

# Rules of Procedure



## Chapter 1: Introduction & Registration

Definitions, Expectations & Registration

### Rule 1.1 - Applicability

These rules apply to the Empire Mock Trial (“Empire”) Spring League competitions, which consist of the Sapphire and Premier Leagues. In the event of a conflict between these rules and any other materials published or made available by Empire, these rules shall take precedence, *unless* Empire-published materials expressly state that they contradict these rules and that the contradiction is intentional.

### Rule 1.2 - Definitions

Unless given a different meaning in a particular rule, the following words and phrases shall have the following meaning:

1. **Affiliated Competition Attendee** means any person attending an Empire competition, for the purpose of participating in or supporting a specific team. This includes, but is not limited to, students, coaches, chaperones, parents, observers, and friends.
2. **Competition** refers an Empire-hosted mock trial event and associated activities.
3. **Competition staff** includes, but is not limited to, the Board of Directors, Program Coordinators, Director of Competition Operations, Tab Officers, Executive Director, Blue Shirts, and other key Empire staff, who will be introduced to competition participants at the Opening Ceremony and/or Coaches’ Meeting.
  - a. A **Blue Shirt** is an Empire volunteer who aids the organization during the Empire Competition and who has authority to enforce Empire rules.
  - b. A **Tab Officer** is an individual responsible for interpreting and enforcing Empire rules at a given Competition.
  - c. The **Empire Leadership Team** includes the Executive Director, the Director of Competition Operations, and Program Coordinators, and is ultimately responsible for the supervision of staff and the running of the competition.
4. **Empirion** is the fictitious state where Empire trials take place.
5. The **Empire Evidence Ordinance (EEO)** refers to the recognized objections in the State of Empirion. It is comprised of the Rules of Form and Rules of Evidence.
6. **Exam** is the shortened form of “examination”, used in the context of “direct exam” or “cross exam” (shortened from “direct examination” and “cross examination”, respectively).
7. A **Participant** is a competing student, non-competing rostered student, and any member of the coaching staff for a participating team.
  - a. A **Competing student** is a student serving as an attorney, witness, timekeeper, or non-testifying party representative seated at the counsel table in a particular trial.
  - b. A **Non-competing student** is a rostered student not taking part in a specific trial round. For example, a student who only portrays the role of a Plaintiff witness on her team is a “non-competing student” during Defense rounds. Similarly, a Plaintiff witness who is not called in a particular Plaintiff round is a “non-competing student” in that round.
8. A team's **Primary Contact** is a person, over the age of 18, that is responsible for registering an eligible mock trial team, which includes, but is not limited to, communicating with Empire on behalf of the mock trial team and submitting payments. A competing student may not serve as their team's Primary Contact, even if the student is over the age of 18.
9. A **Round** means a group of trials scheduled to occur at the same time.
10. **Rules of Procedure** refers to these rules, which govern all trial procedures in the State of Empirion.

11. The **Tabulation Manual** outlines the procedures for scoring student performance, pairing trials, assigning Guest Witnesses to trials, determining final award winners, and the handling of rule violations of any kind.
12. **School** refers to an eligible school as defined by Rule 2.1 of the Registration Policy.
13. **Team** refers to a group of eligible students who constitute a roster for an Empire competition.
14. A **Trial** is a single competitive match between two teams. A trial begins when the trial judges enter the trial room. A trial ends when the final closing argument is completed.
15. A **Judge** means an individual responsible for evaluating and/or scoring the performance of students during a trial, either as a presider or a juror.
16. A **Witness Statement** is an affidavit, report, transcript or other document provided by Empire that serves as the basis for witness testimony at trial.
17. **PROcess** is the digital competition management software that Empire uses to coordinate its mock trial competitions: judges' scores are entered into the PROcess, which then determines a team's record and subsequent trial opponent based on those scores.

### **Rule 1.3 - The Empire Way**

Empire strives to create a competition atmosphere that is inclusive, loving and educational. We expect all participants to help the organization achieve this goal by treating fellow participants in the manner prescribed below: the Empire Way.

1. **INCLUSIVE.** We welcome all participants regardless of race, color, religion, gender, sex, sexual orientation, gender identity, national origin, age, disability, ancestry, genetic information, marital status, parental status, active military or veteran status, or any other category protected by federal or local law.
2. **LOVING.** We treat all participants in a loving, courteous and respectful way regardless of whether they are an "opponent" in trial or a judge that just issued an unfavorable ruling; this rule has no exception. We emphasize that zealous advocacy does not mean being rude to our opponents during trial; we should refrain from interrupting other competitors at all costs.
3. **EDUCATIONAL.** We understand that success at the competition is not our primary goal: learning is. Accordingly, we are receptive to articles that Empire publishes about the fact pattern; remarks delivered by Opening Ceremony speakers; and feedback given by judges during the comment period.

### **Rule 1.4 - Interpretation and Enforcement**

The Rules of Procedure are designed to provide structure for Empire competitions, maximize learning, introduce the procedures of law to the participants, and to foster professional collegiality in all Empire competitions. Interpretations of the rules should be guided by American legal traditions and common sense. Arguing for hyper-technical interpretations of the rules, especially when designed to embarrass others, is to be avoided. The legal tradition of "harmless error" will apply: when no harm is suffered, there is no error.

Interpretation and enforcement of these rules during a competition<sup>1</sup> shall be made by the Empire Tab Officers, under the direction of the Director of Competition Operations.<sup>2</sup>

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<sup>1</sup> When possible, concerns and questions regarding these rules should be brought to Empire's attention prior to the competition so that they can be resolved in advance.

<sup>2</sup> Blue Shirts are empowered to receive complaints and connect participants with a Tab Officer; however, a Blue Shirt or other competition volunteer does not have authority to act on a complaint alone.

## **Rule 1.5 - Competition Format**

Empire competitions feature four preliminary rounds of competition, in which every school competes twice as the Plaintiff and twice as the Defense, followed by a set of single-elimination playoffs (“Playoffs”).

1. **FINALS - SAPPHIRE LEAGUE.** In the Sapphire League, at the conclusion of the four preliminary rounds, the two (2) highest-ranked teams will advance to the Playoffs.
2. **FINALS - PREMIER LEAGUE.** At the conclusion of the four preliminary rounds, six (6) of the top-ranked teams will advance to the Playoffs.
  - a. **Finals Structure.** The playoff will consist of three (3) rounds. In each round, teams will face each other as prescribed by the Tabulation Manual (see Rule T8.4). The winning team from each trial in each round will advance to the next round. The team which wins the final trial in the third round will be declared the winner of the competition.
  - b. **Finals Eligibility.** The process for selecting the teams which advance to the finals is specified in Rule T8.1.3 of the Tabulation Manual.

## **Chapter 2: Creating Your Roster**

Submission, Attorneys, Witnesses, Timekeepers, Bye-Buster

### **Rule 2.1 - Submission of Roster**

Each team shall submit its roster electronically through PROcess. All rosters must comply with the student eligibility requirements as defined in the Registration Policy, as well as the rules outlined in this chapter.

1. **INITIAL SUBMISSION.** A team’s primary contact shall verify their team’s roster before submitting it electronically.
2. **ONGOING UPDATES.** A team’s primary contact may continue to make updates to the team roster after its initial submission.
3. **DOUBLE CHECK.** A team’s primary contact shall verify their team’s roster at their team check-in, which takes place at the competition. This shall constitute a final submission of a team's roster, which cannot be modified except as permitted by Rule 2.2.

### **Rule 2.2 - Substitutions in Case of Illness or Technological Malfunction**

1. **GENERAL RULE.** If a participant becomes too ill to compete, or if a student suffers an unresolvable technological malfunction, the affected team may use a permissible substitute. If no permissible substitute is available, or the team chooses not use a permissible substitute, the affected role(s) will receive a score of 0, and the trial will proceed, pursuant to the Tabulation Manual and the direction of the Tab Officers.
2. **PERMISSIBLE SUBSTITUTES DEFINED.** Permissible substitutes are defined as follows. While the order of these options provides guidance on precedence, Tab Officers are empowered to select the option that, in their judgment, provides the best resolution for a given scenario.
  - a. Other students on the roster of the affected team who are not competing in that trial;
  - b. Other students from the same school as the affected team, who are not on the roster of the team but who have experience with the case;
  - c. A student on the roster of the opponent’s team who is not already competing in that trial;
  - d. Any student on the roster of any team competing in the competition but not in that particular round;

### Rule 2.3 - Attorneys

Each team shall field three attorneys on each side of the case, portrayed by three separate students. The same student may serve as an attorney on the Plaintiff and the Defense. Roles are assigned in accordance with the following requirements:

1. **SPEECHES.** An attorney may deliver a maximum of one speech in a given trial. A speech is defined as the opening statement or closing argument.
2. **EXAMINATIONS.** Each attorney shall conduct one direct exam and one cross exam.
3. **VISUAL REPRESENTATION.** Rule 2.3.1-2.3.2 is depicted below:

THREE ATTORNEYS		
Student 1	Student 2	Student 3
Opening Statement Direct Exam Cross Exam	Direct Exam Cross Exam	Closing Argument Direct Exam Cross Exam

### Rule 2.4 - Witnesses

1. **WITNESS SELECTION.** Each team must call three witnesses at each trial.
  - a. **Special Instructions.** Empire case materials will provide teams Special Instructions and at least three witness statements on each side of the case. The Special Instructions will provide teams with directions, explaining which witnesses they may and/or must call.
  - b. **Trial Call Order.** Teams may call their three witnesses in any order they choose, subject to the following requirements:
    - i. The case special instructions may specify the order in which witnesses must be called, and/or whether certain witnesses are required to be called. Teams must comply with these instructions if included.
2. **TRIAL TESTIMONY.**
  - a. **Examinations.** Each witness is required to undergo a direct and cross exam.
  - b. **Persona.** Witnesses may costume, use accents, or otherwise develop their character as long as their testimony is compliant with Rule 5.6.
  - c. **Ethical Responsibility.** All witnesses must remain faithful to their affidavits, reports, and any exhibits or other documents with which the witness is familiar. Unless otherwise specified in the case materials, all witnesses must acknowledge being able to see, hear, and perform all acts described in the case materials at the time of the events in question.

### Rule 2.5 - Omitted

### Rule 2.6 - Timekeepers

1. **GENERAL REQUIREMENTS.** Each team is required to provide a rostered student to serve as a timekeeper in every trial (on both sides of the case). The timekeeper will not be scored.
  - a. **Additional Rostered Student.** It is advisable to have a seventh rostered student serve as the timekeeper in a designated round.
  - b. **Witnesses Rotate Responsibility.** Should a team only have six rostered students, non-testifying witnesses should rotate serving as the timekeeper.

## 2. DUTIES.

- a. **Keeping time.** Each timekeeper shall accurately monitor the time elapsed for both teams, using the Timekeeper Resource Guide for their respective Empire competition. Timekeepers should show time cards to their teammates throughout the course of the trial.
- b. **Collaborating.** Timekeepers for opposing teams shall work together to ensure accurate timekeeping and minimize interruptions of the trial due to errors in timekeeping.
- c. **Additional Duties.** In addition to the above responsibilities, the following additional duties apply to timekeepers at Spring League competitions.
  - i. Timekeepers are responsible for displaying the exhibits and demonstratives that their own team intends to use. See Rule 5.7.
  - ii. Timekeepers shall use the Zoom screen-sharing feature to share their screen, and display the exhibit or demonstrative that their team intends to use.
  - iii. In lieu of physically annotating exhibits or demonstratives, a timekeeper may use the on-screen annotation feature of Zoom (if applicable) to annotate electronic exhibits or demonstratives, subject to the limitations of Rule 5.7.5.c.

## 3. PROCEDURES.

- a. Timekeeping procedure and Empire customs are outlined in the most recent Timekeeping Resource Guide (TRG). Where the TRG includes information not contained herein, the TRG is binding.
- b. Each timekeeper should bring two stopwatches or similar devices to record time. Smartphones and other internet-accessible devices may not be used.
- c. Each timekeeper shall keep a written record of the time, using the official Empire timekeeping sheet.
- d. The completed timekeeping sheet need not be returned to the tab room unless a timekeeping dispute is raised.
- e. Each must bring “time remaining” cards for the timekeepers to display simultaneously to the Court. They can either create their own timecards or use Empire-provided cards, located in the TRG. At the conclusion of each examination, each timekeeper should verify the amount of time remaining for the relevant team, and inform the Court if requested.
  - i. Each timekeeper will additionally inform their fellow timekeeper, via the Virtual Courtroom’s chat functionality, of the amount of time which they believe remains.

## Rule 2.7 - Party Representatives

A team may have a rostered student sit at counsel table and serve as a party representative, where the case materials permit.

1. **ELIGIBILITY.** The case materials will denote the which witnesses or other individuals may act as the party representative for each side. Only these individuals may purport to be party representatives for the purpose of this rule.
2. **COMMUNICATION.** This student may communicate with their teammates during the trial.
3. **PARTICIPATION.** Except where the party representative is called as a witness, non-testifying party representatives may not otherwise participate in the trial. This includes presenting speeches, conducting examinations, arguing objections, and otherwise assisting attorneys, other than by communicating with them at the bench.
4. **ADDITIONAL STUDENT.** Except in situations where the party representative is testifying as a witness for the team, the party representative may serve as an eighth competing student for a team in a given trial, alongside three attorneys; three witnesses; and one timekeeper.

5. **NOT SCORED.** In situations where the party representative is testifying as a witness for the team, their performance as a witness will be scored as usual. The party representative will not receive any further scores or comments.

### **Rule 2.8 - Roster for a Bye-Buster Team**

Should a competition not have an even number of teams, Empire will create a bye-buster team.

1. **COMPOSITION.** The bye-buster team consists of students from different mock trial teams participating at the given competition. Empire will obtain a list of students that are interested in participating, either before the competition or prior to the start of the affected trial round.
2. **ELIGIBILITY.** Any high school student who is attending an Empire competition is eligible to participate on a bye-buster team regardless of whether they are on a team's roster. Students may participate on one or both sides of the case, depending upon their interest and availability.
3. **PREFERENCE GIVEN TO ALTERNATES/NON-COMPETING STUDENTS.** As Empire promotes inclusivity, the organization will first seek to draft students for the bye-buster team who are not scheduled to participate in the competition.
4. **ASSISTANCE OF AN EMPIRE STAFF MEMBER.** Empire will provide a representative to select students for the team, assign roles, and prepare material for the trial.
5. **ROSTER FLEXIBILITY FOR BYE-BUSTER TEAMS.** If necessary, subject to the approval of the Empire representative designated above, the roster for a bye-buster team may contravene one or more of the restrictions on students portraying certain attorney or witness roles.
6. **SHORTAGE OF STUDENTS FOR BYE-BUSTER TEAM.** Should Empire not receive a sufficient number of student volunteers, a Tab Officer will randomly select a team that has more than six students on its roster to provide a student for the bye-buster team. Empire will follow this procedure until it fills the bye-buster team's roster.
  - a. **Refusal to Assist.** Should a school refuse to supply personnel for a bye-buster team upon request of a Tab Officer without just cause, the team will receive a penalty pursuant to the Tabulation Manual.
7. **DUTY NOT TO DISCLOSE SCHOOL AFFILIATION.** All students who serve on a bye-buster team are prohibited from disclosing their school affiliation to any judge before, during, or after the round in which they serve on the bye-buster team.
8. **TEAM AWARD ELIGIBILITY.** Bye-buster teams are ineligible to receive team awards<sup>3</sup>.
9. **INDIVIDUAL AWARD ELIGIBILITY.** Students who volunteer to serve on a bye-buster team are eligible for individual awards based upon bye-buster team participation. Such participation is tracked separately to, and is considered distinct from, the student's performance on their own team.

## **Chapter 3: Order of Operations**

Sequence of Events, Team Introduction, Timing of Events

### **Rule 3.1 - Sequence of Events**

All trials shall proceed in the order outlined below:

1. **PRE-ROUND.** At the time published on the schedule, a team must login to PROcess and complete the steps outlined below.

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<sup>3</sup> A bye-buster team may be informally recognized for its final placement or performance.

- a. **Enter Courtroom.** Click on the “Join Courtroom” button. All of the actions that follow shall be facilitated by a Blue Shirt.
- b. **Team Introduction.** At the Team Introduction, one adult coach and the team captain is responsible for the following tasks:
  - i. **Verbal call order.** Announce witness call order, as per instructions in the case materials.
  - ii. **Demonstratives.** Share a demonstrative that includes any altered case material or any material not provided by Empire, as defined by Rules 5.7.3.b & 5.7.3.c., with the opposing team's coach or captain(s).
    1. **Method of Sharing - Electronic.** An electronic exhibit may be shared with an opposing team via screen share.
  - iii. **Witness Call Order Form.** Log back into PROcess and enter witness character names, call order, and applicable gender pronoun if the Guest Witness chooses to provide one. The information provided must be consistent with that provided to a team’s opponent during the verbal call order, and may not be altered after submission.
  - iv. **Team Lineup Form (TLF).** Submit a chronological list of each trial component and the student performing the corresponding speech or examination. A team may only complete their TLF after their opponent has completed their Witness Call Order Form.
2. **PRE-TRIAL ORAL ARGUMENT (OMITTED).** Spring League competitions do not contain a Pre-Trial Oral Argument.
3. **PRELIMINARY MATTERS.** At this time, teams may briefly introduce themselves (“make appearances”); offer courtesy copies of case statutes, stipulations, pre-trial orders, the EEO, or other case materials for judicial reference; and ask the judge’s preference on courtroom etiquette and procedure. Teams are not permitted to present judges with any materials not contained in the case packet which includes, but is not limited to, a team produced roster form or table of contents.
4. **OPENING STATEMENTS.** Both Plaintiff and Defense opening statements must occur at the beginning of the trial portion, with the Plaintiff team going first. The Defense team may not reserve its opening statement until the beginning of its case-in-chief.
5. **PLAINTIFF CASE-IN-CHIEF.** The Plaintiff team shall conduct the direct exams of its three witnesses, with the Defense team conducting its three cross exams of the Plaintiff witnesses. Subject to the restrictions on time, and the scope requirements of Rule 5.3, there is no limit on the number of re-directs or re-crosses that a team may conduct. No Plaintiff witness may be re-called or deferred until during or after the Defense case-in-chief.
6. **BREAK.** At the discretion of the judge and the request of the participants, teams may take a recess between the Plaintiff case-in-chief and the Defense case-in-chief.
7. **DEFENSE CASE-IN-CHIEF.** The Defense team shall conduct the direct exams of its three witnesses, with the Plaintiff team conducting its three cross exams of the Defense witnesses. Subject to the restrictions on time, and the scope requirements of Rule 5.3, there is no limit on the number of re-directs or re-crosses that a team may conduct. No Defense witness may be called prior to the conclusion of the Plaintiff case-in-chief.
8. **BREAK.** At the discretion of the judge and the request of the participants, teams may take a very brief recess between the Defense case-in-chief and the closing arguments.
9. **CLOSING ARGUMENTS.** Both the Plaintiff and Defense closing arguments must occur at the end of the trial, with the Plaintiff team going first. The Plaintiff team (only) may use up to five minutes for rebuttal if they have sufficient time remaining. The Plaintiff need not ask to reserve time, and does not waive its right to rebuttal by failing to expressly reserve time.
10. **VERBAL FEEDBACK.** Each judge will have up to 5 minutes to offer verbal feedback to the teams.
11. **TRIAL RESULT.** The jury will not issue a verdict. No judge will announce who ‘won’ their scorecard.



### Rule 3.2 - Omitted

### Rule 3.3 - Omitted

### Rule 3.4 - Time Limits

Time limits for all trials shall be strictly observed.

1. **PRE-TRIAL ORAL ARGUMENT (OMITTED).** Spring League competitions do not contain a Pre-Trial Oral Argument.
2. **CASE PRESENTATION LIMIT.** A team has fifty-five minutes to present their entire case, which includes an Opening Statement, three Direct Exams, three Cross Exams, and a Closing Argument. Teams can allocate time between components as they see fit.
3. **BREAKS.**
  - a. **Case-in-Chief Break.** Teams may request a break not exceeding five minutes between the Plaintiff case-in-chief and the Defense case-in-chief. This regulation does not require a break to be taken; teams may ask that the break be shorter than five minutes, or that the break be skipped completely, where they are concerned about violating Rule 3.5.
  - b. **Pre-Closing Break.** Teams may request a break not exceeding five minutes immediately prior to the first closing argument. This regulation does not require a break to be taken; teams may ask that the break be shorter than five minutes, or that the break be skipped completely, where they are concerned about violating Rule 3.5.
4. **TEAM FEEDBACK.** At the conclusion of the trial, judges will provide no more than five minutes of feedback (per judge) to students<sup>4</sup>.
5. **TIMED AND UNTIMED ACTIVITIES.**
  - a. **Timed.** The following aspects count towards a team's case presentation limit:
    - i. Opening Statements;
    - ii. Direct/Re-direct Exams (including the introduction of exhibits);
    - iii. Cross/Re-cross Exams (including the introduction of exhibits);
    - iv. Closing Arguments.
  - b. **Untimed.** The following aspects do not count towards teams' case presentation limits: breaks, preliminary matters, calling and dismissing witnesses, and objections. If the Presider grants permission to set up a demonstrative aid prior to starting a direct or cross exam, such set-up shall not be timed.
    - i. Although these aspects do not count against the fifty-five minutes allotted to each team for their trial presentation, they are counted against the trial's all-stop time limit.
6. **READING DEPOSITIONS OR EXHIBITS.** Should a team wish to read aloud for the jury a deposition, exhibit (or part of any exhibit) or stipulation, any such reading must be deducted from the team's time to present arguments and evidence. This rule addresses only issues of timing, not issues of admissibility.

### Rule 3.5 - All-Stop

1. **ROUND DEFINED.** A round's official start time is defined as the point when the last judging panel arrives at their room, and the Tab Officers provide the "all-clear" to begin. A trial is deemed complete at the conclusion of closing arguments (including rebuttal).

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<sup>4</sup> For example, if a round features 3 judges, each judge providing 5 minutes of feedback results in 15 minutes of total feedback.

2. **GENERAL.** Trials are to be completed within the all-stop time limit, defined as three hours from the official start time<sup>5</sup>. Any activity conducted after the official start time shall count towards the overall time limit, including, but not limited to, trial presentations, arguing of objections, and recesses.
3. **TEAM RESPONSIBILITY.** It is the responsibility of teams to ensure that their trial concludes prior to the all-stop limit.
4. **REQUEST FOR TAB ROOM ASSISTANCE.** If a team believes that a trial is running significantly behind schedule because of the manner in which a judge is conducting the trial, or due to the actions of one team, a team should alert a Blue Shirt. The Blue Shirt will then notify a Tab Officer, who may then intervene subject to their discretion and the provisions outlined in this rule.
5. **REMEDY.** Where trials are in danger of exceeding the all-stop limit, time will be deducted from both teams such that the trial will be completed by the all-stop limit. Each team will have the same amount of time deducted from their case presentation unless, after consultation with the judges, Blue Shirts and teams, a Tab Officer concludes that one team is at greater fault for the rule violation than the other.
  - a. **Reporting Requirement.** When requesting tab room assistance, teams must identify the cause of the delay.
  - b. **Objections.** A Tab Officer may deduct time from one of the two competing teams if, after consulting with the judges, Blue Shirt and teams, it is concluded that the team's violation of Rule 3.5.2 is the result of that team objecting excessively; however, Tab Officers will not grant extensions of time, or otherwise intervene, where the sole source of delay is both competing teams objecting excessively.

## Chapter 4: Case Materials & Demonstratives

Final Version, Closed Universe, Authenticity, Demonstratives

### Rule 4.1 - Accessibility on Team Dashboard; Final Case Versions

1. **TEAM DASHBOARD.** Teams must obtain all case materials and updates on the Empire Team Dashboard.
2. **FINAL VERSIONS.** Unless expressly stated otherwise in the case packet, all of the exhibits contained in the case packet constitute the final or most recent version of the document in question. No attorney or witness may assert anything to the contrary.

### Rule 4.2 - "Closed Universe"; External Documents Prohibited

The case materials provided by Empire are the only materials that may serve as the source of evidence or legal authority during trial. No other legal, scientific, or educational resources or authorities may be referenced during the trial rounds. While demonstratives are permitted, by definition, they may never be entered into evidence. See Rule 5.7.2.

### Rule 4.3 - Authenticity of Documents

1. **WITNESSES MAY NOT DENY KNOWLEDGE OR AUTHENTICITY.** If a witness's statement or report indicates that the witness is familiar with a document, the witness may not deny familiarity with, or the authenticity of, the document during trial.
2. **THIS RULE DOES NOT SUPPLANT EEO 602.** Teams are required to meet the foundational elements of EEO 602.

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<sup>5</sup> For the purpose of clarity, the term "all-stop limit" is a term used to refer to both the 3 hour limit, and the time by which trials must conclude.

3. **REMEDY AT TRIAL.** This rule should not be referenced at trial as a stipulation. Should the witness deny knowledge of the affidavit or other document, the crossing attorney should impeach. If the witness continues to deny knowledge, the crossing attorney should reference this particular rule and ask the judge to instruct the witness to admit to the authenticity of the document.

#### **Rule 4.4 - Signatures**

1. **WITNESS STATEMENTS.** All witness statements shall be treated as sworn to and signed by the witness. All witness statements are assumed to have been reviewed by each witness immediately prior to trial. Each witness is assumed to have affirmed that no changes to the affidavit are necessary.
2. **OTHER DOCUMENTS WITH SIGNATURE BLOCKS.** Each document with a signature block has been signed unless expressly stated otherwise by the case problem. No attorney or witness may assert that a document with a signature block has not been signed by the individual who is purported to have signed the document in the case materials. This does not relieve the party offering the document from its obligation to establish authenticity.

## **Chapter 5: The Trial**

Attorneys, Witnesses, General Rules

#### **Rule 5.1 - Manner of Examination**

Participants should address a jury if there is a jury present and address the bench if there is no jury. Unless directed otherwise by the judge, counsel will ask permission to approach the judge or a witness, or to use an exhibit or demonstrative aid. At all times, counsel shall maintain a respectful demeanor.

#### **Rule 5.2 - Objections**

Objections are subject to the following limitations:

1. **PERMITTED DURING EXAMINATIONS.** Objections are permitted only during the exams of witnesses.
2. **PROHIBITED DURING SPEECHES.** Objections are not permitted during any speech.
3. **WHO MAY OBJECT.** Only the attorney who conducts the direct or cross exam of the testifying witness may argue or respond to objections during the questioning or testimony of a witness.
4. **HOW OBJECTIONS SHOULD BE MADE.** All objections shall be conducted in open court. With the exception of an Empire Online competition following an Empire YOU format, all attorneys should stand when raising an objection, if physically able to do so, and address only the Presider during all objections. Side bars are strictly prohibited.
5. **SCOPE.** The only objections that may be made are listed in the Recognized Objections section of the EEO.
  - a. **Unfair Extrapolation.** An attorney may not object that a witness's testimony is not contained in the case materials. Unlike some jurisdictions, Empirion does not permit "unfair extrapolation" or "invention of fact" objections.

#### **Rule 5.3 - Scope of Cross, Re-direct and Re-cross Exams**

1. **SCOPE OF INITIAL CROSS EXAM.** The scope of the initial cross exam is not limited to matters raised in the initial direct exam.
2. **SCOPE OF RE-DIRECT AND RE-CROSS EXAMS.** The scope of each re-examination is limited to matters raised in the immediately preceding exam.

3. **NUMBER OF RE-DIRECT AND RE-CROSS EXAMS.** An unlimited number of re-direct and re-cross exams are permitted, subject only to subsection 2 of this rule and the team's all-stop time limit.

#### **Rule 5.4 - Motions**

1. **GENERAL.** No motions are permitted except for the following:
  - a. A motion to strike a witness's testimony;
  - b. A motion to constructively exclude witnesses as per EEO 615;
  - c. Tendering a witness as an expert as per EEO 702.
2. **EFFICIENT HANDLING OF MOTIONS.**
  - a. **Motion to Strike.** To save time, a motion to strike excluded evidence shall automatically be interpreted as both a motion to strike and a request to admonish the jury to disregard the stricken evidence.
  - b. **Limiting Instruction.** Attorneys may request limiting instructions when testimony or evidence is admitted on limited grounds.

#### **Rule 5.5 - Voir Dire**

1. **DEFINED.** A voir dire is a question or series of questions, posed by a cross-examiner, that challenges the competency of an expert witness to testify in Court. Voir dire is permitted in courts in Empirion.
2. **PROHIBITED QUESTIONING.** Inquiry as to the quality of the expert's work in the given case is not an appropriate subject for voir dire; it should be dealt with on cross exam.
3. **WHEN TO VOIR DIRE.** A request to voir dire should be made at the point in which the direct examining attorney seeks to tender the witness as an expert in a particular field. Where a directing attorney fails to request that the witness be admitted as an expert, the cross-examiner may request a voir dire at the point in which the expert seeks to offer a conclusion.
4. **REMEDY FOR IMPROPER VOIR DIRE.** If a cross-examiner violates Section 1 or 2 of this rule, an improper voir dire objection may be raised pursuant to EEO 012.

#### **Rule 5.6 - Scope of Permissible Testimony**

Witness testimony is appropriate in the following cases:

1. **DIRECTLY STATED.** It comes directly from the affidavit<sup>6</sup>;
2. **REASONABLY INFERRED.** It is reasonably inferred<sup>7</sup> from the affidavit;
3. **IMMATERIAL BACKGROUND.** It is not based in the affidavit but constitutes immaterial<sup>8</sup> background information provided for the purpose of enhancing the witness's portrayal;
4. **RESPONSIVENESS ON CROSS.** It is not based in the affidavit nor is it reasonably inferred, but the witness provided a responsive answer to a question on cross exam that sought a fact not contained in their affidavit<sup>9</sup>.
5. **REMEDIES FOR MATERIAL INVENTION OF FACT.** The only remedy a team may pursue for a material invention of fact is to impeach a witness on cross exam.<sup>10</sup> Two types of impeachments may be conducted:

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<sup>6</sup> For the purposes of this rule, an "affidavit" includes not only a witness's sworn statement, but also any document in which the witness has stated her beliefs, knowledge, opinions or conclusions (such as a deposition or report), or any document with which the witness claims familiarity.

<sup>7</sup> A reasonable inference must be a conclusion that a reasonable person would draw from a particular fact or set of facts contained in the affidavit.

<sup>8</sup> Facts are "material" if they affect the merits of the case. Facts are "immaterial" if they merely provide background information or develop the character of a witness. One test to assess materiality is whether the facts at issue could reasonably be expected to be included in the party's closing argument.

<sup>9</sup> It is not advisable for a witness to fabricate a material fact as the cross-examiner can conduct an impeachment by omission and damage the witness's credibility.

<sup>10</sup> See the Trial Guide for a demonstration.

- a. **Impeachment by Contradiction.** The attorney illustrates an instance in which a witness introduced testimony that contradicts their affidavit (on direct, cross, re-direct or re-cross);
- b. **Impeachment by Omission.** The attorney illustrates an instance in which a witness on direct or re-direct exam testified to a material fact not included in their affidavit.

## **Rule 5.7 - Exhibits & Demonstratives**

The use and admission of exhibits is subject to the following rules:

1. **DEFINITION - EXHIBITS.** An exhibit is any document, photograph, object, animation, or multimedia file that is formally introduced into evidence by an attorney at trial. An exhibit may be published to the jury, so that they may consider the evidence during their (constructive) deliberations.
  - a. **Closed Universe.** An exhibit may not be entered into evidence if it is not included in Empire's case materials.
2. **DEFINITION - DEMONSTRATIVES.** A demonstrative is any document, photograph, object, animation, or multimedia file that is not formally introduced into evidence, but rather is used for illustrative purposes. Consequently, a demonstrative may only be displayed or provided to the jury/judge during the time in which it is being referenced, and may not be in the jury's possession during their (constructive) deliberations.
3. **WHAT MAY BE PRESENTED.**
  - a. **Unaltered case materials (exhibits).** Any material provided by Empire, as part of its case, that is not altered in anyway.
  - b. **Altered case materials (demonstratives).** Any material provided by Empire, as part of its case, that is combined or altered to create a demonstrative.
  - c. **Anything not provided by Empire (demonstratives).** A demonstrative that does not introduce material facts that a team would not be able to introduce through witness testimony or Empire-provided documents. See Rule 5.6. It cannot purport to depict a particular person, place, or thing, unless the representation is drawn directly from the case materials
4. **WHEN TO PRESENT.** An exhibit or demonstrative may be presented during a speech or examination, subject to the Empirion Evidence Ordinance.
5. **HOW TO PRESENT.**
  - a. **Method of Presentation.** A team may present an exhibit or demonstrative using the screen share feature of its courtroom's Zoom meeting room.
    - i. Omitted.
    - ii. Timekeepers are required to control the presentation of electronic exhibits and demonstratives at Empire Online competitions.
  - b. **Fairness.** A team must allow their opponent to use an exhibit or demonstrative that it presents at trial, in the same manner that it chooses to, subject to the following conditions:
    - i. A team cannot use their opposing team's exhibit or demonstrative until the opposing team introduces it at trial.
    - ii. A team must share an electronic demonstrative with their opponent before trial.
    - iii. The receiving team must permanently destroy the demonstrative at the conclusion of trial.
    - iv. Teams are permitted to annotate a demonstrative during trial. If a team annotates their own demonstrative, then their opposing team is also permitted to do so. The opposing team is not permitted to remove any markings made by the introducing team, nor are they permitted to permanently deface the demonstrative.
  - c. **Demonstrative Pre-Approval.** A team may seek prior approval by emailing their demonstrative, or a picture of their demonstrative, to [admin@empiremocktrial.org](mailto:admin@empiremocktrial.org). The email should also include

the context in which the demonstrative is being used at trial.

### Rule 5.8 - Omitted

### Rule 5.9 - Team Identification

Prior to and during trial rounds, participants shall identify themselves to judges only by assigned team key. Clothing and other materials visible to the judges during a trial shall not identify any school. After judge scores have been submitted, both teams may identify their school affiliations to the judges.

1. **OBSERVERS.** Non-competing students, coaches, family members, and other supporters must also take care not to wear clothing or bring items to trial that can identify the school.

### Rule 5.10 - Communication During a Round

1. **GENERAL RULE.** For the duration of a trial, each student competing in the trial may communicate only with the following:
  - a. Students competing *in that trial* for either team;
    - i. *Omitted.*
  - b. Each party's timekeepers;
  - c. Each party's non-testifying party representative;
  - d. Judges and tournament officials; and
  - e. Coaches, for the purpose of seeking assistance from tournament staff. See subsection 2 of this rule.
2. **IMPERMISSIBLE COMMUNICATIONS.** Competing students are not allowed to communicate with non-competing teammates, coaches, parents, friends, supporters, or other observers for the duration of a trial.
  - a. **Exception for seeking staff assistance.** If a competing student wishes to seek assistance from a member of tournament staff, and there is no Empire staff member present in the virtual courtroom, competing students are permitted to initiate a one-way communication with their coaches to seek assistance from tournament staff.
    - i. In making such a request, students may ask their coaches to request assistance from Empire staff, and may briefly outline the nature of the request for the coach to include in their message.
    - ii. Upon hearing a request from a student, coaches should contact their courtroom's Blue Shirt Lead (or the tab room) via Slack, and relay the request to them.
    - iii. Coaches may acknowledge the student's request (for example, by acknowledging a text message or indicating to the student that they have received the request), but are prohibited from otherwise communicating with their students.
3. **BURDEN ON STUDENT.** If, during a trial, a person not falling in one of the categories listed in subsection 1 attempts to communicate with a competing student, then it is the duty of the competing student to terminate the communication.
4. **TECH MALFUNCTION EXCEPTION.** A competing student may communicate with their mock trial coach if they suffer a technological malfunction at an Empire Online competition, and the competing student's communication is for the limited purpose of remedying the malfunction. See Rule 7.6.
  - a. **Scope.** Once the competing student regains entry into their courtroom, their communication with their coach must cease.

- b. **Applicability.** This exception is applicable to any competing student that suffers a technological malfunction.

### **Rule 5.11 - Trial Accessibility**

Empire will publish its rules for watching Spring League trials at a later date.

### **Rule 5.12 - Scouting**

Scouting is prohibited. Any scouting complaint lodged against a team will be investigated thoroughly and, if found to be true, could impact the team's admission to a future Empire competition.

1. **DEFINED.** Scouting is defined as the act of a person watching a trial, involving two teams in which they are not affiliated, for the purpose of obtaining information to use against one of the observed teams in a future trial.

### **Rule 5.13 - Judging Trials**

1. **TERMINOLOGY.** Each trial is presided over by a presiding judge (also referred to as a "presider") and is observed by, at least, one scoring juror (also referred to as a "juror"). Together, these volunteers are referred to as judges.
2. **QUALIFICATIONS.** A judge may be a law student, practicing lawyer, sitting judge, and/or an individual well-versed in mock trial. Empire will classify judges on a scale of 1 to 5, based on their legal and mock trial experience (with 1 being the lowest level of experience, and 5 being the highest).
3. **SCORECARDS.** All evaluators assigned to a trial are required to submit a ballot (also referred to as a "scorecard") via PROcess, unless the judge is unable or strongly unwilling to do so. Any dispensation to not submit a scorecard can be given by the Tab Room only.
4. **SCORE TABULATION.** Every trial at an Empire competition is required to have the same number of scorecards count toward the record of the competing teams. For example, if there are two judges in courtroom A and three judges in courtroom B, Empire is required to count the same number of scorecards in each trial for tabulation purposes. In cases where the number of judges assigned to a particular trial(s) is not the same, like in the example provided, PROcess will automatically exclude the ballot(s) of the lowest-ranked judge(s) in the trial.
  - a. The decision to drop ballot(s) is made entirely by PROcess; no judge or member of Empire staff is involved in making this determination.
  - b. PROcess does not consider the result of individual ballots when determining which ballots to exclude. The decision to drop ballots is taken before the final results for each ballot are computed.
  - c. In circumstances where a judge is unable to complete entering a ballot (for example, due to a technical malfunction or other issue which caused them to miss parts of the trial), or in other circumstances which warrant removal of an evaluator's ballot (as provided for in these rules), a Tab Officer will intervene to exclude the affected evaluator's ballot. If the number of active ballots still exceeds the number of ballots which are deemed to count from the round, PROcess will select further ballots to exclude.

## Chapter 6: Rule Violations

Definitions, Classes of Rule Violations, Time-Sensitive Rule Violations

### Rule 6.1 - Definitions: Classes of Rule Violations

1. **APPLICABLE RULES.** “Applicable rule” means any rule in the Empire Rules of Procedure, Empire Tabulation Manual.
2. **VIOLATION.** “Violation” means any instance where an affiliated participant of a team participating in an Empire Competition violates an applicable rule.
3. **CLASSES OF RULE VIOLATIONS.**
  - a. During a trial;
  - b. At a competition and outside of trial;
  - c. Outside of a competition.
4. **PENALTIES.** Penalties for rule violations are outlined in Chapter T3 of the Tabulation Manual.

### Rule 6.2 - Rule Violations During a Trial

1. **WHO MAY REPORT A VIOLATION.** Violations may only be reported by a student or coach of one of the teams competing in the trial where the alleged violation occurs. No other individuals may report an in-trial violation.
2. **WHO MAY RECEIVE A REPORT.** A team may not interrupt a trial to raise a rule violation unless it is defined by Rule 6.2.8. All other rule violations must be reported directly to a Blue Shirt, Blue Shirt Lead, or to a Tab Officer.
3. **REPORTING REQUIREMENTS.** Where a team believes that a rule violation has occurred, if they wish to report the violation or wish to seek clarification on whether a specific practice constitutes a rule violation, they must quote the exact rule that they believe is being violated<sup>11</sup>. Tab Officers will decline to investigate a violation if a specific rule is not cited<sup>12</sup>.
4. **OPPORTUNITY TO BE HEARD.** The Tab Officers need not consult with both teams before denying a request for redress. However, before imposing any penalties or taking other actions, the Tab Officers must give both teams an opportunity to be heard. If a Tab Officer requests that a team coach or captain meet with the Tab Officer to discuss the reported violation, and that team refuses the Tab Officer’s request, that team waives the opportunity to be heard.
5. **DECISION-MAKING AUTHORITY.** While violations may be reported to Blue Shirts and competition staff, Tab Officers are solely responsible for determining whether a rule violation has occurred and what, if any, accompanying penalties should be levied.
6. **COMMUNICATION.** A team may not consult their coach or otherwise violate Rule 5.10.
7. **REPORTING: NON-TIME-SENSITIVE RULE VIOLATIONS.**
  - a. **When to Make a Report.** A violation that occurs during a trial shall be reported as soon as practicable. If possible, it shall be reported no later than the first break in the trial after the violation occurs or is discovered.
8. **REPORTING: TIME-SENSITIVE RULE VIOLATIONS.** Where a “time-sensitive” violation of the Rule of Procedures is discovered<sup>13</sup>, a student competitor may ask the judge for permission to report the issue to the Empire staff member assigned to their courtroom.

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<sup>11</sup> For example, inquiring whether a specific practice “is a violation of the communication Rule”, or “is a violation of Rule 5.9” is a correct method of reporting. Simply inquiring if something is a “rule violation” is insufficient.

<sup>12</sup> The intent of this rule is not to discourage teams from reporting violations; rather, it is to create a more efficient process for handling violations, and additionally to discourage teams ‘fishing’ for complaints (i.e. spuriously reporting actions without first considering if the practice actually violates a rule).

<sup>13</sup> Examples include the following: a team raises an objection during the middle of a speech, a team claims that an Empire-provided case document is not authentic, a team has the same attorney object to multiple directs or crosses. This is not an exhaustive list.



- a. **Defined.** The following rules from the Rules of Procedure are considered to be time-sensitive:
  - i. Rule 2.3 (Attorney Roles);
  - ii. Rule 2.4.1 (Witness Selection);
  - iii. Rule 3.1 (Sequence of Events);
  - iv. Rule 4.1 (Case Versions);
  - v. Rule 4.2 (Closed Universe);
  - vi. Rule 4.3 (Authenticity of Documents);
  - vii. Rule 4.4 (Signatures);
  - viii. Rule 5.2 (Objections);
  - ix. Rule 5.3 (Scope of Cross, Re-direct and Re-cross Exams);
  - x. Rule 5.7 (Exhibits & Demonstratives);
  - xi. Rule 7.4 (Setup & Presentation);
  - xii. Rule 7.6 (Technological Malfunctions)
- b. **Reporting Procedure.** To report a time-sensitive rule violation, an attorney competing in the round in which the violation occurred should raise an objection under EEO 013, explaining that they believe a time-sensitive violation has occurred and that an Empire staff member should intervene.
  - i. **Reporting Discouraged.** A team shall only raise a time-sensitive rule violation where they feel, with certainty, that a violation has occurred and that said violation would materially impact the remainder of the examination or speech if not immediately rectified. A team that objects under EEO 013 risks facing a penalty under this section should their complaint be deemed invalid.
- c. **Reporting Requirements.** The reporting requirements defined in Rule 6.2.3 apply to time-sensitive rule violations.
- d. **Trial Hold.** If a team intends to report a time-sensitive rule violation, the trial will be placed on hold (i.e. stopped) until a Tab Officer rules on the violation.
- e. **Presider does not issue ruling.** Judges are not empowered to make rulings concerning a time-sensitive rule violation; they act only as the means by which a team may seek permission to report the violation to the tab room.
- f. **Penalty for unsuccessful report.** If a Tab Officer determines that a reported time-sensitive matter does not constitute a rule violation, or if the issue reported as a time-sensitive violation is not a time-sensitive violation (irrespective of whether it is a rule violation at all), the reporting team will be penalized with a time deduction from their case presentation time.
  - i. A minimum of 5 minutes will be deducted as a penalty. Additional time may be deducted where the unsuccessful report causes a trial to be placed on hold for more than 5 minutes.

### **Rule 6.3 - Rule Violations at a Competition and Outside a Trial**

1. **WHO MAY REPORT A VIOLATION.** Any participant per Rule 1.2.7.
2. **WHO MAY RECEIVE A REPORT.** Violations may only be brought to the Tab Officers. No one else, including judges, tournament staff, Program Coordinators or the Executive Director, may receive a report of an alleged rule violation.
3. **APPROPRIATE ISSUES TO REPORT.** Any violations of the rules. Such rules may include, but are not limited to, damage to property, disparaging comments, violations of ethics or etiquette. Serious breaches of the letter and spirit of Empire rules and policies should be raised, but affiliated participants shall avoid making a report for very minor infractions.
4. **WHEN TO MAKE A REPORT.** A violation that occurs out-of-trial including, but not limited to, at a ceremony or social event, shall be reported as soon as practicable.

5. **HOW TO MAKE A REPORT.** The affiliated participant should lodge a complaint with an Empire staff member via Empire’s Slack workspace.
  - a. **Discovery of Violation After Competition.** When a party discovers after a Competition that an egregious rule violation occurred during an Empire Competition, it should be reported by emailing Empire at [admin@empiremocktrial.org](mailto:admin@empiremocktrial.org).
6. **DECISION-MAKING AUTHORITY.** While violations may be reported to Blue Shirts and competition staff, Tab Officers are solely responsible for determining whether a rule violation has occurred and what, if any, accompanying penalties should be levied.
7. **HOW THE TAB OFFICER(S) WILL RESPOND TO A REPORT.** As per Rule T4.2 of the Tabulation Manual.

## **Rule 6.4 - Complaints for Judge Misconduct**

1. **PURPOSE AND APPLICABILITY.**
  - a. **Providing an in-trial remedy.** This rule is designed to provide teams with an avenue to remedy judicial conduct during a trial that is both a violation of these rules and significantly detrimental to the students’ educational and competitive experiences. The narrow class of rules in which remedy may be sought is defined below. Once the round’s ballots have been submitted, a team waives its right to seek a remedy under this rule.
  - b. **Not a feedback mechanism.** This rule shall not be construed as permission for a team to seek future penalties against a judge once a trial is over. Empire has a separate judge feedback system where teams may comment on the quality of their judges, including their demeanor, congeniality, helpfulness, knowledge and overall ability to conduct a trial. Empire takes this feedback extremely seriously and will act accordingly based on it.
  - c. **Harmless Error.** Teams shall only report a violation where the judicial conduct is prohibited by Rule T3.5.4 and where the team believes that it is causing significant harm to its educational and competitive experiences. Teams shall not report innocuous rule violations.
2. **WHO MAY REPORT A VIOLATION.** Violations may only be reported by a student or coach competing in the trial where the alleged violation occurs. No other individuals may lodge an in-trial judge complaint.
3. **WHO MAY RECEIVE A REPORT.** Violations may only be brought to the Tab Officers, not to anyone else, including the Leadership Team or other Empire staff. An Empire staff member may help communicate the request to the Tab Officer.
4. **JUDICIAL OFFENSES.** Empire will receive complaints about a person serving as a judge or juror in the following instances only:
  - a. The Presider repeatedly raises objections on their own, separate from those raised by the student attorneys (*sua sponte*);
  - b. The Presider repeatedly questions the witnesses during the trial;
  - c. A judge has made a comment toward a competitor before or during a trial that is harmful, offensive, or otherwise contrary to Rule 1.3 of the Rules of Procedure;
  - d. The Evaluators have demonstrated outrageous disrespect for the Court by failing to remain alert. Such in-trial behavior includes, but is not limited to, sleeping or the use of a cell phone during the trial proceedings.
5. **WHEN TO MAKE A REPORT.** A violation shall be reported as soon as practicable. If possible, it shall be reported no later than the first break in the trial after the violation occurs or is discovered, and preferably sooner.
  - a. **Scope of Rule.** Violations may not be reported once the ballots have been submitted, as the Tab Officers cannot remedy any in-trial issues at that point.
6. **HOW TO MAKE A REPORT.** The student or coach should lodge a complaint with an Empire staff member via Empire’s Slack workspace.

7. **HOW THE TABULATION DIRECTOR(S) WILL RESPOND TO A REPORT.** Where Empire believes that a rule violation is worth investigating, the Tab Officers or their designees will obtain information necessary in order to make a decision, including but not limited to, observing the trial and interviewing affiliated participants from both teams.
8. **REMEDIES FOR JUDGE VIOLATIONS.** The available remedies are limited to:
  - a. Verbal admonition;
  - b. Removal from consideration as a judge at the current and/or future Competitions;
  - c. Removal of the offending judge's ballot from the scores for the round. In this instance, the other judges' ballots will be averaged to provide the teams' scores.

## Chapter 7: Technical Requirements

### Setup, Recording & Streaming Trials

#### Rule 7.1 - Introduction

Given the evolution of online mock trial over the past 4 years, Empire is no longer prescribing requirements for how to present in virtual court in Empirion. However, the organization is still providing teams with best practices for presenting on screen together (i.e. Empire ONE) or separately (i.e. Empire YOU), and leaving it up to teams to present how they see fit.

#### Rule 7.2 - Technology Platform

1. **PLATFORM.** All Empire Online trials will be hosted on the video-conference platform Zoom, with each trial taking place in its own Zoom meeting room.<sup>14</sup>
2. **ACCESSING TRIALS.** All teams can access their Zoom meeting room links via their team's PROcess account.

#### Rule 7.3 - Technical Requirements

When presenting or testifying at an Empire Online competition, teams must abide by the rules outlined below:

1. **COMPETITION DEVICE.** Each team must connect to their Zoom meeting room via a laptop, desktop computer, or tablet that meets Zoom's system requirements, which are outlined on [Zoom's website](#).
  - a. **Exception.** A student may be permitted to use a cell phone to connect to their Zoom meeting room platform, where extraordinary circumstances arise that prevent them from complying with this section, and they receive permission from Empire Mock Trial to do so.
2. **INTERNET CONNECTION.** Each competing student must connect to the platform using a wired or wireless internet connection, the strength and speed of which meets Zoom's system requirements.
3. **WEBCAMS.** Webcams are not provided by Empire. Competing students' webcams must meet Zoom system requirements.

#### Rule 7.4 - Setup & Presentation

1. **PERMISSIBLE USE OF WEBCAM.**
  - a. During initial appearances, all participants' webcams shall be turned on.

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<sup>14</sup> While all trials will occur on the same platform, Empire may, at its discretion, announce the use of other platforms to facilitate other parts of the competition (for example, a separate platform for social events).

- b. After introductions, only the student(s) presenting, the presenter's timekeeper, and their opponent for that part of the trial shall turn their webcams on.
    - a. A team's timekeeper may choose to keep their webcam off, unless asked a question by the presiding judge.
  - c. An opposing team's timekeeper may only turn their webcam on if the opposing team's time has expired, or if they are asked a question by the presiding judge.
2. **PERMISSIBLE USE OF MICROPHONE.**
- a. During initial appearances, all participants' microphones shall be turned on.
  - b. During a speech, the presenting student's microphone shall be unmuted (turned on). All other participants must be muted.
  - c. During an examination, the presenting attorney and presenting witness shall keep their microphones unmuted (turned on). The objecting opposing counsel's microphone shall remain muted, unless and until they raise an objection.
  - d. Each team's timekeeper may only unmute their microphone to announce that time has expired.
    - a. A timekeeper may not verbally declare that time has expired until they have given their opponent a 10 to 30 second grace period, as prescribed by the TRG.

### **Rule 7.5 - Judge Configuration**

1. **SUPPLEMENTARY BALLOTS.** Where possible, each trial will contain one judge who scores, but whose ballot will not count towards the trial result unless another scoring judge experiences a technological malfunction. This ballot is referred to as the 'supplementary ballot'.
2. **VIDEO.** Judges are required to keep their webcams switched on for the duration of the trial. A judge whose webcam is switched off, without good cause, and for more than two minutes, while a student is presenting a speech or examination will forfeit scoring privileges.
  - a. **Tab Room Authority.** The Tab Room makes the final decision as to whether a judge's ballot should be discarded.

### **Rule 7.6 - Technological Malfunctions**

1. **TEAMS.** If a student experiences a technological malfunction that results in them dropping the connection to the Zoom while delivering a statement or examination, the trial will stop to allow the student some time to resolve this malfunction.
  - a. **Stopping condition.** The trial will be stopped if the malfunction is sufficiently serious that one of the following conditions apply:
    - i. The student loses connection to their Zoom completely for a period exceeding 15 seconds; or
    - ii. The connection quality is sufficiently degraded such that the other participants on their Zoom meeting room cannot see or understand the student. The impacted student should initially seek to resolve the malfunction on their own.
  - b. **Stopping procedure.** The other team and/or judges remaining in the round should acknowledge the student's connection loss as soon as it is noticed, so that the trial is paused while the technological malfunction is resolved. If a coach cannot resolve the applicable stopping condition, then the coach (not the student) should initiate contact with the assigned Empire staff member.
  - c. **Recovery time.** An affected student will be given a period of time to resolve their technological issue and reconnect to their Zoom meeting room.
    - i. **First malfunction.** A student will be given up to three (3) minutes to recover after their first technological malfunction.

- ii. **Subsequent malfunctions.** A student will be given up to two (2) minutes to recover after their second and subsequent technological malfunctions.
    - iii. **Tab Room as final decision maker.** The Tab Room may extend the recovery time if they determine there is a compelling reason to do so.
  - d. **Remedy for non-recovery.** If the impacted student is unable to resolve their technological malfunction in this time period, a team may replace the students with a permissible roster substitution. See Rule 2.2. Judges will be asked to score the student as if they were the dropped-out student, and their score will count towards the performance of the dropped-out team.
  - e. **Recovery restart.** If the dropped-out students remedies their technological malfunction after they have been replaced, they may rejoin their trial at the next trial stoppage. For the purpose of this rule, a trial stoppage is defined as the end of a speech or the end of an examination.
- 2. **JUDGES.** If a judge experiences a technological malfunction which results in them dropping the connection to Zoom, the trial will stop to allow the judge some time to resolve this difficulty.
  - a. **Stopping condition.** As defined by Rule 7.6.1.a.
  - b. **Stopping procedure.** As defined by Rule 7.6.1.b.
  - c. **Recovery time.** As defined by Rule 7.6.1.c, except that judges will be provided with up to five (5) minutes of recovery time for all malfunctions, regardless of whether it is their first malfunction.
    - i. **Tab Room as final decision maker.** The Tab Room may extend the recovery time if they determine there is a compelling reason to do so.
  - d. **Remedy for non-recovery.** If a judge is unable to remedy their technical malfunction and the judge is a scoring judge, the supplementary ballot will count in place of the dropped-out judge's ballot (see Rule 7.5).
  - e. **Recovery restart.** If the dropped-out judge remedies their technical malfunction after the 5-minute recovery time has expired, they may rejoin the trial as a non-scoring judge.