

FLORIDA HIGH SCHOOL MOCK TRIAL RULES OF THE COMPETITION

The Florida High School Mock Trial State Competition (“State Competition”) is governed by these Rules of the Competition (“Rules of Competition”) and the Florida High School Mock Trial Rules of Evidence (“Rules of Evidence”). Any clarification of the Rules of Competition, the Rules of Evidence, or the case materials will be issued in writing to all participating teams in a timely manner and no less than two weeks prior to the tournament whenever possible. The State Coordinator, or its designee(s), will distribute to each team any such clarification.

The Rules of Competition and the Rules of Evidence govern the Florida High School Mock Trial State Competition (or State Competition). All teams are responsible for the conduct of persons associated with their teams throughout the Florida High School Mock Trial State Competition.

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FLORIDA HIGH SCHOOL MOCK TRIAL CHAMPIONSHIP RULES OF THE COMPETITION

ADMINISTRATION

Rule 1.1. Rules

All trials will be governed by the Rules of the Florida High School Mock Trial Championship (“Rules of Competition”) and the Florida High School Mock Trial Championship Rules of Evidence (“Rules of Evidence”).

Questions or interpretations of the Rules of Competition and the Rules of Evidence are within the discretion of the State Coordinator, or its designee(s), whose decision is final.

Rule 1.2. Code of Conduct

The Rules of Competition, as well as proper rules of courthouse and courtroom decorum and security, must be followed. The State Coordinator may impose sanctions on teams or individuals for (i) any misconduct occurring while a team is participating in the State Competition, (ii) flagrant rule violations, and (iii) breaches of decorum which affect the conduct of a trial or which impugn the reputation or integrity of any team, school, participant, court officer, judge, or the mock trial program. These sanctions include, but are not limited to, adjustment of points or standings, disqualification, immediate eviction from the Competition events, and forfeiture of all fees and awards (if applicable).

In the Rules of Competition, all references to “participating” include any activity as a part of a State Competition in-person or virtually.

Rule 1.3.A. Emergencies

During a trial, the presiding judge has the discretion to declare an emergency and adjourn the trial for a short period of time to address the emergency. In the event of an emergency, the presiding judge must notify the State Coordinator, or its designee(s), as soon as is practical for further guidance.

Rule 1.3.B. Technical Difficulties in a Virtual Competition

In the event of technical difficulties substantially impairing participation in the trial during a virtual competition, the presiding judge has the discretion to declare a technical emergency and adjourn the virtual trial for a short period of time to resolve the technical difficulties.

If the technical difficulty is substantially impairing a participant’s participation in the trial and cannot be resolved within a reasonable, but brief, amount of time, then the trial will continue with another member of the impacted team substituting for the impacted team member. The emergency substitute must be a member of the same team as the impacted participant.

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

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

Once the presiding judge determines either at the request of the team or *sua sponte* that a student is unable to compete in a role due to technical difficulties, to minimize disruption, the impacted student is not permitted

to return and compete in the role for which a substitution was made. If the technical difficulty is resolved, the impacted participant may return and participate in his or her other roles, if any. For purposes of this rule, a witness examination consisting of direct, cross, any re-direct and any re-cross is one role, so that a participant who requires an emergency substitution for a witness examination may not return and participate until the entire witness examination is completed.

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

In the event of a loss of connection for a timekeeper, that team shall defer to its opponent's timekeeper for that trial segment. The team whose timekeeper lost connection may substitute another timekeeper qualified under Rule 1.4 for the remaining trial segments. The timekeepers shall confer consistent with Rule 4.6(e) regarding time remaining at the beginning of each trial segment.

Technical emergencies resulting from the loss of the connection of a presiding or scoring judge shall be handled in accordance with Rule 5.2.A.

If the technical difficulty prevents an entire team from completing in part or all of a round, the presiding judge shall declare a recess of up to 15 minutes to allow that team to reconnect, either via video or by connecting on audio-only via telephone. If reconnection is impossible, the State Coordinator, or its designee(s), may declare a forfeit in favor of the team that maintains its connection no sooner than the end of the 15 minute recess. If at least five witnesses have been subject to cross-examination, the State Coordinator, or its designee(s), may in its sole discretion complete the ballot, assigning scores equal to their average score on all segments that could not be completed by the disconnected team and a "10" to the team that remained connected.

In the event that a technical emergency prevents an entire team from connecting via video but that team is able to connect via audio-only, the opposing team and all judges shall turn off their video until video connection from both teams has been restored.

No student or team may feign technical difficulty or invoke the technical difficulty rule for purposes other than a genuine technical difficulty. Such an act would violate the Rules of Competition and Code of Ethical Conduct and may be sanctioned in accordance with Rule 1.2.

Rule 1.4. Student Timekeepers

Teams shall provide timekeepers for the State Competition as follows:

- a. Each team participating in the State Competition is responsible for providing at least one student as an official timekeeper. All timekeepers must be official team members.
- b. Any student who will keep time, including any witness who will keep time in accordance with Rule 3.2, is required to attend the scheduled timekeeper orientation, which will be held before competition rounds begin. If a team does not have a timekeeper attend the required orientation meeting, that team will defer to its opponents' timekeepers in all rounds of the competition.
- c. If a team desires to assign more than one student to the timekeeper role, then all students who will be assigned to the timekeeper role must attend the timekeeper orientation. (See Rule 1.4(b)) The team's official student timekeeper will keep time for both sides during all competition rounds.

Rule 1.5. Relationship to Other Laws; Accommodation of Disability

The Rules of Competition will be interpreted and administered consistent with all applicable laws. Accordingly, should any applicable law require variance from these rules or accommodation of any competitor

for any reason, including a legally-recognized disability, that team member or their coach may apply to the State Coordinator, or its designee(s), for accommodation, and such reasonable accommodation as the law requires shall be granted. The State Coordinator will consider all requests and determine what reasonable accommodations can be made consistent with related policies. These accommodations may include adjustment of the Rules of Competition where appropriate. The timeliness of the request for accommodation may be material to whether an accommodation is granted. Where possible, teams competing against the team for which an accommodation was granted shall be informed of the accommodation in advance of a competition round but will ordinarily not be informed of the specific nature of the issue that led to the accommodation.

THE PROBLEM

Rule 2.1. The Problem

The problem will be an original fact pattern which may contain any or all of the following: statement of facts, pleadings, indictment, stipulations, witness statements/affidavits, jury charges, orders/rulings, and exhibits. Stipulations may not be disputed at trial. Witness statements may not be altered.

The problem shall consist of three witnesses per side, all of whom shall have names and characteristics that would allow them to be played by individuals of any gender. All three of the witnesses must be called.

Rule 2.2. Witnesses Bound by Statements

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

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

Rule 2.3. Unfair Extrapolation

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

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

Attorneys for the opposing team may refer a special objection, such as "unfair extrapolation," or "This information is beyond the scope of the statement of facts."

Possible rulings by a judge include:

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

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

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

Rule 2.4. Gender of Witnesses

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

Rule 2.5. Voir Dire

Voir dire examination of a witness is not permitted.

TEAMS

Rule 3.1. Team Eligibility

- a. Subject to the other provisions in this section, an official team competing at the Florida High School Mock Trial Competition shall be comprised of the following:
 1. A minimum of six (6) and a maximum of twelve (12) students, each of whom in the school year of the State Competition:
 - a. Participated on the circuit championship team;
 - i. **If a team has not competed in any level of competition prior to the state competition and seeks to advance from a circuit, the teacher coach must obtain approval from the State Coordinator prior to advancement.**
 - b. Represent the same mock trial team as defined in Rule 3.1.b;
 - c. Enrolled in grades nine (9) through twelve (12).
 2. A teacher, principal, or school administrator **must** accompany the team throughout all levels of the competition (generally referred to as a “teacher coach”)
- b. A mock trial team is composed of students that are registered in the same “school” in the judicial circuit the team will represent.
 1. A school (whether public, private, charter, parochial, etc.);
 2. A team consisting of home school students; or
 3. Other pre-approved configurations (if a team does not meet the criteria in sections b.1 through b.2 of this Rule, approval from the State Advisory Committee must be obtained).
- c. The State Coordinator and the teacher-sponsor have an affirmative obligation to verify each mock trial organization’s eligibility. Submission of a roster for the Florida Championship constitutes certification that the status of each participant for the mock trial organization has been verified and that the roster complies with Rule 3.1.
- d. All teacher coaches and students must attend the mandatory general assembly/orientation. Any attorney coach(es) accompanying a team must also be present.
- e. Following the mandatory meeting described in Rule 3.1.d, teacher and attorney coaches affiliated with a participating team must attend a Teacher and Coaches Meeting, which will include a review of the rules and power matching system
- f. At the discretion of the State Coordinator, other mandatory meetings for teacher coaches may be called to ensure a successful mock trial season.
 1. Should a teacher coach not be able to attend such meetings, the teacher coach must make alternative arrangements with the State Coordinator.
- g. The team advancing from Florida to the National High School Mock Trial Championship must be comprised of a minimum six (6) and a maximum of nine (9) students that participated on the state championship team.

Rule 3.2. Substitution of Members on the State Competition Team

- a. If the circuit championship team has seven or more students available to compete at the State Competition, it may not add additional students to its roster for the State Competition.

- b. If the circuit championship team has four, five, or six students available to compete in the State Competition, the team may add up to two students, to reach a roster size of a maximum of seven students. A circuit championship team may not have a roster size of greater than seven (7) students if any student on the team is a replacement student. Students added to a team as described in this Rule must meet Rule 3.1 Team Eligibility Requirements.
- c. Should the circuit champion be unable to compete or elect not to compete in the State Competition, the Circuit Coordinator has the sole discretion to designate an alternate team from their circuit competition to compete in the State Competition. Absent good cause, Circuit Coordinators should ordinarily designate alternate teams in order of their finish in the circuit competition.

Rule 3.3. Team Composition

Teams consist of six to twelve official team members. Only these official team members may be assigned to attorney, witness, and timekeeper roles representing the prosecution/plaintiff and defense/defendant sides. In each round, three official team members will serve as attorneys, and three different official team members will serve as witnesses. A seventh official team member, if available, will serve as timekeeper. If a team has only six official team members, it must designate two or more of its witnesses to serve as timekeepers in each round. Each timekeeper must meet the requirements of Rule 1.4 as the team’s timekeeper.

Any student outside the declared official team is considered an additional non-competing team member. Additional non-competing team members may neither compete nor keep time for the team at any point during the competition. The Team Roster will become official at the close of on-site registration for an in-person competition, and at 5:00 p.m. local time of the Host location on the day prior to the first round for a virtual competition.

Rule 3.4. Team Duties

Except as permitted during technical difficulties under Rule 1.3.B, each of the three attorneys will conduct one direct examination and one cross-examination; in addition, one will present the opening statement and another will present the closing arguments. In other words, the attorney duties for each team will be divided as follows:

- 1. One attorney will be responsible for the direct examination of one witness and the cross-examination of one witness;
- 2. One attorney will be responsible for the direct examination of one witness, the cross-examination of one witness, and the opening statement; and
- 3. One attorney will be responsible for the direct examination of one witness, the cross-examination of one witness, and the closing argument (including rebuttal, if any).

Opening Statements must be given by both sides at the beginning of the trial.

The attorney who examines a particular witness on direct examination is the only person who may make the objections to the opposing attorney’s questions of that witness’ cross-examination, and the attorney who cross-examines a witness will be the only person permitted to make objections during the direct examination of that witness.

Each team must present the side assigned to it in each round. Each team must call all three of its assigned witnesses. Witnesses must be called only by their own team during their case-in-chief and examined by both sides. Witnesses may not be recalled by either side.

Rule 3.5. Team Roster Form

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

Before beginning a trial in an in-person competition, the teams must exchange copies of the Team Roster Form. Team Roster Forms will be distributed to judges in a virtual competition according to the protocol established for the competition. The Form should identify the preferred gender of each witness so that references to such parties will be made using the correct pronouns. Copies of the Team Roster Form should also be made available to the judging panel and presiding judge before each round. Teams shall not knowingly disclose their place of origin to any member of the judging panel or to the presiding judge.

THE TRIAL

Rule 4.1. Courtroom Setting

For an in-person competition, the Prosecution/Plaintiff team shall be seated closest to the jury box. No team shall rearrange the courtroom without prior permission of the presiding judge. If a team is granted permission to rearrange the courtroom, that team shall restore the courtroom to its original condition at the conclusion of the trial round.

For a virtual competition, each participant is encouraged to log into the virtual platform separately from a normal personal computer, tablet, cellular phone, or similar device. At a minimum, each of a participating attorney, witness, and timekeeper shall utilize an individual device. Each participant shall use a screen name formatted according to the protocol established and announced for the competition. Once the trial begins, only participants who are competing in a particular trial segment will have their camera turned on. All team members who are not actively participating in that trial segment must have their cameras turned off, except for timekeepers turning on their cameras to display remaining time consistent with Rule 1.4. For purposes of this rule, the witness, direct-examining attorney, and cross-examining attorney must have their cameras turned on for the entire witness examination.

Rule 4.2. Stipulations

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

Rule 4.3. Reading into the Record Not Permitted

Neither the stipulations, the indictment, nor the Charge to the Jury will be read into the record.

Rule 4.4. Swearing of Witnesses

The following oath may be used before questioning begins:

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

The swearing of witnesses will occur in one of two ways. Either the presiding judge will indicate that all witnesses are deemed to be sworn using the above oath, or the above oath will be administered by the presiding judge or a bailiff provided by the host. The host will indicate which method will be used during all rounds of the current year’s tournament.

For a virtual competition, all witnesses will be deemed to be sworn.

Rule 4.5. Trial Sequence and Time Limits

The trial sequence and time limits are as follows:

- a. Opening Statement (5 minutes per side)
- b. Direct and Redirect (optional) Examination (25 minutes per side)
- c. Cross and Re-cross (optional) Examination (20 minutes per side)
- d. Closing Argument (5 minutes per side)

The Prosecution/Plaintiff gives the opening statement first. The Prosecution/Plaintiff gives the closing argument first; the Prosecution/Plaintiff may reserve a portion of its closing time for a rebuttal. The Prosecution/Plaintiff need not request or state that it is reserving rebuttal time. The Prosecution/Plaintiff's rebuttal is limited to the scope of the Defendant's closing argument.

Attorneys are not required to use the entire time allotted to each part of the trial. Time remaining in one part of the trial may not be transferred to another part of the trial.

Rule 4.6. Timekeeping

- a. Timekeepers are responsible for fairly and accurately keeping and reporting the time during the trial presentation and during any disputes under Rule 6.2.
- b. During the rounds of the competition, timekeepers are to act as a neutral entity. Timekeepers are not to communicate with their respective teams during the course of the trial presentation, recesses, or during any dispute procedure, except to display the time remaining or to indicate (as directed by the presiding judge) how much time is remaining during a particular part of the trial.
- c. Time limits are mandatory and will be enforced. Time runs from the beginning of the witness examination, opening statement, or closing argument until its conclusion. Introduction of counsel or witnesses prior to the opening statement is not included in the time allotted for opening statements. However, if counsel or witnesses are introduced once the opening statement has commenced, such time is included in the time allotted for the opening statement. Time stops only for objections, questioning from the judge, or administering the oath. Time does not stop for introduction of exhibits. The presiding judge shall have discretion to stop time for technical difficulties in a virtual competition that do not rise to the level of an emergency under Rule 1.3.B.
- d. In trial, each team will use three sets of time cards, one set for openings and closings, one set for direct examination, and one set for cross-examination. Each card will display both the "Time Elapsed" and the "Time Remaining." See samples provided. Teams should print their own time cards at each level of competition. Teams are not permitted to use other time cards. The time cards will be allocated as follows (shown as Time Elapsed/Time Remaining):
 1. Opening and Closing: 1:00 / 4:00; 2:00 / 3:00; 2:30 / 2:30; 3:00 / 2:00; 3:30 / 1:30; 1:00 / 4:00; 4:20 / 0:40; 4:30 / 0:30; 4:40 / 0:20; 4:50 / 0:10, STOP
 2. Direct examinations: 3:00 / 22:00; 5:00 / 20:00; 7:00 / 18:00; 10:00 / 15:00; 13:00 / 12:00; 15:00 / 10:00; 18:00 / 7:00; 20:00 / 5:00; 21:00 / 4:00; 22:00 / 3:00; 23:00 / 2:00; 24:00 / 1:00; 24:20 / 0:40; 24:40 / 0:20; STOP
 3. Cross-examinations: 2:30 / 17:30; 5:00 / 15:00; 7:30 / 12:30; 10:00 / 10:00; 12:30 / 7:30; 15:00 / 5:00; 16:00 / 4:00; 17:00 / 3:00; 18:00 / 2:00; 19:00 / 1:00; 19:20 / 0:40; 19:40 / 0:20; STOP
- e. Teams may not use these cards to signal time other than the aggregate time elapsed and remaining. (For example, teams may not use these cards to show the time remaining of the time allocated by that team to a particular trial segment.)
- f. At the end of each task during the trial presentation (i.e., at the end of each opening, at the end each direct witness examination, at the end of each cross examination and at the end of each closing argument) if there is more than a 15 second discrepancy between the teams' timekeepers, the timekeepers must notify the presiding

judge of the discrepancy. The presiding judge will then rule on the discrepancy, the timekeepers will synchronize their stopwatches accordingly and the trial will continue. Any discrepancies between timekeepers less than 15 seconds will not be considered. No time disputes will be entertained after the trial concludes. The decisions of the presiding judge regarding the resolution of time disputes are final.

- g. During a virtual competition, timekeepers shall post the time using the “chat” or similar feature visible to all participants at the end of each task during the trial presentation (i.e., at the end of each opening, at the end of each witness direct examination, at the end of each cross examination, and at the end of each closing argument).
- h. In a virtual competition, the timekeepers must signal time by posting the time signals permitted by subsection a in the chatroom function of the virtual competition platform. The timekeepers also may display Time Remaining cards by activating their camera to do so.
- i. Students keeping time may use stopwatches or cellular phones. Any cellular phone used for timekeeping must be kept in airplane mode and silenced during the duration of the trial round.

Rule 4.7. Time Extensions and Scoring

The presiding judge has sole discretion to grant time extensions. Such extensions should be granted sparingly and should be limited in duration, for example, to finish a question, answer, or thought. In all other cases, the presiding judge must stop the presentation once time expires. If time has expired and an attorney continues without permission from the court, the scoring judges may individually decide whether or not to deduct points in a category because of over-runs in time.

Rule 4.8. Motions Prohibited

The only motion permissible is one requesting the presiding judge to strike testimony following a successful objection to its admission.

Rule 4.9. Sequestration and Exclusion

Teams may not request actual or constructive sequestration or exclusion of witnesses.

Rule 4.10. Bench Conferences

Teams may not request bench conferences, and bench conferences are not permitted in either in-person or virtual competitions. Objections are deemed to have occurred at sidebar.

Rule 4.11. Enlargements, Costuming, Props, and Accents

- a. No enlargements of the case materials are permitted except as provided by the Host.
- b. No props are permitted.
- c. No costumes are permitted unless authorized specifically in the case materials. Costuming is defined as hairstyles, clothing, accessories, or make up which are case specific.
- d. An accent is not considered costuming. Competing students may affect an accent that is not their own.

Rule 4.12. Trial Communication

Coaches, teachers, alternates, and observers shall not talk to, signal, communicate with, or coach their teams during trial. This rule remains in force during any emergency recess that may occur. Team members (other than the timekeeper) may, among themselves, communicate during the trial; however, no disruptive communication is allowed and no participant may communicate with a witness while that witness is testifying other than through the course of that witness’s questioning. Signaling of time by the teams’ timekeepers shall not be considered a violation of this rule.

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

During a virtual competition, no one may use the “chat,” “instant message,” or “chatroom” function of the electronic platform, except to: (1) display timekeeping messages, as permitted by Rule 1.4, and (2) to communicate in the case of a technical emergency where audio and video functions are lost but access to the chat or instant messaging function is intact. Observers are not permitted to use the chat or instant messaging functions at any time.

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

Rule 4.13. Scouting and Viewing Trials

Team members, coaches, and any other persons directly associated with a mock trial team, except for those authorized by the State Coordinator, are not allowed to view other teams' performances in the State Competition, so long as their team remains in the competition. No person shall display anything that identifies their school, state, or organization of origin while in the courtroom.

Team members and individuals associated with competing teams are prohibited from contacting teachers, students, and attorney advisors from any other team in any manner in an effort to obtain information about an opponent. This prohibition is read and will be construed broadly, and it includes, without limitation, any form of personal communication, voice/telephone communication, and/or electronic communication, including electronic mail, instant messaging, and communication or messaging through social media sites.

It is not a violation of this rule for teams to participate voluntarily in practice or scrimmage matches in advance of the State Competition. It is a violation of this rule for teams to seek information about opposing teams in rounds of the State Competition from individuals who observed such scrimmages, including members of the team competing in that scrimmage.

To the extent that a team or its members makes information publicly available that bears on its strategy or other issues that would normally constitute the object of scouting, it shall not constitute scouting for another team to view these materials. For example, if members of a team post videos of their team's performance in exhibitions or scrimmages to the public internet; create publicly-accessible online materials such as scripts or flash cards on an internet site; or post to publicly-accessible social media information about their performance, strategy, or other matters, it is not scouting for a potential opponent of another team to view that material. Teams are strongly discouraged from actively seeking out information of this kind, and it may constitute scouting for a member of a competing team to actively seek on social media information posted about a future opponent, such as social media information posted by members of teams that opponent faced in prior rounds.

Rule 4.14. Videotaping/Photography

All participants must consent to audio and video recording by the State Coordinator and consent to electronic posting (including news media, websites, social media, or other platforms) of each performance at the State Competition.

If a team wishes to record the team must complete the Mutual Agreement for Trial Round Videotaping by Team(s). This form does **not** give permission post, share, or otherwise disseminate any recording. Recordings permitted under this form should be done only for the purpose of internal, team coaching.

No team may post, share with another competing team, or otherwise disseminate any recording of any competition round in the State Competition.

Each team shall inform any family member or other observer of this rule. Violations of this rule, even by an individual who is not a team member, may result in sanction of the team affiliated with the individual who recorded and/or posted, shared, or otherwise disseminated the recording up to and **including disqualification from the competition.**

Rule 4.15. Jury Trial

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

Rule 4.16 Standing During Trial

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

Rule 4.17. Objections During Opening Statement/Closing Statement

No objections may be raised during opening statements or during closing arguments. If a team believes an objection would have been warranted during the opposing team's opening statement or closing argument, the opposing attorney for that segment may, following the opening statement or following the closing argument, object and provide a basis for the objection. During a virtual competition, the attorney shall make the objection while remaining seated. **The opposing team is then allowed to respond to the objection. The presiding judge will not rule on this objection, and each scoring judge will weigh the objection individually.**

Rule 4.18. Objections

- Argumentative Questions: An attorney shall not ask argumentative questions.
- Lack of Proper Predicate/Foundation: Attorneys shall lay a proper foundation prior to moving the admission of evidence. After the exhibit has been offered into evidence, the exhibit may still be objected to on other grounds.
- Assuming Facts Not in Evidence: Attorneys may not ask a question that assumes unproved facts. However, an expert witness may be asked a question based upon stated assumptions, the truth of which is reasonably supported by evidence (sometimes called a “hypothetical question”).
- Questions Calling for Narrative or General Answer: Questions must be stated so as to call for a specific answer. (Example of improper question: “Tell us what you know about this case.”)
- Non-Responsive Answer: A witness’ answer is objectionable if it fails to respond to the question asked.
- Repetition: Questions designed to elicit the same testimony or evidence previously presented in its entirety are improper if merely offered as a repetition of the same testimony or evidence from the same or similar source.

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

Rule 4.19 Filibustering or Deliberate Time Wasting

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

wasting.”

In addition to being objectionable during the trial, an effort to deliberately consume the opposing team’s time through these techniques may also violate the Code of Conduct and may be sanctionable under Rule 1.2. A presiding judge who believes that egregious misconduct under this rule has occurred may refer the matter for consideration by the State Coordinator, or its designee(s), immediately following the trial round. Whether to bring this concern to the attention of the State Coordinator is solely at the discretion of the presiding judge; individual teams may not appeal this issue under Rules 6.1 or 6.2.

Scoring judges may deduct points for filibustering or deliberate time wasting whether or not the presiding judge has directed the witness to answer more responsively, and scoring judges should deduct points for filibustering or deliberate time wasting that persists after such a direction by the presiding judge.

Rule 4.20.A Procedure for Introduction of Exhibits – Generally

As an example, the following steps effectively introduce evidence:

1. All evidence will be pre-marked as exhibits.
2. Ask for permission to approach the witness. “Your Honor, may I approach the witness with what has been marked for identification purposes as Exhibit No. ___?”
3. Show the exhibit to opposing counsel.
4. Ask the witness to identify the exhibit. “I now hand you what has been marked for identification as Exhibit No. ___. Would you identify it please?” Witness should answer to identify only.
5. Ask the witness a series of questions that are offered for proof of the admissibility of the exhibit. These questions lay the foundation or predicate for admissibility, including questions of the relevance and materiality of the exhibit.
6. Offer the exhibit into evidence. “Your Honor, we offer Exhibit No. ___ into evidence.”
7. 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.)
8. Opposing Counsel: “No, Your Honor,” OR “Yes, Your Honor.” If the response is “yes,” the objection will be stated for the record. Court: “Is there any response to the objection?”
9. Court: “Exhibit No. ___ (is/is not) admitted.” If admitted, questions on content may be asked.
10. If an exhibit is introduced into evidence, a team may publish it to the jury at the presiding judge’s discretion.

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

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

1. All witnesses shall have all case materials available and in their possession during their testimony but may only refer to them when prompted by an examining attorney.
2. Attorneys will not physically approach witnesses. Instead, attorneys will identify the exhibit they wish to show the witness and request the Court’s permission for the witness to view it.
3. Attorneys will not be required to confirm that they have shown the exhibit to opposing counsel.
4. Instead of the language in Step 4, above, the attorney will say words to the effect of “I now show you what has been marked for identification as Exhibit No. ___. Would you identify it please?” Witness should answer to identify only.

5. When an exhibit – or, during impeachment or refreshment of recollection, some other document – is shown to a witness, a member of the examining attorney’s team shall make that document available to all participants via “screen sharing” or similar technology. The member of the team responsible for posting the exhibit must be a team member competing in the round or the timekeeper for the round.
6. Exhibits or other documents posted in this manner will be deemed not to have been shown to the jury unless they are admitted into evidence and formally published to the jury. Publication to the jury is at the presiding judge’s discretion.
7. Teams may use technology to mark exhibits electronically only to the extent that marking physical exhibits would have been permitted by Rule 4.11. Any marked electronic exhibits may only be used as provided in Rule 4.11.

Rule 4.21. Use of Notes

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

Rule 4.22 Redirect/Recross

Redirect and recross examinations are permitted, but any redirect and recross examination is limited in scope to matters raised in cross examination and redirect examination, respectively. Re-redirect and re-recross examination are not allowed.

Rule 4.23. Scope of Closing Arguments

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

Rule 4.24. The Critique

The judging panel is allowed 10 minutes for critiquing. The timekeepers will monitor the critique following the trial. Presiding judges are to limit critique sessions to a combined total of ten (10) minutes.

Judges shall not make a ruling on the legal merits of the trial. Judges may not inform the students of score sheet results.

Rule 4.25 Offers of Proof

No offers of proof may be requested or tendered.

Rule 4.26. Trial Materials; Outside Legal Research Prohibited at Trial

Teams may refer only to materials included in the trial packet. No illustrative aids of any kind may be used, unless provided in the case packet or by the Host.

Rule 4.27. Marking Documents at Trial

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

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

Rule 4.28. Sharing Documents with Scoring Panel; Using Documents During Argument

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

If a trial exhibit is marked during an examination for demonstrative purposes, the marked exhibit may be used as a demonstrative exhibit during the trial and during closing arguments but may not be entered into evidence as a trial exhibit. Other documents, such as witness statements or pleadings, whether marked under Rule 4.27 or not, may not be entered into evidence, used as demonstratives during closing argument, or otherwise shown to the scoring panel.

During closing argument, teams may show the jury any document introduced as evidence and may use as a demonstrative any trial document marked under Rule 4.27.

Rule 4.29. Reference to Witness Gender and Physical Traits

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

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

Rule 4.30. Roster Forms, Name Tags, and Name Plates

Each team shall complete a roster in the form provided by the Host. No roster forms may be altered except to provide the information requested. Teams must provide their rosters to the presiding judge, scoring panel, and opposing team at the beginning of each trial round.

Unless provided by the Host, name tags or name plates at counsel table are not permitted. The Host may provide an enlarged or alternate version of an exhibit. If so provided, use of that version of that exhibit does not violate these rules.

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

Rule 4.31. Sleeves and Laminations of Trial Exhibits

Teams may, but are not required to, use lamination or page sleeves for their trial exhibits or other case materials. If teams choose to laminate a page or use page sleeves, teams will ensure that each page is clean prior to trial.

JUDGING AND TEAM ADVANCEMENT

Rule 5.1. Finality of Decisions

All decisions of the judging panel are FINAL.

Rule 5.2.A Composition of Judging Panels

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 Board or its designee.

The scoring judges may be persons including judges, attorneys, individuals with extensive mock trial coaching or scoring experience, and other persons as approved by the State Coordinator when also in compliance with Florida Mock Trial Rules of Competition.

The presiding judge may be a judge, senior judge, administrative hearing officer, magistrate, or attorney.

At the discretion of the host director, the Championship round may have a larger panel.

All presiding and scoring judges will receive the mock trial manual, a memorandum outlining the case, orientation materials, and a briefing in a judges' orientation.

In the event of an emergency (i.e., sudden illness, etc.), if a judging panel member must leave the courtroom or the virtual competition platform, the presiding judge will call for a brief recess and assess whether the judging panel member will be able to return in a reasonably short period of time. If the judging panel member is unable to return to the courtroom or virtual competition platform in a reasonably short period of time, the dispute resolution committee must be informed. Once the panel composition is adjusted by this committee to best meet the requirements of the rules, the round should continue. During any recess under this rule, the teams, whenever possible, should remain in their appropriate positions within the courtroom or in the virtual competition platform until the round resumes.

If the technical or other emergency impacts the presiding judge, a scoring judge may serve as the presiding judge unless otherwise provided by the State Advisory Committee.

Rule 5.2.B Conflicts Between Judges and Teams

The State Coordinator recognizes that conflicts of interest between judges and participants may arise. This program requires extensive volunteer support, and it is assumed all participants will make every effort to identify potential conflicts. The sole discretion for determining whether a judicial conflict exists is vested in the State Coordinator or its designee. The following criteria will be considered:

1. A judge shall notify the State Coordinator, or its designees, when assigned to a trial round when the judge has an obvious or egregious conflict with either team involved in that trial round. Examples of an obvious or egregious conflict include where the judge is a coach of one of the teams, is a relative or close friend of a competing student or one of the team's coaches, or the circuit coordinator for either team.
2. A judge may be excused if that judge or his or her family members attended one of the schools competing or has a personal friendship with a team advisor or parent. However, in the case of

such potential conflicts, it is within the discretion of the State Coordinator or its designee to determine whether such a conflict exists.

3. A situation where the judge recognizes a team advisor or student/parent through professional acquaintance or through participation in mock trials in years previous will not ordinarily be considered to be a conflict, unless there is a closer relationship of the kind that would prevent the judge from fairly scoring a round. Mere recognition of a team or its members is not a basis for disqualification absent a more significant conflict.

A judge who becomes aware of a conflict prior to or during a trial should notify the State Coordinator as soon as possible. If the judge was not aware of the conflict until after he or she has completed the scoresheet, it is left to the discretion of the State Coordinator to determine whether to disqualify the juror.

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

Rule 5.2.C Disqualification of Judges

The State Coordinator, or its designee, has discretion in cases involving juror irregularity to disqualify a scoring judge's score sheet.

Rule 5.2.D Process Following Disqualification of a Ballot

If a scoring judge's ballot needs to be disqualified following the conclusion of a round, the State Advisory Committee will ensure that the minimum number of qualified ballots for a competition round, as based on the Rules of Competition, are completed.

If two ballots need to be disqualified following the conclusion of a round, if there are two legal ballots remaining and those ballots agree on the winning team of the round, a third ballot will be generated consisting of the average total score of those two ballots. This third ballot will be used as the official ballot for power matching purposes.

If two ballots need to be disqualified following the conclusion of a round, if there are two legal ballots remaining and those ballots do not agree on which team won the round, the following process will be employed:

1. An average of the total points on the two valid ballots shall be generated, and the winner on points of that average ballot shall be deemed the winner of the trial.
2. If the average ballot is tied, the tie shall be broken by highest average score in the closing argument category. If the ballot remains tied, that tie shall be broken by the highest average score in the opening statement category. Should the ballots remained tied, following procedures will be determined by the State Coordinator, or its designee(s).
3. This third ballot shall be used for all power matching purposes.
4. In all cases where the averaging of two ballots above results in a score that is not a whole number, the score shall be averaged by rounding up to the nearest whole number.

Rule 5.3. Score Sheets/Ballots

The term "ballot" will refer to the decision made by a judge as to which team made the better presentation in the round. The term "score sheet" is used in reference to the form on which points are recorded. In any one round, a combination of presiding and scoring judge ballots may be used. Scoring judges are not bound by the rulings of the presiding judge. The team that earns the highest points on an individual judge's score sheet is the winner of that ballot. Unless otherwise provided under these Rules, the team that receives the majority of the

ballots wins the round. The ballot votes determine the win/loss record of the team for power-matching and ranking purposes. The judging panel should not deliberate on individual scores.

Rule 5.4. Completion of Score Sheets

Throughout the trial, including the championship round, judges will complete appropriate scoresheets/ballots as determined by the Rules of Competition and the State Coordinator. **NO TIE IS ALLOWED IN THE TOTAL POINTS BOXES ON ANY INDIVIDUAL SCORE SHEET.**

In the event of a mathematical error in tabulation by a judge, the scoring room will correct the error.

Rule 5.5. Team Advancement

Teams will be ranked based on the following criteria in the order listed:

1. Win/Loss Record - equals the number of rounds 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.

Rule 5.6. Power Matching/Seeding

Pairings for the first round will be determined by random draw. A power-match system will determine opponents for all other rounds. The two teams emerging with the strongest record from the four rounds will advance to the final round. The first-place team will be determined by ballots from the championship round only.

Power matching will provide that:

1. All teams are guaranteed to present each side of the case at least once;
2. Subject to Rule 5.6.6 below, the ranking of teams for purposes of power matching shall be in the order of:
 - a. Total matches won;
 - b. Number of ballots won;
 - c. Total points scored in all rounds to that point;
 - d. Total margin of victory in all rounds to that point.
3. To the greatest extent possible, teams will alternate side presentation in subsequent rounds. Subject to Rule 5.6.6, below, the team with the highest seed in the bracket will be matched with the team with the lowest rank in the bracket, the team with the next highest rank in the bracket will be matched with the team with the next lowest rank in the bracket, and so forth, until all teams are paired.
4. If there is an odd number of teams in a bracket, the top-ranked team from the next lower bracket will be "pulled up" into the higher bracket to create a bracket with an even number of teams. Pairing will occur normally from that point.
5. To the greatest extent possible, teams will not meet the same opponent twice;
6. Choice of side of the case
 - a. The choice of sides in Round 1 shall be random.

- b. To the greatest extent possible, consistent with the following rules, teams will alternate side presentations in subsequent rounds.
- c. After Round 1, teams will be paired within a bracket to allow for the greatest number of teams within the bracket to play the opposite side that they played in Round 1.
- d. After Round 2, any team that has not switched sides will play the side that it has not yet played.
- e. After Round 3, with the exception of the bracket of 3-0 teams, teams shall be paired within each bracket such that as many teams as practicable have competed twice on each side of the case, except that no team shall be moved more than two slots in the ranking.
- f. After Round 3, subject to Rule 5.6.5, the teams in the 3-0 bracket shall be strictly paired in accordance with their ranking. Where a team that has competed twice on the plaintiff/prosecution side is matched against a team that has competed twice on the defense, the teams shall be assigned sides such that they each have competed twice on each side. Otherwise, the determination of sides shall be random.

Rule 5.7. Selection of Sides for Championship Round

In determining which team will represent which side in the Championship Round, the following procedure shall be used:

- 1. If one team represented the plaintiff/prosecution or the defendant three times prior to the Championship Round, then that team will represent the side which they represented only once in the competition, unless the other team also represented that same side three times. In all other cases, a drawing of a prosecution or defense roles will determine which team will represent which side.
- 2. If the teams competed against each other at any stage of the competition, the teams will switch sides for the Championship Round.

Rule 5.8. Odd Number of Teams Participating in State Competition

A “bye” becomes necessary when an odd number of teams are participating in any given round of the tournament. It is the intent of the Florida High School Mock Trial Championship to avoid byes where possible. To avoid having an odd number of teams to start the state championship, the State Coordinator, upon determining that an odd number of teams have registered, will invite an additional team to participate.

In the event of a circumstance resulting in an odd number of competing teams, the following procedure will apply:

- 1. The team drawing the “bye” (no opponent for a single trial round) in rounds two through four will, by default, receive a win and three ballots for that round. For the purpose of power-matching, the team will temporarily be given points equal to the average of its own points earned in its preceding trials. At the end of the fourth round, the average from all three actual trial rounds participated in by the team will be used for the final points given for that team’s bye round.

For example, a team receiving a bye in round three would receive three ballots and an average of its points earned in rounds one and two. At the end of the fourth round, however, the points actually awarded to the team for the bye round will be adjusted to take into consideration the fourth round performance of the team.

- 2. A team receiving a bye in round one will be awarded a win, three ballots and the average number of points for all round one winners. The team total will be adjusted at the end of each round to reflect the actual average earned by that team.

DISPUTE RESOLUTION

Rule 6.1.A Material Rules Violation – Disputes at the Conclusion of the Trial – In-Person Competitions

At the conclusion of each trial, the presiding judge should inquire of the teams whether either team believes that a substantial violation of the rules occurred during trial. The competing team members are permitted to consult for a time not to exceed two minutes.

The process for determining that dispute shall be as follows (scoring judges shall remain in the courtroom for the duration of the dispute):

- a. One of the student members of one of the competing teams shall state that the team wishes to file a claim that a substantial rules violation occurred (a “dispute”).
- b. Students will use the Material Rules Violation Form as provided in the case materials on which the student will record in writing the nature of the dispute. No more than two minutes per team shall be allotted for this process. The student may communicate with competing team members from that round.
- c. The team accused of a material rules violation shall have the opportunity to respond in writing. No more than two minutes per team shall be allotted for this process. The student may communicate with her/his competing team members in preparing the Material Rules Violation Form.
- d. One member of each team shall briefly present the team’s position to the presiding judge. No more than two minutes per team shall be allotted for this explanation.
- e. The presiding judge shall ask any questions and perform any additional investigation s/he believes appropriate.
- f. The presiding judge will record the reasons for his/her decision on denying or granting the dispute on the Material Rules Violation Form, no further announcement is necessary. The presiding judge should then dismiss everyone except for judges in the courtroom while the judges prepare for critique.

Rule 6.1.B Disputes at the Conclusion of the Trial – Virtual Competitions

The foregoing rules shall also apply in virtual competitions, except that students shall not complete a Material Rules Violation Form. Instead, students shall have two minutes to prepare an argument regarding their dispute in consultation with coaches and team members, and the presiding judge shall take notes regarding the nature of the dispute and the arguments presented by each team.

Rule 6.2. Effect of Violation on Score

After hearing the teams' arguments, the scoring judges may or may not account for their view of the alleged material rules violation dispute in their scoring. The presiding judge's determination of the dispute is not binding on the scoring judges.

Rule 6.3.A Disputes After the Conclusion of the Trial – In-Person Competition

Disputes which could not have been brought to the attention of the presiding judge may be brought to the attention of the State Coordinator by teacher or attorney coaches exclusively. Such disputes must be made in writing using the Other Competition Dispute Form. This form must promptly be given to the State Coordinator, or its designee(s), and may be presented at any time throughout the State Competition. The form will be taken to the tournament's communications center, whereupon a dispute resolution panel will take the form under advisement.

The dispute resolution panel will determine appropriate next steps and may assess penalties if warranted.

The dispute resolution panel will be designated by the State Coordinator.

Rule 6.3.B Disputes After the Conclusion of the Trial – Virtual Competition

The foregoing rules shall also apply in virtual competitions, except that the State Coordinator, or its designee(s), shall, in consultation with the Host, designate in advance of competition a mechanism for submission and resolution of disputes.

CIRCUIT COMPETITIONS

Rule 7.1 Power Matching/Seeding

The State competition power matching and seeding system is optional for use during circuit competitions.

Team advancement procedures will be the responsibility of circuit coordinators. Circuit coordinators should contact the Justice Teaching Center for approved alternate models.

All circuits must use the Florida High School Mock Trial Rules of Evidence.