

State of Hawaii
Rules of the Mock Trial Competition

Table of Contents

A. ADMINISTRATION	1
Rule 1.1 Rules.....	1
Rule 1.2 Code of Conduct.....	1
Rule 1.3 Emergencies	1
Rule 1.3A Emergencies – Virtual Competitions.....	1
Rule 1.4 Competition Schedule	3
Rule 1.5 Mandatory Coaches’ Orientation	3
Rule 1.6 Reimbursements	3
Rule 1.7 Relationship to Other Laws; Accommodation of Disability.....	3
B. THE PROBLEM	3
Rule 2.1 The Problem	3
Rule 2.2 Witnesses Bound by Statements	4
Rule 2.3 Unfair Extrapolation.....	4
Rule 2.4 Gender of Witnesses.....	5
Rule 2.5 Voir Dire	5
C. TEAMS	5
Rule 3.1 Team Eligibility.....	5
Rule 3.2 Team Composition	5
Rule 3.3 Team Presentation.....	6
Rule 3.4 Team Duties	6
Rule 3.5 Team Roster Form.....	6
Rule 3.6 Clerk/Bailiff Duties	7
D. THE TRIAL	7
Rule 4.1 Courtroom Setting.....	7
Rule 4.2 Stipulations.....	8
Rule 4.3 Reading Into The Record Not Permitted.....	8
Rule 4.4 Swearing of Witnesses	8
Rule 4.5 Trial Sequence and Time Limits	8
Rule 4.6 Timekeeping.....	9

Rule 4.7	Time Extensions and Scoring.....	9
Rule 4.8	Motions Prohibited.....	9
Rule 4.9	Sequestration.....	9
Rule 4.10	Bench Conferences.....	9
Rule 4.11	Supplemental Material/Costuming.....	9
Rule 4.12	Trial Communication	10
Rule 4.13	Viewing a Trial.....	11
Rule 4.14	Videotaping/Photography.....	11
Rule 4.15	Bench Trial.....	12
Rule 4.16	Standing During Trial.....	12
Rule 4.16A	Standing During Trial-ADA Compliance.....	12
Rule 4.17	Objections During Opening Statement/Closing Statement.....	12
Rule 4.18	Objections.....	12
Rule 4.18.A	Filibustering or Deliberate Time Wasting.....	13
Rule 4.19	Electronic Devices.....	13
Rule 4.20A	Procedure for Introduction of Exhibits.....	13
Rule 4.20.B	Procedure for Introduction of Exhibits – Special Rules for a Virtual Competition	14
Rule 4.21	Use of Notes.....	15
Rule 4.22	Redirect/Recross.....	15
Rule 4.23	Scope of Closing Arguments.....	15
Rule 4.24	Offers of Proof	15
E.	JUDGING AND TEAM ADVANCEMENT.....	16
Rule 5.1	Finality of Decisions	16
Rule 5.2	Semi-Final Advancement.....	16
Rule 5.3.A	Odd Number of Teams Participating in a Round	17
Rule 5.3.B	Withdrawals and Forfeiture of Teams During Preliminary Rounds.....	17
Rule 5.4	Ranking (for the purpose of Advancement).....	17
Rule 6.0	Safety.....	18
Rule 7.0	Violations/Penalties.....	18
Rule 8.0	Conflict Resolution	19
Rule 8.1	Reporting a Rules Violation During Trial.....	19
Rule 8.2	Reporting a Rules Violation Outside of Trial	19

Rule 9.0 Confidentiality..... 20
Rule 9.1 After The Competition 20
Rule 9.2 Questions..... 20

A. ADMINISTRATION

Rule 1.1 Rules

All trials will be governed by the Rules of the Competition and the Rules of Evidence. Questions or interpretations of these rules are within the discretion of the State Coordinator, whose decision is final. State Coordinator, as used herein, refers to one or more persons on the Mock Trial Committee who may include board members of the Young Lawyers Division of Hawaii State Bar Association (“HSBA”), staff members of HSBA and other designated persons.

School administrators, coaches and students are responsible for reading and understanding the rules of the competition before entering the tournament. Failure to abide by or follow any of the rules detailed herein may result in a team member or a team’s disqualification and/or suspension from the competition. Further actions may include barring a school’s participation in the competitions for a period of time to be determined by the State Coordinator depending on the severity of the misconduct.

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 State Coordinator, or the Coordinator’s representative, possesses discretion to impose sanctions, up to and including forfeiture or disqualification, for any misconduct, occurring while a team is participating in the Mock Trial Competition, for flagrant rule violations, and 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. In these rules, all references to “participating” include any activity as a part of the Mock Trial Competition in person or virtually.

Rule 1.3 Emergencies

During a trial, the judge shall have discretion to declare an emergency and adjourn the trial for a short period of time to address the emergency. In the event of an emergency that would cause a team to be unable to continue a trial or to participate, the team must notify the State Coordinator as soon as is reasonably practicable. If the State Coordinator, or its designee, in its sole discretion, agrees that an emergency exists, the State Coordinator, or its designee, 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. A forfeiting team will receive a loss.

Rule 1.3A Emergencies – Virtual Competitions

In the event of technical difficulties during the trial in a virtual competition, the presiding judge shall have discretion to declare a brief recess to resolve any technical difficulty substantially impairing a participant’s participation in the trial. If the technical difficulty cannot be resolved

within a reasonable, but brief, amount of time, then the trial will continue with another member of the impacted team substituting for the impacted team member. The emergency substitute must be a member of the same team as the impacted participant.

Before making an emergency substitution, the impacted team must make the presiding judge aware, by stating words to the effect of, “Your honor, before I begin I would like to inform the court that I am [insert name] and I am substituting for [insert name], who is unable to compete due to technical difficulties.” Teams shall advise the State Coordinator, or its designee, of any emergency substitution following the round of competition.

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

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

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

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

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

Rule 1.4 Competition Schedule

The State Coordinator has the sole responsibility and authority for determining the competition schedule. The competition schedule will be determined randomly and impartially. Schools may not request changes to the schedule once the schedule has been determined, unless there is sufficient cause that will warrant a change in the schedule. The State Coordinator will review any objections to the schedule and will make determinations on a case-by-case basis.

Rule 1.5 Mandatory Coaches' Orientation

A mandatory meeting of all coaches will be scheduled (at a date to be determined by the State Coordinator) to brief all participants of the rules and regulations of the mock trial tournament, judging, security issues, and any other items that need to be addressed for the competition. Neighbor island coaches will be permitted to participate by telephone. Oahu coaches may participate by telephone under limited circumstances, with approval from the State Coordinator.

Rule 1.6 Reimbursements

While there is no formal limit to the number of students who can be part of the Mock Trial team, the State Coordinator has the discretion of limiting travel reimbursements for teams traveling to either the state championships or national competitions. Reimbursements will be limited to covering ten (10) students and two (2) coaches. Schools are responsible for covering all other expenses for any additional team members and/or coaches that will be accompanying the team to the state championships and/or national competitions.

Rule 1.7 Relationship to Other Laws; Accommodation of Disability

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

B. THE PROBLEM

Rule 2.1 The Problem

The problem will be a civil or criminal fact pattern which may contain any or all of the following: statement of facts, pleadings, indictment, stipulations, witness statements/affidavits,

jury charges, orders/rulings, exhibits, etc. Stipulations may not be disputed at trial. Witness statements may not be altered.

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

Rule 2.2 Witnesses Bound by Statements

Each witness is bound by the facts contained in his/her own witness statement, the Statement of Facts and/or any necessary documentation relevant to his/her testimony. Fair extrapolations may be allowed, provided reasonable inference may be made from the witness' statement. If, in direct examination, an attorney asks a question which calls for extrapolated information pivotal to the facts at issue, the information is subject to objection under Rule 2.3, "unfair extrapolation."

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

Rule 2.3 Unfair Extrapolation

A fair extrapolation is one that is neutral. Unfair extrapolations are best attacked through impeachment and closing arguments and are to be dealt with in the course of the trial.

If a witness is asked information not contained in the witness' statement, the answer must be consistent with the statement and may not materially affect the witness' testimony or any substantive issue of the case.

Attorneys for the opposing team may refer to Rule 2.3 in a special objection, such as "unfair extrapolation" or "This information is beyond the scope of the statement of facts." Possible rulings by a judge include:

- a. No extrapolation has occurred;
- b. An unfair extrapolation has occurred;
- c. The extrapolation was fair; or
- d. Ruling is taken under advisement.

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

When an attorney objects to an extrapolation, the judge will rule in open court to clarify the course of further proceedings.

Rule 2.4 Gender of Witnesses

All witnesses are gender neutral. Personal pronoun changes in witness statements indicating gender of the characters may be made. Any student may portray the role of any witness of either gender.

Rule 2.5 Voir Dire

Voir Dire examination of a witness is not permitted.

C. TEAMS

Rule 3.1 Team Eligibility

1. Teams competing in the Hawaii High School Mock Trial Championship must be comprised of students who are high school students, grades 9-12, and enrolled at the high school entering the team.

- a. Exception: A student who attends a school that is not participating in the Mock Trial program may join a team from another school that is either: 1) closest to the student's current school; or 2) closest to the student's residence. This shall be determined and approved by the State Coordinator.

2. A school may field more than one team. It is at the discretion of the school to determine if they will enter more than one team. Teams must provide a complete team roster (LIST) of all members of that team by the first round of competition. Once the season has started a student cannot switch teams for any reason. There is no limit to the number of students who practice as alternates.

Rule 3.2 Team Composition

Team rosters will be provided on the first day of competition.

Once the overall roster is set the teams cannot switch from team A to B or vice versa.

The overall team roster does not have a maximum limit.

Any requests to change the rosters after the first day of competition must be made in writing to the State Coordinator.

Example. Team A has 30 students on their roster and 14 on Team B. Both teams will submit their entire rosters on the first day of competition. Team A has to have 7-12 out of their 30

students ready at any competition. Any other students showing up at a competition will not be competing that day and might not be able to access the court if the facilities are overcrowded.

If Team B loses 8 students, they cannot have any students transfer from Team A or add from the general student body. They can make a request for an exception but there is no guarantee that it will be granted.

There is no upper limit to teams however, once a student has competed on an A team, they cannot then play for the B team for the rest of the season. For purposes of security we are asking that schools only bring a reasonable amount of students and family to competitions. We want to ensure that security can manage.

Rule 3.3 Team Presentation

Teams must be prepared to present both the Prosecution/Plaintiff and Defense/Defendant sides of the case. The starting time of any trial will not be delayed for longer than 15 minutes. Incomplete teams will have to begin without absent members. A complete team has at least 3 witnesses, 1 attorney and a clerk/bailiff. Teams without a sufficient number of participants may forfeit their round. Where practicable, the same team member may portray both a witness role and attorney role during the course of the trial competition.

A student may also portray the role of the clerk/bailiff and a witness, so long as one role is portrayed during the Prosecution/Plaintiff's case in chief, and the other role is portrayed in the Defense/Defendant's case in chief. A clerk/bailiff may not leave their position as a clerk/bailiff during the middle of their case in chief to become a witness.

Rule 3.4 Team Duties

Opening Statements must be given by both sides at the beginning of the trial. The attorney who examines a particular witness on direct examination is the only person who may make the objections to the opposing attorney's questions of that witness' cross-examination, and the attorney who cross-examines a witness will be the only one permitted to make objections during the direct examination of that witness.

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

Rule 3.5 Team Roster Form

Copies of the Team Roster Form must be **legibly** completed and duplicated by each team prior to arrival at the courtroom for each round of competition for an in-person competition. For a virtual competition, teams must submit Team Roster Forms in accordance with the protocol established and announced for the competition. No information identifying team origin should

appear on the form. Before beginning a trial, the teams must exchange copies of the Team Roster Form. The Form should identify the gender of each witness so that references to such parties will be made in the proper gender. Copies of the Team Roster Form should also be made available to the judge before each round.

Rule 3.6 Clerk/Bailiff Duties

1. The Prosecution/Plaintiff's team will furnish the clerk. The Defense/Defendant's team will furnish a bailiff.
2. The clerk and bailiff shall be seated next to each other during the match.
3. The clerk will time the various segments of the defense/defendant team's presentation. The bailiff will time the various segments of the Prosecution/Plaintiff team's presentation.
4. The Bailiff will call the court to order and announce recesses. The Bailiff will announce to everyone, "All Rise, the [First/Second/Third/Fifth] Court of the State of Hawaii is now in session. The Honorable Judge _____ presiding. Calling _____ v. _____, Case No. _____." When the judge calls for a break, the Bailiff will announce to everyone "All Rise, the Court is now in recess."
5. Bailiffs/Clerks may assist the judge in scoring the competition. The Bailiffs and Clerks are encouraged to bring a calculator.
6. The Clerk will swear in every witness. (See Rule 4.4).
7. If elapsed time flip cards are used, the respective clerk/bailiff will be responsible for showing the elapsed time.
8. When the allotted time has expired, the timekeeper will stand and say, "TIME."

D. THE TRIAL

Rule 4.1 Courtroom Setting

For an in-person competition, no team shall rearrange the courtroom without prior permission from the judge. If furniture and/or chairs need to be moved, it is the responsibility of participating school teams to return furniture and/or chairs in their original positions and locations. Please find the State Coordinator if furniture is going to be moved from other rooms.

All students, parents, friends and coaches are expected to be quiet when going from the jury pool room to the courtrooms. People are still working, and we need to be respectful. Points may be deducted from the overall score from that particular night for noisy individuals.

If the State Coordinator receives a complaint from the court/judge for uncleanness after a mock trial competition, a loss may be entered for both teams that were competing in that particular courtroom. It is a privilege to be able to use the courtrooms-we need to keep make sure that the courtrooms are clean when we leave. No exceptions.

For a virtual competition, each participant will log into the virtual platform from a normal personal computer, tablet, cellular phone, or similar device, unless permission is granted by the State Coordinator or its designee to do otherwise. Each participant shall use a screen name formatted according to the protocol established and announced for the competition. Once the trial begins, only participants who are competing in a particular trial segment will have their camera turned on. All team members who are not actively participating in that trial segment must have their cameras turned off. For purposes of this rule, the witness, direct-examining attorney and cross-examining attorney must have their cameras turned on for the entire witness examination.

Rule 4.2 Stipulations

Stipulations shall be considered part of the record and already admitted into evidence.

Rule 4.3 Reading Into The Record Not Permitted

Stipulations, the indictment, or the Charge to the Jury will not be read into the record.

Rule 4.4 Swearing of Witnesses

The following oath may be used before questioning begins:

“Do you promise that the testimony you are about to give will faithfully and truthfully conform to the fact and rules of the mock trial competition?”

For virtual competitions, all witnesses will be deemed to be sworn.

Rule 4.5 Trial Sequence and Time Limits

The trial sequence and time limits are as follows:

1. Opening Statement (6 minutes per side)
2. Direct and Redirect (optional) Examination (18 minutes total per side for all witnesses)
3. Cross and Re-cross (optional) Examination (18 minutes total per side for all witnesses)
4. Closing Argument (9 minutes per side)

The Prosecution/Plaintiff gives the opening statement first. The Prosecution/Plaintiff gives the closing argument first; the Prosecution/Plaintiff may reserve a portion of its closing time for a rebuttal. The Prosecution/Plaintiff's rebuttal is limited to the scope of the Defense/Defendant's closing argument. Attorneys are not required to use the entire time allotted to each part of the trial. Time remaining in one part of the trial may not be transferred to another part of the trial.

Rule 4.6 Timekeeping

Time limits are mandatory and will be enforced.

Time for objections, extensive questioning from the judge, or administering the oath will not be counted as part of the allotted time during examination of witnesses and opening and closing statements.

During a virtual competition, after each witness, timekeepers shall confer using the “chat” or similar feature regarding how much time remains for each team.

Rule 4.7 Time Extensions and Scoring

The judge has the sole discretion to grant time extensions. If time has expired and an attorney continues without permission from the Court, the judge may determine whether or not to discount points in a category because of over-runs in time.

Score sheets will show both teams scores. Bailiffs and Clerks shall help the judges calculate the scores if requested by the judge. Bringing calculators is encouraged. Score sheets will be handed out to the teams that participate, they can distribute further if they so decide.

Rule 4.8 Motions Prohibited

No motions may be made. There are no pre-trial motions. The only exception is that a party can make a motion to move an exhibit into evidence.

Rule 4.9 Sequestration

Teams may not invoke the rule of sequestration.

Rule 4.10 Bench Conferences

Bench conferences are not permitted in either in-person or virtual competitions. Objections are deemed to have occurred at sidebar.

Rule 4.11 Supplemental Material/Costuming

Teams may refer only to materials included in the trial packet. No illustrative aids of any kind may be used, unless provided in the case packet. No enlargements of the case materials will be permitted. No charts, easels, billboards, mock-ups, videos, multimedia presentations (i.e. Powerpoint) or other visual aids will be admitted. 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. Competing students may affect an accent that is not their own.

The only documents which the teams may present to the judge are the individual exhibits as they are introduced into evidence and the team roster forms. Exhibit notebooks are not to be provided to the judge.

In a virtual competition, students may be directed to display screen names according to a protocol established and announced for a virtual competition. Such display is not a violation of this rule.

Rule 4.12 Trial Communication

Throughout the course of trial, coaches, teachers, alternates and observers shall not talk to, signal, communicate with, or coach their teams regarding any aspect of the mock trial competition, including, but not limited to, communications regarding the facts and law of the case, mock trial rules, rules of evidence, opening statements, closing arguments, direct and redirect examinations, cross examinations, timekeeping, scorekeeping, the participants' performances, judging, etc.

This rule remains in force from the commencement of the opening statement until the completion of closing arguments, including recesses, emergency recess and any other periods between opening statement and closing arguments. Participating team members may, among themselves, communicate during trial; however, no disruptive communication is allowed and no participant may communicate with a witness while that witness is testifying other than through the course of that witness's questioning. Signaling of time by the teams' timekeepers shall not be considered a violation of this rule.

Team members may not communicate to their coaches if they believe a violation of the Rules has occurred. In the case of a rules violation see Rules 8-8.2.

In the case of a health or safety issue the team may communicate with their coach provided that the coach then notifies the coordinator or a volunteer regarding the issue.

Coaches, teachers, alternates and observers must remain outside the bar in the spectator section of the courtroom, unless the person has prior permission from the Coordinator. Only team members participating in this round may sit inside the bar and communicate with each other.

During a virtual competition, no team member, coach, or judge nor students may use the "chat," "instant message," or "chatroom" function of the electronic platform, except to: (1) display timekeeping messages, as permitted by Rule 1.4, and (2) to communicate in the case of a technical emergency where audio and video functions are lost but access to the chat or instant

messaging function is intact. Observers are not permitted to use the chat or instant messaging functions at any time.

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

School teams in violation of this rule may result in the immediate forfeit and/or suspension from the competition.

Rule 4.13 Viewing a Trial

The viewing of a trial is limited to those teams competing, their respective coaches, parents and friends. The entry by a competing team member, their respective coaches, parents and/or friends into a courtroom other than the courtroom that the competing team member is competing in to view other competitions is strictly prohibited. Each team will be apportioned the half of the courtroom behind their side. No standing spectators unless it's for a medical reason and they are not blocking access to the court. Seating priority is given to participants, their family, and friends. If there is a seating issue, please find the State Coordinator. Disruptive entry and exiting of the courtroom can result in eviction from the courtroom for the remainder of the match. Any violation of this rule may render a team subject to discipline at the discretion of the State Coordinator.

The teams competing, their respective coaches, parents and friends **shall not** wear any clothing with school logos on it. Students, please communicate this to your parents/friends who may be attending. If a person viewing the trial is wearing clothing with a logo, that person may be asked to leave the trial.

Rule 4.14 Videotaping/Photography

Video recording (whether by video recorder, camera phone or other device) of any tournament competition for the sole purpose of reviewing and evaluating one's own team performance will be permitted with prior permission from the opposing team's coach or faculty member.

Prior to the beginning of competition beginning in January, each school's teams must designate whether their school will allow videotaping or photography on their registration form. This will remain in effect throughout the competition, including at the State Finals. If a school elects to allow videotaping and photographing, each student must sign a waiver and the waivers for the team must be submitted to the State Coordinator at the first week of competition.

Video recording of any kind for scouting purposes (recording of teams other than the one in which the person recording is affiliated with) is expressly forbidden. Any violation of this rule

will result in the immediate forfeit of at least one game and may be subject to suspension for the entire competition and/or be banned from competing the future competitions.

No team may post, share with another competing team, or otherwise disseminate any recording of any competition round without permission of the State Coordinator. Each team shall inform any family member or other observer of this rule. Violations of this rule, even by an individual who is not a team member, may result in sanction of the team affiliated with the individual who recorded and/or posted, shared, or otherwise disseminated the recording up to and including disqualification from the competition.

Media coverage may be allowed at the discretion of the State Coordinator. Media Representatives shall wear identification badges.

Rule 4.15 Bench Trial

Trials will be judged by the presiding judge, decisions made by the judge are final.

Rule 4.16 Standing During Trial

For in-person trials, student attorneys will stand while giving opening statements and closing arguments, during direct and cross examinations, and for all objections, unless excused by the presiding judge. For virtual trials, student attorneys may elect to stand or remain seated for all parts of the trial, except that all objections shall be made while seated.

Rule 4.16A Standing During Trial-ADA Compliance

Accommodations will be made where needed and will not have any effect on the outcome.

Rule 4.17 Objections During Opening Statement/Closing Statement

No objections may be raised during opening statements or during closing statements. If a team believes an objection would have been warranted during the opposing teams' opening statement or closing argument, the opposing attorney for that segment may, following the opening statement or closing argument, stand to be recognized by the judge and may say, "If I had been permitted to object during closing arguments, I would have objected to the opposing team's statement that ____." The judge will not rule on this "objection."

The Judge will weigh the "objection" individually. No rebuttal by opposing team will be heard.

Rule 4.18 Objections

1. **Argumentative Questions:** an attorney shall not ask argumentative questions.

2. **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.
3. **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”).
4. **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 his case.”)
5. **Non-Responsive Answer:** A witness’ answer is objectionable if it fails to respond to the question asked.
6. **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 which are available under the National Competition Rules of Evidence and the Rules of the Mock Trial Competition.

Rule 4.18.A Filibustering or Deliberate Time Wasting

Although a witness may be permitted to give a brief, responsive answer other than a simple “yes” or “no” to questions on cross-examination, consistent with common trial practice, no witness may provide non-responsive or narrative answers on cross examination in order to consume the other team’s cross-examination time. The presiding judge is encouraged to control any effort at marginally-responsive, narrative “filibustering” or “deliberate time wasting.”

Rule 4.19 Electronic Devices

The use of electronic devices that can transmit or receive information are not permitted during rounds, except during a scheduled break for the purpose of contacting rides regarding pick up time. Use of such an electronic device in any other manner during a round shall result in forfeiting that round.

In the event of a virtual competition, this Rule will be suspended in order to allow for the competition to be conducted.

Rule 4.20A Procedure for Introduction of Exhibits

The following is an advisory procedure to introduce evidence:

1. All evidence will be pre-marked as exhibits.
2. Ask the judge for permission to approach the bench. Show the judge the marked exhibit.

“Your honor, may I approach the bench to show you what has been marked as Exhibit No. ___?”

3. Show the exhibit to opposing counsel.
4. Ask for permission to approach the witness. Give the exhibit to the witness.
5. “I now hand you what has been marked as Exhibit Letter/No. ___ for identification.”
6. Ask the witness to identify the exhibit. “would you identify it please?”
7. Witness answers with identification only.
8. Offer the exhibit into evidence. “Your Honor, we offer Exhibit Letter/No. ___ into evidence at this time. The authenticity of this exhibit has been stipulated.”
9. Court: “Is there an objection?” (if opposing counsel believes a proper foundation has not been laid, the attorney should be prepared to object at this time.)
10. Opposing Counsel: “No, your Honor”, or “Yes, your Honor.” If a response is “yes”, the objection will be stated on the record. Court: “Is there any response to the objection?”
11. Court: “Exhibit Letter/No. ___ is/is not admitted.”

Rule 4.20.B Procedure for Introduction of Exhibits – Special Rules for a Virtual Competition

During a virtual competition, the procedure in Rule 4.20.A shall be followed, except that:

1. All witnesses shall have all case materials available and in their possession during their testimony but may only refer to them when prompted by an examining attorney.
2. Attorneys will not physically approach witnesses. Instead, attorneys will identify the exhibit they wish to show the witness and request the Court’s permission for the witness to view it.
3. Attorneys will not be required to confirm that they have shown the exhibit to opposing counsel.
4. Instead of the language in Step 4, above, the attorney will say words to the effect of “I now show you what has been marked for identification as Exhibit No. _____. Would you identify it please?” Witness should answer to identify only.
5. When an exhibit – or, during impeachment or refreshment of recollection, some other document – is shown to a witness, a member of the examining attorney’s team shall make that document available to all participants via “screen sharing” or similar technology. The member of the team responsible for posting the exhibit must be a team member competing in the round or the timekeeper for the round.
6. Exhibits or other documents posted in this manner will be deemed not to have been shown to the jury unless they are admitted into evidence and formally published to the jury. Publication to the jury is at the presiding judge’s discretion.
7. Teams may use technology to mark exhibits electronically only to the extent that marking physical exhibits would have been permitted by Rule 4.25. Any marked electronic exhibits may only be used as provided in Rule 4.25.

Rule 4.21 Use of Notes

Attorneys may use notes in presenting their cases. Witnesses are not permitted to use notes while testifying during the trial. Attorneys may consult with each other at counsel table verbally or through the use of notes. The use of laptops or other electronic devices is prohibited, except during a virtual competition.

Rule 4.22 Redirect/Recross

Redirect and Recross examinations are permitted within the allotted time, provided they conform to the restrictions in Rule 611(d) in the Rules of Evidence.

Rule 4.23 Scope of Closing Arguments

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

Rule 4.24 Offers of Proof

No offers of proof may be requested or tendered.

Rule 4.25 Marking Documents at Trial

No trial exhibits may be modified prior to the trial exhibit being admitted. Once a trial exhibit has been admitted, attorneys and witnesses may in real time, highlight, underline, zoom in, or otherwise mark (e.g., circling, drawing an arrow, or making another, similar mark) the admitted exhibits during direct or cross examination, either physically or electronically. No other alterations, animations, or enhancements to the trial exhibits are allowed.

A team may also mark other documents in the case materials during trial, such as by real time highlighting, underlining, zooming in, or otherwise marking a pleading or witness statement. If a team wishes to mark a trial exhibit entered but not marked by the opposing team, it must substitute its own clean copy of that trial exhibit for this purpose before any markings are made.

Rule 4.26 Sharing Documents with Scoring Panel; Using Documents During Argument

Unless otherwise provided in the Case Materials, the only documents which the teams may provide to the presiding judge or scoring panel are the individual trial exhibits as they are introduced into evidence, the Roster Forms, and the Stipulations. Exhibit notebooks are not to be provided to the presiding judge or scoring panel.

If a trial exhibit is marked during an examination for demonstrative purposes, the marked exhibit may be used as a demonstrative exhibit during the trial and during closing arguments but may not be entered into evidence as a trial exhibit. Other documents, such as witness statements or

pleadings, whether marked under Rule 4.25 or not, may not be entered into evidence, used as demonstratives during closing argument, or otherwise shown to the scoring panel.

During closing argument, teams may show the presiding judge any document introduced as evidence and may use as demonstrative any trial exhibit marked under Rule 4.25, and jury instructions.

4.27 Reference to Witness Gender and Physical Traits

A witness is prohibited from making reference to the witness's own physical traits or gender, or reference to the other witnesses' physical traits or gender, where such information is not included in any witness statement. (For example, a witness cannot call attention to size to show inability to complete some physical act included in the case materials or state that the witness was treated differently because of the witness's gender.) An attorney is likewise prohibited from making argument pointing out physical traits of witness not otherwise included in the case materials. Such references are unfair extrapolations. (See Rule 2.3.) Teams are not prohibited, however, from raising issues about general or common human traits and abilities relevant to the case.

The team member playing the witness is allowed to act as though the team member has 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 team member 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 the team member to show the condition to the presiding judge.

E. JUDGING AND TEAM ADVANCEMENT

Rule 5.1 Finality of Decisions

All decisions of the judge are FINAL.

Rule 5.1.A Conflicts

The State Coordinator will take reasonable steps to avoid any conflict between judges, teams, coaches, coordinators, and/or sponsors of teams. In all such cases, however, the State Coordinator or its designee reserves the right to permit a judge to participate in a trial if there are no reasonable alternatives.

Rule 5.2 Semi-Final Advancement

In the event that one or more of the teams qualifying for the semi-finals is unable to compete:

The next highest ranked team will be asked to stand in for the qualifying team. If a tie exists and time permits, a runoff match is preferred. The decision as to whether or not time permits will be made by the State Coordinator. If the State Coordinator decides that there is not enough time for a runoff, a coin flip will determine the semi-finalist.

Rule 5.3.A Odd Number of Teams Participating in a Round

A “bye” becomes necessary when an odd number of teams are participating in any given preliminary round of the tournament. In the event of a circumstance resulting in an odd number of competing teams, the following procedure will apply. The team drawing the “bye” (no opponent for a single trial round) will not receive a win or a loss.

Rule 5.3.B Withdrawals and Forfeiture of Teams During Preliminary Rounds

If a team withdraws from the competition, or forfeits an individual competition, after the preliminary rounds have been scheduled and posted on the HSBA website, the teams scheduled to compete against the withdrawing team will receive a win, unless there are an odd number of teams competing; the team with a bye will fill the slot of the team that withdrew from the competition.

Rule 5.4 Ranking (for the purpose of Advancement)

Each team will be ranked and the top four teams will advance to the Semi-Finals. The determination of ranking place will be made through the process outlined below:

In the event there are an odd number of teams participating, and there are byes in the schedule, the loss record will be the basis of determining whether a team proceeds to the next level. For example, if a team has a bye, and goes 3-1, and another team is 4-1, this will be considered a tie. However, if a team goes 3-1 with a bye, and another two teams are 5-0, the team with the loss will not proceed. The State Coordinators also have the discretion to determine who participates in a playoff, if needed.

1. Win/Loss Record-Compare the win/loss records of the two teams;
 - a. Play-off match-should there be a tie and time allowed for a play-off match, to the discretion of the State Coordinator, the teams would play against each other in a tie-breaker match.
 - b. A coin toss or flipping cards will be used to determine which role each team will play.
2. Should time NOT allow for a play-off match, per the discretion of the State Coordinator, the teams would be ranked with the following procedure:
 - a. First-hand match-up-If the two teams have met in competition, the outcome of the match;

- b. Coin Toss/Flipping cards-if the teams have not met in competition and a determination cannot be made under 2(b), the State Coordinator shall flip a coin or draw cards depending on how many teams are tied to determine the team that will advance to the next round.

Rule 6.0 Safety

1. The Young Lawyers Division will not tolerate any misbehavior, threats of violence, verbal abuse or misconduct by any team, participant, coach, school administrator, parent or anyone associated with the teams or the Mock Trial Program during the course of the Mock Trial tournament. Any person found in violation of any of the rules stated herein may be immediately suspended from the competition and/or prohibited from observing the competition at the sole discretion of the State Coordinator. In addition, the State Coordinator will have the sole discretion to suspend an entire team from the competition and/or prohibit the team from observing the competition regardless of their current standing in the competition if one or more of the team members, coaches, school administrator, parent or anyone associated with the teams are found in violation of any of the rules stated herein. The school may relinquish and forfeit any wins they have earned up to that point and an automatic win will be given to all teams that the school was set to compete against the school.
2. Any improper physical contact and/or communication (both verbal and non verbal) with an opposing team member, coach, teacher or school representative during competition is expressly prohibited. Team members may not inappropriately approach, gesture or talk with opposing team members throughout the course of the competition. The State Coordinator will have the sole discretion to impose the appropriate sanctions as stated in this Rule.
3. Any threats of violence (whether intentional or unintentional) which include the use of profanity, “stare downs,” hand gestures, mocking gestures, verbal threats, use of intimidation and invasions of personal space will not be tolerated. The State Coordinator will have the sole discretion to impose the appropriate sanctions as stated in this Rule.
4. School coaches, advisors and teachers are responsible for ensuring that the participating students are aware and familiar with the rules of conduct noted here. Any person who is concerned about any possible safety issue need to immediately stop the competition and alert the court bailiff, presiding judge or the State Coordinator.

Rule 7.0 Violations/Penalties

1. School teams found in violation of any of the guidelines and rules contained herein may result in the immediate suspension of the school team from competition regardless of their current standing in the competition. The violating school may be required to relinquish and forfeit any wins they have earned up to that point and an automatic win may be awarded to all teams that the school was set to compete against.

2. Depending on the scope of the misconduct or violation, a school may be barred from participating in future competitions for a set time.

Rule 8.0 Conflict Resolution

School administrators must take an active part in any and all issues relating to the conduct and behavior of their Mock Trial team. School administrators need to work with the coaches to determine any issues that may prevent their team from conducting themselves in a professional manner.

Rule 8.1 Reporting a Rules Violation During Trial

If, during the trial, any team has reason to believe that a violation of the Rules has occurred, the alleged violation shall be presented immediately to the Presiding Judge through one of the team attorneys by objection or to the State Coordinator. The presiding judge may rule on the matter or take the matter under advisement, and the trial shall continue. While judges will not announce it, they may at their discretion deduct up to ten (10) points from their Score Sheet for a rules violation.

Complaints/Grievances in regard to a judge's rulings, points awarded, or who won the trial will not be entertained.

Rule 8.2 Reporting a Rules Violation Outside of Trial

Any disputes, complaints, allegations or reports of violation of the Rules must be brought by the school administration directly and not through third party legal representatives, coach intermediaries, parents or other affiliated parties even with the school's consent or authorization. Any complaints, allegations or reports of misconduct must be submitted no more than forty-eight (48) hours after the alleged violation is witnessed and must be in writing submitted directly from the school's principal. The complaint must contain a detailed description of the incident including the time, date and person(s) and team(s) involved. All information must be sent to the HSBA office at 1100 Alakea Street, Ste. 1000; Honolulu, HI 96813 or via fax at (808) 521-7396 or email at yldmocktrial@gmail.com. The complaint/grievance process will be governed by this rule and will follow these guidelines:

1. Within 48 hours of the incident, the written complaint must be received by the State Coordinator. The complaint may be sent electronically and must contain specific information about the violation.
2. After a complaint is received by the State Coordinator, the State Coordinator shall alert the party(ies) against which the complaint was lodged and share the nature of the grievance. The State Coordinator may invite further comment in writing or in person

from those involved, in its discretion. All decisions of the State Coordinator shall be final.

3. The State Coordinator may decide to issue any one of the following in order of increasing severity:
 - a. Warning: a private conversation discussing the alleged violation with the offending party or parties.
 - b. Reprimand: a written letter to the offending party or parties advising them of the Rules violation. This letter may be sent to the individual and/or school.
 - c. Suspension: Suspension of an offending individual(s) or team(s) for a time period specified by the State Coordinator, but no less than one competition season.

Complaints/Grievances in regard to a judge's rulings, points awarded, or who won the trial will not be entertained.

If at all possible, school administrators are encouraged to resolve the issue between the schools themselves before involving the Young Lawyers Division and Hawaii State Bar Association. If not resolution is possible, then the YLD and HSBA can step in to mediate the issue or problem.

Rule 9.0 Confidentiality

Under no circumstance will any information be released relating to a participating student's background (financial, criminal, personal and/or family) without the written consent of the party and his/her parents or where legally warranted. All students' personal privacy will be strictly enforced.

Rule 9.1 After The Competition

After the competition is over, teams are expected to leave the courtroom quietly. There shall be no congregating in the lobby or on the front steps.

Rule 9.2 Questions

The Mock Trial Coordinator will communicate only with team coaches and staff regarding mock trial questions. Students must forward all questions through their coach unless it's an emergency matter.