

2017 RULES

OF THE

GEORGIA HIGH SCHOOL MOCK TRIAL COMPETITION

*These rules are in effect **October 1, 2016** through **September 30, 2017**.*

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I. RULES OF THE ORGANIZATION

A. THE PROBLEM

Rule 1. Rules

- (a) The Georgia Mock Trial Competition, and all of the Special Projects sponsored by the Georgia High School Mock Trial Committee, including, but not limited to, the Law Academy and the Court Artist Competition, are governed by the Rules of the Organization, the Rules of Procedure, and the Georgia High School Mock Trial Rules of Evidence. Specifically, the Code of Ethical Conduct identified in Rule 7(k), and the disciplinary processes outlined in Rule 10 are applicable to the Competition and to the Special Projects noted above. Additionally, all policies of the Georgia Mock Trial Competition contained in the Policy Manual and Coaches Manual are binding on participating teams. Any clarification of rules or case materials will be issued in writing to all participating teams and/or students.
- (b) These Rules govern rounds in regions, districts and at the State Finals. When a team registers to compete in this program, that team agrees to comply with the rules, the policies and the Code of Ethical Conduct of the Georgia High School Mock Trial Competition. The Rules Subcommittee has the authority to remove a team or individual team members or coaches from the Georgia High School Mock Trial Competition for non-compliance with these rules, with competition policy and/or the Code of Ethical Conduct.
- (c) Any modification to the rules of a competition made on-site must be reduced to writing and signed by the trial coordinator and the teacher or attorney coaches of the affected teams.
- (d) Individual scoring judges have within their discretion the ability to discount points for violations of these rules.
- (e) The Mock Trial season shall extend from October 1 through the Final Round of the State Finals tournament.
- (f) A mock trial "region" must consist of at least five teams. In the event that a region drops to four teams, volunteer teams will be solicited to move into the affected region to bring the number of teams up to at least five. A team invited under these circumstances to volunteer to move into the affected region will be under no obligation to accept the invitation and will suffer no penalty for declining, but will be eligible to have their team registration fee waived for the next season in acknowledgment of their assistance. If a volunteer team is not identified to salvage the affected region within 5 days of beginning the search, that region will be dissolved for that season and the remaining teams will be reassigned to other regions, on a space available basis. If the mock trial office is unable to reassign a team affected by the dissolution of a region for any reason, that team may be eligible for a 70% refund of their team registration fee. Team reassignment under these circumstances may not be contested by any party. If the number of teams drops below five within 7 days of the first scheduled competition date, the regional competition will proceed under "emergency circumstances" and the scoring will be conducted as outlined in Rule 29(b)(7).
- (g) Teams will be allowed to indicate a preference for regional placement on the team registration form. The

Mock Trial office will make regional assignments on a first come, first served basis. This preference is one of several factors that the Mock Trial Office will use to determine regional placement. Other factors include but are not limited to previous regional placement, school location, space availability at the regional competition site, and/or the number of other schools in that school system participating in the program. Space is limited in most regions.

- (h) The state coordinator reserves the right to move teams from assigned regions to other neighboring regions in order to maintain an equitable balance in the size of neighboring regions, or for any other administrative purpose deemed by the state coordinator to be in the best interests of the program; provided, however, that team reassignments necessitated by a region dropping below five teams will be handled solely as provided by Rule 1(e). Any team whose assignment has been shifted from one region to another during the season, with the exception of those affected by the dissolution of a regional competition under Rule 1(f), has a right to appeal such a decision before the Rules Subcommittee Chair within 24 hours of receiving notification of the reassignment, but the subsequent ruling of the Subcommittee Chair is final. Other teams in a region affected by such shifts in the assignment of a team into or out of said region do not have a right to appeal administrative decisions made by the Subcommittee Chair.
- (i) A mock trial "district" must consist of six teams.
- (j) Teams qualify for the district competition in the following manner:
 - 1. In districts comprised of two Regions, teams who finish in the top three spots after the final/championship round will advance to the district competition.
 - 2. In districts comprised of three Regions, the Region Champion and Region Finalist will advance to the district competition.
- (k) Teams must participate in at least one (in the case of a qualifying Regional Champion team) or two (in the case of a non-Regional Champion team) preliminary rounds and one final/championship round at the district level of competition and win the title of "District Champion" in order to proceed to the State Finals level of competition.
- (l) If, for any reason, a round or rounds of a regional or district competition is postponed or cancelled, with the exception of the cancellation of competition rounds in a region that has been dissolved for the season under Rule 1(f), it is the responsibility of the regional or district coordinator to announce the date of the rescheduled round or rounds within seven days of the original regional or district competition date and to fully staff any rescheduled rounds in compliance with these rules. No regional competition rounds may be held within the 14 days before the first round of the district tournament. No district competition rounds may be held within 7 days before the first round of the state tournament.
- (m) If, for any reason, a team qualifying for the district competition withdraws from the GHSMT Competition before the district competition, that team will forfeit its place at the district competition. The team(s) beneath the forfeiting team will shift upward and the 3rd (now vacant) spot will then be offered to the 4th place team from that region. If that team declines the offer, the spot

will then be offered to the 4th place team from the other region, and then to the 5th place team of the original region, and so on, alternating between the regions, until a team accepts the spot and that team will advance to the district competition. If a team, after winning the title of "Region Champion", withdraws from the GHSMT Competition before the district competition, the title will then be conferred on the regional finalist team.

- (n) If, for any reason, a district champion team withdraws from the GHSMT Competition after winning the title of "District Champion", that team will forfeit the title and its place at the State Finals tournament. The title will then be conferred on the district finalist team and the district finalist team, as the new District Champion, will advance to State.

Rule 2. The Problem

The problem will be an original fact pattern which may contain any or all of the following: statement of facts, indictment, stipulations, witness statements/affidavits, jury charges, exhibits, etc. Stipulations may not be disputed at trial. Witness statements may not be altered. Only three witnesses per side will be called.

Rule 3. Witness Bound by Statements

- (a) Each witness is bound by the facts contained in his/her own witness statement and/or any exhibits 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 4, outside the scope of the problem.
- (b) If, in cross-examination, an attorney asks for unknown information, the witness may or may not respond, so long as any response is consistent with the witness' statement or affidavit and does not materially affect the witness' testimony.
- (c) Students shall be prohibited from responding with new material facts which are not in their witness statements or consistent with the Statement of Facts.
- (d) A witness is not bound by facts contained in other witness statements.
- (e) The Case Summary (or Statement of Facts), if provided, is meant to serve as background information only. It may not be used for substantive evidence, cross-examination, or impeachment.

Rule 4. Unfair Extrapolation

(Additional explanations regarding this rule may be found in the Coaches Manual)

- (a) Unfair extrapolations are best attacked through impeachment and closing arguments and are to be dealt with in the course of the trial. A fair extrapolation is one that is neutral.
- (b) Attorneys shall not ask questions calling for information outside the scope of the case materials or requesting an unfair extrapolation. 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.
- (c) Attorneys for the opposing team may refer to Rule 4 in a special objection, such as "unfair extrapolation" or "This

information is beyond the scope of the statement of facts."

- (d) Possible rulings by a judge include:
 - 1. No extrapolation has occurred;
 - 2. An unfair extrapolation has occurred; or
 - 3. The extrapolation was fair.
- (e) The decision of the presiding judge regarding extrapolations or evidentiary matters is final.
- (f) When an attorney objects to an extrapolation, the judge will rule in open court to clarify the course of further proceedings.
- (g) Points should be deducted from individual scores of participants who make unfair extrapolations or ask questions that call for unfair extrapolations. Witnesses and attorneys making unfair extrapolations and attorneys who ask questions that require the witness to answer with an unfair extrapolation should be penalized by having a point or points deducted from their individual scores.
- (h) The number of points deducted should be determined by the severity of the extrapolation. If a team has several team members making unfair extrapolations, the offending team's overall points should also be reduced accordingly.

(See Rule 27 for the treatment of rule infractions.)

Rule 5. Witnesses

Any student may play any witness role, regardless of the student's race, religion, ethnicity, sex, physical attributes, or disability. Where a witness is specifically described as being of a particular sex, religion, or race or as having a particular physical attribute, injury, or disability, any student of any sex, religion, race, physical attribute, or disability may play that role. At no time will an examining attorney or witness make an issue of the student's actual race, religion, ethnicity, sex, physical attributes, or disability at trial, but both will be confined to the case's description of the witness role being portrayed. The gender of students will be clearly indicated on the Trial Squad Roster form.

Rule 6. Voir Dire

Voir dire examination of a witness is not permitted.

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B. THE TRIAL

Rule 7. Mock Trial Team

- (a) *Team Composition and Eligibility*—A team shall be composed of young people who are between the ages of 14 and 19 and who are currently enrolled or receiving educational instruction at the high school level; at least one attorney coach; and at least one teacher coach in compliance with subsections (b) through (d) below.
- (b) *Students* – All student participants must be currently enrolled or be receiving accredited or approved educational instruction at the school, or through the school organization that registers the team, or otherwise qualify for participation under subpart (3) of this rule.
 - 1. No requests will be granted for students to participate on a mock trial team not affiliated with the school or school organization where they are officially enrolled or receiving educational instruction as a student.
 - 2. For the purpose of this Rule, the term "school" includes traditional schools, charter schools, on-line or virtual schools, and other state- or school

- system-sanctioned academies, and “school organization” includes entities that provide accredited or approved educational instruction for students at the high school level such as home school associations, cooperatives, collectives, and the like.
3. Home school students neither enrolled with, nor receiving educational instruction from a school or school organization during the competition year may compete as a member of an established mock trial team at a school if the following conditions are met:
 - i. Prior to and during the mock trial competition year, the student meets the admission requirements of the school with the team on which the student wishes to compete (the “sponsoring school” or “sponsoring team”) -- i.e., the student would be otherwise eligible to become enrolled or receive educational instruction and to participate in interscholastic activities at the school;
 - ii. The student resides in the county in which the sponsoring school is located unless the state coordinator determines that this geographic limitation creates an undue hardship and on that basis grants an exception;
 - iii. The student submits the special application form to the Mock Trial office by the date established for such applications, which form shall include at a minimum, a certification that the student has not been recruited or received any special treatment or accommodation that would cause the team to be in violation of the letter or the spirit of the Mock Trial Rules;
 - iv. The sponsoring team submits the special application form to the mock trial office by the date established for such applications, which form shall include at a minimum: the signature of the school principal, headmaster/mistress, or the like and the teacher coach; a statement of their consent to the student’s participation as a team member; and a certification that the student fully meets the sponsoring school’s admission requirements and its governing interscholastic eligibility rules, that the student’s participation will not discourage team participation by students actually enrolled at the school, and that the student has not been recruited or received any special treatment or accommodation that would cause the team to be in violation of the letter or the spirit of the Mock Trial Rules;
 - v. The sponsoring team provides to the state coordinator all information and documentation requested for the purpose of making a decision on the application; and
 - vi. The state coordinator determines that the student’s requested participation meets the above criteria, is not the result of unfair “recruiting” and will not result in an unfair advantage to the other mock trials teams in the state such that the student’s participation should not be allowed.
 4. Students who are not home school students, but who are simultaneously enrolled at two different schools as part of an authorized dual enrollment program (e.g., a traditional high school and a sanctioned special academy), may participate on the mock trial team registered by and affiliated with either school, but not both. However, such students, once they elect a team on which to compete, must honor that election throughout high school so long as they are dually enrolled and both schools have registered mock trial teams.
 5. No non-school organization (i.e. a Boy/Girl Scout troop, Boys/Girls Club, etc.) wishing to participate in this program may allow students who are currently enrolled or receiving educational instruction at a school or school organization as defined herein that has a team active in the competition to participate on that non-school organization’s team.
 - (c) *Attorney Coaches*—A team is to be sponsored by an attorney in good standing with the State Bar of Georgia. The primary attorney coach may register additional attorneys as assisting coaches all of whom must be in good standing with the State Bar of Georgia. No person may serve as an attorney coach who is currently under sanction by the Supreme Court of Georgia for disciplinary reasons. Law clerks, paralegals, law students and attorneys admitted in another state, who are in good standing with their State Bar Association may assist the coaching staff but must operate under the professional supervision of a fully licensed attorney coach. As the sponsor of the team, the attorney coach will act as liaison between the team and the local and state bar associations. The coaching staff will act as legal advisers in preparing the team for competition. No attorney coach may coach more than one team.
 - (d) *Teacher Coaches*—The teacher coach will act as the primary liaison between the team and the mock trial office and will submit the registration form and fee. The teacher coach will also act as the educational adviser to the team, serving as guide to both the team members and their attorney coaches, so that all decisions related to the program are made in the best interests of the education of the team members. The final authority over the direction of a mock trial team rests with the teacher coach. No teacher coach may coach more than one team. The teacher coach may designate the primary attorney coach to be the liaison with the mock trial office and to be responsible for submitting the team registration and fee.
 - (e) *Number of Teams per School*—Only one team per school, facility or organization may compete in the regional, district, State Finals or national competitions. Although there is no limit on the number of members a team may have, a maximum of fourteen members per team may compete during any level (regional, district, or State Finals) of the state competition. A team may use different students between each level of the state competition. Substitutions during a competition day are regulated by Rule 7(g).
 - (f) *Official/Competing and Non-Competing/Additional Team Members*—These fourteen team members are designated as “official/competing” team members; all other student participants are designated “non-competing/additional” team members. All official/competing and non-competing/additional team members must sign the Code of Ethical Conduct form

(see Rule 7(m)). The Code of Ethical Conduct form must be submitted to the on-site trial coordinator before the first competition round at any level of the competition in order to be eligible to compete.

- (g) **Squad Composition**—Each team will field two squads: prosecution/plaintiff (“P”) and defense (“D”). Teams will designate each squad’s official/competing team members by their signing the Code of Ethical Conduct form as a member of one of the two trial squads. Each trial squad will have a maximum of seven competing team members each (3 serving in attorney roles, 3 serving in witness roles and 1 alternate—see Rule 12). Each team must supply one timekeeper per squad in each Round of competition. These timekeepers may be drawn from a pool of up to four non-competing students; this pool will sign the Code of Ethical Conduct as “Timekeepers”. Timekeepers for a team may keep time for either squad throughout the competition day and are not limited to one squad. (Refer to Rule 7(j) if a team is unable to fill the timekeeping spots.)

1. At each competition round, roles and responsibilities of official/competing team members within each trial squad must be identified and listed on the Trial Squad Roster Form (see Rule 36).

i. From one round to the next, roles and responsibilities of the official/competing team members may be interchanged within each designated trial squad, but not between trial squads.

ii. However, no substitutions by a non-competing/additional team member for an official/competing team member may be made during the entirety of a competition level, unless there is an emergency that arises during competition. ~~A non-competing/additional team member may not serve as an assistant timekeeper during any round.~~ Non-compliance with this portion of Rule 7, at any level or round of the state competition, may result in penalties being applied by the trial coordinator under Rule 33(b) and (c).

- (h) **Substitution During a Round**—If an emergency arises during the competition and a team must substitute a non-competing/additional team member for an official/competing team member (i.e. no alternates are available), permission must be obtained from the on-site trial coordinator and that permission, if given, will extend only to the end of the last round during that competition level. In the case of an emergency affecting team composition before the day of the competition, contact the state mock trial office.

- (i) **Unable to Field a Full Competition Team**—A team, unable to field a full team of 14 members, may compete with as few as nine members. If the team has 12 or 13 members, the team would compete without alternates or dedicated timekeepers and would move forward in accordance with Rule 7(j). In the case of the team only having 9 to 11 members, six team members should be assigned attorney duties, three for each side. The remaining three to five team members will serve as witnesses, with one, two or all three playing the roles of two witnesses (depending on the overall number of witness-members available) beginning in the courtroom

with the Plaintiff/Prosecution, then transferring to the Defendant/Defense’s courtroom to play those roles.

- (j) **Submitting to Time Kept by Opposing Team**—If the team does not have enough students to provide dedicated timekeepers per Rule 7(g), the 7th official/competing team member of the squad (the alternate) will then act as timekeeper for that round. This student will be listed as both an alternate and timekeeper on that squad’s Trial Squad Roster form for that round.

1. If the team is unable to provide any timekeepers (in one or both courtrooms), it must submit to the times called by the opposing squads’ timekeepers.

2. If neither team in a round is able to provide a timekeeper, one coach from each team will be designated as the official timekeeper from that team for that round.

- (k) **Team Names**—The team name may reflect the city, county, community, neighborhood, or geographic area where most of its members reside. The team name may be chosen to honor an individual. All team names should be chosen so that the phrase, “[insert name] Mock Trial Team,” symbolizes both the team and the dignity of the legal profession. Team names are subject to the approval of the state mock trial office. Team names will be registered in the order of the receipt of a completed registration form and fee by the state office. A team name may not include the following terms: “school,” “high,” “academy,” “institute,” “campus,” or “center.”

- (l) **Required Eligibility Forms**—In order to verify eligibility of coaches and students, coaches must submit required forms by the published deadlines. All coaches (teachers and attorneys) must be reported to the state mock trial office on the registration form or the Supplemental Attorney Coach form. Names of team members with birthdates must be reported to the state office on the Team Member List. These forms are posted on the website and are due in the state mock trial office *no later than the date published on the forms*. The state mock trial office may disqualify a team from competition for failure to meet these deadlines. Changes in team composition following the published deadline must be cleared with the state mock trial office no later than 5 business days before the team’s scheduled competition date. Team member changes will not be permitted at the competition site.

- (m) **Ethics**—The Code of Ethical Conduct governs all participants, observers, guests, and parents at Georgia Mock Trial Competition events, including, but not limited to, the Competition itself, the Law Academy and the Court Artist Competition. A copy of the code must be signed by all students and participating coaches prior to any of the events outlined above and must be delivered at registration to the coordinator of the event. Participants are responsible for making guests and parents aware of the code and all rules regarding conduct during the event.

- (n) **Decorum**—Counsel should treat opposing counsel with courtesy and tact. Attorneys should conduct themselves as professionals in these proceedings. Therefore, opposing counsel, witnesses, and the presiding judge must be treated with the appropriate courtesy and respect. All participants, including coaches, presiding judges and attorneys on the judging panel, are expected to display proper courtroom decorum. A trial coordinator has the authority to refuse entry to or

remove a coach and/or other spectator from a courtroom before or during a trial round (or rounds) if the trial coordinator feels that the actions of the coach and/or spectator in the courtroom is causing or may cause an undue distraction to the teams competing in that courtroom. The Plaintiff/Prosecution team shall be seated closest to the jury box. No team shall rearrange the courtroom without prior permission of the judge. (See Rule 27 for the treatment of rule infractions.) Appropriate courtroom attire is expected. Small children and food should not be brought into the courtroom.

Rule 8. Instruction and Use

- (a) The Problem shall not be used as a basis for any course of study, at any instructional level, during the competition year for which the Problem is created until such time as the Final Round of the State Competition has been completed and scored.
- (b) This Rule shall apply to elementary, middle school, high school, college, graduate and post-graduate programs, private and public, whether or not individuals who would direct or otherwise be involved in the study or analysis of the Problem support a mock trial team, Plaintiff/Prosecution and Defense squads, or smaller groups of individual members of any mock trial team.
- (c) The prohibition on Working the Current Competition Case includes, but is not limited to discussion and/or development of the Case Facts, Witness Statements or Exhibits, Rules of Procedure, Rules of Evidence, and/or litigation strategies.
- (d) Any use of the Problem in the competition year for which it was created as outlined above shall be interpreted as a violation of the Young Lawyers Division, State Bar of Georgia copyright of said materials, whether or not used for a non-profit or educational purpose. Further, any such use of the Problem in the manner outlined above by any individual involved in any way with the coaching or support of a mock trial team, Plaintiff/Prosecution and Defense squads, or smaller groups of individual members of a mock trial team shall be deemed a violation of the Procedural and Ethical Rules of Competition, regardless of whether any information shared in the course of study is shared with a competition team or members thereof.

Rule 9. Activities Permitted During the School Day

(Additional explanations regarding this rule may be found in the Coaches Manual)

- (a) Teams compete in the Georgia Mock Trial Competition as an extracurricular activity and, therefore, must adhere to the State Standards of the Georgia Department of Education requiring that individual and group practice be conducted outside the school day. (See the Coaches Manual for further information on the State Standards and examples of proper and improper activities under this rule.)
- (b) *Definition of "Working on the Current Competition Case"* — Working on the current competition case is the organized studying, discussion or preparation of the case materials, including but not limited to discussion of the:
 - 1. case facts, witness statements or exhibits,
 - 2. rules of procedure,
 - 3. rules of evidence; and
 - 4. litigation strategies.

- (c) No *organized* group practice or meeting of a mock trial team, Plaintiff/Prosecution and Defense squads, or smaller groups of individual members may be held during regular school hours for the purpose of working with the current competition case. Any meeting of a mock trial team organized by a coach for the purpose of working on the current competition case during regular school hours, including associated travel for such a meeting, is interpreted as a violation of this rule.
- (d) Nothing about this Rule should be construed to discourage teams from observing real life court proceedings. Individuals and teams are clearly permitted to observe such proceedings outside of school hours, including during school holidays. Individual team members may observe court proceedings during school hours with the permission of their parents and their school provided that they:
 - 1. observe the proceedings as part of a school-sponsored field trip and students who are non-team members are present; or
 - 2. observe the proceedings independently and no other team members (including teacher coaches) are present; or
 - 3. observe the proceedings independently as part of a group of students that includes non-team members.
- (e) If such court attendance cannot be made outside of school hours or during school hours as part of any trip specifically permitted above, a team may apply to its Regional Coordinator for an Exception allowing said team or its members to watch court proceedings during school hours on a single date. The application shall:
 - 1. Be in writing;
 - 2. Conform to the State Standards of the Georgia Department of Education;
 - 3. Explain why such team cannot attend real life court proceedings outside of school hours;
 - 4. Specify the court proceeding to be attended;
 - 5. Specify the day court shall be attended; and
 - 6. Specify the hours, not to exceed 3 hours per Exception, to be spent in court.
- (f) Regional Coordinators may grant up to three (3) Exceptions (totaling nine (9) hours attending court proceedings) per team during the regular season and up to two (2) Exceptions (totaling six (6) hours attending court proceedings) per team for teams advancing to the State Finals. Regional Coordinators shall reply to all applications in writing. **UNDER NO CIRCUMSTANCES SHALL AN EXCEPTION BE GRANTED FOR A TEAM TO PRACTICE OR TO WORK ON THE CURRENT CASE AT ANY LOCATION, INCLUDING AT A COURTHOUSE, DURING SCHOOL HOURS.** Exceptions are intended solely for the purpose of allowing students the opportunity to watch real life court proceedings. All applications and responses will be forwarded promptly to the State Mock Trial Coordinator. Any abuse of this procedure shall subject the team to the disciplinary procedures outlined in Section IV of the Grievance Procedure.

Rule 10. Resolution of Section B Rules Violations

- (a) The State Bar of Georgia recognizes that the High School Mock Trial Competition is a competition involving student and teacher volunteers who are not professional attorneys. These extracurricular teams choose to participate in this competition and abide its Rules. No

action taken by the High School Mock Trial Committee in enforcement of these Rules shall be construed beyond the purview of this competition. In that spirit, students and teams are encouraged to resolve all disputes without resorting to formal grievances. The following procedure applies only to violations of Rules that concern team eligibility and conduct and other "outside the bar" aspects of the competition on non-competition days. All violations of rules, both inside and outside the bar, that occur on competition days are governed by section D of the Rules.

- (b) A grievance alleging a violation of the Rules must be given to the Regional Coordinator of the affected region or the District Coordinator of the affected district or the State Coordinator as soon as possible. If given to the Regional or District Coordinator, the Regional or District Coordinator shall promptly forward the grievance to the State Coordinator. All grievances must be submitted in writing, specifically detailing the alleged violation and any attempts to resolve the dispute informally prior to the filing of a formal grievance. Should the complaint originate with any person charged with deciding the disposition of such complaint, or consenting thereto, the person originating the complaint shall recuse himself/herself from the disposition process. Any member of the Panel, Grievance Committee, or Governing Board described below may participate in the disposition process by teleconference.
- (c) Upon receipt of a complaint, the State Coordinator shall consult with the Chair of the Subcommittee on the Rules, the Special Consultant to the High School Mock Trial Committee, and the Chair of the High School Mock Trial Committee (the "Panel") for an initial evaluation of the complaint. This evaluation shall be convened and conducted as soon as practicable.
 - 1. If the Panel determines that the incident complained of could be interpreted as a violation of the Rules, the party or team alleged to have committed the violation shall be notified of the complaint and offered an opportunity to respond in writing. Such response must be made within 12 hours of notification.
 - 2. The grievance and response shall be forwarded to all members of the Panel. No other evidence or testimony shall be allowed except as ordered by majority vote of the Panel.
 - 3. The Panel, with the advice and consent of the State Coordinator, shall determine by majority vote whether a violation of the Rules has occurred. If a violation is found, the Panel may impose discipline as provided in Rule 10(h).
- (d) The party aggrieved by the decision of the Panel may appeal to the Governing Board.
- (e) The Governing Board shall consist of the following members:
 - 1. The Chair of the High School Mock Trial Committee
 - 2. The 1st Vice Chair of the High School Mock Trial Committee
 - 3. The 2nd Vice Chair of the High School Mock Trial Committee
 - 4. The Special Consultant to the High School Mock Trial Committee;
 - 5. The Immediate Past Chair of the High School Mock Trial Committee
 - 6. The Chair of the Subcommittee on the Rules;

- 7. The Chair of the Subcommittee on the Problem;
- 8. The Regional/District Coordinator for the affected region/district, as the case may be;
- 9. The President of the Young Lawyers Division;
- 10. The President-Elect of the Young Lawyers Division; and
- 11. The Secretary of the Young Lawyers Division.

If any chair is unavailable, his or her vice-chair may serve.

- (f) All appeals must be registered in writing with the State Coordinator within 24 hours of the Panel's decision.
- (g) After an appeal is registered, the Governing Board shall convene as soon as practicable. A quorum of the Governing Board (7 of 11) is required for any decision. The decision shall be rendered by majority vote, and all parties shall be notified of the decision. All decisions of the Governing Board shall be final.
- (h) Should a majority of the Governing Board's voting members be unable to reach a decision on the appeal, the decision of the Panel shall stand as a summarily affirmed.
- (i) Should discipline be imposed, either by the panel or the Governing Board, the following range of actions shall be considered, weighing the severity of the infraction against the goal of allowing students to compete:
 - 1. *Warning*: The lowest level of discipline, this will constitute a letter to the affected parties advising them of the Rules violation and of potential consequences of continued violations.
 - 2. *Reprimand*: A reprimand to be published in *Mock Trial Briefs*, advising all participants in the Mock Trial Program that a team or its member has committed a Rules violation and of the potential consequences of continued violations.
 - 3. *Point Deduction*: For infractions not rising to a level requiring disqualification of a team member or entire team, point deductions ranging from 1 to 10 points can be imposed against a team member or entire team in a single round, in an entire regional competition, in an entire competition year, or for succeeding years, depending upon the severity of the violation.
 - 4. *Member Disqualification*: For severe infractions by individual team members, those team members shall be disqualified from competition for a given year or succeeding years, depending upon the severity of the infraction. This punishment may also be used against team members with repeated lesser violations, with whom reprimands and point deductions have not been effective.
 - 5. *Team Disqualification*: For severe infractions by an entire team, that team shall be disqualified from competition for a given year or succeeding years, depending upon the severity of the infraction. This punishment may also be used against teams with repeated lesser violations, with which reprimands and point deductions have not been effective.

Rule 11. Team Presentation

- (a) Teams must be prepared to present both the Prosecution/Plaintiff and Defense/Defendant sides of the case simultaneously. Any team who arrives at a competition site, at any level of the competition, with only one side (P or D, but not both) available to compete,

will be immediately withdrawn from the competition and not allowed to compete in any round.

- (b) In the case of an emergency occurring *during a round of competition*, a team may participate with less than nine members. In such a case, a team may continue in the competition by making substitutions to achieve a two-attorney/three witness composition. Any team competing under this emergency arrangement is ineligible to advance to the championship round.
- (c) Final determination of emergency forfeiture will be made by the trial coordinator, in consultation with available Committee leaders. Under extraordinary circumstances, the trial coordinator, in consultation with available Committee leaders, may declare an emergency prior to the competition round.
- (d) A forfeiting team will receive a loss and points totaling the average number of the ballots and the points received by the losing teams in that round. The non-forfeiting team will receive a win and an average number of ballots and points received by the winning teams in that round.

Rule 12. Team Duties

- (a) Official competing team members must handle all aspects of the trial during a competition round, including any rules disputes (see Rule 34) at the conclusion of the trial round.
- (b) *The alternate from each squad may be substituted into one of the 6 speaking roles between rounds, but may not be used on the team's other squad at any point during that level of competition.*
- (c) Team members are to divide their duties evenly. Each of the three attorneys will conduct one direct and one cross; in addition, one will present the opening statements and another will present closing arguments. In other words, the eight attorney duties for each team will be divided as follows:
 1. Opening Statement
 2. Direct Examination of Witness #1
 3. Direct Examination of Witness #2
 4. Direct Examination of Witness #3
 5. Cross Examination of Witness #1
 6. Cross Examination of Witness #2
 7. Cross Examination of Witness #3
 8. Closing Argument (including Rebuttal) [See Rule 14.]Every attorney must conduct a direct and cross examination.
- (d) Opening Statements must be given by both sides at the beginning of the trial.
- (e) *Closing Arguments must be presented by both sides at the conclusion of the defense's case in chief.* The Prosecution/Plaintiff gives *their* closing argument first but may reserve all or a portion of its closing time for a rebuttal.
- (f) The attorney who will examine 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 will cross examine a witness will be the only ~~one~~ *attorney* permitted to make objections during the direct examination of that witness.
- (g) The attorneys who make the opening statement or the closing argument during a trial round are the only people

who may make an "objection" to an opponent's opening statement or closing argument, as outlined in Rule 50(a).

- (h) Each team must call three witnesses. Witnesses must be called only by their own team and examined by both sides. A team may not treat its own witness as a hostile witness, unless expressly authorized within the case materials. Witnesses may not be recalled by either side. Witnesses may be called in any order, regardless of the order in which they are listed on the Trial Squad Roster Form or in which they have been called in earlier rounds of the competition.

Rule 13. Swearing of Witnesses

- (a) 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 facts and rules of the mock trial competition?"
- (b) The swearing of witnesses will be conducted by the examining attorney prior to questioning or by the presiding judge at the start of the trial. No religious texts or references to a deity may be used.

Rule 14. Trial Sequence and Time Limits

- (a) The trial sequence and time limits are as follows:
 1. Opening Statement (5 minutes per side)
 2. Direct and Redirect (optional) Examination (25 minutes per side)
 3. Cross and Recross (optional) Examination (20 minutes per side)
 4. Closing Argument (5 minutes per side)
- (b) Redirect and Recross examinations must conform to restrictions in Rule 611(d). The Prosecution/Plaintiff's rebuttal is not limited to the scope of the Defense's closing argument.
- (c) Attorneys are not required to use the entire time allotted to each part of the trial. Time remaining in one part of the trial *will not* be transferred to another part of the trial.
- (d) Even if a team has exhausted its time for direct and/or cross examination, Rule 12(e) requires that each witness be called and subjected to direct and cross examination. Accordingly, attorneys out of time will be allowed only one question in direct: "Will the witness please state your name for the record?" The opposing team will be permitted to conduct a cross examination of the witness. No questions will be allowed on cross examination if a team has used all of its allotted time for cross examination.
(See Rule 27(b) for the treatment of rule infractions.)

Rule 15. Timekeeping

(Additional explanations regarding this rule may be found in the Team and Coach Manuals.)

- (a) *Per Rule 7(g), each team must attempt to supply two timekeepers per round, one for each squad. Timekeepers are not official/competing team members and, except for exceptions covered by Rule 7(h), cannot be used as substitutes between rounds. These designated timekeepers are the only non-competing team members who may act as timekeepers throughout the duration of that level of competition. Timekeepers may keep time for either squad and may switch between squads between rounds.*
- (b) Time limits are mandatory and will be enforced.

- (c) 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.
- (d) Time does not stop for introduction of evidence.
- (e) ~~Each team will provide one timekeeper for each round for each squad (Prosecution/Plaintiff and Defense/Defendant).~~ A master copy of the Time Sheet is provided on the website. Time card templates are also provided on the website. Time cards must be printed on yellow paper. When the time allowed for a category has expired, the timekeeper will raise the STOP card so that it may be visible to the judge and both counsels. If the STOP card is raised and the attorney continues without permission from the judge to do so, attorneys for the opposing team may use a special objection, such as "time has expired," to bring the matter to the judge's attention.
- (f) At the end of each task during the trial presentation (i.e. at the end of each opening, at the end each witness examination, at the end of each cross examination and at the end of each closing argument) if there is more than a 15 second discrepancy between the teams' timekeepers, the timekeepers must notify the presiding judge of the discrepancy. The presiding judge will then rule on the discrepancy, the timekeepers will synchronize their stopwatches accordingly and the trial will continue. No time disputes will be entertained after the trial concludes.
- (g) At the conclusion of the round, the presiding judge will ask the timekeepers to present their forms. It is the sole discretion of the scoring judges as to how they will interpret and weigh violations of time limits, and their decisions will be final.

Rule 16. Time Extensions and Scoring

The presiding judge has sole discretion to grant time extensions. If time has expired the attorney may not continue without permission from the Court. Judges are encouraged to allow the completion of an answer which is in progress at the moment time is called. If an attorney pleads for additional examination after time is called, judges may permit a time extension but are strongly encouraged to limit any time extension to one question only.

Rule 17. Prohibited and Permitted Motions

- (a) No pre-trial motions may be made. A motion for directed verdict, acquittal, or dismissal of the case at the end of the Plaintiff/Prosecution's case may not be used. No motions may be made unless expressly provided for in the problem.
- (b) A motion for a recess may be used only in the event of an emergency (e.g., health emergency). To the greatest extent possible, team members are to remain in place. Should a recess be called, teams are not to communicate with any observers, coaches, or instructors regarding the trial.
- (c) In the event that a team member attorney believes, during the course of a trial round in which that team member attorney is competing, that the presiding judge has materially departed from the rules of the mock trial competition, the team member attorney may move for compliance with the rules of the mock trial competition. Such motions must be presented respectfully, must direct the presiding judge's attention to the applicable

rule, and must be raised at the time of the presiding judge's alleged departure from the rules. No claim that the presiding judge has departed from the rules of the mock trial competition may be made after the judging panel has returned to the courtroom for debriefing.

Rule 18. Sequestration

Teams may not invoke the rule of sequestration.

Rule 19. Bench Conferences

Bench conferences may be granted at the discretion of the presiding judge, but should be made from the counsel table in the educational interest of handling all matters in open court.

Rule 20. Supplemental Material/Illustrative Aids

(Additional explanations regarding this rule may be found in the Coaches' Manual)

- (a) 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 materials. No enlargements or alterations of the case materials by teams will be permitted. If any team member has a disability and requires special assistance, services, or printed materials in alternative formats, in order to participate in the Georgia Mock Trial Competition, the teacher or attorney coach must contact the State Mock Trial Coordinator well in advance of the regional competition date to receive modified case materials or make arrangements for special assistance or services.
- (b) Absolutely no props, uniforms, or costumes are permitted, unless specifically authorized in the trial materials. Costuming is defined as hairstyles, clothing, accessories, and makeup, which are case specific.
- (c) The only documents which the teams may present to the presiding judge or scoring panel are the individual exhibits as they are introduced into evidence and the team roster forms. Teams shall not show any copies of any exhibit to the scoring panel other than the single individual copy of any exhibit that has been admitted into evidence. Exhibit notebooks are not to be provided to the presiding judge or scoring panel.
(See Rule 27 for the treatment of rule infractions.)

Rule 21. Trial Communication

- (a) Instructors, non-competing team members, alternates, Court Artist contestants, and observers shall not talk to, signal, communicate with, or coach their teams during a trial. No coach is allowed inside the bar at any time during a trial. This rule remains in force during any recess time which may occur.
- (b) For purposes of this rule, the trial ends after all closing arguments in that round, including rebuttals, have concluded and the judge has asked the evaluators to retire to calculate their scores.
- (c) Official/Competing team members may, among themselves, communicate during the trial; however, no disruptive communication is allowed. Signaling of time by the teams' timekeepers shall not be considered a violation of this rule.
- (d) Non-competing/additional team members, contest participants, teachers, and coaches must remain outside the bar in the spectator section of the courtroom. Only official/competing team members participating in the

round may sit inside the bar and communicate with each other.

- (e) Except in the case of an emergency, no official/competing team member is allowed to leave a courtroom during a round without the permission of the court.
- (f) If a recess is taken during a trial for any reason, to the greatest extent possible team members should remain seated in their appropriate positions within the courtroom until the trial resumes.
- (g) Official/Competing team members may not use cell phones, Blackberries, PDAs, laptops or other electronic communication devices during a trial.
- (h) All electronic communication devices (belonging to team members, coaches, contest participants and observers) should be turned off during the entirety of the trial.

Rule 22. Viewing a Trial

- (a) Team members, alternates, coaches, spectators and any other persons directly associated with a mock trial team are not allowed to view other teams in competition, so long as their team remains in the competition.
- (b) A team that has been eliminated from one level of the competition may not share its scoresheets, judge/evaluator comment sheets, or other observations of an opponent's performance with another team that remains in the competition, until that team is eliminated from the competition entirely.
- (c) A violation of Rule 22(b) will be considered as occurring "outside the bar" and will be handled in accordance with the procedure outlined in Rule 35.

Rule 23. Videotaping/Photography

- (a) Any team has the option to refuse participation in videotaping, tape-recording, still photography, or media coverage.
- (b) Media coverage will be allowed by the two teams in the championship round at the State Finals.
- (c) Media representatives authorized by the trial coordinator will wear identification badges.

C. JUDGING

Rule 24. Decisions

All decisions of the judging panel are FINAL.

Rule 25. Composition of Panel

- (a) The judging panel will consist of at least three individuals. The composition of the judging panel and the role of the presiding judge will be at the discretion of the trial coordinator, with the same format used throughout the competition, as follows:
 1. One presiding judge and two attorney scoring evaluators (all three of whom complete score sheets); or
 2. One presiding judge and three attorney scoring evaluators (scoring evaluators only complete score sheets).
- (b) The semi-final and/or championship round may have a larger panel at the discretion of the trial coordinator.
- (c) All presiding judges and scoring evaluators receive the judge's edition of the mock trial manual, which includes orientation materials and a bench brief and a briefing in a judges' orientation.

- (d) Judging panel members should turn off and/or not use their cell phones, pagers, PDAs, etc. during a trial round.
- (e) In the event of an emergency (ex. sudden illness, etc.), if a judging panel member must leave the courtroom, the presiding judge will call for a brief recess, assess whether the judging panel member will be able to return in a reasonably short period of time and then resume the proceedings upon the panel member's return to the courtroom. During the entirety of any type of recess, Rule 21(f) applies to the teams in the courtroom.
- (f) If the panel member is unable to return to the courtroom, the trial coordinator must be informed and the panel composition adjusted to best meet the requirements of the rules and the round should resume.

Rule 26. Scoresheets/Ballots

- (a) The term "ballot" will refer to the decision made by a scoring judge as to which team made the best presentation in the round. The term "scoresheet" is used in reference to the form on which speaker and team points are recorded. Scoresheets are to be completed individually by the scoring judges. Scoring judges are not bound by the rulings of the presiding judge. The team that earns the highest points on an individual judge's scoresheet is the winner of that ballot. The team that receives the majority of the three ballots wins the round. The ballot votes determine the win/loss record of the team for power-matching and ranking purposes. While the judging panel may deliberate on any special awards, (i.e., Outstanding Attorney/Witness) the judging panel may not deliberate on individual scores.
- (b) When exceptional presentations are made, the judging panel has the option of recognizing one Outstanding Attorney and/or one Outstanding Witness per competition round. This award is determined by a majority vote of the judging panel and will be announced at the closing assembly following preliminary rounds.
- (c) Judging panel members may not discuss the individual speaker or team points from their individual ballot with team members, team coaches or any other individual directly related to a team in the competition. In addition to the oral debriefing, judging panel members will be provided with an optional judging panel worksheet (8.5"x14") on which they may record any individual observations they wish to share with a team or team member; team members, team coaches and other individuals directly related to a team in competition may not challenge a judging panel member with respect to his/her scores.
- (d) Any questions regarding the accuracy of mathematical computations on a completed scoresheet, blanks on a completed scoresheet and/or the accuracy of a team's final record at any given level of the competition must be brought to the attention of the trial coordinator on site by the primary teacher or attorney coach within 30 minutes of the announcement of the teams moving on to the semi-final or final round or the announcement of the winner of that level of the competition.

Rule 27. Completion of Scoresheets

- (a) Scoresheets are to be completed in four steps:
 1. *Speaker Points*—The scoring evaluator will record a number of speaker points (1-10) for each section of the trial.

2. *Sub-Total*—At the end of the trial, the scoring evaluator will total the sum of each team’s individual speaker points and place this sum in the Sub-Total box.
 3. *Team Points*—The scoring evaluator will give a number of points (1-10) to each team in the Team Points box. NO TIE IS ALLOWED IN THE TEAM POINT BOX.
 4. *Final Point Total*—The scoring evaluator will add the sub-total and team points boxes to achieve a final point total for each team. NO TIE IS ALLOWED IN THE FINAL POINT TOTAL BOX. The team with the highest number of points in the Final Point Total box receives the ballot from that scoring judge.
- (b) Each scoring evaluator may wish to consider specific point deductions for rules violations, which the scoring evaluator has observed during the trial, whether or not the formal dispute process has been invoked. Deductions *may be considered* for violations and charged against the score of an individual speaker (in the Speaker Points categories) or against the entire team (in the Team Points category). Examples of rule violations include but are not limited to: Unfair Extrapolations (Rule 4); Exceeding Time Limits (Rule 14); Use of Unapproved Supplemental Material (Rule 20); Improper Courtroom Decorum (Rule 40 and Ethics Code §1); Student Work Product (Rule 41 and Ethics Code §3); and Excessive or Frivolous Objections (Ethics Code §1).
- (c) Should only two scoring evaluators be available for a round, the trial coordinator shall average the scores of the scoring evaluators present at the specific round to achieve the required third score. The third scoring evaluator’s score shall equal one-half the sum of the other two scoring evaluators’ total scores for Plaintiff/Prosecution and Defendant/Defense.
- (d) Fractions will be rounded to the nearest higher whole number.
- (e) In the rare instance that the third scoresheet has a tie in the Final Point Total boxes, the philosophy outlined in Rule 28(a)(4) applies; only the point spread between the two actual scoresheets from the round will be compared. In this case, whichever team has the greatest point spread is the team that should receive the ballot of the third scoresheet. However, the Final Point Total of the third should remain as a tie and be factored into the point summaries used in power matching.
- (f) In cases where a scoresheet is submitted with a blank in a speaker point or team point box, the scoring coordinator will make every effort to contact that evaluator to have the evaluator complete the scoresheet. In the event that the evaluator cannot be reached either by phone or in person to correct the scoresheet, the scoring coordinator will fill in the blank by averaging the speaker points awarded by that evaluator for that squad. The scoring coordinator will add this averaged total to the blank box, initial the addition, note on the scoresheet that it is an averaged point award, correct the final point total box and notify the mock trial office.
1. *Win/Loss Record*—Equals the number of courtrooms won or lost by a team.
 2. *Total Number of Ballots*—Equals the number of scoring judges’ votes a team earned in preceding rounds.
 3. *Total Number of Points Accumulated in Each Round*
 4. *Point Spread against Opponents*—The point spread is the difference between the total points earned by the team whose tie is being broken less the total points of that team’s opponent in each previous round. The greatest sum of these point spreads will break the tie in favor of the team with the largest cumulative point spread if the teams are in the winning bracket. If the tie occurs between two teams in the losing bracket, then the tie will be broken in favor of the team receiving the smallest cumulative point spread.
- (b) The results of the performance of each team’s Plaintiff/Prosecution and Defendant/Defense sides in different courtrooms will not be added together for averaging purposes, to determine which teams advance, for breaking a tie, or for any other purpose.
- (c) In head-to-head matches at the Regional Competition (the semi-final round (when utilized) and championship round) and at the District Competition (all rounds), the rounds stand alone, with each team beginning with a clean slate. If the two teams in ~~the championship an~~ affected round tie in the following three categories in this order—win/loss of courtroom, number of ballots, and number of points—the trial coordinator will use this procedure to resolve the tie:
1. Figure the point spread for each ballot won by a team and
 2. Add the point spreads for each team.
- The team with the largest cumulative point spread wins the ~~championship~~ round. Only in the extremely rare event that this point-spread total also results in a tie, Rule 28 would be invoked in its entirety, thus evaluating the teams’ performances throughout this level of competition (i.e., the State Finals would look only at performance at the State Finals level). The trial coordinator would examine the individual team records, taking each of the following steps in this order until the tie is broken:
1. Compare the win/loss records;
 2. Compare the ballot records from preliminary rounds;
 3. Compare the total number of points earned in preliminary rounds;
 4. Compare the point spread from the preliminary rounds. At each step, the tie is broken in favor of the team with the highest number (i.e., more wins, ballots, points, or larger point spread than the opponent).
- (d) Announcements of the results of final regional ranking and district champion round are subject to verification by the state mock trial office before those results become official.
- (e) Wildcard Teams at State Finals: In seasons where an odd number of Districts are comprised, a Wildcard team will be chosen to advance to the State Finals competition. The mock trial office will pool all district finalist teams and will draw the Wildcard team. This Wildcard team will advance to the State Finals competition. No matches at

Rule 28. Team Advancement

- (a) Teams will be ranked based on the following criteria (the “Ranking Rule”) in the order listed:

the State Finals Competition (random or power matches) will be affected by regional or district conflicts.

Rule 29. Power Matching/Seeding for Regional Competitions

(Additional explanations regarding the power-match scoring system may be found in the Coaches Manual.)

- (a) A random method of selection will determine opponents in the first round. A power-match system will determine opponents for all other rounds. A discussion of the power match system is included in the Coaches' Manual and is thereby incorporated into the Rules of the Competition. *(A copy of the Coaches' Manual is posted on the GHSMTTC website.)*
- (b) Power matching will provide that:
 1. Pairings for the first round will be at random. In the first round, the P and D squads from any given school team will be matched randomly with the P and D squads from two other school teams. School team matches (or "team to team" matches—where the P and D of two schools are matched only against each other) are prohibited in the first round.
 2. All teams are guaranteed to present each side of the case twice.
 3. Brackets will be determined by win/loss record. Plaintiff/Prosecution and Defendant/Defense squads of each team will be matched according to their separate performances in the first round. Sorting within brackets will be determined in the following order: (1) win/loss record; (2) ballots; (3) total team points; then (4) point spread. The squad with the highest number of ballots in the bracket will be matched with the opposing squad with the lowest number of ballots in the bracket; the next highest with the next lowest, and so on until all teams are matched.
 4. If there are an odd number of squads in a bracket, the squad in the bottom of that bracket will be matched with the top squad from the next lower bracket.
 5. Teams will not meet the same opponent twice in the preliminary rounds.
 6. To determine the two teams rising to the championship round, win/loss, ballot, and point scores will be totaled for each team's Plaintiff/Prosecution and Defendant/Defense squads. The two teams with the best combined ranking in these categories in this order (i.e., win/loss, ballot, and point scores) will rise to the championship round.
 7. In regions operating under emergency circumstances with only four teams competing, the scoring coordinator will rank those teams after the randomly matched first round in order using the Ranking Rule as outlined in Rule 28(a). When setting matches for the second round, the scoring coordinator will observe the power matching procedure outlined in Rule 29 as closely as possible while adhering first and foremost to the following restrictions in setting the round two matches for four teams:
 - i. No team will be matched against itself.
 - ii. No squad will be matched against the same squad it encountered in the first round's random draw.

iii. Team to team matches will be avoided in all preliminary rounds.

- (c) At the regional level, the two teams emerging with the strongest record from the two preliminary rounds (producing scores from four courtrooms) will advance to the final round. The first-place team will be determined by the win/loss record, ballots, and total points earned (in this order) from the championship round only. Ties will be broken following the procedure outlined in Rule 28.
- (d) At the regional level, where 10 or fewer teams are competing, the two teams emerging with the strongest record from the two preliminary rounds (producing scores from four courtrooms) will advance to the final round. The first-place team will be determined by the win/loss record, ballots, and total points earned (in this order) from the championship round only. Ties will be broken following the procedure outlined in Rule 28.
- (e) If a region has 11+ teams competing, that regional competition will include a semi-final round after the two preliminary rounds. The top four teams determined by the two preliminary rounds will compete in the semi-final round. The most powerful team will be matched with the least powerful team, and the two middle teams will be matched together, regardless of whether the squads have competed against each other in the preliminary rounds. The two most powerful teams emerging from the semi-final round will rise to the championship round. The regional champion team will be determined by the win/loss record, ballots, and total points earned (in this order) from the championship round only. Ties will be broken following the procedure outlined in Rule 28.

Rule 30. Seeding and Round Matching for District Competition

- (a) All matches at the district level will be conducted as head-to-head knockout rounds.
 1. Head-to-head matches the P and D squads of one team to the D and P squads of another team (P1 v. D2, P2 v. D1).
 2. The winning teams of each head-to-head match will be determined first by the total number of ballots won, and total points earned (in this order), in each round's match only. Ties will be broken following the procedures outlined in Rule 28~~(a)~~ and (c).
- (b) Districts that are comprised of two regions shall be seeded and matched in the following manner:
 1. Each Regional Champion will receive a bye in the first round.
 2. The second and third place teams from one region will be matched against the third and second place teams from the other region, respectively.
 3. At the end of the first round, the two teams winning their first round match will advance to the second round. These teams will be matched against the two Regional Champions in the following manner:
 - i. If each advancing team from the first round is from separate regions, the match will be made so neither of a region's teams will meet in the second round.
 - ii. If each advancing team from the first round is from the same region, the team who finished 3rd at the regional level will meet that region's

champion while the team who finished 2nd at the regional level will meet the other regional champion in the second round.

4. At the end of the second round, the two teams that won their second round match will face off in the final/championship round. The first-place team will be determined by the results from the championship round only.
- (c) Districts that are comprised of three regions shall be seeded and matched in the following manner:
1. Region Champion teams will have the average ballot total from the team's three (or four in the case of a semi-final round at the regional level) regional competition rounds calculated prior to the first round of the district competition. This ballot average will be used to seed the Regional Champion teams.
 2. The top two seeded Regional Champion teams will receive a first round bye.
 3. The three region finalist teams from each region will have the point averages calculated prior to the first round of the district competition in the same manner as outlined Rule 31(b)(1). This point total will be used to seed the three region semi-finalists.
 4. The third seeded Region Champion team (who did not receive the bye) will be matched against the lowest seeded finalist team and the first and second seeded finalist teams will be matched for the first round.
 5. At the end of the first round, the two teams winning their first round match will advance to the second round. The higher ranked team of the two teams will be matched against the second seeded Regional Champion team and the lower ranked of the two teams will be matched against the top seeded Regional Champion team.
 6. At the end of the second round, the two teams that won their second round match will face off in the final/championship round. The first-place team will be determined by the results from the championship round only.

Rule 31. Power Matching and Seeding at the State Finals Tournament

- (a) Teams will compete as a team in head-to-head matches for all rounds of the State Finals Tournament.
- (b) A random method of selection will determine opponents in the first round.
- (c) After the first round, two evenly populated brackets will be determined by win/loss record. Teams will be matched according to their collective performances in the first round. Sorting within brackets will be determined in the following order: (1) win/loss record; (2) ballots; (3) speaker points; then (4) point spread. The team with the highest number of ballots in the bracket will be matched with the team with the lowest number of ballots in the bracket; the next highest with the next lowest, and so on until all teams are matched.
- (d) Teams will not meet the same opponent twice in the preliminary rounds.
- (e) The two teams who win both preliminary rounds will advance to the final round. The first-place team will be determined by the win/loss record, ballots, and total points earned (in this order) from the championship

round only. Ties will be broken following the procedure outlined in Rule 28.

Rule 32. [reserved]

Rule 33. Effect of a Win by Default

For the purpose of advancement and seeding, when a team wins by default, the winning team for that round will be given a win and the number of ballots and points equal to the average of all winning teams' ballots and points of that same round. A win by default can only occur under the circumstances outlined in Rule 11.

D. DISPUTE SETTLEMENT

Rule 34. Reporting a Rules Violation/Inside the Bar

- (a) Disputes, which involve team members competing in a competition round and occur within the bar, must be filed immediately following the conclusion of that trial round. Disputes must be brought to the attention of the presiding judge at the conclusion of the trial.
- (b) If any team believes that a substantial rules violation has occurred, one of its team member attorneys must indicate that the team intends to file a dispute. The scoring panel will be excused from the courtroom, and the presiding judge will provide the team member attorney with a dispute form, on which the team member will record in writing the nature of the dispute. The team member may communicate with counsel and/or team member witnesses before lodging the notice of dispute or in preparing the form.
- (c) At no time in this process may team coaches communicate or consult with the team member attorneys. Only team member attorneys may invoke the dispute procedure.
- (d) The dispute procedure described in this rule may not be used to challenge an action by the presiding judge which a team believes to materially depart from the rules of the mock trial competition. If a team believes that such a material departure has occurred, one of its team member attorneys must move, during the trial round, for compliance with the rules of the mock trial competition in accordance with Rule 17. (See Rule 35(a) for resolution procedure)
- (e) Rules violations and/or disputes, which involve teams, individual team members or coaches during the course of the round or during the competition day, which are not brought to the attention of the presiding judge during a round (under Rule 34(a)) or to the trial coordinator's attention during the competition day by a teacher or attorney coach (under Rule 37), but which are discovered in the normal course of organizing and running the business of the competition on competition day and which are discovered by the trial coordinator or one of his/her coordinating team members, should be dealt with on-site (see Rule 35(b) & (c) for resolution procedure).

Rule 35. Dispute Resolution Procedure

- (a) The presiding judge will review the written dispute and determine whether the dispute should be heard or denied. If the dispute is denied, the judge will record the reasons for this, announce her/his decision to the Court, retire to complete his/her scoresheet (if applicable), and

turn the dispute form in with the scoresheets. If the judge feels the grounds for the dispute merit a hearing, the form will be shown to opposing counsel for their written response. After the team has recorded its response and transmitted it to the judge, the judge will ask each team to designate a spokesperson. After the spokespersons have had time (not to exceed three minutes) to prepare their arguments, the judge will conduct a hearing on the dispute, providing each team's spokesperson three minutes for a presentation. The spokespersons may be questioned by the judge. At no time in this process may team coaches communicate or consult with the team member attorneys. After the hearing, the presiding judge will adjourn the court and retire to consider her/his ruling on the dispute. That decision will be recorded in writing on the dispute form, with no further announcement.

- (b) Rules violations and/or disputes brought by trial coordinators and/or a member of the coordinating team must be dealt with on site and in consultation with the appropriate Director of Competitions, the Rules Subcommittee Chair, the State Coordinator, the Chair of the Committee, either Vice Chair of the Committee and/or the Special Consultant to the Committee. The trial coordinator should request a verbal explanation of the violation and/or dispute from the offending team, individual or coach before contacting the appropriate and/or available HSMT leader. In consultation, the trial coordinator and the HSMT leader(s) contact will decide the outcome of the situation. All decisions in this process made by the trial coordinator in consultation with HSMT leadership will be considered final.
- (c) If a trial coordinator, in consultation with HSMT leadership, determines that a rules violation did occur as described in Rules 32(b) and 33(b), the trial coordinator and HSMT leader(s) may choose to impose one or more of the consequences outlined in Rule 10(e) 1-5.

Rule 36. Effect of Violation on Score

If the presiding judge determines that a substantial rules violation has occurred, the judge will inform the scoring judges of the dispute and provide a summary of each team's argument. The scoring judges will consider the dispute before reaching their final decisions. The dispute may or may not affect the final decision, but the matter will be left to the discretion of the scoring judges.

Rule 37. Reporting of Rules Violation/Dispute Outside the Bar on Competition Day

- (a) Time is of the essence in all matters during any level of the competition. Coaches and team members are expected to communicate before and after competition rounds on a variety of competition-related topics, in addition to student performance. Moreover, coaches should communicate with each other during the course of the competition day so that they are aware, within a reasonable amount of time, of events that occur during the competition that relate to their competition team, including any potential outside the bar rules violation/dispute that may have occurred.
- (b) A Rules Violation/dispute, which involves people other than team members and/or occurs outside the bar only during a trial round on competition day, may be brought by the primary teacher or attorney coaches exclusively. Such disputes must be brought to the attention of the

trial coordinator as soon as possible, but in no event more than 30 minutes after the end of the round in which the alleged violation occurred. The complaining party must complete a dispute form in order for the dispute to be heard. The form will be taken to the tournament's communication's center, whereupon a dispute resolution panel will:

1. Notify all pertinent parties;
 2. Allow time for a response, if appropriate;
 3. Conduct a hearing; and
 4. Rule on the charge.
- (c) The trial coordinator and/or his/her designated dispute resolution panel must handle all disputes of this type on site and on the day of the competition. The dispute resolution panel may notify the judging panel of the affected courtroom of the ruling on the charge.
 - (d) The dispute resolution panel will be composed of designees, including available HSMT leaders, appointed by the trial coordinator, who may also sit on the panel.
 - (e) The decision of the dispute resolution panel in these matters will be considered final and no appeals will be heard.
 - (f) If a trial coordinator, in consultation with HSMT leadership, determines that an "outside the bar" rules violation did occur, the trial coordinator and/or HSMT leader(s) may choose to impose one or more of the consequences outlined in Rule 10(e)(1-5).
 - (g) Teams shall not bring outside the bar disputes/issues that arise on competition day directly to the state mock trial office for consideration at any time.
 - (h) If a coach discovers a potential outside the bar violation after the 30-minute time frame for disputes has elapsed, but on the same day that the alleged violation occurred, and wishes to have the matter reviewed, that coach is required to bring the issue to the attention of the trial coordinator before leaving the competition site. The trial coordinator will then convene the dispute resolution panel to review the matter as described in sections (b) through (e) of this rule. If a coach leaves the competition site knowing that a potential outside the bar rules violation/dispute has occurred, but without formally bringing it to the attention of the trial coordinator, the team forfeits the right to file the complaint or have the matter reviewed in any way.
 - (i) Only under the most extenuating of circumstances, which must be described in writing, may a coach bring a complaint of an outside the bar rules violation/dispute to the Rules chair on the Monday after that level of the competition has concluded. If the Rules Chair determines that the issue could not be brought to the attention of the trial coordinator at the competition site, s/he will review the issue and may choose to request a response from the alleged offender in order to gain a clearer understanding of the situation. The Rules Chair may resolve the dispute at the time it is submitted; if the Rules Chair determines that a violation did occur, s/he, in consultation with other HSMT leaders and with the advice of the State Coordinator, may impose one or more of the consequences outlined in Rules 10(e)(1-5) on the offending team, coach, or individual team member.
 - (j) The Rules Chair, in his/her sole discretion, may also elect not to resolve the dispute but to include the issue in the rules review at the next meeting of the Subcommittee on the Rules. Regardless of whether the dispute is resolved,

it will have no bearing on the outcome of any competition round(s) during the competition level at which the dispute arose.

(c) *Non-Responsive Answer*—A witness' answer is objectionable if it fails to respond to the question asked.

II. RULES OF PROCEDURE

A. BEFORE THE TRIAL

Rule 38. Trial Squad Roster Form

Copies of the Trial Squad Roster Form must be completed and duplicated by each team prior to arrival at the competition site. Teams must be identified by the code assigned at registration. No information identifying team origin should appear on the form. Before beginning a trial, the teams must exchange copies of the Trial Squad Roster Form. Witness lists should identify the gender of each witness so that references to such parties will be made in the proper gender. Copies of the Trial Squad Roster Form should also be made available to the judging panel and presiding judge before each round. The Trial Squad Roster Form is available as a fillable and saveable PDF on the HSMT website and should be submitted in typed form whenever possible.

Rule 39. Stipulations

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

Rule 40. The Record

The stipulations, the indictment, and the Charge to the Jury will not be read into the record.

B. BEGINNING THE TRIAL

Rule 41. Jury Trial

The case will be tried to a jury; arguments are to be made to judge and jury. Teams may address the scoring judges as the jury.

Rule 42. Standing During Trial

Attorneys who are able will stand while giving opening and closing statements, during direct and cross examinations, and for all objections.
(See Rule 27 for the treatment of rule infractions.)

Rule 43. Student Work Product

All opening statements and closing arguments, all direct and cross examinations, and all objections shall be substantially the work product of team members and not be scripted by coaches.
(See Rule 27 for the treatment of rule infractions.)

C. PRESENTING EVIDENCE

Rule 44. Argumentative/Ambiguous Questions and Non-Responsive Answer

- (a) *Argumentative*—An attorney shall not ask a question which asks the witness to agree to a conclusion drawn by the questions without eliciting testimony as to new facts; provided, however, that the Court may in its discretion allow limited use of argumentative questions on cross examination.
- (b) *Ambiguous Questions*—An attorney shall not ask questions that are capable of being understood in two or more possible ways.

Rule 45. Assuming Facts Not in Evidence

An attorney shall 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 the evidence.

Rule 46. Lack of Proper Predicate/Foundation

Attorneys shall lay a proper foundation prior to moving admission of evidence. After the motion has been made, the exhibits may still be objectionable on other grounds.

Rule 47. Procedure for Introduction of Exhibits

At the regional and state level of the Georgia High School Mock Trial Competition, the following procedure for introducing evidence is accepted practice. All teams should be prepared to follow these steps and all presiding judges should allow students to utilize this procedure for the introduction of evidence during competition rounds.

1. All evidence will be pre-marked as exhibits.
2. Timekeepers will not stop time during the introduction of evidence.
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 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 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 the response is "Yes," the objection will be stated on the record. Court: "Is there any response to the objection?"
11. Court: "Exhibit No. ___ is/is not admitted."
12. If the exhibit is admitted into evidence, the attorney may now solicit testimony on its contents.

Rule 48. 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.

Rule 49. Redirect/Recross

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

D. SPECIAL MOCK TRIAL OBJECTIONS

Rule 50. Special Mock Trial Objections

- (a) *"Objections" during Openings/Closings*: No objections may be raised during opening statements or during closing arguments. If a team believes an objection would have been proper during the opposing team's opening

statement or closing argument, one of its attorneys (per Rule 12(e)) 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 [opening statement or closing argument], I would have objected to the opposing team's statement that _____." The opposing team is allowed a response. The presiding judge will not rule on the "objection." Presiding and scoring judges will weigh the "objection" and response (if given) individually.

- (b) *Scope of Closing Arguments*: Closing Arguments must be based on the actual evidence and testimony presented during the trial, including rebuttal.
- (c) *Excessive and/or Intentionally Evasive and/or Non-Responsive Answers from Witnesses*: If a team believes that an opposing team's witness has engaged in excessive or intentional evasiveness and/or excessive or intentional non-responsive answers on cross, solely to use up an opponent's allotted cross examination time, and the attorney handling the cross examination of that witness has exhausted all methods of attempting to control that witness, that attorney may, at the end of that cross examination make an "objection" to "excessive/intentional evasiveness/non-responsiveness" on the part of that witness.
If an attorney makes this mock trial "objection", he or she may stand at the end of his/her cross examination and ask to be recognized by the presiding judge saying, "Your honor, I object to the excessive/intentional evasiveness/non-responsiveness displayed by Witness X. I believe his/her sole purpose for using this tactic was to use up my allotted time during cross examination."
- (d) The presiding judge shall allow no response to the objection from the opposing team. The presiding judge shall not rule on this objection; however, the presiding judge may indicate to scoring evaluators that they may consider the "objection" at their discretion when completing their scoresheet (*see Rule 27 for point deductions for rules infractions*).
- (e) Evaluators may deduct points from any witness or witnesses and any team whose conduct properly draws such an objection or reasonably could have properly drawn such an objection even if no objection is made. Evaluators may also award additional points to attorneys or teams that effectively control witnesses/teams that use such delaying tactics during the cross examination, regardless of an "objection" under this rule being made.

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E. CRITIQUE

Rule 51. The Critique

- (a) The judging panel is allowed 10 minutes for debriefing. The timekeepers will monitor the critique following the trial. Presiding judges are to limit critique sessions to the 10 minutes total time allotted.
 - (b) Judges shall not make a ruling on the legal merits of the trial. Judges may not inform the students of scoresheet results or the awarding of outstanding attorney or witness certificates.
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**III. GEORGIA HIGH SCHOOL MOCK TRIAL
COMPETITION RULES OF EVIDENCE**

In American trials, complex rules are used to govern the admission of proof (i.e., oral or physical evidence). These rules are designed to ensure that all parties receive a fair hearing and to exclude evidence deemed irrelevant, incompetent, untrustworthy, unduly prejudicial or otherwise improper. If it appears that a rule of evidence is being violated, an attorney may raise an objection to the judge. The judge then decides whether the rule has been violated and whether the evidence must be excluded from the record of the trial. In the absence of a properly made objection, however, the evidence will probably be allowed by the judge. The burden is on the mock trial team to know the Georgia High School Mock Trial Competition Rules of Evidence and to be able to use them to protect their client and fairly limit the actions of opposing counsel and their witnesses.

For purposes of mock trial competition, the Rules of Evidence have been modified and simplified. They are based on the Federal Rules of Evidence, and its numbering system. Where rule numbers or letters are skipped, those rules were not deemed applicable to mock trial procedure. Text in *italics* or underlined represent simplified or modified language.

Not all judges will interpret the Rules of Evidence (or procedure) the same way, and mock trial attorneys should be prepared to point out specific rules (quoting, if necessary) and to argue persuasively for the interpretation and application of the rule they think appropriate.

The Mock Trial Rules of Competition, the Rules of Procedure, and these simplified Rules of Evidence govern the Georgia Mock Trial Competition.

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Article I. General Provisions

Rule 101. Scope

These rules govern proceedings in the *Georgia Mock Trial Competition*.

Rule 102. Purpose and Construction

These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.

Rule 105. Limited Admissibility

When evidence which is admissible as to one party or for one purpose, but is not admissible as to the other party or for another purpose is admitted, the judge, upon request, shall restrict the evidence to its proper scope and instruct the jury accordingly.

Rule 106. Remainder of or Related Writings or Recorded Statements

When a writing or recorded statement or part thereof is introduced by a party, an adverse party may require the introduction at that time of any other part or any other writing or recorded statement which ought in fairness to be considered contemporaneously with it.

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Article II. Judicial Notice

Rule 201. Judicial Notice of Adjudicative Facts

- (a) This rule governs judicial notice of an adjudicative fact only, not a legislative fact.
- (b) The court may judicially notice a fact that is not subject to reasonable dispute because it is a matter of mathematical or scientific certainty. For example, the court could take judicial notice that $10 \times 10 = 100$ or that there are 5280 feet in a mile.
- (c) The court must take judicial notice if a party requests it and the court is supplied with the necessary information.
- (d) The court may take judicial notice at any stage of the proceeding.
- (e) A party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed.
- (f) In a civil case, the court must instruct the jury to accept the noticed fact as conclusive. In a criminal case, the court must instruct the jury that it may or may not accept the noticed fact as conclusive.

Article III. Presumptions in Civil Actions and Proceedings (Not applicable in criminal cases)

Rule 301. Presumptions in General in Civil Actions and Proceedings

In all civil actions and proceedings...a presumption imposes on the party against whom it is directed the burden of going forward with evidence to rebut or meet the presumption, but does not shift to such party the burden of proof in the sense of the risk of non-persuasion, which remains throughout the trial upon the party on whom it was originally cast.

Article IV. Relevancy and its Limits

Rule 401. Test for Relevant Evidence

Evidence is relevant if:

- (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and
- (b) the fact is of consequence in determining the action.

Rule 402. General Admissibility of Relevant Evidence

Relevant evidence is admissible unless these rules provide otherwise. Irrelevant evidence is not admissible.

Rule 403. Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons

The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.

Rule 404. Character Evidence; Crimes or Other Acts

- (a) Character Evidence.
 1. **Prohibited Uses.** Evidence of a person's character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.
 2. **Exceptions for a Defendant or Victim in a Criminal Case.** The following exceptions apply in a criminal case:

- a. a defendant may offer evidence of the defendant's pertinent trait, and if the evidence is admitted, the prosecutor may offer evidence to rebut it;
 - b. a defendant may offer evidence of an alleged victim's pertinent trait, and if the evidence is admitted, the prosecutor may:
 - i. offer evidence to rebut it; and
 - ii. offer evidence of the defendant's same trait; and
 - c. in a homicide case, the prosecutor may offer evidence of the alleged victim's trait of peacefulness to rebut evidence that the victim was the first aggressor.
3. **Exceptions for a Witness.** Evidence of a witness's character may be admitted under Rules 607, 608, and 609.
 - (b) Crimes, Wrongs, or Other Acts.
 1. **Prohibited Uses.** Evidence of a crime, wrong, or other act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.
 2. **Permitted Uses.** This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident.

Rule 405. Methods of Proving Character

- (a) **By Reputation or Opinion.** When evidence of a person's character or *character trait* is admissible, it may be proved by testimony about the person's reputation or by testimony in the form of an opinion. *On cross-examination of the character witness, the court may allow an inquiry into relevant specific instances of the person's conduct.*
- (b) **By Specific Instances of Conduct.** When a person's character or *character trait* is an essential element of a charge, claim, or defense, the character or trait may also be proved by relevant specific instances of the person's conduct.

Rule 406. Habit, Routine Practice

Evidence of a person's habit or an organization's routine practice may be admitted to prove that on a particular occasion the person or organization acted in accordance with the habit or routine practice. The court may admit this evidence regardless of whether it is corroborated or whether there was an eyewitness.

Rule 407. Subsequent Remedial Measures

When measures are taken that would have made an earlier injury or harm less likely to occur, evidence of the subsequent measures is not admissible to prove:

- negligence;
- culpable conduct;
- a defect in a product or its design; or
- a need for a warning or instruction.

But the court may admit this evidence for another purpose, such as impeachment or — if disputed — proving ownership, control, or the feasibility of precautionary measures.

Rule 408. Compromise Offers and Negotiations

- (a) **Prohibited Uses.** Evidence of the following is not admissible — on behalf of any party — either to prove or

disprove the validity or amount of a disputed claim or to impeach by a prior inconsistent statement or a contradiction:

1. furnishing, promising, or offering — or accepting, promising to accept, or offering to accept — a valuable consideration in compromising or attempting to compromise the claim; and
2. conduct or a statement made during compromise negotiations about the claim — except when offered in a criminal case and when the negotiations related to a claim by a public office in the exercise of its regulatory, investigative, or enforcement authority.

(b) **Exceptions.** The court may admit this evidence for another purpose, such as proving a witness's bias or prejudice, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

Rule 409. Offers to Pay Medical And ~~or~~ Similar Expenses (*civil case only*)

Evidence of furnishing, promising to pay, or offering to pay medical, hospital, or similar expenses resulting from an injury is not admissible to prove liability for the injury.

Rule 410. Pleas, Plea Discussions, and Related Statements

(a) **Prohibited Uses.** In a civil or criminal case, evidence of the following is not admissible against the defendant who made the plea or participated in the plea discussions:

1. a guilty plea that was later withdrawn;
2. a *nolo contendere* plea;
3. a statement made during a proceeding on either of those pleas under Federal Rule of Criminal Procedure 11 or a comparable state procedure; or
4. a statement made during plea discussions with an attorney for the prosecuting authority if the discussions did not result in a guilty plea or they resulted in a later-withdrawn guilty plea.

(b) **Exceptions.** The court may admit a statement described in Rule 410(a)(3) or (4):

1. in any proceeding in which another statement made during the same plea or plea discussions has been introduced, if in fairness the statements ought to be considered together; or
2. in a criminal proceeding for perjury or false statement, if the defendant made the statement under oath, on the record, and with counsel present.

Rule 411. Liability Insurance (*civil case only*)

Evidence that a person was or was not insured against liability is not admissible to prove whether the person acted negligently or otherwise wrongfully. But the court may admit this evidence for another purpose, such as proving a witness's bias or proving agency, ownership, or control.

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Article V. Privileges

Rule 501. General Rule

There are certain admissions and communications excluded from evidence on grounds of public policy. Among these are:

1. *communications between husband and wife;*
2. *communications between attorney and client;*
3. *communications among grand jurors;*
4. *secrets of state; and*

5. *communications between psychiatrist and patient.*
.....

Article VI. Witnesses

Rule 601. General Rule of Competency

Every person is competent to be a witness.

Rule 602. Need for Personal Knowledge

A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may consist of the witness's own testimony. This rule does not apply to a witness's expert testimony under Rule 703. (*See Rule 2.2*)

Rule 603. Oath or Affirmation

Before testifying, every witness shall be required to declare that the witness will testify truthfully, by oath or affirmation, administered in a form calculated to awaken the witness' conscience and impress the witness' mind with the duty to do so. [*The mock trial oath is provided in the Rules of the Competition at Rule 12.*]

Rule 604. Interpreters

An interpreter is subject to the provisions of these rules relating to the qualification as an expert and the administration of an oath or affirmation to make a true translation.

Rule 607. Who May Impeach A Witness

Any party, including the party that called the witness, may attack the witness's credibility.

Rule 608. A Witness's Character For Truthfulness or Untruthfulness

(a) **Reputation or Opinion Evidence.** A witness's credibility may be attacked or supported by testimony about the witness's reputation for having a character for truthfulness or untruthfulness, or by testimony in the form of an opinion about that character. But evidence of truthful character is admissible only after the witness's character for truthfulness has been attacked.

(b) **Specific Instances of Conduct.** Except for a criminal conviction under Rule 609, extrinsic evidence is not admissible to prove specific instances of a witness's conduct in order to attack or support the witness's character for truthfulness. But the court may, on cross-examination, allow them to be inquired into if they are probative of the character for truthfulness or untruthfulness of:

1. the witness; or
2. another witness whose character the witness being cross-examined has testified about.

By testifying on another matter, a witness does not waive any privilege against self-incrimination for testimony that relates only to the witness's character for truthfulness.

Rule 609. Impeachment by Evidence of a Criminal Conviction

(a) **In General.** The following rules apply to attacking a witness's character for truthfulness by evidence of a criminal conviction:

1. for a crime that, in the convicting jurisdiction, was punishable by death or by imprisonment for more than one year, the evidence:

- a. must be admitted, subject to Rule 403, in a civil case or in a criminal case in which the witness is not a defendant; and
 - b. must be admitted in a criminal case in which the witness is a defendant, if the probative value of the evidence outweighs its prejudicial effect to that defendant; and
2. for any crime regardless of the punishment, the evidence must be admitted if the court can readily determine that establishing the elements of the crime required proving — or the witness’s admitting — a dishonest act or false statement.
- (b) **Limit on Using the Evidence After 10 Years.** This subdivision (b) applies if more than 10 years have passed since the witness’s conviction or release from confinement for it, whichever is later. Evidence of the conviction is admissible only if its probative value, supported by specific facts and circumstances, substantially outweighs its prejudicial effect.
- (c) **Effect of a Pardon, Annulment, or Certificate of Rehabilitation.** Evidence of a conviction is not admissible if:
- 1. the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding that the person has been rehabilitated, and the person has not been convicted of a later crime punishable by death or by imprisonment for more than one year; or
 - 2. the conviction has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence.
- (d) **Juvenile Adjudications.** Evidence of a juvenile adjudication is admissible under this rule only if:
- 1. it is offered in a criminal case;
 - 2. the adjudication was of a witness other than the defendant;
 - 3. an adult’s conviction for that offense would be admissible to attack the adult’s credibility; and
 - 4. admitting the evidence is necessary to fairly determine guilt or innocence.
- (e) **Pendency of an Appeal.** A conviction that satisfies this rule is admissible even if an appeal is pending. Evidence of the pendency is also admissible.

Rule 610. Religious Beliefs or Opinions

Evidence of a witness’s religious beliefs or opinions is not admissible to attack or support the witness’s credibility.

Rule 611. Mode and Order of Interrogation and Presentation

- (a) **Control by the Court; Purposes.** The court should exercise reasonable control over the mode and order of examining witnesses and presenting evidence so as to:
- 1. make those procedures effective for determining the truth;
 - 2. avoid wasting time; and
 - 3. protect witnesses from harassment or undue embarrassment.
- (b) **Scope of cross examination.** The scope of the cross examination shall not be limited to the scope of the direct examination, but may inquire into any relevant facts or matters contained in the witness’ statement, **including** all reasonable inferences that can be drawn from those facts and matters, and may inquire into any omissions from the witness statement that are otherwise material and admissible.

- (c) **Leading Questions.** Leading questions should not be used on direct examination of a witness (except as may be necessary to develop the witness’ testimony). Ordinarily, leading questions are permitted on cross examination. When a party calls a hostile witness, an adverse party, or a witness identified with an adverse party, leading questions may be used. A hostile witness may only be called pursuant to Rule 12(f).
- (d) **Redirect/Re-cross.** After cross examination, additional questions may be asked by the direct examining attorney, but questions must be limited to matters raised by the attorney on cross examination. Likewise, additional questions may be asked by the cross examining attorney or re-cross, but such questions must be limited to matters raised on redirect examination and should avoid repetition.
- (e) **Permitted Motions.** The only motion permissible is one requesting the judge to strike testimony following a successful objection to its admission.

Rule 612. Writing Used to Refresh a Witness’s Memory

If a written statement is used to refresh the memory of a witness either while testifying or before testifying, the Court shall determine that the adverse party is entitled to have the writing produced for inspection. The adverse party may cross examine the witness on the material and introduce into evidence those portions which relate to the testimony of the witness.

Rule 613. Witness’s Prior Statement

- (a) **Showing or Disclosing the Statement During Examination.** When examining a witness about the witness’s prior statement, a party need not show it or disclose its contents to the witness. But the party must, on request, show it or disclose its contents to an adverse party’s attorney.
- (b) **Extrinsic Evidence of a Prior Inconsistent Statement.** Extrinsic evidence of a witness’s prior inconsistent statement is admissible only if the witness is given an opportunity to explain or deny the statement and an adverse party is given an opportunity to examine the witness about it, or if justice so requires. This subdivision (b) does not apply to an opposing party’s statement under Rule 801(d)(2).

Article VII. Opinions and Expert Testimony

Rule 701. Opinion Testimony by Lay Witness

If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is:

- (a) rationally based on the witness’s perception;
- (b) helpful to clearly understanding the witness’s testimony or to determining a fact in issue; and
- (c) not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.

Rule 702. Testimony by Experts

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise.

Rule 703. Bases of an Expert's Opinion Testimony

An expert may base an opinion on facts or data in the case that the expert has been made aware of or personally observed. If experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, they need not be admissible for the opinion to be admitted. But if the facts or data would otherwise be inadmissible, the proponent of the opinion may disclose them to the jury only if their probative value in helping the jury evaluate the opinion substantially outweighs their prejudicial effect.

Rule 704. Opinion on Ultimate Issue

- (a) **In General — Not Automatically Objectionable.** An opinion is not objectionable just because it embraces an ultimate issue.
- (b) **Exception.** In a criminal case, an expert witness must not state an opinion about whether the defendant did or did not have a mental state or condition that constitutes an element of the crime charged or of a defense. Those matters are for the trier of fact alone.

Rule 705. Disclosing the Facts or Data Underlying An Expert's Opinion

Unless the court orders otherwise, an expert may state an opinion — and give the reasons for it — without first testifying to the underlying facts or data. But the expert may be required to disclose those facts or data on cross-examination.

Article VIII. Hearsay

Rule 801. Definitions

The following definitions apply under this article:

- (a) **Statement.** "Statement" means a person's oral assertion, written assertion, or nonverbal conduct, if the person intended it as an assertion.
- (b) **Declarant.** "Declarant" means the person who made the statement.
- (c) **Hearsay.** "Hearsay" means a statement that:
 - 1. the declarant does not make while testifying at the current trial or hearing; and
 - 2. a party offers in evidence to prove the truth of the matter asserted in the statement.
- (d) **Statements That Are Not Hearsay.** A statement that meets the following conditions is not hearsay:
 - 1. **A Declarant-Witness's Prior Statement.** The declarant testifies and is subject to cross-examination about a prior statement, and the statement:
 - a. is inconsistent with the declarant's testimony and was given under penalty of perjury at a trial, hearing, or other proceeding or in a deposition;
 - b. is consistent with the declarant's testimony and is offered to rebut an express or implied charge that the declarant recently fabricated it or acted from a recent improper influence or motive in so testifying; or
 - c. identifies a person as someone the declarant perceived earlier.
 - 2. **An Opposing Party's Statement.** The statement is offered against an opposing party and:
 - a. was made by the party in an individual or representative capacity;

- b. is one the party manifested that it adopted or believed to be true;
- c. was made by a person whom the party authorized to make a statement on the subject;
- d. was made by the party's agent or employee on a matter within the scope of that relationship and while it existed; or
- e. was made by the party's coconspirator during and in furtherance of the conspiracy.

The statement must be considered but does not by itself establish the declarant's authority under (C); the existence or scope of the relationship under (D); or the existence of the conspiracy or participation in it under (E).

Rule 802. Hearsay Rule

Hearsay is not admissible except as provided by these Rules.

Rule 803. Exceptions to the Rule Against Hearsay — Regardless of Whether the Declarant is Available as a Witness

The following are not excluded by the hearsay rule, regardless of whether the declarant is available as a witness:

- 1. **Present Sense Impression.** A statement describing or explaining an event or condition, made while or immediately after the declarant perceived it.
- 2. **Excited Utterance.** A statement relating to a startling event or condition, made while the declarant was under the stress of excitement that it caused.
- 3. **Then-Existing Mental, Emotional, or Physical Condition.** A statement of the declarant's then-existing state of mind (such as motive, intent, or plan) or emotional, sensory, or physical condition (such as mental feeling, pain, or bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the validity or terms of the declarant's will.
- 4. **Statement Made for Medical Diagnosis or Treatment.** A statement that:
 - a. is made for — and is reasonably pertinent to — medical diagnosis or treatment; and
 - b. describes medical history; past or present symptoms or sensations; their inception; or their general cause.
- 5. **Recorded Recollection.** A record that:
 - a. is on a matter the witness once knew about but now cannot recall well enough to testify fully and accurately;
 - b. was made or adopted by the witness when the matter was fresh in the witness's memory; and
 - c. accurately reflects the witness's knowledge.If admitted, the record may be read into evidence but may be received as an exhibit only if offered by an adverse party.
- 6. **Records of a Regularly Conducted Activity.** A record of an act, event, condition, opinion, or diagnosis if:
 - a. the record was made at or near the time by — or from information transmitted by — someone with knowledge;
 - b. the record was kept in the course of a regularly conducted activity of a business, organization, occupation, or calling, whether or not for profit;
 - c. making the record was a regular practice of that activity;

- d. all these conditions are shown by the testimony of the custodian or another qualified witness, or by a certification that complies with ~~Rule 902(11) or (12) or with~~ a statute permitting certification; and
 - e. the opponent does not show that the source of information nor the method or circumstances of preparation indicate a lack of trustworthiness.
7. **Absence of a Record of a Regularly Conducted Activity.** Evidence that a matter is not included in a record described in paragraph (6) if:
- a. the evidence is admitted to prove that the matter did not occur or exist;
 - b. a record was regularly kept for a matter of that kind; and
 - c. the opponent does not show that the possible source of the information nor other circumstances indicate a lack of trustworthiness.
8. **Public Records.** A record or statement of a public office if:
- a. it sets out:
 - i. the office's activities;
 - ii. a matter observed while under a legal duty to report, but not including, in a criminal case, a matter observed by law-enforcement personnel; or
 - iii. in a civil case or against the government in a criminal case, factual findings from a legally authorized investigation; and
 - b. the opponent does not show that the source of information nor other circumstances indicate a lack of trustworthiness.
10. **Absence of a Public Record.** Testimony that a diligent search failed to disclose a public record or statement if the testimony or certification is admitted to prove that:
- a. the record or statement does not exist; or
 - b. a matter did not occur or exist, if a public office regularly kept a record or statement for a matter of that kind.
16. **Statements in Ancient Documents.** A statement in a document that is at least 20 years old and whose authenticity is established.
18. **Statements in Learned Treatises, Periodicals, or Pamphlets.** A statement contained in a treatise, periodical, or pamphlet if:
- a. the statement is called to the attention of an expert witness on cross-examination or relied on by the expert on direct examination; and
 - b. the publication is established as a reliable authority by the expert's admission or testimony, by another expert's testimony, or by judicial notice.
- If admitted, the statement may be read into evidence but not received as an exhibit.
21. **Reputation Concerning Character.** A reputation among a person's associates or in the community concerning the person's character.
22. **Judgment of a Previous Conviction.** Evidence of a final judgment of conviction if:
- a. the judgment was entered after a trial or guilty plea, but not a *nolo contendere* plea;

- b. the conviction was for a crime punishable by death or by imprisonment for more than a year;
 - c. the evidence is admitted to prove any fact essential to the judgment; and
 - d. when offered by the prosecutor in a criminal case for a purpose other than impeachment, the judgment was against the defendant.
- The pendency of an appeal may be shown but does not affect admissibility.

Rule 804. Hearsay Exceptions; Declarant Unavailable

- (a) **Criteria for Being Unavailable.** A declarant is considered to be unavailable as a witness if the declarant:
1. is exempted from testifying about the subject matter of the declarant's statement because the court rules that a privilege applies;
 2. refuses to testify about the subject matter despite a court order to do so;
 3. testifies to not remembering the subject matter;
 4. cannot be present or testify at the trial or hearing because of death or a then-existing infirmity, physical illness, or mental illness; or
 5. is absent from the trial or hearing and the statement's proponent has not been able, by process or other reasonable means, to procure:
 - a. the declarant's attendance, in the case of a hearsay exception under Rule 804(b)(1) or (6); or
 - b. the declarant's attendance or testimony, in the case of a hearsay exception under Rule 804(b)(2), (3), or (4).
 But this subdivision (a) does not apply if the statement's proponent procured or wrongfully caused the declarant's unavailability as a witness in order to prevent the declarant from attending or testifying.
- (b) **The Exceptions.** The following are not excluded by the rule against hearsay if the declarant is unavailable as a witness:
1. **Former Testimony.** Testimony that:
 - a. was given as a witness at a trial, hearing, or lawful deposition, whether given during the current proceeding or a different one; and
 - b. is now offered against a party who had — or, in a civil case, whose predecessor in interest had — an opportunity and similar motive to develop it by direct, cross-, or redirect examination.
 2. **Statement Under the Belief of Imminent Death.** In a prosecution for homicide or in a civil case, a statement that the declarant, while believing the declarant's death to be imminent, made about its cause or circumstances.
 3. **Statement Against Interest.** A statement that:
 - a. a reasonable person in the declarant's position would have made only if the person believed it to be true because, when made, it was so contrary to the declarant's proprietary or pecuniary interest or had so great a tendency to invalidate the declarant's claim against someone else or to expose the declarant to civil or criminal liability; and
 - b. is supported by corroborating circumstances that clearly indicate its trustworthiness, if it is

offered in a criminal case as one that tends to expose the declarant to criminal liability.

4. **Statement of Personal or Family History.** A statement about:
 - a. the declarant's own birth, adoption, legitimacy, ancestry, marriage, divorce, relationship by blood, adoption, or marriage, or similar facts of personal or family history, even though the declarant had no way of acquiring personal knowledge about that fact; or
 - b. another person concerning any of these facts, as well as death, if the declarant was related to the person by blood, adoption, or marriage or was so intimately associated with the person's family that the declarant's information is likely to be accurate.
5. **Not Applicable.**
6. **Statement Offered Against a Party That Wrongfully Caused the Declarant's Unavailability.** A statement offered against a party that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result. *For the purposes of the mock trial competition, required notice will be deemed to have been given. The failure to give notice as required by these rules will not be recognized as an appropriate objection.*

Rule 805. Hearsay within Hearsay

Hearsay included within hearsay is not excluded by the rule against hearsay if each part of the combined statements conforms with an exception to the rule.

Rule 806. Attacking and Supporting Credibility

When a hearsay statement has been admitted, the credibility of the declarant may be attacked and supported by any evidence, which would be admissible for those purposes if declarant had testified as a witness. Evidence of a statement or conduct by the declarant, inconsistent with the declarant's hearsay statement, is not subject to any requirement that the declarant may have been afforded an opportunity to deny or explain. If the party against whom a hearsay statement has been admitted calls the declarant as a witness, the party is entitled to examine the declarant on the statement as if under cross examination.

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Article X. Contents of Writing, Recordings, and Photographs

Rule 1002. Requirement of Original

To prove the content of a writing, recording, or photograph, the original writing, recording, or photograph is required ...
Copies of any case materials are considered as originals.

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Article XI. Miscellaneous Rules

Rule 1103. Title

These rules may be known and cited as the Georgia High School Mock Trial Competition Rules of Evidence.