

INDIANA BAR

FOUNDATION

INDIANA HIGH SCHOOL MOCK TRIAL

RULES OF COMPETITION

The Indiana Bar Foundation (“Foundation”) welcomes your participation in the Indiana High School Mock Trial Competition (“Competition”).

STUDENTS: Through participation, you will experience what it is like to prepare for, advocate and present a case in a court. Working with your team and coaches, you will learn to evaluate information, develop a presentation of your position, and respond to facts and arguments that are contrary to the position you are arguing. As you prepare, you will sharpen public speaking and presentation skills. You will also learn how the legal system works with an emphasis on the principles of civility and professionalism. By studying and understanding the trial process, you will become more comfortable with federal and state laws and courtroom procedures.

FACULTY SPONSORS AND ATTORNEY-COACHES: Your participation, through the contribution of time and talent, is an essential element to the continuing success of the Indiana High School Mock Trial program. The Foundation has a mission for students in the Mock Trial program to emerge from the Competition with stronger advocacy skills, more confidence, competence, and respect. Therefore, you are strongly encouraged to focus students on the goal of participation and education.

The Competition is governed by the Indiana High School Mock Trial Rules of Competition (“Rules of Competition”) and the Indiana High School Mock Trial Rules of Evidence (“Rules of Evidence”). Both the Rules of Competition and the Rules of Evidence are based, primarily, on their counterparts in the National High School Mock Trial program. However, both have been adapted to meet the needs of the Indiana High School Mock Trial program. All teams are responsible for the conduct and civility of persons associated with their teams throughout the Competition.

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INDIANA HIGH SCHOOL MOCK TRIAL

RULES OF COMPETITION

ARTICLE I: ADMINISTRATION

Rule 1.1 Rules

All trials will be governed by the Rules of Competition and the Rules of Evidence, adapted from the Federal Rules of Evidence for the Indiana High School Mock Trial program. The Rules of Competition and Rules of Evidence were approved by the Foundation's Board of Directors, which has delegated administration of the Rules and the program, generally, to the Mock Trial Advisory Committee ("Committee").

The Committee is a committee of the Foundation. A primary purpose of the Committee is to interpret the Rules of Competition both before and after competitions.

The Foundation and the Committee will designate a Competition Director for each Regional Competition and the State Finals, who will be the final arbiter on rules interpretations during a competition.

Questions or interpretations of these rules are within the discretion of the Committee and Competition Director(s), whose decisions are final. At its sole discretion, the Foundation's Executive Committee may determine whether the Rules of Competition were interpreted or administered incorrectly.

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. The Committee and Competition Directors possess discretion to impose sanctions, including but not limited to disqualification, immediate eviction from the Competition, and forfeiture of all fees and awards (if applicable) for any misconduct relating to the Competition, for flagrant rule violations, and/or 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. Moreover, the Committee and any Mock Trial judge possess discretion to deduct points from any team that, in the opinion of the Committee, Competition Directors, and/or judge(s), acts in a way that is contrary to the spirit of the Rules of Competition.

Participants in the Competition shall not have a cell phone in their possession while competing in a trial. The only exception is that a timekeeper may use his/her cell phone for time keeping purposes only. Participants and guests need to be aware that some Courts will not allow any cell phones to be brought into the Court building. Students, coaches, and observers are expected to comply with the policies of the facilities they are utilizing.

Rule 1.3 Civility

The Indiana Rules of Professional Conduct, which are adopted by the Indiana Supreme Court, govern the conduct of all Indiana attorneys. The Preamble to the Rules reads, in part:

- A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice. Whether or not engaging in the practice of law, lawyers should conduct themselves honorably.
- A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials.
- In addition, a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority.

Specific provisions of the Indiana Rules of Professional Conduct require an attorney to: avoid offensive tactics and treat all persons involved in the legal process with courtesy and consideration [Rule 1.3]; not use means that have no substantial purpose other than to embarrass, delay, or burden a third person [Rule 4.4(a)]; and avoid conduct involving dishonesty, fraud, deceit, or misrepresentation or conduct that is prejudicial to the administration of justice [Rule 8.4(c) and (d)].

All participants in the Indiana Mock Trial Program should strive to follow these principles of civility while representing the interests of their clients and can expect the scoring judges to be favorably impressed as a result. The failure to maintain civility should be expected to have a negative impact on the scoring judges.

With the rare exception where a student is portraying a witness who might genuinely require some departure from the high standards of civility set for the legal profession, it will usually be more effective for a witness to respond courteously to the attorneys' questions, not to interrupt the attorney, and to wait while an attorney interposes an objection to the question just put to the witness. It is never a good idea, no matter how disorderly the character being portrayed, for a witness to show disrespect to the court.

As for the attorneys, not only is civility expected, it can be surprisingly effective. Being civil does not mean being a push-over. Stridency often distracts from the inherent forcefulness of the argument being made. Cross-examination does not have to be badgering to be thorough and effective to the point where the witness's testimony is completely discredited; indeed, a badgering tone may only engender sympathy for the witness.

It is expected that students, advisors, coaches, administrators, and parents will, at all times, inside and outside the courtroom, online and in real life, model civil behavior towards and respect for the court, the Indiana Bar Foundation volunteers, and members and supporters of other teams.

Rule 1.4 Emergencies

During a trial, the presiding judge shall have discretion to declare an emergency, which includes, but is not limited to, the health and safety of any participant or observer, and adjourn the trial for a short period of time to address the emergency. In the event of an emergency during a round of competition that would cause a team to be unable to continue a trial or to participate with less than six members, the team must notify the Competition Director as soon as is reasonably practical. Under these circumstances, a team may participate in the Regional Competition or the State Finals with less than six members. In the event a team is participating with less than six members, the team must use three students as witnesses and two students as attorneys.

In the case of an emergency not occurring during a round of competition that results in a team having less than six members available for one or more rounds of the competition, the Committee or its designee(s), in its sole discretion, may determine whether the team can participate in the Competition and the circumstances under which the team may participate (including but not limited to forfeiture, reduction of points, or advancement).

If the Committee, or its designee(s), in its sole discretion, agrees that an emergency exists, the Committee, or its designee(s), shall declare an emergency and will decide whether the team will 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 Trial Loss and the average number of the Ballots and points received by the losing teams in that round. The non-forfeiting team will receive a Trial Win and an average number of Ballots and points received by the winning teams in that round.

Final determination of emergency, forfeiture, reduction of points, or advancement, will be made by the Committee. The Committee's determination shall be final and not appealable.

Rule 1.5 Regional Competitions

Regional Competitions will be held in multiple sites around Indiana as determined by the Indiana Bar Foundation to meet the needs of teams and capacity of the program.

Generally, a team will compete in the Regional Competition where they are geographically located. In the event, however, that the Committee, in its sole discretion, elects to have a minimum number of teams in a particular Regional Competition ("Subject Regional Competition") and that minimum number is not reached through registration, or in the event that an uneven number exists in multiple Regions creating potential byes, then teams from other geographical regions may be invited to compete in the Subject Regional Competition. If a sufficient number of teams do not volunteer to compete in the Subject Regional Competition or if there is an odd number of teams, then the Committee, at its sole discretion, may require one or more teams to move to the Subject Regional Competition. In such event, the Committee shall provide the team with at least seven days' notice.

24 teams from the Regional Competitions will advance to the State Finals. 20 teams will

automatically advance from Regional Competitions to the State Finals, based on proportional representation (i.e. Regional Competitions with more teams receive more automatic bids to State). The Committee shall also select four “Wild Card” teams to advance to the State Finals, based on those teams’ performances at their Regional Competitions. The four Wild Card teams do not have to come from each Regional. The Committee may consider a variety of factors when choosing the Wild Cards, including, but not limited to: the team’s overall record, Total Points, the strength of the opponents it faced, the strength of the Regional it competed in, etc.

Rule 1.6 State Finals

The State Finals will be held as determined by the Indiana Bar Foundation. There will be four rounds of competition (trials), after which the top two teams will compete in the State Championship Trial. The winner of the State Championship Trial will advance to represent the State of Indiana in the National High School Mock Trial Championship in May.

ARTICLE II: THE CASE

Rule 2.1 The Problem

The problem will be a fact pattern which may contain any or all of the following: statement of facts, indictment, case background, pleadings, stipulations, witness statements/affidavits, jury charges, exhibits, and applicable law. Witness statements may not be altered.

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

As needed, the Indiana Bar Foundation may release a Question & Answer document (Q&A) to clarify or correct errors in the case. The Q&A is for educational, preparational, and explanatory purposes and cannot be cited to, expressly used, or referenced at trial. If case materials are changed due to a clarification in the Q&A, changes will be embedded into the case and a new version of the case will be released.

Rule 2.2 Case Background

The case background, which generally includes a brief summary of the problem, a list of witnesses, and a list of exhibits, is provided for background purposes only and cannot be used as evidence in the case.

Rule 2.3 Pleadings

The pleadings, generally a complaint and an answer, form the legal structure of the case. An allegation contained in a complaint that is admitted in an answer is deemed to be established and cannot be denied by any witness.

Rule 2.4 Stipulations

Stipulations are points that have been agreed to by both parties. No witness may contradict or deny knowledge of the facts contained in the Stipulations. Stipulations will be considered to be part of the record and already admitted into evidence.

Rule 2.5 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 (such as exhibits and stipulations) relevant to his/her testimony. A witness is not bound by facts contained in the statements of other witnesses. Witness statements may not be altered.

Rule 2.6 Unfair Extrapolation

Attorneys may not ask questions of a witness that call for information outside the scope of the case materials.

- a. If a witness is asked for 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 in the case.
- b. Provided reasonable inference may be made from a witness statement, fair extrapolations may be allowed. A fair extrapolation is one that is neutral and that does not materially affect the witness testimony and/or result in an unfair competitive advantage.
- c. Attorneys shall not ask questions calling for unfair extrapolations. An unfair extrapolation is one that is not neutral and that materially affects the witness' testimony and/or results in an unfair competitive advantage.
- d. 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 impeachment or the objection of "unfair extrapolation."
 1. Unfair extrapolations are best attacked through impeachment and closing arguments and are to be dealt with in the course of the trial.
 2. Attorneys for the opposing team may refer to this Rule in a special objection such as, "unfair extrapolation" or "This information is beyond the scope of the case materials."

When an attorney objects to an extrapolation, the judge shall rule in open court to clarify the course of further proceedings. Possible rulings by the judge include:

- a) No extrapolation has occurred.
- b) An unfair extrapolation has occurred.
- c) The extrapolation was fair; or
- d) The objection will be taken under advisement.

The decision of the presiding judge regarding extrapolations or evidentiary matters is final.

- e. If, in cross-examination, an attorney asks for unknown information, the witness may respond, so long as any response is consistent with the witness' statement or affidavit and does not materially affect the witness' testimony.

Rule 2.7 Gender of Witnesses

All witnesses are intended to be gender neutral. Personal pronoun changes in witness statements indicating gender of the characters may be deemed to have been made so as to conform to the gender or gender election of the student playing the witness. Any student may portray the role of any witness in accordance with the gender indicated in their team's roster and make use of the preferred pronoun announced by the student's team in their pre-trial matters.

Rule 2.8 Applicable Law

Legal arguments are to be based on the Applicable Law as provided in the case materials. No additional research or legal citations shall be used in the trial.

Rule 2.9 Voir Dire

Voir dire examination of a witness is not permitted.

ARTICLE III: TEAMS

Rule 3.1 Team Composition

Teams shall consist of no less than six and no more than ten members.

Only six of the members will participate in any given round as attorneys and witnesses. Teams are not required to use the same six students for each round. A student, however, may only be a member of one team during a Regional Competition.

Teams are not required to use the same six students from a team that advanced from the Regional Competition at the State Finals. A school receiving one or more bids to advance to the State Finals may, if they so choose, use any of their bids to the State Finals by entering an "all-star" team from that school. A student, however, may only be a member of one team during the State Finals. (Note that the National Competition limits team size to nine members, one being a timekeeper.)

Generally, teams will be composed of students currently enrolled in the same high school. There are, however, limited exceptions:

- a. A community team may compete if that team is made up of students from a single high school or multiple high schools that do not sponsor a Mock Trial team.
- b. Students who are home schooled may compose a team with other home school students

or may join a local high school team.

- c. A student or students from a high school that does sponsor one or more teams may combine with another high school team or a community team if there are insufficient spots on the team that the student(s)'s school is sponsoring.

Any exceptions to the general policy (such as a, b, or c above) must be approved by the Committee one month prior to the Regional Competition in which the team wishes to compete.

Rule 3.2 Team Eligibility

There is no limit to the number of teams a school may enter in the Competition. Likewise, there is no limitation on the number of teams from any school that may advance to the State Finals.

The Competition is only open to high school students, ninth through 12th grade.

Students and teams may only participate in one Regional Competition.

Rule 3.3 Student Timekeepers

In addition to the six team members participating as attorneys and witnesses, each team must provide a student timekeeper for each trial. Parents, teachers, and or coaches are not permitted to serve as the timekeeper. The timekeeper may be a student who is not one of the official team members, but the timekeeper may not be a student from another team. See Rules 4.5 – 4.7 for further information on Timekeeping.

Rule 3.4 Team Names

Each team participating in the Competition shall provide a Team Name at the time of registration. The Team Name must be limited to no more than three words, and a total of 15 letters, including spaces and other characters. The Committee reserves the right, in its sole discretion, to reject any proposed Team Name.

Rule 3.5 Registration

Each participating school must submit a School Registration Form provided on the Foundation's Mock Trial page (<http://inbf.org/educational-programs/mock-trial>). The registration fee shall be \$200 for each team registered by a school, or \$100 for each team registered by a school that is either new to the Mock Trial program or has not participated in the previous three years.

Each participating team from a school must submit a Team Registration Form provided on the Foundation's Mock Trial page (<http://inbf.org/educational-programs/mock-trial>).

If either a school or a team registers after the registration deadline, then the fee shall be an additional \$50. Teams registering after the registration deadline will be placed into a regional

site on a space-available basis. The determination to which site the team will be placed can be based on geography, space availability at each site, and preference to keep a site with an even number of teams or make a site with an odd number of teams even.

Rule 3.6 Drop Deadline

Schools that drop a team after the drop deadline will not be entitled to any refund of their registration fees. Teams should anticipate the possibility of illness or conflicts of schedules for participants and have alternates available. Only under extreme emergency circumstances will the Committee make exceptions to this rule.

Rule 3.7 Team Responsibilities

a. Attorneys and Witnesses

Teams must present both the Prosecution/Plaintiff and the Defense/Defendant sides of the case, using six team members in each trial round. For each trial round, three members will participate as attorneys and three members will participate as witnesses. The distribution of the roles among the team members is left to the discretion of the team coach(es).

b. Volunteer Judges

Each team is required to provide a judge for each round of Competition that team is participating. The Volunteer Judge Form must be fully completed and submitted by the deadline as posted on the Foundation's Mock Trial website (<http://inbf.org/educational-programs/mock-trial>).

Attorneys, judges, law students, community members, and/or teachers may be designated as volunteer judges. Additionally, a college student with extensive Mock Trial experience, who has been out of high school for three or more years, may be designated as a volunteer judge. Extensive Mock Trial experience means the student has participated in a high school or college Mock Trial program for at least four years. Coaches or teachers for any school participating in the Competition may be designated as a team's judge for no more than one round per competition.

If a school or team has recruited any extra judges in one round of the Competition, the school or team cannot count the extra judges for that particular round to meet its obligations of designating a judge for any other round. Similarly, if a school has received permission to compete in more than one Regional Competition location, extra volunteer judges obtained in one Regional Competition cannot carry over to other Regionals.

Rule 3.8. Special Needs Accommodations

It is the policy and practice of the Foundation, the Committee, and the Indiana High School Mock Trial program to provide reasonable accommodations to those students who need special accommodations. The Committee is committed to treating all individuals in the program in a

fair and equitable manner. A teacher or coach who has a student requiring special accommodations should contact the State Coordinator no later than two weeks before any competition to make arrangements for those accommodations.

ARTICLE IV: THE TRIAL

Rule 4.1. Team Roster Form

Copies of the Team Roster Form, available on the Foundation's Mock Trial page (<http://inbf.org/educational-programs/mock-trial>), must be prepared in-advance of each competition, and be typed, or neatly printed, designating the roles which will be played by each individual on the team. The form should identify the gender of each witness so that references to such parties will be made in the proper gender. Teams will be identified by their school and team name. If a school has more than one team, it must have a separate Team Roster Form for each team.

Copies of the Team Roster Form for both the Prosecution/Plaintiff and Defense/Defendant sides must be completed and duplicated by each team prior to arrival at the competition site. Before beginning a trial, the teams must exchange copies of the Team Roster Form. Sufficient copies of the Team Roster Form may be made available to the judging panel and presiding judge before each round, if requested by the judge(s).

Rule 4.2. Score Sheets

Prior to trial, each team shall complete three score sheets, provided by the Foundation, by including the names of each student participating as an attorney in the trial and his/her role and by including the names of each student acting as a witness participating in the trial and his/her role. The witness list shall be completed in the order the witnesses will be called during the trial.

Rule 4.3. Preliminary Matters

At the outset of the trial, the Presiding Judge will ask if there are any preliminary matters to be addressed and will seek consent from the teams for photography and recording. The Presiding Judge will request that any individual in the courtroom who is not affiliated with one of the two teams competing will identify themselves so that the judge or a team may inquire whether they are affiliated with another team or school. Preliminary matters may include, a request that the attorneys be allowed to move freely about the courtroom. See Rule 4.14 for more information on photography and recording.

No witness may contradict or deny knowledge of the facts contained in the Stipulations. Stipulations will be considered to be part of the record and already admitted into evidence. The complaint, indictment, stipulations, and/or the Jury Charge shall not be read into the record.

Rule 4.4. Swearing in of Witnesses

All witnesses are assumed to be sworn in for the purposes of this competition. The presiding judge may also use something to the effect of the following to swear in witnesses:

“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?”

Rule 4.5. Trial Sequence and Time Limits

The Presiding Judge will declare the beginning of the trial for timekeeping purposes. The trial sequence and time limits are as follows:

| | |
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| Plaintiff/Prosecution’s Opening Statement | 5 minutes |
| Defense/Defendant’s Opening Statement | 5 minutes |
| Plaintiff/Prosecution’s Case: Plaintiff/Prosecution Direct and Redirect of witness #1 Defense/Defendant Cross and Re-cross of witness #1 Plaintiff/Prosecution Direct and Redirect of witness #2 Defense/Defendant Cross and Re-cross of witness #2 Plaintiff/Prosecution Direct and Redirect of witness #3 Defense/Defendant Cross and Re-cross of witness #3 | Plaintiff/Prosecution shall have a total of 25 minutes Defense/Defendant shall have a total of 20 minutes |
| Defense/Defendant’s Case: Defense/Defendant Direct and Redirect of witness #1 Plaintiff/Prosecution Cross and Re-cross of witness #1 Defense/Defendant Direct and Redirect of witness #2 Plaintiff/Prosecution Cross and Re-cross of witness #2 Defense/Defendant Direct and Redirect of witness #3 Plaintiff/Prosecution Cross and Re-cross of witness #3 | Defense/Defendant shall have a total of 25 minutes Plaintiff/Prosecution shall have a total of 20 minutes. |
| Plaintiff/Prosecution’s Closing Argument | Up to 5 minutes |
| Defense/Defendant Closing Argument | 5 minutes |
| Plaintiff/Prosecution’s Rebuttal* *Rebuttal is limited to the scope of Defense/Defendant closing argument. | Balance of 5 minutes not used in Plaintiff/Prosecution’s Closing Argument |
| Total Time for the Competition Round (started when the Presiding Judge declares) | 3 hours maximum trial time |

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.

Each trial round is required to be completed within three hours. If a round exceeds three hours, the scores for both teams for that round will not be counted in the Competition rankings.

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 3.3. The timekeeper should be equipped with either a stopwatch or a cell phone to use for timekeeping purposes only. The timekeeper is responsible for fairly and accurately keeping and reporting the time during the trial and during any disputes under Rule 6.2. During the rounds of the Competition, a timekeeper is to act as a neutral entity. A timekeeper is not to communicate with his/her teammates during the course of the trial or during any recesses, except to display the time remaining cards and to 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 opening statement, witness examination, or closing argument until its conclusion with the following exceptions:

1. Introduction of counsel and/or witnesses prior to the opening statement shall not be included in the time allotted for opening statements. However, if counsel begins an opening statement and then introduces attorneys or witnesses, then the introductions shall be included in the time limit for opening statement.
2. Time for objections, responses to objections, questions from the judge and the judge's ruling will not be counted toward the time limit for either team.
3. Time during questions by the judge and answers to those questions will not be counted toward the time limit for either team.

In trial, the timekeeper shall use a set of time remaining cards with the following designations: 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. 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 of 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, however, time has expired, and an attorney continues (without or without the permission of the presiding judge) then scoring judges may determine, individually, whether or not to discount points for the attorney's

performance.

Rule 4.8. Motions Prohibited

Except for a motion to strike testimony of a witness as following a successful objection to its admission, no motions shall be made. For example, there shall be no motions for directed verdict, acquittal, or dismissal.

Additionally, a motion for recess may be made in the event of an emergency (i.e. health 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, time keepers, coaches, or instructors regarding the trial.

Rule 4.9. Sequestration

There is no sequestration of witnesses.

Rule 4.10. Bench Conferences

In the educational interest of handling all matters in open court, there shall be no bench conferences.

Rule 4.11. Exhibits; Supplemental Material; Costuming

Teams may refer only to materials included in the case materials. No illustrative aids of any kind may be used, unless provided in the case materials. 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. An accent is not considered costuming.

The student playing the witness is allowed to act as though she/he is afflicted with any condition, deformity, or disability described in the affidavits. Under no circumstances is the opposing team permitted to question the existence of such conditions based on the fact that the student playing the witness does not actually have them. While the opposing team may cross examine the witness on the extent of the condition, based on information provided in the affidavits, the opposing team may not challenge the witness to prove the existence of the condition by asking him/her to show it to the jury.

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. No Roster Forms may be altered except to provide the information requested. Exhibit notebooks are not to be provided to the presiding judge or scoring panel. No exhibits may be modified before the trial, but attorneys and witnesses may mark exhibits during direct or cross examination. Such marked documents may be used as demonstrative exhibits during the trial and during closing arguments, but may not be entered into evidence. If a team wishes to mark an exhibit entered by the opposing team, it must substitute its own clean copy of that exhibit

for this purpose before any markings are made. Name tags or name plates at counsel table are not permitted.

Rule 4.12. Communication during Competition

Instructors, coaches, alternates, and observers shall not talk to, signal, communicate with, or coach their teams during trial. This rule remains in force during any emergency or recess in a trial. Participating team members (student attorneys and witnesses in the trial, but not the timekeepers) 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.

Coaches, teachers, alternates, and observers must remain outside the bar in the spectator section of the courtroom. Only team members participating in the trial may sit inside the bar and communicate with each other. Instructors, coaches, alternates, and observers may only communicate or coach their teams between trials, and not during trials.

Rule 4.13. Viewing a Trial

Team members, alternates, attorney-coaches, faculty sponsors, and any other persons directly associated with a Mock Trial team, except for those authorized by the Committee, are not allowed to view other teams in Competition so long as their team remains in the Competition. Persons with extenuating circumstances (such as a team coach who also has a family member participating on a different team) must get the Committee's prior consent for an exception to this Rule.

Any violations of this rule may subject the team to forfeiture in the Competition. This rule does not apply to a faculty sponsor or an attorney-coach who judges a round in the Competition. However, that faculty sponsor or attorney-coach shall not share any comments about the teams he/she judges with his/her team.

Rule 4.14. Videotaping/Photography

A trial may only be photographed, videotaped, recorded or otherwise memorialized (collectively "Recording") with the permission of both teams and the presiding judge. Any team may decline to participate in the Recording, in which case there shall be no Recording. A Recording may not be used to gain insights into other teams' strategies, themes, style, etc. If the teams consent to Recording, they will affirm during Preliminary Matters that it will not be used to gain insights into another team's strategies, themes, style, etc. A team Recording (either through team members or others) without the permission of the other team and the presiding judge may be disqualified from the Competition.

This rule shall not apply to still photographs taken on behalf of the Committee or the Foundation. All teams are deemed to have consented to such photographs.

In the Championship Round, a team may not refuse to be videotaped, tape recorded, live

streamed, or photographed by the Foundation.

Rule 4.15. Student Attorney Responsibilities

Each of the three student attorneys shall conduct one direct examination and one cross examination. One of the three attorneys will present the opening statement and another of the three attorneys will present the closing argument. The same attorney may not present both the opening statement and the closing argument.

The attorney who examines a particular witness on direct examination is the only person who may respond to objections by the opposing attorney during direct examination and is the only attorney who may make the objections to the opposing attorney's questions of that witness' cross examination.

The attorney who cross-examines a witness is the only person permitted to make objections during the direct examination of that witness. However, the attorney whose duty it is to make or respond to objections may consult with the other attorneys on his/her team (except teacher/attorney coaches).

Rule 4.16. Standing During Trial

Unless a student is physically unable to stand or is excused by the presiding judge, attorneys will stand while giving opening and closing arguments, during direct and cross examinations, and for all objections.

Rule 4.17. Calling Witnesses

Each team must call all three of its witnesses.

A team may not treat one of its own witnesses as a hostile witness, unless otherwise allowed for in the case materials.

Witnesses may not be recalled by any team.

Expert witnesses shall not be "tendered" to the Court as expert witnesses.

Rule 4.18. Objections During Opening and Closing Statements

No objections may be raised during opening or closing statements.

If an attorney giving an opening statement believes an objection would have been appropriate during the opposing team's opening, then the attorney, after the opening is completed may say: "If I had been permitted to object during the opening statement, I would have objected to the statement that ____ because ____." The same procedure may be used for closing arguments.

No rebuttal will be heard, and the presiding judge will not rule on this "objection." The scoring

judges may weigh the “objection” in their scoring.

Rule 4.19. Objections

Teams are to use the Rules of Evidence, as adopted by the Committee, for the Competition. Additionally, attorneys can make the following objections:

- a. Argumentative Questions: An attorney shall not ask argumentative questions.
- b. 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.
- c. 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”).
- d. 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.”)
- e. Non-Responsive Answer: A witness’ answer is objectionable if it fails to respond to the question asked.
- f. 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.

Teams are not precluded from raising additional objections that are available under the Rules of Evidence.

Rule 4.20. Procedure for Introduction of Exhibits

The following is an example of the steps for attorneys to effectively introduce an exhibit into evidence:

1. All evidence will be pre-marked as exhibits.
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 # ___?”
3. Show the proposed exhibit to opposing counsel.
4. Hand the proposed exhibit to the witness.

5. Ask the witness to identify the exhibit: “I hand you what has been marked as Exhibit # ___ for identification. Would you please identify this exhibit?”
6. Have the witness identify the exhibit. Witness should answer to identify only.
7. Ask the witness a series of questions that are offered for proof of the admissibility of the proposed exhibit. These questions lay the foundation or predicate for admissibility, including questions of relevance and materiality of the exhibit.
8. Offer the proposed exhibit into evidence: “Your Honor, we offer Exhibit # ___ into evidence at this time. The authenticity of this exhibit has been stipulated.

The presiding judge will then ask opposing counsel if there is any objection. If opposing counsel believes that a proper foundation has not been laid, or that there is another objection to introduction of the proposed exhibit into evidence, then those objections should be raised at this time. If an objection is raised, then the attorney offering the exhibit into evidence will be given an opportunity to respond to the objection. The presiding judge will then rule on whether or not the proposed exhibit is admitted into evidence.

If admitted, the exhibit may be used by counsel. If not admitted, the exhibit may not be used by counsel.

If the presiding judge does not allow the exhibit into evidence, counsel may lay additional foundation or attempt to overcome the objections raised and re-introduce the proposed exhibit.

Rule 4.21. Use of Notes

Attorneys may use notes in presenting their cases. However, generally, attorneys score higher when not relying upon their notes. Attorneys may consult with each other at counsel table verbally or through the use of notes.

Witnesses are not permitted to use notes while testifying during the trial.

The use of laptops or other electronic devices is prohibited in the courtroom, except for timekeeping purposes, as provided under Rule 4.6.

Rule 4.22. Scope of examinations

The scope of cross-examination is open and not limited to the scope of direct examination. Redirect and recross examinations are permitted. The scope of redirect is limited to the scope of cross-examination and the scope of recross is limited to the scope of redirect. There shall be no re-redirect nor re-recross examinations.

Rule 4.23. Scope of Closing Arguments

Closing Arguments must be based on the actual evidence and testimony presented during the trial.

Rule 4.24. Offers of Proof

No offers of proof may be requested or tendered.

ARTICLE V: JUDGES AND TEAM ADVANCEMENT

Rule 5.1. Finality of Decisions

All decisions of judges are FINAL. Complaints not raised prior to the judges retiring for scoring may only be made by the academic or legal advisors after the competition, in writing, using the complaint form, available from the competition director at each site. Such complaints will not alter the decisions of the judicial panel and are reviewed by the rules committee for potential rule changes or procedure variations in future years.

Rule 5.2. Composition of Judging Panel

Every effort will be made to provide each trial where at least three ballots are cast from judges. This will be done in one of three ways:

- a. Four-judge panel – Three judges will score, the fourth will serve as the presiding judge
- b. Three-judge panel – Three judges will score, one of which will also serve as the presiding judge
- c. Two-judge panel – Two judges will score, one of which will also serve as a presiding judge. The third judge’s ballot will be the average of the two scoring judges on every scored line (with a .5 score rounding up). Used only in extreme or unusual circumstances.
 1. If this composition (part c) must be used, all trials in that round will use this method to make it uniform across the round at that site.

Only volunteers with law degrees can be designated as presiding judges. Scoring judges may be non-attorney teachers or community members, or college students with substantial Mock Trial experience (See Rule 3.7(b)). Moreover, only one non-attorney may be on any panel of judges for a trial.

At the discretion of the Foundation, the Championship Trial may have a number of judges that does not conform to any of the formats listed above.

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 Competition Director must be informed. Once the panel composition is adjusted by the Competition Director to best meet the requirements of the Rules of Competition, 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. Judge Responsibilities and Conflicts of Interest

All volunteer judges must timely report to the judges' orientation for the judge's assigned round. If a team's designated volunteer judge is unable to judge for any round designated, the team is responsible for finding a replacement judge for that round. If a team does not have a volunteer to judge a competition per these rules, it is subject to forfeiture for any round it does not have a volunteer judge.

The competition director has sole discretion of judge assignments and determining if a conflict of interest rises to the level of needing a judge to be recused from a specific trial. Conflicts of interest must be significant, including, but not limited to, an immediate family member on the team or having advised the team in preparation for the competition. Examples that do not qualify conflicts of interest include, but are not limited to, familiarity with a team member, coach, teacher, or legal advisor, nor being a teacher at or an alumnus of the school participating.

Rule 5.4. Score Sheets/Ballots

The term "Score Sheets" is used in reference to the forms on which judges record the score of each participant/role in the Mock Trial. Scoring judges are not bound by the rulings of the presiding judge. Score Sheets are to be completed individually by the judges. Judges shall not deliberate between themselves regarding individual scores.

The term "Ballots" refers to a judge's determination of the winning team. The team that earns the highest number of points on a judge's Score Sheet is determined to be the winner of that judge's Ballot. The team that wins the majority of the Ballots shall be determined to be the winner of the Trial.

The judges shall, collectively, determine the Best Witness and the Best Attorney for the trial. The decision must be by consensus or majority vote.

Judges may not inform the students of their scores, Ballot results, or the winner of the Trial. After the trial, however, the judges are allowed a total of five minutes for "debriefing" as long as the judges' comments do not reflect which team the judges determined to be the winner of the Trial. At this time, the judges shall announce the students who received the Best Witness and Best Attorney awards for that trial.

For the State Championship Trial, the winning team will be the team that receives the majority of the Ballots from the scoring judges. The number of scoring judges in the State Championship Trial shall be at the sole discretion of the Foundation. Likewise, whether the presiding judge at the State Championship Trial is also a scoring judge will be at the sole discretion of the

Foundation.

Rule 5.5. Completion of Score Sheets

At the end of each trial, including the Championship Trial, each scoring judge shall record a number of points (1-10 scale based on the criteria set forth in the *Indiana Mock Trial Scoring Rubric*) for each attorney and witness role in the trial. **All scores must be whole numbers.** The individual performance scores for each team are added to determine the Total Points for the team. **No ties are allowed in the total Points Boxes on the Score sheets.** If an addition error is discovered after the score sheets are submitted resulting in a tie, the competition director will make every attempt to reach the judge to break the tie. Notes will be written on the score sheet indicating if any changes were made after a judge has submitted his/her score sheet.

Rule 5.6. Team Advancement

If a competition uses three scoring judges (under Rule 5.2), teams will be ranked based on the following criteria in the order listed:

1. Trial Wins
2. Ballots
3. Total (cumulative) Points
4. Point Differential

Rule 5.7. Power-Matching/Seeding

A random method of selection will determine opponents in the first round of the Regional Competitions and the State Finals. Team names will be placed in a hat and drawn live, in the presence of the teams, in an Opening Ceremony. A power-match system will be used by the Committee and/or Competition Director to determine opponents for all rounds after the first round.

Teams with the best record (according to Rule 5.6), proportionally divided between the regions, will advance to the State Finals. The Committee will select four additional Wild Card teams who will also advance to the State Finals. The two teams emerging with the strongest record from four rounds of the State Finals will advance to the Championship Trial. The winner of the Championship Trial will be the State Champion and represent Indiana at the National High School Mock Trial Championship in May.

Power-Matching will provide that:

1. At Regionals, all teams are guaranteed to present each side of the case at least once. At the State Finals, all teams are guaranteed to present each side of the case twice.
2. Teams generally will not meet the same opponent twice in a competition.
3. Pairings for Round 1 will be random and will be conducted live, in the presence of the teams, before the round begins.

4. Teams will be ranked according to one of the methods selected under Rules 5.2 and 5.6.
5. In Round 2, teams that played Plaintiff/Prosecution in Round 1 will be ranked (from top to bottom) as will the teams that played Defense/Defendant. Except as necessary to avoid having the same teams meet for a second time, the highest ranked Plaintiff/Prosecution team (from Round 1) will play the highest ranked Defense/Defendant team (from Round 1) in Round 2. Both teams will perform the opposite side (P/D) as that presented in Round 1. The second ranked teams play each other (switching sides), and so on through the bottom ranked teams.
6. In Round 3, all teams are ranked (from top to bottom). Except as necessary to avoid having the same teams meet for a second time, the highest ranked team will play the second highest ranked team, the third will play the fourth, and so on until all teams are paired. To determine which team plays Plaintiff/Prosecution and which team plays Defense/Defendant:
 - a. Once paired, the teams will be assigned to a courtroom.
 - b. The names of both teams will be placed in an envelope that corresponds with the assigned courtroom.
 - c. Before the round begins, one team name will be drawn from the envelope, live and in the presence of the teams.
 - d. The team whose name is drawn will present Plaintiff/Prosecution in Round 3.

Note: During Regional Competitions, this will be the final step in ranking/matching.

7. During Round 4 of the State Finals, teams that played Plaintiff/Prosecution in Round 3 will be ranked (1-12) as will the teams that played Defense/Defendant. Except as necessary to avoid having the same teams meet for a second time, the Plaintiff/Prosecution team (from Round 3) with the highest overall ranking (under Rule 5.6) will play the highest ranked Defense/Defendant team (from Round 3) in Round 4. Both teams will perform the opposite side (P/D) as that presented in Round 3. The second ranked teams play each other (switching sides), and so on through the bottom ranked teams.
8. After Round 4 of the State Finals, all teams will have played both sides twice. Teams will be ranked (1-24). The top two ranked teams (under Rule 5.6) will play in the Championship Trial.

Rule 5.8. Selection of Sides for Championship Trial

For the Championship Trial, the highest ranked team will play the second highest ranked team. To determine which team plays Plaintiff/Prosecution and which team plays Defense/Defendant:

- a. The names of both teams will be placed in an envelope.
- b. Before the Championship Trial begins, one team name will be drawn from the envelope, live and in the presence of the teams.
- c. The team whose name is drawn will present Plaintiff/Prosecution in the Championship Trial.

Rule 5.9. Odd Number of Teams Participating in a Competition

The Committee attempts to avoid byes, but a “bye” may be necessary when an odd number of teams are present for the tournament. For the purpose of advancement and seeding, the Competition Director has full and final discretion on which teams are granted byes and on how the bye teams are scored. The team receiving the bye draw will be informed of the methodology to award Ballots and points to the bye team’s record.

A forfeiting team will receive three losing Ballots and the other team will receive three winning Ballots. The winning team shall receive the average of points received by the winning teams in that round.

With regard to rankings of competing teams, teams will be ranked according to one of the methods selected under Rule 5.6.

Rule 5.10. Procedure for Handling an Uneven Number of Teams

Round 1

- According to Rule 5.7, team pairings for Round 1 will be drawn randomly.
 - Each team in the competition will have its name placed in an envelope.
 - The last team pulled from the envelope is the team that will have a bye in Round 1.

Round 2

- When Round 1 is over, the teams who compete in that round will be ranked first to last.
 - Because this will be an even number of teams, two teams will be in the “median” of the Round 1 rankings (i.e. If there are 19 teams in a competition, 18 will have competed in Round 1. The ninth and tenth ranked teams will be the “median” teams.)
 - The team that is ranked in the lower half of the median (i.e. tenth in the previous example), will have a bye in Round 2.
- For Round 2 pairings:
 - The team that had a bye in Round 1 will take the place of the team that has a bye in Round 2.
 - If the Round 2 bye team played Plaintiff in Round 1, the Round 1 bye team will assume that same position, and thereby play Defendant in Round 2.

- The Round 1 bye team will also assume the ranking of the Round 2 bye team (i.e. tenth place overall; and the fifth placed Plaintiff in the example above).
- According to Rule 5.7, the Round 1 bye team will be paired with its equally matched opponent from the other side, with each team switching sides in Round 2.

Round 3

- Teams that had a bye in Rounds 1 and 2 will have their scores duplicated from the round they competed in, in order to rank and pair all teams for Round 3.
- All teams are then ranked first to last.
 - The team in last place will have a bye in Round 3.
- Rule 5.7 will govern the pairing teams for Round 3.
 - Generally, the first ranked team will play the second ranked team, and so on until all teams except for the last ranked team are paired.
 - An exception is made to avoid teams playing each other twice.
 - Once the teams are paired, each team name will be placed in an envelope that corresponds to an assigned Courtroom for Round 3.
 - One team will be drawn from each courtroom envelope in the presence of a school/team representative.
 - That team will present the plaintiff side in Round 3.
 - The two exceptions to this are for the teams that had byes in Rounds 1 and 2, since Rule 5.7 states that all teams are guaranteed to play both sides at least once. In this event:
 - The Round 1 bye team will automatically present whichever side it did not present in Round 2.
 - The Round 2 bye team will automatically present whichever side it did not present in Round 1.

Round 4 (state competition only)

- When Round 3 is over, the teams who compete in that round will be ranked first to last.
 - Because this will be an even number of teams, two teams will be in the “median” of the Round 3 rankings (i.e. If there are 19 teams in a competition, 18 will have competed in Round 3. The ninth and tenth ranked teams will be the “median” teams.)
 - The team that is ranked in the lower half of the median (i.e. tenth in the previous example), will have a bye in Round 4.
- For Round 4 pairings:
 - The team that had a bye in Round 3 will take the place of the team that has a bye in Round 4.
 - If the Round 4 bye team played Plaintiff in Round 3, the Round 3 bye team will assume that same position, and thereby play Defendant in Round 4.
 - The Round 3 bye team will also assume the ranking of the Round 4 bye team (i.e. tenth place overall; and the fifth placed Plaintiff in the example above).

- According to Rule 5.7, the Round 3 bye team will be paired with its equally matched opponent from the other side, with each team switching sides in Round 4.

Final Scores

- Once all scoresheets are received, the teams that had byes will receive an average score that is calculated from the previous rounds for which they did compete.
 - In the event of odd numbers, the trial wins/losses and ballot wins/losses will have half-points.
 - Total points and point differential will be rounded up to the nearest whole number.
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ARTICLE VI: DISPUTE RESOLUTION

Rule 6.1. Reporting a Rules Violation (Inside the Bar)

Disputes which occur within the bar (among the students competing in that particular trial) must be reported during that trial round. Disputes should first be brought to the attention of the presiding judge by a student attorney, either during or before the conclusion of the trial. The scoring panel will be excused from the courtroom, and the presiding judge will allow the student attorney to explain the nature of the dispute. The students may communicate with participating team members, including student co-counsel and/or student witnesses. However, at no time in this process may the students participating in the trial communicate with any person outside of the trial, including teachers, coaches, legal advisors, timekeepers, students not participating in the trial. Only student attorneys may invoke the dispute procedure.

Rule 6.2. Dispute Resolution Procedure

If an alleged substantial rules violation is presented to the presiding judge, then the presiding judge shall consider the complaint.

- a. If the presiding judge determines that the complaint is not material, then the presiding judge shall inform both teams of his/her decision and the reasons for that decision.
- b. If the presiding judge determines that there is potential merit to the complaint, then he/she shall ask the opposing team to respond to the complaint. After the team has responded, the presiding judge will rule on the complaint.

It is recommended that disputes be settled by the students and presiding judges so that the students can further develop their skills of presentation and effective argument. A teacher or legal advisor may also submit a complaint form, available from the competition director at each site. Such complaints will not alter the decisions of the judge and are reviewed by the rules committee for potential rule changes or procedure variations in future years.

Rule 6.3. Effect of Violation on Score

If the presiding judge determines that a substantial rules violation has occurred, the presiding

judge will inform the scoring judges of the complaint and provide a summary of each team's argument. The judges will consider the dispute before reaching their final decisions. The matter will be left to the discretion of the judges and may or may not impact their scores. The Committee and/or Competition Director may also take action in response to the complaint.

Rule 6.4. Reporting a Rules Violation (Outside the Bar)

Disputes which occur outside the bar (involving people other than student team members) and during a trial round, may be brought by faculty sponsors or attorney-coaches, exclusively. Such disputes must be made promptly to the Competition Director, who will ask the complaining party to complete the Competition Complaint Form. The Competition Director will:

- a. Notify all pertinent parties;
- b. Allow time for a response, if appropriate; and
- c. Rule on the complaint.

The Competition Director's ruling will be final.

Indiana Mock Trial Scoring Rubric

Performance expectations to consider when evaluating an attorney performance

- Expresses professional demeanor, organized, and leadership
- Demonstrates oratory skills (strong voice, eye contact, articulate, responsive)
- Explains and advances the team’s case through the facts of the case and legal theory
- Identifies opponent’s case theory and refutes the opposing argument (through the opening/closing and/or cross-examination)
- Demonstrates trial techniques effectively (productive opening/closing, effective use of objections without being excessive, appropriate form of questioning, not asking for unfair extrapolation, etc.)
- Demonstrates proper courtroom procedure and process
- Complies with competition rules
- Models civility at all times toward the court, fellow team members, advisors, and opposing team

Performance expectations to consider when evaluating a witness performance

- Recalls case facts and applies theory of team’s case
- Demonstrates a believability of character and is convincing in testimony
- Follows the witness statement content and avoids long or non-responsive answers
- Oratory skills (strong voice, eye contact, articulate, responsive)
- Demonstrates proper courtroom procedure and process
- Complies with competition rules
- Models civility at all times toward the court, fellow team members, advisors, and opposing team

| Points | Performance | Example |
|--------|-------------|--|
| 9-10 | Excellent | The student is excellent in most, if not all, of the performance indicators. S/He demonstrates poise, a logical argument, and quick thinking. The student is fluent, persuasive, clear, understandable, and advances the team’s argument in all aspects within in the role. Deftly refutes the opposing argument. |
| 7-8 | Good | The student did a good job in most of the performance indicators – solid, but less than spectacular. This student demonstrates an understanding of the case and the team’s argument, but did not advance it as well as one rated as “excellent”. The student is able to skillfully refute most of the opposing argument. Carries himself/herself well, but shows some signs of doubt or uncertainty. |
| 5-6 | Average | The student is average in his/her performance. S/He is not wholly confident performing outside the script. Grasps the major aspects of the case, but does not convey complete command. Communication and poise are acceptable, but could be stronger in fluency and persuasiveness. Shaky when attempting to refute an opposing argument. |
| 3-4 | Minimal | The student demonstrates minimal understanding in his/her performance and/or did not accomplish many of the performance indicators. The student seems minimally informed and prepared. A distinct lack of depth and knowledge in the team’s argument is present and the student has a hard time refuting the opposing argument. Absence of confidence is evident and communication lacks clarity and conviction. |
| 1-2 | Limited | The student exhibits limited or no accomplishment in any of the performance indicators. S/He is unsure of self, illogical, uninformed, and not prepared. The student is ineffective in advancing the team’s argument and/or curbing the opposing argument. Lack of poise and communication skills highly evident. |