

Hong Kong Schools Mooting and Mock Trial Association
4st Easter Mock Trial Challenge
RULES AND REGULATIONS

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(AMENDED 30/2/2022)

I. GENERAL

1. The Easter Mock Trial Challenge (“**the Challenge**”) shall be run by the Hong Kong Schools Mooting and Mock Trial Association (“**the Association**”), which shall have the power to:-
 - 1.1. Administer the Challenge; and
 - 1.2. Amend these rules as it thinks fit.

2. There shall be SIXTEEN (16) teams. There shall be no more than FOUR (4) participants per team. These teams include:-
 - 2.1. School Teams: in which participants belong to the same secondary school and compete on behalf of their school; and
 - 2.2. Self-Formed Teams: in which participants from different secondary schools compete as a team.

3. The Association will determine the mock trial problems, working bundles and bundle of authorities to be used in the Challenge. These documents will be available on the Moodle platform for the Challenge (or any other online platform used by the Association for the purpose of distribution of Challenge materials and communication of Challenge updates) (“**the Online Platform**”). Teams will receive information regarding their respective access methods / accounts of the Online Platform at or after the issuance of their Application Confirmation.
 - 3.1. Any teams unable to access the Online Platform, or the above documents shall notify the Association **within five (5) days** of the issuance of the

Application Confirmation. The Association shall have the power to resolve the matter in her absolute discretion.

- 3.2. Any ambiguities or objections apparently arising out of the above documents shall be brought to the attention of the Association **within five (5) days** of receipt of the documents by the participants. The Association shall have the power to resolve the matter in her absolute discretion.

II. PARTICULARS OF THE CHALLENGE

4. The Challenge shall comprise of **FOUR (4) rounds**. Each round will be held in the form of a mock trial.
5. All teams shall prepare for **both** the Prosecution and the Defence. Teams would have to nominate participants to act as **both** witnesses and counsel in each round.
6. All participants should dress in proper attire and shall observe court etiquette strictly. Participants' attire must not in any way reveal the identity of the school to which they belong.
7. All schools/teams will be assigned with a team name. Under no circumstances should the teams reveal the identity of their school to the Magistrate(s) or other teams.
8. During each round and in each courtroom, FOUR (4) teams (1, 2, 3, 4) shall compete in front of the same combination of Magistrate(s).
 - 8.1. In each courtroom, two teams shall be allocated as the Prosecution (e.g. Team 1 and Team 3) and the Defence (e.g. Team 2 and Team 4) respectively.
 - 8.2. There would be two trials in each round, Trial A and Trial B. Trial A would be conducted first, to be followed by Trial B.
 - 8.3. In Trial A, Team 1 shall compete as **counsel** for the Prosecution and

Team 2 shall compete as **counsel** for the Defence. One student from Team 3 shall act as the Prosecution **witness** and one student from Team 4 shall act as the Defence **witness/Defendant**.

8.4. In Round B, Team 3 shall compete as **counsel** for the Prosecution and Team 4 shall compete as **counsel** for the Defence. One student from Team 1 shall act as the prosecution **witness** and one student from Team 2 shall act as the defence **witness/defendant**.

9. A Roll Call will be held prior to each Round of the Challenge.

9.1. The At the Roll Call prior to each Round, teams must be present for the taking of attendance. Teams that are late to the Roll Call and/or Rounds may be subject to penalty. The Secretariat and/or Magistrate(s) of each Round will decide the imposition of penalty (e.g. mark penalty, etc.) in their unfettered discretion.

9.2. Before or during each Roll Call, the Bracket of each Round will be released on the Online Platform. This Bracket will contain the allocation of teams into each courtroom, as prescribed by the preceding paragraphs.

10. Each mock trial in the Challenge shall be conducted according to the following rules:

10.1. A magistracy mock trial problem shall be assigned. Mock trials conducted during the Challenge shall be presided by a single Magistrate sitting with (or without) silent adjudicator(s) ("**the Magistrate(s)**") The Association has absolute discretion to appoint any person it deems appropriate to be the presiding Magistrate(s).

10.2. The Defence is not allowed to plead guilty and/or request a *voir dire*.

10.3. The Prosecution shall first present their case. No opening submissions are allowed. Subject to the discretion of the Magistrate(s), the Prosecution is **not** required to read out the admitted facts.

- 10.4. The Prosecution must call their witness(es) as the mock trial question requires. Prosecution Counsel will first conduct examination-in-chief, followed by cross examination by the Defence Counsel and re-examination, if any, by Prosecution Counsel. After calling all of their witness(es), the Prosecution must close its case.
- 10.5. NO interim submissions are allowed. The Magistrate(s) shall rule that there is a case to answer.
- 10.6. The Defence counsel shall then present their case. No opening submissions are allowed. The Defence must call their witness(es)/The Defendant must give evidence as the mock trial question requires. Defence Counsel will first conduct examination-in-chief, followed by cross-examination by the Prosecution Counsel and re-examination, if any, by Defence Counsel. After calling all of their witness(es), the Defence must close its case.
- 10.7. After the Defence closes their case, the Prosecution and the Defence will deliver their closing submissions respectively.
- 10.8. Each side will be given a total of **20 minutes** to conduct the mock trial. Time will be counted for all examination-in-chief, cross examination, re-examination, and closing submissions. Time for handling judicial intervention is **included**.
- 10.9. Time shall be kept on a stopwatch by the court clerk. An A4 card should be held up when he/she has:-
 - 10.9.1. 10 minutes left;
 - 10.9.2. 5 minutes left;
 - 10.9.3. 1 minute left; and
 - 10.9.4. to conclude their speech forthwith.
- 10.10. For competition purposes, each trial will end with the Magistrate(s) reserving their verdict. No consequential submissions are required or allowed.

- 10.11. Comments and feedback would be given to teams by the presiding Magistrate(s) after each round/trial.
11. Parties are ONLY allowed to rely on authorities provided in the “Bundle of Authorities”. No teams may submit extra authorities from Hong Kong, England and Wales, or any other common law and/or civil law jurisdictions.
12. The law of evidence and criminal procedure of the Hong Kong Special Administrative Region applies to all mock trials of the Challenge.

III. SPECIFIC REGULATIONS FOR REMOTE HEARING

13. Should any round of the Competition be held in the form of remote hearing, the additional regulations stipulated in hereinbelow are to be observed.
14. Virtual meeting rooms shall be set up on Zoom (or other virtual meeting platform, as the case may be) as virtual courtrooms. Relevant hyperlinks, meeting identification, meeting passwords and/or other virtual meeting room information will be distributed.
15. Subject to Paragraph 11, in lieu of the handling of documents in face-to-face hearings, parties in the hearing will only refer to the particular page or part of the distributed materials when necessary.
- 15.1. Teams need not prepare extra copies said documents for the benefit of the Magistrate(s) or other persons. Parties need not send such documents electronically, unless instructed by the Magistrate(s).
- 15.2. This rule does not preclude the relevant rules and procedures of tendering and marking of documents and/or exhibits during trial.
16. The participants and any persons joining the virtual courtroom are responsible for making all arrangements necessary for or incidental to ensuring that the use of video-conferencing facilities proceeds smoothly and effectively.
17. All persons in the virtual courtroom must switch on their camera at all times during the remote hearing. The Secretariat may remove anyone who fails to

comply with such requirements. Additionally, the presiding Magistrate(s) have the discretion to issue a penalty to the participating team(s) as he/she deems fit, including but not limited to a mark deduction.

18. To allow the participants of the virtual courtroom to be better identified, they are required to name themselves in the Zoom meeting in the following manner:-

“[side e.g. P/D] [role e.g. C/W] ([Team name], [SURNAME Given Name])”

- 18.1. For example, if a participant named Chan Tai Man from Team Gillick is representing Prosecution as counsel, he shall name himself as:-

“P, C (Gillick, CHAN Tai Man)”

- 18.2. For example, if a participant named Sunny Chan from Team Miller is representing Prosecution as witness, he shall name himself as:-

“P, W (Miller, CHAN Sunny)”

19. Spectators not participating in the competition as counsel or witness should name themselves as:-

“Spectator [SURNAME Given Name]”

20. The clerk will conduct technical tests with teams prior to the start of trial hearings.

21. The clerk shall give notice as to the teams’ remaining time allowance in the text communications box only. Participants should pay attention to the clerk’s reminder.

IV. CERTIFICATES AND AWARDS

22. Each team would be presented not more than four Certificates of Participation. The names of participants supplied by teams upon application will be printed on the Certificates.

23. Based on the cumulative performance of all competitors in a team, the following awards shall be distributed:-

- 23.1. Overall Champion;
- 23.2. Overall 1st Runner-up;
- 23.3. Overall 2nd Runner-up;

24. Based on the cumulative performance of individual competitors as advocates and/or witnesses, the following awards shall be distributed:-

- 24.1. THREE (3) Best Advocate(s);
- 24.2. THREE (3) Outstanding Advocate(s);
- 24.3. THREE (3) Best Witness(s); and
- 24.4. THREE (3) Outstanding Witness(s).

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