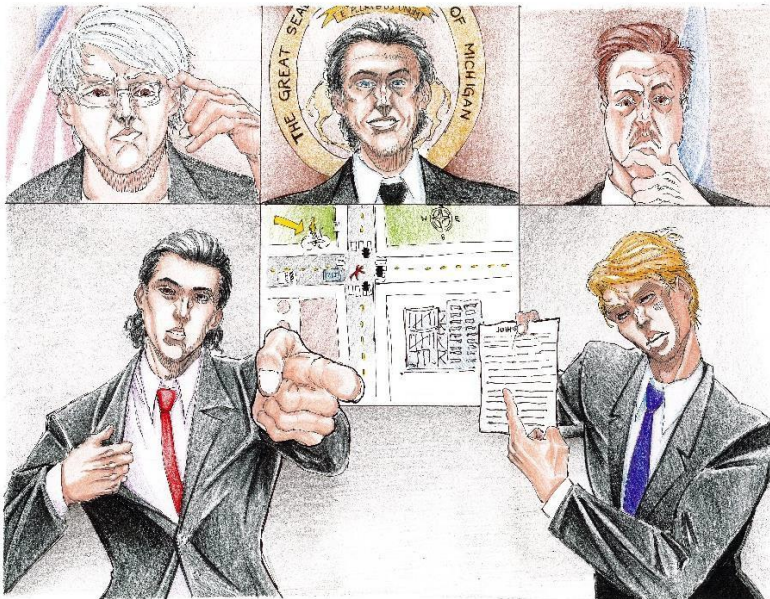


2024

# NEW MEXICO HIGH SCHOOL MOCK TRIAL COMPETITION RULES



**CENTER FOR  
CIVIC VALUES**

PROVIDING EDUCATION AND RESOURCES  
FOR PUBLIC PARTICIPATION IN THE LAW

# NEW MEXICO HIGH SCHOOL MOCK TRIAL RULES OF THE COMPETITION

The Rules of the Competition are based upon the rules of the National High School Mock Trial Championship. Text in yellow represents changes from the prior year's Rules document.

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## **A. ADMINISTRATION**

### **Rule 1.1. Rules**

All trials are governed by the Gene Franchini High School Mock Trial Rules of the Competition and the National High School Mock Trial Rules of Evidence.

Questions or interpretations of these rules are within the discretion of the Mock Trial Coordinator, whose decision is final.

### **Rule 1.2. Code of Conduct**

The rules of Competition, as well as proper rules of courthouse and courtroom decorum and security, must be followed. Proper courtroom attire must be worn by all team members including teacher advisors, attorney coaches and timekeepers. Teams are asked to inform their observers that proper courtroom attire is required. The Center for Civic Values (CCV) possesses discretion to impose sanctions, up to and including forfeiture or disqualification, for any misconduct, occurring while a team is participating in the competition, 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. Abuse of the Rules of Competition and/or Rules of Evidence for the purpose of gaining an unfair advantage reference to “participating” include any activity as part of a New Mexico High School Mock Trial Competition in -person or virtually.

Please follow a proper sense of fairness in the competition and understand that the Mock Trial Coordinator possesses the discretion to impose the appropriate sanctions. These sanctions include, but are not limited to, adjustment of points or standings, disqualification, immediate eviction from the competition, and forfeiture of all fees and awards (if applicable) for any misconduct occurring while a team is present for any level of competition including the national mock trial competition.

All teams are responsible for the conduct of persons associated with their teams throughout any mock trial event. At all times, team members including a student journalist, artist, coaches and team supporters shall be bound by the CODE OF ETHICAL CONDUCT (CODE) and shall exhibit and act with civility, professionalism, integrity, honesty, and good sportsmanship in both victory and in defeat. Showing respect for fellow team members, coaches, supporters, opponents, judges, scoring panelists, volunteers, competition staff, volunteers and courthouse personnel is expected.

Teacher coaches, attorney coaches, and students are responsible for reading and understanding the Rules of the Competition and the CODE. All coaches have a special responsibility to know, follow and enforce the CODE and they shall discourage willful violations of the CODE. All coaches are reminded that they are in positions of authority and must serve as positive role models for the students. Coaches shall be responsible for educating team members and team supporters about the CODE and must encourage compliance with it. Students shall not willfully violate the Rules of the

Competition and shall avoid tactics he, she or they know are wrong or that violate the rules.

1. Teachers, attorney coaches, and team supporters are representatives of their respective teams, as well as of New Mexico at any and all mock trial activities (practices, team activities, scrimmages, competitions). Violations of mock trial rules and expectations of professionalism will be addressed by the Mock Trial Coordinator and may require discipline as the Mock Trial Coordinator deems appropriate. Violations of mock trial rules outside of the New Mexico competition, including but not limited to public disparagement of the New Mexico mock trial program, its teams, or other persons will be addressed by the CCV Board of Directors and the Mock Trial Coordinator.
2. Trials will be conducted honestly, fairly and with the utmost civility. Displays of bad sportsmanship are prohibited *at any time* during Qualifier and/or State Final Competition, including at awards ceremonies.
3. Team members will not violate the Rules of Competition in spirit or in practice. All team members will focus on accepting both success and defeat with dignity and restraint, before the start of round 1. This includes courtroom artists and courtroom journalists whether competing with a team or individually.
4. Alcohol, drugs and weapons are prohibited, and a zero-tolerance policy applies. The first violation will result in the immediate ejection of the entire team from the Competition.
5. Eating, drinking, smoking and gum chewing are prohibited in the Courthouse.
6. Except during the championship round, team members are not allowed to enter any Courtroom in which their team is not competing.
7. The Mock Trial Competition is designed for those who desire to comport themselves as professionals in and out of the Courtroom. It is expected that at the Courthouse and at awards ceremonies, if any, all team members will respect their surroundings, demonstrate professionalism and respect, use receptacles for trash, and leave restrooms and all other facilities in good order.

Attorney and teacher coaches shall not contact the Mock Trial Coordinator during mock trial competition to complain or compel that they take an action. Moreover, attorney and teacher coaches shall not contact a presiding judge or member of the scoring panel to inquire about a round or ask about a particular score or result until the state competition is completed.

## **Rule 1.3.A. Emergencies**

During a trial, the presiding judge has the discretion to declare an emergency and adjourn the 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 CCV as soon as is reasonably practical. It is within the sole discretion of the CCV or its designee to determine that an emergency exists. Upon a determination that an emergency exists, the CCV, or its designee(s), will 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 if a team continues with less than six members.

A forfeiting team will receive a loss, zero ballots and points equal to the score of the team that received the fewest points in that round. The non-forfeiting team will receive a win, ballots and points as if the team received a “bye” pursuant to Rule 5.8. All fractions resulting from averaging shall be rounded down if it is .4 or lower and up if it's .5 or higher.

Final determination of emergency, forfeiture, reduction of points, and advancement will be made by CCV.

### **1. Medical Emergencies**

Attorney coaches and teacher advisors are not permitted to enter the well of the courtroom unless there is a medical emergency. If there is a medical emergency, the trial shall be stopped and all necessary actions to protect the health and safety of the participant shall be taken. The Mock Trial Coordinator or her/his/their designee shall be notified as soon as is practicable; however, emergency medical assistance shall be called immediately, if necessary.

### **2. Trial Emergencies and Procedure**

It is recognized that every round of mock trial is subject to the vagaries of the competition and each participant, attorney coach, teacher advisor and judge is reminded that part of the experience is learning how to address unexpected rulings from the presiding judge. In extremely rare instances, a presiding judge's ruling (including, but not limited to exclusion of a witness or her/his/their substantive testimony or exclusion of an exhibit if that exhibit forms the basis of the witness' testimony) may result in a fundamental and substantive modification in the evidentiary outcome of the trial. If the proffering attorney believes the presiding judge's ruling both fundamentally and substantively modifies the evidentiary outcome of the trial, then the proffering attorney may use the following procedure to address the issue:

- i. The proffering attorney shall stand, request permission to

address the Court and provide specific information to explain to the presiding judge why her/his/their ruling fundamentally and substantively modifies the evidentiary outcome of the trial.

- ii. If the presiding judge disagrees and does not change her/his/their ruling, the proffering attorney may request the presiding judge to call a brief recess to contact the Mock Trial Coordinator or her/his/their designee. The presiding judge shall call a recess and contact the Mock Trial Coordinator or her/his/their designee.
- iii. During the recess or intervention, the Mock Trial Coordinator or her/his/their designee shall meet with the presiding judge to discuss the ruling. Such meeting shall take place without the participation and outside the presence of both teams. After meeting with the judge, the Mock Trial Coordinator shall meet with the proffering attorney and opposing counsel. Each counsel shall have two minutes to present her/his/their position.
- iv. Prior to the trial reconvening, the Mock Trial Coordinator or her/his/their designee shall announce her/his/their decision in open court, after which the issue shall be considered resolved and no further discussion regarding the issue shall occur.
- v. All decisions of the Mock Trial Coordinator or their designee regarding the presiding judge's ruling and remedies, if any, are final.
- vi. In the event the procedures and requirements of Rule 1.3(b) are frivolously invoked or violated by either teams' members (students, attorney coaches, teacher advisors) or observers, the Mock Trial Coordinator or her/his/their designee may at her/his/their discretion sanction the violating team. Sanctions are within the sole discretion of the Mock Trial Coordinator or her/his/their designee. Such sanctions may include verbal reprimands, point reduction, removal of the violating individual(s) from the courtroom for the remainder of the round, forfeiture of the round, or ejection of the team from the entire competition.

### **Rule 1.3.B. Technical Difficulties in a Virtual Competition**

In the event of technical difficulties substantially impairing participation in the trial during a virtual competition, the presiding judge has the discretion to declare a technical emergency and adjourn the virtual trial for a short period of time to resolve the technical difficulty substantially impairing a participant's participation in the trial. If the technical difficulties.



If the technical difficulty is substantially impairing a participant's participation in the trial and cannot be resolved within a reasonable, but brief, amount of time, then the trial will continue with another member of the impacted team substituting for the impacted team member. The emergency substitute must be a member of the same team as the impacted participant.

Before making an emergency substitution, the impacted team must make the presiding judge aware, by stating words to the effect of, "Your honor, before I begin, I would like to inform the court that I am [insert name] and I am substituting for [insert name], who is unable to compete due to technical difficulties." Teams shall advise the Mock Trial Coordinator or its designee of any emergency substitution following the round of competition.

The presentation will be scored based on the performance by the initial team member and the emergency substitute, taken as a whole.

Once the presiding judge determines either at the request of the team or *sua sponte* that a student is unable to compete in a role due to technical difficulties, to minimize disruption, the impacted student is not permitted to return and compete in the role for which a substitution was made. If the technical difficulty is resolved, the impacted participant may return and participate in his or her other roles, if any. For purposes of this rule, a witness examination consisting of direct, cross, any re-direct and any re-cross is one role, so that a participant who requires an emergency substitution for a witness examination may not return and participate until the entire witness examination is completed.

For purposes of this rule, technical difficulties include internet failure and computer, device or microphone failure. Failure of a camera only does not permit emergency substitution under this rule. Students who lose internet connection shall rejoin the trial using a telephonic connection, if possible.

In the event of a loss of connection for a timekeeper, that team shall defer to its opponent's timekeeper for that trial segment. The team whose timekeeper lost connection may substitute another timekeeper qualified under Rule 1.4 for the remaining trial segments. The timekeepers shall confer consistent with Rule 4.6.e regarding time remaining at the beginning of each trial segment.

Technical emergencies resulting from the loss of the connection of a presiding or scoring judge shall be handled in accordance with Rule 5.2.A.

If a technical difficulty prevents an entire team from completing in part or all of a round, the presiding judge shall declare a recess of up to 15 minutes, to allow that team to reconnect, either via video or by connecting on audio-only via telephone. If reconnection is impossible, the Mock Trial Coordinator or its designee may declare a forfeit in favor of the team that maintains its connection no sooner than the end of the 15-minute recess. If at least five witnesses have been subject to cross-examination, the Mock Trial Coordinator or its designee

may, in its sole discretion, complete the ballot, assigning scores equal to their average score on all segments that could not be completed by the disconnected team and a “10” to the team that remained connected.

In the event that a technical emergency prevents an entire team from connecting via video, but that team is able to connect via audio-only, the presiding judge shall instruct the opposing team and all judges to turn off their video until video connection from both teams has been restored. No student or team may feign technical difficulty or invoke the technical difficulty rule for purposes other than a genuine technical difficulty. Such an act would violate the Rules of Competition and Code of Ethical Conduct and may be sanctioned at the discretion of the Mock Trial Coordinator or its designee in accordance with Rule 1.2.

#### **Rule 1.4. Student Timekeepers**

Teams shall provide timekeepers for the New Mexico Mock Trial Competition as follows:

1. Each team participating in the New Mexico Mock Trial Competition is responsible for providing at least one student as an official timekeeper equipped with two stopwatches. All timekeepers will be official team members.

#### **Rule 1.5. Relationship to Other Laws; Accommodation of Disability**

The Rules of Competition will be interpreted and administered consistent with all applicable laws. Accordingly, should any applicable law require variance from these rules or accommodation of any competitor for any reason, including a legally recognized disability, that team member or their coach may apply to the Mock Trial Coordinator or its designee for accommodation, and such reasonable accommodation as the law requires shall be granted. The CCV will consider all requests and determine what reasonable accommodations can be made consistent with the New Mexico High School Mock Trial Competition policies. These accommodations may include adjustment of the Rules of Competition where appropriate. The timelessness of the request for accommodation may be material to whether an accommodation is granted. Where possible, teams competing against the team for which an accommodation was granted may be informed of the accommodation in advance of a competition round but will ordinarily not be informed of the specific nature of the issue that led to the accommodation.

#### **Rule 1.6. Inclement Weather Policy**

*In the event of inclement weather, all participants are advised to check the CCV website at [www.civicvalues.org](http://www.civicvalues.org) for information regarding delays or cancellations. If the majority of teams scheduled to compete in a given region or scheduled to compete at state finals are able to make their way to the competition site, the event will go forward as scheduled, unless the building has been closed by local authorities. If the building has been closed by local authorities, every attempt will be made to reschedule the event.*

## **B. THE PROBLEM**

### **Rule 2.1. The Problem**

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

The problem shall consist of three witnesses per side, all of whom shall have names and characteristics that would allow them to be played by individuals of any gender. All three of the witnesses must be called.

### **Rule 2.2. Witness Bound by Statements**

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

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

### **Rule 2.3. Unfair Extrapolation.**

A fair extrapolation is one that is neutral. Unfair extrapolations are best attacked through impeachment and closing arguments and are to be dealt with during the trial. *Judges are encouraged to deal with unfair extrapolation objections by instructing the objecting attorney to address the matter through impeachment on cross-examination or during closing arguments (if appropriate).*

If a witness is asked for information not contained in the witness's statement, the answer must be consistent with the statement and may not materially affect the witness' testimony or any substantive issue of the case. *A witness may neither object nor refuse to answer any question posed. Such a response is a violation of the rules and scoring judges may adjust the witness' score accordingly.*

Attorneys for the opposing team may refer to Rule 2.3 in a special objection, such as "unfair extrapolation" or "This information is beyond the scope of the statement of facts."

Possible rulings by a judge include:

- a) no extrapolation has occurred;
- b) an unfair extrapolation has occurred;
- c) the extrapolation was fair; or,
- d) ruling is taken under advisement.

The decision of the presiding judge regarding extrapolations or evidentiary

matters is final.

When an attorney objects to an extrapolation, the presiding judge shall rule in open court to clarify the course of further proceedings. *The scoring judges may consider whether such an objection is frivolous and adjust the attorney's score accordingly.*

#### **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 any gender.

#### **Rule 2.5. Voir Dire**

Voir dire examination of a witness is not permitted.

### **C. TEAMS**

#### **Rule 3.1. Team Eligibility**

Each public, charter, and private school in New Mexico may register one to three teams in the Competition. All team members must be enrolled in grades 9 - 12 in the registering school and must meet New Mexico State Board of Education criteria for participation in an extracurricular activity. Middle school students can compete at the high school level if allowed by the school district and in accordance with NMAA rules.

The Competition is sanctioned by the New Mexico Activities Association, and it is the teacher advisor's responsibility to follow the necessary procedures for obtaining approval of eligibility.

Teams are responsible for providing transportation to and from the competition and awards ceremony site(s); transportation must be provided in accordance with New Mexico State law and the team's school district policy.

Participation by an ineligible team member shall result in forfeiture of each round in which such participation occurred. An ineligible team member may observe competition and, as a spectator, has the same restrictions as those outlined for teacher advisors, attorney coaches, and any other observers.

Only those attorneys who have signed the Attorney Coach Agreement provided by CCV shall be eligible for participation as attorney coaches. CCV reserves the right, in its sole discretion, to deny participation by an attorney.

Only those team members (teacher advisor, attorney coach) who have signed the Code of Ethical Conduct provided by CCV shall be eligible for participation. Violation of the Code of Ethical Conduct by any team member may result in sanctions, including but not limited to, that team's immediate ejection from the Competition, forfeiture of awards (if applicable), and debarment from future competitions.

Teams competing at the state finals are to be comprised of students who participated on the advancing qualifier team. Should a participant from the advancing qualifier team be unable to participate, the Mock Trial Coordinator shall have sole discretion to allow a substitution. The student acting as the substitute must have been enrolled as a student at the school that advanced to the state final. The teacher advisor has an affirmative obligation to verify each competitor's eligibility.

### **Rule 3.2. Substitution of Members on a State Final Team**

1. If a team has seven or more students available to compete at the state final, it may not add additional students to its roster for the state final competition.
2. If a team has four, five or six students available to compete in the state final, the team may add up to two students to reach a roster size of a maximum of seven students. A state final team may not have a roster size of greater than seven students if any student on the team is a replacement student. Additional students may be added only from individuals who were members of the mock trial team's school during the current academic year, although they do not have to have participated in mock trial (e.g., a team may add an otherwise-eligible student enrolled at the same school, even if that student did not participate in mock trial).
3. If a substitution is made in accordance with Rule 3.2 the teacher advisor and team must complete a new Code of Ethical Conduct prior to the start of the state final.

### **Rule 3.3. Team Composition**

Teams consist of *a minimum of seven and a maximum of fourteen members* assigned to roles representing the Prosecution/Plaintiff, Defense/Defendant sides and up to two official timekeepers. Only seven members, which includes the timekeeper, may participate in any given round. (See Rule 3.3 for further explanation referring to team participation).

At no time may any team for any reason substitute unofficial team members for official team members. On a form provided by CCV, teams will submit a Team Member List. The List will become official at the time of **onsite** registration for an in-person competition and at 5:00 pm Mountain time seven (7) days prior to the competition for qualifier competition and 5:00 pm seven (7) day prior to the state finals competition for a virtual competition.

*All student team members shall be issued name tags displaying their school code, which must be worn in the Courthouse at all times for in-person competitions. There will be no name tags for virtual competition.*

### **Rule 3.3. Team Presentation**

Teams must present both the Prosecution/Plaintiff and Defense/Defendant sides of the problem, using three attorney, three witnesses, and a timekeeper in each trial round.

### **Rule 3.4. Team Duties**

Except as permitted during technical difficulties under Rule 1.3B each of the three attorneys will conduct one direct examination and one cross-examination; in addition, one will present the opening statement, and another will present the closing argument. In other words, the eight attorney duties for each team will be divided as follows:

1. One attorney will be responsible for the direct examination of one witness and the cross-examination of one witness;
2. One attorney will be responsible for the direct examination of one witness, the cross-examination of one witness, and the opening statement; and
3. One attorney will be responsible for the direct examination of one witness, the cross-examination of one witness, and the closing argument (including rebuttal, if any).

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

The attorney who examines a particular witness on direct examination is the only person who may make the objections to the opposing attorney's questions of that witness' cross-examination, and the attorney who cross-examines a witness will be the only person permitted to make objections during the direct examination of that witness.

Each team must present the side assigned to it in each round. Each team must call all three of its assigned witnesses. Witnesses must be called only by their own team during their case-in-chief and examined by both sides. Witnesses may not be recalled by either side.

The Plaintiff/Prosecution need not request or state that it is reserving time for rebuttal.

### **Rule 3.5. Team Roster Form**

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 for an in-person competition. For a virtual competition, teams must submit Team Roster Forms in accordance with the protocol established and announced for the competition. Teams must be identified by the code assigned *to them by CCV*. No information identifying team origin should appear on the form.

Before beginning a trial, in an in-person competition, the teams must exchange copies of the Team Roster Form. Team Roster Forms will be distributed to judges in a virtual competition according to the protocol established for the competition. The Form should identify the preferred gender of each witness (her/him/they) so that references to such parties will be made using the correct pronouns. Copies of the Team Roster Form should also be made available to the judging panel and presiding judge before each round. Teams shall not knowingly disclose their place of origin to any member of the judging panel or to the presiding judge.

## **D. THE TRIAL**

### **Rule 4.1 Courtroom Setting**

For an in-person competition, the Plaintiff/Prosecution shall be seated closest to the jury box. No team shall rearrange the courtroom without prior permission of the presiding judge.

For a virtual competition, each participant will log into the virtual platform separately from a normal personal computer, tablet, cellular phone, or similar device, unless permission is granted by the Mock Trial Coordinator or its designee to do otherwise. At a minimum, each of a participating attorney, witness, and timekeeper shall utilize an individual device. Each participant shall use a screen name formatted according to the protocol established and announced for the competition. Once the trial begins, only participants who are competing in a particular trial segment will have their camera turned on. All team members who are not actively participating in that trial segment must have their cameras turned off, except for timekeepers turning on their cameras to display remaining time consistent with Rule 1.4. For purposes of this rule, the witness, direct-examining attorney, and cross-examining attorney must have their cameras turned on for the entire witness examination.

### **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**

Neither the stipulations, the indictment, nor the Charge to the Jury will be read into the record.

### **Rule 4.4. Swearing of Witnesses**

*Witnesses shall be sworn as a group using the following oath:*

"Do you promise that the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the Gene Franchini mock trial competition?"

The presiding judge will indicate that all witnesses are deemed to be sworn using the

above oath.

#### **Rule 4.5. Trial Sequence and Time Limits**

The trial sequence and time limits are as follows:

1. Opening Statement (5 minutes per side);
2. Direct and (optional) Redirect Examination (25 minutes per side);
3. Cross and (optional) Recross Examination (20 minutes per side);
4. Closing Arguments (5 minutes per side).

The Prosecution/Plaintiff gives the opening statement first. The Prosecution/Plaintiff gives the closing argument first; the Prosecution/Plaintiff may reserve a portion of its closing time for a rebuttal. The Prosecution/Plaintiff's rebuttal is limited to the scope of the Defense's closing argument.

Attorneys are not required to use the entire time allotted to each part of the trial. Time remaining in one part of the trial may not be transferred to another part of the trial.

#### **Rule 4.6. Timekeeping**

1. Timekeepers are responsible for fairly and accurately keeping and reporting the time during the trial presentation and during any disputes under Rule 6.2.
2. During the rounds of the competition, timekeepers are to act as a neutral entity. Timekeepers are not to communicate with their respective teams during the course of the trial presentation, recesses, or during any dispute procedure, except to display the time remaining or to indicate (as directed by the presiding judge) how much time is remaining during a particular part of the trial.
3. Time limits are mandatory and will be enforced. Time runs from the beginning of the witness examination, opening statement, or closing argument until its conclusion. Introduction of counsel or witnesses prior to the opening statement is not included in the time allotted for opening statements. However, if counsel or witnesses are introduced once the opening statement has commenced, such time is included in the time allotted for the opening statement. Time stops only for objections, questioning from the judge, or administering the oath. Time does not stop for introduction of exhibits. The presiding judge shall have discretion to stop time for technical difficulties in a virtual competition that do not rise to the level of an emergency under Rule 1.3.B.
4. In trial, each team will use three sets of timecards, one set for openings and closings, one set for direct examination, and one set for cross-examination.



The Mock Trial Coordinator will provide the timecards to each team. Each card will display both the "Time Elapsed" and the "Time Remaining." cards. The timecards will be allocated as follows (shown as Time Elapsed/Time Remaining):

- a. Opening and Closing: 1:00 / 4:00; 2:00 / 3:00;. 2:30 / 2:30; 3:00 / 2:00; 3:30 / 1:30; 1:00 / 4:00; 4:20 / 0:40; 4:30 / 0:30; 4:40 / 0:20; 4:50 / 0:10, STOP
  - b. Direct examinations: 3:00 / 22:00; 5:00 / 20:00; 7:00 / 18:00; 10:00 / 15:00; 13:00 / 12:00; 15:00 / 10:00; 18:00 / 7:00; 20:00 / 5:00; 21:00 / 4:00; 22:00 / 3:00; 23:00 / 2:00; 24:00 / 1:00; 24:20 / 0:40; 24:40 / 0:20; STOP
  - c. Cross-examinations: 2:30 / 17:30; 5:00 / 15:00; 7:30 / 12:30; 10:00 / 10:00; 12:30 / 7:30; 15:00 / 5:00; 16:00 / 4:00; 17:00 / 3:00; 18:00 / 2:00; 19:00 / 1:00; 19:20 / 0:40; 19:40 / 0:20; STOP
5. Teams may not use these cards to signal time other than the aggregate time elapsed and remaining. (For example, teams may not use these cards to show the time remaining of the time allocated by that team to a particular trial segment).
  6. At the end of each task during the trial presentation (i.e., at the end of each opening, at the end each direct witness examination, at the end of each cross examination and at the end of each closing argument) if there is more than a 15 second discrepancy between the teams' timekeepers, the timekeepers must notify the presiding judge of the discrepancy. The presiding judge will then rule on the discrepancy, the timekeepers will synchronize their stopwatches accordingly and the trial will continue. Any discrepancies between timekeepers less than 15 seconds will not be considered. No time disputes will be entertained after the trial concludes. The decisions of the presiding judge regarding the resolution of time disputes are final.
  7. During a virtual competition, the timekeepers shall post the time using the "chat" or similar feature visible to all participants at the end of each task during the trial presentation (i.e., at the end of each opening, at the end of each witness direct examination, at the end of each cross examination, and at the end of each closing argument).
  8. In a virtual competition, the timekeepers must signal time by posting the time signals permitted by subsection a in the chatroom function of the virtual competition
  9. In a virtual competition, students keeping time may use stopwatches or cellular phones. Any cellular phone used for timekeeping must be kept in airplane mode and silenced during the duration of the trial round.
- . If a team needs stopwatches, they should contact CCV.

#### **Rule 4.7. Time Extensions and Scoring**

The presiding judge has sole discretion to grant time extensions. Such extensions should be granted sparingly and should be limited in duration, for example, to finish a question, answer, or thought. In all other cases, the presiding judge must stop the presentation once time expires. If time has expired and an attorney continues without permission from the Court, the scoring judges may determine individually whether or not to deduct points in a category because of the overrun in time.

#### **Rule 4.8. Motions Prohibited**

The only motion permissible is one requesting the presiding judge to strike testimony following a successful objection to its admission.

#### **Rule 4.9. Sequestration and Exclusion**

Teams may not request actual or constructive sequestration or exclusion of witnesses.

#### **Rule 4.10. Bench Conferences**

Teams may not request bench conferences, and bench conferences are not permitted in either in-person or virtual competitions. Objections are deemed to have occurred at sidebar.

#### **Rule 4.11. Enlargements, Costuming, Props, and Accents**

1. No enlargements of the case materials permitted, except as provided by the Mock Trial Coordinator.
2. No props are permitted.
3. No costumes are permitted unless authorized specifically in the case materials. Costuming is defined as hairstyles, clothing, accessories or make up which are case specific. An accent is not considered costuming.
4. Competing students may affect an accent that is not their own.

Unless provided by CCV, name tags or name plates at counsel table are not permitted.

In a virtual competition, students shall display screen names according to a protocol established and announced for a virtual competition. Such display is not a violation of this rule.

#### **Rule 4.12. Trial Communication**

Attorney coaches, teacher advisors, 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 (other than the timekeeper) may, among themselves, communicate during the trial; however, no disruptive communication is allowed, and no participant may communicate with a witness while

that witness is testifying other than through the course of that witness's questioning. Holding up of a timecard by the teams' timekeepers shall not be considered a violation of this rule.

For in-person competition, coaches, teacher advisors, alternates and observers must remain outside the bar in the spectator section of the courtroom. Only team members participating in the round may sit inside the bar and communicate with each other.

During a virtual competition, no one may use the "chat", "instant message", or "chatroom" function of the electronic platform, except to: (1) display timekeeping messages, as permitted by Rule 1.4, and (2) to communicate in the case of a technical emergency where audio and video functions are lost but access to the chat or instant messaging function is intact. Observers are not permitted to use the chat or instant messaging functions at any time.

During a virtual competition, only the six participating attorneys and witnesses may communicate with one another. The six participating attorneys and witnesses may use computers, cellular telephones, or other devices to facilitate this communication.

#### **Rule 4.13. Scouting and Viewing a Trial**

Team members, attorney coaches, teacher advisors, and any other persons directly associated with a mock trial team, except for those authorized by CCV, are not allowed to view other teams in competition, so long as their team remains in the competition. No person shall display anything that identifies their place of origin while in the courtroom.

Team members and individuals associated with competing teams are prohibited from contacting teachers, students, and attorney advisors from any other team in any manner in an effort to obtain information about an opponent. This prohibition is read and will be construed broadly, and it includes, without limitation, any form of personal communication, voice/telephone communication, and/or electronic communication, including electronic mail, instant messaging, and communication or messaging through social media sites.

It is not a violation of this rule for teams to participate voluntarily in practice or scrimmage matches in advance of the competition. It is a violation of this rule for teams to seek information about opposing teams in rounds of the qualifier and state competitions from individuals who observed such scrimmages, including members of the team competing in that scrimmage.

To the extent that a team or its members makes information publicly available that bears on its strategy or other issues that would normally constitute the object of scouting, it shall not constitute scouting for another team to view these materials. For example, if members of a team post videos of their team's performance in exhibitions or scrimmages to the public internet; create publicly-accessible online materials such as scripts or flash cards on an internet site; or post to publicly-accessible social media information about their performance, strategy, or other matters, it is not scouting for a potential opponent of another team to view that

material. Teams are strongly discouraged from actively seeking out information of this kind, and it may constitute scouting for a member of a competing team to actively seek on social media information posted about a future opponent, such as social media information posted by members of teams that opponent faced in prior rounds.

#### **Rule 4.14. Videotaping/Photography**

In order to support civics education, facilitate media coverage, and provide a maximum opportunity for family, friends, peers, and teachers to view our teams

competing, all participants must consent to video or audio recording and electronic posting (including video meeting, social media, or other platforms) of each performance at the qualifier and state final competitions, except as provided in Rule 1.5 or otherwise determined by the Center for Civic Values.

No team may post, share with another competing team, or otherwise disseminate any recording of any competition round prior to the conclusion of the competition. Each team shall inform any family member or other observer of this rule. Violations of this rule, even by an individual who is not a team member, may result in sanction of the team affiliated with the individual who recorded and/or posted, shared, or otherwise disseminated the recording up to and including disqualification from the competition.

Media coverage will be allowed.

Media representatives authorized by CCV will wear identification badges.

#### **Rule 4.15. Jury Trial**

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

#### **Rule 4.16. Standing During Trial**

For in-person trials, student attorneys will stand while giving opening statements and closing arguments, during direct and cross examinations, and for all objections, unless excused by the presiding judge **or in accordance with Rule 1.5**. For virtual trials, student attorneys may elect to stand or remain seated for all parts of the trial, except that all objections shall be made while seated.

#### **Rule 4.17. Objections During Opening Statement/Closing Argument**

No objections may be raised during opening statements or closing arguments.

If a team believes an objection would have been warranted during the opposing team's opening statement or closing argument, the opposing attorney for that

segment may, following the opening statement or following the closing argument, object and give a basis for the objection. During a virtual competition, the attorney shall make the objection while remaining seated. The opposing team is then allowed to respond to the objection. The presiding judge will not rule on this “objection”. Presiding and scoring judges will weigh the “objection” individually.

### **Rule 4.18. Objections**

1. Argumentative Questions: An attorney shall not ask argumentative questions.
2. However, the presiding judge may, in their discretion, allow limited use of argumentative questions on cross-examination.
3. Lack of Proper Predicate/Foundation: Attorneys shall lay a proper foundation prior to moving the admission of evidence. After motion has been made, the exhibits may still be objected to on other grounds.
4. 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").
5. Questions Calling for Narrative or General Answer: Questions must be stated to call for a specific answer. (Example of improper question: "Tell us what you know about this case.")
6. Non-Responsive Answer: A witness' answer is objectionable if it fails to respond to the question asked.
7. 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.

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

### **Rule 4.19. Filibustering or Deliberate Time Wasting**

Although a witness may be permitted to give a brief, responsive answer other than a simple “yes” or “no” to questions on cross-examination, consistent with common trial practice, no witness may provide non-responsive or narrative answers on cross-examination in order to consume the other team’s cross-examination time. The presiding judge is encouraged to control any effort at marginally-responsive, narrative “filibustering” or “deliberate time wasting.”

In addition to being objectionable during the trial, an effort to deliberately consume the opposing team’s time through these techniques may also violate the Code of Conduct and may be sanctionable under Rule 1.2. A presiding judge who believes that egregious misconduct under this rule has occurred may refer the matter for consideration by the Mock Trial Coordinator or their designees immediately following

the trial round. Whether to bring this concern to the attention of the Mock Trial Coordinator is solely at the discretion of the presiding judge; individual teams may not appeal this issue under Rules 6.1 or 6.2.

Scoring judges may deduct points for filibustering or deliberate time wasting whether the presiding judge has directed the witness to answer more responsively and scoring judges should deduct points for filibustering or deliberate time wasting that persists after such a direction by the presiding judge.

#### **Rule 4.20.A. Procedure for Introduction of Exhibits - Generally**

As an example, the following steps effectively introduce evidence.

1. All evidence shall be pre-marked as exhibits.
2. Ask for permission to approach the witness. "Your Honor, may I approach the witness with what has been marked for identification purposes as Exhibit No. \_\_\_?"
3. Show the exhibit to opposing counsel.
4. 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.
5. 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.
6. Offer the exhibit into evidence. "Your Honor, we offer Exhibit No. \_\_\_ into evidence."
7. 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.)
8. 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?"
9. Court: "Exhibit No. \_\_\_(is/is not) admitted." If admitted, questions on content may be asked.
10. If an exhibit is introduced into evidence, a team may publish it to the jury at the presiding judge's discretion.

#### **Rule 4.20.B. Procedure for Introduction of Exhibits – Special Rules for a Virtual Competition**

During a virtual competition, the procedure in Rule 4.20.A shall be followed, except that:

1. All witnesses shall have all case materials available and in their possession during their testimony but may only refer to them when prompted by an examining attorney.
2. Attorneys will not physically approach witnesses. Instead, attorneys will identify the exhibit they wish to show the witness and request the Court's permission for the witness to view it.
3. Attorneys will not be required to confirm that they have shown the exhibit to opposing counsel.
4. Instead of the language in Step 4, above, the attorney will say words to the effect of "I now show you what has been marked for identification as Exhibit No. \_\_\_\_\_. Would you identify it please?" Witness should answer to identify only.
5. When an exhibit – or, during impeachment or refreshment of recollection, some other document – is shown to a witness, a member of the examining attorney's team shall make that document available to all participants via "screen sharing" or similar technology. The member of the team responsible for posting the exhibit must be a team member competing in the round or the timekeeper for the round.
6. Exhibits or other documents posted in this manner will be deemed not to have been shown to the jury unless they are admitted into evidence and formally published to the jury. Publication to the jury is at the presiding judge's discretion.
7. Teams may use technology to mark exhibits electronically only to the extent that marking physical exhibits would have been permitted by Rule 4.11. Any marked electronic exhibits may only be used as provided in Rule 4.11.

#### **Rule 4.21. Use of Notes**

Attorneys may use notes in presenting their cases. Witnesses are not permitted to use notes while testifying during the trial. Attorneys may consult with each other at counsel table verbally or with notes. The use of laptops or other electronic devices is prohibited, except during a virtual competition.

#### **Rule 4.22. Redirect/Recross**

Redirect and recross examinations are permitted, provided they conform to the restrictions in Rule 611(d) in the National High School Mock Trial Rules of Evidence. Re-redirect and re-recross examination are not allowed.

#### **Rule 4.23. Scope of Closing Arguments**

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

#### **Rule 4.24. The *Debriefing***

For in-person competition, debriefing following each round by the presiding judge and scoring panel shall be permitted but shall not exceed 10 minutes combined. *For*

*qualifier and final rounds 1 and 3 there shall be no debriefing if the scoring judges have not completed their ballots and chosen the outstanding attorney and witnesses for that round by 12:20pm. There will be no debriefing after round 4 of the qualifier and final competitions.*

Judges shall not make a ruling on the legal merits of the trial. Judges may not inform the students of score sheet results.

For a virtual competition, there will not be any debriefing.

#### **Rule 4.25. Offers of Proof**

No offers of proof may be requested or tendered.

#### **Rule 4.26. Trial Materials: Outside Legal Research Prohibited at Trial**

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 packet or by CCV.

#### **Rule 4.27. Marking Documents at Trial**

No trial exhibits may be modified prior to the trial exhibit being admitted. Once a trial exhibit has been admitted, attorneys and witnesses may in real time highlight, underline, zoom in, or otherwise mark (e.g., circling, drawing an arrow, or making another, similar mark) the admitted exhibits during direct or cross examination, either physically or electronically. No other alterations, animations, or enhancements to the trial exhibit are allowed.

A team may also mark other documents in the case materials during trial, such as by real time highlighting, underlining, zooming in, or otherwise marking a pleading or witness statement. If a team wishes to mark a trial exhibit entered but not marked by the opposing team, it must substitute its own clean copy of that trial exhibit for this purpose before any markings are made.

#### **Rule 4.28. Sharing Documents with Scoring Panel; Using Documents During Argument**

Unless otherwise provided in the Case Materials, the only documents which the teams may provide to the presiding judge or scoring panel are the individual trial exhibits as they are introduced into evidence, the Roster Forms, and the Stipulations. Exhibit notebooks are not to be provided to the presiding judge or scoring panel.

If a trial exhibit is marked during an examination for demonstrative purposes, the marked exhibit may be used as a demonstrative exhibit during the trial and during closing arguments but may not be entered into evidence as a trial exhibit. Other documents, such as witness statements or pleadings, whether marked



under Rule 4.27 or not, may not be entered into evidence, used as demonstratives during closing argument, or otherwise shown to the scoring panel.

During closing argument, teams may show the jury any document introduced as evidence and may use as a demonstrative any trial exhibit marked under Rule 4.27, the jury verdict sheet or special interrogatories, and jury instructions.

#### **Rule 4.29. Reference to Witness Gender and Physical Traits**

A witness is prohibited from making reference to the witness's own physical traits or gender, or reference to the other witnesses' physical traits or gender, where such information is not included in any witness statement. (For example, a witness cannot call attention to size to show inability to complete some physical act included in the case materials or state that the witness was treated differently because of the witness's gender.) An attorney is likewise prohibited from making arguments pointing out physical traits of a witness not otherwise included in the

case materials. Such references are unfair extrapolations. (See Rule 2.3.) Teams are not prohibited, however, from raising issues about general or common human traits and abilities relevant to the case.

The team member playing the witness is allowed to act as though the team member has any condition, deformity, or disability described in the affidavits. Under no circumstances is the opposing team permitted to question the existence of such conditions based on the fact that the team member playing the witness does not actually have them. While the opposing team may cross examine the witness on the extent of the condition based on information provided in the affidavits, the opposing team may not challenge the witness to prove the existence of the condition by asking the team member to show the condition to the jury.

#### **Rule 4.30. Roster Forms, Name Tags, and Name Plates**

Each team shall complete a roster in the form provided by the CCV. No roster forms may be altered except to provide the information requested. Teams must provide their rosters to the presiding judge, scoring panel, and opposing team at the beginning of each trial round.

Unless provided by the CCV, name tags or name plates at counsel table are not permitted. CCV may provide an enlarged or alternate version of an exhibit. If so provided, use of that version of that exhibit does not violate these rules.

In a virtual competition, students may be directed to display screen names according to a protocol established and announced for a virtual competition. Such display is not a violation of this rule.

## **Rule 4.31. Sleeves and Lamination of Trial Exhibits**

Teams may, but are not required to, use lamination or page sleeves for their trial exhibits or other case materials. If teams choose to laminate a page or use page sleeves, teams will ensure that each page is clean prior to trial.

## **E. JUDGING AND TEAM ADVANCEMENT**

### **Rule 5.1. Finality of Decisions**

All decisions of the judging panel are FINAL.

### **Rule 5.2.A. Composition of Judging Panels**

The judging panel shall consist of at least three individuals. The composition of the judging panel and the role of the presiding judge will be at the sole discretion of CCV, as follows:

1. One presiding judge and two scoring judges (all three of whom complete score sheets); or
2. One presiding judge and at least three scoring judges (all judges complete score sheets).

**No former mock trial student team member may judge her or his former team in competition for a period of four years after graduation and no former mock trial attorney or teacher coach may ever judge her or his former team.**

The presiding judge shall complete a ballot.

All presiding and scoring judges will receive the mock trial packet, orientation materials and a briefing in a judges' orientation.

In the event of an emergency (i.e., sudden illness, etc.), if a judging panel member must leave the courtroom or the virtual competition platform, the presiding judge will call for a brief recess and assess whether the judging panel member will be able to return in a reasonably short period of time. If the panel member is unable to return to the courtroom in a reasonably short period of time, the Mock Trial Coordinator must be informed. Once the panel composition is adjusted by the Mock Trial Coordinator to best meet the requirements of the rules, then the round should continue. During any recess under this rule, the teams, whenever possible, should remain in their appropriate positions within the courtroom or in the virtual competition platform until the round resumes.

If technical or other emergency impacts the presiding judge, a designated scoring judge will serve as the presiding judge until the presiding judge returns.

## **Rule 5.2.B. Conflicts Between Judges and Teams**

The CCV Board recognizes that conflicts of interest between judges and participants may arise. This program requires extensive volunteer support, and it is assumed all participants will make every effort to identify potential conflicts. The sole discretion for determining whether a judicial conflict exists is vested in the Mock Trial Coordinator or its designee.

The following criteria will be applied in determining whether a presiding judge or scoring judge will be disqualified/excused, and apply equally to both types of judges:

1. A judge shall be disqualified/excused from participating in a trial when the judge has a conflict with either team involved in the trial. Examples of a mandatory disqualifying/excusing conflict include where the judge helped either team prepare in any capacity, is a relative or close friend of a competing student or one of the team's coaches or teacher advisor. Attended one of the schools of the competing teams in the last four years, was an attorney or teacher coach at the school at any time in the past. However, in the case of such potential conflicts, it is within the discretion of the Mock Trial Coordinator or its designee to determine whether such a conflict exists. In addition, reasonable effort will be made by the Mock Trial Coordinator or its designee to prevent a judge who has a clear conflict from judging in that specific courtroom.
2. A situation where the judge recognizes a team teacher advisor, attorney or student/parent through professional acquaintance or through participation in mock trials in years previous will not ordinarily be considered to be a conflict, unless there is a closer relationship of the kind that would prevent the judge from fairly scoring a round. Mere recognition of a team or its members is not a basis for disqualification absent a more significant conflict. A judge who becomes aware of a conflict prior to or during a trial should be excused from the panel as soon as possible. If the judge was not aware of the conflict until after he or she has completed the scoresheet, it is left to the discretion of the Mock Trial Coordinator to determine whether to disqualify the juror. If the juror is disqualified their ballot will be voided and a new ballot will be created by the Mock Trial Coordinator and the points will be determined by an average of the other two ballots.

The Mock Trial Coordinator will take reasonable steps to avoid any conflict between judges and teams. In all such cases, however, the Mock Trial Coordinator or its designee reserves the right to permit a judge to participate in a trial if there are no reasonable alternatives.

A teacher advisor or attorney coach should be in attendance of each round for the first few moments after the jury is seated to make sure any real conflicts between the jurors and teams are identified immediately. The teacher advisor or attorney coach shall inform the Mock Trial Coordinator or its designee immediately.

### **Rule 5.2.C. Disqualification of Judges**

The Mock Trial Coordinator or its designee, has discretion in cases involving juror irregularity to disqualify a scoring judge's score sheet.

### **Rule 5.2D. Process Following Disqualification of a Ballot**

In the event that a scoring judge's ballot needs to be disqualified following the conclusion of a round, the presiding judge's ballot will replace the disqualified ballot.

If two ballots need to be disqualified following the conclusion of a round, if there are two legal ballots remaining and those ballots do not agree on which team won the round, the following process will be employed:

1. An average of the total points on the two valid ballots shall be generated, and the winner on points of that average ballot shall be deemed the winner of the trial.
2. If the average ballot is tied, the tie shall be broken by highest average score in the closing argument category. If the ballot remains tied, that tie shall be
3. broken by the highest average score in the opening statement category. If the
4. ballot remains tied, the winner of the trial shall be determined by coin toss. However, if the tie is broken, that team shall be given one additional point on the third ballot.
5. This third ballot shall be used for all power matching purposes.
6. In all cases where the averaging of two ballots above results in a score that is not a whole number, the score shall be averaged by rounding up to the nearest whole number.

### **Rule 5.3. Score Sheets/Ballots**

The term "Ballot" will refer to the decision made by a scoring judge as to which team made the better presentation in the round. The term "Score Sheet" is used in reference to the form on which *presentation* points are recorded. Score Sheets are to be completed individually by the scoring judges and the presiding judge. Scoring judges are not bound by the rulings of the presiding judge. The team that earns the highest points on an individual judge's Score Sheet is the winner of that Ballot. The team that receives the majority of the Ballots wins the round. The Ballot votes determine the win/loss record of the team for power-matching and ranking purposes. While the judging panel may deliberate about any special awards (i.e., Outstanding Attorney or Witness), the judging panel should not deliberate about individual scores.

Judging panels may recognize outstanding individual presentation by selecting one outstanding witness and/or one outstanding attorney per round. The decision must be representative of the majority of the panel members and recorded on the forms provided separately. The judges may NOT disclose these decisions to anyone other than a Mock Trial Coordinator.

## Rule 5.4. Completion of Score Sheets

For both in-person and virtual competitions, the score sheets will be completed electronically by the scoring judges and the presiding judge and automatically sent to the Mock Trial Coordinator. Judges may complete a paper ballot and then copy the scores into the electronic ballot.

**No ties are allowed. In the event of a tie by the judges the Tiebreaker Box shall determine the award of the Ballot.**

## Rule 5.5. Team Advancement/Ranking

1. For the purpose of power matching/seeding, teams shall be ranked based on the following criteria in the order listed:
  - a) win/loss record - equals the number of rounds won or lost by a team;
  - b) total number of Ballots - equals the number of scoring judges' votes a team earned in preceding rounds;
  - c) total number of points awarded in each round; and,
  - d) total margin of victory in all rounds to that point – 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 points will break the tie in favor of the team with the largest cumulative point spread.
2. For the purpose of determining final rankings at the conclusion of qualifiers and state finals, teams shall be ranked based on the following criteria in the order listed:
  - a) win/loss record;
    - a) total marches won;
    - b) total number of ballots won; and,
    - c) total points score in all rounds to that point.
  - d) If there is more than one location for qualifiers the teams that rank in the top spot will be guaranteed a spot at state finals. The remaining spots will be determined by a percentage. **For example:** if there are a total of 32 teams competing at all sites and a total of 8 teams advance to state finals:  $8/32 = .25$  or 25%. 25% from each site will advance to state finals. In this example  $10 \times .25 = 2.5$  and  $22 \times .25 = 5.5$ . In this scenario, the site with more participants will be rounded up to add the additional team. Otherwise, normal rounding rules apply (less than .4 or less is rounded down and .5 or higher is rounded up).
  - e) The top sixteen teams from the qualifier competitions will advance to the state final.

## **Rule 5.6. Power Matching/Seeding**

A random method of selection will determine opponents in the first rounds of qualifier competitions, given that teams from the same school shall not meet in round 1. For the first round of state finals, teams are ranked 1-16 according to the final standings from the qualifier. Then, a power matching system (5.6.2. and 5.6.3) will determine the opponents for round 1.

Power matching will provide that:

1. All teams are guaranteed to present each side of the case at least once;
2. Ranking of teams for purposes of power matching shall be in the order of:
  - a) total matches won;
  - b) number of ballots won;
  - c) total points scored in all rounds to that point;
  - d) total margin of victory in all rounds to that point.
3. Brackets will be determined by win/loss record. If the number of teams in a win/loss bracket is equal to or greater than twelve (12), the bracket will be split in half to create two (2) sub-brackets for power-matching purposes only. Sorting within brackets and sub-brackets will be determined using Rule 5.6.2.
4. If there is an odd number of teams in a bracket or sub-bracket, the team at the bottom of that bracket will be matched with the top team from the next lower bracket;
5. Bracket integrity supersedes playing the same team twice.
6. Choice of side of the case.
  - a) round 1 shall be random;
  - b) to the greatest extent possible, consistent with the following rules, teams will alternate side presentation in subsequent rounds;
  - c) after round 1, teams will be paired within a bracket to allow for the greatest number of teams within the bracket to play the opposite side that they played in round 1;
  - d) after round 2, any team that has not switched sides will play the side that it has not yet played;
  - e) after round 3, with the exception of the bracket of 3-0 teams, teams shall be paired within each bracket such that as many teams as practicable have competed twice on each side of the case, except that no team shall be moved more than two slots in the ranking;
  - f) after round 3, subject to Rule 5.6.2., the teams in the 3-0 bracket shall be strictly paired in accordance with their ranking. Where a team that has competed twice on the plaintiff/prosecution side is matched against a team

that has competed twice on the defense, the teams shall be assigned sides such that they each have competed twice on each side. Otherwise, the determination of sides shall be random.

7. Power matching example:

**POWER-MATCHING within the 1-0 bracket** begins with attempting to place the top team (AF) against the bottom team (AJ):

**ATTEMPT: AF v. AJ**

But both were defendants in Round 1, so move up to the next team from the bottom of this bracket and try:

**AF v. AG**

OK, the teams have not met before and they can now play alternating sides of the case.

**ATTEMPT: AP v. AJ**

Trying to find a match for AJ again, but both were defendants in Round 1, so move up to the next team from the bottom of this bracket and try:

**AP v. AM**

OK, the teams have not met before and they can now play alternating sides of the case.

**ATTEMPT: AD v. AJ**

Trying to find a match for AJ again, but both were defendants in Round 1, so move up to the next team from the bottom of this bracket and try:

**AD v. AA**

OK, the teams have not met before and they can now play alternating sides of the case.

**ATTEMPT: AK v. AJ**

Trying to find a match for AJ again. OK, the teams have not met before and they can now play alternating sides of the case. The result is: **AJ v. AK**

**Note:** *The 1-0 bracket has now been power-matched AGAINST ITSELF. The matching was ALSO successful, as a secondary consideration, in allowing all of the 1-0 teams to ALTERNATE and play the other side of the case in Round 2.*

More on if alternating doesn't work..

**Note:** *Both teams were defendants in Round 2, but they are the only remaining teams needing to be paired within the 2-0 bracket. To maintain the 2-0 bracket integrity, one of the teams will need to play the Def again in Round 3. The higher ranking team in this case (AK) will alternate to play the Plt; Team AM will play the Def. The scoring coordinator will attempt to pair Team AM as a Plt in Round 4 so that it will have played both sides of the case twice. Even at this point, both teams have played both sides of the case at least once as they are guaranteed.*

## **Rule 5.7. Reserved**

## **Rule 5.8. Effect of Bye/Default**

A "bye" is necessary when an odd number of teams are participating in the competition. For the purpose of advancement and seeding, when a team draws a bye or wins by default, it shall be given a win and 3 Ballots and points equal to the average of all winning teams of that same round. *A defaulting team shall receive a loss, 0 Ballots and points equal to the average of all losing teams of that same round.* All fractions resulting from averaging shall be rounded down if it is .4 or lower and up if it is .5 or higher.

# **F. DISPUTE RESOLUTION**

## **Rule 6.1. Disputes During the Trial**

If during the trial, in-person or virtual competitions, any team has reason to believe that a material violation of the Rules of the Competition has occurred, the alleged violation shall be presented immediately to the presiding judge through one of the team attorneys by objection. The presiding judge shall rule on the matter, and the trial shall continue. Any alleged violation which is known, or through the exercise of reasonable diligence should have been discovered during the trial and which is not brought to the attention of the presiding judge, is promptly waived.

If a team has reason to believe that the presiding judge has ruled incorrectly on a material violation of the Rules of the Competition, or if the violation could not reasonably have been discovered until after the trial has concluded, a member of the



team shall communicate the complaint to the Mock Trial Coordinator immediately after the trial is over and after the judges have recessed.

### **Rule 6.1.A. Disputes at the Conclusion of the Trial – In-Person Competitions**

At the conclusion of each trial, the presiding judge must inquire of the teams whether either team believes that a substantial violation of the rules occurred during trial. The competing team members are permitted to consult for a time not to exceed two minutes with the team's coaches before determining whether the team wishes to raise any substantial violations it believes occurred.

The process for determining that dispute shall be as follows (scoring judges shall remain in the courtroom for the duration of the dispute):

1. One of the student members of one of the competing teams shall state that the team wishes to file a claim that a substantial rules violation occurred (a "dispute").
2. The presiding judge will provide the student with a dispute form, on which the student will record in writing the nature of the dispute. No more than two minutes per team shall be allotted for this process. The student may communicate with his/her team members and coaches in preparing the form.
3. The team accused of a material rules violation shall have the opportunity to respond in writing. No more than two minutes per team shall be allotted for this process. The student may communicate with her/his team members and coaches in preparing the form.
4. One member of each team shall briefly present the team's position to the presiding judge. No more than two minutes per team shall be allotted for this explanation.
5. The presiding judge shall ask any questions and perform any additional investigation s/he believes appropriate.
6. If the dispute is denied, the presiding judge will record the reasons for this, announce his/her decision to the Court, retire to complete his/her score sheet (if applicable), and turn the dispute form in with the score sheets.
7. If the dispute is granted, that decision will be recorded in writing on the dispute form, with no further announcement. The dispute form will be turned in with the score sheets.
8. The presiding judge will advise the teams as to whether the dispute is granted or denied.

### **Rule 6.1.B. Disputes at the Conclusion of the Trial – Virtual**

## **Competitions**

The foregoing rules shall also apply in virtual competitions, except that students shall not complete a dispute form. Instead, students shall have two minutes to prepare an argument regarding their dispute in consultation with coaches and team members, and the presiding judge shall take notes regarding the nature of the dispute and the arguments presented by each team.

### **Rule 6.2. Effect of Violation on Score**

After hearing the teams' arguments, the scoring judges may account for their view of that dispute in their scoring. The presiding judge's determination of the dispute is not binding on the scoring judges. *Their decision shall be FINAL.*

### **Rule 6.3.A. Disputes After the Conclusion of the Trial – In-Person Competition**

Disputes which could not have been brought to the attention of the presiding judge may be brought to the attention of the Mock Trial Coordinator by teacher or attorney coaches exclusively. Such disputes must be made promptly, and the complaining party will be directed to complete a dispute form. The form will be taken to the tournament's communications center, whereupon a dispute resolution panel will: (a) notify all pertinent parties; (b) allow time for a response, if appropriate; and (c) rule on the charge. The decision is final.

The dispute resolution panel may notify the judging panel of the affected courtroom of the ruling on the charge and/or may assess an appropriate penalty.

The dispute resolution panel will be designated by CCV.

### **Rule 6.3.B. Disputes After the Conclusion of the Trial – Virtual Competition**

The foregoing rules shall also apply in virtual competitions, except that the Mock Trial Coordinator or its designee shall, designate in advance of competition a mechanism for submission and resolution of disputes.

## **G. COURTROOM ARTIST CONTEST**

### **Rule 7.1. Registration and Eligibility**

Each mock trial team may register courtroom artists with their team (up to three courtroom artists per school). A team does not have to have a named artist at the time of registration, but when the team submits their roster, they must list the artist. An artist who participates with a team will still compete solely on their own efforts and will NOT be considered as part of their school's team in terms of advancing or not advancing to the state competition.

Up to three students may compete from any high school, even if the school does not have a mock trial team.

Courtroom artists are subject to all relevant Mock Trial Competition Rules, restrictions, and eligibility requirements and will be held to the Mock Trial Code of Ethical Conduct. If the courtroom artists are competing as part of a mock trial team, they will use the same team code and will accompany their state team throughout the entire competition. The courtroom artists may not service as any other role on their school's mock trial team. If the courtroom artist is competing without a mock trial team, they will be given their own code and will be assigned courtrooms by the mock trial staff.

For a virtual competition, courtroom artists who are part of a competing mock trial team, shall follow the naming conventions established for competing team members and shall accompany their team to any designated virtual courtroom. Courtroom artists who are competing without a mock trial team will be given their own code and will be assigned a virtual courtroom by the mock trial staff.

### **Rule 7.2.A. Trials/Trial Depiction - In-Person Competition**

1. Sketches must depict actual courtroom scenes observed by the courtroom artist artists during the first two rounds of the competition. Sketches are created and completed by the courtroom artist during the course of the trials without the help of any source or person.
2. Laptops are not permitted in the competition venue.
3. The courtroom artist may only observe and sketch the trials in which his/her/their team is competing or the courtroom they are assigned.
4. At the beginning of each round the artist will introduce themselves to the court and then seat themselves in the jury box or the front row of the gallery.
5. Once the trial begins, the courtroom artist may not move about the courtroom. The courtroom sketch artists may not communicate, either verbally or non-verbally, with any members of the teams or any visitors in the courtroom during the trial rounds.
6. During the third round of competition artists will be in designated rooms where they can complete their drawings.

### **Rule 7.2.B. Trials/Trial Depiction – Virtual Competition**

The rules for trial depiction are the same as those during an in-person competition, except that:

1. Because there is no physical “courtroom” in a virtual competition, courtroom artists are permitted to create details of a courtroom setting in crafting their competition pieces.

2. Competing student attorneys may be drawn either standing or sitting, even if they were sitting during the virtual competition round.
3. It is not a violation of these rules for courtroom artists to depict a courtroom scene that they did not observe.
4. All depictions of competing students and judges shall be accurate to the mode and manner of their dress and of traditional courtroom dress, even if the entirety of their clothing is not visible during the virtual competition.
5. Courtroom artists are advised not to focus too much on the courtroom background for their competition pieces. Competition piece judging will weigh more heavily the depiction of faces and bodies during a virtual competition.
6. Courtroom artists are permitted to use a laptop computer throughout a virtual competition.
7. Courtroom artists are encouraged to explore ways to utilize the competition's chosen technical platform to make their art easier to create and more detailed. For example:
  - a. Courtroom artists may wish to test whether a particular method of connection (e.g., using an app vs. a direct internet connection, using an app on an iPad vs. a laptop) provides the clearest views and best controls.
  - b. Courtroom artists may wish to test using different views (such as a layout in which the video of the individual speaking will appear larger on the screen).
  - c. Courtroom artists are permitted to experiment with these settings on their own systems during rounds 1 and 2, so that they may prepare to use those that prove most effective in Round 3.
8. Instead of sitting in the jury box, courtroom artists shall be permitted into the virtual courtroom on the same terms as any official team member.
9. The ban on courtroom communication includes any use of a chat function, text messaging, or other mechanisms of communication.
10. If the Courtroom Artist loses connection, it shall not constitute an emergency for purposes of Rule 1.3.
11. Courtroom Artists will be provided with a postage paid envelop to mail their submission to CCV.

### **Rule 7.3.A. Submission Specifications - In-Person Competition**

Artists will be provided an 11" x 14" sketch pad for use in the competition. **Students must use the provided sketch pad for their submission.** The drawings should follow these parameters:

1. Submitted drawings must be on the provided 11" x 14" paper, drawn in a horizontal format.
2. Artists may use any dry medium (e.g., pencils, charcoals, color pencils, pastels), but if using charcoals or pastels, some type of spray sealer to reduce smudging must be used.
3. Sketches must depict an actual courtroom scene observed during a competition trial. Artists may make as many draft sketches as they wish but may only submit one sketch for qualifiers and two sketches for state finals.
4. Because the sketches may be reproduced, they need to have a strong enough line and shading value to be seen clearly once scanned.
5. The art submission must have the artist's name and team code placed on the back of the sketch; no signatures on the front of the submissions are allowed.
6. The art submission will be left in a designated room on a provided easel before
7. the start of round 4 for qualifiers and round 3 for state finals.

### **Rule 7.3.B. Submission Specifications - Virtual Competition**

The rules for submission of the artist's work following Round 3 are the same as those during an in-person competition, except that:

1. A picture of the art sketched during Rounds 1 or 2 must be submitted within 30 minutes of the conclusion of the Round 3 trial to be considered in the contest.
2. The submission process, labeling protocol, and technical specifications for courtroom artist depictions – maximum file size, minimum or maximum resolution, and image format (.jpg, .tiff, .pdf, etc.) – shall be announced in advance of the competition by the Mock Trial Coordinator. In advance of the competition, artists are encouraged to explore options for high-resolution scanning or photography of their work.
3. Courtroom artists shall maintain a digital copy and shall mail the physical copy of their Round 3 submission in a provided envelope from CCV.

### **Rule 7.4. Judging Components**

Sketches are evaluated and scored anonymously by a judge or judging team. The sketches will be ranked based on the scores. The top sixteen artists from the qualifier competition(s) will advance to the state final. The state champion will travel to the National Competition with team New Mexico to compete.

The results of the Courtroom Artist competition will be announced at the Awards Ceremony. A sample judging scoresheet is posted to the CCV website for information on how sketches are scored.

### **Rule 7.5. Release**

All courtroom artist submissions become the property of CCV and may be used for any purpose it deems appropriate, including but not limited to reproduction and dissemination, with recognition to the artist.

## **H. COURTROOM JOURNALIST COMPETITION**

### **Rule 8.1. Registration and Eligibility**

Each mock trial team may register courtroom journalists with their team (up to three courtroom journalists per school). A team does not have to have a named journalist at the time of registration, but when the team submits their roster, they must list the journalist. Any journalist who participates with a team will still compete solely on their own efforts and will NOT be considered as part of their school's team in terms of

advancing or not advancing to the state competition.

Up to three students may compete from any high school, even if the school does not have a mock trial team.

Courtroom journalists are subject to all relevant Mock Trial Competition Rules, restrictions, and eligibility requirements and will be held to the Mock Trial Code of Ethical Conduct. If the courtroom journalists are competing as part of a mock trial team, they will use the same team code and will accompany their state team throughout the entire competition. The courtroom journalists may not service as any other role on their school's mock trial team. If the courtroom journalist is competing without a mock trial team, they will be given their own code and will be assigned courtrooms by the mock trial staff.

### **Rule 8.2.A. Trials/Trial Reporting - In-Person Competition**

1. Journalists must supply their own materials. As it is not likely that Journalists will have a hard surface to write on, it is suggested they carry a clip board.

2. For qualifiers, all participants must write their articles based on their team's round 1 or round 2 and for state finals round 1 or round 2. Articles are written and completed by the courtroom journalist during the course of the trials without the help of any person.
3. Laptops are not permitted in the competition venue.
4. The courtroom journalist may only observe and write about the trials in which her/his/their team is competing or the courtroom they are assigned.
5. At the beginning of each round the journalist will introduce themselves to the court and then seat themselves in the jury box or the front row of the gallery.
6. Once the trial begins, the courtroom journalist may not move about the courtroom. The courtroom journalist may not communicate, either verbally or non-verbally, with any members of the teams or any visitors in the courtroom during the trial rounds.

### **Rule 8.2.B. Trials/Trial Reporting - Virtual Competition**

The rules for trial reporting are the same as those during an in-person competition, except that:

1. Journalists may use a laptop during competition.

### **Rule 8.3. Submission Specifications**

Courtroom Journalists must follow these parameters:

1. The submissions must be typed in a 12-point Times New Roman font, with one-inch margins, double spaced, and a page limit of two pages. Any articles over two pages will not be read.
2. Submitted articles should be in the voice of the reporter covering a trial. Use of dictionaries and thesauruses will be permitted.
3. Label your article with your name and team code.
4. For In-person competition, three copies of the article must be brought to the CCV staff before the start of round 3 of qualifiers and the start of round 3 of state finals.
5. For a virtual competition, the article must be emailed to two email addresses that will be provided prior to the competition no later than the start of round 3.

## **Rules 8.4. Judging Components**

Articles are evaluated and scored by a judge or judging team. The articles will be ranked based on the scores. The top sixteen journalists from the qualifier competition(s) will advance to the state final. The state champion will travel to the National Competition with team New Mexico to compete.

The results of the Courtroom Journalist competition will be announced at the awards ceremony. A sample judging scoresheet will be posted to the teacher coach Google drive.

## **Rule 8.5. Release**

All courtroom journalist submissions become the property of CCV and may be used for any purpose it deems appropriate, including but not limited to reproduction and dissemination, with recognition to you the journalist.