

I. RULES OF THE COMPETITION

A. THE PROBLEM

Rule 1. Rules. All trials will be governed by the National Middle School Mock Trial Rules of Competition and Procedure and the Federal Rules of Evidence (Mock Trial Version). Questions or interpretations of these rules are within the discretion of the Coordinator of the Indiana Middle School Mock Trial Program whose decision is final.

Rule 2. The Problem. The problem will contain witness statements, exhibits, etc. Witness statements may not be altered.

Rule 3. Witness Bound by Statements. Each witness is bound by the facts contained in his/her own witness statement, 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 4.

If, in cross-examination, an attorney asks for unknown information, the witness may respond so long as any response is consistent with the witness' statement or affidavit and does not materially affect the witness' testimony.

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

Rule 4. Unfair Extrapolation. Unfair extrapolations are best attacked through impeachment and closing arguments and are to be dealt with in the course of the trial. A fair extrapolation is one that is neutral.

Attorneys shall not ask questions calling for information outside the scope of the case materials or requesting an unfair extrapolation.

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 4 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 5. 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. Students should not create issues arising from the case materials relating to gender. For example, if the case is set in a time period that it is unlikely that a woman would have been in a particular occupation, an issue should not be created to question witnesses credibility, veracity, or any other basis.

Rule 6. Voir Dire. Voir dire examination of a witness is not permitted.

B. THE TRIAL

Rule 7. Team Eligibility. A school can enter as many teams in the competition as they wish. This competition is only open to middle school students, 6th through 8th grade; provided, however, if a school needs additional students to complete a team, 5th grade students will be permitted to participate. Teams must be composed of students currently enrolled in the same middle school. Students who are home schooled may compose a team with other home schooled students or may join a local middle school team. Any exceptions to this policy must be approved by the board prior to competing.

Rule 7.1. Drop Deadline. Schools that drop a team after the drop deadline will not be entitled to any refund of registration fees. Teams should anticipate the possibility of illness or conflicts of schedules for participants and have alternates available. Only under extreme emergency circumstances will the Board make exceptions, e.g., School Corporation's canceling all school events due to weather conditions.

Rule 8. Team Composition. Teams consist of seven to ten members. A team must prepare both sides of the case.

The distribution of the roles among the team members is left to the discretion of the team coach(es). Student timekeepers must be provided by each team entering the competition.

Rule 9. Team Presentation. Teams must present both the Prosecution/Plaintiff and Defense/Defendant sides of the case using seven team members.

A team may participate with less than seven members only in the case of an emergency occurring during a round of competition or as otherwise permitted by the Coordinator. In

such a case, a team may continue in the competition by making substitutions to achieve a three attorney/three witness composition. To avoid potential disqualification, it is highly recommended that teams include alternate members.

If an emergency causes a team to use less than four attorneys, the team may be penalized by reduction of points for that round or may be caused to forfeit the round, depending upon the nature of the emergency. Final determination of emergency, forfeiture, or scoring record will be made by the Coordinator of the Indiana Middle School Mock Trial Program.

Rule 10. Team Duties. Team members are to evenly divide their duties. Each of the four attorneys will conduct two parts of the trial. The same student performing an opening student cannot perform the closing argument. The 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 12]

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

The attorney who will examine 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 will cross-examine a witness will be the only one permitted to make objections during the direct examination of that witness. However, the attorney whose duty it is to make the objection may consult with any member of his/her own team (except teacher/attorney coaches).

Each team must call three witnesses. Witnesses must be called only by their own team and examined by both sides. Witnesses may not be recalled by either side.

Rule 11. 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 all witnesses are assumed to be sworn or the above oath will be conducted by

- (a) the presiding judge, or
- (b) the examining attorney.

The presiding judge will indicate which method will be used. Witnesses may stand or sit during the oath.

Rule 12. 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 Recross (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's rebuttal is limited to the scope of the Defense'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 13. Timekeeping. Time limits are mandatory and will be enforced. Each team is permitted to have its own timekeeper and timekeeping aids.

Time for objections and responses thereto, questioning from the judge, or administering the oath will not be counted as part of the allotted time during examination of witnesses and opening and closing statements.

Time does not stop for introduction of exhibits.

Rule 14. Time Extensions and Scoring. The presiding judge has sole discretion to grant time extensions. If time has expired and an attorney continues, with or 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.

Rule 15. Prohibited Motions. No motions may be made. (A motion for directed verdict, acquittal, or dismissal of the case at the end of the Plaintiff/ Prosecution's case, for example, may not be used.)

A motion for a recess may be used only in the event of an emergency (*i.e.*, health emergency). To the greatest extent possible, team members are to remain in place. Should a recess be called, teams are not to communicate with any observers, time keepers, coaches, or instructors regarding the trial.

Rule 16. Sequestration. Teams may not invoke the rule of sequestration.

Rule 17. Bench Conferences. Bench conferences may be granted at the discretion of the presiding judge but should be made from the counsel table in the educational

interest of handling all matters in open court.

Rule 18. Supplemental Material/Illustrative Aids. 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.

Rule 19. Trial Communication. Instructors, coaches, and observers shall not talk to, signal, communicate with, or coach their teams during trial. This rule remains in force during any recess time which may occur. Team members may, among themselves, communicate during the trial; however, no disruptive communication is allowed. Signaling of time by the teams' timekeepers shall not be considered a violation of this rule. Alternate team members can communicate with their team members during the competition since they are part of the team. However, they should be identified prior to the trial commencing.

Non-team members, teachers, and coaches must remain outside the bar in the spectator section of the courtroom. Only team members participating in this round may sit inside the bar.

Rule 20. Viewing a Trial. Team members, alternates, attorney-coaches, teacher-sponsors, and any other persons directly associated with a mock trial team are not allowed to view other teams in competition for purposes of scouting teams so long as their team remains in the competition. If an attorney-coach or teacher-sponsor is utilized for purposes of judging other teams in the competition, the coach is expected to keep confidential matters occurring during such trial and shall not reveal to his/her team any content, substantive or procedural, regarding the trial he/she judged. Any violations of this rule may subject the team to forfeit the competition.

Rule 21. Videotaping/Photography. Any team has the option to refuse participation in videotaping, tape recording, still photography, etc.

Any recording of a trial may not be used to gain insights into an other teams' strategies, themes, style, etc.

C. JUDGING

Rule 22. Decisions. All decisions of the judging panel are FINAL.

Rule 23. Composition of Panel. The composition of the judging panel and the role of the presiding judge will be at the discretion of the Coordinator.

Rule 24. 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 speaker and team 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 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 25. Completion of Score Sheets. Each attorney and witness role will be scored on a 1- 10 scale. The points are added for each judge to achieve a final point total for each team. In the event of a tie, each team will be assessed ½ for a win and ½ for a loss.

Rule 26. Matching of Teams. The teams will be matched randomly in a "round robin" style of play. No team will play the same team twice unless exigent circumstances arise. In that case, the two teams will play opposite sides of the case from the prior match.

Rule 27. Decisions. Judges may not inform the students of score sheet results. However, at the completion of the trial, the judging panel is allowed a total of 5 minutes for debriefing. The timekeeper will monitor the critique following the trial. Presiding judges are to limit critique sessions to the 5 minutes total time allotted. Judges are not required to make a ruling on the legal merits of the trial. However, during the debriefing process, scoring judges may inform students of a hypothetical verdict *which is not based upon the outcome of the scoring.*

Rule 28. Effect of Bye/Default/and-or Forfeiture. A "bye" becomes necessary when an odd number of teams are present for the tournament.

The team receiving the bye will receive an average of its scores for the other rounds for its bye round.

A forfeiting team will receive a loss and points totaling the average number of the judges' ballots and performance points received by the losing teams in that round. If a trial cannot continue, the other team will receive a win and an average number of ballots and points received by the winning teams in that round.

D. DISPUTE SETTLEMENT

Rule 29. Reporting a Rules Violation/Inside the Bar. Disputes which (a) involve students competing in a competition round or a team's coach and (b) occur within the bar must be reported immediately following the conclusion of that trial round. Disputes should first be brought to the attention of the presiding judge at the conclusion of the trial, if possible. If the dispute is not resolved satisfactorily to either team, the dispute may be reported to the Coordinator. It is recommended that disputes be raised by the students to further develop their skills of presentation and effective argument.

Rule 30. Dispute Resolution Procedure. The presiding judge will consider the dispute and determine whether the dispute should be heard or denied. If the dispute is denied, the judge will state the reasons for her/his decision. If the judge or Coordinator feels the grounds for the dispute merit further consideration, the dispute will be addressed to opposing counsel for their response. After the team has responded, the presiding judge or Coordinator will rule on the dispute.

Rule 31. Effect of Violation on Score. If the presiding judge or Coordinator determines that a substantial rules violation has occurred, the judge or Coordinator 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 32. Reporting of Rules Violation/Outside the Bar. Disputes which (a) involve people other than student team members and (b) occur outside the bar only during a trial round, may be brought by students, teachers or attorney-coaches. Such disputes must be made promptly to the Coordinator. The Coordinator will rule on the charge.

II. RULES OF PROCEDURE

A. Before the Trial

Rule 33. Team Roster. All teams will have a uniform team roster. The forms are provided with the materials. The rosters should be prepared in advance of the competition, and be typed, or neatly printed, designating the roles which will be played by each individual on the team. If a school has more than one team, it will have a separate roster for each team. Copies of the Team Roster Form for both the Prosecution/Plaintiff and Defense/Defendant sides must be completed and duplicated by each team prior to arrival at the competition site. Sufficient quantities of the rosters should be brought to the competition for each team. Teams must be identified by the code assigned at registration. No information identifying team origin should appear on the form. Before beginning a trial, the teams must exchange copies of the Team Roster Form. Copies of the Team Roster Form should also be made available to the judging panel and presiding judge before each round.

Rule 34. Stipulations. When the Court asks the Prosecution/Plaintiff if it is ready to proceed with opening statements, the attorney assigned the opening statement should offer the stipulations into evidence.

Rule 35. The Record. The stipulations will not be read into the record.

B. Beginning the Trial

Rule 36. Jury Trial. Generally, the case will be tried to a jury unless the case is specifically identified as a bench trial or to be heard by an Administrative Law Judge (ALJ) or a Referee; arguments are to be made to judge and jury.

Teams may address the scoring judges as the jury.

Rule 37. Standing During Trial. Unless a student is physically unable to stand or is excused by the judge, attorneys will stand while giving opening and closing statements, during direct and cross examinations, and for all objections.

Rule 38. Objection During Opening Statement/Closing Argument. No objections may be raised during opening statements or during closing arguments.

If a team believes an objection would have been necessary during the opposing team's opening or closing, a student-attorney, following the opening or closing, may say, "If I had been permitted to object during closing arguments, I would have objected to the opposing team's statement that _____." The presiding judge will not rule on this "objection." Presiding and scoring judges will weigh the "objection" individually. No rebuttal by opposing team will be heard.

C. Presenting Evidence

Rule 39. Argumentative Questions. An attorney shall not ask argumentative questions. However, the Court may, in its discretion, allow limited use of argumentative questions on cross-examination.

Rule 40. Lack of Proper Foundation. Attorneys shall lay a proper foundation prior to moving the admission of evidence. After motion has been made, the exhibits may still be objected to on other grounds.

Rule 41. Procedure for Introduction of Exhibits. As an example, the following steps effectively introduce evidence:

- 1 All evidence will be pre-marked as exhibits.
- 2 Show the exhibit to opposing counsel.
- 3 Ask for permission to approach the witness. Give the exhibit to the witness.
- 4 "I now hand you what has been marked as Exhibit No. __ for identification."
- 5 Ask the witness to identify the exhibit. "Would you identify it please?"
- 6 Witness answers with identification only.
- 7 Offer the exhibit into evidence, if a proper foundation has been laid. "Your Honor, we offer Exhibit No. __ into evidence at this time. The authenticity of this exhibit has been stipulated."
- 8 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.)

- 9 Opposing Counsel: "No, your Honor," or "Yes, your Honor." If the response is "yes," the objection will be stated on the record. Court: "Is there any response to the objection?"
- 10 Court: "Exhibit No .___ is/is not admitted."

Rule 42. Use of Notes. Attorneys may use notes in presenting their cases. However, generally, attorneys score higher when not relying upon their notes. 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.

Rule 43. Redirect/Recross. Redirect and recross examinations are permitted, provided they conform to the restrictions in Rule 611(d) in the Federal Rules of Evidence (Mock Trial Version).

D. Closing Arguments

Rule 44. Scope of Closing Arguments. Closing arguments must be based on the actual evidence and testimony presented during the trial.

Explanation of Performance Rating Scale

PERFORMANCE		CRITERIA FOR EVALUATING STUDENT PERFORMANCE
1-2	Not Effective	Unsure of self, illogical, uninformed, not prepared, speaks incoherently, definitely ineffective in communication.
3-4	Fair	<i>Minimally</i> informed and prepared. Performance is <i>passable</i> but lacks depth in terms of knowledge of task and materials. Communications lack clarity and conviction.
5-6	Good	Good, solid, but less than spectacular performance. Can perform outside the script but less confidence than when using script. Grasps major aspects of the case, but does not convey mastery of same. Communications are clear and understandable, but could be stronger in fluency and persuasiveness.
7-8	Excellent	Fluent, persuasive, clear and understandable. Organizes materials and thoughts well and exhibits mastery of the case and materials.
9-10	Outstanding	Superior in qualities listed for 7-8 points' performance. Thinks well on feet, is logical, keeps poise under duress. Can sort out essential from the nonessential and use time effectively to accomplish major objectives. Demonstrates the unique ability to utilize all resources to emphasize vital points of the trial.

Factors to Consider in Scoring

OPENING STATEMENTS Provided a case overview; mentioned the key witnesses; stated the relief requested; provided a clear and concise description of their case
DIRECT EXAMINATION Used properly phrased questions (who, what, where, when how); used proper courtroom procedure; demonstrated understanding of issues and facts; proper introduction of evidence; defended objections in clear concise terms; used time effectively; complied with all rules of the competition and spirit of fair play
CROSS EXAMINATION Used leading questions; properly impeached witnesses; raised proper objections and stated reason clearly; knew Rules of Evidence and did not overuse objections; courteous of opponent; complied with rules of competition and spirit of fair play
WITNESSES Credible; understood facts; responded spontaneously; poised and observed courtroom decorum
CLOSING STATEMENT Summarized the evidence; emphasized the supporting points of their own case and damaged the opponent's; concentrated on the important, not the trivial; applied the applicable law; responded to the judge's questions with poise

TIMEKEEPER INSTRUCTION SHEET

1. Time limits are mandatory and will be enforced. Each team is permitted to have its own timekeeper and timekeeping aids.
2. STOP TIME FOR objections, extensive questioning from the judge, or administering the oath to witnesses. These are not to be included as part of the allotted time during examination of witnesses and opening and closing statements.
3. DO NOT STOP TIME for introduction of exhibits.
4. The presiding judge has sole discretion to grant time extensions. If time has expired and an attorney continues without permission from the Court, the timekeeper should indicate such.
5. Timekeepers may not comment to any mock trial participants before, during or after the trial. The sole function of the timekeeper is to time the trials.
6. The time sequence listed gives the maximum time limits per trial segment. Times not used in one segment may not be applied to any other segment.

INDIANA MIDDLE SCHOOL MOCK TRIAL
TEAM ROSTER Round I II III IV

A copy of this roster shall be completed (print neatly or type) and duplicated by the teams. Copies are to be made available to each member of the judging panel and to opposing counsel before each round. *Do not place school name or information identifying team origin on the form.*

Team I.D. Number _____

In this round, students listed on this roster represent the (check one box)

PETITIONER/PROSECUTION/PLAINTIFF
DEFENSE/DEFENDANT/RESPONDENT

Names of Student Attorneys

Tasks to be Performed

Names of Student Witnesses

Roles/Genders to be Presented
