

## **SHOW-ME MOCK TRIAL INVITATIONAL RULES OF COMPETITION<sup>1</sup>**

The Show-Me Mock Trial Invitational is governed by the Rules of Competition and the National High School Mock Trial Rules of Evidence. Any clarification of rules or case materials will be issued in writing to all participating teams in a timely manner and no less than two weeks prior to the tournament. The trial coordinator, upon the advice and consent of the Board of Directors of the National High School Mock Trial Championship, will distribute to each team any such clarification. No participating team may alter the language of these rules without the approval of the Show-Me Mock Trial Invitational Board of Directors; however the Rules of Evidence may be reviewed for relevance and rules may be added or deleted, so long as the language inserted is the original text contained in the Federal Rules of Evidence. The Rules of Competition and the National High School Mock Trial Rules of Evidence govern the Show-Me Mock Trial Invitational. All teams are responsible for the conduct of persons associated with their teams throughout the mock trial event.

---

<sup>1</sup> The form and substance of many of these rules are a reiteration of the Rules of Competition for the National High School Mock Trial Championship (“NHSMTCC”) and are incorporated herein with permission from the NHSMTCC.

## TABLE OF CONTENTS

<b>GENERAL RULES .....</b>	<b>5</b>
<b>Rule 1.1. Rules .....</b>	<b>5</b>
<b>Rule 1.2. Code of Conduct.....</b>	<b>5</b>
<b>Rule 1.3. Emergencies.....</b>	<b>5</b>
<b>THE PROBLEM AND PRESENTATION.....</b>	<b>5</b>
<b>Rule 2.1 The Problem .....</b>	<b>5</b>
<b>Rule 2.2. Witnesses Bound by Statements .....</b>	<b>6</b>
<b>Rule 2.3. Unfair Extrapolation .....</b>	<b>6</b>
<b>Rule 2.4. Improper Impeachment .....</b>	<b>6</b>
<b>Rule 2.5. Voir Dire .....</b>	<b>7</b>
<b>PARTICIPATING TEAMS.....</b>	<b>7</b>
<b>Rule 3.1. Team Eligibility .....</b>	<b>7</b>
<b>(a) Age/Grade Requirement.....</b>	<b>7</b>
<b>(b) Commonality of School or Organization .....</b>	<b>7</b>
<b>(d) Number of Teams.....</b>	<b>7</b>
<b>Rule 3.2 Team Composition .....</b>	<b>8</b>
<b>Rule 3.4. Team Duties .....</b>	<b>8</b>
<b>(a) Attorney Duties.....</b>	<b>8</b>
<b>(b) Witness Duties .....</b>	<b>8</b>
<b>(c) Division of Attorney Duties.....</b>	<b>8</b>
<b>Rule 3.5. Team Roster Form.....</b>	<b>9</b>
<b>PROCEDURAL RULES .....</b>	<b>9</b>
<b>Rule 4.1. Courtroom Setting .....</b>	<b>9</b>
<b>Rule 4.2. Stipulations .....</b>	<b>9</b>
<b>Rule 4.3. Reading Into The Record Not Permitted.....</b>	<b>9</b>
<b>Rule 4.4. Swearing of Witnesses .....</b>	<b>10</b>
<b>Rule 4.5. Trial Sequence and Time Limits .....</b>	<b>10</b>
<b>Rule 4.6. Student Timekeepers and Timekeeping .....</b>	<b>10</b>
<b>(a) Official Student Timekeeper and Training.....</b>	<b>10</b>
<b>(b) Timekeepers to Remain Neutral.....</b>	<b>11</b>
<b>(c) Time Limits.....</b>	<b>11</b>

(d) Time Remaining Cards.....	11
(e) Time Discrepancies.....	11
(f) Time Extensions. ....	11
Rule 4.8. Motions Prohibited .....	12
Rule 4.9. Sequestration .....	12
Rule 4.10. Bench Conferences.....	12
Rule 4.11. Supplemental Material .....	12
(a) Evidence and Enlargements .....	12
(b) Costuming.....	12
(c) Medical Condition and Voice .....	12
Rule 4.12. Trial Communication .....	13
Rule 4.13. Scouting and Viewing Trials .....	13
Rule 4.14. Videotaping/Photography .....	14
Rule 4.15. Pre-Trial and Trial .....	14
Rule 4.16 Standing During Trial .....	14
Rule 4.17. Objections During Pre and Post-Trial Motions, Opening Statement/Closing Argument .....	14
Rule 4.18. General Non-Evidentiary Objections are Permissible .....	14
Rule 4.20. Procedure for Introduction of Exhibits .....	15
Rule 4.21. Use of Notes .....	16
Rule 4.22 Redirect/Recross .....	16
Rule 4.23. Scope of Closing Arguments .....	16
Rule 4.24. The Critique .....	16
Rule 4.25 Offers of Proof.....	16
Rule 4.26 Star Attorney/Witness Awards .....	16
DECISION.....	16
Rule 5.1. Finality of Decisions.....	16
Rule 5.2. Composition of Judging Panels and Conflicts Between Judges and Teams.....	17
(a) Composition of Panel .....	17
(b) Conflicts of Interest.....	17
Rule 5.3. Score Sheets/Ballots .....	18
Rule 5.4. Completion of Score Sheets.....	18
(a) Trial Score Sheets.....	18
(2) Attorney/Witness Ranking .....	18
Rule 5.5. Team Advancement .....	18

<b>Rule 5.6. Power Matching/Seeding.....</b>	<b>19</b>
<b>Rule. 5.7. Selection of Sides For Championship Round .....</b>	<b>Error! Bookmark not defined.</b>
<b>Rule 5.8. Odd Number of Teams Participating in Championship .....</b>	<b>19</b>
<b>DISPUTE RESOLUTION.....</b>	<b>20</b>
<b>Rule 6.1. Disputes at the Conclusion of the Trial .....</b>	<b>20</b>
<b>6.2. Effect of Violation on Score .....</b>	<b>21</b>
<b>Rule 6.3. Disputes After the Conclusion of the Trial .....</b>	<b>21</b>
<b>COURTROOM ARTIST CONTEST .....</b>	<b>21</b>
<b>Rule 7.1. Registration and Eligibility .....</b>	<b>21</b>
<b>Rule 7.2. Trials/Trial Depiction .....</b>	<b>21</b>
<b>Rule 7.3. Submission Specifications .....</b>	<b>21</b>
<b>Rule 7.4. Judging Components .....</b>	<b>22</b>
<b>Rule 7.5. Release.....</b>	<b>22</b>

## **RULES OF THE COMPETITION**

### **GENERAL RULES**

#### **Rule 1.1. Rules**

All trials will be governed by the Rules of Competition and the National High School Mock Trial Rules of Evidence. Questions or interpretations of these rules are within the discretion of the Board of Directors of Show-Me Mock Trial Invitational Board of Directors (“Board”), whose decision is final.

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

The Rules of Competition, as well as proper rules of law school, courthouse and courtroom decorum and security, must be followed. The Board possesses discretion to impose sanctions, including but not limited to disqualification, immediate eviction from the Invitational, and forfeiture of all fees and awards (if applicable) for any misconduct occurring while a team is present for the Invitational, for flagrant rule violations, and for 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.

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

During a trial, the presiding judge shall have discretion to declare an emergency and adjourn the trial for a short period of time to address the emergency. In the event of an emergency that would cause a team to be unable to continue a trial or to participate with less than six members, the team must notify the Board as soon as is reasonably practical. If the Board, or its designee(s), in its sole discretion, agrees that an emergency exists, the Board, or its designee(s), shall declare an emergency and will decide whether the team will forfeit or may direct that the team take appropriate measures to continue any trial round with less than six members. A penalty may be assessed. A forfeiting team will receive a loss and points totaling the average number of the ballots and points received by the losing teams in that round. The non-forfeiting team will receive a win and an average number of ballots and points received by the winning teams in that round. Final determination of emergency, forfeiture, reduction of points, or advancement, will be made by the Board.

### **THE PROBLEM AND PRESENTATION**

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

The problem will be an original fact pattern which may contain any or all of the following: pre-trial motions, case law related to pre-trial motions, statement of facts, complaint, answer, indictment, stipulations, witness statements/affidavits, jury instructions, and exhibits. Stipulations may not be disputed at trial. Additional case law may not be used. Witness statements may not be altered. The problem shall consist of three witnesses per side, all of whom

shall have names and characteristics that would allow them to be played by either males or females.

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

Each witness is bound by the facts contained in his/her own witness statement, the Statement of Facts, if present, and/or any necessary documentation relevant to his/her testimony. Fair extrapolations may be allowed, provided reasonable inference may be made from the witness's statement. If, during direct examination, an attorney asks a question which calls for extrapolated information pivotal to the facts at issue, or if the witness voluntarily gives extrapolated information pivotal to the facts at issue, the information is subject to objection under Rule 2.3, "unfair extrapolation." If, in cross examination, an attorney asks a question which calls for extrapolated information or information not provided in the witness's statement, the witness may provide an answer from which reasonable inference may be made from the witness's statement. If an impeachment is attempted, the witness's attorney may object to "improper impeachment" pursuant to Rule 2.4.

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

Unfair extrapolations are best attacked through impeachment and closing arguments and are to be dealt with in the course of the trial. If a witness is asked information not contained in the witness' statement, the answer must be consistent with the statement and may not materially affect the witness' testimony or any substantive issue of the case. Attorneys for the opposing team may refer to Rule 2.3 in a special objection, such as "unfair extrapolation," or "This information is beyond the scope of the statement of facts." Possible rulings by a judge include:

- a. No extrapolation has occurred;
- b. An unfair extrapolation has occurred;
- c. The extrapolation was fair; or,
- d. Ruling is taken under advisement.

The decision of the presiding judge regarding extrapolations or evidentiary matters is final. When an attorney objects to an extrapolation, the judge will rule in open court to clarify the course of further proceedings.

### **Rule 2.4. Improper Impeachment**

If a witness needs to extrapolate in order to answer a question on cross-examination, the extrapolation is permissible as long as there is no alternate answer provided in the witness's statement and the witness has attempted, in good faith, to answer the question in a manner that is otherwise consistent with the statement and does not needlessly add material, pivotal facts. Any attempt to impeach a witness who has been asked or required to extrapolate in order to respond to a cross-examination question will be subject to an objection for "improper impeachment." Possible rulings by a judge include:

- a. Impeachment is improper and the testimony is permissible because the testimony is a fair extrapolation, does not conflict with his/her witness statement, and does not needlessly add material, pivotal facts;
- b. Impeachment is proper because the testimony conflicts with the statement;
- c. Impeachment is proper because the witness's response unnecessarily adds pivotal, material facts; or
- d. Ruling is taken under advisement.

## **Rule 2.5. Voir Dire**

Voir dire examination of a witness is not permitted.

## **PARTICIPATING TEAMS**

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

#### **(a) Age/Grade Requirement**

All participating students must be in high school or of high school age, meaning the student must be age 14 by August 1 prior to the Invitational (age 13 if enrolled in 9<sup>th</sup> grade at a public or private school, as defined in this paragraph).

#### **(b) Commonality of School or Organization**

Teams competing in the Invitational are to be comprised of students who attend the same public or private school, part-time or full-time. A public school is a school that is publicly funded and enrolls students who are in grade 12 or lower. A private school is a school or co-op that admits students through grade 12 and collects tuition from or provides financial aid to a student to attend the school, where teachers are compensated for teaching. Homeschooled students who do not attend a public or private school, part-time or full-time, may form a group and register a team.

Part-time attendance by homeschooled or other students in community college or other university classes does not render the homeschooled student or team ineligible, and such enrollment is not considered a public or private school enrollment, as long as the student is between the ages of 14 and 18 on August 1 prior to the Invitational and is enrolled in fewer than 12 credits per semester.

#### **(d) Number of Teams**

Schools may apply or register an unlimited number of teams, but it might be necessary to limit schools to a certain number of teams in order to ensure adequate space and judges. In the event that the Board is required to place a limit on the number of teams, the Board will permit one team per school, then add to the number as available to encourage a broad range of different school and organization participation.

### **Rule 3.2 Team Composition**

Teams may include up to 16 students including the official timekeeper, courtroom artist, attorneys and witnesses. If a team does not have a courtroom artist, the team member limit is 15 students. Each trial may be staffed by any team member, except the official timekeeper and courtroom artist are not to participate in the trials. Team members may not change to a different team, whether or not for the same school or organization, once the Invitational has started.

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

#### **(a) Attorney Duties**

There are ten (10) attorney duties for each team, which will be divided as follows:

1. Pre-Trial Motion # 1
2. Pre-Trial Motion #2
3. Opening Statements
4. Direct Examination of Witness #1
5. Direct Examination of Witness #2
6. Direct Examination of Witness #3
7. Cross Examination of Witness #1
8. Cross Examination of Witness #2
9. Cross Examination of Witness #3
10. Closing Argument (including Rebuttal) [See Rule 4.5]

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 one permitted to make objections during the direct examination of that witness.

#### **(b) Witness Duties**

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.

#### **(c) Division of Attorney Duties**

Teams may use either three or four attorneys. Every attorney must perform either a direct or cross examination. When four attorneys are used, no one attorney may perform two similar parts (no one attorney can present both pre-trial motions, two direct examinations, two cross examinations, or both the opening and closing). When three attorneys are used, no one attorney may perform two similar parts, except that one attorney may perform both pre-trial motions. In the event of an emergency that would render only two attorneys available for the trial, the attorneys may perform similar parts.



When three attorneys are used, every attorney must present either three or four parts of the trial. Many combinations of duties are available. One example of the use of three attorneys would be as follows:

Attorney #1: Pre-Trial Motion, Opening Statement, Direct, Cross

Attorney #2: Pre-Trial Motion, Direct, Cross

Attorney #3: Direct, Cross, Closing Argument

When four attorneys are used, every attorney must perform two or three parts of the trial. Many combinations of duties are available. One example of the use of four attorneys would be as follows:

Attorney #1: Pre-Trial Motion, Opening Statement, Direct

Attorney #2: Direct, Cross

Attorney #3: Pre-Trial Motion, Direct, Cross

Attorney #4: Cross, Closing Argument

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

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

## **PROCEDURAL RULES**

### **Rule 4.1. Courtroom Setting**

The Prosecution/Plaintiff team shall be seated closest to the jury box. No team shall rearrange the courtroom without prior permission of the judge.

### **Rule 4.2. Stipulations**

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

### **Rule 4.3. Reading Into The Record Not Permitted**

Stipulations, the indictment, the Complaint, or the Charge to the Jury will not be read into the record.

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

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?” The swearing of witnesses will occur in one of two ways. Either the presiding judge will indicate that all witnesses are assumed to be sworn, or the above oath will be conducted by (a) the presiding judge, (b) a bailiff, provided by the host state; or (c) the examining attorney. Witnesses may stand or sit during the oath.

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

The trial sequence and time limits are as follows:

1. Pre-Trial Motion # 1 (2 minutes per side for argument, 1 cumulative minute for Presiding Judge questions and responses)
2. Pre-Trial Motion #2 (2 minutes per side for argument, 1 cumulative minute for Presiding Judge questions and responses)
3. Opening Statement (5 minutes per side)
4. Direct and Redirect (optional) Examination (25 minutes per side)
5. Cross and Re-cross (optional) Examination (20 minutes per side)
5. Closing Argument (5 minutes per side)

The plaintiff/prosecution argues its Pre-Trial Motion first. For Pre-Trial Motions, the moving party may reserve a portion of its argument time for rebuttal. At the conclusion of each Pre-Trial Motion argument, the Presiding Judge issues a ruling that governs the case unless new evidence comes to light during the trial which may cause the Judge to alter his/her ruling. In that case, the attorney is responsible for raising the issue in the form of an objection to evidence or a Motion for Reconsideration in light of the evidence at trial.

The Prosecution/Plaintiff gives the opening statement first. The Prosecution/Plaintiff gives the closing argument first; the Prosecution/Plaintiff may reserve a portion of its closing time for a rebuttal. The Prosecution/Plaintiff need not request or state that it is reserving rebuttal time. The Prosecution/Plaintiff’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.

#### **Rule 4.6. Student Timekeepers and Timekeeping**

##### **(a) Official Student Timekeeper and Training.**

Each team attending the Invitational is responsible for providing at least one student as an official timekeeper equipped with two stopwatches. A cell phone may be used as a stopwatch but only to keep time. All timekeepers must be official team members. The team’s official student timekeeper will keep time for both sides during all competition rounds. The official student timekeeper will attend a training that will take place on Friday of the Invitational, thirty (30)

minutes prior to the start of the first set of trials. Failure of a team's timekeeper to attend the training may result in the team's forfeiture as determined by the Board.

**(b) Timekeepers to Remain Neutral.**

Timekeepers are responsible for fairly and accurately keeping and reporting the time during the trial presentation and during any disputes under Rule 6.2. During the rounds of the competition, timekeepers are to act as a neutral entity. Timekeepers are not to communicate with their respective teams during the course of the trial presentation, recesses, or during any dispute procedure, except to display the time remaining cards and indicate (as directed by the presiding judge) how much time is remaining during a particular part of the trial.

**(c) Time Limits.**

Time limits are mandatory and will be enforced. Time runs from the beginning of the witness examination, opening statement, or closing argument until its conclusion. Introduction of counsel or witnesses prior to the opening statement shall not be included in the time allotted for opening statements. However, if counsel or witnesses are introduced once the opening statement has commenced, such time shall be included in the time allotted for the opening statement. Time stops only for objections, questioning from the judge, or administering the oath. Time does not stop for introduction of exhibits.

**(d) Time Remaining Cards**

In trial, each team is to use a set of "Time Remaining" cards with the following designations to signal time: 20:00, 15:00, 10:00, 5:00, 4:00, 3:00, 2:00, 1:00, 0:40, 0:20, and "STOP". Each time card shall be displayed for a minimum of one minute, with an exception only for the timecards marked 1:00, 0:40, 0:20 and STOP. Modification of intervals is not permitted. The coordinating committee will provide "Time Remaining" cards and the teams must use the cards provided by the coordinating committee and NO others. Timekeepers should display the applicable "Time Remaining" cards simultaneously.

**(e) Time Discrepancies**

At the end of each task during the trial presentation (i.e. at the end of each opening, at the end each witness examination, at the end of each cross examination and at the end of each closing argument) if there is more than a 15 second discrepancy between the teams' timekeepers, the timekeepers must notify the presiding judge of the discrepancy. The presiding judge will then rule on the discrepancy, the timekeepers will synchronize their stopwatches accordingly and the trial will continue. Any discrepancies between timekeepers less than 15 seconds will not be considered. No time disputes will be entertained after the trial concludes. The decisions of the presiding judge regarding the resolution of time disputes are final.

**(f) Time Extensions**

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

thought. In all other cases, the presiding judge must stop the presentation once time expires. If time has expired and an attorney continues without permission from the court, the scoring judges may individually decide whether or not to discount points in a category because of over-runs in time.

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

The only motion permissible, besides the pre-trial motions and motions for reconsideration of same, is one requesting the judge to strike testimony following a successful objection to its admission.

#### **Rule 4.9. Sequestration**

Teams may not invoke the rule of sequestration.

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

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

#### **Rule 4.11. Supplemental Material**

##### **(a) Evidence and Enlargements**

No enlargements of the case materials will be permitted. Absolutely no props are permitted unless authorized specifically in the case materials. Exhibit notebooks are not to be provided to the presiding judge or scoring panel. The only documents which the teams may present to the presiding judge or scoring panel are the individual exhibits or exact copies thereof as they are introduced into evidence and the team roster 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 direct or cross examination. Such marked documents may be used as demonstrative exhibits during the trial and during closing arguments, but may not be entered into evidence. If a team wishes to mark an exhibit entered by the opposing team, it must substitute its own clean copy of that exhibit for this purpose before any markings are made. Name tags or name plates at counsel table are not permitted.

##### **(b) Costuming**

Costuming is permitted. Costuming is defined as accents, hairstyles, clothing, fixed accessories for hair and clothing, and make-up which are case specific. Accessories that are not attached to the clothing or part of the wardrobe are considered props and are not permitted. An example of an accessory that would be prohibited is a police baton or tool; however, a badge attached to a uniform would be permissible.

##### **(c) Medical Condition and Voice**

The student playing the witness is allowed to act as though she/he is afflicted with any condition, deformity, or disability described in the affidavits. Under no circumstances is the opposing team permitted to question the existence of such conditions based on the fact that the student playing the witness does not actually have them. While the opposing team may cross examine the witness on the extent of the condition based on information provided in the affidavits, the opposing team may not challenge the witness to prove the existence of the condition by asking him/her to show it to the jury. A team shall not ask a witness to speak in order that the team may identify a witness by the sound of a witness's voice.

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

Coaches, teachers, alternates, and observers shall not talk to, signal, communicate with, or coach their teams during trial. This rule remains in force during any emergency recess, which may occur. Team members may, among themselves, communicate during the trial; however, no disruptive communication is allowed. Signaling of time by the teams' timekeepers shall not be considered a violation of this rule. Coaches, teachers, alternates and observers 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.

#### **Rule 4.13. Scouting and Viewing Trials**

Team members, coaches, and any other persons directly associated with a mock trial team, except for those authorized by the Board, are not allowed to view other teams' performances in the competition, so long as their team remains in the competition. No person shall display anything that identifies their school, state, city or organization of origin while in the courtroom. Team members and individuals associated with competing teams are prohibited from contacting teachers, students and attorney advisors from any other team in any manner in an effort to obtain information about an opponent. This prohibition will be construed broadly, and it includes, without limitation, any form of personal communication, voice/telephone communication, and/or electronic communication, including electronic mail, instant messaging, and communication or messaging through social media sites. In the event a school or homeschool co-op or organized homeschool students bring more than one team to the Invitational, each team shall name designated adult advisors, faculty and attorney coaches for each team. It is a violation for any coach, advisor, parent volunteer or student to view the trials of more than one of the school's or organization's teams. For example, a faculty coach for School A may not view trials for School A's Team 1 in the first round, then view School A's Team 2 in the second round, or view any trials for School B unless they are competing against one another. The only exception to this rule is for a parent or sibling of two or more students competing on different teams, in which case the parent or sibling must notify the Board of his/her intention to view the trials of two different teams. It will be in the Board's discretion to allow such viewing.

It is not a violation of this rule for teams to participate voluntarily in practice or scrimmage matches in advance of the Invitational. It is a violation of this rule for teams to seek information about opposing teams in rounds of the national competition from individuals who observed such scrimmages, including members of the team competing in that scrimmage. To the extent that a team or its members makes information publicly available that bears on its strategy or other issues that would normally constitute the object of scouting, it shall not constitute scouting for

another team to view these materials. For example, if members of a team post videos of its performance in exhibitions or scrimmages to the public internet; create publicly-accessible online materials such as scripts or flash cards on an internet site; or post to publicly-accessible social media information about their performance, strategy, or other matters, it is not scouting for a potential opponent of that team to view that material. Teams are strongly discouraged from actively seeking out information of this kind, and it may constitute scouting for a member of a competing team to actively seek on social media information posted about a future opponent, such as social media information posted by members of teams that opponent faced in prior rounds.

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

Any team has the option to refuse participation in videotaping, tape recording, and still photography by opposing teams. In the fourth round, a team may not refuse to be videotaped, tape recorded, live streamed, or photographed by the Board or coordinating committee. Media coverage will be allowed. Media representatives authorized by the coordinating committee or Board will wear identification badges. Schools will not be permitted to refuse videotaping of the fourth round by the coordinating committee or Board on the grounds that a participant's parent has not given permission for videotaping.

#### **Rule 4.15. Pre-Trial and Trial**

The case will be tried to a jury; objections, pre-trial motions and related arguments are to be made to the Presiding Judge so that they are audible to the scoring judges, even if those arguments would typically be made in a bench conference. Opening statements and closing arguments will be made to the scoring judges so that they are also audible to the presiding judge. Teams may address the scoring judges as the jury.

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

Unless excused by the judge, attorneys will stand while giving pre-trial and post-trial argument, opening and closing statements, during direct and cross examinations, and for all objections.

#### **Rule 4.17. Objections During Pre and Post-Trial Motions, Opening Statement/Closing Argument**

No objections may be raised during pre-trial motions, opening statements or closing arguments. If a team believes an objection would have been proper during the opposing team's opening statement or closing argument, one of its attorney may, following the opening statement or following the closing argument, stand and object and give a response. The opposing team is allowed a response. The presiding judge will not rule on this "objection". Presiding and scoring judges will weigh the "objection" individually.

#### **Rule 4.18. General Non-Evidentiary Objections are Permissible**

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.
3. Assuming Facts Not in Evidence: Attorneys may not ask a question that assumes unproved facts. However, an expert witness may be asked a question based upon stated assumptions, the truth of which is reasonably supported by evidence (sometimes called a “hypothetical question”).
4. Questions Calling for Narrative or General Answer: Questions must be stated so as to call for a specific answer. (Example of improper question: “Tell us what you know about this case.”)
5. Non-Responsive Answer: A witness’ answer is objectionable if it fails to respond to the question asked.
6. Repetition: Questions designed to elicit the same testimony or evidence previously presented in its entirety are improper if merely offered as a repetition of the same testimony or evidence from the same or similar source. Teams are not precluded from raising additional objections that are available under the National High School Mock Trial Rules of Evidence.

#### **Rule 4.20. Procedure for Introduction of Exhibits**

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?” 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.

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

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

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

Redirect and Recross examinations are permitted, provided they conform to the restrictions in Rule 611(d) in the National High School Mock Trial Rules of Evidence.

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

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

#### **Rule 4.24. The Critique**

The judging panel is allowed 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. Judges shall not make a ruling on the legal merits of the trial. Judges may not inform the students of score sheet results.

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

No offers of proof may be requested or tendered.

#### **Rule 4.26 Star Attorney/Witness Awards**

At the conclusion of the critique, once the judges have left the courtroom, each team will select a Star Attorney and Star Witness from the opposing team. Each team will complete a certificate to provide to the opposing team for the two individuals selected for the awards.

### **DECISION**

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

All decisions of the judging panel are FINAL.



## **Rule 5.2. Composition of Judging Panels and Conflicts Between Judges and Teams**

### **(a) Composition of Panel**

The judging panel will consist of at least three individuals: one presiding judge and two scoring judges (only scoring judges complete score sheets, but presiding judges will choose one team who will receive his/her ballot). The composition of the judging panel and the role of the presiding judge will be at the discretion of the Board or its designee. The presiding judge and scoring judges may be law students or attorneys. At the discretion of the committee, the championship round may have a larger panel. All presiding and scoring judges receive a memorandum outlining the case, orientation materials, and a briefing in a judges' orientation. In the event of an emergency (i.e., sudden illness, etc.), if a judging panel member must leave the courtroom, the presiding judge will call for a brief recess and assess whether the judging panel member will be able to return in a reasonably short period of time. If the panel member is unable to return to the courtroom in a reasonably short period of time, the dispute resolution committee must be informed. Once the panel composition is adjusted by this committee to best meet the requirements of the rules, then the round should continue. During any recess under this rule, the teams, whenever possible, should remain in their appropriate positions within the courtroom until the round resumes.

### **(b) Conflicts of Interest**

The Board recognizes that conflicts of interest between judges and participants may arise. This program requires extensive volunteer support and it is assumed all participants will make every effort to identify potential conflicts. The sole discretion for determining whether a judicial conflict exists is vested in the Board. The following criteria will be applied in determining whether a presiding judge or scoring judge will be disqualified, and apply equally to both types of judges:

1. A judge shall be disqualified from participating in a trial when the judge has a conflict with either team involved in the trial. Examples of a mandatory disqualifying conflict include where the judge is a coach of one of the teams or is a relative or close friend of a competing student or parent of a competing student, or relative or close friend of one of the team's coaches. A situation where the judge recognizes a team advisor or student/parent through professional acquaintance or through participation in mock trials in years previous will not ordinarily be considered to be a conflict, unless there is a closer relationship of the kind that would prevent the judge from fairly scoring a round. Mere recognition of a team or its members is not a basis for disqualification absent a more significant conflict.
2. A judge shall be excused if he/she has previously scored a trial involving one of the teams competing (during the Invitational).
3. A judge shall be excused if he/she is a relative of a coach, faculty advisor, or student on any other team competing in the Invitational.

A judge who becomes aware of a conflict prior to or during a trial should be excused from the panel as soon as possible. If the judge was not aware of the conflict until after he or she has completed the scoresheet, it is left to the discretion of the Board to determine whether to disqualify a judge, in which case one random scoring judge's ballot will count twice. The Board will take reasonable steps to avoid any conflict between judges, teams, coaches and coordinators or sponsors of teams.

In all such cases, however, the Board reserves the right to permit a judge to participate in a trial if there are no reasonable alternatives.

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

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

### **Rule 5.4. Completion of Score Sheets**

#### **(a) Trial Score Sheets**

At the end of each trial, including the championship round, each scoring judge shall record a number of points for each presentation of the trial. All presentations are worth up to 10 points, with the exception of Pre-Trial Motions, which are scored on a 0-5 scale. At the end of the trial, each scoring judge shall total the sum of each team's individual points, place this sum in the Total Points box, and write the team ("Prosecution/plaintiff" or "Defense/defendant") with the higher total number of points in the tie-breaker box. In the event of a mathematical scoring tie entered in the Total Points boxes, the scoring judge shall write "Prosecution/plaintiff" or "Defense/defendant" in the Tiebreaker Box, which shall determine award of the ballot. In the event of a mathematical error by the scoring judge, the scores on the sheet will determine the winner of the ballot and not the letter contained in the Tiebreaker Box.

#### **(2) Attorney/Witness Ranking**

In addition, each judge shall rank the top three individual attorneys and witnesses in the trial, indicating the best attorney and witness on the line for Rank 1, second best on the line for Rank 2, and third best on the line for Rank 3. They shall be identified by name, using the Team Roster Forms provided. To assist judges with this task, they may make notes on the Team Roster forms that shall be turned in with the judge's ballots.

### **Rule 5.5. Team Advancement**

Teams will be ranked based on the following criteria in the order listed: 1. Win/Loss Record – equals the number of rounds won or lost by a team; 2. Total Number of Ballots – equals the number of scoring judges' votes a team earned in preceding rounds; 3. Total Number of Points Accumulated in Each Round; 4. Point Spread against Opponents – the point spread is the difference between the total points earned by the team whose tie is being broken less the total points of that team's opponent in each previous round. The greatest sum of these point spreads will break the tie in favor of the team with the largest cumulative point spread.

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

A random method of selection will determine opponents in the first round. A power-match system will determine opponents for all other rounds. Power matching will provide that:

1. Pairings for the first round will be random;
2. All teams are guaranteed to present each side of the case twice;
3. Brackets will be determined by win/loss record. Sorting within brackets will be determined in the following order: (1) win/loss record; (2) ballots; (3) total points; then (4) point spread. The team with the highest number of points in the bracket will be matched with the team with the lowest number of points in the bracket; the next highest with the next lowest, and so on until all teams are paired;
4. If there is an odd number of teams in a bracket, the team at the bottom of that bracket will be matched with the top team from the next lower bracket;
5. Teams will not meet the same opponent twice; and
6. To the greatest extent possible, teams will alternate side presentation in subsequent rounds. Maintaining separate bracket integrity in power matching will supersede alternate side presentation, but alternate side presentation will supersede power matching within a bracket.

### **Rule 5.8. Odd Number of Teams Participating in Invitational**

A "bye" becomes necessary when an odd number of teams are present for any given round of the tournament. It is the intent of the Board to avoid byes where possible. The Board will accept an even number of teams into the Invitational. In the event of a circumstance resulting in an odd number of competing teams, the following procedure will apply:

1. The team drawing the "bye" (no opponent for a single trial round) in rounds two through four will, by default, receive a win and three ballots for that round. For the purpose of power-matching, the team will temporarily be given points equal to the average of its own points earned in its preceding trials. At the end of the fourth round, the average from all three actual trial rounds participated in by the team will be used for the final points given for that team's bye round. For example, a team receiving a bye in round three would receive three ballots and an average of its points earned in rounds one and

two. At the end of the fourth round, however, the points actually awarded to the team for the bye round will be adjusted to take into consideration the fourth round performance of the team.

2. A team receiving a bye in round one will be awarded a win, three ballots and the average number of points for all round one winners, which total will be adjusted at the end of each round to reflect the actual average earned by that team.

## **DISPUTE RESOLUTION**

### **Rule 6.1. Disputes Asserting a Substantial Violation of the Rules**

If a team believes that a substantial violation of the rules occurred during trial, the team may raise the issue during trial or within two minutes after the conclusion of the final closing argument. During this two-minute period after the closing argument, the team members are permitted to consult with coaches and all other team members. The process for determining that dispute shall be as follows:

1. One of the attorney members of one of the competing teams shall inform the presiding judge that the team wishes to file a claim that a substantial rules violation occurred (a “dispute”).
2. The presiding judge will provide the student with a dispute form, on which the student will record in writing the nature of the dispute. No more than two minutes shall be allotted for this process. The student may communicate with his/her team members and coaches in preparing the form.
3. The team accused of a material rules violation shall have the opportunity to respond in writing. No more than two minutes per team shall be allotted for this process. The student may communicate with her/his team members and coaches in preparing the form.
4. One member of each team shall briefly present the team’s position to the presiding judge. No more than two minutes per team shall be allotted for this explanation.
5. The presiding judge shall ask any questions and perform any additional investigation s/he believes appropriate.
6. The presiding judge will advise the teams as to whether the dispute is granted or denied. The presiding judge will record a summary of each team’s argument on the dispute form and the reasons for his/her decision on the dispute form.
7. If the presiding judge determines that a substantial rules violation has occurred, the judge will inform the scoring judges of the dispute and provide a summary of each team’s argument.
8. The dispute form will be turned in with the score sheets.

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

The scoring judges will consider the dispute before reaching their final decisions. The scoring judges may determine, in their discretion, whether to deduct points from the Total Points box, and shall indicate the deduction and reason for it on the scoresheet. The dispute may or may not affect the final decision, but the matter will be left to the discretion of the scoring judges.

## **Rule 6.3. Disputes After the Conclusion of the Trial**

Disputes which could not have been brought to the attention of the presiding judge, or disputes that challenge or appeal the decision of a presiding judge made under Rule 6.1, may be brought to the attention of the Board by teacher or attorney coaches exclusively. Such disputes must be made promptly to a trial coordinator or a member of the Board, who will ask the complaining party to complete a dispute form. The form will be taken to the tournament's communications center, whereupon a dispute resolution panel will: (a) notify all pertinent parties; (b) allow time for a response, if appropriate; (c) conduct a hearing; and (d) rule on the charge. The dispute resolution panel may notify the judging panel of the affected courtroom of the ruling on the charge and/or may assess an appropriate penalty. The dispute resolution panel will be designated by the Board and its decisions will be final.

# **COURTROOM ARTIST CONTEST**

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

Each participating school that may register a courtroom artist to compete in the Show-Me Invitational Courtroom Artist Contest. Courtroom artists are subject to all relevant Mock Trial Competition Rules, restrictions, and eligibility requirements. Artists are bound by the Rules of Competition and are deemed to be a member of a team. The courtroom artists will use the same team code as their Mock Trial team and will accompany their state team throughout the entire competition. The courtroom artist may not serve in any other role on their state's Mock Trial team.

## **Rule 7.2. Trials/Trial Depiction**

Sketches must depict actual courtroom scenes observed by the courtroom artist artists during round three of the competition. Sketches are created and completed by the courtroom artist during the course of the round three trial without the help of any source or person. Laptops are not permitted in the competition venue. The courtroom artist may only observe and sketch the trials in which his/her team is competing. The presiding judge may allow courtroom artists to sit in the jury box. However, they shall not be seated in such a way to see the scoring judges' scoresheets. Once the trial begins, the courtroom artist may not move about the courtroom. The courtroom sketch artists may not communicate, either verbally or non-verbally, with any member of the Mock Trial teams or any visitors in the courtroom during the trial rounds.

## **Rule 7.3. Submission Specifications**

Courtroom artists must supply their own materials and follow these parameters:

1. The art submission may be done in color or in black and white.
2. The drawing must be on paper of the dimensions 11" X 14", in a horizontal format.
3. The drawing may be done in any of the following mediums: Color pencil, pen and ink, pastel, marker. No watercolors or paint are allowed.
4. The art submission must have the artist's name and team code placed on the back of the sketch; no signatures on the front of the submission are allowed.

Courtroom artists are responsible for ensuring their work area is left neat and orderly with all trash disposed in the appropriate trash receptacle. Each artist submits one sketch to the presiding judge or courtroom liaison at the conclusion of the trial.

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

Sketches are evaluated and scored anonymously by a judge or judging team. The highest scored sketch will be named the Show-Me Invitational Courtroom Artist Champion. The results of the Courtroom Artist competition will be announced at the Awards Ceremony. A sample judging scoresheet is posted to the Show-Me Mock Trial website for information on how sketches are scored.

#### **Rule 7.5. Release**

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