

# MockOn Competition Rulebook

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# MockOn Competition Rulebook

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## Part 1: Introduction

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### Rule 1.1 - Applicability

These rules apply to all MockOn competitions. In the event of a conflict between these rules and any other materials published or made available by MockOn, these rules shall take precedence, *unless* MockOn-published materials expressly state otherwise.

### Rule 1.2 - Definitions

Unless given a different meaning in a particular rule, the following words and phrases shall have the following meaning:

1. **Affiliated participant** means any person attending a MockOn competition for the purpose of supporting a specific team including, but not limited to, students, coaches, chaperones, parents, observers, and friends.
2. **Competition** refers to any competition organized exclusively by MockOn, including Tournament of Champions and Golden Gavel Classic.
3. **Competition staff** includes, but is not limited to, MockOn Tournament Coordinators, Tab Directors, Bailiffs, and other MockOn staff who will be introduced to competition participants at the Opening Ceremony and/or Pre-Competition Q&A/Tech Check.
4. The **Rules of Evidence (RoE)** refers to the recognized objections in any MockOn competition.
5. **Exam** is the shortened form of “examination”, used in the context of “direct exam” or cross exam”.
6. A **Spectator** is any parent, friend, or other non-participant attending a MockOn competition.
7. A **Participant** is a competing student, non-competing rostered student, and any member of the coaching staff for a participating team.
  - a. A **Competing Student** is a student serving as an attorney, witness, or timekeeper in a particular trial.
  - b. A **Non-Competing Student** is a rostered student not taking part in a specific trial round. For example, a student who only portrays the role of a Prosecution/Plaintiff witness on his team is a “non-competing student” during Defense rounds. Similarly, a Prosecution/Plaintiff witness who is not called in a particular Prosecution/Plaintiff round is a “non-competing student” in that round.
8. A team’s **Primary Contact** is a person that is responsible for registering an eligible mock trial team, which includes, but is not limited to, communicating with MockOn on behalf of the mock trial team and submitting payments.
9. A **Round** means a group of trials scheduled to occur at the same time.



10. **Competition Rules** refers to these rules, which govern all trial procedures for MockOn competitions.
11. The **Tabulation Manual** outlines the procedures for scoring student performance, pairing trials, determining final award winners, and the handling of rule violations of any kind.
12. **School** refers to an eligible school which has completed all relevant registration processes and will be represented at a MockOn competition.
13. **Team** refers to a group of eligible students who constitute a roster for a MockOn competition.
14. A **Trial** is a single competitive match between two teams. A trial begins when the "All-Clear" signal is given, as defined in Rule 3.4. A trial ends when the final closing argument is completed, including any rebuttal from the Prosecution.
15. A **Judge** is an individual responsible for evaluating and/or scoring the performance of students during a trial, either as a presider or a juror.
16. A **Witness Statement** is an affidavit, report, transcript, or other document provided by MockOn that serves as the basis for witness testimony at trial.
17. Given the online competition format, the term **Room** or **Courtroom** is assumed to be virtual.

### **Rule 1.3 - Interpretation and Enforcement**

These Competition Rules are designed to provide structure to MockOn competitions, and foster collegiality and professionalism among students. Arguing a rule violation in bad faith, or solely at the expense of a competing team is highly discouraged. Rule disputes will follow the tradition of "harmless error": when no harm is suffered, there is no error. Interpretation and Enforcement of these Rules during a MockOn competition will be made by MockOn Tabulation Officers.

### **Rule 1.4 - Competition Format**

MockOn competitions feature four rounds of competition, in which each participating school competes twice as the Prosecution and twice as the Defense. At the Tournament of Champions, upon the conclusion of all four preliminary rounds, the two highest-ranked teams in the competition will compete against one another in the Championship Round.

## Part 2: Forming a Team Roster

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### Rule 2.1 - Submission of a Roster

Each team will submit its roster electronically through the Champions Portal. All rosters must comply with the student eligibility requirements as well as the rules outlined in the section.

1. **Initial Submission.** A team's primary contact shall verify their team's roster before submitting it electronically.

### Rule 2.2 - Substitutions in Case of Illness or Technological Difficulties

1. **General Rule.** If a participant becomes too ill to compete, or if a student suffers an unresolvable technological malfunction, the affected team may use a permissible substitute. If no permissible substitute is available, or the team chooses not to use a permissible substitute, the judges shall enter a score of "0" for the affected role(s) and the trial will proceed, pursuant to the Tabulation manual and the direction of the Tab Officers.
2. **Permissible Substitutes Defined.** Permissible substitutes are:
  - a. Other students on the roster of the affected team who are not competing in that trial;
  - b. A student on the roster of the opponent's team who is not already competing in that trial;
  - c. Any student on the roster of any team competition in the competition but not in that particular round;
  - d. Any student that is not on the roster of the affected team but who attends its school and is present at the competition. Both the opponent's team and the Tab Director must approve of this student's participation.

### Rule 2.3 - Attorneys

Each team shall field two attorneys on each side of the case, portrayed by two separate students, respectively. The same student may serve as an attorney on the Prosecution/Plaintiff and the Defense. Roles are assigned in accordance with the following requirements:

1. **Speeches.** An attorney may deliver a maximum of one speech in a given trial. A speech is defined as either an opening statement or a closing argument. Each attorney delivers either an opening statement or a closing argument during a trial.
2. **Examinations.** Each attorney shall conduct one direct exam and one cross exam, in addition to delivering one speech.
3. **Visual Representation.** Rule 2.3.1-2.3.2 is depicted below:



Two Attorneys	
Student 1	Student 2
Opening Statement Direct Exam Cross Exam	Closing Argument Direct Exam Cross Exam

### Rule 2.4 - Witnesses

1. **Witness Selection.** Each team must call two witnesses at each trial.
  - a. **Special Instructions.** MockOn case materials will provide teams Special Instructions and two witness statements on each side of the case. The Special Instructions will provide teams with directions, explaining which witnesses they may and/or must call.
  - b. **Witness Call Order.** Teams will announce the order of the witnesses they intend to call at trial during the Captain’s Meeting (see Rule 3.2). Teams may call their two witnesses in any order they choose.
2. **Trial Testimony.**
  - a. **Examinations.** Each witness is required to undergo a direct and cross exam.
  - b. **Portrayal.** Witnesses may costume, use accents, or otherwise develop their character as long as their testimony is compliant with Rule 5.5.
  - c. **Adherence to Statements.** All witnesses must remain faithful to their affidavits, reports, and any exhibits or other documents with which the witness is familiar. Unless otherwise specified in the case materials, all witnesses must acknowledge being able to see, hear, and perform all acts described in the case materials at the time of the events in question.

### Rule 2.5 - Timekeepers

1. **General Requirements.** Each team is required to provide a rostered student to serve as a timekeeper in every trial (on both sides of the case). The timekeeper will not be scored.
  - a. **Insufficient Rostered Students.** Should a team only have four rostered students, non-testifying witnesses should rotate serving as the timekeeper.
2. **Duties.**
  - a. **Keeping time.** Each timekeeper shall accurately monitor the time elapsed for both teams. Timekeepers should indicate time elapsed in the Zoom chat feature to their teammates throughout the course of the trial.
  - b. **Communication.** Timekeepers for opposing teams shall communicate together to ensure accurate timekeeping and minimize interruptions of the trial due to errors in timekeeping.
3. **Procedures.**



- a. Each timekeeper is responsible for using their own device to record time. Smartphones and other internet-accessible devices are permitted.
  - b. Each timekeeper can keep a written record of the time using official MockOn timekeeping sheets (included in these rules). Should they choose not to use MockOn timekeeping sheets, they can keep time using a timekeeping sheet of their own.
  - c. The completed timekeeping sheet need not be returned to the tab room unless a timekeeping dispute is raised.
4. **Permissible use of Webcam and Microphone.**
- a. Each timekeeper shall keep their Webcam and Microphone turned *off* during a speech or examination given by either team. Timekeepers may only turn their Webcam or Microphone on if time expires during a speech or cross examination, to announce that time has expired. It is permitted, but not required that Timekeepers use their Webcam or Microphone in these circumstances.



## Part 3: Trial Procedure and Order

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### Rule 3.1 - Sequence of Events

All trials shall proceed in the order outlined below:

1. **Before Round.** 60 minutes before the scheduled start of trial, a team must login to the competition Zoom Meeting and complete the steps outlined below.
  - a. **Enter the Courtroom.** Self-select the correct breakout room and join.
  - b. **Captain's Meeting.** While in the breakout room, the captain(s) of each team and up to one adult coach shall complete the Captain's Meeting. See Rule 3.2 for Captain's Meeting responsibilities.
2. **Preliminary Matters.** At this time, teams may briefly introduce themselves, or make appearances. They may also offer courtesy copies of case statutes, stipulations, pre-trial orders, the Rules of Evidence, or any other case materials for judicial reference. Teams may also ask the judge's preferences on courtroom etiquette and procedure. Teams are not permitted to present judges with any materials not contained in the case packet which includes, but is not limited to, a team produced roster form or table of contents.
3. **Opening Statements.** Both Prosecution/Plaintiff and Defense opening statements must occur at the beginning of the trial portion, with the Prosecution/Plaintiff team going first. The Defense team may not reserve its opening statement for the beginning of its case-in-chief.
4. **Prosecution/Plaintiff Case In Chief.** The Prosecution/Plaintiff teams shall conduct the direct exams of its two witnesses, with the Defense team conducting its two cross exams of the Prosecution/Plaintiff witnesses. Subject to the restrictions on time, and the scope requirements of Rule 5.3, there is no limit on the number of re-directs or re-crosses that a team may conduct. No Prosecution/Plaintiff witness may be called again or deferred until, during, or after the Defense Case In Chief.
5. **Break.** At the discretion of the judge and the request of the participants, teams may take a recess between the Prosecution/Plaintiff case-in-chief and the Defense case-in-chief.
6. **Defense Case In Chief.** The Defense teams shall conduct the direct exams of its two witnesses, with the Prosecution/Plaintiff team conducting its two cross exams of the Defense witnesses. Subject to the restrictions on time, and the scope requirements of Rule 5.3, there is no limit on the number of re-directs or re-crosses that a team may conduct. No Defense witness may be called prior to the conclusion of the Prosecution/Plaintiff Case In Chief.
7. **Break.** At the discretion of the judge and the request of the participants, teams may take a very brief recess between the Defense case-in-chief and the closing arguments.



8. **Closing Arguments.** Both the Prosecution/Plaintiff and Defense closing arguments must occur at the end of the trial, with the Prosecution/Plaintiff team going first. The Prosecution/Plaintiff team (only) may use up to five minutes for rebuttal if they have sufficient time remaining. The Prosecution/Plaintiff need not ask to reserve time and does not waive its right to rebuttal by failing to expressly reserve time.
9. **Verbal Feedback.** After the submission of ballots, each judge will offer verbal feedback to the teams.
10. **Trial Result.** The jury will not issue a verdict. No judge will announce who 'won' their ballot. No judge will announce the top performing attorneys and witnesses of the round.

### Rule 3.2 - Captain's Meeting

1. **General Requirements.** Approximately thirty minutes before each trial starts, a team shall meet its round opponent in their assigned courtroom for the Captain's Meeting.
2. **Duties.** At the Captain's Meeting, up to one adult coach and the team captain(s) is responsible for the following tasks:
  - a. **Verbal Call Order.** Announce witness call order, as per instructions in the case materials. Also be sure to announce the applicable gender pronoun of each witness. This information must not be altered once preliminary matters begin.
  - b. **Team Roster Form.** Submit a chronological list of each trial component and the student performing the corresponding speech or examination. A team may only complete their Team Roster Form after verbal call orders have been disclosed.
  - c. **Demonstrative Aids.** Show the captains of the opposing team any and all demonstrative aids that may be used in trial. Teams are permitted to take screenshots, pictures, and/or videos as necessary.

### Rule 3.3 - Time Limits

Time limits for all trials shall be strictly observed.

1. **Case Presentation Times**
  - a. **Opening Statements.** Both Prosecution/Plaintiff and Defense teams have 4 minutes each to present their opening statements.
  - b. **Direct Examinations.** Both Prosecution/Plaintiff and Defense teams have a total of 18 minutes each to present both of their direct examinations. Teams have discretion over how they choose to split their 18 minutes between their two directs, but the presentation of both directs must not exceed 18 minutes in total. This includes any potential re-directs.
  - c. **Cross Examinations.** Both Prosecution/Plaintiff and Defense teams have a total of 16 minutes each to present both of their cross examinations. Teams have discretion over how they choose to split their 16 minutes between their two

crosses, but the presentation of both crosses must not exceed 16 minutes in total. This includes any potential re-crosses.

- d. **Closing Arguments.** Both Prosecution/Plaintiff and Defense teams have 6 minutes each to present their closing arguments. For Prosecution teams, this time includes any potential rebuttal, however it is to the discretion of the team how much time to reserve, provided their total Closing Argument time does not exceed 6 minutes. Prosecution teams do not need to verbally disclose during trial that they will be reserving time for rebuttal. It is assumed that any remaining time will be reserved. This information is summarized below:

<b>Time Limits</b>	
<b>Plaintiff/Prosecution</b>	<b>Defense</b>
Opening Statement Time: <b>4 minutes</b>	Opening Statement Time: <b>4 minutes</b>
P Witness #1 AND #2 Total Direct and Re-Direct Examination Time: <b>18 minutes</b>	Witness #1 AND #2 Total Cross and Re-Cross Examination Time: <b>16 minutes</b>
Witness #1 AND #2 Total Cross and Re-Cross Examination Time: <b>16 minutes</b>	D Witness #1 AND #2 Total Direct and Re-Direct Examination Time: <b>18 minutes</b>
Closing Argument Time including Rebuttal: <b>6 minutes</b>	Closing Argument Time: <b>6 minutes</b>

## 2. Breaks.

- a. **Case-in-Chief Break.** Teams may request a break not exceeding five minutes between the Prosecution/Plaintiff case-in-chief and the Defense case-in-chief. This rule does not require a break to be taken; teams may ask that the break be shorter than five minutes, or that the break be skipped completely, where they are concerned about violating Rule 3.4.
- b. **Pre-Closing Break.** Teams may request a break not exceeding five minutes between the Prosecution/Plaintiff case-in-chief and the Defense case-in-chief. This regulation does not require a break to be taken; teams may ask that the break be shorter than five minutes, or that the break be skipped completely, where they are concerned about violating Rule 3.4.

## 3. Team Feedback.



- a. At the conclusion of the trial, judges will provide no more than five minutes of feedback (per judge) to students.
4. **Timed and Untimed Activities.**
  - a. **Timed.** The following aspects count towards a team's case presentation limit:
    - i. Opening Statements
    - ii. Direct/Re-direct Exams (including the introduction of exhibits)
    - iii. Cross/Re-cross Exams (including the introduction of exhibits)
    - iv. Closing Arguments.
  - b. **Untimed.** The following aspects do not count towards a team's case presentation limit: preliminary matters, calling and dismissing witnesses, and objections.
    - i. Although these aspects are not counted in any aspects of a team's trial presentation time, they are counted against the trial's all-loss limit (See Rule 3.4).
    - ii. Should temporary technological difficulties arise (See Rule 7.5), teams may ask for time to be paused momentarily until the technological issues are resolved.
5. **Reading Depositions or Exhibits.** Should a team wish to read aloud for the jury a deposition, exhibit (or any part of any exhibit) or stipulation, any such reading must be deducted from the team's time to present arguments and evidence. The deduction will either come from a team's cross time, or a team's direct time depending on when the reading occurs. This rule only addresses issues of timing, not issues of admissibility.

### Rule 3.4 - All-Loss

1. **Round Defined.** A round's official start time is defined as the point when the last judging panel arrives at their room, and the Tab Officers provide the "all-clear" to begin. A trial is deemed complete at the conclusion of closing arguments (including rebuttal).
2. **General.** Trials are to be completed within the all-loss limit, defined as two hours and thirty minutes (2h 30m) from the official start time.
3. **Team Responsibility.** It is the responsibility of teams to ensure that their trial concludes prior to the all-loss limit.
4. **Request for Tab Room Assistance.** If a team believes that a trial is running significantly behind schedule because of the manner in which a judge is conducting the trial, or due to the actions of one team, a team should alert a MockOn staff member. The MockOn staff member will then notify a Tab Officer, who may then intervene subject to their discretion and the provisions outlined in this rule.
5. **Remedy.** Where trials are in danger of exceeding the all-loss limit, time will be deducted from both teams such that the trial will be completed by the all-stop limit. Each team will have the same amount of time deducted from their case presentation

unless, after consultation with the judges, MockOn Staff, and teams, a Tab Officer concludes that one team is at greater fault for the rule violation than the other.

- a. **Reporting Requirement.** When requesting tab room assistance, teams must identify the cause of the delay.
- b. **Objections.** A Tab Officer may deduct time from one of the two competing teams if, after consulting with judges, MockOn Staff, and teams, it is concluded that the team's violation of Rule 3.4.2 is the result of that team objecting excessively; however, Tab Officers will not grant extensions of time, or otherwise intervene, where the sole source of delay is both competing teams objecting excessively.

### **Rule 3.5 - Demonstrative Aids**

1. **Definition of Demonstrative Aid.** "Demonstrative Aid" means:
  - a. Any enlargement of any portion of the case packet;
  - b. Any object or presentation that combines, omits, or otherwise alters any material included in the case packet;
  - c. Any physical object or collection of objects that any attorney and/or witness intends to show to the jury during trial, regardless of whether the object is referenced in, or contemplated by, the case packet. This includes any object used as a "prop", even if the attorney or witness does not physically handle the object.
2. **Permissible Form and Contents of Demonstrative Aids**
  - a. Demonstrative aids may not be used to introduce material facts not included in the case packet. Because they may not be introduced into evidence, the permissible purposes of a demonstrative aid are to explain a general phenomenon or summarize information already in evidence. For that reason, no demonstrative aid may state or include any case specific material fact that is not included in the case packet.
  - b. Given a virtual format, demonstrative aids may be displayed through presentation tools or in-person.
3. **Proposed Demonstrative Aids must be disclosed at Captain's Meeting.**
  - a. At pretrial captains meeting, teams must show their opponent any demonstrative aid intended to be used during trial. Any demonstrative aid that is not shown to opposing counsel before the conclusion of the captains meeting may not be used during the following round.
  - b. If a team believes a proposed demonstrative aid violates this rule, it may raise the issue with a MockOn Tab Representative.
4. **Use of Demonstrative Aids at Trial.**
  - a. Demonstrative aids may not be introduced into evidence. Only materials provided in the case packet may be offered into evidence during trial.



- b. All demonstrative aids remain subject to objections under the Rules of Evidence. That fact that a demonstrative aid was not challenged by an opposing team at the captains meeting does not prevent an opposing team from objecting to its use on evidentiary grounds.
- c. First use may only be by the presenting team; any demonstrative aid that is used during trial must be available to the other team. Team's should be permitted to screenshot demonstrative aids displayed using a presentation tool. If a team uses a physical demonstrative aid, the opposing team is permitted to ask for the physical aid to be re-presented for their use during trial.

## Part 4: Case Materials

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### Rule 4.1 - Accessibility on *Champions Portal*; Final Case Versions

1. **Champions Portal.** Teams must obtain all case materials and updates on the *Champions Portal*.
2. **Final Versions.** Unless expressly stated otherwise in the case packet, all of the exhibits contained in the case packet constitute the final or most recent version of the document in question. No attorney or witness may assert anything to the contrary.

### Rule 4.2 - “Closed Universe”; External Documents Prohibited

The case materials provided by MockOn are the only materials permitted to be referenced or utilized in trial. No other legal, scientific, or educational resources or authorities may be referenced during the trial rounds.

### Rule 4.3 - Authenticity of Documents

1. **Witnesses May Not Deny Knowledge or Authenticity.** If a witness’s statement or report indicates that the witness is familiar with a document, the witness may not deny familiarity with, or the authenticity of, the document during trial.
2. **This Rule Does Not Supplant Evidence Rule 602.** Teams are required to meet the foundation elements of Evidence Rule 602.
3. **Remedy at Trial.** This rule should not be referenced at trial as a stipulation. Should the witness deny knowledge of the affidavit or other document, the crossing attorney should impeach. If the witness continues to deny knowledge the crossing attorney should reference this particular rule and ask the judge to instruct the witness to admit to the authenticity of the document.

### Rule 4.4 - Signatures

1. **Witness Statements.** All witness statements shall be treated as sworn to and signed by the witness. All witness statements are assumed to have been reviewed by each witness immediately prior to trial. Each witness is assumed to have affirmed that no changes to the affidavit are necessary.
2. **Other Documents With Signature Blocks.** Each document with a signature block has been signed unless expressly stated otherwise by the case problem. No attorney or witness may assert that a document with a signature block has not been signed by the individual who is purported to have signed the document in the case materials. This does not relieve the part offering the document from its obligation to establish authenticity.



### Rule 4.5 - Exhibits

1. **Evidence Restricted to Case Packet.** Only materials provided in the case packet may be offered into evidence.
2. **Modifying Exhibits.** During trial, teams are permitted to electronically write on, highlight, or enlarge portions of exhibits should they choose to do so (See MockOn ZoomHacks: Using Exhibits for examples). Teams are not permitted to change or modify the written content or substance of exhibits in a way that alters its meaning. This does not bar a team from raising an evidentiary objection under the Rules of Evidence to the modification of exhibits.
  - a. Teams may use the on-screen annotation feature of Zoom to annotate electronic exhibits. This does not bar a team from raising an evidentiary objection under the Rules of Evidence to such modifications.
3. **Exhibit Presentation.** Teams are not permitted to reference physical copies of exhibits during trial. A rostered team member must use the screen-sharing feature of Zoom to share their screen, and display the exhibit that the team intends to use.



## Part 5: The Trial

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### Rule 5.1 - Manner of Examination

There are no rules of recommendations for when competitors should sit or stand during trial, or when addressing the judge, opposing counsel, or witnesses. All trials will be jury trials, and competitors should address the jury when necessary. At all times, counsel shall maintain a respectful demeanor.

### Rule 5.2 - Objections

Objections are subject to the following limitations:

1. **Permitted During Examinations.** Objections are permitted only during the exams of witnesses.
2. **Permitted During Preliminary Matters.** Objections are permitted during preliminary matters before trial.
3. **Prohibited During Speeches.** Objections are not permitted during opening statements or closing arguments.
4. **Who May Object.** Only the attorney who conducts the direct or cross exam of the testifying witness may argue or respond to objections during the questioning or testimony of a witness.
5. **How Objections Should Be Made.** All objections shall be conducted in open court. There is no rule or requirement dictating whether attorneys should sit or stand during objections. Competitors shall only address the Presider during objections. Side bars are strictly prohibited.
6. **Scope.** The only objections that may be made are listed in the Recognized Objections section of the ToC Rules of Evidence.
  - a. **Unfair Extrapolation.** An attorney may not object that a witness's testimony is not contained in the case materials. Unlike some states, MockOn does not permit "unfair extrapolation" or "invention of fact" objections. See Rule 5.2.

### Rule 5.3 - Scope of Cross, Re-direct and Re-cross Exams

1. **Scope of Initial Cross Exam.** The scope of the initial cross exam is not limited to matters raised in the initial direct exam.
2. **Scope of Re-Direct and Re-Cross Exams.** The scope of each re-examination is limited to matters raised in the immediately preceding exam.
3. **Number of Re-Direct and Re-Cross Exams.** Only one up to one re-direct and re-cross is permitted per witness.
4. **Voir Dires are not permitted.** Voir dires are not permitted on any witness.



### Rule 5.4 - Motions

1. **General.** No motions are permitted except for the following:
  - a. A motion to strike a witness's testimony.
  - b. A motion to constructively exclude witnesses as per Evidence Rule 615; A motion to constructively pre-swear in all witnesses before trial as per Evidence Rule 603.
2. **Tendering Experts.** In this jurisdiction competitors are not permitted to formally tender witnesses as experts as per Evidence Rule 702. Students are still required to satisfy the foundational requirements of 702 in order for witnesses to form expert conclusions.
3. **Efficient Handling of Motions.**
  - a. **Motion to Strike.** To save time, a motion to strike excluded evidence shall automatically be interpreted as both a motion to strike and a request to admonish the jury to disregard the stricken evidence.
  - b. **Limiting Instruction.** Attorneys may request limiting instructions when testimony or evidence is admitted on limited grounds.

### Rule 5.5 - Scope of Permissible Testimony

Witness testimony is appropriate in the following cases:

1. **Directly Stated.** It comes directly from the witness statement;
2. **Reasonably Inferred.** It is reasonably inferred from the affidavit. A reasonable inference must be a conclusion that a reasonable person would draw from a particular fact or set of facts contained in the witness statement;
3. **Immaterial Background.** It is not based in the affidavit but constitutes immaterial background information provided for the purpose of enhancing the witness's portrayal. Facts are "material" if they affect the merits of the case. Facts are "immaterial" if they merely provide background information or develop the character of a witness. One test to assess materiality is whether the facts at issue could be reasonably be expected to be included in the party's closing argument;
4. **Interrogations.** Interrogations are not subject to the same limitations as other witness statements. When a competitor is portraying a witness whose statement takes the form of an interrogation, the competitor is permitted to testify to facts not included in their interrogation. However, the witness cannot contradict any portion of their interrogation. Competitors are still subject to impeachment or cross-examination on any facts they testified to in trial that were not included in their interrogation.
5. **Remedies for Material Invention of Fact.** The only remedy a team may pursue for a material invention of fact is to impeach a witness on cross exam. Two types of impeachments may be conducted:
  - a. **Impeachment by Contradiction.** The attorney illustrates an instance in which a witness introduced testimony that contradicts their affidavit.

- b. **Impeachment by Omission.** The attorney illustrates an instance in which a witness testified to a material fact not included in their statement.

### Rule 5.6 - Scope of Impermissible Testimony

Witness testimony is not appropriate in the following cases:

1. **Not Reasonably Inferred.** It is not reasonably inferred from the witness statement. With the exception of witnesses who are basing their testimony off an interrogation, witnesses are not permitted to testify to material facts that cannot be reasonably inferred from their affidavit and cannot be remedied by an impeachment. If a witness invents a material fact of this nature, it is considered to be an egregious invention. The reporting of instances of egregious invention can result in tournament penalties. This includes, but is not limited to, point deductions, loss of ballots, round forfeiture, or tournament disqualification.
2. **Guilty Portrayals.** A team may not allege or imply on Direct Examination that one of the witnesses who they themselves call to the stand may have committed the crime or wrong at issue, or otherwise suggest during Direct Examination that their own witness is an alternate suspect or a responsible third party.

### Rule 5.7 - Use of Exhibit at Trial

The use and admission of exhibits at trial is subject to the following rules:

1. **Procedure.** MockOn does not require a standard or universal procedure for authenticating exhibits. However, when using or admitting exhibits into evidence, all foundational elements for authentication must be met regardless of the procedural format a team chooses to use.
2. **Exhibit Identification.** At the moment counsel seeks to have a witness identify an exhibit at trial that they are required to screen share that exhibit for the witness and opposing counsel to see.
3. **Who May Control Presentation of Exhibits.** Any rostered member of a team may control the display of exhibits.
4. **Screen Share Must Promptly Conclude.** As soon as a team has concluded its use of an exhibit, the screen share must end.

### Rule 5.8 - Team Identification

Prior to and during trial rounds, participants shall identify themselves to judges only by assigned team icon name. Clothing and other materials visible to the judges during a trial shall not identify any school. After judge scores have been submitted, both teams may identify their school affiliations to the judges.

1. **Observers.** Non-competing students, coaches, family members, and other supporters must also take care not to wear clothing or bring items to trial that can identify the school.



### Rule 5.9 - Communication During a Round

1. **General Rule.** For the duration of a trial, each student competing in the trial may communicate only with the following:
  - a. Other rostered students on their team;
  - b. Each party's timekeepers;
  - c. Judges and tournament officials.
2. **Impermissible Communications.** Competing students are not allowed to communicate with coaches, parents, friends, supporters, or other observers for the duration of a trial.
3. **Burden on Student.** If, during a trial, a person not falling in one of the categories listed in subsection 1 attempts to communicate with a competing student, then it is the duty of the competing student to terminate the communication.
4. **Technological Malfunction Exception.** A competing student may communicate with their mock trial coach if they suffer a technological malfunction, *See Rule 7.5*, and the competing student's communication is for the limited purpose of remedying the malfunction.
  - a. **Scope.** Once the competing student regains entry into their courtroom, their communication with their coach must cease.

### Rule 5.10 - MockOn Competition Trials are Private

Any trials at a MockOn competition are accessible to affiliated persons of each competing team. No person may watch a trial at a MockOn competition unless they are affiliated with one of the competing students in that trial.

## Part 6: Rule Violations

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### Rule 6.1 - Definitions; Classes of Rule Violations

1. **Applicable Rules.** “Applicable rule” means any rule in the ToC Rules of Procedure, ToC Tab manual and/or any other rules outlined by MockOn.
2. **Violation.** “Violation” means any instance where an affiliated participant of a team participating in a MockOn Competition violates an applicable rule.
3. **Classes of Rule Violations.**
  - a. During a trial;
  - b. At a competition and outside of trial;
  - c. Outside of a competition.
4. **Penalties.** Penalties for rule violations are outlined in our Tab Manual.

### Rule 6.2 - Rule Violations During a Trial

1. **Who May Report A Violation.** Violations may only be reported by a student or coach of one of the teams competing in the trial where the alleged violation occurs. No other individuals may report an in-trial violation.
2. **Who May Receive A Report.** A team may not interrupt a trial to raise a rule violation unless it is defined by Rule 6.2.8. All other rule violations must be reported directly to MockOn Staff Members or to a Tab Officer.
3. **Reporting Requirements.** Where a team believes that a rule violation has occurred, if they wish to report the violation or wish to seek clarification on whether a specific practice constitutes a rule violation, they must quote the exact rule that they believe is being violated. Tab Officers will decline to investigate a violation if a specific rule is not referred to.
4. **Opportunity To Be Heard.** The Tab Officers need not consult with both teams before denying a request for redress. However, before imposing any penalties or taking other actions, the Tab Officers must give both teams an opportunity to be heard. If a tab Officer requests that a team coach or captain meet with the Tab Officer to discuss the reported violation, and that team refuses the Tab Officer’s request, that team waives the opportunity to be heard.
5. **Decision-Making Authority.** While violations may be reported to MockOn Staff and competition staff, Tab Officers are solely responsible for determining whether a rule violation has concurred and what, if any, accompanying penalties should be levied.
6. **Communication.** A team may not consult their coach or otherwise violate Rule 5.9.
7. **Reporting: Non-Time-Sensitive Rule Violations.**

- a. **When To Make a Report.** A violation that occurs during a trial shall be reported as soon as practicable. If possible, it shall be reported no later than the first break in the trial after the violation occurs or is discovered.
8. **Reporting: Time-Sensitive Rule Violations.** Where a “time-sensitive” violation of the Rule of Procedures is discovered, a student competitor may ask the judge for permission to report the issue to a MockOn Staff member.
  - a. **Defined.** The following rules from the Rules of Procedure are considered to be time-sensitive:
    - i. Rule 2.3 (Attorney Roles);
    - ii. Rule 2.4.1 (Witness Selection);
    - iii. Rule 3.1 (Sequence of Events);
    - iv. Rule 4.1 (Case Versions);
    - v. Rule 4.2 (Closed Universe);
    - vi. Rule 4.3 (Authenticity of Documents);
    - vii. Rule 4.4 (Signatures);
    - viii. Rule 4.5.1(Exhibit Use)
    - ix. Rule 4.5.3 (Exhibit Restrictions)
    - x. Rule 5.2 (Objections); and
    - xi. Rule 5.3 (Scope of Cross, Re-direct and Re-cross Exams);
    - xii. Rule 7.5 (Technical Requirements)
  - b. **Reporting Procedure.** To report a time-sensitive rule violation, an attorney competing in the round in which the violation occurred should raise an objection, explaining that they believe a time-sensitive violation has occurred and that a Tab Officer should intervene.
    - i. **Reporting Discouraged.** A team shall only raise a time-sensitive rule violation where they feel, with certainty, that a violation has occurred and that said violation would materially impact the remainder of the examination or speech if not immediately rectified. A team that objects under this rule risks facing a penalty under this section should their complaint be deemed invalid.
  - c. **Reporting Requirements.** The reporting requirements defined in Rule 6.2.3 apply to time-sensitive rule violations.
  - d. **Trial Hold.** If a team intends to report a time-sensitive rule violation, the trial will be placed on hold (i.e. stopped) until a Tab Officer rules on the violation.
  - e. **Presider does not issue a ruling.** Judges are not empowered to make rulings concerning a time-sensitive rule violation; they act only as the means by which a team may seek permission to report the violation to the tab room.
  - f. **Penalty for unsuccessful report.** If a Tab Officer determines that a reported time-sensitive matter does not constitute a rule violation, or if the issue reported as a time-sensitive violation is not a time-sensitive violation

(irrespective of whether it is a rule violation at all), the reporting team will be penalized with a time deduction from their case presentation time.

- i. A minimum of 5 minutes will be deducted as a penalty. Additional time may be deducted where the unsuccessful report causes a trial to be placed on hold for more than 5 minutes.

### Rule 6.3 - Rule Violations at a Competition and Outside a Trial

1. **Who May Report a Violation.** Any participant per Rule 1.2.7.
2. **Who May Receive a Report.** Violations may only be brought to the Tab Officers or Tournament Coordinators. No one else, including judges or tournament staff may receive a report of an alleged rule violation.
3. **Appropriate Issues to Report.** Any violations of the rules. Such rules may include but are not limited to, disparaging comments or violations of ethics or etiquette. Serious breaches of MockOn rules and policies should be raised, but affiliated participants shall avoid making a report for very minor infractions.
4. **When to Make a Report.** A violation that occurs out-of-trial, including, but not limited to, inside breakout rooms, during Captain's Meetings, or during interactions with other teams, shall be reported as soon as practicable. Violations reported after midnight on the day after the ToC will not be considered.
5. **How to Make a Report.** The affiliated participant should lodge a complaint with the Tab Officer(s) by entering the Virtual Tab Room.
6. **Decision-Making Authority.** While violations may be reported to MockOn competition staff, Tab Officers are solely responsible for determining whether a rule violation has occurred and what, if any, accompanying penalties should be levied.
7. **How the Tab Officer(s) Will Respond to a Report.** Responses are outlined in our Tab Manual.

### Rule 6.4 - Complaints for Judge Misconduct

1. **Purpose and Applicability.**
  - a. **Providing an in-trial remedy.** This rule is designed to provide teams with an avenue to remedy judicial conduct during a trial that is both a violation of these rules and significantly detrimental to the students' educational and competitive experiences. The narrow class of rules in which remedy may be sought is defined below. Once the round's ballots have been submitted, a team waives its right to seek a remedy under this rule.
  - b. **Not a feedback mechanism.** This rule shall not be construed as permission for a team to seek future penalties against a judge once a trial is over.
  - c. **Harmless Error.** Teams shall only report a violation where the judicial conduct is prohibited and where the team believes that it is causing significant harm to

its educational and competitive experiences. Teams shall not report innocuous rule violations.

2. **Who May Report a Violation.** Violations may only be reported by a student or coach competing in the trial where the alleged violation occurs. No other individuals may lodge an in-trial judge complaint.
3. **Who May Receive a Report.** Violations may only be brought to the Tab Officers and Tournament Coordinators. A MockOn staff member may help communicate the request to the Tab Officer or Tournament Coordinators.
4. **Judicial Offenses.** MockOn will receive complaints about a person serving as a judge or juror in the following instances only:
  - a. The Presider repeatedly raises objections on their own, separate from those raised by the student attorneys;
  - b. The Presider repeatedly questions the witnesses during the trial;
  - c. A judge has made a comment toward a competitor before or during a trial that is harmful, offensive, or otherwise contrary to Rule 1.3 of the Rules of Procedure;
  - d. The Evaluators have demonstrated outrageous disrespect for the Court by failing to remain alert. Such in-trial behavior includes, but is not limited to, sleeping or the use of a cell phone during the trial proceedings.
5. **When to Make a Report.** A violation shall be reported as soon as practicable. If possible, it shall be reported no later than the first break in the trial after the violation occurs or is discovered, and preferably sooner. If a violation is reported after a round, no in-trial remedy can be provided. However, the Tab Officer will take note of the violation in determining whether or not the offender will be permitted to evaluate future rounds.
6. **How to Make a Report.** The student or coach should lodge a complaint with the Tab Officer(s) in the tab room.
7. **How the Tabulation Director(s) Will Respond to a Report.** Where MockOn believes that a rule violation is worth investigating, the Tab Officers or their designees will obtain information necessary in order to make a decision, including but not limited to, observing the trial and interviewing affiliated participants from both teams.
8. **Remedies for Judge Violations.** The available remedies are limited to:
  - a. Verbal admonition;
  - b. Removal from consideration as a judge at the competition and/or future competitions;
  - c. Removal of the offending judge's ballot from the scores for the round. In this instance, the other judges' ballots will be averaged to provide the teams' scores.



## Part 7: Online Procedures

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### Rule 7.1 - Setup

1. **Teams.** Competing students may assemble together either in person, or separately in accordance with school and state policies. Students are permitted to share computers to connect to the Zoom video conference. However, only one student may be using each computer at each time. Students may not position the computer so multiple students (i.e. an attorney and witness pair) are in the webcam view simultaneously.
2. **Judges and Staff.** Judges and staff will connect to the videoconference individually.
3. **Proceedings.** Teams will present statements, examinations, and evidence via video conference.
4. **Scoring and Feedback.** Judges will submit feedback and scores electronically as the trial progresses, and then provide verbal feedback in the videoconference after the trial has concluded.

### Rule 7.2 - Judge Configuration

1. **Video.** Only the Presiding Judge is required to keep their Webcam switched on for the duration of the trial. A Presiding judge whose Webcam is switched off (i) without good cause and (ii) for more than two minutes while a student is presenting a speech or examination will forfeit scoring privileges.
  - a. **Tab Room as Final Decision Maker.** The Tab Room makes the final decision as to whether a judge's ballot should be discarded.

### Rule 7.3 - Technical Requirements

Teams which compete in a MockOn competition must secure the equipment outlined below.

1. **Computers.** Each competing student must connect to Zoom via a desktop or laptop computer that meets the system requirements of Zoom.
2. **Internet Connection.** Each competing student must connect to the platform using a wired or wireless internet connection, the strength and speed of which must meet the system requirements of Zoom.
3. **Webcams.** Competing students are permitted to use external webcams during trial. Webcams must meet the system compatibility requirements of Zoom.

### Rule 7.4 - Trial Presentation

1. **Permissible Use of Webcam.**
  - a. During preliminary matters, only the pre-trial attorneys' webcams shall be turned on. Additional competing students may turn on their webcams solely during appearances while conducting preliminary matters.

- b. After preliminary matters, only the student(s) presenting and their opponent for that part of the trial shall turn their webcams on.

<b>On-Screen Participants</b>	
<b>Trial Stage</b>	<b>Cameras On:</b>
Preliminary Matters	Presiding Judge, Plaintiff Pre-Trial Attorney, Defense Pre-Trial Attorney (3 total cameras on)
Opening Statements	Presiding Judge, Opening Statement Attorney (2 total cameras on)
Direct of a Witness	Presiding Judge, Directing Attorney, Crossing Attorney, Witness (4 total cameras on)
Cross of a Witness	Presiding Judge, Directing Attorney, Crossing Attorney, Witness (4 total cameras on)
Closing Arguments	Presiding Judge, Closing Argument Attorney (2 total cameras on)

- c. An opposing team’s timekeeper may only turn their webcam on if the opposing team’s time has expired.

**2. Permissible Use of Microphone.**

- a. During preliminary matters, only the pre-trial attorneys’ microphones shall be turned on. Additional competing students may turn on their microphones solely during appearances while conducting preliminary matters.
- b. During a *speech*, the presenting student’s microphone shall be unmuted (turned on). All other participants must be muted.
- c. During an *examination*, the presenting attorney and presenting witness shall keep their microphones unmuted (turned on). The objecting opposing counsel’s microphone shall remain muted, unless and until they raise an objection.
- d. Each team’s timekeeper may only unmute their microphone to announce that time has expired. (See Rule 2.5).

**Rule 7.5 - Technological Malfunctions**

- 1. **Teams.** If a student experiences a technological malfunction that results in them dropping the connection to the online platform while delivering a statement or

examination, the trial will stop to allow the student some time to resolve this malfunction.

- a. **Stopping Condition.** The trial will be stopped if the malfunction is sufficiently serious that one of the following conditions apply:
    - i. The student loses connection to their Zoom completely for a period exceeding 15 seconds; or
    - ii. The connection quality is sufficiently degraded such that the other participants on the Zoom cannot see or understand the student. The impacted student should initially seek to resolve the malfunction on their own.
  - b. **Stopping Procedure.** The other team and/or judges remaining in the round should acknowledge the student's connection loss as soon as it is noticed, so that the trial is paused while the technological malfunction is resolved. *See Rule 5.9.* If a coach cannot resolve the applicable stopping condition, then the coach (not the student) should initiate contact with the Tab Room.
  - c. **Recovery Time.** An affected student will be given a period of five minutes to resolve their technological issue and reconnect to the Zoom.
  - d. **Remedy for Non-Recovery.** If the impacted student is unable to resolve their technological malfunction in this time period, a team may replace the students with a permissible roster substitution. *See Rule 2.2.* Judges will be asked to score the student as if they were the dropped-out student, and their score will count towards the performance of the dropped-out team.
  - e. **Recovery Restart.** If the dropped-out students are able to remedy their technological malfunction after they have been replaced, they may rejoin their trial at the next trial stoppage. For the purpose of this rule, a trial stoppage is defined as the end of a speech or the end of an examination.
2. **Judges.** If a judge experiences a technological malfunction which results in them dropping the connection to the online platform, the trial will stop to allow the judge some time to resolve this difficulty.
- a. **Stopping Condition.** As defined by Rule 7.5.1.a.
  - b. **Stopping Procedure.** As defined by Rule 7.5.1.b.
  - c. **Recovery Time.** As defined by Rule 7.5.1.c.
  - d. **Remedy for Non-Recovery.** If a judge is unable to remedy their technical malfunction and the judge is a scoring judge, the scores of the existing ballot will be duplicated.



## MockOn Official Timekeeping Record

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TEAM CODE:

OPPONENT TEAM CODE:

<b>Plaintiff/Prosecution</b>	<b>Defense</b>
Opening Statement Time:	Opening Statement Time:
P Witness #1 Total Direct Examination Time:	Witness #1 Total Cross Examination Time:
P Witness #2 Total Direct Examination Time:	Witness #2 Total Cross Examination Time:
Witness #1 Total Cross Examination Time:	D Witness #1 Total Direct Examination Time:
Witness #2 Total Cross Examination Time:	D Witness #2 Total Direct Examination Time:
Closing Argument Time:	Closing Argument Time:



4v4 Attorney Format	
Attorney 1	Attorney 2
Opening Statement Direct Exam Cross Exam	Closing Argument Direct Exam Cross Exam

Round Time Limits	
Prosecution/Plaintiff	Defense
Opening Statement Time: <b>4 minutes</b>	Opening Statement Time: <b>4 minutes</b>
P Witness #1 AND #2 Total Direct and Re-Direct Examination Time: <b>18 minutes</b>	Witness #1 AND #2 Total Cross and Re-Cross Examination Time: <b>16 minutes</b>
Witness #1 AND #2 Total Cross and Re-Cross Examination Time: <b>16 minutes</b>	D Witness #1 AND #2 Total Direct and Re-Direct Examination Time: <b>18 minutes</b>
Closing Argument Time including Rebuttal: <b>6 minutes</b>	Closing Argument Time: <b>6 minutes</b>

On-Screen Participants	
TRIAL STAGE	CAMERAS ON
Preliminary Matters	Presiding Judge, Plaintiff Pre-Trial Attorney, Defense Pre-Trial Attorney (3 total cameras on)
Opening Statements	Presiding Judge, Opening Statement Attorney (2 total cameras on)
Direct of a Witness	Presiding Judge, Directing Attorney, Crossing Attorney, Witness (4 total cameras on)
Cross of a Witness	Presiding Judge, Directing Attorney, Crossing Attorney, Witness (4 total cameras on)
Closing Arguments	Presiding Judge, Closing Argument Attorney (2 total cameras on)