



2014

Battle of the Carolinas  
Middle School Mock Trial Competition

Differences Noted for  
South Carolina Teams  
and  
North Carolina Teams

# DIFFERENCES FOR NORTH CAROLINA TEAMS PARTICIPATING IN THE BATTLE OF THE CAROLINAS

It is suggested that all the teams read the rules for the Battle of the Carolinas. While the rules may seem familiar, rules from both states were combined. Most notable differences are outlined below, but there could be small minor things overlooked.

1. Different rule numbers throughout.
2. Rule 2.1, The Problem: Teams may not cite anything not included in the case materials.
3. Rule 2.3, Creation of Material Fact: The presiding has a new Penalty Form to complete form for a COMF. Teams should make sure to review this rule for clarity.
4. Rule 2.6, Opening Statements: Time not used in the opening statements is lost and is not carried over anywhere.
5. Rule 3.2, Team Composition: If a student witness is not present when the presiding judge is announced, student receives a zero. If a team has more than 16 students, the remaining team members where badges from the limited number of 24 visitor badges.
6. Rule 3.6, School Information Sheet and Code of Ethical Conduct Agreement: North Carolina teams are also responsible for completing and signing the Code of Ethical Conduct Agreement prior to competition.
7. Rule 3.9, Communication with Co-Hosts: Only lead teacher coaches and attorney coaches are permitted to address concerns, issues, or feedback with the Co-Hosts before, during, or after the competition.
8. Rule 4.6, Timekeeping:
  - Time limits have changed as follows: openings: 5 minutes, directs: 25 minutes, crosses: 20 minutes, closings: 5 minutes;
  - Timing starts when the first word is spoken by the attorney;
  - Timekeepers bring and work with 2 stopwatches (one for each side's time);
  - Timekeepers report any time discrepancies at the end of each phase during a trial and may not report overages at the end of the trial. Phases are: end of both openings; at end of Plaintiff/Prosecution's case in chief, at the end of the Defense's case in chief, and at the end of both closings;
  - Timekeepers should be familiar with timekeeping form; and
  - A presiding judge can grant a time extension request up to 30 seconds.
9. Rule 4.11, Costuming and Props: No costumes worn, and nothing can be brought in or anything used in the courtroom as a demonstrative prop.
10. Rule 4.14, Electronics: Cell Phones, Video Cameras, and Cameras: A team has the option to refuse participation in videotaping and photography in the courtroom. (Especially if a team is missing one or more talent release forms.)

11. Rule 4.16, Standing During Trial: The Battle of the Carolinas is making a special exception regarding the rule of standing during a trial as each co-host state has a different rule regarding standing in a trial. North Carolina teams are familiar with standing only during opening statements, raising and responding to objections, and during closing arguments, while South Carolina teams are familiar with standing during the opening statements, during direct and cross examinations, raising and responding to objections, and giving the closing arguments. Both procedures are accepted for the Battle of the Carolinas competition and no team shall be penalized for following their state's customary practices regarding this procedure.
12. Rule 4.17, Objections to Opening Statement or Closing Argument: The attorney that delivers the opening statement or closing argument that is subject of the objection, may NOT deliver a rebuttal.
13. 4.18 Objections: In addition to the seven reasons to object, the teams now also have the following: lack of proper foundation, questions calling for narrative or general answer, non-responsive answer, repetition, improper character testimony, and creation of material fact.
14. 4.19 Exhibits / 4.21 Use of Notes/Technology: Teams do not have to bring exhibits. The Co-Hosts will provide 11x17 exhibits to be used in the courtroom, which can be published to the jury. In addition, a bound set of case materials also containing the exhibits will be available to both teams in a neutral location and another copy at the witness stand. (Teams may only use personal copies of their cases (paper format only – no tablets, i-pads, etc.) at their counsel tables.) Only attorneys may use notes – not witnesses.
15. 4.20 Procedure for Introduction of Exhibits: All teams will need to practice the procedure of admitting exhibits individually into evidence as they will NOT automatically be deemed admitted. Also, NC teams are used to showing the opposing counsel a copy of the exhibit before approaching the witnesses. If attorneys have appropriately identified which exhibit they would like to approach the witness with, showing opposing counsel the exhibit is no longer required.
16. 4.23 Recess: The Battle of the Carolinas competition will have a five minute recess prior to closing arguments.
17. Rule 4.24 Closing Arguments: The attorney that delivers the opening statement or closing argument that is subject of the objection, may NOT deliver a rebuttal. In addition, the Plaintiff/Prosecution attorney may ask only before, during, or immediately after their closing argument to reserve any remaining time to be used as a rebuttal. No person may do both the opening statement and the closing argument.
18. Rule 4.26, Visitor Conduct: Teams will be limited to 24 visitor badges for the competition. Should a team exceed their 16 members, the remaining members will wear badges from the allotted 24 visitor badges. (Teacher and attorney coaches were badges that do not take away from the team badges or the visitor badges.) Please be aware of this limitation when planning for visitors to travel for the team as space is very limited in the courtrooms. Standing/sitting in the aisles is not permitted, nor standing around the edges of the courtroom as both violate fire code.
19. Rule 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.

20. Critique/Feedback: Presiding judges will not be providing critique/feedback after each round.
21. Rule 5.3 Scoresheets/Ballots: There is a score for overall team performance that takes into account the following: civility/incivility, abuse/excessive objections, scripting, delay tactics, usage of exhibits, thematic presentation, and legal arguments woven into the entire presentation. NC teams should definitely take a look at the updated and expanded scoring matrix and the list of scoring penalties.
22. Rule 5.6, Powermatching: To better understand how powermatching will be taking place at the Battle of the Carolinas, please review this rule.
23. Rule 5.7, Selection of Sides for Championship Round: If the top two teams have competed in a previous round together, they automatically flip sides for the championship round. If the two teams have not met in a prior round, a designated team will be determined and a coin toss will determine if the designated team will be Prosecution/Plaintiff or Defense. (The exact rule will be read prior to the coin toss.)
24. Rule 5.8, Effect of Bye / Default: We do not plan on having an odd number of teams at the competition. Should this occur, please be familiar with this rule. The important thing to remember here is that if a team draws a bye round, both sides of the team are guaranteed to perform.
25. Rules 6.1 – 6.4 Penalties: Post Trial Disputes / Other Penalties / Effect on Violation of Score: NC teams are not familiar with post trial disputes. Please review this rule to understand the process.
26. Modified Rules of Evidence: All teams should be familiar with the Modified Rules of Evidence.
27. Forms and Supporting Information: All teams should be familiar with the forms necessary for the competition.

# DIFFERENCES FOR SOUTH CAROLINA TEAMS PARTICIPATING IN THE BATTLE OF THE CAROLINAS

It is suggested that all the teams read the rules for the Battle of the Carolinas. While the rules may seem familiar, rules from both states were combined. Most notable differences are outlined below, but there could be small minor things overlooked.

1. Rule 3.3 The Bailiff: The bailiff now has a separate rule.
2. Rule 4.12, Trial Communication: Student attorneys are permitted to ask the presiding judge for permission to inquire from the timekeeper as to how much time is remaining.
3. Rule 4.14, Electronics: Cell Phones, Video Cameras, and Cameras: A team has the option to refuse participation in videotaping and photography in the courtroom. (Especially if a team is missing one or more talent release forms.)
4. Rule 4.16, Standing During Trial: The Battle of the Carolinas is making a special exception regarding the rule of standing during a trial as each co-host state has a different rule regarding standing in a trial. North Carolina teams are familiar with standing only during opening statements, raising and responding to objections, and during closing arguments, while South Carolina teams are familiar with standing during the opening statements, during direct and cross examinations, raising and responding to objections, and giving the closing arguments. Both procedures are accepted for the Battle of the Carolinas competition and no team shall be penalized for following their state's customary practices regarding this procedure.
5. Rule 4.17, Objections to Opening Statement or Closing Argument: The attorney that delivers the opening statement or closing argument that is subject of the objection may NOT deliver a rebuttal.
6. Rule 4.22 Redirect / Recross: Each team is allowed one re-direct and one re-cross examination per witnesses. These are NOT opportunities to bring up new issues and are limited to addressing and clarifying prior testimony given during direct and cross examinations. Cross examining attorneys cannot interrupt/cut off the witness if they are answering the questions asked with a reasonable explanation that goes beyond the simple yes or no that the questioning attorney is trying to illicit.
7. Rule 4.24 Closing Arguments: The attorney that delivers the opening statement or closing argument that is subject of the objection may NOT deliver a rebuttal. In addition, the Plaintiff/Prosecution attorney may ask only before, during, or immediately after their closing argument to reserve any remaining time to be used as a rebuttal. No person may do both the opening statement and the closing argument.
8. Rule 4.26, Visitor Conduct: Teams will be limited to 24 visitor badges for the competition. Should a team exceed their 16 members; the remaining members will wear badges from the allotted 24 visitor badges. (Teacher and attorney coaches were badges that do not take away from the team badges or the visitor badges.) Please be aware of this limitation when planning for visitors to travel for the team as space is very limited in the

courtrooms. Standing/sitting in the aisles is not permitted, nor standing around the edges of the courtroom as both violate fire code.

9. Rule 5.3 Scoresheets/Ballots: There is a score for overall team performance that takes into account the following: civility/incivility, abuse/excessive objections, scripting, delay tactics, usage of exhibits, thematic presentation, and legal arguments woven into the entire presentation.
10. Rule 5.6, Powermatching: To better understand how powermatching will be taking place at the Battle of the Carolinas, please review this rule.
11. Rule 5.8, Effect of Bye / Default: We do not plan on having an odd number of teams at the competition. Should this occur, please be familiar with this rule. The important thing to remember here is that if a team draws a bye round, both sides of the team are guaranteed to perform.
12. Modified Rules of Evidence: All teams should be familiar with the Modified Rules of Evidence.
13. Forms and Supporting Information: All teams should be familiar with the forms necessary for the competition.