

**KENTUCKY HIGH SCHOOL MOCK TRIAL  
2014 RULES OF COMPETITION**

**RULES OF THE COMPETITION**

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## **RULES OF THE COMPETITION**

### **ADMINISTRATION**

#### **Rule 1.1. Rules**

All trials are governed by the *Rules of the Kentucky High School Mock Trial Competition* and the *Federal Rules of Evidence (Mock Trial Version)*.

Questions or interpretations of these rules are within the discretion of the tournament officials, 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 tournament officials possess discretion to impose sanctions, including but not limited to disqualification, immediate eviction from the mock trial competition, and forfeiture of all fees and awards (if applicable) for any misconduct occurring while a team is present for the mock trial competition, for flagrant rule violations, and for breaches of decorum which affect the conduct of a trial or which impugn the reputation or integrity of any team, school, participant, court officer, judge, or the mock trial program.

#### **Rule 1.3. Emergencies**

In the event of an emergency that causes a team to be unable to participate in any round, the team will forfeit all rounds from that point.

If, during a trial, a team member becomes ill or experiences another type of emergency, a student attorney shall ask to approach the bench to inform the Court. The presiding judge shall have discretion to declare an emergency and adjourn the trial for a short period of time to address the situation. If, after a short break, the team member with the emergency is unable to return to the trial, the team coach may substitute an alternate official team member to continue in the trial. (See also Rule 4.12.)

#### **Rule 1.4. Student Timekeepers**

Each team attending the Kentucky High School Mock Trial Competition is responsible for providing a timekeeper equipped with two stopwatches and a set of "Time Remaining" cards with the following designations to signal time: 20:00, 15:00, 10:00, 5:00, 4:00, 3:00, 2:00, 1:00, 0:40, 0:20, and STOP. Throughout the duration of the trial, a timekeeper may not communicate with his/her team in any way other than to display time remaining cards, unless directed by the presiding judge. (Also see Rules 3.2, 4.5, 4.6, Timekeeper's Responsibilities, Timekeeping Procedures, Time Card Use Table, and Timekeeping Sheet.)

### **THE PROBLEM**

#### **Rule 2.1. The Problem**

The problem is an original fact pattern which may contain any or all of the following: statement of facts, indictment, stipulations, witness statements/affidavits, jury charge, 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 which would allow them to be played by either males or females. All three of the witnesses must be called.

**Rule 2.2. Witness Bound by Statements**

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

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

**Rule 2.3. Extrapolations**

A fair extrapolation is one that is neutral. An unfair extrapolation is one that materially affects the outcome of the case. 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' testimony or any substantive issue of the case.

Unfair extrapolations are best attacked through impeachment and closing arguments and are to be dealt with in the course of the trial. Attorneys for the opposing team may refer to Rule 2.3 in a special objection, such as "unfair extrapolation" or "This information is beyond the scope of the statement of facts."

Possible rulings by a judge include:

- a) No extrapolation has occurred;
- b) The extrapolation was fair;
- c) An unfair extrapolation has occurred; 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 shall rule in open court to clarify the course of further proceedings.

**Rule 2.4. Gender of Witnesses**

All witnesses are written to be gender neutral. Any student may portray the role of any witness of either gender.

**Rule 2.5. Voir Dire**

Voir dire examination of a witness is not permitted.

**TEAMS**

**Rule 3.1. Team Eligibility**

Each public or private school in Kentucky may register up to two (2) teams in the competition, subject to the registration procedures and overall cap on registrations set forth on the tournament website. All team members must be enrolled in grades 9 - 12 in the registering school. The only exception to this is in the event an uneven number of teams register for the state high school tournament.

For power matching to work most effectively so that no team draws a bye, an even number of competing teams is needed. In the event that an uneven number of teams register for the Kentucky High School Mock Trial Tournament, the winner of the Kentucky Middle School Mock Trial Tournament will be invited to compete as a guest participant in the first four rounds. However, the middle-school team will not be permitted to compete in the Championship Round. Additionally, the middle-school team must comply with the high school *Rules of Competition* and, for pairing purposes in Round 1 (random draw) and Rounds 2-4 (power

matching), the middle-school team and the high school to which it feeds will be considered a “same school” pairing and will not be paired together in a round. (Also see Rule 5.8)

### **TOURNAMENT FORMAT AND PAIRINGS**

1. The entire Kentucky High School Mock Trial Tournament will be held on one weekend where all teams will participate in at least four rounds of competition. After four rounds, the teams with the two best records will compete in a single championship round to determine the state champion.
2. Teams will be matched randomly for the first round of the state competition. Teams must be prepared to represent either party since they will have to switch sides as they progress through the competition. Each team is guaranteed to do both sides of the case twice in a four-round tournament – once on each side in the first two rounds, and once on each side in the final two rounds. The second through fourth rounds will be power matched (see Rule 5.5).
3. All teams are highly encouraged to set up at least two practice rounds (scrimmages) with other schools prior to the state competition. Contact teacher coaches to set up your practice rounds.

#### **Rule 3.2. Team Composition**

Each team should have a teacher sponsor and an attorney coach. Only one practicing attorney or judge can be designated as the official attorney coach, although other local attorneys and judges may assist.

A team is composed of no less than six and no more than twelve students. For each round of competition, only six of the team members can participate in speaking roles (i.e., witness or attorney), and their participation shall be consistent with Rules 3.3 and 3.4. Any non-participating team members in that round are considered to be alternates and may not communicate with participating team members consistent with Rule 4.12.

Prior to the commencement of a trial round, a team may designate any team member to participate in a round as long as that team member is designated on the team roster. Once a trial round has commenced and the presiding judge has been seated, the substitution of a team member not designated on the roster for that trial round, i.e. an alternate, is permitted only under Rule 1.3 and is within the sole discretion of the presiding judge. *See also Rule 4.12.*

A list of the names of the team members and the timekeeper, along with the names of the school and coaches, must be submitted at the registration table upon arriving at the tournament. Once submitted, the names of the team members are final and may not be changed. At no time may a team for any reason substitute other persons for official team members.

Additionally, a person will be designated as the official timekeeper. That person need not be a team member. The official timekeeper must meet the requirements of Rule 1.4 as the team’s **official timekeeper**. The timekeeper will keep time for his/her own team as well as his/her opponent. The student timekeepers will flash cards to both teams, showing the teams how much time they have. The timekeepers should know in advance when to stop and start the time. (See also Rules 4.5, 4.6, Timekeeper’s Responsibilities, and Timekeeping Procedures.)

#### **Rule 3.3. Team Presentation**

Teams must present both the Prosecution/Plaintiff and Defense/Defendant sides of the case, using six team members in each trial round. For each trial round, teams shall use three students as attorneys and three students as witnesses.

**Rule 3.4. Team Duties**

Team members are to evenly divide their duties. 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 argument. 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) [Also see Rule 4.5]

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 objections to the opposing attorney's questions of that witness' cross-examination, and the attorney who cross-examines a witness will be the only one permitted to make objections during the direct examination of that witness.

Each team must call all 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 Forms**

Copies of the Team Roster Forms for Prosecution/Plaintiff and Defense are provided in these materials. These forms must be completed and duplicated by each team prior to arrival at the tournament for each round of 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, the teams must exchange copies of the Team Roster Form. The Form should identify the gender of each witness so that references to such parties will be made in the proper gender. Copies of the Team Roster Form should also be made available to the judging panel and presiding judge before each round. Teams shall not knowingly disclose their place of origin to the presiding judge or any scoring judge.

**THE TRIAL**

**Rule 4.1. Courtroom Setting**

The Prosecution/Plaintiff team shall be seated closest to the jury box. If the jury box is located in the center, the Prosecution/Plaintiff shall be seated to the left while facing the judge. No team shall rearrange the courtroom without prior permission of the mock trial coordinator or judge.

**Rule 4.2. Stipulations**

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

**Rule 4.3. Reading Into the Record Not Permitted**

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

#### **Rule 4.4. Swearing of Witnesses**

The following oath may be used before questioning begins:

"Do you promise that the testimony you are about to give will faithfully and truthfully conform to the 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 all witnesses are assumed to be sworn, or the above oath will be conducted by the presiding judge. The presiding judge may swear the witnesses individually or as a group.

#### **Rule 4.5. Trial Sequence and Time Limits**

The trial sequence and time limits are as follows:

1. Opening Statement (Maximum of 5 minutes per side)
2. Direct and Redirect (optional) Examination (Maximum of 25 minutes per side)
3. Cross and Recross (optional) Examination (Maximum of 20 minutes per side)
4. Closing Argument (Maximum of 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 Defense/Defendant's closing argument.

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

#### **Rule 4.6. Timekeeping**

(a) Each team is required to have one official timekeeper for that team. This timekeeper must meet the requirements of Rule 1.4. Timekeepers are responsible for fairly and accurately keeping and reporting the time during the trial presentation and during any disputes. 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 cards and indicate (as directed by the presiding judge) how much time is remaining during a particular part of the trial.

(b) 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 shall not be included in the time allotted for opening statements. However, if counsel or witnesses are introduced once the opening statement has commenced, such time shall be included in the time allotted for the opening statement.

Timing starts only when each attorney begins to speak (i.e. when the attorney actually says the first word of his or her opening, closing, or examination question – examples include but are not limited to: "May it please the court...", or "Your Honor, Ladies and Gentlemen of the jury..." [for openings/closings] or "Please state your name for the court..." [for examination question]).

Timing will not start when an attorney responds to a presiding judge's inquiry as to whether or not that side is ready to proceed, asks for permission to reserve time for a rebuttal, or asks permission to use/move a podium.

**Timing stops during objections. Timing stops at the moment an attorney says, "I object..."** Timing begins again after the ruling by the presiding judge and the examining attorney says the first word to continue examination. Time for objections, questioning from the judge, for pre-trial or bench conferences, or administering the oath will not be counted as part of the allotted time during examination of witnesses and opening and closing statements. Time **does not stop** for introduction of exhibits.

(c) Timekeepers in each trial will work together to ensure that accurate time for both teams is being kept. Timekeepers should display the applicable “time-remaining” cards simultaneously for each team, and will notify the presiding judge that “TIME” has expired at the end of each trial segment (as listed in Rule 4.5) by showing the “STOP” time card. (See also Rule 3.2; *Timekeeper’s Responsibilities, Timekeeping Procedures, Time Card Use Table, and Timekeeping Sheet.*)

**Time discrepancies:** At the end of each task during the trial presentation (i.e., at the end of each opening, at the end of 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. The decisions of the presiding judge regarding the resolution of time disputes are final.

**Rule 4.7. Time Extensions and Scoring**

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

**Rule 4.8. Motions Prohibited**

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

**Rule 4.9. Sequestration**

Teams may not invoke the rule of sequestration.

**Rule 4.10. 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 4.11. Supplemental Material; Costumes**

Teams may refer only to materials included in the trial packet. No illustrative aids of any kind may be used unless provided in the case packet. No enlargements of the case materials will be permitted. Absolutely no props or costumes are permitted unless authorized specifically in the case materials. Costuming is defined as hairstyles, clothing, accessories, and makeup which are case-specific.

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. Exhibit notebooks are not to be provided to the presiding judge or scoring panel.

**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 which may occur, except in an emergency situation within the discretion of the presiding judge. (See also Rule 1.3.) 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.



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. Anyone disrupting the court may be removed by the presiding judge or tournament personnel.

**Rule 4.13. Viewing a Trial**

Team members, alternates, attorney coaches, teacher sponsors, and any other persons directly associated with a mock trial team, except for those authorized by tournament personnel, are not allowed to view other teams' performances in any competition as long as their team remains in the competition. **No person shall display anything that identifies his or her place of origin (e.g., state or city), school affiliation, etc., while in the courtroom.**

**Rule 4.14. Videotaping/Photography**

Any team has the option to refuse participation in videotaping, tape recording, and still photography by opposing teams. Photographers at the request of the tournament officials may photograph any trial. Media coverage will be allowed. Video or audio recordings of rounds may only be used by the participating teams for educational purposes and may not be distributed to others not directly associated with the participating teams or posted publicly without the express consent of both teams that participated in the round.

**Rule 4.15. Jury Trial**

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

**Rule 4.16. Standing During Trial**

Unless excused by the judge, attorneys will stand while giving opening and closing statements, during direct and cross-examinations, and for all objections.

**Rule 4.17. Objections During Opening Statement/Closing Argument**

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 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/closing argument, I would have objected to the opposing team's statement that \_\_\_\_\_." The presiding judge will rule on this "objection." Presiding and scoring judges will weigh the "objection" individually. No rebuttal by the opposing team will be heard.

**Rule 4.18. Objections**

1. **Argumentative Questions:** An attorney shall not ask argumentative questions. However, the Court may, in its discretion, allow limited use of argumentative questions on cross-examination.
2. **Lack of Proper Predicate/Foundation:** Attorneys shall lay proper foundation prior to moving the admission of evidence. After the exhibit has been offered into evidence, the exhibit may still be objected to on other grounds.
3. **Assuming Facts Not in Evidence:** Attorneys may not ask a question that assumes unproved facts. However, an expert witness may be asked a question based upon stated assumptions, the truth of which is reasonably supported by evidence (sometimes called a "hypothetical question").
4. **Questions Calling for Narrative or General Answer:** Questions must be stated so as to call for a specific answer. (Example of improper question: "Tell us what you know about this case.")
5. **Non-Responsive Answer:** A witness' answer is objectionable if it fails to respond to the question asked.

6. **Repetition:** Questions designed to elicit the same testimony or evidence previously presented in its entirety are improper if merely offered as a repetition of the same testimony or evidence from the same or similar source.

Teams are not precluded from raising additional objections that are available under the *Federal Rules of Evidence (Mock Trial Version)*.

**Rule 4.19. Reserved.**

**Rule 4.20. Procedure for Introduction of Exhibits**

As an example, the following steps effectively introduce evidence:

1. All evidence shall be pre-marked as exhibits.
2. Show the exhibit to opposing counsel.
3. 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. \_\_\_?"
4. Ask the witness to identify the exhibit. "I now hand you what has been marked as Exhibit No. \_\_\_ for identification. 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 at this time. The authenticity of this exhibit has been stipulated."
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 shall 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.

**Rule 4.21. Use of Notes**

Although attorneys may use notes in presenting their cases, the use of pre-written notes is discouraged and shall result in a scoring deduction. However, notes that are written by an attorney during the course of the trial may be used without penalty. 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. Trial materials such as exhibits and witness statements are not considered notes and may be used freely during the trial. The use of laptops, cell phones, or other electronic devices is prohibited.

**Rule 4.22. Redirect/Recross**

Redirect and recross-examinations are permitted, provided they conform to the restrictions in Rule 611(d) in the *Federal Rules of Evidence (Mock Trial Version)*.

**Rule 4.23. Scope of Closing Arguments**

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

**Rule 4.24. The Critique (Optional for teams)**

All completed score sheets shall be sent to the tabulation room immediately following the closing arguments. After this, if one or both teams request a private critique, the presiding judge may conduct this in a jury room or empty courtroom beginning with the team representing the prosecution/plaintiff. A team that elects to participate may choose to send to the critique both their coaches and students or to send their coaches only. Such a critique is not required but may be provided if time permits, space is available, and a request is made by one or both teams. All critiques are to be limited to a maximum of **10 minutes** per team. The purpose

of such a debriefing is to suggest ways a team can improve as it advances through the tournament. The judge may not inform the students of score sheet results. **There is no critique following the fourth round.**

**Rule 4.25. Offers of Proof**

No offers of proof or avowal may be requested or tendered.

**JUDGING AND TEAM ADVANCEMENT**

**Rule 5.1. Finality of Decisions**

All decisions of the judging panel are FINAL.

**Rule 5.2. 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 tournament officials, with the same format used throughout the competition, as follows:

1. One presiding judge and three scoring judges (scoring judges only complete score sheets);

or

2. One presiding judge and two scoring judges (all three of whom complete score sheets).

At the discretion of the tournament officials, the Championship Round may have a larger panel. All presiding and scoring judges will be given access to the mock trial case in advance.

**Rule 5.3. Score Sheets/Ballots**

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 “score sheet” is used in reference to the form on which points are recorded. Score sheets 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 score sheet is the winner of that ballot. The ballot results determine each team’s ranking for power-matching and pairing purposes. The judging panel should not deliberate about individual scores. (See sample *Score Sheet, Explanation of the Performance Ratings Used on the Score Sheet, and Criteria for Scoring & Performance Ratings.*)

**\*Scoring shall be on knowledge, application, and performance, not on outcome.** Scoring shall be based on the knowledge and application of the student witnesses and attorneys. Scores should not be based on the merits or outcome of the case as it would be in an actual trial.

**Rule 5.4. Completion of Score Sheets**

Each scoring judge shall record a number of points (1-10) for each function of the trial. No decimal or fractional points may be used; any such decimals or fractions on a ballot will be disregarded. Judges should not sum the points at the bottom of the sheet; this will be done by the tournament officials. (See sample *Score Sheet, Explanation of the Performance Ratings Used on the Score Sheet, and Criteria for Scoring & Performance Ratings.*) An overall tie score on a ballot is permitted.

Once the judges have completed filling out the score sheets and roster sheets, the judges will fold the sheets in half and provide them to the timekeepers for each team, who will then deliver those documents to the tabulation room designated by the tournament officials.

**Rule 5.5. Team Advancement and Determination of Final Rankings**

For purposes of advancement during the tournament, teams will be ranked and ties broken based on the system set forth in the current version of the American Mock Trial Association (AMTA) Tabulation Manual found at:

[http://www.collegemocktrial.org/Tabulation%20Manual%20\(Aug%202013\).pdf](http://www.collegemocktrial.org/Tabulation%20Manual%20(Aug%202013).pdf)

Round 4 will be paired using the National Championship Tournament procedure set forth in the above document.

For purposes of determining the final team rankings at the end of the tournament, the following procedures will be used:

- a. The winner of the championship round will be ranked #1 and the loser of the championship round will be ranked #2.
- b. Beginning with rank #3, all other teams will be ranked in accordance with the procedures outlined in the AMTA Tabulation Manual.

**Rule 5.6. Power Matching/Seeding**

A random method of selection will determine opponents in the first round. The power-matching system set forth in Rule 5.5 will determine opponents for all other rounds. The two teams emerging with the strongest record will advance to the final (championship) round. The first-place team will be determined by ballots from the championship round only.

**Power matching will provide that:**

1. Pairings for the first round will be randomly selected.
2. All teams are guaranteed to present each side of the case twice, with teams presenting opposite sides in rounds 1 and 2, and presenting opposite sides in rounds 3 and 4.
3. Teams from the same school will not meet.
4. Teams will not meet the same opponent twice unless both reach the championship round.

After Round 4 is completed, the two top-ranked teams (using the ranking and tiebreaking procedures of Rule 5.5) will advance to the Championship Round.

**Rule 5.7. Selection of Sides for Championship Round**

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

1. The team with the letter/numerical code that comes first in alphabetical/numerical order will be considered the “Designated Team.”
2. The coin will be tossed by a designee of the tournament officials.
3. If the coin comes up heads, the Designated Team shall represent the prosecution/plaintiff in the Championship Round. If the coin comes up tails, the Designated Team shall represent the defense/defendant.

**Rule 5.8. Odd Number of Teams Participating in Tournament**

For power matching to work most effectively so that no team draws a “bye,” an even number of competing teams is needed. In the event that an uneven number of teams register for the Kentucky High School Mock Trial Tournament, the winner of the Kentucky Middle School Mock Trial Tournament will be invited to compete as a guest participant in the first four rounds. However, the middle school team will not be permitted

to compete in the Championship Round. (In the event that the middle school team places first or second, the two high-school teams in the top three finishers will compete in the Championship Round.)

Additionally, **the middle-school team** must comply with the high school *Rules of Competition* and, **for pairing purposes in Round 1 (random draw) and Rounds 2-4 (power matching), will not be paired to compete against a high-school team for which the middle school is a feeder school.** With this “feeder school” exception, all other power-matching rules found in Rule 5.5 and 5.6 apply to the participating middle-school team. (Also see Rule 3.1.)

In the event of a circumstance resulting in an odd number of competing teams after the tournament has begun, a “bye” becomes necessary and 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 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. The bye “team” in this instance will be considered to have a combined strength of zero for tiebreaking purposes under Rules 5.5 and 5.6.

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 three ballots and the average number of points for all ballots won in round 1, which total will be adjusted at the end of each round to reflect the actual average earned by that team. Again, the bye “team” in this instance will be considered to have a combined strength of zero for tiebreaking purposes under Rules 5.5 and 5.6.

#### **Rule 5.9. Awards**

1. **Competition Awards** - These will be presented to the ten teams with the best record in the tournament.
2. **Sportsmanship Award** - This award will be presented to the one team that is judged to have best demonstrated sportsmanlike conduct (fairness, courtesy, respect for one’s opponent, graciousness in winning or losing) throughout the tournament rounds. It will be determined by a vote of the participating teams and the tournament officials.
3. **Team Outstanding Attorney and Outstanding Witness Awards** - At the end of each trial in Rounds 1-4, all members of the judging panel will identify on each team roster the names of one student attorney and one student witness who were judged to be most outstanding from that team. These selections will not be made public at that time. Following the completion of Round 4, a certificate will be presented to the one student attorney and one student witness from each team who were most often identified as being outstanding by members of the judging panels.
4. **Championship Round Outstanding Attorney and Outstanding Witness Awards** – At the end of the Championship Round, the judging panel will consider the quality of the performances of the six witnesses and six attorneys in the trial. Each member of the judging panel will then select the name of one attorney and one witness who gave the most outstanding performance during that trial. Based on those selections, one Championship Round Outstanding Attorney Award and one Championship Round Outstanding Witness Award will be presented to the student named most often in each category. Award recipients may come from either team, and their selection is unrelated to the evaluation of over-all team performance.

## **DISPUTE RESOLUTION**

### **Rule 6.1. Objecting to a Rules Violation**

Disputes which occur within the bar must be filed with the presiding judge immediately after the trial ends. If any team believes that a substantial rules violation has occurred, one of its student attorneys must indicate that the team intends to file a dispute. The student may communicate with participating team members before lodging the notice of dispute. The presiding judge shall rule on the matter. Any alleged violation which is not brought to the attention of the presiding judge in the above manner is waived. At no time in this process may team sponsors or coaches communicate or consult with the student attorneys. Only student attorneys may invoke the dispute procedure.

### **Rule 6.2. Reserved**

### **Rule 6.3. 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 dispute may or may not affect the judges' scoring decisions, but the matter shall be left to the discretion of the scoring judges. Their decision shall be FINAL.

### **Rule 6.4. Reserved**