



# Oklahoma High School Mock Trial Program

## **RULES OF COMPETITION**

**OBA-OBF  
High School Mock Trial Committee  
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## INTRODUCTION

The primary goal of the Oklahoma High School Mock Trial Program (the "Program") is to educate the student participants about our legal system and the adversarial trial process which is a large part of that system. This is done by having the student participants conduct mock trials, using the rules and procedures actually used in real courtrooms by real lawyers. A mock trial is not a speech, debate tournament or a dramatic presentation, although elements of all three may be used during a trial. Style, voice, and diction are valuable tools, but their merit is lost unless the Court and the jury understand the overall message and persuaded to agree with the presenter's positions. It is important to remember that this Program, just like our judicial system, is administered by people and, therefore, is subject to individual interpretations. Unexpected obstacles in the course of a trial are the rather than the exception. Being prepared to deal with the unexpected obstacles which will inevitably arise is an important part of being prepared for the competition.

While healthy competition furthers the goals of the Program, an excessively competitive spirit is detrimental. Teamwork and good sportsmanship are an integral part of the Program. The reality of the American legal system is that one party wins and the other loses. Students must accept either outcome in a mature manner. More value should be placed on excellence in preparation, presentation, and representation of the "client" than on which team receives the higher score.

These Rules of Competition governing the Program are designed to ensure excellence in student presentation and fairness in judging the mock trials. Questions about or interpretations of these Rules are within the discretion of the OBA Mock Trial Committee, (the "Committee"), whose decision on such matters is final.

**IMPORTANT: These Rules of Competition, the Case Materials for each competition, the Simplified Rules of Evidence, the Timekeeping Procedures, all required forms and a variety of teaching materials and other resources are available online at: [www.okbar.org/mocktrial](http://www.okbar.org/mocktrial)**

## RULE 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 Oklahoma public or private high school
2. High schools with an enrollment of 150 or less students in grades 9 through 12 may petition the Mock Trial Committee to join with one other Oklahoma high school with an enrollment of 150 or less students in grades 9 through 12 to enter one team for the competition. A petition form may be requested from Judy Spencer, Mock Trial Coordinator. Email: [mocktrial@okbar.org](mailto:mocktrial@okbar.org)
3. In any year, a school may enter more than one team in the Program. However, if a school has more than one team entered in the Program, there is no guarantee that its teams will not be required to compete against each other. It is strongly recommended that if a school enters more than one team, each team should have a different teacher- coach and attorney-coach.

### B. TEAM COMPOSITION

1. Each team must have a minimum of 6 student members. There is no maximum number of students who may participate on a single team, although there is a limit on the number of students who may participate in a given trial. Specifically, for any one

trial, there may not be more than 14 participants, including the timekeeper, a bailiff, and a 'records keeper' who may sit at the table but may NOT speak to the court during the trial.<sup>1</sup>

2. **All** members of a team must be listed on the team's Official Team Roster. (The Official Team Roster form is available under the Forms tab on the mock trial page of the Oklahoma Bar Association's website.) Not all students listed on the Official Team Roster must compete in every trial but every student who competes in a trial must be listed on the Official Team Roster. The name, grade, and years of participation in the Program must be separately provided for each member of the team. The Official Team Roster must be provided to the Mock Trial Coordinator in January, on or before the due date set by the Committee. No changes may be made to a team's Official Team Roster after its submission, without first obtaining written approval from the Committee. Written requests for such changes should be sent by email to the Mock Trial Coordinator.
3. No student who may be either an attorney or witness in any trial may be an official member of more than one team. Students who will only serve as a timekeeper or bailiff may be listed on the Official Team Roster of more than one team so long as all the teams are all from the same school.
4. In addition to timely submitting its Official Team Roster to the Trial Site Coordinator, each team **must** bring to **each** round of competition five (5) copies of its Prosecution/Plaintiff Roster for that round and five (5) copies of its Defense/Defendant Roster for that round. (These trial roster forms are available under the Forms tab on the mock trial page of the Oklahoma Bar Association's website.)
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.1-2.; or
  - b. is not listed on the team's Official Team Roster; or
  - c. is listed on more than one Official Team Roster; with the exception of timekeepers and bailiffs as allowed under Rule 1 B. 3.

## **C. COMMITMENT**

1. By registering in the Program, teams commit themselves to participate in the Program and agree to abide by these Rules.
2. Withdrawal from the Program's competition at any time can have significant adverse effects on the Program's competition schedule and it presents hardships for other teams and for the attorneys and judges who have adjusted their schedules to assist with the Program and its competitions. Once a team has registered to compete, it should not later withdraw except in the event of significant unexpected events which genuinely impair the ability of the team to compete in the Program.

## **D. COSTS**

The costs of participating in the Program and its competitions, including the costs of travel, are the responsibility of the participating schools.

# **RULE II: THE CASE**

## **A. CASE MATERIALS**

1. The case materials consist of a brief Statement of Facts, certain pleadings, the stipulations, six Witness Statements (three for each side), jury instructions and certain exhibits. Background/supporting materials may also be provided from time to time.
2. Only the stipulations, the testimony of the witnesses based on their Witness Statements, and the pre-marked exhibits may be used as evidence during a trial.
3. In preparing for the competition, students are permitted to read cases, articles, and other materials which are not in the case materials. However, no such background materials or information may be admitted into evidence at the trial.

## **B. STATEMENT OF FACTS**

The Statement of Facts is provided as a summary and is not evidence of any of the facts referenced therein. The Statement of Facts is not part of the case stipulations nor is it an exhibit. The Statement of Facts cannot be admitted into evidence nor can it be used to impeach a witness.

## **C. STIPULATIONS**

1. Stipulations are statements of law and/or facts which are deemed to be true and correct. The stipulations may not be disputed.
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.

## **D. WITNESS STATEMENTS**

1. Witness Statements contain various facts of the case and also set out each witness's position on how certain events occurred. Each witness's statement is in the form of a sworn statement (sometimes called an Affidavit) to ensure that the witness cannot completely change his/her story during a trial. Students should use the Witness Statements as the framework for development of the case.
2. Each witness is bound by his/her sworn statement and any necessary documentation relevant to his/her testimony. The Witness Statements are not exhibits and they may not be admitted into evidence. Witness Statements may be used to impeach a witness and also to refresh the recollection/memory of a witness.
3. A witness is not bound by the Witness Statements of the other witnesses.
4. Witness Statements are subject to all human tendencies which may occur in similar situations, e.g., distortion or even dishonesty.
5. 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 the witnesses will be made in the proper gender. *This can be accomplished by reviewing the Plaintiff/Prosecution Roster or the Defense/Defendant Roster which are given to the opposing teams immediately prior to each trial.*
6. Voir Dire of a witness is not permitted.
7. The Witness Statements do not address everything. Students are encouraged to "think on their feet." A memorized script defeats the purpose of the Program.

## E. EXHIBITS

1. Documentary and demonstrative exhibits are included in the case materials to provide both parties an opportunity to strengthen the presentation of their case and demonstrate proficiencies in the technicalities involved with the introduction of evidence. All exhibits are pre-marked and should be referred to by their pre-marked number. Each team may offer as many or as a few exhibits as deemed necessary. Not all exhibits have to be used during a trial.
2. More points are awarded for appropriate use of exhibits during the trial than for the mere introduction of one or more exhibits.
3. Exhibits **cannot** be altered in any way, unless alterations are specifically directed by the Committee or its Executive Committee.

## F. EXTRAPOLATION

1. Fair extrapolations are allowed, provided reasonable inferences may be made from the witness's statement and/or from any documents relevant to the witness's testimony.
2. Witnesses should avoid a rigid, mechanical approach to the trial, but must stay within the bounds of honest competition. Although the facts cannot be changed in order to best represent its client, a team may present the facts in the manner most favorable 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 extrapolation is not "unfair" as defined below
3. Unfair extrapolation is the adding of facts **or the asking of a question which cannot be answered without 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 to the case. A fact can be reasonably inferred if it flows naturally from a fact or set of facts in the case materials.
4. Examples of unfair extrapolation include, but are not limited to: (i) creating a physical or mental disability when the Witness Statement does not indicate such; (ii) giving a witness a criminal or bad record when none is suggested by the Witness Statements; (iii) materially changing the profession, character, memory, mental or physical ability of the witness; or (iv) testifying to "recent changes."
5. Although unfair extrapolations are best attacked through impeachment and closing arguments, attorneys for the opposing team may make an objection for unfair extrapolation. Such an objection must be made during trial when the alleged unfair extrapolation is made. The Presiding Judge will rule in open court on any such objections to clarify the course of further proceedings. The decision of the Presiding Judge is final. Objections to unfair extrapolations made after the trial is concluded will not be considered.
6. No points are automatically deducted for an unfair extrapolation. However, a Scoring Panelist may consider the unfair extrapolation and how it was handled in scoring the performance of the witness and attorneys.

## RULE III: ROUNDS OF COMPETITION

- A. Teams may engage in an unlimited number of scrimmages, i.e., practice rounds against other teams. However, there is no guarantee that teams who scrimmage against each other 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 Mock Trial Coordinator will assist a team in finding other teams seeking scrimmage partners.
- B. All teams will compete in the qualifying rounds, which begin in January of each year. Each team will compete in two trials in one day and will be required to present both sides of the case. Twenty-four teams will advance from the qualifying rounds to the quarter-final rounds, in accordance with Rule VIII.B.2.
- C. The twenty-four teams which advance from the qualifying rounds to the quarter final rounds will compete in two trials in one day during which the teams must again present both sides of the case. Eight teams will advance from the quarter-finals to the semi-finals in accordance with Rule VIII.B.2.
- D. The typical schedule for the qualifying and quarter-final rounds is:

**ROUND 1: 8:30 - 10:30 Courtroom 1**

Prosecution/Plaintiff v. Defense/Defendant  
Team A v. Team B

10:30 - 11:00 Scoring and Critiques

**ROUND 2: 11:30 - 1:30 Courtroom 1**

Prosecution/Plaintiff v. Defense/Defendant  
Team B v. Team C

1:30 - 2:00 Scoring and Critiques

**ROUND 3: 2:30 - 4:30 Courtroom 1**

Prosecution/Plaintiff v. Defense/Defendant  
Team C v. Team A

4:30 - 5:00 Scoring and Critiques

- E. In the event that the number of teams entering the competition does not completely fill the qualifying round bracket, a team (preferably a first-year team with a first-year teacher-coach) may, at the sole discretion of the Committee or its Executive Committee, be given the opportunity to participate in two trials during the qualifying rounds so that the bracket is completely filled. A team which agrees to "fill-in" during the qualifying rounds will be given the option, at the time they agree to fill-in, to have the score from either: (a) their first day of competition (whether it was their originally assigned day or the fill-in day) or (b) the average of both days (originally assigned day and fill-in day). Whichever option is chosen by the team will count as the team's score to determine advancement to the quarter-final rounds.
- F. The typical schedule for the semi-final rounds is:

**COURTROOM 1: Morning Trial: 9:00 - 11:00 a.m**

Prosecution/Plaintiff v. Defense/Defendant  
Team A v. Team B

Scoring and Critiques: 11:00 - 11:30 a.m.

**COURTROOM 2: Morning Trial: 9:00 - 11:00 a.m.**

Prosecution/Plaintiff v. Defense/Defendant  
Team C v. Team D

Scoring and Critiques: 11:00 - 11:30 a.m.

**COURTROOM 1: Afternoon Trial: 1:30 - 3:30 p.m**

Prosecution/Plaintiff v. Defense/Defendant  
Team B v. Team C

Scoring and Critiques: 3:30 - 4:00 p.m.

**COURTROOM 2: Afternoon Trial: 1:30 - 3:30 p.m**

Prosecution/Plaintiff v. Defense/Defendant  
Team D v. Team A

Scoring and Critiques: 3:30 - 4:00 p.m.

- G. The semi-final rounds are power-protected, which means that a team may be required to present the same side of its case during its morning and afternoon trials. Advancement will be consistent with Rule VIII. B.
- H. Two teams will advance from the semi-final rounds to compete in the final round of competition, typically held on the first Tuesday in March, in the evening.

## **RULE 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 the Coordinator with five (5) copies of his/her team's Prosecution/Plaintiff roster and five (5) copies of his/her team's Defense/Defendant roster. The Trial Site Coordinator will then distribute the copies to the opposing team, Presiding Judge and Scoring Panelists. NOTE: Teams competing in the semi-final rounds should bring ten (10) copies of each roster in the event the team must present the same side of the case in both its morning and afternoon trials.
2. Teams should be set up in the courtroom and ready to commence the trial at least 15 minutes before the designated starting time of the trial. It is strongly recommended that teams arrive at the trial site approximately 30-45 minutes before the trial start time.
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. An incomplete team must use its alternates or forfeit the opportunity to advance. If a team forfeits the opportunity to advance, it 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 phases of the competition, including after the conclusion of any round of competition.
2. Using a phone, headsets or ear buds, any type of video or audio recording device, chewing gum, eating, drinking, personal grooming, wearing a hat, 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.* NOTE: The Presiding Judge may give permission to have bottled water at the counsel tables.
3. Lawyers must wear proper courtroom attire. It is preferred that a gentleman wear a coat and tie and that a lady wear a dress, pant suit, or skirt and jacket. Ladies should be careful to wear dresses or skirts of appropriate length to ensure modesty.
4. Witnesses may dress according to their roles but they may not wear costumes, for example, a police officer may not wear a police uniform.
5. Neither student lawyers nor witnesses may use or wear any type of prop in the courtroom.
6. All participants must be courteous to all other students and teachers from other schools, as well as to all judges, attorneys and courthouse personnel.
7. All parties must stand when the Presiding Judge and Scoring Panelists enter or leave the courtroom. Student lawyers must stand, unless prevented by a disability, when addressing the Presiding Judge, examining a witness, making/arguing objections and presenting opening statement or closing argument.
8. Lawyers and witnesses must address the Presiding Judge as "Your Honor."
9. Lawyers and witnesses must refer to attorneys as Mr. or Ms. or Counsel and not by their first names.
10. Lawyers must direct all remarks and arguments to the Presiding Judge and/or Scoring Panelists and not to opposing counsel.
11. Lawyers should remain behind the podium unless they are given permission by the Presiding Judge to move about the Courtroom. Unless the Presiding Judge directs otherwise at the start of the trial, lawyers must request permission from the Presiding Judge each time they wish to move from the podium, to approach the bench, a bailiff or a witness, or to retrieve an exhibit.
12. If ruled against on an objection or in the case, accept the decision gracefully. Do not continue to argue after the judge makes a ruling. Do not thank the court for each ruling on an objection or for other decisions.

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

1. Before participating in a mock trial, it is important to be familiar with the physical set up of a courtroom and the roles participants play during the trial. The courtroom layout is not mandatory and may be adjusted by the Presiding Judge or the Trial Site Coordinator and by necessity, according to the courtroom facilities. The actual layout for the competition courtrooms vary from courthouse to courthouse.
2. Only the attorneys and the plaintiff and 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." The Prosecution/Plaintiff's team sits at the table closest to the jury box.
3. The bailiff sits at a place designated by the Trial Site Coordinator, generally in the

front of the courtroom.

4. The timekeeper from each team must sit together in the jury box. If there is no jury box, then the time keepers shall sit wherever designated by 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, attorney-coaches or others associated with the team or any team member, will not observe or allow anyone else associated with their team or any of its members to observe another team by any method. The prohibition includes, but is not limited to, attending another teams' practice sessions or trials and viewing or listening to any video or audio recording of other teams litigating the current year's problem during trial or practice sessions. This prohibition on attending, viewing, or listening does not apply with respect to the opposing team during a scrimmage or practice session or during an actual mock trial.

#### **D. VIDEO AND AUDIO RECORDING**

1. No video or audio recording is allowed at competitions. THERE ARE NO EXCEPTIONS TO THIS RULE.
2. Violation of this Rule will result in disqualification of a team involved and will prevent advancement.
3. Video or audio recording of scrimmages is up to the participants. The Committee does not have jurisdiction over scrimmages.
4. The Final Round of competition will be video recorded by the Committee.

#### **E. 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. By way of example and limitation, the following would constitute an abuse: a witness or co-counsel writing questions for an obviously unprepared team member. Distracting or disruptive communication will be scored accordingly. Abuse of the communication privileges may be severely penalized by the Scoring Panelists.
2. Teacher-coaches, attorney-coaches, other team members and all other observers shall not talk to, signal, communicate with, coach or attempt to coach their teams at any time during a competition trial. This Rule also applies 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 home, conflict in a personal time schedule, confirming a bus ride home, etc.). The Presiding Judge may question any student, teacher-coach or attorney-coach regarding the alleged inappropriate communication. Decisions of the Presiding Judge concerning possible inappropriate communication are final.
3. Once a trial has begun, if an emergency occurs and a student must speak to a teacher-coach or attorney-coach, the Trial Site Coordinator should be notified and must be present during the communication.
4. There are to be no electronic communication devices above the bar during a trial. This includes devices used by the time-keepers who may only use stop watches.

**IMPORTANT: This Rule cannot be modified by agreement of the participants.**

**F. SIMPLIFIED RULES OF EVIDENCE**

1. All trials will be governed by the "Simplified Rules of Evidence" (Mock Trial Version). Other more complex evidence rules may not be raised in the trial.
2. During the trial, the attorney making an objection or responding to an objection must be prepared to cite the specific rule on which his/her argument is based.

**G. PRESENTATION OF BOTH SIDES OF THE CASE**

1. In each round of the competition, teams must be prepared to present both the Prosecution/Plaintiff's and the Defense/Defendant's side of the case.
2. Team members may change roles when presenting opposite sides of the case or when competing in different rounds. Different members of the same team may participate in each trial, so long as the total number of students participating in one trial does not exceed the limits set out in Rule I.B.1. For each trial, all students participating in that trial must be listed on the Prosecution/Plaintiff roster or the Defense/Defendant roster for that trial.

**H. TRIAL SEQUENCE AND TIME LIMITS**

1. The trial sequence and time limits are as follows:
  - a. Opening Statement: 5 minutes per side.
  - b. Direct and an optional Redirect Examination of 3 witnesses: 25 minutes per side.
  - c. Cross and an optional Re-cross Examination of 3 witnesses: 20 minutes per side.
  - d. Closing Argument: 5 minutes per side.

Mandatory penalty points will be assessed if a team exceeds the total time allotted for each part of the trial, as set out in Rule VII B.1.
2. Attorneys are not required to use the entire time allotted to each part of the trial. Time remaining in one part of the trial may not be transferred to another part of the trial.
3. Opening statements must be given by both sides at the beginning of the trial. The Prosecution/Plaintiff gives the first opening statement. The defense cannot defer its opening.
4. The Prosecution/Plaintiff gives the first closing argument. The Prosecution/Plaintiff may reserve a portion of its closing time for a rebuttal. The Prosecution/Plaintiff's rebuttal is limited to the scope of the Defense/Defendant's closing argument.

**I. 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. Argument on objections will generally be limited two turns per side, unless the Presiding Judge allows additional arguments to be made.
3. No objections may be made during opening statements or during closing arguments. If a team believes an objection would have been necessary during the opposing team's closing, a lawyer 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

\_\_\_\_\_.” No response or rebuttal by opposing team is allowed. The Presiding Judge will not rule on such an “objection.” The Presiding Judge and Scoring Panelists will individually weigh the “objection” as part of their scoring process.

4. Examples of trial objections include:

- a. Argumentative Questions: An attorney shall not ask argumentative questions
- b. Lack of Proper Predicate/Foundation: Attorneys shall lay a proper foundation prior to moving for the admission of an exhibit. Exhibits which have been properly authenticated prior to trial, usually through a stipulation, may still be objected to on other grounds.
- c. Assuming Facts Not in Evidence: Attorneys may not ask a question that assumes unproved facts. However, an expert witness may be asked a question based upon stated assumptions, the truth of which is reasonably supported by evidence (sometimes called a “hypothetical question”).
- d. Questions Calling for a Narrative or General Answer: Questions must be stated so as to call for a specific answer. (Example of improper question: “Tell us what you know about this case.”)
- e. Non-Responsive Answer: A witness’ answer is objectionable if it fails to respond to the question which was asked.
- f. Repetition: Questions designated to elicit the same testimony or evidence previously presented in its entirety are improper if merely offered as a repetition of the same testimony or evidence from the same or similar source.

5. Teams are not precluded from raising additional objections which may be available under the Mock Trial Rules of Evidence.

## **J. MOTIONS**

- 1. 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.
- 2. The only motion permitted during trial is one requesting the Presiding Judge to strike testimony following a successful objection to its admission.

## **K. BENCH CONFERENCES**

- 1. Student attorneys may request a bench conference to clear up any procedural or factual questions.
- 2. Bench conferences should be conducted from counsel table to enable the scoring panelists the opportunity to see and hear the conference.

# **RULE V: SPECIFIC ROLES**

## **A. OVERVIEW OF PARTICIPANTS**

Presiding Judge:	In a jury trial, the Presiding Judge instructs the jury, rules on objections and generally guides the trial. The Committee arranges for judges or lawyers to serve as the Presiding Judge for each trial.
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Scoring Panelists:	Score participants on performance. The Committee arranges for lawyers, and sometimes judges, to serve as Scoring Panelists for each trial.
Attorneys:	There are a total of eight attorney roles for each side of the case. These roles can be performed by as few as three attorneys or as many as eight.
Witnesses:	There are a total of three witness roles for each side of the case.
Bailiff:	The Defense/Defendant is responsible for providing the bailiff who may administer the oath to all witnesses called to testify. (See Section C. 5 below.) He/she also assists the judge and enforces the judge's instructions. He/she is responsible for all evidentiary material and will hand copies of exhibits or other materials to the Judge.
Timekeeper:	Team member or other student responsible for timing court proceedings. Timekeepers are subject to the provisions of Rule I B.1 and 2 above.

## B. ATTORNEYS

1. Attorneys may use notes when presenting their cases. However, heavy reliance on notes is discouraged as an attorney must be able to modify his/her examination questions based on the answers actually given by the witness being examined.
2. One attorney presents the opening statement and another attorney must present the closing argument. No one attorney may present both opening statement and closing argument in one trial. **Violation of this Rule will result in a mandatory assessment of ten (10) penalty points.**
3. With respect to each witness, one attorney must conduct the direct and all redirect examinations of the witness. Similarly, one attorney must conduct the cross and all re-cross examinations of the witness. It is impermissible to switch attorneys in the middle of an examination of a witness. **Violation of this Rule will result in a mandatory assessment of four (4) penalty points for each violation.**
4. With respect to each witness, only the attorney conducting the direct/redirect examinations and the cross/re-cross examinations of a witness may make objections during the testimony of the witness. **Violation of this Rule will result in a mandatory assessment of four (4) penalty points for each violation.**
5. No attorney may perform more than two examinations during any one trial, whether it be 2 direct examinations, 2 cross examinations, or 1 direct and 1 cross examination. **Violations of this Rule will result in a mandatory assessment of ten (10) penalty points for each violation.**

## C. WITNESSES

1. Each team must call and examine all three of its assigned witnesses.
2. Teams may call their witnesses in any order.
3. Witnesses may be called only by their own team. One team may not, in its case, call (or recall) a witness for the opposing team.

4. No witnesses other than the six for whom sworn statements are provided in the materials will be permitted to testify.
5. For the swearing of witnesses, the following oath may be used before questioning begins:  
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?

The swearing of the witnesses will occur in one of two ways. Either the Presiding Judge will indicate that all witnesses are assumed to be sworn, or the above oath will be administered to each witness by the bailiff or Presiding Judge just prior to the witness taking the stand.

6. All witnesses must remain in the courtroom during the entire trial. The Rule of Sequestration may not invoke.
7. Witnesses may not take any materials to the stand and they cannot use notes while testifying.
8. On direct examination, the witness's testimony is limited to the facts set forth in the case materials.
9. Cross examinations are not limited to the scope of the direct examination. Issues may be raised on cross examination which were not raised in the direct examination of that witness. However, re-cross examinations are limited to the scope of the preceding re-direct examination.
10. EXPERT WITNESSES: In some cases, a witness may meet the requirements of Rule 702 of the Simplified Rules of Evidence to testify as an expert witness. In such cases, it is not necessary to ask the judge to "qualify" or "accept" or "recognize" the witness as an expert after the witness testifies about his/her education, training and expertise in a particular area. Challenges to the credentials of the witness may be made during cross examination.<sup>2</sup>

#### **D. JUDGES AND SCORING PANELISTS**

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 may also score the competition.
2. During quarter-final and semi-final rounds, 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) Scoring Panelists will determine the better team presentation. This is done by each panelist individually assigning points to each student's performance and then casting a vote for the team with the most points, and
  - (b) Presiding Judge and Scoring Panelists will determine the best witness and best attorney from each team for each trial.
4. The Presiding Judge will give an oral critique of each team's performance. The Scoring Panelists' comments will be written on the Comment Forms which will be distributed to the teams after the scores are determined. If time allows, the Scoring Panelists may also give brief oral critiques.

5. Volunteer lawyers and judges who serve as scoring panelists or Presiding Judges in a trial are selected by the trial site coordinators. No grievance or appeal challenging the qualifications of any volunteer lawyer or judge to perform his/her duties as a scoring panelist or as a Presiding Judge is allowed.
6. There shall be no communication between a team or any individual associated with a team and a scoring panelist or Presiding Judge after a trial is concluded.

## **RULE VI: TIMEKEEPING**

### **A. TIMEKEEPERS**

1. During the competition, timekeepers are to act together as a neutral entity. Timekeepers are responsible for fairly and accurately keeping and reporting the time during the trial and during any disputes brought under Rule VII. A.
2. Each team competing in a trial is responsible for providing one student to serve as an official timekeeper for that trial.
3. If a team does not provide an official timekeeper for a trial, that team must defer to and accept the results of its opponent's official timekeeper for that trial.
4. Timekeepers are not to communicate with their respective teams during the course of the trial presentation, recesses, or during any dispute procedure, except to display the "time remaining" cards and indicate (as directed by the Presiding Judge) how much time is remaining during a particular part of the trial.
5. Timekeepers must use two stopwatches to time the various parts of the trial. They may not use phones or any other timing device during the competition. Stop watches must be provided by the teams. They are not provided by the Committee and none will be available at the trial site.

### **B. TIMEKEEPING PROCEDURES**

1. The "Official Timekeeping Procedures and Responsibilities" materials for the Program are available at: [okbar.org/mocktrial](http://okbar.org/mocktrial). That document sets out the details for timekeeping and it is applicable to the timekeeping procedures to be used in all mock trials in each round of competition.
2. Time limits are mandatory and will be enforced. Time runs from the beginning of the witness examination, opening statement, or closing argument until its conclusion. Introduction of counsel or witnesses prior to the opening statement shall not be included in the time allotted for opening statements. However, if counsel or witnesses are introduced once the opening statement has commenced, such time shall be included in the time allotted for the opening statement. Time stops only for objections, questioning from the judge, or administering the oath. Time does not stop for introduction of exhibits.
3. The Committee will provide "Time Remaining" cards, time sheets and timekeeper instructions to each team once in advance of the first round of the competition. These time cards must be retained and used in each round in which the team competes. Extra copies of the time sheets should be made and at least two (2) copies should be brought to each round of the competition.

4. No time cards may be used by the timekeepers other than the ones provided by the Committee. During each trial, each timekeeper is to use a set of "Time Remaining" cards with the following designations to signal time: 20:00, 15:00, 10:00, 5:00, 4:00, 3:00, 2:00, 1:00, 0:40, 0:20 and STOP. Timekeepers should display the applicable "Time Remaining" cards simultaneously.
5. At the end of each part of the trial presentation (i.e. at the end of each opening, at the end of a team's third direct examination, at the end of each team's third cross examination and at the end of each closing argument) the timekeepers must immediately notify the Presiding Judge if there is more than a 15 second discrepancy between the two timekeepers. The Presiding Judge will then rule on the discrepancy, the timekeepers will synchronize their stopwatches accordingly and the trial will continue. Any discrepancies between timekeepers less than 15 seconds will not be considered. No time disputes will be entertained after the trial concludes. The decisions of the Presiding Judge regarding the resolution of time disputes are final.
6. In rare instances, the Presiding Judge may extend the time limits for a particular part of the trial in the interest of fairness. Such an extension of time is limited to circumstances where it appears to the Presiding Judge that one team has intentionally caused delays to hamper the other team's ability to finish completing its presentation within the allotted time.
7. Immediately after the conclusion of each trial, the timekeepers must submit their time sheets to the Trial Site Coordinator and they shall advise the Trial Site Coordinator whether either team exceeded the time limit set for any phase of the trial. (See, Rule IV. H 1 above for the time limits.) The Trial Site Coordinator shall then inform the Scoring Panelists so that any penalty points may be deducted.

## **RULE VII. DISPUTE PROCEDURE/ PENALTY POINTS**

### **A. RAISING A DISPUTE - INSIDE THE BAR**

1. Disputes should be raised immediately as they occur.
2. Upon the conclusion of the trial in its entirety, the Presiding Judge will excuse the Scoring Panelists to begin tallying their 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 substantial Rule violations. **Reminder - No unfair extrapolations objections will be considered during this process. All objections to unfair extrapolations must be made during the course of the trial at the time of their occurrence. See Rule II.F.4.**
3. At the end of the two minutes, the Presiding Judge will ask each team if it is aware of any alleged substantial violation of these Rules of Competition. Only one member from each team may respond to the Judge. If either team alleges a substantial Rule violation, the Presiding Judge will ask the selected spokesman for each team to state the nature of the violation alleged, giving sufficient details to allow the other team to prepare a defense.
4. Except for violations of Rules requiring the mandatory assessment of penalty points under Rule VII.B.1 below, the Presiding Judge may not raise potential Rule violations of his or her own accord. When the Presiding Judge is permitted by this Rule to raise potential violations, before assessing a penalty, the Presiding Judge must give



sufficient notice to the offending team to enable them to prepare and present a defense.

5. Upon appropriate announcement of the nature of the alleged Rule violation, a three (3) minute recess will be called, during which time each team must prepare its complaint or defense. During this three-minute recess, each team may confer with its 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 its alleged violations.**
6. The complaining team will be granted two (2) minutes per alleged violation, with a maximum of four (4) minutes aggregate, to state the alleged violation(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 a violation, the Prosecution/Plaintiff will present its complaint(s) first.
7. Upon conclusion of the presentations and defenses, the Presiding Judge will announce his/her decision(s) as to whether a violation occurred and will then join the Scoring Panelists and advise them whether any penalty points are to be deducted on their "Performance Rating" Forms. Each Scoring Panelist shall then deduct the penalty points from his/her score to arrive at a final score for that team.
8. Decisions concerning the assessment of penalty points shall be in accordance with the Section B below. The decision(s) of the Presiding Judge is final as to all penalty points assessed.

## **B. PENALTY POINTS**

1. Mandatory Penalty Assessments:
  - a. Unless the Presiding Judge extended time in accordance with Rule VI. B. 5, each Scoring Panelist will deduct one (1) point from a team's score for each one-half minute ( $\frac{1}{2}$ ) of time which exceeds the **time limits for each phase** of the trial as specified in Rule IV.H.1. 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 ten (10) 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 (4) points from a team's score if the attorney examining a particular witness, either on direct or cross-examination, is not the attorney who made objections when that same witness was being examined by opposing counsel.
  - d. No attorney may perform more than two examinations during any one trial, whether it is 2 direct examinations, 2 cross examinations, or 1 direct and 1 cross examination. Violations of this Rule will result in a mandatory assessment of ten (10) penalty points for each violation.
  - e. Each Scoring Panelist will deduct ten (10) points from a team's score for each violation of the Rule IV. E regarding improper contact, unless the Presiding Judge determines the contact to be harmless. If the contact is determined to be

harmless, fewer than ten (10) or no penalty points may be deducted, as decided by the Presiding Judge, whose decision is final.

2. Discretionary Penalty Assessments:

For any other violations of these Rules, the Presiding Judge may impose a penalty ranging for zero (0) points to ten (10) points, depending on the severity of the violation, 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.

**C. REPORTING OF RULE VIOLATIONS - OUTSIDE THE BAR**

1. Disputes or grievances about conduct which occurred outside the bar during a trial may be raised only by teacher-coaches and attorney-coaches. Disputes pertaining to a specific trial or trial site must be made immediately to the **trial side coordinator** or the **mock trial coordinator**, who will ask the complaining party to complete a dispute form or put the dispute in writing.
2. Disputes or grievances pertaining more generally to the Rules of Competition or the Mock Trial Program, should be made in writing to the **mock trial coordinator**.
3. The trial site coordinator or the mock trial coordinator will forward the written complaint to the Committee, or its Executive Committee. Upon receipt, the Committee, or its Executive Committee will (a) notify all pertinent parties; (b) allow time for a response, if appropriate; (c) review; and (d) rule on the complaint or defer the matter for post-season review. The Committee may determine the appropriate penalty for the violation which occurred, if applicable. The Committee's decision is **final**.

**RULE VIII: 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 be announced to the teachers by the Trial Site Coordinator at the conclusion of the morning rounds. Each teacher coach must check the score sheets and verify their correctness before signing the sheets. Teacher Coaches may ask the Trial Site Coordinator how the Presiding Judge awarded their ballot during the qualifying round.
5. Copies of the score sheets will be provided to the teacher coaches at the end of

each round. 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. Pairing: A random method of selection will determine opponents in the qualifying round with changes only made to avoid (1) cannot compete dates or (2) travel restrictions. Schools with multiple teams may be paired together and must participate in the round.
2. Criteria: Teams advance based on the following criteria in the order listed:
  - a. *Win/loss* Record - equals the number of rounds won or lost by a team;
  - b. Total Number of Ballots - equals the number of scoring judges' votes a team earned in preceding rounds;
  - c. Total Number of Points Accumulated - equals the number of point accumulated in previous rounds; and
  - d. Percentage Point Spread - equals the sum of each scorer's percentage of points awarded that team. The higher Percentage Point Spread will break the tie in favor of the team the scorers preferred.
3. For quarter finals, the twenty-four highest ranked teams will advance from qualifying rounds and the teams will be power-protected to the greatest extent possible. The following pairings will occur at eight separate sites unless (1) cannot compete dates or (2) travel restrictions demand otherwise:

Site A: 1, 16, and 24  
Site B: 2, 15, and 23  
Site C: 3, 14, and 22  
Site D: 4, 13, and 21  
Site E: 5, 12, and 20  
Site F: 6, 11, and 19  
Site G: 7, 10, and 18  
Site H: 8, 9, and 17

4. For semi-finals, the eight highest ranked teams will advance from quarter-finals and the teams will be power-protected for the first round and power-matched for the second round. The following first round pairings will occur at two separate sites unless (1) cannot compete dates or (2) travel restrictions demand otherwise:

Site A: 1 meets 8  
          4 meets 5  
Site B: 2 meets 7  
          3 meets 6

For the second semi-finals round, the two highest ranked teams after the morning round at each site will face each other and the remaining teams at each site 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. The two teams at each location in the afternoon winner's bracket will be ranked first through fourth place.

5. For finals, the two highest ranked teams after semi-finals will meet, with the same coin toss procedure described above to determine sides. The highest ranked team at the conclusion of this round will be declared the state champion and be eligible to compete at the National Mock Trial Competition.

## **RULE IX: APPEAL PROCEDURES**

- A. Any team aggrieved by the final results of a trial in which it participated may appeal the final results to the Committee.
- B. All appeals must be made in writing and must be sent by email to the Mock Trial Coordinator immediately and no later than the day after the day on which the trial was held.
- C. The written appeal should clearly state the facts upon which the grievance is based and, if applicable, it should cite the Rule or Rules alleged to have been violated. Any documentation supporting the appeal should also be provided with the written appeal.
- D. Any appeal which is not immediately commenced in accordance with the terms of this Rule IX will not be considered.
- E. Upon receipt of a written appeal, the Mock Trial Coordinator shall notify the Committee of the appeal.
- F. If deemed appropriate by the Committee or its Executive Committee, a copy of the written appeal and any supporting documentation will be sent to the other team who participated in the trial which is the subject of the grievance, such that said team may submit a response to the appeal. Any response to the appeal must be sent by email to the Mock Trial Coordinator.
- G. After the time for submitting a response has expired, the Committee or its Executive Committee shall render a written decision on the appeal. The written decision shall be timely sent by email to both teams involved in the appeal. The decision of the Committee or its Executive Committee is final and no further appeals are allowed.

## **RULE X: RECOGNITION**

- A. All students who participate on a team (unless the team withdraws from the competition) will receive a certificate. Teams withdrawing from the competition before completing all competition rounds to which they have advanced will not be eligible to receive awards.
- B. 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 other certificates distributed at the end of the competition. Teacher-coaches are responsible for keeping an accurate record of their team's winners.
- C. The top eight teams will receive an award (plaque or trophy).
- D. Additional individual awards will be presented to each team member of the teams which compete in the final round.
- E. Second, third, and fourth year participants in the Program will also receive special recognition.

## **RULE XI: COURTROOM ARTIST COMPETITION**

- A. Each team may register one courtroom artist to compete in the competition.

B. The team's courtroom artist is bound by the same requirements as the other team members including the Honor Code and other permission forms. They will designate their work with the same team code and may not serve in any other role on their team.

C. The courtroom artist must follow all guidelines and specifications posted on the OBA web site concerning the size, medium and content of their work.

## **RULES XII: COURTROOM JOURNALIST CONTEST**

A. Each team may register one courtroom journalist to compete in the competition.

B. The team's courtroom journalist is bound by the same requirements as the other team members including the Honor Code and other permissions forms. They will designate their work with the same team code and may not serve in any other role on their team.

C. The courtroom journalist must follow all guidelines and specifications posted on the OBA web site concerning time, content, length, and style.

### **Special Notes or References**

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1. \*\*\*Addition of RULE XII COURTROOM JOURNALIST.

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