

Here on the Mock Trial Board, we do our best to make sure the Program is in the best position to continue, and that the mock lawyering experience is as close to the real one as we can make it. Those priorities converged this year into a couple of significant changes to the Rules of Competition that reflect our growing reliance — in our personal, professional, and educational lives — on technology and electronic devices.

First, we've decided to stop printing the case and competition materials for teams.

In order to keep the Program going from year to year, we run a tight ship, but we're always reviewing ways to make it tighter. As teachers and students have become more reliant on electronic devices to receive and review materials in recent years, so have lawyers and legal systems. Sometimes there can be thousands — if not tens or hundreds of thousands — of documents produced by the parties in a civil or criminal legal case, but rarely is there a need for many of those documents to be printed out. In addition to the parties providing each other with materials electronically, federal courts have also long relied on electronic filing systems, in which motions and orders are filed and served electronically, rather than in paper form, which gives the parties the option to keep them in electronic form or print them out. This year, the state has begun to roll out electronic filing for the state court system as well. So it seemed like the right time to do the same here at Mock Trial.

Second, certain team members will now be able to use electronic devices — such as smart watches, smart phones, tablets, and laptop computers — for certain limited purposes.

Attorneys will now be able to use electronic devices inside the bar for essentially the same purposes they have always been allowed to use paper — for example, to refer to case materials and rules, to communicate with each other, and to take and refer to their notes. See amended Rule 4.13. However, attorneys will not be able to use the devices for any other purpose, and their use of electronic devices will not change the way their performance is scored. For example, attorneys can now use electronic devices in opening statements or closing arguments, but only to refer to their own notes, not to present anything to the jurors. Attorneys must still use the printed versions of exhibits during those statements and arguments, as well as when examining witnesses. And if referring to a hard copy of notes during an opening statement or closing argument would negatively impact the scoring of an attorney's performance, so would referring to a digital version of those notes on an electronic device. Allowing electronic devices to be used in this manner in the competition rounds also coincides with the growing use of electronic devices in federal and state courtrooms and trials for those same purposes.

Also, timekeepers will now be able to use those electronic devices for the limited purpose of keeping time. See amended Rule 4.7.a.

When considering these changes, the Board recognized that, as in life and law, the creation of any new rule is accompanied by the risk of violation and accusations of violation. But we concluded that the risk doesn't outweigh the benefit of letting our Program evolve with the times and with actual courtroom experience. We also just went through a couple of years of remote competition during which teams could have theoretically been violating rules without anyone being able to witness and report the violation, but that risk certainly didn't outweigh the benefit of continuing the Program. As in the legal profession, and as with every other competition rule that has existed in the Mock Trial Program to date, the default expectation is that people will follow the rules, and they won't frivolously accuse others of violating them.

We're all very excited to be back at this Program in person now, and we thought it was the right time to make these changes, for these reasons. As always, if there are any questions, please contact our Program Administrator, Emme McManus.

Brad Bannon
Rules Committee Chair
North Carolina Mock Trial Program Board