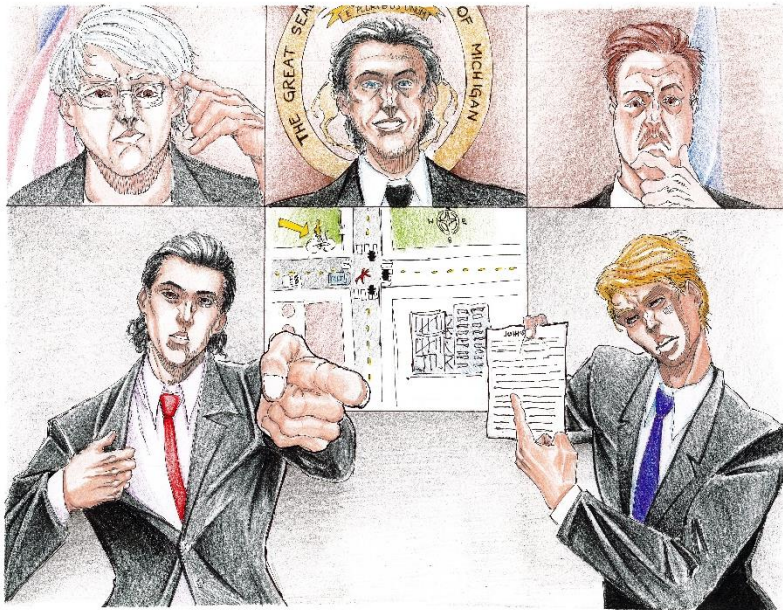




2022

# NEW MEXICO MIDDLE SCHOOL MOCK TRIAL RULES



**CENTER FOR  
CIVIC VALUES**

PROVIDING EDUCATION AND RESOURCES  
FOR PUBLIC PARTICIPATION IN THE LAW

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# **I. MIDDLE SCHOOL MOCK TRIAL RULES**

The Rules of the Middle School Mock Trial Program are based upon the rules of the New Mexico High School Mock Trial Competition.

## **A. ADMINISTRATION**

### **Rule 1.1. Rules**

All trials are governed by the Middle School Mock Trial Rules of the Program.

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 Program, 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 program, 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 Program and/or Rules of Evidence for the purpose of gaining an unfair advantage during the program shall be considered a violation of Rule 1.2. In these rules, all references to “participating” include any activity as part of a New Mexico Middle School Mock Trial Program in-person or virtually.

Please follow a proper sense of fairness in the program and understand that the Mock Trial Coordinator possesses the discretion to impose the appropriate sanctions.

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. Showing respect for fellow team members, coaches, supporters, opponents, judges, volunteers, program staff, volunteers and courthouse personnel is expected.

Teacher coaches, attorney coaches, and students are responsible for reading and understanding the Rules of the Program 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

Program 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, programs). Violations of mock trial rules and expectations of professionalism will be addressed by the Mock Trial Coordinator and may require discipline as the coordinator deems appropriate. Violations of mock trial rules outside of the New Mexico program, 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.
3. Team members will not violate the Rules of Program in spirit.
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 Program.
5. Eating, drinking (except bottled water), smoking and gum chewing are prohibited in the Courthouse.
6. Team members are not allowed to enter any Courtroom in which their team is not assigned.
7. The Mock Trial Program 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 any banquet. 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 coordinator during mock trial program to complain or compel that she/he/they take an action. Moreover, attorney and teacher coaches shall not contact a presiding judge or "juror" to inquire about a round or feedback.

### **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 five 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.

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

In the event of technical difficulties during the trial in a virtual program, the presiding judge has the discretion to declare a technical emergency and adjourn the virtual trial for a short period of time to resolve any technical difficulty substantially impairing a participant's participation in the trial. If the technical difficulty 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 continue due to technical difficulties." Teams shall advise the Mock Trial Coordinator or its designee of any emergency substitution following the round of program.

The presentation will be evaluated 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 continue in a role due to technical difficulties, to minimize disruption, the impacted student is not permitted to return and continue 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

judge or “juror” shall be handled in accordance with Rule 5.2.A.

If a technical emergency 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.

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 Program 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 Middle School Mock Trial Program as follows:

Each team participating in the New Mexico Middle School Mock Trial Program is responsible for providing at least one student as an official timekeeper equipped with two stopwatches. All timekeepers will be official team members. If a team does not have a timekeeper, the opposing team’s timekeeper will keep time for both teams. The team without a timekeeper will defer to the opposing team’s timekeeper in all rounds.

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

The Rules of Program 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 Program policies. These accommodations may include adjustment of the Rules of Program 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 shall be informed of the accommodation in advance of a program 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) AND the CCV Facebook page for information regarding delays or cancellations. If the majority of teams scheduled are able to



make their way to the program 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 two witnesses per side, all of whom shall have names and characteristics that would allow them to be played by individuals of any gender. All 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.

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 judge 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, private, and home school in New Mexico may register one teams in the Program. All team members must be enrolled in grades 6-8 in the registering school and must meet any New Mexico State Board of Education criteria for participation in an extracurricular activity.

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

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 Program, forfeiture of awards (if applicable), and debarment from future programs.

#### **Rule 3.2. Team Composition**

Teams consist of a minimum of four and a maximum of eight members assigned to roles representing the Prosecution/Plaintiff and Defense/Defendant sides. Only four members, plus a timekeeper, may participate in any given round (this does not include a courtroom artist or journalist). (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 program.

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 programs. There will be no name tags for a virtual program.

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

Teams will present both the Prosecution/Plaintiff and Defense/Defendant sides of the problem at least once during the trials, using five team members in each trial round. For each trial round, teams shall use two students as attorneys and two students as witnesses and one student as a timekeeper.

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

Except as permitted during technical difficulties under Rule 1.3B each of the two 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, the cross-examination of one witness, and the opening statement; and
2. 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 two of its assigned witnesses. Witnesses must be called only by their own team during their portion of the trial 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 program for an in-person program. For a virtual program, teams must submit Team Roster Forms in accordance with the protocol established and announced for the program. 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 program, the teams must exchange copies of the Team Roster Form. Team Roster Forms will be distributed to judges in a virtual program according to the protocol established for the program. 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 “jury” 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 program, 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 program, 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 program. 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 New Mexico middle school mock trial program?"

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**

Each team is required to provide at least one student who will serve as the official timekeeper for that team. This timekeeper must meet the requirements of Rule 1.4. Timekeepers are responsible for fairly and accurately keeping and reporting the time during the trial presentation and during any disputes under Rule 6.2. 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.

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 shall not be included in the time allotted for opening statements. However, if counsel or witnesses are introduced once the opening statement has commenced, such time shall be 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 has the authority 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.

Timekeepers should display the applicable "Time Remaining" cards simultaneously. At the end of each task during the trial presentation (i.e., at the end of each opening, at the end each 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.

During a virtual competition, after each witness, timekeepers shall confer using the “chat” or similar feature regarding how much time remains for each team.

In a virtual competition, the timekeeper for the Defense shall stay on camera to show the timecards. The timekeeper for the Prosecution/Plaintiff shall not be on screen and shall use the chat function to show times.

Students keeping time must use stopwatches. If a team is in need of stopwatches, they should contact CCV.

#### **Rule 4.7. Time Extensions**

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.

#### **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 programs. 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.
5. No enlargements of the case materials permitted, except as provided by the Mock Trial Coordinator.
6. No props are permitted.
7. 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.
8. 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 program, students shall display screen names according to a protocol established and announced for a virtual program. 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 program, 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 program, 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 program, only the four participating attorneys and witnesses may communicate with one another. The four 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 program, so long as their team remains in the program. 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 program. It is a violation of this rule for teams to seek information about opposing teams in rounds of the qualifier and state programs 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 programs, 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 program round prior to the conclusion of the program. 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 program.

Media coverage will be allowed.

Media representatives authorized by CCV will wear identification badges.

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

The case will be tried in front of a presiding judge and a jurist.

#### **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 program, 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".

#### **Rule 4.18. Objections**

1. **Argumentative Questions:** An attorney shall not ask argumentative questions. However, the presiding judge may, in their discretion, allow limited use of argumentative questions on cross-examination.
2. **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.
3. **Assuming Facts Not in Evidence:** Attorneys may not ask a question that assumes unproved facts. However, an expert witness may be asked a question based upon stated assumptions, the truth of which is reasonably supported by evidence (sometimes called a "hypothetical question").
4. **Questions Calling for Narrative or General Answer:** Questions must be stated so as to call for a specific answer. (Example of improper question: "Tell us what you know about this case.")

5. Non-Responsive Answer: A witness' answer is objectionable if it fails to respond to the question asked.
6. Repetition: Questions designed to elicit the same testimony or evidence previously presented in its entirety are improper if merely offered as a repetition of the same testimony or evidence from the same or similar source.

#### **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.

#### **Rule 4.20.A. Procedure for Introduction of Exhibits – In-Person**

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 – Virtual Program**

During a virtual program, 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 through the use of notes. The use of laptops or other electronic devices is prohibited, except during a virtual program.

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

Redirect and recross examinations are permitted, but any redirect and recross examination is limited in scope to matters raised in cross examination and redirect examination, respectively. 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 program, debriefing following each round by the presiding judge and jury shall be permitted but shall not exceed 15 minutes combined.

For a virtual program, there will be no 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 the Jury; Using Documents During Argument**

Unless otherwise provided in the Case Materials, the only documents which the teams may provide to the presiding judge or jury 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 jury.

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 jury.

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

## **E. JUDGE AND JURIST**

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

All decisions of the presiding judge are FINAL.

### **Rule 5.2. Composition of the Jury**

The jury shall consist of one individual. The composition of the jury and the role of the presiding judge will be at the sole discretion of CCV, as follows:

1. One presiding judge and one jurist.

All presiding judges and the jurist 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 jurist must leave the courtroom or the virtual program platform, the presiding judge will call for a brief recess and assess whether the jurist will be able to return in a reasonably short period of time. If the jurist is unable to return to the courtroom in a reasonably short period of time, the Mock Trial Coordinator must be informed and will assign a new jurist. Once the jury 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 program platform until the round resumes.

If a technical or other emergency impacts the presiding judge, the jurist will serve as the presiding judge until the dispute resolution committee can be informed and can act to adjust the panel composition.

### **Rule 5.3. Team Pairings**

A random method of selection will determine opponents in all three rounds.

## **F. DISPUTE RESOLUTION**

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

If during the trial, in-person or virtual, any team has reason to believe that a material violation of the Rules of the Program 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.

## **G. COURTROOM ARTIST CONTEST**

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

Each mock trial team may register a courtroom artist with their team. 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.

Courtroom artists are subject to all relevant mock trial program rules, restrictions, and eligibility requirements and will be held to the Mock Trial Code of Ethical Conduct. Courtroom artists will use the same team code and will accompany their team throughout the entire program. The courtroom artists may not serve as any other role on their school's mock trial team.

For a virtual program, courtroom artists shall follow the naming conventions established for competing team members and shall accompany their team to any designated virtual courtroom.

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

1. Sketches must depict actual courtroom scenes observed by the courtroom artist artists during the first two rounds of the program. 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 program 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 second round of the program artists will be in designated rooms where they can complete their drawings.

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

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

1. Because there is no physical “courtroom” in a virtual program, courtroom artists are permitted to create details of a courtroom setting in crafting their program pieces.
2. Competing student attorneys may be drawn either standing or sitting, even if they were sitting during the virtual program 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 program.
5. Courtroom artists are advised not to focus too much on the courtroom background for their program pieces. Program piece judging will weigh more heavily the depiction of faces and bodies during a virtual program.
6. Courtroom artists are permitted to use a laptop computer throughout a virtual program.
7. Courtroom artists are encouraged to explore ways to utilize the program’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).
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 Program**

Artists will be provided an 11” x 17” sketch pad for use in the program. The drawings should follow these parameters:

1. Submitted drawings must be on the provided 11” x 17” 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 program trial. Artists may make as many draft sketches as they wish but may only submit one sketch.
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 the start of round 3.

### **Rule 7.3.B. Submission Specifications – Virtual Program**

The rules for submission of the artist’s work following Round 3 are the same as those during an in-person program, 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 program by the Mock Trial Coordinator. In advance of the program, 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 Round1 or 2 submission in a provided envelope from CCV.

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

Sketches are evaluated and feedback will be given to the artists.

#### **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 PROGRAM**

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

Each mock trial team may register one courtroom journalist with their team. 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.

Courtroom journalists are subject to all relevant Mock Trial Program Rules, restrictions, and eligibility requirements and will be held to the Mock Trial Code of Ethical Conduct. The courtroom journalists may not serve as any other role on their school's mock trial team

#### **Rule 8.2. Trials/Trial Reporting – In-Person Program**

1. Journalists must supply their own materials during the trial. As it is not likely that Journalists will have a hard surface to write on, it is suggested they carry a clip board.
2. All participants must write their articles based on their team's rounds 1 or 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 program venue.
4. The courtroom journalist may only observe and write about the trials in which their team is competing.

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 Program**

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

1. Journalists may use a laptop during program.

### **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. **Laptops will be provided if needed.**
2. Submitted articles should be in the voice of the reporter covering a trial. Use of a dictionary and thesaurus will be permitted.
3. Label your article with your name and team code.
4. For in-person program, three copies of the article must either be hand delivered to CCV staff at the courthouse or emailed to [mocktrial@civicvalues.org](mailto:mocktrial@civicvalues.org) before the start of round 3. It is the responsibility of the participant to make sure any submission that is emailed is received.
5. For a virtual program, the article must be emailed to two email addresses that will be provided prior to the program no later than the start of round 3.

### **Rules 8.4. Judging Components**

Articles are evaluated and feedback will be given to the journalists.

### **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.

