



Overview of New Rules and Modifications for 2009 High School Mock Trial

For the 2009 case, the following competition rules have been modified or clarified:

1.3 Emergencies

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

3.3 Team Presentation

When a team presents its Prosecution/Plaintiff side of the case, their Bailiff will call the court to order and **swear in all of the witnesses at once**, 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.

3.4 Team Duties

Opening statements must be given by both sides at the beginning of the trial **with Plaintiff/Prosecution presenting their opening first.**

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 **with the opposing team (one copy), scoring judges (one for each scoring judge, three maximum), and the presiding judge (one copy).** 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.

3.6 School Information Sheet **NEW******

The lead teacher sponsor must submit a School Information Sheet with team specific information prior to the regional competition. The deadline for this submittal is provided by the SC Bar. This 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. This information is also provided to the SC Bar Communications Division to create press releases for each school.

The School Information Sheet **can 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. However, changes made after the School Information Sheet has been submitted need to be provided to the SC Bar to ensure students have name tags and certificates showing participation in the mock trial program.

3.8 Withdrawing from the Competition **NEW**

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 Drop Form provided on the SC Bar website. The teacher sponsor and the principal must sign and submit the completed form to the state mock trial coordinator. Withdrawal after the deadline can result in extreme hardship in coordinating the competition. A team that withdraws after the deadline is subject to a one year suspension from the competition; however, the team 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.

4.6 Timekeeping

Timekeepers can use only the official time cards provided by the SC Bar. 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.

Timekeepers will silently indicate time ending by showing cards and not verbalize **or use any hand gestures other than raising the SC Bar timecards.**

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. **Timekeepers are to remain seated during the trial.**

4.12 Trial Communication

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

4.15 Jury Trial

Each trial round will be presided over by a judge, who will either be an actual judge or a member in good standing of the South Carolina Bar.

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 and/or law students.

Presiding and scoring judges are provided with copies of the mock trial case materials prior to the competition.

4.17 Objections to Opening and Closing Statements

A. Objections to Opening Statement

No objections may be raised during or following opening statements. **Opening statements are not evidence. If a team believes that opposing counsel raised an improper issue during the opening statement, it should be**

addressed during the presentation of the evidence or within the closing argument, but not as an objection. Teams may not make objections to opening statements.

4.18 Objections

Except during the opening statement or closing argument as described above, an attorney can object any time the opposing attorney has violated the rules of evidence. The attorney who is to object should stand up and do so 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. The presiding judge will then decide whether a question or answer must be discarded because it has violated a rule of evidence ("Objection Sustained") or whether to allow the question or answer to remain in the trial record ("Objection Overruled").

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

4.19 Procedure for Introduction of Exhibits

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

4.20 Usage of Notes

During the trial, witnesses may NOT use notes or read from any documents unless questioned or cross-examined about a witness statement or an exhibit. Attorneys may use notes in their presentations, although attorneys are encouraged to rely as little as possible on notes. (See scoring matrix on Web site at www.scbare.org/lre)

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.

4.24 Scope of Parents/Visitors

All guests in the gallery shall remain seated during the trial. If it is necessary to enter or exit the courtroom during the trial, a parent or visitor should do so during a transition, such as in between witnesses or after an argument.

5.4 Completion of Scoresheets

A penalty box is used at the discretion of the scoring judges for any issues that the presiding judge has pointed out during the trial procedure. **A PENALTY DEDUCTION** is used to deduct points from a team's score if any member(s) of a team fails to adhere to appropriate courtroom decorum (e.g. abuse of procedural rules, inappropriate use of objections, improper participation by coach or gallery, creation of material facts, deliberate failure to respond to legitimate questions, time violations, or

other rules infractions as observed or reported and verified.) Each scoring judge determines individually the weight of the penalty and indicates the penalty in the designated penalty box.

5.5 Team Advancement

The number of teams advancing from each region to the state competition is not announced in advance, but on the day of the regional competition. 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 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 5pm on the SC Bar website. 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

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. **(Pairings and sides are subject to change should a team withdraw during the seven (7) day window.) Modified power matching occurs in the third round, if possible.**

In the event of an odd number of teams at a regional competition, power matching is not guaranteed and there is the potential of a bye round. In the case of a bye round, the time constraints of power matching are prohibitive.

State Competition: Twelve (12) 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 lead teacher coach will be notified on their cell phone that Friday night of the state competition no later than 10pm the pairings and the side they play in the third round on Saturday morning.** The two teams with the highest number of wins, ballots and scores will compete 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. **For the purpose of advancement and seeding, when a team draws a bye or wins by default, that team receives a win as well as the number of ballots and points equal to the average of the winning teams' ballots and points of that same round. In the alternative, 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.

6.1 Reporting a Rules Violation / Inside the Bar

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 responding attorney will have the opportunity to confer with the teacher/attorney coach for up to two minutes prior to responding. The moving party cannot confer further with the teacher/attorney coach. No further conferences with the teacher/attorney coach are allowed.** 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.

6.3 Effect of Violation on Score

Scoring judges may impose a penalty within the indicated ranges for the following infractions:

- Creation of Material Fact (see Rule 2.3)..... 3-7 points
- Bad Faith “Creation of Material Fact” Objection (see Rule 2.3)..... 3-7 points
- Time Violations (see Rules 4.6, 4.7)
 - 1 to 5 seconds 0 points
 - 6 to 30 seconds 0 - 2 points
 - 31 to 60 seconds 1 - 4 points
 - Over 60 seconds 4 - 10 points
- Costuming (see Rule 4.11)..... 2-10 points
- Failure to Call all Witnesses (see Rule 3.3)..... Team Forfeits
- Improper Communication (see Rules 4.12, 4.6)..... 2 – 10 points
- Unequal Distribution of Tasks
 - Among the Team (See Rule 3.4)..... 2–8 points

New to the website includes forms and additional resources, which can be downloaded at www.scbart.org/lre under the High School Mock Trial section.