

# TABULATION MANUAL

Updated September 2017



**EMPIRE MOCK TRIAL**  
EDUCATE. CONNECT. EMPOWER.

# Empire Mock Trial Tabulation Manual

2017 Edition

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# Chapter T1

## Tab Room Overview

### Rule T1.1. Tab Room Definitions

1. **PURPOSE.** The tab room is the area where the Tab Directors tabulate ballots and pair rounds.
2. **STORAGE.** Paper ballots and comment sheets must remain in the tab room for the duration of the tournament. Representatives from each team are invited to visit the tab room to view their paper ballots and comment sheets when the tab room is open. Teams may view their own digital ballots at any time.
3. **RULE-RELATED INQUIRIES.** At least one Tab Director will be available in the tab room to discuss rule-related questions and to determine the correct course of action following any reported Rule Violations.
4. **PAPER VS DIGITAL BALLOTS.** From 2017, Empire will begin utilizing electronic tabulation software to digitize the process of tabulation and pairing. For this reason, in this tabulation manual, we make reference to 'paper ballots' and 'digital ballots'. At all Empire tournaments, paper ballots will be used by judges to record scores. Empire's Blue Shirts will submit digital copies of these paper ballots to the tournament's central database. Paper ballots may also be used to run the traditional 'cards' system utilized by AMTA. Use of the cards system in conjunction with the aforementioned software is at the discretion of the Tab Directors.

### Rule T1.2. Tab Room Access

The tab room will be open to schools at all times during the tournament when the courthouse is open and Empire staff are present, subject to the following exceptions:

1. **ROUNDS 1 AND 3.** When the Tab Directors receive the first paper ballot from Rounds 1 and 3, the tab room is closed until the pairing of the subsequent round has been completed.
2. **ROUND 2.** When the Tab Directors receive the first paper ballot from Round 2, the tab room is closed for the remainder of the day. The tab room will be reopened at least 30 minutes prior to the start of Round 3 on the following day.
3. **ROUND 4.** When the Tab Directors receive the first paper ballot from Round 4, the tab room is closed for the rest of the tournament, except that teams may request to speak to a Tab Director to report a Rule Violation or other matter concerning a Round 4 trial.

### Rule T1.3. Collection of Ballots

At the conclusion of each trial in Rounds 1-4, the following should occur:

1. The Blue Shirt responsible for a given courtroom should verify that the ballot is complete and legible, as per Rule T3.2.
2. Where a digital tab system is being utilized, the staff member will enter the scores into the database, after which point the scoring judge will be asked to visually confirm that the scores on their digital ballot matches those on their paper ballot.

Once this verification is completed, scores will be submitted and transmitted electronically to the tab room.

3. Oral comments may begin once the staff member confirms that the digital ballots have been properly submitted (if applicable). Where a digital tab system is not being utilized, oral comments may begin once the Blue Shirt finishes verifying the ballot's completeness and removes them from the courtroom.
4. While oral comments are in progress, the Empire staff member will arrange for the paper ballot to be transferred to the tab room.

#### **Rule T1.4. Review Period**

Each team will have a 30 minute period to review its ballots to ensure that they were tabulated properly.

1. **AFTER ROUNDS 1-3.** The review period begins immediately upon the announcement of pairings for the next round. The review period between Rounds 2 and 3 takes place when the tab room reopens for Day 2 of the competition, as per Rule T1.2.2.
2. **AFTER ROUND 4.** The review period after Round 4 begins immediately upon conclusion of the awards ceremony.
3. **TEAM RESPONSIBILITIES DURING REVIEW PERIOD.** During each review period, each team's representatives may review their paper ballots, comment sheets, tab cards (where available) and digital tab results/pairings (where available). If any error in the tabulation of the preceding round, or pairing of the following round, is suspected, regardless of whether it affects the reporting team, it shall be reported prior to the expiration of the review period.
  - a. Reporting of an error in the manner outlined above constitutes a "timely report".
4. **LEGIBLE SCORE PRESUMED ACCURATE.** A legible numerical score, properly placed upon the paper ballot and accurately transferred to the digital ballot (where applicable), is conclusive evidence of the judge's intended score. No team may have any claim for relief on the grounds that the judge's comments, or selection of top attorneys or witnesses suggest that the legible score was intended for another function of the trial, or was otherwise improperly given.
  - a. Where there exist discrepancies between the digital and physical ballots, the physical ballot shall stand as the true record of the judge's intended score.
5. **BALLOT CARBON COPIES.** Each team will receive a carbon copy of their ballots and comment sheets. Where one or more carbon copies of a ballot display information that is faint, or otherwise unreadable, the original copy of the ballot shall be consulted. No team shall have any other claim for relief solely on the basis that a carbon copy of their ballot is difficult to read or unreadable.
6. **TAB DIRECTORS TO RECEIVE REPORTS.** Errors may only be reported to a Tab Director. Other tournament officials or staff have no ability to receive such reports.
  - a. Where it is convenient, teams may ask other tournament officials to relay reports to the Tab Directors on their behalf. Other tournament in this circumstance have no ability to make rulings on reports made in this manner.
7. **CORRECTIONS.** Tab Directors will correct errors as follows:

- a. **Record/Placement Errors.** Tab Directors will address any timely report pertaining to errors in win/loss record, strength of schedule (SOS), point differentials, rankings, recordings of results, or final placements.
  - b. **Pairing Errors.** Tab Directors should address any timely reported error relating to the pairing of the following round, if the correction can be made without undue disruption to the tournament schedule.
8. **UNTIMELY REPORTS.** Any error not discovered or reported within the 30-minute review period, outlined in the preamble to this rule, is deemed waived. The Tab Directors may address any untimely reports, but only if such a correction does not unduly disrupt the tournament schedule. The decision to correct an untimely error is solely at the discretion of the Tab Directors.

### **Rule T1.5. Tab Directors' Authority**

Empire's Tabulation Directors retain final authority over the interpretation of this manual. No other tournament staff are empowered to make such interpretations, except where such authority has been explicitly granted by a Tab Director, in and for specific instances.

## **Chapter T2**

### *Judge Allocation*

#### **Rule T2.1. Definitions**

1. A 'Judge' is a volunteer that serves as either a presiding judge or scoring juror for a round of mock trial, providing participants with both quantitative and qualitative evaluations.
  - a. Each trial will contain one 'presiding judge'. The presiding judge will maintain order throughout the trial, question attorneys during the Pre-Trial Evidentiary Argument, and rule on objections. The presiding judge will additionally provide students with feedback after the trial.
  - b. Each trial will contain one or more 'scoring jurors'. Scoring jurors will complete a ballot scoring students on their performance throughout the trial, and provide feedback after the trial but will otherwise remain silent until the trial has concluded.
  - c. Where necessary, presiding judges may also complete a ballot scoring students on their performance.
2. A 'Conflict' refers to a situation in which a judge is ineligible to view a trial due to one of the following reasons:
  - a. A 'Seen Conflict' is a situation in which a judge is ineligible to view a trial because the judge has watched at least one of that trial's teams in a previous round of the same competition.
    - i. Exception: Seen Conflicts do not apply in circumstances where a judge has watched a student play a guest witness, but has not watched the team as a whole.

- b. A 'Personal Conflict' is a situation in which a judge is ineligible to view a trial because of an affiliation with at least one team in that trial that impedes the judge's ability to impartially evaluate the participants in that trial.
  - i. Circumstances in which an 'affiliation' exists include, but are not limited to:
    - 1. The judge having a relationship with a student participant of the trial,
    - 2. The existence of a prior association with one of the competing teams in the trial, or
    - 3. Any other situation that may inhibit the judge's ability to impartially evaluate that trial's participants.
  - ii. Personal conflicts do not necessarily arise in the following circumstances:
    - 1. The judge has judged either team at a previous tournament, or
    - 2. The judge recognizes teams or members of a team from other environments, but such recognition does not amount to an affiliation as defined by Rule T2.1.2b.i.
  - iii. The final authority to determine whether a personal conflict exists rests with the Tab Directors in consultation with the judge in question.

### **Rule T2.2. Judge Assignment**

1. **RANKINGS.** Judges will be assigned a numerical score based on their litigation and mock trial experience. The most experienced judges will be assigned as presiders, and remaining judges will be assigned as scoring jurors.
2. **CONFLICTS.** Judges will not be assigned to trials containing teams with which they have conflicts, as defined by Rule T2.1.2.
3. **FRIENDS & COLLEAGUES.** Upon request, every attempt shall be made to assign judges to trials with a friend or colleague.

### **Rule T2.3. Electronic Judge Allocation**

From 2017, Empire will allocate judges to trials via an electronic system. The system will prioritize allocating the most experienced judges to the highest-ranked trials, while ensuring that judges are not allocated to rooms containing teams that they have conflicts with.

The Tab Directors have the discretion to review and update it as they see fit. Tab Directors retain final authority on the allocation of judges to trials.

### **Rule T2.4. Disclosure of Conflicts**

1. **PRE-TOURNAMENT.** Prior to the tournament, Empire will publish a list of competing schools. When judges check in to the tournament, they must disclose any personal conflicts with teams competing at the tournament, pursuant to Rule T2.1.2b.
2. **IN-COMPETITION.** If a judge is allocated to a trial in which he/she has a Personal Conflict or a Seen Conflict, it is the responsibility of the judge to notify their courtroom's Blue Shirt to this effect. The Blue Shirt should then notify a Tab Director, who will arrange for judges to be exchanged between rooms such that the conflict is resolved.

# Chapter T3

## Data Entry

### Rule T3.1. Team Line-Ups

1. **ROLE FULFILMENT.** During the Pre-Trial Conference for each round, teams will be asked to electronically input the names of students fulfilling each role in the trial.
  - a. Teams must input a student for each of the following roles:
    - i. Pre-Trial Attorney
    - ii. Opening Attorney
    - iii. Direct Examination Attorney 1
    - iv. Direct Examination Attorney 2
    - v. Direct Examination Attorney 3
    - vi. Cross-Examination Attorney 1
    - vii. Cross-Examination Attorney 2
    - viii. Cross-Examination Attorney 3
    - ix. Closing Attorney
    - x. Witness 1
    - xi. Witness 2
    - xii. Witness 3
    - xiii. Guest Witness (participating in another trial)
  - b. At least one of the roles defined in subsections (a)(x)-(xii) of this rule must be fulfilled by the guest witness from another team. Teams will be able to indicate this on the form.
2. **TEAM RESPONSIBILITIES.** Teams are required to ensure that the following responsibilities are met:
  - a. **Compliant Lineup.** Compositions of rosters for a given trial round must be compliant with Chapter 3 of the Empire Rulebook.
  - b. **Substitutions.** The electronic form will automatically populate with the names of students as per the roster submitted through the Team Dashboard prior to competition. If substitutions necessitate the insertion of a student not initially on the roster, teams may indicate this on the form, but must also notify a Tab Director and explain the reason for the substitution.

### Rule T3.2. Ballot Receipt

1. **PAPER BALLOT VERIFICATION.** At the conclusion of the Defense's closing arguments, the Blue Shirt will review the paper ballot from each scoring judge, checking for the following signs of completeness:
  - a. That all thirty-two scores have been filled in;
  - b. That the above scores are valid (that they are integers ranging from 0 to 10);
  - c. That the above scores are all legible;



- d. If there are any 'zero' (0) scores, that the portion of the trial in question actually did not occur<sup>1</sup>; and
  - e. That the two 'best attorney' nominations and two 'best witness' nominations are completed.
2. **CORRECTIONS.** If the Blue Shirt discovers an error on the paper ballot, they will consult with the relevant scoring judge to correct the error.
  3. **TRANSPORT OF PAPER BALLOTS.** While oral comments are in progress, the Blue Shirt should transport the ballots to the tab room<sup>2</sup>.
  4. **ELECTRONIC TAB.** The following procedures will take place where a digital tabulation system is used.
    1. **Digital Ballot Creation.** Once a ballot has been verified, the Blue Shirt will then input ballot data, including all 32 scores, into the software.
    2. **Digital Ballot Verification.** The Blue Shirt must instruct the scoring judge to visually confirm that all scores and nominations on the digital ballot match those of the paper ballot. Where discrepancies exist, the scoring judge should be consulted on which version is correct.
    3. **Electronic Submission.** Once the digital ballot has been verified, it is submitted electronically to the tab room. Once all ballots have been submitted, the Blue Shirt may then invite participants and observers back into the courtroom to begin oral comments.

### Rule T3.3. Tab Room Procedure

1. **ARRIVAL CHECKS.** Prior to a paper ballot entering the tab room, an Empire staff member will review each paper ballot at the tab room door, and conduct the same verification checks as outlined in Rule T3.2. Once the paper ballot has been checked, it may enter the tab room.
  - a. If any further errors are discovered, the staff member should consult with the relevant Blue Shirt immediately to correct the error.
2. **DIGITAL BALLOT CHECKING.** If a digital tab system is being used, once a paper ballot has been received in the tab room, a tab assistant will check that the paper ballot has been accurately entered into the digital database as per Rule T3.2.4.
  - a. Where discrepancies between digital ballots and paper ballots exist, the score recorded on the paper ballot shall stand.
  - b. If a discrepancy is detected, a Tab Director will be consulted to correct the digital ballot.
3. **CARD TABULATION.** At the discretion of the Tab Directors, a card-based system of tabulation may be run. If such a system is used at the tournament, the paper ballot will then be used for this purpose.

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<sup>1</sup> **Explanatory Note to Rule T3.2.1d.** Where a part of a trial actually occurs, the lowest possible score awardable by a judge is 1 out of 10. Therefore, judges may only award a score of 0 where that portion of the trial did not occur.

<sup>2</sup> **Supplementary Note to Rule T3.2.3.** No student from a participating team may transport ballots to the tab room.

- a. **Additional Steps.** In addition to the standard tabulation process in this manual, applied to both digital and paper ballots, the following additional steps should be applied to paper ballots where cards are used:
  - i. Tab Directors will manually adjust paper ballots to account for Guest Witnesses (as outlined in Rule T4.5).
  - ii. Tab Directors will manually calculate the winner of each ballot, noting the raw totals of each side, and the point differential in favor of the winning team.

## Chapter T4

### *Tabulating Ballots*

#### **Rule T4.1. Tabulation Definitions**

1. 'Division' refers to half the field of a competition, membership of which is pre-determined. Teams are paired with other teams in their division, and are ranked relative to the other teams in their division.
  - a. Teams are split across divisions according to the following protocol:
    - i. Domestic teams that won their State championship and competed at the National High School Mock Trial Championship (NHSMTC) in the preceding year are balanced across divisions according to their schools' performance at the NHSMTC in the preceding year<sup>3</sup>; then
    - ii. Teams that have won their state or national championships, but are not assigned through subsection (i) of this rule, are distributed evenly between each division; then
    - iii. Teams from the same state or country that are not assigned through subsections (i)-(ii) of this rule are distributed evenly between each division; then
    - iv. Any remaining teams not assigned through subsections (i)-(iii) of this rule are randomly assigned.
  - b. **Exception: Multiple teams from the same school.** Where a school sends two (2) or more teams to a single Empire program, the following provisions will apply:
    - i. If a school sends an even number of teams, they will be assigned to divisions such that there are equal numbers of teams from that same school in each division.
    - ii. If a school sends an odd number of teams, they will be assigned to divisions such that the school's allocations across the two divisions are as balanced as possible. For example, if a school sends three teams, two

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<sup>3</sup> **Supplementary Note to Rule T4.1.1a.i.** Where multiple international teams from the same country are competing at the same program, those teams will be balanced according to performance at their respective National championship in the preceding year.

teams will be assigned to one division, and one will be assigned to the other.

- c. Teams receive guest witnesses from corresponding rooms in the other division (See Rule T5.5).
2. 'Pairings' refers to all of the pairings across both divisions for a round.
3. A 'Pairing' is the combination of two teams assigned to compete against each other in a given round of the tournament.
4. 'Side' refers to the side of the case (Prosecution/Plaintiff or Defense) that a team portrays.
5. 'Column' refers to the physical side of the pairings in which teams are located.
  - a. In Rounds 1, 2 and 4, teams in the left column of the pairings will portray Prosecution/Plaintiff for that round, while teams in the right column portray Defense.
  - b. In Round 3, a coin flip (Rule T4.3.2) is used to determine which column portrays Prosecution/Plaintiff, and which column portrays Defense.

#### **Rule T4.2. Calculations**

Tab Directors will perform calculations relating to a team's tournament record, using ballot data at the conclusion of each round. Specifically, after guest witness score attribution has occurred as per Rule T4.5, they will calculate the following with respect to each team:

1. **BALLOT RESULT.** Whether the team has won, lost or tied that ballot.
  - a. A team wins a ballot where the sum of their sixteen scores is greater than the sum of their opponent's.
  - b. A team loses a ballot where the sum of their scores is less than their opponent's.
  - c. A team ties a ballot where the sum of their scores is equal to their opponent's.
2. **POINT DIFFERENTIAL.** For each ballot submitted, the point differential is the difference between the team's sum of their sixteen scores, and the sum of their opponent's scores.
  - a. Teams that win a given ballot will have a positive point differential for that ballot.
  - b. Teams that lose a ballot will have a negative point differential for that ballot.
  - c. Teams that tie a ballot have a point differential of zero (0) for that ballot.
3. **CUMULATIVE WIN TOTAL.** The number of 'wins' each team has accumulated over the course of the entire tournament to that point.
  - a. Teams earn one win for each ballot won.
  - b. Teams earn one half of a win for each ballot tied.
  - c. Teams earn zero wins for each ballot lost.
4. **NET POINT DIFFERENTIALS** The team's net point differential accumulated over the course of the entire tournament to that point, calculated as the sum of the point differentials on each ballot.
5. **CUMULATIVE STRENGTH OF SCHEDULE.** (At the end of Rounds 2, 3 and 4 only) The team's SOS is calculated as the sum of the wins of all of the team's opponents to that point in the tournament.

6. **CUMULATIVE OPPONENTS' STRENGTH OF SCHEDULE.** (At the end of Round 4 only) The team's OSOS is calculated as the sum of the team's opponents' SOSs to that point in the tournament.
7. **RULE VIOLATIONS.** Where a team has been found to commit Rule Violations, ballot penalties levied on that team should be noted and their ballot adjusted accordingly.

### **Rule T4.3. Coin Flips**

Two separate coin flips are conducted at different points throughout the tournament.

1. **OPENING ROUND COIN FLIP.** The Opening Round Coin Flip determines the way in which the alphabetical tiebreaker is applied.
  - a. If the coin flip comes up 'Heads', teams with identical tournament records are ranked by team key<sup>4</sup> in **descending** order (Z to A).
  - b. If the coin flip comes up 'Tails', teams with identical tournament records are ranked by team key in **ascending** order (A to Z).
2. **ROUND 3 COIN FLIP.** The Round 3 Coin Flip determines how sides are allocated for Round 3. See Rule T5.3.5.

### **Rule T4.4. Guest Witness (GW) Definitions**

A "Guest Witness" is a student that testifies in a round for a team that is not their own, but whose score is attributed to their own team, not the one for which they are testifying.

1. 'Origin Team' is defined as the team that is sending a GW to another trial.
2. 'Destination Team' is defined as the team that is receiving a GW from another team.

### **Rule T4.5. Guest Witness Score Attribution**

1. **DETERMINATION OF GUEST WITNESS ROLES.** In the team line-up form, schools will be asked to identify which witness number (Witness 1, 2 or 3) is being portrayed by the Guest Witness from another school.
2. **LOCATION OF GUEST WITNESS SCORES.** Once it is established which witness is being portrayed by the Guest Witness, the Guest Witness's scores on the ballots for the room in question will be located<sup>5</sup> using the witness number (1,2 or 3) indicated on the team line-up form. Each Guest Witness will have two scores per ballot; One direct-examination score, and one cross-examination score.
3. **CALCULATION OF GUEST WITNESS DIRECT EXAMINATION AVERAGE.** Each Guest Witness's average direct examination score is calculated by averaging the direct examination scores for the witness, across all of the ballots submitted in the relevant trial.

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<sup>4</sup> Teams are randomly assigned a team key at the beginning of the tournament.

<sup>5</sup> If a digital tab system is being used, the system will automatically locate these scores. If a digital tab system is not being used, Tab Directors will locate these scores manually.

4. **CALCULATION OF GUEST WITNESS CROSS-EXAMINATION AVERAGE.** Each Guest Witness's average cross-examination score is calculated by averaging the cross-examination scores for the witness, across all of the ballots submitted in the relevant trial.
5. **DEDUCTION OF GUEST WITNESS SCORES FROM THE DESTINATION TEAM BALLOT.** The direct-examination and cross-examination scores attributed to the Guest Witness are then deducted from each ballot total in the destination team's trial. The actual direct-examination and cross-examination scores are deducted; not averages.
6. **ADDITION OF GUEST WITNESS SCORES TO THE ORIGIN TEAM BALLOT.** The average direct-examination and cross-examination scores earned by the Guest Witness from the destination team's ballot are then added on to each of the origin team's ballots. The average direct-examination and cross-examination scores from the relevant destination ballots are added to the origin team's ballot; not actual scores.
7. **RECALCULATION.** Each origin team's ballot, and each destination team's ballot will be recalculated to account for any changes in point differential, and/or the ballot result.

#### **Rule T4.6. Tabulation of Rounds 1 and 3**

Tabulating results from Rounds 1 (to pair Round 2), and 3 (to pair Round 4) occurs as follows:

1. **GUEST WITNESS ATTRIBUTION.** Guest Witness scores are attributed to ballots as per Rule T4.5.
2. **CALCULATION OF RECORD.** A team's cumulative tournament record is then calculated. Included in this calculation is the number of wins, SOS, and NPD.
  - a. SOS is not calculated when tabulating Round 1.
3. **SEPARATION OF TEAMS.** Within each division, teams are sorted into one of two pools:
  - a. Teams that portrayed Prosecution/Plaintiff in the round are sorted into the 'Needs Defense' pool.
  - b. Teams that portrayed Defense in the round are sorted into the 'Needs Prosecution/Plaintiff' pool.
4. **RANKING OF TEAMS.** Within each pool, teams are ranked according to the following criteria (in order of precedence):
  - a. Number of Wins, in descending order; then by
  - b. SOS (Round 3 Only), in descending order; then by
  - c. Net Point Differential, in descending order.
5. Where Rule T4.6.4 produces two or more teams with equal wins, SOS and NPD, the coin flip tiebreaker will be used, as per Rule T4.3.1.

#### **Rule T4.7. Tabulation of Round 2**

Tabulating results from Round 2 (to pair Round 3) occurs as follows:

1. **GUEST WITNESS ATTRIBUTION.** Guest Witness scores are exchanged between ballots as per Rule T4.5.
2. **CALCULATION OF RECORD.** A team's cumulative tournament record is then calculated. Included in this calculation is the number of wins, SOS, and NPD.

3. **SEPARATION OF TEAMS.** Teams are not separated into pools for tabulation of Round 2. Teams are ranked relative to their entire division.
4. **RANKING OF TEAMS.** Within each division, teams are ranked according to the following criteria (in order of precedence):
  - a. Number of Wins, in descending order; then by
  - b. SOS, in descending order; then by
  - c. Net Point Differential, in descending order.
5. Where T4.7.4 produces two (2) or more teams with equal wins, SOS and NPD, the coin flip tiebreaker will be used, as per Rule T4.3.1.

## Chapter T5

### *Pairings*

#### **Rule T5.1. Pairing Round 1.**

1. **CHALLENGE SYSTEM.** Round 1 pairings are determined through Empire's challenge system.
2. **SIDES PRE-ALLOCATED.** Once a pairing has been determined, the challengee may select the side they wish to portray, and, implicitly, the side that their opponent will portray.

#### **Rule T5.2. Pairing Rounds 2 and 4.**

Rule T4.6 will produce pools of 'Needs Prosecution/Plaintiff' teams, and 'Needs Defense' teams, ranked by their cumulative tournament record.

1. **MATCHUPS.** Pairings for Rounds 2 and 4 are set by matching teams with equal ranks in the 'Needs Prosecution/Plaintiff' and 'Needs Defense' pools. That is to say, the best ranked team in the 'Needs Prosecution/Plaintiff' pool shall be paired with the best ranked team in the 'Needs Defense Pool', and so on. Teams from the 'Needs Prosecution/Plaintiff' pool will occupy the left column of the pairings, and teams from the 'Needs Defense' pool will occupy the right column of the pairings.
2. **SIDE ASSIGNMENT.** Teams in the left column will portray Prosecution/Plaintiff for the round, while teams in the right column will portray Defense in the round.
3. **IMPERMISSIBLES.** Impermissible pairings are resolved as per Rule T5.4.
4. **GUEST WITNESS ALLOCATION.** Guest Witnesses are allocated to trials as per Rule T5.5.

#### **Rule T5.3. Pairing Round 3**

Rule T4.7 will produce one pool of all the teams in a given division, ranked by their cumulative tournament record. Teams are allocated to trials using a 'snake' pattern, as follows:

1. **DISTRIBUTION OF TEAMS INTO COLUMNS.** Teams with odd-numbered ranks will be distributed down the left column of the pairings in descending rank order (ie. 1 to n). That is to say, the highest odd-numbered rank (Rank 1) occupies the left column

- of pairing #1, the second highest odd-numbered rank (Rank 3) occupies the left column of pairing #2, and so on.
2. Teams with even-numbered ranks will be distributed on the right column of the pairings in descending rank order. That is to say, the highest even-numbered rank (Rank 2) occupies the right column of pairing #1, the second highest even-numbered rank (Rank 4) occupies the right column of pairing #2, and so on.
  3. **SWITCHING TEAMS IN EVEN-NUMBERED PAIRINGS.** Teams in even-numbered pairings will then have their columns swapped. For example, in pairing #2, where the original pairing is Rank 3 (left) vs Rank 4 (right), teams swap columns so that the pairing then reads Rank 4 (left) vs Rank 3 (right). This is then repeated for pairing #4, #6, and any other even-numbered pairings down the pairings table.
  4. **IMPERMISSIBLES.** Impermissible pairings are resolved as per Rule T5.4.
  5. **SIDE ALLOCATION.** The result of the Round 3 Coin Flip determines sides for Round 3, as follows:
    - a. If the result of the flip is 'Heads', the left column of the pairings portrays Prosecution/Plaintiff, and the right column portrays Defense.
    - b. If the result of the flip is 'Tails', the left column of the pairings portrays Defense, and the right column portrays Prosecution/Plaintiff.
  6. **GUEST WITNESS ALLOCATION.** Guest Witnesses are allocated to trials as per Rule T5.5.

#### **Rule T5.4. Impermissible Pairings**

1. **TYPES OF IMPERMISSIBLE PAIRINGS.** A pairing of teams for a round is deemed to be impermissible if one or more of the following criteria applies:
  - a. The two teams are from the same school, or
  - b. The two teams have faced each other before.
2. **RESOLVING IMPERMISSIBLE PAIRINGS.**
  - a. **Identify impermissible matches from the top of the pairings down.** Tab Directors should resolve the highest-ranked pairing that is impermissible first, followed by the second highest-ranked pairing, and so on.
  - b. **Evaluate possible swaps.** Impermissible pairings are resolved by swapping teams in the pairings. In general, up to four (4) swaps may be considered:
    - i. Prosecution/Plaintiff swaps with the team ranked adjacently above it.
      1. Not applicable where the room in question is the top-ranked room in the pairings.
    - ii. Defense swaps with the team ranked adjacently above it.
      1. Not applicable where the room in question is the top-ranked room in the pairings.
    - iii. Prosecution/Plaintiff swaps with the team ranked adjacently below it.
      1. Not applicable where the room in question is the bottom-ranked room in the pairings.
    - iv. Defense swaps with the team ranked adjacently below it.
      1. Not applicable where the room in question is the bottom-ranked room in the pairings.



- c. **Immediate Swap Exclusions.** The swaps outlined in Rule T5.4.2b may be automatically excluded from consideration if any of the following criteria applies:
- i. The two teams in question have already swapped before in the same round,
  - ii. The two impermissibly matched teams would be trading with each other,
  - iii. A swap results in a team 'crossing columns'. That is to say, if a team in the left column would then end up in the right column, and/or vice versa.
  - iv. The two teams in question are not adjacently ranked.
    1. Where the exclusions in Rules T5.4.2c render all swaps invalid, this exclusion may be waived to consider the next closest group of adjacent ranks. For example, if all swaps with directly adjacent ranks are invalid, we may then consider swaps with teams separated by 2 ranks, and so on.
- d. **'Least Difference' Swap Evaluation.** With respect to each swap, the Tab Directors then assess the difference between the two teams' cumulative records, using the following criteria to establish which two teams in a swap have the least difference between their records:
- i. Wins
  - ii. SOS (only for pairing Rounds 3 and 4)
  - iii. Net Point Differential
  - iv. Sum of ranks
- e. **Criteria in Rule T5.4.2d listed in order of precedence.**
- i. If a swap is optimal based on wins alone, none of the other criteria shall be considered.
  - ii. For Rounds 3 and 4 only, where two or more swaps have the same difference between wins, those swaps will be ranked by their difference in SOS, in ascending order.
  - iii. Where two or more swaps have the same difference between wins, and the same difference between SOS, those swaps will be ranked by their difference in NPD, in ascending order.
  - iv. Where two or more swaps have the same difference between wins, the same difference between SOS, and the same difference between NPD, those swaps will be ranked by the sum of the ranks attributed to the teams in question, in descending order (highest to lowest).
- f. **Swap Execution.** The swap with the least difference, as evaluated in Rules T5.4.2d - T5.4.2e will then be executed. The teams trade positions and ranks with each other. This process continues until there are no impermissible matches in the draw, at which point it is considered finalized.
- i. Where the criteria in Rule T5.4.2d result in two swaps having the same differences, the swap on the Defense side of the pairings will be executed.
  - ii. A swap is no less valid simply because it will create another impermissible match. This new impermissible match is resolved using the above process.



- iii. After any swap, an additional check is completed to ensure that no new impermissible matches have been created as a result of the swap. If new impermissible matches have been created, they are resolved using the aforementioned process.

### **Rule T5.5. Guest Witness Assignment**

Guest Witnesses are power-paired across divisions.

1. **FINALIZATION OF PAIRINGS.** Pairings must be finalized as per Rules T5.1-T5.4 before guest witness assignment may take place.
2. **GUEST WITNESSES ASSIGNED IN PAIRS.** For scoring purposes, teams in a single pairing must send their guest witnesses as a pair of guest witnesses to another trial room. Situations where an origin team's guest witness is not in the same room as their own opponent's guest witness are explicitly disallowed.
3. **SIDES.** Students portray the guest witness on the same side of the case that their origin team is participating in for the round.
4. **POWER-PAIRING ACROSS DIVISIONS.** Guest witnesses will be assigned across divisions, with the guest witnesses from the #1 pairing in Division 1 travelling to the #1 pairing in Division 2, and vice versa.
5. **SAME-SCHOOL ALLOCATIONS.** An allocation of guest witnesses which results in a guest witness's origin team being from the same school as their destination team is an impermissible allocation. Such allocations are rectified as follows:
  - a. **Identify impermissible allocations from the top of the pairings down.** Tab Directors should resolve the highest-ranked allocation that is impermissible first, followed by the second-highest ranked allocation, and so on.
  - b. **Evaluate possible swaps.** Impermissible pairings are resolved by changing the pair of guest witnesses that a given room receives<sup>6</sup>. In general, up to two (2) swaps may be considered:
    - i. The room in question swaps their assigned guest witnesses with the room above it in the pairings.
      1. Not applicable where the room in question is the top-ranked room in the pairings.
    - ii. The room in question swaps their assigned guest witnesses with the room below it in the pairings.
      1. Not applicable where the room in question is the bottom-ranked room in the pairings.
  - c. **Immediate Swap Exclusions.** The swaps mentioned in Rule T5.5.5b may be automatically excluded from consideration if any of the following criteria applies:
    - i. The two pairs of teams in question have already swapped before in the same round, or
    - ii. The swap would create a new allocation conflict.

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<sup>6</sup> Pursuant to Rule T5.5.2, every given origin team's opponent's guest witness must compete in the same room as the given origin team's own guest witness. No provision in Rule T.5.5 should ever result in Rule T5.5.2 being violated.

- d. **'Least Difference' Swap Evaluation.** With respect to each swap, the tab Directors then assess the difference between the two trial rooms' cumulative records, using the following criteria to establish which two rooms in a swap have the least difference between the combined records of the teams in those rooms:
- i. Wins
  - ii. SOS (only for pairing Rounds 3 and 4)
  - iii. Net Point Differential
  - iv. Sum of ranks
- e. **Criteria in Rule T5.5.5d listed in order of precedence.**
- i. If a best swap based on wins alone can be ascertained, none of the other criteria shall be considered.
  - ii. For Rounds 3 and 4 only, where two (2) or more swaps have the same difference between wins, those swaps will be ranked by their difference in SOS, in ascending order.
  - iii. Where two (2) or more swaps have the same difference between wins, and the same difference between SOS, those swaps will be ranked by their difference in NPD, in ascending order.
  - iv. Where two (2) or more swaps have the same difference between wins, the same difference between SOS, and the same difference between NPD, those swaps will be ranked by the sum of the ranks attributed to the teams in question, in descending order.
- f. **Swap Execution.** The swap with the least difference, as evaluated in Rules T5.5.5d will then be executed. All four guest witnesses from the pair of rooms involved in the swap are exchanged, ensuring compliance with Rule T5.5.2. This process continues until there are no impermissible allocations in the pairings.
- i. Where the criteria Rule T5.5.5d result in two swaps having the same differences, a coin flip should be used to determine the swap to execute.
- 6. CHAMPIONSHIP ROUND ASSIGNMENT.** Guest Witnesses are not used in the Championship Round of a tournament. All three witnesses called by a given team will be fulfilled by students of the same team.

## Chapter T6

### *Bye-Buster Teams*

#### **Rule T6.1. Overview and Definitions**

Bye-buster teams are teams created ad-hoc (as necessary) to ensure that there are an even number of teams competing in a tournament at any given time.

1. A team's record for 'pairing purposes' is the record of a team that is used to rank teams in between trial rounds, and to pair them to subsequent trials as per the rules in Chapter T5.

2. A team's record for 'non-pairing purposes' is the record of a team used for purposes not specified in subsection (1) of this rule. These include, but are not limited to, ranking teams at the end of Round 4 as per Rule T7.1, calculating opponents' SOSs and OSOSs, and computing the SOS Ratio and Ballot Total Ratio components of the individual awards formula as per Rule T7.3.

#### **Rule T6.2. Bye-Buster Team Records**

1. **WIN RECORD FOR PAIRING PURPOSES.** For pairing purposes, a bye-buster will always be considered as having earned minus one (-1) wins. For pairing purposes, this places them at the bottom of the tournament pool.
2. **TRUE RECORD FOR NON-PAIRING PURPOSES.** Notwithstanding Rule T6.2.1, while the bye-buster's own record for pairing purposes will not be affected by its performance throughout the tournament, the bye-buster's true record shall still be used for other non-pairing purposes, as follows:
  - a. The bye-buster team's true number of wins must be recorded for the purpose of calculating the bye-buster's opponents' SOSs.
  - b. The bye-buster team's true SOS must be recorded for the purpose of calculating the bye-buster's opponents' OSOSs.
  - c. True records of best attorneys and best witnesses pertaining to the bye-buster team must be recorded for the purpose of determining individual awards at the end of the tournament

#### **Rule T6.3. Pairing Bye-Buster Teams in Round 2-4**

1. **WIN RECORD FOR PAIRING PURPOSES.** As noted in Rule T6.2.1, regardless of the bye-buster team's true record, they are assumed to have a record of minus one (-1) wins for pairing purposes in every round.
2. **RECORD INHERITANCE.** If the round in question is the first round in which the bye-buster team is competing, for non-pairing purposes the bye-buster team inherits the record of the team that was unable to compete (that is to say, the team whose withdrawal necessitated the forming of the bye-buster team). Otherwise, the bye-buster team's record from the previous round(s) stands.

#### **Rule T6.4. Withdrawing a Bye-Buster Team**

1. **NON-BYE-BUSTER INHERITS THE RECORD OF THE BYE-BUSTER.** Where a non-bye-buster team returns to the tournament after a bye-buster team has competed in one or more rounds, the returning team inherits the true record of the bye-buster team.
  - a. The non-bye-buster team's record shall not include the (-1) win component of the bye-buster team's record; Rather, their rankings for both pairing and non-pairing purposes shall be based on their true tournament record.

#### **Rule T6.5. Bye-Buster Award Eligibility**

1. **BYE-BUSTERS NOT ELIGIBLE FOR FORMAL TEAM AWARDS.** Bye-buster teams are ineligible to receive a team award.

2. **BYE-BUSTERS INFORMALLY RECOGNIZED FOR FINAL PLACEMENT.** A bye-buster team may be recognized for their placement in the tournament based on their true tournament record.
3. **BYE-BUSTER STUDENTS ELIGIBLE FOR INDIVIDUAL AWARDS.** Students on a bye-buster team are eligible for individual awards as per Rules T7.2-T7.4.

## Chapter T7

### *End of Tournament Procedures*

#### **Rule T7.1. Calculating Final Records**

1. **OVERVIEW.** At the end of Round 4, all teams in a division will be ranked against each other using the following criteria:
  - a. Wins
  - b. Head-to-Head Tiebreaker
  - c. SOS
  - d. NPD
  - e. OSOS
  - f. Modified NPD (excluding the top and bottom Point Differential)
  - g. Other tiebreak criteria as necessary, determined by the Tab Directors.
2. **CRITERIA IN RULE T7.1.1 LISTED IN ORDER OF PRECEDENCE**
  - a. If a team's rank is determinable based on wins alone, none of the other criteria shall be considered.
  - b. Where exactly two (2) teams accumulate the same number of wins, and these tied teams have faced each other, the result of that trial (the "head-to-head round") prevails. That is to say, the team that won the majority of ballots in the head-to-head round is taken to be the higher-ranking team, regardless of any other tiebreak criteria.
    - i. Where an even number of ballots are being used at the trial in which the two teams in question have faced each other, the head-to-head tiebreaker is voided if the decision was split (ie. each team won the same number of ballots outright, excluding tied ballots). Where such a situation occurs, the next tiebreak criterion will be applied.
  - c. Where more than two teams accumulate the same number of wins, and Rule T7.1.2b does not apply, those teams will be ranked by their SOS, in descending order.
    - i. If the number of teams which accumulate the same number of wins and the same SOS is exactly two, the head-to-head tiebreaker will be invoked as per Rule T7.1.2b.
  - d. Where more than two teams accumulate the same number of wins and the same SOS, those teams will be ranked by their net point differential, in descending order.

- i. If the number of teams which accumulate the same number of wins and the same SOS is exactly two, the head-to-head tiebreaker will be invoked as per Rule T7.1.2b.
  - e. Where more than two teams accumulate the same number of wins, the same SOS and the same net point differential, those teams will be ranked by their OSOS, in descending order.
    - i. If the number of teams which accumulate the same number of wins, the same SOS and the same net point differential is exactly two, the head-to-head tiebreaker will be invoked as per Rule T7.1.2b.
  - f. Where more than two teams accumulate the same number of wins, the same SOS, the same net point differential and the same OSOS, those teams will be ranked by their modified net point differential. The modified net point differential for a team is equal to the team's net point differential, excluding the highest and lowest point differentials. Teams are ranked by modified net point differential in descending order.
    - i. If the number of teams which accumulate the same number of wins, the same SOS, the same standard net PD and the same OSOS is exactly two, the head-to-head tiebreaker will be invoked as per Rule T7.1.2b.
  - g. Where more than two teams remain equally ranked, the Tab Directors will determine the means by which the tie is broken, if applicable. The method used will be communicated to teams.
- 3. ADVANCING TEAMS.** The highest ranked team in each division advances to that tournament's Championship Round.

### **Rule T7.2. Methods for Calculating Individual Awards**

At the end of Round 4, the Tab Directors will determine the recipients of individual awards.

- 1. METHODS.** One of two methods may be used:
  - a. Empire Method.** Explained in Rule T7.4.
  - b. Modified American Mock Trial Association (AMTA) Method.** Explained in Rule T7.5.
- 2. TAB DIRECTORS' DISCRETION.** The decision on which method to be used is solely at the discretion of the Tab Directors. No team shall have any claim for relief solely on the basis that a given method was used, or that a student would have earned an award using one method but not the other.
- 3. NOTICE OF METHOD USED.** The method used at a given tournament to calculate individual awards will be announced at that tournament's closing ceremony, prior to the announcement of award recipients.

### **Rule T7.3. Empire Method for Calculating Individual Awards**

Where the Empire method is being used, the following four criteria will be used to calculate award recipients:

- 1. STUDENT SCORE RATIO.** For each student on the ballot, the Tab Directors will calculate the ratio of a student's average score for a given section on one ballot, relative to the average scores of the same role types on the ballot. That is to say,

the average of the scores that a particular attorney earned during the trial will be calculated as a proportion of the average of all attorneys' scores on the ballot, and similarly for witnesses.

**2. JUDGE VOTE RATIO.**

- a. Each ballot at a tournament shall contain four ranks for individual participants, as follows:
  - i. #1 Attorney
  - ii. #2 Attorney
  - iii. #1 Witness
  - iv. #2 Witness
- b. Students listed as the best attorney or witness (that is to say, students that occupy the #1 rank on these fields) shall receive 1 vote per #1 nomination.
- c. Students listed as the second best attorney or witness (that is to say, students that occupy the #2 rank on these fields) shall receive 0.5 votes per #2 nomination.
- d. Tab Directors shall tally the total number of votes earned by each student, and divide this total number of votes by the number of possible votes for that role on the ballot. Each role has one #1 nomination (worth 1 vote), and one #2 nomination (worth 0.5 votes) on a ballot, resulting in a maximum of 1.5 votes per role per ballot.
  - i. For example, if a student received one #1 position, their total number of nominations would be equal to 1. Their judge vote ratio would then be equal to the number of nominations divided by the number of possible nominations, which would equal 1 divided by 1.5, equaling two-thirds (0.67).

**3. SIDE-CONSTRAINED SOS RATIO.** At each tournament, Tab Directors will assess the student's team's final side-constrained SOS relative to the theoretical maximum side-constrained SOS available at the tournament.

- a. A 'Side-Constrained SOS Ratio' is defined as the number of ballots earned by a team's opponents while the team is competing on a given side. That is to say, for example, a team's Plaintiff-side-constrained SOS Ratio is the sum of ballots earned by the opponents of the team from the two trials that the team competed as the Plaintiff, as a proportion of one half of the theoretical maximum SOS of the team.
- b. The theoretical maximum side-constrained SOS is calculated as the maximum number of ballots available, multiplied by four.

**4. SIDE-CONSTRAINED BALLOT TOTAL RATIO.** At each tournament, Tab Directors will assess the student's team's final side-constrained ballot total as a proportion of the theoretical maximum number of ballots available at the tournament.

- a. A 'Side-Constrained Ballot Total Ratio' is defined as the number of ballots earned by a team while the team is competing on a given side. That is to say, for example, a team's Plaintiff-side-constrained Ballot Total Ratio is the sum of ballots earned by the team from trials in which they competed as the Plaintiff, as a proportion of one half of the total number of ballots available.

- b. The maximum number of ballots available at a competition is normally calculated as the number of ballots submitted per trial, multiplied by the number of trials.
- 5. INDIVIDUAL AWARD COMPONENTS CALCULATED ON A PER-SIDE BASIS.** Totals and ratios calculated in Rules T7.3.1-4 are calculated on a per side basis. This means that a student's score ratio, judge vote ratio, SOS ratio and ballot total ratio on the Prosecution/Plaintiff side and Defense side are calculated separately.
- 6. AGGREGATION.** The totals calculated in Rules T7.3.1-T7.3.4 are then added together and weighted as follows:
  - a. Student Score Ratio - 37.5%
  - b. Judge Vote Ratio - 37.5%
  - c. SOS Ratio - 12.5%
  - d. Ballot Total Ratio - 12.5%
- 7. LISTS.** The aggregated totals calculated in Rule T7.3.6 will be used to produce a ranked list of the best attorneys and witnesses at each tournament.
  - a. Two ranked lists for each of Best Attorneys and Best Witnesses, for the Prosecution/Plaintiff side and the Defense side will be produced. Therefore, it is possible for a student to earn a best attorney/witness award on both sides of the case.

#### **Rule T7.4. Modified AMTA Method for Calculating Individual Awards**

- 1. RANK CALCULATION.**
  - a. Each ballot at a tournament shall contain four ranks for individual participants, as follows:
    - i. #1 Attorney
    - ii. #2 Attorney
    - iii. #1 Witness
    - iv. #2 Witness
  - b. Students listed as the best attorney or witness (that is to say, students that occupy the #1 rank on these fields) shall receive 5 points per #1 nomination.
  - c. Students listed as the second best attorney or witness (that is to say, students that occupy the #2 rank on these fields) shall receive 4 points per #2 nomination.
- 2. PER-SIDE CALCULATION.** Totals outlined in Rule T7.4.1 are calculated on a per side basis. This means that a student's point totals on the Prosecution/Plaintiff side and Defense side are calculated separately.
- 3. LISTS.** The sums of all points calculated in subsections (1)-(2) of this rule will be used to produce a ranked list of the best attorneys and witnesses at each tournament.
  - a. Two ranked lists for each of Best Attorneys and Best Witnesses, for the Prosecution/Plaintiff side and the Defense side will be produced. Therefore, it is possible for a student to earn a best attorney/witness award on both sides of the case.