

South Carolina
Rules of the Competition

1. ADMINISTRATION

Rule 1.1 Rules

All trials will be governed by the Rules of the State High School 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, LRE Division, whose decision is final.

Rule 1.2 Code of Conduct

The Rules of the Competition, as well as proper rules of courthouse and courtroom decorum and security, must be followed. The SC Bar possesses discretion to impose sanctions, up to and including forfeiture or disqualification, for any misconduct, flagrant rule violations or breaches of decorum which affect the conduct of a trial or which impugn 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.
- B. Please respect the arrival times, breaks and lunch times by never being late. Lateness for any reason is subject to penalty.
- C. If cell phones are on any person, they are to be turned off while in the courtrooms to avoid any distractions during the duration of the mock trial competition.

Rule 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 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.

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.

Rule 1.4 Team Codes/Identity

The identity of the students on the teams, to the extent possible, is 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. In addition, the teams should only identify themselves by their assigned team codes for the competitions.

2. THE PROBLEM

Rule 2.1 The Problem

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

The problem consists of three witnesses per side, all of whom shall have names and characteristics, which would allow them to be played by either males or females. All three of the witnesses must be called and no discretion as to the selection of the witnesses shall exist. The witnesses may be called in any order.

Rule 2.2 Witness Bound by Statements

Each witness is bound by the facts contained in his/her own witness statement, the stipulations, if present, and/or any necessary documentation relevant to his/her testimony. Fair extrapolations may be allowed, provided reasonable inference may be made from the witness's statement. If, in direct examination, any attorney asks a question that calls for extrapolated information pivotal to the facts at issue, the information is subject to objection under Rule 2.3, Creation of Material Facts.

A witness is not bound by facts contained in statements of other witnesses.

Rule 2.3 Creation of Material Facts

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."

For mock trial purposes, 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 whipped Clemson 45-0, the fact suggests motive and would be material.

When determining whether a fact is "material" or not under the rule, teams should use common sense. Ask whether the creation of the fact significantly helps either side's case. If the answer is "yes," the fact is material.

If a team creates a material fact in the process of their case, that is best exposed and attacked through impeachment and closing arguments, and should be dealt with in the 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 first to 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.

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 the team against whom the objection is sustained a penalty of at least three points, but no more than seven points. If the presiding judge overrules the objection, he must immediately declare whether or not, in his 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 that made the objection a penalty of at least three points and no more than seven points.

The penalties described in this rule are to be assessed individually by each scoring judge, i.e., the scoring judges are not to confer and to settle on an identical penalty.

Rule 2.4 Gender of Witnesses

All witnesses are gender neutral. Personal pronoun changes in witness statements indicating gender of the characters may be made. Any student may portray the role of any witness of either gender.

Rule 2.5 Voir Dire

Voir Dire examination of a witness is not permitted. (Voir dire means to challenge the qualifications of an expert witness by addressing questions to the witness. Opposing counsel is allowed to object to admission of a witness as an expert.)

3. TEAMS

Rule 3.1 Team Eligibility

Teams competing in the State High School Mock Trial Championship must be comprised of students who participated on the team at the regional level. All students on a mock trial team must be enrolled at the same school. 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.

Students who comprise a team must be enrolled at the same high school. 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 district competition. Schools that enter two separate teams in the competition may not combine the teams to 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 added at any time. A team may not for any reason substitute any other person for official team members.

Home schooled students may compete in the High School Mock Trial Competitions in the district in which they reside. The school must submit a letter of eligibility for the home schooled student before he/she can be placed on the roster. Home school teams may also compete, provided all students on the roster would be assigned to the same school district and are not enrolled in a public or private school.

According to the SC Code of Laws, SECTION 59-1-150, "Middle school" means any public school which contains grades no lower than the fifth and no higher than the eighth; "Junior high school" shall be considered synonymous with the term "high school;" and "High school" means any public school which contains grades no lower than the seventh and no higher than the twelfth. Thus, teams from Jr. High Schools that have grades no lower than the seventh grade will be allowed to compete in the High School Mock Trial competition.

Rule 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.

Rule 3.3 Team Presentation

Teams must present both the Prosecution/Plaintiff and Defense/Defendant sides of the case. Teams must use a minimum of six students (2 attorneys, 3 witnesses, 1 bailiff/timekeeper,) and a maximum of eight students (3 attorneys, 3 witnesses, 1 bailiff, 1 timekeeper) in a given trial round. A timekeeper and a bailiff must be provided by each team, and one student may play both of those roles.

Each team must call all of its assigned witnesses. Witnesses may not be recalled.

Teams that do not call all of their witnesses *will automatically forfeit.* (Refer to rule 1.3 for scoring procedures.)

When a team presents its Prosecution/Plaintiff side of the case, their Bailiff will call the court to order and swear in witnesses, unless otherwise directed by the presiding judge. When opening court, the bailiff should announce the name of the case and the name of the presiding judge as soon as the “jury” is seated.

Rule 3.4 Team Duties

Team members are to evenly divide their duties. The opening and closing statements must not be done by the same attorney.

Each team must use a minimum of two (2) and a maximum of three (3) attorneys in each trial. When using three attorneys, each will conduct one direct and one cross-examination; when using two attorneys, one will conduct two direct examinations and one cross-examination, and the other will conduct the remaining direct examination and two cross-examinations. In addition, one attorney will present the opening statement and another will present the closing argument. The eight attorney duties for each team will be divided as follows:

1. Opening Statements
2. Direct Examination of Witness #1
3. Direct Examination of Witness #2
4. Direct Examination of Witness #3
5. Cross Examination of Witness #1
6. Cross Examination of Witness #2
7. Cross Examination of Witness #3
8. Closing Argument (including Rebuttal) [See Rule 4.5]

Opening Statements must be given by both sides at the beginning of the trial.

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

Witnesses must be called only by their team during their case-in-chief and examined by both sides. Neither side may recall a witness.

Closing arguments must be based on the actual evidence and testimony presented during the trial. (If evidence was not presented during the trial, it cannot be used in the closing arguments.) **No person can do both the opening and closing statements.**

Rule 3.5 Team Roster Form Description

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 seven (7) business days prior to the competition. 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 will be turned into the mock trial coordinator on the day of the competition and distributed to the scoring judges and presiding judge before each round. If a school fields two (2) teams, no one person can be listed on two rosters. 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.

Rule 3.6 Accommodations for Students with Disabilities

If special accommodations are needed for a student with a disability, the 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 accommodation.

4. THE TRIAL

Rule 4.1 Courtroom Setting

The Plaintiff/Prosecution team shall be seated closest to the jury box. No team shall rearrange the courtroom without prior permission from the presiding judge.

Rule 4.2 Stipulations

Stipulations shall be considered part of the record and already admitted into evidence.

Rule 4.3 Reading into the Record Not Permitted

Stipulations, the indictment, or the Charge to the Jury will not be read into the record.

Rule 4.4 Swearing of Witnesses

The presiding 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 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 stand or sit during the oath.

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.

Rule 4.5 Trial Sequence and Time Limits

No pre-trial matters

The trial sequence and time limits are as follows:

| | |
|--|---------------------------|
| 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 Timekeeper 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.*
- C. The time for direct and cross examinations may be divided among the witnesses as each team sees fit.
- D. Attorneys may ask the presiding judge permission to ask the timekeeper how much time is remaining.
- E. **A timekeeper must be provided by each team.** During the competition, each team's timekeeper will keep time for both sides and timesheets will be compared by the presiding judge. **The Prosecution/Plaintiff's timesheet will be the official time sheet in the event of a dispute.**
- F. The Prosecution/Plaintiff gives the opening statement first. The Prosecution / Plaintiff gives the closing argument first.
- G. Attorneys are not required to use the entire time allotted to each part of the trial. However, time remaining in one part of the trial may not be transferred to another part of the trial.
- 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.

Rule 4.6 Timekeeping

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

Timekeeping begins when the judge instructs the attorney to begin. Attorneys are permitted to ask the judge for permission to inquire as to how much time is remaining.

Time for objections, extensive questioning from the judge or administration of the oath will not be counted as part of the allotted time during examination of witnesses and opening and closing statements. The presiding judge has the discretion to stop the clock for any reason. (Improper delay tactics may also result in a scoring penalty. An example of this would be the unnecessarily lengthy review of proposed exhibits by opposing counsel.)

Time does not stop for introduction of exhibits nor for attorneys to confer with co-counsel.

The timekeeper will 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.

Rule 4.7 Time Extensions and Scoring

The timekeeper will display time cards (not voice "STOP" to notify speakers and the presiding judge as time elapses.) The presiding judge has sole discretion to grant time extensions. 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. If an attorney secures a time extension from the Court before time has expired, no penalty for a time overrun will be assessed against the team requesting the extension, so long as that team does not exceed the extension.

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

Rule 4.8 Motions (Requests of the Court)

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.

Motions for the case to be dismissed will not be permitted.

Rule 4.9 Sequestration

Teams may not invoke the rule of sequestration; having the jury hidden from the public.

Rule 4.10 Bench Conferences

Bench conferences may be granted at the discretion of the presiding judge, but should be made from the counsel table in the educational interest of handling all matters in open court.

Rule 4.11 Supplemental Material/Costuming

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 scoring judges are the exhibits as they are introduced into evidence. Exhibit notebooks are not to be provided to the presiding judge or 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.

Rule 4.12 Trial Communication

Coaches, teachers, alternates and observers 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 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 observers 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 each other. If any substitutions must be made, they must be made before the trial begins. The ONLY exception to this rule is if a participating team member becomes medically unable to proceed with the trial.

Rule 4.13 Viewing a Trial

Team members, alternates, attorney coaches, teachers/sponsors, parents/visitors, and any other persons directly associated with a specific mock trial team, except for those authorized by the SC Bar, LRE Division, are not allowed to view other teams in competition, so long as their team remains in the competition.

Each team may watch its own team, e.g., Prosecution/Plaintiff may watch defense. **ANY TEAM WHO VIOLATES THIS RULE WILL BE ELIMINATED FROM THE COMPETITION.** All such decisions will be within the discretion of the competition coordinator. **All official team members, sponsors, attorney coaches, teachers, and guests will be required to wear lettered nametags provided at on-site registration to ensure that this rule is followed. Matching labeled name tags are required for visitors who want to watch their respective teams only.**

Rule 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. Teacher sponsors are asked to have their cell phones on vibrate in order to be reached by the mock trial coordinator. All others including attorney coaches, parents and visitors who bring their cell phones are asked to have them turned off.

Any team has the option to refuse participation in videotaping, tape recording or still photography by opposing teams. Flash photography of any round is not allowed by spectators.

Media coverage will be allowed. Media or other representatives may use various media to document the mock trial rounds, as approved by the SC Bar, LRE Division Staff. Media or other representatives authorized by the SC Bar, LRE Division will wear identification badges. (See the talent release form for additional information on pages 46 and 47.)

Rule 4.15 Jury Trial

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

Rule 4.16 Standing during Trial

Unless excused by the presiding judge, attorneys will stand while giving opening and closing statements, during direct and cross examinations, and for all objections.

Rule 4.17 Objections to Opening and Closing Statements

A. Objections to Opening Statement

No objections may be raised during or following opening statements. Teams may not make objections to opening statements.

B. Objections to Closing Argument

No objections may be raised during closing argument.

If a team believes an objection would have been proper during the opposing team's closing argument, one of its attorneys may, following the closing argument, stand to be recognized by the presiding judge and may say, "If I had been permitted to object during closing arguments, I would have objected to the opposing team's statement that _____." The attorney who delivered the closing argument that is the subject of such "objection" may then stand, after being recognized by the presiding judge, and deliver a brief rebuttal limited solely to the scope of the "objection." The presiding judge will not rule on this exchange. Scoring judges will weigh the "objection" and rebuttal individually.

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 attempting to rebut such an "objection" should be prepared to describe the specific evidence (or inference there from) 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 at closing that Plaintiff should prevail because the opinion of Plaintiff's expert, Dr. Feelgood, conclusively showed that the doctor who had operated on Plaintiff was negligent. At the conclusion of counsel's closing, defense counsel invokes this rule and objects to the portion of Plaintiff's closing that referred to Dr. Feelgood's expert opinion. Defense counsel observes that, since Dr. Feelgood 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 judge had admitted Dr. Feelgood as an expert. At the close of Plaintiff's closing, defense counsel invokes this rule and objects again. This time, defense counsel argues that Plaintiff's discussion of Dr. Feelgood'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.

Rule 4.18 Objections

1. **Argumentative Questions:** An attorney shall not ask argumentative questions.
2. **Lack of Proper Predicate/Foundation:** 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.
3. **Assuming Facts Not in Evidence:** Attorneys may not ask a question that assumes unproved facts. However, an expert witness may be asked a question based upon stated assumptions, the truth of which is reasonably supported by evidence (sometimes called a "hypothetical question").
4. **Questions Calling for Narrative or General Answer:** Questions must be stated so as to call for a specific answer. (example of improper question: "Tell us what you know about this case.")
5. **Non-Responsive Answer:** A witness's answer is objectionable if it fails to respond to the question asked.
6. **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.
7. **Irrelevant Evidence**
8. **Leading**
9. **Improper Character Testimony**
10. **Hearsay**
11. **Opinion**
12. **Lack of Personal Knowledge**

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 cross-examined, and the attorney who cross-examines a witness objects when that witness is being directly examined.

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

Rule 4.19 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 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 scoring jury after they are admitted into evidence only with the permission of the presiding judge.

As an example, the following steps effectively introduce evidence:

- a) All evidence will be pre-marked as exhibit.
- 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 for identification purposes as Exhibit No. _____?"
- c) Before approaching the witness, show the exhibit to opposing counsel.
- d) 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.
- e) 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 of the relevance and materiality of the exhibit.
- f) Offer the exhibit into evidence. "Your Honor, we offer Exhibit No. ____ into evidence."
- g) Court: "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.)
- h) Opposing Counsel: "No, Your Honor" or "Yes, Your Honor". If the response is "yes", the objection will be stated for the record. Court: "Is there any response to the objection?"
- i) Court: "Exhibit No. _____ (is/is not) admitted." If admitted, questions on content may be asked.

Rule 4.20 Usage of Notes

Attorneys may use notes in presenting their cases. Witnesses are not permitted to use notes during their testimony. Attorneys may consult with each other at counsel table orally or through the use of notes.

Rule 4.21 Redirect/Recross

Redirect and recross examinations are permitted. The scope of redirect of a witness, however, is limited to the scope of the opposing team's cross-examination of that witness. Likewise, the scope of re-cross is limited to the scope of the re-direct.

Rule 4.22 Scope of Closing Arguments

Closing arguments must be based on the actual evidence and testimony presented during the trial.

Rule 4.23 The Critique

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.

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

Rule 4.24 Parents/Visitors

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

Rule 4.25 Offers of Proof

No offers of proof may be requested or tendered.

5. JUDGING AND TEAM ADVANCEMENT

Rule 5.1 Finality of Decisions

All decisions of the judging panel are FINAL.

Rule 5.2 Composition of Judging Panels

The judging panel will consist of at least three individuals. The composition of the judging panel and the role of the presiding judge will be at the discretion of the state coordinator, with the same format used throughout the competition, as follows:

1. One presiding judge and two scoring judges (all three of whom complete scoresheets); or
2. One presiding judge and three scoring judges (scoring judges only complete scoresheets)

The scoring judges may be persons with substantial mock trial coaching or scoring experience or attorneys. Each scoring panel shall include at least one attorney. The presiding judge shall be an attorney or a judge.

The Championship round may have a larger judging panel at the discretion of the state mock trial coordinator.

All presiding and scoring judges receive the mock trial manual, a memorandum outlining the case and orientation materials. A training session for presiding and scoring judges is offered prior to the competition.

Rule 5.3 Scoresheets / Ballots

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 term "scoresheet" is used in reference to the form on which speaker and team points are recorded. Scoresheets are to be completed individually by the scoring judges. Scoring judges should not necessarily reflect the rulings of the presiding judge during trial on their score assignments, as sometimes rulings are made just to test the resilience or competence of a team. 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. While the scoring judges may deliberate on any special awards (i.e., Most Effective Attorney/Witness) the scoring judges should not deliberate on individual scores, beyond what is necessary to ensure that judges' scores are in similar ranges.

Rule 5.4 Completion of Scoresheets

Each scoring judge shall record 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 shall total the sum of each team's individual points, place this sum in the Column Totals Box, and circle the team ("P" for Prosecution/Plaintiff or "D" for Defense/Defendant) indicating their overall vote for the best team of the round. This vote should coincide with the team that scored the highest number of points. **NO TIE IS ALLOWED IN THE COLUMN TOTAL BOXES.**

In the event of a mathematical error in tabulation by the scoring judges which, when corrected, results in a tie in the Column Total Boxes, the Tiebreaker Box shall determine award of the ballot.

Students are not scored based on the rulings of the presiding judge. Students are scored on how they respond to the presiding judge's rulings.

Scores will **NOT** be announced at the end of each round. However, tabulated scoresheets will be mailed to the teacher sponsors the next business day.

Rule 5.5 Team Advancement

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

1. Win/Loss record based on the number of rounds won or lost by a team;
2. Total number of ballots based on the number of scoring judges' votes a team earned in preceding rounds;
3. Total number of points accumulated in each round;
4. Point spread against opponents: The point spread is the difference between the total points earned by the team whose tie is being broken less the total points of that team's opponent in each previous round. The greatest sum of these point spreads will break the tie in favor of the team with the largest cumulative 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 of the two that finishes with the higher number of ballots or points.

Rule 5.6 Random Pairing and Power Matching

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 pre-determined 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.

Power matching will provide that:

1. Pairings for the first two rounds will be at random;
2. All teams are guaranteed to present each side of the case at least once;
3. 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; then (4) point spread. The team with the highest number of ballots in the bracket will be matched with the team with the lowest number of ballots in the bracket; the next highest with the next lowest, and so on until all teams are paired;

4. If there are an odd number of teams in a bracket, the team at the bottom of that bracket will be matched with the top team from the next lower bracket;
5. Ideally, teams will not meet the same opponent twice; and
6. To the greatest extent possible, teams will alternate side presentation in subsequent rounds. Bracket integrity in power matching will supersede alternate side presentation.

Rule 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:

1. The team with the letter code that comes first alphabetically will be considered the "Designated Team."
2. The coin will be tossed by a designee of the SC Bar.
3. If the coin comes up heads, the Designated Team shall represent the Plaintiff/Prosecution in the Championship Round. If the coin comes up tails, the Designated Team shall represent the Defense/Defendant.
4. If the two teams in the championship round have already met in a prior round, their prior designations as Plaintiff/Prosecution and Defense/Defendant will automatically be reversed.

Rule 5.8 Effect of Bye / Default

A "bye" becomes necessary when an odd number of teams are present at any competition. For the purpose of advancement and seeding, when a team draws a bye or wins by default, the winning team for that round will be given a win and the number of ballots and points equal to the average of all winning teams' ballots and points of that same round. The state coordinator may, if time and space allow, arrange for a "bye round" to allow teams drawing a bye to compete against one another in order to earn a true score.

The SC Bar, LRE Division has the discretion on how to handle a bye in all rounds of a competition.

6. DISPUTE RESOLUTION

Rule 6.1 Reporting a Rules Violation / Inside the Bar

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.

Rule 6.2 Dispute Resolution Procedure / Inside The Bar

The presiding judge will review the written dispute and determine whether the dispute should be heard or denied. If the dispute is denied, the presiding judge will record the reasons for this, announce her/his decision to the Court, retire to complete his/her scoresheet (if applicable), and turn the dispute form in with the scoresheets. If the presiding judge feels the grounds for the dispute merit a hearing, the form will be shown to opposing counsel for their written response. After the team has recorded its response and transmitted it to the presiding judge, the presiding judge will ask each team to designate a spokesperson. After the spokespersons have had time (not to exceed three 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 team sponsors or coaches communicate or consult with the student attorneys. After the hearing, the presiding judge will adjourn the court and retire to consider her/his ruling on the dispute. That decision will be recorded in writing on the dispute form, with no further announcement.

Rule 6.3 Effect of Violation on Score

If the presiding judge determines that a substantial rules violation has occurred, the presiding judge will inform the scoring judges of the dispute and provide a summary of each team's argument. The scoring judges will consider the 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 the scoring judges and indicated in the penalty box on the scoresheet.

Rule 6.4 Reporting of Rules Violation / Outside of the Bar

Disputes that occur outside the bar only during a trial round 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 the mock trial coordinator's designated work room, whereupon a dispute resolution panel will (a) notify all pertinent 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 of the affected courtroom of the ruling on the charge or may assess an appropriate penalty.

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.