Frequently Asked Questions

RULE AND EVIDENTIARY QUESTIONS

1. What is the maximum number of students a team can have?

   - Rule 2.2 states there is no limit to the number of students permitted to participate on a mock trial team. However, for any particular trial in the competition, each competing side shall field six (6) students (three (3) attorneys and three (3) witnesses). Each team may also provide a student timekeeper. If a team is unable to field three attorneys and three witnesses for a particular trial, Rule 6.30 shall apply.

   - Does a team have to have an Attorney Advisor?
     - Rule 2.3 states each team must have at least one teacher coach who is recruited by the school. Each team should have at least one attorney advisor recruited by the school. If an attorney advisor cannot be found by the school, the District or Regional mock trial coordinator will make best efforts to connect the school with a willing volunteer. Teacher advisors are responsible for contacting the coordinator to obtain an attorney advisor and for working with the coordinator in an effort to find individuals who might be willing to assist.

   - If we have two teams can I be the Teacher Coach for both?
     - Rules 2.5.2 states while it may be conducive for schools entering multiple teams in the competition to work and practice together, once competition rounds begin each team must have its own teacher coach and attorney coach (optional). This separation is necessary to avoid the appearance of impropriety and scouting. Until competition rounds begin, teams may be coached jointly by one or more individuals.

   - Can I enter a third or fourth team?
     - Rule 2.5 states schools may enter one or two teams. A school may enter a third team with the permission of the local coordinator in charge of scheduling if the third team can be added without disruption to overall scheduling. The local coordinator has discretion whether to permit additional teams beyond three. Teams from the same school are considered separate and may not, under any circumstances, communicate with each other about other teams in the competition.

   - Will we only be arguing one side of the case? How do I know which side we are arguing?
     - The District/Regional Coordinator will contact all teams before the trial(s) with the side you will be arguing. For Round 1 you will argue both sides. So if you are defense for one trial you will be the plaintiff/prosecution for the next.
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- May residents of other states compete in the competition (the situation involves a cyber-school student who resides in New Jersey).
  - *The competition is for students attending Pennsylvania schools. As long as a student is properly registered in a Pennsylvania school of any type, that student may compete. With regard to the eligibility of students home schooled in Pennsylvania, their eligibility is addressed in Rule of Competition 2.1.2.*

- May an 8th grader compete on a team? May a post graduate student compete?
  - Rule 2.1 limits teams to 9th-12th graders. If a team doesn’t have enough students in those grades to field a team and seeks to use others, such as an 8th grader or a student who has graduated but may be earning additional credits at the school or is in some sort of post high school exchange program, to create a team, that team can seek special permission from the local coordinator to compete locally. However, if permitted, a team that includes others besides 9th to 12th graders cannot advance beyond the local competition to district or regional playoffs.

- Can two schools combine to field one team?
  - *The rules relating to team combination can be found at Rule 2.1.1(c).*

- May students from one school sit in the court room and watch other schools’ teams compete?
  - *No, if that student’s school has a team in the mock trial competition. Yes, if that student’s school has no team in the MT competition and the student has no other conflicts, and also if that student’s school did have a team in the competition but the team is done competing.*

- Is it okay that students from one school sit in the courtroom and watch their fellow students compete against another school?
  - *Yes, so long as those students do not compete on a second team from their school.*

- If a school has more than one team, and if the second team is knocked out of the competition, can the advisor from team knocked out help coach the team still in (the advisor has not seen any of the other teams we would compete against)?
  - *If there is absolutely no chance the still competing team will compete against a team that the advisor previously observed as an advisor of the knocked out team, then the knocked out team advisor may help with the team still in the competition.*
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- Our team wants to watch other teams in a practice event before the real competition begins. Does this violate the “No Scouting Rule”?
  - *It is not a violation under our Competition Rules. Teams that participate in camps and other open pre-statewide program competitions allow their teams to be observed by anyone in attendance, subject to the rules of that competition. Our “No Scouting” prohibition refers only to our competition. See Rule 1.9 for more specific information.*

- Are teams allowed to practice in the courthouse in which they will be competing?
  - *There is no prohibition against such a practice under state rules.*

- Can we scrimmage other teams in the competition?
  - *Yes. We encourage teams to scrimmage each other, participate in the mock trial camps certain counties hold, and take advantage of any pre-statewide program competitions offered such as those that will be held this January by various colleges and schools. See Rule 1.9 for more specific information.*

- What happens when teams drop out?
  - *The local coordinator will reschedule trials and may have to create byes for some teams depending upon how late into the competition the drop out occurs. Teams are urged to contact their coordinator ASAP if they think they might not be able to follow through on their commitment. Late drop outs are a great inconvenience to other teams and volunteers working for the program. In the case of repeat offenders, teams may be banned from the competition for a period of time.*

- Can a single teacher [or attorney] coach two teams?
  - *Under Rule of Competition 2.5, multiple teams from the same school are viewed as distinct. They may not communicate with each other about other teams once the competition begins since that would violate our anti-scouting prohibition. Thus, for practical purposes, a single teacher and a single lawyer might train and prepare two teams together; however, once either of those coaches takes a team to competition, they could not take the other team to another competition since they might meet common opponents in the future.*

*Even if coaches don’t share information between their two teams, the appearance would be otherwise and this would directly violate the no scouting rules. It is possible for a school with one primary teacher coach and two teams to enlist another teacher or a lawyer coach to basically chaperone for one team while the primary teacher coach leads the other team. Once a teacher or attorney attaches him or herself to one team that person is then unavailable to accompany the school’s other team in future matches.*
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Once the two teams from the same school have had their first trials, they need to be reminded that they cannot share information about opposing teams. A difficult situation would arise for a teacher coach or lawyer coach who works with one team that is eliminated and then has an interest in a remaining team that would compete against a team that the eliminated team competed against. The teacher or lawyer coach could observe but could not coach (teams out of the competition may observe without violating the no scouting rules).

Trial Issues

1. May we laminate the exhibits to better preserve them?
   - No. This violates Rule of Competition 5.1.

2. Pursuant to Rules of Competition 5.1 and 5.7: Can the exhibits to be entered into evidence be placed in plastic slip-cover page protectors to protect them from accidental spills?
   - A team may keep their exhibits in plastic slip covers at their attorney table but each exhibit must be removed from any cover and submitted in its original form when used during the proceedings.

3. Can we enlarge case materials or exhibits? Also, can we develop a timeline, enlarge it, and use it during opening statements and closing arguments?
   - Rule of Competition 5.1 prohibits enlarging exhibits. Creating and presenting a timeline as a physical reference for the jury is also prohibited.

4. Can we take to trial and use our laptop computers?
   - You may not use laptops at trial unless the use of a laptop is a specifically required accommodation for a disability covered under the ADA. If needed under ADA compliance, the laptop must have no internet access and contain only the materials of competition otherwise available in paper form to all other competing students. (Rule of Competition 6.4.)

5. Can we ask the witness to step down for a demonstrative purpose?
   - There is nothing in the Rules that prohibit an attempt to do this. The trial judge will determine whether it is permitted.

6. Can a previously introduced exhibit be re-shown to the jury during closing arguments?
   - Yes, assuming the exhibit was admitted into evidence.
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7. Clock Issues: When entering in exhibits, does the clock stop when counsel says "Your honor, May I approach the witness?" Does it start again when counsel asks the next question such as "Can you identify this?" Or after counsel actually has the exhibit entered? Second, when counsel is impeaching a witness, does the clock stop when handing opposing counsel and the witness an affidavit? And when does it begin again?

- Please review Rule of Competition 6.26. Generally, the clock runs at all times when an attorney is examining a witness concerning an exhibit. The clock stops during the marking of exhibits and when exhibit is being shown to opposing counsel except when the examining attorney continues to question the witness.

8. May the information in the Statement of Facts, Complaint and Answer be used during the trial as credible sources of evidence?

- That depends. None of the pleadings are evidence in themselves, and none would be admissible as a whole at trial. However, that is not to say that they have no evidentiary value. All evidence must come in through witnesses, via their statements and exhibits, or through stipulations between the parties. The statement of facts, the complaint and the answer are not evidence in themselves, but the Answer has evidentiary value if the defendant attempts to deny a fact admitted there. The plaintiff’s attorney could then impeach the witness with her/his prior admission, as with any other prior, unsworn statement. In this, the Complaint might be necessary, as the wording of the Answer alone (i.e., “Admitted”) alone may provide insufficient basis for impeachment. The Statement of Facts is a part of the problem to which no party has assented. It therefore cannot be used at trial by either party in any way.

9. Can information, cases, opinions cited in the problem be used in the trial?

- Students are permitted to read other cases and materials in preparation for the mock trial. However, they may cite only the cases and statutes given and may introduce as evidence only those documents and materials provided and in the form provided. (Rule of Competition 3.5.)

Teams are welcome, nevertheless, to study anything they wish to study in preparation for the competition, and the Mock Trial Committee hopes students branch out and learn much more about the issues involved in the case.

10. Can you file a Motion to Pre-admit in which you inform the court of your desire to use certain items of tangible evidence (exhibits in the case materials) during your opening statement?

- No. Rule of Competition 6.20 explicitly prohibits pretrial motions.
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11. Are teams permitted to make the objection: "Objection, Narrative" during the opposing team's direct examination? If this is not permitted, should a sidebar be called?

- Technically, this objection is not specifically prohibited under our Rules (See Rule of Evidence 611(e)). However, an objection that the witness is providing a narrative answer may be more appropriately objected to as being non-responsive, irrelevant and/or an unfair extrapolation. These are all objections specifically permitted under Rule 611(e).

   Sidebars should never occur during a mock trial. All objections are constructively presumed to occur at sidebar, so that the arguments made with respect to them may be scored by the scoring jurors.

12. Can we impeach by omission?

- The Rules warn attorneys against asking a question of a witness for information that is not in the witness’ statement. If you do so, the witness is free to make up information. Rule of Competition 4.6 addresses this issue.

13. May a judge preside over the district playoff if he/she was already a judge for one of the earlier district trials?

- Yes. A presiding judge who has participated in an earlier trial is not disqualified from presiding in a later trial involving the same team, absent some other basis for disqualification.

14. May we bring transcription students to a mock trial to transcribe proceedings? Neither team will get a copy of the transcription until after the competition is completed.

- Rule 6.4 addresses this question in depth.