

## VIRTUAL COMPETITION RULES

**Team members will have reliable internet, functioning devices, and a quiet space to compete.**

### **1. GENERAL**

**1.1. Applicability.** These rules shall apply to all virtual MYLAW Mock Trial competitions. Participants are cautioned that the absence of enforcement of any rule within the preliminary competitions does not mean the rule will not be enforced at the Quarterfinal, Semi-Final, and/or State competition.

**1.2. Diversity and inclusion.** MYLAW has a policy of inclusion, and welcomes all participants regardless of race, color, religion, gender, sex, sexual orientation, gender identity, national origin, age, disability, ancestry, genetic information, or any other category protected by federal, state or local law.

**1.3. Expectation of participants, coaches, hosts and volunteers.** Ethical and professional behavior is expected at all times during all phases of the MYLAW Mock Trial Competition. MYLAW prohibits discrimination, retaliation, or harassment in all its forms, by any individual or team. Inappropriate behavior includes but is not limited to:

- Discriminatory comments based upon any ground listed in 1.2;
- Failure to show respect;
- Violating any of the rules outlined within the casebook;
- Adhering strictly to the “No Coaching” rule;
- Engaging in irresponsible behavior that puts oneself or others at risk, including intoxication at any time during competitions;
- Illegal conduct of any sort.

**1.4. Ideals of MYLAW Mock Trial.** To further understanding and appreciation of the rule of law, court procedures, and the legal system; to increase proficiency in basic life skills such as listening, speaking, reading, and critical thinking; to promote better communication and cooperation between the school system, the legal profession, and the community at large; and to heighten enthusiasm for academic studies as well as career consciousness of law-related professions.

**1.5. Integrity.** Individuals, teams, coaches and volunteers shall at all times demonstrate the highest standard of ethical conduct, courtesy, legal professionalism, competence and integrity.

### **2. ROLES**

**2.1. Teacher Coach.** The team’s teacher coach is considered the primary contact for each school. For virtual competitions, teacher coaches will serve as co-hosts, and as such, will allow each of their team members to “enter the courtroom.” The Coach’s primary responsibility is to demonstrate that winning is secondary to learning.

a. Coaching goals. The Teacher Coach shall coach and mentor students about the “real world” aspects of judging in competitions; including but not limited to competition rules, sportsmanship, team etiquette, procedures, and courtroom decorum.

b. Coaches’ responsibilities. The Teacher Coach shall recruit students for the team; arrange practice sessions and scrimmages; supervise the team during practices and competitions; work within the school and greater community to recruit an attorney advisor; communicate with opposing teams a

minimum of 24 hours prior to competition regarding any relevant issues including the identification of witnesses; and ensure that the team appears at all scheduled virtual mock trial competitions. Every coach has an obligation to instill by example in every student, respect for judges, officials and other members of the MYLAW Mock Trial community.

**2.2. Circuit Coordinator.** In traditional Mock Trial competition years, the Circuit Coordinator serves as the primary contact for schools. For the purpose of the 2020-21 virtual competition year, Circuit Coordinators will assist with dissemination and collection of information from schools, as well as judge recruitment. Coordinators will also serve as a conduit for coaches' questions and/or concerns which will then be brought to the attention of MYLAW.

**2.3. Local and State Bar Associations.** The Bar Associations shall advocate involvement of local attorneys in advising teams and hearing/scoring trials.

**2.4. Attorney Advisors.** It is the role of the Attorney Advisor to teach basic court processes and procedures, to review and explain modified rules of evidence and their application to the case at hand, and most importantly, to exemplify fairness, professionalism, integrity, and the ideals of the American justice system. In the absence of an Attorney Advisor, these responsibilities become that of the Teacher Coach.

**2.5. MYLAW.** MYLAW shall provide the Mock Trial case, guidelines, and rules for the competition; oversee the virtual competition; disseminate information to each team; provide technical assistance; provide certificates to all registered participants who compete for the season; assist in recruitment of schools; and act as liaison in finding legal professionals to assist teams.

### **3: REGISTRATION AND PAYMENT**

**3.1. Registration information.** Registration information as well as a list of all participating teams may be found on [www.mylaw.org](http://www.mylaw.org).

**3.2. Team Payment.** Payment is expected by the registration deadline. MYLAW requests that payments be made online if possible in the 2020-21 competition year. Payments may be made through the PayPal link found on the MYLAW.org website. An invoice is available on the MYLAW.org website for your convenience.

**3.3. Primary Contact/Teacher Coach.** Each school must have a primary contact person, in most cases the Teacher Coach, in order to register. The Teacher Coach shall be the person MYLAW and/or the Circuit Coordinator communicates with when applicable. All primary contact persons' information shall be current, and shall be listed on the registration form at the time of registration. If a teacher is not available to serve as the primary contact, a parent, administrator or other school affiliate may do so with the permission of the school principal and as much notice as possible to MYLAW and/or the Circuit Coordinator.

### **4. TEAMS**

**4.1. Team make-up.** A team must be comprised of no fewer than eight (8) but a maximum of twelve (12) student members from the same high school, with the exception of high schools with a Maryland State Department of Education inter-scholastic athletics designation of Class 2A or Class 1A, which may combine with any other schools in the LEA in those classifications to field a team. A team may carry up

to two alternate students, who are permitted to compete only in the event that one of the twelve official members can no longer participate as a member of the team.

**4.1a and 41b. Reserved.**

**4.2. Team Roles.** Teams may use its members to play different roles in different competitions.

- a. For any single competition, all teams are to consist of three attorneys and three witnesses, for a total of six (6) different students.
- b. Reserved.

**4.3. Fielding teams.** High schools that field two or more teams shall not, under any circumstances, allow students from Team A to compete for Team B or vice-versa.

- a. Each team must have its own Teacher Coach and Attorney Advisor, separate and apart from the other team.
- b. Reserved.

**4.4. Team Information.** Teacher Coaches of competing teams are to exchange information regarding the names and gender of their witnesses at least 24 hours prior to any given round.

- a. Teacher Coach for the plaintiff/prosecution should assume responsibility for informing the defense Teacher Coach.
- b. A physical identification of all team members must be made in the courtroom immediately preceding the trial.

**4.5. Attorney Advisor.** Every effort should be made for teams to work with an Attorney Advisor to effectively prepare for competition.

**5. COMPETITION**

**5.1. Forfeits.** All registered teams agree to attend all scheduled competitions, even in instances where a team has an inadequate number of students. Forfeits shall occur this season only in the event that multiple members of one team are unable to finish the trial. In the event that one student loses connection and is unable to rejoin the trial by the time their next trial function arrives, another student on that team's roster shall fill the missing student's role. If the student loses connection after the trial has begun, the replacement student may include another student already competing in that trial (for example, one attorney could fill two roles or one witness could play two parts). If the connection issues occur before the trial begins, the replacement student may not include another student already competing in that trial. (In other words, if the issue arises before the case is called and it appears likely that the student with connection problems will be unable to reconnect in time to complete their role, their replacement must be someone else on the roster not competing in the round.) In the event a team refuses to designate a replacement competitor, all trial functions not performed should be scored a zero by the scoring judges.

**5.2 Notification.** Coaches shall make every effort to notify, by email, the local coordinator, MYLaw and the opposition's coach in advance of the competition if there are an inadequate number of team members.

**5.2. Reserved.**

**5.3. Structure and dates of competition.** In a traditional, “in-person” competition year, areas of competition coincide with the eight Judicial Circuits of Maryland. This year, teams will compete in a true, statewide competition. Teams will compete at least once a week, beginning in early January and continuing through the end of February. Quarterfinal, semi-final and state championship competitions will be held in March, ending before March 26. A complete schedule of competitions will be published in December.

**5.4. Reserved.**

**5.5. Reserved.**

**5.6. Rendered decisions.** Attorneys and judges may preside over, and render decisions, for all matches. If possible, a judge from the Court of Appeals or Court of Special Appeals will preside over, and render, a decision at the State Finals.

**5.7. Reserved.**

**5.8. See Rule 5.3.**

**5.9. Declared winner of preliminary competitions must agree to participate on the scheduled dates for the remainder of the competition or be eliminated.** Any team that prevails in a competition and advances to the next round, must agree to participate on the dates set forth for the remainder of the competition. Failure to do so will result in the team’s elimination from the competition and the first runner-up in that division will advance in their place.

## **6. JUDGING AND SCORING**

**6.1 PROCess.** An online scoring software called PROcess will be utilized throughout the competition season. Each judge will score the competition independently. It is entirely possible that teams will tie, as the “tie point” rule has been removed. Teams will log in to PROcess following the conclusion of each round of competition to view scoresheets, comments and standings.

- a. Regular season. During the regular season, every effort will be made to secure two scoring judges for each competition. If, for any reason, two judges aren’t able to score, we will identify a judge to review the recording and submit a second score sheet OR the single score sheet will be duplicated.
- b. Quarterfinals, Semi-Finals and State Championship. During the playoffs, every effort will be made to secure a presiding judge and three scoring judges.

**6.2 Judges’ decisions are final.** Appeals are not allowed. MYLaw retains the right to declare a mistrial in the event of a gross transgression of the organizational rules and/or egregious attempt to undermine the intent and integrity of the Mock Trial Competition

## **7. DIRECTLY PROHIBITED**

**7.1. No coaching.** There shall be no coaching of any kind during the enactment of a mock trial:

- a. Student Attorneys may not coach their witnesses during the other team’s cross examination;
- b. Teacher and Attorney Coaches may not coach team members during any part of the competition;

- c. Members of the team who are not participating that particular day may not coach team members who are competing;
- d. Coaches and team members are prohibited from using their electronic devices for any means of coaching;
- e. Reserved.
- f. Reserved.

**7.2. Notice of team demographic information is prohibited.** Team members or other affiliated parties, shall not, before or during the trial, notify the judge of the students' ages, grades, school name or length of time the team has competed.

**7.3. Attendance of an opponent's competition is prohibited.** Members of a school team entered in the competition, including Teacher Coaches, back-up witnesses, attorneys, and others directly associated with the team's preparation, shall not attend or listen to virtual or in-person enactments of any possible future opponent in the competition.

#### **7.4. Use of Electronics.**

- a. Cell phones must be completely silenced during the course of the competition.
- b. Recording. This rule has changed since the first draft. Teams may not record any portion of competition. CRC Salomon will record each competition in the event that judges need to access a match for the purpose of scoring (i.e. if there is a glitch with the scoring software or if both judges lose their internet connection). These recordings will be held for a period of one week and then destroyed.
- c. Team members should turn their microphones and cameras off when they are not actively participating in trial. Judges will be instructed to hide non-video participants.

### **8. GENERAL TRIAL PROCEDURES**

**8.1 Time limits.** Each team must complete its presentation within forty-two (42) minutes.

- a. Each side has a combined total time of forty-two (42) minutes for direct examination, cross examination, re-cross/re-direct and voir dire (if permitted);
- b. Opening statements and closing arguments are five (5) and seven (7) minutes, respectively, and are not included in the forty-two (42) minutes permitted under 8.1a.
- c. The "clock" pause during objections (including any arguments related to those objections), bench conferences, the setting up of demonstrative exhibits prior to the examination of a witness (where such activity is permitted by the presiding judge) and court recesses;
- d. There is no objection permitted by any party based on the expiration of time;
- e. The presiding judge shall have discretion to stop time or add time for technical difficulties in a virtual competition that do not rise to the level of an emergency in Rule 10.

**8.2 Use of a Bailiff and Tech Chair.** Teams are strongly encouraged to employ non-competing Mock Trial team members as bailiff and Tech Chair during each competition. **Once teams reach the quarterfinal competitions, the use of a bailiff is mandatory.** A Tech Chair is suggested so that the sharing of documents is managed by one person throughout the course of the competition, although the bailiff may do both.

- a. Each bailiff will keep time for the opposing team. Bailiffs from the two teams will work together collaboratively to ensure the accuracy of their records. The bailiffs will confer using the private chat feature to determine how much time remains for each team.

- b. Each bailiff shall have two stopwatches, cellphones, or other timing devices. The second timepiece is intended to serve as a backup device.
- c. Each bailiff shall have visual displays (e.g. cards or pieces of paper) of numbers counting down from 42 in 10-minute intervals (for example, 40, 30, 20, 10, etc.). At each of these intervals, the Bailiff may turn on the camera in order to visually display time remaining, or the bailiff may use the chat feature. At the 10-minute mark, the bailiff must turn on the camera to display the remaining intervals of 10, 5, 3, 2, 1 minute intervals. When the number zero is displayed visually, the presiding judge will announce that the team's presentation is concluded. Teams may ask the presiding judge for courtesy time to complete a presentation, but the extension of courtesy time is intended to permit a team to complete a sentence or thought. It should not extend beyond 15 seconds.
- d. In the event that only one team brings a bailiff, that person shall keep time for both sides; it is incumbent upon the coaches to notify opposition if they do not have a bailiff.
- e. The bailiff(s) will also announce the Judge and call the case. Witnesses will be deemed sworn in ahead of competition.
- f. While the use of a bailiff is discretionary during regular season competitions, it is mandated in quarterfinal, semi-final and state competitions.

### **8.3 Student Attorneys.**

- a. Roles. The Student Attorney who directly examines a witness is the only attorney who may raise objections when that same witness is being cross-examined. The student attorney who raises objections on direct examination must be the same attorney who then cross-examines that same witness. This same principle applies if a Student Attorney calls for a bench conference; i.e., it must be the attorney currently addressing the Court. The student attorney who handles the opening statement may not perform the closing argument.
- b. Addressing the Court. In a traditional mock trial, just as if you were in court, the appropriate way to address the court is to stand. In the interest of limiting disruption in the virtual competition process, attorneys shall remain sitting when asking questions or addressing the judge.
- c. Appropriate attire, as if you are appearing in court, is expected of all competing team members.

### **8.4 Evidentiary Materials and Procedure for Introduction of Exhibits.**

- a. All witnesses shall have case materials in their possession, but they may only refer to them when prompted by an examining attorney.
- b. Attorneys will not physically approach their witnesses; instead, they will identify the exhibit they wish to show the witness, and request the Court's permission for the witness to view it.
- c. Attorneys will not be required to confirm they have shown the exhibit to the opposing counsel.
- d. When an exhibit or 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." The member of the team posting the exhibit must be a competing team member (including the Bailiff). It is preferable for teams to separately identify a tech chair who handles evidence and a Bailiff who handles timekeeping, but your Bailiff may handle both if necessary.
- e. Exhibits or other documents posted in this manner will be considered not to have been shown to the jury unless they are admitted into evidence and formally published to the jury. Publication to the jury is at the presiding judge's discretion.

**8.5 Objections.** Opposing counsel (i.e. the attorney for the other side who is listening to the direct examination) should keep their camera on but their microphone muted. In the event that counsel wishes to object, they should quickly unmute themselves in order to object in a timely manner.

**8.6 Bench Conferences.** Bench conferences may be granted, but must be conducted in open court during virtual competition.

**8.7 Location of Students & Competition.** Each team member shall log in using a separate device. No two students may be in the same room together at the same time during competition.

**9. INVENTION OF FACT.** This rule shall govern the testimony of all witnesses. Mock Trial competitors shall advocate as persuasively as possible based on the facts contained in the casebook. Teams must rely on the facts as stated in the case rather than creating new facts or denying existing facts in order to benefit their parties.

**9.1. Judges' scoring.** If a team demonstrates through impeachment that its opponent has made an Improper Invention, judges should reflect that violation in the scores by penalizing the violating team, rewarding the impeaching team, or both.

**9.2. Improper Invention.** There are two types of Improper Invention: 1) Any instance in which a witness introduces testimony that contradicts the witness's affidavit and/or 2) Any instance on direct or redirect in which an attorney offers, via the testimony of a witness, material facts not included in or reasonably inferred from the witness' affidavit.

*Facts are material if they affect the merits of the case. Facts are not material if they serve only to provide background information or develop the character of a witness.*

*A reasonable inference must be a conclusion that a reasonable person would draw from a particular fact or set of facts contained in the affidavit. An answer does not qualify as a "reasonable inference" just because it is consistent with the witness affidavit.*

*For the purposes of Rule 9, an affidavit includes the witness's sworn statement, as well as any document in which the witness has stated his or her beliefs, knowledge, opinions or conclusions.*

**9.3. Trial Remedy for Violations.** If the cross-examining attorney believes the witness has made an Improper Invention, the only available remedy is to impeach the witness using the witness's affidavit. Impeachment may take the form of demonstrating either (1) an inconsistency between the witness's affidavit and trial testimony ("impeachment by contradiction") or (2) that the witness introduced material facts on direct or redirect that are not stated in or reasonably inferred from the witness's affidavit ("impeachment by omission"). The cross-examiner is not permitted to raise an objection to the judge on the basis of "invention of fact."

**10. EMERGENCIES IN VIRTUAL COMPETITIONS.** In the event of technical difficulties during a virtual competition, the presiding judge shall have discretion to declare a brief recess to resolve technical difficulties that are substantially impairing a student's ability to participate in the trial. If the difficulty cannot be resolved within a reasonable but brief amount of time, then the trial should continue with another member of the impacted team. Before making an emergency substitution, the impacted team must make the presiding judge aware by making a statement similar to the following, "Your Honor, before I begin I would like to inform the Court that I am [insert your name] and I am substituting for [insert name], who is unable to continue due to technical difficulties."

The presentation will be scored based on the performance by the initial team member and the emergency substitute, as a whole.