ARKANSAS HIGH SCHOOL MOCK TRIAL RULES OF COMPETITION

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INTRODUCTION

The Arkansas High School Mock Trial Competition is an educational activity designed to promote a better understanding of the legal process and to encourage the development of analytical and communicative skills. Although some students who participate may have chosen or will choose to pursue a career in law, our objectives include the following:

- To recognize the vital importance of the U.S. Constitution and its vital relationship to our state constitution.
- To further an understanding of the law, court procedures and our legal system.
- To promote better communication and cooperation among legal professionals, educators, students, and community participants.
- To increase the understanding of the dynamic nature of constitutional liberties for teacher and student participants, as well as for the friends, parents, and community members who will attend competition.
- To increase students' proficiency in basic life skills such as listening, speaking, reading, and reasoning.
- To motivate and recognize students' academic and intellectual achievements.
- To heighten career consciousness of law-related professions.

The competition is, first and foremost, an exposure to the functions of our legal system. It is also an exercise in communication and the art of advocacy, which is based on our adversary system of justice. This system is based on the belief that the court will be better able to make a well-informed decision by hearing a vigorous and zealous presentation of each side of the case.

The competition is not a speech or debate tournament, and it is not a dramatic presentation, although some lawyers use elements of all three in their style. First, understand the mechanics of trial and the function of each part. Then try to blend the parts into an overall presentation that effectively conveys your position. Style, voice, diction, and the like are all valuable tools–but their merit is lost unless the Court understands your overall message and is persuaded to agree with you. It is extremely important to bear in mind that our judicial system, like this competition, is run by people and therefore subject to individual interpretations. Unexpected obstacles during a trial are the rule rather than the exception. Being prepared to deal with the unexpected is a critical part of being prepared for the competition and life in general.

All trials will be governed by the Rules of the Competition and the Rules of Evidence as presented in these materials.

Questions or interpretations of these rules prior to the competition are within the discretion of the Arkansas Bar Association Mock Trial Committee, whose decision is final. During competition, interpretation of these rules rest with the presiding judges, but are subject to review by the Arkansas Bar Association Mock Trial Committee.

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Article 1 Administration

Rule 1.1 Rules

Rule 1.1.1 Rules Generally

The Arkansas High School Mock Trial Rules of Competition and the Arkansas High School Mock Trial Rules of Evidence govern the competition. These rules are designed to ensure excellence in presentation and fairness in judging in all trials. These rules should be studied carefully before competition.

The Rules of Competition may contain Commentary. Any Commentary serves the purposes of explaining the rationale when adopting the rule and providing guidance to participants in interpreting the rule; however, such Commentary is not part of the Rule itself. In the unusual event of a conflict between the Commentary and the accompanying rule, the rule prevails.

Commentary to Rule 1.1.1: The policy of the Mock Trial Committee is to have the Arkansas rules mirror the National rules to the greatest extent possible. There are places in our rules marked "[Reserved]." These will generally be places where the National rule has been omitted in its entity from the Arkansas rules. In most cases, the omission will be because the National rule does not apply to the Arkansas Competition.

Rule 1.1.2 Clarification of the Rules and Case Materials

A. Questions or interpretations of the Rules of Competition and Rules of Evidence are within the discretion of the Mock Trial Committee.

B. Any clarification of the Rules of Competition, the Rules of Evidence, or the case materials will be issued in writing to all participating teams in a timely manner.

Rule 1.1.3 Inclement Weather or Competition Emergency

A. If the Mock Trial Committee determines, in its sole discretion, that inclement weather or another event endangers or compromises the date selected for the competition, it may reschedule the competition for a later date.

B. A rescheduled competition may include alterations to the number of days, number of rounds, number of judges used per round, structure of the competition, and other rules, as the Mock Trial Committee may determine.

C. If the Mock Trial Committee determines that it is not feasible to reschedule the competition, the competition shall be cancelled.

Rule 1.1.4 Definitions

Under these Rules of Competition, the following terms have the following meanings:

A. "Ballot" means the decision made by a scoring judge as to which team made the best presentation in the round.

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B. “Coach” means any individual who has been registered as a coach of team for a school competing in the competition (including, but not limited to, teacher-coach and attorney-coach).

C. “Competing team member” means an individual who will compete in one or more rounds of the competition.

D. “Competition” means the Arkansas High School Mock Trial Competition for that competition year.

E. “During the competition” means arising between the start of registration on the first day of the competition and the conclusion of the Championship Round.

F. “Mock Trial Committee” means the Arkansas Bar Association Mock Trial Committee and/or its designee(s).

G. “Participant” means any individual attending any activity as a part of the competition, including team members, coaches, and observers. All references in the Rules to “participation” and “participating” include attendance at and any action that is part of the competition.

H. “Problem” means the original fact pattern distributed by the Mock Trial Committee, which may contain any or all the following: statement of facts (i.e., a separate statement of facts agreed to for the case); any legal summaries provided; civil pleadings (e.g. complaint, answer, counterclaim, etc.); criminal charging documents (e.g. indictment, presentment, etc.); stipulations (which may not be disputed at trial); witness statements; jury charges; orders/rulings; and exhibits. The “Problem” does not include the case introduction; authors’ note; messages directed to competing teams; a case summary meant to be read by parents, media, or others that is not agreed facts; or other introductory or prefatory materials unless specifically noted to be part of the problem to be used in the trials.

I. “Rules of Competition” means the Arkansas High School Mock Trial Rules of Competition.

J. “Rules of Evidence” means the Arkansas High School Mock Trial Rules of Evidence.

K. “Score Sheet” means the form on which points are recorded by a scoring judge.

L. “Trial Segment” means a self-contained portion of the trial: an opening statement, a closing argument, or a witness examination (including the direct examination, cross-examination, and any redirect or recross).

Rule 1.2 Code of Conduct

Rule 1.2.1 Application

A. The Rules of Competition, as well as proper rules of courthouse and courtroom decorum and security, must be followed by all participants.

B. All teams are responsible for the conduct of participants associated with their teams throughout the competition, and any conduct by a participant associated with a team will inure to that team.

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Rule 1.2.2 Dress and Conduct of Participants

A. Competing team members should be properly attired for attending court. Team members should be aware that appearance creates an impression and should dress accordingly.

B. No food or drinks (except water) are allowed in the courtroom. Cell phones and other distracting devices should be silenced and put away for the duration of the round.

C. Public facilities are on loan for the competition and should be left as clean as possible at the end of each round.

Rule 1.2.3 Code of Conduct Violations

A. The Mock Trial Committee may impose sanctions on teams or individuals for any misconduct occurring while a team is participating in the competition, flagrant rule violations, and breaches of decorum which affect the conduct of a trial or which impugn the reputation or integrity of any team, school, participant, court officer, judge, or the mock trial program.

B. Sanctions may include, but are not limited to, adjustment of points or standings, disqualification, immediate eviction from the competition, and forfeiture of all fees and awards (if applicable). Only the Mock Trial Committee may impose sanctions of disqualification, eviction, or forfeiture.

Commentary to Rule 1.2: This Rule is meant to remind all participants and observers that part of the educational aspect of the Championship is to learn about the rule of law and civil discourse. Lawyers who appear in a U.S. court are expected to comply with the rules of ethics and to be civil; non-lawyers who appear are also expected to tell the truth and to provide due respect to the Court. This Rule is meant to encapsulate this concept.

Rule 1.3 Effect of Violations of Rules on Scoring

A. Scoring judges may consider in their scoring any violation of these Rules or the Code of Conduct that they observe or a team raises. Other sanctions may be imposed by the Mock Trial Committee regardless of whether scoring judges have included the violation in their scoring.

B. Whether a rule has been violated and the manner in which to assess that violation are left to the sole discretion of each scoring judge. Scoring judges are not bound by the decision of a presiding judge regarding whether there has been a violation of these Rules or the Code of Conduct.

C. To the extent that a rule provides for a specific penalty or otherwise conflicts with this rule, that rule controls.

Rule 1.4 Relationship to Other Laws; Accommodations

A. The Rules of Competition will be interpreted and administered consistent with all applicable laws. Accordingly, should any applicable law require variance from these rules or accommodation of any competitor for any reason, their coach may apply to the Mock Trial Committee for accommodation.

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B. The Mock Trial Committee shall provide reasonable accommodation, including those required by applicable law, for Competing team members upon timely request, preferably no later than two weeks prior to the start of Competition. These accommodations may include adjustment of the Rules of Competition where appropriate.

C. Where possible, teams competing against the team for which an accommodation was granted shall be informed of the accommodation in advance of a Competition round but will ordinarily not be informed of the specific nature of the issue that led to the accommodation.

Rule 1.5 [Reserved]

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Article 2 Teams

Rule 2.1 Team Eligibility

A. All team members must be a 9th-12th grade student enrolled full time in a public or private school in the State of Arkansas or a home-school student registered as such with the State of Arkansas. Schools should verify their eligibility to compete in non-athletic events with the Arkansas Activities Association.

B. Each school is permitted to register up to three (3) separate teams in the competition.

C. If a school registers more than one (1) team, each team must be composed entirely of different students.

D. Teams from the same school will be treated separately for purposes of the competition, except as otherwise provided in the Rules.

E. Each participating school must have a teacher sponsor, attorney coach, or other adult designed by the school present and responsible for all team members at all times during the competition.

F. Each team shall pay a registration fee, to be established by the Arkansas Bar Association. This fee shall be nonrefundable after the registration deadline.

Commentary to Rule 2.1: This rule governs eligibility for the state competition. The National rule is substantially different, though teams that are eligible for our state competition are usually eligible for the National Championship. Any team representing Arkansas at Nationals should review National rules to ensure team eligibility.

Rule 2.2 [Reserved]

Rule 2.3 Team Composition

A. Mock Trial Teams consist of six (6) to nine (9) Competing team members.

B. Each team is required to submit a list of the names of its team members. A deadline for submitting the list will be announced on the registration form. The teacher-coach has an affirmative obligation to verify each competitor's eligibility. Submission of a roster constitutes certification that the status of each participant has been verified.

Rule 2.4 [Reserved]

Rule 2.5 Team Duties

A. Each team must present the side assigned to it in each round.

B. Except as permitted during emergencies under Rule 3.6 or technical difficulties under Rule 3.7, in each round:

1. Three Competing team members will serve as attorneys;

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2. Three different Competing team members will serve as witnesses; and

3. A seventh team member, if available, will serve as timekeeper. If a team has only six Competing team members, it must designate two or more of its witnesses to serve as timekeepers in each round. Each timekeeper must meet the requirements set forth in Rule 6.1.

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

Rule 2.6 Team Roster Form

A. The Official Team Roster Form(s) will be provided to each team prior to the competition. Each team must complete the team Roster Form(s) consistent with this rule.

B. Teams must be identified by the code assigned by the committee. Teams shall not knowingly disclose their place of origin to any member of the judging panel.

C. Before the beginning of each round, teams must exchange copies of the Roster Forms and should also provide copies of their Roster Form to the judging panel.

D. Teams may not use or provide the judges or opposing teams with any roster other than the Official Team Roster Form. The Official Team Roster Form may not be modified in any way, including, by way of example, modification to include photographs of, or additional biographical information about, the individuals. Teams may not provide the judges supplemental rosters or other identifying documents.

Rule 2.7 Issues Affecting Team Eligibility

If an issue arising after registration closes would cause a team to be unable to participate because it has fewer than six competing team members:

A. The team must notify the Mock Trial Committee as soon as reasonably practical.

B. The Mock Trial Committee will decide whether the team will forfeit or whether the team may take appropriate measures to continue any trial round with fewer than six competing team members. The Mock Trial Committee may assess a penalty if a team continues with fewer than six members.

C. A forfeiting team will receive a loss, zero Ballots, and points equal to the score of the team that received the fewest points in that round. The non-forfeiting team will be treated as if it received a “bye” pursuant to Rule 10.3.

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Article 3 The Trial

Rule 3.1 Courtroom Setting

Rule 3.1.1 In-Person Competition

A. The prosecution/plaintiff team will be seated closest to the jury box.

B. No team may rearrange the courtroom without prior permission of the presiding judge. If a team is granted permission to rearrange the courtroom, that team shall restore the courtroom to its original condition at the conclusion of the trial round.

Rule 3.1.2 Virtual Competition

A. Each participant is encouraged to log into the virtual platform separately from a normal personal computer, tablet, cellular phone, or similar device. At a minimum, each participating attorney, witness, and timekeeper shall utilize an individual device while those individuals are active in the round.

B. Each participant shall use a screen name formatted according to the protocol established and announced for the competition.

C. Once the trial begins, only participants who are competing in a particular trial segment will have their camera turned on. All team members who are not actively participating in that trial segment must have their cameras turned off, except for timekeepers turning on their cameras to display remaining time consistent with Rule 6.4.2.

D. For purposes of this rule, the witness, direct-examining attorney, and cross-examining attorney must have their cameras turned on for the entire witness examination.

Rule 3.2 Reading into the Record Not Permitted

Neither the indictment nor the charge to the jury will be read into the record. Stipulations will be considered a part of the record and already read into evidence.

Rule 3.3 Jury Trial

The case will be tried before a jury. Preliminary matters, evidentiary arguments, and disputes relating to the Rules of Competition are to be made to the judge. All other case presentations on the merits are to be made to the jury. Teams should address the scoring judges as the jury.

Rule 3.4 Use of Notes

Attorneys may use notes in presenting their cases. Witnesses are not permitted to use notes while testifying during the trial. Attorneys may consult with each other at counsel table verbally or through notes. The use of laptops or other electronic devices is prohibited, except during a virtual competition or as necessary to provide a reasonable accommodation under Rule 1.4.

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Rule 3.5 Name Tags and Name Plates

Unless provided by the Mock Trial Committee, name tags or name plates at counsel table are not permitted. 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 3.6 Emergencies

Rule 3.6.1 Generally

A. During a trial, the presiding judge has the discretion to declare an emergency and adjourn the trial for a short period of time to address the emergency. This includes declaring an emergency if there is a medical incident that affects the trial proceeding or the health and safety of one or more participants.

B. In the event of an emergency, medical or otherwise, the presiding judge or courtroom liaison must notify the Mock Trial Committee as soon as possible.

C. An attempt to feign an emergency, medical or otherwise, violates the Rules of Competition and Code of Conduct and may be sanctioned under Rule 1.2.

D. If the emergency extends beyond one round of competition, the Mock Trial Committee shall have the discretion to determine the rules under which a team proceeds.

Rule 3.6.2 Emergencies Affecting a Team

A. If the emergency is substantially impairing an attorney's or witness's participation in the trial and cannot be resolved, then the trial will continue with another member of the impacted team substituting for the impacted team member.

B. The emergency substitute must be an official team member of the same team as the impacted participant. Rule 4.1 is suspended for purposes of addressing an emergency substitution, a substituting team member portraying a witness may use notes, and a team may compete with fewer than six team members during the round in which the emergency was declared.

C. 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 am substituting for [insert name], who is unable to compete because of an emergency."

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

E. The impacted team member is not permitted to return and compete in the trial segment for which a substitution was made during that round. For clarity, a witness examination consists of direct, cross, any redirect, and any recross. Thus, a team member who requires an emergency substitution for a witness examination may not return and participate until the entire witness examination is completed.

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F. If the emergency is resolved, the impacted team member may return and participate in another trial segment. For example, an attorney who experiences an emergency during their direct examination may return to conduct a cross-examination or closing argument, if the emergency has been resolved.

Rule 3.6.3 Emergency Involving Timekeeper

If the emergency involves a timekeeper or the timekeeper is designated as the emergency substitute, that team shall defer to its opponent's timekeeper for that trial segment. The team whose timekeeper had an emergency may substitute another timekeeper qualified under Rule 6.1 for the remaining trial segments.

Rule 3.6.4 Emergencies Affecting the Judging Panel

A. If an emergency would cause the judging panel to be unable to continue with at least three judges, 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.

B. If the judging panel member is unable to return in a reasonably short period of time, the Mock Trial Committee must be informed.

    1. Once the judging panel composition is adjusted by the Mock Trial Committee to best meet the requirements of the rules, the round should continue.

    2. 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.

C. If the emergency impacts the presiding judge, a designated scoring judge will serve as the presiding judge until the Mock Trial Competition can be informed and can act to adjust the panel composition.

Rule 3.7 Technical Difficulties in a Virtual Competition

Rule 3.7.1 Generally

A. For purposes of this rule, technical difficulties include internet failure, and computer, device, or microphone failure that make it impossible for a team member to compete. Failure of a camera only is not a technical difficulty under this rule. team members who lose internet connection will rejoin the trial using a telephonic connection, if possible.

B. In the event of technical difficulties substantially impairing participation in the trial during a virtual competition, the presiding judge has the discretion to adjourn the virtual trial for a short period of time to resolve the technical difficulties.

C. An attempt to feign a technical difficulty violates the Rules of Competition and Code of Conduct and may be sanctioned under Rule 1.2.

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Rule 3.7.2 Technical Difficulty Involving Attorney or Witness

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

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

C. The presentation will be scored based on the performance by the initial team member and the emergency substitute, taken as a whole. The impacted team member is not permitted to return and compete in the trial segment for which a substitution was made during that round.

D. For clarity, a witness examination consists of direct, cross, any redirect and any recross. Thus, a participant who requires an emergency substitution for a witness examination may not return and participate until the entire witness examination is completed.

E. If the technical difficulty is resolved, the impacted team member may return and participate in another trial segment. For example, an attorney who experiences a technical difficulty during their direct examination may return to conduct a cross-examination or closing argument, if the technical difficulty has been resolved.

Rule 3.7.3 Technical Difficulty Involving Timekeeper

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 6.1 for the remaining trial segments.

Rule 3.7.4 Technical Difficulty Involving Entire Team

A. If the technical difficulty prevents an entire team from competing in part or all of a round, the presiding judge shall declare a recess of up to 15 minutes to allow that team to reconnect, either via video or by connecting on audio-only via telephone.

B. If reconnection is impossible, the Mock Trial Committee may:

1. Declare a forfeit in favor of the team that maintains its connection no sooner than the end of the 15-minute recess, or

2. If at least five witnesses have been subject to cross-examination, may in its sole discretion complete the ballot, assigning scores equal to the disconnected team's average score on all segments that could not be completed by the disconnected team and a "10" to the team that remained connected.

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C. If a technical emergency prevents an entire team from connecting via video, but that team is able to connect via audio-only, the opposing team and all judges shall turn off their video until video connection from both teams has been restored.

Rule 3.7.5 Technical Difficulty Involving Judging Panel

Technical emergencies resulting from the loss of the connection of a presiding or scoring judge shall be handled in accordance with Rule 3.6.4.

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Article 4 Attorney Portrayal

Rule 4.1 Attorney Duties

A. Except as permitted during technical difficulties in a virtual competition, the attorney duties for each team will be divided as follows:

   1. One attorney will be responsible for the direct examination of one witness and the cross-examination of one witness;

   2. One attorney will be responsible for the direct examination of one witness, the cross-examination of one witness, and the opening statement; and

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

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

Rule 4.2 Opening Statements and Closing Arguments

Opening statements and closing arguments must be given by both sides at the beginning and end of the trial, respectively.

Rule 4.2.1 Opening Statements

A. The prosecution/plaintiff gives its opening statement first and may not reserve rebuttal time.

B. During opening statements, teams may display to the jury any exhibit already admitted by the problem and refer to such exhibit(s) and any stipulations contained in the problem.

Rule 4.2.2 Closing Arguments

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

B. The prosecution/plaintiff gives its closing argument first and may reserve a portion of its closing time for a rebuttal.

   1. The prosecution/plaintiff need not request or state that it is reserving rebuttal time.

   2. The rebuttal is limited to the scope of the defendant's closing argument.

C. During closing argument, teams may display, but not provide, to the jury any exhibit admitted into evidence, exhibits marked under Rule 7.7, the jury verdict form or special interrogatories, jury instructions, the pleadings in a civil case, charging or preliminary documents in a criminal case containing statements by a witness if referenced during a witness examination, stipulations, and witness statements to the extent such witness statements have been used in the trial for impeachment purposes.

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Rule 4.2.3 Objections During Opening Statements or Closing Arguments

No objections may be raised during opening statements or during closing arguments. If a team believes an objection would have been warranted during the opposing team's opening statement or closing argument, the opposing attorney for that segment may, following the opening statement or closing argument, object and provide a basis for the objection. The opposing team is then allowed to respond to the objection. The presiding judge will not rule on this objection, and each scoring judge will weigh the objection individually.

Rule 4.3 Prohibited Motions and Procedures

A. Motions are prohibited except for motions requesting the presiding judge to strike testimony following a successful objection to its admission.

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

C. Teams may not request bench conferences, and bench conferences are not permitted. Objections are deemed to have occurred at sidebar.

D. No offers of proof may be requested or tendered.

E. Voir dire examination of a witness is not permitted.

Rule 4.4 Standing During Trial

Rule 4.4.1 In-Person Competition

Student attorneys will stand if able while giving opening statements and closing arguments, during direct and cross examinations, and for all objections, unless excused by the presiding judge.

Rule 4.4.2 Virtual Competition

Student attorneys may elect to stand or remain seated while giving opening statements and closing arguments, during direct and cross examinations, and for all objections.

Rule 4.5 Redirect/Recross

Redirect and recross examinations are permitted, but any redirect and recross examination is limited in scope to matters raised in cross examination and redirect examination, respectively. Re-redirect and re-recross examination are not allowed.

Rule 4.6 Objections

In addition to objections that are available under the Rules of Evidence, attorneys may raise the following objections:

1. Argumentative questions: An attorney shall not ask argumentative questions.

2. Lack of proper predicate/foundation: Attorneys shall lay a proper foundation prior to moving the admission of evidence. After the exhibit has been offered into evidence, the exhibit may still be objected to on other grounds.

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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 to call for a specific answer. (Example of an improper question: "Tell us what you know about this case.")
5. Non-responsive answer: A witness' answer is objectionable if it fails to respond to the question asked.
6. Repetition: Questions designed to elicit the same testimony or evidence previously presented in its entirety are improper if merely offered as a repetition of the same testimony or evidence from the same or similar source.

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Article 5 Witness Portrayal

Rule 5.1 Costuming

A. No costumes are permitted unless authorized specifically in the case materials. Costuming is defined as hairstyles, clothing, accessories, or makeup that is case specific.

B. An accent is not considered costuming. Witnesses may affect an accent that is not their own.

Commentary to Rule 5.1: The purpose of this rule is to ensure that teams have an even playing field despite their resources. While judges are instructed to only consider a team's performance, things like a police officer's uniform, a lab coat, or even a hairstyle fashionable by an older person may at the very least subconsciously influence a judge's score for a witness. In interpreting this rule, teams should err on the side of caution.

Rule 5.2 Filibustering or Deliberate Time Wasting

A. Consistent with common trial practice, witnesses may give a brief, responsive answer other than a simple "yes" or "no" to questions on cross-examination.

B. No witness may provide non-responsive or narrative answers on cross to consume the other team's cross time.

C. The presiding judge is encouraged to control any effort at marginally-responsive, narrative "filibustering" or "deliberate time wasting."

   1. An effort to deliberately consume the opposing team's time through these techniques may also violate the Code of Conduct and may be sanctionable under Rule 1.2.

   2. A presiding judge who believes that egregious misconduct under this rule has occurred may refer the matter for consideration by the committee immediately following the trial round.

   3. Whether to bring this concern to the attention of the committee is solely at the discretion of the presiding judge; individual teams may not raise this issue under Rule 11.1.

D. Scoring judges may deduct points for filibustering or deliberate time wasting whether or not the presiding judge has directed the witness to answer more responsively, and scoring judges should deduct points for filibustering or deliberate time wasting that persists after such a direction by the presiding judge.

Rule 5.3 Reference to Witness Gender and Physical Traits

A. Unless such information is included in a witness statement, a witness or attorney is prohibited from referring to the physical traits or gender of any witness. Such references are unfair extrapolations under Rule 7.4.

B. A team member playing a witness is allowed to act as though the team member has any condition, deformity, or disability described in the witness's statement.

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1. Under no circumstances is the opposing team permitted to question the existence of such conditions because the team member playing the witness does not actually have them.

2. While the opposing team may cross examine the witness on the extent of the condition based on information provided in the witness's statement, the opposing team may not challenge the witness to prove the existence of the condition by asking the team member to show the condition to the jury.

Commentary to Rule 5.3: For example, it would be a violation of this rule for a witness to call attention to their own physical size to show an inability to complete some physical act included in the case materials or to state that the witness was treated differently because of the witness's gender. However, this rule does not prohibit teams from raising issues about general or common human traits and abilities relevant to the case. For example, if a character in a case regularly used a wheelchair, it would not violate these rules to note that such a person might have difficulty using stairs.

Rule 5.4 Swearing of Witnesses

A. 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?"

B. The swearing of witnesses will occur in one of two ways:

1. The presiding judge will indicate that all witnesses are deemed to be sworn using the above oath, or

2. The above oath will be administered by the presiding judge or a bailiff.

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Article 6 Timekeeping

Rule 6.1 Student Timekeepers

A. Each team is responsible for providing at least one student as an official timekeeper. Timekeepers must familiarize themselves with these rules before competition.

B. If a team does not have a timekeeper, that team will defer to its opponents' timekeepers.

Rule 6.2 Role of Timekeepers

A. Timekeepers are responsible for fairly and accurately keeping and reporting the time during the trial presentation and during any disputes under Rule 11.1.

B. During the rounds of the competition, timekeepers are to act as a neutral entity and may not communicate with their respective teams during the trial presentation, recesses, or during any dispute procedure, except to display the time remaining or to indicate (as directed by the presiding judge) how much time is remaining during a particular part of the trial.

C. Before the beginning of, or after the ending of, a trial segment, an attorney may ask the presiding judge for the time remaining for a particular part of the trial. In response, the presiding judge will direct the timekeepers to state the time remaining for that part of the case. The presiding judge may also *sua sponte* ask the timekeepers for a time check. The attorney may not ask the timekeeper directly.

Rule 6.3 Timing the Trial

Rule 6.3.1 Generally

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

Rule 6.3.2 Trial Sequence and Time Limits

A. The trial sequence and time limits are as follows:

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

B. Attorneys are not required to use the entire time allotted to each part of the trial.

C. Time remaining in one part of the trial may not be transferred to another part of the trial.

Rule 6.3.3 Time Charged

Time runs from the beginning of the witness examination, opening statement, or closing argument until its conclusion. Time does not stop for introduction of exhibits.

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Rule 6.3.4 Time Not Charged

A. Introductions of counsel or witnesses prior to the opening statement are not included in the time allotted for opening statements. However, if counsel or witnesses are introduced once the opening statement has commenced, such time is included in the time allotted for the opening statement.

B. Time stops only for objections or questioning from the judge.

C. The presiding judge shall have discretion to stop time emergencies or for technical difficulties.

Rule 6.4 Timecards

Rule 6.4.1 In-Person Competition

A. In trial, each team will use three sets of timecards, one set for openings and closings, one set for direct examination, and one set for cross-examination. Each timecard will display both the "Time Elapsed" and the "Time Remaining."

B. The committee will provide a format for timecards. Each timekeeper shall supply their own timecards.

C. The timecards will be allocated as follows (shown as Time Elapsed/Time Remaining):

1. Openings and Closings: 1:00 / 4:00; 2:00 / 3:00; 2:30 / 2:30; 3:00 / 2:00; 3:30 / 1:30; 4:00 / 1:00; 4:20 / 0:40; 4:30 / 0:30; 4:40 / 0:20; 4:50 / 0:10; STOP.

2. Direct examinations: 3:00 / 22:00; 5:00 / 20:00; 7:00 / 18:00; 10:00 / 15:00; 13:00 / 12:00; 15:00 / 10:00; 18:00 / 7:00; 20:00 / 5:00; 21:00 / 4:00; 22:00 / 3:00; 23:00 / 2:00; 24:00 / 1:00; 24:20 / 0:40; 24:40 / 0:20; STOP.

3. Cross-examinations: 2:30 / 17:30; 5:00 / 15:00; 7:30 / 12:30; 10:00 / 10:00; 12:30 / 7:30; 15:00 / 5:00; 16:00 / 4:00; 17:00 / 3:00; 18:00 / 2:00; 19:00 / 1:00; 19:20 / 0:40; 19:40 / 0:20; STOP.

D. Teams may not use these timecards to signal time other than the aggregate time elapsed and remaining. (For example, teams may not use these cards to show the time remaining of the time allocated by that team to a particular trial segment.)

E. Once time has expired, timekeepers should stand or hold above their heads the timecard that reads STOP. Timekeepers must remain silent.

Rule 6.4.2 Virtual Competition

A. Timekeepers will signal time by posting the time signals in the chatroom function of the virtual competition platform.

B. The timekeepers may also display timecards by activating their camera to do so. Any timecards used must conform with Rule 6.4.1.

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C. Timekeepers will also post the time elapsed and remaining at the end of each task during the trial presentation (i.e., at the end of each opening, at the end of each witness direct examination, at the end of each cross examination, and at the end of each closing argument).

Rule 6.5 Time Extensions and Scoring

A. Presiding judges are responsible for enforcing the time limits.

B. The presiding judge has sole discretion to grant time extensions. Such extensions should be granted sparingly and should be limited in duration, for example, to finish a question, answer, or thought.

C. In all other cases, the presiding judge must stop the presentation once time expires.

D. If time has expired and an attorney continues without permission from the court, each scoring judge may deduct points in a category because of over-runs in time.

Rule 6.6 Timekeeping Disputes

A. At the end of each trial segment, the timekeepers must confer regarding the time elapsed and remaining and notify the presiding judge if there is more than a 15-second discrepancy between the timekeepers. Discrepancies of less than 15 seconds will not be considered and cannot be raised.

B. If there is a discrepancy of more than 15 seconds, the presiding judge will rule on the discrepancy, the timekeepers will synchronize their stopwatches accordingly, and the trial will continue. The presiding judge's decision regarding the resolution of the time discrepancy is final.

C. No time disputes will be entertained after the trial concludes.

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Article 7 Case Materials

Rule 7.1 The Problem

A. All law, rules, and images necessary to the trial of the case are included in the problem. In trial, teams may not refer to, cite, rely on, create, or display any law, rules or images not included in the problem.

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

C. No participant may upload any portion of the problem to any generative AI tool. For avoidance of doubt, this includes uploading the problem or any part of the problem, such as the fictional logos in the exhibits.

Commentary to Rule 7.1: For the sake of authenticity, the problem will often consist of laws, rules, and jury instructions taken from real primary sources. Even when this is the case, teams are limited to the law as stated in the problem and should not engage in any outside legal research.

While efforts are made to maintain authenticity, the Mock Trial Committee may occasionally adopt a case involving issues that have not been addressed by Arkansas law or may adopt a case where strict adherence to Arkansas law would result in an unbalanced case. Under such circumstances, the problem may contain law or rules that are inconsistent with Arkansas law. Whatever the case may be, whatever law is stated in the problem is "the law" for the purposes of this case. Consequently, no person should rely on the law as stated in any problem for any purpose outside of the competition.

Rule 7.2 Exhibits and Demonstratives

No illustrative aids, enlargement of the case materials, or other props are permitted unless provided in the case packet. Teams may not provide enlarged or alternate versions of an exhibit during the trial.

Commentary to Rule 7.2: The purpose of this rule is to ensure that teams have an even playing field despite their resources. Teams should interpret the rule "prop" broadly. For example, a tissue held or used by a crying witness should be considered a prop. Or for example, a pencil that an attorney breaks during closing arguments to emphasize a point should be considered a prop. Teams are encouraged to err on the side of caution.

Rule 7.3 Witnesses Bound by Statements

A. Witnesses cannot contradict the facts contained in their statements, the stipulations, and any statements made or adopted by them. If a witness testifies to a fact that contradicts the witness's statement, the stipulations, or statements made or adopted by the witness, the opposing attorney may impeach by contradiction.

B. Witness statements may not be altered except that personal pronouns may be changed to indicate the preferred gender of the characters.

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

D. All witness statements are considered to have been made under oath and to contain everything that the witness knows, observed, or believes to be relevant to the case. Each witness was given the opportunity to revise the statement immediately prior to trial to amend, correct, edit, or complete their testimony, and each witness declined to do so after reviewing their statement.

Rule 7.4 Extrapolations

Rule 7.4.1 Generally

A. An extrapolation is testimony by a witness to a fact or information not directly or explicitly contained in a witness's statement, documents with which the witness is familiar, or facts that are stipulated.

B. An extrapolation that is fair is permitted. An extrapolation that is unfair is prohibited.

1. An extrapolation is considered fair if either:

    a. It is implied by or can reasonably be inferred from the witness's statement, documents with which the witness is familiar, or facts that are stipulated; or

    b. It is immaterial, i.e., it does not affect the outcome of any issue in the case, cause prejudice to any party, or make any fact at issue more or less likely. For example, testimony that constitutes background information used solely to develop or enhance the character or portrayal of the witness is immaterial, because it does not affect the merits of any issue in the case.

2. An extrapolation is considered unfair if it is both:

    a. Not implied by and not reasonably inferable from the witness's statement, documents with which the witness is familiar, or facts that are stipulated; and

    b. Material to the outcome of the case i.e., affects the outcome of any issue in the case, causes prejudice to any party, or makes any fact at issue more or less likely.

C. On cross examination, the opposing attorney may ask the witness about material facts, events, or observations that are not included in the statement, stipulations, or statements made or adopted by the witness. In response, it is unfair extrapolation for the witness to testify that the witness perceived, said, or did anything material to the case if it is not contained in or reasonably inferable from the witness's statement, the stipulations, or statements the witness has made or adopted. If the witness does so, the cross-examining attorney may impeach by omission, i.e., may challenge the witness's credibility or identify the unfair extrapolation by impeaching with the witness's statement.

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Rule 7.4.2 Objections to Unfair Extrapolations

A. Unfair extrapolations are best addressed through impeachment, but they also may be addressed through making an objection under this rule. In either case, they should always be addressed during the trial.

B. Attorneys for the opposing team may refer to that objection as "unfair extrapolation" or "invention of material fact" and may make reference to this Rule in making this objection.

C. When such an objection is made, the judge must rule either:

1. No extrapolation has occurred;
2. An extrapolation occurred, but it was fair; or
3. An unfair extrapolation has occurred.

Commentary to Rule 7.4: The case materials are intended to be balanced, and thus efforts to inject material information into the case are forbidden. Accordingly, it is critical to distinguish between natural or salutary efforts to fill in the blanks and unfair efforts to distort the balance of the case. For example, it would be a fair extrapolation to respond to the question "What color was the sky that night?" by saying "black," because it being night implies that the sun was away.

Likewise, it would be fair to extrapolate from a witness's statement that it was a beautiful, sunny day that the sky was blue or that no fog obscured sight lines. It would also be fair to extrapolate – assuming that the case materials don't provide these facts – inherent professional or personal background. So it is fair to assume that someone who has a valid driver's license knows how to drive a car; unless otherwise provided in or inconsistent with the case materials, that someone who is identified as a driver in the case has a valid driver's license; or that a police officer who makes arrests was trained putting handcuffs on an arrestee.

It is not fair to extrapolate that material observations were made or steps were taken, even if in the common course they would be, if those observations or steps are not in the case materials. For example, if the case materials do not contain any reference to fingerprints being taken, a particular witness being interviewed, or a background check being run, it would be unfair for a police officer to testify that that any of those actions occurred. Likewise, it would be unfair for an expert witness to identify experiments run, measurements made, or treatises consulted if the witness's statement contains none of those bases for the expert's opinion.

However, it is reasonable to infer that a witness with a medical doctorate studied basic human anatomy and the germ theory of disease, but such extrapolations cannot become determinative in evidentiary rulings or render witnesses expert in fields the case materials do not suggest. The witness statements are written to be portrayed in manifold ways, and it is impossible for the case materials to state every fact about a witness's background or training. For a particular witness portrayal to be entertaining, flavorful, or authentic, some extrapolation beyond the facts provided is appropriate. Thus, it would be a fair extrapolation for a witness to talk about their favorite musical artist, sports team, nickname, family background, favorite sneaker, restaurant, or the foods they ate growing up in an ethnic household, so long as none of those things affect the issues of the case at

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bar. (If the case involves a print left by a particular shoe, though, a sneakerhead character might materially affect the outcome, and the extrapolation that was fair can become unfair.)

Rule 7.5 Sleeves and Lamination of Trial Exhibits

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

Rule 7.6 Procedure for Introduction of Exhibits

Rule 7.6.1 In-Person Competition

As an example, the following steps effectively introduce an exhibit:

A. All exhibits will be pre-marked as exhibits.

B. 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. ___?"

C. Show the exhibit to opposing counsel.

D. 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.

E. 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.

F. Offer the exhibit into evidence. "Your Honor, we offer Exhibit No. ___into evidence."

G. 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.)

    1. 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?"

    2. Court: "Exhibit No. ___ (is/is not) admitted." If admitted, questions on content may be asked.

H. If an exhibit is introduced into evidence, a team may publish it to the jury at the presiding judge's discretion.

Rule 7.6.2 Special Rules for a Virtual Competition

The procedure in Rule 7.6.1 shall be followed, except:

A. 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.

B. 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.

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C. Attorneys will not be required to confirm that they have shown the exhibit to opposing counsel.

D. Instead of the language in Step D, 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.

E. 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.

F. 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.

G. Teams may use technology to mark exhibits electronically only to the extent that marking physical exhibits would have been permitted by Rule 7.7. Any marked electronic exhibits may only be used as provided in Rule 7.7.

Rule 7.7 Marking and Use of Documents at Trial

A. No trial exhibits may be modified prior to the trial exhibit being admitted.

B. Once a trial exhibit has been admitted, attorneys and witnesses may in real time highlight, underline, zoom in (in a virtual competition), or otherwise mark (e.g., circling, drawing an arrow, or making another, similar mark) the admitted exhibits during direct or cross examination, either physically or electronically in a virtual competition.

    1. If a team wishes to mark a trial exhibit entered but not marked by the opposing team, it must substitute its own clean copy of that trial exhibit for this purpose before any markings are made.

    2. No other alterations, animations, or enhancements to the trial exhibit are allowed.

C. A team may also mark other documents in the problem during trial, such as by real time highlighting, underlining, zooming in (in a virtual competition), or otherwise marking a pleading or witness statement.

D. Use of documents in opening statements is governed by Rule 4.2.1.

E. Use of documents in closing arguments is governed by Rule 4.2.2.

F. In witness examinations, teams may use, if consistent with these Rules and the Rules of Evidence, pleadings or charging documents, stipulations, witness statements, exhibits, and statements made or adopted by the witness. Teams are not permitted to use documents not considered to be a part of the problem under Rule 7.1, orders or opinions of the Court contained in the problem, case law in the problem, jury instructions, or the verdict form.

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G. In arguing objections, teams may rely on and cite, as applicable, case law, jury instructions, verdict form, or orders or opinions of the Court contained in the problem.

Rule 7.8 Sharing Documents with Scoring Panel

A. Unless otherwise provided in the problem, the only documents which the teams may provide to the presiding judge or scoring panel are the individual trial exhibits as they are introduced into evidence and the Roster Forms.

B. Teams may not provide exhibit notebooks or "bench books" containing pleadings, stipulations, or other materials from the problem to the presiding judge or scoring panel.

C. If a trial exhibit is marked during an examination for demonstrative purposes, the marked exhibit may be used as a demonstrative exhibit during the trial and during closing arguments consistent with Rule 4.2.2 but may not be entered into evidence as a trial exhibit.

D. Other documents, such as witness statements or pleadings, whether marked under Rule 7.7 or not, may not be entered into evidence, but may be used as consistent with Rule 4.2.1, Rule 4.2.2, and Rule 7.7.

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Article 8 Trial Logistics

Rule 8.1 Trial Communication

Rule 8.1.1 Generally

A. Non-competing participants (including team members who are not competing in that particular round of competition) may not talk to, signal, communicate with, or coach their teams during trial. This rule remains in force during any recess that may occur, except as provided in subsection D below.

B. Competing team members (other than the timekeeper) may, among themselves, communicate during the trial; however, no disruptive communication is allowed, and no participant may communicate with a witness while that witness is testifying other than through the course of that witness's questioning.

C. Signaling of time by timekeepers is not a violation of this rule.

D. In the event of an emergency under Rule 3.6 or a technical difficulty under Rule 3.7, Participants may speak with the affected Participant and team solely to resolve the emergency or technical difficulty or to determine how to proceed. Communications during emergencies or technical difficulties are governed by Rule 3.6 and Rule 3.7.

Rule 8.1.2 Location of Individuals

A. Non-competing participants must remain outside the bar in the spectator section of the courtroom. Only team members participating in this round may sit inside the bar and communicate with each other, but team members may not communicate with the timekeeper except as allowed under these rules.

B. In the event of an emergency under Rule 3.6, Participants may enter the well (i.e., inside the bar) to assist with the emergency. The presiding judge retains control of the courtroom.

Rule 8.1.3 Virtual Competition

A. No one may use the "chat," "instant message," or "chatroom" function of the electronic platform, except to display timekeeping messages as permitted by Rule 6.4.2 or to communicate in the case of a technical emergency where audio and video functions are lost but access to chat or instant messaging functions remain intact.

B. Observers are not permitted to use the chat or instant messaging functions at any time.

C. Only the six participating attorneys and witnesses may communicate with one another. The six participating attorneys and witnesses may use computers, cellular telephones, or other devices to facilitate this communication.

Rule 8.2 Scouting and Viewing Trials

A. Participants associated with a team are not allowed to view other teams' performances in rounds of the competition, so long as their team remains in the competition.

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B. No person shall display anything that identifies their school while in the courtroom.

C. Team members and other participants associated with a team are prohibited from contacting teachers, students, and attorney advisors from any other team in any manner if the intent of the contact is to obtain strategic information about an opponent.

D. It is not a violation of this rule for teams to participate in practice or scrimmage matches. It is a violation of this rule for participants to seek information about other teams from individuals who observed such scrimmages, including members of the team competing in that scrimmage.

Commentary to Rule 8.2: The broad purpose of this rule is to prohibit teams from seeking out information from or about other teams in an effort to gain a strategic advantage. Teams are strongly discouraged from actively seeking out information of this kind, and it may constitute scouting for a member of a competing team to actively seek out information (including, but not limited to, through personal communication, electronic communication, or through internet/social media sites) about a future opponent.

It is possible that information about a team may be made publicly available. The viewing of such material would not violate this rule so long as a participant did not affirmatively seek out that information for the purposes of gaining a strategic advantage over an opponent.

Rule 8.3 Videotaping/Photography

A. To support civics education, facilitate media coverage, and provide a maximum opportunity for family, friends, peers, and teachers to view our teams competing, all participants must consent to video or audio recording and electronic posting by the Arkansas Bar Association of each performance, except as provided in Rule 1.3.

B. Any team has the option to refuse participation in videotaping, tape recording, still photography, or media coverage by anyone other than a photographer designed by the Mock Trial Committee.

C. No team may post, share with another team, or otherwise disseminate any recording of any round prior to the conclusion of that year's competition.

    1. Each team will inform all participants associated with their team of this rule.

    2. Violations of this rule, including those by a participant associated with a team, may result in the team associated with the participant who violated this rule being sanctioned under Rule 1.2.

D. The Mock Trial Committee may permit exception to this rule for media coverage.

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Article 9 Judging

Rule 9.1 Finality of Decisions

Decisions of the judging panel are subject to the review of the Mock Trial Committee. All decisions made by the Mock Trial Committee are final.

Rule 9.2 Composition of Judging Panels

A. The judging panel will consist of at least three (3) individuals.

B. The composition of the judging panel and the role of the presiding judge will be at the discretion of the Mock Trial Committee, as follows:

   1. One presiding judge and two scoring judges; or

   2. One presiding judge and at least three scoring judges.

C. Each judging panel will include at least one attorney.

   1. The presiding judge will be an attorney or judge (current or retired).

   2. The scoring judges may be persons with substantial mock trial coaching or scoring experience or attorneys.

D. At the discretion of the committee, the Championship round may have a larger panel.

Rule 9.3 Conflicts of Interest

Rule 9.3.1 Determination of Conflict

A. The Mock Trial Committee has sole discretion to determine if a judicial conflict exists.

B. Subject to Rule 9.3.3, a judge will be disqualified from participating in a trial if the judge is:

   1. A coach of a team in the courtroom; or

   2. A close family member of a team member or coach of team in the courtroom.

C. Subject to Rule 9.3.3, the committee has the discretion to disqualify a judge from participating in a trial if the judge (or a close family member):

   1. Attended one of the schools competing in the courtroom;

   2. Has a personal friendship with a participant associated with a team in the courtroom; or

   3. Previously scored a trial involving one of the teams competing in the round (in the current competition).

D. In general, it is not a conflict of interest if the judge recognizes a participant associated with a team through professional acquaintance or through participation in previous competitions, absent a more significant conflict that would prevent the judge from fairly scoring a round.

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Rule 9.3.2 Notification of Conflict by a Judge

A. A judge who becomes aware of a conflict prior to or during a trial should be excused from the panel as soon as possible.

B. If the judge was not aware of the conflict until after the judge has completed the scoresheet, it is left to the discretion of the Mock Trial Committee to determine whether to disqualify the judge.

Rule 9.3.3 Reasonable Efforts

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

Rule 9.4 Score Sheets, Ballots, and Scoring

A. Score Sheets are to be completed individually by the scoring judges and the presiding judge. The team that earns the highest points on an individual judge's Score Sheet is the winner of that ballot. Subject to Rule 9.5, the team that receives the majority of the ballots wins the round.

B. All scores and awards are determined individually by scoring judges; the judging panel does not deliberate or confer on individual scores or awards.

C. For each trial, including the Championship Round, each scoring judge and the presiding judge will record a number of points (1-10) for each presentation of the trial. At the end of the trial, each judge will review their Score Sheet and adjust any scores as necessary to ensure that there is not a tie in the totals before submitting the Score Sheet.

D. During scoring, each judge should consider any violations of these Rules or the Code of Conduct. Scoring judges are not bound by the rulings of the presiding judge.

Rule 9.5 Disqualification of a Ballot/Score Sheet

Rule 9.5.1 Generally

The committee has discretion in cases involving judge irregularity to disqualify a scoring judge's ballot/score sheet.

Rule 9.5.2 Replacement of Ballot/Score Sheet if There Are More Than Three Ballots

If a scoring judge's ballot/score sheet needs to be disqualified following the conclusion of a round, and there are more than three judges who have completed Score Sheets, then the ballot/Score Sheet will be replaced by the "extra" ballot/score sheet.

Rule 9.5.3 Replacement of Ballot/Score Sheet if There Are Less Than Three Ballots

Rule 9.5.3.1 Remaining Ballots agree

If there are only two legal ballots and those ballots agree on the winning team of the round, a third ballot and Score Sheet will be generated consisting of the average total score of those two ballots/score sheets.

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Rule 9.5.3.2 Remaining Ballots disagree

If there are only two legal ballots and those ballots do not agree on which team won the round, the following process will be employed:

A. An average of the total points on the two valid Score Sheets shall be generated, and the winner on points of that average ballots/Score Sheets will be deemed the winner of the trial.

B. If the average Score Sheet is tied, the tie shall be broken by highest average score in the closing argument category.

C. If the Score Sheet remains tied, that tie shall be broken by the highest average score in the opening statement category.

D. If the Score Sheet remains tied, the winner of the trial shall be determined by coin toss. However the tie is broken, that team shall be given one additional point on the third ballot.

Rule 9.5.3.3 Effect of created third Ballot

A ballot created under Rule 9.5.3 will be treated the same as any other ballot for the purposes of power matching and final rankings.

Rule 9.5.3.4 Whole numbers required

In all cases where the averaging of two Score Sheets above results in a score that is not a whole number, the score shall be averaged by rounding up to the nearest whole number.

Rule 9.6 Judge Critiques

A. The judging panel is allowed ten (10) minutes for critiquing. The timekeepers will monitor the critique following the trial. Presiding judges are to limit critique sessions to a combined total of ten (10) minutes. There is no critique in the fourth round.

B. Judges shall not make a ruling on the legal merits of the trial. Judges may not inform the students of Score Sheet results.

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Article 10 Team Ranking and Advancement

Rule 10.1 Team Ranking Generally

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

A. Total rounds won;

B. Number of ballots won;

C. Strength of schedule ranking, as determined by opponents' wins, ballots, point differential, and total points;

D. Point differential, defined as total points scored by the team versus total points scored by their opponents in the rounds in which the team competed against them;

E. Total points scored in all arounds.

Commentary to Rule 10.1: When ranking teams, the tabulation only moves onto the subsequent criteria when there is a tie. For example, a team with four wins will always be ranked higher than a team with three wins. Only if two teams have the same number of wins does the tabulation move to the next criteria: number of ballots won. And only if two teams have the same number of ballots the tabulation move to the next criteria: strength of schedule ranking. And so on.

Strength of schedule ranking (SOS) is a measure that considers the quality of opponents when ranking teams. This tiebreaker ranks teams that competed against stronger opponents higher than teams that competed against weaker opponents. To calculate SOS, each team will be ranked by wins, then ballots, then point differential, and then total points. Then, a team's SOS will be calculated by averaging the ranks of that team's opponents.

For example, if Team A and Team B had the same number of wins and ballots, we would proceed to SOS. If Team A's opponents were ranked #14, #6, #8, and #3, Team A's SOS would be 7.75. If Team B's opponents were ranked #7, #13, #3, and #10, Team B's SOS would be 8.25. Team A's lower SOS indicates that it competed against stronger opponents than Team B and thus would be ranked higher in this calculation.

Rule 10.2 Power Matching and Seeding

Rule 10.2.1 Generally

A. Pairings for the first round will be determined by random draw, except that teams from the same school shall not compete against each other. Teams from the same school may compete against each other in all other rounds of competition.

B. Pairings for the second round will be determined by power matching based on the following order:

1. Rounds won;

2. Ballots won;

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3. Point differential; and

4. Total points

C. Pairings for the third and fourth rounds will be determined by power matching based on the following order:

1. Rounds won;

2. Ballots won;

3. Strength of schedule ranking, as determined by opponents' wins, ballots, point differential, and total points;

4. Total point differential in all rounds to that point; and

5. Total points scored in all rounds to that point.

D. Power matching will provide, in order of importance, that:

1. Teams will not meet the same opponent twice prior to the Championship Round;

2. To the greatest extent possible, all teams will present each side of the case once during rounds one (1) and two (2) of competition, and once during rounds three (3) and four (4) of competition. In the event that a team presents the same side during rounds one (1) and two (2) of competition, that team will present the opposite side during rounds three (3) and four (4) of competition;

3. If there is an odd number of teams in a bracket, the top-ranked team from the next lower bracket will be moved into the higher bracket to create a bracket with an even number of teams. In Rounds 2 and 4, this Rule shall be applied to move into a higher bracket enough teams from a lower bracket to provide an even number of teams on each of the case to meet the side constraints of Rule 10.2.1(B)(2).

4. To the greatest extent possible, the team with the highest rank in a bracket will be matched with the team with the lowest rank in the bracket, the team with the next highest rank will be matched with the team with the next lowest rank, and so forth, until all teams are paired.

Rule 10.2.2 The State Championship Round

A. The two teams emerging with the highest rank from the four rounds will advance to the Championship round.

B. The State Champion will be determined by the results of the Championship round only.

Rule 10.2.3 Selection of Sides for the Championship Round

In determining which team will represent which side in the Championship Round, the following order will be used:

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A. If the teams competed against each other at any stage of the competition, the teams shall switch sides for the Championship Round.

B. In all other cases, a coin flip will determine which team will represent which side. If the coin comes up heads, the team with the code which comes first alphabetically shall represent the plaintiff/prosecution in the Championship Round. If the coin comes up tails, that team shall represent the defendant.

Rule 10.3 Byes

When a bye is necessary:

A. A team receiving a bye will be awarded a win and three ballots for that round.

B. For power-matching purposes, a team receiving a bye in round one will temporarily be given total points equal to the average number of points for all round one winning teams. In subsequent rounds, this total will be adjusted at the end of each round to reflect the average points earned by that team.

C. A team receiving a bye in rounds two through four will temporarily be given points equal to the average of its own points earned in its preceding trials. In subsequent rounds, this total will be adjusted at the end.

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Article 11 Dispute Resolution

Rule 11.1 Dispute at the Conclusion of Trial

Rule 11.1.1 Generally

A. At the conclusion of each trial, the presiding judge must inquire of the teams whether either team believes that a substantial violation of the rules occurred during trial.

B. Teams are permitted to consult with their coach(es) for a time not to exceed two minutes before determining whether the team wishes to raise any substantial violations it believes occurred.

Rule 11.1.2 Dispute Procedure for In-Person Competition

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

A. The team will state that the team wishes to file a claim that a substantial rules violation occurred (a "dispute").

B. The presiding judge will provide the student with a dispute form, on which the student will record in writing the nature of the dispute. No more than two minutes per team shall be allotted for this process. The student may communicate with their team members and coach(es) in preparing the form.

C. The team accused of a substantial rules violation will have the opportunity to respond in writing. No more than two minutes per team shall be allotted for this process. The student may communicate with their team members and coach(es) in preparing the form.

D. One team member from each team will briefly present their team's position to the presiding judge. No more than two minutes per team shall be allotted for this explanation.

E. The presiding judge may ask any questions and perform any additional investigation they believe appropriate.

F. The presiding judge will inform the teams whether the dispute is granted or denied. The announcement will be made with no further colloquy, but the presiding judge will record the reasons for the decision. The presiding judge will then retire to complete their Score Sheet (if applicable) and submit the dispute form to the committee.

Rule 11.1.3 Dispute Procedure for Virtual Competition

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

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Rule 11.1.4 Effect of Violation on Score

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

Rule 11.2 Disputes After the Conclusion of the Trial

If a dispute could not have been brought to the attention of the presiding judge under Rule 11.1, a coach for a team may bring the dispute to the attention of the committee under the following procedure:

A. The coach must promptly notify a courtroom liaison or a member of the Mock Trial Committee that a dispute which the coach believes could not have been raised under Rule 11.1 exists.

B. The notified individual will notify the Mock Trial Committee, who will ask the coach to complete a dispute form.

C. The form will be taken to the tournament's communications center, whereupon the Mock Trial Committee will notify all pertinent parties; allow time for a response, if appropriate; conduct a hearing; and rule on the charge.

D. The Mock Trial Committee may notify the judging panel of the affected courtroom of the ruling on the charge and/or may assess an appropriate penalty.

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