



Overview of New Rules and Modifications for 2008 High School Mock Trial

For the 2008 case, the following competition rules have been modified or clarified:

2.3 Creation of Material Facts – Modified

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.”

3.2 Team Composition

Ideally, teams will be composed of 14 members (including timekeeper and bailiff) assigned to roles representing the plaintiff/prosecution and defense panels (attorneys and witnesses.) But, a team with as few as six (6) members may enter the competition.

Teams are encouraged to have an alternate for each position. If a school does not have an adequate number of members, students may double-duty witness and attorney roles, subject to Rule 3.4.

At no time may any team for any reason substitute any other person for official team members. The team roster becomes official at the time of on-site registration.

If a team advances to nationals, teams consist of eight (8) official members assigned to attorney and witness roles representing the prosecution/plaintiff and defense/defendant sides. Only six (6) of the eight (8) official members will participate in any given round as attorneys and witnesses (See Rule 3.3 for further explanation referring to team participation). 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.

3.5 Team Roster Form Description - Modified

Copies of the Team Roster Form must be completed and duplicated by each team prior to arrival at the courtroom for each round of competition. Teams must be identified by the code assigned at registration. No information identifying team origin should appear on the form. **Before beginning a trial, the teams must exchange copies of the Team Roster Form.** The Form should identify the gender of each witness so that references to such parties will be made in the proper gender. Copies of the Team Roster Form should also be made available to the judging panel and presiding judge before each

round. **The roster is not official until it is submitted on the day of the competition. Students can drop from regional competitions to the state competition, but new students cannot be added.**

4.4 Swearing of Witnesses - Modified

The judge will ask the plaintiff/prosecution's bailiff to swear in all witnesses provided by the team, all at one time. The bailiff can say, "Do you promise the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the mock trial competition?"

Witnesses may stand or sit during the oath.

4.5 Trial Sequence and Time Limits - Modified

No pre-trial matters

These time limits should be used by all teams in preparing their cases for trial. Judges will be notified of these limits and may use their discretion as to the enforcement of the limits.

The trial sequence and time limits are as follows:

Opening Statements	5 minutes per side
Direct Examinations (re-directs are optional)	15 minutes total per side
Cross Examinations (re-crosses are optional)	9 minutes total per side
Closing Arguments	5 minutes per side

***** See Time Keeper Record Form on Page 45 *****

- A. **The court will call the case, introduce the teams, review the rules, and swear in the witnesses and then will recognize the Plaintiff and Defense attorneys for opening statements.**
- B. Prosecution/Plaintiff delivers the opening argument first. If prosecution/plaintiff does not use all of his/her time in the closing argument, he/she 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 the time following the closing statement was made. *The rebuttal is limited to what was discussed in the Defense's closing argument.*
- H. **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 - Modified

Time limits are mandatory and will be enforced. Each team will have a timekeeper and timekeeping aids. The SC Bar will provide time cards, clip boards, timesheets and stop watches on the competition day.

The stop watch will stop for objections, extensive questioning from the judge, or administering the oath. This time will not be counted as part of the allotted time during examination of witnesses and opening and closing statements.

Attorneys are permitted to ask the judge for permission to inquire as to how much time is remaining.

Time does not stop for introduction of exhibits.

The timekeeper will also be asked to assist the presiding judge in timing the following: (see timekeeper record form on page 45)

- Recess – 5 minutes,
- Consultation with team for rules violation(s) – 3 minutes,
- Spokesperson preparation time – 3 minutes,
- Spokesperson Argument – 3 minutes each, and
- Presiding Judge's Critique – 5 minutes total

Timekeepers will silently indicate time ending by showing cards and not verbalizing.

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.

4.7 Time Extensions and Scoring - Modified

The timekeeper will display time cards (not voice "STOP") to notify speakers and the presiding judge as time elapses.) If a speaker runs out of time, the speaker may request the presiding judge's permission to conclude his/her presentation, with the understanding that the scoring judges may penalize for using excessive time. **If time has expired and an attorney continues without permission from the Court, the scoring judges may determine individually whether to assess a penalty because of overruns in time.**

The timekeeper must report any time violations to the presiding judge at the conclusion of the trial.

4.8 Motions (Requests of the Court) - Modified

No motions may be made except in the event of an extreme emergency, i.e. health emergency or threat of danger, in which case a motion for a recess may be made. To the greatest extent possible, team members are to remain in place. Should a recess be called, teams are not to communicate with any parents/visitors, coaches, or instructors regarding the trial.

If any substitutions must be made, a pre-trial motion must be presented. The ONLY exception to this rule is if a participating team member becomes medically unable to proceed with the trial.

Teams may not make pretrial motions except as outlined above. It is improper to make requests of the court 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 rearrange the courtroom, 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 judge on how to conduct the trial or control the courtroom. Teams should not address the court unless recognized by the judge.

4.11 Supplemental Material / Costuming - Modified

Teams may refer only to materials included in the trial packet. No illustrative aids of any kind may be used, unless provided in the case materials. No alteration to the exhibits is permitted including, but not limited to, highlighting, enlargements or lamination. Absolutely no props are permitted unless authorized specifically in the case materials.

The only documents that the teams may present to the presiding judge or the panel of scoring judges are the exhibits as they are introduced into evidence. Exhibit notebooks are not to be provided to the presiding judge or panel of scoring judges.

The SC Bar will provide two color copies of each exhibit: one (1) large (11x17) and one (1) small (8½x11) to be used during the trial for each courtroom. The bailiff will be the custodian of the exhibits and will be responsible for verifying that all of these exhibits are accounted for prior to the trial as well as collecting them at the end of the trial and returning the exhibits to the presiding judge. Only the exhibits provided by the SC Bar can be published to the jury.

The use of blackboards, flip charts, books, physical items, etc. is NOT permitted.

Costuming is allowed only to the extent that it portrays the gender of the witness. Attorneys should dress professionally as if they were appearing in court. Costuming is not allowed, *e.g. police uniforms, wigs, hats, canes, etc.*

The costuming rule prohibits the use of make-up, prosthetics, or other effects to create scars for the Plaintiff. However, the student playing the Plaintiff is allowed to act as though s/he is afflicted with the deformities and disabilities described in the affidavits. Under no circumstances will the defense be permitted to question the existence of the scars based on

the fact that the student playing the Plaintiff does not actually have scars. While the defense may cross-examine the Plaintiff on the extent of the disability based on information provided in the affidavits, the defense may not challenge the Plaintiff to prove the existence of the scars by asking him/her to show them to the jury.

4.19 Procedure for Introduction of Exhibits - Modified

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 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 initiate the exhibits.

Exhibits may not be duplicated, enlarged or otherwise altered. The SC Bar will provide each courtroom a set of exhibits to be used.

Exhibits may be handed to the jury after they are admitted into evidence only with the permission of the presiding judge.

As an example, the following steps effectively introduce evidence:

- B. Ask for permission to approach the witness. **Show the presiding judge the marked exhibit.** "Your Honor, may I approach the witness with what has been marked as Exhibit No. _____?"
- C. **Before approaching the witness,** show the exhibit to the opposing counsel.

4.23 The Critique / Feedback - Modified

The presiding judge is allowed five minutes (at the most) for debriefing. The timekeeper will monitor the critique following the trial. Scoring judges will provide written comments that will be gathered collectively and shared with all teams after the competitions and mailed with the scoresheets.

Judges will not decide guilt or innocence. Judges may not inform the students of scoresheet results.

5.6 Random Pairing and Power Matching - Modified

Regional Competitions: Teams will be notified seven (7) business days prior to arriving to the competition their team identity code and the order of sides performed for the first two rounds. Teams will be randomly paired for the first two rounds. Modified power matching will occur for the third round. The total number of wins, ballots and scores will be considered in the pairings. A predetermined number of teams will advance to the state competition from each regional competition. Teams that advance will have the highest number of wins, ballots and scores.

State Competition: Sixteen teams will be notified seven (7) business days prior to arriving to the state competition their team identity code and the order of sides performed for the first two rounds. Teams will be randomly paired for the first two rounds. All scores from the first two rounds will be power

matched to determine pairings for the third and fourth round. The two teams with the highest number of wins, ballots and scores will compete in the state championship round.

6.1 Reporting a Rules Violation/Inside the Bar - Modified

If any team has substantial reason to believe that a significant violation of mock trial rules has occurred that (a) involved students competing in the competition and (b) occurred within the courtroom, a dispute must be filed with the presiding judge immediately following the conclusion of that trial round.

After the trial has ended and the scoring panel has been excused, the students will be permitted to consult with their teacher/attorney coaches and teammates (including the bailiff and timekeeper) for a maximum of three minutes. If any team believes that a substantial rules violation has occurred, one of its student attorneys will then present its position by completing a dispute form and submitting it to the presiding judge. A student attorney from the opposing side will have an opportunity to respond. The presiding judge may question the spokesperson. At no point after the initial consultation may team sponsors or coaches communicate or consult with the students. All of this takes place prior to the official scoring of the round.

Attorney coaches, teacher coaches and parents/visitors are not allowed to address the court regarding a dispute settlement.

A dispute on a rules violation has to be done immediately after each individual trial. Disputes are not handled after the competition or the next business day.

The “bar” in a courtroom is traditionally a railing or low wall that separates the observers from the 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.

Disputes which occur within the bar must be filed immediately following the conclusion of that trial round. Disputes must be brought to the attention of the presiding judge at the conclusion of the trial.

If any team believes that a substantial rules violation has occurred, one of its student attorneys must indicate that the team intends to file a dispute. The scoring panel will be excused from the courtroom, and the presiding judge will provide the student attorney with a dispute form, on which the student will record in writing the nature of the dispute. The student may communicate with counsel and/or student witnesses before lodging the notice of dispute or in preparing the form.

At no time in this process may team sponsors or coaches communicate or consult with the student attorneys. Only student attorneys may invoke the dispute procedure.

6.4 Reporting of Rules Violation/Outside the Bar - Modified

Disputes that occur outside the bar may be brought by teacher or attorney-coaches exclusively. Such disputes must be made promptly to the mock trial coordinator or a member of the LRE Staff, who will ask the complaining party to complete a dispute form. The form will be taken to a dispute resolution panel that will (a) notify all necessary parties; (b) allow time for a response, if appropriate; (c) conduct a hearing; and (d) rule on the charge. The dispute resolution panel may notify the scoring judges in the courtroom involved regarding the ruling made on the charge, so that the scoring judges may assess an appropriate penalty, if necessary.

The dispute resolution panel will be composed of LRE Staff and other competition officials.

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

**Also new to the 2008 case materials includes
A New Section Dedicated to Parents/Students**

**New to the website, all forms can be
downloaded at**

www.scbar.org/member/lre/HSMTforms.asp