

Dear Mock Trial Colleagues,

We are writing to explain the reasons behind our revisions to the Rules of Competition this year. There are several, although none are earth-shattering and all were discussed in our email to coaches in April. First, we have further clarified Rule 3.6 (Trial of All Issues).

Second, we have added a Rule 4.10 to address the circumstances in which a witness may be declared hostile.

Third, Rules 8.1, 8.2., and 8.3 have been amended to address the question of rematches.

Finally, there are several smaller changes that have been made. Rule 4.9 now expressly requires that expert witnesses be tendered to the court, and the process for recording a round in Rule 6.4 has been clarified. Also, Rule 6.3 has been amended to address an unusual Scouting issue.

After considering input from coaches, we have not made any changes to the dispute resolution procedure. As a reminder, coaches are permitted to consult with students before a decision is made on inside-the-Bar disputes. Coaches and teams should take this opportunity to avoid waiver of arguments that coaches may wish to raise. Teams are advised that the National Board is considering amendments to its dispute resolution processes, and those may produce further consideration of this issue after this year. We welcome any thoughts from the coaching community on ways to improve our dispute resolution procedures.

We also returned this year to the incomparably challenging question of how to write a rule regarding unfair extrapolation. We received detailed, well-considered input from the community, with several different approaches to fixing the issue. Unfortunately, if unsurprisingly, these approaches were not consistent with one another, and in some cases were impractical for our competition. Ultimately, we found ourselves unable to write a better overall rule than the one we have in place, and so we have kept the text of the rule itself unchanged.

With that said, as we recognized in last year's Question and Answer document, the examples we wrote for the rule in our last re-visitation several years ago were incomplete, because they only provided guidance on what was unfair. Several coaches noted that it was impossible to figure out from those examples what extrapolation could actually be done. We have tried to fix that issue by adding several new examples and by adding facts to one of our examples. Accordingly, the Rule at least provides balanced guidance this year. We are going to continue to work on this question, and we welcome your thoughts both on whether this version of the Rule is an improvement and on how we can better approach this thorny issue in the future.

We hope you agree that these changes are another positive step in the evolution of our rules, and we look forward to another wonderful mock trial season!

The Mock Trial Executive Committee

2018-19 Rules of Competition

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RULES OF COMPETITION ¹

GENERAL INFORMATION

Rule 1.1 Scope of Rules

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

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

Rule 1.2 Code of Conduct and Code of Civility

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

The Code of Ethical Conduct, the Code of Civility, the Rules of Competition, and rules relating to courthouse and courtroom decorum and security must be followed. Each team is responsible for the conduct of its participants. Misconduct, withdrawals from the Competition and breaches of courthouse and courtroom decorum and/or rules of security will be addressed by the mock trial coordinator. The Coordinator possesses discretion to impose sanctions, up to and including forfeiture or disqualification, for any misconduct, flagrant rule violations or breaches of decorum which affect the conduct of a trial or which impugn the reputation or integrity of any team, school, participant, court officer, judge, juror or the mock trial program.

The Code of Conduct, the Code of Civility, and the principles of collegiality and sportsmanship ~~it~~ they represents are critical parts of mock trial. Students and coaches are responsible for their behavior and for the behavior of members of their team, their staff, and affiliates (such as parents).

Inappropriate, uncivil, and/or disrespectful comments directed at other participants, or especially at competition volunteers or Bar Association staff, will be addressed through appropriate sanction. Such sanction may include suspension of individuals or teams, forfeiture of rounds, point deductions, or disqualification from further advancement. Such sanction may be imposed by the

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

Coordinator or by the Executive Committee, either upon request of a party or on its own behalf. This rule obtains throughout the competition and during any disputes.

Rule 1.3 Competition Regions

All Pennsylvania teams are assigned to compete in one of ten (10) geographic mock trial Regions. Each Region may be further divided up into Districts. The projected Regional/District makeup for the Competition (subject to alteration based upon actual school participation) is as follows:

Region 1 - Allegheny County

Region 2 - Northwest

District 1 Armstrong, Beaver, Butler and Lawrence Counties

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

Region 3 - Southwest

District 1 Westmoreland County

District 2 Greene, Fayette and Washington Counties

District 3 Bedford, Blair Cambria, Fulton, Huntingdon, Jefferson, Indiana, Mifflin and Somerset Counties

Region 4 - North Central

District 1 Cameron, Centre and Clearfield, Clinton, Elk, and Potter Counties

District 2 Columbia, Lycoming, Montour, Northumberland, Snyder, Tioga and Union Counties

Region 5 - East-Central

District 1 Berks, Lehigh, and Northampton Counties

District 2 Luzerne and Schuylkill Counties

Region 6 - South Central

District 1 Cumberland, Dauphin, Franklin, Juniata, Lebanon and Perry Counties

District 2 Adams and York Counties

District 3 Lancaster County

Region 7 - Southeast

District 1 Chester County

District 2 Delaware County

District 3 Bucks County

Region 8 - Philadelphia County

Region 9 - Montgomery County

Region 10 - Northeast

District 1 Bradford, Lackawanna, Sullivan, Susquehanna, Wayne and Wyoming Counties

District 2 Carbon, Monroe and Pike Counties

Rule 1.4 Transportation

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

Rule 1.5 Competition Dates and Scheduling

District and Regional Coordinators have the complete authority to establish the time, date and location of trials. The schedule for the district or regional competition rounds will be distributed by the district/regional coordinator. (A Coordinators list is available on the mock trial website - Rule 3.1.) Coordinators shall endeavor promptly to advise teams of competition dates and shall give teams a reasonable amount of time in which to prepare, make travel and child care arrangements, etc. Teams shall endeavor to accommodate scheduling complications with grace.

Rule 1.6 Conflict Dates

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

Rule 1.7 Postponements

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

Rule 1.8 Deviation from Rules

It is the intent of the Executive Committee to foster an environment of learning and participation within this Competition. Accordingly, upon request by a participating team, any of these Rules of Competition may be deviated from at the sole discretion of the Executive Committee. A deviation will be permitted only upon good cause shown. In determining whether good cause exists, the Executive Committee may consider the opinions of the Coordinator(s) representing the District and Region from which the team requesting a deviation is located.

The Executive Committee recognizes the diversity of competitive environments throughout the state and the potential advisability of variances from these rules to better suit those local needs. Accordingly, district or regional coordinators may, prior to the distribution of the case materials, submit to the Executive Committee requests for variances up to and including wholly separate sets of local district or regional rules of competition. If the Executive Committee consents, any such district or region may conduct its competitions in accordance with these rules, as modified by such variances, or in accordance with the rules that the district or region submitted. However, any teams advancing from such a district or region to compete in the state championships will be bound exclusively by these rules and shall conduct themselves accordingly.

Rule 1.9 Scrimmages and Alternative Competitions

For many years, informal scrimmages between teams have been a part of the Mock Trial Competition. These scrimmages can be arranged by coaches, team members, through informal associations, or even with the assistance of District and Regional Coordinators. More recently, a number of schools and programs have begun to sponsor formal pre-competition tournaments, some of which utilize the Pennsylvania state mock trial problem with the consent of the authors and the Pennsylvania Bar Association.

The Executive Committee encourages teams to participate in these kinds of competition, which can give teams an opportunity to practice in a competition setting and give students a chance to meet one another and socialize. However, participation in such activities is voluntary, and neither the activities at such competitions nor the results of such competitions will be considered relevant to these rules. Accordingly, participation in such activities is not considered scouting under Rule 6.3, no conflicts are considered to have been created by such competitions, and no judges shall be considered to have gained a conflict based on their activities at such competitions or the knowledge gained there. In addition, a team's success or lack of success in such competitions shall not be considered material evidence by the Executive Committee or any District or Regional Coordinator in determining the outcome of a dispute.

There is a single exception: if a student, team, or coach behaves unethically at such a competition or in a manner which violates the Code of Conduct, the Executive Committee may act on such violations. The fact that such conduct occurred outside a formal competition event will be considered, but will not preclude penalty or discipline.

Rule 1.10 Use of Competition Problem at Alternative Competitions

The Mock Trial Executive Committee shall set the conditions on which the Pennsylvania problem may be copied and used at alternative competitions such as those run by high schools, local colleges, universities, or law schools. Conditions for this use may (but need not) include payment of a fee and/or inclusion of teams from schools in disadvantaged areas or those with limited resources. Such conditions will typically be applicable to all such requests, but the Executive Committee may, in its sole discretion, apply different conditions to different requests.

Rule 1.11 Inclusion and Accommodation

The Pennsylvania State Mock Trial 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.

Requests to accommodate disabilities, religious objections to scheduling, or other issues will be reviewed on a case-by-case basis by the District and Regional Coordinators in consultation with the Mock Trial Executive 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. Accordingly, absent an emergency generating a need for unanticipated accommodation, such requests 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. In some cases, it may be necessary to 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.

Rule 1.11.1 - Religious Accommodation Scheduling

(a) **District and Regional Rounds** - Any school requiring a religious accommodation for District and Regional rounds must notify their District and Regional Coordinators of the requested accommodation on the Conflict Dates form pursuant to Rule 1.6. The Coordinators must be timely notified of this conflict even if it is contingent, i.e. even if it might only become an issue if the team advances to a certain round or particular date of competition. District and Regional Coordinators who receive a religious accommodation properly and timely requested in accordance with this Rule and Rule 1.6 must grant the request. Coordinators who receive an untimely request for religious accommodation shall make a good faith effort to accommodate, but an untimely request may be denied by the District and Regional Coordinator for good cause.

(b) State Final Round

(1) **Requested Accommodation** - Any team that has not otherwise been eliminated from the competition and may require a religious accommodation during the State Finals Competition rounds must request such an accommodation by submitting a Conflict Date form to the State Coordinator or to the Mock Trial Co-Chairs no later than March 1. If a team properly submits a religious accommodation request with the State Committee in accordance with this rule and that team makes the State Finals Competition, the accommodation will be granted. The Mock Trial Executive Committee will make a good faith effort to honor a late request, but due to hotel bookings and travel planning for the State Competition, any team that fails to properly make a timely accommodation request may be denied their requested accommodation.

- (2) **Procedure for Accommodation** – If a team has properly requested a religious accommodation and makes the State Finals Competition, the State Committee reserves the right to suspend or amend any rules governing the State Finals Competition rounds in an effort to accommodate the religious beliefs of its participants. Should this provision be timely invoked, all teams will receive advance notice of any change.

Specifically, the Mock Trial Executive Committee reserves the right to schedule a preliminary round on the Thursday night prior to the State Finals Competition rounds in an effort to accommodate request. Any team that is asked to compete in Harrisburg at an earlier time will be permitted to come to the State Finals Competition round early at the State Committee’s expense.

The Mock Trial Executive Committee reserves the right to take any or all of the following steps in addressing a religious accommodation:

- Requesting a team to compete earlier (e.g. the Thursday before the scheduled competition) or stay later (e.g. the Sunday after the scheduled competition date, assuming this would be consistent with religious obligations);
- Requiring a team to compete earlier or stay later, as above;
- Holding competition rounds at times other than the usual times on which those rounds have historically taken place;
- Holding competition rounds on dates other than the announced weekend of competition;
- Holding competition rounds at a location other than Harrisburg;
- Suspending or modifying pairing rules to facilitate scheduling the accommodation round or rounds; or
- Suspending or modifying other rules to facilitate the orderly function of the State Finals Competition despite the accommodation.

This list is not exhaustive and other remedies, as deemed appropriate, may be considered based on the circumstances. Notwithstanding this, the Mock Trial Executive Committee will seek to find the accommodation that least affects the other teams in the competition. Any decision to take one or more of the foregoing steps will be considered carefully, and the coaches of the affected teams will be consulted to the extent possible. Any decision to take one of the foregoing steps will be announced to all competing teams to the extent practical, consistent with the interests of the schools and students involved.

Rule 1.11.2 - Other Accommodations

- (a) **Process and Deadlines for Requesting Accommodation** - Any school requiring a accommodation for District and Regional rounds for issues other than religious scheduling conflict must notify their District and Regional Coordinators of the requested accommodation on the Conflict Dates form pursuant to Rule 1.6. Any team that has not otherwise been eliminated from the competition and may require an accommodation during the State Finals Competition rounds must request such an accommodation by submitting a Conflict Date form to the State Coordinator or to the Mock Trial Co-Chairs no later than March 1.
- (b) **Handling of Accommodation Requests** - Accommodation requests will be handled on a case-by-case basis. District and Regional Coordinators shall consult with the Mock Trial Executive Committee with respect to such requests to ensure uniform handling of similar requests statewide. Coordinators may take any or all of the following steps to accommodate a request:
- Modifying round schedules;
 - Changing round locations;
 - Suspending or modifying pairing rules;
 - Modifying timing rules; or
 - Suspending or modifying other rules to facilitate the orderly function of the State Finals Competition despite the accommodation.

Any decision to take one or more of the foregoing steps will be considered carefully, and the coaches of the affected teams will be consulted to the extent possible. Any decision to take one of the foregoing steps will be announced to the competing teams for the round in question, to the extent practical, consistent with the interests of the schools and students involved. Such announcement should occur as far in advance of the round as is practical, but teams are asked to be flexible in addressing both the timing and substance of any accommodation and its announcement.

TEAMS

Rule 2.0 Registration

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

Rule 2.1 Team and Student Eligibility

Rule 2.1.1 Team Eligibility

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

- (a) Home School Groups: A team may be formed of students who are home-schooled, provided the students are eligible under Rule 2.1.2. The students on such team may reside in multiple public school districts. With the approval of the regional coordinator, a home school team must pick a county of residence and participate with other teams in that county for the entire season. The county chosen must have a logical geographical nexus to the residency of the students who make up the home school team. A home school group must receive permission of the Executive Committee before participating.
- (b) Other Sanctioned Organizations: A team may be formed by another organization, such as a Law Explorer Post. However, the team may not include students who attend schools which sponsor mock trial teams. If a student's school sponsors a team, the student must participate at that school.
- (c) As a general rule, schools may not combine to field teams for competition. However, should there be two teams 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 entity, they may apply to the Regional Coordinator for permission to do so. Only those schools that could not field a team if forced to compete alone (for example, because each team only has three interested students) may be given permission to compete as a single entity, and no teams shall combine for any purpose other than to create a viable team (i.e., schools cannot combine to form "All-Star" teams). 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.

Rule 2.1.2 Student Eligibility

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

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

Rule 2.2 Student Composition

There is no limit to the number of students permitted to participate on a mock trial team. However, for any 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.

Teams appearing in the state competition may be composed of up to 12 official members, provided that:

- (a) In accordance with the foregoing paragraph, only six members may compete in any given round of the state competition; and
- (b) To the extent that housing, dining or other subsidies for travel or lodging are provided by the state competition to competing teams, such funding will be provided for only eight (8) team members.

Rule 2.3 Advisors

Each team must have at least one teacher coach and at least one attorney advisor who is recruited by the school. If an attorney advisor cannot be found by the school, one will be assigned by the District or Regional mock trial coordinator. Teacher advisors are responsible for contacting the coordinator to obtain an attorney advisor. (A Coordinators list is available on the mock trial website – Rule 3.1.)

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

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.

Rule 2.4 Teacher Orientation

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

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

Rule 2.5 Multiple Teams

Schools may enter one or two teams. A school may enter a third team with the permission of the local coordinator in charge of scheduling if the third team can be added without disruption to overall scheduling. 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.

Rule 2.5.1 Administration

Schools entering multiple teams must submit rosters for each team to their regional coordinator prior to the start of trials. These rosters may not be changed at any point in the competition, including the state competition, except for compelling reasons and with the permission of the regional coordinator.

If a team is forced to add a member who was not on the original roster (for example, because a student moves to another school mid-year), and the mock trial coordinator permits the addition, it may add a student from the student body of the school. It may not, however, add a member of another registered team that has competed in this competition, even if that team has been eliminated from competition.

Rule 2.5.2 Advisors

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

Rule 2.5.3 Scheduling

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

CASE MATERIALS

Rule 3.1 Mock Trial Website

All necessary Competition information, including forms, case materials and all supplements thereto, will be posted on the PBA website - www.pabar.org → For the Public → Mock Trial Competition.

Rule 3.2 Case Materials

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

Rule 3.3 Supplemental Case Materials - Evidentiary Value

Supplemental clarifications of the case materials may be used in all the same ways (including impeachment and testimony) that the main body of the case materials are used. Supplemental answers clarifying a witness statement/affidavit are to be treated as follows:

- a. If the clarifying information needs to be attributed to a specific witness, then the information becomes part of that witness's statement/affidavit and only that witness has knowledge of the supplemented material.
- b. If the clarifying information is not attributed to a single witness, assume that all witnesses have knowledge of the supplemented material.

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

Rule 3.4 Questions Regarding the Case Materials

Please direct all questions about the content of the case materials as directed in the contact page of the case materials. Answers to questions will be posted on the mock trial web site. The final posting will become the official supplemental memo and may be used in the Competition. Earlier dated copies may not be used. Please consult Rule 3.3 regarding the evidentiary value of the official supplemental memo.

Rule 3.5 Additional Materials

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

Rule 3.6 Trial of All Issues

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

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** ~~one of the causes of action 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** ~~pleadings or jury instructions~~.

WITNESSES

Rule 4.1 Calling of Witnesses

Each team must call all of its witnesses. Witnesses must be called only by their team and examined by both sides. Witnesses may not be recalled by either side. The prosecution/plaintiff presents its witnesses first. The witnesses may be called in any order, but each of a team's witnesses must be called by that team.

Rule 4.2 Witness Gender and Physical Traits

All witnesses have names and characteristics that are gender neutral.

Teams should exchange the gender of their witnesses at least 48 hours prior to the day of trial through communication between teacher coaches, where possible. (Contact your district or regional coordinator for this information. Coordinator information is posted on the web site – see Rule 3.1.) This is ~~generally~~ a rule of courtesy, not one which results in deduction of points.

A witness is prohibited from making reference to his or her own physical traits or physical traits of other witnesses where such information is not included in any witness statement. (For example, a witness cannot call attention to her size to show inability to complete some physical act included in the case materials.) An attorney is likewise prohibited from making argument pointing out physical traits of a witness not otherwise included in the case materials. Such references are unfair extrapolations. (See Rule 4.6) Teams are not prohibited, however, from raising issues about general or common human traits and abilities relevant to the case.

Rule 4.3 Voir Dire

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

Rule 4.4 Case Materials and Exhibits

The witness statements and any additional stipulations may not be disputed at the trial. The case materials will generally identify the exhibits with which a witness is familiar. Nevertheless, any witness who demonstrates knowledge of the contents of an exhibit may testify about the exhibit. It is presumed, unless otherwise noted, that a witness does not have knowledge of any other exhibits.

Rule 4.5 Witness Statements

A witness other than an expert witness may not be asked questions about information contained in another witness' statement/affidavit. An expert witness may be asked questions about information contained in any 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 statement/affidavit/exhibit/information or relied upon it in forming that opinion.

No witness, including an expert witness, may be asked questions about what another witness testified to at the trial. No witness is bound by another witness's answer at trial.

Rule 4.6 Witness Statements -- Unfair Extrapolation

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

If a witness testifies in contradiction to a fact in the witness' statement, which is to be treated as a sworn affidavit, the opposition may impeach the testimony of the witness; that is, point out the contradiction on cross-examination by introducing the witness' contrary statement into evidence.

Fair extrapolations based upon the witness' statement may be allowed. A fair extrapolation is one that is neutral and can be reasonably inferred from the information in the witness' statement. An unfair extrapolation is one that has no basis in the witness' affidavit and has been invented by the witness in order to strengthen his/her testimony. Although unfair extrapolations are subject to objection as "unfair extrapolation," they are best attacked through impeachment and closing arguments.

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

It is presumed that a witness has identified each material action that the witness took and each material fact that the witness considered. Accordingly, a witness who has not identified an action taken or a fact considered in her/his statement may not, upon cross-examination, claim to have taken a material action or considered a material fact.

For example:

- If a police officer is testifying and her/his statement is silent as to whether s/he searched the stairwells of a building for blood, and the officer is asked on cross examination whether s/he did so, s/he may not state, consistent with her/his statement, that s/he did.
- However, in the foregoing example, if the officer states that s/he searched the stairwell but does not expressly state whether s/he found blood there, it is a fair extrapolation to testify that s/he found no blood in the stairway; finding blood would have been worthy of remark.
- If an expert witness is testifying and her/his statement is silent as to whether s/he considered a fact contained in a bank statement accompanying the case as an exhibit, and the expert is asked to confirm on cross examination that s/he did not consider that fact, s/he may not claim, consistent with her/his statement, to have considered it.
- If a witness is testifying and her/his statement is silent as to whether she spoke with a third party about the case, and the testifying witness is asked on cross-examination

to confirm that s/he never asked that third party for information, the witness may not claim, consistent with her/his statement, to have gotten information from that person or to have heard that person's side of the story.

- If a witness's statement states that her/his responsibilities included managing an intern program and evaluating interns, it is a fair extrapolation for that witness to testify that s/he met with each intern to discuss their work and issues that arose in the office. It would be an unfair extrapolation for the witness to testify that an issue unique in the case to one intern was widely shared or to describe an account from such a meeting that affects the credibility of any witness.
- If a question in the case is whether a particular witness feared someone, and there is testimony in the case that that individual had a license to carry a concealed firearm, it is a reasonable extrapolation for a witness to testify that the individual could be armed without that fact being immediately obvious to someone observing her/him. It is an unfair extrapolation that s/he was routinely armed or was armed at a particular place and time, unless some indication of that fact appears in the case materials.
- If an emergency room physician is testifying and is asked about a question of pathology (the specialty of diagnostic study of tissues removed from the body), s/he may testify that s/he was trained in anatomy, autopsy, and pathology in medical school, because these subjects are covered as a routine part of any medical school curriculum. S/he may not testify to being trained specially in pathology, publication about pathology, or to any experience performing pathological analysis since that time.
- Similarly, it would be a fair extrapolation for an urban emergency room physician to testify that s/he routinely diagnoses and treats traumatic injuries, violent injuries, injuries from vehicular collisions, psychiatric breakdowns, seizures, heart attacks, or high fevers of unknown source, because these are typical matters for which individuals are treated in emergency rooms in urban centers. It would be an unfair extrapolation for that witness to testify that s/he routinely treats cancer, multiple sclerosis, or unusual genetic disorders.
- If a witness in the case is a police officer, it is a fair extrapolation that that witness has basic training in the use of firearms, securing crime scenes, basic criminal law and procedure, interrogation of witnesses, taking fingerprints, and hand-to-hand control/ restraint techniques, because these subjects are part of basic police training. It is an unfair extrapolation that the witness is a crime scene investigator capable of performing fiber analysis, a fingerprint analyst capable of matching fingerprints, or knows the details of exceptions to the Fourth Amendment's warrant requirement.
- Similarly, if the case provides that the witness has been a police officer for over a decade, it would be a fair extrapolation for that witness to testify that s/he has made

numerous arrests and interviewed many individuals, because these are matters common to policing. However, it would be unfair for the same officer to testify that s/he had investigated numerous instances of a particular crime (especially a less common crime such as arson, securities fraud, or bribery) or interviewed a particular witness or type of witness many times if that is not mentioned in the statement.

- By contrast, if the case establishes that the officer worked in a securities fraud unit for over a decade, it is a fair extrapolation that the office has investigated numerous allegations of securities fraud and has interviewed numerous individuals about such matters. However, it would still be unfair to extrapolate that the officer has interviewed particular individuals in the past or has investigated a particular kind of fraudulent scheme, unless that fact is drawn more particularly from the case materials.

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

Rule 4.7 Sequestration

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

Rule 4.8 [Reserved]

[Please refer to Rules 6.9 and 6.22]

Rule 4.9 Expert Witnesses

Some witnesses in the case materials may be identified as expert witnesses. In such a case, the fact of the witness' expertise may not be questioned; however, the expert's credibility may be otherwise impeached on cross examination. Witnesses not specifically identified as experts may be qualified as such if the proper foundation is laid. In either case, the expert's qualifications, credibility, biases and the scope and depth of her/his expertise may be otherwise raised on cross examination.

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

Rule 4.10 Hostile/Adverse Witnesses and Form of Examination

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.

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.

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.

EXHIBITS, DOCUMENTS, AND MATERIALS USED AT TRIAL

Rule 5.1 Generally

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

The case materials will generally identify those exhibits with which a witness is familiar. Nevertheless, any witness who demonstrates knowledge of the contents of an exhibit may testify about the exhibit. It is presumed, unless otherwise noted, that a witness does not have knowledge of any other exhibits.

Rule 5.2 Authenticity

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

Rule 5.3 Pre-markings

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

Rule 5.4 Witness Statements / Affidavits

Witness statements/affidavits do not have to be marked as exhibits for purposes of identification in the event of an attack on the witness' credibility or trustworthiness (impeachment).

Rule 5.5 Lack of Proper Predicate/Foundation

Attorneys shall lay a proper foundation prior to moving for the admission of evidence. After the exhibit has been offered into evidence, the content of the exhibit may still be objected to on other grounds.

Rule 5.6 Publication to Jury

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

Rule 5.7 Binders and Exhibit Books

No exhibit binders or books may be presented to the judge and/or jury. Exhibits must be submitted and entered individually subject to evidentiary objections.

Rule 5.8 Marking of Exhibits, Documents, and Materials at Trial

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. 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.

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.

This is a rule of courtesy; the presiding judge may, at his or her discretion, permit the use of a marked exhibit or witness statement 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.

TRIAL ENACTMENTS

Rule 6.1 Arrival at Courthouse / Failure to Appear

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

If a team has not arrived within fifteen (15) minutes of the scheduled starting time, the mock trial coordinator may declare a forfeit. If there is an extenuating reason for the forfeiture, the coordinator, in his/her discretion, may attempt to reschedule the match. If there is no valid reason for the forfeiture, the coordinator may attempt to find an opponent to compete against the non-forfeiting school so that the non-forfeiting school is not penalized.

In such a case, the coordinator may locate a team that has not competed in that round, in which case the match may, at the coordinator's discretion, be used to determine advancement for both participating teams. Alternatively, the round may be considered a practice for all participating teams, and the non-forfeiting school shall receive the benefits of the forfeit. In no case shall a round occur in which one team is competing to advance, but the other team is competing as practice.

Schools are strongly encouraged to cooperate with the coordinator if asked to be a substitute school. If it is impossible to reschedule the match for the non-forfeiting school, the non-forfeiting school will be declared the winner and the forfeiting school the loser.

Rule 6.2 Preservation of Anonymity

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

Rule 6.3 Scouting Prohibited

THERE IS NO SCOUTING PERMITTED. Team members, alternates, teacher coaches, attorney advisors, family members and any other persons associated with a mock trial team, are prohibited from viewing another team's performances until the observing team is eliminated from the Competition. Team members and associates are also prohibited from contacting teachers, students and attorney advisors from other schools in any manner concerning other trials in an effort to obtain information about an opponent. This prohibition is read and will be construed broadly, and it includes, without limitation, any form of personal communication, voice/telephone communication, and/or electronic communication, including electronic mail, instant messaging, and communication or messaging through social media sites such as Facebook. This prohibition applies regardless of whether the information sought is general (e.g. "What did you think of Team X? Were they good?") or whether it is specific ("What is Team X's theme? How did you approach Witness Y?"). This prohibition also precludes a team from obtaining or providing videotape copies of trials involving any team still participating in the Competition. This rule applies to schools entering more than one team.

Violators of this Rule shall be assessed a penalty by the District Coordinator, Regional Coordinator, or Executive Committee based on the severity of the violation, frequency of occurrence, and the

impact of the violation on any trial. The decision maker may assess a penalty of as few as two (2) points for a solitary, minor, and inconsequential violation, up to ten (10) points for a serious or consequential violation. In the case of more serious violations, more consequential violations and/or repeated violations by a team within the same competition year, the decision maker may disqualify a team from a round of competition or expel a team from the tournament.

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.

Rule 6.4 Electronic Equipment - Video Recording/Photography - Stenography

- (a) Unless previously approved by the coordinator, no laptop computers, tablet computers such as iPads, eReaders such as Kindle or Nook devices, or other electronic equipment may be used by teams during the competition, except as provided below.
- (b) No video recording of any trial or portion of a trial shall be permitted unless both teams consent.
- (c) Either or both teams may video record a trial or a portion of a trial. Such teams must, first, advise the mock trial coordinator and seek her/his permission. The Coordinator will liaise with the presiding judge and courthouse staff to confirm that recording is permitted. ~~The Co if previously cleared with the judge through the mock trial coordinator.~~ If the Coordinator gives preliminary permission for a recording to occur, the team shall seek the consent of the opposing team and the presiding judge. ~~However,~~
- (d) If logistics limit video recording to only one team, or if only one team elects to record the trial, then the recording team must provide a copy of the recording to the opposing team. Where necessary, the opposing team must provide a blank videotape cassette, DVD or other electronic storage media of the kind in which the recording was made for copying purposes. Recordings and copies are to be shared only with the teams featured in the specific recording.
- (e) No team may make available a recording of any trial or any portion of any trial 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 state championship round of this

- competition. Teams are advised that participation in this competition does not waive any individual rights, including any right to be free from such publication as may exist under federal, state or local law, and teams are reminded that many participants are minors who may not be permitted to consent legally to such publication.
- (f) The same rules that apply to video recording shall apply to stenographic recording. Should a team or coordinator wish to record a trial by stenographic means, the foregoing notice, consent, and production procedures and limitations should be followed.
 - (g) Under no circumstances may teams challenge any trial occurrences or time penalty assessments through videotape replays or reference to the stenographic record of the trial.
 - (h) 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.

Rule 6.5 Case Presentation

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

Rule 6.6 Trial Roster Form

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

This is a rule of courtesy. Should a team fail to complete a roster in a timely fashion ahead of the round, its opponent should work to obtain one, preferably directly from an opponent. If no roster is provided in advance, the team should complete one immediately before trial, and the coordinator should remind it of the obligations of this rule. Penalties for failure to produce rosters in advance should only be levied in the most unusual of circumstances, i.e. against multiple time repeat violators or teams that otherwise appear to have acted deliberately to violate this rule.

Rule 6.7 Student Roles

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

Rule 6.8 Jury Trial

The case will be tried to a jury; arguments are to be made to the jury. Teams may address the scoring judges as the jury. In cases where the presiding judge is also a scoring judge, arguments may be made to both judge and jury.

The trial proceedings are governed by the Rules of Evidence (Pennsylvania Mock Trial Version). Other more complex rules may not be raised in the trial.

Rule 6.9 Courtroom Seating

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

Additional team members, teacher coaches, attorney advisors and observers must remain outside the bar in the spectator section of the courtroom. No team shall rearrange the courtroom without permission.

Rule 6.10 Attorney Duties

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

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

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

- (b) Opening Statements must be given by both sides at the beginning of the trial. The prosecution/plaintiff gives the opening statement first. The defense/ defendant gives the closing argument first. There is no rebuttal.
- (c) The attorney presenting the opening statement may not make the closing argument.

- (d) Each attorney on a team must conduct at least one direct examination or one cross examination of a witness.
- (e) An attorney may not conduct all three direct examinations or all three cross examinations but is permitted to conduct two direct or two cross examinations so long as the other requirements of this rule are met .
- (f) The attorney conducting the direct examination of a witness must conduct the re-direct examination of a witness and the attorney conducting the cross examination must conduct the re-cross examination of that witness.

Rule 6.11 Swearing of Witnesses

In the interest of time, witnesses will be sworn in as a group before the trial begins. The following oath may be used:

“Do you promise that the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the Mock Trial Competition.”

Rule 6.12 Stipulations

Stipulations shall be considered part of the record and already admitted into evidence. Witnesses are presumed to have knowledge of stipulated facts and may be examined regarding these facts so long as it can be reasonably inferred that the witness would have knowledge of the fact or facts in question. Stipulations may be read into the record at any time after openings and before closings as part of each team’s case. The time it takes to read a stipulation will be assessed against a team’s allotted time.

Rule 6.13 Use of Notes

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

Rule 6.14 Costuming and Props

Absolutely no costumes or props are permitted. 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.

Rule 6.15 Outside Materials

If during a trial a student uses materials or items not included in the case materials or either cites or makes reference to any case or statute not included in the case materials, the opposing team should object and ask for a sidebar conference. The jurors (scoring judges) will be informed of the violation by the mock trial coordinator and may consider such action in awarding points.

Rule 6.16 Standing During Trial

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

Rule 6.17 Objections

Only the attorneys participating in a phase of a trial may object or respond to objections during that phase of the trial. Accordingly:

- The attorney conducting the direct examination of a witness is solely responsible for answering objections concerning that witness during direct examination and making objections during cross examination.
- The attorney conducting the cross examination of a witness is solely responsible for answering objections concerning that witness during cross examination and making objections during direct examination.
- The attorney giving an opening statement is responsible for responding to any objections to the opening statement and for objecting to anything in the opponent's opening statement (consistent with Rule 6.19)
- The attorney giving a closing argument is responsible for responding to any objections to the closing argument and for objecting to anything in the opponent's closing argument (consistent with Rule 6.19)

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.

All evidentiary objections shall be deemed to occur at sidebar. However, all objections will actually take place in the presence of the jury and the spectators, so that the scoring judges may observe the argument clearly and so that teams and audience can obtain the broadest possible educational benefit.

Rule 6.18 Scope of Closing Arguments

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

Rule 6.19 Objections During Opening Statements and Closing Arguments

NO objections may be raised **during** opening statements or closing arguments. Violation of this rule will result in a mandatory one point penalty per violation.

If a team believes an objection would have been proper during the opposing team’s opening statement or closing argument, the attorney, following the opening statement or closing argument, may stand to be recognized by the judge and may say, “If I had been permitted to object during the opening statement or closing argument, I would have objected to the opposing team’s statement that _____.” The attorney may cite this rule in making this objection. The objection should be made after the conclusion of the statement against which the objection is being raised.

The presiding judge should note the objection but not rule upon it. Presiding and scoring judges will weigh the proposed objection individually. The opposing team will be allowed a short rebuttal. Please remember this objection procedure should be utilized sparingly and only when there is a valid reason to do so.

Rule 6.20 Motions Prohibited

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

Rule 6.21 Bench Conferences

Bench conferences (sidebars) may be granted at the discretion of the presiding judge, but, absent exceptional circumstances, should be conducted in open court from counsel table in order for the evaluating judges to score the students on their arguments.

Rule 6.22 Trial Communication

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

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

Rule 6.23 Trial Sequence and Time Limits

Each team shall be limited to the following time frames:

Opening Statements	-	5 Minutes Maximum (per side)
Evidence Presentation	-	30 Minutes Maximum (per side)

Each team has a thirty (30) minute block of time to complete all of its evidentiary presentations, including reading any stipulations to the jury and its direct, re-direct, cross, and re-cross examinations. How this time is allotted is left to the discretion of each team.

Closing arguments	-	5 Minutes Maximum (per side)
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Time remaining in one part of the trial may not be transferred to another part of the trial.

Each team is permitted to have a student attorney ask the official timekeeper how much time remains at the midpoint of the trial (i.e., immediately after the conclusion of the plaintiff/prosecution's testimony and before defense witnesses are called) and before the last witness is seated. No other "time checks" are permitted, although student timekeepers may consult with the official timekeeper between witnesses to ensure that the time they show their teams is accurate.

In order to accommodate a linguistic issue (e.g. a witness who is deaf and requires sign language interpretation), time limits may be modified by the District or Regional Coordinator. When modification is made to a witness's time to testify, both teams should be permitted an equal extension (e.g. both teams receive an additional four minutes of case-in-chief time). When modification is made to attorney presentation time, the District or Regional Coordinator shall consider whether a corresponding extension for the other side's time is reasonable. Coordinators are encouraged to consult with the Executive Committee regarding any accommodation requests, to ensure that uniform accommodation strategies are pursued statewide.

Rule 6.24 Time Limits and Witness Filibustering or Stalling/ Penalty

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

The best method for an attorney to avoid filibustering by a witness on cross examination is for the attorney to ask a question that calls for a "yes" or "no" answer. Many presiding judges, however, permit a witness to explain a "yes" or "no" answer. While we recognize that a witness may explain his or her answer, explanations should be kept brief. Any lengthy explanations should be given on re-direct examination and counted against the time of the witness's own team.

Should filibustering or stalling occur during a trial, the examining attorney may bring it to the attention of the presiding judge and request that the judge either direct the bailiff/timekeeper to stop the clock or direct that the witness give his or her explanation on re-direct examination.

Should an official bailiff/timekeeper or the attorney permitted to object to testimony by Rule 6.17 believe that filibustering is occurring, s/he may bring the possible filibustering to the attention of the presiding judge. If the presiding judge finds that filibustering has occurred, s/he may order that the clock be stopped or that additional time added to the examining team’s allocated time. Regardless of whether an objection is raised, and regardless of the ruling on such an objection if it is raised, scoring judges may consider whether a witness was filibustering in determining that witness’ score.

Rule 6.25 Time Violations - Grace Period

Time violations will result in penalty point deductions from a team’s score, imposed as follows: there is no penalty for any time up to 15 seconds over the maximum time permitted for any timed trial phase. Penalty points will be imposed according to the following schedule:

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

Any penalties imposed as a result of a timing violation shall be applied to each ballot being submitted in a round. For example, if the round is being judged by five scoring jurors and one team takes 5:18 for its opening statement, two points shall be deducted from the score on each of the five scoresheets being submitted. Such deduction shall be made by the mock trial coordinator following submission of the scoresheets and the record of official time, not by the scoring jurors themselves. Such deduction shall be made from the total score that the team received in that round on each ballot, not on the score of the individual who exceeded the permissible time, and it shall be labeled as a time deduction.

Rule 6.26 Clock Management

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

- During Objections - The clock will stop as soon as a student attorney raises an objection and will remain stopped until the judge has ruled upon the objection. Time will resume when the examination resumes.
- Exhibits - During the marking of exhibits, while an exhibit is being shown to the judge or opposing counsel or being published to the jury, unless the attorney is asking a question while doing any of these.
- During sidebars
- Whenever the judge is talking

- During administration of the witness oath
- During the time any witness spends answering any questions asked by the judge
- 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
- In accordance with Rule 6.24

(b) The clock will continue to run:

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

Rule 6.27 Time Cards

As a courtesy to the teams, during the 30 minute block of time allotted for evidence presentation, the mock trial timekeeper will use time cards to notify the when they have 15 minutes, 10 minutes, 5 minutes, 1 minute and No Time left. One minute and No Time left cards will be used during openings and closings. Teams are nevertheless responsible for keeping track of their own time. Failure by the timekeeper to show a sign(s) is not appealable.

Rule 6.28 Timekeepers

At the direction of the mock trial coordinator, official time may be kept either by a bailiff or other official timekeeper or by student timekeepers. Neither method is preferred, and mock trial coordinators shall be free to use whichever best suits the interests of the competition.

Rule 6.28.1 Official Timekeepers

If an official timekeeper has been appointed by the mock trial coordinator, the time recorded by the mock trial timekeeper will be the official time and may not be disputed. The official timekeeper is encouraged to confer with student timekeepers but is not required to do so.

Rule 6.28.2 Student Timekeepers Generally

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

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 may be created during the trial.

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.

For the State Championships, each team is required to designate a student timekeeper from its roster for each round.

Rule 6.28.3 Student Timekeepers Keeping Official Time

At the mock trial coordinator's direction, a round may proceed without an official timekeeper. In such cases, time will be kept by the student timekeeper or timekeepers. Such student 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.

In a round that the mock trial coordinator has decided will proceed without an official timekeeper, but where only one team has a student timekeeper, that student timekeeper's time shall be the official time.

In a round that the mock trial coordinator has decided will proceed without an official timekeeper, and where each team has a timekeeper, 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.

Rule 6.29 Best Witness and Best Advocate Awards

While the jurors are deliberating and after the presiding judge has made his/her comments, each team will award to the opposing team a Best Witness and Best Advocate award. This decision is to be made solely by the students without input from the teacher coach or attorney advisor and should be made in a sportsmanlike manner.

Rule 6.30 Forfeits

Should a team appear for competition without six eligible members, absent an extenuating circumstance, that team will be given a loss on all ballots (a forfeit), and a win on all ballots should be assigned to the team against which the forfeiting team would have competed. To the extent necessary to power match the teams for subsequent rounds, the forfeiting team will be assigned a score equal to the lowest scoring team in that round, and the team winning by forfeit will be assigned a score equal to the average score achieved by a winning team in that round.

If there is an extenuating reason for the forfeit, such as unexpected illness or a death in the competing student's family, the Coordinator may attempt to reschedule the match or may permit the match to proceed. If the match proceeds, the team that would have forfeited may substitute an ineligible student or students (either a member of the team who is already competing in that round or another member of the student body) to take the place of the absent member, and the trial shall proceed normally. The substitute member or members shall be assigned a score of "1" for all roles in which s/he competes. Accordingly, if a substitute/ineligible student replaces a student who was to perform a direct and cross examination, s/he will receive scores of "1" for each of the two elements of the direct examination that the absent team member would have performed and a score of "1" for each of the two elements of the cross examination that the absent team member would have performed.

Although efforts are made to accommodate other academic and extracurricular commitments, competing teams are expected to prioritize mock trial competition dates, and individual student conflicts, athletic conflicts or purely social occasions, even if school-sponsored, will rarely if ever be deemed a sufficient extenuating circumstance.

JUDGING

Rule 7.1 Finality of Decisions

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

Rule 7.2 Trial Judge's Verdict

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

Rule 7.3 Juror's Verdict

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

Rule 7.4 Announcing a Winner

It is within the discretion of the mock trial coordinator to decide whether to announce the winner of a particular trial at the conclusion of the trial. If the decision of the jurors is announced at the conclusion of trial, it is presumed that this decision is **UNOFFICIAL**, whether it is announced as such or not. The mock trial coordinator will promptly double check the arithmetic of the jurors and make any necessary math corrections and will make every effort to notify the teams of the **OFFICIAL** result of the trial within two business days of the trial conclusion. Teams have two business days from receipt of the scoresheets to notify the coordinator of any scoresheet errors affecting the outcome of the trial.

Rule 7.5 Juror and Trial Judge Contact Prohibited

Teacher coaches, attorney advisors, students, parents and any other person associated with a mock trial team are absolutely prohibited from contacting jurors or presiding judges to question any scores or decision(s) relating to the trial or its scoring. 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, contacting judges regarding perceived bias or conflicts, or any other issues of these kinds.

Any and all ~~such~~ questions or concerns regarding the conduct of the trial or its scoring should be directed to the mock trial coordinator. Such questions or concerns are properly raised ~~and~~ only ~~then~~ by the teacher advisor, the attorney advisor, or their designee. This rule will be strictly enforced and interpreted broadly.

Penalty points up to team disqualification may be assessed by the mock trial coordinator for a violation of this rule.

Rule 7.6 Jurors - Panel Makeup

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

Rule 7.7 Jurors and Judges - Conflicts and Disqualification

This program requires extensive volunteer support and it is assumed all participants will make every effort to identify potential conflicts. In recognition of the exceptional challenges that District and Regional Coordinators may face in recruiting and scheduling judges, except in truly exceptional circumstances, the discretion for determining whether a judicial conflict exists is vested in the relevant Coordinator.

A juror must be disqualified from scoring a trial where the juror has a conflict with either team involved in the trial. Examples of a mandatory disqualifying conflict include where the juror is a coach of one of the teams or is a close relative of a competing student or one of the team's coaches.

A juror will ordinarily be excused where a juror or his or her family members attended one of the schools competing, a juror has a personal friendship with a team advisor or parent, or a juror who previously scored a trial involving one of the teams competing (for the year in question). However, in the case of such conflicts, it is within the coordinator's discretion to determine whether such a conflict exists. The Coordinator may, but is not required to, rely in this decision on the good faith belief of the juror as to whether that juror can fairly judge the round. Coordinators should avoid having the same juror judge a team twice wherever possible, and they are strongly discouraged from allowing the same juror to judge the same side of a team's case.

A juror may be disqualified if s/he is a Coordinator in any district and/or region, but a Coordinator may serve as a juror if all other consideration for conflicts and disqualification have been adequately considered by the coordinator assigning the juror prior to seating the juror.

A situation where the juror recognizes a team advisor or student/parent through professional acquaintance or through participation in mock trials in years previous will not ordinarily be a conflict, unless there is a closer relationship of the kind that would prevent the juror from fairly scoring a round. Mere recognition of a team or its members is not a basis for disqualification absent some direct more significant conflict.

A juror who becomes aware of a conflict prior to or during a trial should be excused from the panel as soon as possible. If the juror was not aware of the conflict until after he or she has completed the scoresheet, it is left to the discretion of the coordinator whether to disqualify the juror.

The foregoing rules regarding juror conflicts apply equally to the conflicts of a presiding judge, except that a Coordinator may exercise an even broader discretion in determining the conflict status of a presiding judge who is not also acting as a juror, in recognition of the non-determinative role of judges who only preside and/or the considerable experience that many judicial officers and long-time mock trial supporters have in determining their own conflicts.

Rule 7.8 Jurors - Disqualification of a Scoresheet

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 coordinator should consult with the coaches in exercising his or her discretion.

Rule 7.9 Jurors - Blank or Illegible Scoresheet Entries

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. Every reasonable effort should be made to reach a scoring judge to have

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.

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

If the scoresheet is discarded, for power matching purposes, the teams shall be assigned a number of points equal to the average points they received on each valid ballot, rounded up.

Rule 7.10 - Ties Due to Scoresheet Correction or Disqualification

Any ties (whether occasioned by an arithmetic error that cannot be resolved as above or some other procedural problem, such as disqualification of a judge or ballot) 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.

GENERAL CONTEST FORMAT ²

Rule 8.1 District Competition

- (a) Each team will participate in at least two trials against other teams within the same district, or within the same region if no district divisions exist. Some local competitions may provide for additional rounds.
- (b) Pairings for the district competition will be made by the district coordinator or by the regional coordinator in regions without district divisions.
- (c) Every team will switch sides in the case for the second round of competition, unless unavoidable.
- (d) Individual counties may sponsor a countywide competition. The winners of individual county competitions will also be eligible for the district champion title. When necessary, a district playoff will be scheduled between county champions to determine the district champion team.
- (e) The district champion teams in each region compete to determine the regional champion.
- (f) No team may be eliminated from district competition if it has not lost either of its first two trials.
- (g) The winner of any regular county or district trial will be determined by majority vote of the jury panel.
 - i. In determining majority vote of the panel, each juror (scoring judge) is assigned one vote based upon the numeric total of his/her scoresheet, minus any deductions for penalties.
 - ii. If an individual juror's scoresheet ends in a tie (including after the deduction of penalty points, if any), the winner of that scoresheet will be chosen based upon the team indicated by the juror in the Tiebreaker Box. If the juror's scoresheet is tied and the juror fails to indicate a winner in the Tiebreaker Box, and the error is not immediately discovered, the scoresheet will be considered a tie. Where there exists an inconsistency between the numeric score and the team chosen in the tiebreaker category, numeric score prevails concerning the winner of that scoresheet.
 - iii. If the jury panel's vote is tied (e.g. 3-3 or 2-2-1), the tiebreakers for determining the trial winner are: (1) most points in the trial; (2) most points in the "Overall Performance"

² District and regional coordinators are authorized to use alternative formats at the respective level, provided that: (1) the Mock Trial Executive Committee has approved the format and (2) all teachers in the subject area are advised of the modifications. See Rule 1.2.8.

category; (3) most combined points in the Closing Arguments and Opening Statements categories; and (4) random draw.

- (h) District Playoffs - The format for determining the winner, amongst the ~~undefeated~~ teams advancing to the playoffs, provided that all teams undefeated in their first two trials make the playoffs, in a district, is left to the discretion of the district coordinator. Nothing in these Rules prohibits a district coordinator from including one or more 1-1 teams in a district playoff if there are not enough undefeated teams to compete or if an additional team or teams is required to ensure in an even number of competing teams or otherwise meet the needs of competition.
- (i) Rematches - It is possible that teams that met earlier in a District Competition will meet again in a District Playoff. If that occurs:
 - i. The teams shall compete on the opposite sides as their earlier match, i.e. if Team A was the plaintiff in the first competition round, it will automatically be the defendant in the District Playoff.
 - ii. The result of the District Playoff round will determine advancement as though the teams were meeting for the first time, regardless of any earlier results.

Rule 8.2 Regional Competition

- (a) Generally - The regional competition will consist of a regional final, and, in some cases, regional semifinals. Regional semifinals will be held in regions with three or more districts but are optional in regions with two or less districts. In regions with three districts, the three district winners and the second place team from the district with the greatest number of participating teams should compete in the semifinals. The method of determining matchups for regional semifinals is to be made by the regional coordinator. This method should be communicated to the teams prior to the start of regional competition.
- (b) Regional Semifinals - The two winning teams in each semifinal advance to the final. The winners of each semifinal trial will be determined by majority vote of the jury panel, as set forth in Rule 8.1(g) above. Note: the "average score" method previously allowed to determine regional finalists will no longer be permitted.
- (c) Regional Final - The winner of the regional final will be determined by majority vote of the jury panel, as set forth in Rule 8.1(g) above.
- (d) All Regional champions will advance to the State Competition.
- (e) Rematches - It is possible that teams that met earlier in the competition will meet again in a Regional Competition. If that occurs:

- i. The teams shall compete on the opposite sides as their earlier match, i.e. if Team A was the plaintiff in the first competition round, it will automatically be the defendant in the Regional Playoff.
- ii. The result of the Regional Playoff round will determine advancement as though the teams were meeting for the first time, regardless of whether the winning Regional Playoff team lost the earlier round, and regardless of any earlier results.

Rule 8.3 State Finals Competition

Rule 8.3.1 Administrative Matters

(a) Team and Student Eligibility

Fourteen teams qualify for the state tournament, consisting of the champion of each region and one at-large qualifier (the next highest ranking team in the region capable of attending the state tournament) from each of the regions with the greatest school participation, in such number as is necessary to fill out the field. For example, if there are ten regions, then each of the four largest regions will send both a champion and an at-large qualifier.

School participation will be determined by the number of teams registered on the competition start date. In the event two or more regions have the same number of participating teams, and only one team can be chosen, the region chosen to advance a second team will be randomly selected.

No substitutions from the team's roster at District and/or Regional competition will be permitted except for compelling reasons and with the permission of the mock trial chair.

(b) General Format

All fourteen teams will participate in two rounds of trials on Friday, once as prosecution/plaintiff and once as defense/defendant. The top four teams will advance to the semifinals held Saturday morning, subject to Rule 8.3.2(f). Two semifinal winners will advance to the state final held immediately following the semifinals.

(c) Team Size and Hotel Accommodations.

Only six students may compete (and one student timekeeper) in each trial round of the state competition, the three students acting as attorneys and three students portraying witnesses. However, there is no maximum number of eligible students that a team may bring to compete in the state competition. Thus, a team may register for competition with twelve students (six for when it is plaintiff/prosecution and six for when it is defense), or even more, if it wished to substitute students between rounds 1 and 3, for example.

Regardless of team size, the PBA/YLD will provide a total of four hotel rooms per team (eight students and one teacher coach) for Friday night accommodations, and will provide eight (8) trophies, medallions, or other commemorative items. Each team must provide its own transportation to Harrisburg.

(d) Team Unavailability

The Executive Committee maintains discretion to find a replacement team if a team eligible for the state tournament withdraws. The replacement team will be eligible to advance to the semifinals and final. If no replacement is made, the team against whom the withdrawing team was matched in Round 1, will receive a bye. For Round 2, the team with the lowest ranking in Round 1 will receive a bye. For scoring purposes, any team receiving a bye will have its score doubled.

(e) Scoring for the Finals Tournament

(1) Trial Winners

The winner of any individual trial in any round of the competition will be determined by the majority vote of the jury (scoring judge) panel.

If for some reason a jury panel vote is tied, the tiebreakers for determining the trial winner are: (1) most points in the trial; (2) most points in the Overall Performance category; (3) most combined points in the Opening Statements and Closing Arguments categories; and (4) random draw.

(2) Individual juror votes

Each juror (scoring judge) for all rounds of trials will be assigned one vote based upon the numeric total of his/her scoresheet, minus any deductions for penalties.

(3) Prohibition against scoresheet ties / tiebreaker category

In no case, may an individual scoresheet be counted as a tie. If the juror's scoresheet ends in a numeric tie after deduction of all penalty points, if any, the winner of that scoresheet will be the team chosen by the juror in the tiebreaker category. All jurors must select a team in the tiebreaker category regardless of that juror's score. Where there exists an inconsistency between the numeric score and the team chosen in the tiebreaker category, numeric score prevails concerning the winner of that scoresheet.

(f) Video recording and Stenography by Teams at the State Tournament

Video recording and stenography is permitted for Rounds 1 and 2 and the Semifinals, subject to the approval of the state Mock Trial Chair (or one of the Mock Trial Co-Chairs) and the agreement of the opposing team. Any video or stenographic recording taken or made in Rounds 1 and 2 must be handed over to Mock Trial Personnel until the conclusion of the Semifinal Rounds.

Rule 6.4(g) shall apply to any video or stenographic record of these rounds.

(g) Official Video and Stenographic Recording

On some occasions, rounds of the state competition may be recorded by a videographer or stenographer arranged by the Executive Committee. All teams participating in the state competition consent to such a record being created.

(h) Rematches -

It is possible that teams that met earlier in the competition will meet again in a State Championship round of competition. If that occurs:

- (1) The teams shall compete on the opposite sides as their earlier match, i.e. if Team A was the plaintiff in the first competition round, it will automatically be the defendant in the State Championship round of competition. If they have met twice before in competition, side choice will be random.
- (2) The result of the State Championships round will determine advancement as though the teams were meeting for the first time, regardless of any earlier results.

Rule 8.3.2 Rounds 1 and 2

(a) Rounds 1 and 2 Scoring

All Round 1 and 2 trials will be scored by jury panels consisting of the same number of jurors. Each juror will be assigned one vote based upon the result from his/her scoresheet. Should a panel be short of jurors, the presiding judge may be asked to score.

(b) Round 1 Pairings

Pairings for Round 1 will be randomly selected with the provision that teams from the same region will not be paired in Round 1. Determination of which side will be prosecution/plaintiff or defense/defendant will be randomly selected. Teams will be informed of their side of the case prior to the trial and must exchange witness information with the opposing team as directed by the mock trial coordinator.

(c) Round 1 Results

At the conclusion of Round 1, the teams will be ranked from 1 to 14 based upon the following criteria:

- (1) Won-Loss Record
- (2) Total Juror Scoresheets won
- (3) Total Score (Points)

- (4) Total Score (Points) -- Overall Performance Category
- (5) Total score (Points) -- Openings and Closings categories

Results from Round 1 will not be announced.

(d) Round 2 Pairings

Every team will switch sides of the case for Round 2. Teams paired in Round 1 will not be paired in Round 2, unless unavoidable. Pairings will be made based upon a modified power ranking system wherein, to the extent possible, Round 1 winning teams will be paired against other winning teams, and losing teams against losing teams. Under all scenarios, it is possible for a team losing either Round 1 or Round 2 to advance to the semifinals.

After all teams are ranked, the Round 2 pairings will be determined as follows:

The competition will be split into two draws, one composed principally of teams which won in the first round (the "upper" draw) and the other composed principally of teams which lost in the first round (the "lower" draw).

The size of the "upper" draw will be defined by the number of teams that won in Round 1 on the side of the case (prosecution/plaintiff or defense) on which more teams won. For example, if four defense teams and three prosecution teams won in Round 1, the "upper" draw will have four teams on it on each side and the "lower" draw will have three teams on it on each side.

Additional teams necessary to complete the "upper" draw will be drawn from the side with fewer winning teams in the first round. The highest ranked of these teams will be pulled up into the upper draw, until an even number of teams are drawn to compete on each side. Thus, by way of illustration:

- If four defense teams won in Round 1 (and thus three prosecution teams did), the highest ranked prosecution team that lost the first round will compete in the upper draw in Round 2.
- If five defense teams win in Round 1 (and thus only two prosecution teams did), the highest ranked three prosecution teams that lost would be pulled up to compete in the upper draw.
- If six defense teams win in Round 1, the lowest ranked prosecution team and the only losing defense team will be the only teams in the lower draw.
- If all seven defense teams win in Round 1, there is no lower draw.

After the draws are complete, the highest ranked team in the upper draw is paired against the lowest ranked of the teams in the upper draw which was on

the opposite side of the case in Round 1. If these teams previously met in the first round, the top ranked team in the upper draw is paired against the next lowest ranked eligible opponent in the upper draw.

The second highest ranked team in the upper draw is then paired against the next remaining lowest ranked eligible team, and so on, until all ~~eight~~ teams in the upper draw are paired.

The process is then repeated for the lower draw.

(e) Round 2 Results

At the conclusion of Round 2, the teams will again be ranked from 1 to 14 based upon the same criteria set forth above (won-loss record, scoresheets won, total score, total score -Overall Performance category, total score - openings and closings). The top four teams will advance to the semifinals, subject to Rule 8.3.2(f). The advancing teams will be announced Friday night at the reception.

(f) Special Case of More Than 4 2-0 Teams

If after Round 2 there are more than four teams with 2-0 records, the Semifinals will consist of six teams, rather than four. In such a case, the same rules and procedures will apply as would have governed a four team semifinals.

NOTE: In a competition of three rounds and more than eight teams, it is impossible to guarantee that no undefeated team will be eliminated. As the number of teams in the field increases, so does this risk. The expanded semifinal ensures that the elimination of an undefeated team is as late as possible in the competition, giving the greatest possible opportunity to avoid this outcome. However, as at the national championships, it is arithmetically possible (and, given enough time, likely) that an undefeated, 3-0 team will be eliminated and will not be afforded an opportunity to compete for the state title.

Rule 8.3.3 Semifinals and Final

(a) Semifinals Pairings

The highest ranked team will be matched against the lowest ranked team, the second ranked team will be matched against the next lowest ranked team and, if necessary, the third and next lowest ranked teams will be matched.

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

(b) Semifinals Scoring

All semifinal trials will be scored by jury panels consisting of no fewer than five jurors, unless illness or disqualifying conflicts among the available jurors prevents that number from being seated. There is no requirement that the semifinals panels be the same size, so long as they meet the other requirements of these Rules.

An odd number of jurors will be empaneled in all possible cases, but if a juror's scoresheet is disqualified or the jury panel's vote is otherwise tied, the tiebreakers are as followed: (1) most points in the trial; (2) most points in the Overall Performance category; (3) most combined points in the Opening Statements and Closing Arguments categories; (4) higher ranking after Rounds 1 and 2.

Note: The necessity for a six-team semifinal pursuant to Rule 8.3.2(f) may not be determinable until after Round 2 concludes. Accordingly, upon the vote of the Mock Trial Executive Committee, the usual rules of juror conflict may be relaxed to permit seating a panel of five qualified scoring jurors for a six-team semifinal or fewer than five scoring jurors may be seated. Coordinators may use the presiding judge as a scoring judge in whenever it is determined in the Coordinator's discretion that it is needed.

(c) Semifinals Results

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

(d) Final Pairing

Determination of which side of the case each team will be assigned for the Final will be randomly selected where both teams had been assigned the same role in its respective semifinal. If the two finalists had been previously paired in either Round 1 or 2, they will switch sides of the case for the Final. If the teams had been assigned opposite roles in their semifinals, they will switch sides for the final, except if they had been previously paired in which case they will switch sides from the previous pairing.

(e) Final Scoring

The Final will be scored by a jury panel consisting of no fewer than seven jurors, unless illness or disqualifying conflict among the available jurors prevents that number from being seated. An odd number of jurors will be empaneled in all possible cases, but if a juror's scoresheet is disqualified or the jury panel's vote is otherwise tied, the tiebreakers are as follows: (1) most points in the trial; (2) most points in the ~~Team Evaluation~~ Overall Performance category; (3) most combined points in the Closing Argument and Opening Statement categories, and (4) higher ranking after Rounds 1 and 2.

(f) Final Results

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

PENALTY IMPOSITION and DISPUTE RESOLUTION

Rule 9.1 Penalties

Mock trial coordinators have complete discretion to assess penalty point deductions for any violation of the Rules of Competition where the Rules permit such deductions (see e.g. Rules 6.22 (improper trial communication), 6.24 (filibustering) and 6.28 (improper student timekeeper communication)). Where no specific penalty is provided for the Rule violated, the coordinator may impose up to an eight (8) point penalty per violation.

The penalty for violations of Rule 6.3, prohibiting scouting, shall be assessed as described in that Rule.

In the case of time violation penalties, the mock trial coordinator must impose the penalty points as set forth in Rule 6.25. All penalty point deductions, including time penalties, will be imposed by deducting the penalty from each individual scoresheet.

Rule 9.2 Dispute Resolution

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

9.2.1 Inside the Bar Disputes

(a) Described

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

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

(b) Raising an Inside the Bar Issue, Waiver

If a team believes that a substantial rule violation has occurred inside the bar, one of the participating student attorneys must, immediately upon the conclusion of trial, inform the presiding judge that he or she intends to file a dispute on the appropriate form. After the trial has concluded, the student attorneys may consult with their teacher coach(es) and/or attorney advisor(s) regarding whether to raise such a dispute, but only student attorneys may raise an inside the bar issue. Disputes of this type that are discovered, or should have been discovered during the trial, are waived

if not raised immediately upon the conclusion of trial.

(c) Dispute Resolution Procedure

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

The presiding judge will review the dispute form and determine whether the issue raised warrants a hearing or should be decided without a hearing. The presiding judge may consult with the mock trial coordinator in resolving the issue. If the dispute is decided without a hearing, the judge will record the reason(s) on the dispute form and announce the decision to the teams.

If the judge decides that the grounds for the dispute merit a hearing, the judge will conduct a short hearing in the courtroom. In the case of a dispute at the state competition, the judge shall be joined by two members of the Executive Committee. The dispute form will be shown to opposing counsel for a written response. After the team has recorded its response and given it to the judge, the judge will ask each team to designate a spokesperson. After the spokespersons have had time (not to exceed 3 minutes) to prepare arguments, the judge (and committee members in the state finals) will hear argument, providing each team's spokesperson three minutes for a presentation. The spokesperson may be questioned by the judge (or committee members). After the hearing, the presiding judge (and committee members) will adjourn and promptly consider the dispute. The judge's ruling will be recorded in writing on the dispute form.

(d) Effect of Violation

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

(e) Finality of Decision

The decision by the presiding judge, or the panel in the case of the state competition, may be appealed following the procedures below in Rule 9.2.3(d).

Rule 9.2.2 Outside the Bar Disputes

(a) Described

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

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

(b) Raising an Outside the Bar Issue, Waiver

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

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

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

(c) Dispute Resolution Procedure

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

(d) Effect of Violation

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

(e) Finality of Decision

The decision by the mock trial coordinator may be appealed following the procedures below in Rule 9.2.3(d). In the case of a decision in the state competition, the decision of the Executive Committee is final and not subject to further review.

Rule 9.2.3 Post Trial Disputes and Non-Trial Disputes

(a) Described

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

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

(b) Raising a Post Trial Issue, Waiver

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

(c) Dispute Resolution Procedure

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

(d) Appeal of Mock Trial Coordinator's Decision

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

Any team wishing to challenge the regional coordinator's decision shall have the option of contacting the mock trial Executive Committee and requesting a telephone conference to argue its case. The responding team will be invited to state its position

as well. The Executive Committee shall, in its sole discretion, determine whether a telephone conference is necessary to resolve the dispute or whether it can be decided on the basis of the teams' written submissions.

If no information other than that available to the district or regional coordinator is provided, discovered, or otherwise available to the Executive Committee, the Executive Committee will determine if the district or regional coordinator abused his or her discretion.

If additional information that was not available to the district or regional coordinator is provided, discovered, or otherwise made available to the Executive Committee at the time of its decision, the Executive Committee may, in its sole discretion, review the determination of the district or regional coordinator de novo. It is the obligation of each team involved in a dispute to provide all information available to it or its members as soon as that information is available, and teams that do not raise information in the dispute resolution as soon as it is practically available to them may be deemed to have waived their right to raise such information subsequently.

The decision of the Executive Committee is final. Any request for a conference with the Executive Committee must be made no later than two working days following the regional coordinator's decision on the appeal.

(2) Regional Competition Trials - If a team feels that a regional mock trial coordinator has abused his/her discretion in ruling on a post trial /non-trial dispute, the teacher coach may file an appeal by requesting a telephone conference with the mock trial Executive Committee to argue its case. The appeal shall be in writing and specifically outline the position of the team. The responding team will be invited to state its position as well. The Executive Committee shall, in its sole discretion, determine whether a telephone conference is necessary to resolve the dispute or whether it can be decided on the basis of the teams' written submissions.

If no information other than that available to the regional coordinator is provided, discovered, or otherwise available to the Executive Committee, the Executive Committee will determine if the regional coordinator abused his or her discretion.

If additional information that was not available to the regional coordinator is provided, discovered, or otherwise made available to the Executive Committee at the time of its decision, the Executive Committee may, in its sole discretion, review the determination of the regional coordinator de novo. It is the obligation of each team involved in a dispute to provide all information available to it or its members as soon as that information is available, and teams that do not raise information in the dispute resolution as soon as it is practically available to them may be deemed to have waived their right to raise such information subsequently.

The decision of the Executive Committee is final. Any request for a conference with

the Executive Committee must be made no later than two working days following the regional coordinator's decision on the appeal.

(3) Requests for Information - During the process of determining any dispute or appeal from the decision regarding any dispute, additional information may be requested from teams and their members as follows.

The district coordinator may request additional information regarding the alleged violation from any team in the District or from any member of any team in the District, or, with the permission of the Executive Committee, from any team in the Competition or any member of any team in the Competition, through that team's teacher- or attorney-coach.

The regional coordinator may request additional information regarding the alleged violation from any team in the Region or from any member of any team in the Region, or, with the permission of the Executive Committee, from any team in the Competition or any member of any team in the Competition, through that team's teacher- or attorney-coach.

The Executive Committee may request additional information regarding the alleged violation from any team in the competition or from any member of any team in the competition, through that team's teacher- or attorney-coach.

Any team, coach, team member, or other participant from whom information is requested by a district coordinator, regional coordinator, or the Executive Committee shall provide such information as honestly, completely and promptly as practicable.

(e) Communication with the Executive Committee

Before filing a dispute, a team may communicate directly with the official Mock Trial Co-Chair(s) or her/his/their designee. Teams should not communicate directly with other members of the Executive Committee regarding ongoing or potential disputes.

INSIDE THE BAR DISPUTE FORM

Please consult Rule 9.2.1

PBA/YLD STATEWIDE HIGH SCHOOL MOCK TRIAL COMPETITION

To be completed by complaining student:

Team Name/Code of Protesting Team: _____ Date: _____

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

Presiding Judge: _____

Student Attorney Raising Protest: _____

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

REMEDY SOUGHT _____

To be completed by presiding judge:

Argument to be heard: Yes _____ No (Protest denied) _____

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

Presiding Judge’s decision for denial (without hearing) : _____

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

To be completed by responding student:

Team Name/Code of Responding Team: _____

Response to Protest _____

Once written responses are turned in, each team designates a spokesperson and has 3 minutes to prepare argument. Each team will then be given 3 minutes to argue/defend its position. The presiding judge (and members of the State Mock Trial Executive Committee, where applicable) may question the spokespersons.

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

To be completed by presiding judge:

Protesting Team's Argument: _____

Responding Team's Argument: _____

Judge's Ruling: _____

Scoring judges notified: Yes _____ No _____

Signature of Presiding Judge: _____

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

OUTSIDE THE BAR DISPUTE FORM

Please consult Rule 9.2.2

PBA/YLD STATEWIDE HIGH SCHOOL MOCK TRIAL COMPETITION

To be completed by complaining teacher/attorney:

Team Name/Code of Protesting Team: _____ Date: _____

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

Presiding Judge: _____

Teacher Coach / Attorney Advisor Raising Protest: _____

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

REMEDY SOUGHT _____

To be completed by mock trial coordinator: Parties Notified _____

To be completed by responding teacher/attorney:

Team Name/Code of Responding Team: _____

Response: _____

To be completed by mock trial coordinator:

Ruling: _____

Scoring judges notified: Yes _____ No _____

Signature of mock trial coordinator: _____

POST TRIAL / NON-TRIAL DISPUTE FORM

Please Consult Rule 9.2.3

PBA/YLD STATEWIDE HIGH SCHOOL MOCK TRIAL COMPETITION

To be completed by complaining teacher: Date: _____

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

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

Presiding Judge (if applicable): _____

Teacher Coach Raising Protest: _____

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

REMEDY SOUGHT _____

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

To be completed by mock trial coordinator:

Meritorious issue raised? Yes _____ No _____

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

Mock trial coordinator's reason for finding no merit: _____

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

To be completed by responding teacher (if applicable):

Teacher Coach Responding to Dispute: _____

Response to Complaint: _____

(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.