



LOCAL RULES

Amended 10/16/2017

The Missouri High School Mock Trial Program is governed by the rules herein, the Missouri High School Mock Trial Program Code of Conduct, and the Federal Rules of Evidence (National Championship version). These rules are patterned after the National High School Mock Trial Championship Rules and have been modified for this competition.

No region may alter the language of these rules without the approval of the state coordinator.

All teams are responsible for the conduct of persons associated with their teams throughout the mock trial event.

Applicability: These rules apply to all teams participating in the Jefferson City/Columbia, Kansas City, Ozark/Springfield, St. Louis, and consolidated Out-State regions, as well as in the state championship tournament. (Each region determines its own dates for all rounds except the state championship tournament which shall be set by the state coordinator.)

The Missouri High School Mock Trial Competition is presented by the Saint Louis Bar Foundation, The Bar Association of Metropolitan St. Louis, the Lawyers Association of Kansas City Young Lawyers Section, and The Missouri Bar, with grant funding from the Missouri Lawyer Trust Account Foundation.

Change History

10/16/2017

- Clarified certification of expert witnesses in Rule 2.2 by adding, “Experts can testify as such if the proper foundation is laid.”
- Rule 4.14 modified to permit videotaping/recording of semifinal and final rounds of the State Championship Tournament: “Specifically for semifinals and finals at the State Championship Tournament, either team active in the trial may videotape or record the trial so long as it is not disruptive to the competitors.”
- Exception created in Rule 4.19 to permit use of electronic devices during trials if authorized by the case materials.
- Clarified in Rule 5.6 that 16 schools (rather than “16 teams”) will participate in the state championship tournament.
- Rule 5.6 modified such that each region will be represented at the state tournament by a number of schools not less than 1, and not more than 10 (rather than “8”), relative to the percentage of schools that region has registered in the overall state competition by the entry deadline.
- Removed from Rule 5.6, State Championship: “A team may compete against a team it faced prior to the state championship.”
- Removed from Rule 5.7: “A team may compete against a team it faced prior to the state championship.”
- Rule 5.7 modified: If two schools meet that have faced one another previously that year (rather than “at either the regional or state level”), they must try the opposite side of the case from their first meeting.

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Rules of the Competition

A. Administration

Rule 1.1 — General Rules

All trials will be governed by the Missouri High School Mock Trial Program Local Rules and the Federal Rules of Evidence (National Championship version).

All teams must submit their team rosters to the state coordinator prior to the start of competition. The deadline for submitting team rosters will be published on the official Missouri High School Mock Trial Program webpage (www.momocktrial.org).

Questions or interpretations of these rules are within the discretion of the state coordinator and mock trial co-chairs, who may seek input from the Missouri High School Mock Trial Program Advisory Committee. Each region may have up to three representatives on the Advisory Committee: the regional coordinator, one attorney-coach and one teacher. The Advisory Committee may help inform policy decisions about the competition. Each region may select its representatives in the way that works best for the region, as directed by the regional coordinator. The mock trial co-chairs and the state coordinator are appointed annually by the President of The Bar Association of Metropolitan St. Louis (BAMSL), as Missouri's host organization.

To avoid confusion, requests for clarification of facts or rules by the state coordinator and mock trial co-chairs will be answered in writing or email only. Before each round of competition, copies of the questions and answers will be sent to each participating teacher-coach and posted on the official Missouri High School Mock Trial Program webpage. No answers that affect the overall competition will be given over the phone or in person under any circumstances.

To ensure that each team has access to all clarifications in a timely manner, the time period in which teams will be able to submit questions will be limited. **Teams must submit questions to the state coordinator by the second Monday before the St. Louis region's preliminary round 1. The first set of clarifications will be distributed and posted online 10 days before the St. Louis region's preliminary round 1. Teams will have an opportunity to submit questions after the St. Louis region's preliminary round 1 until two weeks before the St. Louis region's preliminary round 2. A final clarification will be distributed and posted online 10 days before the St. Louis region's preliminary round 2.**

By participating in this competition, all students, coaches and school representatives agree to the Missouri High School Mock Trial Program Local Rules, Code of Conduct, and Federal Rules of Evidence (National Championship version).

Rule 1.2 — Conduct

These local rules, as well as proper rules of courthouse and courtroom decorum and security, must be followed. The regional coordinators for each region, as well as the state coordinator for the competition as a whole, possess discretion to impose sanctions, up to and including forfeiture of all fees and awards and disqualification, for any misconduct, flagrant rules violation or breach of decorum which affects 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.

Each school that enters the mock trial competition shall be responsible for the conduct of all team members, coaches, teachers, parents, or any individual so associated with the team. Any team member, coach, teacher, parent, or any individual so associated with a team who contacts, or attempts in any fashion to influence, criticize, or comment upon the performance of any individual serving as a judge or an evaluator in the mock trial program shall result in the disqualification of that school from the remainder of the competition.

Each team shall certify, upon the presentation of its Team Roster Form in each trial that all teachers, coaches, students and timekeepers affiliated with that school have read and agree to abide by the Missouri High School Mock Trial Program Code of Conduct.

Rule 1.3 — Emergencies

During a trial, the presiding judge shall have discretion to declare an emergency and adjourn the trial for a short recess to address the emergency. The presiding judge shall select an observer to notify the state or regional coordinator as applicable of the emergency immediately.

In the event of an emergency before or during a round that causes a team to be unable to continue a trial or participate with less than six members, the team must notify the state or regional coordinator as applicable immediately so that every effort can be made to rectify the situation.

Teams are encouraged to have alternate team members in case of emergencies. Should an emergency situation arise, the team must make every effort to replace the absent student with an alternate or the designated timekeeper (the team may substitute another timekeeper or proceed without a timekeeper relying solely on its opponent's timekeeper). If the emergency arises during a preliminary round, and the school in question has multiple teams, that team may not use a member of another team as an alternate (see rule 3.2).

In the event that the team's alternates or designated timekeeper are not available to participate, the team must immediately notify the state or regional coordinator as applicable. If a team must conduct the trial using 2 witnesses or 2 attorneys, the team may designate one of the students to play more than one witness role or more than 3 attorney tasks. The teacher or attorney-coach will indicate to the state or regional coordinator as applicable which role will not be scored to comply with rule 3.4.

Rule 1.4 — Forfeiture

By submitting an application to participate in the Missouri High School Mock Trial Program, a team is making a formal commitment not only to its own team members, but also to any potential opponents and to the program itself. A forfeit is an absolute last resort and every effort must be made by the team to avoid such a situation. A forfeit not only means conceding a loss for the forfeiting team, but it deprives the scheduled opponent a chance to conduct its trial for which that team worked very hard to prepare.

Any team that is not present and ready to compete at the designated starting time will forfeit that round. At the discretion of the state or regional coordinator as applicable, a team may be given a 30-minute grace period for good cause shown. An automatic forfeiture shall be assessed against any team not ready to compete after the passing of the 30 minutes past the designated starting time regardless of the cause.

If a team must forfeit a preliminary round, advance notification to the state or regional coordinator as applicable is required as early as possible. If no advance notification is given and a team does not arrive for its scheduled round, that team may be disqualified from competition for the remainder of the year.

If a team must forfeit a round at either the regional or state competition, the state or regional coordinator as applicable must be notified at least twenty-four hours in advance in order to give the coordinator the opportunity to promote the next team into that vacant spot. If twenty-four hours' notice is not given, or if the team fails to arrive without providing advance notice, that team/school will be disqualified and a phone conversation between the state coordinator and the school principal will be required for the team to enter the competition the following year.

A team that forfeits with advance notice will receive a loss, 0 ballots and the lowest negative point differential earned by another team in that round. The non-forfeiting team will receive three ballots and the point differential and total points that equal the average number of points of the other winning teams in that round.

B. The Problem

Rule 2.1 — The Problem

The problem will be a fact pattern, which may contain any or all of the following: statement of facts, indictment or petition, stipulations, witness statements/affidavits, jury instructions, 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 either males or females. All three of the witnesses must be called at trial.

Rule 2.2 — Witnesses Bound by Statements

Each witness is bound by the facts contained in his/her own witness statement, the Statement of Facts, if present, and/or any necessary documentation relevant to his/her testimony. Fair extrapolations may be allowed, provided reasonable inference may be made from the witness' statement. If, in 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.

If, in cross-examination, an attorney asks for unknown information, the witness may or may not respond, so long as any response is consistent with the witness' statement or affidavit and does not materially affect the witness' testimony.

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

All witnesses have had an opportunity, at the time they make their statement to add any other facts, details or opinions they wished. All stated at the time of their statement that it was true and correct to the best of their recollection, and they had nothing to add or change. This does not mean that witnesses will not attempt to stretch the truth. It is up to the lawyer on cross-examination to impeach these witnesses through questioning. It is not proper to raise a technical objection to the court claiming the witness is disputing a stipulated fact unless the attorney believes this rises to the level of unfair extrapolation under Rule 2.3. Likewise, the attorney impeaching the witness should handle any inconsistency between a witness' testimony and his/her deposition by specifically questioning the witness on this inconsistency.

Attorneys do not need to request that the Court certify experts. Experts can testify as such if the proper foundation is laid.

Rule 2.3 — Unfair Extrapolation

A fair extrapolation is one that is neutral or does not materially affect the witness' testimony. Unfair extrapolations are best attacked through impeachment and closing argument, and are to be dealt with in the course of the trial.

If a witness is asked information not contained in the witness' statement, the answer must be consistent with the statement and may not materially affect the witness' testimony or any substantive issue of the case.

While the preferred method for dealing with unfair extrapolation is impeachment and closing argument, attorneys for the opposing team may refer to Rule 2.3 in special objection, such as "unfair extrapolation," or "This information is beyond the scope of the statement of facts."

Possible rulings by the presiding judge in response to such objection 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 judge will rule in open court to clarify the course further proceedings.

Rule 2.4 — Gender of Witnesses

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

Teams are required to submit the gender of their witnesses to the state or regional coordinator as applicable and the teacher-coach of the opposing team not less than one week prior to each round of competition for preliminary and regional rounds and rounds 1 & 2 of the state championship tournament. The gender of a witness may be changed only in instances where a substitute is required due to circumstances beyond the control of the team that take place after the witness gender list has been submitted. This change must be submitted to the state or regional coordinator as applicable and the teacher-coach of the opposing team as soon as possible after the change.

Rule 2.5 — Voir Dire

Voir dire examination of a witness is not permitted.

C. Teams

Rule 3.1 — Team Eligibility

High schools located in the state of Missouri may participate in the Missouri High School Mock Trial Program. Student participants must be enrolled at the institution represented by their team. A student may not participate for more than one institution in the same school year.

Home-schooled students may participate in one of two ways:

- 1) If they are not enrolled as a student at a high school, there are enough home schooled students within a particular region to both field a team and obtain a teacher or parent to sponsor the team, and the school district in which they are registered has no rules against it; or
- 2) By participating as a team member of a school in the region/district in which the home-schooled student is registered in accordance with the rules of that school and the district.

In some instances, a school may wish to participate but is unable to recruit enough students to field an entire team. If this occurs the school must appeal to the state coordinator to request the possibility of merging with another school in a similar situation. Such appeals will be reviewed on a case-by-case basis and approval may be granted or denied solely at the discretion of the state coordinator or mock trial co-chairs. Any school that is able to field an entire team will not be allowed to merge with another school under any circumstances.

Teams may consist of students who previously have participated in mock trial. Schools may enter more than one team; entrance fees are per team, not per school.

Non-profit organizations that serve as an after-school activity for high school students may create teams and participate in the following ways:

- 1) The organization is non-profit and has a program geared towards the development of high school students' education;
- 2) None of the schools that the students attend have a mock trial competition program;
- 3) The team has enough students to compete and can provide a mock trial team coach; and
- 4) The students are enrolled in high school or are home-schooled.

To form a team, the non-profit organization must submit a letter to the state coordinator explaining their organization and situation. Such submission will be reviewed on a case-by-case basis and approval may be granted or denied solely at the discretion of the state coordinator or mock trial co-chairs. Any students in the program that attend a school that has a mock trial program may not participate in the non-profit organization's teams.

Rule 3.2 — Team Composition

For any single round of mock trial competition, all teams will consist of a minimum of three and a maximum four attorneys. All three witnesses must be called at trial, and different students must portray each witness.

A team may use its members to play different roles in different rounds or use other students in a subsequent round. In other words, the team members and the roles they represent may differ significantly in two rounds of competition. One member may not play two different roles during the same trial: that is, a witness cannot also be an attorney.

Should a school field multiple teams, students may participate on only one of those teams during preliminary rounds. A student may not switch teams between preliminary rounds 1 & 2. If a student is to participate in both preliminary rounds, they must participate on the same team in both rounds. Only one team from each school may advance to the regional competition. At that time, the school may form their advancing team however they want.

Teams shall provide their own timekeeper.

Each team will be assigned a code before preliminary rounds, regionals and the state championship tournament. The team is only to be referred to by that code.

Rule 3.3 — Team Presentation

Teams must present both the Plaintiff/Prosecution and Defense sides of the case, using six or seven team members in each trial round. For each trial round, teams shall use three or four students as attorneys and three students as witnesses.

Rule 3.4 — Team Duties

Attorney tasks are to be as evenly divided as possible.

WHEN A TEAM USES THREE ATTORNEYS, the following arrangement must be utilized:

- One attorney will present the opening statement, conduct one direct examination, and conduct one cross examination.
- The second attorney will conduct one direct examination and one cross examination.
- The final attorney will present the closing argument, conduct one direct examination, and conduct one cross examination.

WHEN A TEAM USES FOUR ATTORNEYS, the following arrangement must be utilized:

- The first attorney will present the opening statement and conduct EITHER one direct examination OR one cross examination.
- The second attorney will conduct one direct examination and one cross examination.
- The third attorney will conduct one direct examination and one cross examination.
- The final attorney will present the closing argument and conduct EITHER one direct examination OR one cross examination, whichever was not conducted by the first attorney.

No attorney can perform all direct examinations or all cross examinations, or both opening and closing statements. In other words, the eight attorney duties for each team will be divided as follows:

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

Opening Statements must be given by both sides at the beginning of the trial. The attorney who will examine 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 will cross-examine a witness will be the only one permitted to make objections during the direct examination of that witness.

Each team must call its assigned three witnesses. Attorneys may not waive the examination of a witness. Witnesses must be called only by their own team and examined by both sides.

Rule 3.5 — Team Roster

Copies of the Team Roster & Duties Form must be completed and duplicated by each team prior to arrival at the courtroom for each round of the competition. Teams must be identified only by their assigned code. No information identifying team origin shall appear on the form. Before beginning a trial, the teams must exchange copies of their Team Roster & Duties Form. The form should identify the gender of each witness so that references to such parties will be made in the proper gender. Copies of the Team Roster & Duties Form should also be made available to the presiding judge and evaluators at the start of each trial. Teams shall not knowingly disclose their school to any member of the judging panel.

Each team shall certify, upon the presentation of its Team Roster & Duties Form in each trial, that all teachers, coaches, students and timekeepers affiliated with that school have read and agree to abide by the Missouri High School Mock Trial Program Code of Conduct.

D. The Trial

Rule 4.1 — Courtroom Setting

The Plaintiff/Prosecution team shall be seated closest to the jury box.

No team shall rearrange the courtroom. However, if moving of chairs is necessary for the trial then they must be returned to their original position before the teams leave the courtroom. No team may use, move, or adjust any of the computer or audio-visual equipment. No team may disturb any papers that may be left out.

Rule 4.2 — Stipulations

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

Rule 4.3 — Reading into the Record Not Permitted

Stipulations, the indictment, or the jury instructions will not be read into the record. Attorneys may make reference to these documents during opening statements and closing arguments.

Rule 4.4 — Swearing of Witnesses

All witnesses will be sworn in as a group by the presiding judge at the beginning of each trial. Witnesses should stand during the oath unless excused by the presiding judge.

The following oath may be used before questioning begins:

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

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 (30 minutes per side)
3. Cross (20 minutes per side)
4. Closing Argument (7 minutes per side)

The Plaintiff/Prosecution gives the opening statement first. The Plaintiff/Prosecution gives the closing argument first; the Plaintiff/Prosecution may reserve a portion (less than half) of its closing time for rebuttal. The Plaintiff/Prosecution need not request or state that it is reserving rebuttal time. The Plaintiff/Prosecution's rebuttal is limited to the scope of the Defendant'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.

Each team will be allowed to divide examination time as they wish (teams are not required to divide the 30 minutes of direct examination time into equal segments, e.g. teams may use 15 minutes for one witness, 8 minutes for another, and 7 for the remaining witness). Similarly, students may divide the 20 minutes allowed for cross examination as they wish. The judges and evaluators will be advised that for evaluating purposes, all witnesses are to be weighted equally.

One minute per witness will be allowed for redirect or recross-examination, if a team chooses to use it. The one minute per witness allowed for redirect and recross does not count against the 30 or 20 minute total time allowed for direct or cross. If a team waives the opportunity to redirect, then there will be no opportunity to recross. Should a team redirect or recross, only the student-attorney who performed the original examination will be allowed to perform the redirect or recross.

Each team will be allowed only one recross and one redirect per witness.

Upon request, a 5-minute preparation recess may be granted at the presiding judge's discretion. During this time, participants may not communicate in any way with anyone not participating in the trial.

In the event of an emergency, the presiding judge may call a recess at his/her discretion. Should a recess be called, teams are not to communicate with any observers, coaches, or instructors.

Rule 4.6 — Timekeeping

Each team is required to provide one student per round who will serve as timekeeper. Timekeepers are responsible for fairly and accurately keeping and recording time during the trial. Both timekeepers will sit together during the trial so that the presiding judge, Plaintiff/Prosecution and Defense may see time cards clearly. During trials, timekeepers are to act as a neutral entity. Timekeepers are not to communicate with their respective teams during recess. Timekeepers can display the time remaining cards and indicate, as directed by the presiding judge, how much time is remaining for a particular part of the trial.

Time limits are mandatory and will be enforced, subject to Rule 4.7. 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 statements 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, questions from the judge, emergencies, or administering the oath to a witness. Time does not stop for the introduction of exhibits.

At the end of each task during the trial (i.e. end of each opening statement, witness examination, etc.), 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 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.

The state or regional coordinator as applicable will provide timekeeping aids for each trial. Timekeepers may use cell phones for timekeeping only.

Rule 4.7 — Time Extensions and Scoring

The presiding judge has sole discretion to grant time extensions. If time has expired and an attorney continues without permission from the Court, the scoring judges may determine individually whether or not to discount points in a category because of over-runs in time.

Rule 4.8 — Motions Prohibited

An attorney may make a motion to strike testimony from the record after a sustained objection. No other motions may be made at any time for any reason.

Rule 4.9 — Sequestration

Teams may not invoke the rule of sequestration.

Rule 4.10 — Bench Conferences

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

Rule 4.11 — Supplemental Material/Costuming

Students may read other cases and materials in preparation for the mock trial but teams may refer only to materials included in the trial packet during the competition.

All exhibits and jury instructions included in the materials may be used as trial exhibits, subject to any proper evidentiary objections. No other materials may be brought into court as exhibits or for explanatory purposes. Absolutely no props or costumes are permitted. Costuming is defined as hairstyling, clothing, accessories, and make-up which are case specific. An accent is not considered costuming.

The student playing the witness is allowed to act as though she/he is afflicted with any condition, deformity or disability described in the trial packet if applicable. Under no circumstances is the opposing team permitted to question the existence of such conditions

based on the fact that the student playing the witness does not actually have those conditions. While the opposing team may cross examine the witness on the extent of the condition based upon information provided in the trial packet, the opposing team shall not challenge the witness to prove the existence of the condition by asking him/her to show it to the jury.

The only documents which the teams may present to the presiding judge or evaluators are the individual exhibits as they are introduced into evidence and the Team Roster & Duties Forms. No roster forms may be altered except to provide the information requested. No exhibits may be modified before trial, but attorneys and witnesses may mark exhibits during the trial and during closing arguments, but may not be entered into evidence. If a team wishes to mark an exhibit entered by the opposing team, it must substitute its own clean copy of that exhibit for this purpose before any markings are made. Exhibit notebooks or binders are not to be provided to the presiding judge or evaluators.

Any exhibit or jury instruction included in the case materials may be reproduced. A team may enlarge up to two exhibits if they so choose. Each enlargement may not exceed dimensions of 24 X 36 inches. Teams will be allowed to mount these exhibits on poster board of the same size. If a team chooses to enlarge a multi paged exhibit, any number of the pages in that specific exhibit may be enlarged as long as they all fit on one board within the allowed dimensions.

Exhibits may not be altered from the original form presented in the case materials. Attorneys may however mark on their own exhibits during examination. Since no clerk will be available to mark exhibits, the parties shall pre-mark their exhibits. Plaintiff shall use numbers (1, 2, 3) and defense shall use letters (A, B, C).

No other objects, materials or items may be used as exhibits or for explanatory purposes. Easels are allowed in order to display exhibits/enlargements. **No person is permitted under any circumstances to move easels, chalkboards or any other items or materials from one courtroom to another.**

Rule 4.12 — Communicating During Trial

It is the responsibility of the opposing attorney(s) to bring any violation of this rule to the attention of the presiding judge at the time the violation occurs.

Coaches, teachers, alternates, observers, and anyone not participating in the trial may not talk to, signal, communicate with, or coach the participating members of a team in any fashion during the trial. This rule remains in force during any recess or emergency. Participating team members may, among themselves, communicate during the trial with each other. However, no disruptive communication is allowed. Signaling of the team's timekeeper shall not be considered a violation of this rule.

Non-team members, alternates, teachers, lawyers, coaches, or anyone connected with a team must remain outside the bar in the spectator section of the courtroom. Only team

members participating in a given round may sit inside the bar and communicate with each other.

Teams, including team alternates, instructors, coaches, or anyone connected with a team, shall not communicate the identity of their school in any fashion to the presiding judge or evaluators until after all score sheets are completed and turned in.

If a violation of this rule occurs, it should be handled as an objection by the opposing team. If the opposing team does not notice the violation, or does not raise an objection at the time of the violation, it will not be acknowledged and no penalty will be assessed.

If an objection is raised citing a violation of this rule the judge may make a ruling at his/her own discretion. If the judge overrules the objection the trial will continue. If the judge sustains the objection, an automatic penalty will be assessed resulting in a five-point deduction in the violating team's score from each evaluator's score sheet.

Rule 4.13 — Viewing a Trial

Team members, alternates, coaches, teacher, and any other persons directly associated with a mock trial team, except for those authorized by the state or regional coordinator as applicable, are not allowed to view other teams' performances in any round of the competition, as long as their team remains in the competition.

No person shall display anything that identifies any school in the trial.

Rule 4.14 — Videotaping/Photography

Except for semifinals and finals at the State Championship Tournament, any team has the option to refuse participation in videotaping, tape-recording, still photography, or media coverage if they so choose. Specifically for semifinals and finals at the State Championship Tournament, either team active in the trial may videotape or record the trial so long as it is not disruptive to the competitors. BAMSL and the state or regional coordinator as applicable reserve the right to take still photography of trials in progress for its publications. Media coverage will be allowed in the championship round.

Rule 4.15 — Jury Trial

The case will be tried to a jury; arguments are to be made to the judge and jury. Teams may address the evaluators as the jury. Evaluators are required to sit in the jury box if available and shall not discuss matters during trial.

Rule 4.16 — Standing During Trial

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

Rule 4.17 — Objections During Opening Statement/Closing Argument Prohibited

No objections may be raised during opening statements or during closing arguments. The practice of raising a hypothetical objection at the conclusion of the opening and closing statements is not allowed.

Rule 4.18 — Objections

1. Argumentative Questions

An attorney shall not ask argumentative questions. However, the Court may, in its 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 an exhibit has been offered into evidence, the exhibit may still be objected to on other grounds.

3. Assuming Facts Not in Evidence

Attorneys may not ask a question that assumes unproved facts. However, an expert witness may be asked a question based upon stated assumptions, the truth of which is reasonably supported by evidence (sometimes called a hypothetical question).

4. Questions Calling for Narrative or General Answer

Questions must be stated so as to call for a specific answer. (Example of improper question: Tell us what you know about this case.)

5. Non-Responsive Answer

A witness's answer is objectionable if it fails to respond to the question asked.

6. Repetition

Questions designed to elicit the same testimony or evidence previously presented in its entirety are improper if merely offered as a repetition of the same testimony or evidence from the same or similar source.

Teams are not precluded from raising additional objections, which are available under the Federal Rules of Evidence (National Championship version).

Objections will be scored as part of the attorney role. If an attorney raises a good objection, whether or not it is sustained, it should reflect positively in the score of that attorney. Sustained objections may also reflect negatively on the score of the attorney against whom the objection was raised. Likewise, if an attorney misses an obvious objection it may reflect negatively on the score of that attorney at the discretion of the evaluators.

Rule 4.19 — Use of Notes/Electronic Equipment

Witnesses are not permitted to use notes while testifying during the trial. Witnesses should be able to paraphrase their testimony based on their statements. Attorneys may consult with each other at counsel table verbally or through use of notes. The use of laptops or other electronic devices is prohibited, except cell phones may be used by timekeepers or as specifically authorized in the case materials.

Rule 4.20 — Redirect/Re-Cross

Redirect and Re-Cross examinations are permitted, provided they conform to the restrictions in Rule 611(d) in the Federal Rules of Evidence (National Championship version).

Rule 4.21 — Scope of Closing Arguments

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

Rule 4.22 — The Critique

Judges and evaluators may make themselves available for comments AFTER ballots have been returned to the state or regional coordinator as applicable.

Rule 4.23 — Offers of Proof

No offers of proof may be requested or tendered.

E. Judging and Team Advancement

Rule 5.1 — Finality of Decisions

All decisions of the judging panel are final.

Prior to every trial the presiding judge and evaluators will be given an orientation and information to assist them in scoring. The purpose of this scoring criterion is to gain some sort of parity or uniformity amongst participants. However, because of the differences that exist in human perception a subjective quality is present in the scoring of the mock trial, as with all legal proceedings. Even with rules and evaluation criteria for guidance, no judge or attorney scoring will evaluate the same performance in the same way. While every possible measure is taken to maintain consistency in scoring, every trial will be conducted differently and we encourage all participants to be prepared to adjust their presentations accordingly.

Please remember that the judging and scoring results in each trial are final and may only be changed as the result of disciplinary action taken by the state or regional coordinator as applicable.

Rule 5.2 — Composition of Judging Panels

The following is the desired policy of the Missouri High School Mock Trial Program. Please recognize that while every effort will be made to adhere to this policy, circumstances may arise that require deviation.

The judging panel will consist of at least three individuals. The composition of the judging panel will be at the discretion of the state or regional coordinator as applicable. One presiding judge and two scoring evaluators will be in each trial. The scoring evaluators may be persons with substantial mock trial experience, law students or attorneys. The presiding judge shall be an attorney.

In the event a shortage of volunteers should occur, upon check-in for each round, each school shall provide the name and cell phone number of its teacher or attorney-coach who will be available to evaluate a trial. The state or regional coordinator as applicable will randomly select up to four designated teachers/attorney-coaches to remain near the check-in area until all rounds have started. If such a shortage should occur, said teacher or attorney-coach may be randomly selected to serve as a scoring evaluator, so that every trial in the round has a non-scoring presiding judge and two scoring evaluators. For future rounds, the school of any selected teacher or attorney-coach will not be scheduled against any school he/she has evaluated (except at the state championship tournament). Such selected teacher or attorney-coach shall not discuss the trial he/she evaluated with any teachers, coaches or students on his/her own team.

In a case with more than two scoring evaluators, only two evaluator ballots will be counted. The ballots to be used to officially score the round will be randomly selected by the regional or state coordinator as applicable. No one will be advised ahead of time as to which scoring evaluators' ballots will be counted.

These evaluations are based upon the performance and advocacy skills of the team members. The members of a judging panel should refrain from consulting or conversing with one another while completing their ballots.

Judges and evaluators will not be assigned to a trial in which they have any association (such as alumni status, a relative attending, etc.) with the competing schools. Every effort will be made to not assign attorneys to judge or evaluate teams that they have already evaluated in a previous round.

At the discretion of the state coordinator, the semi-finals and finals of the state championship tournament may have additional scoring evaluators, so long as it is an odd number. In the event of an even number of evaluators, only an odd number of ballots will be counted per the procedure outlined earlier in this rule.

All presiding judges and scoring evaluators receive the Missouri High School Mock Trial Program Local Rules, the Federal Rules of Evidence (National Championship version) and orientation information.

Rule 5.3 — Ballots

Subject to Rule 5.2, one presiding judge and two scoring evaluators will be in each trial, with the evaluators individually scoring each participant on the ballot and the presiding judge only selecting the best performing team by designating "P" for Plaintiff/Prosecution or "D" for Defense on the ballot. Evaluators are not bound by the rulings of the presiding judge. The team that earns the highest points on a scoring evaluator's ballot is the winner of that ballot. The team that receives the majority of the three ballots wins the round. In determining the winner, the presiding judge and the evaluators shall not consider the merits of the case, rather evaluation should be based on each student's task, performance and advocacy skills.

Rule 5.4 — Completion of Ballots

At the end of each trial, each scoring evaluator shall ensure that he/she has scored each performance listed on the ballot. Then each evaluator will ensure that the total scores for each team do not result in a tie. The winner of a ballot is determined by a higher point total than the other team.

In the event of a mathematical error in tabulation by the evaluators which, when corrected, results in a tie in the column totals boxes, the judge or evaluator will be contacted by the state or regional coordinator as applicable to determine the winner. Presiding judges will not score the teams based on points. The presiding judge will award a ballot to the team

they think should win by simply placing a “P” for Plaintiff/Prosecution or a “D” for Defense in the shaded box marked “Presiding Judge’s Score Only.”

The best possible ballot record will be 3 wins, 0 losses (two ballots from the jury box evaluators and one ballot from the presiding judge evaluator); the best possible total points would be 280 (140 from each of the two jury box evaluators). No ties will be allowed. No fractional points will be allowed; should an evaluator enter a fractional score, the tabulator will disregard the fractional portion (for example, 7.999 becomes 7; 9.1 becomes 9).

Rule 5.5 — Team Advancement

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

1. Number of trials won
2. Number of ballots won
3. Point differential (total margin of victory calculated by adding the points differential from each individual trial)
4. In the event that any number of teams tie in all of the aforementioned criteria, the tiebreaker will be determined by the strength of the teams they have faced in previous rounds.
5. Point total.

Rule 5.6 — Team Pairings

Every team participating in the Missouri High School Mock Trial Program shall be scheduled to compete at least 2 times and will try both sides of the case. These trials will take place in their region’s preliminary rounds. A team’s performance in the preliminary rounds will determine whether it will advance to the regional competition.

The following is the structure for the St. Louis region’s preliminary and regional rounds and should be used as a model for other regions. For preliminary and regional round pairing structure, regional coordinators should attempt to follow this structure as closely as possible for the sake of consistency. Regional coordinators do have the discretion to deviate from this structure if that region’s needs require it.

Schools competing in the St. Louis region may indicate a preference to compete on either Tuesday nights or Thursday nights for the preliminary rounds (rounds 1 & 2). The St. Louis Regional Coordinator reserves the right to choose which night a team competes to ensure an even number of teams on each night.

At least three weeks before the St. Louis region’s preliminary round 1, and at the discretion of the state coordinator and mock trial co-chairs, the state coordinator will release the pairings for round 1 to the teams. The pairings for subsequent rounds will be released within a reasonable time after tabulation of the prior round at the discretion of the regional coordinator.

Preliminary Rounds (1 & 2):

In preliminary rounds 1 & 2, teams will be randomly paired against other teams designated to compete on the same night. Paired teams will be assigned to argue as either the Plaintiff/Prosecution or Defense. Should a school field more than one team, every effort will be made so that they are not all be assigned to the same side of the case. No team will at any time face another team from the same school.

In preliminary round 2, schools will argue the opposite side of the case from the side they argued in round 1. In round 2, no team will face a team from the same school or a team they faced in round 1.

Regional Playoffs:

Only one team from each school may advance to the regional competition. Each region’s coordinator shall determine the number of regional finalists, not less than four, for that region, based on the total number of teams involved in competition.

In the St. Louis region, teams will be chosen for the regional competition by their cumulative performance in rounds 1 & 2. Each region should attempt to follow this pattern closely. A region may deviate from this pattern at the discretion of the regional coordinator according to the needs of that particular region.

The best possible win-loss record after preliminary rounds 1 & 2 is two wins and zero losses. The highest number of ballots a team can receive after preliminary rounds 1 & 2 is six. The highest possible points total after preliminary rounds 1 & 2 is 560.

The following table is an example of some possible scoring outcomes and rankings after preliminary rounds 1 & 2.

TEAM	1ST OPP	W-L	BALLOTS	2ND OPP	W-L	BALLOTS	TOTAL W-L	TOTAL BALLOTS	PTS DIFF
A	J	1-0	3	I	2-0	3	2-0	6	137
B	I	1-0	3	F	2-0	2	2-0	5	118
C	H	1-0	2	J	2-0	3	2-0	5	109
D	G	1-0	3	E	1-1	1	1-1	4	107
E	F	0-1	1	D	1-1	3	1-1	4	101
F	E	1-0	2	B	1-1	1	1-1	3	96
G	D	0-1	1	H	1-1	2	1-1	3	90
H	C	0-1	0	G	0-2	1	0-2	1	82
I	B	0-1	0	A	0-2	0	0-2	0	67
J	A	0-1	0	C	0-2	0	0-2	0	62

In the St. Louis region, the top 16 schools based on the criteria in Rule 5.5 will advance to the regional competition. There will be two rounds in the regional competition. Each team advancing to the regional competition will try both sides of the case. In round 1 of the regional competition, teams will be randomly paired and assigned to the

Plaintiff/Prosecution or Defense side of the case. The “power protect” method of pairing teams will no longer be used at the St. Louis regional competition. Each team will try the opposite side of the case against a different opponent in round 2 of the regional competition. Schools that met in the preliminary rounds will not be paired against each other in the regional competition. Ballots from round 1 of the regional competition will not be provided to the teams until after the conclusion of round 2 and the announcement of state qualifying teams.

The Missouri High School Mock Trial State Championship Tournament:

16 schools will participate in the state championship tournament. Only one team from each school may advance to the state championship tournament. Each region will be represented at the state tournament by a number of schools not less than 1, and not more than 10, relative to the percentage of schools that region has registered in the overall state competition by the entry deadline. For example:

If region A has 60% of the schools registered by the entry deadline, Region B has 21%, Region C has 11% and region D has 9% then Region A will send 8 schools, Region B will be represented by 4 schools, Region C will send 2 schools, and Region D will send 2.

Every team advancing to the state championship tournament will have the opportunity to participate in at least two preliminary rounds of competition, trying both sides of the case. Pairings and sides for the two preliminary rounds will be chosen randomly, with every effort made to have each team face a team outside its region during at least one of the preliminary rounds. No two schools will be paired against one another for a second time in the preliminary rounds.

After the preliminary rounds of competition, eight teams will advance to the state championship quarterfinal round based on the scoring criteria in Rule 5.5. Ballots from the preliminary rounds of competition at state will not be provided to the teams until the announcing of the quarterfinals. Teams advancing to the quarterfinal round will be seeded based on their performance in rounds 1 & 2. The seeding will be 1-8 and will be based on a standard bracket style format. After this initial seeding, teams will not be reseeded, or reshuffled. Advancement will be based on wins, and pairings will be based on who else advances. Plaintiff/Prosecution and Defense sides of the case from this point forward will be determined by a coin toss. The following is the format that will be used starting in the quarterfinal round of the state championship tournament with an example:



The four winners of the quarterfinal round will then compete in a semi-final trial. The winners of the semi-final round will then meet in a final trial to determine the team that will advance to the National Championship.

The regional coordinator for the region hosting the state championship tournament is responsible for making arrangements to have available an alternate team to compete in the event of a forfeit. This team should be the team next in line to advance to the state championship tournament from that particular region. This team should be prepared to compete so as to avoid a bye/forfeit situation. If there is a situation where a bye results at the state championship tournament, any team that receives a bye and advances to the quarterfinal round must present the side of the case that it did not already present during the preliminary rounds of the state championship tournament.

A team winning the state championship tournament shall notify the state coordinator by close of business the Tuesday following said tournament (within 48 hours) that they plan to compete at the National Championship on behalf of the State of Missouri. If the winning team does not so notify the state coordinator, the runner-up team will be notified that they are representing the State of Missouri at the National Championship. If the winning team does so notify the state coordinator and then does not attend the National Championship, that team may not compete at the state championship tournament the following year.

National Championship:

The National High School Mock Trial Championship will take place the first week in May (or as otherwise scheduled). The case and rules for the National Competition will be provided to the Missouri state champion in April after the state championship tournament has concluded and materials are released.

Rule 5.7 — Selection of Sides for Advanced Rounds of State Championship Tournament

The state coordinator will randomly select which side of the case each team will try for the first preliminary round of the state championship tournament. All teams will try the opposite side in the second preliminary round. The pairings for the preliminary rounds of the state championship tournament will be chosen randomly by the state coordinator, with every effort made to have each team face a team outside its region during at least one of the preliminary rounds. After the preliminary rounds, the Plaintiff/Prosecution and Defense sides will be determined by a coin toss to be called by the team with the best record based on the criteria in Rule 5.5. The winner of the coin toss will decide which side they want to try. If two schools meet that have faced one another previously that year, they must try the opposite side of the case from their first meeting.

Rule 5.8 — Effect of Bye/Default/Forfeit

A "bye" becomes necessary when an odd number of teams are present for any given round. The goal is to avoid byes where possible. If a bye cannot be rectified before a preliminary round, every effort shall be made to provide the team receiving the bye the opportunity to compete in that round at a later date. This may entail the round 1 bye team competing against the round 2 bye team, or seeking a volunteer team to compete again with the ballots only counting for the bye team and not the volunteer team.

If the bye cannot be rectified, the team receiving a bye will, by default, receive a win and three ballots for that round. The team will also receive the point differential and total points that equal the average of the other winning teams in that round.

A team that forfeits (causes a bye) will receive a loss, 0 ballots and the lowest negative point differential for that round.

The state or regional coordinator as applicable has the discretion on how to handle a bye in all rounds of the tournament.

F. Dispute Resolution

Rule 6.1 — Reporting a Rules Violation Inside the Bar

Disputes involving students competing in a competition round that occur within the bar must be filed immediately following the conclusion of the trial round. Disputes must be brought to the attention of the presiding judge at the conclusion of the trial.

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

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

Rule 6.2 — Dispute Resolution Procedure

The presiding judge will review the written dispute and determine whether the dispute should be heard or denied. If the dispute is denied, the judge will record the reasons for this, announce his/her decision to the court, retire to complete his/her ballot, and turn the dispute form in with the ballot. If the judge feels the grounds for dispute merit a hearing, the form will be shown the opposing counsel for their written response. After the team has given its response to the presiding judge, the judge will ask each team to designate a spokesperson. After the spokespersons have had time (not to exceed three minutes) to prepare their arguments, the judge will conduct a hearing on the dispute, providing each team's spokesperson three minutes for arguments. The spokespersons may be questioned by the judge. At no time during this process may team teachers or coaches communicate or consult with the participating students. After the hearing, the presiding judge will adjourn the court and retire to consider his/her ruling on the dispute. That decision will be recorded in writing with no further announcement.

Rule 6.3 — Effect of Violation on Score

If the presiding judge determines a substantial rule violation has occurred, the judge will inform the evaluators of the dispute and provide a summary of each team's argument. The dispute may or may not affect the final scores depending on the discretion of the evaluators.

Rule 6.4 — Reporting a Dispute or Rule Violation Outside the Bar

Disputes, involving people other than student team members and occurring outside the bar during a trial round, may be brought by a teacher or attorney-coach exclusively. Such disputes must be made promptly to either the state or regional coordinator as applicable or

one of the mock trial co-chairs, who will ask the complaining party to complete a dispute form if anything other than a warning may result. The state or regional coordinator as appropriate or mock trial co-chairs will (a) notify all pertinent parties; (b) allow time for a response, if appropriate; (c) conduct a hearing, if appropriate; and (d) rule on the charge. The judging panel in the affected courtroom may be notified and included in these proceedings if deemed appropriate by the state or regional coordinator as applicable or mock trial co-chairs.

The outcome of an outside the bar dispute will not affect the score or outcome of a trial. Disciplinary action may be taken against the team in violation at the discretion of the state or regional coordinator as applicable or the mock trial co-chairs.

G. Rescheduling

Rule 7.1 — Snow/Inclement Weather

If there is **ONE** school, in the region that is competing, that has called off school for inclement weather on the day of the competition, the competition will be cancelled for that day and moved to the same day the following week. Schools will be contacted early to inform of a cancellation.