, after five minutes have passed, the student timekeeper may show a 25 minute time card (aggregate time remaining), a 1 minute time card (subjectively allocated time remaining), or both.

4. **Signaling Expiration of Time**

   a. At the conclusion of the official time for any portion of the trial, if the timekeepers are in agreement, they both shall verbally announce “Time” and display signs indicating that time has expired.

   b. If the timekeepers are not in agreement when one timekeeper believes time has expired:

      (i) If the timekeeper for the team whose attorney is performing that trial segment (i.e. the team performing the opening statement, the cross-examining team during cross-examination, etc.) believes time has expired, that timekeeper shall display a sign reflecting that time has expired and shall verbally announce, “Time.”

      (ii) If the timekeeper for the team whose attorney is not performing the trial segment believes that time has expired, that timekeeper shall display a sign indicating that they believe that time has expired but may not verbalize “Time” until an additional 15 seconds have passed or the timekeepers are in agreement that time has expired. Once 15 seconds have passed beyond the point that the timekeeper believes time expired, the timekeeper may announce “Time” and request that the Presiding Judge determine the time remaining.

5. The presiding judge may allow teams to request “time checks” from the timekeepers at the conclusion of each witness’s testimony. Regardless of whether a time check is requested, timekeepers should **announce** time remaining **at least** when the plaintiff/prosecution rests and before the defense calls its last witness.

6. **Procedure When No Time Remains to Examine a Witness**

   a. If a defendant team has used its case-in-chief time entirely before its last witness has been called to the stand, the team shall be permitted one minute of grace time for that witness to testify, and the examining attorney and witness shall receive a maximum score of 5 for their presentations.

   b. If a plaintiff/prosecution has used its case-in-chief time entirely before it cross-examines the last witness for defendant, the team shall be permitted one minute
of grace time for that cross-examination, and the cross-examining attorney shall receive a maximum score of 5 for their presentation.

c. Coaches must advise the Mock Trial Coordinator if this rule is invoked in their trial. If one or more of the participants above is given a score higher than a 5 by any scoring judge, the Mock Trial Coordinator shall reduce that score to a 5 after the trial, before scoresheets are distributed, leaving the original score visible.

1. Each team is permitted to have a student attorney ask the timekeepers how much time remains at the midpoint of the trial and the conclusion of the fifth witness’s testimony. Other requests for time checks are discouraged.

2. 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). Team members may not keep a cellular phone at the counsel table for the purpose of timekeeping.

F. Stipulations, Time-Keeping, and Closing Arguments

1. 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.

2. 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).

G. Time and Scoring

1. Scoring judges may take into account in their scoring a team’s allocation and utilization of time, regardless of whether that allocation or utilization results in an overage or the expiration of time. Except as provided in Rule XII.E.6, no penalty will be applied by coordinators for a time overage or a team running out of time.

2. Neither the failure of a timekeeper to display time or to announce time, nor the failure of a team to request or a presiding judge to allow a time check, nor the failure of an attorney or witness to take note of such display or announcement may be the basis of an appeal or dispute.

XIII. SCOUTING

A. Scouting Prohibited
1. The John S. Bradway Competition incorporates by reference all rules regarding scouting from the Pennsylvania State Championship, including Rules 6.3 and 9.1. Every interaction that would be considered Scouting under Pennsylvania state rules is also considered Scouting under the John S. Bradway Competition, and every punishment available for Scouting under the Pennsylvania state rules is equally available under these rules to the Mock Trial Coordinator.

2. 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.

3. Team members and associates are prohibited from contacting teachers, students and attorney advisors from other schools concerning other trials.

4. 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.

5. 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.

6. 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.

B. Scrimmages and Pre-Season Tournaments

It shall not be considered scouting for teams to arrange, by mutual consent, unofficial scrimmages between them or to compete in pre-season tournaments administered by local organizations permitted to use the Pennsylvania case. Such scrimmages shall not be considered in pairing teams or in determining the existence of a judicial conflict.

C. Public Information

To the extent that a team or its members makes information publicly available that bears on its strategy, quality, or other issues that would normally constitute the object of Scouting if shared, it shall not constitute Scouting for another team to view these materials. For example, if a team posts videos of its performance in outside competition or practices to YouTube; creates publicly-accessible online materials such as scripts or flash cards on an internet site; or members of the team post to publicly-accessible social media information about their performance,
strategy, or other matters, it is not Scouting for a potential opponent of that team to review that material.

Teams are strongly discouraged from seeking out information of this kind, and it may constitute Scouting for a member of a competing team to actively seek on social media information posted about a future opponent, such as social media information posted by members of teams that opponent faced in prior rounds.

XIV. SCORING

A. Scoring Generally

1. 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.

2. Judges are forbidden from discussing their scores before they are submitted.

3. Judges are prohibited from attempting to influence the scores given by other judges.

4. Each scoring judge shall judge individually, and 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).

B. Scoring Range

1. The Bradway Competition uses the scoring range of the Pennsylvania Mock Trial Competition (1-10, whole numbers only).

2. The Bradway Competition adopts the Pennsylvania state Scoring Matrix and Scoring Guidance.

C. Finality of Scores

The decisions of the scoring judges are final.

D. 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 an eight 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.

4. Penalties for violations of the rule against scouting may be assessed in accordance with state rule of competition 6.3.

5. Penalties for violations of the ethics and civility codes may be assessed in accordance with state rule of competition 1.2.

6. When evaluating whether to assign a penalty in any case where they have discretion, in determining the penalty to impose, the Mock Trial Coordinator and Rules Committee shall consider the totality of the circumstances surrounding the violation, including but not limited to whether the violation was intentional, whether the team gained an advantage by it, whether it has been repeated, and the team’s response to the violation being alleged. As a general rule, absent intentional or repeated misconduct, the Mock Trial Coordinators will impose the lowest penalty necessary to remedy the violation that is consistent with deterring future violations.

E. Disqualifying Scoresheets - Juror Irregularity

The coordinator has discretion in any case involving juror irregularity (for example, a situation where a juror missed a portion of the trial or fell asleep), to disqualify the juror’s scoresheet. In such cases, the Mock Trial Coordinator may consult with the coaches in exercising his or her discretion.

F. Correcting or Disqualifying Scoresheets – Scoresheet Errors

1. If a scoresheet has not been completed properly, i.e. a 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 scoresheet.

2. If a scoresheet error is not discovered until after the scoring judge has been excused, but before a significant time has passed after the round, a reasonable effort will made to reach a scoring judge to have the scoresheet completed or corrected.

3. If the scoresheet error is not discovered until after a significant period of time after the round has passed, or if the scoring judge cannot be reached, the Coordinator may, in his or her discretion, either disqualify the scoresheet or correct it as follows:

   a. An illegible entry shall be assigned the lower of the scores it could reflect, except if that score is inconsistent with the remainder of the scoresheet (i.e. if a scoring
judge has assigned only 8s, 9s, and 10s., an ambiguous score that could be an 8 or a 9 shall be counted as an 8, but one that could be a 3 or an 8 shall be treated as an 8).

b. A blank entry shall be assigned the average points given to the remaining scores for the team in which the entry was left blank, rounded down.

4. In the Mock Trial Coordinator’s sole discretion, if an appropriate correction to a scoresheet cannot be determined, or if the correction of a scoresheet might unfairly determine the outcome of a trial round, the scoresheet may be disqualified.

5. If the scoresheet is corrected, it shall be treated as the official scoresheet.

6. In lieu of a disqualified scoresheet, competing teams shall be assigned a number of points equal to the average points they received on each valid scoresheet, rounded up.

G. Ties

1. Jurors may not submit tied ballots.

2. If an individual juror’s scoresheet ends in a tie, whether because of an arithmetic error or because of the imposition of an arithmetic penalty, the winner of that scoresheet will be chosen based upon the team indicated by the juror as having won. For example, if a scoring juror scores a round with the plaintiff winning, 85-84, but that juror made an arithmetic error and the score was actually 84-84, the ballot will be awarded to the plaintiff.

3. If the arithmetic error or penalty imposition results in a result different than that identified by the scoring juror, the ballot will be awarded to the team with the most points. Taking the above example, if after the math is checked, the plaintiff only scored 83 points, or if a two-point penalty was imposed for some reason, the defendant would win, 84-83.

4. Any ties that cannot otherwise be resolved shall be broken using the following tiebreakers, in order: (1) by the sum of the total points awarded on all valid ballots, (2) by the sum of the Overall Performance scores on all valid ballots, (3) the sum of the Opening and Closing scores on all valid ballots, and (4) random draw.

XV. JUDGING

A. Composition of Judging Panels

1. Each trial shall be judged, if possible, by at least three scoring judges and be presided over by a single presiding judge.

2. When necessary, the presiding judge can be used as a scoring judge.
3. Whenever possible, presiding judges will be attorneys with considerable courtroom and/or mock trial experience.

4. Consistent with the rules of the Pennsylvania State Championship, scoring judges may include attorneys, law students, paralegals, and educators or students with significant mock trial experience.

B. Judicial Conflicts

1. A judge should be disqualified from scoring a trial where the judge has a conflict with either team involved in the trial.
   a. Examples of a conflict include, but are not limited to, situations where a judge 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).
   
   b. A conflict does not exist simply because 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 so scrimmage additional conflict.
   
   c. A conflict does not exist simply because the judge judged the teams in a scrimmage or pre-season competition.

2. The Mock Trial Coordinator shall make the ultimate determination of whether a conflict exists.

3. 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.

4. 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.

5. A judge 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.

6. Consistent with state Rule of Competition 7.7, the Mock Trial Coordinator, YLD Co-Chairs, and members of the Rules Committee may serve as scoring or presiding judges if no other conflict exists preventing them from sitting. It shall not be a conflict that such an individual is aware of the competing teams’ identities.
C. Variance in Judging:

1. Like trial practice itself, mock trial is not subject to a scientific judgment. Accordingly, spectators, participants, and even other judges may not agree with the determinations reached by certain scoring judges. These disagreements are natural and predictable.

2. Nonetheless, it is understood and expressly stated as a guiding principle of the Bradway Competition that the determinations of the scoring judges will be respected as legitimate, good faith attempts to assess the performance of the competitors.

3. 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.

4. 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, rulings, comments, or other aspects of a trial. This includes but is not limited to contact with a presiding judge regarding rules interpretation or evidentiary rulings, contact with scoring jurors regarding their scores or comments, contact with judges regarding perceived bias or conflicts, or any other issues of these kinds.

   a. 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. Such questions or concerns are properly raised only by the teacher advisor, the attorney advisor, or his or her designee. This rule will be strictly enforced and interpreted broadly.

   b. This rule will be strictly and aggressively enforced.

   c. Penalties up to and including point deductions and team disqualification may be assessed by the Mock Trial Coordinator for a violation of this rule.

D. Not Judging the Merits

In the 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.

E. Judicial Interruptions

Judges shall remain focused on the trial throughout the competition round. Judges shall not engage in other activities, answer phone calls, or leave the courtroom without the permission of the presiding judge. Judges who need a brief recess for physical comfort or other
accommodation may request it from the presiding judge, and such recess shall not be unreasonably withheld.

F. Judicial Communication

Absent exigent circumstances, scoring judges shall not communicate during the competition round with one another or with the presiding judge except to request such a recess or at the presiding judge’s invitation.

G. Judicial Emergencies

In the event of an emergency (i.e., sudden illness, etc.), if a judging panel member must leave the courtroom or the virtual competition platform, the presiding judge will call for a brief recess and assess whether the judging panel member will be able to return in a reasonably short period of time. If the panel member is unable to return to the courtroom or virtual competition platform in a reasonably short period of time, the Mock Trial Coordinator must be informed. The Mock Trial Coordinator shall take the steps necessary to permit the round to continue, if possible, including by serving as a judge for the remaining portion of the trial or designating another individual to do so, if necessary. The round should continue. During any recess under this rule, the teams, whenever possible, should remain in their appropriate positions within the courtroom or in the virtual competition platform until the round resumes.

XVI. ANNOUNCEMENT OF RESULTS AND PAIRINGS

A. In General

1. Typically, the winner of a round will not be announced at the conclusion of that round.

2. If the decision of the scoring judges is announced, this announcement shall be considered unofficial and preliminary until confirmed.

3. Announcements of trial winners will be made as soon as practicable, consistent with the importance of accuracy in making such announcements.

4. 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.

B. Sharing Scoresheets with Coaches

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 electronically mailed within two business days of the completion of the trial.
XVII. TOURNAMENT STRUCTURE – THE STANDARD AND DEVELOPMENTAL DRAWS

A. Six Rounds

1. The John S. Bradway Competition consists of six rounds of competition.

2. These rounds shall be referred to herein – in order – as the First Round, Second Round, Third Round, Quarterfinals, Semifinals, and City Championship.

B. The Standard and Developmental Draws Generally

1. The John S. Bradway Competition is divided into a Standard Draw and a Developmental Draw. A team must indicate a preference for participation principally in either the Standard Draw Tournament or the Developmental Tournament.

2. 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.

3. In Rounds 1 and 2, teams participating in the Standard Draw shall compete against Standard Draw teams and Developmental Draw teams shall compete against Developmental draw teams.

4. In Round 3 of the Bradway Competition (the “Round of 16”), the Developmental and Standard Draws shall merge to determine a City Champion.

C. Eligibility for the Standard Draw

1. All teams registered for the Bradway Competition are eligible for the Standard Draw.

2. The Standard Draw is the default into which a team will be placed, absent permission by the Mock Trial Coordinator to register for the Developmental Draw.

D. Eligibility for the Developmental Draw

1. 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.

2. No team shall be compelled to enter the Developmental Tournament. Any team may elect to enter the Standard Draw.

3. In general, 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.

E. Differences Between the Standard and Developmental Draws

1. The Developmental Draw shall generally follow the rules for the Standard Draw, except that the Mock Trial Coordinator or her designee shall have discretion to make pairings based on simplified arithmetic and may modify pairings for purposes of facilitating scheduling or serving other educational objectives.

2. 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 may more actively assist the students with their presentations, in order to further the educational goals of the Bradway Competition.

3. At the conclusion of the Developmental Draw, a champion will be named for that Draw.

F. Advancement from the Developmental Draw

1. The Developmental Tournament champion shall be included in the Third Round of the Bradway Competition.

2. If the Developmental Tournament has at least eight participating teams, the runner-up of the Developmental Tournament shall be included in the Third Round.

3. If the Developmental Tournament has twelve or more participating teams, the Developmental Tournament shall contribute at least one additional team for every six additional participating teams, rounding up.
4. The Mock Trial Coordinator may elect to have additional Developmental teams represented in Round 3 if the differences in registration would, in the Coordinator’s view, result in an unfair balance.

   a. For example, if the Developmental Tournament registers fourteen teams, and the Standard Draw registers eighteen teams, the Mock Trial Coordinator may determine that more than three Developmental Tournament teams should be represented in the Third Round.

XVIII. TOURNAMENT STRUCTURE – PAIRING

A. General Rules

   1. Pairings for the entire Tournament will be made by the Mock Trial Coordinator or her designee.

   2. No individual actively associated with a mock trial team that is competing shall participate in the draw or pairings.

   3. Whenever possible, no two teams from the same school shall compete against one another prior to the Quarterfinals.

   4. Whenever possible, no two teams that have previously met in a round of competition shall compete again, except in the City Championship.

B. Side Choice

   1. All teams will have the opportunity, except where one of their opponents forfeits, to try both sides of the case.

   2. Unless otherwise provided in these rules, side choice shall be random (e.g. by coin toss).

C. Power Matching

   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) - Overall Performance 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).

D. Power Matching Forfeits or Byes

1. In the event of a forfeit or bye, 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.

2. 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.

E. Odd Number of Teams Competing

If an odd number of teams is registered for either Draw, one team in that Draw shall be given a bye, as follows:

   a. In the first round, this team shall be chosen by random draw.

   b. In the second round, the team assigned a bye will be the highest-seeded team.
i. To the extent that the team given a bye in the first round would have been placed on one side of the case by a particular rule, such as Rule XVIII, the highest-ranking team on that side of the case shall receive the bye.

c. Teams receiving a bye shall be treated as having won by forfeit, in accordance with XVIII.D.

d. No team is entitled to a bye by these rules, and the Mock Trial Coordinator shall retain broad discretion to assign a bye in the interest of scheduling, of fairness, or otherwise in the best interests of the competition.

XIX. TOURNAMENT ADVANCEMENT

A. Standard Draw Round 1

1. Teams shall be randomly paired against one another in Round 1, with the following exceptions.

2. No two “Power Protected” teams shall compete against one another in Round 1.

3. Power Protected teams shall be defined as follows:

   a. If the Standard Draw has 18 or fewer teams, the top four finishers in the preceding year shall be power protected.

   b. If the Standard Draw has between 19 and 24 teams, the top six finishers in the preceding year shall be power protected.

   c. If the Standard Draw has more than 24 teams, the top eight finishers in the preceding year shall be protected.

   d. The order of finish shall be determined by the mock trial coordinator. The four teams eliminated in the Quarterfinals shall be ranked 5th through 8th based on their seed entering the Quarterfinals. The two teams eliminated in the Semifinals shall be ranked 3rd and 4th based on their seed entering the Quarterfinals.

   e. 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.

4. Side choice for the First Round shall be determined by random draw, except that an even number of Power Protected teams shall be assigned each side of the case, if possible.
5. If two or three teams from a single school are competing in the Standard Draw, at the Mock Trial Coordinator’s discretion, they may be assigned to the same side of the case to ease future-round conflicts.

6. If four or more teams from a single school are competing in the Standard Draw, they will be assigned as evenly as possible to each side of the case.

7. When pairing the First Round, the Mock Trial Coordinator may pair teams that have each declared a conflict, as long as this pairing does not result in Power Protected teams meeting in the First Round, in order to have as few teams as practicable forced to reschedule their competition dates. Such pairing may take precedence over random pairing.

B. Rules for Pairing All Power Matched Rounds

1. Following the First Round, winning and losing teams shall all be ranked based on the Power Matching criteria in Rule XVIII.C.

2. 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.

3. If an uneven number of teams won on each side of the case, additional teams from the side of the case with fewer winning teams will be “pulled up” into the winners’ pairing until pairings can be generated between an equal number of teams. The highest ranked winning team will then be paired against the lowest ranked team in the resulting bracket.

   i. By way of illustration, if in Round 1, five teams portraying the plaintiff win, but only three teams portraying the defense win, a “winners’ bracket” would be created using the five plaintiff teams that won, the three defendant teams that won, and the top two defendant teams that lost. The highest-ranked plaintiff’s team would compete against the fifth-ranked defense team, even though that team previously lost.

4. 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.

   a. 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.
5. If a team that has advanced withdraws or otherwise cannot compete, the Mock Trial Coordinator may, in the Coordinator’s discretion, either declaring the non-competing team to have defaulted, advancing the team that the non-competing team would have faced automatically without competing, or the Coordinator may introduce a team that would otherwise not have qualified for the Third Round to compete in the Third Round.

C. The Second Round

1. Teams shall be paired according to Power Matching for the Second Round.

2. All teams that competed in the First Round shall switch sides for the Second Round. A team that did not compete because of a bye or forfeit may be assigned either side for the Second Round.

3. In the best interest of the competition as a whole, when making pairings for the Second Round, the Mock Trial Coordinator may pair teams that have each declared a conflict, as long as this pairing allows each team to switch sides, in order to have as few teams as practicable forced to reschedule their competition dates. Such pairing may take precedence over arithmetic pairing.

D. The Third Round

1. The Third Round shall consist of sixteen teams.

2. The Developmental Tournament shall be represented in the Third Round by one or more teams, as described in Rule XVII.F.

3. The team or teams in the Third Round from the Developmental Tournament will be seeded ninth and sequentially lower 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 ninth in the Third Rounds. If eight teams competed in the Developmental Tournament, the Tournament champion would be seeded ninth in the Third Round and the Developmental Tournament runner-up would be seeded tenth.

4. 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.

5. Sides for the Third Round shall be determined by random draw, except that if a team has only competed once (due to a forfeit or bye), it will compete on the side on which it has not yet competed.
E. **The Quarterfinals and Semifinals**

1. The Quarterfinals shall consist of the eight winning teams from the Third Round.

2. The Semifinals shall consist of the four winning teams from the Quarterfinals.

3. 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.

4. 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 Rule XVIII.A.4 (no rematches before the Championship).

   c. Should the initial bracketing result in an illegal pairing or future potential illegal pairing, the Mock Trial Coordinator will apply the following process in determining which team should move:
      
      i. The Mock Trial Coordinator shall ensure, to whatever extent possible, that neither half of the bracket has more than two of the top four seeds.

      ii. The Mock Trial Coordinator shall create a legal pairing by switching two teams whose results are most similar when considering wins first, then ballots, then aggregate Scoring Rank.

5. In the Quarterfinals and Semifinals, 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, unless a ballot or juror is disqualified.
6. Teams will not be re-seeded for the Semifinals.

7. 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.

      iii. 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.

8. The Mock Trial Coordinator may, in her discretion, make public the bracket prior
   to the Quarterfinal round.

9. Because the team advancing is determined by ballots and teams are not re-seeded,
   there is no requirement that the Quarterfinals or Semifinals panels consist of the same number of
   judges as one another.

F. The City Championship

1. The City Championship shall be contested between the two winning teams from
   the Semifinals.

2. 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.
XX. DISPUTE RESOLUTION

A. Dispute Resolution Generally

1. Teams may not dispute ordinary rulings of the Presiding Judge regarding questions of evidence or courtroom procedure.

2. Disputes regarding the Rules of Competition or any other procedural 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.

B. Disputes About Matters Occurring During Trial

1. Disputes which involve the conduct of students competing in a trial and occur during the trial 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 may be deemed waived or barred by the Mock Trial Coordinator.

2. The process for hearing a dispute relating to the conduct of a trial shall be as follows:

   a. At the conclusion of the trial, the Presiding Judge shall ask the students if they wish to raise any substantial rules violation that they believe has occurred. If the Presiding Judge does not do so, an attorney for either team may bring this issue to the Presiding Judge’s attention.

   b. The participating team members may consult briefly with their coaches regarding whether to file a dispute.

   c. If either team believes that a substantial rules violation has occurred, one of its student attorneys must indicate that the team intends to file a dispute.

   d. 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 participating team members and coaches before lodging the notice of dispute or in preparing the form.

   e. 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 presiding 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.

f. The decision of the presiding judge may be appealed to the Mock Trial Coordinator. Such an appeal should be lodged as quickly as practicable, but in any case must be lodged within two business days of the presiding judge’s decision being made known to the appealing team or its representative, or prior to the next round of competition, whichever occurs earlier. Teams interested in an appeal should follow the procedure for appeal found in State Rule 9.2.3.

C. Disputes About Matters Not Occurring During the Trial

1. Disputes that involve people other than student team members and/or occur other than during the trial – e.g. disputes about Scouting, or illegal or unethical behavior before or after a trial – may be brought by teacher coaches and/or attorney coaches only.

2. 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.
3. 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.

4. 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.

5. Protests on the basis of resources, makeup of the scoring panel, and/or opponent pairing will not be entertained.

D. Appeals from Decisions of the Mock Trial Coordinator

The Bradway Competition is a regional component of the Pennsylvania High School Mock Trial Competition. Accordingly, decisions regarding eligibility, rules, pairings, or disputes are considered decisions of a Regional Mock Trial Coordinator and may be appealed to the Mock Trial Executive Committee in the manner provided in the statewide rules. The statewide Mock Trial Executive Committee will consider the issue under whichever of these rules or the rules of the statewide competition is most appropriate.
INSIDE THE BAR DISPUTE FORM
Please consult Rule XX
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 XX

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

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: _______________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

(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: _______________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
Responding Team’s Additional Arguments: _______________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
Mock trial coordinator’s Ruling: _________________________________________________
___________________________________________________________________________
___________________________________________________________________________
Signature of mock trial coordinator: __________________________
The mock trial coordinator must provide a copy of this completed form to both parties, as soon as possible