



**2013 / 2014
Mock Trial
Middle and High School
Competition Handbook**

RULES OF COMPETITION

(Section 1 of 4)

**A PROJECT OF THE
SOUTH CAROLINA BAR
LAW RELATED EDUCATION COMMITTEE
AND THE MOCK TRIAL SUB-COMMITTEE**

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SC BAR LRE DIVISION STAFF
Cynthia H. Cothran, LRE Director
Marian J. Kirk, LRE Coordinator Donald N. Lanier, LRE Manager



Mock Trial is made possible with the support of the [South Carolina Bar Foundation's](#) IOLTA grant and the [South Carolina Bar](#).

MIDDLE SCHOOL MOCK TRIAL PAST WINNERS

2002 State Winner	Sneed Middle School
2003 Pee Dee Regional Winner.....	Myrtle Beach Middle School
2003 Midlands Regional Winner	Lady's Island Middle School
2003 Upstate Regional Winner	Riverside Middle School
2004 State Winner	Johnsonville Middle School
2005 State Winner	Johnsonville Middle School
2006 State Winner	Hand Middle School
2007 State Winner	Springfield Middle School
2008 State Winner	Springfield Middle School
2009 State Winner	Forestbrook Middle School
2010 State Winner	Forestbrook Middle School
2011 State Winner	Johnsonville Middle School
2012 State Winner	Forestbrook Middle School



**2012 State Winner
Forestbrook Middle School**

HIGH SCHOOL MOCK TRIAL PAST STATE WINNERS

1982 – Dreher High School	1998 – Socastee High School
1983 – Conway High School	1999 – Socastee High School
1984 – Strom Thurmond High School	2000 – Berkeley High School
1985 – Strom Thurmond High School	2001 – Bob Jones Academy
1986 – Myrtle Beach High School	2002 – Berkeley High School
1987 – Strom Thurmond High School	2003 – Bob Jones Academy
1988 – Socastee High School (National Champions)	2004 – Bob Jones Academy (National Champions)
1989 – Berkeley High School	2005 – Berkeley High School
1990 – Irmo High School	2006 – Berkeley High School
1991 – Berkeley High School	2007 – Fort Mill High School
1992 – Irmo High School	2008 – Berkeley High School
1993 – Berkeley High School	2009 – Fort Mill High School
1994 – Middleton High School	2010 – Bob Jones Academy
1995 – Bob Jones Academy	2011 – North Myrtle Beach High School
1996 – Socastee High School	2012 – Strom Thurmond High School
1997 – Socastee High School	2013 – North Myrtle Beach High School



**2013 State Winner
North Myrtle Beach High School**

HIGH SCHOOL MOCK TRIAL
COURTROOM ARTIST AND JOURNALIST STATE WINNERS

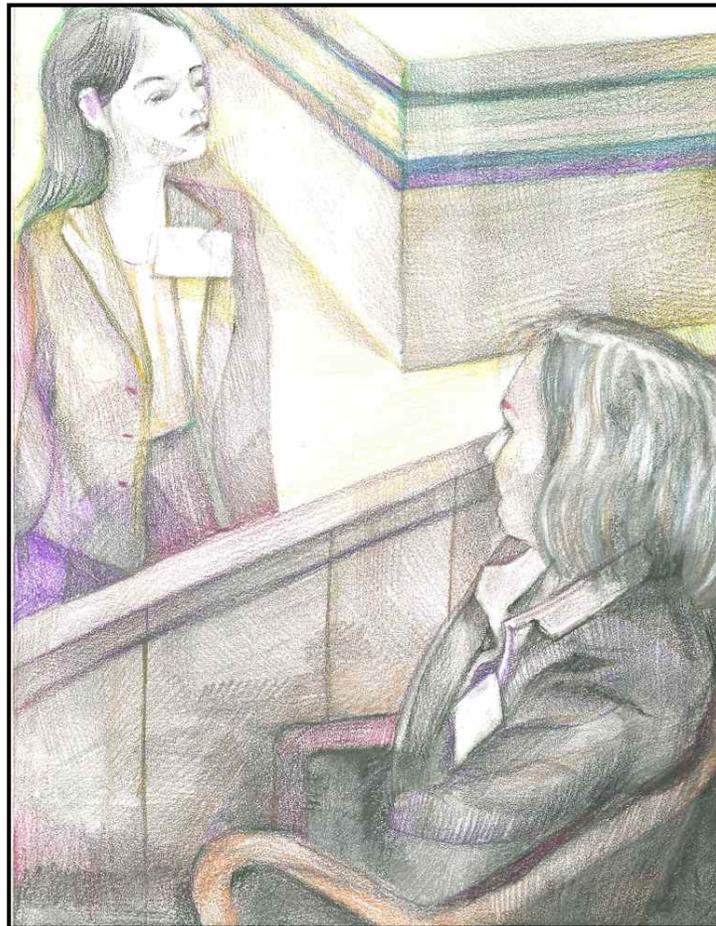
COURTROOM ARTIST

2011 – Jane Xu, Dreher High School
2012 – Megan Greer, Montessori Sch. of Anderson
2013 – Elissa Na, Bob Jones Academy

COURTROOM JOURNALIST

2011 – Caylyn Bird, Spring Valley High School
2012 – Kayla Fenstermaker, Bob Jones Academy
2013 – Ya Fang, Governor's School for Science
and Mathematics

Samples of previous sketch entries can be viewed online.
([click here](#))



**2013 State Winner of Courtroom Artist Competition
Elissa Na, Bob Jones Academy**

INTRODUCTION TO THE MOCK TRIAL COMPETITION

The Mock Trial competitions are sponsored by the South Carolina Bar Law Related Education (LRE) Division. Public schools, private schools and home schools throughout the state have been invited to participate in this program in one of the two categories; middle school or high school. Each participating school enters a team ideally composed of 14 - 16 students (and a minimum of 6 students) and requires a teacher coach sponsor. The SC Bar LRE Division will assist in locating attorney coaches to help teams prepare the case and will also provide the team with the case and other competition materials on the LRE Web site at <http://www.sctbar.org/LawRelatedEducation.aspx>.

The Mock Trial competitions are divided into regional competitions with a culminating state competition at both the middle and high school levels. A total of twelve teams advance from the Middle School Mock Trial regional competitions and twelve teams advance from the High School Mock Trial regional competitions to participate in their level of state competition using the case assigned to each level. For high school, the state champion represents South Carolina in the national competition using a new national case.

Teams are officially assigned to a region after the **drop date assigned for each level**. Once teams are assigned to a region, the team cannot switch regions without the discretion of the state coordinator. (*Regions are subject to be split based on capacity of courthouses.*)

The Middle School Mock Trial competition schedule is as follows:

- Coastal..... Conway Saturday, **November 2**, 2013
- Lowcountry North Charleston..... Saturday, November 9, 2013
- Midlands Lexington Saturday, November 9, 2013
- Piedmont..... Greenville Saturday, November 9, 2013
- State Lexington Friday and Saturday, December 6 and 7, 2013
- Battle of the Carolinas Conway Friday and Saturday, April 4 and 5, 2014

The High School Mock Trial competition schedule is as follows:

- Coastal..... Conway Saturday, February 22, 2014
- Lowcountry..... North Charleston..... Saturday, February 22, 2014
- Midlands..... Lexington Saturday, February 22, 2014
- Piedmont..... Greenville Saturday, February 22, 2014
- State..... Columbia or Lexington Friday – Saturday, March 7 and 8, 2014
- National..... Madison, Wisconsin..... Thursday – Sunday, May 8-11, 2014

The goals of this program are, first and foremost, to educate students about the basis of our American judicial system and the mechanics of litigation. The program also serves to build bridges of mutual cooperation, respect and support between the community and the legal profession. Through participation in the Mock Trial program students will increase their basic skills such as listening, speaking, writing, reading, and analyzing. All participants are encouraged to keep in mind that the goal of the Mock Trial program is not to win for the sake of winning, but to learn and understand the meaning of good citizenship in a democratic republic through participation in our system of law and justice. All who participate in the Mock Trial competition are winners in this sense.

Students – Through participation you will experience what it is like to prepare for and present a case before a judge. Working with your team and coaches, you will learn to evaluate information and respond quickly. As you prepare, you will sharpen public speaking and presentation skills. The greatest benefit is the opportunity to learn how the

legal system works. By studying and understanding courtroom procedure, you should become more comfortable with federal and state laws as part of the legal system. Your interaction with some of South Carolina's finest attorneys and judges will give you a glimpse of the different interpretations of trial procedure and different approaches of individual members in the legal arena.

Teacher Coaches, Attorney Coaches, and/or Judges - We strongly encourage you to focus on the goal of participation by students rather than stressing competition while preparing for the competition. Your contributions of time and talent are making many experiential educational opportunities available annually to many South Carolina students. Your participation is a key element to the success of this program. You can be proud of the impact you have made on the lives of these students.

CASE RELEASE INFORMATION

The case materials are available on the Internet in the LRE section of the South Carolina Bar's Web site, located at <http://www.scbar.org/LawRelatedEducation.aspx> and by clicking on either the Middle or High School Mock Trial logo. The Middle School Mock Trial case will be released no later than 5 p.m. on August 30, 2013. The High School Mock Trial case will be released no later than 5 p.m. on October 31, 2013.

DISCUSSION FORUM

The Mock Trial forum can have questions posted concerning the content of the case materials, the rules, and the competition. The forum is located on the LRE website, which is located at <http://www.scbar.org/LawRelatedEducation.aspx>, clicking on the Middle School or High School Mock Trial logo, and then clicking on the link for the Discussion Forum which takes you to a page providing information on the forum. At the bottom of the screen, click on Middle/High School Mock Trial Discussion Forum, which takes you to a page to register for the forum. It can take up to 48 hours to gain access to the forum once registered. The forum should be checked often for postings. Responses posted to the questions could change rules, case materials, and/or competition specifics that will apply on competition day. Forum questions may be posted up until **seven (7) business days prior** to a competition.

SOUTH CAROLINA BAR

Law Related Education (LRE) Division

(803) 252-5139, lre@scbar.org

Cynthia H. Cothran, LRE Director, ccothran@scbar.org

Handles the following types of Mock Trial Questions:

Competition, Case, Forum, and any Mock Trial Concerns

Marian Kirk, LRE Coordinator, mkirk@scbar.org

Handles the following types of Mock Trial Questions:

Registration, Payment, Submission of Forms, and Updating Forms

Donald Lanier, LRE Manager, dlanier@scbar.org

Handles the following types of Mock Trial Questions:

Webinar Registration, Forum Registration, Downloading Mock Trial Document(s), LRE Website Questions, and Securing an Attorney Coach

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2013/14 MIDDLE AND HIGH SCHOOL
MOCK TRIAL COMPETITION HANDBOOK

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Overview of New Rules and Modifications for 2013/14 Mock Trial

For the 2013/14 competition season, the competition rules were modified or clarified. Updates are bolded and underlined. Note that the portion of the rule that has updates and corrections is below. The entire rule can be found in the rules section.

Anything in a light grey box is something that South Carolina is providing as additional information.

SECTION I: ADMINISTRATION

1.1 Rules

All trials are governed by the Rules of the Mock Trial Competition and the Rules of Evidence (Mock Trial Version).

~~Questions or~~ Interpretations of these rules are within the discretion of the SC Bar, Law Related Education (LRE) Division, whose decisions are final.

1.3 Emergencies

During a trial, the presiding judge shall have discretion to declare an emergency and adjourn trial for a short period of time to address the emergency.

In the event of an emergency that would cause a team to be unable to continue a trial or to participate with less than six members (Middle School) and seven members (High School), the team must notify the SC Bar, LRE Division as soon as it is reasonably practical. If the SC Bar, or its designee(s), in its sole discretion, agrees that an emergency exists, the SC Bar, or its designee(s), shall declare an emergency and will decide whether the team will forfeit or may direct that the team take appropriate measures to continue any trial round with less than six members. A penalty may be assessed by the SC Bar, or its designees.

1.4 Team Codes / Identity

The identities of students' schools competing in a round, to the extent possible, are to be kept confidential from the ~~scoring~~ judges. ~~To ensure this,~~ There shall be no school names, logos, or colors on any items brought into the courtroom. Teams should only identify

themselves by their assigned team codes for the competition. ~~provided prior to the competition.~~

1.5 Entry into Competition Venues

Competition team members, coaches, and judging panel volunteers should have first priority ~~when going~~ through the security check points. All visitors should stay to the rear of the security lines and allow competition participants through first.

SECTION II: THE PROBLEM

2.1 The Problem

The problem consists of three witnesses for the Prosecution/Plaintiff and three witnesses for the Defense. All witnesses must be called. There is ~~and~~ no discretion as to the selection of the witnesses. ~~shall exist.~~ The witnesses may be called in any order. On the day of the competition, teams will declare the order they are calling their witnesses on their Team Roster Form and the Practice Scoresheet. **Teams shall complete the Practice Scoresheets** prior to the start of each round.

2.3 Creation of Material Fact

Teams may not present testimony or evidence that constitutes a creation of material fact. For the purposes of this rule, a “material fact” is a fact that cannot be fairly **reasonably** inferred from the case materials and that would provide one side a significant legal advantage.

If a witness is asked information, either during direct or cross-examination, that is not contained in the witness’ statement, the answer must be consistent with the **affidavit** and may not materially affect the witness’ testimony or any substantive issue of the case. **An answer that is inconsistent with the statement and that materially affects the witness’ testimony or a substantive issue in the case is a material fact that violates this rule, even if the testimony was offered innocently, accidentally, and in good faith.**

A team, who in good faith, believes that its opponent has created a material fact may make such an objection to the presiding judge. The team making the objection *must* support it by explaining in detail (1) how the fact gives the opponent a significant legal advantage; and (2) why it cannot be regarded as a fair inference from the case materials. The team resisting the objection must be prepared to explain either (1) that the fact does not offer them a significant legal advantage; or (2) that the fact can be fairly inferred from the case materials.

After hearing from both sides, the presiding judge shall immediately rule in open court on the “creation of material fact” objection. If the presiding judge sustains the objection, the scoring judges individually **must assess against the team presenting the fact, not the individual witness** ~~against which the objection is sustained~~ **offering the fact,** a penalty of at least ~~three points~~ **one point,** but no more than seven points. If the presiding judge overrules the objection, s/he must immediately declare whether or not, in his/her judgment, the objection was made in good faith. If the presiding judge determines that the objection was not made in good faith, the scoring judges individually must assess against the team **making the objection, not the** ~~that made~~ **individual lawyer making the objection,** a penalty of at least ~~three points~~ **one point** and no more than seven points. **When**

imposing a penalty under this rule, scoring judges may wish to consider whether the material fact was offered accidentally or unintentionally—a circumstance that may warrant a lower penalty.

Objections based on this rule must be made immediately following the introduction of the challenged testimony or other evidence. No objections based on this rule will be entertained during the dispute resolution phase at the end of the trial under **Rule 6.1 (Penalties: Post Trial Dispute)**.

Remember: The 1-7 point penalty for creation of a material fact is to be assessed as a team penalty in the penalty box at the bottom of the scoresheet—not as an individual penalty against the testifying witness or his/her lawyer. Individual scores should not be adjusted to account for the creation of a material fact; the only penalty is a team penalty.

Note: The presiding judge will be completing a NEW Penalty Form: Creation of Material Fact Objections as a record of this objection. Once the presiding judge has started to complete this form, neither team should continue argument on the objection until the form is completed.

2.4 Gender of Witnesses

All witnesses are gender neutral. Personal pronoun changes in witness statements indicating gender of the characters should be made **by the teams during the round.**

SECTION III: TEAMS

3.1 Team Eligibility

Teams competing in the State Mock Trial competition must be comprised of students who participated on the team at the regional level. **The state coordinator may designate an alternate team to advance to the state competition should a team from a particular regional competition be unable to participate.**

3.3 Team Composition and Allocation of Duties (High School)

High school teams shall be comprised of ~~7~~ **6** to 14 students. A maximum of 14 students will wear team badges. Remaining students associated with the team will be required to wear visitor badges and sit with the visitors.

For each trial round, high school teams will use a minimum of two and a maximum of three students as attorneys, and three students as witnesses. ~~must have three attorneys per side. Each attorney must conduct a direct examination of one witness and a cross-examination of one witness.~~ The opening statement and closing argument must be delivered by different attorneys.

Official Comment:

This rule requires that the eight attorney duties be divided between or among attorneys as evenly as possible.

For a team with two attorneys, one attorney would deliver the opening statement; the other would deliver the closing argument; and both attorneys would evenly divide the examinations of the three witnesses.

~~Since the~~ **For a** team ~~is required to have~~ **with** three attorneys, one attorney would deliver the opening statement; another would deliver the closing argument; and each attorney would handle a direct and a cross examination **each** since there are three witnesses.

The National High School Mock Trial Competition rules require each high school team to have exactly three lawyers on each side. Thus, when a South Carolina team advances to the National Competition, they will have to change the number of attorneys per side in order to avoid non-eligibility.

3.4 ~~{Reserved}~~ **Scrimmages are Permissible**
Teams are permitted to scrimmage with other teams at any time.

Official Comment:

The Mock Trial Forum is a great place to promote interest in hosting or participating in a scrimmage.

3.8 **Withdrawing from the Competition**

Teams are notified in the Mock Trial competition registration form of the date a team can withdraw without penalty. Should a team need to withdraw after the designated date, the team must complete the **Team Drop Form** provided on the SC Bar Web site. The **lead teacher coach** and the principal must sign and submit the completed form to the State Mock Trial coordinator **immediately upon withdrawing the team**. Withdrawal after the deadline can result in extreme hardship in coordinating the competition. A team that withdraws after the drop deadline is subject to a one year suspension from the competition; however, the team's **lead teacher coach and/or principal** may petition the Mock Trial Sub-Committee to waive the suspension. Teams that advance to the next level of competition are notified by a letter from the SC Bar of any withdrawal deadlines applying to the next level of competition.

SECTION IV: THE TRIAL

4.3 **Reading into the Record Not Permitted**

The Stipulations, the Complaint, the Answer, the Indictment, ~~the Pleadings,~~ and/or the Charge to the Jury will not be read into the record.

4.6 **Timekeeping and Time Limits**

Attorneys are permitted to ask the presiding judge how much time is remaining. If a speaker runs out of time, the speaker may request the presiding judge's permission to conclude his/her presentation. The presiding judge has sole discretion to grant a time extension up to 30 seconds. **The extension may only be requested at the conclusion of their time.** If such an extension is granted, no penalty shall be assessed unless the extension is exceeded. If time has expired and an attorney continues without permission

from the presiding judge, the scoring judges shall impose a penalty in accordance with these rules. (See Rule 5.4: Completion of Scoresheets and Rule 6.3: Effect of Violation on Score.)

Timekeepers must be seated together. Timekeepers can request to be seated in a location where they can be viewed by the attorneys, but they must be seated with a sufficient distance from the scoring judges (either in front of the scoring judges or off to the side of the scoring judges). Timekeepers are to remain seated during the trial.

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 discrepancies are final.

Official Comment:

*Improper delay tactics may ~~also~~ result in a reduced **individual** score. An example of this would be the unnecessarily lengthy review of proposed exhibits by opposing counsel.*

4.9 Sequestration

Witnesses may not be sequestered. **(Sequestered means to be removed from the courtroom during the testimony of other witnesses.)** ~~hidden from the public.~~

4.11 Costuming and Props

Teams may not use as props or demonstrative objects **other than** ~~only those~~ items that are officially provided by the SC Bar as part of the case materials. Teams may not bring to court any other items to use as props or demonstrative devices. ~~Nor may~~ Teams **may not** use loose items that they may find in the courtroom (e.g., pens, water bottles, flip charts, etc.) for props, exhibits or demonstrative purposes.

4.17 Objections to Opening Statement and Closing Argument

No objections may be raised during opening statements or closing arguments. If a team believes an objection would have been proper during the opposing team's opening statement or closing argument, one of its attorneys may, following the opening statement or closing argument, stand to be recognized by the presiding judge and may say, "If I had been permitted to object during opening/closing arguments, I would have objected to the opposing team's statement that _____." **The objection may only be made immediately following the opening statement or closing argument and may not be raised as a dispute after the round.** The presiding judge will not rule on this objection. Scoring judges will weigh the objection individually. No by the opposing team will be heard.

4.18 Objections

Except during the opening statement or closing argument as described above, an attorney **may** object any time the opposing attorney has violated the rules of evidence. The **objecting** attorney ~~who is to object~~ should stand up at the time of the violation, e.g. "Objection. The testimony/counsel is..." When an objection is made, the presiding judge will ask the reason for the objection. Then the presiding judge will turn to the attorney who asked the question(s) and that attorney will usually have a chance to explain why the objection should not be accepted ("sustained") by the presiding judge. After the opposing counsel has responded, there shall be no more argument on that objection unless requested by the presiding judge. The presiding judge will then decide whether the

objection is "Sustained" (i.e., that the evidence is a violation of the rules of evidence) or whether the objection is "Overruled" (i.e. that the evidence is proper). If an objection is sustained, there is no need to "Move to Strike" the evidence from the record.

Official Comment #1:

Teams are not precluded from raising additional objections that are available under the Mock Trial Rules of Evidence.

Official Comment #2:

An objection that a witness is being "non-responsive" is frequently made during cross-examination, when the cross-examiner has asked a "yes" or "no" question and the witness has said more than "yes" or "no" in response. Though the practices of presiding judges differ on this point, most judges will allow a witness, in response to a "yes" or "no" question from a cross-examiner, to give a brief, one-sentence explanation of the answer after saying "yes" or "no." Most judges will go on to cut the witness off after a sentence or so of explanation (if requested to do so by the cross-examining lawyer), on the grounds that any further explanation is better left to re-direct examination. Teams should be prepared to adjust their objections on this point to the preferred style of the presiding judge.

4.20 Procedure for Introduction of Exhibits

Official Comment: (moved content from rule to official comment box)

As an example, the following steps effectively introduce evidence:

~~A.— Before approaching the witness, show the exhibit to opposing counsel.~~

- A. Ask for permission to approach the witness. "Your Honor, may I approach the witness with what has been marked for identification purposes as Exhibit No. _____?"
- B. Ask the witness to identify the exhibit. "I now hand you what has been marked for identification as Exhibit No. _____. Would you identify it please?" Witness should answer to identify only.
- C. Etc.

4.22 Redirect / Recross

Redirect and recross examinations are permitted. The scope range of redirect, however, is limited to the subject matter extent of the cross-examination of that witness. Likewise, the scope range of recross is limited to the subject matter extent of redirect.

4.23 Recess

Only the audience may leave the courtroom during the five minute recess. Any communication that takes place over the bar subjects ~~that~~ **the offending** team to a penalty in accordance with Rule 4.12 (Trial Communication). Everyone who chooses to remain in the courtroom must stay seated quietly to allow the students in front of the bar to prepare their closing arguments.

4.24 Scope of Closing Arguments

Closing arguments must be based on the actual evidence and testimony presented during the trial. Objections or disputes concerning closing arguments are limited to those permitted by Rule 4.17 (Objections to Opening Statement and Closing Argument) and may not be raised as a dispute under Rule **6.1 (Penalties: Post Trial Disputes)**.

4.26 ~~Scope of Observers~~ Visitor Conduct

All invited visitors should be briefed by the team's sponsoring teacher on the rules that apply to visitors during the competition prior to competition day. The SC Bar reserves the right to remove **anyone** ~~a visitor~~ that violates rules stated by the Courthouse and the overall SC Bar competition rules.

4.28 Most Effective Nominations Made by Teams

After each round is completed, each team will have up to one minute to nominate ~~on the certificates provided by the presiding judge~~ a most effective witness and a most effective attorney from the opposing team. After the nominations have been made, each team will announce and immediately award the most effective recipients in that round prior to leaving the courtroom. The most effective awards determined by the students do not replace the most effective awards that the scoring judges determine and announce at the conclusion of the competition.

SECTION V: JUDGING AND TEAM ADVANCEMENT

5.2 Composition of Judging Panels

Teams may address the scoring judges as members of the jury. Each round will be scored by a ~~three-member~~ "jury" panel to serve as the "scoring judges," which may consist of judges, attorneys, law students, or experienced Mock Trial teachers. **Each scoring panel shall include at least one attorney. The presiding judge shall be an attorney or a judge.**

5.4 Completion of Scoresheets

Scoring Penalties

(** New Order of Scoring Penalties**)

Scoring judges shall impose a **team** penalty within the indicated ranges for the following **violations in the penalty box at the end of the scoresheet:**

- Costuming and Props (see Rule 4.11) 2 – 10 points
- Failure to Call all Witnesses (see Rule 4.5) Team Forfeits
- Improper Communication (see Rules 4.6 and 4.12) 2 – 10 points
- Unequal Distribution of Tasks
 - Among the Team (see Rules 3.2 and 3.3) 2 – 8 points
- Time Runs Out and Forced to Call
 - Remaining Witness (see Rule 4.5) 10 points
- Bad Faith "Creation of Material Fact" Objection (see Rule 2.3) **1** – 7 points
- Any Other Rule Not Stated Above is Subject to Penalty 1 – 10 points
- **Creation of Material Fact (see Rule 2.3)**
 - **Unintentional** **1 - 2 points**
 - **Intentional** **3 - 7 points**

- **Time Violations (see Rule 4.6)**

- 1 to 14 seconds..... 0 points
- 15 to 30 seconds (*without extension from presiding judge*) **1** – 2 points
- 31 to 60 seconds..... **3** – 4 points
- Over 60 seconds **5** – 10 points

5.5 Team Advancement to the State Competition

The number of teams advancing from each regional competition to the state competition is not announced in advance, but on the day of the regional competition **at the closing assembly**. The number of teams that advance from a regional competition to the state competition is based on the number of teams competing in each region compared to the overall number of teams competing statewide. Each regional competition’s percentage of teams advancing will be as closely matched as possible. ~~The number of teams that advance specifically from each region is not announced until the closing assembly on the day of the regional competition.~~ Overall, there will be twelve teams that will advance to the state competition at the middle school level and high school level. **Should an advancing team withdraw from participating in the state competition; the next highest ranking team in the state will be selected to fill the vacancy.**

The regional coordinator announces the **“proposed”** teams to represent their region at the state competition. Scoresheets will be reconfirmed following the competition day and the official teams will be announced the following Tuesday by 5 p.m. on the SC Bar Web site at www.scb.org/lre. Until certified by the SC Bar, the advancing teams are not finalized. The SC Bar reserves the right to correct any errors or omissions; therefore, any announcement of a team as advancing to the next level is subject to correction.

5.6 Random Pairing and Power Matching

Power matching will provide that:

- F. **Normally**, ~~ideally~~, a team will not meet the same opponent twice.
- G. Teams will perform each side at least once. ~~To the greatest extent possible, teams will alternate side presentation in subsequent rounds.~~
- H. Bracket integrity in power matching will supersede **sub-rules F and G**, ~~alternate side presentation.~~

SECTION VI: DISPUTE RESOLUTION

6.1 ~~Reporting a Rules Violation / Inside the Bar~~

Penalties: Post Trial Disputes

The “bar” in a courtroom is traditionally a railing or low wall that separates the **visitors** from the presiding judge, jury, attorneys, parties, and testifying witnesses. For Mock Trial purposes, a violation “inside the bar” means a rule violation that is committed by a team or team member ~~in the presentation and conduct of the trial~~ during the competition round.

Violations Disputes which occur within the bar must be filed immediately with the presiding judge following the conclusion of that trial round. **Violations Disputes** are not handled after the competition round **has been adjourned by the presiding judge** or the next business day.

After the trial has ended and the scoring judges have been excused, all members of the team (including those who did not compete in that particular round, the bailiff and

timekeeper) will be permitted to consult with their attorney and teacher coaches for a maximum of two minutes. If a team believes that its opponent has committed a violation of the rules, one of the team's student attorneys shall present the team's position to the presiding judge by completing a **Penalty Form: Rules Violation provided by the presiding judge.** ~~The Penalty Form: Rules Violation Dispute Form~~ may be completed only by a student **spokesperson** ~~team member~~ competing in that round. The presiding judge will review the completed **form** ~~Dispute Form~~ and determine whether the **violation raised** ~~dispute~~ should be heard or denied. The presiding judge may declare a brief recess and retire from the courtroom to deliberate.

- A. If the presiding judge decides that the **violation raised** ~~dispute~~ does not merit a hearing, the presiding judge **will inform the teams of that decision and adjourn the round.** In that event, the team that is the subject of the **violation raised** ~~dispute~~ shall **may** not respond. ~~to the dispute. The presiding judge shall adjourn the court, retire to complete his/her scoresheet (if applicable), and turn the signed Dispute Form in with the scoresheets.~~
- B. If the presiding judge decides that the **violation raised** ~~dispute~~ merits a hearing, the **Penalty Form: Rules Violation** ~~Dispute Form~~ completed by the objecting team will be shown to the opposing team **to provide a written response.** ~~for review. The opposing team may confer with their coaches for up to two minutes prior to responding. A student attorney from the opposing team will have an opportunity to respond to the presiding judge concerning the objection, and that student attorney may confer with his/her attorney and teacher coaches for up to two minutes prior to responding.~~ The **objecting** ~~moving~~ party may not confer further with their coaches during this period.
- ~~C. After the opposing team has recorded its written response to the objection on the Dispute Form and returned it to the presiding judge, the presiding judge will ask each team to designate a spokesperson from their team members in front of the bar. After the spokespersons have had time (not to exceed two minutes) to prepare their arguments, the presiding judge will conduct a hearing on the dispute, providing each team's spokesperson three minutes for a presentation. The presiding judge may question the spokespersons. At no time in this process may the teams' attorney or teacher coaches, nor visitors may communicate/consult with the student attorneys. The teams will be given two minutes to prepare their arguments and designate one student spokesperson from each team to address the court for up to two minutes. The presiding judge may question the spokespersons and anyone else in the courtroom. At no time during the hearing, may coaches or visitors communicate/consult with the students.~~
- D. After the hearing, ~~dispute~~ the presiding judge may declare a brief recess and retire from the courtroom to deliberate on ~~the~~ **his/her** ~~ruling. on the dispute.~~ The presiding judge will announce **his/her** ~~decision on the dispute~~ in open court. The presiding judge shall adjourn the court, retire to complete a scoresheet (if applicable), and turn the signed **Penalty Form: Rules Violation** ~~Dispute Form~~ in with the scoresheets.

Attorney coaches, teacher coaches, and visitors are not allowed to address the court regarding a **violation complaint** ~~dispute settlement~~. Only student attorneys may invoke this ~~the dispute~~ procedure.

6.2 Other Penalties

A. Time Violations: At the end of the competition round, the presiding judge will collect the timesheets. The presiding judge will report any time violations to the scoring judges, who shall assess penalties as set forth in Rule 6.3. Disputes may not be raised regarding time violations.

B. Creation of Material Fact Violations: Creation of Material Fact may only be raised as an evidentiary objection during the round at the time the alleged violation occurred. The presiding judge will announce all rulings on such objections at the time the objection is made and will complete a Creation of Material Fact Penalty Form for each objection. If the presiding judge finds a Creation of Material Fact violation, the scoring judges shall assess a penalty as set forth in Rule 6.3. Disputes may not be raised regarding Creation of Material Fact violations or rulings at the end of the round.

6.3 Effect of Violation on Score

If the presiding judge determines that a ~~substantial~~ rules violation, **time violation, or creation of material fact violation** has occurred, he or she will inform the scoring judges. ~~of the dispute and provide a summary of each team's argument.~~ The scoring judges will consider the **violation(s) raised before assessing penalty points at the bottom of the scoresheet.** ~~dispute before reaching their final decisions. The dispute may or may not affect the final decision, but the matter will be left to the discretion of each scoring judge and indicated in the penalty box on his/her scoresheet.~~

Scoring Penalties

(New Order of Scoring Penalties**)**

Scoring judges shall impose a **team** penalty within the indicated ranges for the following **violations in the penalty box at the end of the scoresheet:**

- Costuming and Props (see Rule 4.11) 2 – 10 points
- Failure to Call all Witnesses (see Rule 4.5) Team Forfeits
- Improper Communication (see Rules 4.6 and 4.12) 2 – 10 points
- Unequal Distribution of Tasks
 - Among the Team (see Rules 3.2 and 3.3) 2 – 8 points
- Time Runs Out and Forced to Call
 - Remaining Witness (see Rule 4.5) 10 points
- Bad Faith “Creation of Material Fact” Objection (see Rule 2.3) **1** – 7 points
- Any Other Rule Not Stated Above is Subject to Penalty 1 – 10 points
- **Creation of Material Fact (see Rule 2.3)**
 - **Unintentional** **1 - 2 points**
 - **Intentional** **3 - 7 points**
- **Time Violations (see Rule 4.6)**
 - 1 to 14 seconds 0 points
 - 15 to 30 seconds (*without extension from presiding judge*) **1** – 2 points
 - 31 to 60 seconds **3** – 4 points
 - Over 60 seconds **5** – 10 points

6.4 Reporting of Rules Violation / Outside of the Bar

A violation “outside the bar” means a rule violation that is committed by a team, team member, teacher, coach, **or visitor** attending the competition that is not in the presentation and conduct of the trial itself.

Disputes Violations that occur outside the bar may be brought by attorney or teacher coaches exclusively. Such **disputes violations** must be made promptly to the regional or state Mock Trial coordinator, a sub-committee chair or his/her designee, who will ask the complaining party to complete a **Penalty Form: Rules Violation**. The **Penalty Form: Rules Violation** will be taken to a **dispute violation** resolution panel that will (a) notify all necessary parties; (b) allow time for a written response, if appropriate; (c) conduct a hearing; and (d) rule on the charge. Penalties are in the discretion of the **dispute violation** resolution panel and may range from a scoring adjustment to disqualification from the competition.

SECTION VII: COURTROOM SKETCH ARTIST COMPETITION HIGH SCHOOL ONLY

7.1 Registration and Eligibility

Each school may register up to two courtroom sketch artists to compete in the Courtroom Sketch Artist Competition. If the school also registers a Mock Trial team, the courtroom sketch artists must register with the team and be included on the Team Roster for the regional competition. The Courtroom sketch artists may not double as bailiffs, timekeepers, or any other team role. Courtroom sketch artists are subject to all relevant Mock Trial rules, restrictions, and eligibility requirements. **Sketch pads will be checked at registration to confirm that the sketch pad consists of blank pages throughout the pad. Upon approval, the student will receive a submission form to complete and accompany their work that is turned in at the end of the competition day.**

7.4 Judging Components

Each courtroom sketch artist may submit one sketch for judging at the regional competition. Sketches must be delivered to the Regional Mock Trial Coordinator **at the end at the beginning of the closing assembly when the regional coordinator is collecting everything from the teachers, artists and journalists.** A completed Sketch Submission Form must be attached to the front of the sketch by paperclip at the time of submission. The Regional Mock Trial Coordinator or designee will deliver all sketches to the State Mock Trial Coordinator, **so they may be judged by the judges. Judges consist of art teachers/professors, professional artists, etc. with as many as 10+ judges.**

The State Mock Trial Coordinator will assign each sketch a random number and remove the Sketch Submission Forms. Numbered sketches will be evaluated anonymously by a judging team after the regional competitions. The judging team will select the state winner from the regional submissions statewide.

Sketches will be judged **on the following criteria:** accuracy of proportion, realism, authenticity with regard to traditional courtroom sketching, figure/ground relationship, and use of contrast. Each component has a value up to five points.

8.1 Registration and Eligibility

Each Mock Trial team may include up to two courtroom journalists competing at the same time. These students must be from the same school as the registered Mock Trial team or be a home schooled student that would have been assigned to the same school district. (See 3.1 on team eligibility.) The courtroom journalists must register with the team and be included on the Team Roster Form for the regional competition. Courtroom journalists may not double as bailiffs, timekeepers, or any other team role. Courtroom journalists are subject to all Mock Trial rules, restrictions, and eligibility requirements. Student journalist competitors will compete solely on their own efforts and will NOT be considered as part of their school's team in terms of advancing or not advancing to the State High School Mock Trial Competition. **A note pad of the student journalist's choice will be checked at registration to confirm that the note pad consists of blank pages throughout the pad. A submission form will be provided for completion to submit with the article upon completion. Laptops are not permitted in the court house.**

8.2 Trials

Articles must describe actual courtroom presentations observed by the courtroom journalists on the competition day. Articles must be created and completed solely by the Courtroom journalists without the help of any source or person. The courtroom journalists will observe trials in which his/her school is competing at the regional level. The courtroom journalists will be allowed to sit in the jury box in front of or off to the side of the scoring judges during the trials in order to take notes, space permitting. Once the trial begins, the courtroom journalists may not move about the courtroom. The courtroom journalists may work throughout the trial rounds and during breaks. The courtroom journalists may not communicate with any member of the Mock Trial teams or any visitors in the courtroom during the trials.

Note:

Journalists should obtain a copy of the list of witnesses and exhibits located in the case materials to assist them in correct spellings of names, etc.

8.4 Judging Components

Each courtroom journalist may submit one article for judging at the regional competition. Articles must be delivered (in person, fax, or e-mail – not mailed) by the sponsoring Mock Trial teacher to the State Mock Trial Coordinator no later than 5:00 p.m. on the first Monday following the regional competition once the sponsoring Mock Trial teacher confirms the piece is a good representation of his/her school's work. Articles received after 5:00 p.m. on the first Monday following the regional competition will be disqualified. A completed Article Submission Form must be attached to the front of the article at the time of submission. (Please e-mail for an electronic copy of the Article Submission Form prior to the competition if the article entry is to be submitted electronically.)

The State Mock Trial Coordinator will assign each article a random number and remove the Article Submission Forms. The numbered articles will be evaluated anonymously by a judging team after the regional competitions. **Judges consist of attorneys, teachers, newspaper writers and editors, etc. with as many as 10+ judges.**

Articles will be judged on **the following criteria**: accuracy, clarity, objectivity, and style. Each component is worth up to five points. Penalties for grammar and spelling will be deducted from the total score, but may not exceed a penalty greater than ten points.

2013 / 2014

RULES OF THE COMPETITION

NOTICE: All rules apply to both the Middle and High School Mock Trial programs unless noted otherwise.

SECTION I: ADMINISTRATION

1.1 Rules

All trials are governed by the Rules of the Mock Trial Competition and the Rules of Evidence (Mock Trial Version).

Interpretations of these rules are within the discretion of the SC Bar, Law Related Education (LRE) Division, whose decisions are final.

1.2 Code of Conduct

The Rules of the Competition, as well as proper rules of courthouse and courtroom conduct and security, must be followed. The SC Bar has discretion to discipline, (up to and including disqualification, immediate eviction from the competition, and/or forfeiture of fees and awards (if applicable)) for any misconduct occurring while a team is present for a Mock Trial competition; obvious rule violations; or, inappropriate conduct that affects the procedure of a trial or that hurts the reputation or integrity of any team, school, participant, court officer, judge, or the Mock Trial program.

- A. Everyone entering the courthouse will be required to enter through a metal detector. Please avoid bringing any items restricted by the facility, including knives, concealed weapons, cell phones with camera features, or any items that will slow the entry process. It is recommended that the lead teacher coach carry one bag to hold any items necessary for the team to bring into the courthouse to reduce the number of bags/cases going through the metal detector.
- B. Please respect the arrival times, breaks, and lunch times by never being late. Being late without good cause is subject to penalty at the discretion of the regional/state coordinator. A team arriving more than 30 minutes late is subject to disqualification. A team arriving less than 30 minutes late is subject to a ten point penalty to be imposed by the regional/state coordinator in the following competition round.
- C. All team members, teacher coaches, and attorney coaches are required to sign the Code of Ethical Conduct form agreement and submit it to the SC Bar prior to participating in the regional competitions.
- D. Rule violations made by a visitor can subject the team to penalties in accordance with Rule 5.4 (Completion of Scoresheets) and Rule 6.3 (Effect of Violation on Score).

1.3 Emergencies

During a trial, the presiding judge shall have discretion to declare an emergency and adjourn trial for a short period of time to address the emergency.

In the event of an emergency that would cause a team to be unable to continue a trial or to participate with less than six members, the team must notify the SC Bar, LRE Division as soon as it is reasonably practical. If the SC Bar, or its designee(s), in its sole discretion, agrees that an emergency exists, the SC Bar, or its designee(s), shall declare an emergency and will decide whether the team will forfeit or may direct that the team take appropriate measures to continue any trial round with less than six members. A penalty may be assessed by the SC Bar, or its designees.

A forfeiting team will receive a loss and points totaling the average number of the ballots and points received by the losing teams in that round. The non-forfeiting team will receive a win and an average number of ballots and points received by the winning teams in that round. The SC Bar will make the final determination regarding emergency, forfeiture, reduction of points, or advancement.

In the event of inclement weather, contact the designated contact person for that competition.

1.4 Team Codes / Identity

The identities of students' schools competing in a round, to the extent possible, are to be kept confidential from the judges. There shall be no school names, logos, or colors on any items brought into the courtroom. Teams should only identify themselves by their assigned team codes for the competition.

1.5 Entry into Competition Venues

Competition team members, coaches, and judging panel volunteers should have first priority through the security check points. All visitors should stay to the rear of the security lines and allow competition participants through first.

SECTION II: THE PROBLEM (*aka "The Mock Trial Case"*)

2.1 The Problem (*aka "The Mock Trial Case"*)

The case is a fictitious fact pattern. The case may contain any or all of the following: statement of facts, indictment pleadings, stipulations, witness statements /affidavits, jury charges and exhibits. Stipulations (stated facts of the case) may not be disputed at trial. Witness statements may not be altered.

Teams may refer only to the case materials provided by the SC Bar in the official case materials. Teams may not cite or refer to any cases, statutes, or other legal authority not included in the Mock Trial case materials.

The case consists of three witnesses for the Prosecution/Plaintiff and three witnesses for the Defense. All witnesses must be called. There is no discretion as to the selection of the witnesses. The witnesses may be called in any order. On the day of the competition, teams will declare the order they are calling their witnesses on their Team Roster Form and the Practice Scoresheet. Teams shall complete the Practice Scoresheets prior to the start of each round.

2.2 Witness Conduct

Each witness is bound by the facts contained in his/her own witness statement and the stipulations, if any. A witness is not bound by facts contained in the statements of other witnesses.

2.3 Creation of Material Fact

Teams may not present testimony or evidence that constitutes a creation of material fact. For the purposes of this rule, a “material fact” is a fact that cannot be reasonably inferred from the case materials and that would provide one side a significant legal advantage.

If a witness is asked information, either during direct or cross-examination, that is not contained in the witness’ statement, the answer must be consistent with the affidavit and may not materially affect the witness’ testimony or any substantive issue of the case. An answer that is inconsistent with the statement and that materially affects the witness’ testimony or a substantive issue in the case is a material fact that violates this rule, even if the testimony was offered innocently, accidentally, and in good faith.

A team, who in good faith, believes that its opponent has created a material fact may make such an objection to the presiding judge. The team making the objection *must* support it by explaining in detail (1) how the fact gives the opponent a significant legal advantage; and (2) why it cannot be regarded as a fair inference from the case materials. The team resisting the objection must be prepared to explain either (1) that the fact does not offer them a significant legal advantage; or (2) that the fact can be fairly inferred from the case materials.

After hearing from both sides, the presiding judge shall immediately rule in open court on the “creation of material fact” objection. If the presiding judge sustains the objection, the scoring judges individually must assess against the team presenting the fact, not the individual witness offering the fact, a penalty of at least one point, but no more than seven points. If the presiding judge overrules the objection, s/he must immediately declare whether or not, in his/her judgment, the objection was made in good faith. If the presiding judge determines that the objection was not made in good faith, the scoring judges individually must assess against the team making the objection, not the individual lawyer making the objection, a penalty of at least one point and no more than seven points. When imposing a penalty under this rule, scoring judges may wish to consider whether the material fact was offered accidentally or unintentionally—a circumstance that may warrant a lower penalty.

Objections based on this rule must be made immediately following the introduction of the challenged testimony or other evidence. No objections based on this rule will be entertained during the dispute resolution phase at the end of the trial under Rule 6.1 (Penalties: Post Trial Dispute).

Remember: The 1-7 point penalty for creation of a material fact is to be assessed as a **team penalty** in the penalty box at the bottom of the scoresheet—not as an **individual** penalty against the testifying witness or his/her lawyer. Individual scores should **not** be adjusted to account for the creation of a material fact; the only penalty is a team penalty.

Note:

The presiding judge will be completing a NEW Penalty Form: Creation of Material Fact Objections as a record of this objection. Once the presiding judge has started to complete this form, neither team should continue argument on the objection until the form is completed.

Official Comment:

The best way for a team to expose and attack its opponent's creation of material fact is through impeachment and closing arguments, in the ordinary course of the trial. A team that deals with creation of material facts in this fashion will generally be considered by the scoring judges to be more sophisticated, accomplished, and experienced than a team that simply objects to "creation of material facts" without trying to first impeach. Nevertheless, to ensure the integrity of the Mock Trial competition and to provide a remedy for situations in which created material facts cannot easily be challenged through impeachment or closing argument, a special Mock Trial objection – "creation of material facts" – has been established.

For the purpose of this rule, a "material fact" is a fact that gives one side in the case a significant legal advantage. For example, in the trial of a person for underage drinking, the fact that the Defendant is 30 years old is material, because it automatically establishes the Defendant's innocence. That the Defendant is 30 would usually be immaterial in a case for breach of contract. In a murder trial, the fact that the Defendant had taken out a large insurance policy on the life of the victim prior to the murder is material, because it suggests a motive for the crime. The fact that the Defendant graduated from Clemson would usually be immaterial. But if the murder occurred in the parking lot of Williams-Brice Stadium after Carolina beat Clemson 45-0, the fact suggests motive and would be material.

When determining whether a fact is "material" or not under this rule, teams should use common sense. Ask whether the creation of the fact significantly helps either side's case or if it is a fact that you would want to include in a closing argument. If the answer is "yes," the fact is material.

Teams may not use the physical characteristics of a student playing a role in the case (such as gender, race, height, etc.) as part of the evidence in the case. To do so constitutes the creation of a material fact and is a violation of these rules.

Example: "I saw a short female and this witness is a tall male."

2.4 Gender of Witnesses

All witnesses are gender neutral. Personal pronoun changes in witness statements indicating gender of the characters should be made by the teams during the round.

2.5 Voir Dire

Voir Dire examination of an expert witness is not permitted.

Official Comment:

Voir Dire means to challenge the qualifications of an expert witness by addressing questions to the witness.

SECTION III: TEAMS

3.1 Team Eligibility

Students who comprise a team must be enrolled at the same school. Middle school students may perform only in the Middle School Mock Trial competition. High school students may perform only in the High School Mock Trial competition.

Schools eligible to compete in the Mock Trial competition include traditional schools (public, private and charter), career schools, magnet schools, alternative schools, home schools (within the same school district or association), and virtual schools.

Following the definitions prescribed by the South Carolina Code of Laws, the South Carolina Bar Law Related-Education Division considers students in grades five through eight to be “middle school students” and students in grades nine through twelve to be “high school students”; provided, however, that seventh and eighth grade students from a school with no grades lower than the seventh grade will be considered “Junior High School” students and may perform only in the Middle School Mock Trial Competition.

Home-schooled students may compete in the Mock Trial Competitions at the school at which they are zoned to attend and at the grade level corresponding to their age. The school registered to compete in Mock Trial must submit a letter of eligibility for each home-schooled student before s/he can be placed on the school’s team roster. Home school teams may also compete as stand-alone teams separate from a public or private school, provided that all students on the roster are zoned for the same school district and are not enrolled in a public or private school.

High schools may enter a maximum of two teams in the competition. However, only one team from any school will advance to the state championship from the regional competition. Schools that enter two separate teams in the regional competition may not combine the teams to advance to the state competition.

A **high school** that submits two teams must designate one team as the “drop’ team in the event that capacity is exceeded in a given region. Notification of excess capacity within a region will be made one week following the registration deadline with fee date. In the event that more than one school submits two teams in a region with excess capacity, the school that registered two teams last will be the first required to drop its second team and/or consolidate its two teams. If a team is dropped by the SC Bar due to excess regional capacity, that team’s registration fee will be refunded.

If both of the school's designated teams rank high enough to advance to the state competition; only the highest of the two teams will advance.

Once official team rosters are submitted at the on-site registration at the regional competition, registering new teams or new team members may not be done at any

time. A team may not, for any reason, substitute any other person for official team members.

Teams competing in the State Mock Trial competition must be comprised of students who participated on the team at the regional level. The state coordinator may designate an alternate team to advance to the state competition should a team from a particular regional competition be unable to participate.

3.2 Team Composition and Allocation of Duties (Middle School)

Middle school teams shall be comprised of 6 to 16 students. A maximum of 16 students will wear team badges. Remaining students associated with the team will be required to wear visitor badges and sit with the visitors.

Team members are responsible for the following duties during the competition. Duties designated by "A" are to be handled by an attorney; duties designated by "W" are to be handled by a witness.

1. Opening Statement (A)
2. Direct Examination of Witness No. 1 (A)
3. Direct Examination of Witness No. 2 (A)
4. Direct Examination of Witness No. 3 (A)
5. Witness Performance No. 1 (W)
6. Witness Performance No. 2 (W)
7. Witness Performance No. 3 (W)
5. Cross-Examination of Witness No. 1 (A)
6. Cross-Examination of Witness No. 2 (A)
7. Cross-Examination of Witness No. 3 (A)
8. Closing Argument (A)
9. Timekeeper *
10. Bailiff *

** If needed, the timekeeper and the bailiff can be the same student.*

Middle school teams may have 2 to 4 attorneys per side. Attorneys must divide their duties between or among themselves as evenly as possible. The opening statement and closing argument must be delivered by different attorneys.

No team member may play the part of more than one witness on the same side.

Teams must also designate a team member to handle the duties of bailiff and timekeeper. These duties may be handled by the same team member. Teams are encouraged to have an alternate for each position.

At no time may a team for any reason substitute any other person for official team members. The Team Roster Form with alternates, if applicable, becomes official at the time of on-site registration at the regional competition. The Team Roster Form can have members move positions or deleted from positions from regional competitions to the state competition, but new members may not be added.

If a student witness is not present in the courtroom at the time the presiding judge is announced by the bailiff and enters the courtroom, that witness will receive zero points for his/her witness performance. The witness may still be called to the stand if s/he arrives late, however, so that the performances of the two lawyers conducting the direct and cross

examinations of that witness may be assessed and scored by the scoring judges. If the witness does not appear at all and is not available to be called to the stand during the round, the lawyers who would have conducted the direct examination and cross examination of that witness will receive the average score of the other direct examinations and cross examinations, respectively, conducted by their own team of student lawyers.

If a student lawyer is not present in the courtroom at the time the presiding judge is announced by the bailiff and enters the courtroom, that lawyer's team may attempt to reallocate the responsibilities of that missing team member among other lawyers on the team. The team will be subject to penalties for misallocation of duties, however, pursuant to this Rule, Rule 5.4 (Completion of Scoresheets), and Rule 6.3 (Effect of Violation on Score).

Official Comment:

This rule requires that the eight attorney duties be divided between or among attorneys as evenly as possible.

For a team with two attorneys, one attorney would deliver the opening statement; the other would deliver the closing argument; and both attorneys would evenly divide the examinations of the three witnesses.

For a team with three attorneys, one attorney would deliver the opening statement; another would deliver the closing argument; and each attorney would handle a direct and a cross examination each since there are three witnesses.

For a team with four attorneys, one attorney would deliver the opening statement and handle one examination; another attorney would deliver the closing argument and handle one examination; and the remaining two attorneys would each handle two witness examinations.

Please note that a team member can perform duties on both the Plaintiff/Prosecution and Defendant/Defense side of a case, since both sides of the team do not perform at the same time. For example, a team member could play the role of a witness on the Plaintiff side and an attorney on the Defense side.

Alternates are listed on the Team Roster Form (approved at morning registration) and can substitute for missing, late, and/or sick students prior to completing the practice scoresheet at the beginning of each round.

3.3 Team Composition and Allocation of Duties (High School)

High school teams shall be comprised of 6 to 14 students. A maximum of 14 students will wear team badges. Remaining students associated with the team will be required to wear visitor badges and sit with the visitors.

For each trial round, high school teams will use a minimum of two and a maximum of three students as attorneys, and three students as witnesses. The opening statement and closing argument must be delivered by different attorneys.

Team members are responsible for the following duties during the competition. Duties designated by “A” are to be handled by an attorney; duties designated by “W” are to be handled by a witness.

1. Opening Statement (A)
2. Direct Examination of Witness No. 1 (A)
3. Direct Examination of Witness No. 2 (A)
4. Direct Examination of Witness No. 3 (A)
5. Witness Performance No. 1 (W)
6. Witness Performance No. 2 (W)
7. Witness Performance No. 3 (W)
5. Cross-Examination of Witness No. 1 (A)
6. Cross-Examination of Witness No. 2 (A)
7. Cross-Examination of Witness No. 3 (A)
8. Closing Argument (A)
9. Timekeeper *
10. Bailiff *

** If needed, the timekeeper and the bailiff can be the same student.*

No team member may play the part of more than one witness on the same side.

Teams must also designate a team member to handle the duties of bailiff and timekeeper. These duties may be handled by the same team member. Teams are encouraged to have an alternate for each position.

At no time may a team for any reason substitute any other person for official team members. The Team Roster Form with alternates, if applicable, becomes official at the time of on-site registration at the regional competition. The Team Roster Form can have members move positions or deleted from positions from regional competitions to the state competition, but new members may not be added.

If a student witness is not present in the courtroom at the time the presiding judge is announced by the bailiff and enters the courtroom, that witness will receive zero points for his/her witness performance. The witness may still be called to the stand if s/he arrives late, however, so that the performances of the two lawyers conducting the direct and cross examinations of that witness may be assessed and scored by the scoring judges. If the witness does not appear at all and is not available to be called to the stand during the round, the lawyers who would have conducted the direct examination and cross examination of that witness will receive the average score of the other direct examinations and cross examinations, respectively, conducted by their own team of student lawyers.

If a student attorney is not present in the courtroom at the time the Presiding Judge is announced by the bailiff and enters the courtroom, that lawyer’s team may attempt to reallocate the responsibilities of that missing team member among other lawyers on the team. The team will be subject to penalties for misallocation of duties, however, pursuant to this Rule, Rule 5.4 (Completion of Scoresheets), and Rule 6.3 (Effect of Violation on Score).

Official Comment:

This rule requires that the eight attorney duties be divided between or among attorneys as evenly as possible.

For a team with two attorneys, one attorney would deliver the opening statement; the other would deliver the closing argument; and both attorneys would evenly divide the examinations of the three witnesses.

For a team with three attorneys, one attorney would deliver the opening statement; another would deliver the closing argument; and each attorney would handle a direct and a cross examination each since there are three witnesses.

Please note that a team member can perform duties on both the Plaintiff/Prosecution and Defendant/Defense side of a case, since both sides of the team do not perform at the same time. For example, a team member could play the role of a witness on the Plaintiff side and an attorney on the Defense side.

If a team advances to the National High School Mock Trial competition, teams consist of eight (8) official members assigned to attorney and witness roles representing the Prosecution/Plaintiff and Defense sides. Only six (6) of the eight (8) official members will participate in any given round as attorneys and witnesses. Additionally, a person will be designated as the official timekeeper. The team's official timekeeper may be (but need not be) one of the eight (8) official members. At no time may any team for any reason substitute other persons for official members. The team roster will become official at the time of on-site registration.

The National High School Mock Trial Competition rules require each high school team to have exactly three lawyers on each side. Thus, when a South Carolina team advances to the National Competition, they will have to change the number of attorneys per side in order to avoid non-eligibility.

3.4 Scrimmages are Permissible

Teams are permitted to scrimmage with other teams at any time.

Official Comment:

The Mock Trial Forum is a great place to promote interest in hosting or participating in a scrimmage.

3.5 [Team Roster Form](#) Description

Two copies of the [Team Roster Form](#) must be completed by each team prior to arrival at the competition. One copy of the Team Roster Form (Prosecution/Plaintiff and Defense) will be turned into the Mock Trial coordinator. The remaining copy will be retained by the team to aid in the completion of the Practice Scoresheet, which is completed by each team prior to the start of each round.

Teams are identified by the team code. No information identifying team origin should appear on the form. Teams shall not knowingly disclose their place of origin to any judge.

The Team Roster Form becomes official when it is submitted at registration on the day of the competition. Students can drop from regional competitions to the state competition, but new students may not be added for the state competition.

3.6 School Information Sheet and Code of Ethical Conduct Agreement
The lead teacher coach must submit a [School Information Sheet \(Word version\)](#) or [School Information Sheet \(PDF version\)](#) with team specific information prior to the regional competition. This form does not require roles assigned to students, just team participants. The deadline for this submission is provided by the SC Bar. The School Information Sheet allows for a current listing of the team members, teachers, and attorney coaches so that the SC Bar can prepare for the competition to include certificates for each participant, the correct number of team badges for each team, and press releases for each team. The School Information Sheet will be completed in Microsoft Word and submitted electronically.

The School Information Sheet is combined with the Code of Ethical Conduct Agreement Form for ease of completing two forms at once. Once the School Information Sheet is submitted electronically, it will be printed off. Each person (attorney coaches, teacher coaches, and students) listed on the School Information Sheet is required to read the Code of Ethical Conduct Agreement, confirm spelling of their name, and sign that she or he will abide by the Agreement. The signed form can either be faxed to (803) 771-0419 or scanned and emailed to Marian Kirk at mkirk@scbar.org. (See samples in the Forms and Supporting Information Section.)

The School Information Sheet should be updated with new and/or deleted students up to the day of the competition. The School Information Sheet does not serve as the official Team Roster Form. (See the Team Roster Form in the Forms and Supporting Information Section.) As soon as teachers know about changes on their team (teachers, attorney coaches, and/or students), teachers should e-mail Marian Kirk at mkirk@scbar.org with the additions or deletions. If someone is added to the team, teachers will also need to add those individuals to the signed Code of Ethical Agreement portion of the form and re-fax or re-scan the document and submit it to Marian Kirk at (803) 771-0419 / mkirk@scbar.org. (Note that changes made after internal deadlines may not be reflected in press releases and/or certificates.)

3.7 Accommodations for Students with Disabilities

If special accommodations are needed for a student with a disability, the lead teacher coach must address the issue with the state Mock Trial coordinator when registering for the competition or as soon as possible thereafter. The state Mock Trial coordinator will work with the teacher coach, the student, and the regional Mock Trial coordinator to make reasonable accommodations for the student to the extent fairness to all participants, time constraints, and facilities allow.

Documentation regarding a specific disability may be required in order for special arrangements to be made. Confidentiality of information received will be maintained, except to the extent disclosure is necessary to make the accommodation(s).

3.8 Withdrawing from the Competition

Teams are notified in the Mock Trial competition registration form of the date a team can withdraw without penalty. Should a team need to withdraw after the designated date, the team must complete the [Team Drop Form](#) provided on the SC Bar Web site. The lead teacher coach and the principal must sign and submit the completed form to the State Mock Trial coordinator immediately upon withdrawing the team. Withdrawal after the deadline can result in extreme hardship in coordinating the competition. A team that withdraws after the drop deadline is subject to a one year suspension from the competition; however, the team's lead teacher coach and/or principal may petition the Mock Trial Sub-Committee to waive the suspension. Teams that advance to the next level of competition are notified by a letter from the SC Bar of any withdrawal deadlines applying to the next level of competition.

3.9 Communication with Mock Trial Coordinators

Any concerns, issues, or feedback discussed with the Mock Trial regional and/or state coordinator are to be made solely by the lead teacher coach and/or the lead attorney coach. Any communication not from the lead teacher coach or attorney coach is considered to be in non-compliance and is subject to Rule 6.4 (Reporting of Rules Violation / Outside of the Bar). This rule is in place before, during, and after a competition.

SECTION IV: THE TRIAL

4.1 Courtroom Setting

The Prosecution/Plaintiff team shall be seated closest to the jury box. No team shall rearrange the courtroom furniture.

4.2 Stipulations

Agreed - upon facts (stipulations) of the case shall be considered part of the record and already admitted into evidence.

4.3 Reading into the Record Not Permitted

The Stipulations, the Complaint, the Answer, the Indictment, and the Charge to the Jury will not be read into the record.

4.4 [Reserved]

4.5 Trial Sequence

At each competition, teams will present both the Prosecution/Plaintiff and Defense sides of the case. **No team will be required to perform both sides of the case at the same time.**

The bailiff for the Prosecution/Plaintiff team is responsible for opening court. When opening court, the bailiff should announce the name of the case and the name of the presiding judge as soon as the "jury" (scoring panel) is seated. The bailiff will be provided a card prior to the round for this purpose that says: **"All rise. The Court of Common Pleas (for a civil case) or General Sessions (for a criminal case) is now in session. The Honorable _____ is presiding."**

The bailiff for the Prosecution/Plaintiff team is also responsible for swearing in the witnesses all at once, when directed by the presiding judge. The bailiff shall use the following form of oath for this purpose: **"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?” Witnesses may sit or stand during the oath.

After the presiding judge has asked the teams to introduce themselves and delivered some brief housekeeping announcements, s/he will direct the teams to deliver their opening statements and begin the trial. **No pre-trial arguments or motions will be entertained by the presiding judge.**

The Prosecution/Plaintiff will deliver its opening statement first, followed by the Defense. The Prosecution/Plaintiff will then present its three witnesses, each of whom will first be examined directly by a Prosecution/Plaintiff attorney and then cross-examined by a Defense attorney. The Defense will then present its three witnesses for examination.

Each team must call all three of its assigned witnesses. Witnesses may not be recalled by either side. Teams may not call the opposing team's witnesses. Teams must call their third witness even if the team runs out of time. In that event, the team will be allotted a maximum of three minutes for direct examination of its third witness and the team will receive a time penalty of ten points in the penalty box.

The attorney who conducts the direct examination of a witness is the only person who may make objections to the opposing attorney's questions of that witness. Likewise, the attorney who conducts cross-examination of a witness is the only person who may object during the direct examination of that witness.

Once examination of all six witnesses has concluded, the court will then allow a five-minute recess to allow each side to prepare its closing argument. The Prosecution/Plaintiff will deliver its closing argument first, followed by the Defense. If evidence contained in the affidavits was not actually presented during the trial, it cannot be used in the closing arguments.

If Prosecution/Plaintiff does not use all of its time in the closing argument, the closing attorney may request the remainder of the time to be used for a rebuttal provided it is requested prior to the start or end of its closing. However, closing attorneys will not be allowed to rebut unless the request to reserve remaining time from the closing argument was made. *The rebuttal is limited to what was discussed in the Defense's closing argument.*

The presiding judge will oversee the mode and order of the examination of the witnesses and the presentation of evidence. The oversight of all proceedings ensures that there are good presentations that bring out the essential facts of the problem, do not consume too much time, and protect witnesses from harassment or unnecessary embarrassment.

4.6 Timekeeping and Time Limits

Each team is required to provide a student who will serve as the official timekeeper for that team and will use timekeeping aids. The name of the timekeeper shall be noted on the Team Roster Form. A different timekeeper may be used for each round. An attorney or witness may also serve as timekeeper as long as they are not serving in another capacity during that particular round. Bailiffs may also serve as a timekeeper.

The SC Bar will provide time cards, [timesheets](#), scratch paper, pencils, and clipboards on competition day. Teams are responsible for bringing two stopwatches: one to track time for the Prosecution/Plaintiff side and one to track time for the Defense side. Cell phones are not to be used as stopwatches. The Prosecution/Plaintiff timekeeper will be the official timekeeper of the two timekeepers provided between the two teams. Timekeepers are

responsible for fairly and accurately keeping and reporting the time during the trial presentation.

The time limits for the phases of the trial are:

Opening Statements	5 minutes per side
Direct Examinations (re-directs are optional)	25 minutes total per side
Cross Examinations (re-crosses are optional)	20 minutes total per side
Closing Arguments	5 minutes per side

***** See timesheet in the Forms and Supporting Information Section. *****

Time limits are mandatory and will be enforced. Timekeeping begins for each trial segment when the first word during that segment is spoken by the attorney. Time runs from the beginning of the opening statement, witness examination, or closing arguments until its conclusion. Time stops only for objections, questioning from the presiding judge, or administering the oath. Time does not stop for the introduction of exhibits or for attorneys to confer with co-counsel.

Attorneys are permitted to ask the presiding judge how much time is remaining. If a speaker runs out of time, the speaker may request the presiding judge's permission to conclude his/her presentation. The presiding judge has sole discretion to grant a time extension up to 30 seconds. The extension may only be requested at the conclusion of their time. If such an extension is granted, no penalty shall be assessed unless the extension is exceeded. If time has expired and an attorney continues without permission from the presiding judge, the scoring judges shall impose a penalty in accordance with these rules. (See Rule 5.4: Completion of Scoresheets and Rule 6.3: Effect of Violation on Score.)

The presiding judge has the discretion to stop the clock for any reason.

Timekeepers may use only the official time cards provided by the SC Bar and no others. The timecards are provided in the following increments: 20:00, 15:00, 10:00, 5:00, 4:00, 3:00, 2:00, 1:00, :40, :20, STOP. Modification of intervals is not permitted.

Both timekeepers shall begin showing the timecards with the highest amount of time allotted for that phase of the trial (e.g., opening statements, direct examinations, cross examinations, or closing arguments) and continue to decrease the timecard intervals simultaneously as time is depleted. Timekeepers are not to start with a smaller timecard for each individual witness' direct or cross examination.

Example: When cross-examination begins, both timekeepers should start with the "20:00" time card. If the first cross-examining attorney uses 5 minutes (leaving 15 minutes remaining), both timekeepers should begin the cross-examination of the second witness by showing the "15:00" time card.

Timekeepers must be seated together. Timekeepers can request to be seated in a location where they can be viewed by the attorneys, but they must be seated with a sufficient distance from the scoring judges (either in front of the scoring judges or off to the side of the scoring judges). Timekeepers are to remain seated during the trial.

Timekeepers cannot verbalize, wave the time cards, use hand gestures, or use any other means to get an attorney's attention other than raising the SC Bar timecards quietly.

At the end of each phase of the trial (e.g., after both opening statements, at the end of each witness's examination (direct and cross), and at the end of the closing arguments), timekeepers will record and confer with one another on the total amount of time used by both sides. If there is more than a 15 second time discrepancy between the teams' timekeepers, the timekeepers must notify the presiding judge of the discrepancy at that moment. The presiding judge will rule on the discrepancy immediately. After a time discrepancy ruling, 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 discrepancies are final.

Timekeepers may not communicate with any team members, coaches, or visitors during the recess.

Signed timesheets are turned in at the end of each round to the presiding judge.

4.7 [Reserved]

4.8 Motions

Teams may not make pre-trial motions except to request substitution of a team member with an alternate listed on the team roster.

The only motion permitted during the course of the trial are:

- 1) To strike testimony following a successful objection to its admission; and
- 2) To substitute an alternate listed on the team roster for a team member who becomes medically unable to continue participating in the trial.

Official Comment:

It is improper to make requests to the presiding judge regarding swearing of witnesses, use of cell phones, and other housekeeping matters already provided for in the rules. Teams may request that they be allowed to place timekeepers where they can be seen, or for permission to move freely about the courtroom during the trial (although such a request is not required in order to do so). However, these requests may only be made if and when the presiding judge recognizes the team and opens the floor to such requests (such as, "Is there anything further before we begin?"). Teams shall not interrupt the presiding judge or otherwise attempt to instruct the presiding judge on how to conduct the trial or control the courtroom. Teams should not address the court unless recognized by the presiding judge.

4.9 Sequestration

Witnesses may not be sequestered. (Sequestered means to be removed from the courtroom during the testimony of other witnesses.)

4.10 Bench Conferences

Teams will **not** be permitted to request bench conferences during a trial.

4.11 Costuming and Props

Witnesses and lawyers should dress professionally, as if they were appearing in an actual courtroom. No costumes (e.g. police uniforms, badges, wigs, hats, canes, etc.) are allowed. Teams may not wear lapel pins or other insignia earned at other Mock Trial competitions.

Teams may not use as props or demonstrative objects other than items that are officially provided by the SC Bar as part of the case materials. Teams may not bring to court any other items to use as props or demonstrative devices. Teams may not use loose items that they may find in the courtroom (e.g., pens, water bottles, flip charts, etc.) for props, exhibits or demonstrative purposes.

Official Comment:

This rule prohibits the use of make-up, prosthetics, or other effects to create scars or other physical conditions for a witness. However, the student playing the witness is allowed to act as though s/he is afflicted with any condition, deformity, or disability described in the affidavits. Under no circumstances will the opposing team be permitted to question the existence of such conditions based on the fact that the student playing the witness does not actually have them. While the opposing team may cross-examine the witness on the extent of the condition based on information provided in the affidavits, the opposing team may not challenge the witness to prove the existence of the condition by asking him/her to show it to the jury.

Use of accents is not considered costuming.

4.12 Trial Communication

Coaches, teachers, alternates, and visitors shall not talk to, signal, communicate with, or coach their teams during trial. This rule remains in force during any emergency recess that may occur. Team members in front of the bar may, among themselves, communicate during the trial; however, no disruptive communication is allowed. Signaling of time by the teams' timekeepers shall not be considered a violation of this rule.

Coaches, teachers, alternates, and visitors must remain outside the bar in the spectator section of the courtroom after the trial has begun. Only team members participating in a given round may sit inside the bar and communicate with one another. The team members participating in a given round may only communicate with the bailiff, timekeeper, and teacher/attorney coaches during the time period immediately following the trial process to determine if there are any disputes to be raised as directed by the presiding judge. Bailiffs and timekeepers are not to communicate with the participating team members during the trial except for inquiries of time remaining as indicated in the rules.

Attorney and teacher coaches are discouraged from having contact with scoring and presiding judges on the day of the competition to prevent the appearance of impropriety.

4.13 Viewing a Trial

Team members, alternates, attorney coaches, teacher coaches, visitors, and any other persons directly associated with a specific Mock Trial team, except for those authorized by the SC Bar's Law Related Education Division, are not allowed to view other teams' performances, so long as their team remains in the competition. Any team who violates this rule will be eliminated from the competition.

Each team may watch its own team, e.g., Prosecution/Plaintiff may watch Defense. All official team members, sponsors, attorney coaches, teachers, and visitors will be required to wear matching lettered nametags provided at the on-site registration to ensure that this rule is followed.

If a high school has two teams competing, the coaches (teachers and attorneys) may view the performance of only one of those teams during the entire competition day.

4.14 Electronics: Cell Phones, Video Cameras, and Cameras

It is strongly encouraged that cell phones are not brought to the courthouse and/or place of the Mock Trial competition. Some courthouses prohibit cell phones, and they may be confiscated by security personnel. Lead teacher coaches are asked to have their cell phones on vibrate in order to be reached by the Mock Trial coordinator in the event of an emergency. All others including attorney coaches and visitors who bring their cell phones must turn them off.

Any team has the option to refuse participation in videotaping, tape recording, and still photography by opposing teams **without explanation**. Video cameras may be used during the competition only with the consent of the presiding judge **AND** with the consent of the opposing team. Flash pictures may **NOT** be taken during the competition at any time.

Media coverage will be allowed. Media or other representatives may use various electronics to document the Mock Trial rounds, as approved by the SC Bar, LRE Division Staff. Media or other representatives will most likely be wearing identification badges representing their affiliated station or publication. Should the lead teacher coach see a media representative attempting to film or interview a team member who has not supplied a talent release form or has reason not to be filmed, the media representative should be approached immediately by the lead teacher coach and/or parent to stop such activity.

(See the Talent Release Form for additional information in the Forms and Supporting Information section.)

4.15 Jury Trial

The case will be tried to a jury. Arguments are to be made to the presiding judge and jury. Teams may address the scoring judges as the jury.

4.16 Standing During Trial

Students who are able should stand while giving opening statements, during direct and cross examinations, raising and responding to objections, and giving the closing arguments.

4.17 Objections to Opening Statement and Closing Argument

No objections may be raised during opening statements or closing arguments. If a team believes an objection would have been proper during the opposing team's opening statement or closing argument, one of its attorneys may, following the opening statement or closing argument, stand to be recognized by the presiding judge and may say, "If I had been permitted to object during opening/closing arguments, I would have objected to the opposing team's statement that _____." The objection may only be made immediately following the opening statement or closing argument and may not be raised as a dispute after the round. The presiding judge will not rule on this objection. Scoring judges will weigh the objection individually. No rebuttal by the opposing team will be heard.

A video link showing an [Objection to a Closing Argument](#) example can be viewed.

Visit www.scbare.org/lre and click on the Middle School or High School Mock Trial logo on the main page. Go to Resources and then to Mock Trial Sample Videos.

Official Comment:

The "objection" permitted by this rule should generally be used only to challenge a closing argument (or portion thereof) that is not based on evidence properly admitted at trial. An attorney making such an "objection" should be prepared to describe the specific evidence (or inference therefrom) on which the challenged argument is based. Teams should not use this rule merely to challenge the strength or logical force of their opponent's arguments. Scoring judges should consider such use of this rule improper, and they may, in their sole discretion, adjust their scores accordingly.

Example No. 1: *Plaintiff's counsel in a medical malpractice trial argues in the closing argument that the Plaintiff should prevail because the opinion of Plaintiff's expert, Dr. Reed, conclusively showed that the doctor who had operated on Plaintiff was negligent. At the conclusion of counsel's closing argument, Defense counsel invokes this rule and objects to the portion of Plaintiff's closing argument that referred to Dr. Reed's expert opinion. Defense counsel observes that, since Dr. Reed was never admitted as an expert by the Court, Plaintiff's counsel's discussion of the doctor's "expert opinion" is based on facts not in evidence. This argument is appropriate under this rule.*

Example No. 2: *Assume that, in the same trial, the presiding judge admitted Dr. Reed as an expert. At the close of Plaintiff's closing argument, Defense counsel invokes this rule and objects again. This time, Defense counsel argues that Plaintiff's discussion of Dr. Reed's expert opinion should be stricken because the doctor is a quack who always testifies for Plaintiffs. This argument is inappropriate under the rule. Rather than challenge an argument based on facts not in evidence, it simply takes issue with the inferences to be drawn from properly admitted evidence. That sort of challenge should be made in the closing argument itself, not in a post-argument objection.*

4.18 Objections

Except during the opening statement or closing argument as described above, an attorney may object any time the opposing attorney has violated the rules of evidence. The objecting attorney should stand up at the time of the violation, e.g. "Objection. The testimony/counsel is..." When an objection is made, the presiding judge will ask the reason for the objection. Then the presiding judge will turn to the attorney who asked the question(s) and that attorney will usually have a chance to explain why the objection should not be accepted ("sustained") by the presiding judge. After the opposing counsel has responded, there shall be no more argument on that objection unless requested by the presiding judge. The presiding judge will then decide whether the objection is "Sustained" (i.e., that the evidence is a violation of the rules of evidence) or whether the objection is "Overruled" (i.e. that the evidence is proper). If an objection is sustained, there is no need to "Move to Strike" the evidence from the record.

A video link showing [objection examples](#) can be viewed.

Visit www.scbare.org/lre and click on the Middle School or High School Mock Trial logo on the main page. Go to Resources and then to Mock Trial Sample Videos.

Reasons for Objections:

- A. **Argumentative Questions**.....Evidence Rule 902
An attorney shall not ask argumentative questions.
- B. **Lack of Proper Foundation**..... Evidence Rule 904
Attorneys shall lay a proper foundation prior to moving the admission of evidence. After the exhibit has been offered into evidence, the exhibit may still be objected to on other grounds.
- C. **Assuming Facts Not in Evidence**Evidence Rule 901
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 Narrative or General Answer**Evidence Rule 611
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 asked. Or, if answer runs merely for the purpose of expanding time.
- F. **Repetition**
Questions designed 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.
- G. **Irrelevant Evidence**Evidence Rule 402
- H. **Leading**..... Evidence Rule 611
- I. **Improper Character Testimony** Evidence Rule 404-405
- J. **Hearsay** Evidence Rule 801-802
- K. **Opinion**Evidence Rule 701
- L. **Lack of Personal Knowledge**Evidence Rule 602
- M. **Creation of Material Facts** Competition Rule 2.3

Only the attorney "responsible" for the particular witness may object. For instance, the attorney who directly examines a witness objects when that witness is being crossed, and the attorney who crosses a witness objects when that witness is being directly examined. (Also see Rules 3.2 and 3.3 (Team Composition and Allocation of Duties – Middle and High) regarding Team Duties.) A lawyer responsible for an objection may confer with co-counsel concerning the objection, but only that lawyer may address the presiding judge.

Official Comment #1:

Teams are not precluded from raising additional objections that are available under the Mock Trial Rules of Evidence.

Official Comment #2:

An objection that a witness is being "non-responsive" is frequently made during cross-examination, when the cross-examiner has asked a "yes" or "no" question and the witness has said more than "yes" or "no" in response. Though the practices of presiding judges differ on this point, most judges will allow a witness, in response to a "yes" or "no" question from a cross-examiner, to give a brief, one-sentence explanation of the answer after saying "yes" or "no." Most judges will go on to cut the witness off after a sentence or so of explanation (if requested to do so by the cross-examining lawyer), on the grounds that any further explanation is better left to re-direct examination. Teams should be prepared to adjust their objections on this point to the preferred style of the presiding judge.

4.19 Exhibits

The SC Bar will provide for each courtroom one large (11x17) color set of the exhibits and a witness notebook that will contain the affidavits and the exhibits located at the witness stand to be used during the trial. The bailiffs will be responsible for verifying that all of the large exhibits are accounted for prior to the trial in the correct order as well as collecting them at the end of the trial and returning the exhibits to the original starting location. Only the exhibits provided by the SC Bar can be published to the jury. Teams may only use the SC Bar provided case materials in each courtroom when showing the presiding judge, jury, opposing counsel and/or witnesses the competition rules, rules of evidence, pleadings, statutes, and affidavits. Teams may use personal copies of any portion of the case materials at their tables only.

No alteration to the exhibits is permitted including, but not limited to, highlighting, enlargements, or lamination. All evidence will be pre-marked as exhibits.

Other than the Practice Scoresheets, the only documents that the teams may present to the presiding judge or to the scoring judges are the exhibits provided by the SC Bar as they are introduced into evidence. Exhibit notebooks prepared by teams are not to be provided to the presiding judge or panel of scoring judges. No exhibits or materials outside of those provided by the SC Bar may be used during the Mock Trial competition including teams creating timelines of events.

The exhibits will be located in each courtroom at a neutral location accessible to both teams. Exhibits will not be controlled by any one person or team.

4.20 Procedure for Introduction of Exhibits

Case materials include a predetermined number of proposed exhibits and **either team can use any of the exhibits**. Each side will be scored on its attempt to introduce evidence and the other side based on its objections. It is up to the teams' attorneys to determine which witnesses (either on the team's own direct examination or during cross examination of the other team's witnesses) are the best and/or proper witnesses to introduce the exhibits.

Official Comment:

As an example, the following steps effectively introduce evidence:

- A. Ask for permission to approach the witness. "Your Honor, may I approach the witness with what has been marked for identification purposes as Exhibit No. _____?"
- B. Ask the witness to identify the exhibit. "I now hand you what has been marked for identification as Exhibit No. _____. Would you identify it please?" Witness should answer to identify only.
- C. Ask the witness a series of questions that are offered for proof of the admissibility of the exhibit. These questions lay the foundation or predicate for admissibility, including questions on/about the relevance and materiality of the exhibit.
- D. Offer the exhibit into evidence. "Your Honor, we offer Exhibit No. ____ into evidence."
- E. Presiding Judge: "Is there an objection?" (If opposing counsel believes a proper foundation has not been laid, the attorney should be prepared to object at this time.)
- F. Opposing Counsel: "No, Your Honor" or "Yes, Your Honor". If the response is "yes", the objection will be stated for the record.
- G. Presiding Judge: "Is there any response to the objection?"
- H. Presiding Judge: "Exhibit No. _____(is/is not) admitted." If admitted, questions on content may be asked.

A video link showing [examples of entering evidence](#) can be viewed.

Visit www.scbar.org/lre and the click on the Middle School or High School Mock Trial logo on the main page. Go to Resources and then to Mock Trial Sample Videos.

4.21 Use of Notes / Technology

During the trial, witnesses may NOT use notes or read from any documents unless questioned or cross-examined about that witness' affidavit or an exhibit. If providing a witness statement to a witness for purposes of questioning or cross-examination, the statements must come directly from the case materials provided by the SC Bar. Teams may use their personal notes and binders at the counsel tables; however, teams may show to a presiding judge, a witness, or jury only the case materials provided by the SC Bar. Attorneys may use notes in their presentations. *(See the scoring matrix in Rule 5.4 (Completion of Scoresheets) and on the scoresheet found in Forms and Supporting Information Section.)*

Attorneys may consult with each other at the counsel table orally or through the use of notes. **The use of laptops or other electronic devices is prohibited at the competitions.**

Official Comment:

Whether a student is note-dependent is a subjective standard. However, some examples of how scoring judges may view the usage of notes include:

- *Attorneys who read directly from notes during opening statements or closing arguments will likely be considered “note dependent” and receive a low score.*
- *Attorneys who use notes merely as a guide are not likely to be considered “note dependent.”*

Remember, scoring judges are judging the overall performance of the students and not just note usage.

4.22 Redirect / Recross

Redirect and recross examinations are permitted. The scope of redirect, however, is limited to the subject matter of the cross-examination of that witness. Likewise, the scope of recross is limited to the subject matter of redirect.

4.23 Recess

Teams will be granted a five minute recess prior to presenting their closing arguments. During the recess, team members in front of the bar will not be permitted to leave the courtroom or have any communication with anyone behind the bar, the timekeeper, or the bailiff.

Only the audience may leave the courtroom during the five minute recess. Any communication that takes place over the bar subjects the offending team to a penalty in accordance with Rule 4.12 (Trial Communication). Everyone who chooses to remain in the courtroom must stay seated quietly to allow the students in front of the bar to prepare their closing arguments.

Official Comment:

The high school team that advances to the National High School Mock Trial competition will not be given a five minutes recess prior to the closing arguments.

4.24 Scope of Closing Arguments

Closing arguments must be based on the actual evidence and testimony presented during the trial. Objections or disputes concerning closing arguments are limited to those permitted by Rule 4.17 (Objections to Opening Statement and Closing Argument) and may not be raised as a violation under Rule 6.1 (Penalties: Post Trial Disputes).

4.25 [Reserved]

4.26 Visitor Conduct

Visitors are welcome to attend the competitions. They will be provided visitor badges (coded visitor name tags) to watch their respective teams. Visitors are not allowed to move around in the courtroom during a trial or participate in the trial in any way, including asking about time, raising disputes, or arguing a violation on behalf of the student(s).

(Keep in mind that each team is provided a maximum of 24 visitor badges. Up to 16 team members for middle school and up to 14 team members for high school will wear coded team badges. Remaining students on the team will be required to wear visitor badges and sit with the visitors. Should a team exceed the maximum number of team members, the number of actual visitors permitted in the courtroom is reduced by that number.)

All visitors in the gallery shall remain seated during the trial and may not sit in the aisles. If it is necessary to enter or exit the courtroom during the trial, that person should do so during a transition, such as in between witnesses or after an argument. (It is highly suggested that someone from each team (i.e. a spectator or student not watching a specific round) stand outside the courtroom entrance to help ensure visitors only enter or exit during transitions to reduce noise and movement distractions for competing teams.)

All invited visitors should be briefed by the team's sponsoring teacher on the rules that apply to visitors during the competition prior to competition day. The SC Bar reserves the right to remove anyone that violates rules stated by the Courthouse and the overall SC Bar competition rules.

4.27 [Reserved]

4.28 Most Effective Nominations Made by Teams

After each round is completed, each team will have up to one minute to [nominate a most effective witness](#) and a most effective attorney from the opposing team. After the nominations have been made, each team will announce and immediately award the most effective recipients in that round prior to leaving the courtroom. The most effective awards determined by the students do not replace the most effective awards that the scoring judges determine and announce at the conclusion of the competition.

SECTION V: JUDGING AND TEAM ADVANCEMENT

5.1 Finality of Decisions

All decisions of the judging panel are FINAL.

5.2 Composition of Judging Panels

Teams may address the scoring judges as members of the jury. Each round will be scored by a "jury" panel to serve as the "scoring judges," which may consist of judges, attorneys, law students, or experienced Mock Trial teachers. Each scoring panel shall include at least one attorney. The presiding judge shall be an attorney or a judge.

All presiding and scoring judges receive the Mock Trial manual, a memorandum outlining the case, and orientation materials prior to the competition.

The judging panel will consist of at least three individuals. The composition of the judging panel and the selection of presiding judges will be at the discretion of the state Mock Trial coordinator and/or regional coordinators, with the format as follows:

- A. One presiding judge and two scoring judges (all three of whom complete scoresheets); or
- B. One presiding judge and three scoring judges (scoring judges only complete scoresheets)

The state championship round will have a larger judging panel at the discretion of the state Mock Trial coordinator.

In the event of an emergency (i.e. sudden illness, etc.) when a judging panel member must leave the courtroom, the presiding judge will call for a brief recess, assess whether the judging panel member will be able to return in a reasonably short period of time, and then resume the proceedings upon the panel member's return to the courtroom. If the panel member is unable to return to the courtroom, the Mock Trial coordinator must be informed. Once the panel composition is adjusted by the Mock Trial coordinator to best match the rule requirements, the round continues. During any recess under this rule, the teams, whenever possible, should remain seated in their appropriate positions within the courtroom until the round resumes.

5.3 Scoresheets / Ballots

The term "scoresheet" is used in reference to the form on which points are recorded. Scoresheets allow for individual performances as well as an overall team performance. The overall team performance is worth up to ten points and takes into account civility/incivility, abuse/excessive objections, scripting, delay tactics, usage of exhibits, thematic presentation, and legal arguments woven into the entire presentation.

Scoresheets are completed individually by the scoring judges. Scoring judges do not necessarily reflect the rulings of the presiding judge during trial on their scores for individuals.

Scores will **NOT** be announced at the end of each round. Tabulated scoresheets will be mailed to the lead teacher coach the following week **only** after scores have been verified and rankings confirmed. Scoresheets are **NOT** faxed, scanned, e-mailed, or picked up in person.

The term "ballot" will refer to the decision made by a scoring judge as to which team made the best presentation in the round. The team that earns the highest points on an individual judge's scoresheet is the winner of that ballot. The team that receives the majority of the three ballots wins the round. The ballot votes determine the win/loss record of the team for power matching and ranking purposes.

5.4 Completion of Scoresheets

Each scoring judge records a number of points (1-10) for each presentation of the trial. A scoring matrix to assist in scoring is found on each scoresheet provided to the scoring judges. At the end of the trial, each scoring judge totals the sum of each team's individual points, assess an overall team performance score, places the sum in the Column Totals Box, and circles the team ("P" for Prosecution/Plaintiff or "D" for Defense) indicating his/her overall vote for the best team of the round. This vote coincides with the team that scored the highest number of points. **NO TIE IS ALLOWED IN THE COLUMN TOTAL BOXES.**

Mock Trial Scoring Matrix

Scoring Guide: Do not award fractional points or a range.		
1-2	Not Effective	Unsure of self, illogical, uninformed, not prepared, speaks incoherently, definitely ineffective in communication. Reads directly from notes. Uses objections improperly.
3-4	Fair	Minimally informed and prepared. Performance is passable, but lacks depth in terms of knowledge of task and materials. Communication lacks clarity and conviction. Depends on notes. Uses objections poorly.
5-6	Good	Good, solid, but less than spectacular performance. Can perform outside the script but with less confidence than when using script. Logic and organization are adequate, but not outstanding. Grasps major aspects of case, but does not convey mastery of it. Communications are clear and understandable, but could be stronger in fluency and persuasiveness. Occasionally uses notes. Understands and uses correct objections.
7-8	Excellent	Fluent, persuasive, clear, and understandable. Organizes materials and thoughts well and exhibits mastery of the case and materials. Is not note-dependent. Uses appropriate and timely objections as well as well thought out response to objections and offers proper support.
9-10	Outstanding	Superior qualities listed for 7-8 points performance. Additionally, thinks well on feet, is logical, and keeps poised under duress. Can sort essential from nonessential and use time effectively to accomplish major objectives. Demonstrates the unique ability to utilize all resources in order to emphasize vital points of trial. Is not note-dependent. Exhibits mastery of objections and appropriate responses and support

Scoring Penalties

Scoring judges **shall** impose a team penalty within the indicated ranges for the following violations in the penalty box at the end of the scoresheet:

- Costuming and Props (see Rule 4.11) 2 – 10 points
- Failure to Call all Witnesses (see Rule 4.5) Team Forfeits
- Improper Communication (see Rules 4.6 and 4.12) 2 – 10 points
- Unequal Distribution of Tasks
Among the Team (see Rules 3.2 and 3.3) 2 – 8 points
- Time Runs Out and Forced to Call
Remaining Witness (see Rule 4.5) 10 points
- Bad Faith “Creation of Material Fact” Objection (see Rule 2.3) 1 – 7 points
- Any Other Rule Not Stated Above is Subject to Penalty 1 – 10 points
- **Creation of Material Fact (see Rule 2.3)**
 - Unintentional 1 - 2 points
 - Intentional 3 - 7 points
- **Time Violations (see Rule 4.6)**
 - 1 to 14 seconds 0 points
 - 15 to 30 seconds (*without extension from presiding judge*) 1 – 2 points
 - 31 to 60 seconds 3 – 4 points
 - Over 60 seconds 5 – 10 points

5.5 Team Advancement to the State Competition

The number of teams advancing from each regional competition to the state competition is not announced in advance, but on the day of the regional competition at the closing assembly. The number of teams that advance from a regional competition to the state competition is based on the number of teams competing in each region compared to the overall number of teams competing statewide. Each regional competition's percentage of teams advancing will be as closely matched as possible. Overall, there will be twelve teams that will advance to the state competition at the middle school level and high school level. Should an advancing team withdraw from participating in the state competition; the next highest ranking team in the state will be selected to fill the vacancy.

The regional coordinator announces the **proposed** teams to represent their region at the state competition. Scoresheets will be reconfirmed following the competition day and the official teams will be announced the following Tuesday by 5 p.m. on the SC Bar Web site at www.sctbar.org/lre. Until certified by the SC Bar, the advancing teams are not finalized. The SC Bar reserves the right to correct any errors or omissions; therefore, any announcement of a team as advancing to the next level is subject to correction.

Teams will be ranked based on the following criteria in the order listed:

- A. Win/Loss record based on the number of rounds won or lost by a team;
- B. Total number of ballots based on the number of scoring judges' votes a team earned in preceding rounds;
- C. Total number of points accumulated in each round; and
- D. Point spread.

Only one team per school will be allowed to advance from a regional competition to the state competition, and that team will be the one that finishes with the higher ranking of the two teams. Two teams from one school may not be combined to make one advancing team.

To participate in the state competition, there will be a team registration fee of \$150 that is due prior to the competition date. The state competition takes place over the course of two days (a Friday and Saturday) for all of the teams that advance to the state competition. Some schools may need overnight lodging the Friday night of the competition. Teams are responsible for their meals, travel, and lodging expenses.

5.6 Random Pairing and Power Matching

- A. Regional Competitions:** Teams will be notified seven (7) business days prior to arriving at the competition of their team identity code and the order of sides performed for the first round, which will be randomly paired. Random pairings mean that teams are randomly pulled and paired prior to the competition day. Teams are NOT paired based on any criteria. (Pairings and sides are subject to change should a team withdraw between the announcement of pairings and the competition day.) The second and third round will be power matched based on the results of the previous round of competition. Teams with the highest number of wins, ballots, scores, and point spread will advance to the state competition.

Round Format for Regional Competitions: (Middle and High School)

Round 1: Teams Randomly Paired

Round 2: Power Matched Round (based on Round 1 results)

Round 3: Power Matched Round (based on Round 2 results)

- B. State Competition:** Twelve (12) teams will be notified five (5) business days prior to arriving at the state competition of their team identity code and the side to be performed in their first round.

Teams will carry their final number of total wins, total ballots, total points, and total point spread earned at the regional competition to the state competition only to be power matched in their first round at the state competition, known as “seeding.” For middle school teams, the second and third rounds will be powermatched based on each team’s performance at the state competition. For high school teams, the second, third and fourth rounds will be power matched based on each team’s performance at the state competition.

Middle School

Round Format for State Competition:

Friday: Round 1: Seeded and Power Matched Round
(Based on seeding – see “C” below)

The lead teacher coaches will be notified on their cell phone that Friday night of the state competition no later than 10 p.m. with the pairings and the side their team will perform in the second round on Saturday morning.

Saturday: Round 2: Power Matched Round (based on Round 1 Results)

Round 3: Power Matched Round (based on Round 2 Results)

Round 4 / Championship Round: Paired (based on Round 3 Results)

The two teams with the highest number of total wins, total ballots, and total scores after the fourth round will compete in the state championship round. The state champion will be determined by ballots from the championship round only.

High School

Round Format for State Competition:

Friday: Round 1: Seeded and Power Matched Round
(Based on seeding – see “C” below)

Round 2: Power Matched Round (based on Round 1 results)

The lead teacher coaches will be notified on their cell phone that Friday night of the state competition no later than 10 p.m. the pairings and the side their team plays in the third round on Saturday morning.

Saturday: Round 3: Power Matched Round (based on Round 2 Results)

Round 4: Power Matched Round (based on Round 3 Results)

Round 5 / Championship Round: Paired (based on Round 4 Results)

The two teams with the highest number of total wins, total ballots, and total scores after the fourth round will compete in the state championship round. The state champion will be determined by ballots from the championship round only.

Power matching will provide that:

- A. All teams are guaranteed to present each side of the case at least once;
- B. Brackets will be determined by win/loss record. Sorting within brackets will be determined in the following order: (1) win/loss record; (2) total ballots; (3) total points; and (4) point spread.
- C. Teams will carry their final number of total wins, total ballots, total points, and total point spread earned at the regional competition to the state competition only to be power matched in their first round at the state competition, known as “seeding.” The second, third and fourth (HS only) rounds will be power matched based on each team’s performance at the state competition.

- D. If there are an odd number of teams in the top bracket, a team from the second bracket will be brought up to the first bracket. This will ensure that there is always a minimum of four teams in the top bracket and that at all times the top bracket consists of an even number of teams to perform powermatching. Should this present an odd number of teams in a subsequent bracket, the same rule shall apply.
- E. The team at the top of a bracket will be matched with the bottom team of that same bracket; the second ranked team will be matched with the second to last team within that same bracket, etc.
- F. Normally, a team will not meet the same opponent twice.
- G. Teams will perform each side at least once.
- H. Bracket integrity in power matching will supersede sub-rules F and G.

See examples on the next three pages on how ranking from highest to lowest after the first round is performed and how power matching is performed after the first and second round.

Example of Ranking After First Round Results
(Highest to Lowest)

Ranking	Team Code	Opponent	Total Wins	Total Ballots	Total Points
1	AB (Plaintiff)	EF (Defense)	1 Win	3	287
2	GH (Defense)	CD (Plaintiff)	1 Win	3	259
3	HI (Defense)	JK (Plaintiff)	1 Win	2	284
4	LM (Plaintiff)	NO (Defense)	1 Win	2	275
5	JK (Plaintiff)	HI (Defense)	0 Wins	1	280
6	NO (Defense)	LM (Plaintiff)	0 Wins	1	273
7	CD (Plaintiff)	GH (Defense)	0 Wins	0	250
8	EF (Defense)	AB (Plaintiff)	0 Wins	0	228

- When looking at the chart above, keep in mind that teams are placed in order of total wins, total ballots, and then total points.
- AB is first because it won the round; it has the highest number of possible ballots from the first round, and the highest number of total points.
- GH is second highest because while it has the same number of wins and ballots as AB, it has fewer points than AB.
- HI is third because while it has the same number of wins as AB and GH, GH has one less ballot. Notice HI has higher points than the second place team (GH), but this does not matter because GH has one more ballot than HI.
- LM is fourth because the only difference between HI and LM is that HI has more points.
- JK is fifth because it has no wins and all teams with no wins come after all the teams that win their round. Notice that while JK lost the round it still took one of the three possible ballots; which is better than losing without any ballots. Taking that one ballot is what allows JK to be ranked higher than the teams that won no ballots. Also notice because JK and NO have one ballot, that a team's total points is what determines who is ranked higher than the other.
- NO is sixth because it has fewer points than JK.
- CD is seventh because it did not win, did not receive any ballots, and had more points than EF's.
- EF is last because it did not win, did not receive any ballots, and had the lowest total points out of all eight teams.

An explanation of how to power match from this round is on the next page.

Example of Power Matching for the Second Round

Ranking	Team Code	Opponent	Total Wins	Total Ballots	Total Points
1	AB (Plaintiff)	EF (Defense)	1 Win	3	287
2	GH (Defense)	CD (Plaintiff)	1 Win	3	259
3	HI (Defense)	JK (Plaintiff)	1 Win	2	284
4	LM (Plaintiff)	NO (Defense)	1 Win	2	275
5	JK (Plaintiff)	HI (Defense)	0 Wins	1	280
6	NO (Defense)	LM (Plaintiff)	0 Wins	1	273
7	CD (Plaintiff)	GH (Defense)	0 Wins	0	250
8	EF (Defense)	AB (Plaintiff)	0 Wins	0	228

- By the directions, all the teams that win their round are in one bracket and all those that did not win are in another bracket. *(Results above are from the first round.)*
- Notice the dark line that separates the two groups with a win and without a win.
- Pairings are listed as follows: Prosecution/Plaintiff v. Defense
- The first step is to pair AB with LM because the highest is to be paired with the lowest within the same bracket. Notice that in the first round AB played the role of Plaintiff and LM also played the role of Plaintiff. Because AB is the highest of the two and both teams played the same role, AB has to switch roles and play the side of Defense in the second round and LM will play a second round as Plaintiff.
 - Result: LM v. AB **(LM is Plaintiff and AB is Defense.)**
- The next step is to pair GH with HI. They both played the same role as defense in their first round. Because GH is the higher of the two teams, GH will switch roles and play the role of Plaintiff in the second round and HI will play another round as Defense.
 - Result: GH v. HI **(GH is Plaintiff and HI is Defense.)**
- The third step is to pair JK with EF because the highest is to be paired with the lowest within the same bracket. Notice that in this pairing, JK is paired with EF. JK and EF played opposite roles in their first round, so for the second round they will just switch sides and JK will play Defense and EF will play Plaintiff.
 - Result: EF v. JK **(EF is Plaintiff and JK is Defense.)**
- The fourth step is to pair NO with CD. NO and CD played opposite roles in their first round, so for the second round they will switch sides and NO will play Plaintiff and CD will play Defense.
 - Result: NO v. CD **(NO is Plaintiff and CD is Defense.)**

Example of Power Matching for the Third Round

Ranking	Team Code	Prev. Sides	TOTAL			ROUND ONE RESULTS				ROUND TWO RESULTS			
			Wins	Ballots	Points	Opponent/ Side	Win	Ballots	Points	Opponent/ Side	Win	Ballots	Points
1	GH	D, P	2	5	543	CD (p)	1	3	259	HI (d)	1	2	284
2	LM	P, P	2	5	539	NO (d)	1	2	275	AB (d)	1	3	264
3	NO	D, P	1	4	541	LM (p)	0	1	273	CD (d)	1	3	268
4	JK	P, D	1	3	571	HI (d)	0	1	280	EF (p)	1	2	291
5	HI	D, D	1	3	563	JK (p)	1	2	284	GH (p)	0	1	279
6	AB	P, D	1	3	545	EF (d)	1	3	287	LM (p)	0	0	258
7	EF	D, P	0	1	491	AB (p)	0	0	228	JK (d)	0	1	263
8	CD	P, D	0	0	493	GH (d)	0	0	250	NO (p)	0	0	243

- By the directions, all the teams are ranked in order of **total** number of wins, ballots, points and then point spread. *(Point spread is used when points are tied.)*
- Notice the green dotted line between the second and third teams and again between the sixth and seventh teams. These lines separate the teams into three brackets. The first bracket has the teams that won both of their rounds. The second bracket has the teams that won one round. The last bracket has the teams that did not win either of their two rounds. The first four teams are shaded because the rules require there to be a minimum of four teams in the top bracket to powermatch. This rule moves the third and fourth place teams up to the top bracket for powermatching.
- Pairings are listed as follows: Prosecution/Plaintiff v. Defense
- The first step is to pair the top team in the top gray bracket [GH] with the bottom team in that same bracket [JK]. GH would be made Defense and JK would be made Plaintiff because they can automatically flip sides based on their previous round performance with the result of **JK vs. GH**. They can play one another since they did not play one another in a previous round. Stop there. Notice the second team [LM] would be paired with the third team [NO], since they are the two remaining teams in the gray bracket? But, do you also see that LM went up against NO in their first round creating a conflict if paired a second time? Since the four teams must play within their bracket, the first pairing of JK v. GH becomes null and void. In starting over in this bracket, the top team [GH] must now be paired with the second from the bottom team [NO] in the same gray bracket. GH and NO have not played one another and both teams played Plaintiff in their previous round. Since GH is the strongest/highest of the two teams, GH flips sides and will perform Defense in their third round. **Result: NO v. GH (NO is Plaintiff and GH is defense.)**
- The second step is to pair the remaining two teams in the gray bracket [LM and JK]. Both teams performed opposite sides in their previous round, so they naturally flip side performance in their third round. Plus, LM performed as the Plaintiff in both of their two previous rounds, which guarantees LM is to perform Defense in their third round. **Result: JK v. LM (JK is Plaintiff and LM is Defense.)**
- The third step is to pair the top team in the bottom yellow bracket [HI] with the bottom team in that same bracket [CD]. Like in the first proposed pairing, HI would naturally pair with CD because the top team is paired with the bottom team in the same bracket. However, since the remaining two teams [AB and EF] played one another in their first round, HI and CD cannot be paired with one another and the pairing becomes null and void ensuring AB and EF can be paired with another team in the same bracket. In starting over in this bracket, the top team [HI] must now be paired with the second team from the bottom [EF] in the same yellow bracket. HI and EF have not played one another and can do natural flips in side presentation for their third round. Plus, HI performed Defense in both of their two previous rounds, which guarantees HI is to perform Plaintiff in their third round. **Result: HI v. EF (HI is Plaintiff and EF is Defense.)**
- The fourth step is to pair the remaining two teams in the yellow bracket [AB and CD]. Both teams performed Defense in their previous round. Since AB is the strongest/highest of the two teams, AB flips sides and will perform Plaintiff in their third round. **Result: AB vs. CD (AB is Plaintiff and CD is Defense.)**

5.7 Selection of Sides for State Championship Round

In determining which team will represent which side in the Championship Round, the following procedure shall be used:

- A. If the two teams in the championship round have already met in a prior round, their prior designations as Prosecution/Plaintiff and Defense will automatically be reversed.
- B. If the two teams have not met in a prior round, the team with the letter code that comes first alphabetically will be considered the "Designated Team."
- C. The coin will be tossed by a designee of the SC Bar.
- D. If the coin comes up heads, the Designated Team shall represent the Prosecution/Plaintiff in the state championship round. If the coin comes up tails, the Designated Team shall represent the Defense/Defendant in the state championship round.

5.8 Effect of Bye / Default

A "bye" becomes necessary when an odd number of teams are present at any competition. It is the intent of the Mock Trial program to avoid byes where possible. In the event of a circumstance resulting in an odd number of competing teams, the following procedure will apply:

- A. A team receiving a bye in round one will be awarded a win, three ballots and the average number of points for all round one winners, which total will be adjusted at the end of each round to reflect the actual average earned by that team.
- B. The team drawing the "bye" (no opponent for a single trial round) in rounds two through three, will by default receive a win and three ballots for that round. For the purpose of power-matching, the team will temporarily be given points equal to the average of its own points earned in its preceding trials. At the end of the last round, the average from the rounds participated in by the team will be used for the final points given for that team's bye round. For example, a team receiving a bye in round three would receive three ballots and an average of its points earned in rounds one and two.

SECTION VI: DISPUTE RESOLUTION

6.1 Penalties: Post Trial Disputes

The "bar" in a courtroom is traditionally a railing or low wall that separates the visitors from the presiding judge, jury, attorneys, parties, and testifying witnesses. For Mock Trial purposes, a violation "inside the bar" means a rule violation that is committed by a team or team member during the competition round.

Violations which occur within the bar must be filed immediately with the presiding judge following the conclusion of that trial round. Violations are not handled after the competition round has been adjourned by the presiding judge or the next business day.

After the trial has ended and the scoring judges have been excused, all members of the team (including those who did not compete in that particular round, the bailiff and timekeeper) will be permitted to consult with their attorney and teacher coaches for a maximum of two minutes. If a team believes that its opponent has committed a violation of

the rules, one of the team's student attorneys shall present the team's position to the presiding judge by completing a [Penalty Form: Rules Violation](#) provided by the presiding judge. The [Penalty Form: Rules Violation](#) may be completed only by a student spokesperson competing in that round. The presiding judge will review the completed form and determine whether the violation raised should be heard or denied. The presiding judge may declare a brief recess and retire from the courtroom to deliberate.

- A. If the presiding judge decides that the violation raised does not merit a hearing, the presiding judge will inform the teams of that decision and adjourn the round. In that event, the team that is the subject of the violation raised may not respond.
- B. If the presiding judge decides that the violation raised merits a hearing, the [Penalty Form: Rules Violation](#) completed by the objecting team will be shown to the opposing team to provide a written response. The opposing team may confer with their coaches for up to two minutes prior to responding. The objecting party may not confer further with their coaches during this period.
- C. The teams will be given two minutes to prepare their arguments and designate one student spokesperson from each team to address the court for up to two minutes. The presiding judge may question the spokespersons and anyone else in the courtroom. At no time during the hearing, may coaches or visitors communicate/consult with the students.
- D. After the hearing, the presiding judge may declare a brief recess and retire from the courtroom to deliberate on his/her ruling. The presiding judge will announce his/her decision in open court. The presiding judge shall adjourn the court, retire to complete a scoresheet (if applicable), and turn the signed [Penalty Form: Rules Violation](#) in with the scoresheets.

Attorney coaches, teacher coaches, and visitors are not allowed to address the court regarding a violation complaint. Only student attorneys may invoke this procedure.

6.2 Other Penalties

- A. **Time Violations:** At the end of the competition round, the presiding judge will collect the timesheets. The presiding judge will report any time violations to the scoring judges, who shall assess penalties as set forth in Rule 6.3. Disputes may not be raised regarding time violations.
- B. **Creation of Material Fact Violations:** Creation of material fact may only be raised as an evidentiary objection during the round at the time the alleged violation occurred. The presiding judge will announce all rulings on such objections at the time the objection is made and will complete a Creation of Material Fact Penalty Form for each objection. If the presiding judge finds a creation of material fact violation, the scoring judges shall assess a penalty as set forth in Rule 6.3. Disputes may not be raised regarding creation of material fact violations or rulings at the end of the round.

6.3 Effect of Violation on Score

If the presiding judge determines that a rules violation, time violation, or creation of material fact violation has occurred, he or she will inform the scoring judges. The scoring judges will consider the violation(s) raised before assessing penalty points at the bottom of the scoresheet.

Scoring Penalties

Scoring judges **shall** impose a team penalty within the indicated ranges for the following violations in the penalty box at the end of the scoresheet:

- Costuming and Props (see Rule 4.11) 2 – 10 points
- Failure to Call all Witnesses (see Rule 4.5) Team Forfeits
- Improper Communication (see Rules 4.6 and 4.12) 2 – 10 points
- Unequal Distribution of Tasks
 - Among the Team (see Rules 3.2 and 3.3) 2 – 8 points
- Time Runs Out and Forced to Call Remaining Witness (see Rule 4.5) 10 points
- Bad Faith “Creation of Material Fact” Objection (see Rule 2.3) 1 – 7 points
- Any Other Rule Not Stated Above is Subject to Penalty 1 – 10 points
- **Creation of Material Fact (see Rule 2.3)**
 - Unintentional 1 - 2 points
 - Intentional..... 3 - 7 points
- **Time Violations (see Rule 4.6)**
 - 1 to 14 seconds..... 0 points
 - 15 to 30 seconds (*without extension from presiding judge*) 1 – 2 points
 - 31 to 60 seconds..... 3 – 4 points
 - Over 60 seconds 5 – 10 points

6.4 Reporting of Rules Violation / Outside of the Bar

A violation “outside the bar” means a rule violation that is committed by a team, team member, teacher, coach, or visitor attending the competition that is not in the presentation and conduct of the trial itself.

Violations that occur outside the bar may be brought by attorney or teacher coaches exclusively. Such violations must be made promptly to the regional or state Mock Trial coordinator, a sub-committee chair or his/her designee, who will ask the complaining party to complete a [Penalty Form: Rules Violation](#). The [Penalty Form: Rules Violation](#) will be taken to a violation resolution panel that will (a) notify all necessary parties; (b) allow time for a written response, if appropriate; (c) conduct a hearing; and (d) rule on the charge. Penalties are in the discretion of the violation resolution panel and may range from a scoring adjustment to disqualification from the competition.

The violation resolution panel will be composed of the LRE Director, a LRE staff person, and the Mock Trial regional coordinator.

HIGH SCHOOL ONLY

SECTION VII: COURTROOM SKETCH ARTIST COMPETITION

7.1 Registration and Eligibility

Each school may register up to two courtroom sketch artists to compete in the Courtroom Sketch Artist Competition. If the school also registers a Mock Trial team, the courtroom sketch artists must register with the team and be included on the Team Roster for the regional competition. The Courtroom sketch artists may not double as bailiffs, timekeepers, or any other team role. Courtroom sketch artists are subject to all relevant Mock Trial rules, restrictions, and eligibility requirements. Sketch pads will be checked at registration to confirm that the sketch pad consists of blank pages throughout the pad. Upon approval, the student will receive a submission form to complete and accompany their work that is turned in at the end of the competition day.

7.2 Trials

Sketches must depict actual courtroom scenes observed by the courtroom sketch artists on the competition day. Sketches must be created and completed entirely on the day of competition solely by the courtroom sketch artists without the help of any source or person. The courtroom sketch artists will sketch trials in which his/her school is competing in at the regional level. The courtroom sketch artists will be allowed to sit in the jury box in front of or off to the side of the scoring judges during the trials in order to sketch. Once the trial begins, the courtroom sketch artists may not move about the courtroom. The courtroom sketch artists may work throughout the trial rounds and during breaks. The courtroom sketch artists may not communicate with any member of the Mock Trial teams or any visitors in the courtroom during the trials.

7.3. Specifications

Sketches must be done on white paper no smaller than 8.5 x 11 inches and no larger than 11 x 17 inches. Sketches may be black and white or pastel. Any dry medium may be used. The use of paint is not permitted. Courtroom sketch artists are responsible for ensuring their work area is left neat and orderly with all trash disposed in the appropriate trash receptacle. Courtroom sketch artists must supply their own materials.

7.4 Judging Components

Each courtroom sketch artist may submit one sketch for judging at the regional competition. Sketches must be delivered to the Regional Mock Trial Coordinator at the beginning of the closing assembly when the regional coordinator is collecting everything from the teachers, artists and journalists. A completed Sketch Submission Form must be attached to the front of the sketch by paperclip at the time of submission. The Regional Mock Trial Coordinator or designee will deliver all sketches to the State Mock Trial Coordinator, so they may be judged by the judges. Judges consist of art teachers/professors, professional artists, etc. with as many as 10+ judges.

The State Mock Trial Coordinator will assign each sketch a random number and remove the Sketch Submission Forms. Numbered sketches will be evaluated anonymously by a judging team after the regional competitions. The judging team will select the state winner from the regional submissions statewide.

Sketches will be judged on the following criteria: accuracy of proportion, realism, authenticity with regard to traditional courtroom sketching, figure/ground relationship, and use of contrast. Each component has a value up to five points.

The winner of the State High School Mock Trial Courtroom Sketch Artist competition will be announced no earlier than five business days following the regional competition on the SC Bar Web site at www.sctbar.org/lre. The Courtroom Sketch Competition winner will receive a certificate and a non-financial award to be awarded in front of their peers at his/her school's awards day.

7.5 Release

All submissions in the High School Mock Trial Courtroom Sketch Artist Competition become the property of the South Carolina Bar and may be used by the Law Related Education Division for any purpose it deems appropriate, including but not limited to reproduction and dissemination.

7.6 Submission Form

A [Sketch Submission Form](#) must be completed and attached by paperclip to the sketch entry. There is a maximum of one entry per courtroom sketch artist. The Sketch Submission Form can be found in the Forms and Supporting Information Section.

Sketch By:

Former Courtroom Artist
State Champion
Jane Xu, Dreher High School



VIII. COURTROOM JOURNALIST COMPETITION HIGH SCHOOL ONLY

8.1 Registration and Eligibility

Each Mock Trial team may include up to two courtroom journalists competing at the same time. These students must be from the same school as the registered Mock Trial team or be a home schooled student that would have been assigned to the same school district. (See 3.1 on team eligibility.) The courtroom journalists must register with the team and be included on the Team Roster Form for the regional competition. Courtroom journalists may not double as bailiffs, timekeepers, or any other team role. Courtroom journalists are subject to all Mock Trial rules, restrictions, and eligibility requirements. Student journalist competitors will compete solely on their own efforts and will NOT be considered as part of their school's team in terms of advancing or not advancing to the State High School Mock Trial Competition. A note pad of the student journalist's choice will be checked at

registration to confirm that the note pad consists of blank pages throughout the pad. A submission form will be provided for completion to submit with the article upon completion. Laptops are not permitted in the court house.

8.2 Trials

Articles must describe actual courtroom presentations observed by the courtroom journalists on the competition day. Articles must be created and completed solely by the Courtroom journalists without the help of any source or person. The courtroom journalists will observe trials in which his/her school is competing at the regional level. The courtroom journalists will be allowed to sit in the jury box in front of or off to the side of the scoring judges during the trials in order to take notes, space permitting. Once the trial begins, the courtroom journalists may not move about the courtroom. The courtroom journalists may work throughout the trial rounds and during breaks. The courtroom journalists may not communicate with any member of the Mock Trial teams or any visitors in the courtroom during the trials.

Note:

Journalists should obtain a copy of the list of witnesses and exhibits located in the case materials to assist them in correct spellings of names, etc.

8.3 Specifications

Article entries must be submitted on white paper that is 8.5 x 11 inches. Articles will have one inch margins on all four sides, be double spaced, and typed in 12 point Arial font. Student journalists are responsible for ensuring their work area is left neat and orderly with all trash disposed in the appropriate trash receptacle. Student journalists must supply their own materials.

8.4 Judging Components

Each courtroom journalist may submit one article for judging at the regional competition. Articles must be delivered (in person, fax, or e-mail – not mailed) by the sponsoring Mock Trial teacher to the State Mock Trial Coordinator no later than 5:00 p.m. on the first Monday following the regional competition once the sponsoring Mock Trial teacher confirms the piece is a good representation of his/her school's work. Articles received after 5:00 p.m. on the first Monday following the regional competition will be disqualified. A completed Article Submission Form must be attached to the front of the article at the time of submission. (Please e-mail for an electronic copy of the Article Submission Form prior to the competition if the article entry is to be submitted electronically.)

The State Mock Trial Coordinator will assign each article a random number and remove the Article Submission Forms. The numbered articles will be evaluated anonymously by a judging team after the regional competitions. Judges consist of attorneys, teachers, newspaper writers and editors, etc. with as many as 10+ judges.

Articles will be judged on the following criteria: accuracy, clarity, objectivity, and style. Each component is worth up to five points. Penalties for grammar and spelling will be deducted from the total score, but may not exceed a penalty greater than ten points.

The judging team will select the state winner from the regional submissions statewide. The winner of the State High School Mock Trial Courtroom Journalist Competition will be

announced no earlier than five business days following the regional competition on the SC Bar Web site at www.sctbar.org/lre. The winner will receive a certificate and a non-financial award to be awarded in front of his/her peers at his/her school's awards day.

Forwarding Information:

Cynthia H. Cothran, LRE Director
SC Bar Law Related Education Division
950 Taylor Street, Columbia, SC 29201
Phone: (803) 252-5139 / Fax: (803) 771-0419
ccthran@sctbar.org

8.5 Release

All submissions in the High School Mock Trial Courtroom Journalist Competition become the property of the South Carolina Bar and may be used by the Law Related Education Division for any purpose it deems appropriate, including but not limited to reproduction and dissemination.

8.6 Submission Form

A separate [Journalist Submission Form](#) must be completed and attached by paperclip to the journal entry. There is a maximum of one entry per courtroom journalist. The Journalist Submission Form can be found in the Forms and Supporting Information Section.