SUPPLEMENTAL RULES FOR VIRTUAL COMPETITIONS

I. USE AND FUNCTION OF SUPPLEMENTAL RULES

A. Virtual Competitions Generally

1. The John S. Bradway Competition may – as a whole or in any particular round, at the discretion of the Mock Trial Coordinator – be conducted virtually, i.e. using an internet connection without the competing teams being physically present in the same location.

2. The determination to hold the competition virtually may be made by the Pennsylvania Bar Association or by the Mock Trial Coordinator.

3. Except as provided herein, virtual competitions or virtual competition rounds shall be conducted in accordance with the Rules of Competition for the Philadelphia Region.

B. Supplemental Rules

1. These rules shall govern a virtual competition or virtual competition round.

2. These rules may be cited by a student during the competition or a coach outside the bar as “Supplemental Rule for Virtual Competition ____” or “Supplemental Rule ____.”

3. Where there is an ambiguity in the interpretation of a rule for a virtual competition and that ambiguity could be resolved by reference to the Pennsylvania state Rules of Competition, the statewide rules shall provide persuasive guidance.

4. These rules may be modified by the Mock Trial Coordinator, after consultation with the Rules Committee, in the best interests of the competition. If the modification affects only a single round of competition, the coaches of the competing teams shall be consulted before the modification is made final.

5. It is anticipated that modifications may be more common in the context of virtual competitions, and coaches are encouraged to remain flexible in order to ensure the best possible competitive experience for the students.
II. TECHNOLOGY FOR VIRTUAL COMPETITION

A. Platform

1. The platform for the Bradway Competition will be Zoom.
   a. If a school precludes the use of Zoom, and precludes the use of personal devices for extracurricular competition, that school’s coach should promptly contact the Mock Trial Coordinator.
   b. Coaches and team members shall cooperate in an effort to obtain a waiver or other accommodation from school officials. If no accommodation can be reached with school officials, coaches and team members shall cooperate in efforts to find an alternative platform.

2. The Zoom platform will be administered by the Mock Trial Coordinator or their designee. Teams will only be required to have free “user” accounts to participate.

B. Technological Setup

1. These rules permit a variety of approaches to setting up for a virtual trial, depending on the availability of stable internet connections, the epidemiological realities, and local legal or school restrictions. Teams with concerns about technical setup should contact the Mock Trial Coordinator.

2. Subject to these following rules, students may compete in one or more small groups, if permitted by school and local rules. Likewise, students may gather at schools to compete, if permitted by school and local rules. Alternatively, each student is permitted to compete from home or another location on their own personal or school-issued device.

3. A minimum of three internet-connected devices is required for the competition: one for a participating attorney, one for a participating witness, and one for the student timekeeper. These devices may be shared between students in different trial segments, if necessary.

4. Students are discouraged from using virtual backgrounds, which consume bandwidth. However, should a student need to use such a background, it should be plain white or plain black.

5. Teams may be asked to gather for rounds in an individual Zoom courtroom or may be gather in a single Zoom courtroom and be moved from there to a breakout room. The decision on how each round will be conducted in this respect will depend on the circumstances of that round.
C. Physical Setup

1. Teams shall ensure that no part of the furniture or decoration of the rooms in which students are competing reveal the name of the school competing or information about the school competing. Consistent with their rights of self-expression, students should also avoid having in view of the camera items that reveal characteristics inappropriate for judging, such as their location, their religion, their political affiliation or preferences, or other, personal matters that would not be known to a judge during an in-person competition.

2. Competing students may not configure their personal spaces in such a way as to enhance their performance in a manner that would violate Rule VIII.D (regarding costumes and props). For example, students competing as attorneys may not intentionally frame their Zoom image with law-related books, and students portraying witnesses cannot configure the personal space in a manner suggestive of the profession, personal history, or characteristics of the individual they are portraying.

D. Devices

1. In a virtual competition, students may use electronic devices. Rule XI.A.2.c is suspended for purposes of virtual competitions.

2. Students may use whatever devices are most readily available to them for purposes of competition. The permissible devices include desktop and laptop computers, tablets, and cellular phones.

3. Students are encouraged to use devices that have a video capacity. It is strongly preferred that students compete using a device capable of showing that student on video during the relevant periods of the competition. However, students who do not have access to a video-enabled device or for whom a stable, reliable internet connection is impossible – or students faced with a technical emergency, discussed below – may use a telephone to compete using only audio.

4. The devices used for purposes of a virtual competition round must be ordinary, commercially available, off-the-shelf laptops, tablets, and/or cellular phones. Students are permitted to use specialized web cameras or microphones provided that they, too, are ordinary, commercially available, and off-the-shelf. No team is permitted to utilize television cameras, studio equipment, or any form of video production hardware or software beyond the technical platform (Zoom, WebEx, etc.) on which the competition round is occurring, except as necessary to accommodate any student pursuant to Rule IV.F.
E. Naming Conventions

1. Participants in each trial shall change their Zoom name to conform to the following conventions for trial:
   a. For Attorneys: “[TEAM CODE] P/D Attorney Real Name” for Attorneys, i.e., “XYZ P Attorney Joanna Klein”
   b. For Witnesses: “[TEAM CODE] Witness Name/Real Name” for Witnesses, i.e., “XYZ Ash Williams/Paul Kaufman,”
   c. For Timekeeper: “[TEAM CODE] P/D Attorney Real Name,” i.e., “XYZ D Timekeeper Jennifer Santiago,” and
   d. For Observers and Coaches: “[TEAM CODE] Coach” or “[TEAM CODE] Observer.”

2. If devices are shared among students, each student taking the device shall rename the Zoom profile associated with that device to indicate its new user.

F. Video and Audio

1. Once the trial begins, only participants who are competing in a particular trial segment will have their camera turned on.

2. All team members who are not actively participating in that trial segment must have their cameras turned off, except for timekeepers turning on their cameras to display remaining time consistent with Rule XII.F.
   a. For purposes of this rule, the witness, direct-examining attorney and cross-examining attorney must have their cameras turned on for the entire witness examination.
   b. The attorney performing the opposite examination (e.g. the cross-examining attorney while the direct is occurring) shall be muted to prevent extraneous noise from creating issues in the video feed. That attorney may unmute to make an objection. Students are advised that pressing and holding the Space Bar will unmute them temporarily for purposes of making a near-immediate objection.

3. The attorney presenting an opening statement or closing argument shall have their camera off during the opposing attorney’s opening statement and closing argument. Attorneys who wish to lodge an objection following the statement may activate camera and turn on
audio after the statement concludes.

G. Observers

1. The number of observers permitted to attend each round live will depend on the circumstances of that round. In some trials, unlimited official observers may be possible. In others, teams should prepare to have as few as three official observers watching each competition round live.

2. Teams are permitted to livestream trials, but any livestream or live broadcast of trials must conform with the rules for recording trials and securing the recordings of trials in Part V, infra. If this security is not possible, teams may not livestream or live broadcast trials.

III. PERFORMANCE AND COMMUNICATION IN VIRTUAL COMPETITIONS

A. Attorney Performance

1. Attorneys will remain seated throughout a virtual competition, including during statements, examinations, and objections.

2. Attorneys may not respond that an objection is untimely if the delay was occasioned by the objecting attorney un-muting audio and the objecting attorney raised the objection in a reasonable time after the objected-to question was asked or objected-to statement was made by the witness.

B. Witness Performance

1. During a virtual competition, each witness should have a copy of their statement/affidavit available to them at the device at which the witness is sitting. Witnesses should place these documents face down at least an arm’s length from where they are sitting and may not retrieve or refer to them unless instructed to do so by counsel. Witness statements/affidavits may be shown to a witness for impeachment or other purposes in a like manner to exhibits, scoring jurors will likewise be deemed not to have seen these documents, and witnesses will likewise be deemed to be able to authenticate and answer questions about them.

2. In a virtual competition, each witness should have a copy of each exhibit at the device at which the witness is sitting.
C. Timekeeping

1. During a virtual competition, the clock shall be stopped during any set-up time, such as individuals moving into position, individuals moving to exchange control of a device, or individuals cleaning/sterilizing a shared device.

2. During a virtual competition, after each witness, timekeepers shall confer using the “chat” or similar feature regarding how much time remains for each team.

3. In a virtual competition, the timekeepers must signal time by posting the time signals permitted by subsection a in the chatroom function of the virtual competition platform.

4. Timekeepers also may display Time Remaining cards by activating their camera to do so.

D. Exhibits

1. Each exhibit should be shown to the witness by a “share screen” or similar function initiated by the examining attorney or a member of the examining attorney’s team. If a screen sharing function is impossible, disabled, or cannot be made to work, witnesses are deemed to have the exhibit in front of them and to be able to authenticate them and answer questions about them for purposes of the trial.

2. Exhibits visible to the scoring jurors during the authentication and identification process will be deemed not to have been shown to them until admitted and/or published.

3. During a virtual competition, exhibits may be constructively published. The examining attorney or a member of their team may also “share screen” any admitted exhibit for purposes of asking questions about it.

4. To the extent permitted by technology, exhibits may be marked during a virtual competition. Every team must advise its opponent before the competition round of its intention to mark exhibits during the competition round and must share the method by which it will do so. To the extent that technology does not permit real-time marking of an exhibit by both teams on an equal basis, teams may submit a pre-marked version of the exhibit that may be used in the manner described above. Such exhibits should be shown to the opposing team in advance of the competition round, and such markings are subject to objection even if the unmarked document has been admitted, to the extent that they do not accurately reflect the testimony at trial.
E. Trial Communication

1. During a virtual competition, only the team members participating in the round may communicate with one another, but they may use computers, cellular telephones, or other devices to facilitate this communication.

2. During a virtual competition, no team member, coach, judge or student may use the “chat,” “instant message,” or “chatroom” function of the electronic platform, except to: (1) display timekeeping messages, as permitted by Rules XII.F, and (2) to communicate in the case of a technical emergency.

3. Observers are not permitted to use the chat or instant messaging functions at any time.

4. During an emergency recess caused by a loss of connection, coaches may attempt to communicate with a student who has lost communication about that loss of communication only, may communicate with the court to advise it of the conclusion of those discussions, and may communicate with the competing team members for the purpose of determining whether to substitute a student pursuant to Rule XXX only.

IV. TECHNICAL EMERGENCIES

A. Definition of Technical Emergency

1. For purposes of this rule, technical difficulties include internet failure and computer, device or microphone failure.

2. Failure of a camera may constitute a technical emergency sufficient to briefly pause trial, but it does not permit emergency substitution.

3. Students who lose internet connection shall rejoin the trial using a telephonic connection, if possible.

B. Initial Response to Technical Emergencies

In the event of technical difficulties during the trial in a virtual competition, the presiding judge shall have discretion to declare a brief recess to resolve any technical difficulty substantially impairing a participant’s participation in the trial.

C. Substitution of Disconnected Team Members

1. If the technical difficulty cannot be resolved within a reasonable, but brief, amount of time, then the trial will continue with another member of the impacted team substituting
for the impacted team member. The emergency substitute must be a member of the same team as the impacted participant.

2. Before making an emergency substitution, the impacted team must make the presiding judge aware, by stating words to the effect of, “Your honor, before I begin I would like to inform the court that I am [insert name] and I am substituting for [insert name], who is unable to compete due to technical difficulties.”

3. The presentation of any trial segment in which a substitution occurs will be scored based on the performance by the initial team member and the emergency substitute, taken as a whole.

4. Once the presiding judge determines either at the request of the team or sua sponte that a student is unable to compete in a role due to technical difficulties, to minimize disruption, the impacted student is not permitted to return and compete in the role for which a substitution was made. If the technical difficulty is resolved, the impacted participant may return and participate in his or her other roles, if any. For purposes of this rule, a witness examination consisting of direct, cross, any re-direct and any re-cross is one role, so that a participant who requires an emergency substitution for a witness examination may not return and participate until the entire witness examination is completed.

5. Teams shall advise the Mock Trial Coordinator of any emergency substitution following the round of competition.

D. Technical Emergencies Affecting Timekeepers

1. In the event of a loss of connection for a timekeeper, that team shall defer to its opponent’s timekeeper for that trial segment.

2. The team whose timekeeper lost connection may substitute another timekeeper for the remaining trial segments.

E. Technical Emergencies Affecting Entire Teams or Large Portions of Teams

In the event that a technical emergency prevents an entire team or such a large portion of the team that continuing is impossible in part or all of a round, the presiding judge shall declare a recess of up to 15 minutes, to allow that team to reconnect, either via video or by connecting on audio-only via telephone. If reconnection is impossible, the Mock Trial Coordinator shall:

a. If possible in light of all circumstances, continue the trial at a later date as close in time as possible to the original trial;
b. Declare a retrial with teams either competing on the same sides of the case (allowing those students to finish) or flipping sides (so teams are not advantaged by having seen one another’s witnesses, themes, etc.).

c. If at least five witnesses have been subject to cross-examination, the Mock Trial Coordinator may in their sole discretion complete the ballot, assigning scores equal to their average score on all segments that could not be completed by the disconnected team and a “10” to the team that remained connected.

d. Any other solution that is equitable to all competing teams and maximizes the opportunity to compete for teams that desire to continue competing; or

e. Declare a forfeit in favor of the team that maintained its connection and against the team whose connection was broken.

F. Feigning Technical Difficulty Prohibited; Sanctions

No student or team may feign technical difficulty or invoke the technical difficulty rule for purposes other than a genuine technical difficulty. Such an act would violate the Rules of Competition and Code of Ethical Conduct and may be sanctioned at the discretion of the Mock Trial Coordinator through point deductions or other means up to and including disqualification from the competition.

G. Technical Emergencies Affecting Judges

1. If a technical issue causes a loss of signal from a judge, the presiding judge shall call a brief recess to allow the judge to re-establish connection.

2. If the judge is unable to re-establish connection after this time, the Mock Trial Coordinator shall be contacted, and the procedures established above for judicial emergencies shall be followed. If a judge loses the ability to receive video, that may constitute an emergency sufficient to justify a brief recess to allow connection to be re-established. However, a judge may continue to participate, at the Mock Trial Coordinator’s discretion, even if they can only receive a live audio feed.

3. If the technical or other emergency impacts the presiding judge, a scoring judge may act as the presiding judge for purposes of calling a recess and coordinating proceedings until the presiding judge can re-establish connection or the Mock Trial Coordinator can be informed and can act.
V. RECORDING TRIALS AND SCOUTING

A. Recording Trials

1. In order to support civics education, facilitate media coverage, and provide a maximum opportunity for family, friends, peers, and teachers to view our teams competing, all participants must consent to video or audio recording and electronic posting (including video meeting, social media, or other platforms) of each performance at any virtual competition round, except as provided in Rule XXX or otherwise determined by the Mock Trial Coordinator.

2. The Mock Trial Coordinator may, at their discretion, record any trial of the competition for use in promoting mock trial, in future civics education initiatives, or in creating training materials. All teams and participants consent to the use of trial videos and of the likenesses and performances they contain in this manner.

3. The Mock Trial coordinator is not required to record or store the recording of any round, and teams should not assume that recordings of rounds will be available unless they record them independently.

4. Any team may record a trial round and store that recording physically or virtually.

5. No team may post, share with another competing team, or otherwise disseminate any recording of any competition round prior to the conclusion of the State Championship, except in a fashion only accessible to that team and its observers and affiliates. For example, it is not permissible to place trial videos on publicly-accessible YouTube, on an unrestricted peer-to-peer filing sharing site, or the school’s website prior to the conclusion of the State Championship. However, it is permissible to place such video on a password-protected site or DropBox to which specific access must be requested and granted. Teams may also make video recordings available through a peer-to-peer file sharing controlled on a case-by-case basis by the individual initiating the file share.

6. Each team shall inform family members and team observers of this rule. Teams must also advise any individual who receives a video pursuant to Rule 6.4(i) of this rule. Violations of Rule 6.4(i), even by an individual who is not a team member, may result in sanction of the team affiliated with the individual who recorded and/or posted, shared, or otherwise disseminated the recording up to and including disqualification from the competition.

7. The Mock Trial Coordinator may permit exceptions to this rule for media coverage.
B. Scouting

8. Violations by a team obtaining and viewing a recording of another team will be treated as intentional Scouting. Teams can expect to receive the strongest sanctions available under that rule for any deliberate acquisition and viewing of another team’s competition round.

9. Schools registering multiple teams in the competition are reminded that teams may not view one another’s performances in competition rounds prior to the conclusion of the State Championship, except that once one team is eliminated, it may view video recordings of the other team’s performances.

VI. MISCELLANEOUS RULES

A. Rosters may be exchanged before trial rounds by emailing them, screen sharing them, or through whatever other mechanism the teams agree to follow.

B. During a virtual competition, all witnesses will be deemed to have been sworn before the trial begins.

C. In the case of a virtual competition, the traditional ease of communication and movement is absent. Accordingly, the scoring panel will remain in the virtual room during disputes under this rule. Students will be given an opportunity to consult with one another or with coaches telephonically or using another form of electronic communication. That communication will occur in a fixed period set by the presiding judge. At the conclusion of that consultation period, a student representing the team bringing the dispute will explain the nature of the alleged violation. A student representing the other team will respond. The presiding judge will take notes on their respective contentions, which notes will form the record of the dispute.