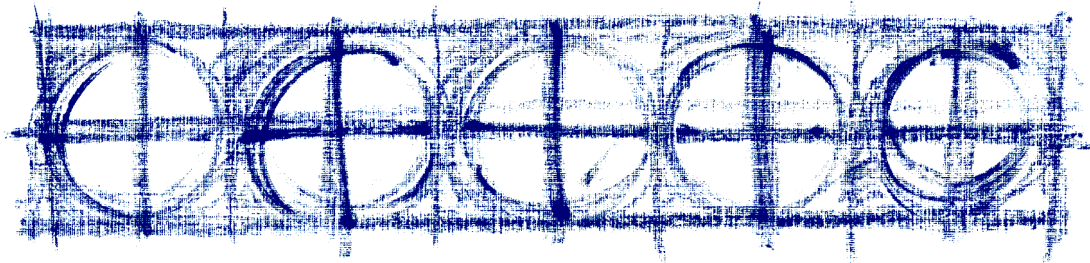


2019 Rules of Competition & Procedures

Idaho High School Mock Trial

IDAHO LAW FOUNDATION



Helping the profession serve the public

Table of Contents

RULE 1: ADMINISTRATION	1
Rule 1.1: Purpose of the Competition	1
Rule 1.2: Rules.....	1
Rule 1.3: Code of Civility & Ethics	1
Rule 1.4: Master Scorekeeper/Procedures Official	3
Rule 1.5: Emergencies	3
RULE 2: THE PROBLEM	3
Rule 2.1: Gender of Witnesses	3
Rule 2.2: Witnesses Bound by Statements	4
Rule 2.3: Contradiction of Prior Statement	4
Rule 2.4: Fair/Unfair Extrapolations.....	4
RULE 3: TEAMS	5
Rule 3.1: Team Eligibility	5
Rule 3.2: Team Composition	6
Rule 3.3: Team Presentation and Participation	7
Rule 3.4: Team Duties.....	8
RULE 4: THE TRIAL	9
Rule 4.1: Courtroom Setting	9
Rule 4.2: Trial Sequence	9
Rule 4.3: Witness Participation	10
Rule 4.4: Swearing in of Witnesses.....	10
Rule 4.5: Time Limits.....	10
Rule 4.6: Overtime and Time Extensions	11
Rule 4.7: Breaks and Recesses.....	11
Rule 4.8: Supplemental Material/Costuming	11
Rule 4.9: Trial Communication.....	12
Rule 4.10: Viewing a Trial	12
Rule 4.11: Videotaping/Photography	12
Rule 4.12: Jury Trial	13
Rule 4.13: Standing During Trial	13
Rule 4.14: Objections during Opening Statement/Closing Argument	13
Rule 4.15: Objections.....	13

Rule 4.16: Tendering an Expert.....	14
Rule 4.17: Exhibits.....	15
Rule 4.18: Use of Notes.....	15
Rule 4.19: Using Time During Cross Examination.....	16
Rule 4.20: Redirect/Recross Examination.....	16
Rule 4.21: Scope of Closing Arguments.....	16
Rule 4.22: Timekeeper Procedures & Duties.....	16
Rule 4.23: The Debrief.....	16
RULE 5: JUDGING & SCORING.....	16
Rule 5.1: Finality of Decisions.....	17
Rule 5.2: Composition of Judging Panels.....	17
Rule 5.3: Ballots/Score Sheets.....	17
Rule 5.4: Completion of Score Sheets.....	18
Rule 5.5: Scoring Deductions.....	18
RULE 6: PAIRINGS & TEAM ADVANCEMENT.....	18
Rule 6.1: Pairings.....	18
Rule 6.2: Uneven Numbers of Teams and Bye Rounds.....	18
6.2.1 Choosing Teams to Receive a Bye.....	18
6.2.2: Uneven Number of Teams at a Regional Competition.....	19
6.2.3: Uneven Number of Teams at the State Competition.....	19
Rule 6.3: Team Advancement.....	19
Rule 6.4: Power Matching.....	21
Rule 6.5: Selection of Sides for Semi-Final and Final Rounds.....	21
RULE 7: DISPUTE RESOLUTION.....	21
Rule 7.1: Dispute Resolution Panel.....	22
Rule 7.2: Reporting a Rules Violation Inside the Bar.....	22
Rule 7.3: Reporting a Rules Violation Outside the Bar.....	22
RULE 8: INDIVIDUAL & TEAM AWARDS.....	23
Rule 8.1: Outstanding Witness & Attorney Awards.....	23
Rule 8.2: Team-to-Team Individual Awards.....	23
Rule 8.3: The Civility & Ethics Award.....	23

RULE 1: ADMINISTRATION

Rule 1.1: Purpose of the Competition

Though designed as a competition, the primary purpose of the Idaho High School Mock Trial Competition is to educate students about the law and the legal system. The case materials are designed to be balanced, with neither side being clearly stronger or having the winning argument. Students, teachers, and attorneys working with teams are urged to place greater emphasis on the experience of learning rather than winning.

It is important to remember that our judicial system, just as this competition, 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 rule, rather than the exception. Being prepared to deal with the unexpected obstacles that will inevitably arise 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 rules set forth below. These rules are designed to ensure excellence in presentation and fairness in judging all competition trials.

Questions or interpretations of these rules are within the discretion of competition staff and/or the Dispute Resolution Panel, whose decisions are final.

The trial proceedings are governed by the Idaho High School Mock Trial Rules of Evidence. Other more complex rules may not be raised in the trial.

Rule 1.3: Code of Civility & Ethics

The mission of mock trial is to promote and understanding of and appreciation for the rule of law and the United States judicial system. In our judicial system, trials are a search for truth, which depend on standards of honesty, integrity, and exemplary behavior by all who participate.

These standards should be an integral part of each team's mock trial program and are designed to encourage teams to meet their civic and ethical obligations to themselves and other participants, both of which are hallmarks of the mock trial program. To that end, those participating in the mock trial program (including team

members, courtroom artists, coaches, parents, spectators, and/or anyone else associated with a team), agree to the following:

- Participants will act and speak in a civil and courteous manner during mock trial events, in trials and in communications and interactions with others, including other participants, mock trial judges, and competition staff and volunteers.
- Participants will play fair and be gracious in both victory and defeat.
- Participants will be considerate of time constraints, including arriving on time to competitions and competition rounds, and not deliberately undermining opposing counsel's time limits with excessive interruptions or obstructionist behavior during trials.
- Participants will be fully honest in all communications and not knowingly misrepresent, mischaracterize, misquote, miscite, or unfairly extrapolate the facts of the case or the rules of the competition.

In addition, everyone attending a mock trial event must comply with all rules and procedures related to the competition. This includes certain housekeeping rules, which show our respect towards the spaces that Idaho courthouses so graciously allow us to occupy during competitions. These include:

- Refrain from bringing food or drink into any courtroom.
- Stay in designated competition areas.
- Use trash cans and pick up after yourselves in courtrooms, restrooms, and all common areas.
- Do not rearrange courtrooms or courtroom furniture without the express permission of competition staff; and if given permission, ensure everything is returned to its previous space and position at the end of the trial.

Those who do not follow the rules and procedures of the Idaho Mock Trial Competition and this Code of Civility & Ethics can be sanctioned up to and including forfeiture or disqualification without a refund of paid fees.

This information must be shared and reviewed with everyone associated with a team who will be participating in mock trial events and a coach from each team must sign the online acknowledgement form on or before the team's regional competition

Rule 1.4: Master Scorekeeper/Procedures Official

An Idaho Law Foundation staff person, or an attorney, judge, or other volunteer designated by Law Foundation staff will be designated at each regional and the state mock trial competition to be the Master Scorekeeper/Procedures Official. This person will:

- Act as a member of the Dispute Resolution Panel;
- Be available to consult with Presiding Judges on questions of rules upon request;
- Be responsible, in coordination with the Regional Coordinator, for all score keeping computations; and
- Be responsible for monitoring and enforcing all mock trial procedures in accordance with any and all rules and/or documentation that govern the Idaho High School Mock Trial Competition.

Rule 1.5: Emergencies

Within reasonable consideration of weather, road conditions, etc., the starting time of any trial will not be delayed for longer than ten minutes. Incomplete teams will have to begin without their other members or with alternates. At least one attorney and any witness are needed to begin the trial. After ten minutes, teams without a sufficient number of participants to start the trial will forfeit the match.

RULE 2: THE PROBLEM

Rule 2.1: 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 of either gender.

Rule 2.2: 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 directly 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, or affidavits, should be viewed as signed and sworn statements made to law enforcement or attorneys by the witnesses as identified 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 affidavits or the pleadings and may testify contrary to other witness affidavits or the pleadings, provided the testimony remains consistent with the witness' own statement and the case materials.

Rule 2.3: Contradiction of Prior Statement

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

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

Rule 2.4: Fair/Unfair Extrapolations

Witness affidavits 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 lawyers 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, which are consistent with facts contained in the case materials and do not materially affect the witness' testimony or the outcome of the trial, are permitted. 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, it is best to impeach the witness through cross examination. However, the opposition may object on the 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 Idaho Mock Trial Rules of Evidence and the Idaho Mock Trial Rules of Competition & Procedures. Judges will be instructed that unfair extrapolations should be ruled inadmissible.

Possible rulings by a judge include:

- No extrapolation has occurred;
- An unfair extrapolation has occurred;
- The extrapolation was fair; or
- Ruling is taken under advisement.

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 up to three teams. Students in grades 9-12 may participate. 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.

For schools that register three teams, only two teams from a school can advance from the regional to the state competition. If a school has two or three teams, one of those teams will be first to be selected for a bye round in the event of an uneven number of teams at a regional competition.

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

Each school must submit a complete official registration form and pay the entry fee for each team before being considered a competition participant. Teams will not receive the case materials until they have registered.

Rule 3.2: Team Composition

A team will consist of a maximum of nine and a minimum of six students, a teacher sponsor, and an attorney coach. Each team in the competition should have a teacher sponsor and attorney coach. If a school has two or three teams, it is preferable that each team has its own teacher sponsor and attorney coach. If a school with two or three teams 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 optionally have 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 Sheet. 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 substitute for other students during a competition in an emergency. The Competition Coordinator or Law Related Education Director must be informed prior to the beginning of the round that an alternate will take the place of an active participant and provide an explanation as to why the alternate is filling in.

Students may also participate in the Idaho High School Mock Trial Competition as courtroom artists. Courtroom artists can participate as part of an existing mock trial team or enter on their own if their school does not have a mock trial team. The top six finishers from regional contests will be invited to participate in the state mock trial competition. Each existing mock trial team may register one courtroom artist per team. Up to three students per school in grades 9 to 12 from a school that does not have an existing mock trial team may enter the Courtroom Artist Contest.

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

Rule 3.3: Team Presentation and Participation

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

Team attorneys are to evenly divide their speaking duties. If a team has two attorneys each attorney must have four speaking parts. If a team has three attorneys, two of the attorneys must have three speaking parts and one attorney must have two speaking parts.

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 during 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.

A team may use its members to 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; a timekeeper may become an attorney; or an alternate may become a witness or attorney. It is not permissible to have two entirely different teams - one for Plaintiff/Prosecution and one for Defense.

Rule 3.4: Team Duties

- Each team must ensure that the Law Related Education Director or designated staff has received a completed and accurate registration form and appropriate payment for each team registered, including registering courtroom artists, if applicable prior to the registration deadline.
- Each team must submit a participant list to the Law Related Education Director prior to regional and state competitions, at a date established by the Law Related Education Director.
- Each team must submit two completed *Daily Sheets* (one *Plaintiff Daily Sheet* and one *Defense Daily Sheet*) for each team from their school when checking in at both the regional and state competitions. For regional competitions each team must also bring at least four additional copies of each of their *Daily Sheets*. At the beginning of each of the three rounds, a team must provide one copy of either its *Plaintiff Daily Sheet* or its *Defense Daily Sheet* (based on the side they are presenting for the round) to the Presiding Judge and one copy to the opposing team. For the state competition each team must also bring at least 10 additional copies of each of their *Daily Sheets*, in addition to the copies provided to mock trial staff. At the beginning of each of their four quarter-final rounds, a team must provide one copy of either its *Plaintiff Daily Sheet* or its *Defense Daily Sheet* (based on the side they are presenting for the round) to the Presiding Judge and one copy to the opposing team. Please note that teams who move on to semi-final and final rounds must have another four copies of each of their *Daily Sheets* to provide for judges and opposing teams at those rounds.
- Each team must fill out competition-provided nametags for all team members—including alternates, teacher sponsors, and attorney coaches. Attorneys will write their own names on their nametags and witnesses will write the name of the witness they are portraying on their nametags.

- Each team is required to provide one or two students who will serve as the official timekeepers for that team. Note that in addition to their timekeeping duties, each timekeeper has additional duties during the round. The Plaintiff timekeeper will call the court to order at the beginning of the trial, and after any breaks. The Defense timekeeper will collect the sealed scoring packet and deliver it to the master scorekeeper in the tabulation room during the debrief. See the *Timekeeping Guide* for more information concerning timekeeper procedures and duties.
- Each team is responsible for educating their spectators (including parents and friends) about the rules of the competition, including rules regarding spectator contact during the round.

RULE 4: THE TRIAL

Rule 4.1: Courtroom Setting

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 participating (active) members of the team will sit in front of the bar (the wall) that divides the spectators from the active participants. If there is not adequate space/seating in front of the bar, the first row of the spectator section will be reserved for witnesses. No inactive participants (alternates) may sit with the witnesses during the competition.

No team shall rearrange the courtroom without prior permission from the competition staff. If a team does 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.

Rule 4.2: Trial Sequence

The following 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. 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.

Rule 4.3: Witness Participation

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

Rule 4.4: Swearing in of Witnesses

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 total of 50 minutes for their case. Time in each category may be divided among team attorneys and witnesses as outlined below and the overall time limit of 50 minutes is mandatory and must be observed. Timing will halt during objections and judges' responses to objections. Time will not stop for the introduction of

exhibits. Attorneys are not required to use the entire time allotted to each part of the trial, but time remaining in one part of the trial may not be transferred to another part of the trial.

The following time categories are mandatory for each side:

- Opening Statement (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 and Time Extensions

There will be no overtime allowed. Once a team has reached their 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 without permission from the Court, judges may deduct points from a team's *Score Sheet* because of the over-run in time.

The Presiding Judge for a round may, in an emergency, grant a very brief time extensions in the interest of fairness, however, this will be a rare occurrence and will not be expected or requested.

Rule 4.7: Breaks and Recesses

Unless there is an emergency, there will be no breaks during a round of competition with the exception of an optional 3 minute break prior to closing arguments, at the Presiding Judge's discretion, to allow teams to finalize their arguments. This break will be timed and judges will not leave the courtroom during this break. The only recess during a round of competition will be to allow judges to leave the courtroom to fill out their score sheets and make their optional choices for outstanding witness and attorney for the round.

Rule 4.8: Supplemental Material/Costuming

No witness costumes or props are allowed. This includes changing clothes between rounds to appear more professional or casual than in a previous round. Accents and dialects are allowed.

Rule 4.9: Trial Communication

For reasons of safety, fairness, and educational integrity, at least one teacher sponsor, attorney coach, or other adult (designated by the school to be responsible for the students) must remain in the seating area in the courtroom throughout the trial.

There must be no spectator contact with student team members, including student timekeepers during the trial, including during interim recesses when the judges are out of the courtroom. Teacher sponsors, attorney coaches and other spectators may not talk to, signal, and/or otherwise communicate with or coach the participating students. Communication may occur after closing arguments when the judges have left the courtroom to fill out their score sheets.

Rule 4.10: Viewing a Trial

Teachers, coaches, and members of competing 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 representative 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. We ask that 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 judges leave the courtroom to fill out their score sheets at the end of the trial.

Rule 4.11: Videotaping/Photography

Unless participation is agreed to by both teams in a courtroom, tape recording, videotaping, and still photography are prohibited during a trial except by competition staff and/or their identified media representative(s). Media representatives authorized by the Idaho Law Foundation will wear identification badges.

Any team has the option to refuse participation in videotaping, tape recording, and/or still photography by opposing teams.

The final round of the state competition may be videotaped by competition staff or their media representatives for educational purposes. Teams may take photos of their students in the courtroom before and/or after the trial has occurred so long as the court agrees that taking such photos is appropriate.

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 may address the Presiding Judge as “Your Honor,” and the other two judges as “Ladies and Gentlemen of the Jury” or “Members of the Jury.”

Rule 4.13: Standing During Trial

Unless excused by the 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 must ask permission at the beginning of the trial to move about the well during the course of the trial.

Rule 4.14: Objections during Opening Statement/Closing Argument

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 rule on this objection.

Judges shall weigh the objection individually. No rebuttal by opposing team will be heard.

Rule 4.15: Objections

- 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.

Teams may make additional objections that are available under the *Idaho High School Mock Trial Rules of Evidence*.

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

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 for in 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

Witnesses are not permitted to use notes in testifying during the trial. However, attorneys may utilize witness statements with witnesses to refresh their recollection in accordance with the applicable rules of evidence. Additionally, attorneys may use notes in the presentation of their material. However, unless provided by the mock trial program, teams will not use PowerPoint presentations, flip chart paper, white boards, black boards, or any other form of presentation technology during their presentations.

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: Timekeeper Procedures & Duties

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. The judges will share positive comments and constructive criticism about the teams’ presentations.

Rule 4.23: 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. The judges will share positive comments and constructive criticism about the teams’ presentations.

Presiding Judges shall limit the debriefing sessions to a total of 10 minutes to be shared among all members of the Judging Panel. It is the responsibility of the timekeepers to use the Time Cards to signal to time the judging panel during the debrief, counting down each minute from 10 to 0. When 10 minutes have passed, timekeepers MUST hold up the STOP card to politely signal to the judges that the debrief session has ended.

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. In most cases, the Presiding Judge and two of the Scoring Judges will be Idaho judges and/or attorneys, while the third Scoring Judge will be a community representative. The Presiding Judge will sit at the judge's bench and the other panel judges will sit in the jury box, where possible.

All members of the Judging Panels will receive all mock trial materials prior to the trial and are expected to read the case, rules, and any other relevant materials.

In case of a shortage of judges, competition staff will make every effort to find replacements. If this is not possible, panels of three or two judges may be used. If only three people are available, the Presiding Judge will also serve as a Scoring Judge. If only two judges are used, the competition scorekeeper will average the scores of the two judges present to compute a third Score Sheet. If the third Score Sheet is tied, the decision of the Presiding Judge will determine the winner of the third ballot.

Rule 5.3: Ballots/Score Sheets

The term ballot will refer to the decision made by a scoring 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 speaker and team points are recorded.

Score Sheets are to be completed individually by the Scoring Judges. Judges are not bound by the rulings of any other Scoring Judge. While the Judging Panel may deliberate collectively on any special awards (i.e., Outstanding Attorney or Witness) the Judging Panel will not deliberate collectively on individual scores.

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.

Rule 5.4: Completion of Score Sheets

In addition to these rules, there is a separate *Scoring Guide* available to teams and judges that outlines the specifics of what to look for when scoring. Each Scoring Judge shall record a number of points (1-10) for each of the 11 individual presentations of the trial. At the end of the trial, each judge shall total the sum of each team's individual points and place this sum in the Column Totals box. No tie is allowed in the Column Totals box.

Rule 5.5: 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 and Bye Rounds

6.2.1 Choosing Teams to Receive a Bye

A team that receives a "bye" will have no opponent for a single trial round. Bye teams will be chosen in the following manner:

- Team names are put into a hat and teams receiving a bye round are chosen at random.
- Teams who will have a bye round 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.

6.2.2: Uneven Number of Teams at a Regional Competition

In the event there are an uneven number of teams competing in a regional competition, competition staff have the following alternatives:

- Give a bye to one randomly-selected team during each round of competition. If a team is given a bye, they 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.
- Recruit a practice team to fill in. The practice team will not have the opportunity to advance to the next level of competition. All teams from the regional competition have to agree to the participation of the practice team prior to the regional competition.

6.2.3: Uneven Number of Teams at the State Competition

In the event of a circumstance resulting in an odd number of competing teams, the following procedure will apply:

- 1) A team receiving a bye in round one 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.
- 2) The team drawing the 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.

For example, a team receiving a bye in round three would receive two 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.

Rule 6.3: Team Advancement

At each regional competition, all teams participate in three rounds, except in the event of an uneven number of teams (see Rule 6.2.2). At the state competition, all teams participate in four quarter-final rounds, except in the event of an uneven number of

teams (see Rule 6.2.3). Four teams will advance to the semi-final rounds, and two teams will advance to the championship round.

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

Team advancement at regional 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. In order to win a round, a team must receive two or three ballots from the scoring judges. A team can win from 0 to 3 rounds at a regional competition and 0 to 4 quarterfinal rounds at the state competition.
- 2) Total Number of Ballots: In each round, a team can win a ballot by earning a higher score from a scoring judge. In each round, a team can earn from 0 to 3 ballots. A team can earn a total of 0 to 9 ballots at a regional competition and 0 to 12 ballots during the quarterfinals at the state competition.
- 3) Total Number of Points Accumulated: In each round, a team can earn from 36 to 360 points, calculated by adding together the points given to the team by each of the three judges.
- 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.

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. If two teams from the same school advance to the semi-final rounds, those teams will face each other in a semi-final regardless of the power-matching pairings.

In the semi-final and final rounds, the teams who advance will be the teams who win the most number of ballots in their rounds.

Rule 6.4: Power Matching

The state competition will employ a power-matching system to determine team advancement. In a power-matching system, a random method of selection 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 semi-final and final rounds 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; then (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 Semi-Final and Final Rounds

In determining which team will represent which side in the Semi-Final and Final Rounds, the following procedure will be used:

- 1) The team with the color 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 Semi-Final or Final Round. If the coin comes up tails, the Designated Team will represent the Defense.

RULE 7: DISPUTE RESOLUTION

Rule 7.1: Dispute Resolution Panel

The dispute resolution panel will be made up of the Competition Coordinator, the Master Scorekeeper and/or other Competition Staff or Volunteers. The dispute resolution panel shall be 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 of Competition & Procedures has occurred, the alleged violation shall be presented immediately to the Presiding Judge through one of the team attorneys by objection. 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 rules violation.

Any alleged violation which is known, or through the exercise of reasonable diligence should have been discovered during the trial and which is 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 a Competition Coordinator or his/her designated staff or the dispute will not be considered.

The Competition Coordinator or his/her designated staff will ask the complaining party to complete a Dispute Resolution Form. The form must be completed and returned back to the Competition Coordinator or his/her designated staff.

After the completed form is received, the Competition Coordinator or his/her designated staff will:

- decide whether or not the dispute needs to be referred to the Dispute Resolution Panel;
- notify all pertinent parties;

- allow time for a response, if appropriate;
- evaluate the dispute; and
- rule on the complaint.

At their discretion, the Competition Coordinator, his/her designated 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 DISPUTE RESOLUTION DECISIONS OF THE COMPETITION COORDINATOR, HIS/HER DESIGNATED STAFF, AND/OR THE DISPUTE RESOLUTION PANEL 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 the form provided. 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. During the two evenings of the State Quarterfinals, teams will observe other participating teams and at the end of the Quarterfinals, fill out and submit their ballot to the presiding judge in their courtroom. Each team can only submit one ballot. All ballots are due before a team leaves the fourth round of competition on Thursday evening.

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.

In making a nomination, teams should look for the qualities that are outlined in these Rules of Competition & Procedures, in particular, Rule 1.3. Teams may take into account the behavior of students, coaches, spectators, and others associated with a team when making a nomination for this award.

In addition to the team ballots, teams will also be observed by their judging panels and competition staff. At the end of each round the judging panel will fill out a brief form indicating whether or not teams met the standards of civility and ethics and are qualified for consideration for the award. Competition staff reserves the right of veto over a nomination for a team that, in their estimation, did not exhibit the qualities necessary to earn this award.