

NATIONAL HIGH SCHOOL MOCK TRIAL CHAMPIONSHIP RULES OF THE COMPETITION

The National High School Mock Trial Championship is governed by the Rules of the Competition and the National High School Mock Trial Rules of Evidence. Any clarification of rules or case materials will be issued in writing to all participating teams in a timely manner and no less than two weeks prior to the tournament. The trial coordinator, upon the advice and consent of the Board of Directors of the National High School Mock Trial Championship, will distribute to each team any such clarification.

No state host may alter the language of these rules without the approval of the National High School Mock Trial Championship Board of Directors; however the Rules of Evidence may be reviewed for relevance and rules may be added or deleted, so long as the language inserted is the original text contained in the Federal Rules of Evidence.

The Mock Trial Rules of Competition and these National High School Mock Trial Rules of Evidence govern the National High School Mock Trial Championship. All teams are responsible for the conduct of persons associated with their teams throughout the mock trial event.

TABLE OF CONTENTS

RULES OF THE COMPETITION

ADMINISTRATION	1
Rule 1.1. Rules	1
Rule 1.2. Code of Conduct	1
Rule 1.3. Emergencies.....	1
Rule 1.4. Student Timekeepers	1
THE PROBLEM	2
Rule 2.1. The Problem.....	2
Rule 2.2. Witnesses Bound by Statements	2
Rule 2.3. Unfair Extrapolation	2
Rule 2.4. Gender of Witnesses	3
Rule 2.5. Voir Dire	3
TEAMS.....	3
Rule 3.1. Team Eligibility	3
Rule 3.2. Team Composition.....	4
Rule 3.3. Team Presentation	4
Rule 3.4. Team Duties	4
Rule 3.5. Team Roster Form	4
THE TRIAL.....	5
Rule 4.1. Courtroom Setting	5
Rule 4.2. Stipulations	5
Rule 4.3. Reading Into The Record Not Permitted	5
Rule 4.4. Swearing of Witnesses.....	5
Rule 4.5. Trial Sequence and Time Limits.....	5
Rule 4.6. Timekeeping	5

Rule 4.7. Time Extensions and Scoring	6
Rule 4.8. Motions Prohibited	6
Rule 4.9. Sequestration.....	6
Rule 4.10. Bench Conferences	6
Rule 4.11. Supplemental Material: Accents, Costuming, Exhibits.....	6
Rule 4.12. Trial Communication.....	7
Rule 4.13. Scouting and Viewing Trials	7
Rule 4.14. Videotaping/Photography	8
Rule 4.15. Jury Trial.....	8
Rule 4.16 Standing During Trial	8
Rule 4.17. Objections During Opening Statement/Closing Statement	8
Rule 4.18. Objections	8
Rule 4.19 Reserved	9
Rule 4.20. Procedure for Introduction of Exhibits	9
Rule 4.21. Use of Notes	9
Rule 4.22 Redirect/Recross	9
Rule 4.23. Scope of Closing Arguments	9
Rule 4.24. The Critique	9
Rule 4.25 Offers of Proof.....	10

JUDGING AND TEAM ADVANCEMENT.....10

Rule 5.1. Finality of Decisions.....	10
Rule 5.2. Composition of Judging Panels and Conflicts Between Judges and Teams ...	10
Rule 5.3. Score Sheets/Ballots	11
Rule 5.4. Completion of Score Sheets.....	11
Rule 5.5. Team Advancement	11
Rule 5.6. Power Matching/Seeding.....	12
Rule. 5.7. Selection of Sides For Championship Round.....	12
Rule 5.8. Odd Number of Teams Participating in Championship	12

DISPUTE RESOLUTION.....13

Rule 6.1. Disputes at the Conclusion of the Trial	13
Rule 6.2. Effect of Violation on Score	14
Rule 6.3. Disputes After the Conclusion of the Trial.....	14

COURTROOM ARTIST CONTEST14

Rule 7.1. Registration and Eligibility.....	14
Rule 7.2. Trials/Trial Depiction	14
Rule 7.3. Submission Specifications	15
Rule 7.4. Judging Components	15
Rule 7.5. Release.....	15

NATIONAL HIGH SCHOOL MOCK TRIAL CHAMPIONSHIP RULES OF THE COMPETITION

ADMINISTRATION

Rule 1.1. Rules

All trials will be governed by the Rules of the National High School Mock Trial Championship and the National High School Mock Trial Championship Rules of Evidence.

Questions or interpretations of these rules are within the discretion of the Board of Directors of the National High School Mock Trial Championship, Inc. (“National Board”), whose decision is final.

Rule 1.2. Code of Conduct

The Rules of Competition, as well as proper rules of courthouse and courtroom decorum and security, must be followed. The National Board possesses discretion to impose sanctions, including but not limited to disqualification, immediate eviction from the Championship, and forfeiture of all fees and awards (if applicable) for any misconduct occurring while a team is present for the National Championship, for flagrant rule violations, and for breaches of decorum which affect the conduct of a trial or which impugn the reputation or integrity of any team, school, participant, court officer, judge, or the mock trial program.

Rule 1.3. Emergencies

During a trial, the presiding judge shall have discretion to declare an emergency and adjourn the trial for a short period of time to address the emergency.

In the event of an emergency that would cause a team to be unable to continue a trial or to participate with less than six members, the team must notify the National Board as soon as is reasonably practical. If the Board, or its designee(s), in its sole discretion, agrees that an emergency exists, the Board, or its designee(s), shall declare an emergency and will decide whether the team will forfeit or may direct that the team take appropriate measures to continue any trial round with less than six members. A penalty may be assessed.

A forfeiting team will receive a loss and points totaling the average number of the ballots and points received by the losing teams in that round. The non-forfeiting team will receive a win and an average number of ballots and points received by the winning teams in that round.

Final determination of emergency, forfeiture, reduction of points, or advancement, will be made by the Board.

Rule 1.4 Student Timekeepers

a. Each team attending the NHSMTC is responsible for providing at least one student as an official timekeeper equipped with two stopwatches. All timekeepers must be official team members. In trial, each team is to use a set of “Time Remaining” cards with the following designations to signal time: 20:00, 15:00, 10:00, 5:00, 4:00, 3:00, 2:00, 1:00, 0:40, 0:20, and “STOP”. Modification of intervals is not permitted. The host committee will provide “Time Remaining” cards provided by the Host Committee and NO others.

b. Any student who will keep time, including any witness who will keep time in accordance with Rule 3.2 is required to attend the scheduled on-site timekeeper orientation, which will be held on Thursday afternoon before competition rounds begin. If a team does not send a timekeeper to the required orientation meeting, that

team will defer to its opponents' timekeepers in all rounds of the competition. The host committee, as its discretion, may schedule a make-up timekeeper orientation for Friday morning before rounds begin solely for teams that register for the tournament after the Thursday session.

c. If a team desires to assign more than one student to the timekeeper role, then all students who will be assigned to the timekeeper role must attend the timekeeper orientation. (See Rule 1.4(b)) The team's official student timekeeper will keep time for both sides during all competition rounds.

THE PROBLEM

Rule 2.1. The Problem

The problem will be an original fact pattern which may contain any or all of the following: statement of facts, indictment, stipulations, witness statements/affidavits, jury charges, and exhibits. Stipulations may not be disputed at trial. Witness statements may not be altered.

The problem shall consist of three witnesses per side, all of whom shall have names and characteristics that would allow them to be played by either males or females. All three of the witnesses must be called.

Rule 2.2. Witnesses Bound by Statements

Each witness is bound by the facts contained in his/her own witness statement, the Statement of Facts, if present, and/or any necessary documentation relevant to his/her testimony. Fair extrapolations may be allowed, provided reasonable inference may be made from the witness' statement. If, in direct examination, an attorney asks a question which calls for extrapolated information pivotal to the facts at issue, the information is subject to objection under Rule 2.3, "unfair extrapolation."

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

Rule 2.3. Unfair Extrapolation

A fair extrapolation is one that is neutral. Unfair extrapolations are best attacked through impeachment and closing arguments and are to be dealt with in the course of the trial.

If a witness is asked information not contained in the witness' statement, the answer must be consistent with the statement and may not materially affect the witness' testimony or any substantive issue of the case.

Attorneys for the opposing team may refer to Rule 2.3 in a special objection, such as "unfair extrapolation," or "This information is beyond the scope of the statement of facts."

Possible rulings by a judge include:

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

The decision of the presiding judge regarding extrapolations or evidentiary matters is final.

When an attorney objects to an extrapolation, the judge will rule in open court to clarify the course of further proceedings.

Rule 2.4. Gender of Witnesses

All witnesses are gender neutral. Personal pronoun changes in witness statements indicating gender of the characters may be made. Any student may portray the role of any witness of either gender.

Rule 2.5. Voir Dire

Voir dire examination of a witness is not permitted.

TEAMS

Rule 3.1. Team Eligibility

a. Teams competing in the NHSMTC are to be comprised of students who participated on the current state championship team, if that student participated at any level of the state's competition for that team. Should the state championship team be unable to participate, the state coordinator has the sole discretion to either designate an alternative team from that state's competition or allow substitution of team members under paragraph (b) of this rule. If a state coordinator picks an alternative team, substitution of team members of the alternative team may be made under paragraph (b) of this rule. States may not enter an "all-star" team. The Board shall determine what is an "all-star" team. The Board's determination will be final.

b. If any student participant from the state championship team is unable to compete, another student may substitute for such participant as provided herein. The individual acting as the substitute must have been enrolled as a student at the school that won the state championship. Any non-school based team may use as a substitute any student who was a member of the sponsoring organization's program during the academic year.

c. The state coordinator and the teacher-sponsor have an affirmative obligation to verify each competitor's eligibility. Submission of a roster for the NHSMTC constitutes certification that the status of each participant has been verified.

d. The NHSMTC recognizes that it is a difficult process to create a mock trial program in a state that does not have an ongoing competition. In an effort to assist a state's efforts to establish a mock trial competition, if such state does not have an organization or person willing or capable of sponsoring the program in the full membership process, a mock trial coordinator from another state or a member of the National Board may agree to assist the new state in forming a competition and fielding a team at Nationals. If a coordinator or National Board member agrees to do so, the state champion of the new state may compete at the national competition provided that the following conditions are met:

1. There was a tournament involving at least two teams from at least two different schools from that state during that school year;
2. The team sent to the NHSMTC from that state meets all other requirements set forth in these Rules; and
3. The team or its sponsoring entity has fulfilled all financial obligations required of all other teams attending the national competition. No state may field a team in the national competition in this manner for a period of more than three years. After three years, at the latest, an organization or person seeking to sponsor that state's mock trial program which/who is not already a Member must apply for and be accepted as Full Member pursuant to Article III of the NHSMTC Amended and Restated Bylaws in effect at the time.

Rule 3.2. Team Composition

Teams consist of up to nine official members assigned to attorney and witness roles representing the prosecution/plaintiff and defense/defendant sides. Each team must have six members. Only six of the nine official members will participate in any given round as attorneys and witnesses. (See Rule 3.3 for further explanation referring to team participation.) The timekeeper must be a team member. If a team has only 6 official members, it must designate two or more of its witnesses to serve as timekeepers in each round. Each timekeeper must meet the requirements of Rule 1.4 as the team's timekeeper. At no time may any team for any reason substitute other persons for team members. The Team Roster will become official at the close of on-site registration.

Rule 3.3. Team Presentation

Teams must present both the Prosecution/Plaintiff and Defense/Defendant sides of the case, using six team members in each trial round. For each trial round, teams shall use three students as attorneys and three students as witnesses.

Rule 3.4. Team Duties

Team members are to evenly divide their duties. Each of the three attorneys will conduct one direct examination and one cross-examination; in addition, one will present the opening statement and another will present the closing arguments. In other words, the eight attorney duties for each team will be divided as follows:

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

Opening Statements must be given by both sides at the beginning of the trial.

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

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

Rule 3.5. Team Roster Form

Copies of the Team Roster Form must be completed and duplicated by each team prior to arrival at the courtroom for each round of competition. Teams must be identified by the code assigned at registration. No information identifying team origin should appear on the form.

Before beginning a trial, the teams must exchange copies of the Team Roster Form. The Form should identify the gender of each witness so that references to such parties will be made in the proper gender. Copies

of the Team Roster Form should also be made available to the judging panel and presiding judge before each round. Teams shall not knowingly disclose their place of origin to any member of the judging panel or to the presiding judge.

THE TRIAL

Rule 4.1. Courtroom Setting

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

Rule 4.2. Stipulations

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

Rule 4.3. Reading Into The Record Not Permitted

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

Rule 4.4. Swearing of Witnesses

The following oath may be used before questioning begins:

“Do you promise that the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the mock trial competition?”

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

Rule 4.5. Trial Sequence and Time Limits

The trial sequence and time limits are as follows:

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

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

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

Rule 4.6. Timekeeping

- a. Each team is required to provide one or more students who will serve as the timekeeper(s) for that

team. Timekeepers must meet the requirements of Rule 1.4. Timekeepers are responsible for fairly and accurately keeping and reporting the time during the trial presentation and during any disputes under Rule 6.2. During the rounds of the competition, timekeepers are to act as a neutral entity. Timekeepers are not to communicate with their respective teams during the course of the trial presentation, recesses, or during any dispute procedure, except to display the time remaining cards and indicate (as directed by the presiding judge) how much time is remaining during a particular part of the trial.

- b. Time limits are mandatory and will be enforced. Time runs from the beginning of the witness examination, opening statement, or closing argument until its conclusion. Introduction of counsel or witnesses prior to the opening statement shall not be included in the time allotted for opening statements. However, if counsel or witnesses are introduced once the opening statement has commenced, such time shall be included in the time allotted for the opening statement. Time stops only for objections, questioning from the judge, or administering the oath. Time does not stop for introduction of exhibits.
- c. Timekeepers should display the applicable “Time Remaining” cards simultaneously. At the end of each task during the trial presentation (i.e. at the end of each opening, at the end each witness examination, at the end of each cross examination and at the end of each closing argument) if there is more than a 15 second discrepancy between the teams’ timekeepers, the timekeepers must notify the presiding judge of the discrepancy. The presiding judge will then rule on the discrepancy, the timekeepers will synchronize their stopwatches accordingly and the trial will continue. Any discrepancies between timekeepers less than 15 seconds will not be considered. No time disputes will be entertained after the trial concludes. The decisions of the presiding judge regarding the resolution of time disputes are final.
- d. If a team has only 6 official members, it must designate two or more of its witnesses to serve as timekeepers in each round.

Rule 4.7. Time Extensions and Scoring

The presiding judge has sole discretion to grant time extensions. Such extensions should be granted sparingly and should be limited in duration, for example, to finish a question, answer, or thought. In all other cases, the presiding judge must stop the presentation once time expires. If time has expired and an attorney continues without permission from the court, the scoring judges may individually decide whether or not to discount points in a category because of over-runs in time.

Rule 4.8. Motions Prohibited

The only motion permissible is one requesting the judge to strike testimony following a successful objection to its admission.

Rule 4.9. Sequestration

Teams may not invoke the rule of sequestration.

Rule 4.10. Bench Conferences

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

Rule 4.11. Supplemental Material: Accents, Costuming, Exhibits

Teams may refer only to materials included in the trial packet. No illustrative aids of any kind may be

used, unless provided in the case packet. No enlargements of the case materials will be permitted. Absolutely no props or costumes are permitted unless authorized specifically in the case materials. Costuming is defined as hairstyles, clothing, accessories, and make up which are case specific. An accent is not considered costuming.

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

The only documents which the teams may present to the presiding judge or scoring panel, are the individual exhibits as they are introduced into evidence and the team roster forms. No roster forms may be altered except to provide the information requested. No exhibits may be modified before trial, but attorneys and witnesses may mark exhibits during direct or cross examination. Such marked documents may be used as demonstrative exhibits during the trial and during closing arguments, but may not be entered into evidence. If a team wishes to mark an exhibit entered by the opposing team, it must substitute its own clean copy of that exhibit for this purpose before any markings are made. Exhibit notebooks are not to be provided to the presiding judge or scoring panel. Unless provided by the host committee, name tags or name plates at counsel table are not permitted.

Rule 4.12. Trial Communication

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

Coaches, teachers, alternates and observers must remain outside the bar in the spectator section of the courtroom. Only team members participating in this round may sit inside the bar and communicate with each other.

Rule 4.13. Scouting and Viewing Trials

Team members, coaches, and any other persons directly associated with a mock trial team, except for those authorized by the National Board, are not allowed to view other teams' performances in the National competition, so long as their team remains in the competition. No person shall display anything that identifies their school, state, or organization of origin while in the courtroom.

Team members and individuals associated with competing teams are prohibited from contacting teachers, students and attorney advisors from any other team in any manner in an effort to obtain information about an opponent. This prohibition is read and will be construed broadly, and it includes, without limitation, any form of personal communication, voice/telephone communication, and/or electronic communication, including electronic mail, instant messaging, and communication or messaging through social media sites.

It is not a violation of this rule for teams to participate voluntarily in practice or scrimmage matches in advance of the national competition. It is a violation of this rule for teams to seek information about opposing teams in rounds of the national competition from individuals who observed such scrimmages, including members of the team competing in that scrimmage.

To the extent that a team or its members makes information publicly available that bears on its strategy or other issues that would normally constitute the object of scouting, it shall not constitute scouting for another

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

Rule 4.14. Videotaping/Photography

Any team has the option to refuse participation in videotaping, tape recording, and still photography by opposing teams. In the Championship Round, a team may not refuse to be videotaped, tape recorded, live streamed, or photographed by the host organization. Media coverage will be allowed. Media representatives authorized by the host committee or the National Board will wear identification badges.

Rule 4.15. Jury Trial

The case will be tried to a jury; arguments are to be made to judge and jury. Teams may address the scoring judges as the jury.

Rule 4.16 Standing During Trial

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

Rule 4.17. Objections During Opening Statement/Closing Statement

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

Rule 4.18. Objections

1. Argumentative Questions: An attorney shall not ask argumentative questions.
2. Lack of Proper Predicate/Foundation: Attorneys shall lay a proper foundation prior to moving the admission of evidence. After the exhibit has been offered into evidence, the exhibit may still be objected to on other grounds.
3. Assuming Facts Not in Evidence: Attorneys may not ask a question that assumes unproved facts. However, an expert witness may be asked a question based upon stated assumptions, the truth of which is reasonably supported by evidence (sometimes called a “hypothetical question”).
4. Questions Calling for Narrative or General Answer: Questions must be stated so as to call for a specific answer. (Example of improper question: “Tell us what you know about this case.”)
5. Non-Responsive Answer: A witness’ answer is objectionable if it fails to respond to the question asked.
6. Repetition: Questions designed to elicit the same testimony or evidence previously presented in its entirety are improper if merely offered as a repetition of the same testimony or evidence from the same or similar source.

Teams are not precluded from raising additional objections that are available under the National High

School Mock Trial Rules of Evidence.

Rule 4.19 Reserved

Rule 4.20. Procedure for Introduction of Exhibits

As an example, the following steps effectively introduce evidence:

1. All evidence will be pre-marked as exhibits.
2. Ask for permission to approach the witness. “Your Honor, may I approach the witness with what has been marked for identification purposes as Exhibit No. ___?”
3. Show the exhibit to opposing counsel.
4. Ask the witness to identify the exhibit. “I now hand you what has been marked for identification as Exhibit No. _____. Would you identify it please?” Witness should answer to identify only.
5. Ask the witness a series of questions that are offered for proof of the admissibility of the exhibit. These questions lay the foundation or predicate for admissibility, including questions of the relevance and materiality of the exhibit.
6. Offer the exhibit into evidence. “Your Honor, we offer Exhibit No. ___ into evidence.”
7. Court: “Is there an objection?” (If opposing counsel believes a proper foundation has not been laid, the attorney should be prepared to object at this time.)
8. Opposing Counsel: “No, Your Honor,” OR “Yes, Your Honor.” If the response is “yes”, the objection will be stated for the record. Court: “Is there any response to the objection?”
9. Court: “Exhibit No. ___ (is/is not) admitted.” If admitted, questions on content may be asked.

Rule 4.21. Use of Notes

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

Rule 4.22 Redirect/Recross

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

Rule 4.23. Scope of Closing Arguments

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

Rule 4.24. The Critique

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

Judges shall not make a ruling on the legal merits of the trial. Judges may not inform the students of score sheet results.

Rule 4.25 Offers of Proof

No offers of proof may be requested or tendered.

JUDGING AND TEAM ADVANCEMENT

Rule 5.1. Finality of Decisions

All decisions of the judging panel are FINAL.

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

The judging panel will consist of at least three individuals. The composition of the judging panel and the role of the presiding judge will be at the discretion of the Board or its designee, as follows:

1. One presiding judge and two scoring judges (all three of whom complete score sheets); or
2. One presiding judge and at least three scoring judges (only scoring judges complete score sheets).

The scoring judges may be persons with substantial mock trial coaching or scoring experience or attorneys. Each scoring panel shall include at least one attorney. The presiding judge shall be an attorney.

At the discretion of the host director, the Championship round may have a larger panel.

All presiding and scoring judges receive the mock trial manual, a memorandum outlining the case, orientation materials, and a briefing in a judges' orientation.

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

The NHSMTC Board recognizes that conflicts of interest between judges and participants may arise. This program requires extensive volunteer support and it is assumed all participants will make every effort to identify potential conflicts. The sole discretion for determining whether a judicial conflict exists is vested in the NHSMTC Board or its designee. While conflicts will most likely arise between judges and teams from the host state, there is a potential for similar conflicts to occur between judges from another state and that state's team or, as a result of a coincidence, judges from one state and a team from a different state. The following criteria will be applied in determining whether a presiding judge or scoring judge will be disqualified, and apply equally to both types of judges:

1. A judge shall be disqualified from participating in a trial when the judge has a conflict with either team involved in the trial. Examples of a mandatory disqualifying conflict include where the judge is a coach of one of the teams, is a relative or close friend of a competing student or one of the team's coaches, or the state coordinator for the state which either team is from.
2. A judge shall be excused if that judge or his or her family members attended one of the schools competing, a juror has a personal friendship with a team advisor or parent, or a judge previously scored a trial involving one of the teams competing (for the year in question). However, in the case of such potential conflicts, it is within the discretion of the NHSMTC Board or its designee

to determine whether such a conflict exists. In addition, reasonable effort will be made by the NHSMTTC Board or its designee to prevent a judge who was a coach at a district, regional or state level competition from judging a round involving a team from that same state, with the understanding that if that is not reasonably possible with regard to judges from the host state, the NHSMTTC Board or its designee may allow that judge to participate in a trial, taking into consideration his or her experience as a judge and whether the judge is familiar with either team involved in the trial.

3. A situation where the judge recognizes a team advisor or student/parent through professional acquaintance or through participation in mock trials in years previous will not ordinarily be considered to be a conflict, unless there is a closer relationship of the kind that would prevent the judge from fairly scoring a round. Mere recognition of a team or its members is not a basis for disqualification absent a more significant conflict.

A judge who becomes aware of a conflict prior to or during a trial should be excused from the panel as soon as possible. If the judge was not aware of the conflict until after he or she has completed the scoresheet, it is left to the discretion of the NHSMTTC Board to determine whether to disqualify the juror.

The NHSMTTC Board will take reasonable steps to avoid any conflict between judges, teams, coaches and coordinators or sponsors of teams. In all such cases, however, the NHSMTTC or its designee reserves the right to permit a judge to participate in a trial if there are no reasonable alternatives.

Rule 5.3. Score Sheets/Ballots

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

Rule 5.4. Completion of Score Sheets

At the end of each trial, including the championship round, each scoring judge shall record a number of points (1-10) for each presentation of the trial. At the end of the trial, each scoring judge shall total the sum of each team’s individual points, place this sum in the Total Points box, and enter the team (“P” for prosecution/plaintiff; “D” for defense/defendant) with the higher total number of points in the tie-breaker box. **NO TIE IS ALLOWED IN THE TOTAL POINTS BOXES.**

In the event of a mathematical error in tabulation by the scoring judges which, when corrected, results in a tie in the column Total Points box, the Tiebreaker Box shall determine award of the ballot.

Rule 5.5. Team Advancement

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

1. Win/Loss Record – equals the number of rounds won or lost by a team;
2. Total Number of Ballots – equals the number of scoring judges’ votes a team earned in preceding rounds;
3. Total Number of Points Accumulated in Each Round;

4. Point Spread against Opponents – the point spread is the difference between the total points earned by the team whose tie is being broken less the total points of that team’s opponent in each previous round. The greatest sum of these point spreads will break the tie in favor of the team with the largest cumulative point spread.

Rule 5.6. Power Matching/Seeding

A random method of selection will determine opponents in the first round. A power-match system will determine opponents for all other rounds. The two teams emerging with the strongest record from the four rounds will advance to the final round. The first-place team will be determined by ballots from the championship round only.

Power matching will provide that:

1. Pairings for the first round will be at random;
2. All teams are guaranteed to present each side of the case at least once;
3. Brackets and sub-brackets will be determined by win/loss record. If the number of teams in a win/loss bracket is equal to or greater than twelve (12), the bracket will be split in half to create two (2) sub-brackets for power-matching purposes only. Sorting within brackets and sub-brackets will be determined in the following order: (1) win/loss record; (2) ballots; (3) total points; then (4) point spread. The team with the highest number of ballots in the bracket or sub-bracket will be matched with the team with the lowest number of ballots in the bracket or sub-bracket; the next highest with the next lowest, and so on until all teams are paired;
4. If there is an odd number of teams in a bracket or sub-bracket, the team at the bottom of that bracket or sub-bracket will be matched with the top team from the next lower bracket or sub-bracket;
5. Teams will not meet the same opponent twice;
6. To the greatest extent possible, teams will alternate side presentation in subsequent rounds. Bracket and sub-bracket integrity in power matching will supersede alternate side presentation.

Rule 5.7. Selection of Sides For Championship Round

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

1. The team with the letter/numerical code which comes first alphabetically or numerically will be considered the “Designated Team.”
2. The coin will be tossed by a designee of the host state coordinator.
3. If the coin comes up heads, the Designated Team shall represent the plaintiff/prosecution in the Championship Round. If the coin comes up tails, the Designated Team shall represent the defendant.

Rule 5.8. Odd Number of Teams Participating in Championship

A “bye” becomes necessary when an odd number of teams are present for any given round of the tournament. It is the intent of the National High School Mock Trial Championship to avoid byes where possible. To avoid having an odd number of teams to start the national championship, the host state, upon determining that an odd number of teams have registered, will have a second team from its own state participate.

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

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

For example, a team receiving a bye in round three would receive three ballots and an average of its points earned in rounds one and two. At the end of the fourth round, however, the points actually awarded to the team for the bye round will be adjusted to take into consideration the fourth round performance of the team.

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

DISPUTE RESOLUTION

Rule 6.1. Disputes at the Conclusion of the Trial

At the conclusion of each trial, after the presiding judge has excused the scoring panel, the presiding judge should inquire of the teams whether either team believes that a substantial violation of the rules occurred during trial. The competing team members are permitted to consult for a time not to exceed two minutes with the team’s coaches before determining whether the team wishes to raise any substantial violations it believes occurred.

The process for determining that dispute shall be as follows:

- a. One of the student members of one of the competing teams shall state that the team wishes to file a claim that a substantial rules violation occurred (a “dispute”).
- b. The presiding judge will provide the student with a dispute form, on which the student will record in writing the nature of the dispute. No more than two minutes per team shall be allotted for this process. The student may communicate with his/her team members and coaches in preparing the form.
- c. The team accused of a material rules violation shall have the opportunity to respond in writing. No more than two minutes per team shall be allotted for this process. The student may communicate with her/his team members and coaches in preparing the form.
- d. One member of each team shall briefly present the team’s position to the presiding judge. No more than two minutes per team shall be allotted for this explanation.
- e. The presiding judge shall ask any questions and perform any additional investigation s/he believes appropriate.
- f. If the dispute is denied, the presiding judge will record the reasons for this, announce his/her decision to the Court, retire to complete his/her score sheet (if applicable), and turn the dispute form in with the score sheets.
- g. If the dispute is granted, that decision will be recorded in writing on the dispute form, with no further announcement. The dispute form will be turned in with the score sheets.
- h. The presiding judge will advise the teams as to whether the dispute is granted or denied.

Rule 6.2. Effect of Violation on Score

If the presiding judge determines that a substantial rules violation has occurred, the judge will inform the scoring judges of the dispute and provide a summary of each team's argument. The scoring judges will consider the dispute before reaching their final decisions. The dispute may or may not affect the final decision, but the matter will be left to the discretion of the scoring judges.

Rule 6.3. Disputes After the Conclusion of the Trial

Disputes which could not have been brought to the attention of the presiding judge may be brought to the attention of the Board by teacher or attorney coaches exclusively. Such disputes must be made promptly to a trial coordinator or a member of the National Board, who will ask the complaining party to complete a dispute form. The form will be taken to the tournament's communications center, whereupon a dispute resolution panel will: (a) notify all pertinent parties; (b) allow time for a response, if appropriate; (c) conduct a hearing; and (d) rule on the charge.

The dispute resolution panel may notify the judging panel of the affected courtroom of the ruling on the charge and/or may assess an appropriate penalty.

The dispute resolution panel will be designated by the National Board.

COURTROOM ARTIST CONTEST

Rule 7.1. Registration and Eligibility

Each State that has a courtroom artist program may register their state champion courtroom artist to compete in the NHSMTC Courtroom Artist Contest. In the event that the state champion is unable to attend, the state coordinator has the sole discretion to designate a substitute artist, so long as the artist participated in the state's courtroom artist contest during the current competition year.

Courtroom artists are subject to all relevant Mock Trial Competition Rules, restrictions, and eligibility requirements and will be held to NHSMTC Code of Ethical Conduct. Artists are bound by Rule of Competition 4.13 and are deemed to be a member of their state team for purposes of Rule of Competition 4.13. The courtroom artists will use the same team code as their Mock Trial team and will accompany their state team throughout the entire competition. The courtroom artist may not serve in any other role on their state's Mock Trial team.

Rule 7.2. Trials/Trial Depiction

Sketches must depict actual courtroom scenes observed by the courtroom artist artists during round three of the competition. Sketches are created and completed by the courtroom artist during the course of the round three trial without the help of any source or person. Laptops are not permitted in the competition venue.

The courtroom artist may only observe and sketch the trials in which his/her state is competing.

The presiding judge may allow courtroom artists to sit in the jury box. However, they shall not be seated in such a way to see the scoring judges' scoresheets.

Once the trial begins, the courtroom artist may not move about the courtroom. The courtroom sketch artists may not communicate, either verbally or non-verbally, with any member of the Mock Trial teams or any visitors in the courtroom during the trial rounds.

Rule 7.3. Submission Specifications

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

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

Courtroom artists are responsible for ensuring their work area is left neat and orderly with all trash disposed in the appropriate trash receptacle.

Each artist submits one sketch to the presiding judge or courtroom liaison at the conclusion of the trial.

Rule 7.4. Judging Components

Sketches are evaluated and scored anonymously by a judge or judging team. The highest scored sketch will be named the NHSMTC Courtroom Artist National Champion.

The results of the NHSMTC Courtroom Artist competition will be announced at the Awards Ceremony.

A sample judging scoresheet is posted to the NHSMTC website for information on how sketches are scored.

Rule 7.5. Release

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

(Amended 10/29/18)