

2010 Rule Changes

The following language in *italics* are rule changes for the 2010 season and are in effect until further notice.

1) **Rule 3.4 Team Duties**

Team members are to evenly divide their duties. *Beginning in the 2010 season as a trial program: During pre-trial matters, teams shall read the Pre-Trial Conference script (p. 103) aloud to the court. The prosecution/plaintiff team shall read one thru five and the defense shall read six through ten. These requests may be read by any team member, including non-scoring and scoring team members.* There shall be three attorneys and three witnesses. Each of the three attorneys will conduct one direct examination and one cross-examination; one of the three attorneys will present the opening statement and another will present the closing argument and rebuttal. [See Rule 4.5]

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

Each team must call each of the three 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.

2) **Rule 4.12 Trial Communication**

Instructors, 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. Signaling of time by the teams' timekeepers shall not be considered a violation of this rule.

Non-team members, alternate team members, teachers, and coaches must remain outside the bar in the spectator section of the courtroom. Only team members participating in this round may sit inside the bar. Attorneys and witnesses may communicate with each other during the trial. *Attorneys may consult with each other at counsel table verbally or through the use of notes.* During the permitted conference at the close of the trial regarding rules infractions, all team members (witnesses, attorneys, bailiff and time keeper) may communicate with each other. No disruptive communication is allowed.

3) **Rule 5.5 Contest Format/Team Advancement (Minnesota only) (paragraph 2)**

2. Sub-regionals: For mock trial purposes, the state will be divided into regions. The exact number of regions will be determined by the number of teams entered in the competition.

All teams shall compete in *three* trials (Rounds 1, 2 and 3), the MSBA makes every effort to ensure each team argues both sides of the case.

The MSBA shall set the trial schedule and determine which teams compete against each other. The fact that a team has scrimmaged another team will not preclude the same two teams from facing each other in competition. Teams from the same school may compete against each other at the option of the Mock Trial Manager, although every effort will be made to guarantee "immunity" for teams from the same school in Rounds 1, 2 and 3.

3. Regionals: After all teams in a region have argued *three* times, teams will be ranked based first upon win-loss record; second based upon the cumulative point differential scores; *third based upon cumulative points earned.* [Note: A team's point differential score is the total point spread between that team's score and its opponent's score in a given trial. For example, if team A scores 95 points in a trial and its opponent, team B, scores 92 points, then team A will have an adjusted score of plus 3 and team B will have an adjusted score of minus 3.] Teams ranked one thru four after *three* rounds of competition will advance into Round 4.

a. Regional finalists will compete in a single elimination playoff format to determine the region winner (Rounds 4 and 5). Pairings for these Rounds will be done according to a *power-match system*, with the highest-ranked team matched with the lowest-ranked team, the next highest with the next

lowest, and so on until all of the teams are paired. Power matching may be superseded by travel considerations in regions where the sites for Rounds 4 & 5 would require significant additional travel for a team. Teams from the same school will not be immune from meeting one another if their ranking within the region results in their being paired.

b. Sides for Rounds 4 and 5 will be assigned in advance. Teams with a 2-1 record will be assigned the side on which they lost in Rounds 1, 2 or 3; if this would result in the same pairing/sides as a trial in Round 1, 2 or 3, the teams will switch sides (so, if it was Liberty Blue v. City Green in Round 2, and power-matching would result in the exact same pairing in Round 4, the teams would switch sides). To the greatest extent possible, teams will switch sides in subsequent rounds if both teams can do so; otherwise, the team that is first alphabetically will present the defense side of the case.

4) ***Rule 6.21 Complaint/Grievance Process:***

*If any team believes that blatantly unprofessional misconduct, unethical behavior, or a serious and substantial rules violation has occurred outside of a trial a teacher, attorney coach or judge may advise the Mock Trial Manager that they intend to file a complaint. This complaint must be with regard to matters that could not be resolved in the course of the trial and could not be resolved through Rule 6.2 or Rule 4.231. The resolution of the Complaint/Grievance Process **will not affect** the outcome of any trial. See Rule 5.1.*

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

The complaint/grievance process will be governed by this rule and will follow these guidelines:

1) Within 48 hours of the incident, the written complaint must be received by the Mock Trial Manager. The complaint may be sent electronically and must contain specific information about the violation.

2) All complaints will be referred to the Mock Trial Advisory Committee.

3) After a complaint is received by the Mock Trial Manager, the Mock Trial Advisory Committee will convene as soon as practicable. A quorum of the Committee is required for any decision. The Committee will alert the party(ies) against which the complaint was lodged and share the nature of the grievance. The Committee may invite further comment in writing or in person from those involved, in its discretion. The Committee will take action based on a majority vote and all parties shall be notified of the decision. All decisions of the Committee shall be final. See Rule 1.1.

4) The Committee may decide to issue any one of the following in order of increasing severity:

a) Warning: A private conversation discussing the alleged violation with the offending party or parties.

b) Reprimand: A written letter to the offending party or parties advising them of the Rules violation. This letter may be sent to the individual and/or school and/or employer.

c) Suspension: Suspension of an offending individual(s) or team(s) from participation in mock trial for a time period to be specified by the Committee.

d) Disqualifications: Disqualification of an offending individual(s) or team(s) for a time period specified by the Committee, but no less than one competition season.

e) The Committee will report violations where appropriate to governing ethical bodies such as the Lawyers Professional Responsibility Board.