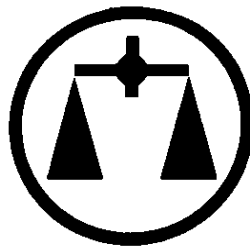




# Oklahoma High School Mock Trial Program

# RULES OF COMPETITION



**2007-2008**

**Modified and Revised  
OBA-Young Lawyers Division  
High School Mock Trial Committee  
Mock Trial Chairperson - Rachel McCombs  
Mock Trial Executive Vice Chairperson - Jennifer Bruner  
Mock Trial Immediate Past Chairperson - Jennifer Moradi  
Mock Trial Coordinator - Judy Spencer**

# RULES OF COMPETITION

## TABLE OF CONTENTS

	Page No.
<b>INTRODUCTION</b> .....	1
<b>I. PARTICIPATION</b> .....	1
A. Eligibility .....	1
B. Team Composition .....	1
C. Commitment .....	2
D. Costs .....	2
<b>II. THE CASE</b> .....	2
A. Case Materials .....	2
B. Statement of Facts .....	2
C. Stipulations .....	2
D. Witness Statements .....	2
E. Exhibits .....	3
F. Extrapolation .....	3
<b>III. ROUNDS OF COMPETITION</b> .....	3
<b>IV. THE TRIAL</b> .....	5
A. Reporting for Trial .....	5
B. Trial Decorum .....	5
C. In the Courtroom .....	5
D. Communication During the Trial .....	7
E. Simplified Rules of Evidence .....	7
F. Presentation of Both Sides of the Case .....	7
G. Trial Sequence / Time Limit .....	8
H. Objections .....	8
I. Bench Conferences .....	8
J. Videotaping / Tape Recorders .....	8
<b>V. SPECIFIC ROLES</b> .....	9
A. Overview of Participants .....	9
B. Attorney Roles .....	9
C. Witnesses .....	9
D. Timekeepers .....	10
E. Judges .....	10
<b>VI. DISPUTE PROCEDURE / PENALTY POINTS</b> .....	11
A. Raising a Dispute .....	11
B. Penalty Points .....	11
<b>VII. SCORING AND ADVANCEMENT</b> .....	12
A. Scoring .....	12
B. Advancement .....	12
<b>VIII. RECOGNITION</b> .....	13

## **INTRODUCTION**

The Rules of Competition governing the Oklahoma High School Mock Trial Program (the "Program") are designed to ensure excellence in student presentation and fairness in trial judging.

The primary goal of the Program is to educate the student participants. While healthy competition furthers this goal, an excessively competitive spirit is detrimental. Teamwork and good sportsmanship are an integral part of the Program. The reality of the adversarial system is that one party wins and the other loses. Students must accept either outcome in a mature manner. The highest value should be placed on excellence in preparation, presentation, and representation of the "client."

A mock trial is not a speech or debate tournament or a dramatic presentation, although elements of all three may be used. Style, voice, and diction are valuable tools, but their merit is lost unless the Court understands the overall message and is persuaded to agree with the presenter. It is important to remember that this Program, just like the judicial system, is administered by people and, therefore, subject to individual interpretations.

Unexpected obstacles in the course of a trial are the rule rather than the exception. Being prepared to deal with the unexpected obstacles that will inevitably arise is an important part of being prepared for the competition. Any questions that arise that are not addressed specifically in the Rules of Competition or the Rules of Evidence will be individually addressed by the Mock Trial Executive Committee.

### **I. PARTICIPATION**

#### **A. ELIGIBILITY**

1. All participants in the Program must be students in grades 9, 10, 11 or 12, and all team members must be enrolled in the same public or private Oklahoma High School.
2. High schools with an enrollment of 150 students or less in grades 9 through 12 may petition the Mock Trial Committee to combine with one other high school (with enrollment of 150 students or less) to enter one team for the competition. A petition form may be requested from Judy Spencer, Mock Trial Coordinator, 405-755-1066.
3. A school may enter more than one team. However, if a school has more than one team entered in the Program, there is no guarantee that the teams will not be required to compete against each other. It is strongly recommended that if a school enters two teams, each team should have a different teacher coach.

#### **B. TEAM COMPOSITION**

1. Each team consists of a minimum of 6 students. There is no maximum number of student members and alternates that may participate on a single team, although there is a limit on the number of students who may participate in a given round (13 including the timekeeper and baliff).  
*(Special Note--Rules for the National Competition differ slightly, the National Competition rule reads "Teams consist of eight official members assigned to roles representing the prosecution/plaintiff and defense/defendant sides. Only six members may participate in any given round. Student timekeepers may be provided by the teams; however, these persons are not considered "official timekeepers" in the tournament. At no time may any team for any reason substitute unofficial team members for official team members. The Team Roster will become official at the time of on site registration.")*
2. No student may be a member or alternate on more than one team.
3. All members of a team must be listed on an official team roster, which is provided to the Mock Trial Coordinator by January 7, 2008. The names, grades, and years of participation in the mock trial program must be separately identified for each member of the team. Teachers should retain copies of this official roster sheet as they will be required to produce in numerous times throughout the course of the competition.

4. No changes may be made to a team's official team roster after January 7, 2008, without first obtaining written approval from the Mock Trial Committee ("Committee"). Written requests for such changes should be sent to the Mock Trial Coordinator.
5. A team will forfeit each trial in which a student participates as a member or alternate if the student:
  - a. does not meet the requirements of Rule I.A.1-3.
  - b. is not listed on the official team roster;
  - c. is listed on more than one official team roster; or
  - d. is a member of another team, including another team from the same school.

### **C. COMMITMENT**

1. All registered teams commit themselves to participate in the competition and agree to abide by these Rules of Competition.
2. Withdrawal from the competition, at any time, presents hardships for other teams and for the attorneys and judges who have adjusted their schedules for the program.

### **D. COSTS**

1. Responsibility for the costs of participating in the competition, including the costs of travel, is borne by the participating schools.

## **II. THE CASE**

### **A. CASE MATERIALS**

1. The case materials consist of a brief statement of the facts, stipulations, six witness statements (three for each side), and potential exhibits. Background/supporting materials may also be provided from time to time.
2. Only the stipulations, witness statements, and potential exhibits may be used as evidence during the competition.
3. Students are permitted to read cases, materials, and articles not in the case materials in preparing for the competition. However, this background information cannot be introduced as evidence at the trial .

### **B. STATEMENT OF THE FACTS**

1. The Statement of Facts is provided as a summary and is not evidence of any of the facts referenced therein. A witness may admit or deny information contained in the Statement of the Facts and cannot be impeached by reference to or admission of the statement if the admission or denial is contrary to his/her affidavit. The Statement of Facts is not part of the case stipulations and is not an exhibit.
2. The information contained in the Statement of Facts may be used in an opening statement, if appropriate.

### **C. STIPULATIONS**

1. Stipulations are statements of law and facts which are deemed to be true and correct.
2. The prosecution/plaintiff, prior to commencement of prosecution/plaintiff's opening statement, will move that the stipulations be admitted into evidence. If the prosecution/plaintiff fails to move for admission, the defendant/defense shall do so. Failure of a team to move for admission of the stipulations may result in a lowered team score.
3. The stipulations may not be disputed.

### **D. WITNESS STATEMENTS**

1. Witness statements set forth the facts of the case and are each witness's position on how the events occurred. Each witness's statement is in the form of a sworn statement (sometimes called an Affidavit) to ensure that the witness will not completely change his/her story. Students should use the witness statements as the framework for

development of the case. Witness statements may also be used for impeachment and refreshing the recollection of a testifying witness.

2. Each witness is bound by his/her sworn statement.
3. A witness is not bound by the statements of other witnesses.
4. Students may innocently embellish the "facts" of the case, if necessary. Students are encouraged to "think on their feet." A memorized script defeats the purpose of the Program. The statements do not address everything!
5. Witnesses' statements are subject to all human tendencies which may occur in similar situations, e.g., distortion and even dishonesty.
6. Witness statements are generally gender neutral. Before beginning a trial, each team should determine the gender of the opposing team's witnesses so that references to such parties will be made in the proper gender. *This can be accomplished with the Team Roster that is given to the opposing teams immediately prior to the trial.*
7. The witness statements are not to be introduced as evidence during the trial.

#### **E. EXHIBITS**

1. Documentary and demonstrative exhibits are provided to permit both the prosecution/plaintiff and the defense/ defendant an opportunity to strengthen the presentation of their case and demonstrate proficiencies in the technicalities involved with the introduction of evidence.
2. More points are awarded on usage of exhibits (how used in case) during the trial than mere introduction.
3. Exhibits **cannot** be altered in any way, unless specifically directed by the Mock Trial Executive Committee.

#### **F. EXTRAPOLATION**

1. Witnesses should avoid a rigid, mechanical approach to the trial, but should stay within the bounds of honest competition. Although the facts cannot be changed in order to best represent their client, a team may present the facts in the most favorable manner to its client. Therefore, when an attorney's question solicits information not contained in the case materials, the witness may extrapolate the answer of his/her choice so long as the answer is not "unfair" as defined below.
2. Unfair extrapolation is the adding of facts which: (i) cannot be reasonably inferred from a witness's statement or other information in the case materials; (ii) benefit the speaker's side and harm the other side; and (iii) are material. A fact can be reasonably inferred if it flows naturally from a fact or set of facts in the case materials.
3. Examples of unfair extrapolation include, but are not limited to: (i) creating a physical or mental disability when the statement does not indicate such; (ii) giving a witness a criminal or bad record when none is suggested by the statements; (iii) materially changing the profession, character, memory, mental or physical ability of the witness; and (iv) testifying to "recent changes."
4. Objections for unfair extrapolation must be made during the course of the trial. The Presiding Judge will rule in open court to clarify the course of further proceedings. The decision of the Presiding Judge is final.
5. No points are deducted for an unfair extrapolation, although a Scoring Panelist may consider the unfair extrapolation and how it was handled in evaluating the performance of the witness and attorneys.

### **III. ROUNDS OF COMPETITION**

1. Teams may engage in an unlimited number of scrimmages. However, there is no guarantee that the teams will not be required to compete against each other during the actual competition. Although teams bear the primary responsibility for arranging their own scrimmages, the Committee does publish on the OBA website a list of schools seeking partners. For assistance with arranging practice sites and courtrooms, contact the Mock Trial Coordinator.

2. All teams will compete in the qualifying rounds, which begin January 28, 2008. Each team will compete in two trials in one day and will have an opportunity to present both sides of its case. Twenty-four teams will advance from the qualifying rounds in accordance with Rule VII.B.1.3.
3. Twenty-four teams will participate in quarter finals. Each team will compete two trials in one day during which the team will again present both sides of its case. Eight teams will advance from the quarter-finals in accordance with Rule VII.B.2.
4. A typical schedule for the qualifying and quarter-final rounds is:

<b>8:30 - 10:30</b>	<b>Prosecution/Plaintiff - Defense/Defendant</b>
	<b>Team A v Team B Courtroom 1</b>
<b>10:30 - 11:00</b>	<b>Scoring and Critiques</b>
<b>11:30 - 1:30</b>	<b>Prosecution/Plaintiff - Defense/Defendant</b>
	<b>Team B v Team C Courtroom 1</b>
<b>1:30 - 2:00</b>	<b>Scoring and Critiques</b>
<b>2:30 - 4:30</b>	<b>Prosecution/Plaintiff - Defense/Defendant</b>
	<b>Team C v Team A Courtroom 1</b>
<b>4:30 - 5:00</b>	<b>Scoring and Critiques</b>

5. In the event that the number of teams competing in the competition does not completely fill the qualifying round bracket, a team in the area (preferably a first-year team with a first-year teacher coach) may, at the sole discretion of the Mock Trial Executive Committee, be given the opportunity to participate in another trial round so that the bracket is completely filled. A team that agrees to "fill-in" during the qualifying round will be given the option, at the time they agree to serve as the "fill-in," to choose to have the score from either: (1) their first day of competition (whether it was their originally assigned day or the "fill-in" day) or (2) the average of both days (originally assigned day and "fill-in day"). Whichever option is chosen by the school will count as the school's score to determine advancement.
6. Eight teams will compete in the semi-final rounds. The semi-final rounds are power-matched, which means that a team may be required to present the same side of its case during both the morning and afternoon trials. Advancement will be consistent with Rule VII.B.2.
7. A typical schedule for the semi-final rounds is:

<b>9:00 - 11:00</b>	<b>Prosecution/Plaintiff - Defense/Defendant</b>
	<b>Team A v Team B Courtroom 1</b>
	<b>Prosecution/Plaintiff - Defense/Defendant</b>
	<b>Team C v Team D Courtroom 2</b>
<b>11:00 - 11:30</b>	<b>Scoring and Critiques</b>
<b>1:30 - 3:30</b>	<b>Prosecution/Plaintiff - Defense /Defendant</b>
	<b>Team B v Team C Courtroom 1</b>
	<b>Prosecution/Plaintiff - Defense/Defendant</b>
	<b>Team D v Team A Courtroom 2</b>
<b>3:30 - 4:00</b>	<b>Scoring and Critiques</b>

8. Two teams will compete in the finals round, held in the Bell Courtroom at the OU College of Law on March 4, 2008.

## **IV. THE TRIAL**

### **A. REPORTING FOR TRIAL**

1. Immediately upon arriving at the trial site, the teacher coach must report to the Trial Site Coordinator and provide him/her with four (4) copies of the Official Team Roster (both prosecution/plaintiff and defense/defendant) so that the Trial Site Coordinator may distribute the copies to the Judge and Scoring Panelists.
2. Teams should be present in the courtroom and ready to commence the trial at least 15 minutes before the designated starting time of the trial.
3. The starting time of any trial will not be delayed more than fifteen minutes unless, for good cause shown, a decision to the contrary is made by the Trial Site Coordinator. The Trial Site Coordinator's decision is final and non-appealable.
4. Incomplete teams must use their alternates or forfeit their opportunity to advance (they will still have the opportunity to compete during the round for experience).

### **B. TRIAL DECORUM**

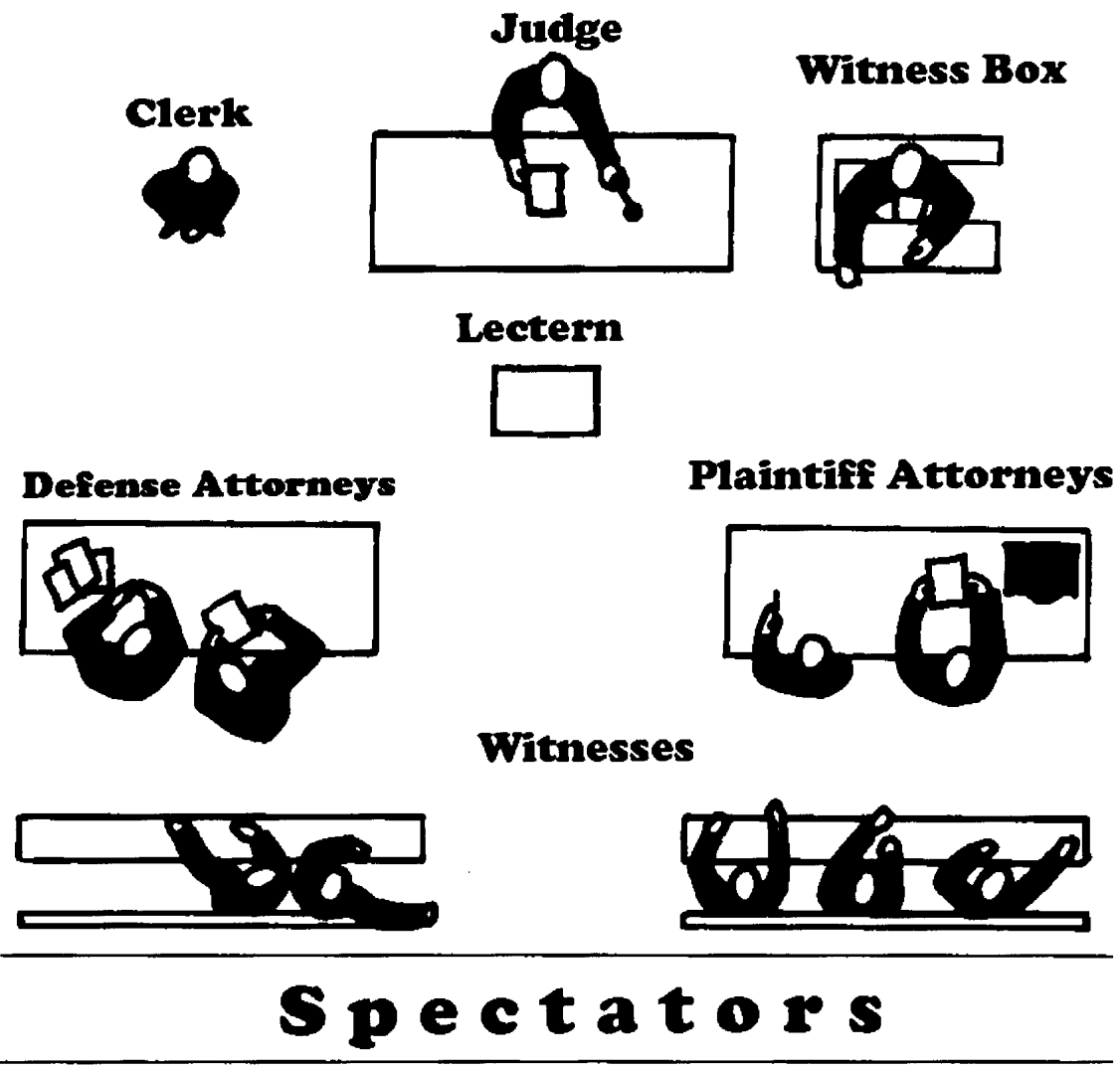
1. All participants must display proper courtroom decorum and good sportsmanship during all aspects of the competition.
2. Chewing gum, eating, drinking, personal grooming, wearing a hat, using radios with headphones, and using tobacco, in any form, are strictly prohibited in the courtroom. *Smoking is strictly prohibited in and around the courthouse or at any location where a competition is held.*
3. Students must wear proper courtroom attire. It is preferred that gentlemen wear a coat and tie and that ladies wear a dress, pant suit, or skirt and jacket. Witnesses may dress according to their roles, but may not wear costumes, i.e.; police uniforms. Ladies should be careful to wear dresses or skirts of appropriate length to ensure modesty.
4. Student participants must be courteous to all participants from other schools, judges and attorneys, and courthouse personnel.
5. All parties must stand when the Presiding Judge and Scoring Panelists enter or leave the courtroom. Students must stand, unless prevented by a disability, when addressing the Presiding Judge, examining a witness, making/arguing objections and presenting opening or closing statement.
6. Students must address the Presiding Judge as "Your Honor."
7. Students must refer to attorneys as Mr. or Ms. or Counsel and not by their first names.
8. Students must direct all remarks and arguments to the Presiding Judge and/or Scoring Panelist and not to opposing counsel.
9. Students must request permission from the Presiding Judge to approach the bench, a bailiff or a witness, or retrieve an exhibit, unless the Presiding Judge directs otherwise.
10. If ruled against on an objection or in the case, accept the decision gracefully, but do not thank the court for each decision.

### **C. IN THE COURTROOM**

1. Before participating in a mock trial, it is important to be familiar with the physical setting of the courtroom and the roles participants play during the trial. The courtroom layout is not mandatory and may be adjusted by the Presiding Judge and by necessity according to the courtroom facilities. The following "Courtroom Layout" diagram is an example. The actual layout for the competition may differ from courthouse to courthouse.

#### **EXAMPLE OF POSSIBLE COURTROOM LAYOUT**

(located on next page)



2. Only the attorneys and the plaintiff or defendant may sit at counsel table, unless necessity requires that the witnesses sit at counsel table due to lack of space elsewhere above the "Bar."
3. The bailiff sits at a place designated by the Trial Site Coordinator, generally in the front of the courtroom (see "clerk" location on above sketch).
4. The timekeeper from each team must sit together in the jury box or, if not possible, at the direction of the Trial Site Coordinator.
5. Teacher coaches and attorney coaches must remain in the spectator seating area throughout the trial.
6. As long as a team remains in the competition, its members, alternates, teacher coaches, and attorney advisors will not observe or allow anyone else associated with their team or any of its members to observe another team by any method, including, but not limited to, attending a practice session or trial, viewing or listening to any video or audio tape of other teams litigating the current year's problem during trial or practice sessions. An exception to the prohibition on attending, viewing, or listening applies when a team is participating in the practice session or trial. An exception to the prohibition on videotaping and other recordings is found in Rule IV.J.1.

#### **D. COMMUNICATION DURING THE TRIAL**

1. Co-counsel may communicate discreetly among themselves during the trial. Counsel may also communicate discreetly with their witnesses during the trial. However, all such communications should be kept to a minimum. Abuse of the communication privileges may be severely penalized by the Scoring Panelists. By way of example and limitation, the following would constitute an abuse: a witness or co-counsel is writing questions for an obviously unprepared team member. Distracting or disruptive communication will be graded accordingly.
2. Teacher coaches, attorney advisors, other teams members and all other observers shall not talk to, signal, communicate with, coach or attempt to coach their teams once the trial has begun. This rule is also in effect during breaks in the trial, should any occur. Violation of this rule results in an automatic ten (10) point penalty unless the Presiding Judge determines that the contact was harmless, in which case the Presiding Judge may determine that a lesser or no penalty is warranted. (For instance, there have been times when a team member must speak to the teacher regarding a physical illness, emergency call to home, conflict in a personal time schedule, confirming a bus ride home, etc.). The Presiding Judge may inquire of any student/teacher coach/attorney coach regarding the alleged violation. Once the Presiding Judge has made a decision it is **FINAL**.
3. If an emergency occurs where a student must speak to a teacher coach or attorney coach, the Trial Site Coordinator should be notified and be present during the communication.

#### **E. SIMPLIFIED RULES OF EVIDENCE**

1. All trials will be governed by the "Simplified Rules of Evidence" (Mock Trial Version). Other more complex rules may not be raised in the trial.
2. During the trial, the attorney making the objection or responding to an objection must be prepared to cite the specific rule on which any argument he/she makes is based.
3. Motions in limine, motions for a judgment as a matter of law, directed verdict, demurrer to the evidence, judgment of acquittal or other similar trial motions are not allowed in this competition.

#### **F. PRESENTATION OF BOTH SIDES OF THE CASE**

1. Teams must be prepared to present both the prosecution/plaintiff's and the defense/defendant's side of the case in each round.
2. Team members may reverse roles when presenting opposite sides of the case.

## **G. TRIAL SEQUENCE / TIME LIMIT**

1. The plaintiff is limited to 55 minutes for the presentation of its entire case. The defendant is limited to 55 minutes for the presentation of its entire case.
2. Penalty points will be assessed if a team exceeds the 55 minute time limit as outlined in Rule VI.B.
3. Timekeepers will **NOT** stop a team should it exceed the time limit. The team will be allowed to complete the trial and the excess time over 55 minutes will be reported for the purpose of computing penalty points.
4. Time starts when each attorney begins to speak.
5. Time stops when the attorney makes the last statement upon completion of a given task.
6. In addition, time is halted:
  - (a) from the time the witness is called until he/she finishes taking the oath;
  - (b) from the time an objection is raised until the attorney resumes the task which the objection interrupted;
  - (c) from the time a bench conference is called until the attorney resumes the task which the bench conference interrupted;
  - (d) during the time the Presiding Judge raises questions or grants a time extension in the interest of fairness; and
  - (e) during the time opposing counsel examines exhibits.
7. The Presiding Judge, at the request of either party, may extend the time limits in the interest of fairness, if in the Presiding Judge's opinion any of the opposing witnesses have belabored answers to questions, been exceedingly difficult or given the appearance of stalling or if opposing counsel has raised frivolous objections which appear to the Presiding Judge to be designed to lengthen the time for the examining party to complete the examination. The purpose of this rule is limited to circumstances where it appears to the Presiding Judge that one team may be causing delays to hamper the other team's ability to finish completing the case within the allotted time.

## **H. OBJECTIONS**

1. Teams are encouraged to make objections, but with this caveat: just as proper objections may lead to positive points, improper objections may cause a score to be lowered.
2. No objections may be raised during opening statements or during closing arguments. If a team believes an objection would have been necessary during the opposing team's closing, a student may, following the closing arguments, raise his/her hand to be recognized by the judge and may say, "If I had been permitted to object during closing arguments, I would have objected to the opposing team's statement that \_\_\_\_\_." The Presiding Judge will not rule on this "objection." Presiding Judges and Scoring Panelists will weigh the "objection" individually. No rebuttal by opposing team will be heard.
3. The ruling of the Presiding Judge is final.

## **I. BENCH CONFERENCES**

1. Student attorneys may request a bench conference to clear up any procedural or factual questions.
2. One student attorney representative from each side must be present for all bench conferences.

## **J. VIDEOTAPING / TAPE RECORDERS**

1. A team will be permitted to videotape or tape record a practice session or trial only on the condition that
  - (a) a team only tapes a trial in which it is competing;
  - (b) the taping team offers to allow the non-taping team the opportunity to duplicate the tape as soon as possible; (within a maximum of 36 hours).  
(Note: A team that does not have video taping equipment should bring a blank tape to provide the team that does video so that a copy can be made within the time limit.)
  - (c) the taping must not disrupt the trial; and
  - (d) the tape will be used solely for the personal use of the teams participating in that

trial and will not be distributed to other teams or used for purposes of "scouting," including, without limitation, viewing of the tape by another team from the same school. However, after the final round of the competition, teams may use tapes for any purpose.

- (e) if either team objects to video or audio taping, both team's teacher coaches should advise the Trial Site Coordinator before the trial begins.
2. Violation of this recording policy may result in disqualification of a team and prevent advancement.
3. The Final Round of competition will be videoed.

## V. SPECIFIC ROLES

### A. OVERVIEW OF PARTICIPANTS

Presiding Judge-----	In a jury trial he/she instructs the jury and guides the trial. Provided by the Committee.
Scoring Panelists --	Score participants on performance. Provided by the Committee
Attorneys -----	There are a total of eight attorney duties for each side of the case. These duties can be performed by as few as three attorneys or as many as eight.
Witnesses -----	There are a total of three witness positions for each side of the case.
Bailiff-----	Administers the oath to all who are to offer testimony. He/she also assists the judge and enforces the judge's wishes. The defense/ defendant is responsible for providing the bailiff.
Timekeeper-----	Team member responsible for timing court proceedings carefully and accurately, following the "Information for Timekeepers" packet. Each team must furnish an official timekeeper for trial.

### B. ATTORNEY ROLES

1. Attorneys may use notes in presenting their cases.
2. No one attorney may present both opening and closing statements. Violation of this rule will result in a mandatory deduction of twenty (20) points.
3. Only one attorney may conduct the direct and redirect of a witness and similarly the cross and re-cross. It is impermissible to switch attorneys in the middle of an examination.
4. Attorneys may only make objections during the testimony of witnesses of which they are conducting the direct and/or cross examination. Violation of this rule will result in the assessment of four penalty points for *each* violation.

### C. WITNESSES

1. Each team must call and examine all three of its assigned witnesses.
2. Each team may call their witnesses in any order.
3. Witnesses may be called only by their own team and may not be recalled by either side.
4. No witnesses other than the six for which sworn statements are provided in the materials will be permitted to testify.
5. All witnesses must remain in the courtroom during the entire trial. A team may not invoke the Rule of Sequestration.
6. Witnesses cannot use notes while testifying.
7. On direct examination, the witness's testimony is limited to the facts set forth in the case materials.

8. On cross-examination, no restrictions will be made on the witness or the scope of the cross-examination, except that the answer must be responsive and the witness can be impeached.

#### D. TIMEKEEPERS

1. Each team must furnish (at least) one official timekeeper for each trial. This is a very important task and the student timekeepers must be **thoroughly trained**, and have a properly working stop watch and a calculator.\* Each team's timekeeper must be positioned so that the student attorney at the podium can view the time limit cards.
2. One timekeeper per school is preferred. However, a school may allow a maximum of two students to perform the timekeeping task during any trial. If two students are used, they must share **one stop watch**.
3. Student timekeeper(s) from each team will monitor the time expended by each team during the entirety of the competition round.
4. Each team will be provided one (1) set of time cards which may be exhibited by holding the cards up so that the time remaining can be observed by the closing attorney at the podium. The time cards may be displayed at the option of each team, but only during the last five minutes of the team's time allotment. ***(These time cards must be kept and used at all remaining competitions)***.
5. Timekeepers must keep a running balance of the time expended to allow for an immediate report of each team's remaining time. The **only** times when such a report may be given are: (a) prior to closing arguments and only upon request by the student attorney making the closing argument; and (b) upon conclusion of the trial.
6. Before reporting time remaining for closing arguments, the Judge will allow a two (2)-minute break for timekeepers to calculate and compare their time sheets and to report any major discrepancy of more than one (1) minute in time recorded on individual time sheets to the Judge in a bench conference. If the Judge views the discrepancy to be a problem, the Judge and Trial Site Coordinator will determine if adjustment is warranted and determine the correct time. The Judge and/or Trial Site Coordinator's decision is **FINAL** and non-appealable and will establish the time remaining for closing arguments. Once the timekeepers report the time remaining for closing arguments, the reported time cannot be changed or altered.
7. Immediately after the conclusion of each trial, the timekeepers will submit their time sheets to the Trial Site Coordinator and notify him/her of the number of minutes, if any, by which either team exceeded the 55 minute time limit. The Trial Site Coordinator shall inform the Scoring Panelists so that proper penalty points (if any) may be assessed.

#### E. JUDGES

1. During qualifying rounds, the judging panel will consist of two Scoring Panelists and one Presiding Judge. If only one Scoring Panelist is available, the Presiding Judge will also score the competition.
2. During quarter-finals and semi-finals, the judging panel will consist of three Scoring Panelists and one Presiding Judge.
3. Presiding Judges and Scoring Panelists will make the following decisions:
  - (a) the Scoring Panelists will determine the better team presentation by assigning points to each student's performance and casting a vote for the team with the most points.
  - (b) the Presiding Judge and Scoring Panelists will determine the best witnesses and best attorneys for each trial.
4. Only the Presiding Judge will give an oral critique of both team's performance. The Scoring Panelists comments will be written on the Comment Form that will be distributed to the teams.

## VI. DISPUTE PROCEDURE/ PENALTY POINTS

### A. RAISING A DISPUTE

1. Upon the conclusion of the case presentation in its entirety, the Presiding Judge will excuse the Scoring Panelists to begin tallying scores. The Presiding Judge will then allow the teams two (2) minutes to conference among themselves, without any contact with their teacher coach and/or attorney coach, regarding any possible rules infractions. **Reminder - No unfair extrapolations rules are considered during this process. Any reference to unfair extrapolations must be made during the course of the trial at the time of their occurrence. See Rule II.F.4.**
2. At the end of the two minutes, the Presiding Judge will ask each team if they are aware of any alleged rules violation. Only one member from each team may respond to the Judge. If either team announces a rules violation, the Presiding Judge will ask the selected spokesman for each team to state the nature of the rules violation alleged to the degree necessary to fairly apprise the other team to prepare a defense.
3. Except for rules requiring the mandatory assessment of penalty points (VI.B.2 below), the Presiding Judge may not raise potential rules violations of his or her own accord. When permitted by this rule to raise potential violations, the Presiding Judge must give sufficient notice to the offending team to enable them to prepare a defense before the assessment of a penalty.
4. Upon appropriate announcement of the nature of the alleged rules violation, a three-minute (3) recess will be called, during which time each team must prepare its complaint/defense. During this three-minute (3) recess each team may confer with their teacher coach and/or attorney advisor. The Presiding Judge will then call the assembly back to order. **(At this time either team may withdraw any or all of their alleged violations.)** The complaining team will be granted two minutes (2) per alleged violation, with a maximum of four minutes (4) aggregate, to state the alleged infraction(s). The responding team will be given an equal amount of time to respond and defend. The burden of proof rests with the complaining team. If both teams allege an infraction, the prosecution/plaintiffs will present their complaint(s) first.
5. Upon conclusion of presentations and defenses, the Presiding Judge will join the Scoring Panelists and advise them if any penalty points are to be assessed on their "Performance Rating Form."
6. The decision concerning the assessment of penalty points shall be in accordance with the subsection (B) below.

### B. PENALTY POINTS

1. Upon hearing a grievance report by the Presiding Judge and/or Trial Site Coordinator concerning a team's alleged rules violations, each Scoring Panelist will follow point deductions as specified below and instructed by the Presiding Judge and/or Trial Site Coordinator.
2. Mandatory Penalty Assessments:
  - a. Each Scoring Panelist will deduct one (1) point from a team's score for each one-half minute ( $\frac{1}{2}$ ) of time that exceeds the 55 minute time limit (unless the Presiding Judge has extended the time in accordance with Rule IV.G.7. Partial minutes will be rounded as follows: **1 second to 15 seconds, round down to 0; 16 seconds to 30 seconds, round up to 30 seconds; 31 seconds to 45 seconds, round down to 30 seconds; and, 46 seconds to 59 seconds, round up to 1 minute.**
  - b. Each Scoring Panelist will deduct twenty (20) points from a team's score if the same attorney gives both the opening statement and the closing argument.
  - c. Each Scoring Panelist will deduct four points from a team's score if the attorney examining a particular witness, either on direct or cross-examination, is not the attorney who makes objections when that same witness is being examined by opposing counsel.
  - d. Each Scoring Panelist will deduct ten (10) points from a team's score for each violation of the Rule IV.D.2 on contact/communication between teacher coaches, attorney coaches and spectators during the trial, unless the Presiding Judge has determined the contact to be harmless in accordance with Rule IV.D.2.

3. Discretionary Penalty Assessments:
  - a. For any other type of infraction of these rules, the Presiding Judge may impose a penalty ranging for zero (0) points to twenty (20) points depending on the severity of the infraction, the willfulness of the offending team, and the prejudice to the opposing team. The judge's decision on the assessment of discretionary penalty points is final.

## **VII. SCORING AND ADVANCEMENT**

### **A. SCORING**

1. Students have a potential to score up to 10 points for each specific segment of the trial, with 10 being the best.
2. Scoring panelists are provided a set of criteria by which to judge the student's performance.
3. At the conclusion of each trial, each individual scoring panelists will total the scores for each team and subtract any penalty points assessed. The team with the highest score will receive that Scoring Panelist's ballot.
4. Scores will *not* be announced the Trial Site Coordinator at the conclusion of the morning rounds.
5. Copies of the score sheets will be provided to the teacher coaches at the end of the day of rounds, except during semi-finals. During semi-finals, the teacher coaches will be provided the score sheets at the conclusion of each trial. Each teacher coach must check the score sheets and verify their correctness before signing the sheets. Each teacher coach should have a calculator.

### **B. ADVANCEMENT**

1. Generally, advancement is determined by the greatest number of votes for having "won" a trial. If two or more teams are tied with the same number of winning votes, the team with the highest total score from that round will advance. If for any reason, a team draws a bye or wins by default, that team will be awarded points equal to the average of all winning teams' points in that same round competing at the same site.
2. Semi-finals will be power-matched, with the morning round consisting of the two teams with the higher ranking coming out of quarter-finals going against the two teams with the lower ranking. The teams with the greatest number of votes from the morning round will face each other in the afternoon round and the teams with fewer votes from the morning will face each other in the afternoon. To determine which side of the case each team will present in the afternoon round, the Trial Site Coordinator will conduct a coin toss. The highest ranking team will automatically be assigned "heads" in the toss. The team winning the toss may select which side of the case it wishes to present in the afternoon round.
3. Twenty-four teams will progress from qualifying rounds to quarter-finals, which *generally* means that the "winning" team from each quarter-final site (as determined by the ranking system described above) will advance to quarter-finals. (Exceptions could occur should the number of qualifying sites exceed 24). Similarly, the "winner" for each of the eight quarter-final sites will advance to semi-finals. The "winner" from each semi-final site will advance to the finals.
4. The Mock Trial Coordinator will conduct a coin toss to determine which side of the case each team will be presenting at finals, with the highest ranking team being automatically assigned "heads" in the toss. The winner of the coin toss may select which side of the case it wishes to present in the final round. The higher ranking team at the conclusion of the final round (as determined by the system described above) will be declared the state champion and be eligible to compete at the National Mock Trial Competition.

## **VIII. RECOGNITION**

1. Teams withdrawing from the competition before completing all competition rounds to which they have advanced will not be eligible to receive awards.
2. All students who participate on a team (unless the team withdraws from the competition) will receive a certificate.
3. Recognition will be given to the best attorney and best witness for each team at each trial. Certificates for best attorney and best witness will be included with the certificates at the end of the competition. Teacher coaches are responsible for keeping an accurate record of their team's winners.
4. The top eight teams will receive an award (plaque or trophy).
5. Additional individual awards will be presented to each team member in the final round.
6. Second, third, and fourth year participants will also receive special recognition.

### **Special Notes or References**