

**Statement of Purpose of Virtual Competition Rules.**

*Pursuant to Rule 4.1(C) of the Minnesota High School Mock Trial Competition Rules (the “**Competition Rules**”), the following are the rules to be applied to the conducting of trials under on a virtual basis. In addition to these rules, the Mock Trial Director may distribute technical and process guidance to be complied with in connection with participation in a virtual trial.*

*Each of these rules is either a “VC Rule” or a “VC Modification to Rule \_\_\_\_.” The former are general rules with the latter being specific modifications to the Competition Rules to accommodate the virtual nature of the trial.*

**VC Rule 1 – Virtual Platform.** The Mock Trial Director shall have discretion to establish the platform to be used to conduct competition on a virtual basis.

**VC Rule 2. - Technical Difficulties During Trial**

**VC Rule 2.1 – Definition of Technical Difficulty.** For purposes of this rule, technical difficulties include: (i) internet failure; or (ii) computer, device, camera or microphone failure. Provided, however, that failure of a camera only does not permit or require substitution under VC Rule 2.4 if the affected team member incurs only a failure of their camera or a loss of internet connection should the member be able to rejoin the trial using a telephonic connection.

**VC Rule 2.11 – Consent to Recording:** As the virtual platform selected for use may involve a recording function which may later be used by a team or the Minnesota High School Mock Trial program, every member of a team shall be required to sign a consent to their video image during a trial being recorded and potentially used for non-commercial purposes. If the member is under the age of 18 years, the consent shall be signed by the member’s parent or legal guardian.

The consent shall be in the form provided by the Mock Trial Director and shall be maintained by the team’s coach and provided to the Mock Trial Director upon request. The coach shall condition participation by a team member in the competition upon execution of such consent.

**VC Rule 2.2 - Declaration of Recess by Presiding Judge.** In the event of technical difficulties during a virtual trial, the Presiding Judge shall have discretion to declare a brief recess to permit efforts to resolve any technical difficulty substantially impairing participation by one or a limited number of participants in the trial. During any recess under this rule, whenever possible, the teams should remain logged into the virtual competition platform.

**VC Rule 2.3 - Loss of Connection by Entire Team:** In the event that a technical difficulty prevents an entire team from completing in part or all of a trial, the Presiding Judge shall declare a recess of up to 15 minutes, to allow that team to reconnect, either via video or by connecting on an audio-basis via telephone. If reconnection is not achieved during the recess, the Mock Trial Director may, in his or her sole discretion:

- (a) declare a forfeit in favor of the team that maintains its connection;
- (b) schedule the trial for completion; or

(c) if at least four witnesses have been subject to cross-examination, deem the trial completed.

If the trial is scheduled for completion, the scores for the completed portions will be used with the continuation commencing at the point the last segment had been fully completed. There will be no need for use of the same judging panel in the continuation of the trial.

If the trial is deemed completed, the team that remained connected will be assigned scores of “10” for each segment not completed and the disconnected team will be assigned scores: (i) for attorney direct or cross examinations equal to the average of the attorney (as applicable) direct or cross examination scores completed by the team; (ii) for witness direct or cross examinations equal to the average of the witness (as applicable) direct or cross examination scores completed by the team; and (iii) for closing argument the score awarded to the team’s opening statement.

**VC Rule 2.4 – Substitution of Team Member.** If the technical difficulty relates to one or a limited number of members of a team and cannot be resolved within a reasonable, but brief, amount of time, then the trial will continue with another member of the impacted team substituting for the impacted team member. The substitute must be a member of the same team as the impacted participant. The substitute may be a team member already participating in the trial in a different role should no other member of the team be available. The two-point deduction under Rule 4.1(A) Paragraph 4 shall *not* apply to the substitution due to technical difficulties. The presentation will be scored based on the performance by the initial team member and the emergency substitute, taken as a whole.

**VC Rule 2.5 – Announcing Substitution.** In making a substitution due to technical difficulty, the impacted team must announce the substitution, by stating words to the effect of, “Your honor, before we proceed, I need to inform the court and the other team that [*provide name of substitute*] is substituting for [*provide name of attorney being substituted for or name of witness to be portrayed by substitute*], as the member of our team who was performing is unable to compete due to technical difficulties.” Teams shall advise the Mock Trial Director of any emergency substitution following the round of competition.

**VC Rule 2.6 – Return of Participant Upon Resolution of Technical Difficulty.** To minimize disruption, a team member playing the role of a witness who has been substituted for is not permitted to return and compete as that witness. If the substituted team member is an attorney, the substituted member may return and participate in his or her other roles (if any remain) as an attorney upon conclusion of: (i) the opening statement, if the technical difficulty arose during such statement; or (ii) upon conclusion of a witness examination (consisting of the direct, cross, any re-direct and any re-cross of a witness), if the technical difficulty arose during a witness examination. An announcement similar to that made under VC Rule 2.5 shall be made in connection with the return of a participant.

**VC Rule 2.7 – Loss of Participation by a Timekeeper.** In the event of a loss of connection for a timekeeper, that team shall defer to its opponent’s timekeeper for that trial segment. The team whose timekeeper lost connection may substitute another timekeeper for the remaining trial segments.

**VC Rule 2.8 – Loss of Participation by Member of the Judging Panel.** In the event of loss of connection for the Presiding Judge, a scoring judge shall serve as the presiding judge and may declare the recess contemplated by VC Rule 2.2. In the event of loss of connection for a scoring judge, the presiding judge will call for a brief recess and assess whether the judging panel will be able to return in a reasonably short period of time. If the judging panel determines it can proceed without the return of a judge no longer connected, the trial should continue. If the judging panel determines it cannot proceed, the trial will be suspended, and VC Rule 2.9 will apply.

**VC Rule 2.9 – Report of Technical Difficulties and Declaration of Retrial or Bye.** The Mock Trial Director shall be advised of: (i) loss of connection by a team under VC Rule 2.3; (ii) substitutions under VC Rules 2.4 through 2.6; and (iii) suspension of trials under VC Rule 2.8. With respect to loss of connection by a team under VC Rule 2.3 the Mock Trial Directors shall have the discretion contemplated in such Rule. With respect to the suspension of a trial under VC Rule 2.8 the Mock Trial Directors shall have the discretion to declare the round to have been a Bye for each team or to reschedule the trial.

**VC Rule 2.10 – Prohibition of False Claims of Technical Difficulties.** No student or team may feign technical difficulty or invoke the technical difficulty rule for purposes other than a genuine technical difficulty. Such an act would violate the Code of Ethical Conduct set forth in Rule 1.2 of the Minnesota High School Mock Trial Competition Rules.

**VC Rule 2.11 – Consent to Recording:** As the virtual platform used may permit recording of the competition and such recording may later be used by a team or by the Minnesota High School Mock Trial program for non-commercial purposes, every member of a team must sign a consent to the recording of their participation in the competition and to the potential use of such recording. If a participant is under the age of 18 years, the consent must also be signed by the participant’s parent or legal guardian. The consent shall be in the form provided by the Mock Trial Director and must be maintained by the team’s coach and provided to the Mock Trial Director upon request. No student may participate in a competition unless the coach shall have the required consent from the student.

### **VC Modification to Rule 3.5 – Team Rosters**

**3.5(A) Confidential Team Roster.** Teams shall prepare and update, as needed, a roster of the membership of their team which will include the email addresses for each participant on the Team. Such roster and updates are to be provided to the Mock Trial Director. The Mock Trial Director will maintain the confidentiality of such rosters and updates.

**3.5(B) Team Roster for Trials.** Teams shall prepare a complete roster of the membership of the team (including identification of members who may be asked to substitute under VC Rule 2.4) and submit it to the Mock Trial Director no later than three business days prior to the date of the trial for distribution to the judging panel and the opposing team. The roster shall include the cell phone number and email address of the coaches for the team, at least one of whom will be present via the virtual platform for the round.

**VC Modification to Rule 4.1 – Use of Devices to Participate.** If practicable, each participant should log into the virtual platform separately from a normal personal computer, tablet, cellular phone, or similar device, so that each of a participating attorney, witness, and timekeeper may utilize an individual device. If a team’s attorneys or witnesses will be sharing a device, they are to update screen names when the device is to be used by a new participant. If announced by the Mock Trial Director, screen names, screen backgrounds, and similar protocol shall be used. Once the trial begins, only participants who are competing in a particular trial segment will have their camera turned on. All team members who are not actively participating in that trial segment must have their cameras turned off, except for timekeepers turning on their cameras to display remaining time. For purposes of this rule, the witness, direct-examining attorney and cross-examining attorney must have their cameras turned on for the entire witness examination.

**VC Modification to Rule 4.1(A) 1.a. – Identification of Participating Members of Team.** After each team indicates it is ready for trial, the Presiding Judge will ask for each team to identify the roles to be played by the members listed on a team’s roster. If a role is to be played by a member not listed on the roster, the name (including the spelling) and the preferred pronoun of such member shall be provided.

**VC Modification to Rule 4.4 – Swearing of Witnesses.**

The Presiding Judge will indicate that all witnesses are deemed to be sworn.

**VC Modification to Rule 4.6 – Timekeeper Communication.**

Timekeepers may activate their camera to display time remaining cards.

After completion of the examination of each witness, timekeepers shall confer using the “chat” or similar feature regarding how much direct examination and cross examination time remains for each team. In the event of a disagreement, the timekeepers may alert the Presiding Judge of the issue and the Presiding Judge will determine the time remaining. If there is no disagreement, the timekeepers will post time remaining in the chatroom function of the virtual competition platform.

**VC Modification to Rule 4.11 – Display of Exhibits.** The screen sharing function of the virtual competition platform will *not* be used to display exhibits or in closing arguments.

**VC Modification to Rule 4.12 – Trial Communication.** The restrictions upon communication to members of a team participating in a trial by coaches, team members not participating in the trial, and observers under Rule 4.12 apply to a trial being held virtually. Only the team’s attorneys participating in the trial may have communication with one another during the round; provided the display by a team’s timekeeper as contemplated by VC Modification to Rules 4.1 or 4.6 are permitted.

The chat function of the virtual competition platform is not to be used except to: (1) display timekeeping messaging under VC Modification Rule 4.6; and (2) to communicate loss of audio and video functions.

### **VC Modification to Rule 4.14 – Electronic Recording**

No team may record a competition without making a motion for the recording to the court in pretrial with no objection being made to such motion by the opposing team or any judge involved in the round. Any permitted recording may only be used by a team in accordance with Competition Rule 4.14's restrictions on sharing of recordings.

**VC Modification to Rule 4.16 – Standing During Trial.** Attorneys may elect to stand or remain seated for all parts of the trial, except that objections shall be made while seated.

**VC Modification to Rule 4.20 – Procedure for Introduction of Exhibits.** The guidance under Rule 4.20 remains available subject to the following:

1. All witnesses shall have all case materials available and in their possession during their testimony but may only refer to them when prompted by an examining attorney.
2. Attorneys will not physically approach witnesses. Instead, attorneys will identify the exhibit they wish to show the witness and request the Court's permission for the witness to view it.
3. Attorneys will not be required to confirm that they have shown the exhibit to opposing counsel.
4. The attorney will say words to the effect of "I now show you what has been marked for identification as Exhibit No. \_\_\_\_\_. Would you identify it please?" Witness should answer to identification only.
5. When an exhibit – or, during impeachment or refreshment of recollection, some other document – is shown to a witness, a member of the examining attorney's team shall make that document available to all participants by reference to the document in the case materials.
6. Exhibits or other documents posted in this manner will be deemed not to have been shown to the jury unless they are admitted into evidence and will be deemed to have been published to the jury.

### **VC Modification to Rule 4.23 – Team Conference**

In virtual trials, there will be no awarding by teams of best attorney and best witness performances by the opposing team.