

MIAMI-DADE COUNTY MOCK TRIAL COMPETITION

RULES AND GUIDELINES

1. Each school should be prepared to be both plaintiff and defense. The same students could comprise both teams, or different students could be on each team. Schools may alternate teams or team members from one round to the next.
2. All team members **must be** students in an elective law education class during the current school year. Each school has the option of fielding a team which may include two members who are not currently enrolled in an elective law education class; however, these two students must have been enrolled in a law education class during a previous year.
3. Names of all potential participants must be submitted on an eligibility list. Only students whose names appear on the eligibility list will be permitted to participate in the finals. Schools must adhere to county interscholastic competition guidelines. (See *Student Standards for Participation in Interscholastic Extracurricular Student Activities* from Florida State Statute 1006.15)
4. Students of either gender may portray the role of any witness. The competition will strive to make roles gender neutral. However, some cases will warrant a specific gender role. In such cases, students of either gender may portray the role but the gender of the witness may not change from the case as presented.
5. Witness statements may be used by attorneys to “refresh” a witness’ memory and/or impeach the witness’ testimony in court.
6.
 - A. The trial proceedings will be governed by the Florida Mock Trial Simplified Rules of Evidence. Other more complex rules may not be raised at the trial. Questions or interpretations of these rules are within the discretion of the District Committee, whose decision is final.
 - B. 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 outside the scope of the problem.

If, on cross-examination, an attorney asks for unknown information, the witness may or may not respond, so long as any response is consistent with the witness’

statement or affidavit and does not materially affect the witness' testimony.

Adding facts which are inconsistent with the witness statement or with the Stipulated Facts and which would be relevant with respect to any issue in the case is not permitted. Examples include, but are not limited to (a) creating a physical or mental disability, (b) giving a witness a criminal or bad record when none is suggested by the statements, (c) creating facts which give a witness standing as an expert and (d) materially changing the witness' profession, character, memory, mental or physical ability from the witness' statement by testifying to "recent changes."

- C. If certain witnesses are stipulated to as experts, their expert qualifications may not be challenged or impeached by the opposing side. However, their testimony concerning the facts of the case may be challenged.
- D. On direct examination, the witness is limited to the facts given. If a witness testifies in contradiction to the facts given in the witness statement, that testimony may be impeached on cross-examination by the opposition through the correct use of the affidavit. The procedure is outlined in the Simplified Rules of Evidence and Procedure.
- E. On cross-examination, no restrictions will be made on the witness or the cross-examination, except that the answer must be responsive and the witness can be impeached.

If the attorney who is cross-examining the witness asks a question, the answer to which is not contained in the stipulations or affidavit then the witness may respond to that question with any answer as long as the answer **does not contradict or materially change** the affidavit.

If the answer by the witness is contrary to the stipulations or the affidavit, the cross-examination attorney may impeach the witness.

- F. Use of **voir dire** examination of a witness is not permitted.
2. If a witness invents an answer which is likely to affect the outcome of the trial, the opposition may object and request a bench conference. Objections may be made only by the attorney who will conduct cross-examination or direct examination of that witness. The judge will decide whether or not to allow the testimony. The scoring panel may consider such inventions of facts in making the decision concerning the best team presentation.
 3. All participants agree that the witness statements are signed and sworn affidavits and

are admissible for reasons of impeachment only. Proper procedure for impeachment must be followed as referred to in the **Simplified Rules of Evidence and Procedure**.

4. Each school must have a bailiff available for every round. The bailiff must have a stopwatch and know how to use it. Failure to meet these requirements will result in the loss of 1 (one) point per round.
5. The bailiff will stop the clock for the following:
 - objections
 - motions
 - presentation of documents
 - bench conferences

Timing will halt during objections and responses to objections. **Timing will halt during the admission of documentary evidence.** In the interest of fairness, time extensions may be granted at the discretion of the presiding judge. **All objections should be argued in open court, not at the bench.** Timing will resume after the judge has ruled on the objection. Students should avoid the use of tactics to “run out the clock” during the admission of evidence. Judges will be instructed to consider this in scoring.

6. “Bailiff” will be provided and will keep the official time of the trial. The bailiff’s role will be expanded to time the **10 minute debrief session, at 5 minutes per side**. This will help ensure that the schedule is maintained. The bailiff will announce to the court when time has expired in each of the separate segments of the trial.
7. The rules of evidence governing trial practice have been modified and simplified for the purpose of this mock trial competition. The *2008 Florida High School Mock Trial Competition Simplified Rules of Evidence and Procedure* rules are to govern the proceedings. Other more complex rules are not to be raised during the trial enactment. Debate rather than legal standards is deemed to be more appropriate for judging this competition.
8. Attorneys will keep their presentations within the following time guidelines. If time runs out once a question has been asked, it can be answered.

OPENING STATEMENTS (ARGUMENTS)	5 minutes for each side
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DIRECT EXAMINATION (PROSECUTION)	7 minutes per witness
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CROSS EXAMINATION (DEFENSE)	6 minutes per witness
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RE-DIRECT EXAMINATION (PROSECUTION)	2 minutes per witness
DIRECT EXAMINATION (DEFENSE)	7 minutes per witness
CROSS EXAMINATION (PROSECUTION)	6 minutes per witness
RE-DIRECT EXAMINATION (DEFENSE)	2 minutes per witness
PREPARATION FOR CLOSING ARGUMENTS	3 minutes total
CLOSING STATEMENTS (ARGUMENTS)	8 minutes for each side

* Petitioner may save maximum of **one minute** for rebuttal on closing statement.

9. Three minutes will be provided immediately before closing arguments solely for the purpose of preparing closing arguments. Student attorneys will be allowed to confer with each other, **but no other communication will be allowed in the courtroom during the recess**. The bailiff shall time the recess and all participants and observers shall remain seated during the recess.

10. The Prosecution/Plaintiff gives the opening statement first. The Prosecution/Plaintiff gives the closing argument first; **the Prosecution/Plaintiff may reserve one minute or less of the closing time for a rebuttal**. The Prosecution/Plaintiff must notify the judge before beginning closing argument if the rebuttal time is requested. The Prosecution's/Plaintiff's rebuttal is limited to the scope of the defense's closing argument.

Attorneys are not required to use the entire time allotted for each part of the trial. Time remaining in one part of the trial may not be transferred to another part of the trial.

11. No student attorney will have **less than 2 nor more than three of the following 8 attorney roles**. The same student **can not** do both opening and closing arguments. The attorney roles for each team will be divided as follows:

- I. Opening Statements
- II. Direct/Re-direct Examination of Witness #1
- III. Direct/Re-direct Examination of Witness #2
- IV. Direct/Re-direct Examination of Witness #3
- V. Cross Examination of Witness #1
- VI. Cross Examination of Witness #2

- VII. Cross Examination of Witness #3
- VIII. Closing Arguments and Prosecution/Plaintiff optional rebuttal.

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 on cross examination, and the attorney who will be cross-examining a witness will be the only one permitted to make objections during the direct examination of that witness.

Each team must call the three witnesses listed in the case materials. Witnesses must be called only by their own team and examined by both sides. Witnesses may not be recalled.

Attorneys may use notes in presenting their cases. Witnesses are not permitted to use notes while testifying during the trial.

To permit judge(s) to hear and see better, attorneys will stand during opening and closing statements, direct and cross-examinations, all objections, and **whenever addressing the presiding judge(s)**. Students may move from the podium only with the permission of the presiding judge(s).

12. In each competition, whether petitioner or respondent, the school will field a team of:

- 3 Attorneys
- 1 Alternate Attorney (optional)
- 3 Witnesses
- 1 Bailiff (minimum)

The alternate attorney may sit at the table and assist the other three attorneys, but **may not** address the court and **must** be identified as an alternate at the start of the trial.

13. Instructors, coaches, 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 that may occur. Team members within the bar area may, among themselves, communicate during the trial; however, no disruptive communication is allowed.

Non-team members, alternate team members, teachers, and coaches must remain outside the bar in the spectator section of the courtroom. **Only the student attorneys participating in this round may communicate with each other.**

14. Witnesses are to remain in the courtroom during the entire trial, and **may not**

communicate with attorneys (except when being examined).

15. For purposes of the competition, students will assume this is a jury trial. The scoring judges will act as the jury. Students should address the judges as a jury.
16. Team members, alternates, attorney coaches, teacher coaches, and any other persons directly associated with a mock trial team, except those authorized by the Executive Committee, are **not allowed to view other teams in competition as long as their team remains in the competition.** Judges should maintain order in the courtroom. If observers are disorderly, they will be asked to leave the premises.
17. If a team fails to adhere to the established guidelines/rules set forth for the competition, a judge may (depending upon the circumstances of the violation) reduce his/her rating of that team.
18. The student attorneys are to point out violations of the rules and guidelines during the trial through objections and side bars. However, if a coach feels a violation has not been remedied, he/she can appeal to the Executive Committee.

Both teams involved will designate one team member to present its case to the judging panel and one member of the Executive Committee. Each team will have three minutes for the presentation.

If the judges and member of the Executive Committee determine that a possible rules violation exists or that there exists a legitimate dispute over facts which would constitute a possible rules violation, the scoring judges will be allowed to consider the dispute before finalizing their scoring. The dispute may or may not affect the final decision, but the matter will be left to the discretion of the judges and the Executive Committee. **Their decision will be FINAL.**

19. Students may read other cases, materials, and articles in preparation for the mock trial. **However, students may cite only the case materials given, and they may introduce into evidence only those documents given in the official packet.** In addition, students may not use, even for demonstrative purposes, any materials which are not provided in the official packet. The following are **not** permitted: props, costumes, and/or enlargements.
20. All participants are expected to display proper courtroom decorum and sportsmanlike conduct.

Videotaping is allowed in each trial only with the consent of the teacher/coaches from **both** teams **and** the presiding judge(s).