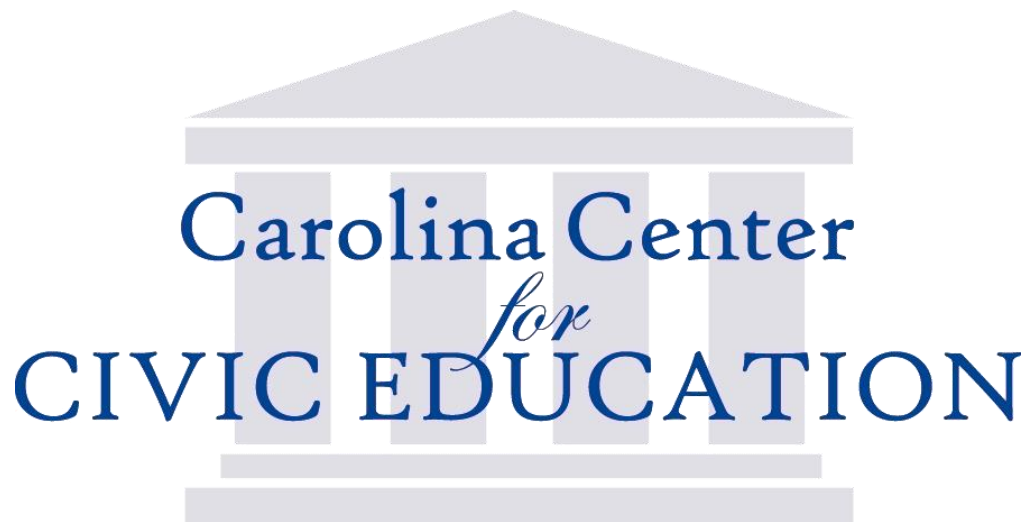


2017-2018

RULES OF COMPETITION



**NORTH CAROLINA ADVOCATES FOR JUSTICE
HIGH SCHOOL MOCK TRIAL COMPETITION**

Table of Contents

Overview of the Competition	ii
Sponsors	iii
Schedule for 2017-2018	iv
Rules of Competition	
A. Program Organization and Administration	1
B. Team Composition and Roles	4
C. Case Materials and Restrictions	5
D. Trial Procedures and Rules	7
E. Judging and Team Advancement	11
F. Dispute Resolution	15
Rules of Evidence	17
Regional Competition Schedule	27
Notice of Deadlines to Withdraw Form	28
Team List	29
Team Roster Form	30
Permission for Participation and Release Form	31
Code of Ethics Form	34
M. Gordon Widenhouse Scholarship Application	35
Bailiff/Timekeeper Duties and Script, Time Keeping Sheet and Time Cards	36
Ballot	42
Dispute Form	44
Steps in a Mock Trial	45
Courtroom Setting	47
Source of Proof Charts	48

CAROLINA CENTER FOR CIVIC EDUCATION

The Carolina Center for Civic Education, a 501(c)(3) nonprofit, was created by the North Carolina Academy of Trial Lawyers to operate the 2005 National High School Mock Trial Championship competition in Charlotte, North Carolina. In 2008, the North Carolina Academy of Trial Lawyers changed its name to the North Carolina Advocates for Justice to better reflect the mission and purpose of the organization. In 2009, the Carolina Center for Civic Education was tasked with the independent operation of the high school mock trial program, with the NCAJ as a major sponsor. The CCCE seeks additional partnerships and grants to support and grow the mock trial program and to enhance civic education opportunities for North Carolina high school students.

NCAJ COMPETITION MOCK TRIAL COMMITTEE

Co-Chairs: Gordon Widenhouse and Rebecca Britton

John H. Anderson, Jr.	Darrin Jordan
Emily Applewhite	Michelle Keely
Liz Barber	Karen Kueny
Adrienne Blocker	Brandy Jo Lea
Jeffrey Cannon	Rich Manger
Jessi Cannon	Mark Melrose
Lakisha Chichester	Beverly K. Moore
Patti Clapper	Daniel O'Shea
Holden Clark	Brett Pinkston
Philip Entzminger	Rose Pratt
Lindsey Granados	Christine Scheef
Robert Jessup	Tanja Shurling

CAROLINA CENTER FOR CIVIC EDUCATION BOARD OF DIRECTORS

M. Gordon Widenhouse, Jr.	President
Rebecca J. Britton	Vice President/Treasurer
Richard A. Manger	Secretary
Brooke Schmidly	Director
Brad Bannon	Director
Adrienne Blocker	Director
Christine Scheef	Director
Mark Sumwalt	Director
Valerie Johnson	<i>Ex Officio</i>

NCAJ VP Communications

STATE COORDINATOR: Susan H. Johnson

REGIONAL AND SITE COORDINATORS

ASHEVILLE - BUNCOMBE COUNTY

Mark Melrose
Brett Pinkston

FAYETTEVILLE - CUMBERLAND COUNTY

Rebecca Britton
Karen Kueny and Tanja Shurling

GASTONIA - GASTON COUNTY

Holden Clark and Daniel O'Shea
Beverly K. Moore

GREENVILLE - PITT COUNTY

Jeffrey Cannon and Philip Entzminger
Jessi Cannon

HIGH POINT - GUILFORD COUNTY

Rich Manger and Adrienne Blocker
Rose Pratt

PITTSBORO - CHATHAM COUNTY

Liz Barber and Robert Jessup
Patti Clapper and Lakisha Chichester

RALEIGH - WAKE COUNTY

Christine Scheef and Lindsey Granados
Michelle Keely

SALISBURY - ROWAN COUNTY

Darrin Jordan
Emily Applewhite

WILMINGTON - NEW HANOVER COUNTY

John H. Anderson, Jr.
Brandy Jo Lea

OUR SPONSORS

A SPECIAL THANKS TO OUR MANY SPONSORS WHO HAVE MADE THE 2017 - 2018 NCAJ HIGH SCHOOL MOCK TRIAL PROGRAM POSSIBLE!

PROGRAM SPONSOR: North Carolina Advocates for Justice

OUTREACH SPONSOR: Lawyer's Mutual Liability Insurance Company of N.C.

STATE FINALS SPONSOR: Rudolf Widenhouse

STATE FINALS HOST: Norman Adrian Wiggins School of Law, Campbell University

REGIONAL SPONSORS AND SUPPORTERS:

Asheville: Melrose Law, PLLC

Supporters: 28th Judicial District Bar Assn, Asheville Area Paralegal Assn

Fayetteville: Britton Law, P.A.

Supporter: Cumberland County Bar Association

Gastonia: The Sumwalt Law Firm

Greenville: Hardee & Hardee

High Point: Manger Law Firm

Pittsboro: Glenn Mills Fisher & Mahoney

Supporter: Durham County Bar Association

Raleigh: Twiggs Strickland & Rabenau, P.A.; Maurer Law, *co-sponsors*

Salisbury: Rowan County Bar Association

Wilmington: Shipman and Wright, P.A.

Special thanks to our volunteers

We appreciate the many volunteers who have truly caught the mock trial spirit and who devote their time and energy to make this program so successful; and the students, parents, teachers and legal professionals whose support is crucial to this program that combines a practical, hands-on learning experience with a healthy dose of fun competition.

SCHEDULE OF EVENTS

Friday, September 1, 2017

Case Release Date

The competition case will be available via the mail or online; download at <http://ncmocktrial.org/>.

Friday, September 22, 2017

Early Registration

Registration forms submitted online or postmarked by September 22 are guaranteed assignment at one of their top choices of regions. Please register your teams early to have a better chance of securing your first choice of site assignment.

October and November 2017

Teacher/Team Training Sessions

Afternoon training sessions will be held across the state to provide training for new teams and teacher advisors; email Sue Johnson for details. In addition, the three-part 2012-13 teacher training video can be viewed anytime by visiting the website (<http://ncmocktrial.org/resources/training-materials>).

Friday, December 15, 2017

****Final Registration/Team Fee Deadline****

Three items are due: 1) Team registration forms; 2) signed "Deadlines to withdraw" notice; and 3) fees of \$175/team. **Firm deadline!!** Items should be **received in the CCCE office** by **December 15**.

Tuesday, January 9, 2018

****Team member list, Code of Ethics, Release form due****

- Completed Team Member List, Team Code of Ethics form, and individual Permission/Video Release forms are due to the State Office.

****Last Day to Withdraw without Penalty****

- If your team must withdraw, contact State Coordinator Sue Johnson in writing via email (SueHeathJohnson@gmail.com) no later than **January 9** to request a refund of registration fees. Withdrawals at a later date will result in forfeiture of the registration fee and may incur a penalty (**see Rule 1.8**) due to the significant disruption caused by late withdrawals. Teams will learn their Regional Competition site assignment within 7 days of this deadline.

Saturday, February 3, 2018

Regional Competition

Mock trial teams compete at nine regional sites throughout North Carolina (Asheville, Fayetteville, Gastonia, Greenville, High Point, Pittsboro, Raleigh, Salisbury, and Wilmington). Teams at all sites will compete in two rounds of competition and will try both sides of the case. The top two teams will compete in a final round, with the winner advancing to State Finals.

Friday – Saturday, March 9-10, 2018

State Finals Competition

The regional champions and any at-large teams will meet in Raleigh to compete for the State Championship at Campbell University School of Law. On Friday, March 9, teams will arrive in Raleigh for registration, tours, and a reception at the Campbell School of Law. On Saturday all teams will participate in two rounds of competition, and the two top-ranking teams will compete in a final championship round. The State Champion will earn the right to represent North Carolina at the National High School Mock Trial Championship in **Reno, NV** from **May 10 – 12** (details: <http://www.nationalmocktrial.org/>).

Rules of Competition

A. PROGRAM ORGANIZATION AND ADMINISTRATION

Rule 1.1. Rules

The NCAJ High School Mock Trial (“NCHSMT”) Rules of Competition and the NCHSMT Rules of Evidence and Procedure will govern all trials.

Questions or interpretations of these rules are within the discretion of the Carolina Center for Civic Education (“CCCE”) State Coordinator and Board of Directors, whose decisions are final.

Rule 1.2. Code of Conduct; Expectations of Participants; Sanctions for Inappropriate Behavior

The Rules of Competition, as well as proper rules of courthouse and courtroom decorum and security, must be followed. The ideals of fair play, civility, and friendship shall guide the conduct of all participants and observers throughout all mock trial activities including, but not limited to, tournament rounds, breaks between rounds, organizational meetings, and team practices. Courtesy toward opposing team members, judges, tournament officials, coaches, and one’s own team members is expected of all participants and observers.

Rule 1.2.a. Team coaches. Every team must have at least one officially designated adult team advisor/coach, who is responsible to provide adult supervision of the team, ensure that all deadlines for submission of fees and forms are met, and communicate clearly the Code of Conduct to all team members and observers. Students and/or persons who are not age 18 or older cannot serve as the designated team advisor. Because the purpose of mock trial is to instill respect for the legal system and its ideals of justice, equality, and truth, coaches are expected to champion these ideals above winning.

Rule 1.2.b. Sanctions for Inappropriate Behavior. The CCCE possesses discretion to impose sanctions up to and including, but not limited to, deduction of points, the team’s immediate eviction from the competition, suspension from competing in future competitions, and/or forfeiture of all fees and awards (if applicable) for any misconduct, flagrant rule violation, or breaches of decorum that 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. Registration Procedures

To participate in the NCHSMT competition, teams must complete the following steps by the deadlines listed in the published schedule:

- Submit the Registration Form and Registration Fees
 - Teams that register by the Early Bird Deadline are more likely to receive their first or second choice of regional site assignments.
- Submit the signed Notice of Withdrawal Deadlines form
- Submit the signed Ethics form
- Submit signed Permission/Release forms for each participating student (official team members and alternates)
- Submit the Team List for publication in the competition programs
- Submit the Official Team Roster form (listing Official team members and alternates) at team check-in for the Regional competition

Rule 1.3.a. The Official Team Roster is “locked” at the time of team check-in at Regionals. The team members may not be changed if the team advances to the next level of competition (although roles on the team may be modified as needed).

Rule 1.3.b. Any requests for roster modifications before the next level of competition (other than a change of roles) must be submitted in writing to the CCCE State Coordinator for review. The decision of the CCCE Board regarding any such requests is final.

Rule 1.4. Regional and State Finals Competitions

The NCHSMT Competition consists of two levels of team trial competitions: Regionals and State Finals. Each year, the CCCE Board determines the total number and location of competition sites.

The NCHSMT Regional Competitions (“Regionals”) are held on a Saturday in early February. The State Finals Competition (“State Finals”) is held in early March and is a two-day tournament in which every team argues each side of the case at least one time. After preliminary rounds, the top two teams will meet in a Championship Round to determine the State Champion.

Rule 1.4.a. Use of Facilities for Regionals and State Finals. Teams are permitted and encouraged to hold a practice session in a local courthouse prior to the Regional and State Finals competitions. However, to prevent unfair advantage, teams advancing to State Finals are not to use courtroom facilities at the State Finals venues (Campbell Law School and any other State Finals sites) between the end of the regional competition and the start of the State Finals competition rounds.

Rule 1.5. Team Expenses

Expenses for the Regional and State competitions are the responsibility of the participants and their sponsoring school(s)/organization(s). The CCCE has limited funds available to assist teams with financial difficulties. To request assistance, a team advisor or student representative must contact the CCCE in writing (CCCE, PO Box 9626, Chapel Hill, North Carolina 27515 OR via email to State Coordinator) no later than ten (10) business days prior to the competition.

Rule 1.5.a. Nationals. The CCCE will pay the registration fee for the qualifying N.C. team to participate in the National High School Mock Trial Championship competition and will provide up to \$300 to purchase memorabilia for the pin exchange event, if held. All other team expenses related to the National competition will be the responsibility of the qualifying team.

Rule 1.6. Assignment of Regional Competition Site

The CCCE reserves the right to assign each team to a regional competition site based on the following: (1) date of submission of registration form; (2) the top four sites requested by the registrant; (3) the number of teams requesting each site, with the objective of maintaining parity and an even number of teams at each site; and (4) travel time and cost considerations for the school.

Teams may have to travel up to 2 hours to their assigned regional site and should plan accordingly. The CCCE will notify each school of their assigned regional competition site(s) in accordance with the published schedule for the season.

Rule 1.6.a. A school/organization may register an unlimited number of teams for the competition. However, only two teams from each school/organization may compete at the same regional competition site. If a school/organization registers more than two teams, additional teams must compete at different regional competition sites, subject to courtroom space availability.

Rule 1.6.b. If a school/organization has won the same regional championship for two consecutive years, its team(s) will not be permitted to compete in that region for a third year but may compete at any of the remaining regional competition sites. The CCCE Board reserves the right to waive this rule if circumstances warrant waiver in the discretion of the CCCE Board.

Rule 1.6.c. A region hosting an odd number of teams must hold a lunch round. If an odd number of teams is confirmed at a regional site, the CCCE may reassign teams to a different region to avoid a lunch round. The team advisor of a reassigned team will be promptly notified.

Rule 1.7. Team Eligibility for Regional Competition

Teams must be properly registered with the CCCE. Teams must be comprised of students from the same high school or from a common organization. Any exceptions must be approved by the CCCE. All team members must be listed on the Official Team Roster (as stated in Rule 1.3).

Rule 1.8. Withdrawal Deadlines and Penalties for Late Withdrawal

If a school/organization finds it necessary to withdraw from the competition, it may request a refund if it withdraws ON OR BEFORE the designated “Last Day to Withdraw” for the competition season. Team withdrawals from the competition AFTER the designated “Last Day to Withdraw” and at least 10 days prior to the regional competition date will result in forfeiture of the team registration fee. Teams that withdraw from the competition fewer than 10 days prior to the regional competition date will be assessed a \$100 penalty. Any school/ organization assessed a penalty for late withdrawal that does not pay the penalty within 30 days after the regional competition date will forfeit their participation in the competition for one year. Penalties for late withdrawal from a competition may be waived at the discretion of the CCCE Board.

Rule 1.9. Team Eligibility for State Finals Competition

Teams advance to the State Finals based upon their final ranking in the Regional competition. Each Regional Champion automatically advances to State Finals. Regional champion teams must confirm their intent to participate in State Finals by noon on the first Tuesday after Regional competition or risk losing their spot to an alternate team.

Rule 1.9.a. The CCCE determines the total number of team slots available at State finals. After the automatic invitations have been issued, the CCCE will award any remaining slot(s) (IF ANY) to the highest-ranking team(s) based on the advancement criteria stated in Rule 5.6 as applied to the results at Regionals. The CCCE will promptly notify each additional team advancing to the State Finals (IF ANY). Any such teams invited to State Finals have 48 hours from notification to confirm their intent to participate.

After confirmation, withdrawing from participation in State Finals may result in the sponsoring school/organization being barred from participating in any way in the competition in the following year at the discretion of the CCCE Board.

Rule 1.9.b. Teams competing in the State Finals Competition must be comprised of students who participated on the same team at the Regional competition. Any exceptions must be reviewed and approved by the CCCE as stated in Rule 1.3.b.

Rule 1.10. Team Eligibility for National Competition

The State Championship team automatically qualifies to compete at the National High School Mock Trial Championship (NHSMTC). The State Champion must indicate its intent to participate

at the National competition by noon on the first Friday after State Finals. The team must be comprised of 7 – 8 official students who served on the current State Championship team. The NHSMTTC rules permit a ninth student to attend as a timekeeper only. If the inability of students to attend the National competition would reduce the State champion team roster below the required minimum of 7 students, the CCCE Board, at its discretion, may allow a maximum of two alternate students to serve as a substitute to bring the roster back up to seven (7). Alternatively, the CCCE Board may designate the second place team, or, if necessary, another alternate team to represent North Carolina, so long as all students on the alternate team are from the same original team.

B. TEAM COMPOSITION AND ROLES

Rule 2.1. Student Eligibility

All students in grades 9 to 12 are eligible to compete. A student must be currently enrolled as a full-time student in the sponsoring school in order to participate as a team member or must be an active member of a sponsoring organization (such as YMCA, Boys and Girls Club, Teen Court, or homeschool support group).

Rule 2.2. Team Composition

Teams must consist of a minimum of seven and a maximum of eight official student team members. Each team of 7 – 8 students must argue both sides of the case (Plaintiff/Prosecution and Defense).

Only the official members may compete at Regional and State competition. One or two alternates may be listed on the team roster. However, they will not take part at any level of competition in any role, unless they must fill in for an official member during an emergency (illness, etc.) occurring on the day of competition.

Rule 2.3. Team Roles

Seven official members will participate actively in each round. Because each team has to present both sides of the case, each team must fill 14 different roles:

- 3 Prosecution/Plaintiff attorneys
- 3 Defense attorneys
- 3 Prosecution/Plaintiff witnesses
- 3 Defense witnesses
- 1 Prosecution/Plaintiff timekeeper*
- 1 Defense timekeeper

* The prosecution/plaintiff timekeeper will also serve as bailiff, swearing in the witnesses before the round using a script provided by the CCCE. Although not scored, timekeepers must be one of the official team members, not an alternate.

Rule 2.3.a. Most students will have a role on both sides of the case and may portray the same, or different, roles on the two sides: attorney on both; witness on both; timekeeper on both; witness on one and attorney on the other; or timekeeper on one and attorney or witness on the other.

Rule 2.3.b. Each team must call all three of their witnesses during their case-in-chief. Each witness will undergo a direct and a cross examination when called to the stand. Neither side may recall a witness.

Rule 2.4. Attorney Duties

Each attorney shall conduct one direct examination and one cross examination in each round. One attorney will present the opening statement and a different attorney will present the closing argument.

Rule 2.4.a. If an attorney conducts an impermissible role (i.e., more than one cross examination, more than one direct examination, and/or both the opening statement and closing argument in the same trial), the opposing counsel should raise the following objection to the judge at the time that the violation occurs: “I object on the ground that counsel is in violation of Rule 2.4.”

If true, the offending team will receive a score of zero for each violation in the appropriate score box(es) for all of their score sheets for that trial round.

C. CASE MATERIALS AND RESTRICTIONS

Rule 3.1. Competition Case

The competition case will be a fictional fact pattern and will provide a mandatory three witnesses per side. All witnesses may be played by students of either gender. The competition case may also contain any or all of the following: case summary, legal documents, summaries of case law, stipulations, jury instructions, and/or exhibits.

Rule 3.2. Case Preparation

To prepare for competition, students are limited to the:

- Supplied case materials and any addenda issued by the case committee
- NCHSMT Rules of Competition, and
- NCHSMT Rules of Evidence and Procedure.

Students may research case-related topics as an educational exercise, but outside materials may NOT be used at trial.

Rule 3.2.a. Student presentations must be the work product of the students themselves, guided by team and legal advisors.

Rule 3.3. Supplemental Material / Costuming

No illustrative aids of any kind may be used, unless provided in the case packet. No enlargements of the case materials will be permitted unless provided to all teams by the CCCE. Absolutely no props or costumes are permitted unless authorized specifically in the case materials. Costuming is defined as hairstyles, clothing, accessories, and make-up that are case-specific. The use of spoken accents to add witness characterization is permitted.

The only documents that the teams should present to the presiding judge or scoring jurors are the team character forms prior to the start of the trial and the individual exhibits as they are introduced into evidence. Exhibit notebooks are not to be provided to the presiding judge or scoring jurors. Upon request of the presiding judge, teams may provide copies of the case or rules to the presider for use in making a ruling.

Rule 3.4. Witness Bound by Statements

Each witness is *bound by the facts* contained in his/her own witness statement and any exhibits or other documents with which the witness is familiar (as noted in the witness’s statement). Teams

must not create new facts or deny facts in the case in order to gain an advantage (*see* Rule 3.5, “Improper Invention of Fact”).

A witness is *not* bound by facts contained in other witness statements unless specifically detailed in the witness’s own statement.

Rule 3.4.a. Witness Characterization. Witnesses may develop the persona of their character *consistent with* Rules 1.2 and 3.3. Any invented background information must be neutral; it must *not* include “material” facts which would *affect the merits* of the case.

Rule 3.5. Improper Invention of Fact

Under Rule 1.2, teams have an ethical obligation to uphold the highest standards of fair play, honesty, and integrity in their portrayal of the case and characters. While the exclusive trial remedy for dealing with violations of this rule (impeachment) is explained below, an improper invention is cheating regardless of whether an opponent is successful in demonstrating the violation, and as such, it violates the spirit of the competition as enumerated in Rule 1.2.

Rule 3.5.a. Definition of Improper Invention of Fact. “Improper Invention of Fact” can occur in two instances:

- i. Any instance (on direct, cross, re-direct, or re-cross examination) in which a witness introduces testimony that contradicts his or her affidavit; or
- ii. Any instance on direct or re-direct examination in which a witness testifies to material facts not included in his or her affidavit.

Rule 3.5.b. Additional Definitions.

- i. “Material facts”: affect the merits or outcome of the case. If a fact is one that could reasonably be expected to be included in a party’s closing argument, it would be a “material” fact.
- ii. “Reasonable inference”: a conclusion that a reasonable person would draw from any particular fact(s) contained in the affidavit or documents with which the witness is familiar.

Rule 3.5.c. Clarification Concerning Cross-Examination. On cross-examination, a witness *must be responsive* to the question posed. A witness commits no violation on cross-examination when he or she testifies to material facts not included in his or her affidavit *as long as* the answer is responsive to the question posed. Attorneys who ask questions on cross-examination to which the witness’s affidavit does not provide an answer risk receiving an unfavorable answer in trial. In such an instance, the crossing attorney may still attempt to challenge a witness’s credibility by demonstrating an omission through use of the witness’s affidavit.

Rule 3.5.d. Trial Remedy for Violations. If the cross-examiner believes the witness has made an Improper Invention, the only available remedy in trial is to impeach the witness using the witness’s affidavit. Impeachment may take the form of demonstrating either of the following:

- i. An inconsistency between the witness’s affidavit and trial testimony (“impeachment by contradiction”); or
- ii. The introduction of material facts on direct or re-direct examination that are not stated in or reasonably inferred from the witness’s affidavit (“impeachment by omission”).

The cross-examiner is *not* permitted to raise an objection to the judge on the basis of “invention of fact” or “unfair extrapolation.”

Rule 3.5.e. Judges' Scoring. If a team demonstrates through impeachment that its opponent has made an Improper Invention, judges **should** reflect that violation in their scores by penalizing the violating team, rewarding the impeaching team, or both.

D. TRIAL PROCEDURES AND RULES

Rule 4.1 Courthouse Security and Rules

Participants and spectators must follow all security requirements particular to the courthouse and as instructed by the CCCE Board, staff, or its designees.

Teams may bring bottled water to drink during trials. No other food or drink is permitted in the courtrooms. At the end of each trial, both teams and all accompanying observers should remove all items they brought into the courtroom. Future use of courtrooms for competition is dependent on how teams take care of the space – no spills or trash.

Rule 4.2. Team Check-In

Upon arrival at the Regional competition site, one team coach and one team captain must check-in with the tournament staff, where the following steps must occur:

- Teams will draw a random letter code, by which the team and its observers will be known throughout the day. Judges and jurors must not know the actual team sponsor (school or organization).
 - Observers affiliated with a team must obtain a nametag with the appropriate team code at the information desk.
 - Unaffiliated observers must obtain a generic “observer” nametag.
- The team must fill out the Team Character Assignment forms, using the team code and indicating the gender of each witness.
 - The top copy of each form must be turned in to tournament staff at check-in.
 - Copies of the appropriate form (plaintiff/prosecution or defense) shall be given to the Presiding Judge and to opposing counsel before each round begins.
- The team must turn in its Official Roster form, which is “locked” should the team advance to the next level of competition.
- The team will receive timekeeper instructions, timecards, and other important information from the tournament staff.

Rule 4.3. Courtroom Setting

The Prosecution/Plaintiff team shall be seated closer to the jury box. No team shall rearrange the courtroom without prior permission of the presiding judge and CCCE tournament staff.

Rule 4.4. Jury Trial

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

Rule 4.5. Pre-Trial and Swearing of Witnesses

Pre-trial matters will not be timed. If desired, an attorney for each team may stand and ask permission of the presiding judge to introduce the team members. Teams may also ask the judge’s preference for approaching opposing counsel, the witness, and the bench.

The prosecution/plaintiff timekeeper shall act as bailiff and administer the following oath 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?”

Rule 4.6. Trial Sequence and Time Limits

The trial sequence and time limits are as follows:

- Opening Statements (4 minutes per side)
- Direct and Redirect (optional) Examination (20 minutes per side)
- Cross and Re-cross (optional) Examination (18 minutes per side)
- Closing Arguments (5 minutes per side)

No adjournments or breaks should be given during trials in non-emergency situations, in order to adhere to the tournament schedule and prevent undue delays.

Time limits are mandatory and will be enforced. Attorneys are not required to use the entire time allotted to each part of the trial. However, time remaining in one part of the trial may not be transferred to another part of the trial.

Rule 4.7. Timekeeping

Each team must provide one student in each round to serve as an official timekeeper for that round. Both timekeepers will be seated in the jury box, in front of or away from the scoring jurors. The Plaintiff/Prosecution timekeeper will also serve as Bailiff by swearing in the witnesses.

Both timekeepers should time all relevant aspects of the trial, not just their own team’s case presentation. Timekeepers should display the “Time Remaining” cards simultaneously.

Timekeepers are to act as *neutral* entities. They are not to communicate with their respective teams during the course of the trial presentation, emergency recesses, or 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.

If, due to a last-minute emergency, a team does not have a student to serve as an official timekeeper, the team may compete with 6 students (3 attorneys and 3 witnesses). In that instance, they must rely on the timekeeper provided by the other team, and they waive any and all disputes regarding timing.

Rule 4.7.a. Timekeeping devices. Teams must bring two stopwatches to use for timekeeping during trials. The CCCE will NOT provide timekeeping devices. The use of cell phones, iPads, or any other electronic devices to keep time is prohibited. If a team does not bring approved timekeeping devices, they must rely on the timekeeper provided by the other team, and they waive any and all disputes regarding timing.

Rule 4.7.b. Discrepancies. At the end of each task during the trial presentation (i.e., at the end of each opening, at the end of each direct 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 and provide their records to the presiding judge. The presiding judge will then rule on the discrepancy, the timekeepers will synchronize their stopwatches accordingly, and the trial will continue. Any

discrepancies of less than 15 seconds will not be considered. The decisions of the presiding judge regarding the resolution of time disputes are final, and no time disputes will be entertained after the trial concludes.

Rule 4.7.c. 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 judge, the scoring jurors should determine individually whether or not to deduct points in a category because of over-runs in time.

Rule 4.7.d. Untimed activities. The following trial aspects are “off the clock”: pre-trial matters, swearing in witnesses, calling and dismissing witnesses, making objections, or extensive questioning from the judge. The timekeepers should stop the timer during these activities.

Rule 4.7.e. Exhibits. Time *does NOT stop* for introduction of exhibits.

Rule 4.8. Standing During Trial and Movement About the Courtroom

Attorneys will stand for all objections, and may also move about (within the bar) while giving opening statements and closing arguments unless excused by the judge.

Rule 4.8.a. At Regionals, attorneys are to remain seated when conducting direct and cross-examinations (as is the accepted courtroom procedure practiced in North Carolina), unless given permission by the judge to approach the witness, the bench, or the jury.

Rule 4.8.b. At State Finals, unless excused by the judge, attorneys are to stand while giving opening and closing statements, during direct and cross examinations, and for all objections.

Rule 4.9. Statements

Rule 4.9.a. Opening statements. Both sides must give opening statements at the beginning of the trial. The Prosecution/Plaintiff gives their opening statement first.

Rule 4.9.b. Closing arguments. Closing arguments must be based on the actual evidence and testimony presented during the trial. Both sides must give closing arguments at the end of the trial. The Prosecution/Plaintiff gives the closing argument first and may reserve no more than half of its allotted closing time for a rebuttal argument. The Prosecution/Plaintiff's rebuttal is limited to the scope of the Defense's closing argument.

Rule 4.9.c. 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, its own opening/closing attorney may stand to be recognized by the judge after opposing counsel concludes their statement and say, “As stated in Rule 4.9.c, had I been permitted to object, I would have objected to the opposing team's statement that _____ because _____.” The presiding judge will not rule on this “objection.” Presiding judges and scoring jurors will weigh the “objection” individually and score accordingly. No rebuttal by the opposing team will be heard.

Rule 4.10. Questioning of Witnesses

Teams may call their three witnesses in any order. For direct examinations and cross examinations, attorneys may divide the allotted time among witnesses in any way that best suits their case.

Rule 4.10.a. Use of notes. Witnesses are not permitted to use notes while testifying at trial. Attorneys may use notes in presenting their case. Attorneys may consult with each other at counsel table verbally or through the use of notes. The use of laptops, iPads, or any other electronic devices for ANY purpose, including attorney notes, is prohibited, UNLESS a specific exemption has been granted by the CCCE for accommodation purposes (visual impairment, etc.).

Rule 4.10.b. Redirect/ Re-cross. Redirect and re-cross examinations are permitted, provided they conform to the restrictions in Rule 611(d) of the NCHSMT Rules of Evidence and Procedure.

Rule 4.10.c. Voir Dire. *Voir dire* examination of a witness is not permitted.

Rule 4.10.d. Sequestration. Teams may not invoke the rule of sequestration.

Rule 4.10.e. Exhibits. With proper foundation, exhibits may be entered on Direct Examination or Cross Examination.

Rule 4.11. Motions.

No motions are permitted except for the following:

- A motion to strike testimony following a sustained objection; and
- A motion to enter a witness as an expert after sufficient foundation has been laid under Rule 702.

A motion for a recess may be used ***only in the event of an emergency***, i.e. health emergency. Should an emergency recess be permitted by the presiding judge, to the greatest extent possible, team members are to remain in place. Teams are not to communicate with any observers, coaches or instructors regarding the trial.

Rule 4.12. Stipulations, Reading into the Record, and Bench Conferences

Rule 4.12.a. Stipulations. Stipulations shall be considered part of the record and already admitted into evidence.

Rule 4.12.b. Reading Into The Record. Stipulations, the indictment, and the Charge to the Jury will not be read into the record.

Rule 4.12.c. 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 4.13. Trial Communication

Coaches, alternates and observers shall not talk to, signal, communicate with, or coach their teams during trial. This rule remains in force during any emergency recess that may occur. Participating team members may communicate among themselves 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, non-participating team members, alternates, and observers must remain outside the bar in the spectator section of the courtroom. Only team members participating in the round may sit inside the bar and communicate with each other.

Rule 4.14. Viewing a Trial

Team members, alternates, attorney coaches, team sponsors, and any other persons directly associated with a mock trial team—except for those authorized by the CCCE—are not allowed to view other teams in the competition, as long as their team remains in the competition. Scouting other teams is not permitted. If a school/organization has two teams competing at one regional site, *only the teacher(s) and attorney advisor(s) may move between courtrooms.*

Observers affiliated with a particular mock trial team will be required to wear name badges identifying the letter of the team with which they are affiliated. Observers will only be permitted to observe in courtrooms where the team with which they are affiliated is competing. Penalties may be imposed upon any team whose affiliated observers violate this rule or Rule 1.2.

Rule 4.15. Videotaping/Photography

Any team has the option to refuse participation in videotaping, tape recording and still photography by opposing teams. Media coverage will be allowed. Media representatives authorized by the Regional and Site Coordinators or the CCCE will wear identification badges.

Rule 4.16. The Critique

The presiding judge and scoring jurors are allowed a combined total of ten minutes for oral comments. The timekeepers will monitor the critique and the presiding judge should enforce the limit.

Judges shall not give a ruling on the legal merits of the trial. Judges and scoring jurors may not inform the students of ballot results. Judges and scoring jurors will not offer a verdict for the case; they will only share feedback on student performances.

E. JUDGING AND TEAM ADVANCEMENT

Rule 5.1. Finality of Decisions

All decisions of the presiding judge and scoring jurors 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 Regional and Site Coordinators or State Coordinator, with the same format used throughout the competition, as follows:

- i. One presiding judge and three scoring jurors (only scoring jurors complete score sheets); or
- ii. One presiding judge and two scoring jurors (all three of whom complete score sheets)

Rule 5.2.a. Scoring jurors may be attorneys, advanced law students, or persons with substantial mock trial coaching or scoring experience. Each juror panel shall include at least one attorney. The presiding judge shall be an attorney.

Rule 5.2.b. Unless not feasible for reasons beyond the control of the event coordinators, the Regional and State Finals Championship rounds should have a minimum of 5 scoring jurors.

Rule 5.2.c. All presiding judges and scoring jurors will receive case materials and/or bench brief, instructions, and scoring guidelines in advance of the competition. They are also required to attend an orientation session prior to each trial round on the day of the competition.

Rule 5.3. Scoring and Ballots

The scoring jurors shall evaluate and score the performance of the witnesses and attorneys in the round. Scoring shall not be based on the merits or outcome of the case in an actual trial. Scoring jurors are not bound by the rulings of the presiding judge.

Rule 5.3.a. Scores are to be determined individually and independently by the scoring jurors using the ballots provided by the competition staff. The ballots are used to record the numerical scores for each performance by a student attorney or witness.

The scores of students playing *witness roles* should be based upon their knowledge of the part, faithfulness to the part, believability of the character, ability to handle cross-examination, and credibility. Witnesses are limited to the information in their sworn affidavits, documents relevant to their testimony, and reasonable inferences. Egregious and improper invention of facts by witnesses on direct and redirect examination is prohibited under Rule 3.5. Each scoring juror must decide whether a witness's testimony is a reasonable inference or an improper invention of fact which should result in a lower witness score.

The scores of students acting as *attorneys* should be based on the student's mastery of trial techniques, grasp of legal issues, understanding of the role of counsel, advocacy skills, and demeanor. Scoring jurors should consider the effectiveness of the student attorney's representation, taking into account the restrictions on time and materials available to counsel in mock trial.

Rule 5.3.b. The team that earns the highest total points on an individual ballot is the winner of that ballot. The team that receives the majority of the three ballots wins the round. The ballot votes determine the win/loss record of the teams for power-matching and ranking purposes.

Rule 5.3.c. A separate commenting ballot provides room for brief written comments. The scorers' comments are very important to the students who participate. Being mindful that the participants are high school students and that mock trial is a law-related civic education activity, judges should strive to provide specific, constructive comments to educate the students and advise them on ways to improve their performance.

Rule 5.4. Best Attorney / Best Witness Awards

The presiding judge designates the students who will receive "Best Witness" and "Best Attorney" awards for each trial. The presiding judge may make this determination alone or after deliberation with the scoring jurors. Certificates are presented to winners during the awards ceremony.

Rule 5.5. Completion of Score Sheets

Each scoring juror shall record a number of points (1-10) for each presentation in the trial.

Rule 5.5.a. Points scored must be whole numbers. A score of zero may not be given unless that presentation did not occur at all (due to lack of time, etc.).

Rule 5.5.b. At the end of the trial, each scoring juror shall total each team's individual points and place each sum in the appropriate Total box.

Rule 5.5.c. The team with the higher score wins the ballot. TIES ARE NOT ALLOWED!

Rule 5.5.d. Finally, each scoring juror shall write and/or circle the winner of the ballot in the Winner's Box. NO TIE IS ALLOWED IN THE COLUMN TOTALS BOXES!

Rule 5.5.e. If a scoring juror's tabulation of points is found to be incorrect, and when corrected, the teams' scores are tied, CCCE scoring staff will attempt to contact the judge to adjust the scores to prevent a tie. If the judge cannot be reached, the Winner's Box shall determine the ballot winner.

Rule 5.6. Team Advancement

At the regional competitions, each team will have six separate score sheets from preliminary rounds (three/trial). The two top-ranked teams will compete in the regional final round.

Teams will be ranked based on the following criteria IN THE ORDER LISTED:

- i. Win/Loss Record - equals the number of rounds won or lost by a team;
- ii. Total Number of Ballots - the number of scoring jurors' ballots a team earned (altogether);
- iii. Total Point Differential across all six ballots -- Point Differential is the difference in total points on each ballot between the two competing teams. It will be a positive number for the team that won the ballot, and a negative number for the team that lost the ballot;
- iv. Total Number of Points Accumulated in Both Rounds.

Rule 5.7. Team Pairings for Round One

Round One pairings will be conducted differently at Regionals than at State Finals.

Rule 5.7.a. At the *Regional* competitions, a random method of selection will determine opponents in Round One. One at a time, each team will randomly draw a letter identification code (e.g., A – J for a ten-team regional) from an envelope during registration. Competition matchups will be as follows: A v B; C v D; E v F; etc., with the first team listed arguing as Prosecution/Plaintiff in Round One.

At the Regional/District Coordinator's discretion, the only exception to this procedure will be to prevent the pairing of two teams from the same school in Round One. In that instance, Team One from the school will draw its random letter as usual. If the letter for Team One's opponent is still in the envelope (not having been drawn already by a previous team), the designated Registrar will remove that opponent's letter from the envelope before allowing the advisor for Team Two to draw from the remaining letters. After Team Two has drawn its letter, the letter for Team One's opponent will be returned to the envelope for drawing by other schools.

However, if the affected school is the last school to register, and it happens that the last two remaining letters are paired to compete (e.g., only A and B remain), the pairing will stand and no accommodation will be made. Schools with more than one team competing at a given regional competition would be advised to arrive early to avoid that situation.

Power Matching will be used to determine pairings for Round Two. No protection will be provided for teams from the same school in Round Two of the competition.

Rule 5.7.b. At *State Finals*, teams will be seeded for Round One based upon the criteria listed in Rule 5.6. The specific seeding will not be disclosed.

Once the seeding is determined, the pairings for the first round of State Finals will match No. 1 versus No. 10, No. 2 versus No. 9, No. 3 versus No. 8, and No. 4 versus No. 7, and No. 5 versus No. 6. In the event that two teams from the same school would be paired against each other in Round One, the lower seeded team from that school would be moved to the next higher seeded slot and would be replaced by the team from the next higher seeded slot. Each team will be assigned randomly by the CCCE or its designees to represent a side in Round One. The side assignment will be announced to the team when the team registers at State Finals.

Rule 5.8 Power Matching

Power matching will be used at the Regional and State Finals Competitions to determine pairings for Round 2.

Power matching will be conducted as follows:

- i. Results from Round One will be entered in the automated Tabulation system;
- ii. Teams will be sorted into brackets based on win/loss record. Sorting within brackets will be determined by the following: (1) win/loss record; (2) ballots won; (3) point differential; (4) alphabetical order (team code that comes first in the alphabet is ranked higher).
- iii. Teams will be paired against opponents in the same bracket, with the following caveats:
 - a. Teams will not meet the same opponent twice; and
 - b. All teams are guaranteed to present each side of the case at least once. Teams will alternate sides even if brackets must be “broken” in order to create pairings.
- iv. When pairing teams in the same bracket, the highest ranked team in the bracket will be paired with the lowest ranked team in the bracket, the next highest with the next lowest, and so on until all teams in the bracket are paired (“high-low”);
- v. When pairing teams in different brackets, teams will be paired “high-high” rather than “high-low.”

Rule 5.9. Championship Round

Rule 5.9.a. At Regional and State Finals competition, the two teams emerging with the strongest record from the preliminary rounds will advance to the championship round.

The procedure to determine sides for the Championship Round is as follows:

- i. A designee of the Regional or State Finals Coordinator will toss the coin. The team with the letter code closer to “A” will win the toss if the coin lands heads-up; the team with the letter code closer to “Z” will win the toss if the coin lands tails-up.
- ii. The team that wins the coin toss shall choose whether to represent the plaintiff/prosecution or the defendant/defense.

Rule 5.9.b. The ballot results from the championship round will determine the champion.

Rule 5.10. Odd Number of Teams

A lunch round becomes necessary when an odd number of teams is present at a Regional or State Finals competition. If feasible, the CCCE will reassign teams at Regional competition to avoid lunch rounds.

Rule 5.10.a. If an odd number of teams are competing, the following procedure will apply:

- i. One team will sit out during Round 1. That team will be provided a place to practice and lunch at CCCE's expense during Round 1 and will then argue for the prosecution/plaintiff during the lunch round.
- ii. Team A will argue for the prosecution/plaintiff in Round 1 and will argue for the defense during the lunch round.
- iii. Team A will sit out during Round 2 and may leave the competition site to eat their lunch during that time.
- iv. The lunch round prosecution/plaintiff team will argue for the defense during Round 2.

Rule 5.10.b. The CCCE Board and/or other designated competition officials have the discretion to handle lunch rounds as the Board feels best achieves fairness.

Rule 5.11. Emergency on the Day of Competition

In the event of an emergency (such as an unexpected medical issue) that would cause a team to be unable to continue a trial or to participate with less than six members, the team must notify the CCCE Regional Coordinator as soon as reasonably practical. The CCCE Regional Coordinator shall communicate with the State Coordinator and CCCE Board members if feasible. If the CCCE Regional Coordinator, or designee(s), in his or her sole discretion, agrees that an emergency exists, the CCCE Regional Coordinator, or designee(s), shall declare an emergency and decide whether the team will forfeit or may direct that the team take appropriate measures to continue any trial round with less than six members. A penalty may be assessed.

Rule 5.11.a. A forfeiting team will receive a loss and points totaling the average number of the ballots and points received by the losing teams in that round (all decimal values will be truncated/dropped). The non-forfeiting team will receive a win and points totaling the average number of ballots and points received by the winning teams in that round (all decimal values will be rounded per normal mathematical procedures).

Rule 5.11.b. Final determination of emergency, forfeiture, reduction of points, or advancement will be made by the CCCE Regional Coordinator, Board, State Coordinator, and/or designated competition official.

F. DISPUTE RESOLUTION

Rule 6.1. Reporting a Rules Violation / Inside the Bar

Disputes that occur within the bar must be filed *immediately* following the conclusion of that trial round. Disputes must be brought to the attention of the presiding judge at the conclusion of the trial after closing arguments and *before* the judging panel leaves the courtroom to complete their ballots.

Rule 6.1.a. If any team believes that a substantial rules violation has occurred, one of its student attorneys must stand and indicate that the team intends to file a dispute. The scoring jurors will be excused from the courtroom. The student will record in writing the nature of the dispute on

the form provided at team check-in. The student may communicate *only* with other student attorney and/or student witness team members participating in that round before lodging the notice of dispute or in preparing the form.

Rule 6.1.b. At no time in this process may team advisors, observers, or coaches communicate or consult with the student attorneys. Only student attorneys may invoke the dispute procedure.

Rule 6.2. Dispute Resolution Procedure

The presiding judge will review the written dispute and determine whether the dispute should be heard or immediately denied.

Rule 6.2.a. If the dispute is denied, the judge will record the reasons, announce her/his decision to the Court, retire to complete her/his ballot (if applicable), and turn the dispute form in with the ballots.

Rule 6.2.b. If the judge feels the grounds for the dispute merit a hearing, the form will be shown to opposing counsel for their written response.

Rule 6.2.c. After the opposing team has recorded its response and transmitted it to the judge, the judge will ask each team to designate a spokesperson. The spokespersons will be given up to three minutes to prepare their arguments; the judge then will conduct the dispute hearing, providing each team's spokesperson three minutes for a presentation. The judge may question the spokespersons.

Rule 6.2.d. At no time in this process may team advisors, observers, or coaches communicate or consult with the student attorneys.

Rule 6.2.e. After the hearing, the presiding judge will adjourn the court and retire to consider her/his ruling on the dispute. That decision will be recorded in writing on the dispute form, with no further announcement.

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 jurors of the dispute and provide a summary of each team's argument. The scoring jurors will consider the dispute before reaching their final decisions. The dispute may or may not affect the final decision, as the matter will be left to the discretion of the scoring jurors.

Rule 6.4. Reporting a Rules Violation / Outside the Bar

Only *during* a trial round may a team or attorney-coach exclusively report on any disputes that occur outside the bar. Such disputes must be made promptly to a Regional or Site Coordinator, who will ask the complaining party to complete a dispute form.

Rule 6.4.a. The form will be taken to the tournament's communication center, whereupon a dispute resolution panel will (a) notify all pertinent parties; (b) allow time for a response, if appropriate; (c) conduct a hearing; and (d) rule on the charge. The dispute resolution panel may notify the judging panel of the affected courtroom of the ruling on the charge or may assess an appropriate penalty.

Rule 6.4.b. The dispute resolution panel will be composed of representatives of the CCCE Board and other competition officials.

NCHSMT RULES OF EVIDENCE AND PROCEDURE

INTRODUCTION

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

For the mock trial competition, some of the Federal Rules of Evidence have been modified or annotated, keeping the Federal Rules' numbering system. Where rule numbers or letters are skipped, those rules were not deemed applicable to mock trial procedure. Most rules are the actual text of the 2015 Federal Rules of Evidence. Text in italics represents modified language.

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

ARTICLE I. GENERAL PROVISIONS

Rule 101. Scope

The NCHSMT Rules of Evidence and Procedure govern the trial proceedings of the NCAJ High School Mock Trial Competition.

Rule 102. Purpose and Construction

These Rules are intended to secure fairness in administration of the trials, eliminate unjust delay, and promote the laws of evidence so that the truth may be ascertained.

Rule 104. Preliminary Questions

(a) In General. The court must decide any preliminary question about whether a witness is qualified, a privilege exists, or evidence is admissible. In so deciding, the court is not bound by evidence rules, except those on privilege.

(b) Relevance That Depends on a Fact. When the relevance of evidence depends on whether a fact exists, proof must be introduced sufficient to support a finding that the fact does exist. The court may admit the proposed evidence on the condition that the proof be introduced later.

Rule 105. Limiting Evidence That Is Not Admissible Against Other Parties or for Other Purposes

If the court admits evidence that is admissible against a party or for a purpose — but not against another party or for another purpose — the court, on timely request, must restrict the evidence to its proper scope and instruct the jury accordingly.

ARTICLE II. JUDICIAL NOTICE

Not Applicable

ARTICLE III. PRESUMPTIONS IN CIVIL ACTIONS AND PROCEEDINGS

Not applicable

ARTICLE IV. RELEVANCY AND ITS LIMITS

Rule 401. Definition of "Relevant Evidence"

Evidence is relevant if:

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

Rule 402. Relevant Evidence Generally Admissible; Irrelevant Evidence Inadmissible

Relevant evidence is admissible, *except as otherwise provided in these Rules*. Irrelevant evidence is not admissible.

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

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

Rule 404. Character Evidence; Crimes or Other Acts

(a) Character Evidence.

(1) **Prohibited Uses.** Evidence of a person's character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.

(2) **Exceptions for a Defendant or Victim in a Criminal Case.** The following exceptions apply in a criminal case:

(A) a defendant may offer evidence of the defendant's pertinent trait, and if the evidence is admitted, the prosecutor may offer evidence to rebut it;

(B) a defendant may offer evidence of an alleged victim's pertinent trait, and if the evidence is admitted, the prosecutor may:

(i) offer evidence to rebut it; and

(ii) offer evidence of the defendant's same trait; and

(C) in a homicide case, the prosecutor may offer evidence of the alleged victim's trait of peacefulness to rebut evidence that the victim was the first aggressor.

(3) **Exceptions for a witness.** Evidence of a witness's character may be admitted under Rules 607, 608 and 609.

(b) Crimes, Wrongs, or Other Acts.

(1) **Prohibited Uses.** Evidence of a crime, wrong, or other act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.

(2) **Permitted Uses; Notice in a Criminal Case.** This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident. On request by a defendant in a criminal case, the prosecutor must:

- (A) provide reasonable notice of the general nature of any such evidence that the prosecutor intends to offer at trial; and
- (B) do so before trial — or during trial if the court, for good cause, excuses lack of pretrial notice.

Rule 405. Methods of Proving Character

(a) **Reputation or opinion.** When evidence of a person’s character or a character trait is admissible, it may be proved by testimony about the person’s reputation or by testimony in the form of an opinion. On cross-examination, *questions may be asked regarding relevant, specific conduct.*

(b) **Specific instances of conduct.** When a person’s character or a character trait is an essential element of a charge, claim, or defense, the character or trait may also be proved by relevant specific instances of the person's conduct.

Rule 406. Habit; Routine Practice

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

Rule 407. Subsequent Remedial Measures

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

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

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

Rule 408. Compromise Offers and Negotiations

(a) **Prohibited Uses.** Evidence of the following is not admissible – on behalf of any party – either to prove or disprove the validity or amount of a disputed claim or to impeach by a prior inconsistent statement or a contradiction:

- (1) furnishing, promising, or offering – or accepting, promising to accept, or offering to accept – a valuable consideration in compromising or attempting to compromise the claim; and
- (2) conduct or a statement made during compromise negotiations about the claim.

(b) **Exceptions.** The court may admit this evidence for another purpose, such as proving a witness’s bias or prejudice.

Rule 409. Offers to Pay Medical and Similar Expenses

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

Rule 410. Pleas, Plea Discussions, and Related Statements

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

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

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

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

Rule 411. Liability Insurance (civil case only)

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

ARTICLE V. PRIVILEGES

Rule 501. General Rule

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

- (1) communications between husband and wife;*
- (2) communications between attorney and client;*
- (3) communications among members of a Grand Jury;*
- (4) secrets of state; and*
- (5) communications between psychiatrist and patient.*

ARTICLE VI. WITNESSES

Rule 601. Competency to Testify in General

Every person is competent to be a witness.

Rule 602. Need for Personal Knowledge

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

Rules 603 – 606.

Not applicable.

Rule 607. Who May Impeach a Witness

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

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

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

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

(1) the witness; or

(2) another witness whose character the witness being cross-examined has testified about.

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

Rule 609. Impeachment by Evidence of a Criminal Conviction

(This rule applies only to witnesses with prior convictions.)

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

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

(A) must be admitted, subject to Rule 403, in a civil case or in a criminal case in which the witness is not a defendant; and

(B) must be admitted in a criminal case in which the witness is a defendant, if the probative value of the evidence outweighs its prejudicial effect to that defendant; and

(2) for any crime regardless of the punishment, the evidence must be admitted if the court can readily determine that establishing the elements of the crime required proving — or the witness's admitting— a dishonest act or false statement.

(b) Limit on Using the Evidence After 10 Years. This subdivision (b) applies if more than 10 years have passed since the witness's conviction or release from confinement for it, whichever is later.

Evidence of the conviction is admissible only if:

(1) its probative value, supported by specific facts and circumstances, substantially outweighs its prejudicial effect; and

(2) *Not applicable.*

Rule 610. Religious Beliefs or Opinions

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

Rule 611. Mode and Order of Examining Witnesses and Presenting Evidence

(a) Control by Court; Purposes. The court should exercise reasonable control over the mode and order of examining witnesses and presenting evidence so as to:

(1) make those procedures effective for determining the truth;

(2) avoid wasting time; and

(3) protect witnesses from harassment or undue embarrassment.

(b) Scope of cross-examination. *The scope of cross-examination shall not be limited to the scope of the direct examination, but may inquire into any relevant facts or matters contained in the witness' statement, including all reasonable inferences that can be drawn from those facts and matters, and may inquire into any omissions from the witness statement that are otherwise material and admissible.*

(c) Leading questions. Leading questions should not be used on direct examination except as necessary to develop the witness's testimony. Ordinarily, the court should allow leading questions:

- (1) on cross-examination; and
- (2) when a party calls a hostile witness, an adverse party, or a witness identified with an adverse party.

(d) Redirect/Re-cross. *After cross-examination, additional questions may be asked by the direct examining attorney, but questions must be limited to matters raised by the other attorney on cross examination. Likewise, additional questions may be asked by the cross examining attorney on re-cross, but such questions must be limited to matters raised on redirect and should avoid repetition.*

(e) Permitted Motions. *The only motion permissible is one requesting the judge to strike testimony following a successful objection to its admission or a motion to qualify a witness as an expert in a specified field pursuant to Rule 702.*

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

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

Rule 613. Witness's Prior Statement

(a) Showing or Disclosing the Statement During Examination. When examining a witness about the witness's prior statement, a party need not show it or disclose its contents to the witness. But the party must, on request, show it or disclose its contents to an adverse party's attorney.

(b) Extrinsic Evidence of a Prior Inconsistent Statement. Extrinsic evidence of a witness's prior inconsistent statement is admissible only if the witness is given an opportunity to explain or deny the statement and an adverse party is given an opportunity to examine the witness about it, or if justice so requires. This subdivision (b) does not apply to an opposing party's statement under Rule 801(d)(2).

ARTICLE VII. OPINIONS AND EXPERT TESTIMONY

Rule 701. Opinion Testimony by Lay Witnesses

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

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

Rule 702. Testimony by Expert Witnesses

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

- (a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
- (b) the testimony is based on sufficient facts or data;
- (c) the testimony is the product of reliable principles and methods; and
- (d) the expert has reliably applied the principles and methods to the facts of the case.

Rule 703. Bases of an Expert’s Opinion Testimony

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

Rule 704. Opinion on an Ultimate Issue

(a) In General — Not Automatically Objectionable. An *expert* opinion is not objectionable just because it embraces an ultimate issue *to be decided by the trier of fact*.

(b) Exception. In a criminal case, an expert witness must not state an opinion about whether the defendant did or did not have a mental state or condition that constitutes an element of the crime charged or of a defense. Those matters are for the trier of fact alone.

Rule 705. Disclosing the Facts or Data Underlying Expert Opinion

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

ARTICLE VIII. HEARSAY

Rule 801. Definitions That Apply to This Article; Exclusions from Hearsay

The following definitions apply under this article:

(a) Statement. “Statement” means a person’s oral assertion, written assertion, or nonverbal conduct, if the person intended it as an assertion.

(b) Declarant. “Declarant” means the person who made the statement.

(c) Hearsay. “Hearsay” means a statement that:

- (1) the declarant does not make while testifying at the current trial or hearing; and
- (2) a party offers in evidence to prove the truth of the matter asserted in the statement.

(d) Statements That Are Not Hearsay. A statement that meets the following conditions is not hearsay:

(1) A Declarant-Witness’s Prior Statement. The declarant testifies and is subject to cross-examination about a prior statement, and the statement:

- (A) is inconsistent with the declarant’s testimony and was given under penalty of perjury at a trial, hearing, or other proceeding or in a deposition;
- (B) is consistent with the declarant’s testimony and is offered (i) to rebut an express or implied charge that the declarant recently fabricated it or acted from a recent improper influence or motive in so testifying; or (ii) to rehabilitate the declarant’s credibility as a witness when attacked on another ground; or
- (C) identifies a person as someone the declarant perceived earlier.

(2) An Opposing Party’s Statement. The statement is offered against an opposing party and:

- (A) was made by the party in an individual or representative capacity;
- (B) is one the party manifested that it adopted or believed to be true;
- (C) was made by a person whom the party authorized to make a statement on the subject;

- (D) was made by the party's agent or employee on a matter within the scope of that relationship and while it existed; or
- (E) was made by the party's coconspirator during and in furtherance of the conspiracy.

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

Rule 802. The Rule Against Hearsay

Hearsay is not admissible, *except as provided by these rules.*

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

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

- (1) **Present Sense Impression.** A statement describing or explaining an event or condition, made while or immediately after the declarant perceived it.
- (2) **Excited Utterance.** A statement relating to a startling event or condition, made while the declarant was under the stress of excitement that it caused.
- (3) **Then-Existing Mental, Emotional, or Physical Condition.** A statement of the declarant's then-existing state of mind (such as motive, intent, or plan) or emotional, sensory, or physical condition (such as mental feeling, pain, or bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the validity or terms of the declarant's will.
- (4) **Statement Made for Medical Diagnosis or Treatment.** A statement that:
 - (A) is made for — and is reasonably pertinent to — medical diagnosis or treatment; and
 - (B) describes medical history; past or present symptoms or sensations; their inception; or their general cause.
- (5) **Recorded Recollection.** A record that:
 - (A) is on a matter the witness once knew about but now cannot recall well enough to testify fully and accurately;
 - (B) was made or adopted by the witness when the matter was fresh in the witness's memory; and
 - (C) accurately reflects the witness's knowledge.

If admitted, the record may be read into evidence but may be received as an exhibit only if offered by an adverse party.

- (6) **Records of a Regularly Conducted Activity.** A record of an act, event, condition, opinion, or diagnosis if:
 - (A) the record was made at or near the time by — or from information transmitted by — someone with knowledge;
 - (B) the record was kept in the course of a regularly conducted activity of a business, organization, occupation, or calling, whether or not for profit;
 - (C) making the record was a regular practice of that activity;

(D) all these conditions are shown by the testimony of the custodian or another qualified witness, and

(E) the opponent does not show that the source of information or the method or circumstances of preparation indicate a lack of trustworthiness.

(Note: some subparts deleted)

(8) Public Records. A record or statement of a public office if:

(A) it sets out:

(i) the office's activities;

(ii) a matter observed while under a legal duty to report, but not including, in a criminal case, a matter observed by law-enforcement personnel; or

(iii) in a civil case or against the government in a criminal case, factual findings from a legally authorized investigation; and

(B) the opponent does not show that source of information or other circumstances indicate a lack of trustworthiness.

(18) Statements in Learned Treatises, Periodicals, or Pamphlets. A statement contained in a treatise, periodical, or pamphlet if:

(A) the statement is called to the attention of an expert witness on cross-examination or relied on by the expert on direct examination; and

(B) the publication is established as a reliable authority by the expert's admission or testimony, by another expert's testimony, or by judicial notice.

If admitted, the statement may be read into evidence but not received as an exhibit.

(21) Reputation Concerning Character. A reputation among a person's associates or in the community concerning the person's character.

Rule 804. Hearsay Exceptions, Declarant Unavailable as a Witness

(a) Criteria for Being Unavailable. A declarant is considered to be unavailable as a witness if the declarant:

(1) is exempted from testifying about the subject matter of the declarant's statement because the court rules that a privilege applies;

(2) refuses to testify about the subject matter despite a court order to do so;

(3) testifies to not remembering the subject matter;

(4) cannot be present or testify at the trial or hearing because of death or a then-existing infirmity, physical illness, or mental illness; or

(5) is absent from the trial or hearing and the statement's proponent has not been able, by process or other reasonable means, to procure:

(A) the declarant's attendance, in the case of a hearsay exception under Rule 804(b)(1) or (6); or

(B) the declarant's attendance or testimony, in the case of a hearsay exception under Rule 804(b)(2), (3), or (4).

But this subdivision (a) does not apply if the statement's proponent procured or wrongfully caused the declarant's unavailability as a witness in order to prevent the declarant from testifying.

(b) The Exceptions. The following are not excluded by the rule against hearsay if the declarant is unavailable as a witness:

(1) Former Testimony. Testimony that:

(A) was given as a witness at a trial, hearing, or lawful deposition, whether given during the current proceeding or a different one; and

(B) is now offered against a party who had — or, in a civil case, whose predecessor in interest had — an opportunity and similar motive to develop it by direct, cross-, or redirect examination.

(2) Statement Under the Belief of Imminent Death. In a prosecution for homicide or in a civil case, a statement that the declarant, while believing the declarant’s death to be imminent, made about its cause or circumstances.

(3) Statement Against Interest. A statement that:

(A) a reasonable person in the declarant’s position would have made only if the person believed it to be true because, when made, it was so contrary to the declarant’s proprietary or pecuniary interest or had so great a tendency to invalidate the declarant’s claim against someone else or to expose the declarant to civil or criminal liability; and

(B) is supported by corroborating circumstances that clearly indicate its trustworthiness, if it is offered in a criminal case as one that tends to expose the declarant to criminal liability.

(4) Statement of Personal or Family History. A statement about:

(A) the declarant’s own birth, adoption, legitimacy, ancestry, marriage, divorce, relationship by blood, adoption, or marriage, or similar facts of personal or family history, even though the declarant had no way of acquiring personal knowledge about that fact; or

(B) another person concerning any of these facts, as well as death, if the declarant was related to the person by blood, adoption, or marriage or was so intimately associated with the person’s family that the declarant’s information is likely to be accurate.

(6) Statement Offered Against a Party That Wrongfully Caused the Declarant’s Unavailability. A statement offered against a party that wrongfully caused –

or acquiesced in wrongfully causing – the declarant’s unavailability as a witness, and did so intending that result.

Rule 805. Hearsay within Hearsay

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

ARTICLE IX. AUTHENTICATION AND IDENTIFICATION

Not applicable.

ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS

Not applicable.

ARTICLE IX. MISCELLANEOUS RULES

Rule 1103. Title.

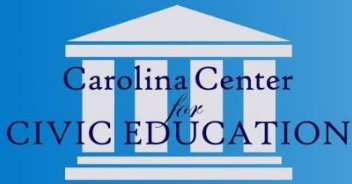
These rules may be known and cited as the NC High School Mock Trial (NCHSMT) Rules of Evidence and Procedure.

Regional Competition Schedule

8:45 am - 9:30 am	Team Registration
9:00 am - 9:45 am	Judge and Juror Orientation
9:45 am	Welcome Address
10:00 am – 11:40 pm	Round I
12:00 pm - 1:40 pm	Special Lunch Round (When odd number of teams compete in a region)
11:45 pm - 1:30 pm	Lunch on your own
1:00 pm - 1:45 pm	Judge & Juror Orientation
1:30 pm - 1:45 pm	Team Check-in Confirmation
1:45 pm	Posting of Round II Matches and Courtrooms
2:00 pm - 3:40 pm	Round II
4:15 pm	Presentation of “Best Attorney” and “Best Witness” certificates
4:45 pm - 6:30 pm	Final Round
6:45 pm	Awards Presentation

Remember to bring the following items to competitions:

- Final copy of team roster
- Two stopwatches for use by timekeeper (no cell phones, iPads, or other electronic equipment)
- Clean copies of affidavits and exhibits for use in trial



Notice of Deadlines for Withdrawal from NCAJ Mock Trial Competition

Team Name _____ School Name _____

The CCCE recognizes that sometimes schools or teams unfortunately need to withdraw from the competition due to conflicts or other factors. However, late withdrawals cause significant disruption to Regional scheduling and hardships to teams and volunteers affected by abrupt scheduling changes. To help minimize such disruptions, **Rule 1.8** addresses the timeline, procedures, and outcomes for team withdrawals from competition, as follows:

Rule 1.8. Withdrawal Deadlines and Penalties for Late Withdrawal

If a school/organization finds it necessary to withdraw from the competition, it may request a refund if it withdraws ON OR BEFORE the designated “Last Day to Withdraw” for the competition season. Team withdrawals from the competition AFTER the designated “Last Day to Withdraw” and at least 10 days prior to the regional competition date will result in forfeiture of the team registration fee. Teams that withdraw from the competition less than 10 days prior to the regional competition date will be assessed a \$100 penalty. Any school/ organization assessed a penalty for late withdrawal that does not pay the penalty within 30 days after the regional competition date will forfeit their participation in the competition for one year. Penalties for late withdrawal from a competition may be waived at the discretion of the CCCE Board.

2017-2018 Withdrawal Deadlines and Consequences

- **Tuesday, January 9, 2018:** *Last Day to Withdraw without Penalty*; email State Coordinator (SueHeathJohnson@gmail.com) no later than **January 9 by 5 pm** to request refund of registration fees.
- **Weds., January 24, 2018:** *Last Day to Withdraw without \$100 Fine*; teams that email the State Coordinator to withdraw from regional competition *after* January 9 and *by* January 24 will forfeit their registration fee but will not be assessed the \$100 penalty.
- **Thurs., January 25, 2018:** *Withdrawal incurs \$100 Fine*; teams that withdraw from regional competition between January 25 and February 3, 2018 (inclusive) will be assessed a \$100 penalty. Payment must be received by **Monday, March 4, 2018** per Rule 1.8 to avoid further consequences.

I have read and understand the statements above, including the withdrawal deadlines and graduated consequences for late withdrawal. If circumstances require my team(s) to withdraw, I will make every effort to do so by Tuesday, January 9, 2018, to avoid unnecessary disruption. If my team(s) unfortunately must withdraw from regional competition after the deadlines noted above, I agree to abide by any and all penalties as stated in Rule 1.8.

Signed: _____ (Teacher coach/Adult team sponsor)

After completing, submit with all registration forms by **December 15, 2017** to:
CCCE State Office, c/o State Coordinator Sue Johnson, P.O. Box 9626, Chapel Hill, NC 27515



NCAJ HIGH SCHOOL MOCK TRIAL COMPETITION

TEAM LIST

School or organization: _____

Team name (if more than one team): _____

Teacher coach(es): _____

Attorney advisor(s): _____

Official team members:

1. _____ 5. _____

2. _____ 6. _____

3. _____ 7. _____

4. _____ 8. _____

Alternates:

9. _____ 10. _____

Submit by Tuesday, January 9, 2018 to:
CCCE State Office, c/o State Coordinator Sue Johnson
PO Box 9626, Chapel Hill, NC 27515

NCAJ High School Mock Trial Program Team Roster

A TEAM IS COMPOSED OF NO MORE THAN EIGHT STUDENTS. Each student can portray only one role per side.

SCHOOL/ORGANIZATION: _____ TEAM COLOR OR NAME (if more than one team) _____

CELL PHONE CONTACT FOR DAY OF COMPETITION: _____

TEAM COACH(ES): _____

ATTORNEY ADVISOR(S): _____

Team Members:

1.	5.
2.	6.
3.	7.
4.	8.
Alternate	Alternate

ROLES (NOTE: During trial, teams may call their own witnesses in any order)

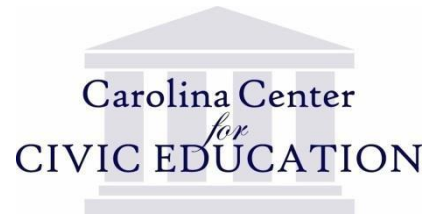
PROSECUTION/PLAINTIFF	DEFENDANT
THREE (3) ATTORNEYS (Insert Name of Student performing the following tasks)	
OPENING:	OPENING:
CLOSING:	CLOSING:
DIRECT EXAMINATION of	CROSS EXAMINATION of
Dakota Pope:	Dakota Pope:
Lupe Rodriguez:	Lupe Rodriguez:
Emerson Burke:	Emerson Burke:
CROSS EXAMINATION of	DIRECT EXAMINATION of
Alex Buckley:	Alex Buckley:
Misha Vadim:	Misha Vadim:
Kennedy Felder:	Kennedy Felder:
THREE (3) WITNESSES (Name of Students Presenting the Following Roles)	
Dakota Pope:	Alex Buckley:
Lupe Rodriguez:	Misha Vadim:
Emerson Burke:	Kennedy Felder:
BAILIFF (PROSECUTION/PLAINTIFF)	TIMEKEEPER (DEFENSE)

The information above is correct and my team will follow the NC Rules of Competition and the Mock Trial Competition Rules. In particular, our team will adhere to Rule 2.4.: "Each attorney shall conduct one direct examination and one cross examination in each round. One attorney will present the opening statement and a different attorney will present the closing argument."

COACH OR ADVISOR SIGNATURE: _____ DATE: _____

BRING ONE COMPLETED COPY WITH YOU TO REGIONAL COMPETITION; turn in during on-site registration

TO: All Teachers, Attorneys or Coaches
FROM: Susan H. Johnson
CCCE State Coordinator
RE: North Carolina Mock Trial



Each participant in any Carolina Center for Civic Education Mock Trial activity shall be required to submit a signed Release form. Two forms are attached: one for participants under the age of 18 and the other for those participants over age 18. Please make sufficient copies and return the signed forms by the indicated deadline. Thank you.



PERMISSION FOR PARTICIPATION AND RELEASE OF ALL LIABILITY ("Release")
Due as part of team registration materials by Tuesday, Jan. 9, 2018

I, the undersigned, am the lawful guardian of _____ (please
print full name of participant < age 18), a student at _____ (print
school name) located in _____ (city), North Carolina.

I am informed that the Carolina Center for Civic Education ("CCCE"), a 501(c)(3) non-profit, sponsors certain activities which include, but are not limited to, regional and state mock trial competitions to be held in the State of North Carolina, summer camps, and scholarship competitions. In addition, the CCCE provides sponsorship to the team winning the N.C. statewide competition so that it might attend a national competition. This Release extends to all activities of the CCCE including, but not limited to, the above named child's preparation for, travel to and from, and participation in any of the aforementioned activities. By my signature below, I agree to the participation of the above named child in any activity which is in any way connected with the CCCE.

IN CONSIDERATION of the voluntary participation of the above named child in the activities of the CCCE, I, for myself, my spouse, and the above named child, our respective heirs, executors, administrators, successors and assigns, hereby agree to release the CCCE from any and all liability whatsoever arising from the above named child's participation in any activity of the CCCE and further agree to release, indemnify and hold harmless, the CCCE from any and all claims, damages, expenses, or costs whatsoever arising from the above named child's participation in any activity of the CCCE.

As used in this Release, the term "CCCE" refers to any member of the CCCE Board of Directors or Executive Committee, any member of the NCAJ Mock Trial Committee, any paid CCCE employees, and persons assisting the CCCE for any activity in any way connected with the CCCE.

By my signature below, I also agree, on behalf of said child, that any scholarship essay or other essay prepared by such child and submitted to the CCCE shall become the sole and exclusive property of the CCCE and may be used by the CCCE in any manner it deems appropriate.

I further agree, on behalf of said child, to give full rights to the CCCE and its agents to use, reproduce, distribute, broadcast, or transmit via any media (including the Internet and social network) said child's image recorded in connection with the abovementioned CCCE activities for purposes of education or publicity. This permission extends to the granting by the CCCE of rights to third parties or news media for the use of those images in perpetuity.

I acknowledge that I have read this Release in its entirety and that I fully understand and agree to all its terms.

Dated: _____

Signature of Lawful Guardian

Return to: CCCE State Office, c/o State Coordinator Sue Johnson, PO Box 9626, Chapel Hill, NC 27515-9626



PERMISSION FOR PARTICIPATION AND RELEASE OF ALL LIABILITY ("Release")
Due as part of team registration materials by Tuesday, Jan. 9, 2018

I, _____ (*please print full name*) the undersigned, am 18 years of age or older. I am a student at _____ (*print full name of school*) located in _____ (*city*), North Carolina.

I am informed that the Carolina Center for Civic Education ("CCCE"), a 501(c)(3) non-profit, sponsors certain activities which include, but are not limited to, regional and state mock trial competitions to be held in the State of North Carolina, summer camps, and scholarship competitions. In addition, the CCCE provides sponsorship to the team winning the N.C. statewide competition so that it might attend a national competition. This Release extends to all activities of the CCCE including, but not limited to, my preparation for, travel to and from, and participation in any of the aforementioned activities.

IN CONSIDERATION of my voluntary participation in the activities of the CCCE, I, for myself, my heirs, executors, administrators, successors and assigns, hereby agree to release the CCCE from any and all liability whatsoever arising from my participation in any activity of the CCCE and further agree to release, indemnify and hold harmless, the CCCE from any and all claims, damages, expenses, or costs whatsoever arising from my participation in any activity of the CCCE.

As used in this Release, the term "CCCE" refers to any member of the CCCE Board of Directors or Executive Committee, any member of the NCAJ Mock Trial Committee, any paid CCCE employees, and persons assisting the CCCE for any activity in any way connected with the CCCE.

By my signature below, I also agree that any scholarship essay or other essay prepared by me and submitted to the CCCE shall become the sole and exclusive property of the CCCE and may be used by the CCCE in any manner it deems appropriate.

I further agree to give full rights to the CCCE and its agents to freely use, reproduce, distribute, broadcast, or transmit via any media (including the Internet and social network) my image recorded in connection with the abovementioned CCCE activities for purposes of education or publicity. This permission extends to the granting by the CCCE of rights to third parties or news media for the use of those images in perpetuity.

I acknowledge that I have read this Release in its entirety and that I fully understand and agree to all its terms.

Dated: _____

Signature (IF AGE 18 OR OLDER)



Code of Ethics Form

I, _____ (*print name*), teacher-sponsor of the _____

High School Mock Trial team(s), do hereby affirm that I have provided a copy and explained the following points to the team participants (students, assistant teacher coaches, and attorney advisors) and have asked them to communicate the same to any family or friends who will be observers at the Mock Trial competition:

1. The Rules of the Competition and this Code of Ethical Conduct will be followed by all participants in the NCAJ High School Mock Trial Competition. We understand that a violation of the Code by any one of the members of this team may result in sanctions including, but not limited to, the team’s immediate eviction from the competition, suspension from competing in future competitions, and forfeiture of all fees and awards (if applicable).
2. Team members, coaches and other observers promise to participate in all events associated with the NCAJ High School Mock Trial Competition with the highest standards of professionalism, both inside and outside the courtroom. All participants and observers promise to show respect for their fellow team members, opponents, coaches, judging panel volunteers, competition volunteers, competition staff, and courthouse personnel.
3. Displays of bad sportsmanship at any time during the competition are prohibited. Whether winning or losing, team members, coaches and all other participants are expected to be gracious and supportive of other teams. Coaches will lead by example.
4. No team member, coach or other observer associated with the team signing this Code is allowed to enter any courtroom in which his/her team is not competing (no “scouting”).
5. NO communication may take place between team members and coaches/observers during trial. It is imperative that all teams and observers avoid any appearance of impropriety.
6. Teams will respect their surroundings, follow all published courthouse regulations, use appropriate receptacles for all trash, leave restrooms and all other court and common areas in good order, and will otherwise behave as young professionals.
7. The use of alcohol, drugs and weapons is forbidden in course of the competition, both at all competition sites and all mock trial sponsored events.

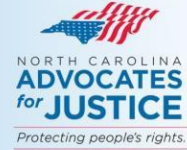
BY MY SIGNATURE, I AFFIRM THAT WE, THE MOCK TRIAL TEAM(S) OF _____

HIGH SCHOOL, DO HEREBY ACKNOWLEDGE THE ABOVE CODE OF ETHICS AND CODE OF CONDUCT, AND AGREE TO ABIDE BY THEM IN BOTH LETTER AND SPIRIT.

Signed: _____

Dated: _____

After completing, submit with all registration forms by **Tuesday, Jan. 9, 2018** to:
CCCE State Office, c/o State Coordinator Sue Johnson, P.O. Box 9626, Chapel Hill, NC 27515



“M. Gordon Widenhouse Jr. Award” 2017-2018 Scholarship Application

The **“M. Gordon Widenhouse Jr. Award for Inspirational Team Leadership”** was established to honor the energy and commitment of the High School Mock Trial Competition's first program chairperson. The award’s recipient will not necessarily be a star witness or attorney, but he or she will be the person who held the team together throughout practices and competitions. This scholarship is only open to seniors in high school.

Team advisors should nominate one student per team. Nominated students must submit an 1) essay describing mock trial experience and 2) letter of recommendation from a team advisor (teacher or attorney). Recommendations should focus on the student’s leadership abilities and contributions to his or her mock trial team.

An unattached \$1000 scholarship will be awarded to one North Carolina **senior**.

Print:

Student’s Full Name _____

Date of Birth _____ School _____

Home Address _____

Note: The student’s home address is required for notification purposes only.

Applicants should complete this form and attach a 500-word typed essay addressing the following question: “What have you learned from the mock trial experience? Please address the program’s impact on your leadership abilities.” The letter of recommendation can be sent separately.

Submit this application, essay and letters of recommendation to:

Carolina Center for Civic Education, State Office

Attn: State Coordinator Sue Johnson

P.O. Box 9626, Chapel Hill, NC 27515

All materials must be received by February 21, 2018

Timekeeper/Bailiff Duties and Script

Both teams will provide a timekeeper for trial, so each team should bring and use two (2) stopwatches. Both timekeepers will be seated in the jury box during the trial; please choose seats that will not interfere with or disturb the scoring jurors.

The Prosecution/Plaintiff timekeeper will also serve as bailiff, calling court to order and swearing in the witnesses if the Presiding Judge does not do so.

To open Court, Bailiff will stand and say:

“All rise. The U.S. District Court for the Mock District of **Utopia is now in session. The Honorable Judge _____ presiding.” All participants and observers remain standing until the judge is seated. Then say, “Be seated.”

Bailiff should swear in all witnesses at the judge’s request:

Witnesses should be sworn in at the beginning of the trial. If the judge asks you to swear in the witnesses, have them stand and raise their right hands.

“Please stand and raise your right hand. 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?” When they respond, “I do,” say, “You may return to your seats.”

Exhibits:

All exhibits are pre-numbered, and should be left with the Presiding Judge after being entered/used.

Both timekeepers: Keep time and know timekeeping guidelines:

You must each have 2 stopwatches to enforce time. Time does **not stop** for the introduction of physical evidence (exhibits). Time **does** stop for other interruptions in the presentation. Do not count time when witnesses are being sworn in, attorneys are making objections, or the judge is ruling on objections.

You will both be provided with large time cards marked with “15”, “12”, “10”, “8”, “5”, “4”, “3”, “2”, “1”, “40 sec”, “20 sec”, “Stop.” Show these cards to the jury panel and to the judge at the appropriate times.

Bailiff only: Call Court recess for jury deliberation:

When motioned to do so by the judge, say: “All rise.” When the judge has left the bench say, “Court is in recess.”

When the Court returns from recess:

When the judge and jury reenter the courtroom, stand and say “All rise.” All remain standing until the judge says “Be seated.”

Close the Court (after the oral critique is finished):

When motioned to do so by the judge, say: “All rise.” When the judge has left the bench say, “Court is adjourned.”

**Adjust to reflect the listed venue in the case materials, whether it be Utopia, New Caesarea, North Carolina, or some other locale.

TIME LIMITS

- ◆ Opening Statement
(**4 minutes** per side)
- ◆ Direct and Redirect
(optional)
Examination
(**20 minutes** per side)
- ◆ Cross and Re-cross
(optional)
Examination
(**18 minutes** per side)
- ◆ Closing Argument
(**5 minutes** per side)

Time Keeping Sheet

Prosecution/Plaintiff _____ Team Code Level (Circle One) Regional State Final
 vs.
 Defense _____ Team Code Round (Circle One) 1 2 3 Final

REMEMBER: CLOCK STOPS FOR OBJECTIONS!

1.	PROS./PLAINTIFF	DEFENSE
Opening Statements (4 minutes each)	_____	_____

2. -Reset Clock-	PROS./PLAINTIFF	DEFENSE		
	Direct	Redirect	Cross	Re-cross
Plaintiff Witness #1	_____	_____	_____	_____
Plaintiff Witness #2	_____	_____	_____	_____
Plaintiff Witness #3	_____	_____	_____	_____
	(20 minutes total)		(18 minutes total)	

3. -Reset Clock-	DEFENSE	PROS./PLAINTIFF		
	Direct	Redirect	Cross	Re-cross
Defense Witness #1	_____	_____	_____	_____
Defense Witness #2	_____	_____	_____	_____
Defense Witness #3	_____	_____	_____	_____
	(20 minutes total)		(18 minutes total)	

4. -Reset Clock-	PROS/PLAINTIFF	DEFENSE
Closing Arguments (5 minutes each)	_____	_____

Timekeeper's Signature

Date: _____

TIMECARD GUIDELINES

For Direct Examination

When your stopwatch says	Hold up the timecard that says
5:00	15:00
8:00	12:00
10:00	10:00
12:00	8:00
15:00	5:00
16:00	4:00
17:00	3:00
18:00	2:00
19:00	1:00
19:20	0:40
19:40	0:20
20:00	STOP

For Cross Examination

When your stopwatch says	Hold up the timecard that says
3:00	15:00
6:00	12:00
8:00	10:00
10:00	8:00
13:00	5:00
14:00	4:00
15:00	3:00
16:00	2:00
17:00	1:00
17:20	0:40
17:40	0:20
18:00	STOP

For Opening Statements & Closing Arguments

Opening		Closing	
stopwatch	timecard	stopwatch	timecard
1:00	3:00	1:00	4:00
2:00	2:00	2:00	3:00
3:00	1:00	3:00	2:00
3:20	0:40	4:00	1:00
3:40	0:20	4:20	0:40
4:00	STOP	4:40	0:20
---	---	5:00	STOP

15

12

10

8

5

4

3

2

1

40

Sec

20

Stop

Sec

Ballot comments

PROSECUTION Code: _____ v. DEFENSE Code: _____ ROUND: (Circle One) 1 2 Final

P Opening		D Opening
P Atty #1 DX	P Witness # 1	D Atty #1 CX
P Atty #2 DX	P Witness # 2	D Atty #2 CX
P Atty #3 DX	P Witness # 3	D Atty #3 CX
D Atty #1 DX	D Witness # 1	P Atty #1 CX
D Atty #2 DX	D Witness # 2	P Atty #2 CX
D Atty #3 DX	D Witness # 3	P Atty #3 CX
P Closing		D Closing

Printed Name
Do not separate copies!

Scoring Judge's Signature
TOP – Plaintiff/Prosecution BOTTOM – Defense

Date
43

Trial Dispute Form

DATE: _____	ROUND (CIRCLE ONE): 1 2 Final
TEAM (CODE) LODGING DISPUTE:	LEVEL (CIRCLE ONE): REGIONAL STATE FINALS
CODE OF OPPOSING TEAM:	LOCATION AND COURTROOM:

Grounds for Dispute: _____

Initials of Team Spokesperson: _____
 Hearing Decision of Presiding Judge (circle one): **Grant** **Deny**
 Reason(s) for Denying Hearing, or Response of Opposing Team: _____

Initials of Opposing Team's Spokesperson: _____
 Judge's Notes from Hearing: _____

Decision of Judge Regarding Dispute: **Refer to Panel** **Do Not Refer to Panel**
 Comments: _____

This form must be returned to the Tournament Director or Designated Tournament Official along with the score sheets of all the scoring jurors.

Signature of Presiding Judge: _____

Name of Presiding Judge (printed): _____

Steps in a Mock Trial

1. The Opening of the Court

As the judge and jurors enter, the bailiff (timekeeper for the Prosecution/Plaintiff) should call the court to order (“All rise”). All the participants should remain standing until the judge is seated.

The judge will then ask the attorneys for each side if they are ready.

A representative of each team will introduce and identify each member of the team and the role each will play. No time is kept during this introductory phase of the trial.

2. Opening Statement

(a) Prosecution (in criminal cases)/Plaintiff (in civil cases)

The prosecutor in a criminal case (or plaintiff's attorney in a civil case) summarizes the evidence that will be presented to prove the case, being careful not to make any arguments or assert that the jury will hear evidence which may not be admitted.

(b) Defendant (in criminal or civil case)

The defendant's attorney summarizes the evidence that will be presented to rebut the case the prosecution has made, being careful not to make any arguments or assert that the jury will hear evidence which may not be admitted.

3. Direct Examination by Prosecution/Plaintiff's Attorneys

The prosecutors (or plaintiff's attorneys) conduct the direct examination of their own witnesses. At this time, testimony and other evidence to prove the prosecution's (plaintiff's) case will be presented. The purpose of direct examination is to allow the witness to state the facts in support of the case.

Note: The attorneys for both sides, on both direct and cross-examination, should remember that their only function is to ask questions; attorneys themselves may not testify or give evidence, and they must avoid phrasing questions in a way that might violate this rule.

4. Cross-Examination by the Defendant's Attorneys

After the attorneys for the prosecution (plaintiff) have completed questioning each witness, the judge then allows the other party (i.e., defense attorney) to cross-examine the witness. The cross-examiner seeks to clarify or cast doubt upon the testimony of opposing witnesses. Inconsistency in stories, bias, and other damaging facts may be pointed out to the jury and the judge through cross-examination. Leading questions should be used on cross-examination (but may not be used on direct examination).

5. Direct Examination by the Defendant's Attorneys

After all the prosecution's (plaintiff's) witnesses have been examined by both sides, the prosecution/plaintiff will rest its case. Next, the defense will conduct the direct examination of its own witnesses.

6. Cross-examination by the Prosecution/Plaintiff's attorneys.

The prosecution's/plaintiff's attorneys will cross-examine each of the defense witnesses.

7. Closing Arguments (Attorneys)

(a) Prosecution (Plaintiff)

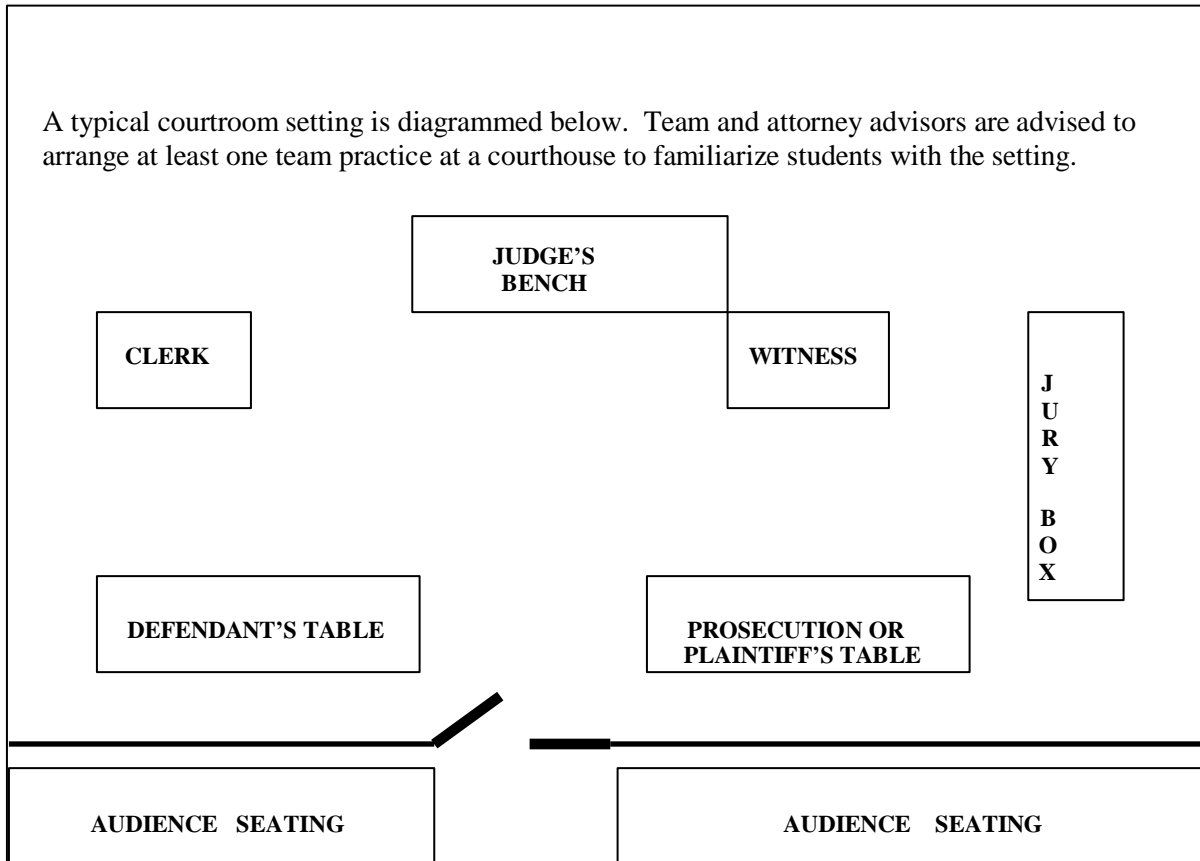
The closing argument is a review of the evidence presented. It should indicate how the evidence has satisfied the elements of the charge or claim, describe the burden of proof, point out the law applicable to the case, and ask for a favorable verdict.

(b) Defendant

The closing argument for the defense is essentially the same format as for the prosecution. Counsel for the defense reviews the evidence as presented, indicates how the evidence does not satisfy the elements of the charge or claim, stresses the facts favorable to the defense, and asks for a verdict favorable to the defense.

COURTROOM SETTING

A typical courtroom setting is diagrammed below. Team and attorney advisors are advised to arrange at least one team practice at a courthouse to familiarize students with the setting.



THE JUDGE'S ROLE

The judge presides over the trial to assure that the parties' rights are protected and that the attorneys follow the rules of evidence and trial procedure.

Sources of Proof Chart (Prosecution/Plaintiff)

Element to prove	Witnesses	Facts/Exhibits (line number)
1.	A B	1. 2. 1. 2.
2.	A B	1. 2. 1. 2.
3.	A B	1. 2. 1. 2.
4.	A B	1. 2. 1. 2.

1. Determine the elements of the criminal charge or civil complaint which must be proved
2. Examine each witness affidavit to determine which element(s) are addressed by that witness
3. Determine which facts and exhibits prove each required element in each witness's affidavit

Objectionable Testimony

P's Witnesses	Line number: quote	Rule number: basis for objection
D's Witnesses	Line number: quote	Rule number: basis for objection

1. Examine each affidavit for objectionable material (with the assistance of attorney advisor)
2. Write the line number and actual words of the objectionable material for easy reference
3. Write the Rule number and basis for the objection

Defending Objections to Evidence We Want Admitted

P's Witnesses	Line number: quote	Rule #: basis for admission of evidence
D's Witnesses	Line number: quote	Rule #: basis for admission of evidence

1. Examine each affidavit for evidence that might draw an objection but which you wish to get in
2. Write the line number and actual words of the evidence for easy reference
3. Write the Rule number and basis for overcoming the objection (exception to hearsay, etc.)