

NATIONAL BLACK LAW STUDENTS
ASSOCIATION



2020-2021

CONSTANCE BAKER
MOTLEY MOCK TRIAL
COMPETITION

OFFICIAL RULES

ARTICLE I -- PURPOSE	5
ARTICLE II -- GENERAL ADMINISTRATION	5
A) Overall Administration	5
B) Composition of the National Mock Trial Review Board	5
ARTICLE III – NATIONAL DIRECTOR OF CBMMTC	6
ARTICLE IV -- ORGANIZATION OF REGIONAL COMPETITIONS	6
ARTICLE V -- INFORMATION	6
ARTICLE VI – COMPETITION ELIGIBILITY	7
A) Rules Pertaining to Individual Competitors	7
B) Academic Standing:	7
C) Local NBLSA Chapter Standing and Community Service Requirements:	7
D) Members of NBLSA National and Regional Boards:	8
E) Applicability of School Honor Code:	8
F) Rules Pertaining to Teams 1. Dues:	8
G) Registration:	8
H) Composition of Teams:	10
I) Rules Pertaining to Law Schools: Intra-School Competitions	10
J) Current Year’s CBMMTC Materials:	10
K) Right of Revocation:	10
ARTICLE VII -- TIME TABLE	11
ARTICLE VIII -- REGIONAL AND NATIONAL COMPETITIONS	11
A) Rules Pertaining to the Regional Competitions:	11
B) Location of the Regional Competitions:	11
C) Eligibility to Compete at the Regional Competition	11
D) Rounds of Competition:	12
E) Designation of Side That Teams Will Argue:	12
F) Team Withdrawal from Regional Competitions:	12
G) Preliminary Rounds:	12
H) Bye Situations:	13
I) Regional Quarterfinal Round:	14
J) Regional Semifinal Round:	14
K) Regional Final Round and Regional Third Place Round:	14
L) Teams Qualifying to Compete at the National Competition:	15
M) Substituting for Teams Qualified to Compete at the National Competition:	15
N) Participating Teams Requirement:	15

O) Rules Specific to National Competitions	15
P) National Competition Roster	15
Q) Location of the National Competition:	15
R) Eligibility to Compete at the National Competition	16
S) Rules pertaining to Both Regional and National Competitions	16
T) Judges:	17
U) Changed Circumstances:	17
V) Videotaping Competitions	17
W) Spectators	17
X) Communication During Trials	18
Y) Unprofessional Behavior:	18
ARTICLE IX -- SCORING	18
A) Trial Scoring:	18
B) Determining the Winner of a Trial:	20
C) Best Advocate:	20
ARTICLE X – GRIEVANCES	20
A) Grievance Process	20
B) Invention of a Material Fact	22
C) Continuous, Disruptive and Abusive Objections	23
ARTICLE XI – JUDGES	23
A) General Rules:	23
B) Role of Judges:	23
C) Dissemination of Information:	23
ARTICLE XII – BAILIFFS	24
A) General Rules:	24
B) Bailiff Duties:	24
C) Communication with Teams:	24
D) Insufficient Number of Bailiffs:	24
ARTICLE XIII -- THE TRIAL	25
A) Introduction of Team Members:	25
B) Discussion with Judges:	25
C) Duty of Attorneys:	25
D) Motions:	26
E) Bench Trial:	26
F) Evidence:	26
G) Duty of Witnesses:	26

H) Court Decorum:	27
I) Exhibits:	27
J) Time Limits:	28
K) Rebuttal:	28
L) Objections:	28
M) Round Defined:	29
N) Trial:	29
ARTICLE XIV -- PENALTIES	29
A) National Director's Authority to Impose Penalties:	29
B) Penalty Points:	29
C) Failure to Submit Letter of Good Standing, Community Service Verification, and BLSA Membership Status:	30
D) Confidentiality of Certain Competition Material:	30
E) Other Important Notes:	30
ARTICLE XV -- AWARDS	31
A) National Competition Awards	31
B) Regional Competition Awards	31
ARTICLE XVI -- NATIONAL COMPETITION	31
Unless expressly enumerated, all of the rules contained herein apply at all levels of the CBMMTC competition.	31
ARTICLE XVII -- INTERPRETATION OF RULES	31
A) Official Interpretations:	31
B) Submission of Requests:	32
C) Answers:	32
D) Questions, Comments and Concerns:	32
ARTICLE XVIII -- PROCEDURES	32
A) Supreme Court's Rule 29 Inapplicable:	32
B) Regional Supplemental Rules:	33
C) Integration of Disseminated Information:	33
D) Resemblance to Actual Events or Individuals:	33

CONSTANCE BAKER MOTLEY MOCK TRIAL COMPETITION

Preface

The National Director of the Constance Baker Motley Mock Trial Competition (CBMMTC) reserves the right to amend these rules (Rules) and to make any decision, which shall be final, regarding any aspect of the CBMMTC. Please be advised that all sections of the Rules where there is mention of a National Director refer solely to the National Director of the CBMMTC. These rules replace any and all previous versions.

Use of the CBMMTC Problem

The CBMMTC Problem, as prepared by the National Mock Trial Review Board, is copyrighted material. No school may use the CBMMTC Problem for any purpose, except in connection with the school's participation in the 2020-2021 Competition, without the express written consent of the National Director of CBMMTC. This prohibition does not preclude a school from using the CBMMTC Record in intramural competitions or try-outs to select a team for CBMMTC.

ARTICLE I -- PURPOSE

In March of 2002, at the General Convention of NBLSA, the body voted to create a National Mock Trial Competition. The purpose of the Competition is to further enhance the skills of participants by developing a strong courtroom presence and knowledge base, as they prepare for various components of a trial. Those who participate will gain heightened skills by implementing rules of evidence, criminal and civil procedure, teamwork, research, writing, analytical skills and advocacy. Thus, the competition is appropriately named the Constance Baker Motley Mock Trial Competition.

ARTICLE II -- GENERAL ADMINISTRATION

Overall Administration

- 1) The regional Constance Baker Motley Mock Trial Competitions are administered under the direction of the NBLSA National Directors of CBMMTC in coordination with the six (6) Regional Directors of CBMMTC. The national Constance Baker Motley Mock Trial Competition is administered under the direction of the National Directors of CBMMTC.
- 2) The National Directors of CBMMTC are responsible for the National rounds, and together with the National Mock Trial Specialist(s) and the Regional Directors of CBMMTC, are responsible for the direct administration of the competition at the Regional level. The ultimate responsibility and fiduciary duty, however, lies in the office of the National Directors of CBMMTC.

ARTICLE III – NATIONAL DIRECTORS OF CBMMTC

Each year during the NBSA General Convention, law students shall be elected who shall serve as the National Directors of CBMMTC of NBSA. These students shall have the responsibility for coordinating the following year's competition. The National Directors of CBMMTC are responsible for keeping the National Executive Board and the six (6) Regional Directors of CBMMTC informed as to the progress of the competition. The National Directors of CBMMTC shall also be responsible for answering all questions and responding to all requests for rule interpretations of a substantive nature regarding their year's competition. The National Directors of CBMMTC act in a similar capacity to a Regional Director of CBMMTC for the National competition. *(See also, Article II, infra)*

ARTICLE IV -- ORGANIZATION OF REGIONAL COMPETITIONS

NBSA is comprised of six regions (Mid-Atlantic, Midwest, Northeast, Southwest, Southern, and Western). Teams from law schools with financially active NBSA chapters may participate in their Region-specific CBMMTC. For the purposes of these rules, a law student is a person enrolled in law school during the semester or quarter in which the regional competition takes place. Each team member must be a matriculating full-time or part-time student in a Juris Doctorate program in the law school he/she represents in competition. The Regional competitions shall be held between January and March, at the discretion of the host region. Each Regional Director of CBMMTC along with the Regional executive board is responsible for:

Providing participants in its region with the schedule for the Regional competition;

Acquiring a sufficient number of judges for the Regional competition, and;

Planning and coordinating all other aspects of the Regional competition, including the transition of the Regional teams to the National level of the competition;

Securing bailiffs for the Regional competition.

The precise number of days that a Regional competition will last depends on the number of teams assigned to the region. The first, second and third place winners of the Regional competition shall be eligible to advance to the National finals, which are held in conjunction with the NBSA General Convention.

ARTICLE V -- INFORMATION

All information will be posted to the NBLSA CBMMTC Mock Trial homepage at <https://www.nblsa.org/opportunities>. Requests for general information should be directed to the respective Regional Directors of CBMMTC. The Regional Directors of CBMMTC will issue a written response within a reasonable amount of time about matters pertaining to the regional competitions. Questions regarding the substantive matters of the problem or interpretation of these rules should be directed to the National Directors of CBMMTC and must be in writing via email. The National Directors of CBMMTC will issue a written response within a reasonable amount of time about matters not pertaining to substantive questions about the problem. All teams will be notified of the question and the written response about the problem through the NBLSA website at the conclusion of the official question period.

NOTE: WITH THE EXCEPTION OF THE NATIONAL DIRECTORS, NEITHER REGIONAL NOR NATIONAL OFFICERS ARE AUTHORIZED TO ANSWER QUESTIONS OF A SUBSTANTIVE NATURE REGARDING THE PROBLEM OR MAKE AN INTERPRETATION OF THESE RULES, UNLESS INDICATED OTHERWISE HEREIN.

ARTICLE VI – COMPETITION ELIGIBILITY

A) Rules Pertaining to Individual Competitors

(Please consult Qualification Statement on the NBLSA CBMMTC homepage or email mocktrial@nblsa.org to receive a copy)

- 1) A potential competitor of the Constance Baker Motley Mock Trial Competition must be an active member of his or her affiliated Chapter before the qualification deadline for the respective competitions. An active member shall be generally determined by the affiliated Chapter. (Please see (A)(1), (2) below)

B) Academic Standing:

- 1) In order to be eligible to compete, competitors must be enrolled in a J.D. program at a law school (or a joint law degree program) during the entire academic school year in which they compete. Competitors must also be in good academic standing at the law school they attend during the entire academic year in which they compete. The letter of good academic standing for each team member must be completed by or from their law school dean or registrar's office on official letterhead. This letter must be submitted with the registration form, NBLSA financial status and community service letter of verification (please see (A)(2) below). All competitors are subject to eligibility verification.

C) Local NBLSA Chapter Standing and Community Service Requirements:

- 1) Each team member must be a National dues paying NBLSA member. The letter must be completed by the team member's NBLSA President, Vice President, or Treasurer and shall include that he/she has is a NBLSA member in good standing prior to entering the competition and the date the participant became an active NBLSA member.
- 2) Teams must submit a letter of verification for each team member from your Community Service Director or NBLSA chapter president. The letter shall also include that the team member has participated in one (1) community service event. A team's letter of verification and NBLSA financial standing for each team member should be submitted at the time of registration completion through the registration form.

D) Members of NBLSA National and Regional Boards:

- 1) National board members of NBLSA are precluded from participating in the CBMMTC during the year in which they hold their board position. Board members who resign from their position within the year of the competition are still prohibited from participating in the CBMMTC. The National Directors reserve the discretion to waive this prohibition if the board member's resignation is made and accepted by their regional boards by the problem release date.

E) Applicability of School Honor Code:

- 1) Each team member is bound by his/her school's honor code (or its equivalent) and must not receive any outside assistance except as described. The Regional or National Directors of CBMMTC have the discretion to disqualify any team or individual team member for any violation of such code.

F) Rules Pertaining to Team Dues:

- 1) In order to be eligible to compete, National Dues of the team's chapter must be paid by November 13, 2020.

G) Registration:

- 1) **Team Member Registration Required:** Each member of the team must register and remit all fees, including all NBLSA dues, registration fees for the Regional Convention (if applicable) and, if a team qualifies for the National Competition, registration fees for the National Convention (if applicable).
- 2) **Entry Form and Fee:** Each team entering the competition must submit an entry form

and entry fee. For 2020-2021, the registration fee will be \$150.00/team. Entries after November 6, 2020 will be accepted at the discretion of the Regional and National Directors.

- 3) ***Multi-team registration:** Each region shall cap the number of teams at 18 entries. Schools wishing to send more than one team will need to register their priority team first. After October 11, 2020, if the cap has not been reached, schools will be allowed to register any secondary teams they wish to send.

Samples of all of the supplemental forms (Letter of Good Academic Standing, Letter of Local NBLSA Chapter Standing, and Community Service Requirement Letter) can be found on the NBLSA CBMMTC homepage but need to be signed, completed, and uploaded at the time of registration through the registration website.

- 4) The entry fees for the CBMMTC are separate and distinct from any fees for national and regional conventions. The entry forms must be filled out online via the CBMMTC page, which will be sent to the National Directors. If paying by check, the entry fee must be sent to:

WeWork c/o NBLSA
80 M Street SE
Washington, DC 20003

(With payment, indicate your region, the name of your school, and reference CBMMTC)
Payment will also be accepted via check or credit card at nblsa.org)

- 5) **Refunds and Credits:** Refunds will not be issued for the Constance Baker Motley Mock Trial Competition. Should a team be unable to compete, a letter of credit for the competition fee will be issued at the request of the team. The team must request this letter from the National Directors. This credit may only be used in the Constance Baker Motley Mock Trial Competition in the subsequent academic year (i.e., if a credit was issued in the 2018-2019 competition, the credit may only be used for the 2019-2020 competition).
- 6) **Contact Information:** On the entry form, each team **must** designate a contact person to whom all official correspondence will be sent by the National Directors of CBMMTC and the Regional Director of CBMMTC. The contact person may be the team coach or a team member.
- 7) A mailing address and an electronic mailing address must be provided for the **contact person**. A daytime and evening phone number must also be included. If the contact person has a different phone number while school is not in session, that number must also be included. If the contact person changes his or her address or is replaced, the

National Director of CBMMTC and Regional Director of CBMMTC must be notified within forty-eight (48) hours via e-mail. Any information, questions, or concerns discussed with this person will be considered as information disseminated to the entire team. All communication between the regional Directors of CBMMTC and the teams must be through the contact person.

- 8) **Regional Registration Rules:** Each team must ensure that it is abiding by any Regional registration requirements not contained herein. Any Regional rules that are contrary to the rules contained and referenced herein are void. See Article II, Section A; Article XV; Article XVI; and Article XVII as to interpretation of these and any other rules pertaining to the CBMMTC.

H) Composition of Teams:

- 1) **Number of Team Members:** Each team shall consist of only four (4) law students who are enrolled at the same law school. Two students will be advocates and two students will play witnesses for their side in each round. Students will switch sides after a round (i.e. the two advocates for the prosecution/plaintiff will become the two witnesses for the defense and vice versa.). *In the spirit of the Constance Baker Motley Mock Trial Competition and its commitment to developing skilled advocates, there will be no exceptions made for this rule.*
- 2) **Substitution of Team Members:** No substitution of team members after registration may be made except in exigent circumstances, (e.g.: medical illness, lack of academic good standing with the school, death) subject to the written approval of the National Director of CBMMTC. All substitutions must be supported with the appropriate documentation (e.g.: letter from doctor/hospital, letter from law school administrator, etc.). Failure to obtain written approval from the National Directors of CBMMTC to substitute team members will result in penalties at the National Directors' discretion up to and including ten (10) point penalty, automatic disqualification and/or fee forfeiture. *See Article XVII (A).*

Note: Teams may NOT register any alternates at any time during the registration process. Individual requests for substitutes must be made directly to the National Directors in the event of an emergency.

- 3) **Outside Assistance:** Each team must be prepared to argue on behalf of the plaintiff (or prosecution) and defendant (or defense) with appropriate direct and cross-examination of witnesses without any outside assistance. A team coach may participate with team members in preliminary general discussions of the problem, issues presented, judging practice trials, providing general critiques and general decision-making as to strategy. While team coaches are allowed to watch rounds, they are **not** permitted to give assistance to team members during any portion of the competition rounds. For the purposes of this rule, Rounds begin when a judge enters the room and are not officially over until all grievances are returned and the judge

gives critiques. Coaches may not speak with their team until after critiques are given. The National Director has the discretion to disqualify or assess penalty points to any team who speaks with their coach during the round.

ARTICLE VII -- TIME TABLE

Date	Description
September 21st -November 13th, 2020	Registration between these dates will be available at the rate of \$150 per team. The problem will be released upon registration.
November 13, 2020	Registration deadline; Q&A period begins.
November 25, 2020	Q&A Deadline
January & February	2021 National Constance Baker Motley Mock Trial Competition Regional Competitions
March 3-7, 2021	2021 National Constance Baker Motley Mock Trial Competition will take place virtually

ARTICLE VIII -- REGIONAL AND NATIONAL COMPETITIONS

A) Location of the Regional Competitions:

- 1) The Regional Competitions shall be held during the NBLSA Regional Conventions. Please be aware that given the anonymity of all competing teams, nothing prohibits two teams from the same school from competing against each other in any round of the competition.

B) Eligibility to Compete at the Regional Competition

- 1) The Regional Competitions shall include all teams that have submitted completed Registration Packets including:
 - Competition Registration form
 - Competition Fee Confirmation
 - Academic letters of Good Academic Standing for each Team Member
 - Letters of financial Good Standing with local NBLSA Chapter for each Team Member
 - Copies of Regional Convention Registration Confirmation for each Team

Member (Including Coaches)

- List of Coaches

Note: By submitting the Registration Packet, team members forfeit any right that they may have to their submitted packets, trials and any derivatives of their work thereof.

ANY COMPETING TEAM MEMBER THAT IDENTIFIES OR CAUSES TO BE IDENTIFIED ANY OF ITS SCHOOL, SOCIAL, CIVIC, OR FRATERNAL AFFILIATIONS THROUGH THE USE OF APPAREL, JEWELRY, HAND GESTURES, OR MATERIALS BROUGHT INTO THE COURTROOM SHALL BE SUBJECT TO IMMEDIATE DISQUALIFICATION OR POINT PENALTY AND FEE FORFEITURE.

- A “competing team member” is one who has not been eliminated from the competition rounds. Once a team is eliminated from the competition, then they are no longer considered competing teams and are no longer bound to the anonymity rules. However, if a second or multiple team attending the same school as the disqualifying team advances, the disqualified team may not disclose their school identity.

C) Designation of Side That Teams Will Argue:

- 1) The side that a team will argue in the first and second preliminary rounds of the Regional Competitions will be determined by the Regional Director of CBMMTC in alphabetical order by team in the scheduling process. During the first and second preliminary rounds, each team should be prepared to argue each side, for the prosecution/plaintiff and alternatively, for the defense/defendant.

D) Team Withdrawal from Regional Competitions:

- 1) If a team would like to withdraw, they should notify the National Directors of CBMMTC of their intention not to participate after the pairings have been established but before the competition has begun. Absent extreme circumstances, a withdrawing team must notify the National Directors of CBMMTC in writing at least 5 days before the beginning of the competition. Please note that extreme circumstances are situations such as family/personal/health emergencies and other situations to be determined at the discretion of the National Directors of CBMMTC. The National Directors of CBMMTC will make the necessary changes in preliminary round pairings and notify the affected teams of the changes as soon as possible. Schools/teams that find they must withdraw from the competition are expected to notify the Regional and/or National Directors of CBMMTC at their earliest possible date.

FAILURE TO NOTIFY THE CBMMTC DIRECTORS OF A TIMELY WITHDRAWAL MAY RESULT IN YOUR SCHOOL BEING BANNED FROM COMPETING IN CBMMTC FOR ONE YEAR.

E) Preliminary Rounds:

- 1) Each team will argue at least once for the prosecution/plaintiff and once for the defense/ defendant. Team advancement will be first based on win/loss record, and then, in the event of a tie, ballots, and points.

Sample of preliminary round structure for the Regional Competitions (number of competing teams varies in each region):

Preliminary Round 1

1 (representing plaintiff/prosecution) v. 2 (representing defendant)

3 (representing plaintiff/prosecution) v. 4 (representing defendant)

5 (representing plaintiff/prosecution) v. 6 (representing defendant)

7 (representing plaintiff/prosecution) v. 8 (representing defendant)

9 (representing plaintiff/prosecution) v. 10 (representing defendant)

11 (representing plaintiff/prosecution) v. 12 (representing defendant)

13 (representing plaintiff/prosecution) v. 14 (representing defendant)

15 (representing plaintiff/prosecution) v. 16 (representing defendant)

17 (representing plaintiff/prosecution) v. 18 (representing defendant)

Preliminary Round 2

18 (representing plaintiff/prosecution) v. 1 (representing defendant)

16 (representing plaintiff/prosecution) v. 3 (representing defendant)

14 (representing plaintiff/prosecution) v. 5 (representing defendant)

12 (representing plaintiff/prosecution) v. 7 (representing defendant)

10 (representing plaintiff/prosecution) v. 9 (representing defendant)

8 (representing plaintiff/prosecution) v. 11 (representing defendant)

6 (representing plaintiff/prosecution) v. 13 (representing defendant)

4 (representing plaintiff/prosecution) v. 15 (representing defendant)

2 (representing plaintiff/prosecution) v. 17 (representing defendant)

F) Teams Qualifying to Compete at the National Competition:

- 1) The winner, first runner up, and second runner up of each region shall be eligible to compete at the National Competition. Therefore, the National Competition will be

composed of eighteen (18) teams representing the six (6) different regions of the NBLSA. Nothing shall restrict a law school from sending two or more teams to the National competition should those teams qualify.

G) Substituting for Teams Qualified to Compete at the National Competition:

- 1) If a qualifying team withdraws from the National competition, the team next in line at the Regional competition, based on average scores, will be invited to compete. This team must decide whether or not to compete within five (5) business days of notification. If a nationally qualified team withdraws within seven (7) days prior to the opening of the National Convention then no team may be substituted. This rule is not affected and the National Directors of CBMMTC are not responsible if the Region's Convention/Competition is within the fourteen (14) day blackout period for substitutions. No substitutions for nationally qualifying teams will be allowed because of this rule and the timing of the Convention/Competition unless the team presents evidence of an exigent circumstance and team substitutions request must be made in writing to the National Mock Trial Directors (mocktrial@nblsa.org) within five (5) business days of the regional competition. However, a failure to give adequate notice does not affect this or any other rule contained herein.

H) Participating Teams Requirement:

- 1) Teams that have registered for a given Regional Competition but do not actually participate shall not be included for the purpose of calculating the number of teams that participate in a given Regional Competition. Participation includes, but is not limited to appearing at the Regional Competition and competing in the mock trial.

I) Rules Specific to National Competitions

- 1) National Competition Roster
 - a) The National Competition shall include eighteen (18) teams comprising the top three (3) teams from each Regional final round.

Note: In the case of exigent circumstances, the CBMMTC National Directors may allow additional teams to participate in the National Competition, as they deem necessary to preserve the integrity of the CBMMTC Competition.

J) Eligibility to Compete at the National Competition

- 1) Teams that advance to the National Competition must confirm their participation by registering for the National Convention no less than fifteen (15) days prior to the beginning of the National Convention. Any team that does not register within this timeframe will be deemed to have withdrawn from the competition and will forfeit

their slot to another team within their region.

- 2) In order to compete at Nationals, the National Director must receive the following documents:
- 3) Letter via email stating the teams' intent to compete
- 4) Copies of National Convention Registration Confirmation for each Team Member (Including Coaches)
- 5) Convention Fee Payment Requirement for Competition Teams.
 - a) There teams that place in the Regional Competition (1st, 2nd, 3rd) will be responsible for their National Convention Fee's at the following rates:
 - 1st place: National Convention Fee Waived
 - 2nd Place: National Convention Fee 50% off
 - 3rd Place: National Convention Fee 25% off

K) Rules pertaining to Both Regional and National Competitions

- 1) Team Identification:
 - a) Each team will be assigned a random letter accompanied by predetermined competitor ID numbers at the close of team registration or at the close of the national qualifying rounds (Team Identification Letter ___ and Competitor ID P/D for each of the four competitors), by the Regional Director of CBMMTC or the National Directors of CBMMTC. **Competing team members are not to divulge their school affiliation to judges in attendance at the Regional and National competitions until after the final round.** It is especially important that team members do not reveal this information to the judges as some judges may be used again in later rounds. If a competing team member is asked by a judge or a bailiff what school the team member represents, the student should respond that the rules do not permit the divulging of that information until after the competition. **Team members are permitted to divulge their names within the competition.**
- 2) Late Arrival of a Team:
 - a) In the event that a team fails to appear on time for any round of any competition, that team may be disqualified from the competition. If the late team is allowed to participate and arrives at a time that permits that round to begin on time without schedule disruption, the round may be so held but the late team shall receive an appropriate point deduction, as indicated on the Scoring Rubric.

L) Judges:

- 1) Before the start of any round, team members and coaches are required to disclose any relationship or affiliation to the judge of that round. The National or Regional

Director will then make an appropriate substitution. If a relationship or affiliation is disclosed at any time between a competing team and a judge of that team's round, that team will be subject to disqualification.

- 2) If a judge fails to appear for his/her scheduled trial, then the National Directors of CBMMTC may substitute judges. Law professors as well as other law school faculty and staff may not sit for a trial involving schools with which they are affiliated. Students, including LL.M. candidates, may judge any aspect of the competition at any level. Coaches may be asked to serve as substitute judges in the event of inclement weather or other exigent circumstances.
- 3) If a situation exists where the National Directors or Regional Director are unable to find a qualified person to judge a round, the National Director and Specialists are permitted to sit as a judge for that round. **Note:** The National Specialists will only sit as a judge in circumstances that are deemed extenuating by the National Director.

M) Changed Circumstances:

- 1) In the event of circumstances that directly affect the advancement of any Mock Trial team member(s), the National or Regional Director of CBMMTC is required to give reasonable notice to the team members (or coaches) of the teams directly affected.

N) Videotaping Competitions

- 1) By virtue of entering the CBMMTC, teams agree that some, all, or none of the rounds at the National Competition may be videotaped by NBLSA for the exclusive benefit of the Association and any other educational use as determined by the National Executive Board.

Spectators, competitors and coaches are not permitted to record any aspect of the CBMMTC rounds.

O) Spectators

- 1) Spectators will be permitted during all rounds contingent upon the adequacy of space for spectators in the round location. If at any time Spectators are deemed to be disruptive in any way by the presiding judge, the trial can be paused and all spectators may be asked to leave the trial area. The dismissal of spectators from a mock trial round may result in a point penalty being assessed against the team of whom the spectator is a guest, at the discretion of the Regional and/or National Director. **One team coach per team is allowed to view all of the rounds. Teams may request that an additional coach be able to view the rounds, however, the opposing team has the right to deny such a request. Neither that team coach nor the spectators are permitted to interact with any of the team members (including witnesses) on**

either side during the competition round. This includes any form of communication and hand gestures. Team members are allowed to talk to each other during the break, outside of the presence of the judge. Teams who violate this rule are subject to a point penalty or disqualification, at the discretion of the Regional and/or National Director.

P) Communication During Trials

- 1) Competing team members are only permitted to talk to their teammates for the duration of an individual round. Witnesses may not pass notes to counsel during a round. A witness may however, communicate with counsel during a break. Teammates are NOT permitted to talk to their coach(es), the judge(s), the bailiff, opposing team, or the opposing team's coach. If this is violated the opposing team is permitted to file a grievance.

Q) Unprofessional Behavior:

- 1) All competitors must conduct themselves in a professional respectful manner at all times. Behavior that is inconsistent with professional standards and common decency will not be tolerated. This includes, but is not limited to the use of profanity, physical and/or verbal threats to any other person involved with the competition, including but not limited to competitors, administrative officials, and or support staff, loud or disruptive remarks, disrespect of any person involved with the competition, or intoxication.
 - a) If any team member is found to have engaged in any type of inappropriate behavior, that team will be subject to point penalties at the discretion of the competition Judge, and/or disqualification, at the discretion of the National Directors of CBMMTC. This rule shall apply to the Regional Competitions as well as the National Competition.
 - b) If a team is disqualified for their unprofessional behavior, the National CBMMTC Director will send a letter to the team's school Dean requesting that appropriate action be taken against the individual(s) or team.
 - c) If a team or an individual member of a team continues to act unprofessionally after they are eliminated from the Competition, the National CBMMTC Director will send a letter to the team's school Dean requesting that appropriate action be taken against the individual(s) or team.
 - d) This competition will also adhere to the Model Rules for Mock Trial Competition located at http://www.kentlaw.iit.edu/Documents/Academic%20Programs/Trial_Advocacy/Amended_ModelRules83112.pdf .

ARTICLE IX -- SCORING

A) Trial Scoring:

The judges will be given a list of criteria and will score each team member accordingly.

Area	Description
Opening Statement	Advocate: <ul style="list-style-type: none">• Presented a cohesive theory of the case<ul style="list-style-type: none">• Argued persuasively and effectively• Used the law effectively• Minimal reliance on notes, spoke clearly, and had good eye contact
Direct Examination	Advocate: <ul style="list-style-type: none">• Reacted appropriately to court rulings• Developed a rapport with the witness• Addressed the court and others appropriately• Avoided leading questions• Properly refreshed witness' memory, when appropriate• Minimal reliance on notes, spoke clearly, and had good eye contact
Objections	Advocate: <ul style="list-style-type: none">• Objected when appropriate• Presented objections clearly and concisely, citing the appropriate Federal Rule of Evidence• Expressed knowledge of Federal Rules of Evidence• Responded appropriately to objections• Laid proper foundation to enter exhibits, impeach, or refresh witness' recollection
Cross Examination	Advocate: <ul style="list-style-type: none">• Reacted appropriately to court rulings• Used leading questions• Controlled the witness without becoming overbearing• Properly impeached the witness when appropriate• Stayed within the scope of direct• Minimal reliance on notes, spoke clearly, and had good eye contact
Motions	Advocate: <ul style="list-style-type: none">• Presented a concise and organized argument in support of or against a motion• Argued persuasively and effectively• Quickly adapted to questions or arguments from judges and/or

	opposing counsel
Closing Statement	Advocate: <ul style="list-style-type: none"> • Confined statement to evidence that was presented • Clearly structured and organized statement in a way that was easy to follow • Presented a cohesive theory of the case pulling all aspects of the trial together • Argued persuasively and effectively • Used the law effectively • If rebuttal was used, properly confined rebuttal to rebuttal matters • Minimal reliance on notes, spoke clearly, and had good eye contact
Overall Professionalism	Advocate: <ul style="list-style-type: none"> ● Presented an overall professional demeanor ● Worked effectively as a team with co-counsel ● Established a good rapport with opposing counsel

B) Determining the Winner of a Trial:

- 1) A tabulation committee composed of the National Directors, Regional Directors of CBMMTC, and their respective Mock Trial Specialists for the respective competitions shall determine the scores for each team.
- 2) For the Regional Competitions, the tabulation committee shall consist of the Regional Director, Regional or National Specialist, National Director, and one person that has been deemed to be independent of the respective competitions.
- 3) For the National Competition, the tabulation committee shall consist of the National Director, the National Specialist(s), and one person that has been deemed to be independent of the respective competition.

C) Best Advocate:

- 1) There will be an award given at the Regional Convention to the advocate with the highest combined individual scores from the preliminary round. In order to qualify for the award, a team member must have been an advocate once in the preliminary round.
- 2) There will be an award given at the National Convention to the three (3) advocates with the highest combined individual scores from the preliminary rounds. The advocate with the highest score from the preliminary round will be the best advocate.

ARTICLE X – GRIEVANCES

A) Grievance Process

- 1) A grievance should only be filed if the grieved complaint would change the outcome of the trial. Grievances submitted in any manner other than that laid out by the following procedure will NOT be accepted.

Grievances are generally limited to the following violations of the following CBMMTC rules:

<u>Grievance</u>	<u>Minimum Penalty Assessed</u>	<u>Maximum Penalty Assessed</u>
Inappropriate communication during the trial between team members	3 points	5 points
In appropriate communication during the trial between team members and coaches	5 points	10 points
Article VIII(C)(8) unprofessional behavior	5 points	10 points
Article X(C) continuous, disruptive, and abusive objections	3 points	5 points

There will be a five (5) minute recess between closing arguments and the Judge’s critiques.

A team will waive their right to file a grievance, based on anything that occurred during a trial if they fail to do so PRIOR to the Judge’s critiques.

- 2) Grievances must be submitted on the Grievance Form that is provided at the start of each round. The Grievance Form must be completed after the trial concludes but before the judges’ critiques are given. Grievances must be filed with the Regional Mock Trial Director and/or National Mock Trial Specialist or the National Mock Trial Director. The National Mock Trial Director will assess the situation and what information is needed before deciding the matter. If further information is needed, the National Mock Trial Director and/or Specialist will consult with the Judges in the presence of the Bailiff, after the Judges’ critique. The Bailiff will not participate in the discussion with the Judges unless specifically requested to do so; they are only present as observers. The conduct referenced in the grievance will be described to the judges and the nature of the rule violation alleged explained. The Judge(s) and/or

Bailiff shall be requested to state whether they were aware of said conduct and whether said conduct had an effect on their decision. In the event of a discrepancy, a hearing shall be called to settle the matter.

- a) If a hearing needs to take place, the Regional Director or National Directors will notify both the team that filed the grievance and the team that the grievance was filed against of a time and location of the hearing. The Regional Director, Regional Specialist, National Director and National Specialist(s), will be present. The filing team will then have 15 minutes to present its argument. The team that the grievance has been filed against will then be heard for 15 minutes. The Regional Director, National Specialist, or National Director may choose to extend the time. No team member or coach will be heard for longer than 30 minutes.
- b) After both teams are heard, based on the comments of the teams, Judges (if applicable), and coaches (if applicable), the Regional Director or National Mock Trial Director will determine what effect, if any, the alleged misconduct had on the Judges' scoring decision. The Regional and/or National Director will then determine a remedy.
- c) Any penalty assessed to any team shall be a minimum 3-point deduction. If the Regional Director decides that a point deduction shall exceed 3 points, the deduction must be approved and affirmed by the National Director. Points will not be awarded to any teams. If the grievance is deemed to be moot or frivolous because of these Rules, a 3 point penalty may be assessed against the filing team. Teams are permitted to appeal the Regional Director's decision regarding either the grievance penalty and/or dismissal of a moot or frivolous grievance.

All protests and appeals of decisions made on properly filed grievances must be submitted in writing, and proceed in this hierarchical fashion:

1. At the Regional Competition the order protest and appellate review is:
 - a. Regional Director of CBMMTC
 - b. National Mock Trial Specialist (If applicable)
 - c. Second National Mock Trial Specialist (If applicable)
 - d. National Director of CBMMTC
2. At the National Competition the order protest and appellate review is:
 - a. National Mock Trial Specialist
 - b. Second National Mock Trial Specialist
 - c. Competitions Specialist
 - d. National Director of CBMMTC

Please be aware that the National Director of the CBMMTC is the **LAST** and **FINAL** decision maker on any grievance pertaining to any Competition, either on the Regional or

National level.

For more information about the National Policies, visit:

<http://nblsa.org/leadership/national-policies/>

B) Invention of a Material Fact

- 1) Inventions of material facts are grievable offenses. A material fact is any fact which significantly alters the course of trial. (Ex. A defendant accused of beating someone with a bat reveals during trial a handicap that makes the use of a bat impossible.) If during a trial, a team believes that the opposing team has invented a material fact, the advocate cross-examining that witness must attempt to impeach. Impeachment is also permitted on re-cross. **BOTH IMPEACHMENTS BY OMISSION AND COMMISSION ARE PERMITTED.**
- 2) If a witness has invented a material fact, he/she must admit, if asked, that the “facts” they have testified to are not in the fact pattern. Witnesses may not qualify this response in any misleading way. The competition Judge will be instructed to deduct points from the offending team.
- 3) If a grievance is filed regarding an invention of a material fact, the Judge will be contacted. If in the Judge’s opinion the invention of the material fact is not sufficiently remedied by the deduction of points, the National Director reserves the right to take additional action, including and not limited to granting an automatic win to the opposing team. If in the Judge’s opinion the fact was not material or was sufficiently resolved by a point deduction, then the matter will be deemed resolved and no further action will be taken.

C) Continuous, Disruptive and Abusive Objections

- 1) Competing teams are not to abuse their ability to object. If however, a team feels as if the opposing team is abusing their discretion to make objections, then that team is to make an objection themselves and the court will make a determination as to whether the team is making continuous, disruptive and abusive objections. If the court concludes that the team is abusing objections, a deduction of three (3) points shall be given to the team.
- 2) Only if the team continues to abusively disrupt the trial, then the opposing team is permitted to file a grievance.

ARTICLE XI – JUDGES

A) General Rules:

- 1) The National and Regional Directors of CBMMTC will recruit competent competition judges who may either be law professors, judges or justices, or practicing attorneys. Enough competition judges should be recruited so as not to overload any judge with continuous judging.

B) Role of Judges:

- 1) Every mock trial judge shall be absolutely fair and impartial in all evidentiary rulings, in scoring and in all other judging activities. It is the role of the Judge to control all proceedings, to rule on objections and to carry out all other functions of a trial court judge for the mock trial over which he or she presides. The court shall refrain from questioning witnesses or preempting the role of student attorneys. The court in its discretion shall allow only relevant objections and may question counsel concerning objections. In stating a ruling, the court may indicate the reason for the ruling. Judges may not give the same overall score for both teams. **All judges must chose a winning team for the trial in which he/she is presiding.**
- 2) Additionally, the Judge will evaluate the performance of the attorneys in the round. Scoring **should not** be based on the merits or outcome of the case, as it would be judged in an actual trial.

C) Dissemination of Information:

- 1) Judges shall be informed during an orientation meeting of the scoring procedure and given adequate scoring sheets, together with judging criteria. Judges should also be informed as to procedure (i.e., time limits, role of bailiffs, time-keeping, asking questions, etc.) Judges shall be informed during the orientation meeting that judging shall be according to oral advocacy skills, without any consideration as to which team should win on the merits. Judges should also be advised that post-trial discussion between each of them as to which team should win is not recommended. Any discussion should be solely for the purpose of tabulating scores. Personal comments to the teams concerning the trial are encouraged. The comments of Judges are important to law students as they hone their skills. Judges should strive to educate and inform participants as well as seek to give them advice on improving their performance. Judges should be reminded that the same problem will be argued in further rounds and therefore, it is of the utmost importance that they not leave confidential Judging information lying about.

ARTICLE XII – BAILIFFS

A) General Rules:

- 1) The National and/or Regional Directors of CBMMTC are responsible for recruiting Bailiffs. Bailiffs are officers of the court. The Director of CBMMTC is responsible for acquainting all Bailiffs with the rules and scoring procedures. A Bailiff orientation must be held by the Director of CBMMTC to review these rules and procedures prior to the first preliminary round. This orientation should not be held at the same time as the team orientation, though it may be part of the team orientation.

B) Bailiff Duties:

- 1) Starting Trials:
 - a) Bailiffs are responsible for making sure participants and judges are ready to begin the trial.
- 2) Assisting Competition Judges:
 - a) Bailiffs are to assist the Judges when needed, to explain procedure to the Judges, and to assist in the tabulation of scores and submit the score sheets for review.
- 3) Timing Trials:
 - a) Bailiffs are responsible for timekeeping during the trials. The Bailiff will faithfully and truly monitor the time used. The Bailiff shall unobtrusively indicate using cards, to the attorneys/teams and the bench, the amount of time remaining. Before the beginning of each trial, the Bailiff will announce at what interval he or she will show the time-remaining cards.
 - b) Teams may receive time checks at the end of their initial motions, at the end of the prosecution/plaintiff case-in-chief, and at the end of the defense case-in-chief.
- 4) Tabulations:
 - a) Each Bailiff shall keep a written record of the time, using the official timekeeping sheet. The accuracy of the tabulations on the timesheet is the responsibility of the Bailiff and the designated timesheet reviewers. However, the applicable Director of CBMMTC is responsible for ensuring that the score sheets are tabulated before any team is allowed to advance.

C) Communication with Teams:

- 1) Bailiffs may not communicate with participating team members during a round, including breaks.

D) Insufficient Number of Bailiffs:

- 1) Bailiffs are a courtesy extended to all competing teams. In the event that the National/Regional Director is unable to supply enough bailiffs, the National/Regional Specialists are permitted to Bailiff.
- 2) If the Directors are still unable to supply the round with enough bailiffs, then no trial during that respective round shall have a bailiff. The teams will then be required to keep track of their own time and must not exceed the time limit set forth in these Rules. At the conclusion of the trial, each team will be required to share their time log with the competition Judge. If a team exceeds the stated time limit, the competition Judge shall deduct points as set forth in Article XIV(B)).

ARTICLE XIII -- THE TRIAL

- 1) The competition involves the trial of a civil or criminal lawsuit. To the extent that the problem is a criminal trial, all references to plaintiff shall be meant to reference prosecution. The same fact pattern will be provided to all participants for use in both the regional and final competitions.
- 2) The Federal Rules of Evidence (FRE), Federal Rules for Civil Procedure and Federal Rules of Criminal Procedure shall apply. Only these Rules and the law provided in the fact pattern shall be used in trial. Specifically, no statutory or regulatory information may be used, but case law may be argued in motions in limine. However there must be two copies of each case with relevant portions highlighted for both the Judge and opposing counsel. Students may also argue the comments or advisory notes to the FRE. No written briefs or motions, trial notebooks or other written material should be presented to the court. **Motions in limine are allowed.**

A) Introduction of Team Members:

- 1) At the commencement of each trial, the participants shall introduce themselves in the appropriate manner (i.e. John Doe of Team A, Counsel 1), except that his or her law school must not be mentioned before, during or after the trial or during the judges' critiques. Failure to comply with this rule will result in a point penalty or disqualification of the team.

B) Discussion with Judges:

- 1) The only discussion with judges permitted shall be during the critique, which will be conducted by the judges in the presence of the Bailiff and both teams after each trial.

C) Duty of Attorneys:

1) Diligent Preparation:

- a) All Attorneys shall strive with diligence to undertake the study, preparation and practice required to present their clients cases with integrity and competence.

2) Zealous Representation:

- a) Attorneys shall represent their clients zealously, within the bounds of the law. Specifically:
 - b) If the facts of the case can lead to more than one inference or the law can reasonably be interpreted in more than one way, the Attorneys may argue the inferences and conclusions and interpretations most favorable to their clients.
 - c) Attorneys shall refrain from offensive behavior; shall not attempt to circumvent any rule, nor commit any dishonesty, deceit, or misrepresentation, nor engage in any conduct that is unfair or prejudicial to the administration of justice.

3) Person Specific Duties:

- a) Each Attorney shall conduct either an opening or closing statement, and one direct examination and one cross-examination with the option of both a redirect and a re-cross. An Attorney may not give both the opening and closing statement, and handle two direct examinations, or two cross-examinations in a single trial. An Attorney who chooses not to ask one or more questions of a witness on cross-examination will receive a zero for that cross. Only the Attorney handling the examination of a witness may interject and object during the testimony offered by that witness. Attorneys are not prohibited from requesting permission to briefly consult with co-counsel.

D) Motions:

- 1) It is expected that Counsel will use their discretion when deciding what motions are appropriate in accordance with trial practice. To the extent that the facts and the law require the arguing of a motion and or motions and counsel fails to do so, the judges will be instructed to deduct points. To the extent that Counsel argues such motions, points will be awarded. Such motions, as appropriate shall be used to determine a tie as well as to determine the Best Advocate Award (See Article IX Section C).

E) Bench Trial:

- a) This is, in essence, a Bench Trial in that the judge will be determining the final scores; however, teams are permitted to verify with a presiding judge their specific preference for a bench or jury trial.

F) Evidence:

- a) It is expected that Counsel will be thoroughly familiar with the rules of evidence

and be able to demonstrate such familiarity during trial.

G) Duty of Witnesses:

1) Learning and Adhering to the Role:

- a) Each student witness shall faithfully learn and adhere to the role of that witness. All witnesses shall remain faithful to their affidavits. All Witnesses are presumed to be competent. No Witness may testify to a matter unless evidence is first offered to show that the witness has personal knowledge. No witness may deny material facts or the authenticity of documents supplied by the competition. Judges shall deduct points for a witness who engages in egregious fact invention or who is a hostile witness on cross-examination

2) Use of Notes:

- a) **The use of notes during a testimony is forbidden.** However, the Attorney for either side may refresh the recollection of a witness by using procedures outlined in Federal Rules of Evidence, by allowing the witness to review his or her statement or any other appropriate manner. Please note that this should not be used as a crutch for unprepared Witnesses, which will be reflected in the attorney's scores (i.e. the lack of witness preparedness may reflect in the score of the attorney who directed the witness, even during the cross-examination of the witness.)

3) Characterizations:

- a) Witnesses may develop the persona of their character. Any dress, demeanor, and appearance consistent with the character may be used. On occasion, a witness may be asked to portray an elderly person, a person with an injury or a person with a disability. Attempts to convey such characteristics need be in good taste and as understated as possible, so not to distract from the oral testimony of the witnesses.

H) Court Decorum:

- 1) Counsel shall maintain a respectful demeanor at all times. Courtesy toward the court, opposing counsel and witnesses and the law is expected throughout all trials and breaks. Unless directed otherwise by the court, counsel will ask permission to approach the court or a witness or to use an exhibit. In addition, all participants shall be dressed appropriately.

I) Exhibits:

- 1) The use of evidence is limited to that which is provided in the fact pattern. Participants are free to enlarge any diagram, statement, exhibit or portion of the fact pattern, only if exhibits are **exactly identical**. Nothing, including underlined or enlarged fonts, may be altered on the exhibits provided in the competition packet.
- 2) Counsel and witnesses may draw or make simple charts and drawings in court for the purpose of illustrating the direct or cross-examination of trial. They may also be prepared in advance. However, no demonstrative evidence outside given facts may be created for the purpose of this competition.
- 3) Competitors who enlarge any diagram, statement, exhibit, or portion of the fact pattern that is exactly identical or create a demonstrative aid in advance must present the item for the Regional Director, National Directors, or Specialist before the competition. For 2020-2021, all registered teams shall submit pictures of exhibits to be used during competition to the National Director following submission procedures on the CBMMTC webpage. If, at any time, an approved exhibit changes prior to competition, the team shall update the National Director for re-approval within 48 hours of the change.
 - a) A team may not object to the authenticity of an exhibit that has been previously approved by the National Director; however, teams may object to the use or entry of an exhibit into evidence on other evidentiary grounds during trial (i.e. if the proper foundation has not been laid).
 - b) Advocates are encouraged to disclose their exhibits with opposing counsel during team captain meetings prior to the start of the trial. Advocates may present their team letter of approval should any concern arise about authenticity. If during trial, an unapproved demonstrative aid is used, that team shall be subject to a point deduction and/or disqualification.

J) Time Limits:

The time limits for each side are as follows:

- 1) Time Limits Generally:

Note: For the purposes of this competition motions to suppress are to be considered motions in limine.

- a) Each team will have seventy-five (75) minutes to complete its trial, this time includes motions in limine. Motions in limine will not be separately timed, and teams are encouraged to strategically argue their motions within the total trial time limit. The time limit will be strictly enforced, although it is not necessary that all

time allotted be used. There will be no time limits for specific aspects of the trial. Time on motions, direct-examination, and cross-examination is charged against the team conducting the motions argument, direct-examination, and cross-examination.

Should a team go over their allotted time, the penalty will result in a point deduction and possible disqualification. NOTE: The presiding judge and National Director have the discretion to determine if the overlay in time was the result of an external factor not within the competitor's control and adjust the penalty as necessary.

K) Rebuttal:

- 1) The plaintiff's Attorney/Prosecution may reserve up to five (5) minutes of their remaining time for rebuttal. This request must be made **before the closing argument begins**; however, judges have the discretion to allow rebuttal if a request is not made.

L) Objections:

- 1) Objections must be timely, brief, limited to legal basis and application to the specific facts at issue. Competitors must declare that they have an objection and then state the basis, which must be based in the FRE (e.g.: "Objection: Hearsay"). **Time will be stopped for objections** and responses to objections; however, **the initial objection will count against the non-objecting party.**

Example: P1 "Objection – Hearsay" (Time **still running**)
D1 "Your honor this is not hearsay because...." (Time **stops** when non-objecting party begins their argument. Time will remain stopped until a ruling is made)

- a) The presiding judge, in his/her sole discretion, may give a low score to any team that makes excessive objections or uses excessive time to argue or respond to an objection. If a competitor does not state an objection and base it in the Federal Rules of Evidence they may be brought down in scoring at the discretion of the judge and a team may file a grievance against the opposing team if the objections become abusive or disruptive.
- b) Teams should keep in mind the official stop time for all rounds. If a round runs out of time, the National Director may inquire as to the cause of the unfinished round. If the elapsed time is the result of abusive or disruptive objections, the National Director, in his/her sole discretion, may take any action deemed appropriate to remedy the abusive or disruptive behavior.

M) Round Defined:

- 1) A round begins when the Judges enter the room and ends when the Bailiffs conclude

court after closing arguments and the judge’s critiques. For the purposes of these Rules, competitors are not allowed to consult with their coaches, opponents, judges, and bailiffs during the rounds. This includes consultation with respect to prospective grievances.

N) Trial:

Plaintiff/Prosecution -- Opening Statement
 Defendant /Defense-- Opening Statement
 Plaintiff/Prosecution -- Direct examination of witness
 Defendant /Defense-- Cross-examination of witness
 Plaintiff/Prosecution -- Re-Direct examination (if any)
 Defendant/Defense--Re-Cross examination (if any)

Defendant /Defense -- Direct examination of witness
 Plaintiff/Prosecution -- Cross-examination of witness
 Defendant /Defense -- Re-Direct examination (if any)
 Plaintiff/Prosecution -- Re-Cross examination (if any)

Plaintiff/Prosecution -- Closing Argument (reserve time for rebuttal PRIOR to beginning)
 Defendant /Defense -- Closing Argument

Plaintiff/Prosecution -- Rebuttal (reserved before beginning closing argument)

ARTICLE XIV -- PENALTIES

A) National Director’s Authority to Impose Penalties:

- 1) The National Director of CBMMTC, upon consultation with the CBMMTC Regional Directors and the National Specialists, if necessary, may disqualify teams and assess penalties, in accordance with the guidelines enumerated below, as he/she deems necessary and proper.

B) Penalty Points:

<u>Penalty</u>	<u>Minimum Penalty Assessed</u>	<u>Maximum Penalty Assessed</u>
Post-registration substitution of team members without written approval of CBMMTC National	5 points	10 points and possible disqualification

Director		
Lateness to rounds	3 points	10 points
Exceeding 100 minute time limit during trial*		
0-5 minutes	0 points	5 points and possible disqualification
5-10 minutes	5 points	10 points and possible disqualification
10+ minutes	10 point	Automatic disqualification
Revealing school affiliation prior to the final round	0 points	10 points
Inappropriate communication during the trial between team members	3 points	5 points
In appropriate communication during the trial between team members and coaches	5 points	10 points
Article VIII(C)(8) unprofessional behavior	5 points	10 points
Article X(C) continuous, disruptive, and	3 points	5 points

** Each team is strongly encouraged to monitor its own time, even if a Bailiff is present during the trial.*

C) Failure to Submit Letter of Good Standing, Community Service Verification, and BLSA Membership Status:

- 1) Failure to submit a verification form or a letter of good standing from a team's school registrar office or dean AND Community Service Verification AND NBSA Financial Status shall result in automatic disqualification.

D) Confidentiality of Certain Competition Material:

- 1) A team will be disqualified for using any CBMMTC information that is marked CONFIDENTIAL or is obviously confidential based on the content.

E) Other Important Notes:

- 1) The penalties provided herein are all the penalties that are to be levied against a team by Regional Directors. The Regional Directors of CBMMTC may not levy any penalties, not described herein or in the grievance procedures, against a team.

Participants should also note that certain rules have a provision for disqualification, if the particular rule is not followed. Should a team be disqualified for any reason their fees shall be forfeited, regardless of the time that disqualification is levied.

ARTICLE XV -- AWARDS

A) National Competition Awards

- 1) There shall be an award given to the National winning team (the CBMMTC National First Place).
- 2) There shall be an award given to the National second place team (the CBMMTC National Second Place).
- 3) There shall be an award given to the National third place team (The CBMMTC National Third Place)
- 4) There shall be an award given to the National best advocate (advocate with the highest score) and the 1st and 2nd runners up, as determined in the preliminary round (the National Best Advocate) and only the first two preliminary rounds at the national level.

B) Regional Competition Awards

- 1) There shall be an award given to the Regional winning team (the CBMMTC [region's name] Regional First Place).
- 2) There shall be an award given to each Regional second place team (the CBMMTC [region's name] Regional Second Place).
- 3) There shall be an award given to each Regional third place team (the CBMMTC [region's name] Regional Third Place)
- 4) There shall be an award given to the Regional best advocate (advocate with the highest score), as determined in the preliminary rounds (the CBMMTC [region's name] Regional Best Advocate).

ARTICLE XVI -- NATIONAL COMPETITION

Unless expressly enumerated, all of the rules contained herein apply at all levels of the CBMMTC competition.

ARTICLE XVII -- INTERPRETATION OF RULES

A) Official Interpretations:

- 1) All official interpretations of these rules are the National Directors' responsibility. Requests for official interpretations of these rules shall be submitted in writing to the National Directors of CBMMTC.
- 2) Teams are responsible for abiding by all of the rules herein. Teams may be subject to penalty or disqualification for not abiding by the rules. Teams may not rely on judges, bailiffs, Regional Specialist, Regional Director, or any other party for interpretation of these rules.

B) Submission of Requests:

- 1) Teams may submit anonymous requests for interpretation or the settlement of grievances without disclosing the names of the teams, participants or other parties involved. Submissions should be emailed to mocktrial@nblsa.org.

C) Answers:

- 1) All answers to questions will be posted as expediently as possible on the NBLSA CBMMTC homepage so that all participants may benefit from official interpretations and inconsistent interpretations among participants may be avoided.

D) Questions, Comments and Concerns:

- 1) All questions, comments and concerns regarding the 2018-2019 CBMMTC shall be directed to the National Director of CBMMTC. The following contact information is provided:

Mock Trial Director mocktrial@nblsa.org

ARTICLE XVIII -- PROCEDURES

A) Supreme Court's Rule 29 Inapplicable:

- 1) Rule 29 of the United States Supreme Court rules shall not apply.

B) Regional Supplemental Rules:

- 1) Regional Directors of CBMMTC shall not make any supplemental rules or interpretations of the rules that are in conflict (as defined herein) with these rules, nor shall any supplemental rules be imposed that in any manner changes the substance or procedure of the competition. However, the Regional Director of CBMMTC, after receiving the written approval of the National Directors of CBMMTC, may make additional rules necessary to conduct the Regional rounds, provided that such rule is not repugnant to or inconsistent with the National rules provided that all Regional teams are given full and timely notice.

- 2) For the purpose of this **Article XVII (C)**, the term “conflict” means any change in the substance of procedure of the competition, rules or referenced rule.

C) Integration of Disseminated Information:

- 1) For the purposes of these Rules, any substantive or administrative information provided by the National Director that is disseminated to all teams, either via email or via posting on the NBLSA CBMMTC webpage shall be considered incorporated into these rules.

D) Resemblance to Actual Events or Individuals:

- 1) The persons and events depicted in this problem are in part fictional and based on actual events, solely for the educational exercise being conducted by the NBLSA.

The National Mock Trial Director reserves the right to alter, delete, or change the rules as necessary.