CONNECTICUT MOCK TRIAL
COMPETITION RULES AND RULES OF EVIDENCE

ADDENDUM

(ADOPTED SEPTEMBER 1, 2017)

This Addendum to the Connecticut Mock Trial Competition Rules and Rules of Evidence ("Addendum") supplements the Connecticut Mock Trial Competition Rules ("Competition Rules") and Rules of Evidence (the "Rules of Evidence"). These rules set forth in this Addendum are intended to ensure that all parties receive a fair hearing and to exclude evidence deemed irrelevant, incompetent, untrustworthy, unduly prejudicial, or otherwise improper. If it appears that a rule set forth in this Addendum is being violated, an attorney may raise an objection to the presiding judge. The presiding judge then decides whether the rule has been violated and whether the evidence must be excluded from the record of the trial. In the absence of a properly made objection, however, the judge will probably allow the evidence. The burden is on the mock trial team to know the rules set forth in this Addendum and to be able to use them to protect their client and fairly limit the actions of opposing counsel and their witnesses.

Not all judges will interpret the Competition Rules and Rules of Evidence the same way; mock trial attorneys should be prepared to point out specific applicable rules (quoting, if necessary), and to argue persuasively for the interpretation and application of the rule they think appropriate.

Along with the Competition Rules and the Rules of Evidence, this Addendum governs both the Connecticut Middle and High Mock Trial competitions.

Rule 1. Violation of Mock Trial Rules

This objection is to be used by attorneys during the competition to report an alleged Competition Rule violation to the presiding judge, including, but not limited to, witnesses or others communicating with attorneys, attorneys conducting more than one direct or cross examination for their team, or an attorney other than the examining attorney making an objection. This objection is to be used for violations of any Competition Rules, but not for violations of the Rules of Evidence, which have their own objections.

Rule 2. Invention of Fact

(a) Teams are not allowed to create new facts that are not set forth in the witness statements or exhibits or that are reasonably inferred from the facts set forth therein, as defined by Rule 3 of this Addendum.

(b) On direct examination, the witness is limited to testifying to the facts given in the case materials and any reasonable inferences therefrom.

(c) On cross examination, if the witness is asked a question, the answer to which is not contained in the facts given, the witness may respond with any answer, so long as it is responsive to the question, does not contain unnecessary elaboration beyond the scope of the witness statement, and does not contradict the witness statement.

Rule 3. Reasonable Inference

A reasonable inference is a fact not expressly stated in the record, but that can flow naturally from the facts provided and does not change the material facts of the case. Witnesses are allowed to make reasonable inferences from the facts provided in the witness statements and exhibits. It is the responsibility of the court to determine what can be reasonably inferred.

Rule 4. Lack of Foundation

To establish the relevance of certain evidence, the attorney may need to lay a foundation. Laying a proper foundation means that, before a witness can testify to certain facts, it must be shown that the witness was in a position to know about those facts.

Rule 5. Direct Examination – Form of Questions

Witnesses should be asked neutral questions and may not be asked leading questions on direct examination. Neutral questions are open-ended questions that do not suggest the answer. In contrast, a leading question is one that suggests to the witness the answer desired by the examining attorney.

Rule 6. Cross Examination – Form of Questions

An attorney may ask leading questions when cross-examining the opposing team's witnesses.

Rule 7. Refreshing Recollection

Any written document or statement from the case materials may be used to refresh a witness's recollection either while testifying or before testifying. The adverse party may cross-examine the witness on the material. If a witness is unable to recall information contained in his/her witness statement or testifies in a manner that contradicts the witness statement, the attorney calling the witness may use that witness' statement to help the witness remember. The witness statement does not need to be admitted into evidence, but the document should be shown to opposing counsel prior to being shown to the witness. The witness will read the document to himself/herself and then the attorney should take the document away before the witness responds to any questions. The witness may not read the document out-loud unless it has already been admitted as evidence.

Rule 8. Impeachment by Prior Inconsistent Statement

On cross-examination, the cross examining attorney may impeach the witness. Impeachment is a cross examination technique used to demonstrate that the witness should not be believed. Impeachment is accomplished by asking questions that demonstrate that the witness has now changed his/her story from that set forth in his/her witness statement. It is not necessary to admit the witness statement into evidence in order to use it for impeachment purposes, but the witness statement should be shown to opposing counsel prior to being shown to the witness.

Rule 9. Argumentative Questions

An argumentative question challenges the witness about an inference from the facts in the case. Argumentative questions are not permitted on direct or cross-examination.

Ex.: "How can you reconcile your statement on the stand today with what is in your witness statement?" "How can you expect this court to believe you?" "Were you lying then or are you lying now?"

Rule 10. Asked and Answered

Asked and answered is just as it states; that a question, which had previously been asked answered, is being asked again.

Rule 11. Compound Questions

A compound question joins two alternatives with "or" or "and," which prevents the examination of a witness from being as rapid, distinct or effective for finding the truth as is reasonably possible.

Ex.: "Did you determine the point of impact from conversations with witnesses or from physical marks such as debris on the road?" v. "How did you determine the point of impact?" or "Isn't it true that you determined the point of impact from physical marks such as debris on the road?"

Rule 12. Narrative

A narrative question is one that is too general and calls for a witness in essence to tell a story or make a broad-based and non-specific response. The objection may also be used if the witness' response goes beyond answering the question asked by the examining attorney.

Rule 14. Attorney Testifying

An attorney may not make statements during examination of witnesses. Attorneys are to pose questions to witnesses only and allow only witnesses to make statements of fact. If an attorney makes statements during questioning, an opposing attorney should object.

Rule 15. Motions to Dismiss

Motions to dismiss, motions for directed verdict or motions for judgment of acquittal of the case are not permitted.

Rule 16. Constructive Sequestration (this rule replaces Rule No. 6.4 of the Competition Rules)

At a party's request, the court shall order witnesses to be constructively sequestered so that they cannot hear other witnesses' testimony. Witnesses so constructively sequestered shall not leave the courtroom, but will be deemed not to have heard any other witnesses' testimony. Teams electing to make this request shall do so through a motion to the court prior to the commencement of opening statements. The following witnesses shall not be eligible for constructive sequestration:

(a) A witness who is also a party to the case;

(b) An officer or employee of a party to the case, where the party to the case is not a natural person; or

(c) A person authorized by a statute provided in the case materials to be present.

Rule 17. Costumes (this rule replaces Competition Rule No. 7.0 of the Competition Rules to the extent to which Rule 7.0 covers the topic of costumes)

Witnesses may wear costumes, use accents or otherwise develop their character, so long as the characterization remains consistent with the case materials. Any such use of costumes must be in good taste and consistent with how that witness would address to attend court. Consistent with Connecticut criminal trial practice, witnesses whose characters are incarcerated at the time of their testimony may not appear in prison attire.

A witness's performance will not be scored up solely due to use of a costume or accent or other method of characterization (or scored down due to lack of the same), but judges may take any characterization into consideration when assigning a score to a witness.

Civics First, Inc. ("Civics First") reserves the right to deny the use of any costume if such costume is deemed to be offensive, in poor taste or otherwise inappropriate in a courtroom or educational setting.

Last Revision: September 1, 2017