Supplemental Guidance Regarding Competition Administration

In broad terms, mock trial is governed by two forms of independent but related administrative rules: the Rules of Competition, known to all competitors, and the rules and practices by which the competitions are administered. Today, we have published revisions to the former, but many coaches want to know what we intend with respect to the latter.

In advising you of the following, we are guided by several principles: (1) mock trial should remain as normal as possible in these most abnormal times; (2) mock trial should be open to every student who wants to participate and can gather a team of like-minded students at their school; (3) we all have to remain as flexible and creative as possible to make this work; and (4) any attempt to craft a one-size-fits-all rule for a state of nearly 13 million people spread across 46,000 square miles is doomed to violate at least one of (1), (2), or (3).

With those signposts to guide us, here is our present plan, subject to almost certain change.

What It’s Like

We have had several inquiries from coaches about how this all works or looks. The good news is we can show you exactly how it works and looks, and we can do it using a familiar case! The Online Mock Trial from Utah reached out to the National High School Mock Trial Championships in April, and Pennsylvania stepped up to offer them the use of the Lillienthal Insurance case from several years ago.

The entire final trial is publicly available on YouTube, https://www.youtube.com/watch?v=zA6LCuC-FxE, and you may even see a familiar face or two.

The Technical Platform for Competition

Following the suggestion of the national Competition Operations Committee, we have selected Zoom as our primary competition platform. The reasons for this are several. First and most importantly, we know it works. There have been several online mock trial tournaments at the high school and college levels already, and all of them of which we are aware used Zoom. Although there were lessons learned, Zoom functioned well through all of them, and it was a very similar experience to a normal, in-person mock trial competition.

Second, relatedly, Zoom has several useful features. It has clear delineation of host and meeting participants; it has the ability to use a Chat function everyone can see; it permits participants to rename
themselves, allowing multiple students to use a single device; and it allows different individuals to Screen Share, which is useful for exhibits.

Third, Zoom is reasonably inexpensive for everyone. A Zoom Professional account is only $15/month, and that allows multiple simultaneous rooms of competition. More importantly, though, Zoom is free to join and is available on every major computing and cellular phone platform. That means that students will not have to pay for any specialized equipment or pay out of pocket for an app or membership to participate. The PBA will work with our coordinators to ensure that all of our districts and regions have adequate access to accounts with which to host, be they personal, institutional, or accounts opened by the PBA.

Our experience suggests that most districts that banned Zoom in the spring are at least considering allowing it now that there are enhanced features to prevent “Zoom bombing” and the hateful behavior that accompanied it. Even those that are maintaining a ban on Zoom may permit a limited number of exceptions for purposes of competition, and in many cases where the school is not supporting, students will have their own cellular or home computing device that renders the school’s ban a non-factor.

With that said, there may be regions or districts where Zoom is problematic for one reason or another. In those, district and regional coordinators have already been told: do what is best for your community. Although the state competition will be working toward a Zoom system, and although the remainder of this document will use Zoom terminology, there are many possible systems, and as long as whatever option is selected by the coaches and approved by the coordinator serves the purposes of the trial reasonably well, regions and districts should do what they need to do.

One final note for our technophilic crew: we do not anticipate using Zoom “breakout rooms” extensively. They can be extremely cost-effective, but they require that a central “host” manually move participants to breakout. Experience has shown that in large numbers, this process can become very cumbersome. We expect instead to have multiple Zoom rooms, one of which may serve as a coaching or judicial clearinghouse of sorts and a place to come with issues.

Judging and Scoring

We anticipate that judging and scoring will be similar to past years, with one exception: there will be some form of online fillable ballot. We are presently working on ways to integrate this technology, and we are in communication with our sister states that are facing the same questions. We will present the online ballot to coaches as soon as we know exactly what it is and what its technical backbone will be. But there are many ways to approach this problem, and none of them require us to change the fundamental bases on which this competition has been scored and administered.

Student Access to Technology

This is perhaps the issue that keeps all of us up longest at night: how to assure access in a society that has not made it a priority to have equal broadband, much less equal access to the ability to use those devices? And there is no perfect solution to this as a mock trial community.
However, we are doing what we can. First, we anticipate that most students either have internet at school, which they’re attending, or they have created some solution to the internet issue for purposes of attending school remotely. For the former group, we are hoping to utilize the existing technical infrastructure (and typically robust-for-that-area broadband) of the schools. Under the rules that we have promulgated, students are permitted to perform their roles from school grounds, and we have specifically forbidden use of any advanced technology (TV production, editing software, etc.) so there will be no distinction between schools with those resources and those that do not have them.

For the latter group, those connecting from home, things may be tougher. Indeed, as members of the education community, we all can be concerned about whether there are more students being left behind now precisely because they cannot access the internet regularly from home. However, our hope is that the vast majority of students can.

Further to this point, one of our goals in designing the rules we have promulgated was to minimize the number of “stable connections” necessary to compete. Ultimately, we concluded that there have to be at least three per team: one each for an attorney and the witness they are examining, and one for a timekeeper. To the extent that circumstances permit students to gather in groups of 2-4, that may ameliorate some of our concerns about access. In addition, the rules are written to permit participation using any video mechanism, including a cell phone. Although cellular phones do not always provide the same audio or video fidelity, they are common enough in the teenage population that we are optimistic that they will serve to bridge some of this gap.

With that said, we recognize that there may be some number of students in a pandemic hot zone who are not permitted to gather and do not have reliable access. To address this situation, the Rules of Competition permit coaches to request from the Mock Trial Coordinator permission for one or more students to participate by telephone. Coordinators do not have to be told who those students are, but by informing coordinators, we provide some opportunity for the organization to figure out some mechanism for video participation and, failing that, we assure scoring jurors understand that they cannot in any way hold the lack of a video connection against the student. Although this is far from ideal, we are optimistic that it will help to cover what we earnestly hope will be the exceptions, not the rule.

Emergencies, Rosters, and Access

We recognize that going the foregoing means that our normal rules have to change to accommodate the far greater possibility that someone who started a competition round cannot finish it. Although online tournaments to date have not had a significant issues with dropped signals – nothing lasting in excess of 10 seconds or so – a tournament where participants self-select is quite different than one we hope will draw the broadest spectrum of students.

As drafted, our rules contemplate a two-step process for student emergencies. The first step is a brief break while the student tries to reconnect. Our goal here is to try to keep students performing their roles as much as possible, and if it takes a minute or two for them to get reconnected or call in via cell phone, that’s worth it. If that fails, we have a new procedure in the rules this year, modeled on the new
National rules for the same situation. For the first time, teams will be permitted to substitute students mid-role. In other words, a different student on the team will be permitted to step into whatever role the disconnected student is in and complete that role, be it testifying as a witness, performing an examination, or even delivering a closing argument. Once there is a substitution, the other student cannot return to that role, even if they reconnect. This prevents a situation where a student is being examined on a statement they never heard. But if the reconnecting student has another role (e.g. an attorney is disconnected mid-examination, but they give the closing), then they can perform that role later in the case. Please note that this rule applies even if the team has only six members.

(We have also added a rule for judicial emergencies, but we expect that most attorneys and judges will participate from their places of business – be those a law office or a living room – and will have developed a consistent connection for professional reasons.)

Finally, we have added a role for a situation in which a full team disconnects. This is in some ways the situation that’s actually more likely than it sounds, because teams in rural areas particularly may rely on a single power grid that could experience a failure. This rule provides for a variety of approaches, aiming to continue the trial, complete it anew, or declare as fair an outcome as is possible under the circumstances. Coordinators are encouraged to try to soften the blow as much as possible for teams that are disconnected through no fault of their own.

**Videos and Scouting**

One issue that is easily anticipated is that of video. Zoom records meetings as a default, and those recordings could prove to be both invaluable pedagogical tools and a way to ensure that spectators who cannot make it live can see their friends and loved ones compete. So we encourage taking full advantage of this silver lining in the cloud that is a virtual competition.

However, the existence of video does open the door to the most serious of ethical and rules violations: scouting another team. Accordingly, coaches should review for themselves, with their teams, and with the entire community the carefully-crafted rules for how videos can be shared and the responsibilities that come with sharing them.

In order to make this work as a legal matter, teams will be required to consent to recording. For a virtual competition, this requirement is mandatory, and it is likely teams will be required to have parents execute a consent to this effect for minors who wish to participate.

However, we recognize that there are likely to be individual circumstances – be they religious objections, legal impediments, or other concerns – that prevent recording rounds. Coaches should bring these to the attention of the Mock Trial Coordinator as soon as you are aware of them. We will do everything we can to protect the anonymity of students who cannot be videoed and to ensure that those rounds are not recorded.
Virtual Cheating

There has been a concern nationwide that the nature of a virtual competition opens avenues for teams to cheat. Examples abound, but witnesses having their affidavits, attorneys reading off scripts, coaches sending comments, illicit messages to a witness during testimony... all are made easier in the virtual space.

We did not make any new rules to address this situation. The truth is that if a team wants to cheat, it will cheat. In so doing, it will break the rules and spirit of this competition and impoverish the educational experience of its members. We do not like to think that way. We believe in you all, and we trust that our coaches care more about the students than they do about the win. Of course, if we find teams taking advantage of the digital competition to act in ways that violate the rules, examples will be made, but the truth is we just do not think that way. We trust you, and we believe in the honor of your students.

Registering and Rosters

We are working on this area. We would like to be able to announce today that there will be a central, easy-access database for all 325 Pennsylvania mock trial teams and that that same database will have every Zoom link. But that is not realistic today, and it may never be realistic.

The reality is that our competition has always run at the district and regional levels, and district and regional coordinators may wish to use different mechanisms for this. We expect that most of them will have a few things in common: a databank of rosters somewhere, a set of Zoom or other links assigned to Courtroom numbers to make it easier to set up trials, and the like. But the form and format these take may vary, and there is no reason to pronounce a solution statewide. A district of eight or ten teams may be able to email a single .pdf to all coaches that has all the teams’ rosters, while the same .pdf in a large region of 32 teams would be overwhelming. Likewise, some districts may have other needs that can be met in the same digital space, while some will just want rosters and courtroom assignments.

Long story, short: stay tuned to this channel, but check your local listings.

Standing During Trial

This is a tricky issue. On the one hand, movement and gesture are essential parts of advocacy; most of us think that a closing argument sitting in a chair is likely to be less effective – and to give less opportunity for efficacy! – than one standing. And delivering examinations standing not only shows tone and posture but also demonstrates a mastery of the material.

On the other hand, the further you are from a webcam and its microphone, the better those devices have to be to give the same audio and video fidelity. That means that students who are able to afford nicer equipment could gain a competitive advantage.

Ultimately, we decided that modern devices are typically good enough even at a relatively low price to pick up a standing student’s presentation. We are optimistic that, with practice, students will find those
devices that work well enough to make this possible. However, if this proves not to be so, or if your
district or region has a significant number of teams or students for whom this is an issue, Mock Trial
Coordinators are permitted to require students to remain seated in the interest of competition equality.

Reaching You

This year more than ever, it will be essential to have a consistent ability to reach coaches in real time.
We expect to collect cell phone numbers and emails from coaches, and we expect to use them. We
appreciate your providing us with a way that works to reach you, including a way to reach you outside
school hours if possible.

The possibilities that circumstances change on a dime do not need to be over-emphasized; we are all
living that reality. Having clear and consistent communications is our best bet for keeping things on the
tracks.

Tips and Tricks, Lessons Learned

We will be posting, hopefully in late December, a list of tips and tricks about how to best present on
Zoom. As the season progresses, we hope to collect more information from coaches who have
participated in trials, so we can help everyone learn together and to spread workarounds as problems
start to appear.

Training Judges

Yes, we are well aware that our teenagers are not likely to be our biggest barriers to the use of
technology. We will be rolling out online training of one kind or another, and we will continue to do our
best to make sure that every judge in every round is prepared, not only on the merits but also for this
brave new world of how things work. We cannot promise it will be perfect, but we know it is a part of
our mission.

Other Things

We are working hard, but we are also working fast. As noted above, it is likely some of these rules will
change as we discover areas to improve them. It is also likely some of you will point out rules that make
no sense in the context of a virtual competition. Please let us know as you find these, and we will get
them fixed.

Finally, please, please let us or your Mock Trial Coordinator know if there are issues we are not
addressing that impact your team’s ability to participate. With 325 teams statewide, we cannot have
anticipated every team’s concerns. And while it is possible that we will ultimately not be able to solve
every problem or address every issue, we remain committed to making mock trial available virtually for
as many students and as many teams as possible this year.

Thank you for your patience, thank you in advance for your flexibility, and thank you for always letting
us know what you need to make this competition the best it can be.