

LAW AND SCIENCE MOCK TRIAL COMPETITION

OFFICIAL RULES

ARTICLE I. GENERAL

A. Purpose. The purpose of the Law and Science Mock Trial Competition (the “Competition”) is to promote the interest in and development of trial advocacy skills by providing a fair and competitive environment for law students across the United States. The Competition is designed to expose students to legal issues relating to the intersection of law and science.

B. Law of the Competition. The Competition shall alternate each year between criminal law and civil law.

C. Language. The language of the Competition at all rounds is English.

ARTICLE II. ADMINISTRATION

A. Host and Place of Competition. The Sandra Day O’Connor College of Law Moot Court Board (the “Board”) will administer and host the Competition annually at Arizona State University.

B. Securing Characters. The Board shall ensure the maintenance of a high academic level of judges for the Competition, and shall properly organize the logistics of each round. Teams shall provide their own witnesses.

C. Deadlines. The Board shall publish a timetable with all the relevant deadlines and dates for the Competition on the designated website of the Competition (the “Website”) no later than September 1st each year.

D. Rules of the Competition. The latest version of these rules shall be maintained on the Website and ready for teams by September 1st each year. All versions and revisions of these rules are copyright protected.

1) Interpretation. Requests for interpretation of these rules must be sent by email to the email provided in the problem. The Board will respond to each inquiry, and all participating teams will receive a copy of the questions and the responses. The Executive Committee shall have sole discretion to interpret these Rules. Its decision, by majority vote, is final.

2) Modification. These rules may be modified at any time, except on the date of the Competition, by a majority vote of the Executive Committee. The Board shall notify all teams of any changes to these rules via email.

ARTICLE III. PARTICIPATION

A. Application. Applications shall open no later than September 1st. Each team applying to enter the Competition must send a completed entry form and requisite non-refundable entry fee to the location indicated on the application by the deadline indicated. Entries received after December 1st will be accepted only with the written consent of the Board. No applications will be accepted after December 30th of each year.

B. Team Licensing. Each team member shall grant the Board permission to take, record, and use photographs, audio or video of the Competition for any purpose whatsoever.

C. Qualifications. The Competition is open to teams composed of students currently enrolled in law schools, law faculties, or law departments in the United States. Each student must be enrolled in at least 1 credit at an ABA-accredited law school at the time of applying and competing.

D. Team Composition. A team must consist of between four (4) and six (6) students attending the same ABA-accredited law school as his/her teammates. We request teams bring (1) additional student.

E. Substitute Teammates. Teams have until January 30th in each Competition year cycle to change the names of their participating teammate. Name changes after January 30th may only be accepted with the written consent of the Board.

F. Number of Teams. The competition shall consist of at least six (6) teams. No school shall enter the Competition with more than two teams in any year. Due to the time-consuming nature of mock trial competitions and limited resources of the Board, available spots are allocated on a first-come first-serve basis, subject to the Board's final approval.

G. Coaches and Assistants.

- 1) **Quantity.** Each team shall have one designated Coach who must be a staff member of the participating institution or an external legal practitioner designated by the team's institution. Each team may have up to two assistants. While the Coach may not be a student, the assistants may be students.
- 2) **Roles.** A Coach and any assistants shall confine themselves to a supporting role, limited to a general discussion of the issues and suggestions as to research sources. Coaches and assistants are encouraged to arrange for trial rounds and video training to prepare their team for the trials, and to attend the Competition.
- 3) **Judges.** Coaches are strongly encouraged to attend. Coaches may be asked to judge rounds of which his/her team is not participating.

ARTICLE IV. COMPETITION STRUCTURE

A. Date and Length. The Competition is a 2-day event and will be held in the Spring of each year. The specific date and time of the Competition will be located on the timetable referenced in Article II, Section C.

B. Team Anonymity. Each team will be randomly assigned a number prior to the beginning of the Competition. This will be the sole method of identifying a team during oral arguments and brief judging. Participants and coaches may not divulge the names of their law school directly or indirectly to the judges, witnesses, or bailiffs.

C. Team Selection. Teams will be randomly selected to compete in the first round. In subsequent rounds, teams will be paired by power ranking to the extent that it is possible. For example, a team that has a record of 1-1 (won one judge and lost one judge) will be paired against another team whose record is 1-1. Team pairings are final and no objection may be made. No teams will compete against the same team more than once.

D. Rounds. There will be three preliminary rounds and one final round. The two teams with the highest records will participate in the final round. In the event there are three or more teams that are tied, the Chair of Hosted Competitions will examine various factors such as the score distribution in each round, the strength of the teams each team competed against, individual team members scores, etc. These factors will be weighed at the sole discretion of the Chair of Hosted Competitions.

E. Awards. Awards will be given to the top three teams. Individual awards will be given for best overall advocate, best closing, best opening, best direct, best cross, and best oralist for the preliminary argument (if applicable). Awards will be given out during closing ceremonies. Awards will also be posted on the Competition's website.

ARTICLE V. PROBLEM

A. Creation and Copyright. Each year, the Chair of Problem Drafting and his/her committee draft the problem for this Competition. The draft goes through significant review for accuracy and problem areas. All problems are copyright protected by the Sandra Day O'Connor College of Law, and may not be used by any entity or person for any purpose other than intended for this Competition without the express written consent of the President of the Board.

B. Clarifications. All teams may submit questions and request clarifications to the problem by the deadline set in the problem. All requests and answers will be shared with all other teams. The Executive Committee reserves the right to only answer those questions or requests for clarification to the problem it deems necessary to understand the problem.

C. Updates. Prior to the start of the Competition, the Executive Committee reserves the right to make changes to the problem. Each team will be provided with the changes before the start of the Competition.

D. Content. The Board will distribute the competition problem. The problem may include pleadings, witness instructions, witness statements, and other information, discovery, and materials that the Board may deem appropriate.

E. Choice of Jurisdiction. The case of the Competition shall be brought to the State Superior Court indicated in the problem materials. Teams should assume there are no jurisdictional issues in the problem.

F. Choice of Law. The choice of law shall be of the State indicated in the problem. Teams should assume there are no choice of law issues in the problem.

G. Rules of Evidence and Procedure. The Federal Rules of Evidence and either the Federal Rules of Civil Procedure or the Federal Rules of Criminal Procedure will apply to the problem.

H. Use of Case Law. All case law will be provided in the problem materials.

I. Use of Evidence. Counsel may use only those exhibits provided in the problem materials. No other evidence or audio/visual aids, other than demonstrative evidence, will be allowed. Teams may enlarge evidence but cannot reduce the size of the evidence smaller than it would be if printed on standard 8.5 x 11 inch paper. Teams may mark on enlarged exhibits only if: (1) any marking can be removed easily, e.g., dry erase markers; (2) the team marking on the exhibit is willing, upon request by the opposing team, to erase any markings made; and (3) the marking team agrees not to offer the marked exhibit for admission into evidence.

J. Evidence Authentication. Unless otherwise indicated in the Problem instructions, all witness statements, depositions, photographs, diagrams, and other material included as part of the problem materials shall be deemed originals and authentic. In addition, all signatures are authentic, and all documents that appear to have been sent to or by a witness are to be considered as having been sent or received by that witness.

ARTICLE VI. TRIAL CONDUCT

A. Participation Requirements.

- 1) **Only Team Members.** Only the students that make up an individual team may participate in that team's trial.
- 2) **Attorneys.** Two members of each team must participate in every round the team argues.
- 3) **Witnesses.** Two to three members from each team who are not participating in a round as attorneys must participate as witnesses. Two witnesses can be played by the same character if a team only has four team members.
- 4) **Open/Closing Statements.** One team member must make an opening statement and the other team member must make the closing argument.
- 5) **Examinations.** Each arguing team member must conduct one direct examination and one cross examination.
- 6) **Objections.** Only the team member conducting a direct examination may make objections to that witness's cross examination, and only the team member who cross-examines a witness may make objections to the witness's direct examination.
- 7) **Waiver.** Team members may not waive any scored portion of the trial.

B. Time Limits.

- 1) **115 minutes per team.** Trials will be divided as follows.

Pre-trial oral argument (if applicable): Five (5) minutes each.

Preliminary matters: Ten (10) minutes each.

Opening argument: Five (5) minutes each.

Prosecution's/Plaintiff's case in chief:

Direct examination: Twenty (20) minutes (divided as teams wish between their witnesses).

Cross examination: Twenty (20) minutes (divided as teams wish between their witnesses).

Defendant's case in chief:

Direct examination: Twenty (20) minutes (divided as teams wish between their witnesses).

Cross examination: Twenty (20) minutes (divided as teams wish between their witnesses).

Closing arguments: Eight (8) minutes each (Prosecution/Plaintiff can allocate up to three (3) minutes of this time for rebuttal).

- 2) **Pretrial meeting.** Teams shall meet thirty (30) minutes before the trial to discuss certain trial conduct. The prosecution/plaintiff shall start first by telling the defendant which witnesses they will be calling. The defendant shall respond with which witnesses they will call. Further, teams shall discuss any demonstratives they will be using in trial and any other pertinent matters. Any disagreement

between the teams shall be directed to the Chair of Hosted Competitions, and any decision made will be final. Violations of a final decision by the Chair of Hosted Competitions or an express agreement between the teams should be directed to the Chair of Hosted Competitions, and appropriate discipline under Article VII provided below will be administered

3) Pretrial motions. Presentation and argument of pretrial motions shall be limited to a total time of 20 minutes divided equally between the parties as follows:

- i) The prosecution/plaintiff shall have five minutes to present any pretrial motions;
- ii) The defense shall have five minutes to respond to the prosecution's/plaintiff's motions;
- iii) The defense shall have five minutes to present any pretrial motions; and,
- iv) The prosecution/plaintiff shall have five minutes to respond to the defense's motions.

3) Other motions. Teams may make motions after the opening statement, e.g., a motion for a judgment as a matter of law, but the total time for all motions may not exceed five minutes. The presiding judge, in his/her sole discretion, may call for a limited response.

4) Time keepers. Teams will be responsible for keeping time. If one team goes over time in any particular section of the trial, an objection by the other team stating "objection, the other team is out of time" is appropriate. The violating team may ask for more time to finish up, but it will be in the judge's discretion to whether to allow it or not. Judges will be advised for fairness that no more than thirty (30) seconds of extra time may be granted. Further, it is in the judge's discretion as to whether he or she will penalize a team's score for violating time.

C. Motions.

1) Pretrial.

- i) A Motion in Limine may be presented, but it must be made orally and not in writing. The presiding judge will be instructed that he/she may rule on any motion(s) or may defer a ruling on the motion(s).
- ii) An oral motion to exclude witnesses or "invoke the rule" may be offered. The presiding judge will rule on the motion, but in no event will any witness or other person be required to actually leave the courtroom.
- iii) The Chair of Hosted Competitions may direct all participating schools to make no pretrial motions because of time considerations. The decision of the Chair of Hosted Competitions is final.

2) During Trial. At the appropriate time during the trial, either party may move for a motion for judgment as a matter of law and may receive a response to the motion; however, the court must summarily deny the motion in all instances.

D. Witness Testimony.

1) Two witnesses. Each team must call two witnesses each round. However, a team may—but are not required to—call a third witness (this witness will not be scored). A witness may be called only by the directing team and may not be recalled by either side. Neither side may call a witness of the other party.

2) Participants as witnesses. In each trial, two to three participants from each team will serve as the witnesses. Teams supply their own witnesses. A participant may not serve as both an attorney and a witness in the same trial.

3) Testimony: reasonable inferences. Witnesses may testify as to reasonable inferences drawn from the case material on non-material facts, such as a witness's background. For example, it is reasonable for a witness playing a police officer to infer that he/she completed a police academy.

4) Only material facts. During the presentation of their cases, team members and their witnesses may use only the facts contained in the problem, and team members are prohibited from enhancing their position by presenting testimony about material facts not contained in the problem. For example, if the record is silent, it is not a reasonable inference for a witness playing a police officer to testify that he/she finished at the top of his/her class at the police academy.

5) Impeachment of witnesses. If during a direct examination a witness testifies to a material fact not contained in the case materials, the witness may be impeached during cross examination through impeachment by omission. A witness must admit that the fact was suggested by counsel or that the witness him/herself made up the material fact, if true.

6) Cross-examination: reasonable inferences. During cross examination, an advocate may question the witness about non-events that are reasonable inferences based on the problem materials. For example, if a police officer witness is testifying and the record is completely silent relating to DNA

samples, it is reasonable to assume the police officer witness did not collect DNA samples from the crime scene. In this example, it is permissible to ask the police officer witness “You never collected any DNA samples, correct?”

7) No inventing facts. An advocate may not invent facts or use outside resources in their questions to enhance the cross examination of a witness. For example, if a police officer witness is testifying and the record is completely silent relating to DNA samples, an advocate shall not reference topics outside of the problem materials such as; the reliability of DNA, the scientific theory of DNA, the process of DNA collection, etc. In this example, it is not permissible to ask the police officer witness, “You’re aware that margin of error for DNA tests can be as high as five percent, correct?”

8) No scope objections. The presiding judge may not entertain the objection that a particular question calls for information “outside the scope of the record.” An answer to a question is not objectionable on the ground that it is outside the scope of the record.

9) Giving materials to witness. A witness may take any materials provided in the problem to the witness stand. In addition, a witness may highlight or underline the materials permitted to be taken to the witness stand.

E. Objections.

1) Brief and legal. Objections must be brief, limited to the legal basis, and applied to the specific facts at issue.

2) Objections toll time. Time consumed by objections is not charged against either team; however, the presiding judge, in the judge’s sole discretion, may order time charged against any team that makes excessive objections or uses excessive time to argue or respond to objections.

F. Other Trial Information.

1) Present to a jury. All trials will be conducted as if a jury were present, but there will be no juries present at the mock trials. The presiding judge will make no ruling that precludes the trial from being presented to conclusion.

2) Judges. Each panel shall consist of two scoring judges. One judge will be designated as the presiding judge, which will be made clear in each round by the judges.

3) Approaching the bench. The presiding judge may or may not direct counsel to approach the bench or seek leave of Court before introducing evidence.

4) Sit or stand. When questioning a witness, team members may either sit or stand. However, no comment should be given as to why one method or the other was chosen.

5) Chalkboard/easel. To the extent that a chalkboard or easel is available in the courtroom, these aids may be used. Any writing on such aids may be done only by witness or team members during the trial.

6) Handwritten materials. Handwritten summaries or charts to be used during a closing argument may not be prepared until after both sides have rested and the evidence is closed. However, materials created while examining a witness during a trial may be used during the closing argument of that same trial.

7) Charges. A written charge will be provided to each team. No objection to the jury charge will be considered, and no additional jury instructions will be received from the parties.

8) Prosecution rebuttal. Prosecution’s/plaintiff’s closing rebuttal is limited to the scope of Defendant’s closing.

9) Scoring. Each team will be evaluated by the scoring judges on a 100 point scale. Note that if a third witness is called, this witness will not be scored.

10) Advice during rounds. No team may receive advice or assistance from any faculty advisor, supervisor, personnel, alternate team member, or observers between the time a round commences (this includes witness preparation) and concludes. Faculty advisors, supervisor personnel, alternate team members, and observers may not talk to, signal, communicate with, or otherwise coach their teams during the trials.

ARTICLE VII. COMPETITOR DISPUTES

A. Professional Conduct. The conduct of all participants in the competition, including team members and coaches, shall be governed by the standards set out in the most recent version of the ABA-Model Rules of Professional Conduct. One team competing in the competition may be awarded with a professionalism award.

B. Grounds for disqualification. The Chair of Hosted Competitions shall have discretion to disqualify a team if any member of a team engages in the following conduct: cheating, intimidation, or other unfair behavior. Before a team is disqualified, that team shall have a fair chance to be heard. The spirit of the competition and gravity of the offense will be considered in determining whether a team will be disqualified.