

IDAHO MOCK TRIAL RULES OF COMPETITION



IDAHO LAW
FOUNDATION

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RULE 1: ADMINISTRATION

RULE 1.1: PURPOSE OF THE COMPETITION

Though designed as a competition, the primary purpose of Idaho High School Mock Trial is to educate students about the law and the legal system. Participants are urged to place greater emphasis on the experience of learning rather than winning.

It is important to remember that this competition, much like our judicial system, is run by people and, therefore, subject to individual interpretations. Unexpected obstacles in the course of a trial, including different rulings from different presiding judges, are the norm. Being prepared to deal with unexpected obstacles is an important learning tool and part of being prepared for the competition.

RULE 1.2: RULES

The Idaho High School Mock Trial Competition is governed by The Idaho Mock Trial Rules of Competition and the Idaho Mock Trial Rules of Evidence. These rules are designed to ensure excellence in presentation and fairness in judging. Unless otherwise indicated by Idaho Mock Trial staff, no other rules may be used.

RULE 1.3: CODE OF CIVILITY & ETHICS

The Code of Ethics & Civility is designed to encourage teams to meet their ethical obligations to themselves and other mock trial participants. To that end, those participating in the mock trial program (including team members, courtroom artists, coaches, parents, spectators, and anyone else associated with a team) must follow the rules outlined in the Code of Civility & Ethics found on the Idaho Mock Trial website. Violations can result in sanctions up to and including disqualification without a refund of any paid fees.

The Code of Ethics & Civility must be shared with and reviewed by everyone associated with a participating team, and a coach from each team must sign an online acknowledgement, prior to regional or preliminary competitions, agreeing that everyone associated with a participating team will abide by the provisions in the code.

RULE 1.4: MASTER SCOREKEEPER & PROCEDURES OFFICIAL

At least one person designated by competition staff will be at each competition to act as the Master Scorekeeper and Procedures Official. This person will:

- Be responsible for dispute resolution;
- Be available to consult with Presiding Judges on questions of rules;
- Be responsible for all scorekeeping computations; and
- Be responsible for monitoring and enforcing all mock trial procedures in accordance with the rules that govern the Idaho High School Mock Trial Competition.

RULE 1.5: EMERGENCIES FOR IN PERSON COMPETITIONS

Within reasonable consideration of weather, road conditions, technical difficulties, etc., the starting time of any trial will not be delayed for longer than 15 minutes. A team cannot begin without their complete roster (e.g. at least two attorneys, three witnesses, and a timekeeper). If a team does not have the minimum number of participants by the time the trial is to start, the team will forfeit the match.

If an emergency happens during the trial (e.g. if a team member becomes ill or is otherwise incapacitated), the presiding judge has the discretion to declare an emergency and adjourn the trial for a short period of time to address the emergency.

In the event of an emergency that would cause a team to be unable to continue a trial or to participate with less than six members, the team must notify competition staff. If competition staff agrees that an emergency exists, competition staff will decide whether the team will forfeit or direct the team to take appropriate measures to continue the round with less than six members.

A forfeiting team will receive a loss, no ballots, and points totaling the average of all the losing teams in that round. The non-forfeiting team will receive a win, three ballots, and points totaling the average of all the winning teams in that round.

Final determination of the existence of an emergency and how to address the emergency will be at the sole discretion of competition staff.

See Rule 10 for information about emergencies during virtual competitions.

RULE 2: CASE INFORMATION

RULE 2:1: CASE OVERVIEW

The case will be either an original or adapted fact pattern and will contain all the necessary pleadings, witness statements, exhibits, jury instructions, and other pertinent information.

Teams will be granted one or more periods prior to the competition for coaches to ask questions or request clarifications to the case. Any changes to the case will be made in writing and distributed to all registered teams in a timely manner but no less than three weeks prior to the first regional or preliminary competition.

The case materials are designed to be balanced, with neither side being clearly stronger nor having the winning argument.

RULE 2.2: GENDER OF WITNESSES

Unless otherwise stated, all witnesses are gender neutral. Personal pronoun changes in witness statements indicating gender of the characters may be made. Any student may portray the role of any witness.

RULE 2.3: WITNESSES BOUND BY STATEMENTS

The witness statements and exhibits included in the case materials comprise the only sources of evidence that may be introduced at trial. Witnesses may testify to any matter explicitly stated in or reasonably implied by the case materials.

Each witness is bound to give testimony that is consistent with his/her individual witness statement. These witness statements should be viewed as signed and sworn affidavits made at a time close to the event when the witness' memory should be more reliable. Witnesses can be impeached if they contradict the material contained in their witness statements or testify to matters not contained in their witness statements.

A witness is not bound by facts contained in other witness statements and may testify contrary to other witness statements, provided the testimony remains consistent with the witness' own statement and other case materials.

RULE 2.4: CONTRADICTION OF PRIOR STATEMENT

If an attorney believes that a witness has contradicted a prior statement, that testimony may be impeached during cross-examination of the witness through correct use of the statement.

The witness statements may be introduced into evidence during the trial as a prior inconsistent or prior consistent statement pursuant to the applicable rules of evidence.

RULE 2.5: FAIR/UNFAIR EXTRAPOLATIONS

Witness statements are subject to all of the errors of judgment and observation that people may make in similar situations. It is virtually impossible to provide witnesses with detailed answers to every conceivable question that attorneys may ask.

The witness statements are not intended as a complete life history and, for the most part, information not in the statements will be irrelevant and should be subject to objection. If an attorney asks for information not contained in the case materials, the opposing attorney may object. If there is no objection, or if an objection is overruled, the witness may supply an answer of his/her choice, so long as it is a fair extrapolation.

Fair extrapolations must be consistent with facts contained in the case materials and must not materially affect the witness' testimony or the outcome of the trial. It is important for the witnesses to exercise caution in such extrapolations in order to avoid:

- Initiation of a dispute over a rules violation which could be brought to the attention of the judges; and
- Impeachment of the witness' credibility by the use of his or her prior written statement which was, presumably, all the witness could recall, under oath, at a time much closer to the events in controversy. Just as in our judicial system, lawyers and witnesses must deal with the facts that exist, and not the facts they would prefer.

If a witness invents an answer that is likely to affect the outcome of the trial, that witness can be impeached during cross examination. The opposition may also object on grounds that the answer is an unfair extrapolation or is beyond the scope of the materials. The presiding judge will decide whether to allow or exclude the testimony in accordance with the Rules of Evidence and the Rules of Competition.

Possible rulings by a judge include:

- No extrapolation has occurred;
- An unfair extrapolation has occurred; or
- The extrapolation was fair.

The decision of the presiding judge regarding extrapolations is final.

RULE 3: TEAMS

RULE 3.1: TEAM ELIGIBILITY

Any public or private school or home school cooperative in Idaho may sponsor one or more teams to participate in mock trial. Mock trial is open to students in grades 9-12. This includes 9th grade students who attend junior high instead of high school. Other educational programs or organizations may be able to participate in the mock trial competition with prior approval from the Law Related Education Director.

Schools or organizations with interested students but not enough students to make a full team may combine with other schools or organizations or may accept home-schooled students as team members with prior approval from the Law Related Education Director.

A teacher sponsor, attorney coach, or other supervising adult must be present during competitions. For schools with more than one team, this means that each team must have a separate adult present during the competition.

Each school must complete the official registration form and pay the team deposit and the non-refundable entry fee for each team as a condition of participation. Teams will not receive the case materials until they have registered and paid their fees.

RULE 3.2: TEAM COMPOSITION

A team must have a minimum of six and a maximum of nine students, a teacher sponsor, and an attorney coach. If a school has more than one team, it is preferable that each team has its own teacher sponsor and attorney coach. If a school with more than one team wishes to use the same teacher sponsor and/or attorney coach for their teams, the school will need prior approval from the Law Related Education Director.

There must be two or three attorneys, three witnesses, and a timekeeper per team. Teams may also have one or two alternates. Each team will indicate which members of the team will be actively participating in each round by listing student names on their team's Daily Sheets. Only

students who are attorneys, witnesses, or timekeepers will be considered active participants in each round. Alternates will be considered inactive participants and will be treated as spectators for the purposes of mock trial rules and procedures.

Alternates may only participate as substitutes for other students in the event of an emergency (see Rule 1.5 for in person competitions and Rule 10.7 for virtual competitions). Competition staff must be informed prior to a substitution that an alternate will take the place of an active participant and the reason for the substitution.

Teams competing at state mock trial competition must compete with the same team members and roles as they did at their regional or preliminary competition. If an unforeseen circumstance necessitates a change in team composition at the state tournament, the team must receive approval from the Law Related Education Director prior to making any changes.

Students may also participate in the mock trial competition as courtroom artists. See Rule 9 for more information.

RULE 3.3: TEAM PRESENTATION AND PARTICIPATION

Teams must prepare both a Plaintiff/Prosecution and Defense case and must be ready to present both sides of the case. During each competition, teams will have an opportunity to present both Plaintiff/Prosecution and Defense at least one time at each level of competition. Competition staff will determine which team represents which side in the championship round.

Team attorneys are to divide their speaking duties as evenly as possible. If a team has two attorneys, each attorney must do at least one direct examination and one cross examination. If a team has three attorneys each attorney must do one direct examination and one cross examination. Opening statements and closing arguments must be delivered by different attorneys.

The attorney assigned to examine a particular witness on direct or cross examination is the only person who may make objections to the opposing attorney's questions for the witness.

Team members may play different roles in the Plaintiff/Prosecution and the Defense rounds. For example, an attorney for the Plaintiff/Prosecution may become a witness for the Defense or a timekeeper may become an attorney.

RULE 3.4: TEAM DUTIES

- **Activity Participation Form:** Each team member must sign this form indicating they are assuming responsibility for their participation in mock trial. Students under 18 must also have the form signed by a parent or guardian.
- **Photo & Video Release Form:** This form gives permission to the Idaho Law Foundation to use photographs and videos for educational and promotional purposes. Each team member must sign and return this form prior to their regional or preliminary competition. Students under 18 must also have the form signed by a parent or guardian.

- **Daily Sheets:** A Daily Sheet lists the roles that team members will play during a trial. Each team must submit completed electronic Daily Sheets (one Plaintiff and one Defense) for each team from their school at least 1 week prior to their regional or preliminary competition.
- **Name Tags (In-Person Competitions):** Each team must fill out competition-provided name tags for all team members—including alternates, teacher sponsors, and attorney coaches. Attorneys will write their own names on their name tags and witnesses will write the name of the witness they are portraying on their name tags. For online competitions, participants will treat their screen names as their name tags.
- **Timekeepers:** Each team is required to provide at least one student who will serve as the official timekeeper for that team and will commit to following the information outlined in the Idaho Mock Trial Timekeeping Guide and viewing the timekeeper orientation video prior to their competition.
- **Orientations:** Teams must commit to viewing team orientation videos prior to their competition.
- **Observers (In-Person Competitions):** Each team is responsible for educating their observers about the relevant rules of the competition, particularly the rules prohibiting contact with the team during trials.

RULE 4: THE TRIAL

RULE 4.1: COURTROOM SETTING FOR IN PERSON COMPETITIONS

The Plaintiff/Prosecution shall be seated at the table closest to the jury box (where available). The Defense team will sit at the table on the opposite side of the room. Where possible, all members of the team participating in the round will sit in front of the bar (the low wall) that divides the spectators from the active participants. If there is not adequate space in front of the bar, the first row of the spectator section will be reserved for witnesses. No inactive team members, coaches, alternates, or observers may sit with participating witnesses during the trial.

No team shall rearrange furniture or podiums in the well of a courtroom without prior permission from competition staff. If a team does receive permission to rearrange the courtroom, they are responsible for returning the courtroom to its original setup at the end of the round and returning any added chairs to their original location. Under no circumstances may a team rearrange anything on the bench or the court clerk's desk.

RULE 4.2: TRIAL SEQUENCE

The following general trial sequence will be followed:

- 1) Plaintiff/Prosecution's timekeeper calls the court to order.
- 2) Judges enter and the Presiding Judge asks everyone to be seated.

- 3) Presiding Judge announces the case, swears in all witnesses, and makes any introductory remarks.
- 4) Plaintiff/Prosecution's Opening Statement
- 5) Defense's Opening Statement (the Defense's Opening may not be reserved)
- 6) Plaintiff/Prosecution's Direct Examination
- 7) Defense's Cross Examination
- 8) Plaintiff/Prosecution's Redirect Examination (optional)
- 9) Defense's Recross Examination (optional)
- 10) Defense's Direct Examination
- 11) Plaintiff/Prosecution's Cross Examination
- 12) Defense's Redirect Examination (optional)
- 13) Plaintiff/Prosecution's Recross Examination (optional)
- 14) Plaintiff/Prosecution's Closing Argument
- 15) Defense's Closing Argument
- 16) Plaintiff/Prosecution's Rebuttal (optional)

Items marked "optional" are at the discretion of the team, rather than the presiding judge.

RULE 4.3: MOTIONS PROHIBITED

No motions, except motions to strike following a sustained objection, are allowed before, during, or after the trial. If any motions are important to the presentation of the case they will be explicitly addressed in the case materials. Other prohibited motions include:

- No offers of proof may be requested or tendered.
- No voir dire of witnesses is allowed.
- Teams may not ask that witnesses or jurors be sequestered.
- Bench conferences are not permitted.

RULE 4.4: WITNESS PARTICIPATION & SWEARING IN

All witnesses (three for each side) must take the stand. Neither team may call witnesses from the other side.

The following oath will be used by the Presiding Judge to swear in all witnesses from both sides before the trial 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?"**

Unless it is impractical to do so, all witnesses will stand and raise their right hands during the swearing in.

RULE 4.5: TIME LIMITS

Each team will be allowed a maximum of 50 minutes to present its case, divided into the trial segments outlined below. Teams are not required to use the entire time allotted to each segment, but time remaining in one segment may not be transferred to another segment.

The time clock will stop during objections and the judges' responses to objections. The time clock will not stop for the introduction of exhibits.

Each team has the following time limits for each segment of the trial:

- Opening Statements (5 minutes)
- Direct and Redirect Examination (20 minutes)
- Cross and Recross Examination (20 minutes)
- Closing Arguments, including Plaintiff/Prosecution Rebuttal (5 minutes)

RULE 4.6: OVERTIME PROHIBITED

Going overtime is not allowed. When a team reaches its time limit for a segment of the trial the timekeepers will hold up the STOP card and the team presentation must stop. If time has expired and an attorney or witness continues speaking the presiding judge will instruct the attorney or witness to stop and scoring judges may deduct points from a team's score sheet for the time violation.

RULE 4.7: BREAKS AND RECESSES

Unless there is an emergency there will be no breaks or recesses during a round of competition, except that the presiding judge, at his or her discretion, may grant a 3-minute break following the close of testimony to allow teams to finalize their closing arguments. This break will be timed, and judges will not leave the courtroom during this break.

RULE 4.8: SUPPLEMENTAL MATERIALS: ACCENTS & COSTUMING

While students are encouraged to make the case interesting by acting as they believe their witness would act, mock trial is not a theatrical presentation. No props, costumes, accessories, or witness-specific hairstyles or make up are permitted. An accent is allowed. Attorneys and witnesses should all dress in a professional manner.

A witness may not refer to the physical traits or gender of any actual trial participants in order to bolster or discredit testimony, unless physical traits or gender are described in a witness statement or exhibit.

RULE 4.9: TRIAL COMMUNICATION

For reasons of safety and educational integrity, at least one teacher sponsor, attorney coach, or other responsible adult designated by the team must remain in the courtroom throughout the trial.

Teacher sponsors, attorney coaches and other spectators may not talk to, signal, or otherwise communicate with or coach participating students during the trial.

RULE 4.10: SCOUTING & VIEWING IN PERSON TRIALS

Teachers, coaches, and members of teams not yet eliminated from the competition may not observe trials in which they are not participating. Family or friends with students on more than one team may observe any trial in which they have a student participating, provided they do not move from trial to trial during a round.

Other than mock trial staff or media representatives authorized by the Idaho Law Foundation, anyone who wants to view a trial must arrive in the courtroom prior to the beginning of the round. Spectators remain in the courtroom until the end of the round except in the case of an emergency. If a person viewing a trial needs to leave for an emergency before the end of the trial, he or she must do so quietly and may not re-enter the courtroom until the end of the trial.

RULE 4.11: VIDEOTAPING/PHOTOGRAPHY

Unless agreed to by both teams in a round, audio/video recording and still photography are prohibited during a trial except by competition staff and designated media representatives. Any team has the option to refuse to allow audio/video recording and still photography by opposing teams.

If recordings or photographs are made, they may not be publicly or privately published or shared until after the conclusion of the competition.

Teams may take photos of their students in the courtroom before and after the trial, unless otherwise prohibited by the court.

RULE 4.12: JURY TRIAL

The case will be tried to a panel of four judges (where possible): a non-scoring presiding judge and three scoring judges who represent the jury. Arguments should be made to all the judges. Teams should address the presiding judge as "Your Honor," and the scoring judges as "Ladies and Gentlemen of the Jury" or "Members of the Jury."

RULE 4.13: STANDING DURING IN PERSON TRIALS

Unless excused by the presiding judge, attorneys will stand while giving opening statements and closing arguments, while conducting direct and cross examinations, and while making or responding to objections. Attorneys are assumed to be able to move about the well during a trial and do not need to ask permission at the beginning of the trial.

RULE 4.14: OBJECTIONS DURING OPENING STATEMENTS OR CLOSING ARGUMENTS

No objections may be raised during opening statements or closing arguments.

If a team believes an objection would have been proper during the opposing team's opening or closing statement, one of its attorneys may, following the opening statement or closing argument, stand to be recognized by the judge and may say, "In accordance with Rule 4.14, if I had been permitted to object, I would have objected to the opposing team's statement that..."

The presiding judge will not hear argument by the opposing team and will not rule on this objection. Scoring judges shall each give the objection the weight they see fit.

RULE 4.15: OBJECTIONS

The following are objections commonly used during mock trial. In addition to these objections, teams may find additional objections in the Idaho High School Mock Trial Rules of Evidence.

- 1) **Fair/Unfair Extrapolations:** See Rule 2.4.
- 2) **Argumentative Questions:** An attorney shall not ask argumentative questions. However, the Court may, in its discretion, allow limited use of argumentative questions on cross-examination.
- 3) **Lack of Proper Foundation:** Attorneys shall lay proper foundation prior to moving for the admission of evidence or exhibits. After a motion has been made, evidence or exhibits may still be objected to on other grounds.
- 4) **Assuming Facts Not in Evidence:** Attorneys may not ask questions that assume unproven facts. However, an expert witness may be asked a question based upon stated assumptions, the truth of which is reasonably supported by the evidence. This is sometimes called a hypothetical question.
- 5) **Questions Calling for Narrative or General Answers:** Questions must be stated so as to call for specific answers. For example, "Tell us what you know about this case" is a general question, but "Where were you on the night of December 22nd" is a specific question.
- 6) **Non-Responsive Answers:** A witness' answer is objectionable if it fails to respond to the question asked.
- 7) **Outside the Scope:** Attorneys may not ask questions on re-direct examination not covered on cross examination for topics not covered in direct examination or ask questions on re-cross examination for topics not covered in re-direct examination.
- 8) **Repetitive:** Questions designed to elicit the same testimony or evidence previously presented in its entirety are improper if merely offered as a repetition of the same testimony or evidence from the same or similar source.

RULE 4.16: TENDERING AN EXPERT

Idaho does not require that an attorney tender a witness as an expert or obtain a formal ruling from the presiding judge that a witness is an expert before that witness may offer an expert opinion (see Article VII of the Idaho Mock Trial Rules of Evidence). However, the attorney offering an opinion of an expert witness must be sure to lay the proper foundation for the opinion (see Rule 702), and the opinion is subject to objection if the proper foundation is not laid, or for any other reason.

RULE 4.17: EXHIBITS FOR IN PERSON COMPETITONS

Attorneys may introduce any of the exhibits provided with the case materials. These exhibits may not be altered in any way. Exhibits not specifically provided with the case materials are not allowed.

Exhibits must be introduced into evidence if attorneys wish the court to consider the items themselves as evidence, not just the testimony about the exhibits. At the end of the witness examination, attorneys may ask to move the item into evidence in this manner:

- 1) Present the item to an opposing attorney prior to asking permission from the judge to approach the witness with the exhibit. If the opposing attorney objects to use of the item, the judge will rule whether it fits the official description.
- 2) Request permission from the judge to introduce the item during trial. For example, say: "Your Honor, I ask that this item be marked for identification as Exhibit #XX."
- 3) Show the item to the witness on the stand. Ask the witness if s/he recognizes the item. If the witness does, ask the witness to explain how s/he is familiar with it. Make sure to show the item to the witness, don't just point.
- 4) Request permission from the judge to admit the item during trial. For example, say: "Your Honor, I ask that Exhibit #XX be admitted into evidence."
- 5) At this point opposing counsel may make any objections they have.
- 6) The judge will then rule on whether the item may be admitted into evidence
- 7) When finished using the item, return it to the attorney table or request permission to leave it at the witness stand.

RULE 4.18: USE OF NOTES AND PRESENTATION AIDS

Witnesses are not permitted to use notes while testifying. However, attorneys may utilize a witness' statement to refresh his/her recollection or impeach the witness in accordance with the applicable rules of evidence.

Attorneys may use notes during opening, closing, direct, and cross; however, the use of notes is discouraged.

Teams may not use slides, flip charts, white boards, black boards, or any other form of presentation technology.

RULE 4.19: USING TIME DURING CROSS EXAMINATION

On cross examination witnesses should concisely answer the questions put to them. If a question cannot be fairly answered with a simple “yes” or “no” then the witness may give a brief narrative in order to put the answer in a proper context. If a witness’ answer is a narrative or non-responsive to the question, the cross-examining attorney may object. If the judges believe that a witness is giving narrative answers only for the purpose of using the opponent’s time, the judges may deduct points from the witness as they see fit.

RULE 4.20: REDIRECT/RECROSS EXAMINATION

Only one redirect and only one recross examination per witness will be allowed.

RULE 4.21: SCOPE OF CLOSING ARGUMENTS

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

RULE 4.22: THE DEBRIEF

Presiding Judges will NOT announce a verdict or ruling on the legal merits of the trial. Judges will also NOT announce which team won the round or the scores of the teams.

Following regional or online preliminary rounds judges will have an opportunity to provide brief comments. The debriefing sessions are limited to a total of 10 minutes to be shared among all members of the judging panel. It is the responsibility of the Plaintiff timekeeper to use timecards to signal the judging panel during the debrief, counting down from 10 to 0. When 10 minutes have passed, the Plaintiff timekeeper MUST hold up the STOP card to politely signal to the judges that the debrief session has ended.

There will be no live debriefing following rounds at the state competition.

Scoresheets will include space for judges to provide comments. Those comments will be made available to the teams shortly after each round. Judges should not use the debriefing time to repeat comments from the scoresheet, or to make comments that should be included in the scoresheet.

RULE 5: JUDGING & SCORING

RULE 5.1: FINALITY OF DECISIONS

All decisions of the judging panel are final.

RULE 5.2: COMPOSITION OF JUDGING PANELS

Where possible, a four-person panel will judge and score each round: a presiding judge and three scoring judges. The presiding judge will sit at the judge's bench and the scoring judges will sit in the jury box.

All members of the judging panels will receive the mock trial materials prior to the trial and are expected to read and be familiar with them.

RULE 5.3: BALLOTS & SCORE SHEETS

The term ballot will refer to the decision made by a scoring judge as to which team was awarded the most points by that judge in the round.

Score sheets will be completed independently by each scoring judge, and not subject to deliberation. Scoring judges are not bound by the rulings the presiding judge made during the trial. Scoring judges should consider each individual presentation on its own merit and are free to score each segment of the trial as they see fit.

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 ballots wins the round.

RULE 5.4: SCORING ADJUSTMENTS

There may be times when panels are either larger or smaller than four judges. If only three people are available, the presiding judge will also serve as a scoring judge. If only two people are available, the two scores will be averaged to create a third score.

In the event that a round has more than three scoring judges, the following procedure will be used to determine the three ballots that will be used to score the round. The goal is to preserve the overall outcome, and the proportionate share of ballots awarded to each team. In other words, removing ballots will not change who wins or loses the round, and will not take away a ballot from the losing team.

Five Scoring Judges:

- Unanimous for one team: Remove two scoresheets (result: 3-0)
- 4-1: Remove two scoresheets for the winning team (result: 2-1)
- 3-2: Remove one scoresheet for the winning team and one scoresheet for the losing team (result: 2-1)

Four Scoring Judges:

- Unanimous for one team: Remove one scoresheet (result: 3-0)
- 3-1: Remove one scoresheet for the winning team (result: 2-1)
- 2-2: Remove one scoresheet (result: 2-1)

To determine the scoresheet(s) to be removed, the total points awarded to the plaintiff and to the defense will be added together for each scoresheet. The scoresheet with the least total points will be the scoresheet removed for that round.

If a judge is scoring in multiple rounds, only one of their ballots may be removed during the competition. For example, if a judge's ballot is removed in Round 1, that judge's ballot will not be removed in subsequent rounds. In the unlikely event that all the judges have already had a ballot removed, then all ballots become eligible for removal.

RULE 5.5: COMPLETION OF SCORE SHEETS

A Scoring Guide is available for teams and judges that outlines the criteria to use when scoring. Each scoring judge shall record a number of points (1-10) for each of the 11 individual presentations of the trial. No ties are allowed.

RULE 5.6: SCORING DEDUCTIONS

There will be a deduction of up to ten points from a team's total score if students, the teacher sponsor, or the attorney coach is found in violation of a rule by a presiding judge or competition staff.

RULE 6: PAIRINGS & TEAM ADVANCEMENT

RULE 6.1: PAIRINGS

Competition staff will make every attempt to ensure that the same teams do not meet one another for more than one round, or that teams from the same school do not meet each other during a competition. However, various factors such as uneven numbers of teams or a small number of teams participating may necessitate that some teams meet more than once or meet a team from their school. Pairing decisions are at the sole discretion of the competition staff and may not be disputed.

RULE 6.2: UNEVEN NUMBERS OF TEAMS

RULE 6.2.1: ZERO ROUNDS

To ensure teams are able to participate in the maximum number of competition rounds, the competition will employ a zero round method when it's clear that there will be an uneven number of teams well in advance of a competition. Where possible, four teams from four different schools will participate in trials, either in person or virtually in the week prior to the competition. Teams will be given the opportunity to volunteer to participate in a zero round, but if not enough teams volunteer, competition staff will choose which teams will participate.

For regional competitions, three teams will receive a bye round and one team will have their zero round serve as a scrimmage round. The team acting as the scrimmage team will be chosen at random. Teams will not know who the scrimmage team is until the regional competition. For

the state competition all four zero round teams will receive one of the bye rounds during the four quarterfinal rounds.

RULE 6.2.2: BYE ROUNDS

In the event that a competition ends up with an uneven number of teams at the last minute where there is not enough time to schedule zero rounds, a competition will employ bye rounds. A team that receives a bye will have no opponent for a single trial round. Bye round teams are picked prior to the beginning of the competition but are not generally informed of their bye round until the pairings are posted. Where possible, if a school has two or three teams, only one team from that school will receive a bye.

At a regional or preliminary competition, a team that is given a bye will be awarded a win, two 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.

At the state competition, the team drawing the bye in rounds two through four will, by default, receive a win and two 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.

RULE 6.3: TEAM ADVANCEMENT

At each regional or preliminary competition, all teams typically participate in a minimum of three rounds; at the state competition, all teams participate in four quarter-final rounds. After four rounds at the state competition, the top two teams will advance to the championship round.

The number of teams that advance to the state competition from each regional or preliminary competition will be based on a proportional representation of the number of teams that compete in that competition compared to the number of teams competing overall. A minimum of twelve teams will advance to the state competition.

For schools that register more than one team, the top placing team from the school will be the first to advance, if qualified, from the regional or preliminary competition to the state competition. In the event of a smaller number of teams, there may be the possibility for more than one team from a school to advance if there is space in the state competition. Teams will be given notice that more than one team is eligible as soon as practical before the state competition.

Team advancement at regional or preliminary competitions and the quarterfinals of the state competition will be based on the following criteria in the order listed:

- 1) **Win/Loss Record:** In each round the team that wins the round is the team that receives the most ballots.
- 2) **Total Number of Ballots:** In each round, a team can win a ballot by earning a higher score from a scoring judge.

- 3) **Total Number of Points Accumulated:** In each round, a team can earn from 11 to 110 points from each scoring judge.
- 4) **Point Spread against Opponents:** The point spread is the difference between the total points earned by the team and 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.

In order to enhance the educational nature of mock trial and encourage maximum participation within the competition setting, only one team from a school may appear in the final round.

In the final round, the teams who wins will be the team who receives the greatest number of ballots.

RULE 6.4: POWER MATCHING

The state competition will employ a power-matching system to determine team advancement. In a power-matching system, a seeding method of selection based on regional or preliminary competitions will determine opponents in the first round, and a power-match system will determine opponents for all other rounds. The four teams emerging with the strongest record from the four quarterfinal rounds will advance to the semi-final rounds. The winning teams will be determined by ballots for the final round only.

Power matching will provide that:

- 1) Pairings for the first round will be pre-determined;
- 2) Every effort will be made to ensure that all teams present each side of the case at least once - **PLEASE NOTE THAT THIS MEANS THAT THERE IS A POSSIBILITY THAT SOME TEAMS MAY PLAY ONE SIDE THREE TIMES;**
- 3) After each round, 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) points; (4) point spread;
- 4) If there is an odd number of teams in a bracket, teams will be matched with a team from another bracket, following the general power matching principles;
- 5) Every effort will be made to ensure that teams do not meet the same opponent twice or see the same judging panel twice.

RULE 6.5: SELECTION OF SIDES FOR THE CHAMPIONSHIP ROUND

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

- 1) The team with the team code that comes first alphabetically will be considered the Designated Team.
- 2) A coin will be tossed by a mock trial staff member or designated volunteer.

- 3) If the coin comes up heads, the Designated Team will represent the Plaintiff/Prosecution in the Championship Round. If the coin comes up tails, the Designated Team will represent the Defense.

However, if the teams competing in the final round faced each other in an earlier round at the state competition they will switch sides for the final round.

RULE 7: DISPUTE RESOLUTION

RULE 7.1: DISPUTE RESOLUTION PANEL

The dispute resolution panel will be made up of the available competition staff. The dispute resolution panel serves as the appeals board for any disputes.

RULE 7.2: REPORTING A RULES VIOLATION INSIDE THE BAR

If, during the trial, any team has reason to believe that a violation of the rules has occurred, the alleged violation shall be presented immediately to the presiding judge through one of the team attorneys. This will be presented in accordance with the Idaho Mock Trial Rules of Evidence procedure for objections. The presiding judge may rule on the matter or take the matter under advisement, and the trial will continue. The decision of the presiding judge is final. While judges will not announce it, they may at their discretion deduct up to ten points from their Score Sheets for a rule violation.

Any alleged violation which is known or should have been discovered during the trial and not brought to the attention of the presiding judge, is promptly waived.

RULE 7.3: REPORTING A RULES VIOLATION OUTSIDE THE BAR

Disputes which occur outside the bar during a trial round may be brought by teacher sponsors or attorney coaches exclusively. Such disputes must be made immediately following a round to competition staff or the dispute will not be considered.

Competition staff will ask the complaining party to complete a Dispute Resolution Form. The form must be completed and returned back to competition staff.

After the completed form is received, competition staff will:

- 1) Decide whether or not the dispute needs to be referred to the Dispute Resolution Panel;
- 2) Notify all pertinent parties;
- 3) Allow time for a response, if appropriate;
- 4) Evaluate the dispute; and
- 5) Rule on the complaint.

At their discretion, competition staff and/or Dispute Resolution Panel may notify the judging panel of the affected courtroom of the ruling on the charge or may assess an appropriate point deduction for the violation. All decisions are final and not subject to further dispute.

RULE 8: INDIVIDUAL & TEAM AWARDS

RULE 8.1: OUTSTANDING WITNESS & ATTORNEY AWARDS

Judging panels may recognize outstanding individual presentations by selecting one outstanding witness and/or one outstanding attorney per round. The decision must be representative of the majority of the panel members and recorded on a provided form. The judges should not announce these decisions, as students will be recognized at the end of the competition during the awards ceremony.

RULE 8.2: TEAM-TO-TEAM INDIVIDUAL AWARDS

At the end of each round, while the judges are filling out their score sheets, each team will collaboratively choose one outstanding witness and one outstanding attorney from the opposing team. These decisions will be made by team members and not by attorney coaches or teacher sponsors. Team members will write the names of their choices on the certificates provided in their registration packets at the beginning of the competition and will present their awards at the conclusion of the debrief session.

RULE 8.3: THE CIVILITY & ETHICS AWARD

The Civility & Ethics Award is sponsored by the Idaho State Bar Professionalism & Ethics Section and was created to highlight the importance of civility and professionalism among teams participating in the Idaho High School Mock Trial Program.

A nomination ballot will be included in the packet teams receive at the State Competition. Each team will nominate another team and turn in their ballot at the end of the fourth round of competition.

Teams may not campaign for this award nor can a team nominate itself or any other team from their same school. A team does not have to nominate another team they competed against during the Quarterfinal rounds; the nomination can go to a team interacted with before and after rounds or during breaks.

RULE 9: COURTROOM ARTIST CONTEST – IN PERSON COMPETITONS

RULE 9.1: COURTROOM ARTIST ELIGIBILITY

Courtroom artists can participate as part of a mock trial team or enter on their own if their school does not have a mock trial team. A minimum of six artists from regional or preliminary contests will be eligible to participate in the state courtroom artist contest. Artists are scored and eligible to advance independent of their associated team. The courtroom artist may not serve in any other role on their Mock Trial team.

Courtroom artists are subject to all relevant mock trial rules, restrictions, and eligibility requirements and will be held to the Code of Ethics & Civility. Courtroom artists who participate as part of a mock trial team will use the same team code as their mock trial team and

will accompany their team throughout the competition. Courtroom artists who participate independently of a mock trial team will be assigned to a mock trial team during the competition.

RULE 9.2: TRIAL DEPICTION

Sketches must depict actual courtroom scenes observed by the courtroom artist. Preliminary sketches are made during the first rounds of competition and completed during the final round of competition without the help of any source or person.

The presiding judge may allow courtroom artists to sit in the jury box, where possible. Once a trial begins, the courtroom artist may not move about the courtroom and may not communicate with any team members, coaches, or observers during the round.

RULE 9.3: 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/landscape format.
- 3) The drawing may be done in any of the following media: 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.

RULE 10: VIRTUAL COMPETITIONS

RULE 10.1: VIRTUAL COMPETITION SETTING

All 2021 competitions will take place using Zoom. Team members, coaches, observers, and judges will log in to a main Zoom room prior to being placed in their Zoom courtrooms.

Before their first competition, teams will receive instructions on how to use the virtual platform. At a minimum, teams must provide a device at each location that allows two-way audio and visual communication, and a reliable internet connection with sufficient bandwidth to handle video conferencing. Teams are required to test their videoconferencing equipment prior to the date of the competition.

Each competing team will be allowed a maximum of 15 slots with the following limitations:

- 9 team members including attorneys, witnesses, timekeepers, and team managers
- 1 courtroom artist
- 2 coaches

- 3 observers; observer slots may be distributed as each team sees fit. Unused team slots may not be used to add observers.

Abuse of these limitations will result in disqualification from the competition.

RULE 10.2: VIRTUAL TEAM MANAGER

As with in person competitions, virtual teams consist of 6 to 9 students. For virtual competitions, teams can use one of their alternates to serve as a Team Manager during a round to provide technological assistance such as screen sharing of exhibits, renaming participants to adhere to rules/protocols, and serve as liaison between team and competition staff in the event of an emergency.

RULE 10.3: VIRTUAL TEAM CONFIGURATION

Teams will have the choice whether the entire team participates from one location, or whether individual team members participate from separate locations. Judges will be instructed that the setting a team chooses to use is of no consequence to the judging criteria or scoring.

Teams can choose one of two models to use:

- **Each student on their own in their own space:** This is the most social-distance-friendly option with each student on their own device in different locations. Having each student on their own computer offers other benefits as well. When each student has their own device, they will have more familiarity using the device, and will require less time for trading positions, changing the display name, and other, similar matters.
- **Same room or building with multiple cameras:** This option places all participating students from a specific team in the same room or general location but requires each to have their own device for the portion the student is performing. Under this format, there may be some feedback issues during questioning of team witnesses, so it may be advantageous to physically separate attorneys and witnesses. Teams, however, are able to stay together in a general location to enhance the social nature of the activity while remaining appropriately socially distanced. This scenario may also be necessary in areas where a central location has the only stable high-speed internet available. At a minimum, teams in this scenario would need three devices: one for attorneys to share, one for witnesses to share, and one for the timekeeper.

RULE 10.4: VIRTUAL COMPETITION PROTOCOLS

Zoom chat is for use by timekeepers only to display time remaining for each segment of the trial. No team members or coaches can use chat, including private chat, except in the case of a technical emergency when audio or video functions are lost but access to chat is intact.

Observers are not allowed use the chat, or instant message functions at any time.

Performing students may communicate with one another throughout the trial by other electronic means with notifications on silent or vibrate as long as the communication is not disruptive.

As with in person competitions, student attorneys may use notes during a trial and student witnesses may not use notes. Unauthorized use of notes by student witnesses during a virtual competition may result in a team being disqualified from the competition.

Other virtual protocols include:

- For virtual trials, students may elect to stand or remain seated for all parts of the trial.
- Students and judges should have as neutral a background as possible. Since virtual backgrounds may slow down a computer, teams are not required use them. However, if a team member decides to use a virtual background, only solid black or solid white may be used.
- Students are cautioned to make sure that no part of the furniture or decoration of the rooms shown on their computer screens reveal the name or other information of the school competing.
- Only one person will be allowed per screen at one time. Multiple students may utilize a particular screen throughout the trial but should rename when switching and only show the currently performing student.
- All participants will mute audio and video when not performing. Team managers will remain muted without video except in the case of a technical emergency. Coaches and observers will remain muted without video throughout the entire trial. Scoring judges will mute audio but not video. The presiding judge will mute audio when not speaking, but not video.

RULE 10.5: NAMING CONVENTIONS FOR VIRTUAL COMPETITIONS

Each Zoom window includes a place for the Zoom participant to list his or her name. During a virtual competition, each team member, coach, and observer present for the trial must list: 1) their team code and 2) whether they are plaintiff/prosecution or defense for the round (by listing P or D), and 3) their first and last name in that order. Each person must also include the role they are serving for the round as outlined below. Note in the examples that XYZ and ABC are the sample team codes.

- **Attorneys:** XYZ-P, Attorney John Smith
- **Witnesses:** ABC-D, Witness Luka Edelman
- **Timekeepers:** ABC-D, Timekeeper Nick Fuller
- **Team Manager:** XYZ-P Team Manager Nora Charles
- **Courtroom Artist:** ABC Courtroom Artist Pablo Picasso
- **Coach:** XYZ, Coach Lisa Borden
- **Observer:** ABC Observer
- **Judges:** Presiding Judge, Hon. Tommy Dorsey or Scoring Judge, Ella Fitzgerald

RULE 10.6: EXHIBITS AT VIRTUAL COMPETITIONS

During a virtual competition, the procedure for entering exhibits shall be followed:

- 1) Teams will be provided with digital versions of all case materials prior to the competition and must have the materials in their possession during the competition to refer to them when prompted.
- 2) Attorneys will not be required to confirm that they have shown the exhibit to opposing counsel.
- 3) When an exhibit or other document is shown to a witness, a member of the examining attorney's team will make that document available to all participants via screen sharing. The member of the team responsible for posting the exhibit must be a team member competing in the round or a team manager.
- 4) 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. Once an exhibit is admitted into evidence there will be no additional need to ask that it be published to the jury.
- 5) For clarity, information contained in exhibits or witness statements may be highlighted in yellow using the Zoom annotation tools. No other marks or annotations may be made.

RULE 10.7: EMERGENCIES DURING VIRTUAL COMPETITIONS

It is possible that team members or judges may encounter technical difficulties during a trial such as loss of internet connection or video. Loss of video will not be considered a technical difficulty as long as team members are still able to be heard.

If one team member encounters a technical difficulty during a trial that cannot be resolved within 2 minutes, then the trial will continue with an alternate substituting for the impacted team member. The alternate must complete that segment of the trial for which the substitution was made. If the impacted team member is playing an attorney and resolves the technical difficulty, she may return to the trial for any other roles s/he is assigned for that round.

If the technical difficulty involves the entire team and cannot be resolved within 10 minutes, that team will forfeit the balance of the round. For any remaining segments of the round the forfeiting team will receive scores equal to their average score on all segments completed prior to being disconnected, and the team that remained connected will receive a score of "8" for each of the remaining segments.

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 for the remaining trial segments.

If a scoring judge encounters a technical difficulty during a trial, they should contact competition staff immediately. If they are able to be rejoined to the trial, they will do so. If not, the trial will continue with the remaining judges. If the presiding judge encounters a technical

difficulty during the trial, one of the scoring judges will take over for the presiding judge role until the presiding judge is able to rejoin or until the trial is complete.

RULE 10.8: COURTROOM ARTIST CONTEST FOR VIRTUAL COMPETITIONS

RULE 10.8. 1: TRIAL DEPICTIONS DURING A VIRTUAL COMPETITION

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

- Courtroom artists are permitted to create details of a courtroom setting in crafting their competition pieces. Where possible, competition staff may provide pictures of actual courtrooms that artists can recreate as background for their submissions.
- Courtroom artists are permitted into the virtual courtroom on the same terms as any other team member.
- If the courtroom artist loses connection, it will not constitute an emergency for purposes of Rule 10.7.

RULE 10.8.2: SUBMISSION SPECIFICATIONS FOR A VIRTUAL COMPETITION

The rules for submission of the artist's work are the same as those during an in-person competition, except that:

- At the conclusion of the trial, the artist must turn in a screen shot of the drawing.
- A final picture of the art sketched must be submitted within 90 minutes of the conclusion of the trial to be considered in the contest.
- The submission process, labeling protocol, and technical specifications for courtroom artist depictions (e.g. file size, resolution, and image format) will be announced in advance of the competition.