



# LOCAL RULES

**Amended 9/30/2024**

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 Bar Association of Metropolitan St. Louis with support from the Lawyers Association of Kansas City Young Lawyers Section and the Springfield Metropolitan Bar Association and is financially supported by the Saint Louis Bar Foundation and the Missouri Lawyer Trust Account Foundation.*

## **Change History**

### **9/30/2024**

- Rule 2.1 (The Problem) updated.
- Rule 2.2 (Witnesses Bound by Statements) updated.
- Rule 2.3 (Unfair Extrapolation) updated.
- Rule 3.1 (Team Eligibility) updated.
- Rule 4.3 (Reading into the Record) updated.
- Rule 5.2 (Composition of Judging Panels) updated.
- Rule 6.1.A (Reporting a Rules Violation Inside the Bar) updated.
- Rule 6.3 (Effect of Violation on Score) updated.
- Rule 7.1 (Snow/Inclement Weather) updated.
- Appendix A (Examples of Fair and Unfair Extrapolation) added.

### **11/1/2021**

- References to binary gender removed and replaced with they/them/their.
- Clarified Rule 4.11 pertaining to marking of exhibits during virtual competition.
- See Supplement: COVID-19 Mitigation Rules for In-Person Trials at <http://www.momocktrial.org>.
- See Supplement: Coach of the Year Award at <http://www.momocktrial.org>.

### **12/9/2020**

- Rule 4.16 revised to permit sitting during virtual trials.

### **12/7/2020**

- Addition of rules for Virtual Competition.
- Rule 5.6 updated for 2021 competition.

### **11/15/2018**

- Rule 2.2 modified to state that witness statements are considered full and complete.
- Rule 4.14 modified to clarify permitted position of video cameras for recording trials, and added prohibition against posting photos or videos of students without permission.
- Rule 5.2 modified to require schools to provide a scoring volunteer for each round of competition, and requires the Regional Coordinator to be informed one week prior to competition of who the volunteer will be and that person's cell phone number.

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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](http://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 preliminary round 1. The first set of clarifications will be distributed and posted online 10 days before preliminary round 1. Teams will have an opportunity to submit questions after preliminary round 1 until two weeks before preliminary round 2. A final clarification will be distributed and posted online 10 days before 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.A — 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 1.3.B — Emergencies - Virtual Competitions**

In the event of technical difficulties during the trial in a virtual competition, the presiding judge has the discretion to declare a brief recess 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 compete due to technical difficulties." Teams shall advise the Regional Coordinator of any emergency substitution following the round of competition.

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

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

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

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

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

In the event that a technical emergency prevents an entire team from completing in part or all of a round, the presiding judge has the discretion to declare a recess of up to 15 minutes, to allow that team to reconnect, either via video or by connecting on audio-only via telephone. If reconnection is impossible, a forfeit shall be declared in favor of the team that maintains its connection. If at least five witnesses have been subject to cross-examination, the Regional Coordinator or their designee may in their sole discretion complete the ballot, assigning scores equal to their average score on all segments that could not be completed by the disconnected team and a “10” to the team that remained connected.

No student or team may feign technical difficulty or invoke the technical difficulty rule for purposes other than a genuine technical difficulty. Such an act would violate the Rules of Competition and Missouri High School Mock Trial Program Code of Conduct, and may be sanctioned at the discretion of the Regional Coordinator or their designees through point deductions or other means up to and including disqualification from the competition.

#### **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.

### **Rule 1.5 - Check In procedure for Virtual Competitions**

BAMSL will have two or more separate check-in hosting sites for preliminary rounds, and one for all later rounds (e.g., state championships). Each team will be provided the link to the host site to which they are assigned for each round. **DO NOT USE A LINK SENT TO ANOTHER SCHOOL, OR YOU MAY NOT BE ABLE TO JOIN YOUR TEAM!**

Team Members are to log in to their host site at 5:00 pm on the evening of their competition. The team number should be displayed as the username displayed on the screen. Hosts will have break-out rooms for each trial, and need to manually assign each person joining the host site. The reason for using team numbers is to speed that process along. Participants must change their username once they have entered their break-out room to conform to the naming requirements set forth in these rules.

*For example, Jane Smith competes for Acme High School, which has a team number 123. When Jane logs into the competition, they should display "Team 123" as their name. Once they are assigned to a break-out room for the competition by the host, they should change their display name to "Jane Smith." Students portraying witnesses should display their witness's name.*

Judges will be placed into their own break out room upon logging in to the host site. At 6:00 pm, the judges will undergo a brief orientation before being assigned to trials. Trials will begin once the trial judge and evaluators have joined their trial.

Observers are permitted to watch trials subject to the rules prohibiting scouting. Teams are responsible for providing the link to the correct host site. Observers also need to display the team number for the team they wish to observe, but should not in any circumstances display the school name. BAMSL reserves the right to remove any observer from the host site or from any break-out room and to refuse admittance to a break-out room. Observers and other spectators are required to remain muted for the entirety of the competition, without exception.

## **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. No case law, statute, or regulation not specifically included in the problem may be referenced at trial.

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 any gender. 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 their own witness statement, the Statement of Facts, if present, and any necessary documentation relevant to their 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.

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

All witness statements contained in the problem are considered to be full and complete, unless the problem specifically indicates otherwise. All witnesses are presumed to have had an opportunity, at the time they make their statement to add any other facts, details or opinions they wished. All witnesses 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.

Likewise, the attorney impeaching the witness should handle any inconsistency between a witness's testimony and the witness's statement or deposition by specifically questioning the witness on this inconsistency. If a witness's testimony rises to the level of unfair extrapolation, the opposing lawyer may choose to impeach the witness by pointing out that the testimony is inconsistent with the witness's statement or deposition (preferred) or object to the testimony as set forth in Rule 2.3.

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**

Fair extrapolations based upon the witness's statement may be allowed. A fair extrapolation is one that is neutral and can be reasonably inferred from the information in the witness's statement. An unfair extrapolation is one that has no basis in the witness's statement from the problem and has been invented by the witness in order to strengthen their testimony.

Unfair extrapolations are best attacked through impeachment of the witness and closing argument. All objections to unfair extrapolation are to be dealt with in the course of the trial.

If a witness is asked information not contained in the witness's statement, the answer must be consistent with the statement and may not materially affect the witness's 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." Such an objection must be lodged at the time the testimony is elicited. Consistent with the other rules contained herein, no objection to unfair extrapolation may be made during or immediately following opening statement or closing argument and any objection should be made at the time the team attempts to elicit the unfair extrapolation during witness testimony.

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 whether an extrapolation is fair or unfair is final. When an attorney objects to an extrapolation, the judge will rule in open court to clarify the course of further proceedings. If the presiding judge finds the extrapolation is unfair, the extrapolation is deemed inadmissible and may be stricken from the record by appropriate motion. No party may then rely on the inadmissible fact in any other part of the trial. *The presiding judge may not direct the evaluators to deduct points from any team, but the evaluators may decide to do so as part of their evaluation.*

Attorneys should not ask questions calling for information outside the scope of the case materials or requesting an unfair extrapolation. An attorney who asks a question on cross or re-cross examination that requires an answer outside the scope of the witness's affidavit is bound by the answer given by the witness, subject to the following limitation:

It is presumed that a witness has identified each material action that the witness took and each material fact that the witness considered. Accordingly, a witness who has not

identified an action taken or a fact considered in the witness's statement may not, upon cross-examination, claim to have taken a material action or considered a material fact.

See Appendix A for examples of fair and unfair extrapolation.

### **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.

Teams are required to submit the pronouns 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 typically be allowed to merge with another school except at the sole discretion of the state coordinator for the purpose of ensuring students are able to participate in the program.

Teams may consist of students who have participated in mock trial in prior seasons. 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, unless an emergency arises under Rule 1.3.B above.

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, except in the event of an Emergency under Rule 1.3.B:**

- 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, except in the event of an Emergency under Rule 1.3.B:**

- 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.A — Team Roster for In Person Competitions**

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. Before beginning a trial, the teams must exchange copies of their Team Roster & Duties Form. Copies of the Team Roster & Duties Form should also be made available to the presiding judge and evaluators at the start of each trial. The form should identify the gender of each witness so that references to such parties will be made in the proper gender.

Teams must be identified only by their assigned code. No information identifying team origin shall appear on the form. 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.

### **Rule 3.5.B — Team Roster for Virtual Competitions**

Copies of the Team Roster & Duties Form must be completed and submitted to the Regional Coordinator and to the opposing team's coach 24 hours before each round of the competition. Copies of the Team Roster & Duties Form will be made available to the presiding judge and evaluators at the start of each trial by the Regional Coordinator or their designee. The form should identify the gender of each witness so that references to such parties will be made in the proper gender.

Teams must be identified only by their assigned code. No information identifying team origin shall appear on the form. 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 For In Person Competitions**

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 4.1.B - Virtual Courtroom**

For a virtual competition, each participant will log into the virtual platform separately from a normal personal computer, tablet, cellular phone, or similar device. At a minimum, each of a participating attorney, witness, and timekeeper shall utilize an individual device. Each participating attorney shall use their own name as their screen name, each witness shall use their character name, and each timekeeper shall use the screen name “timekeeper.”

Once the trial begins, only the trial judge and participants who are competing in a particular trial segment will have their camera turned on and all others, including both participants and non-participants shall mute themselves. All team members who are not actively participating in that trial segment must have their cameras turned off and microphones muted, 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.

No virtual backgrounds will be permitted while cameras are on. The background displayed while cameras are off for both participants and non-participant observers must not include any indication of any school affiliation. Participants are responsible for the environment behind them while cameras are on. Witnesses and attorneys may have points deducted if evaluators have difficulty hearing them because of excessive background noise.

BAMSL will provide the virtual platform to be used during competition. The default platform is Zoom, but the platform may be changed in its sole discretion. BAMSL will not provide access to Zoom except during competition, and teams are responsible for obtaining licenses and access to virtual platforms for practice.

Participants are responsible for being familiar with the settings on the virtual platform supplied by BAMSL for virtual competition.

#### **Rule 4.2 — Stipulations**

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

#### **Rule 4.3 — Reading into the Record**

Stipulations may be referenced or read to the jury at any time deemed appropriate by the presiding judge once the trial has begun.

Neither the indictment, petition, pleadings, nor the jury instructions may 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?"

For a virtual competition, all witnesses will be deemed to be sworn.

#### **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 their discretion. Should a recess be called, teams are not to communicate with any observers, coaches, or instructors.**

#### **Rule 4.6 — Timekeeping**

For in Person Competitions, 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.

During a virtual competition, after each witness, timekeepers shall confer using the “chat” or similar feature regarding how much time remains for each team. The timekeepers must signal time by posting the permitted time signals in the chatroom function of the virtual competition platform. The timekeepers also may display Time Remaining cards by activating their camera to do so.

Students keeping time may use stopwatches or cellular phones. Any cellular phone used for timekeeping must be kept in airplane mode and silenced during the duration of the trial round.

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 are not permitted in either in-person or virtual competitions. Objections are deemed to have occurred at sidebar.

#### **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 they are 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 them 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. For a virtual competition, teams may use functions in the online platform to mark on an exhibit once it has been admitted. The admitted version of the exhibit without markings is the version that has been admitted into evidence and the markings are not considered part of the exhibit. 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 except for the addition of an Exhibit sticker and as outlined above.** 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. The Prosecution or Plaintiff shall use numbers (e.g., 1, 2, 3) and the Defendant shall use letters (e.g., 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.**

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

#### **Rule 4.12 — 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 and no participant may communicate with a witness while that witness is testifying other than through the course of that witness's questioning. 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.

During a virtual competition, no team member, coach, or judge nor students 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, without exception.

During a virtual competition, only participating team members may communicate with one another. The participating team members may use computers, cellular telephones, or other devices to facilitate this communication. Team members are not permitted to consult with coaches, parents, other students or any other person during the trial.

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 their 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 scoring evaluator's score sheet for a total of a ten-point deduction.

#### **Rule 4.13 — Viewing a Trial**

Team members, alternates, coaches, teachers, 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**

For virtual competitions, no team may record any part of a trial, either using the record function embedded in the virtual platform, nor with video capture of their computer screen.

For in person competitions, and 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 and the video camera is positioned behind the bar (not in the jury box or within the well).

Any team, or any representative or parent associated with a team or school, that records or photographs pursuant to this Rule 4.14 shall not post any video or photograph to any social media or publicly available website (e.g., Facebook, Instagram, Twitter, etc.) without the consent of everyone in the photograph or video.

BAMSL and the state or regional coordinator, as applicable, reserve the right to take still photography and/or video recordings of trials in progress for its use and publication. 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. For in Person Competitions, Evaluators are required to sit in the jury box if available and shall not discuss matters during trial. For virtual competitions, the Trial Judge and Evaluators shall keep their cameras on, but microphones muted.

#### **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.

For virtual trials, student attorneys may elect to stand or remain seated for all parts of the trial.

#### **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.A — Use of Notes/Electronic Equipment for In Person Competitions**

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 the 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 4.19.B — Use of Notes/Electronic Equipment for Virtual Competitions**

Witnesses are not permitted to use notes while testifying during the trial. Witnesses should be able to paraphrase their testimony based on their statements.

The participating team members may use computers, cellular telephones, or other devices to facilitate their performance and communication with one another, but in conformance with the other Rules.

#### **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.

#### **Rule 4.24.A — Procedure for Introduction of Exhibits – Generally**

As an example, the following steps effectively introduce evidence:

1. All evidence will 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?" The 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 4.24.B — Procedure for Introduction of Exhibits – Special Rules for a Virtual Competition**

During a virtual competition, the procedure in Rule 4.24.A should 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?" The 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.

**SCREEN SHARING OF AN EXHIBIT MUST BE TAKEN DOWN AT THE END OF THE DIRECT OR CROSS IN WHICH IT WAS USED**

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.
8. The default setting for screen sharing will be to permit any participant to use it. However, screen sharing can be abused by the display of inappropriate materials. In the event screen sharing must be turned off during a trial, students should have back-up copies of exhibits ready to display to the camera. Trial judges and state and regional directors can remove anyone who misuses the share screen function from the competition.

## **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 should 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 should be in each trial. While it is preferable that the scoring evaluators have at least a bachelor's degree, the regional committees and statewide committee reserve the right to enlist college students with college mock trial experience so long as those college students did not compete in the Missouri High School Mock Trial Competition the year before they serve as scoring evaluators. The presiding judge shall be an attorney.

Regional coordinators will use their best efforts to recruit enough volunteers to provide a judging panel of at least three individuals for each trial. However, to ensure that each trial has a judging panel of at least three individuals, each school that enters the mock trial competition must provide a volunteer to serve as a scoring evaluator ("school volunteer") for each round of competition, including the Regional and State Championship rounds. Should a school choose to have 3 or more teams in preliminary rounds 1 and 2, the school must provide 2 school volunteers for each of preliminary rounds 1 and 2. For future rounds, every effort will be made so that the school of any selected school volunteer will not be scheduled against any school the school volunteer has evaluated, not including the state tournament. Such school volunteer shall not discuss

the trial they evaluated with any teachers, coaches, or students of their own team. The school volunteer should be present in the volunteer meeting room and ready for assignment to a trial at the same time as the other volunteers. A team's teacher or attorney coach may serve as the school volunteer. In the regional rounds, with advance notice and with the permission of the regional coordinator, a school volunteer may serve on a night when their own team is not competing.

One week prior to each scheduled round, the teacher or attorney coach must email the regional coordinator with the name and cell phone number of the school volunteer(s) that will serve as scoring evaluator(s).

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.

The regional committees and state committee will use their best efforts to ensure that presiding judges and scoring 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.

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

If the technical or other emergency impacts the presiding judge, a designated scoring judge 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 — 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 they have 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.

#### **A. 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 of a team they faced in round 1.

#### **B. 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.

### **C. The Missouri High School Mock Trial State Championship Tournament:**

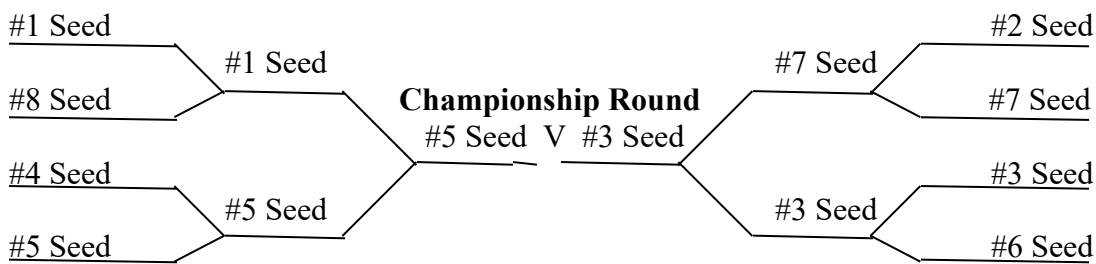
16 schools will participate in the state championship tournament. Only one team from each school may advance to the state championship tournament. Each region will be represented at the state tournament by a number of schools not less than 1, and not more than 10, relative to the percentage of schools 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.

**D. 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.A — 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 and before the scoring evaluators leave the room to deliver their ballots.

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 6.1.B — Disputes at the Conclusion of the Trial – Virtual Competitions**

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

### **Rule 6.2 — Dispute Resolution Procedure**

The presiding judge will review the 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 their decision to the court, retire to complete their 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 their 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 scoring evaluators. *The presiding judge may not direct the evaluators to deduct or add points to any ballot as such decision is solely within the discretion of the scoring evaluators except in the case of a violation under Rule 4.12.*

### **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 proceeding 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**

For in person competitions, 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, as scheduling permits. Schools will be contacted as early as possible to inform of a cancellation and rescheduling.

For virtual competitions, the competition will be cancelled only at the discretion of the regional or state coordinator, as applicable.

## Appendix A – Examples of Fair and Unfair Extrapolation

*This section is for information purposes only and cannot be the basis of an objection.*

- If a police officer is testifying and the officer's statement is silent as to whether the officer searched the stairwells of a building for blood, and the officer is asked on cross-examination whether the officer did so, the officer may not state that the officer did such a search or the purported results of such a search.
- However, in the foregoing example, if the officer states that the officer searched the stairwell but does not expressly state whether the officer found blood there, it is a fair extrapolation to testify that the officer found no blood in the stairway as finding blood would have been worthy of remark.
- If an expert witness is testifying and the expert's statement is silent as to whether the expert considered a fact contained in a bank statement accompanying the case as an exhibit, and the expert is asked to confirm on cross-examination that the expert did not consider that fact, the expert may not claim to have considered it.
- If a witness is testifying and the witness's statement is silent as to whether the witness spoke with a third party about the case, and the testifying witness is asked on cross-examination to confirm that the witness never asked that third party for information, the witness may not claim to have gotten information from that person or to have heard that person's side of the story.
- If a witness's statement states that the witness's responsibilities included managing an intern program and evaluating interns, it is a fair extrapolation for that witness to testify that the witness met with each intern to discuss their work and issues that arose in the office. It would be an unfair extrapolation for the witness to testify that an issue unique in the case to one intern was widely shared or to describe an account from such a meeting that affects the credibility of any witness.
- If a question in the case is whether a particular witness feared someone, and there is testimony in the case that that individual had a license to carry a concealed firearm, it is a reasonable extrapolation for a witness to testify that the individual could be armed without that fact being immediately obvious to someone observing the individual. It is an unfair extrapolation that the allegedly armed individual was routinely armed or was armed at a particular place and time, unless some indication of that fact appears in the case materials.
- If an emergency room physician is testifying and is asked about a question of pathology (the specialty of diagnostic study of tissues removed from the body), the physician may testify that the physician was trained in anatomy, autopsy, and pathology in medical school, because these subjects are covered as a routine part of

any medical school curriculum. The physician may not testify to being trained specially in pathology, publication about pathology, or to any experience performing pathological analysis since that time unless such facts are present in the witness' statement.

- Similarly, it would be a fair extrapolation for an urban emergency room physician to testify that the physician routinely diagnoses and treats traumatic injuries, violent injuries, injuries from vehicular collisions, psychiatric breakdowns, seizures, heart attacks, or high fevers of unknown source, because these are typical matters for which individuals are treated in emergency rooms in urban centers. It would be an unfair extrapolation for that witness to testify that the physician routinely treats cancer, multiple sclerosis, or unusual genetic disorders.
- If a witness in the case is a police officer, it is a fair extrapolation that that witness has basic training in the use of firearms, securing crime scenes, basic criminal law and procedure, interrogation of witnesses, taking fingerprints, and hand-to-hand control/restraint techniques, because these subjects are part of basic police training. It is an unfair extrapolation that the witness is a crime scene investigator capable of performing fiber analysis, a fingerprint analyst capable of matching fingerprints, or knows the details of exceptions to the Fourth Amendment's warrant requirement unless such facts are present in the witness' statement.
- Similarly, if the case provides that the witness has been a police officer for over a decade, it would be a fair extrapolation for that witness to testify that the officer has made numerous arrests and interviewed many individuals, because these are matters common to policing. However, it would be unfair for the same officer to testify that the officer had investigated numerous instances of a particular crime (especially a less common crime such as arson, securities fraud, or bribery) or interviewed a particular witness or type of witness many times if that is not mentioned in the statement.
- By contrast, if the case establishes that the officer worked in a securities fraud unit for over a decade, it is a fair extrapolation that the office has investigated numerous allegations of securities fraud and has interviewed numerous individuals about such matters. However, it would still be unfair to extrapolate that the officer has interviewed particular individuals in the past or has investigated a particular kind of fraudulent scheme, unless that fact is drawn more particularly from the case materials.