

**SUPPLEMENT TO ISBA HIGH SCHOOL MOCK TRIAL
RULES & PROCEDURES HANDBOOK**
(Revised 3/2021)

PLEASE NOTE: The Mock Trial Rules & Procedures Handbook (Handbook) has not been revised to address the virtual nature of the 2021 ISBA High School Mock Trial Invitational. This Supplement is intended to be read together with the Handbook and to address logistics, rules, and procedures regarding the virtual format.

To the extent a rule or procedure in this Supplement conflicts with something in the Handbook, this Supplement will control.

Because the details of the 2021 Invitational are still being planned, this Supplement is subject to revision and clarification prior to the event. Teams are responsible for checking the ISBA Mock Trial webpage for the posting of revisions.

SUPPLEMENTAL RULES, PROCEDURES & GUIDELINES

A. **RULES OF EVIDENCE:** The ISBA High School Mock Trial Invitational has adopted the National Mock Trial Rules of Evidence as its Mock Trial Rules of Evidence. These Rules are located at the end of the Handbook and apply to the 2021 Virtual Invitational.

B. **LAW TEST:** There will not be a Law Test component at the 2021 Mock Trial Invitational. Part A, Section V of the Handbook is stricken and any other references to the Law Test should be disregarded.

C. **REGIONALS/SCRIMMAGES** (*This section supersedes the Handbook, page 5, Section IV(A) to the extent that it is inconsistent*): For the 2021 Invitational, teams will not be required to participate in a regional trial competition or scrimmage with another school, but it is **strongly** recommended that teams do so, if possible.

Although the ISBA is not affiliated with other programs, it welcomes the submission of information about regional competitions and scrimmages and will post any information received on its Mock Trial webpage to assist teams in finding opportunities.

All teams will be **required** to, at minimum, participate in at least one scrimmage between the teams' own members using the ISBA Mock Trial Problem and the Zoom platform prior to attending the Invitational. Coaches will be required to verify that their team has done this as part of the registration process. It is highly recommended that an

attorney or judge evaluate this scrimmage. See the Registration Materials for more details.

D. TEAM ROSTERS

1. Updated Official Team Rosters (*this section will supersede the Handbook, page 8, section VII (G) and page 11, section XII (A) to the extent that it is inconsistent*): Any updates to the Official Team Roster must be made no later than 30 minutes before the first trial rounds of the Invitational beginning on March 12, 2021 (not 30 minutes before each team's first trial). Changes after that time will not be permitted. Teams will be provided with a schedule of possible time slots for each day once one is finalized.
2. Team Trial Roster Distribution (*this section will supersede the Handbook, page 11, Section XII (B) to the extent that it is inconsistent*): The ISBA will be using PROcess software to administer this event. Teams must still fill out a trial roster for the judges/jurors during the event. Teams will not distribute the trial roster to the judges/jurors in a particular round. Trial rosters and the order of witnesses will be submitted in advance through PROcess, as will be explained prior to the event.

E. SCHEDULING & FORMAT OF TRIAL ROUNDS:

1. Schedule (*this section supersedes the Handbook, pages 8 - 9, section VIII in its entirety to the extent that it is inconsistent*): Regular trial rounds will be held via Zoom on **Friday, March 12, 2021** and **Saturday, March 13, 2021**. Each team will be randomly paired with another team and will act as the Prosecution on one day and Defense on the other day. Teams will receive information prior to the Invitational about the schedule of rounds and team pairings.

The final round consisting of the top eight teams will be held via Zoom on **Sunday, March 14, 2021**.

Closing Ceremony: The announcement of the top eight teams will occur on **Saturday, March 13, 2021** after all trial rounds have concluded, during a closing ceremony via Zoom. The Zoom link will be provided to teams before the event and may be shared with families and friends of the team's members.

Regular trial rounds will be scheduled throughout the day on March 12 and March 13, 2021, starting at 9:30 am and ending at approximately 5:00 pm each day. Teams should be aware that they could be scheduled for trial each day within this time frame. Teams have been provided this schedule. **Teams MUST log into the PROcess software 45 minutes to one hour before their scheduled trial round.**

Any team that has not previously participated in a competition using PROcess must attend a PROcess “tech check” session prior to the Invitational. These tech checks will be scheduled prior to the event and should last 20 to 25 minutes per team.

2. Special Requests (*this section supersedes the Handbook, page 7, section VI (A) to the extent that it is inconsistent*): If a team has a special request for the virtual mock trials, they may fill out the online special requests form in the Registration Materials. Due to the increased complexity in planning a virtual event, special requests must be accompanied by a legitimate reason to be considered. Whether a stated reason qualifies as legitimate will be in the discretion of the Coordinator and LRE Committee. Examples of a legitimate request might include a previously scheduled engagement for a coach or member of a team that makes them unavailable for a trial round. Examples of requests that would not qualify might include a request for a later time slot so students can sleep in.

Should any team require an accommodation due to a disability, please notify the Coordinator so that accommodations can be made.

3. Platform: Participants will use Zoom as the online platform. **Each team will have a team page on PROcess and will receive further information about how to set up their page and log in on for the event. Teams will be placed into their Zoom courtrooms through the PROcess software.**
4. Names of Participants: Each participating member of a team should have their name visible on Zoom via the following format:
Attorney: P or D - First & Last Name - Attorney
Ex.: P - Perry Mason - Attorney

Witness: P or D - First & Last Name - **Name of Witness (Wit.)**
Ex.: D - Alex Beck - **Dr. Zhivago (Wit.)**

Timekeeper: P or D – First & Last Name – Timekeeper

Ex.: D – John Deere – Timekeeper

Coach: Coach & First & Last Name - Team

Ex.: Coach Lester Nessman – West Lincoln H.S.

Judge: Judge & First & Last Name

Ex.: Judge Ruth B. Ginsberg

Bailiff: First & Last Name - Bailiff

Ex.: Andy Taylor – Bailiff

Alternate: P or D – First & Last Name – Alternate

Ex.: P - Henry Smith – Alternate

[P will designate Prosecution and D will designate Defense.]

5. Format: Teams and coaches have the option to meet as a team together, in small groups, or separately, as best and most safely works for each team and complies with the school’s pandemic policies and pandemic health regulations/orders. However, teams that choose to meet in groups should be prepared to participate separately if team members are at any point not able to meet as a group.

Each student/team must have access to a laptop, desktop, tablet or smartphone with a camera and microphone capable of running the Zoom software. All devices should be stabilized in some way during use.

Teams may not use fewer than one device per presenter (i.e. trying to show an attorney and witness in one room with one camera and microphone). If more than one student is using a device, they must take turns sitting at the device, so that the device always features the currently presenting (or objecting) student. Before the participants present, they must update the name visible on Zoom according to the format described in Section 3. In any configuration, each separate device must be in a separate room, to minimize feedback and echoes.

Attorneys, witnesses, and timekeepers may stand or sit during trials, so long as their face is always visible in the camera during their presentation and they can be heard clearly over their microphone. Teams will not be

penalized for standing or sitting. Students in any of these roles should remain in the same position (whether sitting or standing) to the conclusion of their role. Witnesses should be seated at a distance from the computer or other device that would prevent them from touching the computer or other device during the examination.

Bailiffs (called Blue Shirts in PROcess) will be in each trial to ensure that all team members listed on a team's roster are present, as well as the judge and all jurors. The bailiff will also be responsible for notifying the Coordinator or an LRE member if there are technical problems during the trial that cannot be resolved during the round.

All participants will be required to have a neutral background. Distracting backgrounds (real or artificial) will not be permitted.

6. Beginning the Trial: Lead counsel from each team should designate herself/himself as "lead counsel" by using the Zoom Chat feature. The bailiff will then introduce the case. The Judge will then have the option to introduce herself/himself. Lead counsel from the Prosecution will introduce the members of her/his team and the team's coach. Lead counsel from the Defense will introduce the members of her/his team and the team's coach. The Judge will then read the introductory paragraph provided by the ISBA and direct the trial to begin. The Judge and jurors will score the participants via an online form in the PROcess software.
7. Ending the Trial: At the end of closing arguments, the Judge will make a short statement announcing the conclusion of the trial. Once the Judge and jurors have completed their scoring, the Judge and jurors will give brief verbal feedback. Per ISBA policy, teams will not receive their scores.
8. Dispute Resolution and Rule Violations (*this rule supersedes the Handbook, pages 10 -11, Section XI to the extent that it is inconsistent*): If a team believes that a violation of the Mock Trial Rules has occurred, and the concern may be addressed during the trial, as set forth in the Handbook or this Supplement, Lead Counsel for either side should request a sidebar with the judge. During any discussions with the judge and/or LRE members, only the Lead Counsel for each side may unmute their microphone and address the violation. The judge/LRE committee members may request to be placed into a breakout room with the judge, LRE member, and lead counsel for both sides. At no time may coaches raise a rule violation during

a trial round. The decision of the judge or LRE member will be final as to the rule violation during a trial round.

If a concern about a rule violation is to be made after the trial round, the coach shall send an email to the Coordinator at il.hs.mocktrial@gmail.com with the following subject line: **Team A vs. Team B - Possible Rule Violation**. In the body of the email, the coach shall provide the following information:

1. Their team's name
2. The opposing team's name
3. The coach's phone number
4. The name of the opposing team's coach (if known)
5. A description of the alleged rule violation.

If the Coordinator receives an email concerning a concern about a rules violation, either the Coordinator or a member of the LRE Committee will contact the coach to discuss the matter further.

9. Camera Usage: During introductions, all participants' webcams shall be turned on. After introductions, only the judge, the presenting attorney, the witness being examined, and opposing counsel for that part of the trial shall have their webcams on.

All non-participants should keep their video off and remain muted during the trial, with the exception that timekeepers may turn on their cameras to show timecards (see below). Jurors shall have their videos on during introductions, opening statements and closing arguments and feedback at the end of trial, but turn their videos off for the rest of the trial.

After announcing the case, the bailiff should turn their video off unless there is an emergency, as described below, until the feedback session.

All alternates **and coaches** shall keep their video off unless they need to participate due to a technical issue, as outlined below.

When a participant's video is turned off, only the participant's name and designations should be displayed. Participants should not have profile pictures, logos or designs displayed when their video is off.

10. Microphone Usage: During introductions, lead counsel for each team should unmute herself/himself and introduce all members of the team and the coach(es).

During the trial, all microphones should be muted except the judge, the presenting attorney, the witness being examined, and the timekeepers, if there is a request for a time check. The opposing counsel's microphone shall remain muted, unless and until they raise an objection. It is suggested that judges mute themselves during opening statements and closing arguments to reduce background noise.

Bailiffs may unmute themselves to announce the case, to address any technical problems that may occur during the trial, to answer any questions from the judge, and at the end of the trial.

All alternates shall keep their microphones muted unless they need to participate due to a technical issue, as outlined below.

11. Timekeepers: Each timekeeper shall accurately monitor the time elapsed for both teams. Timekeepers should show timecards to their teammates throughout the course of the trial.

Timekeepers for opposing teams shall work together to ensure accurate timekeeping and minimize interruptions due to errors in timekeeping. Timekeepers should work together via the Zoom private Chat feature.

Timekeepers shall periodically turn on their video to display their timecards. Timekeepers shall keep their video off during a speech or examination given by the opposing team. If time expires during a speech or examination, timekeepers shall turn their video only to display a sign or card that says: "**Time Has Expired.**" Timekeepers should wait at least 30 seconds before unmuting and saying "**I apologize for the interruption, Your Honor. Time has expired.**"

If the judge calls for a break due to a technical problem, timekeepers should keep their video off. The judge shall provide a time limit for the break/recess. Once the break has expired, both timekeepers shall turn on their video to announce that time has expired. In any trial, each timekeeper shall keep their microphone muted unless verbally informing the court that time has expired.

Timekeepers may use their own timekeeping devices during the virtual event; however, if a timekeeper uses a cell phone clock function to keep time, they may not use the cell phone any other purpose. The ISBA will not provide stopwatches this year. *(This paragraph will supersede the Handbook, page 10, Sections X (C) and (G) to the extent that it is inconsistent.)*

Timekeepers should use the time-keeping sheet located on page 33 of the Handbook. Timekeepers do not need to provide the timesheet to the judge unless there is a dispute as to time and the time sheets will not be provided to the jurors after the trial. Judges may inquire as to whether any team has gone over time.

12. Technical Problems During Trial: As with any new technology, technical problems may occur during trial rounds. Judges should ask the bailiff to notify the Tab Officer or other appropriate administrator of any technical problems.

The clock will stop for connection issues, at the request of anyone in a speaking position, an LRE member, or the Judge. The judge has authority to call a recess at any point during the trial to address technical issues.

During a trial, if a team member who is actively participating loses video functionality but is still able to communicate verbally, the team member should continue with their case without video and will not be penalized for the absence of video. Team members who lose internet connection shall rejoin the trial using a telephonic connection, if possible.

If a team member who is actively participating loses their microphone or drops off the Zoom call, there will be a reasonable time limit to allow them to resolve the issue or get back on. If the judge determines that the technical difficulty cannot be resolved within that time limit, then the trial will continue with another member of the team substituting for the impacted team member as an alternate. The alternate must be on the Official Team Roster and should inform the Judge of their name and that they are substituting for the impacted team member.

If the original team member resolves their technical difficulty after the alternate begins to participate, the original team member should remain

muted and allow the alternate to complete that role. If the original team member has another role (for example, cross-examining a subsequent witness) the original team member should resume participation at that point, if their technical issue is resolved.

In the event of a substitution of an alternate, the presentation will be scored based on the performance by the initial team member and the alternate, taken as a whole.

In the event of a loss of connection for a timekeeper, that team shall defer to its opponent's timekeeper for the remainder of the trial.

The bailiff will assist with the resolution of technical problems and communicate with the LRE Committee members, PROcess staff, and/or Mock Trial Coordinator about any technical problems and advise the Coordinator if an alternate is used during a trial.

If a technical emergency prevents an entire team from completing in part or all of a round, the judge shall declare a recess of up to 15 minutes (total per trial) to allow that team to reconnect, either via video or by connecting on audio-only via telephone. If reconnection is impossible, the following rules shall apply.

If the direct and cross examinations of all four witnesses have been completed by both sides, then the team that lost connection shall receive a score of zero for their closing arguments. The team that maintains their connection shall be allowed to present their closing arguments and shall be scored by the judge/jurors based on their presentation.

If not all of the witness examinations have been completed as described above, then a forfeit shall be declared in favor of the team that maintains its connection and that team will receive a "bye."

The team forfeiting the round shall receive scores of zero for all of the remaining parts of the trial. The "bye" team shall be awarded the average number of points achieved by all teams participating in that particular trial time slot.

No student or team may feign technical difficulty or invoke the technical difficulty rule for any purposes other than a genuine technical difficulty.

13. Observers/Viewing Other Trials (*this section supersedes the Handbook, pages 12 - 13, Sections XV and XVI to the extent that those sections are inconsistent*): Only the judge, jurors, bailiff, team members and coaches for each team will be allowed to attend the Zoom trial rounds. Team members include any students listed on the Official Team Roster. Unfortunately, observers (such as family and friends) will not be allowed to attend the trial rounds this year.

14. Recording: The ISBA will record the regular and final trial rounds and the links to the recordings will be provided to the coach named on the registration form for each team to the email address provided on the registration form. **Coaches may share these recordings with families and friends of team members.**

Only the ISBA may record trial rounds. No team member or coach may use the “record” option on Zoom or otherwise photograph, film, or make an audio recording of trial rounds. Any violation of this recording policy may result in penalties including removal of a team member from the event, forfeiture of the round, or a team being barred from participation in the next year’s Invitational, at the discretion of the Coordinator and LRE Committee.

15. Communication During Trials: Coaches may not communicate with their team members during trials, other than in the case of an emergency to address the emergency. In that event, the coach or a team member should tell the Judge that there is an emergency and that there will be a communication between a team member and coach. In the case of an emergency, the communication between a coach and a team member may NOT involve questions or discussions specific to the case or the attorney/witness’s presentation of the case.

16. Use of Chat function: Team members participating as attorneys may use the private Zoom Chat feature to communicate about trial strategy during direct or cross-examination and not for any other purpose.

Timekeepers may use the public Zoom Chat feature to give time notifications, as set forth in the Timekeepers section.

Bailiffs shall use the private Zoom Chat feature to share the scoring links with the Judge and jurors at the end of the trial.

Coaches may not use the chat function at any time during the trial, other than in the case of an emergency, as described above.

These are the only permissible uses of the Zoom Chat feature during trials. Coaches and team members will be held to follow the honor system during the online Invitational. The Zoom host will be able to review private Zoom Chats at the end of the trials and any impermissible use of the Chat function may subject teams, team members, or coaches to penalties up to and including being barred from future Invitationals, at the discretion of the LRE Committee and Mock Trial Coordinator.

17. Use of texting, phone calls, or other similar means: Cell phones or other electronic devices may not be used by anyone participating in a trial (other than if a participant is using their smartphone Zoom app to participate in the program) unless there is a technical problem or emergency as determined by the Judge and use of that device is needed to address the technical problem or emergency. Timekeepers may use a cell phone for timing purposes, as described in the Timekeepers section above.
18. Objections: Due to the difficulty posed with people talking at the same time on Zoom, objections will be handled in the following manner:

Attorneys who wish to object should state "Objection, Your Honor" to indicate that they have an objection, then wait to be acknowledged by the Judge and asked to explain the reason for the objection. It is suggested that the attorney may also hold up a sign or card that says "**Objection**" to give the judge a visual cue of the objection.

If an attorney states that they have an objection, the witness or opposing attorney (whomever was talking) shall stop talking and wait for the Judge to handle the objection.

The judge will allow the attorney to explain their objection and allow the opposing attorney to respond, then make a ruling, as with the handling of objections in the in-person Invitational. Attorneys must wait to be addressed by the judge to respond to or make argument on an objection. At no time may the attorneys speak over each other.

19. Exhibits & Affidavits: All exhibits available for use in the Invitational are located at the end of the Mock Trial Problem.

Prior to a trial round, each team is required to ensure that its attorneys and witnesses have a copy of all exhibits so that the copies may be referenced during the trials. Judges and jurors will also have copies of the exhibits.

Displaying Exhibits During Trial:

Teams may use one of two methods to display exhibits during trial. Judges and jurors will be instructed that teams may not be penalized in scoring for using one method or the other.

Non-Screen Share Method: The attorney should tell the judge that the attorney wishes to use a certain exhibit and the judge will look at the judge's copy of the exhibit as the exhibit is presented by the attorney. All exhibits are presumed to have been shown to opposing counsel.

If an exhibit is admitted into evidence, the judge will direct the jurors that they may now look at the exhibit, which will serve the purpose of "publishing" the exhibit to the jury. If the exhibit is not admitted into evidence, the jurors will not be directed to look at the exhibit.

Screen-Share Method: Teams may use the screen share function on Zoom to share exhibits during trial. If an attorney wishes to display an exhibit using the screen share function, the attorney must first seek the judge's permission and shall not do so until the judge grants the permission. The screen share function will be on for all participants during the trials. Teams may choose any member of their team to be responsible for screen sharing exhibits, based on what works best for that team, provided that the student is on the team's Official Team Roster. Coaches may not be responsible for screen sharing.

All other rules pertaining to exhibits contained in the Handbook shall apply.

In addition, teams should ensure that each of its witnesses has a copy of their affidavit so that the attorney can point the witness to their affidavit if the attorney wishes to reference it for some reason during the trial. Witnesses should place these documents face down at least an arm's length

from where they are sitting and may not retrieve or refer to them unless instructed to do so by counsel.

If an attorney wishes to direct a witness to a certain part of an exhibit, the attorney may use verbal directions and may, if necessary, hold up a paper copy of the exhibit and indicate to which area on the exhibit the attorney would like the witness to look.

Witnesses may ask for clarification to ensure that they are looking at the correct part of the exhibit or line of their affidavit, but they may not pretend confusion regarding an exhibit or their affidavit as a delaying tactic.