



Robert L. Galloway
Tournament Director

To: Participants and Coaches

From: Rob Galloway

Date: March 8, 2021

Re: **Bulletin 5**
(One More Rule Clarification, Supplemental Rules for Virtual Trials,
Revised Verdict Form)

One more clarification:

- Redirect is permitted. Recross is not unless the circumstances described in Rule 2.13 of the Model Rules of Mock Trial (appended to Local Rules at 18–19) exist.

The supplemental rules for virtual trials are attached.

I contemplated having a rule prohibiting screen reading by advocates but I recognize the difficulty in enforcing such a rule. Instead, I will instruct the judges that reading a script off a computer screen is not advocacy, and they should downgrade those engaging in that conduct.

I forgot a blank on the Verdict Form. The revised one is attached.

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Let me know if you have any questions or need anything.

Supplemental Rules Specific to Virtual Trials

1. The tournament will be conducted virtually via Zoom. Teams are responsible for their own internet and video conferencing capabilities. Competitors will connect to the round via Internet.
2. All attorneys and witnesses should use a device enabling them to participate by video as well as audio. But participants should keep a phone available to use as a backup if their internet connection or primary device fails.
3. Competitors should report to their Zoom courtroom at least 30 minutes before the start of their scheduled round.
4. Attorneys should edit the name displayed with their Zoom image to reflect name, team letter and speaking role (e.g., Mary Washington, LL, P Opener; Sam Jones, MM, Defense Closer) and ensure that it does not contain identifying information about their school or location. Witnesses should edit the name displayed with their Zoom image to reflect the role they are playing (e.g., Shannon Gibbs – Witness).
5. The rounds are open. All non-team members wishing to observe the round, including coaches, must edit the name displayed with their Zoom image to state “Observer.” Observers must have their video off and microphones muted. Nothing in these Supplemental Rules shall be construed to override or displace the prohibitions on scouting set out in Local Rule 5.023.
6. Judges will be admitted to the Zoom courtroom after all competitors are ready to begin. Once the judges are admitted, no Observers may enter the Zoom courtroom.
7. The two attorneys arguing in a round may be physically present in the same room, using the same computer. The two team attorneys participating in a round may elect to participate from different locations, using separate computers. No one else, including coaches, advisors, or other team members, may be physically present in the same room.
8. Except as provided by Supplemental Rule 14 below, team members may communicate with each other during the round. Team members may not communicate during the round with any non-team member. Team members in the same room are expected to comply with their school's Covid-19 protocols and social distancing rules.
9. Attorneys should use—and technicians will instruct judges to use—Zoom’s “Gallery View” as opposed to “Speaker View.” All should select “Hide Non-Video Participants” to avoid cluttering their screens.

10. During the trial, the presiding judge will always be on video. During appearances, pretrial motions, and housekeeping matters, all attorneys must have their video turned on. During opening statements and closing arguments, only the attorneys that are doing the opening statements or closing arguments should have their video turned on (e.g., during the Plaintiff opening, both the Plaintiff opener and the Defense opener should have their video on). During witness examinations, only the two attorneys examining that witness should have their video on (e.g., during the direct examination of Plaintiff's first witness, both Plaintiffs' attorney that is examining that witness and Defendant's counsel that is cross-examining that witness should keep their video on for the entire time that witness is on the stand).
11. Participants must mute their audio unless they are speaking. In other words, if an attorney is giving an opening statement or cross-examining a witness then they may have their microphone unmuted. At all other times, however, the microphone must remain muted. If an attorney wishes to raise an objection they must unmute their audio to do so. Witnesses should have their audio and video on only when testifying.
12. Teams may use the Zoom functionalities available to them as well as presentation applications, such as PowerPoint or similar programs, to aid in their case with information from the record.
13. Teams may use both pre-prepared demonstratives (timelines, case exhibits with callouts, highlights or other emphasis) and demonstratives developed during witness examinations (the virtual equivalent of a flip chart or white board). Any pre-prepared demonstrative with images or words other than the case-file exhibits must be disclosed to the opposing team before trial to allow for the opportunity to object during housekeeping. The Presiding Judge has final discretion as to whether the demonstrative can be used at trial.
14. While a witness is testifying, no one may communicate with them except for the person that is examining the witness at that time. For example, if your witness is being cross-examined by the opposing team, you are not allowed to communicate with them during that cross-examination. Additionally, you are not allowed to communicate with that same witness while you are examining them on direct or while your teammate is examining them on direct. Otherwise, during trial, attorneys may communicate with party witnesses at any time when they are not on the stand and with non-party witnesses only during the recess.
15. The chat feature may not be used for any purpose other than to ask for a time check or to report a technological issue. Observers may not use the chat function.
16. Virtual backgrounds may not be used during a round. Nothing in a room used for argument may identify a team member's school or geographical location.
17. Attorneys may choose whether to sit or stand during their argument.
18. Attorneys may use headsets and microphones.

19. Technicians should provide time checks when asked by the Presiding Judge or counsel. Technicians may provide time signals through the chat feature.

20. Minor technical difficulties, like momentary video freezes or audio distortion, are a normal part of Zoom communication and should not be cause for stopping a round. Judges will be instructed to roll with minor technical issues. If a more significant technical issue occurs, such as a judge or attorney being dropped from the Zoom meeting, bailiffs can stop the clock on the round until the problem is resolved.

VERDICT FORM

Question 1

Did the negligence, if any, of the persons named below proximately cause the incident in question?

For the purposes of this question, “negligence” means failure to use ordinary care, that is, failing to do that which a person of ordinary prudence would have done under the same or similar circumstances or doing that which a person of ordinary prudence would not have done under the same or similar circumstances.

“Ordinary care” means that degree of care that would be used by a person of ordinary prudence under the same or similar circumstances.

Also, “proximate cause” means that cause which, in a natural and continuous sequence, produces an event, and without which cause such event would not have occurred. To be a proximate cause, the act or omission complained of must be such that a person using ordinary care would have foreseen that the event, or some similar event, might reasonably result therefrom. There may be more than one proximate cause of an event.

As used herein, a “person” includes individuals and corporations.

Answer “Yes” or “No” for any of the following:

Twyla Sands and Shannon Gibbs _____

Not a Real Company, Inc.
d/b/a Wobby Elm Day Care _____

Johnny and Moira Rose _____

If you answered “Yes” to Question No. 1 in more than one blank, then answer the following question. Otherwise do not answer the following question.

Question 2

For those found by you to have caused the damages, if any, to KATHRYN GIBBS and/or TENNESSEE GIBBS, find the percentage caused by:

For the purposes of this question, you should only assign percentages to those you find caused the damages identified in response to Question No. 1. The percentages you find must total 100%. The percentages must be expressed in whole numbers. The percentage of responsibility is not necessarily measured by the number of acts or omissions found.

Answer “Yes” or “No” for each of the following:

Twyla Sands and Shannon Gibbs _____ %

Not a Real Company, Inc.
d/b/a Wobby Elm Day Care _____ %

Johnny and Moira Rose _____ %

Total: 100%