

Iowa Mock Trial Program Rules & Procedures

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Center for Law & Civic Education**

Rules of Professional Conduct and Decorum

ARTICLE I. CONDUCT OF PARTICIPANTS

Rule 1.1 Integrity. Participants shall, at all times, strive to exemplify the highest ideals of the legal profession; to maintain the highest standards of ethical conduct; and to strive for competence and integrity.

Rule 1.2 Courtesy. Courtesy toward opposing team members, judges, tournament officials, coaches and one's own team is expected of all participants at all times. Participants shall not harass, demean or embarrass any other participant. Unsportsmanlike conduct may result in team disqualification.

Rule 1.3 Abiding by rules. All participants, alternates, and coaches are expected to abide by these rules at all times.

ARTICLE II. DUTY OF STUDENT ATTORNEYS

Rule 2.1 Preparation. All student attorneys should prepare diligently.

Rule 2.2 Zealous representation. Attorneys shall represent their clients zealously within the bounds of the law. If the facts of the case can lead to more than one inference or if the law can reasonably be interpreted in more than one way, the attorneys may argue the inferences, conclusions and interpretations most favorable to their clients.

Rule 2.3 Officer of the Court. All attorneys are considered to be officers of the court. Student attorneys shall refrain from all offensive behavior, shall not attempt to circumvent any rule, nor be dishonest or deceitful. Student attorneys should not engage in any conduct that is unfair or prejudicial to the administration of justice.

ARTICLE III. WITNESS DUTIES

Rule 3.1 Testimony of witnesses. All witnesses are expected to know and understand their statements as provided in the case materials and to use these statements as the basis for their testimony.

Rule 3.2 Use of notes during a round prohibited. A witness may not use notes while giving testimony. The recollection of a witness may be refreshed by an attorney for either side by allowing the witness to review a prior statement.

Rule 3.3 Invention of facts. Reasonable inferences which are consistent with the spirit and not inconsistent with the text of a witness' statement can be made during direct or redirect testimony. However, invention of facts which go beyond reasonable inferences drawn from the statement, and which have the potential of materially affecting the outcome of the trial may result in a deduction of points, at the discretion of the scoring judges. During cross examination, a witness may answer as they choose. However, unfair extrapolations will usually result in lower scores by the scoring judges.

Rule 3.4 No excessive characterizations. Witnesses are encouraged to develop the personality of their character. Dress and demeanor consistent with the character and role of the witness, and with court proceedings, may be used. However, no uniforms are permitted by any witness.

ARTICLE IV. DECORUM DURING TRIAL

Rule 4.1 Addressing the Court. Counsel shall stand when addressing the court, and shall maintain a respectful demeanor at all times.

Rule 4.2 Courtesy. Courtesy toward the court, opposing counsel and witnesses is expected at all times.

Rule 4.3 Approaching the court or witnesses. Counsel shall ask permission to approach the court or a witness.

Rule 4.4. Dress. Appropriate dress shall be worn by all participants.

ARTICLE V. CONDUCT OF COACHES

Rule 5.1 Coaching goals. Coaches are reminded that the purpose of mock trial is to instill respect for the legal system and it's ideals of justice, equality and truth. Coaches shall promote and champion these ideals above winning.

Rule 5.2 Contact with teams during a round prohibited. No coach shall contact or attempt to contact by any means, whether personally or through another, directly or indirectly, verbally or nonverbally, any member of a team once a round begins. This limitation includes all breaks and recesses. In the event of an emergency, a coach should direct any necessary communication through the presiding judge, or a tournament official.

Rule 5.3 Scouting. Educator and Attorney coaches are prohibited from attending any trial other than those featuring their own team(s) without prior permission from the competition coordinator. Teams whose coaches violate this provision may face disqualification from competition. State semi-final and championship rounds are excluded from this prohibition. Moreover, coaches whose teams did not qualify for the state tournament may attend any state tournament trial.

Part Two
Rules of Procedure for Iowa Mock Trial

GENERAL PROVISIONS

Rule 1. Scope. These rules of procedure shall apply to all trials, whether civil or criminal in nature. Any questions regarding these rules should be directed to the Mock Trial Program Coordinator at the Center for Law and Civic Education at The Iowa State Bar Association, Des Moines, Iowa.

Rule 2. Advancement in competition. The team that is the performance winner is the winner of a round. Performance determines advancement in the tournament, not winning the case on the legal merits. Teams advancing to the next round of the tournament will be determined by comparing the scores among the performance winners.

Rule 3. Bench conferences and side bars. Bench conferences may be called by either party. A bench conference should not be called unless there is a serious rules violation to bring to the attention of the court. The court may call a brief conference to clarify an objection or a rule. Counsel shall remain at counsel table during all bench conferences unless specifically instructed by the court to approach the bench.

Rule 4. Closing arguments. Closing arguments must be based on the actual evidence and testimony presented during the trial

Rule 5. Conferencing during trial. Attorneys may request permission from the court to confer with co-counsel at any time when the attorney is involved in examining a witness. Time used in a conference with co-counsel shall be assessed against the time allotted for examinations.

Rule 6. Critique. Judges are encouraged to comment on the performance, not the scoring, of the teams at the end of the round. Each judge shall be limited to a maximum of five minutes for oral critique.

Rule 7. Exhibits. Exhibits are documents or items that may be entered into evidence during a trial. The only exhibits to be used during a trial are those included with the case materials. Exhibits may be enlarged, but any enlarged copies of exhibits must adhere to Rule 42 on visual aids.

Rule 8. Extensions of time. Should time expire while a student is speaking, the presiding judge may allow the student to finish his or her thought. The judge may allow up to 45 seconds for the student to finish that thought. If time has expired and an attorney continues without permission from the court, the scoring judges may determine if they will deduct points.

Rule 9. Gender of witnesses. All witnesses are gender neutral. Pronoun changes in witness statements indicating gender of the characters may be made

Rule 10. Judging. The number of judges available for a round varies. Not all rounds will have three judges. In rounds judged by one individual, a single score will be tabulated. In rounds with two judges, both ballots will be averaged and the single average score tabulated. In rounds with three judges, one judge will preside and the two remaining judges will score the round. These two ballots will be averaged with the single score tabulated. The presiding judge will be asked to choose a performance winner only in case of a tied average score. During State Semi-Final or Final rounds, where there may be more than two scoring judges, the winner of a round will be determined by the number of ballots won, rather than by point totals.

All decisions of the judges are final. Judges will not be responsible for supervising any disputes in the courtroom beyond the scope of the case.

Judges will render two decisions during the course of the trial. One will be on the legal merits of the case and the applicable law. The other decision will be based on the quality of the team's presentation and performance in the case.

The judges will announce the winner on the legal merits of the case at the end of the trial, and discuss this decision with the teams to enhance the learning experience. Judges are encouraged to comment on the performance, not the scoring, of the teams at the end of the round. Each judge shall be limited to a maximum of five minutes for oral critique.

The judges will rate the performance of all witnesses and attorneys on the team. These scores will be added to determine the performance winner of the round. The judges will NOT announce the performance winner at the end of the round. There shall be no ties in performance points.

Rule 11. Limitations on objections. Objections to evidence are subject to the following limitations:

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- a. **When objections are permitted and prohibited.** Objections are permitted during the examinations of witnesses, but not during opening or closing statements. However, if a team believes an objection would have been proper during the opposing team's opening statement or closing argument, one of its attorneys may, following the statement/argument, stand to be recognized by the judge and may say, "If I had been permitted to object during the opening statement/closing argument, I would have objected to the opposing team's statement that _____." The presiding judge will not rule on this "objection." Presiding and scoring judges will weigh the "objection" individually. No rebuttal by opposing team will be heard.
- b. **Which objections are permitted and prohibited.** The only objections which may be made are those which are consistent with the Iowa Mock Trial Rules of Evidence; no others are allowed.
- c. **Who may object.** Only the attorney who is in charge of a witness during direct or cross-examination may advance (or respond to) objections during the questioning or testimony of the witness.

Rule 12. Motions. No motions except a motion to strike are permitted at trial. A motion for a recess may be used only in the event of an emergency. Should a recess be called, team members are to communicate only with the ten members of their own team or the opposing team. Alternates are included in the team and must sit near the team if possible. Alternates may not communicate with coaches during the trial.

Rule 13. Reference to other court rules or rules of evidence not provided in the official case materials is prohibited

Rule 14. Name tags. Name tags will be provided to all team members prior to the start of competition. All team members are expected to wear these during trials. Teams may use their own name tags provided they do not identify school/town.

Rule 15. Notes. Attorneys may use notes in presenting their cases. Witnesses are not permitted to use notes while testifying during the trial. Attorneys are encouraged to present their opening and closing statements without the use of notes.

Rule 16. Objections. When making an objection, counsel should clearly state the grounds for his/her objection. If the student objects after a witness has answered, the objecting student should move to strike the witness's answer from the record.

Counsel should not make further argument on any objection unless requested to do so by the court. Each student shall have one opportunity to respond. For example:

Student A: "I object, this question calls for hearsay."

Student B: "May I respond? This question is permissible because ..."

Student A: "May I respond? The question is not permissible because ..."

No further arguments will be entertained by the court.

Rule 17. Pre-trial conferences. The court, or either of the parties, may ask for a pre-trial conference. Pretrial conferences may be used to mark exhibits, to call stipulations to the attention of the court, to ascertain the identity or gender of an opposing party's witnesses, or to assist in resolving any other matter which will facilitate the trial. Questions or concerns regarding the Rules of Evidence or Rules of Procedure should be addressed at this time.

All team members should be introduced to the judges during the pre-trial conference. Teams should provide a completed ballot with students' names, character portrayal and their positions in the trial at this time.

Each team shall provide the judging panel in each trial with a complete copy of the case materials (including case updates and clarifications) and a copy of the Iowa Mock Trial Program Rules and Procedures. Each team shall also provide the judging panel with a team roster identifying participating students and the role(s) that each will portray.

Rule 18. Delay of the Trial. The start of a trial shall not be delayed for more than 15 minutes due to the absence of one of the parties from the time at which the judges are present without notification by the tournament director.

Rule 19. Problem. The problem will be an original fact pattern which may contain any or all of the following: statement of facts, indictment or information, stipulations, witness statements/affidavits, jury instructions, exhibits, case law, etc. Stipulations may not be disputed at trial. Witness statements may not be altered. Witness statements shall be considered signed and sworn, even if no signature appears on the page.

Rule 20. Questioning by judges. Judges shall not ask questions of witnesses. Judges may, however, ask questions of the attorneys.

Rule 21 Rebuttal in closing arguments. The plaintiff/prosecution must request that time be reserved for rebuttal; this request may be entered in the pre-trial or before the plaintiff/prosecution begins its closing argument. If no request is made, no rebuttal shall be allowed.

Rule 22. Rebuttal evidence. No rebuttal witnesses or evidence shall be allowed.

Rule 23 Redirect/Recross examination. Redirect and recross-examination is permitted. Further redirect after recross-examination (i.e. re-re direct) is not permitted.

Rule 24. Rule interpretation during a round. The interpretation of any of these rules, or the Rules of Evidence during the course of any round of competition shall be left to the sole discretion of the presiding judge, whose decision is final. The presiding judge may reserve judgment on the alleged rules violation, or may defer judgment of the alleged rules violation to the Tournament Director or Mock Trial Coordinator.

Rule 25. Rules violation. At the discretion of the State Mock Trial Coordinator and/or the Regional Tournament Coordinator, rules violations by any member or coach of a team may result in the disqualification of the entire team from advancing further in the tournament. The disqualification of the offending team will be considered a win for the opponent. The winning team will receive no additional points.

It is the responsibility of the students to bring any alleged violations to the attention of the presiding judge through the use of a bench conference. Only students participating in the trial at that time will be involved in this conference. No coaches or other students are allowed to participate in this challenge, since it is to occur during the trial itself. Upon request of the students, the alleged violation will be noted on the ballot and brought to the attention of the State Mock Trial Coordinator and/or the Regional Tournament Coordinator. Alleged violations will not be considered after the conclusion of all trial rounds on tournament day, unless the violation occurred during the last trial round.

Rule 26. School/Organization names. In order to assure impartiality, team names shall not be used nor disclosed in any manner during a round. However, a judge or spectator, after submission of the scoring ballot, may inquire about the identity of the schools/organizations represented by the teams competing in any round.

Rule 27. Sequestration. Witnesses may not be sequestered.

Rule 28. Standing During Trial. Unless excused by the judge, attorneys will stand while giving opening and closing statements, during direct and cross examinations, and for all objections.

Rule 29. Swearing of witnesses. The swearing of witness will occur in one of two ways. Either the presiding judge will indicate that all witnesses are assumed to be sworn, or the judge may swear each witness individually as he/she approaches to testify.

Rule 30. Team composition. A single team must consist of at least eight primary members: four attorneys, three witnesses and a timekeeper. Each of the four attorneys will perform two roles (See Rule 31 for explanation). Witnesses will perform one role. The eighth team member will serve as a timekeeper in a mock trial round. Schools will not be allowed to have two separate squads of eight to ten students on one team. (i.e. one group of 8 doing only plaintiff, one group of 8 doing only defense, for a total of 16.)

Each team is encouraged to have two additional members to serve as alternates, for a maximum team size of ten. Alternates may fill in any role as needed. There may be different team members serving as alternates, depending on which side of the case is being tried. For example, an alternate on the prosecution may fill the role of an attorney or a witness on the defense in a subsequent round of competition.

Schools/Organizations may enter more than one team in the tournament, with each team prepared to present both sides of the case. At both the Middle School and High School levels, schools/organizations may enter any number of teams. However, any teams exceeding 3 per school/organization will not be guaranteed competitive protection at regional competitions.

Students who have participated in prior mock trial tournaments may participate again. Educator coaches are encouraged to recruit new team members, however, to ensure that more students may gain a better understanding of the judicial process.

If unforeseen circumstances result in a team having fewer than eight members on the day of the tournament, the decision to allow that team to compete will be made by the tournament coordinator.

Rule 31. Team duties. Each student attorney must perform two (2) and only two functions during a single trial. These functions are: opening statement (1); direct

examination of a witness (3); cross-examination of a witness (3); closing argument (1). In both the Iowa High School and Junior High School competitions, the attorney presenting the opening statement is not allowed to give the closing argument. In the Iowa High School Competition, an attorney is not permitted to perform either two (2) direct examinations or two (2) cross examinations.

Rule 32. Team presentation. Teams must be prepared to present both the Prosecution/Plaintiff and the Defense/Defendant sides of the case. Except in power matched rounds, sides and pairings are determined randomly by regional and state tournament officials.

Rule 33. Team roster. Each team shall prepare a team roster for both the prosecution/plaintiff and the defense/defendant side of the case. The roster should clearly outline which student is performing what role in the case. The team roster should be made available to the court during the pre-trial conference. In addition an overall team roster must be submitted to the regional or state tournament director on the day of the tournament.

Rule 34. Timekeeping. Time limits are mandatory and shall be enforced. Each team is expected to have its own timekeeper and timekeeping aids. The timekeeper shall keep track of the time used in every part of the trial. The timekeeper may indicate to his or her team, by the use of unobtrusive cards, what part of the team's allotted time is still remaining. Timekeeping cards may reflect only the following increments: 15 minutes, 7 minutes, 4 minutes, 3 minutes, 2 minutes, 1 minute, 30 seconds. The timekeeper shall display a STOP card when time has expired, and shall announce for the court when the time has expired. Each timekeeper shall call time when he or she believes time has expired. Whenever possible, the two timekeepers shall sit together to maintain consistency in timing. If a discrepancy should arise, the two timekeepers should address the presiding judge for a decision.

Rule 35. Time limits. The time limits for all trials shall be followed strictly. Time shall begin after the presiding judge has granted permission to proceed and the student has begun to speak. The time limits for each side shall be as follows:

- Opening statement - 4 minutes
- Direct examination of all witnesses - 25 minutes
- Cross examination of all witnesses - 20 minutes
- Closing argument - 8 minutes including rebuttal

If an attorney has not completed his/her function when time expires, the student must stop immediately, but may ask the court for permission to briefly conclude. The

decision as to whether the student may briefly continue is up to the discretion of the presiding judge. No student shall be allowed more than 45 seconds of additional time.

Rule 36. Trial communication. Coaches, teachers, attorneys, and observers shall not talk to, signal, communicate with, or coach a team during trial. This rule applies to any recess time which may occur. Team members, including alternates, may communicate among themselves during the trial, so long as said communication is not disruptive. When and where appropriate, an attorney should request permission from the court to confer with co-counsel. The use of electronic communication devices, such as mobile or cellular phones, pda's, etc. is prohibited during the conduct of the trial.

Rule 37. Trial sequence. Opening statements must be made prior to the presentation of all evidence. The defense/defendant may not reserve opening statement.

Rule 38. Unfair extrapolations. If a witness testifies on direct or redirect to a fact which goes beyond any reasonable inference that may be drawn from the statement of the witness, and which fact has the potential of materially affecting the outcome of the trial, the opposing attorney may object and move to strike that portion of the testimony. The presiding judge shall rule on the motion and points may be deducted, at the discretion of the scoring judges. The witness may answer cross examination questions as s/he chooses. However, extrapolations on cross which are not in character for the witness, will usually result in judges' scoring lower.

Rule 39. Untimed activities. Time spent in making and arguing objections, for pretrial or bench conference or comments of judges shall not be assessed against either side.

Rule 40. Videotaping/Photography. Videotaping/photography of mock trial rounds is permitted if:

- a. All participants in the round (including judges) agree to be videotaped/photographed,
- b. The educator coaches of both teams agree to the videotaping/photography,
- c. The videotaping/photography does not interfere with the conduct of the round.

Persons videotaping or photographing a trial are to remain in the audience, stationary and shall not walk behind the bar during the course of the trial.

The ISBA Center for Law & Civic Education will videotape the Championship round each year for educational purposes.

Rule 41. Viewing a trial. Subject to space and seating limitations, all trials shall be open and public. Pursuant to Rule 5.3, coaches of teams not participating in any given trial must receive prior permission from the competition coordinator in order to view that trial.

Non-team members, teachers and coaches must remain in the spectator section of the courtroom. Only the ten team members may sit inside the bar. The court may clear the courtroom during its deliberations at the end of a round.

Rule 42. Visual aids. The use of visual aids, except electronic or light projected aids, is permitted. Visual aids should not be marked as exhibits and are not admissible into evidence. Teams are responsible for bringing their own visual aids and equipment, including easels. Visual Aids may not be enlarged larger than 24" X 36". Any visual aid used at any point in the trial must be pre-created and shown to the opposing team before pre-trial. If a team uses a visual aid during a trial, the opponent has the right to use the visual aid as well but may not mar, deface or otherwise permanently alter the visual aid. Visual aids used during examinations must come from the original case materials (affidavits, exhibits, or other provided document). During opening statements and closing arguments, teams may use pre-made visual aids that indicate their theme, facts of the case, the law, or the burden of proof, in addition to any materials provided in the case packet.

Rule 44. Voir dire. Voir dire examination of a witness is not permitted

Rule 45. Witness bound by statement/affidavit. Each witness is bound by the facts contained in his/her statement, the statement of facts, the stipulations, any necessary documentation relevant to his/her testimony, and the reasonableness of any inferences drawn from the information contained in those sources. Permitted reasonable inferences do not have the potential of materially affecting the outcome of the trial. A witness is not bound by facts contained in the statements of other witnesses.

If on cross examination, a question calls for unknown information, or information not contained in the statement of the witness, the witness may respond consistently with the statement of that witness. If the question calls for an inconsistent answer or one that goes beyond the witness statement, the opposing attorney may object.

Rule 46. Counsel Table. If a Courtroom includes a Jury Box, the Plaintiff/Prosecution team shall occupy the counsel table closest to the jury. If there is no jury box present, the Plaintiff/Prosecution shall occupy the counsel table on the right-hand side facing the bench.

Rule 47. Timekeeping Devices. Timekeepers are encouraged to utilize standard stopwatches in the conduct of their duties. Timekeeping devices on watches, phones or other personal electronic devices may be used if necessary. However, there shall be no communication between timekeepers and teammates or coaches through these devices during trial. Violation of this rule may result in team disqualification.