

RULEBOOK

Updated September 2017



EMPIRE MOCK TRIAL
EDUCATE. CONNECT. EMPOWER.

Empire Mock Trial Rulebook

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Chapter 1: Introduction

Definitions and Expectations

Rule 1.1. Applicability

These rules shall apply to all Empire Mock Trial (“Empire”) programs. 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. “Empirion” means the fictitious state where Empire trials take place.
2. “FRE” refers to Empire’s excerpted version of the Federal Rules of Evidence, which apply in federal and state court in Empirion.
3. “Observer” means any parent, friend, or other non-participant attending an Empire Program.
4. “Participant” means a competing student, non-competing rostered student, and any member of the coaching staff for a participating team.
 - a. “Competing student” means a student serving as an attorney, witness, timekeeper, or non-testifying party representative seated at the counsel table in a particular trial.
 - b. “Non-competing student” means 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 prosecution witness who is not called in a particular prosecution round is a “non-competing student” in that round.
5. “Primary Contact” means a team’s designated attorney or teacher coach.
6. “Program” means an Empire-hosted mock trial competition and associated activities.
7. “Program staff,” including but not limited to the Board of Directors, Tab Directors, Tournament Director, Executive Director, Blue Shirts, and other key Empire staff, will be introduced to Program participants at the Opening Ceremony and/or Coaches’ Meeting.
 - a. “Tab Director” means an individual in charge of interpreting and enforcing Empire rules at a given Program.
 - b. “Tournament Director” means the Empire staff member in charge of the overall administration of a given Program.
 - c. “Executive Director” means the highest staff member position at Empire.
 - d. “Blue Shirt” means an Empire volunteer who aids the organization during the Empire Program and who has authority to enforce Empire Rules.
8. “Round” means a group of trials scheduled to occur at the same time.
9. “School” means an eligible school as defined by Empire Rule 2.6.

10. "Team" means a group of eligible students who constitute a roster for an Empire Program.

11. "Trial" means a single competitive match between two teams. A trial begins when a judge enters the trial room. A trial ends when the final closing argument is completed.

Rule 1.3. Abiding by Rules

Participants and observers associated with a participating team are expected to abide by the rules. Failure to conform behavior to the rules may lead to a tournament penalty under Chapter 5. Teams shall communicate these rules to, and be responsible for the behavior of, family members, friends, and observers associated with their teams.

Rule 1.4. Interpretation and Enforcement

Interpretation and enforcement of these Rules during a Program shall be made by the Empire Tab Directors. See Chapter 5.

Rule 1.5. Expectations for Participants, Observers and Volunteers

All students, coaches, observers, and volunteers shall behave professionally, ethically and collegially at all times.

1. **INTEGRITY.** Participants shall strive to exemplify the highest ideals of the legal profession, to maintain the highest standards of ethical conduct, and to strive for competence and integrity.
2. **COURTESY.** Courtesy toward all participants, judges, tournament officials, observers, and volunteers is expected of all participants, observers, staff, and other volunteers.
3. **IDEALS.** The ideals of inclusivity, fair play and civility shall guide the conduct of all participants throughout all Program activities including, but not limited to, trial rounds, breaks between rounds, organizational meetings, social events, and team practices.

Rule 1.6. Respect for Property

No participant or observer shall intentionally take, move, or cause damage to any property of any school, courthouse, or facility hosting any part of an Empire Program or to property belonging to the members of any other team. In the case of accidental damage or loss of any property, participants are required to report the event and circumstances immediately to appropriate officials. Failure to comply with this rule may lead to a tournament penalty under Chapter 5.

COACHES

Rule 1.7. Requirement of a Coach

Every team must have one officially designated adult teacher or attorney coach (“Primary Contact”). A team may use the coaching services of any number of educators, attorneys or others before, during or after sanctioned tournaments, except during a trial. See Rule 4.1. Responsibilities of the primary contact include, but are not limited to, the following:

1. Ensuring that all deadlines are met for submission of information and payment of fees to Empire;
2. Ensuring that all necessary information from Empire is communicated to team participants and observers; and
3. Supervising the behavior and safety of their students during an Empire Program.

Rule 1.8. Coaching Goals

Coaches are reminded that the purpose of participating in a Program is to educate students about the rule of law; instill in them respect for the legal system; help them develop skills such as public speaking, critical thinking and teamwork; foster an environment where students can build friendships; and expose them to new cultures. Coaches are expected to promote and champion these ideals above winning, leading by word and example.

JUDGES

Rule 1.9. Judges as Educators

Local judges, attorneys, advanced law students, experienced former mock trial competitors and legal professionals volunteer their time to evaluate the student presentations. All Empire volunteer evaluators are trained to serve as judges, jurors, and educators. They treat the proceeding not only as a competition, but also as an avenue to educate and empower Empire’s students. All participants and observers shall treat the judge volunteers with the utmost respect.

Chapter 2: Getting Started

Application, Eligibility, Registration and Exceptional Circumstances

APPLICATION

Rule 2.1. Application Requirements

1. **SUBMISSION.** All schools that are interested in participating in an Empire Program must complete an online application.
2. **TEAM ELIGIBILITY.** A school may only participate in a Program where it meets all of the eligibility requirements of Rules 2.6 – 2.11.

Rule 2.2. Empire Admissions Committee (“EAC”)

1. **REQUIREMENT, ROLE.** The EAC is the formal body in charge of designing and reviewing team applications. It is also responsible for assigning teams to Programs.
2. **MEMBERSHIP PROHIBITION.** No person may serve on the EAC for any admission cycle where they are coaching a team that is applying for admission.
3. **CONFLICTS OF INTEREST.**
 - a. **Personal Relationship.** No member of the EAC may review a school’s application where they have a personal relationship with a student, coach or other individual affiliated with the respective school.
 - b. **Professional relationship.** No member of the EAC may review a school’s application where they have professional relationship with a student, coach or other individual affiliated with the respective school that would hinder her impartiality. The EAC Chair shall make a determination as to whether a conflict of interest exists. Where the alleged conflict involves the EAC Chair, then the Executive Director shall make the determination.

Rule 2.3. Application Components

1. **COACH REQUIREMENT**
 - a. **Personal Relationship.** A coach shall provide the EAC with the team’s competitive history, which includes a team’s placement in its regional, state and national competitions; in any invitational tournaments; and any individual honors bestowed upon its students, where applicable.
 - b. **Essay Questions.** A coach shall answer a series of free response questions.
 - c. **Program Preference.** A coach shall provide its school’s Program preference to Empire and any additional information that they would like the EAC to consider when assigning the school to a Program.
2. **STUDENT REQUIREMENT.** Two (2) students, serving as representatives of the team, shall respond to a series of questions that demonstrate their passion for mock trial.
3. **APPLICATION FEE.** Each team’s application must be accompanied by a USD \$55 fee. The fee is non-refundable.
4. **MULTIPLE TEAMS.** Schools that apply to have more than one team attend an Empire Program in the same calendar year must submit a non-refundable deposit for each

team. Two (2) students from each team must respond separately to the student questions on behalf of their team. If the same coach oversees both teams, the coach may submit their answers one time, on behalf of both teams. If the teams have separate coaches, each coach should submit separate answers on behalf of their own team.

Rule 2.4. Team Assignment

The EAC will make a good faith effort to accommodate a school's Program preference within the criteria outlined in Rule 2.3.

Comment to Rule 2.4: Schools are encouraged to provide the EAC with as many Program options as possible, as we often cannot accommodate the Program preferences of all schools. Submission date of application is not a factor in determining program placement for accepted schools.

Rule 2.5. Admissions Decisions

All admission decisions will be communicated via e-mail.

TEAM ELIGIBILITY

Rule 2.6. Team Composition

1. **GENERAL RULE.** Each team may consist only of eligible students from a single school.
 - a. **Eligible student.** A student enrolled in a single school who has not yet received a high school diploma.
 - b. **Single school.** A United States high school, foreign secondary school, or homeschool organization.
 - c. **Homeschool organization.** A community or association of students, in a particular geographic area, whose instruction is managed by their parent(s) or legal guardian(s) rather than in a formal public or private school setting.
2. **EXCEPTIONS FOR COMBINED SCHOOLS.**
 - a. **Purpose.** If prior permission of Empire is obtained in writing, a team may be comprised of students from more than one school. This exception is intended to accommodate new schools that cannot generate sufficient participation to field a team and groups of students whose single schools cannot attend Empire because of financial hardship. This Rule is not intended to allow schools to combine teams for competitive purposes.
 - b. **Process for Competing as a Combined School.** Any group of eligible students that is interested in participating in an Empire Program as a Combined School must submit a written request to the EAC before beginning their application. The request should include the following information: details about the proposed team's composition, an explanation of why the eligible students cannot apply as a single school, and a statement asserting that the

team is not forming solely for competitive purposes (i.e., to create an “all-star” team).

- c. **Good Faith Reliance.** Empire relies on the statement of a Combined School in determining its eligibility to compete. Any Combined School that knowingly makes a false declaration to Empire will be penalized to the fullest extent under Chapter 5.

3. EXCEPTIONS FOR INTERNATIONAL STUDENTS

- a. **Written Permission Required.** If prior permission of Empire is obtained in writing, an international school may have a recently-graduated student on its Empire team roster where the student was a member of its mock trial team in the same calendar year.
- b. **Process for Obtaining Eligibility for Recently-Graduated Student.** An international school that seeks permission to have a recently-graduated student participate at an Empire Program must submit a written request to the EAC before including the student on its roster. The request shall be made by a faculty member or school administrator and must include the following information: the student’s name, the date and year of their secondary school graduation, the current university they attend or the name of their current employer, and the date they last competed for the secondary school’s mock trial team.
- c. **Good faith reliance.** Empire relies on the statement of an international school in determining the eligibility of a recently-graduated student to compete. Any international school that knowingly makes a false declaration to Empire will be penalized to the fullest extent under Chapter 5.

4. **INTERPRETATION AND ENFORCEMENT OF THIS RULE.** Empire is empowered to interpret the rules of student eligibility and grant exceptions when, in its judgment, extraordinary circumstances make an exception appropriate.

Rule 2.7. Obligation to Verify Eligibility

The Primary Contact has an affirmative obligation to verify each competitor’s eligibility. Submission of a roster through Empire’s Registration System constitutes certification that the eligibility of each participant has been verified.

Rule 2.8. Use of Ineligible Students

Any team that knowingly uses an ineligible student as a competitor or fields an ineligible team will be subject to penalties. Challenges alleging ineligibility of a competitor and/or team must be made to a Tab Director but not to a judge during a trial.

Rule 2.9. Number of Competing Students on a Team

1. **GENERAL.** A team shall consist of no less than seven (7) eligible students and no more than twenty-eight eligible (28) students. No one may sit at the attorney table in the role of party-representative unless that person is on the team’s roster.
2. **RULE VIOLATION.** Any team fielding more than 28 student competitors will be ineligible for team awards and individual awards.

Comment to Rule 2.9: The rule is designed to permit teams to be as inclusive as possible. Seven students actively participate (receive scores) in each round (four as attorneys and three as witnesses). There are four rounds per Program; thus, a school may field a team where each of its students actively participates in only one trial. Please note, however, that a student is eligible for an individual award only where they participate in two trials on the same side of the case, with the exception of a Guest Witness, who may receive an award for competing once on each side of the case.

Rule 2.10. Student Participation at Multiple Programs in One Year

1. **GENERAL RULE.** While a school may participate in more than one Empire Program in the same calendar year, each competitive roster must meet the following requirements:¹
 - a. **Roster Limitation.** No roster may include more than four (4) students who have competed at a prior Empire Program in the same calendar year.
 - b. **Individual Participation Cap.** An individual student may not compete at more than two (2) Empire programs in the same calendar year.
 - c. **Enforcement and Interpretation.** Empire reserves the right to waive this rule in exceptional circumstances. A team that violates this rule will be penalized to the fullest extent under Chapter 5. Competitive advantage shall not be considered an exceptional circumstance.

REGISTRATION

Rule 2.11. Registration Fees

1. **PROGRAM FEE PER COMPETING TEAM.** Each team shall pay a registration fee for participating in a Program. Where a school has more than one team participating in a Program, it shall pay a registration fee for each of its competing teams. Fees will not be discounted for schools fielding more than one team.
2. **CURRENT FEES.** Empire will post all current registration fees on its website. Fees may vary across Programs.

¹ Here are three examples that illustrate this rule in practice.

- Ex. 1: A school sends ten (10) students on one team to Empire Atlanta. One month later, the school sends four (4) of those same students to compete at Empire San Francisco, while adding to the San Francisco roster six (6) new students. This is permitted under this rule.
- Ex. 2: A school sends fourteen (14) students to Empire Atlanta. They also send a team to Empire San Francisco that includes four (4) of the students who competed in Atlanta. Then they send a third team to Empire New York that includes four (4) students who competed in Atlanta but did not compete in San Francisco. This is permitted under this rule.
- Ex. 3: A school sends two completely different teams to Empire Atlanta and Empire San Francisco. They then send a team to Empire New York that includes two (2) students who competed in Atlanta and three (3) students who competed in San Francisco. This is prohibited under this rule.

3. **FEE DENOMINATION.** Unless otherwise stated, program fees are denominated in United States Dollars (USD).
4. **PAYMENT STRUCTURE.** All selected teams shall submit payment as follows:
 - a. **Application Fee.** A USD \$55 fee at the time of application. See Rule 2.3 (3).
 - b. **Deposit.** A USD \$1000 deposit within two weeks of receiving its admission offer to avoid forfeiting its spot.
 - c. **Registration Balance.** The registration balance varies in amount and due date and must be submitted in full by the published deadline.
5. **FEES ARE NON-REFUNDABLE.** Empire treats a team's application as a commitment that it will participate in the Program if selected. Empire relies on that commitment in accepting and rejecting teams as well as when assigning teams to Programs. Accordingly, all registration fees submitted according to Rule 2.12 are non-refundable. All schools should consider this Rule before applying to participate in a Program.

Comment to Rule 2.11 (4): Empire does not seek to profit from teams that withdraw from participation. Rather, the spirit of this rule is to encourage each team to critically consider whether it has the personnel and resources to attend an Empire Program before applying. As explained in Rule 2.13, an odd number of teams adversely impacts Empire's ability to operate its Programs.

Rule 2.12. Withdrawal

Empire Programs require an even number of teams in order to operate. A team that withdraws from a Program after accepting its spot impacts Empire's ability to administer its Programs, which is detrimental to Empire's students. Where a team determines that it can no longer participate in a Program, it shall immediately notify Empire via e-mail. Depending upon when the school withdraws, Empire may levy penalties on the school in accordance with Rule 5.9.

Rule 2.13. Coaches' Responsibility to Empire Programs

Every coach, as a leader of mock trial, has the responsibility to promote fair and efficient operation of Empire Programs, including notifying Empire of changes in participation. At the earliest possible moment, the coach shall notify Empire in writing via e-mail of any changes regarding the team's participation and any special needs of their team members.

1. **REASONABLE ACCOMMODATIONS.** . Empire is committed to inclusiveness and supports the efforts of eligible students with disabilities to compete in Empire events. Empire will seek to provide reasonable accommodations for its eligible students with physical impairments.
 - a. A reasonable accommodation is a change in the competitive environment or the normal process or rules that would enable an eligible student to compete, without creating undue hardship to the organization or fundamentally altering the educational aspects of the Program.
 - b. Empire is not responsible for providing, or the costs of providing, any equipment or other accommodations granted under these rules.

- c. Any requests for accommodations due to special needs must be made in writing at the time the team's deposit is submitted.

PROGRAM HOTEL

Rule 2.14. Requirement to Stay in Program Hotel

Participating teams must stay in the Empire-designated hotel unless they are staying at, and commuting from, their own homes for the duration of the Program.

HANDLING OF EXCEPTIONAL CIRCUMSTANCES

Rule 2.15. Exceptional Circumstance Rules

1. **DEFINITION.** An exceptional circumstance is an event occurring outside the control of participants, volunteers, or Empire itself, which may endanger the well being, security or safety of the event's participants. These include, but are not limited to, severe weather, natural disasters or security threats.
2. **PARTICIPANT SAFETY PARAMOUNT.** All participants should always make their personal safety their first priority in determining whether to travel to or from a tournament during an exceptional circumstance. If a team determines it cannot safely travel to a Program, that it needs to leave a Program early, or that it should otherwise participate in a modified or restricted manner, it should notify Empire at the earliest safe opportunity.
3. **EMPIRE EMERGENCY RESPONSE PROCEDURE.** In the case of an emergency, Empire shall have an emergency response procedure in place to ensure the safety of its participants.
4. **CANCELLING OR CHANGING TOURNAMENTS.** Programs shall take place as scheduled, except in exceptional circumstances. When faced with exceptional circumstances, including but not limited to inclement weather, the Tab Directors and the Empire Board should make recommendations to the Executive Director as to whether and how a particular tournament shall be held. The Executive Director, or their designee, shall have final authority to determine whether a tournament shall be held or whether its schedule shall be altered.

CASE ACCESS AND USE

Rule 2.16. Case Access

1. **LICENSE TO USE CASE.** A team's Empire registration fee includes a license for all affiliated members of its team to use the current Empire case to prepare for and participate in the Program. Teams may access the case on the Team Panel of the Empire site, using their Primary Contact's username and password.

- a. **Affiliated Members.** A registered team's coaches, students, non-competing students who are a part of the school's mock trial program, and members of a non-Empire registered team that is scrimmaging the registered Empire school.
 - b. **Scrimmaging.** The act of participating in a practice trial before an Empire Program with the purpose of preparing for the Program.
- 2. PRIMARY CONTACT'S OBLIGATION.** Each school's Primary Contact is responsible for ensuring that the case is only accessed by affiliated members of its teams as defined above. The case materials, and a school's online log-in information that would enable case access, may not be posted in any public forum, including but not limited to web sites. Each school's Primary Contact has an affirmative obligation to monitor case access and use at her school, and to inform Empire of any violations.

Rule 2.17. Case Use in Subsequent Years

1. **WHEN PERMITTED.** Current teachers or current primary contacts at a member school may use old cases for educational purposes where the school participated in Empire during the year the case was issued.
2. **EDUCATIONAL PURPOSES DEFINED.** "Educational purposes" include, but are not limited to, use for exhibition rounds, in-school course instruction, or auditions. It does not include any purpose for which a fee is charged, including, but not limited to, fee-based seminars or summer camps.
3. **LICENSE REQUIRED FOR OTHER PURPOSES.** A school wishing to use an old Empire case for a non-educational purpose must receive written permission from Empire. Use of an American Mock Trial Association ("AMTA") adapted case requires express permission from both AMTA and Empire.

Rule 2.18. Violations of this Section

Any individual or team that violates Rules 2.16 or 2.17 will be penalized to the fullest extent under Chapter 5, and may be subject to legal action.

Rule 2.19. Accessibility on Team Dashboard; Final Case Versions.

1. **TEAM DASHBOARD.** Teams must obtain all case materials and updates via 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.

Chapter 3: Team Composition and Roles

Role Assignment, Attorneys, Witnesses, Timekeepers, Captains & Bye-Buster

ROLE ASSIGNMENT

Rule 3.1. Allocations of Roles to Team Members

Roles of members are to be decided by educator and/or attorney advisors prior to the Program, subject to the constraint that exactly seven students must compete for each team in a given round (four as attorneys and three as witnesses).

Comment to Rule 3.1: Each team must also provide a rostered student to serve as timekeeper for each round. Timekeepers will not be scored. See Rule 3.7.

Rule 3.2. Substitutions in Case of Illness

1. **GENERAL RULE.** If a participant becomes too ill to compete, the affected team may use a permissible substitute. If no permissible substitute is available, or the team chooses not use a permissible substitute, the judges shall enter a score of "0" for the affected role(s) and the trial will proceed.
2. **PERMISSIBLE SUBSTITUTES DEFINED.** Permissible substitutes are:
 - a. Other students on the roster of the affected team who are not competing in that trial;
 - b. A student on the roster of the opponent's team who is not already competing in that trial;
 - c. Any student on the roster of any team competing in the Program but not in that particular round;
 - d. Any student that is not on the roster of the affected team but who attends its school and is present at the Program. Both the opponent's team and a Tab Director must approve of this student's participation.

ATTORNEYS

Rule 3.3. Role of Each Attorney

Each team shall field four (4) attorneys on each side of the case, portrayed by four (4) separate students. The same student may serve as an attorney on the prosecution/plaintiff and the defense. Roles are assigned in accordance with the following requirements:

1. **SPEECHES**
 - a. **Speech-giving attorneys.** An attorney may deliver one, and only one, speech in a given trial. A speech is defined as a pre-trial evidentiary argument ("PEA"), opening or closing statement.

- b. **Middle attorney.** Subject to subsection (a), three (3) out of the four (4) attorneys representing a team in a trial will be speech-giving attorneys. The “middle” attorney is defined as the attorney who does not deliver a speech.

2. EXAMINATIONS

- a. **Prohibition of specialists.** No student may conduct more than one direct examination or more than one cross-examination in a given round.
- b. **Middle attorney.** The middle attorney must deliver one direct examination and one cross examination
- c. **Speech-giving attorneys.**
 - i. One exam. Two (2) out of the three (3) speech-giving attorneys will conduct a single examination (a direct or cross).
 - ii. Two exams. One out of the three (3) speech-giving attorneys will conduct one direct examination and one cross examination.
- d. **Visual Representation.** Rule 3.3 (2)(a)-(c) is depicted below:

Middle Attorney	Speech-giving Attorney (PEA, Opening, Closing)		
Student 1	Student 2	Student 3	Student 4
Direct and Cross	Speech Direct or Cross	Speech Direct or Cross	Speech Direct and Cross

- e. **Guest Witness (“GW”)**
 - i. Pre-Trial Evidentiary Argument. An attorney may not direct examine the GW and deliver the PEA in the same trial.
 - ii. Direct Examining the GW. The same attorney may not conduct the direct examination of the GW on both sides of the case (ie. both the prosecution/plaintiff and defense)
- 3. OBJECTIONS.** Only the attorney handling the direct or cross examination of a witness may raise or respond to an objection during the testimony offered by that witness.
- a. An attorney may request permission to consult with co-counsel at any point during a trial.
- 4. REQUIREMENT TO PRESENT ALL PARTS OF A TRIAL.** A team’s four (4) attorneys are required to present three (3) speeches, three (3) direct examinations and three (3) cross examinations, subject to the above rules.
- 5. SCORING PROTOCOL FOR RULE 3.3 VIOLATIONS.** Any team that violates Rules 3.3 (1)-(4) will receive a point deduction as defined below.
- a. Should the same attorney perform a second speech in a given trial, the second speech will receive a score of “0”.
 - b. Should the same attorney perform a second direct or second cross in a given trial, the second examination will receive a score of “0”.
 - c. Should an attorney fail to ask any questions for the direct examination of their witness, the attorney and witness shall both receive a score of “0”.

- i. The crossing attorney may elect to cross examine the witness, in which case the crossing attorney and witness shall both receive a score from 1 - 10 for cross examination.
- ii. Should the crossing attorney elect not to cross that witness, the crossing attorney and witness shall both receive a score of "0" for cross examination.
- iv. Should the crossing attorney not ask one or more questions of a witness who did undergo a direct examination, the crossing attorney shall receive a score of "0." The witness will receive the same score for cross examination as the witness received for direct examination, even though no cross examination occurred.
- v. Should an attorney raise an objection to an examination for which they are not responsible, then a Tab Director will decide the penalty to assess based on the severity of the infraction.

WITNESSES

Rule 3.4. Role of Each Witness

Each team must call three (3) witnesses to the stand in a given trial.

1. **WITNESS SELECTION.** Each team is responsible for calling three (3) witnesses at each trial.
 - a. **Special Instructions.** Empire case materials will provide teams with at least three (3) 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. **Guest Witness.** Each team will be required to call one Guest Witness. See Rule 3.5.
 - c. **Lineup Announcement.** Teams will announce the three (3) witnesses they intend to call at trial during the Pre-Trial Conference. See Rule 3.8 (2)(a)-(b).
 - d. **Trial Call Order.** In trial, teams may call their witnesses in any order they deem appropriate with the exception of the Defense's Guest Witness, who may not be called last.
2. **TRIAL TESTIMONY**
 - a. **Examinations.** Each witness is required to undergo a direct and cross examination.
 - b. **Persona.** Witnesses may costume, use accents, or otherwise develop their character as long as the characterization remains consistent with Rule 1.5.
 - c. **Ethical Responsibility.** All witnesses must remain faithful to their affidavits, reports, and any exhibits or other documents with which the witness is familiar. See Rules 4.14 - 4.16. 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.

- 3. FORMAL CERTIFICATION OF EXPERTS REQUIRED.** Prior to giving opinion testimony, an expert witness must be formally tendered as an expert in a specific field. Attorneys and witnesses must first lay sufficient foundation through questions based on the case materials provided. Judges may entertain any appropriate objections to expert witness qualifications and testimony under the FRE.
- a. **Voir Dire Permitted.** Voir dire of expert witnesses is permitted. If conducted, the time used for voir dire is counted against the team's case presentation time.

Rule 3.5. Guest Witness Rules & Procedures

- 1. GENERAL REQUIREMENTS.** At trial, teams shall call one Guest Witness ("GW"), portrayed by a student from another team, and two traditional witnesses, portrayed by students from their own team.
- a. **Defined.** A Guest Witness is a student who portrays a witness role during an Empire Program for a team that is not their own (the "destination team"), but whose score is counted toward their own team (the "origin team").
 - b. **Case Materials.** Empire shall designate two (2) witness statements as the GWs, one (1) on each side of the case. Each team is required to present the GW, as prescribed by the year's case instructions.
 - c. **GW Assignment.** GWs are assigned to teams based on a power pairing system. See Rule 3.5 (6).
 - d. **Scores.** A GW's score will count towards the team that they are rostered to, not the team that they are competing with in a given round.
 - i. Direct. The GW's direct scores will be averaged² and added to each of the GW's origin team's ballots for the given round.
 - ii. Cross. The GW's cross scores will be averaged³ and added to each of the GW's origin team's ballots for the given round.
 - iii. Calculation. The average direct and cross scores will be calculated and rounded to the nearest hundredth.
 - iv. Access. Teams will have access to their ballots, which will include the GW scores, immediately following their trial.
- 2. STUDENT WITNESS RESTRICTIONS.**
- a. **Prohibition against portraying the same role twice.** A student may not play the same GW role more than once at a given Empire Program (e.g. the same student cannot twice testify as the prosecution / plaintiff GW).
 - b. **Same student may portray the GW on both sides of the case.** The same student may play a GW on both sides of the case provided they do not violate Rule 3.5 (2)(a) (i.e. a student may portray the prosecution / plaintiff GW in one round and the defense GW in another round).
 - c. **Minimum and maximum.** A team must have no less than two (2) and no more than four (4) rostered students portray GWs during a single Empire Program.

² The number of direct scores depends on the number of scoring judges in the given round.

³ The number of cross scores depends on the number of scoring judges in the given round.

- d. **Multiple teams from same school.** Where there are multiple teams competing from the same school at a single Empire program, a team will not receive a GW from any other team from the same school.

3. STUDENT DIRECTING ATTORNEY RESTRICTIONS.

- a. **Same student may not direct the GW on both sides of the case.** See Rule 3.3 (2)(e)(ii).
- b. **Prohibition against same student delivering the PEA on the same side they direct the GW.** See Rule 3.3 (2)(e)(i).

4. GUEST WITNESS PREPARATION

- a. **Introduction.** GW directing attorneys and witnesses (“the pair”) meet at an introductory conference before each round, where pairings for the given round are announced. No other individual—coach, team member or otherwise—may attend the GW Introduction.
 - i. Punctuality. GW student attorneys and witnesses are expected to report promptly to the GW Introduction room as published on the Program schedule. Failure to do so could adversely impact the performance of another GW student, which may result in penalties per Chapter 5.
- b. **Preparing examination.** A team will have approximately 20 minutes to prepare the GW assigned to them for trial.
 - i. Venue. The pair may prepare in a hallway or designated room.
 - ii. No consultation. The pair may not be assisted by anyone; this includes coaches or students.
 - iii. During PEAs. The pair has from the time they are released from the GW Introduction (See Rule 3.5 (4)(a)) until the conclusion of the PEAs to prepare their examination, at which point they will be asked to return to the courtroom.

5. TESTIMONY

- a. **Call Order.** Each team may call the GW in whichever order it deems appropriate, except that the GW testifying for the Defense may not be called last.
- b. **Timing.** Each GW direct shall be a minimum of three (3) minutes. Should the destination team have less than three (3) minutes of their 55 minute trial time left when the GW is called to the stand, then the Court shall allow the team to conduct a three (3) minute direct of the GW.
- c. **Good Faith Requirement.** Students portraying the GW have a duty to make a good faith effort to effectively perform their witness role. Any violation of this rule, proven to be true, will result in Empire pursuing sanctions to the full extent possible, as defined in Section 7.
- d. **Departure.** The GW may leave after their testimony and return to their own team’s courtroom; however, their ability to communicate with their teammates is subject to Rule 4.1.

- 6. **ASSIGNMENT.** GWs will be assigned to trials using the procedures outlined in Empire’s Tabulation Manual.

- 7. CHAMPIONSHIP ROUND.** Guest Witnesses will not be used in the Championship Rounds of Empire's 2017 programs. All three witnesses called by a given team will be fulfilled by students of the same team.

NON-TESTIFYING PARTY REPRESENTATIVE

Rule 3.6. Defined

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

- 1. COMMUNICATION.** This student may communicate with their teammates during the trial.
- 2. NINTH STUDENT.** This student may serve as the ninth competing student for a team in a given trial, alongside four (4) attorneys; three (3) witnesses; and one timekeeper.
- 3. NOT SCORED.** The non-testifying party representative will not be scored.

TIMEKEEPERS

Rule 3.7. Role of Each Timekeeper

- 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.
 - It is advisable to have an eighth rostered student serve as the timekeeper in a designated round. Should a team only have seven (7) rostered students, non-testifying witnesses should alternate serving as the timekeeper.
- 2. DUTIES.** Timekeepers are neutral parties. Each timekeeper shall accurately monitor the time elapsed for both teams. Timekeepers for opposing teams shall cooperate with and assist each other to ensure accurate timekeeping and to eliminate any interruption of the trial due to errors in timekeeping.
- 3. PROCEDURES.**
 - Each timekeeper should bring two stopwatches or similar devices to record time. Smart phones and other internet-accessible devices may NOT be used.
 - Each timekeeper shall keep a written record of the time, using the official Empire timekeeping sheet provided on the Team Panel. Teams must print their own copies; Empire does not provide printed copies. The completed timekeeping sheet need not be returned to the Tab room unless a timekeeping dispute is raised.
 - Each team must create and bring "time remaining" cards for the timekeepers to display simultaneously to the court.

- i. Teams may use number values that they find most helpful. At minimum, teams should create cards with the following minute values: 55, 50, 45, 40, 35, 30, 25, 20, 19, 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1, 30 seconds, STOP.

CAPTAINS & PRE-TRIAL CONFERENCE

Rule 3.8. Role of Each Team Captain

1. **GENERAL REQUIREMENTS.** Each team must have at least one and no more than two captains.
2. **DUTIES.** One adult coach and the team captain(s) for each team must proceed to their assigned trial room by the designated time to attend the mandatory Pre-Trial Conference, which will include the following pre-trial tasks:
 - a. **Witness selection.** Witnesses shall be selected in the order dictated by the case materials. Each captain shall inform the opponent's captain of the gender of the witnesses who will be called. See Rule 3.5 (3) for procedures involving Guest Witness Introductions.
 - b. **Gender of Other Parties.** Each captain shall inform the opposing captain of the gender of named party representatives or other witnesses not called in the trial as delineated by the case Special Instructions.
 - c. **Demonstratives.** A team's captain must show their opponent any enlarged or modified case material or original demonstrative that they has created for use at trial; the demonstrative must comply with Rule 4.7. Should the opposing team captain believe that the demonstrative violates Rule 4.7, then they should inform the Blue Shirt assigned to their courtroom, who will contact a Tab Director to evaluate the demonstrative.
 - i. Materials from the case packet that have not been altered in any way need not be shown to opposing counsel.
 - d. **Character Form.** If either team intends to offer character evidence during the trial, and the character rules⁴ dictate that a party's method of using the evidence requires pre-trial notice, then both teams must complete and sign a character form. The form should be brought to the presiding judge's attention during preliminary matters after the Pre-Trial Evidentiary Argument.
 - e. **Spirit of Empire Form (Round 4).** Prior to the start of Round 4, each team coach or captain must complete their Spirit of Empire form and hand it to the Empire Blue Shirt assigned to their trial room. This form should be handed in at the same time as the Team Lineup Sheet.

⁴ Refer to rules 404, 405, 608 and 609 of the FRE.

BYE-BUSTER TEAMS

Rule 3.9. Service on a Bye-Buster Team. Should there be an odd number of teams participating in a Program, Empire will create a bye-buster team so that every team has an opponent in a given round.

1. **COMPOSITION.** The bye-buster team consists of students from different mock trial teams participating at the given Program. Empire will obtain a list of students that are interested in participating, either before the Program or prior to the start of the affected trial round.
2. **ELIGIBILITY.** Any high school student who is attending an Empire Program 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 Program.
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. **RULE EXCEPTIONS FOR BYE-BUSTER TEAMS.**
 - a. **Use of Notes.** Students on a bye-buster team (including witnesses) are permitted to use notes.
 - b. **Delivering Both Statements.** If absolutely necessary, one attorney may give both the opening statement and the closing argument for the bye-buster team. In that instance (only), the attorney will receive a score from 1 – 10 for each speech.
6. **SHORTAGE OF STUDENTS FOR BYE-BUSTER TEAM.** Should Empire not receive a sufficient number of student volunteers, a Tab Director will randomly select a team that has more than seven 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 Director, that school's team may be disqualified and/or not allowed to earn a team award at the Program.
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.

Comment to Rule 3.9: Empire will always strive to have an even number of teams in its Programs. Sometimes, due to late withdrawals, inclement weather, or other circumstances outside of Empire's control, a bye-buster team becomes necessary. A bye-buster team may be recognized for its final placement. However, it shall never receive a team award. Students volunteering to serve on a bye-buster team are eligible for individual awards based upon bye-buster team participation.

Chapter 4: Trial Rules and Procedures

Communication; Trial Order & Time Limits; Examinations; Witness Testimony & Invention of Fact; Objections & Motions; Photography

COMMUNICATION

Rule 4.1. 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. "Competing students" includes the two (2) students serving as Guest Witnesses for the team during that trial, but not the competing teams' own students who are serving as Guest Witnesses in different trials.⁵ See Rule 1.2 (4)(a).
 - b. Each party's timekeepers;
 - c. Each party's non-testifying party representative;
 - d. Judges and tournament officials.
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. Guest Witnesses who rejoin their own team's courtroom after testifying may not communicate with the competing students on their own team until after that trial round concludes.
3. **BURDEN ON STUDENT.** If, during a trial, a person not falling in one of the categories listed in Rule 4.1 (1) attempts to communicate with a competing student, then it is the duty of the competing student to terminate the communication.

Comment to Rule 4.1 (2): A student is permitted to tell a party that he cannot respond to their communication. Anything more than a brief acknowledgement that the student cannot speak will be considered a violation of this Rule.

Rule 4.2. No Wireless Devices

1. **WIRELESS DEVICES TO BE TURNED OFF.** If permitted in the courthouse, all student participants shall turn the power off on all pagers, cell phones, wireless communication devices, tablets or computers for the duration of a trial.
2. **EMERGENCY EXCEPTIONS.** Exceptions to this Rule may be granted by a Tab or Tournament Director for emergency communication not related to the trial. Where possible, advance permission should be obtained.

⁵ Ex: Katherine attends Tobyton High School. She is the team's GW. For round 1, Katherine is assigned to GW for Sophie Academy. After Katherine testifies for Sophie Academy, she returns to Tobyton's round to watch. At this point, Katherine is a non-competing student in her round and may not communicate with her teammates. Katherine, however, may communicate with the students from Sophie Academy.

TEAM IDENTIFICATION

Rule 4.3. Team Identification

Prior to and during trial rounds, participants shall identify themselves to judges only by assigned team icon name. 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.

CASE MATERIALS

Rule 4.4. "Closed Universe"; External Documents Prohibited

The case materials provided by Empire are the only materials permitted to be referenced or utilized in trial. No other legal, scientific, or educational resources or authorities may be referenced during the trial rounds.

1. **PRE-TRIAL EVIDENTIARY ARGUMENT.** During the Pre-Trial Evidentiary Argument, advocates may not reference any law, statute, case or fact of the case that is not included in the PEA Materials, unless otherwise expressed in the PEA Materials. Advocates may reference stipulated facts, facts alleged in the Complaint that are admitted in the Answer, and any facts or conclusions of law that are recited by the Court. Where a case is included in the PEA Materials, an advocate may only reference the provided excerpts (i.e. while additional research is certainly permitted, an advocate may not refer to a portion of a judicial opinion that is not provided in the materials).

Rule 4.5. 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 FRE 602 OR 901.** Teams are required to meet the foundational elements of FRE 602 and authenticity requirements of FRE 901.
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 4.6. Signatures

1. **AFFIDAVITS.** All affidavits shall be treated as sworn to and signed by the witness. All affidavits 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.

DEMONSTRATIVES

Rule 4.7. Demonstrative Aids

1. **GENERAL RULE.** Teams are permitted and encouraged to use a demonstrative aid (“demo”) or aids (“demos”) to augment their trial testimony.
2. **DEMONSTRATIVE CLASSIFICATION.** A demo can be something provided by Empire or may be an original creation.
 - a. **Empire-Provided.** The following demos are permissible:
 - i. Enlargement of any case packet material;
 - ii. A tangible physical object.
 - b. **Original Demonstratives.**
 - a. Requirements. Teams may create an original demonstrative provided the following:
 - i. It is not hazardous, barred by courthouse rules or potentially damaging to persons or property.
 - ii. It does not introduce material facts that a team would not be permitted to introduce through witness testimony or Empire-provided documents. See Rule 4.15.
 - iii. It does not create a risk of liquid spillage in a courtroom.
 - b. Pre-Approval. Teams may receive pre-approval for their original demos by emailing a description to: admin@empiremocktrial.org ⁶.
 - c. **Electronic Demonstrative Aids.** The use of an electronic demonstrative aid, not provided by Empire, is prohibited with the exception of a laser pointer.
3. **DEMONSTRATIVE USE AT TRIAL.**
 - a. **Availability to Opposing Counsel.** If used, a demo must be made available to the opposing attorneys for subsequent use during examination of witnesses and closing argument.
 - b. **Writing on Exhibits.** The team introducing the demonstrative aid decides whether it will be written on. If so, then the opposing team may also write on it, although they may not remove any of the introducing team’s markings.

⁶ While pre-approval is not required, it is encouraged to ensure that a team does not invest money on a demo that they cannot use.

- c. **Evidence Restricted to Case Packet.** Only materials provided in the case packet may be offered into evidence. An original demonstrative, as defined above, cannot be offered into evidence.
 - d. **Rule 4.7 Does Not Preclude Objections.** These rules are procedural; they do not bar a team from raising an evidentiary objection under the FRE to the admissibility of a particular demonstrative.
4. **AUTHORITY OF TAB DIRECTORS ARE ABSOLUTE.** Restrictions imposed on the use of a demonstrative aid by a Tab Director must be honored, as failure to do so is grounds for a tournament penalty given at the discretion of a Tab Director.
 5. **DEFACING PROHIBITED.** Permanently defacing an opponent's demonstrative aid is not permitted. "Permanent defacing" refers to any writing that destroys the integrity of the demonstrative or the ability of a team to use its demonstrative in future rounds.

Comment to Rule 4.7 (2)(b): No demonstrative aid may purport to depict a particular person, particular place, or particular thing unless it has been provided with or is specifically permitted by the case materials. For example, "a skull" is not a "particular thing," but "the victim's skull" is. Similarly, a photo of a station wagon is not a particular thing, but it would be if described as a photo of the defendant's vehicle or the particular make and/or model of the defendant's vehicle. Lists, charts, graphs, etc. may be used to summarize, combine or illustrate facts that are already present in the case packet.

TRIAL COMPONENTS AND TIME LIMITS

Rule 4.8. Trial Components. All trials shall proceed in the order outlined below:

1. **PRE-TRIAL EVIDENTIARY ARGUMENT.** The Pre-Trial Evidentiary Argument ("PEA") begins after the judges enter the courtroom and a Blue Shirt gives permission for the trial to start. Each team will argue either a motion *in limine* or motion to suppress.
 - a. **Order.** The party raising the motion (the "moving party") shall present first, followed by the party opposing the motion (the "respondent"). The moving party may rebut.
 - b. **Jury is constructively excluded.** The argument takes place constructively outside the presence of the jury (who will be present in order to evaluate and score).
 - c. **Judge ruling impacts.** At the conclusion of the argument from both attorneys, the presiding judge will rule on the motion, and the ruling will have a direct impact on the evidence allowed to be presented to the jury in trial.
2. **BREAK.** At the discretion of the presiding judge, teams may take a brief break (2–5 minutes) between the conclusion of the PEA and the start of the Preliminary Matters prior to the jury portion of the trial. Teams must remain in the courtroom and must observe all restrictions on communication as detailed in Rule 4.1.

3. **PRELIMINARY MATTERS.** At this time, teams may briefly introduce themselves (“make appearances”); offer courtesy copies of case statutes, stipulations, pre-trial orders, the FRE, 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 included in the case packet.
4. **OPENING STATEMENTS.** Both plaintiff/prosecution and defense opening statements must occur at the beginning of the trial portion, with the plaintiff/prosecution team going first. The defense team may not reserve its opening statement until the beginning of its case-in-chief.
5. **PLAINTIFF/PROSECUTION CASE-IN-CHIEF.** The plaintiff/prosecution team shall conduct the direct examination of its three witnesses, with the defense team conducting its three cross examinations of the plaintiff/prosecution witnesses. Unlimited redirect and re-cross examinations are permitted while each witness remains on the stand. No prosecution/ 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 brief recess (5–10 minutes) between the plaintiff/prosecution case-in-chief and the defense case-in-chief.
7. **DEFENSE CASE-IN-CHIEF.** The defense team shall conduct the direct examination of its three witnesses, with the plaintiff/prosecution team conducting its three cross examinations of the defense witnesses. Unlimited redirect and re-cross examinations are permitted while each witness remains on the stand. No defense witness may be called prior to the conclusion of the plaintiff/ prosecution case-in-chief.
8. **BREAK.** At the discretion of the judge and the request of the participants, teams may take a very brief recess (2–5 minutes) between the defense case-in-chief and the closing arguments. Teams may ask to forego this or any other break if they are concerned about exceeding the maximum time allowed for trial (“All-Loss”).
9. **CLOSING ARGUMENTS.** Both the plaintiff/prosecution and defense closing arguments must occur at the end of the trial, with the plaintiff/prosecution team going first. The plaintiff/prosecution team (only) may use up to five minutes for rebuttal if they have sufficient time remaining. The plaintiff/prosecution need not ask to reserve time and does not waive its right to rebuttal by failing to expressly reserve time.

Rule 4.9. Time Limits. Time limits for all trials shall be strictly observed.

1. **PRE-TRIAL EVIDENTIARY ARGUMENT.** Each student has up to ten (10) minutes to present their argument. Any time reserved for rebuttal will be deducted from the ten (10) minutes. Time elapsed during judge questions is included in this time limit.
 - a. **Uninterrupted time.** Each party will have one and a half (1.5) minutes, or ninety (90) seconds, of uninterrupted time at the start of their argument, after which the presiding judge will question the advocate. This uninterrupted time is included in the ten (10) minute time limit.
 - b. **Rebuttal.** The moving party may reserve time for a rebuttal, up to three (3) minutes, but is not required to do so. If the moving party wishes to save time

- for rebuttal, they must announce to the judge the specific amount of time they would like prior to starting their argument.
- c. **Courtesy time.** Once time expires, the Court may grant each side additional time, beyond the prescribed ten (10) minutes, in accordance with the following rules:
 - i. If time is called, and the moving party is in the middle of making an argument or a judge is in the middle of asking a question, a courtesy period of up to one minute may be requested by the advocate or invoked by the Court.
 - ii. The Court is not required to grant the advocate's request.
 - iii. Any time that is used by the moving party during the courtesy period shall be added to the amount of time allotted for the non-moving party's argument.
 - iv. The non-moving party is given the same option of requesting a courtesy period. Any time that is used by the non-moving party during the courtesy period shall be added to the amount of time allotted for the moving party's rebuttal.
 - v. Any time that is used by the non-moving party during the courtesy period shall be added to the amount of time allotted for the moving party's rebuttal.
 - d. **Timekeeper sheet.** PEA timekeeping procedure, as defined above, and Empire customs are outlined in the most recent timekeeping sheet. Where the timekeeping sheet includes information not herein, the timekeeping sheet is binding.
- 2. REMAINDER OF TRIAL.** A team has 55 minutes to present their entire case, which includes an Opening Statement, three (3) Direct Examinations, three (3) Cross Examination, and a Closing Argument. Teams can allocate time between components as they see fit.
- 3. TIMED AND UNTIMED ACTIVITIES.**
- a. **Timed.** The following aspects are timed:
 - i. Pre-Trial Evidentiary Argument;
 - ii. Opening Statements;
 - iii. Direct/Redirect Examinations (including the introduction of exhibits);
 - iv. Cross/Re-cross Examinations (including the introduction of exhibits);
 - v. Closing Arguments.
 - b. **Untimed.** The following aspects are not timed: breaks, preliminary matters, calling and dismissing witnesses, and objections. If the presiding judge grants permission to set up a demonstrative aid prior to starting a direct or cross examination, such set-up shall not be timed.
 - i. Although these aspects do not count against the 55 minutes allotted to each team for their trial presentation, they are counted against the 3 hours allowed before All-Loss penalties are applied.
- 4. 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 4.10. All-Loss Rule.

- 1. ROUND DEFINED.** A round starts when the judges are given the "all-clear" to begin, and a trial is deemed complete at the conclusion of closing arguments (including rebuttal).
- 2. GENERAL.** The All-Loss Rule requires that trials be completed within three (3) hours of the official "start time," which is defined as the time the last judging panel arrives at its assigned room and is given the "all-clear" to begin.
- 3. 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. Should a Tab Director share the team's concern, they may take certain measures including, but not limited to, providing instructions to both teams or to the judges, shortening the closing arguments, or other appropriate accommodations.

Comment to Rule 4.10: If a trial is in danger of violating All-Loss due to excessive objections by the parties, the Tab Directors will not intervene. In such a case, counsel for both teams should confer and take steps to end the trial on time (i.e., ask the judge to skip breaks; agree to shorten or forego closing arguments, etc.).

EXAMINATIONS

Rule 4.11. Manner of Examination

Whenever possible, counsel will stand when speaking to the judge, to opposing counsel, or to a witness. 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 4.12. Cross, Redirect and Re-cross Examinations.

- 1. SCOPE OF INITIAL CROSS EXAMINATION.** The scope of the initial cross examination is not limited to matters raised in the initial direct examination.
- 2. SCOPE OF REDIRECT AND RE-CROSS EXAMINATIONS.** The scope of each re-examination is limited to matters raised in the immediately preceding examination.
- 3. NUMBER OF REDIRECT AND RE-CROSS EXAMINATIONS.** An unlimited number of redirect and re-cross examinations are permitted, subject only to subsection 2 of this Rule and the team's overall time constraint as outlined in Rule 4.9 (2).

Rule 4.13. Voir Dire

Voir dire is allowed and counts against the time of the team employing it.

1. **EXPERTS.** When a party wishes to enter a witness as an expert, opposing counsel may be permitted to conduct a voir dire, at the court's discretion. The scope of the voir dire is limited to challenging the competency of the expert. Inquiry as to the quality of the expert's work in the given case is not an appropriate subject for voir dire, and should be dealt with on cross examination.
2. **REMEDY FOR IMPROPER VOIR DIRE.** If an attorney at any point violates provision 1 of this rule, an improper voir dire objection may be raised.

WITNESS TESTIMONY & INVENTION OF FACT

Rule 4.14. Objections to Invention of Fact and/or Unfair Extrapolation are Barred in Empirion

In the State of Empirion, an attorney may not object on the grounds of invention of fact, unfair extrapolation or anything else tantamount to those. The court will not entertain any such objection.

Rule 4.15. Types of Permissible Testimony

Witness testimony is appropriate in the following cases:

1. **DIRECTLY STATED.** It comes directly from the affidavit⁷;
2. **REASONABLY INFERRED.** It is reasonably inferred⁸ from the affidavit;
3. **IMMATERIAL BACKGROUND.** It is not based in the affidavit but constitutes immaterial⁹ 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 examination that sought a fact not contained in their affidavit.¹⁰

Rule 4.16. 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 examination. Two (2) types of impeachments may be conducted:

⁷ 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.

⁸ 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.

⁹ 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.

¹⁰ Note: 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.

1. **IMPEACHMENT BY CONTRADICTION.** The attorney illustrates an instance in which a witness introduced testimony that contradicts their affidavit (on direct, cross, redirect or recross);
2. **IMPEACHMENT BY OMISSION.** The attorney illustrates an instance in which a witness on direct or redirect examination testified to a material fact not included in their affidavit.

Rule 4.17. Motions

1. **GENERAL.** No motions are permitted except for the following:
 - a. The moving party's motion in the PEA;
 - b. A motion to strike as per FRE 102;
 - c. A motion to constructively exclude witnesses as per FRE 615;
 - d. A motion to enter a witness as an expert as per FRE 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 4.18. Objections

Objections are subject to the following limitations:

1. **PERMITTED DURING EXAMINATIONS.** Objections are permitted only during the examinations of witnesses.
2. **PROHIBITED DURING SPEECHES.** Objections are not permitted during pre-trial evidentiary arguments, opening statements, or closing arguments.
3. **SCOPE.** The only objections that may be made are those consistent with the FRE or those based on the case materials (relating to stipulations or legal documents).
4. **WHO MAY OBJECT.** Only the attorney who conducts the direct or cross examination of the testifying witness may argue or respond to objections during the questioning or testimony of a witness.
5. **HOW OBJECTIONS SHOULD BE MADE.** All objections shall be conducted in open court. Attorneys should stand and address only the presiding judge during all objections.

TRIAL ACCESS

Rule 4.19. Open and Public Trials

All trials shall be open and public. No one, whether family, friend, media, or opponent, shall ever be excluded from any proceeding except that the court will clear the courtroom as scores are submitted at the end of a round. Witnesses shall not be sequestered except as described in FRE 615.

Rule 4.20. Scouting

Empire does not endorse the practice of scouting (i.e., watching a trial to obtain information to use against those teams in a future trial). As a scouting prohibition is difficult to enforce, Empire will not sanction a team for scouting. However, 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 Program.

VIDEO RECORDING & PHOTOGRAPHING TRIALS

Rule 4.21. Definition

"Recording" refers to audio recording, video recording, or photographing a trial via any electronic device, including, but not limited to, a camera, cell phone, camcorder, iPad, tablet and laptop.

Rule 4.22. Permissibility of Recording

As a general rule, photography, videography, or recording of any other kind is prohibited by any competition participant, unless Empire communicates otherwise.

Rule 4.23. Rules for Recording at Programs Where It Is Permitted

- 1. BY NEWS MEDIA AND EMPIRE PHOTOGRAPHERS.** The news media and Empire photographers may record any trial. By competing in a Program, each participant grants permission for the participant's likeness and recording to be used for media purposes by Empire Mock Trial and news media.
- 2. BY A SCHOOL COMPETING IN A TRIAL.** Where Empire permits recording of a trial subject to Rule 4.22, a school may record any trial in which the school is competing, so long as the recording does not interfere with the conduct of the trial. Any such recording is limited to the educational use of the school and may not be shown to unaffiliated viewers (including participants at a camp or seminar). Commercial use is prohibited without the permission of Empire and all involved participants.
- 3. RULES GOVERNING PHOTOGRAPHY.** All team-affiliated photographers must remain in the observer area behind the bar. Flash photography is not permitted.

Chapter 5: Tabulation

Format, Scoring, Pairings, Results and Handling of Rule Violations

FORMAT

Rule 5.1. Format

Empire programs feature four (4) preliminary rounds of competition in which every school competes twice as the plaintiff/prosecution and twice as the defense. Teams are scored, paired and ranked as outlined below. At the conclusion of the rounds, the top two teams as determined will compete against one another in the Championship Round.

Rule 5.2. Tabulation Manual

1. **MANUAL.** Tabulation of all Empire programs shall be done in accordance with the Empire Tabulation Manual ("Manual").
2. **TAB DIRECTORS' AUTHORITY.** The Tab Directors have final authority to interpret any matter contained within the Tabulation Manual.

SCORING

Rule 5.4. Scoring Performance of the Participants

1. **BALLOTS.** In scoring the round, judges shall use the ballots provided by Empire. Judges will be given a separate Team Lineup Form for reference when selecting the Top Attorney and Top Witness in the round.
2. **CATEGORIES.** Each team will be scored on their performance in 16 categories:
 - a. Pre-Trial Evidentiary Argument
 - b. Opening Statement
 - c. Directing Attorney (3X)
 - d. Witness on Direct (3X)
 - e. Witness on Cross (3X)
 - f. Crossing Attorney (3X)
 - g. Closing Argument
 - h. Extemporaneity ("Extemp")
3. **SCALE.** Students shall receive a score from 1 (poor) to 10 (excellent) for their trial presentations (speeches and examinations). Each team will receive scores for 16 separate presentations, so the maximum score a team can receive is 160.
4. **SCORING SHALL BE ON PERFORMANCE, NOT OUTCOME.** Scoring shall be based on the performance of the student witnesses and attorneys. Scores are not based on the merits or outcome of the case as it would be judged in an actual trial.
5. **CRITERIA FOR EVALUATING STUDENT ATTORNEYS.** Judges may consider the student's mastery of trial techniques, understanding of the legal issues and rules of evidence, oratorical skills, demeanor, and overall effectiveness of the student attorney's advocacy for the party.

6. **CRITERIA FOR EVALUATING STUDENT WITNESSES.** Judges may consider the student's knowledge of the part, faithfulness to the part, believability of the character, ability to handle cross examination, and credibility. Witnesses are limited to the information in their sworn affidavit and documents with which they are familiar and reasonable inferences from those documents.
 - a. Guest Witnesses will be scored from 1-10 using the same evaluation criteria.
7. **DEDUCTIONS FROM SCORES.** At their discretion, scoring judges may deduct points for:
 - a. Improper invention of facts by a witness, in violation of Rules 4.14 – 4.16;
 - b. Any act that would constitute contempt of court or unprofessional conduct.
8. **EXTEMP.** A team will receive a score for the category of Extemp. In awarding a score, judges will assess a team's ability to master the following skills:
 - a. Raise timely and appropriate objections;
 - b. Respond to objections with poise;
 - c. Articulately and coherently answer judge's questions during the PEA;
 - d. Incorporate trial testimony and evidence into examinations and closings, particularly if the incorporation seems unique, extemporaneous, and organic;
 - e. Rebut a substantive point made by an adversary at trial; and
 - f. Handle adversity with poise and maturity.

PAIRINGS AND RESULTS

Rule 5.5. Tabulation

1. **ROUND 1 PAIRINGS.** Pairings for Round 1 will be publicly determined and announced at the end of Opening Ceremony after the Empire Exchange. Prior to the ceremony, teams will be provided with a "Challenge Order" document listing all teams at the event in a pre-determined order (explained in detail in the document). The top team in a division will be the first "challenger," publicly announcing the team they wish to face as their opponent. The "challenger" may not refuse the challenge but may choose the side of the case they wish to argue. Challenges will continue down the list from the top until all pairings have been determined.
2. **ROUND 2-4 PAIRINGS.** Determined through procedures codified in Empire's Tabulation Manual.
3. **RESULTS.** Determined through procedures codified in Empire's Tabulation Manual.

REPORTING RULE VIOLATIONS

Rule 5.6. Definitions; Classes of Rule Violations

1. **APPLICABLE RULES.** "Applicable rule" means any rule in the Empire Rulebook, Empire Tab Manual and/or any rule outlined in the Empire Courthouse Use Agreement.

2. **VIOLATION.** "Violation" means any instance where an affiliated participant of a team participating in an Empire Program violates an applicable rule as defined by Rule 5.6 (1).
 - a. **Affiliated Participant.** "Affiliated participant" means any person attending an Empire Program for the purpose of supporting a specific team including, but not limited to, students, coaches, chaperones, parents, observers, and friends.
3. **CLASSES OF RULE VIOLATIONS.**
 - a. At a Program and during a trial;
 - b. At a Program and outside of trial;
 - c. Outside of a Program.

Rule 5.7. Rule Violations at a Program and 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.** Violations may only be brought to the Tab Directors. No one else, including judges, jurors, tournament staff, or the Tournament Director, may receive a report of an alleged violation.
3. **APPROPRIATE ISSUES TO REPORT.** Empire emphasizes collegiality and integrity, and so violations are uncommon. Competing students or coaches shall avoid making a report for minor infractions. Serious breaches of the letter and spirit of Empire rules and policies should be raised, such as in the following circumstances:
 - a. To prevent the application of the all-loss penalty;
 - b. To address a major and flagrant violation of Empire rules (for example, a team discovers that its opponent has used a non-rostered student without their permission in violation of Rules 2.6 – 2.9).
4. **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.
 - a. **Statute of Limitations.** Violations must be reported by midnight on the day after the Program concludes or 10 days from the day it was discovered by the reporter, whichever is later; or the right to file a report is waived.
5. **HOW TO MAKE A REPORT.**
 - a. **Notice.** Before reporting an alleged rules violation, the student or coach seeking redress from the Tab Directors must first notify a member of the other team that he is about to make a report. One member from each team must be present when the report is made to the Tab Directors so that each side can be heard.
 - b. **Opportunity to be heard.** The Tab Directors need not consult with both teams before *denying* a request for redress. However, before imposing any penalties or taking other actions, the Tab Directors must give both teams an opportunity to be heard. If a Tab Director requests that a team coach or captain meet with the Tab Director to discuss the reported violation, and that

team refuses the Tab Director's request, that team waives the opportunity to be heard.

- c. **Discovery of Violation After Program.** Where a party discovers an egregious in-trial rule violation after an Empire Program, it should be reported by e-mailing Empire at admin@empiremocktrial.org, subject to the statute of limitations outlined in Rule 5.7 (4)(a).

6. HOW THE TAB DIRECTOR(S) WILL RESPOND TO A REPORT.

- a. If one Tab Director is present, that Tab Director may question both parties to ascertain the facts. The Tab Director may, at their discretion, reach a decision about an appropriate course of action on their own. For serious violations, the Tab Director should seek the input of the second Tab Director.
- b. If the two Tab Directors disagree on whether action should be taken, they must seek the input of the Tournament Director. The decision of the majority shall prevail. If no majority decision is reached, no action shall be taken.
- c. The Tab Directors are required to consult with the Tournament Director before imposing any penalty listed in Rule 5.7 (7)(a)(iv – vii).

7. PENALTIES FOR IN-ROUND VIOLATIONS. Unless another Rule provides the Tab Directors with a different or additional penalty, the only available penalties are the following.

a. Where a violation is reported during a trial, or within the 30 minute review period:

- i. Warning, verbal or written;
- ii. Loss of time from any timed portion of a trial;
- iii. Loss of points;
- iv. Loss of one or more ballots;
- v. Loss of individual or team awards;
- vi. Exclusion of an individual, team, coach or observer from further attendance at, or participation in, the current Program; and/or
- vii. Exclusion of an individual team, coach, or observer from attendance at, or participation in, a future Program.

b. Where a violation is reported after the 30 minute review period:

- i. Warning, verbal or written;
- ii. Exclusion of an individual, team, coach or observer from further attendance at, or participation in, the current Program; and/or
- iii. Exclusion of an individual team, coach, or observer from attendance at, or participation in, a future Program.

8. FACTORS TO CONSIDER. Empire seeks to resolve disputes in a manner that does not unfairly impact the competitive balance of a tournament. The Tab Directors should consider both the intent of the conduct and its impact on the aggrieved team.

Comment to Rule 5.7 (3): Disagreements regarding evidentiary matters shall be resolved by the Presiding Judge during the trial. They should not be brought to the Tab Directors.

Rule 5.8. Rule Violations at a Program and Outside a Trial

- 1. WHO MAY REPORT A VIOLATION.** Any affiliated participant per Rule 5.6 (2)(a).
- 2. WHO MAY RECEIVE A REPORT.** Violations may only be brought to the Tab Directors. No one else, including judges or jurors, tournament staff, or the Tournament Director, may receive a report of an alleged rule violation.
- 3. APPROPRIATE ISSUES TO REPORT.** Any violations of the rules as per Rule 5.6 (1). Such rules may include, but are not limited to, damage to property, disparaging comments, violations of ethics or etiquette, or illegal use of a cell phone or camera in the courthouse (where the rules bar their use). 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, in the halls of the courthouse, at the Program hotel, or as part of an Empire social event, shall be reported as soon as practicable.
 - a. Statute of Limitations.** Violations must be reported by midnight on the day after the Program concludes or within 10 days from the day it was discovered by the reporter, whichever is later. Violations reported after the deadline has passed will not be considered.
- 5. HOW TO MAKE A REPORT.** The affiliated participant should lodge a complaint with the Tab Director(s) either in the courthouse or at any Empire activity.
 - a. Discovery of Violation After Program.** Where a party discovers after a Program that an egregious rule violation occurred during an Empire Program, it should be reported by e-mailing Empire at admin@empiremocktrial.org.
- 6. HOW THE TAB DIRECTOR(S) WILL RESPOND TO A REPORT.**
 - a. Where Empire believes that a rule violation is worth investigating, the organization, via its Tab Director(s), is required to provide both teams with an opportunity to be heard. If Empire requests that a team discuss the alleged violation with Empire, and that team refuses Empire's request, that team waives the opportunity to be heard.
 - b. If one Tab Director is present, that Tab Director may, at their discretion, reach a decision about an appropriate course of action on their own. For serious rules violations, the Tab Director should seek the input of a second Tab Director.
 - c. If two Tab Directors disagree on whether action should be taken, they must seek the input of the Tournament Director. The decision of the majority shall prevail. If no majority decision is reached, no action shall be taken.
 - d. The Tab Directors are required to consult with the Tournament Director before imposing any penalty listed in Rule 5.8 (7)(c)-(f).
- 7. PENALTIES FOR OUTSIDE OF ROUND VIOLATIONS.** Unless another Rule provides the Tab Directors with a different or additional penalty, the only available penalties are the following:
 - a. Warning, verbal or written;

- b. Loss of points;
- c. Loss of one or more ballots;
- d. Exclusion of an individual, team, coach or observer from further attendance at, or participation in, the current Program;
- e. Exclusion of an individual team, coach, or observer from attendance at, or participation in, a future Program; and/or
- f. Fines and/or restitution.

Rule 5.9. Rule Violations Before or After a Program.

1. **WHO MAY REPORT A VIOLATION.** Any affiliated participant per Rule 5.6 (2)(a).
2. **WHO MAY RECEIVE A REPORT.** The Executive Director only. Violations may not be brought to anyone else, including the Leadership Team or other Empire staff.
3. **APPROPRIATE ISSUES TO REPORT.** Any violations of the rules as per Rule 5.6 (1) may be reported. Such rules may include, but are not limited to, unauthorized distribution or use of case access or case materials, disparaging comments, or violations of ethics or etiquette. Affiliated participants shall avoid making a report for minor infractions.
4. **WHEN TO MAKE A REPORT.** A serious violation that occurs either before or after a Program shall be reported as soon as practicable.
 - a. **Statute of Limitations.** Violations may be reported up until 20 days from the commission of the act or 10 days from the day it was discovered by the reporter, whichever is later. Violations reported after the deadline has passed will not be considered.
5. **HOW TO MAKE A REPORT.** E-mail the Executive Director at admin@empiremocktrial.org.
6. **HOW THE EXECUTIVE DIRECTOR WILL RESPOND TO A REPORT.**
 - a. Where Empire believes that a rule violation is worth investigating, the organization, via its Executive Director, must provide both teams with an opportunity to be heard. If Empire requests that a team discuss the alleged violations with Empire, and that team refuses Empire's request, that team waives the opportunity to be heard.
 - b. The Executive Director shall handle issues arising before or after a Program after consulting with the Leadership Team. The decision of the Executive Director is final.
7. **PENALTIES FOR VIOLATIONS BEFORE OR AFTER A PROGRAM.** The available penalties are limited to the following:
 - a. Warning, verbal or written;
 - b. Loss of one or more ballots at an upcoming program;
 - c. Exclusion of an individual team, coach, or observer from attendance at, or participation in, an upcoming or future program;
 - d. Fines and/or restitution.

Rule 5.10. Pre-Trial Conference Penalties for Late Arrival

A team that is late to the PTC may be penalized by the Tab Directors in any of the following ways:

1. **LOSS OF TIME.** The Tab Directors may shorten the allotted time for the late-arriving team's trial presentation (without penalizing the on-time team);
2. **POINTS LOST.** The late-arriving team may have points deducted by tabulation staff from each ballot in the affected round.
3. **BALLOT DEDUCTION.** If tardiness is egregious and/or persistent, the late-arriving team's earned ballot total may be reduced by one or more ballots.

Rule 5.11. 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. This narrow class of rules in which remedy may be sought is defined below. See Rule 5.11 (4). 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 5.11 (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 Directors, not to anyone else, including the Leadership Team or other Empire staff. An Empire staff member may help communicate the request to the Tab Director.
 4. **JUDICIAL OFFENSES.** Empire will receive complaints about a judge in the following instances only:
 - a. The Presiding Judge repeatedly raises objections on their own, separate from those raised by the student attorneys (*sua sponte*);
 - b. The Presiding Judge repeatedly questions the witnesses during the trial;
 - c. The Presiding or Scoring Judges have made disparaging comments toward a competitor before, during, or after a trial in violation of Rule 1.5;
 - d. The Presiding or Scoring Judges 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 Directors cannot remedy any in-trial issues at that point.
6. **HOW TO MAKE A REPORT.** The student or coach should lodge a complaint with the Tab Director(s) in the tab room.
7. **HOW THE TABULATION DIRECTOR(S) WILL RESPOND TO A REPORT.** Where Empire believes that a rule violation is worth investigating, the Tab Directors 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 Presiding Judge at the current and/or future Programs;
 - c. Removal from consideration as a Scoring Judge at the current and/or future Programs;
 - d. 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.

RULE INTERPRETATION

Rule 5.12. Rule Interpretation Standard

These rules are designed to introduce the procedures of law to the participants and to foster professional collegiality in all Empire programs. 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.

Comment to Rule 5.12: Blue Shirts are empowered to receive complaints and connect you with a Tab Director; however, a Blue Shirt or other Program volunteer does not have authority to act on a complaint alone. When possible, concerns and questions regarding these rules should be brought to the Tab Directors prior to the Program so that they can be resolved in advance.