

Rule Changes 2025

Rule Additions:

4.9 Filibustering or Deliberate Time Wasting: Although a witness may be permitted to give a brief, responsive answer other than a simple “yes” or “no” to questions on cross-examination, consistent with common trial practice, no witness may provide non-responsive or narrative answers on cross-examination in order to consume the other team’s cross-examination time. The presiding judge is encouraged to control any effort at marginally-responsive, narrative “filibustering” or “deliberate time wasting.”

In addition to being objectionable during the trial, an effort to deliberately consume the opposing team’s time through these techniques may also violate the Code of Conduct and may be sanctionable under Rule 8. A presiding judge who believes that egregious misconduct under this rule has occurred may refer the matter for consideration by the CBA Mock Trial Committee immediately following the trial round. Whether to bring this concern to the attention of the CBA Mock Trial Committee is solely at the discretion of the presiding judge; individual teams may not appeal this issue under Rule 8.

Scoring judges may deduct points for filibustering or deliberate time wasting whether or not the presiding judge has directed the witness to answer more responsively, and scoring judges should deduct points for filibustering or deliberate time wasting that persists after such a direction by the presiding judge.

5.1.8 Use of AI: AI may not be used

Rule changes: red font is old rule we are getting rid of, black font is new rule

8. Violations of Rules

8.1 Violations of the Rules Inside the Bar: The presiding judge may rule on objections to violations of the Rules of Competition when made during trial or may reserve ruling until the conclusion of the trial.

8.1.1 Reporting an Inside the Bar Dispute: If a team believes that a substantive violation of the Rules of Competition has occurred and that it was not resolved in trial, the team may complete—without the assistance or participation of attorney coaches or any other non- team members—the “Team Dispute Form” for an “Inside the Bar” dispute, and file it with the presiding judge immediately following the conclusion of that trial round.

At no time in this process may team sponsors, coaches, or non-participating team members communicate or consult with the team.

[Inside the Bar Dispute Form](#)

8.1.2 Dispute Resolution Procedure for an Inside the Bar Dispute: The presiding judge will review the completed Inside the Bar Dispute form and determine whether the dispute should be heard or denied. If the dispute is denied, the judge will record their reasons on the Form, announce their decision to the court, retire to complete their score sheet (if applicable), and turn the dispute form in to the Regional or State Tournament Coordinator.

If the judge concludes that the grounds for the dispute merit a hearing, the Form will be shown to opposing counsel for its written response. After the team has recorded its response and transmitted it to the judge, the judge will ask each team to designate a spokesperson. After the spokespersons have had time (not to exceed five minutes) to prepare their arguments, the judge will conduct a hearing on the dispute, allotting each team's spokesperson three minutes for a presentation. The spokespersons may be questioned by the judge. At no time in this process may teacher or attorney coaches communicate or consult with the team. After the hearing, the presiding judge will enter their ruling on the dispute on the dispute form. The presiding judge may take a recess to consult with the Regional or State Tournament Coordinator and/or CBA Mock Trial Committee members.

If the presiding judge determines that a substantial rules violation has occurred, any penalty will be assessed solely by the Regional or State Tournament Coordinator and CBA Mock Trial Committee members. The scoring panelists will not consider the dispute in their scoring decisions.

8.2 Violations of the Code of Ethics and Rules of Competition Outside the Bar: If a team or school believes that a substantial violation of the Rules has occurred outside the bar, a student, teacher or attorney coach must complete the designated "Team Dispute Form" for an Outside the Bar dispute with the nature and details of the violation and submit the completed form to the Regional or State Tournament Coordinator.

When an allegation of a substantive violation of the Rules of Competition comes to the attention of a Regional Coordinator or the State Coordinator, that Coordinator and the CBA Mock Trial Committee will designate a dispute resolution panel. The panel will (a) notify all pertinent parties of the dispute; (b) allow time for a response, if appropriate; (c) conduct a hearing, if needed; (d) rule on the allegation; and (e) assess a penalty, if appropriate.

[Outside the Bar Dispute Form](#)

8. Violations of the Rules

8.1 In Court Disputes at the Conclusion of the Trial: At the conclusion of each trial, the presiding judge must inquire of the teams whether either team believes that a substantial violation of the rules occurred during trial. The competing team members are permitted to

consult for a time not to exceed two minutes with the team's coaches before determining whether the team wishes to raise any substantial violations it believes occurred.

The process for determining that dispute shall be as follows (scoring judges shall remain in the courtroom for the duration of the dispute):

- a. One of the student members of one of the competing teams shall state that the team wishes to file a claim that a substantial rules violation occurred (a "dispute").
- b. The presiding judge will provide the student with a dispute form, on which the student will record in writing the nature of the dispute. No more than two minutes per team shall be allotted for this process. The student may communicate with his/her team members and coaches in preparing the form.
- c. The team accused of a material rules violation shall have the opportunity to respond in writing. No more than two minutes per team shall be allotted for this process. The student may communicate with her/his team members and coaches in preparing the form.
- d. One member of each team shall briefly present the team's position to the presiding judge. No more than two minutes per team shall be allotted for this explanation.
- e. The presiding judge shall ask any questions and perform any additional investigation s/he believes appropriate.
- f. If the dispute is denied, the presiding judge will record the reasons for this, announce his/her decision to the Court, retire to complete his/her score sheet (if applicable), and turn the dispute form in with the score sheets.
- g. If the dispute is granted, that decision will be recorded in writing on the dispute form, with no further announcement. The dispute form will be turned in with the score sheets.
- h. The presiding judge will advise the teams as to whether the dispute is granted or denied.

8.2 Effect of Violation on Score: After hearing the teams' arguments, the scoring judges may account for their view of that dispute in their scoring. The presiding judge's determination of the dispute is not binding on the scoring judges.

8.3 Disputes After the Conclusion of the Trial: Disputes which could not have been brought to the attention of the presiding judge may be brought to the attention of the CBA Mock Trial Committee by teacher or attorney coaches exclusively. Such disputes must be made promptly to a tournament coordinator or a member of the CBA Mock Trial Committee, who will ask the complaining party to complete a dispute form.

The form will be taken to the tournament's tab room, whereupon the CBA Mock Trial Committee will: (a) notify all pertinent parties; (b) allow time for a response, if appropriate; (c) conduct a hearing; and (d) rule on the charge.

The CBA Mock Trial Committee may notify the judging panel of the affected courtroom of the ruling on the charge and/or may assess an appropriate penalty as provided in these Rules of Competition.

Previous 8.3 rule now becomes 8.4

6. Unfair Extrapolation: Witnesses may not unfairly extrapolate during their testimony. An unfair extrapolation involves testifying to a material fact or opinion that is not expressly stated in the Case Problem. Facts or opinions are material if they affect the merits of the case.

6.1 Witnesses Are Bound by Their Own Statements: Each witness is bound by the facts and opinions contained in his or her own statement, the Stipulated Facts, and the exhibits, and may not deny or contradict such facts and opinions.

6.2 Unfair Extrapolation Is Prohibited: During direct examination only, an opposing attorney may object to unfair extrapolation. The objection will be resolved by the presiding judge. The presiding judge should overrule the objection if the fact or opinion is in the case file; if the fact or opinion is not material; or if the objection was made during cross-examination. If the fact or opinion is not in the case file and is material, and the objection was made during direct examination, the presiding judge should sustain the objection. The judge may strike testimony that involved unfair extrapolation.

6.3 Applicability to Cross Examination: If, on cross examination, a witness is asked a question which calls for information that is NOT the witness's statement, the witness may:

6.3.1 decline to answer on the basis that the information is not in the witness's statement;

6.3.2 indicate that the information is not in the witness's statement but offer to provide an answer; and/or

6.3.3 provide a reasonable answer, as long as the answer is responsive to the question and does not contradict the facts contained in the witness's statement.

If a question on cross examination seeks information which is in the witness's statement, it is improper for the witness to contradict his or her statement. Nevertheless, such a violation must be handled through impeachment of the witness. The unfair extrapolation objection may not be made during cross examination.

6.4 Expert Witnesses: Only the witnesses specifically identified as expert witnesses in the Case Problem may be tendered as experts under Rule 702.

It shall not be considered unfair extrapolation for an expert witness to testify that they agree or disagree with facts or opinions that are contained in another witness' statement.

6. Unfair Extrapolation: The case takes place in a 'closed universe.' All material facts related to the case are contained in the case file. Accordingly, witnesses may not invent material facts during their direct examination.

6.1 Witnesses are bound by their own statements. Each witness is bound by the facts and

opinions contained in his or her own statement, the Stipulated Facts, and the exhibits, and may not deny or contradict such facts and opinions.

6.2 Definitions:

6.2.1 Unfair Extrapolation: Unfair extrapolation involves testifying to:

- a material fact or opinion;
- that is not in the case file;
- during direct examination.

6.2.2- Material: A fact or opinion is “material” if it would affect the merits of the case.

6.3 Unfair Extrapolation Objection. Unfair extrapolations should be dealt with through impeachment and can be addressed in closing argument, however, during direct examination only, an opposing attorney may also object to the unfair extrapolation. The objection will be resolved by the presiding judge.

The presiding judge should sustain the objection if:

- the fact or opinion is not in the case file; and
- the fact or opinion is material; and
- the objection was made during direct examination.

The presiding judge should overrule the objection if:

- the fact or opinion is in the case file; or
- the fact or opinion is not material; or
- the objection was made during cross-examination.

If the objection is sustained, the presiding judge may strike testimony that involved unfair extrapolation. The decisions of the presiding judge (whether to sustain or overrule the objection and whether to strike testimony) is final.

6.4 Applicability to Cross Examination: If, on cross examination, a witness is asked a question which calls for information that is NOT the witness’s statement, the witness may:

- 6.4.1** decline to answer on the basis that the information is not in the witness’s statement;
- 6.4.2** indicate that the information is not in the witness’s statement but offer to provide an answer; and/or
- 6.4.3** provide a reasonable answer, as long as the answer is responsive to the question and does not contradict the facts contained in the witness’s statement.

If a question on cross examination seeks information which is in the witness’s statement, it is improper for the witness to contradict his or her statement. Nevertheless, such a violation must be handled through impeachment of the witness. The unfair extrapolation objection may not be made during cross examination.

6.5 Expert Witnesses: Only the witnesses specifically identified as expert witnesses in the Case Problem may be tendered as experts under Rule 702.

It shall not be considered unfair extrapolation for an expert witness to testify that they agree or disagree with facts or opinions that are contained in another witness' statement.

4.7 Supplemental Material and Costumes: Teams may use and refer only to material provided in the case. No illustrative aids—or any material not provided in the case—or props of any kind may be used. Exhibit notebooks are not permitted. Except as provided in this rule. Teams may present to the presiding judge and scoring panelists only the exhibits and the witness statements exactly as provided in the case material, and the trial rosters. Enlargements of exhibits are permitted, but must be shown to the opposing team in advance of the trial. Teams may mark up their own team's exhibits, not the opposing team's exhibits, but such markings must be made during a witness' testimony and not before. Such marked exhibits shall be considered as demonstrative exhibits and may be admitted as evidence upon proper submission and at the discretion of the trial judge.

Props and costumes are prohibited. Costumes include, but are not limited to, hairstyles, clothing, accessories (example: false glasses, hats, pins, gloves, scarves, etc.), and make-up, including false moustaches, that are case-specific.

In the event a team member or team uses material not provided in the case, a prop or props, or appears at trial in costume, the team may be penalized. At regional tournaments, the Regional Tournament Coordinator and, if available, CBA Mock Trial Committee members, will assess the penalty. At the State Tournament, the CBA State Coordinator and Mock Trial Committee will assess the penalty. The penalty may be loss of any number of points or any number of ballots for that round, or by disqualification from the tournament, depending on the degree of offense. The presiding judge and/or scoring panelists may recommend such a penalty.

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4.7.2 Markings: Teams can use anything to mark a board, including markers and tape. Permissible markings include but are not limited to circles, boxes, strike lines, initials, stars, letters, or numbers.

Teams can utilize sticky notes or small pieces of paper that can be stuck to the board during trial and written on. The markings may not be made on the paper before trial. The pieces of paper or sticky notes may not be placed on the board before being presented to the jury. Both attorneys and witnesses can mark up an enlarged exhibit.

4.7.3 Costuming: Props and costumes are prohibited. Costumes include, but are not limited to, hairstyles, clothing, accessories (example: false glasses, hats, pins, gloves, scarves, etc.), and make-up, including false moustaches, that are case-specific.

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We are not changing any rules for this, however, we are adding a second score for witnesses. All witnesses will receive 2 scores now, one for direct and another for cross.

Criteria for Scoring

Scoring Witnesses

- Gives responsive, factually accurate answers that show the benefits of active listening skills and extemporaneous responses
- Credible, believable
- Does not introduce material new facts to case. Does not unfairly extrapolate.
- Demonstrates understanding of the facts of the case, and the theory of the case, going beyond the witness's own statement as appropriate
- Credible portrayal of the character
- Poised and maintains appropriate courtroom decorum consistent with the character's role
- Does not give unnecessarily long and/or non-responsive answers on cross examination: does not filibuster in an effort to use the cross-examiner's time unfairly.

Scoring Direct Examinations by Witnesses

- Credible, believable
- uses the facts of the case to tell their story as a witness
- Demonstrates understanding of the facts of the case, and the theory of the case, going beyond the witness's own statement as appropriate
- Credible portrayal of the character
- Poised and maintains appropriate courtroom decorum consistent with the character's role
- Does not use notes

Scoring Cross Examinations by Witnesses

- Gives responsive, factually accurate answers that show the benefits of active listening skills and extemporaneous responses
- Credible, believable
- Does not introduce material new facts to case. Does not unfairly extrapolate.
- Demonstrates understanding of the facts of the case, and the theory of the case, going beyond the witness's own statement as appropriate
- Credible portrayal of the character
- Poised and maintains appropriate courtroom decorum consistent with the character's role
- Does not give unnecessarily long and/or non-responsive answers on cross examination: does not filibuster in an effort to use the cross-examiner's time unfairly.
- Does not use notes

We will also add language to our live orientations to inform scoring panelists of the additional scores.