

INTRODUCTION

The Arkansas Mock Trial Competition is an educational activity that is designed to promote a better understanding of the legal process and to encourage the development of analytical and communicative skills. Although some students who participate may have chosen or will choose to pursue a career in the law, our objectives include all of the following:

- To recognize the vital importance of the U.S. Constitution and its vital relationship to our state constitution.
- To further an understanding of the law, court procedures and our legal system.
- To promote better communication and cooperation among legal professionals, educators, students, and community participants.
- To increase the understanding of the dynamic nature of constitutional liberties for teacher and student participants, as well as for the friends, parents, and community members who will attend competition.
- To increase students' proficiency in basic life skills such as listening, speaking, reading, and reasoning.
- To motivate and recognize students' academic and intellectual achievements.
- To heighten career consciousness of law-related professionals.

The competition is, first and foremost, an exposure to the functions of our legal system. It is also an exercise in communication and the art of advocacy, which is based on our adversary system of justice. This system is based on the belief that the court will be better able to make a well-informed decision by hearing a vigorous and zealous presentation of each side of the case. The competition is not a speech or debate tournament, and it is not a dramatic presentation, although some lawyers use elements of all three in their style. First, understand the mechanics of trial and the function of each part. Then try to blend the parts into an overall presentation that effectively conveys your position. Style, voice, diction, and the like are all valuable tools—but their merit is lost unless the Court understands your overall message and is persuaded to agree with you. It is extremely important to bear in mind that our judicial system, like this competition, is run by people and therefore subject to individual interpretations. Unexpected obstacles in the course of a trial are the rule rather than the exception. Being prepared to deal with the unexpected is a critical part of being prepared for the competition and life in general. All trials will be governed by the Rules of the Competition and the Rules of Evidence as presented in these materials.

Questions or interpretations of these rules prior to the competition are within the discretion of the Arkansas Bar Association Mock Trial Committee, whose decision is final. During competition, interpretation of these rules rest with the presiding judges, but are subject to review by the ABA Mock Trial Committee.

ADMINISTRATION

Rule 1.1 Rules

The Arkansas Mock Trial Competition is governed by the rules set forth below. These rules are designed to ensure excellence in presentation and fairness in judging all trials. These rules should be studied carefully before beginning your presentation. Please Note: If it is not in the rules it will not be permitted.

Questions or interpretations of these rules prior to the competition are within the discretion of the Mock Trial Committee, whose decision is final. During competition, interpretation of these rules is within the discretion of the respective presiding judges.

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 at all times. The Mock Trial Committee possesses discretion to impose sanctions, including but not limited to disqualification, immediate eviction from any competition, and forfeiture of all fees and awards (if applicable) for any misconduct occurring while a team is present for a State or Regional 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.

Rule 1.3 Emergencies

During a trial, the presiding judge shall have discretion to declare an emergency and adjourn the trial for a short period of time to address the emergency. During any adjournment, including for emergency purposes, there should be no communication between those in front of the bar and those in the gallery, as prohibited by these rules. Notwithstanding the foregoing, the presiding judge shall have the authority to determine the needs of the particular emergency, and by order declaring (1) that an emergency exists, (2) that it would be impossible, taking into account the type of emergency present, to prevent communication between those in front of the bar and those in the gallery (for example, in the event of a fire evacuation or medical emergency), and (3) a limit on communication as is reasonably practicable, and providing for reasonable safeguards available under the circumstances, then the communication provisions in these Rules may be temporarily suspended. In such event, however, there shall be absolutely no discussion of the case at bar or any of the elements of the trial underway by anyone during the emergency recess.

Rule 1.4 Timekeepers

Time limits are mandatory and will be enforced. Each team is required to provide its own timekeeper. Time for objections, extensive questioning from the judge, or administering the oath will not be counted as part of the allotted time during examination of witnesses or opening and closing statements. Time does not stop for introduction of exhibits.

Each team attending is responsible for providing one student as an official timekeeper equipped with a stopwatch. The team's timekeeper may be a student who is not one of the official eight team members. In trial, each team is to use a set of "Time Remaining" cards with the following designations to signal time: 20:00, 15:00, 10:00, 5:00, 4:00, 3:00, 2:00, 1:00, 0:40, 0:20, and "STOP". These time cards, which must be utilized, will be provided by the Mock Trial Committee; modification of intervals is not permitted.

Each team's official timekeeper must attend a pre-round debriefing by the Regional Coordinator, State Coordinator, or his or her designee prior to the beginning of the round.

Both team's timekeepers for any round of competition shall sit together and keep independent time records and independently signal remaining time. Should the two timekeepers disagree as to the amount of time utilized or remaining in any material aspect, the presiding judge shall have the authority to resolve any time dispute.

Timekeepers may not communicate with any member of their team during the trial, except with regards to the amount of time utilized or remaining.

If a team does not provide an official timekeeper, or the team's timekeeper fails to attend the pre-round briefing, that team must defer to the opposing team's official timekeeper during the competition.

THE PROBLEM

Rule 2.1 The Problem

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

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

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 as an "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.

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

Extrapolations which are not fair are often best attacked through impeachment and closing arguments, but in any instance must be dealt with in the course of the trial. In the alternative, 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, but are not limited to:

- a) No extrapolation has occurred;
- b) An unfair extrapolation has occurred;
- c) The extrapolation was fair;
- d) The objection 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 normally 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

Team rosters will consist of a maximum of eight (8) students. Teams may fill the witness and attorney positions from their rosters in any manner which they choose for any single trial. Team members may not switch roles during a trial. It is up to each team to decide whether team members play the same positions or different positions should they advance to future rounds of competition.

Teams are not permitted to have two entirely different teams—one for plaintiff and one for defendant. The same team roster must compete in all rounds of a competition.

Each team is required to submit a list of the names of its team members to the Arkansas Bar Association prior to the first round of competition. A deadline for submitting the list will be announced on the registration form.

Rule 3.2 Team Composition

Teams consist of eight (8) official members assigned to roles representing the prosecution/plaintiff and defense/defendant sides. Only six (6) members may participate in any given round. (See Rule 10 for further explanation referring to team participation.)

Student timekeepers shall be provided by the teams. These persons, however, are NOT considered participants in the round, and do not count against the six (6) member maximum participation.

At no time during the Regional or State competitions may any team for any reason substitute team members or change their rosters. The Team Roster will become official at the time stated on the registration form, and may not be altered thereafter. For the National Competition, substitutions may be made.

In the event of an emergency that would cause a team to participate with less than six members, the team must notify the Mock Trial Committee as soon as it is reasonably practical. If the Mock Trial Committee determines that an emergency exists, it may declare an emergency, and will decide whether the team shall forfeit, or may direct that the team take appropriate measures to continue any trial round with less than six members. A penalty may be assessed.

A forfeiting team will receive a loss. The non-forfeiting team will advance. Final determination of emergency, forfeiture, reduction of points, or advancement, will be made by the Arkansas Bar Association Mock Trial Committee.

Rule 3.3 Team Presentation

Teams may present either the Prosecution/Plaintiff or Defense/Defendant sides of the case, using six (6) team members. For each trial, teams shall use no more than three (3) students as attorneys and three (3) students as witnesses.

Rule 3.4 Team Duties

Team members are to evenly divide their duties. Each of the attorneys will conduct one direct and one cross; in addition, one will present the opening statements and another will present closing arguments. In other words, 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 person permitted to make objections during the direct examination of that witness.

Each team must call three witnesses and no more than three witnesses. Witnesses must be called only by their own team and examined by both sides. Neither team may recall any witness.

Rule 3.5 Team Roster Form

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

Before beginning a trial, the teams must exchange copies of the Team Roster Form. The Form should identify the gender of each witness so that references to such parties will be made in the proper gender. Copies of the Team Roster Form should also be made available to the judging panel and presiding judge before each round. Teams shall not disclose their place of origin to any member of the judging panel or to the presiding judge prior to any round.

THE TRIAL

Rule 4.1. Courtroom Setting

The Prosecution/Plaintiff team normally shall be seated closest to the jury box if possible. No team shall rearrange the courtroom without prior permission of the presiding judge or the Regional or State Coordinator.

Rule 4.2. Stipulations

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

Rule 4.3. Reading into the Record Not Permitted

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

Rule 4.4. Swearing of Witnesses

Witnesses who shall testify in any round of competition shall be sworn before testifying. This may be done at the opening of the round, or at any time before the witness testifies, at the discretion of the presiding judge.

The following oath may be used before questioning begins:

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

The swearing of witnesses will occur in one of two ways. Either the presiding judge will indicate that all witnesses are assumed to be sworn, or the oath will be administered by (a) the presiding judge, or (b) a bailiff. Witnesses shall stand if able during the oath.

Rule 4.5. Trial Sequence and Time Limits

A general summary of the steps in a mock trial are as follows:

The Opening of Court. The bailiff will call the Court to order by announcing: “All rise. The Circuit Court of ___ County is now in session; the Honorable Judge ___ presiding.” The case will then be announced by the bailiff or presiding judge: “The Court will now hear its next matter on the docket, the case of ___ v. ____.” The presiding judge may then ask both sides if they are ready to proceed.

Opening Statements. The purpose of an opening statement is to introduce counsel and the client, and to acquaint the judge/jury with the nature of the case. Outline the case from your point of view and mention key expected testimony; tell the judge/jury what sort of relief you are requesting.

Direct Examination. The attorneys call their own witnesses and conduct a direct examination. Testimony and other evidence supporting that side’s case is presented.

Cross-examination. The attorney cross-examining seeks to clarify or cast doubt upon the testimony of the other party’s witness. Leading questions may be used.

Re-direct Examination. The attorney who conducted the direct examination of the witness may ask further questions, limited to the scope of cross-examination.

Re-cross Examination. The attorney who conducted the cross-examination of the witness may ask further questions, limited to the scope of re-direct examination. Leading questions may be used.

Closing Arguments. The purpose of closing arguments is to summarize the case based upon the evidence introduced at trial. Closing should include an explanation of how the evidence presented has satisfied the elements of the charge/claim or any defense, point out testimony that supports your case and that damages the opposing party’s case, and ask for a ruling in your favor. Students are discouraged from reading a scripted closing.

Deliberations. At the close of the trial, the presiding judge will call a short recess, and the judges will retire to complete their scoring, cast their ballots, and to prepare for critiques.

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, if desired. 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

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

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.

Timekeepers should display the applicable "Time Remaining" cards simultaneously. At the end of each task during the trial presentation (i.e. at the end of each opening, at the end each witness examination, at the end of each cross examination and at the end of each closing argument) if there is more than a 15 second discrepancy between the teams' timekeepers, the timekeepers must notify the presiding judge of the discrepancy. The presiding judge will then rule on the discrepancy, the timekeepers will synchronize their stopwatches accordingly, and the trial will continue. Any discrepancies between timekeepers less than 15 seconds will not be considered. No time disputes will be entertained after the trial concludes. The decisions of the presiding judge regarding the resolution of time disputes are final.

Rule 4.7 Time Extensions and Scoring

The presiding judge has sole discretion to grant time extensions. 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 overruns in time.

Rule 4.8 Motions Prohibited

A motion for directed verdict, acquittal, or dismissal of the case at the end of the Prosecution/Plaintiff's case may not be used. No written pretrial motions may be made.

A motion for a recess may be used only in the event of an 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, coaches, or instructors.

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 counsel table in the educational interest of handling all matters in open court, and so that the scoring judges may hear the entire proceeding.

Rule 4.11 Supplemental Material; Costumes

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.

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. Exhibit notebooks are not to be provided to the presiding judge or scoring panel.

Rule 4.12 Trial Communication

Instructors, alternates, and observers shall not talk to, signal, communicate with, or coach their teams during the trial. This rule remains in force during any recess time which may occur prior to the judges retiring to score and/or deliberate. Team members may communicate among themselves 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.

***Non-team members, alternate 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. This prohibition does not include a team's timekeeper, but it does include any other person, including persons recording the competition by camera, video, and the like (assuming no team objects pursuant to Rule 4.14).*

***Once the judges leave for scoring and/or deliberation, participants and observers may converse and wish each other luck and exchange compliments.*

Rule 4.13 Viewing a Trial

Team members, alternates, attorney/coaches, teacher sponsors, and any other persons directly associated with a mock trial team, except for those authorized by the Mock Trial Committee, are not allowed to view other teams in competition, so long as their team remains in the competition.

Rule 4.14 Videotaping/Photography

Any team has the option to refuse participation in videotaping, tape recording, still photography, or media coverage by anyone other than a photographer designated by the Mock Trial Committee.

Media coverage, including videotaping and photography, will be allowed by the two teams in the State Championship round.

Rule 4.15 Jury Trial

The case will be tried as if to a jury. Arguments are to be made to the judge and jury. Teams may address the performance judges as the jury.

Rule 4.16 Standing During Trial

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

Rule 4.17 Objections During Opening Statement/Closing Statement

No objections may be raised during opening statements or during closing arguments. If a team believes an objection would have been proper during the opposing team's opening statement or closing argument, one of its attorneys may, following the opening statement or closing argument, stand to be recognized by the judge and may say, "If I had been permitted to object during opening/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 the opposing team will be heard.

Rule 4.18. Objections

In addition to objections made under the Rules of Procedure or the Rules of Evidence, teams may make the following 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.

Rule 4.19 [Reserved]

Rule 4.20 Procedure for Introduction of Exhibits

Document and other tangible items should be introduced into evidence so that the judge and jury may consider them, and before publication to the jury. As an example, the following steps effectively introduce evidence:

1. All evidence should be pre-marked as exhibits (usually done as part of the published case materials).
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 or provide a copy to opposing counsel before approaching the witness.
4. Approach and 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 (normally referred to as “laying a foundation”). These questions lay the foundation or predicate for admissibility, including questions of the relevance and materiality of the exhibit.

6. Once a foundation has been laid, offer the exhibit into evidence. “Your Honor, we offer Exhibit No. ___ into evidence.”

7. The Court will normally ask the opposing party, “Is there an objection?” (If opposing counsel believes a proper foundation has not been laid, the attorney should be prepared to object to lack of foundation at this time, and explain why the foundation is lacking.)

8. Opposing counsel should respond to the Court’s questioning: “No, Your Honor,” or “Yes, Your Honor.” If the response is “yes,” the specific objection(s) must be stated for the record. The Court will normally ask, “Is there any response to the objection?”

9. Once arguments on any objection have concluded, the Court will usually state: “Exhibit No. ___ (is/is not) admitted.” When admitted, questions on content may be asked.

Rule 4.21 Use of Notes

Attorneys may, but are discouraged to, 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. Team members may not communicate with anyone outside the bar verbally or through the use of notes until the round has concluded.

Rule 4.22 Redirect/Recross Examination

Redirect and recross examinations are permitted, provided they conform to the restrictions in Rule 611 of the 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 ten (10) minutes for debriefing. The timekeeper will monitor the critique following the trial. Presiding judges are collectively to limit critique sessions to the 10 minutes total time allotted.

Rule 4.25 Offers of Proof

No offers of proof shall be requested or tendered.

JUDGING AND TEAM ADVANCEMENT

Rule 5.1 Finality of Decisions

Decisions of the judging panel are subject to review by the Arkansas Bar Association Mock Trial Committee. All decisions made by the Mock Trial Committee are final.

Rule 5.2 Composition of Judging Panels

The judging panel will consist of one presiding judge and two performance judges, all three of whom complete score sheets. All presiding and performance judges will receive the mock trial manual, which includes the rules, the case, judges' scoring materials, and competition instructions.

In the event of an emergency (i.e., sudden illness, etc.), if a judging panel member must leave the courtroom, the presiding judge will call for a brief recess, assess whether the judging panel member will be able to return in a reasonably short period of time, and then resume the proceedings upon the panel member's return to the courtroom. If the panel member is unable to return to the courtroom, the Regional or State coordinator must be informed. Once the panel composition is adjusted by the coordinator 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 seated in their appropriate positions within the courtroom until the round resumes.

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 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 or *vice versa*. 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.

Rule 5.4 Completion of Score Sheets and Evaluation Process

Each scoring judge shall record a number of points (1-10) for each category of presentation in 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 Column Totals box.

In the event of a tie in the Column Totals boxes, the scoring judge must decide which team, in his or her opinion, performed better overall, and shall circle on the score sheet the team he or she believes should win the ballot. That team shall be deemed to have won the judge's ballot, despite the numerical tie.

The presiding judge is the authority on matters concerning courtroom procedure, and he/she may comment on or question the proceedings, the student attorneys, or the witnesses at any time during the trial. Those comments, questions, and any responses thereto may or may not be taken into account by an individual scoring judge.

The presiding and performance judges will award the team points in several performance categories. The judges will record the scores on his or her ballot. A team wins a ballot by scoring more total points on the ballot than the other team (except in the event of a tie). A team wins the competition round by winning at least two ballots. If in the unusual case a competition round is scored by only two judges and neither team wins both ballots, the winner is determined by the combined total points of both ballots.

At the end of each trial the presiding judge or a representative of the Arkansas Bar Association Mock Trial Committee will announce the winner.

Questions regarding judging should be directed to the Mock Trial Committee. Any questions regarding judging should be addressed the day of competition or the following work day.

Judges should follow Forms "A" and "B" of these Rules when evaluating and scoring the teams.

Rule 5.5 Team Advancement

At the end of each trial the presiding judge or a representative of the Mock Trial Committee will announce the winner. That team will advance to the next round.

Rule 5.6 Bracketing/Seeding

The competition will be single-elimination at all stages, except for the final round of Regionals. A random method of selection will determine placement of opponents into brackets in the first round of both Regional and State competition, as well as the allocation of any byes during competition.

The final two teams competing in the final round of competition in each region shall advance to state competition. Thus, for example, if the state is divided into four regions for Regionals, then eight teams will advance to State.

The Mock Trial Committee may alter or amend regions, or the rules for advancement, as needed to compensate for the number of teams participating in the competition, and to foster healthy competition. The Mock Trial Committee may use a “wild card” system, if needed, to provide for adequate competition at State. The Mock Trial Committee will endeavor to provide any updates on changes to regions or advancement procedures as far in advance of competition as is practicable.

Rule 5.7 Selection of Sides

Sides (prosecution/plaintiff v. defense/defendant) that a team must present in a given trial will be decided at random in the first round. Thereafter, if the team advances to a subsequent round and the team against whom it is paired presented the opposing side in the prior round (or did not present in the prior round due to a bye), then both teams shall automatically switch sides. If both teams presented the same side in the prior round, then the Regional or State coordinator shall flip a coin to determine which team will present which side.

DISPUTE RESOLUTION

Rule 6.1 Reporting a Rules Violation/Inside the Bar

Disputes which (a) involve students competing in a competition round, and (b) occur within the bar, must be filed immediately following the conclusion of that trial round. Disputes must be brought to the attention of the presiding judge at the conclusion of the trial and before the judges deliberate/score.

If any team believes that a substantial rules violation has occurred, one of its student attorneys must indicate to the presiding judge that the team intends to file a dispute. The scoring panel will be excused from the courtroom and the presiding judge will provide the student attorney with a dispute form, on which the student will record in writing the nature of the dispute. The student may communicate ONLY with co-counsel and/or student witnesses before lodging the notice of dispute or in preparing the form

AT NO TIME IN THIS PROCESS MAY TEAM SPONSORS OR COACHES COMMUNICATE OR CONSULT WITH THE STUDENT ATTORNEYS. ONLY STUDENT ATTORNEYS MAY INVOKE THE DISPUTE PROCEDURE.

Rule 6.2 Dispute Resolution Procedure

The presiding judge will review the written dispute and determine whether the dispute should be heard or denied. If the dispute is denied, the judge will record the reasons for this, announce her/his decision to the Court, retire to complete his/her score sheet (if applicable), and turn the dispute form in with the score sheets. If the judge feels the grounds for the dispute merit a hearing, the form will be shown to the opposing counsel for their written response. After the team has recorded its response and transmitted it to the judge, the judge will ask each team to designate a spokesperson. After the spokespersons have had time (not to exceed three minutes) to prepare their arguments, the judge will conduct a hearing on the dispute, providing each team's spokesperson three minutes for a presentation. The spokespersons may be questioned by the judge. After the hearing, the presiding judge will adjourn and retire to consider her/his ruling on the dispute. That decision will be recorded in writing on the dispute form, with no further announcement.

Rule 6.3 Effect of Violation on Score

If the presiding judge determines that a substantial rules violation has occurred inside the bar, the judge will inform the performance judges of the dispute and provide a summary of each team's argument. The performance 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 performance judges.

Rule 6.4 Reporting of Rules Violation/Outside the Bar

Disputes which occur outside the bar during a trial round may only be brought by the team's teacher sponsor or attorney coach. Such disputes must be made promptly to the Regional or State Coordinator, who will ask the complaining party to complete a dispute form. The form will be taken to the competition's communication's center, whereupon a Dispute Resolution Panel designated by the Regional or State Coordinator will consider and rule on the charge. The Coordinator will notify all pertinent parties and allow time for a response, if appropriate. The Dispute Resolution Panel will notify the judging panel of the affected courtroom of the ruling on the charge and/or may assess an appropriate penalty.

MISCELLANEOUS

Rule 7.1 Eligibility of Student Participants/Teams

All team members must be a 9-12th grade student enrolled full time in a public or private school in the State of Arkansas or a home-school student registered as such with the State of Arkansas. Schools need to check with the Arkansas Activities Association to verify eligibility to compete in non-athletic events.

Each school will be permitted to enroll up to two (2) separate teams in the Competition. If more than one team is enrolled in the Competition, the teams must be composed entirely of different students; the teams will be treated separately for purposes of the Competition. Substitutions may not be made between teams at any point after the registration period ends. Each team must separately register for the Competition, and must pay a separate registration fee.

Rule 7.2 Dress and Conduct of Participants

Participants should be properly attired for attending court. Team members should be aware that dress/appearance creates an impression and should dress accordingly.

No gum chewing, food, candy, beverages (except water), cell phones, or other distracting devices are allowed in the courtroom. Offenders may be asked to leave the courtroom. If you are an active team member, this could result in disqualification of your team.

Public facilities are on loan for this competition, and should be left as clean as possible at the end of each round.

The Mock Trial Committee and its representatives have the exclusive authority to establish the time and location for competition; participating schools must comply.

Each school participating in the competition must have at all times a teacher sponsor, attorney coach, or other adult designated by the school present and responsible for the team members.

Rule 7.3 Questions Regarding Rules

All questions regarding these rules must be sent to the attention of the Mock Trial Coordinator at:

Arkansas Bar Association
ATTN: Mock Trial Coordinator
2224 Cottondale Lane

Little Rock, AR 72202
(501) 375-4606
Fax: (501)375-4901
E-mail: cnewton@arkbar.com or lpayne@arkbar.com

Responses to any inquiries will be posted on the Mock Trial page of the Arkansas Bar Association's website. No questions we will be answered orally. Each participating team is responsible for checking the website periodically for updates and clarifications.