



## **Connecticut Mock Trial Rules of Competition\***

### **Rule 1.1 Introduction**

All Connecticut mock trials will be governed by the Connecticut Mock Trial Rules of Competition ("Rules of Competition") and the Connecticut Mock Trial Rules of Evidence ("Rules of Evidence")

Questions or interpretations of the Rules of Competition are within the sole discretion of the Board of Directors of Civics First, Inc., and/or its designee ("Civics First"), whose decision is final.

Each competitor and coach should be thoroughly familiar with these rules. Failure to comply with these rules may result in disqualification. Consequences will be determined by Civics First.

### **Rule 1.2. Code of Conduct and Sanctions**

The Rules of Competition, as well as proper rules of courthouse and courtroom decorum and security, must be followed. Please remember that this program is intended to be an academic, educational, and enjoyable experience for all involved.

Civics First retains discretion to impose sanctions, including but not limited to disqualification, immediate expulsion from the competition, and/or forfeiture of all fees and awards (if applicable) for any misconduct occurring while a team is present for any mock trial competition conducted by Civics First, including flagrant rule violations and/or 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. The resolution of disputes arising under these rules is governed by Rules 9.0 and 9.1.

#### **Rule 1.2a Courtesy Toward Judges:**

All participants should rise when the judge(s) enters or exits the courtroom. Judges should be addressed as "Your Honor," even when making an objection.

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\*Updated December, 2020. This document incorporates substantive changes made in the 2017 Addendum to the Competition Rules, and new rules necessary to allow virtual mock trials to take place.

Request the court's permission to approach a witness or the bench. Do not interrupt or argue with the judge.

### **Rule 1.2b Courtesy Toward Witnesses:**

Do not intimidate or insult witnesses. Avoid confusing witnesses with verbose or convoluted questions. Do not insinuate facts which your team will not present evidence to support. For example, do not ask an opposing witness "have you been released yet from treatment by a psychiatrist for being a habitual liar?" unless you have evidence that this is true.

### **Rule 1.2c Courtesy Toward Attorneys:**

The judges may not interrupt an attorney's opening or closing statement. Attorneys should avoid frivolous objections. Direct all your remarks to the judge or the witness, not to opposing counsel. For example, when making an objection, say "Your Honor, I object on the ground that...." rather than saying "Attorney Dumkoff, you know that evidence is hearsay!"

### **Rule 1.2d Personal Appearance:**

Although judges shall not allow the appearance or attire of a competitor to affect scoring, competitors should be aware that their personal appearance (clothing, grooming, presence of distracting habits, etc.) unavoidably creates an impression; accordingly, proper courtroom/business attire is encouraged. Participants, both witnesses and attorneys, should consider the impression they wish to make.

### **Rule 1.2e Food and Beverages**

Other than water, no food or beverages shall be consumed in any courtroom. Food may be consumed only in designated areas of the courthouse.

### **Rule 1.2f Courthouse Security Procedures**

Be courteous to courthouse staff during security checks. Do not touch any microphones or recording equipment in courtrooms.

### **Rule 1.3. Emergencies**

During a trial, the presiding judge and/or Civics First shall have discretion to declare an emergency and adjourn the trial for a short period of time to address the emergency, such as a building issue or sudden medical issue affecting competitor, volunteer, or spectator. Any actions taken by Civics First to address a declared emergency will be final.

### **Rule 1.3a Virtual Trial Emergencies and Technical Difficulties**

In the event of technical difficulties during the trial in a virtual competition, the presiding judge shall have discretion to declare a brief recess to resolve any technical difficulty substantially impairing any participant's participation in the trial. If the technical difficulty cannot be resolved within a reasonable, but brief, amount of time, then the trial will continue with another member of the impacted team substituting for the impacted team member. The emergency substitute must be a member of the same team as the impacted participant.

Before making an emergency substitution, the affected team must make the presiding judge aware, by stating words to the effect of, "Your honor, before I begin I would like to inform the court that I am [insert name] and I am substituting for [insert name], who is unable to compete due to technical difficulties." Teams shall advise Civics First of any emergency substitution following the round of competition. The presentation will be scored based on the performance by the initial team member and the emergency substitute, taken as a whole.

Once the presiding judge determines either at the request of the team or *sua sponte* that a student is unable to compete in a role due to technical difficulties, to minimize disruption, the affected student is not permitted to return and compete in the role for which a substitution was made. If the technical difficulty is resolved, the affected participant may return and participate in his or her other roles, if any. For purposes of this rule, a witness examination consisting of direct, cross, any re-direct and any re-cross is one role, so that a participant who requires an emergency substitution for a witness examination may not return and participate until the entire witness examination is completed.

For purposes of this rule, technical difficulties include internet failure and computer, device or microphone failure; failure of a camera only does not permit emergency substitution under this rule. Students who lose internet connection shall rejoin the trial using a telephonic connection, if possible.

In the event of a loss of connection for a timekeeper, that team shall defer to its opponent's timekeeper for that trial segment. The team whose timekeeper lost connection may substitute another timekeeper qualified under Rule 2.7 for the remaining trial segments. The timekeepers shall confer consistent with Rule 5.4 regarding time remaining at the beginning of each trial segment.

In the event a presiding or scoring judge loses connection, the judge(s) remaining on the line shall call a recess to allow that judge to fix their connection. If that judge cannot rejoin the trial, the other judge(s) shall continue to run the trial, with one assuming presiding responsibilities if necessary. The average scores on the remaining judges' ballot(s) will be used to create a new ballot if necessary for power matching purposes.

In the event that a technical emergency prevents an entire team from completing in part or all of a round, the presiding judge shall declare a recess of up to 15 minutes, to allow that team to reconnect, either via video or by connecting on audio-only via telephone. If reconnection is impossible, a forfeit shall be declared in favor of the team that maintains its connection. If at least five witnesses have been subject to cross-examination, Civics First may in its sole discretion complete the ballot, assigning scores equal to their average score on all segments that could not be completed by the disconnected team and a “10” to the team that remained connected.

No student or team may feign technical difficulty or invoke the technical difficulty rule for purposes other than a genuine technical difficulty. Such an act would violate the Rules of Competition and Code of Conduct and may be sanctioned at the discretion of Civics First through point deductions or other means up to and including disqualification from the competition.

#### **Rule 1.4 Relationship to Other Laws; Accommodation of Disability**

These Rules will be interpreted and administered consistent with all applicable laws. Accordingly, should any applicable law require variance from these rules or accommodation of any competitor for any reason, including a legally-recognized disability, that team member or their coach may apply to Civics First for accommodation, and such reasonable accommodation as the law requires shall be granted. Where possible, teams competing against the team for which an accommodation was granted shall be informed of the accommodation in advance of a competition round but will ordinarily not be informed of the specific nature of the issue that led to the accommodation

#### **Rule 2.0 Teams and Composition**

Each school may enter up to four teams in the regional rounds. A school with multiple teams may be asked to compete in different regions. Each team shall be composed of not less than six nor more than fourteen students (with extras). For any single round in the competition, three students shall act as attorneys and three students shall act as witnesses. Thus, on larger teams, some students may be observers for a given round.

If a team has less than 12 students, students who have two roles must have their second role on the opposite side from the first role in the competition (i.e.: prosecution and defense sides).

Additionally, a person will be designated as the official timekeeper for the team at each trial. The official timekeeper may be (but need not be) one of the team members who competes as an attorney or a witness; however, a student may not be a timekeeper in a trial in which he or she is performing as an attorney or a witness.

## **Rule 2.1 Coaches**

Each team must have a coach or faculty advisor who serves as its liaison to Civics First. In addition to that coach, teams may receive technical assistance from additional legal advisors, such as attorneys, judges, or law students, to prepare for competition. Coaches and legal advisors may attend their team's competitions but may not give advice or signals or communicate in any way with their team during the competition.

## **Rule 2.2 Judging of Trials**

Civics First will supply a panel of up to three judges for each trial, consisting of attorneys, judges, law students, or college mock trial competitors. All judges will score the competition, with at least one assuming presiding responsibilities such as running the trial and ruling on objections. Civics First shall endeavor to find judges who are impartial to either competing school. If not enough judges are available for a given round, there may be a single judge to serve as presiding or scoring judge. A majority vote of the panel shall determine the result of the trial; two judge panels must agree on the result of the trial.

Should personnel resources permit, playoff rounds may proceed as jury trials, with a single presiding judge who may also score, and up to twelve scoring judges sitting in the jury box, who may be attorneys, judges, law students, college mock trial competitors, and high school mock trial competitors who have not previously faced the participating teams. To aid in preparation, Civics First will advise teams in advance when the jury trial format will be employed.

In the event of an emergency (i.e., sudden illness, etc.), if a judging panel member must leave the courtroom or the virtual competition platform, the presiding judge will call for a brief recess and assess whether the judging panel member will be able to return in a reasonably short period of time. If the panel member is unable to return to the courtroom or virtual competition platform in a reasonably short period of time, Civics First must be informed. During any recess under this rule, the teams, whenever possible, should remain in their appropriate positions within the courtroom or in the virtual competition platform until the round resumes.

If the technical or other emergency impacts the presiding judge, a designated scoring judge will serve as the presiding judge until Civics First can be informed and can act to adjust the panel composition.

## **Rule 2.3 Team Eligibility**

Teams competing in the Connecticut High School or Middle School Mock Trial Competitions are to be comprised of students who are enrolled in a particular school, community group or approved home study program with an adult advisor for the current academic year. Each school may enter up to four teams in the regional rounds.

No school with an outstanding balance from the previous year's competition will be allowed to participate until all outstanding fees are addressed with Civics First.

### **Rule 2.4 Team Roster Form**

The Team Roster will become official at the time of on-site registration at the team's Regional Competition and may not be altered if the team advances. The Team Roster must include the names of all of the students who are either competing for that team, serving as timekeeper, or attending as an alternate, up to a maximum of fourteen.

Copies of the Team Roster Form must be completed and duplicated by each team prior to each trial. Before beginning a trial, the teams must exchange copies of the Team Roster Form. The Form shall identify the pronoun/honorific (his/her/their; Mr./Ms./Mx.) by which each participant prefers to be addressed. Copies of the Team Roster Form should also be made available to the judging panel and/or presiding judge before each round.

For virtual trials, the team roster shall be submitted on the Monday immediately preceding the trial. Civics First may require teams to use an online form for roster submission.

### **Rule 2.5 Team Presentation**

Except as provided by Rule 1.3a, teams must prepare both the Prosecution/Plaintiff and Defense/Defendant sides of the case, using six individual team members in each trial. For each trial round, teams shall use three students as attorneys and three students as witnesses. If a team has less than twelve members, then roles may be doubled up between, but not within prosecution and defense sides. Put differently, one person may play a part on prosecution and a part on defense but not two parts on one side.

### **Rule 2.6 Team Duties**

Team members are to evenly divide their duties among attorneys and witnesses. Attorneys control the presentation of evidence at trial and argue the merits of their side of the case. They do not themselves supply information about the facts of the case. Instead, they introduce evidence and question witnesses to develop their case. Witnesses tell the court the facts in the case. Each team must see that their witnesses are thoroughly prepared and familiar with their roles and must call all of its assigned witnesses.

Each of the three attorneys will conduct one direct examination and one cross-examination; in addition, one of the three attorneys will present the opening statement and another will present the closing argument. The attorney assigned to examine a particular witness on direct examination is the only person who may object to the opposing attorney's cross-examination questions, and the attorney who is assigned to

cross-examine a witness is the only person permitted to make objections during the direct examination of that witness.

Teams may not call any "surprise," or additional, witnesses (witnesses whose testimony is not contained in the case materials.) Each team **must** call all three of its assigned witnesses.

Witnesses must be called only by their own team during their case-in-chief and examined by both sides. Witnesses may not be recalled by either side.

### **Rule 2.7 Student Timekeepers**

Each team participating in the competition is responsible for providing one student to serve as an official timekeeper in each of its trials in accordance with Rule 5.4. The official timekeeper must be an official team member listed on the Team Roster Form; however, the timekeeper need not be a competing team member.

### **Rule 3.0 Delay of Trial**

The failure of a team to report promptly at the assigned time should be reported to the presiding judge, who will notify Civics First. A team arriving more than 15 minutes late may forfeit the round.

### **Rule 3.1 Viewing of other trials**

Team members, alternates, attorney coaches, teacher sponsors, and any other persons directly associated with a mock trial team, except for those authorized by Civics First, are not allowed to view other teams' performances so long as their team remains in the competition. If a school has more than one team, participants may only observe their own team, and not the other teams from their school as long as their team remains active in the competition. Coaches from schools with more than one team may observe any trial in which one of their teams is participating.

### **Rule 3.2 Regional Competitions**

All teams will participate in a regional tournament to be held in courthouses or schools located throughout the state of Connecticut. All schools compete twice at the regional level, once for each side—prosecution/plaintiff and defense/defendant. Civics First will accept requests, but cannot make guarantee regarding which site a school will attend, and a school with multiple teams may be asked to compete in different regions in order to balance out entries. At the regional level, a team must win each side of the case to advance to the state playoff tournament.

### **Rule 3.3 State Playoff Tournament**

Civics First will conduct a state playoff tournament consisting of all teams that have qualified at the regional tournament level. The state playoff tournament will be a single elimination tournament; that is, all teams will compete at least once, but only those teams that win will advance to the next round, consisting of play-in, quarter, and semi-final rounds. The number of teams qualifying will determine the number of rounds necessary. Initial pairings and sides will be chosen randomly. Winning teams will follow the pre-determined bracket schedule. Should pairings allow, teams will switch sides as the rounds progress; a coin flip will determine the sides should two teams that presented the same side advance to face each other. The two winning teams from the semifinals will advance to the final competition.

Should space and volunteer resources permit, Civics First will provide consolation rounds for teams that do not advance in the single elimination tournament.

### **Rule 3.3a Consolidated Tournament**

Should circumstances require, Civics First may cancel the regional competitions and proceed with a single consolidated tournament. In a single statewide tournament, each team will try the case four times—twice for each side—and a power matching software selected by Civics First will determine pairings, beginning randomly and progressing based on a team's performance in the prior rounds. The two highest performing teams identified by the power matching software after four rounds will compete in the finals for the state championship as provided by Rule 3.4.

### **Rule 3.4 Final Competition**

The two winning teams in the semi-final competition will compete for the state championship at a site to be determined by Civics First. The sides will be determined by a flip of a coin in advance by Civics First. The high school state champion will represent the state of Connecticut at the National High School Mock Trial Championship; should the high school state champion be unable to attend, the second place team will represent Connecticut.

### **Rule 3.5 Uneven Number of Teams Procedure**

In the event an uneven number of teams are ready for trial at any given level of competition, Civics First will randomly draw from a group of volunteer teams that have a full teams of 12 students, which would allow both sides to compete simultaneously against different opponents in order to even out the matches. A win will count towards the competing team's eligibility to advance to the playoff tournament. In the event NO team is available to compete against the unmatched team, the unmatched team will receive a bye and credit for a win of that round.

### **Rule 3.6 Amendments to Rules**

Civics First reserves the right to make adjustments to these rules as needed to ensure fairness to all teams. Whenever possible, these adjustments will be made in writing in advance of the competition to which they apply.

### **Rule 4.0 The Case**

Civics First will provide a case for the competition. The case will be a fact pattern which may contain any or all of the following: statement of facts, pleadings, indictment, stipulations, witness statements/affidavits, jury charges, statutes and case law, and exhibits.

Stipulations may not be disputed at trial. No case materials may be altered by either team.

The case shall consist of three witnesses per side, all of whom shall have gender-neutral names and characteristics.

### **Rule 4.1 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 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. This rule may be enforced by appropriate objection under Rule 6.0.

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

### **Rule 4.1a. Refreshing Witness 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 4.1b. 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 4.2 Research and Resources**

During the trial, teams may use only those exhibits, court rules, statutes, and/or cases provided in the official competition case materials. Neither team may submit briefs to the court.

#### **Rule 4.3 Exhibits:**

Teams are responsible for having a clean copy of each exhibit for use in the competition. An exhibit must be admitted as a full exhibit by a team during the trial in order for the team to use the exhibit in its case.

#### **Rule 4.4 Further Study:**

Teams **may** read other cases, statutes, and materials to add to their understanding of the problem and strategies others have used in similar situations. However, no competitor shall be held responsible for knowing any information that is not contained in the case materials, a reasonable inference thereof, or common knowledge

#### **Rule 5.0 Courtroom Setting**

The Prosecution/Plaintiff team shall be seated closest to the jury box; if there is no jury box then the Prosecution/Plaintiff team shall be seated on the judge's left. No team shall rearrange the courtroom without prior permission of the judge, Civics First staff, or court personnel.

#### **Rule 5.0a Virtual Courtroom Setting and Requirements**

For a virtual competition, each participant will log into the virtual platform separately from a normal personal computer, tablet, cellular phone, or similar device, unless permission is granted by Civics First to do otherwise. The device's camera must be an ordinary web camera, either integrated with or external to the device; commercial or broadcast grade equipment is prohibited. At a minimum, each of a participating judge,

attorney, witness, and timekeeper shall utilize an individual device. Each participant shall use a screen name formatted according to the protocol established and announced for the competition. Once the trial begins, only participants who are competing in a particular trial segment will have their camera turned on. All team members who are not actively participating in that trial segment must have their cameras turned off, except for timekeepers turning on their cameras to display remaining time consistent with Rule 2.7. For purposes of this rule, the witness, direct-examining attorney and cross-examining attorney must have their cameras turned on for the entire witness examination.

### **Rule 5.1 Stipulations**

Stipulations should not be considered to be known by the Judge(s) and must be pointed out by a competing attorney when a clarification is necessary.

### **Rule 5.2 Reading Into The Record Not Permitted**

Stipulations, the indictment, and/or the charge to the jury will not be read into the record.

### **Rule 5.3 Trial Sequence and Time Limits**

The trial sequence at 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 (7 minutes per side)

The Prosecution/Plaintiff gives the opening statement first. The Prosecution/Plaintiff gives the closing argument first and may reserve a portion of its closing time for a rebuttal. The Prosecution/Plaintiff need not request or state that it is reserving rebuttal time. The Prosecution/Plaintiff's rebuttal, if any, 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 5.4 Timekeeping**

Each team is required to provide one student who will serve as the official timekeeper for that team. Timekeepers are responsible for fairly and accurately keeping and reporting the time during the trial presentation and during any disputes. 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.

Each timekeeper must be equipped with a stopwatch and a set of "Time Remaining" cards, provided by the team, 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". Modification of intervals is not permitted.

Students keeping time may use stopwatches or cellular phones. Any cellular phone used for timekeeping must be kept in airplane mode and silenced during the duration of the trial round.

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, each witness examination, each cross examination and 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 judges regarding the resolution of time disputes are final.

If a team is unable to provide a timekeeper, then the actions of the sole timekeeper are not subject to dispute by that team.

During a virtual competition, after each witness, timekeepers shall confer using the "chat" or similar feature regarding how much time remains for each team. . In a virtual competition, the timekeepers must signal time by posting the time signals permitted by subsection a in the chatroom function of the virtual competition platform. The timekeepers also may display Time Remaining cards by activating their camera to do so.

### **Rule 5.5 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 over-runs in time.

### **Rule 5.6 Re-direct/Re-cross**

Re-direct and re-cross examinations are permitted although not required, and are included in the total witness examination time allotment.

### **Rule 5.7 Scope of Closing Arguments**

Closing arguments must be based upon the actual evidence and testimony presented during the trial.

### **Rule 5.8 Standing During Trial**

Unless excused by the presiding judge, attorneys will stand while giving opening statements and closing arguments, during direct and cross examinations, and for all objections and any other time in which they address the bench.

For a virtual trial, students will remain seated at all times except for opening and closing arguments, where they have the option to stand.

### **Rule 6.0 Objections and Matters of Form Generally**

The only allowable objections are those contained in the Rules of Competition or the Connecticut High School Mock Trial Rules of Evidence. If counsel makes an objection not contained in these rules, counsel responding to the objection must point out to the presiding judge that the objection is beyond the scope of the allowable objections. However, if counsel responding to the objection does not point out to the judge the application of this rule, the court may exercise its discretion and consider such objection.

In addition to objections that are available under the Connecticut High School Mock Trial Rules of Evidence these objections may be entertained by the presiding judge:

#### **Objection 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.

## **Objection 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.

## **Objection 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 sole responsibility of the court to determine what can be reasonably inferred.

## **Objection 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.

## **Objection 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.

## **Objection 6. Cross Examination – Form of Questions**

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

## **Objection 7. 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?”

### **Objection 8. Asked and Answered**

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

### **Objection 9. 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?”

### **Objection 10. 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.

### **Objection 11. 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 6.1 Objections During Opening Statement/Closing Argument**

No objections may be raised during or after opening statements or closing arguments.

### **Rule 6.2 Procedure for Introduction of Exhibits**

As an example, the following steps effectively seek to 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. "Your Honor, may I approach the witness with what has been marked for identification purposes as Exhibit No. \_\_\_\_?"
4. 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. These questions lay the foundation or predicate for admissibility, including questions of the relevance and materiality of the exhibit, but need not include questions as to chain of custody, business record, authenticity or any other bases related to the accuracy or authenticity of the exhibit.
6. Offer the exhibit into evidence. "Your Honor, we offer Exhibit No. \_\_\_\_ into evidence."
7. Court: "Is there an objection?" (If opposing counsel believes that a proper foundation has not been laid or that the exhibit is objectionable on other grounds, the attorney should be prepared to object at this time.)
8. Opposing Counsel: "No, Your Honor," OR "Yes, Your Honor." If the response is "yes", the objection will be stated for the record. Court: "Is there any response to the objection?"
9. Court: "Exhibit No. \_\_\_\_ (is/is not) admitted." If admitted, questions on content may be asked of any witness.

### **Rule 6.2a Procedure for Introduction and Use of Exhibits and Other Case Materials During Virtual Trials**

1. All witnesses shall have all case materials available and in their possession during their testimony, but may only refer to them when prompted by an examining attorney.
2. Attorneys will not physically approach witnesses. Instead, attorneys will identify the exhibit they wish to show the witness and request the court's permission for the witness to view it.
3. Attorneys will not be required to confirm that they have shown the exhibit to opposing counsel.
4. While the witness views the document, the attorney will proceed with the identification and foundation process set forth in Rule 6.2, prior to offering it into evidence.
5. When an exhibit—or, during impeachment or refreshment of recollection, some other document—is shown to a witness, a member of the examining attorney's team shall make that document available to all participants via "screen sharing" or similar

technology. The member of the team responsible for posting the exhibit must be a team member competing in the round or the timekeeper for the round.

6. Exhibits or other documents posted in this manner will be deemed not to have been shown to the jury or scoring judges unless they are admitted into evidence and formally published to the jury. Publication to the jury is at the presiding judge's discretion.

### **Rule 6.3 Allowable Motions**

The only motions permissible are motions for constructive sequestration as provided in Rule 6.4, motions to move exhibits into evidence, and motions requesting the judge to strike testimony following a successful objection to its admission. Motions to dismiss, motions for directed verdict or motions for judgment of acquittal of the case are not permitted.

### **Rule 6.4 Sequestration**

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 physically 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 6.5 Bench Conferences**

Bench conferences are not allowed regular or virtual competitions. All objections will be deemed to have occurred at sidebar out of the hearing of the witness and jury.

### **Rule 6.6 Offers of Proof**

No offers of proof may be requested or tendered.

### **Rule 7.0 Supplemental Material; Costuming**

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.

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. 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. 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.

The only documents which the teams may present to the presiding judge and/or judging 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 and/or judging panel.

### **Rule 7.1 Trial Communication**

Coaches, teachers, alternates, and observers shall not talk to, signal, communicate with, or coach their teams during trial. This rule remains in force during any recess which may occur.

Attorneys on the same team may communicate among themselves during the trial verbally or through written notes, except during the argument of objections; however, no disruptive communication is allowed. Other than actual testimony, witnesses are not allowed to communicate with anyone during a trial or any recess of a trial. Signaling of time by the teams' timekeepers shall not be considered a violation of this rule.

Coaches, teachers, alternates and observers must remain outside the bar in the spectator section of the courtroom. Only team members participating in this round may sit inside the bar and communicate with each other, except as provided above. Violations of this rule may result in removal of the offender from the courtroom and possibly disqualification of the team depending upon the severity of the violation.

Suspected violations should be brought to the attention of the judges in a timely manner so judges may handle the situation as it arises. If any coach of a team in the trial suspects such a communication violation they are allowed to write a note to the judge(s) and pass it to them through the bailiff as long as this can be done without disrupting the proceedings and without communication that is in violation of this rule with the exception of the passing of the note to the bailiff. Any other person observing the trial proceedings, including spectators that suspect such a violation they may communicate such suspicion to the coach and the coach shall decide whether or not to communicate such suspicion to the judge(s) through the bailiff. ONLY the coach may communicate this suspicion to the judge(s) through the use of the bailiff.

During a virtual competition, no team member, coach, or judge nor students may use the "chat," "instant message," or "chatroom" function of the electronic platform, except

to: (1) display timekeeping messages, as permitted by Rule 5.4, and (2) to communicate in the case of a technical emergency where audio and video functions are lost but access to the chat or instant messaging function is intact. Observers are not permitted to use the chat or instant messaging functions at any time.

During a virtual competition, only the six participating team members may communicate with one another. The six participating team members may use computers, cellular telephones, or other devices to facilitate this communication.

### **Rule 7.2 Videotaping/Audiotaping/Still Photography**

Videotaping or audiotaping is not allowed during any trial, except by Civics First or its designee. Teams may take still photographs of their own team members only and may not include anyone in their photos that are not a part of their school. Only Civics First or its designee may take pictures during trial proceedings.

In order to support civics education, facilitate media coverage, and provide a maximum opportunity for family, friends, peers, and teachers to view our teams competing, all participants must consent to video or audio recording and electronic posting (including video meeting, social media, or other platforms) of each mock trial, except as provided in Rule 1.4 or otherwise determined by Civics First.

No team may post, share with another competing team, or otherwise disseminate any recording of any competition round prior to the conclusion of the state championship. Each team shall inform any family member or other observer of this rule. Violations of this rule, even by an individual who is not a team member, may result in sanction of the team affiliated with the individual who recorded and/or posted, shared, or otherwise disseminated the recording up to and including disqualification from the competition.

Civics First or its designee may permit exception to this rule for media coverage or to facilitate the viewing of virtual mock trials.

### **Rule 7.3 Use of Notes**

Attorneys may 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. The use of laptops or other electronic devices is prohibited, except during virtual mock trials.

### **Rule 7.4 The Critique**

The judging panel is allowed 5 minutes for debriefing. Presiding judges are to limit critique sessions to a combined total of five (5) minutes. All judges are encouraged to submit written comments to Civics First for distribution to the teams via the coaches.

Judges shall not make a ruling on the legal merits of the trial and may not inform the students of score sheet results unless requested to so by Civics First.

### **Rule 8.0 Finality of Decisions**

All decisions of the presiding judge and/or judging panel are **FINAL**.

### **Rule 8.1 Score Sheets**

Score sheets are to be completed individually by the scoring judge or judges. The team that receives the most points wins the round.

### **Rule 9.0 Dispute Resolution Procedure for Violations "Inside the Bar" During Competition**

Any alleged rules violation during the course of trial must be brought to the presiding judge's attention by participating student attorneys during the trial in a timely and appropriate manner by objection under Rule 6.0. Except as provided by Rule 7.1 governing claims of improper communications during trial, under no circumstances may any coach or member of the audience interrupt the trial for any reason, nor may they communicate rule violations to the student attorneys in any way during the trial. It is the responsibility of the student attorneys participating in the competition to be thoroughly familiar with the rules and to alert the presiding judge to any and all violations.

The presiding judge may hear argument and find that:

- a) No rules violation has occurred;
- b) A rules violation has occurred but no action is required;
- c) A rules violation has occurred and the presiding judge is able to issue a ruling to correct the violation at that time; or,
- d) The matter is taken under advisement and the alleged rules violation will be referred to Civics First for possible future action.

The decision of the presiding judge regarding rules violations under Rule 9.0 is final.

### **Rule 9.1 Dispute Resolution Procedure for Violations "Outside the Bar"**

Complaints of rules violations that occur **outside** the bar may be brought by teacher or attorney-coaches exclusively. Such notification must be made promptly to Civics First in writing, although oral notification may precede such writing. Civics First will consider the report and take any actions deemed appropriate and fair. Actions taken by Civics First under this provision are final.

## MOCK TRIAL PROCEDURE

### Rule 10.0 Opening Court

The bailiff will open court by saying: "All Rise. The Superior Court for the State of Connecticut is now open and in session, the Honorable Judges \_\_\_\_\_ presiding. All persons having due cause of action herein, draw near and give attention according to law. You may be seated." When the judge enters, all participants should rise and remain standing until the judge is seated.

### Rule 10.1 Call of the Calendar

The Judge will announce the name of the first case and ask if the parties are ready: "The Court will now hear the case of \_\_\_\_\_ v. \_\_\_\_\_." Is the Plaintiff ready? (Plaintiff's attorney answers "Ready, Your Honor"). Is the Defense ready? (Defense's attorney answers "Ready, Your Honor"). "You may proceed."

### Rule 10.2 Opening Statements (5 minutes per team)

The plaintiff in a civil case or prosecution in a criminal case makes an opening statement first, followed by the defense. In the opening statement, the attorney introduces the members of his/her team and outlines the case as they intend to present it, highlighting key testimony summarizing the evidence which will be presented to prove the case and describing the relief requested.

"Your Honor, my name is \_\_\_\_\_ attorney for Mr./Ms. \_\_\_\_\_, the (Plaintiff/Defendant). My colleagues are \_\_\_\_\_, and \_\_\_\_\_." (In a criminal case the prosecution would say: "Your Honor, my name is \_\_\_\_\_ attorney for the State of Connecticut. My colleagues are \_\_\_\_\_, and \_\_\_\_\_.")

### Rule 10.3 Direct Examination by the Plaintiff/Prosecution

The plaintiff/prosecution's attorneys conduct direct examination (questioning) of each of its own witnesses to bring out the facts of the case. At this time, testimony and other evidence to prove the plaintiff/prosecution's case will be presented. The purpose of direct examination is to allow the witness to narrate the facts in support of the case.

NOTE: The attorneys for both sides, on both direct and cross examination, should remember that their only function is to ask questions; attorneys themselves may not testify or give evidence, and they must avoid phrasing questions in a way that might violate this rule.

The attorney calls a witness by saying: "Your Honor, I would like to call Fran Witness to the stand." The bailiff then swears in the witness by asking the following: "Do you solemnly swear or affirm that the testimony you may give in the cause now pending

before this Court shall be the truth, the whole truth and nothing but the truth according to the Mock Trial Rules?" The witness takes the oath or affirmation by saying: "I do." In the absence of a marshal, the presiding judge may swear in the witness.

For a virtual competition, all witnesses will be deemed to be sworn at the commencement of proceedings.

#### **Rule 10.4 Cross-Examination by Defense.**

After the direct examination of a witness for the Plaintiff/Prosecution, a defense attorney cross-examines the witness in order to show the weaknesses in his or her testimony and test the witness's credibility. The cross examiner seeks to clarify or cast doubt upon the testimony of the opposing witnesses. Inconsistency in stories, bias, and other damaging facts may be pointed out to the judge through the use of effective cross examination.

#### **Rule 10.5 Redirect Examination**

Following the cross-examination, the Plaintiff/Prosecution attorney who did the direct may conduct redirect examination of its witnesses to clarify any testimony that was cast in doubt or impeached during cross examination. The attorney may ask questions to "rehabilitate" the witness, to explain any damaging admissions, or to reestablish the testimony.

The attorney cannot ask questions about facts not already brought out during the cross examination. These questions are limited to the scope of the cross-examination.

#### **Rule 10.6 Re-Cross Examination**

The defense attorney who conducted the cross-examination of that witness may conduct a re-cross examination of the same opposing witness to impeach previous testimony. The defense attorney may ask questions on points brought out during redirect examination only.

#### **Rule 10.7 The Defense's Case: Direct Examination by Defense**

After the plaintiff/prosecution has presented its case, the defense attorneys conduct direct examination (questioning) of each of their own witnesses. At this time, testimony and other evidence to prove the defendant's case will be presented. The purpose of direct examination is to allow the witness to narrate the facts in support of the case.

#### **Rule 10.8 Cross Examination by the Plaintiff/Prosecution Attorneys**

After the attorney for the defense has completed questioning a witness, the judge then allows the plaintiff/prosecution attorney to cross examine the witness. The cross examiner seeks to clarify or cast doubt upon the testimony of the opposing witnesses.

Inconsistency in stories, bias, and other damaging facts may be pointed out to the judge through the use of effective cross examination.

### **Rule 10.9 Redirect Examination**

Following the cross-examination, the defense attorney who did the direct may conduct redirect examination of its witnesses to clarify any testimony that was cast in doubt or impeached during cross examination. The attorney may ask questions to "rehabilitate" the witness, to explain any damaging admissions, or to reestablish the testimony. The attorney cannot ask questions about facts not already brought out during the cross examination. These questions are limited to the scope of the cross-examination.

### **Rule 10.10 Re-Cross Examination**

The plaintiff/prosecution attorney who conducted the cross-examination of that witness may conduct a re-cross examination of the same opposing witness to impeach previous testimony. The defense attorney may ask questions on points brought out during redirect examination only.

### **Rule 10.11 Closing Arguments (7 minutes per team)**

The Prosecution/Plaintiff gives the closing argument first and may reserve a portion of its closing time for a rebuttal. The Prosecution/Plaintiff need not state that it is reserving rebuttal time prior to commencing its closing argument. The Prosecution/Plaintiff's rebuttal, if any, is limited to the scope of the Defendant's closing argument. The closing attorney summarizes the case in the light most favorable to their respective positions, with reference to testimony which supports their case and relevant case and statutory provisions.

### **Rule 10.12 Verdict**

The Judges will retire (leave the courtroom) to review their notes and to reach a decision.

**The decision of the judge is final.**

## HINTS ON PREPARATION FOR A MOCK TRIAL TOURNAMENT

The following tips have been developed from previous experiences in training a mock trial team.

**All students should read the entire set of materials, and discuss the information/procedures and rules used in the mock trial contest.**

**The facts of the case, witnesses' testimony, and the points for each side in the case then should be examined and discussed. Key information should be listed on the chalkboard as discussion proceeds so that it can be referred to at some later time.**

**Even though a school team has to represent only one side in the case during any single round of the competition, all roles in the case should be assigned and practiced. This will help in practicing the case as well as preparing for future rounds.**

**The credibility of the witnesses is very important to a team's presentation of its case. As a result, students acting as witnesses need to really "get into" their roles and attempt to think like the persons they are playing. Students who are witnesses should read over their statements (affidavits) many times and have other members of the team or their class ask them questions about the facts until they know them "cold."**

**Based on the experiences obtained through several years of mock trial competitions, we have found that the best teams generally had the students prepare their own questions, with the teacher-coach and attorney-advisor giving the team continual feedback and assistance on the assignment as it was completed. Based on the experience of these practice sessions, attorneys should revise their questions and witnesses should restudy the parts of their witness statements where they are weak.**

**Opening statements should also be written by team members. Legal and/or non-legal language should be avoided where its meaning is not completely understood by attorneys and witnesses.**

**Closing arguments should not be totally composed before the trial, as they are supposed to highlight the important developments for the plaintiff and the defense which have occurred during the trial. The more relaxed and informal such statements are, the more effective they are likely to be. Students should be prepared for interruptions by judges who like to question the attorneys, especially during the closing argument.**

**As a team gets closer to the final round of the contest, the tournament requires that it conduct at least one complete trial as a "dress rehearsal." All formalities should be followed and notes taken by the teacher coach and students concerning how the team's presentation might be improved. A team's attorney advisor should be invited to attend this session and comment on the enactment.**

The ability of a team to adapt to different situations is often a key component in a mock trial enactment, since each judge or lawyer acting as a judge, has his or her own way of doing things. Since the proceedings or conduct of the trial often depend in no small part on the judge who presides, student attorneys and other team members should be prepared to adapt to judicial rulings and requests.