

Board of Advocates MOCK TRIAL RULES

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ARTICLE I - INTRODUCTION

- 110 **Mock trial rules.** Competitors have constructive notice of these rules.
- 120 **Posted times.** Competitors are responsible for knowing all information posted by 1:00 p.m. each day during the competition on either the mock trial section of the bulletin board in CCJ Room 1.304 (BOA office) or the BOA glass window outside the office. IF A CHANGE IS POSTED BY 1 P.M., IT MAY TAKE EFFECT AS EARLY AS THAT EVENING'S COMPETITION ROUND.
- 130 **Adverse witnesses.** No adverse witnesses may be called by an opposing party unless the Mock Trial Director permits them to be called upon release of the packet.
- 140 **Rule Conflicts.** If specific rules included in a mock trial packet conflict with the mock trial competition rules, the Mock Trail rules will govern.
- 150 **Discretion.** Any matter not addressed by these rules is left to the discretion of the Mock Trial Director, the Tournament Director, and Chair.

ARTICLE II - DEFINITIONS

- 210 **Mock Trial Director.** The Mock Trial Director (MTD) is the executive officer in charge of all administrative duties with regard to all mock trial tournaments conducted throughout the year.
- 220 **Tournament Director.** The Tournament Director is the Board of Advocates officer who is responsible for running the competition. A MTD may compete in any competition in which he or she is not also the official TD; a TD may never compete in the competition over which he or she has authority.
- 230 **Executive Officer.** An executive officer is defined as any full-time Board of Advocates officer.
- 240 **Attorney.** An attorney is defined as any person holding a law degree or a license to practice law.
- 250 **Novice mock trial competitors.** A novice is a law student who has completed at least two full-time semesters or twenty-seven hours of the law curriculum and who has not: 1) competed in prior law school intramural or interscholastic competitions or 2) enrolled in or completed an advanced trial advocacy class. **Exceptions may be allowed pursuant to the Tournament Director's discretion.**
- 260 **Senior mock trial competitors.** A senior competitor is a law student who has completed at least two full-time semesters or twenty-seven hours of the law curriculum. **Exceptions may be allowed pursuant to the Tournament Director's discretion.**

270 **Voluntary withdrawal.** A withdrawal is voluntary if the team withdraws by informing a MTD in writing by 5:00 p.m. the day following the mandatory meeting. No sanctions will be imposed for this type of withdrawal.

280 **Involuntary withdrawal.** A withdrawal is involuntary if a team fails to appear for a practice round or trial round or manifests to the MTDs an intention not to appear prior to the round. See Rule 880 for the appropriate sanction.

ARTICLE III - SELECTION

310 **Sign up.** Students who wish to compete must sign up at the mandatory meeting or submit their written intention to compete to a MTD before the mandatory meeting if an excuse from the meeting has been previously granted by a MTD. For team competitions, students should sign up in teams. Individuals without a partner may sign up individually, and the MTDs, will *attempt* to pair them with another individual. The sign-up period ends when the mandatory meeting is adjourned. Failure to sign up during the sign up period automatically places a team on the wait list.

320 **Mandatory Meeting.** This is the point as which the sign-up period ends. At least one team member (preferably both) must attend. If there are extenuating circumstances preventing either team member from attending, then you must contact a MTD *before* the mandatory meeting and get a formal excuse from the meeting.

ARTICLE IV - GENERAL RULES (COMPETITORS)

410 **Outside Assistance.** After the beginning of their first competition round (not the educational round), novice competitors may not seek advice, assistance, coaching, or counseling from anyone but their competition partner. Senior competitors may never seek advice, assistance, coaching, or counseling from anyone but their competition partners. (see Rule 420).

420 **Exception for Interscholastic Team Members.** An exception to the outside assistance rule will be made for both novice and senior competitors who have been selected to compete on an interscholastic team for which practice begins before the termination of the intramural competition. Those intramural competitors who were not selected for the interscholastic team have the right to attend the interscholastic practices so long as they have not been eliminated from the intramural competition. The purpose of this rule is to eliminate any unfair disadvantage to intramural competitors caused by other intramural competitors who are also members of an interscholastic team. Intramural competitors who are members of an interscholastic team are charged with constructive notice that they will be sanctioned if they take any part in denying access to the practices to intramural competitors not on the interscholastic team.

430 **Competitor-witness.** Eliminated competitors may not appear as witnesses. Competitors are charged with constructive knowledge of their witnesses' participation in the competition.

440 **Judge-witness.** Students who have judged in earlier rounds (including educational rounds) may not witness in subsequent rounds. Competitors are charged with constructive knowledge of their witnesses' earlier involvement.

450 **BOA officer participation.** The MTD and Assistant MTDs may never witness or bailiff, or serve as any other person with knowledge.

460 **Attorney participation.** Attorneys may never be witnesses.

470 **Tardiness.** Teams are expected to be on time and prepared for trial. This includes all team members, the bailiff and witnesses, if required. The MTD or assistant on duty **MUST** declare an involuntary withdrawal at any time if any team is not prepared for trial by fifteen minutes after the scheduled trial time. Exceptions may be allowed pursuant to the Tournament Director's discretion.

ARTICLE V - GENERAL RULES (COMPETITION)

510 **Communication.** All questions or other communications to the MTD regarding the mock trial problem or the rules ***must be in writing***. Communications should be placed in the MTD's box in Room 1.304 (BOA office) or an email should be sent to the Tournament Director. All answers to all communications will published to all parties involved the tournament.

520 **Oral communication.** Any oral answer given by the MTD and/or any Assistant MTD and/or the Tournament Director ***will not be binding***.

530 **BOA officers and members.** No BOA members or officers participating in a competition will have access to any information not made available to all other participants.

540 **Judges' decisions.** During trial, the presiding judge's decisions are final. Note that demeanor and ability to handle a developing trial are criteria upon which you will be judged. A clearly erroneous ruling during the trial may be designed to test your talents.

550 **Ballots.** Judges' ballots will be made available by 1:00 p.m. the day following the end of each round. A sample judge's ballot will be posted in CCJ Room 1.304 (BOA office).

560 **Rescheduling.** Posted dates and times are final. The Tournament Director may, at their discretion, reschedule a round to accommodate curriculum-related activities.

ARTICLE VI - GENERAL RULES (TRIALS)

610 **Witnesses.** Each team must supply the two friendly witnesses [note ARTICLE VI]. The problems are written to suggest two plaintiff/prosecution witnesses and two defense witnesses. If you are unsure which witnesses to supply, ask the MTDs.

1. Conduct. If asked, witnesses must respond that: a) their written statements were read and are believed to be true, correct, and complete when made; b) that the witness understood the importance of providing all significant information at the time, **WHETHER ASKED ABOUT IT OR NOT**; and c) that the witness did include everything which he or she thought to be significant when the statement was made. A TEAM WHOSE WITNESS DOES NOT FOLLOW THESE RULES WILL BE SUBJECT TO SANCTIONS.

2. Use. Each team must call at least two friendly witnesses. Competitors may only call witnesses whose statements are contained in the trial packet, and any testimony must be consistent with statements contained in the packet.

3. Testimony. Witnesses should confine their testimony to the record or written statements in the packet. Reasonable inferences from the packet are permitted. Inevitably, the witnesses will be asked questions that require going beyond the written statement. The practice of going beyond the record should be confined to non-material facts. When a witness goes beyond the record on a material fact, he may be impeached with the statement [see Rule 610 (1)]. A material fact is a fact which makes the outcome more or less probable than it would be without the fact.

4. Impeachment by Omission. If asked, a witness must admit whether a statement is contained in the materials. If asked, witnesses must admit whether their attorney instructed them to testify to something outside the packet.

620 Bailiff. The plaintiff/prosecution must supply the bailiff. The bailiff is an officer of the Court and is to remain impartial.

630 Division of responsibilities. Each of the two team members must conduct at least one direct examination and one cross-examination. Only one team member may examine or cross-examine any one witness. The team member examining or cross-examining such witness must also bear full responsibility for objecting to opposing counsel's questions of that witness. Only that one person may make objections but co-counsel may be consulted. One team member shall make the opening statement, and the other team member shall make the closing argument. Both team members must stay for the duration of the round.

640 Governing Rules. The Federal Rules of Evidence and Procedure shall apply during the trial unless the Tournament Director otherwise specifies.

650 Presentation. Counsel should present his or her case from the place directed by the judge. To make an objection, counsel should rise and address the Court.

660 Spectators. Educational rounds, rounds I and II, and octofinals and quarterfinals will be open subject to veto by any participant or the judge. Semifinals and finals will be open to all.

670 Competitor-Observer. With the exception of Rule 920 (byes), competitors may not watch other rounds of the mock trial competition in which they are competing. Good faith observance of this rule includes, but is not limited to, not listening to reports of strategies used in other trials.

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Sequence. Trials shall proceed in the following manner:

1. **Preliminary motions.** The Court may consider motions in limine or other preliminary motions.
2. **Opening statements.** The plaintiff/prosecution opens first, followed by the defense. Senior competitors may reserve defense opening statement until the plaintiff/prosecution has rested.
3. **Plaintiff/prosecution case-in-chief.**
4. **Motion for directed verdict (optional).** Motions for directed verdict should be made for the purpose of demonstrating advocacy skills. Such motions will be denied as a matter of course so that the trial may proceed.
5. **Defense case-in-chief.**
6. **Motions for directed verdict (optional)—See 4 above.**
7. **Closing arguments.** The plaintiff/prosecution closes first, followed by the defense. The plaintiff/prosecution may reserve a portion of its time for rebuttal.

ARTICLE XII - THE RECORD

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Physical evidence. No physical evidence may be offered into evidence, unless it is included in the problem packet. Physical evidence may be used as a demonstration aid.

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Demonstrative evidence. A copy or enlarged reproduction of a chart or diagram from a mock trial packet may be offered into evidence. Charts, diagrams, and summaries produced during a round may also be offered into evidence.

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Outside the Record. Competitors may not object on the grounds that testimony goes beyond the record. Fabrications shall be dealt with adequately on cross-examination by impeachment by omission, in accordance with Rule 610(4).

ARTICLE XIII - RULE VIOLATIONS AND SANCTIONS

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Sanctions. Violations of the Mock Trial Rules will subject the violator to sanctions by the MTD. Sanctions include, but are not limited to, receiving a lower seed in a subsequent round, deletion of points, forfeiture of a round, or removal from the tournament. The MTD shall have complete discretion in deciding what sanctions are appropriate for the offense.

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Violation by witnesses. Competitors will be held responsible for their witnesses' violations of these rules.

- 830 **Appeals.** Decisions by the MTD are subject to appeal in accordance with Section 6 of Article II of the BOA Constitution.
- 840 **Standing.** Complaints concerning alleged rule violations may only be asserted by a competitor involved in the particular round at issue, the TD, or the Chair. All complaints must be in writing and signed and must allege the violations with specificity.
- 850 **Time limit.** Complaints concerning alleged rule violations must be brought by 1:00 p.m. the day following the contested round [subject to Rule 860].
- 860 **Expeditious handling.** All complaints will be fully investigated by the Tournament Director(s) and resolved within forty-eight hours of the filing of the complaint, or before the next competition round, whichever is sooner.
- 870 **Post-round rule violations.** Post-round rule violations are defined as those violations, which could not be detected by the harmed team during the round. They include, but are not limited to, receiving improper outside assistance, knowing the judge, or using an attorney as a witness. If such a violation is found to have occurred, and the harmed team has lost the round, the harmed team will replace the violating team in the bracket. If another round has occurred between the time the violation occurs and the time the complaint is resolved, the violating team will be disqualified and no team will take its place. Regardless of who ultimately advances, the violating team will become ineligible to compete in any BOA sponsored activity for both the remainder of the current semester and the entire following semester. Such violations may also affect the allocation of BOA membership points.
- 880 **Involuntary withdrawals.** If a team involuntarily withdraws, as that term is defined by Rule 280, the withdrawing student(s) will become ineligible to compete in the subsequent two tournaments run by the Board of Advocates. A showing of good cause may eliminate or reduce the sanction pursuant to the TD's discretion. Good cause may include, but is not limited to, personal illness, injury, the illness or death of a family member, or other extenuating circumstances. If a partner withdraws, the remaining partner may be required to continue in the tournament pursuant to the Tournament Director's discretion. If the remaining partner then involuntarily withdraws he or she may suffer sanctions.
- 890 **Curable rule violations.** Curable rule violations are defined as those which occur during the round and which may be cured by objection and citation to the particular rule at issue. They include, but are not limited to, improper use of exhibits and submission of written briefs or remarks. If such a violation occurs, the harmed team must object and cite the rule to the judge. If the judge finds that the rule was violated, the judge should sustain the objection and prevent the use of the extraneous case material. If the judge finds that the rule was not violated and the objecting team believes that the judge's ruling was erroneous, the objecting team should file a complaint pursuant to Rule 840. FAILURE TO OBJECT TO A CURABLE RULE VIOLATION AT TRIAL WAIVES ANY AND ALL OBJECTION TO SUCH A VIOLATION AT A LATER DATE.

ARTICLE IX - PAIRINGS

910 **Generally.** Both Senior and Novice competitions will be bracketed in the following manner: Preliminary Rounds – random; Elimination Rounds – power protected. “Power” will be determined first, by win/loss record and secondly, by point spread.

920 **Byes.** Byes, when required, will be awarded randomly. A team awarded a bye may observe one trial round for the round in which they receive a bye. The TD will randomly select the trial to be observed. In the preliminary rounds, a team awarded a bye will not face a team they have observed. Instead, the team will be switched with the next lower-ranked team that was not involved in the round. Byes in preliminary rounds will be counted as a win, and the team will be awarded the average score of all winning teams, with both the high and low scores omitted.

Byes in will be counted as a win for all BOA purposes, including but not limited to seeding and membership, and Order of Barrister selection.

930 **Single elimination.** Beginning with the Octofinal Round, all competitions will be single elimination.

ARTICLE X - SIDES

1010 **Switching sides.** After Round I, teams will be scheduled to switch sides whenever possible. Barring withdrawals, novice teams will remain on the same side in the Educational Round and in Round I. If two teams who have met in preliminary rounds meet again in elimination rounds, they will represent the opposite side that they represented in the previous round. If this is not possible, the team switching sides will be determined randomly.

ARTICLE XI - TIME ALLOWANCES (NOVICE COMPETITIONS)

1110 **Motions in limine.** Each team will be allowed ten minutes to present any pretrial motions to the Court. Time spent arguing the motion before the Court is subtracted from the time allocated to the team presenting the motion. Responses to motions shall not be timed.

1120 **Opening statements.** Each team will be allowed five minutes.

1130 **Direct examination.** Each team will be allowed up to a total of thirty minutes for direct and redirect examination of all witnesses called during its case-in-chief. Direct examination of any one witness may not exceed fifteen minutes.

1140 **Cross-examination.** Each team will be allowed up to ten minutes per witness for cross and re-cross.

1150 **Closing arguments.** Each team will be allowed up to ten minutes to present its closing argument. The plaintiff/prosecution may reserve a portion of its time for rebuttal.

- 1330 **Defects.** No amendments or objections to the pleadings will be allowed during the trial. Any objections should be made in writing to the Tournament Director by 1:00 p.m. on the day before the first competition round
- 1340 **Witness statement.** No objection or argument will be permitted based upon the variance from the contents of the packet of the actual weight, age, height, or sex of the person role-playing as a witness.
- 1350 **Expert witness.** Objections may be made to the qualifications of an expert witness. Expert witnesses may be impeached only on the basis of incorrect or contradictory statements made a part of the trial packet problem. Expert witnesses may not be impeached on the basis of a lack of knowledge of the person role-playing as an expert witness in their field (that is, the field expertise indicated by their witness statement).

APPENDIX “A”

MOCK TRIAL BREAKING CRITERIA

1. No 0-2 teams will advance.
2. The first method for determining which teams will advance is based on win/loss record. The number of 1-1 teams to advance will be the number necessary to complete the bracketing. E.g., if the competition breaks to octofinals and there are eight undefeated teams, then eight 1-1 teams will advance to equal the number of teams needed (16) for octofinals. If the competition breaks to quarterfinals and there are six 2-0 teams, then only two 1-1 teams will advance to total the eight teams necessary for quarterfinals.
3. The second method for determining which teams will advance will be total point spread (the higher the better).

Example: Round 1: Team A wins by 4 points.
Round 2: Team A wins by 6 points.
Total point spread is +10 points

Example: Round 1: Team B loses by 4 points.
Round 2: Team B wins by 10 points.
Total point spread is +6 points.

Example: Round 1: Team C loses by 8 points.
Round 2: Team C wins by 6 points.
Total point spread is -2 points.

In the event of a tie, the tiebreaker method will be:

(1) Head-to-head competition (if the two teams met previously)

(2) Coin toss (To be performed in the presence of representatives from both affected teams, or in either team's absence, by their consent).

4. The first elimination round will be power protected. Brackets will be determined by the following criteria: (1) Win/Loss record of preliminary rounds (2) Total points in preliminary rounds. Points will be determined in the same manner for determining advancement (see #3).
5. In the event there is an even number of judges responsible for scoring the competition, and each team is credited with a win by one judge a piece, a win will be calculated by the total point spread.

Example: Judge 1 credits Team A with the win by 4 points.
Judge 2 credits Team B with the win by 6 points.
The win is the credited to Team B as a win by 2 points.

EXHIBIT "B"

OCTAFINALS

QUARTERFINALS

SEMIFINALS

