

2020-2021 Rules of the Competition

Delaware High School Mock Trial Competition

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Remote Competition via Zoom



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**DELAWARE HIGH SCHOOL MOCK TRIAL
RULES OF THE COMPETITION**

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DELAWARE HIGH SCHOOL MOCK TRIAL

RULES OF THE COMPETITION

ADMINISTRATION

Rule 1.1. Rules

All trials will be governed by the Rules of the Delaware High School Mock Trial Competition (“the Competition”) and the Delaware High School Mock Trial Championship Rules of Evidence.

Questions or interpretations of these rules are within the discretion of the Mock Trial Committee of the Delaware Law Related Education Center (“hereinafter “Committee”), 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 Committee possesses discretion to impose sanctions, including but not limited to disqualification, immediate eviction from the Competition, and forfeiture of all fees and awards (if applicable) for any misconduct occurring while a team is participating in the Competition, 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. In these rules, all references to “participating” include any activity as a part of a Competition in-person or virtually.

All members of each team must sign a Code of Ethical Conduct and must abide by the Code of Ethical Conduct for the duration of the Competition. For the avoidance of doubt, “members of a team” include the participating students, the participating teacher coaches, and the participating attorney coaches. Each team must turn in the executed Code of Ethical Conduct to a designated representative of the Committee prior to the first round of the Competition. Failure to do so shall result in the imposition of sanctions, up to and including removal of individuals from the Competition site.

Rule 1.3.A. Emergencies - General

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 Committee as soon as is reasonably practical. If the Committee, or its designee(s), in its sole discretion, agrees that an emergency exists, the Committee, 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.

The Committee may, but does not have to, declare a forfeiture. If a forfeiture is declared, the forfeiting team will receive a loss, ballots totaling the average number of ballots received by the losing teams in that round (rounded to the nearest whole number), and points totaling the average number of points received by the losing teams in that round (rounded to the nearest whole number). The non-forfeiting team will receive a win, ballots totaling the average number of ballots received by the winning teams in that round (rounded to the nearest whole number), and points totaling the average number of points received by the winning teams in that round (rounded to the nearest whole number).

The Committee will make the final determinations regarding emergency, forfeiture, reduction of points, and/or advancement.

Rule 1.3.B. Emergencies - Virtual Competitions

In the event of technical difficulties during the trial in a virtual competition, the presiding judge shall have discretion to declare a brief recess to resolve any technical difficulty substantially impairing a participant's participation in the trial. If the technical difficulty cannot be resolved within a reasonable, but brief, amount of time, then the trial will continue with another member of the impacted team substituting for the impacted team member. The emergency substitute must be a member of the same team as the impacted participant.

Before making an emergency substitution, the impacted team must make the presiding judge aware, by stating words to the effect of, "Your honor, before I begin I would like to inform the court that I am [insert name] and I am substituting for [insert name], who is unable to compete due to technical difficulties." Teams shall advise the Committee of any emergency substitution following the round of competition.

The presentation will be scored based on the performance by the initial team member and the emergency substitute, taken as a whole.

Once the presiding judge determines either at the request of the team or *sua sponte* that a student is unable to compete in a role due to technical difficulties, to minimize disruption, the impacted student is not permitted to return and compete in the role for which a substitution was made. If the technical difficulty is resolved, the impacted participant may return and participate in his or her other roles, if any. For purposes of this rule, a witness examination consisting of direct, cross, any re-direct and any re-cross is one role, so that a participant who requires an emergency substitution for a witness examination may not return and participate until the entire witness examination is completed.

For purposes of this rule, technical difficulties include internet failure and computer, device or microphone failure; failure of a camera only does not permit emergency substitution under this rule. Students who lose internet connection shall rejoin the trial using a telephonic connection, if possible.

In the event of a loss of connection for a timekeeper, that team shall defer to its opponent's timekeeper for that trial segment. The team whose timekeeper lost connection may substitute another timekeeper qualified under Rule 1.4 for the remaining trial segments. The timekeepers shall confer consistent with Rule 4.6.e regarding time remaining at the beginning of each trial segment.

Technical emergencies resulting from the loss of the connection of a presiding or scoring judge shall be handled in accordance with Rule 5.2.A.

In the event that a technical emergency prevents an entire team from completing in part or all of a round, the presiding judge shall declare a recess of up to 15 minutes, to allow that team to reconnect, either via video or by connecting on audio-only via telephone. If reconnection is impossible, a forfeit shall be declared in favor of the team that maintains its connection. If at least five witnesses have been subject to cross-examination, the Committee or its designee may in its sole discretion complete the ballot, assigning scores equal to their average score on all segments that could not be completed by the disconnected team and a "10" to the team that remained connected.

No student or team may feign technical difficulty or invoke the technical difficulty rule for purposes other than a genuine technical difficulty. Such an act would violate the Rules of Competition and Code of Ethical Conduct and may be sanctioned at the discretion of the Committee or its designees through point deductions or other means up to and including disqualification from the competition.

Rule 1.4. Student Timekeepers

Teams shall provide timekeepers for the Committee as follows:

- a. Each team participating in the Competition is responsible for providing at least one student as an official timekeeper. All timekeepers must be official team members.

- 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 timekeeper orientation, which will be held before the competition rounds begin. If a team does not have a timekeeper attend the required orientation meeting, that team will defer to its opponents' timekeepers in all rounds of the competition.
- 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.

Rule 1.5. Student Timekeepers

No team shall conduct practices in any state or federal courtroom. In other words, no team shall practice in a courtroom of the Delaware Supreme Court, the Delaware Court of Chancery, the Delaware Superior Court, the Delaware Court of Common Pleas, the Delaware Justice of the Peace Court, the Delaware Family Court, the District of Delaware, or the District of Delaware Bankruptcy Court.

A team found to have violated this rule **shall** be punished, and the appropriate punishment shall be in the sole discretion of the Committee. Punishments may include, but are not limited to, disqualification of the coaching staff, an automatic reduction in points for one or more rounds of the Competition, or disqualification of an entire team.

For the avoidance of doubt, to the extent a team has permission to practice in another area of a Courthouse, such as a conference room, this rule does not bar that team from practicing in that other area. Additionally, this rule does not bar the winner of the state competition from practicing in courtrooms, to the extent that team otherwise has permission, from the date of winning the state competition until leaving for the national competition.

Rule 1.6. Relationship to Other Laws; Accommodation of Disability

These Rules will be interpreted and administered consistent with all applicable laws. Accordingly, should any applicable law require variance from these rules or accommodation of any competitor for any reason, including a legally-recognized disability, that team member or their coach may apply to the Committee or its designee for accommodation, and such reasonable accommodation as the law requires shall be granted. Any application for accommodation must be made at least fourteen (14) days before the Competition and all participating schools will be notified of the accommodation before the Competition. Teams will ordinarily not be informed of the specific nature of the issue that led to the accommodation.

THE PROBLEM

Rule 2.1. The Problem

The problem will be a fact pattern which may contain any or all of the following: statement of facts, pleadings, indictment, stipulations, witness statements/affidavits, jury charges, orders/rulings 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

1. No institution may field more than one team, except as permitted by this rule.
2. Approximately two (2) months in advance of the Competition, the Committee shall ask schools registered for the Competition whether they have interest in fielding a B team, and if more than one school volunteers, the B team will be picked by random draw. A B team is defined as a complete team of students that would, if from an institution not already competing, be eligible to compete in the Competition.
3. If, two (2) weeks prior to the start of the Competition, no school has volunteered a B team, the Committee may, at its sole discretion, seek student volunteers to form a “bye-buster” team. Any team with more than six students is encouraged to volunteer those students not competing on both sides of the Competition to potentially participate in the “bye-buster” team. Schools volunteering students should provide the student’s name.

The Committee encourages all schools with sufficient students to volunteer students to compete in the “bye-buster” team. Although much of the material will have to be improvised, it is a good no-pressure way for students to gain additional experience and/or to have roles they do not normally have a chance to play.

If there are sufficient volunteers, the Committee will form a “bye-buster” team. The “bye-buster” team will consist of six (6) to twelve (12) student volunteers who are active members of their school’s mock trial team but are not actively on their school’s competition team (i.e., they are not assigned to participate as an attorney or witness on their school’s “A” team). If more than twelve (12) students volunteer for the team, the team membership will be by lottery.

The Committee will designate at least two attorneys who have coaching experience who will oversee the students participating in the “bye-buster” team on the days of the competition. To the extent possible, students on the “bye-buster” team will not compete against their own institution and students for each side of the case will be as consistent as possible. All members of the “bye-buster” team are prohibited from disclosing any school affiliation to any judge or other competitor before or during the competition.

For pairing and power matching, the “bye-buster” team will always be assumed to have a win/loss record of 0 and a ballot record of 0 (i.e., will always be in the lowest bracket after the first round). However, for purposes of calculating strength of opponent, the “bye-buster” team’s actual win-loss record will be used. The “bye-buster” team will always be ranked last and will not compete in the Championship Round, however, students volunteering to serve on a “bye-buster” team are eligible for individual awards based on their team participation (i.e., outstanding advocate and outstanding witness). Students who compete on the “bye-buster” team will be identified at the Awards Banquet.

For the avoidance of doubt, students selected to participate in the “bye-buster” team are prohibited from providing information about (i) any team that has a member on the “bye-buster” team, or (2) any team against whom the “bye-buster” competed to members of their “home” team. Such communications are a violation of Mock Trial Rule 4.13.

4. Whether there is an odd number of teams in the field shall be officially decided on the first day of the Competition. Although the Committee may notify the designated B team and/or the competing teams of the number of teams signed-up to participate in advance of the Competition, that is merely a courtesy and not a guarantee that the B team or “bye-buster” team shall compete. For the B team or “bye-buster” team to compete, there must be an odd number of teams at the Competition, which sometimes is not known until the day the Competition begins.

Rule 3.2. Team Composition

Teams consist of six to fourteen official members assigned to attorney, witness, and timekeeper roles representing the prosecution/plaintiff and defense/defendant sides. 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 an official team member. If a team has only six 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. Any student outside the declared official team is considered an additional non-competing team member. Additional non-competing team members may neither compete nor keep time for the team at any point during the competition. The Team Roster will become official at the close of on-site registration for an in-person competition, and at 5:00 p.m on the day prior to the first round for a virtual competition.

Please be advised that the National High School Mock Trial Competition only permits teams of between 6 and 9 official members. *See* NHSMTC Rule 3.2. Accordingly, the state champion may have to cut official team members if it had more than 9 members during the state competition. The official timekeeper is included within the 9 members of the team.

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

Except as permitted during an emergency under Rule 1.3.B, 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.

An attorney may not do the opening and the closing in the same trial.

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.

A hypothetical structure for the trial is provided below for illustrative purposes only and is not meant to indicate that a specific attorney or witness must go in a specific order or must complete a particular part. It is meant only to be illustrative of the roles and the general division of labor within the team. PAX and DAX stand for Plaintiff/Prosecution

Attorney and Defense/Defendant Attorney where the x is a numerical designation for each attorney. PW_x and DW_x stand for Plaintiff/Prosecution Witness and Defense/Defendant Witness where the x is a numerical designation for each witness.

1. Pre-trial matters (PA1 and DA1)
2. Plaintiff/Prosecution opening statement (PA1)
3. Defense/Defendant opening statement (DA1)
4. Direct and Cross-examination of PW1 (PA1 and DA1)
5. Direct and Cross-examination of PW2 (PA2 and DA2)
6. Direct and Cross-examination of PW3 (PA3 and DA3)
7. Direct and Cross-examination of DW1 (DA1 and PA1)
8. Direct and Cross-examination of DW2 (DA2 and PA2)
9. Direct and Cross-examination of DW3 (DA3 and PA3)
10. Plaintiff/Prosecution closing argument (PA2)
11. Defense/Defendant closing argument (DA2)
12. Plaintiff/Prosecution closing argument rebuttal (PA2)

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 for an in-person competition. For a virtual competition, teams must submit Team Roster Forms in accordance with the protocol established and announced for the competition. Teams must be identified by the code assigned at registration. No information identifying team origin should appear on the form.

As required in the Code of Ethical Conduct, completed team rosters must be provided with the Code of Ethical Conduct at team check-in on the Friday morning of the Competition before the first round.

Before beginning a trial in an in-person competition, the teams must exchange copies of the Team Roster Form. Team Roster Forms will be distributed to judges in a virtual competition according to the protocol established for the competition. 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.

Rule 3.6. Timeliness of Attendance at Trial

Each team is expected to treat the Competition (whether in-person or virtual) as if were a real trial, including exhibiting the proper respect for the Court's time. Teams should plan to arrive (whether in-person or virtually) before the Competition and should plan any travel or virtual connections accordingly. To the extent that a team is more than five (5) minutes late to the start of a Competition day, the Committee may, at its sole discretion, determine that the tardy team has forfeited the round for failure to appear in Court.

THE TRIAL

Rule 4.1. Courtroom Setting

For an in-person competition, the Prosecution/Plaintiff team shall be seated closest to the jury box. No team shall rearrange the courtroom without prior permission of the judge.

For a virtual competition, each participant will log into the virtual platform separately from a normal personal computer, tablet, cellular phone, or similar device, unless permission is granted by the Committee or its designee to do otherwise. At a minimum, each of a participating attorney, witness, and timekeeper shall utilize an individual device. Each participant shall use a screen name formatted according to the protocol established and announced for the competition. Once the trial begins, only participants who are competing in a particular trial segment will have their camera turned on. All team members who are not actively participating in that trial segment must have their cameras turned off, except for timekeepers turning on their cameras to display remaining time consistent with Rule 1.4. For purposes of this rule, the witness, direct-examining attorney and cross-examining attorney must have their cameras turned on for the entire witness examination.

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 Statement of the Case, 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 deemed to be sworn using the above oath, or the above oath will be administered by the presiding judge or a bailiff provided by the Committee. The Committee will indicate which method will be used during all rounds of the current year's tournament. Witnesses may stand or sit during the oath.

For a virtual competition, all witnesses will be deemed to be sworn.

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.
- b. 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 or to indicate (as directed by the presiding judge) how much time is remaining during a particular part of the trial.
- c. 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. The presiding judge shall have discretion to stop time for technical difficulties in a virtual competition that do not rise to the level of an emergency under Rule 1.3.B.
- d. In trial, each team is to use a set of "Time Remaining" cards with the following designations to signal time: 22:00, 20:00, 18:00, 15:00, 12:00, 10:00, 7:00, 5:00, 4:00, 3:00, 2:00, 1:00, 0:40, 0:20, and "STOP". Modification of intervals is not permitted. For an in-person competition, the Committee will provide "Time Remaining" cards. Teams are not permitted to use other cards. Teams may not use these cards to signal time other than the aggregate time remaining. (For example, teams may not use these cards to show the time remaining of the time allocated by that team to a particular trial segment.)
- e. 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.

During a virtual competition, after each witness, timekeepers shall confer using the "chat" or similar feature regarding how much time remains for each team.

- f. If a team has only 6 official members, it must designate two or more of its witnesses to serve as timekeepers in each round.
- g. In a virtual competition, the timekeepers must signal time by posting the time signals permitted by subsection a in the chatroom function of the virtual competition platform.
- h. Students keeping time may use stopwatches or cellular phones. Any cellular phone used for timekeeping must be kept in airplane mode and silenced during the duration of the trial round.

Rule 4.7. Time Extensions and Scoring

The presiding judge has sole discretion to grant time extensions, and such extensions shall be for not more than five (5) minutes. If time has expired and an attorney continues without permission from the Court, the scoring judges may

determine individually whether or not to discount points in a category because of over-runs in time, including over-runs allowed by the presiding judge.

The presiding judge has sole discretion to penalize a team for excessive objections and/or witnesses who are non-responsive and who attempt to “run the clock” on the cross-examining attorney. For example, a presiding judge may remove time from a team’s direct examination to account for time wasted on excessive objections. For further example, a presiding judge may also add time to a cross-examination for excessive non-responsive answers, where such time shall count against the non-responsive witness’s teams direct examination time (e.g., three minutes removed from Plaintiffs’ direct time and credited to Defendant’s cross time). **This rule does not abrogate a team’s right to object to non-responsive answers on cross-examination, but any time penalty outlined above is within the sole discretion of the presiding judge and may not be requested by either team.**

Rule 4.8. Motions Prohibited

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

Teams are not allowed to raise hypothetical or constructive motions, i.e., “I am not allowed to make a motion, but if I were, I would . . .” is strictly prohibited.

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 are not permitted in either in-person or virtual competitions. Objections are deemed to have occurred at sidebar.

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.

A witness is prohibited from making reference to his or own physical traits or gender or physical traits or gender of other witnesses where such information is not included in any witness statement. (For example, a witness cannot call attention to her size to show inability to complete some physical act included in the case materials or state that she was treated differently because she is woman.) An attorney is likewise prohibited from making argument pointing out physical traits of a witness not otherwise included in the case materials. Such references are unfair extrapolations. (see Rule 2.3). Teams are not prohibited, however, from raising issues about general or common human traits and abilities relevant to the case.

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 highlight, underline, or otherwise 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 Committee, name tags or name plates at counsel table are not permitted.

In a virtual competition, students may be directed to display screen names according to a protocol established and announced for a virtual competition. Such display is not a violation of this rule.

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 and no participant may communicate with a witness while that witness is testifying other than through the course of that witness's questioning. 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.

For purposes of this rule, "during trial" means from the time that the scoring judges and presiding judge appear in the Courtroom until both parties have rested and the scoring judges and presiding judge have left the Courtroom to deliberate. For the avoidance of doubt, "during trial" includes any recess for the parties to prepare for closing arguments. Any violation of this rule will result in the immediate expulsion of the individual violating the rule from the Competition site for the remainder of the Competition.

During a virtual competition, no team member, coach, or judge nor students may use the "chat," "instant message," or "chatroom" function of the electronic platform, except to: (1) display timekeeping messages, as permitted by Rule 1.4, and (2) to communicate in the case of a technical emergency where audio and video functions are lost but access to the chat or instant messaging function is intact. Observers are not permitted to use the chat or instant messaging functions at any time.

During a virtual competition, only the six participating team members may communicate with one another. The six participating team members may use computers, cellular telephones, or other devices to facilitate this communication.

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 Committee, are not allowed to view other teams' performances in 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 competition. It is a violation of this rule for teams to seek information about opposing teams in rounds of the 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

In order to support civics education, facilitate media coverage, and provide a maximum opportunity for family, friends, peers, and teachers to view our teams competing, all participants must consent to video or audio recording and electronic posting (including video meeting, social media, or other platforms) of each performance at the Competition, except as provided in Rule 1.5 or otherwise determined by the Committee.

No team may post, share with another competing team, or otherwise disseminate any recording of any competition round prior to the conclusion of the Competition. Each team shall inform any family member or other observer of this rule. Violations of this rule, even by an individual who is not a team member, may result in sanction of the team affiliated with the individual who recorded and/or posted, shared, or otherwise disseminated the recording up to and including disqualification from the competition.

The Committee or its designee may permit exception to this rule for media coverage.

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

For in-person trials, student attorneys will stand while giving opening statements and closing arguments, during direct and cross examinations, and for all objections, unless excused by the presiding judge. For virtual trials, student attorneys may elect to stand or remain seated for all parts of the trial, except that all objections shall be made while seated.

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 warranted during the opposing team's opening statement or closing argument, the opposing attorney for that segment may, following the opening statement or following the closing argument, object and provide a basis for the objection. During a virtual competition, the attorney shall make the objection while remaining seated. The opposing team is then allowed to respond to the objection. The presiding judge will not rule on this objection, and each 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 Delaware High School Mock Trial Rules of Evidence.

Rule 4.19 Reserved

Rule 4.20.A Procedure for Introduction of Exhibits – Generally

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.
10. If an exhibit is introduced into evidence, a team may publish it to the jury at the presiding judge's discretion.

Rule 4.20.B Procedure for Introduction of Exhibits – Special Rules for a Virtual Competition

During a virtual competition, the procedure in Rule 4.20.A shall be followed, except that:

1. All witnesses shall have all case materials available and in their possession during their testimony but may only refer to them when prompted by an examining attorney.
2. Attorneys will not physically approach witnesses. Instead, attorneys will identify the exhibit they wish to show the witness and request the Court's permission for the witness to view it.

3. Attorneys will not be required to confirm that they have shown the exhibit to opposing counsel.
4. Instead of the language in Step 4, above, the attorney will say words to the effect of “I now show you what has been marked for identification as Exhibit No. _____. Would you identify it please?” Witness should answer to identify only.
5. When an exhibit – or, during impeachment or refreshment of recollection, some other document – is shown to a witness, a member of the examining attorney’s team shall make that document available to all participants via “screen sharing” or similar technology. The member of the team responsible for posting the exhibit must be a team member competing in the round or the timekeeper for the round.
6. Exhibits or other documents posted in this manner will be deemed not to have been shown to the jury unless they are admitted into evidence and formally published to the jury. Publication to the jury is at the presiding judge’s discretion.
7. Teams may use technology to mark exhibits electronically only to the extent that marking physical exhibits would have been permitted by Rule 4.11. Any marked electronic exhibits may only be used as provided in Rule 4.11.

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, except during a virtual competition.

Rule 4.22 Redirect/Recross

Redirect and Recross examinations are permitted, provided they conform to the restrictions in Rule 611(d) in the Delaware 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 often (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.A Composition of Judging Panels

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 Committee 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 Committee, the Championship round may have a larger panel.

All presiding and scoring judges will 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 or the virtual competition platform, 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 or virtual competition platform 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 or in the virtual competition platform until the round resumes.

If the technical or other emergency impacts the presiding judge, a designated scoring judge will serve as the presiding judge until the dispute resolution committee can be informed and can act to adjust the panel composition.

Rule 5.2.B Conflicts Between Judges and Teams

The Committee recognizes that conflicts of interest between judges and participants may arise. This program requires extensive volunteer support from the Delaware Bar and Community 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 Committee or its designee. The following criteria will be applied in determining whether a presiding judge or scoring judge will be disqualified, and apply equally to both types of judges:

1. A judge shall be disqualified from participating in a trial when the judge has a conflict with either team involved in the trial. Examples of a mandatory disqualifying conflict include where the judge is a coach of one of the teams or is a relative or close friend of a competing student or one of the team's coaches.
2. A judge may 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 on the same side and in the current Competition. However, in the case of such potential conflicts, it is within the discretion of the Committee or its designee to determine whether such a conflict exists. In addition, reasonable effort will be made by the Committee or its designee to prevent a judge who was a coach at a particular competitor school from judging a round involving that school, with the understanding that if that is not reasonably possible, the Committee 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.

A situation where the judge recognizes a team advisor or student/parent through professional acquaintance or through participating 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 Committee to determine whether to disqualify the juror.

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

Rule 5.2.C Disqualification of Judges

The Committee, or its designee, has discretion in cases involving juror irregularity to disqualify a scoring juror's score sheet.

Rule 5.2.D Process Following Disqualification of a Ballot

In the event that a judge's ballot needs to be disqualified following the conclusion of a round, if there are two legal ballots remaining and those ballots agree on the winning team of the round, a third ballot will be generated consisting of the average total score of those two ballots. This third ballot will be used as the official ballot for power matching purposes.

In the event that a judge's ballot needs to be disqualified following the conclusion of a round, if there are two legal ballots remaining and those ballots do not agree on which team won the round, the following process will be employed:

1. If the presiding judge has not already cast a scoring ballot, the presiding judge shall cast an unscored ballot for the trial winner only. That team shall be deemed to have won the trial.
 - a. The total points on the remaining two valid scoring ballots shall be averaged.
 - b. If the team deemed to have won the trial based on the presiding judge's ballot has more points on the third, averaged ballot than the team deemed to have lost, this ballot will be used as the official ballot for power matching purposes.
 - c. If, when the third ballot is averaged, the team deemed to have lost has more points on the third ballot, the score of the team deemed to have won will be adjusted until it is 1 point higher than the score for the team that was deemed to have lost. This third ballot shall be used for all power matching purposes.
2. If the presiding judge was already scoring the round in which the ballot was disqualified, then:
 - a. An average of the total points on the two valid ballots shall be generated, and the winner on points of that average ballot shall be deemed the winner of the trial.
 - b. If the average ballot is tied, the tie shall be broken by highest average score in the closing argument category. If the ballot remains tied, that tie shall be broken by the highest average score in the opening statement category. If the ballot remains tied, the winner of the trial shall be determined by coin toss. However, the tie is broken, that team shall be given one additional point on the third ballot.
 - c. This third ballot shall be used for all power matching purposes.
3. In all cases where the averaging of two ballots above results in a score that is not a whole number, the score shall be averaged by rounding up to the nearest whole number.

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

All teams will compete in four preliminary rounds. Following the completion of the four preliminary rounds, 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. Strength of Opponents—the total number of wins that each opponent has amassed over the competition;
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; and
5. Total Number of Points Accumulated in Each Round—the total number of points is the total number of cumulative points earned by a team.

Rule 5.6. Power Matching/Seeding

For the first round of the Competition, the Committee shall make a good faith effort to achieve approximate parity between the pool of prosecution/plaintiff teams as a whole and the pool of defense teams as a whole. For the 2020-2021 season, this approximate parity will be achieved by taking into account a team's official final standing in the prior season. For example, if the first place team from last season is placed among the pool of prosecution/plaintiff teams, then the second place team will be placed among the school of defense teams for the first round. If a team did not compete in the prior season, the Committee, at its sole discretion, will assign that team to a pool. Once the pool of prosecution/plaintiff teams and the pool of defense teams are created, a random method of selection will determine opponents in the first round. In the second round, teams will present the opposite side of the case than that which they presented in the first round. With this side constraint, a power-match system will determine opponents for the second round. For all other rounds, a power match system shall also be used. The two teams emerging with the strongest

record as determined by Rule 5.5 from the preliminary rounds will advance to the final round. The championship round winner 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 (except that the pools for prosecution/plaintiff teams and defense teams will be selected by the method described above before the random pairing of teams);
2. Except in the case of an unforeseen emergency, in the second round, teams shall switch sides;
3. All teams are guaranteed to present each side of the case at least once;
4. For Rounds 3 and 4, 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) strength of opponent (for pairings for rounds 3 and 4); (4) point spread; then (5) total points. The team with the highest number of ballots in the bracket will be matched with the team with the lowest number of ballots in the bracket; the next highest with the next lowest, and so on until all teams are paired;
5. For Round 2 only, because of the requirement that the teams present the opposite side of the case than that which they presented in Round 1, teams will be sorted by their required side of the case before the power matching described in item 4 is applied; by way of example the best one win/zero loss prosecution team shall play the worst one win/zero loss defense team;
6. If a bracket contains an odd number of teams, the team at the top of that bracket will be matched with the top team from the next lower bracket;
7. Teams will not meet the same opponent twice prior to Round 4;
8. An A and B team from the same institution will not meet prior any Championship Round. Whenever possible, when a team meets both the A and B team from the same institution the alignment of the second trial will be set up so the team plays the opposite side in the second trial.
9. To the greatest extent possible, teams will alternate side presentation in subsequent rounds. In the fourth round, in trials that will determine who will participate in the Championship Round (which is normally two or three trials), the Committee shall whenever possible preserve bracket integrity even if it means one or more teams in those rounds must present a side of the case for a third time. **Teams are not guaranteed that they will present both sides twice.**

Rule 5.7. Selection of Sides for Championship Round (To be used only when there is a separate 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 Committee.
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.

If, however, the teams competing in the Championship Round have met in a prior round, the teams may, by mutual agreement, agree to hold the above procedure in abeyance and agree to present the side of the case opposite from that presented in the earlier round. Any such agreement must be mutual and must occur before the coin toss.

Rule 5.8. Odd Number of Teams Participating in Championship

It is the intent of the Committee to avoid the necessity of a “bye” round whenever possible. In the event of a circumstance resulting in an odd number of competing teams that is not remedied under Rule 3.1, the following procedure will apply:

The team drawing the “bye” (no opponent for a single trial round) in the preliminary rounds 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 preliminary rounds, 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.

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.A Disputes at the Conclusion of the Trial – In-Person Competitions

At the conclusion of each trial 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 6.1.B Disputes at the Conclusion of the Trial – Virtual Competitions

The foregoing rules shall also apply in virtual competitions, except that students shall not complete a dispute form. Instead, students shall have two minutes to prepare an argument regarding their dispute in consultation with coaches and team members, and the presiding judge shall take notes regarding the nature of the dispute and the arguments presented by each team.

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.A Disputes After the Conclusion of the Trial – In-Person Competition

Disputes which could not have been brought to the attention of the presiding judge may be brought to the attention of the Committee by teacher or attorney coaches exclusively. Such disputes must be made promptly to a trial coordinator or a member of the Committee, 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, if the committee deems it necessary; 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 Committee.

Rule 6.3.B Disputes After the Conclusion of the Trial – Virtual Competition

The foregoing rules shall also apply in virtual competitions, except that notification must come to the Committee or its designee by phone call. The Committee will then email the complaining party a dispute form to be completed. The committee will then email and text one representative of each party regarding the dispute to allow time for a response, if appropriate.

COURTROOM ARTIST CONTEST

Rule 7.1. Registration and Eligibility

An institution may register up to two (2) students to compete in the Courtroom Artist Competition. For institutions that are fielding a team for the Competition, there is no additional cost for registering students to compete in the Courtroom Artist Competition.

The winner of the Courtroom Artist Competition will be invited to compete on behalf of Delaware in the National High School Mock Trial Contest Courtroom Artist Contest. In the event that the winner is unable to compete, the state coordinator may designate an alternate, provided that the alternate competed in the Delaware Courtroom Artist Contest.

Courtroom artists are subject to all relevant Mock Trial Competition Rules, restrictions, and eligibility requirements and will be held to Code of Ethical Conduct. Artists are bound by Rule of Competition 4.13 and are deemed to be a member of their Institutions respective team for purposes of Rule of Competition 4.13. The courtroom artists will use the same team code as their Mock Trial teams from their institution 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.

Participants in the Courtroom Artist Competition may serve in another role on their institution's mock trial team. To the extent that participants serve as members of a Mock Trial team, the Committee will reasonably attempt to ensure that the participant may compete in the Courtroom Artist Contest, but will not guarantee participation. Further this bars courtroom artists from serving in any other role on the state Mock Trial team. As such, the Committee strongly encourages those teams wishing to field courtroom artists to be mindful of these restrictions. For a virtual competition, courtroom artists shall follow the naming conventions established for competing team members and shall accompany their state team to any designated virtual courtrooms.

Rule 7.2.A Trial/Trial Depiction – In-Person Competition

Sketches must depict actual courtroom scenes observed by the courtroom artists during round three (3) of the competition. Courtroom artists may practice sketch in rounds one and two, but only in the courtroom where their respective teams are competing.

Sketches must be created and completed by the courtroom artist during the course of the round three trial in which the courtroom artist's Mock Trial team is also competing. At no time may a courtroom artist observe and/or sketch trials in which his or her Mock Trial team is not competing. Violation of this restriction will be a violation of Rule of Competition 4.13 and will result in the courtroom artist's expulsion from the Competition. Depending on the severity of the breach (i.e., if the courtroom artist shares information with his or her respective team), the Committee reserves the right to sanction the entire team, up to and including the Mock Trial team's disqualification from the Competition.

The presiding judge may allow courtroom artists to sit in the jury box, if a jury box is available. If the courtroom artist is allowed to sit in the jury box, it must be away from the scoring judges and must not place the courtroom artist in a position to view the scoring judges' score sheets.

The courtroom artist must wear his or her ID badge with his or her school code.

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

Rule 7.2.A Trial/Trial Depiction – Virtual Competition

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

1. Because there is no physical “courtroom” in a virtual competition, courtroom artists are permitted to create details of a courtroom setting in crafting their competition pieces.
2. Competing student attorneys may be drawn either standing or sitting, even if they were sitting during the virtual competition round.
3. It is not a violation of these rules for courtroom artists to depict a courtroom scene that they did not observe. If a template courtroom is provided by the Committee, that courtroom must be used in the depiction.
4. All depictions of competing students and judges shall be accurate to the mode and manner of their dress and of traditional courtroom dress, even if the entirety of their clothing is not visible during the virtual competition.
5. Courtroom artists are advised not to focus too much on the courtroom background for their competition pieces. Competition piece judging will weigh more heavily the depiction of faces and bodies during a virtual competition.
6. Courtroom artists are permitted to use a laptop computer throughout a virtual competition.
7. Courtroom artists are encouraged to explore ways to utilize the competition’s chosen technical platform to make their art easier to create and more detailed. For example:
 - a. Courtroom artists may wish to test whether a particular method of connection (e.g. using an app vs. a direct internet connection, using an app on an iPad vs. a laptop) provides the clearest views and best controls.
 - b. Courtroom artists may wish to test using different views (such as a layout in which the video of the individual speaking will appear larger on the screen).
 - c. Courtroom artists are permitted to experiment with these settings on their own systems during rounds 1 and 2, so that they may prepare to use those that prove most effective in Round 3.
8. Instead of sitting in the jury box, courtroom artists shall be permitted into the virtual courtroom on the same terms as any official team member.
9. The ban on courtroom communication includes any use of a chat function, text messaging, or other mechanisms of communication.
10. If the Courtroom Artist loses connection, it shall not constitute an emergency for purposes of Rule 1.3.

Rule 7.3.A Submission Specifications – In-Person Competition

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

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

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 7.3.B Submission Specifications – Virtual Competition

The rules for submission of the artist’s work following Round 3 are the same as those during an in-person competition, except that:

1. At the conclusion of the trial, the artist must turn on their video to allow for a screen shot of the drawing.
2. A picture of the art sketched during Round 3 must be submitted within 30 minutes of the conclusion of the Round 3 trial to be considered in the contest.
3. The submission process, labeling protocol, and technical specifications for courtroom artist depictions – maximum file size, minimum or maximum resolution, and image format (.jpg, .tiff, .pdf, etc.) – shall be announced in advance of the competition by the Committee. In advance of the competition, artists are encouraged to explore options for high-resolution scanning or photography of their work.
4. Courtroom artists shall maintain a digital copy and shall retain the physical copy of their Round 3 submission piece until, at least, the end of the Competition.

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 Courtroom Artist Delaware Champion.

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

A sample judging scoresheet is posted to the Delaware Law Related Education Center website for information on how sketches are scored.

Rule 7.5. Release

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