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# YMCA VIRTUAL NATIONWIDE JUDICIAL COMPETITION 2021 MOCK TRIAL COMPETITION RULES AND PROCEDURES

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# **MOCK TRIAL RULES AND PROCEDURES**

Welcome to the Mock Trial competition for the YMCA VIRTUAL NATIONWIDE JUDICIAL COMPETITION (NJC).

The YMCA Virtual Nationwide Judicial Competition (NJC) mock trial tournament is governed by the rules set forth below. These rules are designed to ensure excellence in presentation and fairness in scoring all trials and tournaments.

These rules are supplemented by any specific stipulations and comments provided in the current case, the Mock Trial Rules of Evidence and any other documents issued by the NJC Planning Committee.

These materials should be interpreted to be consistent with one another. In the event of an actual conflict between different sections of the mock trial materials, the following order of precedence should be used:

- (1) Current case stipulations and comments;
- (2) NJC Mock Trial Rules and Procedure;
- (3) Mock Trial Rules of Evidence;
- (4) and any official case or rule clarifications published by the NJC Committee and specific to the current year's conference.

Teams should submit all questions regarding the Mock Trial case materials and rules on the NJC website.

# **I. TEAM COMPOSITION**

1. All teams must consist of students who have just completed grades 9, 10, 11 or 12.
2. Teams will be composed of five to eight students. The roles are defined as:
  - A. 2-3 attorneys for Prosecution/Plaintiff
  - B. 2-3 attorneys for Defense
  - C. 3 witnesses for Prosecution/Plaintiff
  - D. 3 witnesses for Defense
  - E. 1 court bailiff – each team is required to have an advisor or student available to serve as bailiff
3. Each team must use two attorneys and three witnesses in each trial. Different students must play each of these roles during each trial.
4. Delegations may enter more than one team in the competition. However, if a delegation enters more than one team, the teams must have no members in common.
5. Teams must be prepared to present both sides of the case (Prosecution/ Plaintiff and Defense), and every effort will be made to ensure each team presents each side at least twice during the competition. The side that each team will represent will be posted at the trial site prior to the beginning of each trial.
6. All student attorneys must participate with case presentation as follows:
  - a. Each attorney must take part in the direct examination of at least one witness and the cross-examination of at least one witness.
  - b. One attorney must do the entire opening and one attorney must do the entire closing in each trial. The attorney giving the opening statement is not allowed to give the closing argument.
  - c. During any particular witness's testimony, objections are only permitted by the attorneys conducting that witness's direct examination or cross- examination.
  - d. Each party must call three witnesses for its side of the case.
7. All witness roles are gender neutral and may be filled with either male or female students.

# **II. TRIAL PREPARATION – GENERAL CONSIDERATIONS**

8. All participants are expected to display proper courtroom decorum, good sportsmanlike conduct, and appearance appropriate for the part they are to play during the trial.
9. Students may read other cases, materials, articles, etc., in preparation for the mock trial. They may, however, only cite the materials given as part of the official case materials.
10. A student portraying a witness may dress in appropriate court attire consistent

with the character portrayed. However, no uniforms or props are allowed unless such prop is part of the official case materials.

11. During the trial, witnesses are not permitted to use notes or read from any writing unless questioned or cross-examined about an affidavit or trial exhibit.
12. Attorneys may use notes in presenting their cases. However, their scores may be lowered if they:
  - a. rely heavily on notes during their presentation, and/or
  - b. use hearsay statements in their closing argument.

### **III. TRIAL PREPARATION - MATERIALS**

#### **WITNESS TESTIMONY:**

13. Each witness statement in the case must be considered a sworn affidavit or declaration of that witness, appropriately signed, dated, notarized and timely filed with the court prior to trial. To the extent any statements conflict, that may be brought out in closing argument or on cross-examination.
14. Each witness is bound by the facts as contained in that witness' statement(s) and any related documentation. A witness is not bound by the facts as contained in the statements of other witnesses.
15. On direct examination, a witness may testify to limited additional facts provided the new information is merely incidental and is supported by reasonable inference from the witness' statement.
  - a. Example of a reasonable inference: If the witness statement says that the Witness attended an Ivy League School in Massachusetts, a reasonable inference would be that the Witness attended Harvard.
  - b. Example of a made up, unsupported fact: If the witness statement says that the witness attended college, you are not permitted to make up facts about the name and location of the college and his/her course of study.
  - c. On cross-examination, if an attorney asks for previously unstated information, the witness may testify to limited additional facts provided
    - i. the answer is directly responsive to the question,
    - ii. any new facts are consistent with the witness' statement, and
    - iii. the new facts do not materially affect the witness' testimony.
  - d. If a witness testifies to facts contrary to those contained in his or her statement, the sole remedy is for the cross-examiner to impeach that witness' credibility by questioning the witness regarding the contradiction.

## **EXHIBITS**

16. The only exhibits which may be introduced into evidence during the trial are the original exhibits provided in the official case materials. No other exhibits or visual aids may be brought to court unless otherwise specifically set forth in these rules (See Rules 18 and 19).
17. While testifying, witnesses are allowed to make sketches or diagrams, consistent with their statements, to illustrate their testimony. These materials are not to be marked and do not become exhibits.
18. Simple charts outlining evidence or law may be used for closing arguments and may be prepared in advance of the competition. These documents can be no larger than a standard size legal piece of paper.
19. Electronic devices can only be used if they are in 'Airplane/Flight Mode' for notes or time keeping only.
20. Unless otherwise provided for in the case materials, stipulations may be presented through the testimony of any witness.

## **IV. PRE-TRIAL**

21. Teams are expected to be present in their assigned courtroom ten minutes before the scheduled starting time of their trial. Whenever possible, the starting time of any trial should not be delayed for longer than 5 minutes. Incomplete teams will have to begin without their other members or with alternates. Teams without a sufficient number of participants to start the trial will forfeit the match. Teams coming from a prior trial that went overtime will not be penalized.
22. Team members may briefly introduce themselves to the judge and evaluators, indicating a member's name and the witness part he or she will play, without further description of the character. An attorney team member should not describe the specific parts of the trial they will present. Introductions and clarifying questions and comments should be kept short, are not part of the trial, and should not be considered in scoring decisions.
23. Unless otherwise directed by the judge, the teams should adhere to the following courtroom layout: the prosecuting/plaintiff attorneys sit at the table closest to the jury (evaluator's) box.

## **V. TRIAL RULES**

24. Teams may prepare trial notes and trial notebooks, but submission of trial briefs/written motions/etc. are not permitted. Teams may not cite statutes or case law unless provided as part of the case materials.
25. Instructors, observers, any other adults, and additional team members shall not talk to, signal, communicate with, or coach their teams during trial. Additional team members and coaches must remain in courtrooms where teams from their

state are presently competing and may not observe other trials. This rule applies to any recesses during the trial. **Any violation of Rule 25 may result in the deduction of points. This deduction is at the discretion of the individual evaluator and the NJC Committee.**

26. If the courtroom facility allows for water, participants may have water bottles at the counsel table. Otherwise, no eating or drinking is permitted in the courtroom.
27. Remain seated at the counsel table or standing behind the lectern during questioning, except when granted permission to approach the witness or bench; rise when addressing the judge; direct all remarks to the judge, jury or witness (never to opposing counsel or evaluators). Unless excused by the judge (see Rule 39), attorneys will stand while giving opening and closing statements, during direct and cross-examinations and for all objections.
28. Teams are responsible for keeping track of the time, and staying within the total time limit. The time limits on each phase of the trial are listed below. No remaining time may be carried over or kept to add to another portion of the Trial. The designated bailiff will keep the official time.
29. Each trial shall be limited in time as follows:
  - a. Opening statements are limited to three (3) minutes for each side.
  - b. Closing statements are limited to five (5) minutes for each side. The party with the burden of proof may reserve a portion of their time for rebuttal after the defense closing. The maximum amount of time allowed for rebuttal is two (2) minutes. The two (2) minutes for rebuttal is part of the five (5) minutes allotted for closing, not in addition to.
  - c. Each side has 20 minutes to present its side (direct and re-direct examination). The team may divide the time among the witnesses however, they choose, but each team must call three (3) witnesses to testify for their side. Text Box: If the 19 minutes is used on the first two witnesses, the bailiff will alert the judge and the third witness will be called at that time
  - d. Each side has 18 minutes for cross and re-cross examination. The team may divide the time among the witnesses in whatever way they choose, but the team must cross-examine all of the witnesses.
  - e. Judge and Evaluator's Critique should be not more than 5 minutes.
30. Re-direct and re-cross examinations are permitted, provided they conform to the restrictions listed in the Mock Trial Rules of Evidence.
31. The trial proceedings are governed by the Mock Trial Rules of Evidence. Other, more complex rules or objections may not be raised in the trial. Objections during opening statements and closing arguments are not permitted. Attorneys may not make "offers of proof", stating objections that would have been made, after opening statements and closing arguments.

32. Witnesses are not to be excluded during the mock trial. No team may invoke the rule of sequestration.
33. No witness will be automatically considered to be an expert witness. Attorneys should ask questions designed to demonstrate the training and experience that qualifies the witness to give expert opinions and may then ask that the witness be qualified as an expert in certain specified fields. Opposing counsel may object that particular opinions are outside the scope of the expertise of a witness, or make other objections allowed by the case materials and the Mock Trial Rules of Evidence.
34. Attorneys are not allowed to question (voir dire) witnesses in aid of objections.
35. Attorneys may request bench conferences with the judge to clear up or protest a significant procedural, mock trial rule violation or factual questions. It is the responsibility of the attorney to state the page and rule number in question. One representative from each team should be present for all bench conferences. All disputes must be given to the judge **before the trial's end** and before the judge and evaluators recess to discuss the trial. **The decision of the judge is final.** Students are advised not to overuse this procedure.

## VI. JUDGES

36. The judge has final authority over courtroom decisions not affected by these rules, including: objections, evidence, courtroom seating, and decorum. Seating is provided for observers behind the bar only. In order to minimize disruption, observers should plan to attend the entire trial.
37. Presiding judges for mock trials may include students, sitting or retired trial and appellate judges, and any licensed attorney.
38. All judges will receive the Guidelines for Judges, the Mock Trial Rules of Evidence, the Mock Trial Rules and Procedure, and a summary of the factual background. Judges will not necessarily receive the witness affidavits and documentary evidence.
39. It is the decision of the judge whether attorneys should sit or stand while questioning witnesses and each judge should make clear at the beginning of the trial which is his or her preference.
40. Presiding judges are asked to conduct the trial according to Mock Trial Procedures. The judge may also comment on the factual and legal merits of the case at the conclusion of the trial.
41. A judge may not interrupt an attorney's opening statement or closing argument to ask questions. The judge may not question any witnesses.
42. The decisions of the judge with regard to rules, challenges and all other matters are final. A judge may also serve as a scorer for the trial (excludes students) but, he/she should not announce scoring decisions, or attempt to influence the decisions of other panel members.

## VII. EVALUATORS AND SCORING

43. Violations of any of the above rules may result in point deductions. This deduction is at the discretion of the individual evaluator. Egregious violations may be brought to the attention of Mock Trial Committee Chair prior to the beginning of the next competition round. Conference staff has the ultimate authority to deduct points and/or disqualify teams.
44. The decision on team scores is made by a scoring panel or evaluators who are individuals with mock trial experience. This can include students, paralegals, advisors from other states, or professionals in the field of law.
45. Evaluators score individual and team performances. Each evaluator fills out an individual ballot, and evaluators should not consult with one another during this process. Judges should not instruct evaluators on scoring decisions. Teams should not ask judges to rule that an event during the trial should be assigned a particular score on evaluator ballots.
46. The criteria for scoring will be provided with the ballots and evaluators will be provided a document entitled "Tips for Evaluators" as a scoring guide.
47. **NO COMPLETED BALLOTS ARE TO BE VIEWED BY ANY TEAM MEMBER OR ANY OTHER PERSON DURING THE COMPETITION**, in compliance with the educational goals of the Virtual Judicial Competition. These are to be returned to the tournament staff after the round has been concluded. Score and comment sheets for a team will be copied and distributed to that team's coach after the competition is completed.
48. Conference staff will check evaluator ballots for complete scoring and for improper scores. Whenever possible, evaluators will be asked to make any necessary corrections. When an evaluator cannot be located, or other circumstances prevent timely consultation with the evaluator concerning the ballot, conference staff will correct improper entries before the ballot is totaled, or take other appropriate action.
49. The following scoring, pairing, and ranking rules apply:
  - a. Round one and two pairings are predetermined by conference staff/volunteers. Teams are not paired against other teams from their state.
  - b. At the conclusion of round two, teams are ranked according to their average points. A team's average is determined by total points divided by total ballots (There are 2 ballots scored per trial).
  - c. After rankings are established, teams are paired against other teams with similar records for round three. There are no "brackets".
    - i. After round three, teams will be power matched for the final round.
  - d. **Showcase Round Selection:**
    - i. After final round, conference staff will drop each team's lowest individual ballot score to determine the final rankings of each

team. A team's final rank will be determined by total points divided by 7 ballots.

- ii. Tie: In the event of a tie conference staff will drop the lowest AND highest score of the top 5 ranked teams.
  - iii. Showcase Round Selection will not be affected by state or previous round pairings. The top two teams may be from the same state, or may have already competed against each other. Selection of prosecution/plaintiff and defense will be determined by the conference staff.
- e. In order to meet the educational and youth development goals of this competition, scores/rankings are not the only factor taken into account in making team pairings throughout the event. Additional factors include, but are not limited to:
- i. Avoiding teams from the same state competing against one another.
  - ii. Avoiding teams matched with the same opponent multiple times
  - iii. Ensuring teams have opportunities to present both the prosecution/plaintiff and defense sides of the trial at least once.