

2024 Florida High School Mock Trial Competition



The R. Fred Lewis High School Mock Trial Competition is hosted by the Justice Teaching Center at Florida Southern College. The 2023-2024 original case materials were created by attorney Stephen Renick with assistance from current and former college mock trial students Fernando Yzquierdo, Melanie Hernandez, and Sebastian Aviles. Assistance with annotating, editing, and formatting was provided by Florida Southern College pre-law student Solana Millik.



Justice
Teaching
Center

FLORIDA SOUTHERN COLLEGE

2024 Florida High School Mock Trial Competition

<u>TABLE OF CONTENTS</u>	<u>Page</u>
Table of Contents	1
Trial Overview	2
Oath of Admission to the Florida Bar	3
Code of Ethical Conduct	4
Complaint	5
Answer	9
Jury Instructions	11
Stipulations and Pretrial Orders	15
Witness and Exhibit Lists	19
<u>Witnesses' Affidavits</u>	
Affidavit of Alex Ross	20
Affidavit of Cameron Grey	26
Affidavit of Robin Turner	31
Affidavit of Dr. Devin Myers	35
Affidavit of Jamie Bossa	40
Affidavit of Jude Collins	45
Exhibits	49
Rules of Evidence	73
Rules of Competition	86
Score Sheets and Forms	105

Updated January 2, 2024

TRIAL OVERVIEW

- I. The presiding judge will ask each side if they are ready for trial.
- II. Presiding judge announces that all witnesses are assumed to be sworn. Ask teams if there are any preliminary matters (not motions) that need to be addressed.
- III. Opening Statements - no objections allowed; however, after each opening has concluded, the opposing counsel may stand to be recognized and state that if they could have objected they would have objected to... Please reference *Rule 4.17 Objections During Opening Statement/Closing Statement*.
- IV. Cases presented. See Rules for the trial sequence and time limitations.
- V. Closing Statements - no objections allowed; however, after each closing statement has concluded, the opposing counsel may stand to be recognized and state that if they could have objected - they would have objected to... Please reference *Rule 4.17 Objections During Opening Statement/Closing Statement*.
- VI. No jury instructions need to be read at the conclusion of the trial.
Judges should complete score sheets **before** debriefing.
- VII. If a material rules violation is entered, teams will adhere to *Rule 6.1.A Material Rules Violation – Disputes at the Conclusion of the Trial – In-Person Competitions*. The presiding judge will follow the rules for this type of dispute.
- VIII. Critique

JUDGES DO NOT ANNOUNCE SCORES OR PERFORMANCE DECISIONS!

- IX. **ALL DECISIONS OF THE JUDGES ARE FINAL.**

OATH OF ADMISSION TO THE FLORIDA BAR

The general principles which should ever control the lawyer in the practice of the legal profession are clearly set forth in the following oath of admission to the Bar, which the lawyer is sworn on admission to obey and for the willful violation to which disbarment may be had.

"I do solemnly swear:

"I will support the Constitution of the United States and the Constitution of the State of Florida;

"I will maintain the respect due to courts of justice and judicial officers;

"I will not counsel or maintain any suit or proceedings which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;

"I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

"I will maintain the confidence and preserve inviolate the secrets of my clients, and will accept no compensation in connection with their business except from them or with their knowledge and approval;

"To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications;

"I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

"I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay anyone's cause for lucre or malice. So help me God."

CODE OF ETHICAL CONDUCT

The purpose of the Florida High School Mock Trial Competition is to stimulate and encourage a deeper understanding and appreciation of the American legal system by providing students the opportunity to participate actively in the legal process. The education of young people is the primary goal of the mock trial program. Healthy competition helps to achieve this goal. Other important objectives include improving proficiency in speaking; listening, reading, and reasoning skills; promoting effective communication and cooperation between the educational and legal communities; providing an opportunity to compete in an academic setting; and promoting tolerance, professionalism, and cooperation among young people of diverse interests and abilities.

As a means of diligent application of the Florida High School Mock Trial Competition's Rules of the Competition, the Mock Trial Advisory/Policy Committee has adopted the following Code of Ethical Conduct for all participants.

1. Team members promise to compete with the highest standards of ethics, showing respect for their fellow team members, opponents, judges, evaluators, attorney coaches, teacher coaches, and mock trial personnel. All competitors will focus on accepting defeat and success with dignity and restraint. Trials will be conducted honestly, fairly, and with the utmost civility. Members will avoid all tactics they know are wrong or in violation of the rules, including the use of unfair extrapolations. Members will not willfully violate the rules of the competition in spirit or in practice
2. Teacher coaches agree to focus attention on the educational value of the Mock Trial Competition. They shall discourage willful violations of the rules. Teachers will instruct students as to proper procedure and decorum and will assist their students in understanding and abiding by the competition's rules and this Code of Ethical Conduct.
3. Attorney coaches agree to uphold the highest standards of the legal profession and will zealously encourage fair play. They will promote conduct and decorum in accordance with the competition's rules and this Code of Ethical Conduct. Attorney coaches are reminded that they are in a position of authority and thus serve as positive role models for the students.
4. All participants (including observers) are bound by all sections of this code and agree to abide by the provisions. Teams are responsible for insuring that all observers are aware of the code. Students, teacher coaches, and attorney coaches will be required to sign a copy of this code. This signature will serve as evidence of knowledge and agreement to the provisions of the code. Teams will receive scores on ethical conduct during each round.
5. Staff and Mock Trial Advisory Committee members agree to uphold the rules and procedures of the Florida High School Mock Trial Competition while promoting ethical conduct and the educational values of the program.

IN THE 21ST JUDICIAL CIRCUIT IN AND FOR PALM COUNTY, FLORIDA

**ALEX ROSS
PLAINTIFF**

v.

**PALM COAST UNIVERSITY BOARD OF
TRUSTEES
DEFENDANT**

**CASE NO. 23-006275-CA-01
JUDGE VINCENT LAGUARDIA
GAMBIN**

**COMPLAINT FOR BREACH OF
CONTRACT AND SPECIFIC
PERFORMANCE**

COMES NOW the Plaintiff, ALEX ROSS, and files this Complaint against the Defendant, PALM COAST UNIVERSITY BOARD OF TRUSTEES, and alleges as follows:

1. The Plaintiff, ALEX ROSS, is an individual residing in Palm County, Florida and is full age of majority.
2. The Defendant, PALM COAST UNIVERSITY BOARD OF TRUSTEES, is a quasi- governmental agency with its principal place of business located in Palm Coast County, Florida.
3. This Court has jurisdiction on this matter as this complaint seeks damages in excess of \$50,000.00 exclusive of attorney fees and costs.
4. This Court has personal jurisdiction over Defendant because (a) Defendant is operating, present and/or doing business in Palm County, Florida and (b) Defendant breach of contract occurred within Palm County, Florida.
5. Venue is proper in this Court pursuant to Florida Statutes 47.011 *et. seq.*, as the causes of action alleged and all material events giving rise to this suit occurred within Palm County.

NATURE OF ACTION

6. This is an action for breach of contract and specific performance which arises out of the wrongful expulsion of the Plaintiff by the Defendant with respect to a contract executed by both the Plaintiff and Defendant.

FACTUAL ALLEGATIONS

7. On August 19, 2019 the Plaintiff and the Defendant entered into a written contract titled Palm Coast University Student Contract, a true and correct copy of which is attached hereto as Exhibit A. The contract outlined the rights and obligations of both parties
8. Pursuant to the terms of the contract, the Plaintiff fulfilled all of their obligations as required under the contract.
9. However, the Defendant has willfully and materially breached the contract by improperly expelling the Plaintiff from Palm Coast University.
10. Despite written notice of the breach, the Defendant has failed to remedy the breach or fulfill their obligations under the contract.

CLAIMS FOR RELIEF

COUNT I – BREACH OF CONTRACT

11. The Plaintiff realleges and incorporates by reference paragraphs 1-10 as if fully set forth herein.
12. The Defendant's breach of the contract constitutes a material violation of the contractual terms, resulting in harm and damages to the Plaintiff.
13. As a direct and proximate result of the Defendant's breach, the Plaintiff has suffered the following damages:
 - a. Damage to the Plaintiff's reputation at Palm Coast University
 - b. Rejections and inability to attend other universities.

c. The Defendant's breach of contract directly caused a previous acceptance to a prestigious law school to be withdrawn.

14. The Plaintiff seeks monetary damages in an amount to be determined at trial, but in no event less than the amount specified in the contract.

COUNT II – SPECIFIC PERFORMANCE

15. The Plaintiff realleges and incorporates by reference paragraphs 1-10 as if fully set forth herein.

16. There was a valid enforceable contract between the Plaintiff and Defendant.

17. The Plaintiff has complied with all terms and conditions of the contract with the Defendant.

18. The Plaintiff, at all times relative to this proceeding, was ready, willing and able to perform all of its obligations under the contract.

19. Pursuant to the terms of the contract, the Plaintiff is entitled to specific performance, which requires the Defendant to fulfill their contractual obligations as outlined in the contract.

20. The Plaintiff hereby demands specific performance, requiring the Defendant to fulfill all obligations under the contract, specifically the Plaintiff is requesting reinstatement in good standing to Palm Coast University.

21. The Plaintiff requests the Court to issue an order of specific performance compelling the Defendant to perform their obligations under the contract within a reasonable time, as the Plaintiff lacks an adequate remedy at law since monetary damages would not be adequate to compensate the Plaintiff for damages sustained in this matter.

WHEREFORE, the Plaintiff respectfully requests that the Court enter judgment in their favor and against the Defendant, and grant the following relief:

1. A judgment in favor of the Plaintiff on the claims for breach of contract and specific performance;
2. An award of monetary damages to compensate the Plaintiff for the harm caused by the Defendant's breach;
3. An order of specific performance, requiring the Defendant to fulfill their obligations under the contract within a reasonable time;
4. Prejudgment interest on all monetary damages awarded;
5. Attorney's fees and costs incurred in pursuing this action; and
6. Any further relief as the Court deems just and proper

DEMAND FOR JURY TRIAL

The Plaintiff hereby demands a trial by jury on all issues so triable.

DATED this 18th day of July, 2023.

Respectfully submitted,

LAW OFFICE OF JAKE BRIGANCE
877 Main Street
Penthouse Suite
Palm City, Florida 33333

Jake Brigance

Jake Brigance
Esquire/Florida Bar No. 999889

**ALEX ROSS
PLAINTIFF**

v.

**PALM COAST UNIVERSITY BOARD OF
TRUSTEES
DEFENDANT**

**CASE NO. 23-006275-CA-01
JUDGE VINCENT LAGUARDIA
GAMBIN**

**ANSWER TO PLAINTIFF'S COMPLAINT
FOR BREACH OF CONTRACT AND
SPECIFIC PERFORMANCE**

COMES NOW the Defendant, PALM COAST UNIVERSITY BOARD OF TRUSTEES, and files this Answer to the Plaintiff, ALEX ROSS Complaint against the Defendant, as follows:

1. Admitted
2. The Defendant denies they are a quasi governmental agency, but admits that their principle place of business is Palm Coast County, Florida.
3. The Defendant is without knowledge to admit or deny this paragraph.
4. Admitted.
5. Admitted.

NATURE OF ACTION

6. Defendant admits this is an action for breach of contract and specific performance, but denies any wrongful expulsion of the Plaintiff.

FACTUAL ALLEGATIONS

7. Admitted.
8. Denied.
9. Denied.
10. Denied.

CLAIMS FOR RELIEF

COUNT I – BREACH OF CONTRACT

11. Admitted.
12. The Defendant denies there was any breach of contract, as well as denying the Plaintiff sustained any damages, and demands strict proof thereof.

13. The Defendant denies there was any breach of contract, as well as denying the Plaintiff sustained any damages, and demands strict proof thereof.
14. The Defendant denies that the Plaintiff is entitled to any damages in this matter.

COUNT II – SPECIFIC PERFORMANCE

15. Admitted.
16. Admitted.
17. Admitted.
18. The Defendant I without knowledge to admit or deny this allegation.
19. The Defendant denies that the Plaintiff is entitled to specific performance of the contract.
20. The Defendant denies that the Plaintiff is entitled to specific performance of the contract.
21. Denied.

AFFIRMATIVE DEFENSES

The Defendant hereby raises the following affirmative defenses

1. The Defendant complied with all terms of the contract dated August 19, 2019, therefore there was no breach of contract.
2. The Plaintiff has an adequate remedy at law and is therefore not entitled to specific performance of the contract.

DATED this 19th day of July, 2023.

Respectfully submitted,

LAW OFFICE OF BAYLOR & SHIFFLET
422 Great American Way
Palm City, Florida 33333

Rudy Baylor

Rudy Baylor
Esquire/Florida Bar No. 993999

IN THE 21ST JUDICIAL CIRCUIT IN AND FOR PALM COUNTY, FLORIDA

ALEX ROSS
PLAINTIFF

v.

**PALM COAST UNIVERSITY BOARD OF
TRUSTEES**
DEFENDANT

CASE NO. 23-006275-CA-01
JUDGE VINCENT LAGUARDIA
GAMBIN

JURY INSTUCTIONS

This Court shall (constructively) read these instructions to the jury before closing arguments.

Introduction

1. Members of the jury, the evidence and arguments in this case have been completed. I will now instruct you as to the law in this case. The law that applies to this case is stated in these instructions, and it is your duty to follow all of them. It is your duty to determine the facts and to determine them only from the evidence in this case. You are to apply the law to the facts. Neither sympathy nor prejudice should influence your verdict.

Evidence

2. From time to time, it has been the duty of this Court to rule on the admissibility of evidence. Any evidence that was received for a limited purpose should not be considered by you for any other purpose than that stated by this Court. You should disregard testimony and exhibits which this Court has refused or stricken.
3. The evidence consists only of the testimony of the witnesses and the exhibits which this Court has received. You should consider all the evidence in the light of your own observations and experience in life.
4. The evidence may be either direct or circumstantial evidence. Direct evidence is testimony about what a witness personally saw, heard, or did. Circumstantial evidence is testimony about one or more facts that logically lead you to believe the truth of another fact. You should consider both direct and circumstantial evidence in reaching your verdict. You may decide the facts in this case based upon circumstantial evidence alone.
5. Neither opening statements nor closing arguments are evidence, and any statement or argument made by the attorneys which is not based on the evidence should be disregarded.

Witnesses

6. Only you are the judges of the believability of the witnesses and of the weight to be given to the testimony of each of them. In considering the testimony of any witness, you may consider their ability and opportunity to observe, their memory, their manner while testifying, any bias they may have, and the reasonableness of their testimony considered in the light of all the evidence in this case.
7. There may be witnesses that are qualified as an expert in a particular field was summoned to testify at trial. Expert witnesses are like other witnesses, with one exception - the law permits

an expert witness to give their opinion. However, an expert's opinion is reliably only when given on a subject about which you believe them to be an expert. Like other witnesses, you may believe or disbelieve all or any part of an expert's testimony.

8. The defendant in this case is a quasi-governmental entity and may have a representative as a witness. You should apply the same rules to consideration of their testimony that you apply to the testimony of the other witnesses. Ultimately, you may rely upon your own conclusion about the credibility of any witness. You may believe or disbelieve all or any part of the evidence or the testimony of any witness.
9. You must consider the testimony of some witnesses with more caution than others. This is particularly true when there is no other evidence tending to agree with what a witness says about the defendant. So, while a witness may be entirely truthful when testifying, you should consider their testimony with more caution. However, if the testimony of such witness convinces you beyond a reasonable doubt of the defendant's guilt, or the other evidence in this case does so, then you should find the defendant guilty.

Charges and Elements

10. Two causes of action have been brought against the defendant. The first is breach of contract, and the other is specific performance. The defendant has denied both counts. The specifics of the elements of these claims are set forth below.

Burden and Reasonable Doubt

11. The Plaintiff has the burden of proof on this matter. The Plaintiff must prove their claims by the greater weight of the evidence which is also referred to as preponderance of the evidence. Greater weight of the evidence” means the more persuasive and convincing force and effect of the entire evidence in the case. The defendant is not required to present evidence or prove anything, although the defendant may present evidence to refute the evidence provided by the evidence
12. It is to the evidence introduced in this trial, and to it alone, that you are to look for that proof.
13. Whether the Plaintiff has met its burden of proof does not depend upon the number of witnesses it has called or upon the number of exhibits it has offered, but instead upon the nature and quality of the evidence presented.

CONTRACT FORMATION — ESSENTIAL FACTUAL ELEMENTS

To prove that a contract was created, Plaintiff must prove all of the following:

1. The essential contract terms were clear enough that the parties could understand what each was required to do;
2. The parties agreed to give each other something of value. [A promise to do something or not to do something may have value]; and
3. The parties agreed to the essential terms of the contract. When you examine whether the parties agreed to the essential terms of the contract, ask yourself if, under the circumstances, a reasonable person would conclude, from the words and conduct of each party, that there was an agreement. The making of a contract depends only on what the parties said or did. You may not consider the parties' thoughts or unspoken intentions.

If Plaintiff did not prove all of the above, then a contract was not created.

BREACH OF CONTRACT — ESSENTIAL FACTUAL ELEMENTS

To prove a claim for breach of contract, Plaintiff must prove all of the following:

1. Plaintiff and Defendant entered into a contract;
2. Plaintiff did all, or substantially all, of the essential things which the contract required it to;
3. All conditions required by the contract for defendant's performance had occurred;
4. Defendant failed to do something essential which the contract required it to do; and
5. Plaintiff was damaged by that failure.

BREACH OF CONTRACT-DAMAGES

a. Compensatory damages:

Compensatory damages are the amount of money which will put (claimant) in as good a position as [he] [she] [it] would have been if (defendant) had not breached the contract and which naturally result from the breach.

SPECIFIC PERFORMANCE

Specific performance shall only be granted when:

1. The Plaintiff, by clear and definite proof, has performed under the terms of the contract;
2. There is no adequate remedy at law; and
3. The trier of fact believes that justice requires it.

Specific performance will be denied where money would adequately compensate the plaintiff for the loss. The court determines whether money would be adequate after examining the subject matter of the contract itself.

CONSTRUCTION AGAINST DRAFTER

If there is a claim of ambiguity in the terms of the contract, you must determine whether there is actually an ambiguity in the contract based upon the evidence presented. If you are able to determine there was an ambiguity in the terms of the contract, then you consider which party drafted the disputed terms(s) in the contract and then construe that language against that party.

GREATER WEIGHT OF THE EVIDENCE

“Greater weight of the evidence” means the more persuasive and convincing force and effect of the entire evidence in the case. Another way to think about this standard is to think about the scales of justice – if the plaintiff’s evidence outweighs the defendant’s evidence, even by a marginal amount, the plaintiff will win the case. Essentially, the plaintiff must prove that their assertions are more likely true than not. If they have proven the case to a 50.1 percent degree of certainty, they will succeed. However, if the plaintiff cannot reach this threshold, the defendant will win.

CLEAR AND CONVINCING EVIDENCE

“Clear and convincing evidence” differs from the “greater weight of the evidence” in that it is more compelling and persuasive. “Clear and convincing evidence” is evidence that is precise, explicit, lacking in confusion, and of such weight that it produces a firm belief or conviction without hesitation about the matter in issue. The Florida Supreme Court defined this standard as an intermediate level of proof that entails both a qualitative and quantitative standard. The evidence must be credible; the memories of the witnesses must be clear and without confusion; and the sum total of the evidence must be of sufficient weight to convince the trier of fact without hesitancy.

IN THE 21ST JUDICIAL CIRCUIT IN AND FOR PALM COUNTY, FLORIDA

ALEX ROSS
PLAINTIFF

v.

PALM COAST UNIVERSITY BOARD OF TRUSTEES
DEFENDANT

CASE NO. 23-006275-CA-01
JUDGE VINCENT LAGUARDIA
GAMBIN

STIPULATIONS AND PRETRIAL ORDERS

General

1. This Court has proper jurisdiction over this matter. All charging documents were signed by the proper parties. The venue is proper.
2. The Plaintiff (Alex Ross) has alleged that the Defendant (Palm Coast University Board of Trustees) breached a contract between the Plaintiff and Defendant and is bringing an action for breach of contract with an alternative claim of Specific Performance of the contract in question. The parties may not add or dismiss any claims.
3. The Plaintiff, in no particular order, calls Alex Ross, Robin Turner and Cameron Grey. The Defendant, in no particular order, calls Jude Collins, Dr. Devin Myers, and Jamie Bossa. No other witnesses are called. All witness statements were given under oath.
4. The only legal authorities that may be cited at trial are these stipulations and pretrial orders, the Complaint, the Answer, the Jury Instructions, Rules of Competition and the Rules of Evidence.
5. Whenever a rule of evidence requires that reasonable notice be given, it has been given.
6. The trial has been bifurcated. This Court will only be hearing matters pertaining to the breach of contract and specific performance. If the Plaintiff prevails on either of these counts, the Court will have a separate trial on the specific remedy on this matter, whether it be monetary damages or specific performance of the contract.

7. For the purposes of this trial, Jude Collins shall be the party representative of the Defendant, Palm Coast University Board of Trustees.
8. Stipulations cannot be contradicted or challenged.
9. Dallas Warren is out of the country and not available to testify at trial.
10. The parties stipulate that Palm Coast drafted the Palm Coast University Contract in Exhibit 1, as well as the Plagiarism Policy found in the Student Handbook in Exhibit 2.

Authenticity

11. All signatures on witness statements and other documents are authentic. Any texts or emails are presumed to be authentic.
12. Chain of custody was properly documented for all exhibits, and all exhibits have been properly preserved for trial.
13. The parties stipulate that there was a valid, enforceable contract between the parties
14. For the purposes of Exhibit 4 the relevant citation page was reviewed by both experts, but is not included as an exhibit. No objections to the exclusion of the citations are permitted. However, expert conclusions drawn from the citations may be admissible subject to the Simplified Rules of Evidence.
15. The Plagiarism Policy is considered part of the student handbook and therefore part of the Palm Coast University Agreement.

Experts

16. Cameron Grey and Jamie Bossa are stipulated to be expert witnesses. If either party wishes to establish another witness as an expert, proper foundation will need to be provided to the Court.

17. The reports of Cameron Grey and Jamie Bossa are "affidavits" for the purposes of impeachment. All witnesses who authored reports were under oath and agreed to include any and all knowledge about this case. These witnesses are thus bound by those reports. Both experts have read and reviewed the other's affidavit/report and is familiar with the same.
18. Any examination, analysis, or experiment conducted by any expert witness is presumed to have been conducted consistent with generally accepted scientific principles pertaining to the field of expertise of the witness

Exhibits

19. For the convenience of both parties, the Court, and the jury, all exhibits have been pre-labeled and pre-numbered. Those numbers will be used for all purposes at trial, regardless of which party offers the exhibit or the order in which the exhibits are offered.
20. Exhibit 1 accurately reflects the Enrollment Contract between the Plaintiff and the Defendant, and the validity of the same cannot be challenged.
21. Exhibit 2 accurately reflects the Plagiarism Policy of Palm Coast University and the validity or accuracy of the same cannot be challenged.
22. The parties stipulate that Exhibit 4 is accurate and it has been agreed that the same is pre-admitted into evidence.

Special Instructions (Not to be referenced at trial)

23. No witness may refuse to answer any questions based on a witness's Fifth Amendment rights. No attorney may instruct a witness not to respond based on a witness's Fifth Amendment rights.

24. The Plaintiff was of sound body and mind and was of legal age to enter into a contract on August 19, 2019. The defense may not argue that any parties lacked the capacity to enter into a contract.
25. No objection may be raised on the grounds that a document or exhibit was altered by printing it in black-and-white.
26. All witnesses are considered to be competent to testify in court.

Vincent LaGuardia Gambin
Judge

8/28/23
Date

WITNESS LIST

The following witnesses are available and all witnesses **must** be called by the parties:

For the Plaintiff

Alex Ross
Cameron Grey
Robin Turner

For the Defendant

Dr. Devin Myers
Jamie Bossa
Jude Collins

EXHIBITS AVAILABLE TO BOTH PARTIES

The parties have stipulated to the authenticity of the trial exhibits listed below. The court will, therefore, not entertain objections to the authenticity of these trial exhibits. The parties have reserved any objections to the admissibility of any of these exhibits until the trial of the above-captioned matter. The trial exhibits may be introduced by either the Plaintiff or the Defense, subject to the Rules of Evidence and stipulations of the parties contained in the materials. The exhibits are pre-marked and are to be referred to by number, as follows:

<u>Exhibit No.</u>	<u>Exhibit Description</u>
1	Palm Coast University Student Contract
2	Plagiarism Policy and Procedure
3	Evan Miller Email
4	Alex Ross Paper on Taylor Swift
5	PCU Academic Integrity Hearing Transcript
6	Letter Regarding High School Plagiarism
7	Emails Between Ross and Collins
8	TurnItIn Timestamp Sheet
9	AI Detection Methods
10	Phone Screenshots (Texts from Alex Ross to ActNow Members)

ALEX ROSS
PLAINTIFF

v.

PALM COAST UNIVERSITY BOARD OF TRUSTEES
DEFENDANT

CASE NO. 23-006275-CA-01
JUDGE VINCENT LAGUARDIA
GAMBIN

AFFIDAVIT OF ALEX ROSS

AFFIDAVIT OF ALEX ROSS

1 After being duly sworn upon oath, Alex Ross hereby states as follows: I am twenty-
2 two years old and am competent to make this affidavit.

3 I'm currently living with my parents in Palm County. Having grown up in South
4 Florida, I've seen how the cost of housing has skyrocketed in some areas. My best friend's
5 family had to move away four years ago because they couldn't keep up with the rising
6 cost after having lived in Florida for over 30 years. That's why I chose to major in
7 engineering once I started at Palm Coast University. I want to create affordable housing
8 options for Floridians. Somewhere along the way, I realized that I could make a bigger
9 impact with a law degree under my belt. I was finishing up my senior year at PCU in
10 Spring of 2023 when I was expelled by the Dean after Dr. Myers accused me of cheating
11 on my final. I was already walking a pretty thin line prior to all this.

12 I was accepted to PCU on an academic scholarship that requires me to maintain a
13 3.5 GPA overall. However, I got into a spot of trouble earlier in the semester that
14 nearly got me kicked out.

15 I'm president of PCU's Act Now Club. Act Now is a student led organization that
16 works to promote equity for all students on campus and defend students against unjust
17 policies. During COVID-19, the school implemented the use of HonorLock to prevent
18 cheating. HonorLock requires the user to scan their workspace and place their phone out

19 of their reach while a live proctor monitors them. It also locks down your browser so you
20 can't look up any answers. While I understood the use of HonorLock during the pandemic,
21 it's created a burden on students now. The program used to be fully paid for by the school,
22 but about a year ago students had to begin paying \$5 per session to utilize the program. A
23 few professors were requiring students to take tests on HonorLock every week, which
24 quickly added up for students that were living on a tight budget. This meant that some
25 students couldn't afford to take their exams and were suffering academically. Act Now
26 decided to take action.

27 We initially reached out to the administration to try and organize a town hall
28 meeting, so students could explain to the administration the problems they were facing.
29 However, the administration quickly shot down the idea via email. That's when I had
30 the idea to organize a peaceful protest on campus on the main lawn. We'd held protests
31 there before, and the school usually permitted it so long as we didn't interfere with other
32 students or classes that were in session.

33 However, the protest didn't go as planned. A few students took things too far and
34 actually entered classrooms and disrupted live classes. Even though I stayed outside and
35 didn't participate, I was placed on probation by Dean Collins. S/He said that as president
36 of the club, the protest and the chaos was my responsibility. Because the University
37 received negative media coverage on this matter, Dean Collins seemed to pay "special"
38 attention to me.

39 In my last semester of my senior year, I took a marketing class with Dr. Myers. Dr.
40 Myers is known as a no-nonsense, difficult professor. I knew that Dr. Myers was very close
41 with Dean Collins and was up for tenure. I would see Dean Collins and Dr. Myers hanging
42 out together in some of the bars around campus and it was clear that they were close

43 friends. This made me extremely concerned about taking a class with Dr. Myers, but Dr.
44 Myers was the only professor teaching the last class that was required for my graduation.

45 Before my last semester of my senior year, I was conditionally accepted to a
46 prestigious law school. All I needed to do was maintain my 3.5 GPA. The law school knew
47 about my academic probation but accepted my explanation as to what occurred. However,
48 it was made clear to me that any other incidents would jeopardize my conditional
49 acceptance.

50 I knew that since I was on probation, I couldn't afford to earn less than a C in Dr.
51 Myer's class. I'd managed to maintain a C average in his class throughout most of the
52 semester. However, 6 weeks before the end of the semester he announced that instead of
53 giving us a midterm, s/he was going to make our Final Essay worth 40% of our grade. I
54 knew that if I didn't pass the final, my GPA would dip too low and I would lose my
55 scholarship and my opportunity to attend law school. I knew that I could not afford any
56 problems with my grades or any other problems or I would lose my conditional acceptance
57 to law school.

58 Because of the importance of the final assignment, I immediately buckled down
59 and began preparing to write this paper. I even attended all of Dr. Myer's office hours.
60 Robin Turner, Dr. Myer's Teaching Assistant, would usually sit down with me during this
61 time and help me with the paper. I needed that essay to be perfect. It was the most stressful
62 thing I've ever done. By the time the due date came around, I was definitely feeling the
63 pressure. I decided to write the paper regarding Taylor Swift; how her ability to market
64 her brand maximizes her success. My best friend, Fernando, and I were real "Swifties"
65 and would go to her concerts whenever she had a concert within 200 miles of campus. I
66 was fascinated how she developed her branding through a very specific plan of marketing.

67 I thought that would be a topic that would excite me. I have to say, the paper was more
68 difficult than I imagined, and it took so much time to gather the informational details. I
69 admit I utilized an AI program to help gather some information, but I never utilized
70 anything specific from this AI site in my paper. Why would I? I only utilized AI as a
71 starting place for the paper. Maybe there was minor information from that AI search, but
72 it would have been minimal and the paper I wrote was in my own words. I have a 3.5 GPA
73 and despite the difficulties I had in starting the paper and finding the information, the
74 wording in the paper was my own words and a result of the specific research I discussed. I
75 finally managed to finish with about an hour to spare. I submitted the essay to
76 TurnItIn.com, which evaluates student's essays for potential plagiarism.

77 The next day, I received an email instructing me to appear for an academic
78 integrity hearing. Dr. Myers accused me of cheating on my Final! I was caught completely
79 off guard. S/He alleged that I had used AI to write most of my paper. I denied doing so
80 but was told the Board of Trustees would have to investigate. I went to a hearing with the
81 Academic Advisory Committee and, as luck would have it, Dean Collins was on the
82 committee. The committee cleared me of any wrongdoing in an 8-1 vote. Of course, Dean
83 Collins was the only vote against me. The Board of Trustees of PCU confirmed the
84 Committee's decision. I was so happy that I finally felt there was justice in this case.
85 However, my joy turned into disbelief when I received a letter from the Dean saying that
86 I was expelled. How could that be? It was clear that Dean Collins made this decision to
87 destroy my future. My conditional acceptance was reversed and my dreams of attending
88 law school were destroyed. I mean, I signed a contract that indicated that the Board of
89 Trustees had the final say on these issues, yet the Dean arbitrarily overturned this decision.
90 The Dean's decision was meant to destroy my future.

91 Evidently, Dean Collins overruled the Board of Trustees based upon the
92 Agreement I signed before entering Palm Coast University. This agreement I signed says
93 the Dean has the final decision regarding dismissing a student due to academic dishonesty.
94 However, as I pointed out to the Academic Advisory Committee, the Board of Trustees
95 has the final decision regarding expulsion due to plagiarism. It is right there in black and
96 white in the student handbook. The Academic Advisory Committee ruled in my favor and
97 found that I did not plagiarize any materials and this finding was upheld by the Board of
98 Trustees. The Board of Trustees had the final word on plagiarism, but somehow Dean
99 Collins found a way to destroy my future.

100 Yes, I was accused of plagiarism in high school and I admit, I did not properly cite
101 some materials, so I accepted my punishment. That was about 7 years ago, and I learned
102 my lesson and would never plagiarize. This is totally unfair and the Board of Trustees
103 should have upheld their initial decision exonerating me from Dr. Myers unsubstantiated
104 claim that I plagiarized my assignment. It is clear that Dr. Myers and Dean Collins were
105 out to get me.

106 I swear or affirm the truthfulness of everything stated in this affidavit. Before giving a statement,
107 I was told I should include everything that I know may be relevant to my testimony and I followed those
108 instructions. I know that I can and must update this affidavit if anything new occurs to me until the
109 moment before opening statements begin in this case.

110 I am familiar with all of the Exhibits with the exception of Exhibits 8 and 9. I am not familiar with
111 any other exhibits in this case. I swear or affirm the truthfulness of everything stated in this affidavit. Before
112 giving a statement, I was told I should include everything that I know may be relevant to my testimony and
113 I followed those instructions. I know that I can and must update this affidavit if anything new occurs to me
114 until the moment before opening statements begin in this case.

Signed,

Alex Ross

Alex Ross

August 20th, 2023

IN THE 21ST JUDICIAL CIRCUIT IN AND FOR PALM COUNTY, FLORIDA

**ALEX ROSS
PLAINTIFF**

v.

**PALM COAST UNIVERSITY BOARD OF
TRUSTEES
DEFENDANT**

**CASE NO. 23-006275-CA-01
JUDGE VINCENT LAGUARDIA
GAMBIN**

AFFIDAVIT OF CAMERON GREY

AFFIDAVIT OF CAMERON GREY

1. Introduction

1.1 Background

1 My name is Cameron Grey. I am the founder and CEO of GPTZero, a tech firm that has developed
2 sophisticated software tools for detecting the usage of artificial intelligence (AI) in academic writings. I
3 founded the company only about a year ago after I left my last position as the Head of Research and
4 Development at a rival company, XYZ on not very great terms to say the least.

1.2 Involvement in this Case

5 I was originally retained by Plaintiff's counsel after Plaintiff learned of his expulsion and wanted to appeal to
6 the school and asked me if I could help explain the method of AI detection and the faults that may come with
7 it. I was disappointed but not surprised to hear that my old company had falsely flagged an essay as utilizing
8 AI. When I investigated the matter and conducted my own analysis, I decided to take this case pro bono. It's
9 also true that this case could help bring attention to my software company. While we don't currently have a
10 contract with Turnitin, if we can demonstrate that our software is better at detecting AI then maybe we can
11 secure a contract which would help put our company on the map and make it profitable.

2. Qualifications and Experience

2.1 Academic Background

12 I graduated Suma Cum Laude with a double major – B.S. in Computer Science and a B.A. in Applied
13 Linguistics – from Pomona College. Following my undergraduate degrees, I obtained my Masters in Computer
14 Science from Stanford University in 2017.

2.2 Publications and Experience Testifying

15 I currently only have two publications. The first one was my master’s thesis which looked at applying Machine
16 Learning Language Models to Analyze and Critique Technical Writing published in the peer-reviewed New
17 England Journal of Machine Learning. I also recently had an additional paper published in the highly regarded
18 and peer reviewed Foundation and Trends in Machine Learning in 2022. The title of the paper was Detection
19 of AI Language Models: A Holistic Approach.

20 I have also testified now in 3 other cases regarding the use of artificial intelligence in academia though two of
21 them were in arbitration and one was testifying before a school board.

2.3 Professional Experience

22 Upon graduating from Stanford University, I began working for Oracle as a Senior Researcher and Software
23 Developer. However, after working there for about a year I was approached by DEFENSE EXPERT for my
24 qualifications and background in machine learning and linguistics. I was well aware of who s/he was as s/he
25 is well known and well respected in the software engineering industry. I honestly couldn’t believe that s/he
26 knew who I was or that s/he would even give me a chance. S/He told me that one of his people had stumbled
27 upon my master’s thesis and thought I would be a great fit in his/her new venture. S/He said that with the
28 increase in AI s/he predicted that it would soon be widely available to the market at large. S/He was right, of
29 course, as evidenced by ChatGPT. S/He told me that s/he was concerned with the idea that AI could be nearly
30 indistinguishable from Human writing and worried about disinformation. S/He told me that s/he wanted to
31 develop a way of identifying and flagging writing as AI so that people could be well informed. I thought it
32 was an amazing idea and gladly jumped on board. During my time as the head of R&D I was asked to use a
33 narrower algorithm when detecting AI. Due to some – let’s call them – disagreements, I decided to leave the
34 company and start my own firm. Following my departure, s/he sued me under the non-compete clause and

35 other crazy allegations. I can't talk about specifics but all I can say is that the matter is settled and GPTZero
36 is not going anywhere.

3. Methodology and Tools Used for Analysis

3.1 Explanation of GPTZero's Software and its Functionality

37 The underlying mechanism of GPTZero relies on deep learning models that have been trained on vast datasets
38 of academic writing of both human and AI texts. These models recognize distinct patterns and structures
39 unique to each source, which enables the software to make a probabilistic determination about the origin of a
40 text.

41 The detection mechanism employed by GPTZero's software is primarily based on the principles of language
42 models, which are the fundamental building blocks of AI text generation tools like ChatGPT.

43 Language models are trained to predict the next word in a sentence given all the preceding words. They learn
44 from vast amounts of text data and identify patterns and structures in the language. Consequently, when
45 generating text, these models tend to produce output that closely follows the learned patterns.

46 In essence, if an AI were writing a sentence, it would statistically choose the next word based on the patterns
47 it learned during its training. This predictive nature makes AI-generated texts somewhat formulaic and
48 different from human writing, as humans often incorporate more creativity, randomness, and context-
49 awareness in their writing.

3.2 Predictive Analysis

50 To detect AI involvement, GPTZero's software much like COMPETITORS, essentially reverses the language
51 model's function. Instead of predicting the next word, the software looks at the given word (or sequence of
52 words) in the text and calculates the likelihood that it would be the predicted output of a language model. The
53 software does this for the entire text, creating a sort of likelihood map.

54 The software then analyzes this likelihood map to generate a probability score. If the text consistently follows
55 the most predicted language patterns (as per the language model), the software concludes a higher probability
56 that it was AI-generated. However, if the text frequently deviates from such patterns, the software leans

57 towards human authorship. This overall score is adjusted for certain biases and a margin of error, providing a
58 final probability of AI involvement in the creation of the text.

59 When I ran Alex Ross's essay through my software, it only received an AI score of 15%. This can be
60 interpreted to mean that 10% of the essay received a low complexity score, so it is possible that 10% of the
61 essay was written by AI. However, I must emphasize that no AI detection is perfect and I believe that this
62 number may actually be 0% given other factors and the margin of error explained later.

3.3 Additional Analysis

63 Given that AI Detection is an imperfect tool, I have always advocated others to consider writing on a more
64 holistic approach rather than solely relying on predictive analysis.

65 One thing that someone must consider is following arguments and themes introduced within a piece of writing.
66 One then analyzes how that theme/argument is consistent and logical. Because AI simply predicts the next
67 word, when it comes to larger texts, there may be faults in logical argumentation as it can get lost as the text
68 gets longer. That is because while humans may be more erratic in choosing individual words, their argument
69 and logic flows much better than AI.

70 When I analyzed Alex Ross's paper I noticed that the logic of the paper seemed to follow quite well. Each
71 paragraph logically followed the next and the sentences within each paragraph were logically linked.

72 I also noticed that the language, i.e. the vocabulary in Alex Ross's paper was quite similar to the vocabulary
73 that they used in another paper I was provided written in 2018. This was before widespread access to AI and
74 therefore it is likely impossible that this paper was written by AI. I noticed similar vocabulary and sentence
75 structure was used. When I studied linguistics, this was one of the most interesting factors about human
76 writing. Vocabulary and sentence structure can often be like a fingerprint. While some people have similar
77 fingerprints, each person has their own style. And it is clear from my review that these styles of writing are
78 consistent, but not perfect. This difference in style could be simply due to Alex Ross's writing evolving as
79 they continued through college.

80 It's worth noting that while this methodology is robust, it's not infallible. Texts can have overlapping
81 characteristics, and AI is improving at mimicking human-like text. Thus, any AI detection conclusion must
82 consider these nuances, the margin of error, contextual elements, and of course a human-review.

3.4 Margin of Error

83 As stated earlier, no predictive analysis software is perfect and each software does have some margin of error.
84 While COMPETITOR claims his margin of error to be as low as 5%, our software is much newer so we do
85 not have an exact number. My best estimate would place the margin of error at about 10%. This does not mean
86 that one can simply take the predictive analysis score and subtract 10% for the correct number. Rather this
87 means that when each portion of the essay is analyzed it is given a complexity score. If that complexity score
88 is low enough it will tag it as AI written. It then calculates what percentage of the essay was tagged as AI
89 written. The margin of error on any of these software programs simply indicates its likelihood to calculate a
90 lower than correct complexity score and tag something as AI written. So, while it is impossible to predict the
91 true number, our software is more likely to tag something as AI written while COMPETITOR is not. So, while
92 our software outputted a score of 10% I believe that the score may actually be lower.

4.0 Conclusion

93 Based on my holistic review of Alex Ross's paper I believe the percentage of the document written by AI to
94 be within a percentage of 0%-5%. While I believe it is possible that AI was used to write small portions of the
95 paper, I conclude that it is unlikely. Even though my software found that 10% of the paper was likely written
96 by AI, I believe that given our margin of error and the other factors I considered in Section 4.2, I do not believe
97 this score to be indicative of the true percentage written by AI.

Signed,

Cameron Grey

Cameron Grey
August 30th, 2023

IN THE 21ST JUDICIAL CIRCUIT IN AND FOR PALM COUNTY, FLORIDA

ALEX ROSS
PLAINTIFF

v.

PALM COAST UNIVERSITY BOARD OF TRUSTEES
DEFENDANT

CASE NO. 23-006275-CA-01
JUDGE VINCENT LAGUARDIA
GAMBIN

AFFIDAVIT OF ROBIN TURNER

AFFIDAVIT OF ROBIN TURNER

1 After being duly sworn upon oath, Robin Turner hereby states as follows: I am twenty-six years old
2 and am competent to make this affidavit.

3 I graduated from Palm Coast University with my bachelor's in accounting. I spent a few years teaching
4 math at my local middle school before I returned to PCU as a full-time student. I'm currently in my second
5 year as a graduate student, working my way towards a master's degree in actuarial sciences. Grad school is
6 expensive, so each semester, I apply for the work study program at PCU. This allowed me to work as a teaching
7 assistant for a professor named Dr. Devin Myers. However, after I informed the university that attorneys for
8 the plaintiff asked me to testify at trial, I was removed as Dr. Myers's TA. I still don't know which professor
9 I'll be working for this coming semester, or if my work study application will even be renewed.

10 To say that Dr. Myers is unpopular with the student body would be an understatement. Myers teaches
11 MAR3002 (Marketing Concepts and Operations), which is a required course that business majors need to pass
12 in order to graduate. Since it's a 3000s level course, the four sections that Dr. Myers teaches are composed
13 entirely of undergraduate juniors and seniors, but that doesn't stop Dr. Myers from treating it like a graduate-
14 level course. In class, if a student arrived late, Myers would immediately stop the lecture and began berating
15 the student for their attendance.

16 Alex Ross was one of Dr. Myers's students during the spring 2023 semester. On Alex's first day of
17 the class, I was happy to see Alex. I'd had the plaintiff in two classes during previous semesters (with other
18 professors), and Alex was always respectful and submitted assignments on time. After Dr. Myers's lectures,
19 Alex would sometimes stay to chat and ask questions. It always seemed to me that Alex was very involved

20 with the material that was covered. That being said, some of the questions Alex would ask also gave me the
21 impression that Alex wasn't grasping the information. For example, after an entire presentation discussing the
22 impact of non-fungible tokens on the economy, Alex raised a hand and said, "Can you remind me what an
23 NFT is again?" Dr. Myers just sighed in response. Though I will say that Alex was only ever absent for two
24 classes that semester – I took attendance for Dr. Myers's class, so I'm certain of this.

25 It was also my job to grade some assignments for Dr. Myers, which is how I found out that that Alex
26 was struggling in the class. Alex had A's in the classes I'd had Alex in previously, but Alex was barely
27 maintaining a C average in MAR3002. Even worse, Dr. Myers didn't like Alex one bit. I have no idea why
28 Myers was so mad with Alex all the time (or if there was even a specific reason to begin with), but Dr. Myers's
29 feelings were apparent in every interaction they had. Anytime Alex would try to speak with Dr. Myers after a
30 lecture, Myers would shove a hand in Alex's face and say, "I don't have time for you. You know what you
31 did to me."

32 As a TA, I would host office hours for Dr. Myers. Myers is the type of professor that doesn't like to
33 be bothered, so I was the one responsible for helping students out with big assignments. On February 15, 2023,
34 Dr. Myers announced that a five-page essay would substitute the final exam for the class. The prompt was to
35 write an essay analyzing the marketing strategies in a particular industry or economy – this was nothing the
36 students hadn't done before in the class. The assignment was due on May 5, and a month before the assignment,
37 Dr. Myers officially created the submission portal for the assignment through TurnItIn (plagiarism software
38 that the university provides teachers). This paper was worth a huge chunk of everyone's grade.

39 Between the time that Myers created the submission portal, and the time that the essay was due, I had
40 office hours every Tuesday and Thursday (eight in total). Alex was at every single one of those office hours,
41 and most of the time, Alex was the only student I worked with. During that first meeting, Alex said, "my grade
42 is do or die on this essay, so I need to make it count." I asked Alex what Alex was thinking about writing the
43 paper on. Alex responded, "That's what I was hoping you could help me with." That's when I made it very
44 clear to Alex that I couldn't help too much. I think my exact words were, "I'm not going to write this thing for

45 you myself.” Alex’s shoulders sank when I said that. I told Alex, “What I can do is help you brainstorm and
46 research.” We spent that meeting, and the next two, doing exactly that.

47 As it turned out, Alex was a huge Taylor Swift fan, and given Swift’s big reputation in the media
48 around the time of the essay, Alex decided to write the essay on Swift’s marketing campaigns in the music
49 industry. I thought that sounded like a great idea! In the following office hours, I asked Alex about the progress
50 on the paper. Alex always gave me some variation of, “It’s coming along.” Alex would then ask a whole bunch
51 of questions. They were mostly about information that was already covered in class, and some weren’t entirely
52 relevant to the essay. This confirmed my suspicions that Alex was more lost than anything. During these
53 meetings, Alex would spend time writing on a notepad while I explained different business and marketing
54 concepts. I never saw what Alex was writing (it could’ve been anything, really) since I was sitting across the
55 table, but I’m sure it had to do with the paper. And I was able to see that Alex had written a lot of notes over
56 the course of our meetings, several pages in fact.

57 In our May 2 meeting, I specifically asked Alex to bring his/her laptop to show me what Alex had
58 written so far – this way, I could provide feedback. The essay was due on a Friday at midnight, so the last time
59 I saw Alex was midday on Thursday, May 4. When Alex showed up, Alex explained that Alex’s laptop had
60 broken the week prior, and Alex would need to rent one out from the school’s library. Why Alex hadn’t told
61 me this when I asked Alex to bring in the essay, I don’t know.

62 This is when I became extremely worried that Alex hadn’t even started working on the essay. It
63 must’ve been apparent on my face because Alex immediately began to describe what Alex recalled writing
64 before the laptop broke. This did little to ease my worries, but I figured that if Alex could describe ad nauseum
65 the marketing intricacies of Taylor Swift’s Eras Tour, then Alex could write a perfectly suitable essay within
66 the next day and a half. At the end of that meeting, I gave Alex some constructive feedback. I ended by saying,
67 “It would’ve been really helpful if I could’ve seen what you had written down.” Alex sighed and said, “It’s
68 just that this essay has been so hard. I wish someone could just write it all for me.” I laughed at Alex’s joke
69 and wished Alex good luck.

70 I heard about Alex's expulsion a couple of weeks into summer break. Dr. Myers called me asking if I
71 was interested in being a TA again; during that phone call, Myers joked that "we won't need to deal with that
72 liar of a student anymore." I asked who Dr. Myers was talking about, and that's when Dr. Myers filled me in
73 on the accusations against Alex. I was shocked. I didn't say anything on the phone to Dr. Myers because I
74 didn't feel it was my place to get involved, but it just didn't make sense to me that Alex would plagiarize the
75 essay. Even if Alex hadn't started working on the essay by our last meeting, it seemed like Alex had a good
76 grasp on the subject matter. And why would Alex attend all those office hours with me if the plan was to just
77 have a computer write the essay? Dr. Myers wanted to be the only one to grade the final essays, so I never
78 actually read Alex's essay. However, when I saw the timestamps of the grading of the paper, it was clear that
79 Dr. Myers spent so little time grading Alex's papers, and I find that concerning. I did learn at that time there
80 was a rumor that Alex did file some type of complaint against Dr. Myers and putting things together, it was
81 pretty clear that Dr. Myers had some type of grudge against Alex.

82 I am familiar with the following exhibits: Exhibit 3 is an email that PCU sent out about AI on campus.
83 Exhibit 8 is a log showing timestamps of Dr. Myers's grading progress for the final essay in MAR3002;
84 although I wasn't involved in the grading, I still had access to this side of TurnItIn's submission page. I am
85 not familiar with any other exhibits in this case. I swear or affirm the truthfulness of everything stated in this
86 affidavit. Before giving a statement, I was told I should include everything that I know may be relevant to my
87 testimony and I followed those instructions. I know that I can and must update this affidavit if anything new
88 occurs to me until the moment before opening statements begin in this case.

Signed,

Robin Turner

Robin Turner

August 21, 2023

IN THE 21ST JUDICIAL CIRCUIT IN AND FOR PALM COUNTY, FLORIDA

ALEX ROSS
PLAINTIFF

v.

PALM COAST UNIVERSITY BOARD OF TRUSTEES
DEFENDANT

CASE NO. 23-006275-CA-01
JUDGE VINCENT LAGUARDIA
GAMBIN

AFFIDAVIT OF DR. DEVIN MYERS

AFFIDAVIT OF DR. DEVIN MYERS

1 After being duly sworn upon oath, Dr. Devin Myers hereby states as follows: I am fifty-seven years
2 old and am competent to make this affidavit.

3 I'm a professor at Palm Coast University, where I teach classes on business, economics, and
4 marketing. I graduated from Harvard University with my bachelor's degree in finance, and then from Yale
5 with my Ph.D. in applied statistics with a focus on economics. I spent several years writing for the New
6 York Times where I had a monthly column that would educate readers on the current state of the American
7 stock market. Once I was bored with that, I transitioned into a more formal educational setting by becoming
8 an associate professor at Palm Coast University. I'm not a tenured professor, though; my tenure review will
9 take place two months after this trial.

10 At PCU, I teach four sections of MAR3002 (Marketing Concepts and Operations). The university
11 recognizes how important my pedagogy is, which is why they made the class mandatory for any students
12 majoring in business. My classes are composed of undergraduate juniors and seniors. I'm aware of the
13 reputation I have among the student body, and it is a notoriety that I have intentionally manufactured. My
14 classes are structured to force students to think critically about concepts in our economy. Too many students
15 come into college thinking they can easily earn a high GPA by majoring in something "pointless" like
16 business. I'm their wake-up call. Alex Ross was one of these students. I was warned during the winter break
17 before the 2023 spring semester about Ross being in my class. I was having lunch with Jude Collins, the
18 Dean of PCU's College of Arts and Sciences. Dean Collins provided a list of students in my upcoming roster

19 who were on academic probation. “You might want to provide these students with some encouragement,”
20 Dean Collins said to me. I took the dean’s suggestion with a grain of salt.

21 To use a crude analogy, my methodology is to throw the students into the deep end and see if they
22 sink or swim. If they can’t survive in my class without support, they should pursue another major. Anyhow,
23 Dean Collins had put a star next to Alex Ross’s name, and I asked why. Dean Collins informed me that Ross
24 was on probation because of a protest that got out of hand on university grounds. I learned that Ross was the
25 president of the Act Now organization, which is a polite way of saying that Ross was a thorn in the
26 university’s side. Act Now is a club that loves to protest events or policies in the university. Clearly, no one
27 ever taught those shameful kids not to bite the hand that feeds them. I was familiar with the protest that put
28 Ross on academic probation; the Act Now club was protesting an anti-cheating policy that the university had
29 in place after COVID-19. I understood immediately that Ross was going to be the type of student that
30 thought taking shortcuts would be an easy way to pass my class.

31 On the first day of the semester, Ross was ten minutes late to my class. The university’s policy is
32 that if a student misses first-day attendance, they are to be dropped from the class. Ross gave me some half-
33 witted excuse that Ross “couldn’t find the classroom in such a big building.” I told Ross that I considered
34 dropping Ross’s name from my class roster since Ross had technically missed attendance. Normally, my
35 lecture on the importance of attendance is enough to get students to stop acting up, but Ross proved that
36 wouldn’t be the case.

37 I placed my TA in charge of taking attendance for my classes, so I’m not quite sure how many
38 classes Ross was absent for, but it had to have been quite a few. I don’t recall Ross providing much to our in-
39 class discussions, and the few times Ross would ask questions, it was evident that Ross wasn’t following
40 along. Ross was one of those students that hid behind their laptop screen (scrolling through Facebook, no
41 doubt), so Ross’s grades in my class were no surprise to me. By the end of the semester, Ross was barely at a
42 C minus.

43 I think final exams are pointless, which is why I have a five-page paper as a substitute for my
44 classes. I assigned my students their final essay on February 15, 2023. The prompt was for the students to
45 pick any industry of their choosing and focus on the marketing techniques and strategies used in that
46 industry. For example, if the movies had been released a few months earlier, students could have written
47 about how advertisements for Barbie and Oppenheimer influenced audiences and the film industry. The
48 paper was due on May 5 at 11:59 PM. Though I had my TA help me grade multiple-choice exams, Robin
49 Turner tended to develop soft spots for many of the students. I couldn't have that bias interfere with the
50 grading for such a big assignment. Therefore, I was the only one who graded the final essays for all of my
51 classes.

52 I began my grading on the morning of May 6. My students were to turn in their essays through
53 TurnItIn, which is a plagiarism detection software. I proceeded alphabetically through my grading until I got
54 to Ross's essay. TurnItIn did not flag Ross's essay for review, meaning that the software did not believe
55 plagiarism took place. However, when I opened Ross's essay, it was clear that something was off. I was
56 familiar with other writing samples from Ross. Throughout the course, I assigned three multiple choice
57 exams, and at the end of each exam, there were several short-response questions. Ross's writing in those
58 exams didn't sound like the writing Ross submitted in the final paper.

59 In recent semesters, the university has had faculty meetings regarding the increasing popularity of
60 artificial intelligence. I am, by no means, an expert in AI, but from my understanding, students are able to
61 use certain programs to write their essays for them. The problem has become so widespread that the
62 university even sent a school-wide email banning AI on campus and blocking its use on all school
63 computers. Personally, I've been horrified at how quickly and easily technology can churn out an essay. I
64 believe that AI is the death of critical thinking and that it should never be used under any circumstances.

65 Once I put two and two together, I understood that the reason Ross's essay sounded strange was
66 because it had probably been written by AI! I flagged Ross's essay and reported the student to the dean.

67 Afterwards, I spoke with my TA and explained the situation. Robin was shocked, but agreed with me when I
68 said this should've been expected behavior from Alex Ross.

69 My understanding of the process was that the dean then sent the issue to the academic integrity
70 board, who scheduled a hearing with Ross. I was present for that hearing. I was informed that it was unusual
71 for the accusing professor to attend these hearings, but that didn't matter to me. Ross needs to be made an
72 example out of for Ross's use of artificial intelligence. The academic integrity board unfortunately didn't
73 find that any plagiarism had taken place, but part of me expected that. This was the first time that the board
74 had to hear about artificial intelligence as a means of plagiarism as opposed to the "old fashion" way of
75 directly copying another student.

76 After the ruling, I asked to speak with Dean Collins and expressed my frustration. I vehemently
77 disagreed with the board's ruling and expressed to Dean Collins that Ross's essay was not at all similar to
78 Ross's previous work. Dean Collins nodded along as I spoke and ultimately said that Collins would take into
79 consideration what I had said when deciding on Ross's future at Palm Coast University. Ross was, after all,
80 on academic probation. When I later learned that Ross had been expelled from the university, I was pleased
81 to be rid of such a nuisance of a student. And now that Ross is filing this lawsuit against the university, I
82 have no qualms testifying against Ross and calling out a liar when I see one.

83 I am familiar with the following exhibits: Exhibit 2 is PCU's Academic Integrity Policy. Exhibit 3 is
84 an email administration sent out regarding AI being banned on campus. Exhibit 4 is Alex Ross's essay.
85 Exhibit 5 is a transcript of Dallas Warren's testimony during Ross's academic integrity hearing; I was
86 present at this hearing and confirm that the transcript accurately depicts what was said. Exhibit 8 is my
87 grading report from TurnItIn; it accurately depicts how long I took to grade each essay. I am not familiar
88 with any other exhibits in this case.

89 I swear or affirm the truthfulness of everything stated in this affidavit. Before giving a statement, I
90 was told I should include everything that I know may be relevant to my testimony and I followed those

91 instructions. I know that I can and must update this affidavit if anything new occurs to me until the moment
92 before opening statements begin in this case.

Signed,

Dr. Devin Myers

Devin Myers
August 19th, 2023

IN THE 21ST JUDICIAL CIRCUIT IN AND FOR PALM COUNTY, FLORIDA

ALEX ROSS
PLAINTIFF

v.

PALM COAST UNIVERSITY BOARD OF TRUSTEES
DEFENDANT

CASE NO. 23-006275-CA-01
JUDGE VINCENT LAGUARDIA
GAMBIN

AFFIDAVIT OF JAMIE BOSSA

AFFIDAVIT OF JAMIE BOSSA

1. Introduction

1.1 Background

1 My name is Jamie Bossa. I am the founder and CEO of BossAI a subsidiary of my company, Boss Enterprises,
2 a leading tech firm founded in the 1980s. We pioneered the invention of the mainstream Internet including
3 search engines, social media, and cloud computing. While I used to be the CEO of Boss Enterprises, I stepped
4 down about 10 years ago to be able to travel the world with my hard-earned money. I know some people say
5 that I stepped down due to some controversy over me “creating a hostile work environment” and “demanding
6 a lot of my employees” but that is simply not true.

1.2 Education

7 I attended Stanford University studying Computer Science from August 1978 to February 1979. I actually
8 never graduated from college and decided after less than a year of being in it that I would be better served
9 starting my own company. So, for a few years out of my parents’ garage I began starting my own company,
10 Boss Enterprises. We started by selling BASIC interpreters back in the day when you needed floppy disks to
11 being a leading software company in the United States and worldwide. We have consistently ranked in the top
12 5-10 in the Forbes Top 100 companies. Even though I did not graduate college, I am considered one of the
13 foremost experts on technology, and now AI. In fact, while I may not have graduated from Stanford they did
14 bestow upon me an honorary doctorate in Computer Science, though I am not sure that counts for much.

1.3 Experience with AI

15 Just as I was heavily involved with the widespread creation of computers to the average citizen, I have been
16 involved in the pioneering of AI. AI has always been a concept in computer science, even well before I started
17 my company. However, it had a very different context in the 1950s and 1960s than what it does today. The AI
18 that people think of nowadays began being researched and perfected in the 1990s in research labs around the
19 country. I have personally donated about \$10 billion over the past 10 years solely for AI research. As such, I
20 have been given the opportunity to see first-hand and up close exactly how the AI is being developed and the
21 implications on humanity as a whole.

22 The things that I have seen would blow most peoples' minds which is exactly why I founded BossAI. BossAI
23 is a branch of Boss Enterprises solely focused on counteracting the deleterious effects of AI in modern society.
24 While some people advocate that the development of AI should be limited or ceased all together, I whole
25 heartedly disagree. I believe that AI development is a natural evolution of technology. However, it is still clear
26 to me that if it remains unchecked AI could have dangerous consequences in society and the job marketplace.
27 So, I founded BossAI to identify when and how AI was used so that people could be informed and warned of
28 fake or made-up inventions by AI.

1.4 BossAI

29 When I founded BossAI in 2015 we began by compiling research on AI and methods. Then we slowly
30 progressed to AI detection in about 2016. It was a few years after that I decided to grow the team by hiring a
31 person dedicated software engineer to our linguistics department. The linguistics department of BossAI was
32 designed to identify and flag AI writing. We of course also have different departments focused on other AI
33 creations such as photo/video, artwork, and computer programs. When I put out word that we were looking
34 for someone to head up the linguistics department of BossAI, someone introduced me to Cameron Grey. While
35 I thought s/he would be a great fit and gave him a chance after meeting him, I could not be more wrong. While
36 I still think that Cameron Grey is extremely knowledgeable about the field, I do not think they were a good fit
37 for our company.

1.5 Involvement in this Case

38 I was approached by Defense Counsel to testify in this case when it first began and to defend the work done
39 by BossAI in this case. While I originally declined due to issues with my schedule, when I found out that my
40 work in Singapore was being delayed by another 2 years and that Cameron Grey was the other expert, I decided
41 that perhaps I could fit it into my schedule. Admittedly, I am being paid for my time in reviewing the
42 documents, preparing this statement, and for my testimony. Once everything is done I believe that I will have
43 been paid approximately \$250,000. While I understand that number may seem high, my speaker fee alone is
44 normally \$150,000. So, given the amount of time that I have spent on this case, I am actually charging very
45 little for my time.

1.6 Prior experience

46 Given that my time is so valuable, I have never testified as an expert witness before. However, I have testified
47 plenty of times as a Corporate Representative for Boss Enterprises in lawsuits that occurred in our early years
48 by competitors who wanted to stifle our innovation. Additionally, I have given hundreds of speeches and
49 lectures throughout the world in AI and software.

2. Methodology and Tools Used for Analysis

2.1 Documents Reviewed

50 In preparing for this case today, I reviewed the paper of Alex Ross, the prior essay of Alex Ross written in
51 2017, and the report of Cameron Grey. I also consulted with many leading individuals in AI research including
52 the heads of AI research at MIT, Harvard and Carnegie Mellon.

2.2 How AI Works

53 As explained by Cameron Grey, AI works by collecting a large dataset of information and identifying patterns
54 within them. For example, let us say that you feed an AI model 100,000 documents. You then ask it to write
55 a similar document. If 80% of those documents start with the word “I” then your AI model is likely to start its
56 paper with the word “I”. Then statistically based on all of the documents that it reviewed, the word “believe”
57 is the most likely word to follow the word “I”. This continues over and over until the AI forms a sentence such

58 as “I believe that cats are better than dogs”. Now this is a very simplified explanation of AI writing and
59 truthfully it is much more complex and takes a lot of parameters into account when generating the next word.
60 The interesting thing about AI is that if you ask any AI expert exactly how their AI works, they would not be
61 able to tell you. Because while long ago we used to have to explicitly write out the parameters for a computer
62 to consider, AI works so well because it allows the computer to come up with its own parameters. That is why
63 AI works best when being fed large amounts of datasets and used often.

2.3 How BossAI works

64 BossAI works by reverse engineering the AI writing process. As stated earlier, let us take the fictional
65 statement, “I believe cats are better than dogs”. BossAI works by grabbing the first word and predicting what
66 the next word will be. If the first word is “I” then BossAI would predict the next word to be “believe”. If the
67 next word in the sentence matches up with the prediction, then this leads to a low complexity score. However,
68 let’s say that BossAI believes the next word to be “in” and “cats” is not even in its top 10 predictions then the
69 word “cat” is an extremely unusual choice and thus leads to a much higher complexity score. This occurs over
70 and over again throughout the entire document until Boss AI has a complexity score for every portion of the
71 essay. It then calculates what percentage of the essay has a low complexity to meet a certain threshold that we
72 are confident that AI was used.

73 As stated earlier, AI and AI detection work best when being given large amounts of datasets. Because I have
74 access to some of the leading AI research and dozens of premier universities, I am proud to say that BossAI
75 was trained with approximately 500 gigabytes of data and approximately 200 million parameters which is
76 significantly more than GPTZero’s training data.

77 When I ran Alex Ross’s paper through BossAI, it gave me a score of 47% indicating that 47% of the essay
78 was likely written by AI. When I ran Alex Ross’s 2018 paper (which was written well before the commercial
79 availability of AI and thus unlikely to be written by AI) BossAI produced a score of 12%. This can make sense
80 as Alex Ross was younger and perhaps their writing was more simplistic and formulaic. However, I still

81 decided to forward that essay to my engineering team to perhaps determine why it received such a high score
82 when it should be 0. At the time of the trial, they were unable to produce a reason.

2.4 Margin of Error

83 As a result of our large training data set, our expected margin of error is significantly lower than the field's
84 average. Our margin of error is approximately 5%. What this means is that our software will incorrectly
85 calculate the complexity score by about 5%. Truthfully, when BossAI began our partnership with educational
86 companies to identify AI in student work, we have always put a warning advising teachers to not solely rely
87 on this score. There should still be a level of human review to ensure that our software performed correctly.

3.0 Conclusion

88 Based on my review of the evidence, I am confident that Alex Ross's paper was written with the help or
89 assistance of an AI tool. While I cannot say that the exact percentage is 47% as indicated by BossAI, I can say
90 to a reasonable degree of scientific certainty that BossAI correctly identified the AI writing and that it is
91 significantly larger than the 10% that Cameron Grey purports it to be.

Signed,

Jamie Bossa

Jamie Bossa
August 30th, 2023

IN THE 21ST JUDICIAL CIRCUIT IN AND FOR PALM COUNTY, FLORIDA

ALEX ROSS
PLAINTIFF

v.

PALM COAST UNIVERSITY BOARD OF TRUSTEES
DEFENDANT

CASE NO. 23-006275-CA-01
JUDGE VINCENT LAGUARDIA
GAMBIN

AFFIDAVIT OF JUDE COLLINS

AFFIDAVIT OF JUDE COLLINS

1 After being duly sworn upon oath, Jude Collins hereby states as follows: I am fifty-eight years old
2 and am competent to make this affidavit.

3 I received my bachelor's in computer science from the University of Florida and a master's degree
4 from Duke University. After attaining my master's, I worked as a computer hardware engineer for 15 years
5 before I eventually transitioned into teaching. I taught computer science courses at Palm Coast University
6 for twenty years and was appointed Dean of the College of Arts and Sciences at PCU eight years ago.

7 I take a lot of pride in guiding the next generation of leaders towards their careers. However, there
8 is always a bad seed or two in the bunch. Alex Ross was one of those students. Alex Ross managed to find
9 themselves in trouble from the moment they arrived at PCU. During their freshman year, Alex Ross joined
10 ACT NOW, a student-led organization that likes to disrupt campus life over so-called perceived injustices.
11 That same year, ACT NOW organized a protest over new GPA requirements for student-athletes that I had
12 passed. My car was damaged during the protest and cost me several thousands of dollars to repair. Alex
13 Ross came up as a potential suspect, but I was never able to find any concrete proof that they were
14 responsible. Since then, I have kept a close eye on them.

15 Needless to say, Alex Ross's name has come up several times throughout the years in the latest
16 incident having occurred in association with ACT NOW's shenanigans. Their latest stunt was a wild protest
17 over the continued use of Honor Lock. Honor Lock is a program that requires the user to scan their
18 workspace and place their phone out of their reach while a live proctor monitors them during remote exams.
19 It was implemented during COVID-19 to preserve academic integrity. The University covered the full cost

20 of the program during the pandemic; however, funding was cut after students started to come back on
21 campus. A few professors have continued to use it for their exams, and it costs students about \$5 per
22 session.

23 I received an email from Alex Ross on September 30, 2022, requesting a hearing on the continued
24 use of Honor Lock in certain classes. I reviewed Alex Ross's concerns and spoke with the administration,
25 who confirmed that it was every individual professor's right to set-up their exams in the manner that they
26 see fit and that students agreed to that professor's terms when they register for the course. I sent an email
27 back to Alex Ross on October 4th denying the request, since it would have been a waste of time.

28 The next day, ACT NOW had organized a massive, impromptu protest on campus. I received calls
29 and emails from several professors claiming that protestors had entered their classrooms. While I respect
30 students' right to free speech and protest, the university prohibits protestors from entering any buildings
31 where classes are in session. Additionally, protests are usually coordinated ahead of time with campus
32 police to ensure the safety of both people on campus and the protestors.

33 An anonymous source showed me the text message that Alex Ross had circulated organizing the
34 protest. As president of the club, I held Alex responsible for the protest and placed Alex on probation. I
35 gave Alex a strict warning that s/he could not get into any more trouble before the end of the year. But to
36 no one's surprise, Dr. Myers accused Alex Ross of plagiarism the very next semester.

37 Dr. Myers is a highly respected member of the faculty and I have known Dr. Myers for years, both
38 personally and professionally. I consider us friends, but we always remain professional when it comes to
39 our work relationship. Dr. Myers has a great deal of teaching experience, and this is the first time that s/he
40 had ever come to me over a student's plagiarism. PCU's plagiarism policy gives professors the discretion
41 to decide whether to report plagiarism to the Dean. However, once an act of plagiarizing has been reported,
42 I must organize an impartial third-party investigation into the matter. I took Dr. Myers' accusation seriously,
43 and immediately organized a meeting of the Academic Advisory Board to investigate the situation. On May
44 18, 2023, the Board met and listened to testimony and evidence presented by both Professor Myers and
45 Alex Ross. I was present throughout the entire hearing, including testimony from Ross's roommate who

46 confirmed that they had never seen Ross study or prepare for the assignment. I have never read the paper
47 Alex submitted to Dr. Myers nor am I an expert in AI, although I am learning. That is something that PCU
48 needs to be aware of now. Dr. Myers also is not an expert in AI, but I trust his /her vast experience that s/he
49 can recognize plagiarism.

50 The Academic Advisory Board deliberated for a few days, before ultimately finding in an 8-1 vote
51 that there was insufficient evidence of plagiarism in this instance. Yes, I was the only dissenting vote at the
52 hearing, but the Board did not know Alex like I did. I knew her past conduct on campus. I also was aware
53 of the fact she was found to have plagiarized an assignment in high school. The contract that Alex signed
54 ultimately gave me, as the Dean, the discretion to override the Academic Advisory Board. I believe the
55 totality of the facts justified my actions to expel Alex from PCU. I mean, if Alex would plagiarize something
56 in high school, it makes sense that she would do it in college, especially with so much riding on Dr. Myers'
57 final examination. I reviewed the board's findings, but ultimately disagreed with their suggestion that there
58 was insufficient evidence. It was clear to me that Alex Ross was a troublemaker who thought they could
59 take the easy way out and use AI instead of actually completing the assignment for themselves.

60 Every student must sign a student contract prior to their enrollment at PCU. Per the terms of that
61 agreement, the student agrees to comply with all academic policies and failure to do so can result in their
62 dismissal. I ignored the Board's decision, and I expelled Alex Ross for academic dishonesty. The Board of
63 Trustees was not happy with my decision and claimed I had no authority to expel Alex, but they eventually
64 supported my decision. I felt it was important to show support for my friend and colleague, Dr. Myers.

65 It is just like Alex to bend the rules to get out of trouble. If you read the Palm Coast University
66 Agreement that Alex signed before s/he started at Palm Coast University, it is clear that the Dean, for the
67 school where the student has his/her major, has the final decision regarding the dismissed student due to
68 academic dishonesty. Although this provision does not specifically mention plagiarism, isn't that academic
69 dishonesty? I know there is a specific provision in the student handbook that discusses the Plagiarism Policy
70 and gives the Board of Trustees the final say on expulsion as a result of plagiarism. I am no lawyer, but if
71 Alex signed the agreement, she should abide by it. Evidently the Board agreed with my interpretation

72 although this whole situation has caused the school to investigate the policies and procedures of the school
73 of Arts and Sciences.

74 I don't feel bad for Alex at all – s/he got what was deserved! I admit I don't know enough about
75 AI to determine whether Alex plagiarized, but I put my trust in my friend and colleague, Dr. Myers. Besides,
76 Alex has been nothing but trouble for Palm Coast University.

77 I am familiar with the following exhibits: Exhibit 1, the Palm Coast University Student Contract,
78 Exhibit 2, the Palm Coast University Plagiarism Policy and Procedure, Exhibit 3, the memorandum from
79 Evan Miller, Exhibit 4, Alex Ross's paper that was subject of plagiarism accusation, Exhibit 5, the transcript
80 of the Academic Integrity Hearing, and Exhibit 8, a log showing timestamps of Dr. Myers' grading progress
81 for the final essay in MAR3002. I am also familiar with Exhibit 6, as it is part of Alex Ross's admissions
82 file, and Exhibit 10. I am not familiar with any other exhibits in this case. I swear or affirm the truthfulness
83 of everything stated in this affidavit. Before giving a statement, I was told I should include everything that
84 I know may be relevant to my testimony and I followed those instructions. I know that I can and must
85 update this affidavit if anything new occurs to me until the moment before opening statements begin in this
86 case.

Signed,

Jude Collins _____

Jude Collins
August 17th, 2023

Exhibits

Palm Coast University Student Contract

UNIVERSITY CONTRACT

This University Contract (the "Agreement") is made on August 19, 2019 by and between Palm Coast University, located in Palm County, Florida, and Alex Ross, located in Palm County Florida (the "Student").

1. **Enrollment Terms.** The Student hereby enrolls in Palm Coast University starting on August 26, 2019. The Student agrees to fulfill all academic requirements and to abide by all University policies, rules, and regulations as outlined in the University catalog and student handbook.
2. **Tuition and Fees.** The Student shall pay tuition and fees in accordance with the payment schedule set forth by the University. The Student acknowledges that tuition and fees are subject to change and agrees to pay all such changes. The Student shall be responsible for any late fees incurred due to late payment.
3. **Refund Policies.** In the event that the Student withdraws from the University, the University will refund tuition and fees in accordance with the University's refund policy as outlined in the University catalog.
4. **Academic Policies.** The Student agrees to attend all classes and to comply with all academic policies, including but not limited to attendance requirements, grading policies, and academic integrity policies. The University reserves the right to dismiss a Student for academic reasons, including but not limited to failure to maintain a minimum grade point average. Any final decision regarding dismissal of a student due to academic reasons shall be made by the Dean of the School of the student's major course of study.
5. **Student Conduct.** The Student agrees to comply with all University policies regarding student conduct, including but not limited to the University's code of conduct, housing policies, and alcohol and drug policies. The University reserves the right to dismiss a Student for violating University policies.

EXHIBIT

1

6. **Housing and Residence Life.** If the Student chooses to live in University housing, the Student agrees to abide by the University's housing policies, including but not limited to room assignments, quiet hours, and guest policies.
7. **Health and Safety.** The University agrees to provide a safe and healthy environment for all students. The Student agrees to comply with all University policies regarding health and safety, including but not limited to fire safety, emergency response procedures, and reporting incidents.
8. **Data Privacy.** The University agrees to protect the privacy of the Student's personal and academic information. The Student acknowledges that the University may collect, use, and disclose personal information in accordance with the University's privacy policies.
9. **Termination.** This Agreement may be terminated by either party upon written notice. In the event of termination, the Student shall be responsible for any unpaid tuition and fees and may be subject to additional penalties as outlined in the University catalog.

IN WITNESS WHEREOF, the undersigned have executed this Agreement on the date first above written.

Alex Ross
Alex Ross

JACK RYAN
Provost



Palm Coast University

Plagiarism Policy

Plagiarism is the use of someone else's work, words, or ideas as if they were one's own. Thus, most forms of cheating on examinations are plagiarism; but the term is usually used in reference to papers rather than examinations.

If one uses a source for a paper, one must acknowledge it. What counts as a source varies greatly depending on the assignment, but the list certainly includes readings, lectures, websites, conversations, interviews, and other students' papers. Every academic discipline has its own conventions for acknowledging sources. Instructors should make clear which conventions students must use. In all situations, students who are confused about the specific punctuation and formatting must nonetheless make clear in written work where they have borrowed from others—whether it be a matter of data, opinions, questions, ideas, or specific language. This obligation holds whether the sources are published or unpublished.

Submission of an entire paper prepared by someone else is an especially egregious form of plagiarism and is grounds for the imposition of a particularly serious penalty, including expulsion from the University.

1. Suspected plagiarism should first be addressed by the instructor of the course where the suspected plagiarism has occurred. The instructor should meet with the student to present evidence of suspected plagiarism and to discuss the instructor's concerns. As a result of this conversation, the instructor may:
 - a. Provide a verbal or written warning to the student (with copies or written documentation or written report of verbal warning to student to Student and Academic Services)
 - b. Require the student to repeat the assignment.
 - c. Reduce the student's grade for the assignment in accordance with the criteria outlined in the course syllabus.
 - d. Give the student a zero for the assignment as specified in the course syllabus.
2. The instructor may also refer a suspected issue of suspected academic misconduct to the Dean of the School in which the student is enrolled. To do so, the faculty should:
 - a. Assign an 'X' grade for the course until the matter is resolved.
 - b. Refer the issue to the Dean regarding the Academic Conduct (to begin an impartial third-party hearing).
 - c. Notify the student in writing that the issue has been referred to the Dean.
3. The Dean's will conduct an informal hearing according to the following steps:
 - a. Receive a description and supporting evidence of the issue from the instructor.
 - b. Determine whether a violation of academic conduct occurred.
 - c. Specifies the sanction, if appropriate. In general, sanctions may take the form of:
 1. Disciplinary warning

Exhibit 2

Page 2 of 2

2. Reprimand
 3. Restitution
 4. Disciplinary Probation
 5. Suspension
 6. Dismissal
- d. Notify the student the Dean's decision and rights to further appeal to Palm Coast University's Academic Integrity Board
4. The Academic Advisory Board reviews all decisions at the request of the student after the Dean has evaluated the case.
 5. The decision of the Academic Advisory Board (majority vote) must be approved by the Palm Coast University Board of Trustees, and the Board's decision will be final and binding upon all parties.

Evan Miller

To: [DOMAIN]
From: <emillerad@pcu.edu>
Date: January 23, 2023, 10:03 AM
Subject: Plagiarism and Artificial Intelligence

Dear students,

As the 2023 Spring Semester at Palm Coast University kicks off, we wanted to address your increasingly popular inquiries about the use of artificial intelligence programs as they relate to your coursework and PCU's academic integrity policy.

The sad reality is that since this is such a new topic, there is little helpful information that we can provide you with about AI. What we know for now is that while AI bots online don't directly pull information from the Internet, they do consolidate that information into a specific format. So, while AI doesn't engage in the "copy-paste" behavior that normally comes to mind when you think of plagiarism, AI still accesses the work of other people and claims it as its own.

As with many tools, AI's helpfulness only goes as far as the user's responsibility (see *Lawyer Disbarred for Using ChatGPT* in The New York Times). However, because we know so little about this developing field of technology, we are forced to impress some limitations (at least until we *do* understand it more). So, for now, **PCU is implementing a temporary ban on the use of artificial intelligence**. Students are prohibited from using any form of AI when preparing and submitting assignments for classes. Any use of AI will be considered a breach of PCU's academic integrity policy. We will provide you with further updates and developments on this issue as the university decides on them.

Sincerely,

Evan Miller
Palm Coast University
Assistant Dean of College of Arts and Science

Alex Ross

Professor Devin Myers

MAR 3002 – Marketing Concepts and Operations

May 5, 2023

Taylor Swift: A Mastermind in Marketing

There's no household name more widely recognized than Taylor Swift. The globally renowned singer has spent almost two decades establishing herself as a dominant presence in the music industry with instant hits like "Blank Space" and "Shake It Off." While her songwriting skills were enough in and of themselves to gain her success, Swift's presence as a businesswoman is what has allowed her to successfully conquer the music industry. Her exceptional talent and strategic marketing prowess allow her to create a unique connection with her fans, and her brand identity and image has pushed her through some of the most difficult legal challenges faced by an artist of her caliber. This essay delves into Taylor Swift's marketing strategies, exploring how she has managed to build and maintain her brand, connect with her target audience, and stay relevant in an ever-changing industry. By examining her key marketing approaches, this analysis aims to shed light on the factors contributing to her immense success.

One of Taylor Swift's most remarkable marketing achievements lies in crafting a strong brand identity and image. Throughout her career, she has evolved from a country music prodigy to a pop sensation, adeptly managing her transformation without alienating her existing fan base. Indeed, it was this transition between her country and pop eras that established Swift as such a worldwide sensation. Her fourth album, *RED*, was met with intense criticism in which Swift was accused of not having a solidified genre; her *Speak Now* album was unapologetically country, and to be followed by an album that dabbled in pop rock and indie music was apparently unacceptable to music critics

(Garcia 7). Instead of crumbling under this pressure, Swift made the innovative decision to completely rebrand her image, ditching the banjo and Southern twang to explore 80s synth-pop. And when her fifth album, *1989*, was released, Rolling Stone named it the best pop album of the 2010s, and the second-best pop album of the century (Aaron 5).

In class, the importance of branding was harped on as a cornerstone of marketing strategies. Swift was no stranger to this lesson. Her brand's reinvention was flooded with cheesy Ray Band shades and an album cover styled as a hipster-esque polaroid. "Swift managed to capture the aesthetic of the time in order to convey a message that she was not stuck in country, but rather ready to thrive in the highly competitive pop music industry" (Rambeau 14). Swift had to further reimagine her brand several years later when she was attacked on social media as a result of Kim Kardashian posting a video (that was later revealed to be edited to make Swift seem like a liar) of her speaking with Kardashian's then-husband Kanye West. The comments section of Swift's most recent social media post at the time were flooded with snake emojis of people accusing her of "playing the victim" (ENews 3). Swift then took this imagery of a snake and incorporated it heavily into her next album, *Reputation*; her "Look What You Made Me Do" music video features Taylor Swift sitting on a throne surrounded by slithering snakes, and during the Reputation Stadium Tour, an inflatable snake head hovered over the audience for an entire segment (Netflix 0:30:52).

Swift's marketing strategies continue to be observed when it comes to her fans. While she effortlessly presents herself as relatable, authentic, and personable to create a bond with her audience that goes beyond her music, Taylor Swift also invites fans to feel as if they have played a significant part in her journey through the music industry; songs like "Long Live" and "New Year's Day" are a direct 'thank you' letter to fans that have stuck with her through this journey. Swift has always "prioritized direct engagement with her fans", often inviting them to her home to play an album

before it's released (Garcia 5). She regularly communicates with them through social media, offering glimpses into her personal life and showcasing her genuine personality (Phyllis 2). And she even invited fans into her world by releasing a documentary where she expressed insecurities, she has surrounding sensitive topics (*Miss Americana*, Netflix). By doing so, she reinforces the image of being a down-to-earth artist, which resonates with her predominantly young and passionate fan base.

Swift's most recent invitation to fans involved her reclaiming her music. By way of brief explanation, the original recordings of Taylor Swift's first six albums belonged to Scott Borchetta, who sold those recordings to music executive Scooter Braun. Swift has gone on record expressing her intention to own her own music, as well as explaining the bad blood between herself and Braun (CBS Sunday Morning, 4:42). This, paired with the announcement that Swift would begin rerecording her first six albums under the branding of "Taylor's Version," fueled fans to support her in this legal maneuver. Indeed, Swift encourages this behavior from fans by leaving what she calls "easter eggs" in her music videos (her "The Man" music video from her *Lover* album, for example, features graffiti on a wall possibly depicting the order in which Swift will rerelease her albums). Releasing two more original albums – *folklore and evermore* – during a global pandemic ensured that fans would remain by her side when the world was on lockdown.

Evidence of the impact of Swift's marketing campaign can be seen in the early success of The Eras Tour, which is Swift's most recent and currently ongoing tour. Following the release of her latest album, *Midnights*, Swift implemented yet another bold marketing tactic; instead of theming her tour after her newest album and playing songs mainly from *Midnights*, she instead marketed The Eras Tour as a journey through her career and plays a three and a half hour show inclusive of songs from across all her albums. Although there's no conclusive monetary value for how much Swift made during the tour, Swift's publicity alone is proof enough. Looking at Florida alone, the city of Tampa made Taylor Swift mayor for a day during her time performing there, and

Exhibit 4

Page 3 of 4

the “superintendent of Hillsborough County even put out a letter rejecting student requests for excused absences” (Davis 1).

Taylor Swift's marketing strategies have proven to be a blueprint for success in the entertainment industry. By carefully cultivating her brand image, building strong relationships with her fans, staying innovative and adaptable, collaborating strategically, and managing controversies with grace, she has not only sustained her career but also achieved unparalleled success. Her marketing brilliance continues to be an inspiration to both aspiring musicians and established artists, illustrating the power of combining talent with effective marketing tactics. As the music industry continues to evolve, Taylor Swift's legacy as a marketing trailblazer is likely to remain intact for years to come.

Exhibit 4

Page 4 of 4

PALM COAST UNIVERSITY
ACADEMIC INTEGRITY HEARING
MINUTES SHEET

Exhibit 5
Page 1 of 7

In Attendance:

FACULTY

Jude Collins, Dean
Ava Sanjabi, Treasurer
Sofia Castillo, Secretary
Annelise Palacio, Communications
Devin Myers, Professor

STUDENT

Alex Ross, Accused

WITNESS

Dallas Warren

TRANSCRIPT OF THE
TESTIMONY OF
DALLAS WARREN

DATE: MAY 18, 2023

TRANSCRIPTION BY:
QUINN JACOBS

VIDEOGRAPHER:
SPENCER ROWAN

REPRESENTING STUDENT:
ALEX ROSS (SELF)

REPRESENTING FACULTY ADVISORY BOARD: AVA SANJABI
PROFESSOR OF AEROSPACE ENGINEERING ADVISORY BOARD TREASURER
Alex Ross, Accused

WITNESS

Dallas Warren

VIDEOGRAPHER: We're now on the record. My name is Spencer Rowan. I'm the videographer for today. I'm joined alongside my transcriber, Quinn Jacobs. This integrity hearing is regarding the plagiarism allegations brought against Alex Ross. The information presented today is being provided by the witness, Dallas Warren. Attendance has already been taken. Will everyone please identify themselves? (All witnesses and 9 members of the Academic Committee introduced themselves)

SANJABI: My name is Dr. Ava Sanjabi, I'm appearing on behalf of the Faculty Advisory Board. Good morning.

ROSS: My name is Alex Ross. I think it's really messed up that the university gets an entire team of people to attack me while I was notified last minute of this hearing and need to represent myself.

VIDEOGRAPHER: Will the witness please introduce themselves?

WARREN: Umm, I'm Dallas.

VIDEOGRAPHER: Let me remind you, Dallas, that you've promised to tell the faculty advisory board the truth regarding the information you've been asked to provide today, okay?

WARREN: Yeah, sounds good.

VIDEOGRAPHER: Ms. Sanjabi, you may begin your questioning.

Q. Good morning, Dallas. I'm going to ask you a few questions about Alex Ross, okay?

A. Good morning.

Q. How do you know Alex?

A. We're roommates. Alex and I are also in the same club together.

Q. For how long have you been roommates?

A. Two years. I still live with Alex.

Exhibit 5

Page 3 of 7

Q. So you were living with each other two weeks ago? Around early May?

A. Correct.

Q. Did Alex ever speak to you about any classes?

A. Yeah, we vent to each other about classes all the time.

Q. Do you remember speaking with Alex about any class in particular?

A. Alex is a pretty good student. The only professor I remember hearing about was Dr. Myers. Which, let's be honest, everyone and their mother has complained about Dr. Myers, so -

Q. Let's just keep your answers responsive to my questions, alright?

A. Oh. Sorry, my bad. No offense, Dr. Myers.

Q. What would Alex complain about with regards to Dr. Myers.

A. Alex told me that Dr. Myers was a really tough grader that assigned a lot of work, and that Myers was the only class that Alex might fail this semester.

Q. Did Alex ever talk to you about any of those assignments?

A. For most of the semester, Alex seemed stressed about some kind of final essay or something for Dr. Myers.

Q. Do you know when Alex worked on that final?

A. I don't know, I was swamped with my own course work so I can't remember much. Plus, I was in the library most of the time while Alex liked to work from our apartment.

Q. Can you give us your best guess as to when Alex worked on this final essay for Dr. Myers?

A. I mean, I only saw Alex working on the essay once. I walked into the apartment and saw Alex sitting on the couch. Alex told me that the essay was due later that night.

Q. What did you see Alex doing?

A. Well, Alex was on a school laptop. Alex's laptop was broken, so I told Alex to check one out from the library.

Q. And did you talk to Alex when you saw her with this laptop?

A. I did, I asked what Alex was doing. Alex said something like, "I'm downloading a VPN so that this essay can start writing itself."

Q. I'm sorry, a what?

A. Huh?

Q. You said a what?

A. V-P-N.

Q. What's a - if you know, can you tell us what a VPN is?

A. Oh, it's like, well, it stands for virtual private network. It tricks your computer into thinking that you're somewhere else. Like, let's say I want to watch the Andrew Garfield Spider-Man movies on Netflix, but Netflix in the US doesn't have any of those movies. I can download a VPN and trick my computer to think that I'm in Italy where those movies are actually available.

Q. Are you speaking from personal experience?

A. I mean, I personally think Toby is the better Peter Parker while Andrew is the better Spider-Man. But Tom Holland is the best of both -

Q. Forget I asked. Do you know what Alex meant by "this essay can write itself?"

A. No. I mean, I asked Alex to clarify. Alex hesitated and said, "there are just certain websites that I can't access through the school computers." Which is true, you know? We're paying all this tuition, but we can't even check out a laptop that doesn't have a whole bunch of websites blocked?

Q. Any idea what websites Alex was trying to access?

A. Not a clue.

Q. Do you know when Alex submitted the essay?

A. Alex walked into my room about two hours later saying it was done.

Exhibit 5

Page 5 of 7

Q. Have you ever seen Alex using CHATAI?

A. Sure, plenty of times. Who doesn't use CHATAI at this point?

Q. Around when did you see Alex using CHATAI?

A. Couldn't tell you anything specific, sorry.

Q. And is CHATAI blocked by the school computers?

A. Yes.

Q. Thank you, Dallas. I think we're done here.

ROSS: Whoa, hey, hold on! I can't ask any questions?

VIDEOGRAPHER: Umm, it's not really customary for the accused student to ask questions to the witnesses at these hearings.

ROSS: Yeah, but is there anything that says I'm not allowed to ask questions?

VIDEOGRAPHER: Not really.

ROSS: Then I'd like to ask some questions.

VIDEOGRAPHER: Oh, uh, okay. By all means.

Q. And I'd just...um, I'd like to restate that I was unable to prepare anything ahead of time for this meeting due to the short notice.

Hi, Dallas.

A. Hey, Alex.

Q. Can you tell us why you're even here answering questions to begin with?

Exhibit 5
Page 6 of 7

A. It's not like I volunteered or anything, you know?

Q. Right, yeah, that's what I'm getting at.

A. I was a part of the HonorLock protest that was organized by Act Now, the club here at PCU. And, well, it got out of hand and a security officer apprehended me. I was going to lose my financial aid until you got in trouble with the university -

Q. Until I was accused by the university, you mean.

A. Sure, whatever. Anyways, the dean approached me asking if I had any information I could give about you getting accused of plagiarism and all.

Q. You mean Dean Collins?

A. Yeah. Collins said that if I spoke here today, I wouldn't lose my financial aid and all I needed to do was take some six-week long summer course on student responsibility and I'd be good to go.

Q. Okay, thanks Dallas. I'm done.

A. No hard feelings?

Q. I, uh...we'll talk later.

[TRANSCRIPT ENDS]



Palm County High School
1576 Old School House Road
Palm City, Florida's 33333

Exhibit 6

March 15, 2018
Principal Rosemary Brady
Palm County High School
1645 Central Avenue
Palm City, Florida 33333

Dear Principal Brady:

Enclosed you will find a term paper which was turned in as a class assignment for AP English, Spring semester, by Alex Ross. The work struck me as being unlike the student's earlier papers, and portions of the research sounded familiar. I did some checking and discovered that the majority of the paper is lifted directly from a source without attribution. I have included the source, and have marked sample passages on the term paper with their corresponding pages in the source. I have also included a copy of the syllabus with my instructions on plagiarism, and a copy of the assignment.

I did meet with the student on March 13, 2018, and he/she stated that he/she did copy the paper, but that s/he had been ill and was unable to complete the assignment on his/her own. He/she appeared genuinely contrite, but it seemed clear that he/she knew he/she should have given credit to the original author. According to your instructions, I have assigned the student a grade of INC and am referring the incident to your office.

Please feel free to contact me if you have any questions.

Sincerely,

Dr. Paul Zini

Dr. Paul Zini

The student's academic file has been noted and student has been placed on academic probation for one semester.

ROSEMARY BRADY
Principal, Palm County High School

Cc: Alex Ross

Jude Collins

To: <aross49@my.pcu.edu> From: <jcollinsdean@pcu.edu>
Date: October 4, 2022, 4:52 PM Subject: RE: HonorLock Hearing

Alex,

You should have taken my silence regarding your previous emails as a sufficient response. Let me assure you: there is not a universe that exists in which Palm Coast University will listen to students asking for us to remove anti-plagiarism protections. Doing so would be synonymous to walking around campus with a megaphone saying, "PCU allows cheating on all its exams!"

Additionally, I would like to remind you that any unregistered protest that takes place on Palm Coast University's campus will be shut down immediately by our security team. How our enrollment committee determined you were bright enough to be admitted to the university, I have no idea. Since you weren't bright enough to get the message about our stance on this absurd hearing proposal, I'll make this very clear. I strongly suggest that you drop this notion that PCU will stop using HonorLock.

Sincerely,
Jude Collins
Palm Coast University
Dean of College of Arts and Sciences

Alex Ross

Exhibit 7
Page 2 of 2

To: <jcollinsdean@pcu.edu>

From: <aross49@my.pcu.edu>

Date: October 4, 2022, 2:05 PM

Subject: HonorLock Hearing

Dear Dean Collins,

This is the fifth time I have emailed the university's administration asking to open a dialogue with the students regarding the PCU's recent use of HonorLock as an online proctoring software. Even after we've returned to class in-person after the pandemic,

PCU's student body is still being forced to use an incredibly invasive anti-plagiarism software that is unnecessarily intrusive on our rights as students. I have respectfully asked your office several times to hear the students out on an issue that we feel strongly about but have received no response.

PCU.edu allows me to get read receipts. I know you've been seeing my emails! Blatantly ignoring your students will get you nowhere. If PCU refuses to hear us out, then Act Now will fully embrace its first amendment rights as a student organization and protest HonorLock.

Regards,
Alex Ross
Palm Coast University / Senior
Act Now Club President

Exhibit 8



USER	STUDENT ID	EXAM SUBMITTED	INCIDENT LEVEL	GRADING TIME	FINAL GRADE
E. Holiday	0946532	05/05/2023 at 8:23am	Low	0: 15:43	A+
R. Song	0197865	05/05/2023 at 12:20pm	Low	0:11:53	B
A. Ross	0175864	05/05/2023 at 11:57pm	Low	0:07:14	X
K. Kloss	0265780	05/05/2023 at 2:25pm	Low	0:14:33	C
A. Collado	0245698	05/05/2023 at 10:27am	Medium	0:15:59	D
D. Simon	0186979	05/05/2023 at 7:54pm	Medium	0:13:15	C
K. Stenson	0298675	05/05/2023 at 10:20pm	Low	0:13:33	A+
A. Pond	8765432	05/05/2023 at 4:05pm	Medium	0:14:13	C
M. Robledo	0374862	05/05/2023 at 5:11pm	Medium	0:17:27	B
S. Rogers	0174652	05/05/2023 at 7:43pm	Low	0:14:58	D
A. Pitts	9375728	05/05/2023 at 9:33am	Low	0:11:37	A
D. Agron	0194693	05/05/2023 at 11:47pm	Low	0:16:35	B
A. Alfieri	7467926	05/05/2023 at 9:26am	Low	0:15:43	C
J. Macelloni	9236866	05/05/2023 At 11:43am	Medium	0:13:14	F

Showing 1 to 14 of 14 entries



How Do AI Detectors Work? | Methods & Reliability

Published on May 1, 2023 by [Jack Caulfield](#). Revised on September 6, 2023.

AI detectors (also called **AI writing detectors** or **AI content detectors**) are tools designed to detect when a text was partially or entirely generated by artificial intelligence (AI) tools such as [ChatGPT](#).

AI detectors may be used to detect when a piece of writing is likely to have been generated by AI. This is useful, for example, to educators who want to check that their students are doing their own writing or moderators trying to remove fake product reviews and other spam content.

Note: Universities and other institutions are still developing their stances on how ChatGPT and similar tools may be used. Always follow your institution's guidelines over any suggestions you read online. Check out our guide to current university policies on AI writing for more information.

How do AI detectors work?

AI detectors are usually based on language models similar to those used in the AI writing tools they're trying to detect.

Specifically, the models look for two things in a text: **perplexity** and **burstiness**. The lower these two variables are, the more likely the text is to be AI-generated. But what do these unusual terms mean?

Perplexity

Perplexity is a measure of how unpredictable a text is: how likely it is to perplex (confuse) the average reader (i.e., make no sense or read unnaturally).

- AI language models aim to produce texts with **low perplexity**, which are more likely to make sense and read smoothly but are also more predictable.
- Human writing tends to have **higher perplexity**: more creative language choices, but also more typos.

Language models work by predicting what word would naturally come next in a sentence and inserting it. For example, in the sentence "I couldn't get to sleep last ..." there are more and less plausible continuations, as shown in the table below.

Levels of perplexity	
Example continuation	Perplexity
I couldn't get to sleep last night .	Low: Probably the most likely continuation
I couldn't get to sleep last time I drank coffee in the evening .	Low to medium: Less likely, but it makes grammatical and logical sense
I couldn't get to sleep last summer on many nights because of how hot it was at that time .	Medium: The sentence is coherent but quite unusually structured and long-winded
I couldn't get to sleep last pleased to meet you .	High: Grammatically incorrect and illogical

Low perplexity is taken as evidence that a text is AI-generated.

Burstiness

Burstiness is a measure of variation in sentence structure and length—something like perplexity, but on the level of sentences rather than words:

- A text with little variation in sentence structure and sentence length has **low burstiness**.
- A text with greater variation has **high burstiness**.

AI text tends to be less “bursty” than human text. Because language models predict the most likely word to come next, they tend to produce sentences of average length (say, 10–20 words) and with conventional structures. This is why AI writing can sometimes seem monotonous.

Low burstiness indicates that a text is likely to be AI-generated.

AI detectors vs. plagiarism checkers

AI detectors and plagiarism checkers may both be used by universities to discourage [academic dishonesty](#), but they differ in terms of how they work and what they’re looking for:

- **AI detectors** try to find text that looks like it was generated by an AI writing tool. They do this by **measuring specific characteristics of the text** (perplexity and burstiness)—not by comparing it to a database.
- **Plagiarism checkers** try to find text that is copied from a different source. They do this by **comparing the text to a large database** of previously published sources, student theses, and so on, and **detecting similarities**—not by measuring specific characteristics of the text.

However, we’ve found that plagiarism checkers do flag parts of AI-generated texts as plagiarism. This is because AI writing draws on sources that it doesn’t cite. While it usually generates original sentences, it may also include sentences directly copied from existing texts, or at least very similar.

This is most likely to happen with popular or general-knowledge topics and less likely with more specialized topics that have been written about less. Moreover, as more AI-generated text appears online, AI writing may become more likely to be flagged as plagiarism—simply because other similarly worded AI-generated texts already exist on the same topic.

Detecting AI writing manually

As well as using AI detectors, you can also learn to spot the identifying features of AI writing yourself. It's difficult to do so reliably—human writing can sometimes seem robotic, and AI writing tools are more and more convincingly human—but you can develop a good instinct for it.

The specific criteria that AI detectors use—low perplexity and burstiness—are quite technical, but you can try to spot them manually by looking for text:

- That reads monotonously, with **little variation in sentence structure or length**
- With **predictable, generic word choices** and few surprises

You can also use approaches that AI detectors don't, by watching out for:

- **Overly polite language:** Chatbots like ChatGPT are designed to play the role of a helpful assistant, so their language is very polite and formal by default—not very conversational.
- **Inconsistency in voice:** If you know the usual writing style and voice of the person whose writing you're checking (e.g., a student), then you can usually see when they submit something that reads very differently from how they normally write.
- **Unourced or incorrectly cited claims:** In the context of academic writing, it's important to cite your sources. AI writing tools tend not to do this or to do it incorrectly (e.g., citing nonexistent or irrelevant sources).
- **Logical errors:** AI writing, although it's increasingly fluent, may not always be coherent in terms of its actual content. Look for points where the text contradicts itself, makes an implausible statement, or presents disjointed arguments.

Exhibit 9

Page 3 of 3

Exhibit 10

●●●○○ Vodafone 10:04 PM 77%



Take a look at this email I just got from admin!

This is RIDICULOUS! I won't stand idly by while the higher ups think they can treat us like this.

If they don't want us to be heard on HonorLock, we will MAKE ourselves heard.

Meet me at the green tomorrow at 11:30 AM if you can. Those planning on attending, get ready for a FIGHT!



HIGH SCHOOL MOCK TRIAL CHAMPIONSHIP RULES OF EVIDENCE

TABLE OF CONTENTS

<u>Article I. General Provisions</u>	75
<u>Rule 101. Scope</u>	75
<u>Rule 102. Purpose and Construction</u>	75
<u>Rule 105. Limiting Evidence That Is Not Admissible Against Other Parties or for Other Purposes</u>	75
<u>Rule 106. Remainder of or Related Writings or Recorded Statements</u>	75
<u>Article II. Judicial Notice</u>	75
<u>Rule 201. Judicial Notice of Adjudicative Facts</u>	75
<u>Article III. Presumptions in Civil Actions and Proceedings -- Not Applicable</u>	76
<u>Article IV. Relevancy and its Limits</u>	76
<u>Rule 401. Test for Relevant Evidence</u>	76
<u>Rule 402. General Admissibility of Relevant Evidence</u>	76
<u>Rule 403. Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons</u>	76
<u>Rule 404. Character Evidence; Crimes or Other Acts</u>	76
<u>Rule 405. Methods of Proving Character</u>	77
<u>Rule 406. Habit, Routine Practice</u>	77
<u>Rule 407. Subsequent Remedial Measures</u>	77
<u>Rule 408. Compromise Offers and Negotiations</u>	77
<u>Rule 409. Offers to Pay Medical And Similar Expenses</u>	77
<u>Rule 410. Pleas, Plea Discussions, and Related Statements</u>	77
<u>Rule 411. Liability Insurance (civil case only)</u>	78
<u>Article V. Privileges</u>	78
<u>Rule 501. General Rule</u>	78
<u>Article VI. Witnesses</u>	78
<u>Rule 601. General Rule of Competency</u>	78
<u>Rule 602. Need for Personal Knowledge</u>	78
<u>Rule 607. Who May Impeach A Witness</u>	78
<u>Rule 608. A Witness’s Character For Truthfulness or Untruthfulness</u>	78
<u>Rule 609. Impeachment by Evidence of a Criminal Conviction</u>	79

Rule 610.	<u>Religious Beliefs or Opinions</u>	79
Rule 611.	<u>Mode and Order of Interrogation and Presentation</u>	79
Rule 612.	<u>Writing Used to Refresh a Witness’s Memory</u>	80
Rule 613.	<u>Witness’s Prior Statement</u>	80
<u>Article VII. Opinions and Expert Testimony</u>		80
Rule 701.	<u>Opinion Testimony by Lay Witness</u>	80
Rule 702.	<u>Testimony by Experts</u>	80
Rule 703.	<u>Bases of an Expert’s Opinion Testimony</u>	80
Rule 704.	<u>Opinion on Ultimate Issue</u>	81
Rule 705.	<u>Disclosing the Facts or Data Underlying An Expert’s Opinion</u>	81
<u>Article VIII. Hearsay</u>		81
Rule 801.	<u>Definitions</u>	81
Rule 802.	<u>Hearsay Rule</u>	81
Rule 803.	<u>Exceptions to the Rule Against Hearsay – Regardless of Whether the Declarant is Available as a Witness</u>	82
Rule 804.	<u>Hearsay Exceptions; Declarant Unavailable</u>	83
Rule 805.	<u>Hearsay within Hearsay</u>	84
Rule 806.	<u>Attacking and Supporting the Declarant’s Credibility</u>	84
Rule 807.	<u>Residual Exception</u>	85
<u>Article IX. Authentication and Identification – Not Applicable</u>		85
<u>Article X. Contents of Writing, Recordings and Photographs – Not Applicable</u>		85
<u>Article XI. Other</u>		85
Rule 1103.	<u>Title</u>	85

HIGH SCHOOL MOCK TRIAL CHAMPIONSHIP RULES OF EVIDENCE

In American trials, complex rules are used to govern the admission of proof (i.e., oral or physical evidence). These rules are designed to ensure that all parties receive a fair hearing and to exclude evidence deemed irrelevant, incompetent, untrustworthy, unduly prejudicial, or otherwise improper. If it appears that a rule of evidence is being violated, an attorney may raise an objection to the judge. The judge then decides whether the rule has been violated and whether the evidence must be excluded from the record of the trial. In the absence of a properly made objection, however, the judge will probably allow the evidence. The burden is on the mock trial team to know the High School Mock Trial Rules of Evidence and to be able to use them to protect their client and fairly limit the actions of opposing counsel and their witnesses.

For purposes of mock trial competition, the Rules of Evidence have been modified and simplified. They are based on the Federal Rules of Evidence and its numbering system. Where rule numbers or letters are skipped, those rules were not deemed applicable to mock trial procedure. Text in italics or underlined represent simplified or modified language.

Not all judges will interpret the Rules of Evidence (or procedure) the same way, and mock trial attorneys should be prepared to point out specific rules (quoting, if necessary) and to argue persuasively for the interpretation and application of the rule they think appropriate.

The Mock Trial Rules of Competition and these High School Mock Trial Rules of Evidence govern the High School Mock Trial Championship.

Article I. – General Provisions

Rule 101. Scope

These High School Mock Trial Rules of Evidence govern the trial proceedings of the High School Mock Trial Championship.

Rule 102. Purpose and Construction

These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.

Rule 105. Limiting Evidence That Is Not Admissible Against Other Parties or for Other Purposes

If the court admits evidence that is admissible against a party or for a purpose — but not against another party or for another purpose — the court, on timely request, must restrict the evidence to its proper scope and instruct the jury accordingly.

Rule 106. Remainder of or Related Writings or Recorded Statements

If a party introduces all or part of a writing or recorded statement, an adverse party may require the introduction, at that time, of any other part — any other writing or recorded statement — that in fairness ought to be considered at the same time.

Article II. – Judicial Notice

Rule 201. Judicial Notice of Adjudicative Facts

- (a) This rule governs judicial notice of an adjudicative fact only, not a legislative fact.
- (b) The court may judicially notice a fact that is not subject to reasonable dispute because it is a matter of mathematical or scientific certainty. For example, the court could take judicial notice that $10 \times 10 = 100$ or that there are 5280 feet in a mile.
- (c) The court:

- 1) may take judicial notice on its own; or
 - 2) must take judicial notice if a party requests it and the court is supplied with the necessary information.
- (d) The court may take judicial notice at any stage of the proceeding.
- (e) On timely request, a party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed. If the court takes judicial notice before notifying a party, the party, on request, is still entitled to be heard.
- (f) In a civil case, the court must instruct the jury to accept the noticed fact as conclusive. In a criminal case, the court must instruct the jury that it may or may not accept the noticed fact as conclusive.

Article III. – Presumptions in Civil Actions and Proceedings -- Not Applicable

Article IV. – Relevancy and its Limits

Rule 401. Test for Relevant Evidence

Evidence is relevant if:

- (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and
- (b) the fact is of consequence in determining the action.

Rule 402. General Admissibility of Relevant Evidence

Relevant evidence is admissible unless these rules provide otherwise. Irrelevant evidence is not admissible.

Rule 403. Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons

The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.

Rule 404. Character Evidence; Crimes or Other Acts

(a) Character Evidence.

- (1) Prohibited Uses. Evidence of a person's character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.
- (2) Exceptions for a Defendant or Victim in a Criminal Case. The following exceptions apply in a criminal case:
 - (A) a defendant may offer evidence of the defendant's pertinent trait, and if the evidence is admitted, the prosecutor may offer evidence to rebut it;
 - (B) a defendant may offer evidence of an alleged victim's pertinent trait, and if the evidence is admitted, the prosecutor may:
 - (i) offer evidence to rebut it; and
 - (ii) offer evidence of the defendant's same trait; and
 - (C) in a homicide case, the prosecutor may offer evidence of the alleged victim's trait of peacefulness to rebut evidence that the victim was the first aggressor.
- (3) Exceptions for a Witness. Evidence of a witness's character may be admitted under Rules 607, 608, and 609.

(b) Other Crimes, Wrongs, or Other Acts.

- (1) Prohibited Uses. Evidence of a crime, wrong, or other act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.

- (2) Permitted Uses. This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident.

Rule 405. Methods of Proving Character

- (a) **By Reputation or Opinion.** When evidence of a person's character or character trait is admissible, it may be proved by testimony about the person's reputation or by testimony in the form of an opinion. On cross-examination of the character witness, the court may allow an inquiry into relevant specific instances of the person's conduct.
- (b) **By Specific Instances of Conduct.** When a person's character or character trait is an essential element of a charge, claim, or defense, the character or trait may also be proved by relevant specific instances of the person's conduct.

Rule 406. Habit, Routine Practice

Evidence of a person's habit or an organization's routine practice may be admitted to prove that on a particular occasion the person or organization acted in accordance with the habit or routine practice. The court may admit this evidence regardless of whether it is corroborated or whether there was an eyewitness.

Rule 407. Subsequent Remedial Measures

When measures are taken that would have made an earlier injury or harm less likely to occur, evidence of the subsequent measures is not admissible to prove:

- negligence;
- culpable conduct;
- a defect in a product or its design; or
- a need for a warning or instruction.

But the court may admit this evidence for another purpose, such as impeachment or — if disputed — proving ownership, control, or the feasibility of precautionary measures.

Rule 408. Compromise Offers and Negotiations

- (a) **Prohibited Uses.** Evidence of the following is not admissible — on behalf of any party — either to prove or disprove the validity or amount of a disputed claim or to impeach by a prior inconsistent statement or a contradiction:
 - (1) furnishing, promising, or offering — or accepting, promising to accept, or offering to accept — a valuable consideration in compromising or attempting to compromise the claim; and
 - (2) conduct or a statement made during compromise negotiations about the claim — except when offered in a criminal case and when the negotiations related to a claim by a public office in the exercise of its regulatory, investigative, or enforcement authority.
- (b) **Exceptions.** The court may admit this evidence for another purpose, such as proving a witness's bias or prejudice, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

Rule 409. Offers to Pay Medical and Similar Expenses

Evidence of furnishing, promising to pay, or offering to pay medical, hospital, or similar expenses resulting from an injury is not admissible to prove liability for the injury.

Rule 410. Pleas, Plea Discussions, and Related Statements

- (a) **Prohibited Uses.** In a civil or criminal case, evidence of the following is not admissible against the defendant who made the plea or participated in the plea discussions:
 - (1) a guilty plea that was later withdrawn;
 - (2) a nolo contendere plea;

- (3) a statement made during a proceeding on either of those pleas under Federal Rule of Criminal Procedure 11 or a comparable state procedure; or
 - (4) a statement made during plea discussions with an attorney for the prosecuting authority if the discussions did not result in a guilty plea or they resulted in a later-withdrawn guilty plea.
- (b) **Exceptions.** The court may admit a statement described in Rule 410(a)(3) or (4):
- (1) in any proceeding in which another statement made during the same plea or plea discussions has been introduced, if in fairness the statements ought to be considered together; or
 - (2) in a criminal proceeding for perjury or false statement, if the defendant made the statement under oath, on the record, and with counsel present.

Rule 411. Liability Insurance

Evidence that a person was or was not insured against liability is not admissible to prove whether the person acted negligently or otherwise wrongfully. But the court may admit this evidence for another purpose, such as proving a witness's bias or proving agency, ownership, or control.

Article V. – Privileges

Rule 501. General Rule

There are certain admissions and communications excluded from evidence on grounds of public policy. Among these are:

- (1) communications between spouses;
- (2) communications between attorney and client;
- (3) communications between medical or mental health care providers and patient.

Article VI. – Witnesses

Rule 601. General Rule of Competency

Every person is competent to be a witness.

Rule 602. Need for Personal Knowledge

A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may consist of the witness's own testimony. This rule does not apply to a witness's expert testimony under Rule 703. (*See Rule 2.2*)

Rule 607. Who May Impeach A Witness?

Any party, including the party that called the witness, may attack the witness's credibility.

Rule 608. A Witness's Character for Truthfulness or Untruthfulness

- (a) **Reputation or Opinion Evidence.** A witness's credibility may be attacked or supported by testimony about the witness's reputation for having a character for truthfulness or untruthfulness, or by testimony in the form of an opinion about that character. But evidence of truthful character is admissible only after the witness's character for truthfulness has been attacked.
- (b) **Specific Instances of Conduct.** Except for a criminal conviction under Rule 609, extrinsic evidence is not admissible to prove specific instances of a witness's conduct in order to attack or support the witness's character for truthfulness. But the court may, on cross-examination, allow them to be inquired into if they are probative of the character for truthfulness or untruthfulness of:
 - (1) the witness; or

(2) another witness whose character the witness being cross-examined has testified about.
By testifying on another matter, a witness does not waive any privilege against self-incrimination for testimony that relates only to the witness's character for truthfulness.

Rule 609. Impeachment by Evidence of a Criminal Conviction

- (a) **In General.** The following rules apply to attacking a witness's character for truthfulness by evidence of a criminal conviction:
- (1) for a crime that, in the convicting jurisdiction, was punishable by death or by imprisonment for more than one year, the evidence:
 - (A) must be admitted, subject to Rule 403, in a civil case or in a criminal case in which the witness is not a defendant; and
 - (B) must be admitted in a criminal case in which the witness is a defendant, if the probative value of the evidence outweighs its prejudicial effect to that defendant; and
 - (2) for any crime regardless of the punishment, the evidence must be admitted if the court can readily determine that establishing the elements of the crime required proving — or the witness's admitting — a dishonest act or false statement.
- (b) **Limit on Using the Evidence After 10 Years.** This subdivision (b) applies if more than 10 years have passed since the witness's conviction or release from confinement for it, whichever is later. Evidence of the conviction is admissible only if its probative value, supported by specific facts and circumstances, substantially outweighs its prejudicial effect.
- (c) **Effect of a Pardon, Annulment, or Certificate of Rehabilitation.** Evidence of a conviction is not admissible if:
- (1) the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding that the person has been rehabilitated, and the person has not been convicted of a later crime punishable by death or by imprisonment for more than one year; or
 - (2) the conviction has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence.
- (d) **Juvenile Adjudications.** Evidence of a juvenile adjudication is admissible under this rule only if:
- (1) it is offered in a criminal case;
 - (2) the adjudication was of a witness other than the defendant;
 - (3) an adult's conviction for that offense would be admissible to attack the adult's credibility; and
 - (4) admitting the evidence is necessary to fairly determine guilt or innocence.
- (e) **Pendency of an Appeal.** A conviction that satisfies this rule is admissible even if an appeal is pending. Evidence of the pendency is also admissible.

Rule 610. Religious Beliefs or Opinions

Evidence of a witness's religious beliefs or opinions is not admissible to attack or support the witness's credibility.

Rule 611. Mode and Order of Interrogation and Presentation

- (a) **Control by the Court; Purposes.** The court should exercise reasonable control over the mode and order of examining witnesses and presenting evidence so as to:
- (1) make those procedures effective for determining the truth;
 - (2) avoid wasting time; and
 - (3) protect witnesses from harassment or undue embarrassment.

- (b) **Scope of cross examination.** The scope of the cross examination shall not be limited to the scope of the direct examination, but may inquire into any relevant facts or matters contained in the witness' statement and/or exhibits, **including** all reasonable inferences that can be drawn from those facts and matters, and may inquire into any omissions from the witness statement and/or exhibits that are otherwise material and admissible.
- (c) **Leading Questions.** Leading questions should not be used on direct examination except as necessary to develop the witness's testimony. Ordinarily, the court should allow leading questions:
 - (1) on cross-examination; and
 - (2) when a party calls a hostile witness, an adverse party, or a witness identified with an adverse party.

Rule 612. Writing Used to Refresh a Witness's Memory

- (a) **Scope.** This rule gives an adverse party certain options when a witness uses a writing to refresh memory:
 - (1) while testifying; or
 - (2) before testifying, if the court decides that justice requires the party to have those options.
- (b) **Adverse Party's Options.** An adverse party is entitled to have the writing produced at the hearing, to inspect it, to cross-examine the witness about it, and to introduce in evidence any portion that relates to the witness's testimony.

Rule 613. Witness's Prior Statement

- (a) **Showing or Disclosing the Statement During Examination.** When examining a witness about the witness's prior statement, a party need not show it or disclose its contents to the witness. But the party must, on request, show it or disclose its contents to an adverse party's attorney.
- (b) **Extrinsic Evidence of a Prior Inconsistent Statement.** Extrinsic evidence of a witness's prior inconsistent statement is admissible only if the witness is given an opportunity to explain or deny the statement and an adverse party is given an opportunity to examine the witness about it, or if justice so requires. This subdivision (b) does not apply to an opposing party's statement under Rule 801(d)(2).

Article VII. – Opinions and Expert Testimony

Rule 701. Opinion Testimony by Lay Witness

If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is:

- (a) rationally based on the witness's perception;
- (b) helpful to clearly understanding the witness's testimony or to determining a fact in issue; and
- (c) not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.

Rule 702. Testimony by Experts

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

- (a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; and
- (b) the testimony is based on sufficient facts or data.

Rule 703. Bases of an Expert's Opinion Testimony

An expert may base an opinion on facts or data in the case that the expert has been made aware of or personally observed. If experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, they need not be admissible for the opinion to be admitted. But if the facts or data would otherwise be inadmissible, the proponent of the opinion may disclose them to the jury only if their probative value in helping the jury evaluate the opinion substantially outweighs their prejudicial effect.

Rule 704. Opinion on Ultimate Issue

- (a) **In General — Not Automatically Objectionable.** An opinion is not objectionable just because it embraces an ultimate issue.

- (b) **Exception.** In a criminal case, an expert witness must not state an opinion about whether the defendant did or did not have a mental state or condition that constitutes an element of the crime charged or of a defense. Those matters are for the trier of fact alone.

Rule 705. Disclosing the Facts or Data Underlying an Expert’s Opinion

Unless the court orders otherwise, an expert may state an opinion — and give the reasons for it — without first testifying to the underlying facts or data. But the expert may be required to disclose those facts or data on cross-examination.

Article VIII. – Hearsay

Rule 801. Definitions

The following definitions apply under this article:

- (a) **Statement.** “Statement” means a person’s oral assertion, written assertion, or nonverbal conduct, if the person intended it as an assertion.
- (b) **Declarant.** “Declarant” means the person who made the statement.
- (c) **Hearsay.** “Hearsay” means a statement that:
 - (1) the declarant does not make while testifying at the current trial or hearing; and
 - (2) a party offers in evidence to prove the truth of the matter asserted in the statement.
- (d) **Statements That Are Not Hearsay.** A statement that meets the following conditions is not hearsay:
 - (1) **A Declarant-Witness’s Prior Statement.** The declarant testifies and is subject to cross-examination about a prior statement, and the statement:
 - (A) is inconsistent with the declarant’s testimony and was given under penalty of perjury at a trial, hearing, or other proceeding or in a deposition;
 - (B) is consistent with the declarant’s testimony and is offered:
 - (i) to rebut an express or implied charge that the declarant recently fabricated it or acted from a recent improper influence or motive in so testifying; or
 - (ii) to rehabilitate the declarant’s credibility as a witness when attacked on another ground; or
 - (C) identifies a person as someone the declarant perceived earlier.
 - (2) **An Opposing Party’s Statement.** The statement is offered against an opposing party and:
 - (A) was made by the party in an individual or representative capacity;
 - (B) is one the party manifested that it adopted or believed to be true;
 - (C) was made by a person whom the party authorized to make a statement on the subject;
 - (D) was made by the party’s agent or employee on a matter within the scope of that relationship and while it existed; or
 - (E) was made by the party’s coconspirator during and in furtherance of the conspiracy.

The statement must be considered but does not by itself establish the declarant’s authority under (C); the existence or scope of the relationship under (D); or the existence of the conspiracy or participation in it under (E).

Rule 802. Hearsay Rule

Hearsay is not admissible except as provided by these Rules.

Rule 803. Exceptions to the Rule Against Hearsay – Regardless of Whether the Declarant is Available as a Witness

The following are not excluded by the hearsay rule, regardless of whether the declarant is available as a witness:

- (1) **Present Sense Impression.** A statement describing or explaining an event or condition, made while or immediately after the declarant perceived it.
- (2) **Excited Utterance.** A statement relating to a startling event or condition, made while the declarant was under the stress of excitement that it caused.
- (3) **Then-Existing Mental, Emotional, or Physical Condition.** A statement of the declarant's then-existing state of mind (such as motive, intent, or plan) or emotional, sensory, or physical condition (such as mental feeling, pain, or bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the validity or terms of the declarant's will.
- (4) **Statement Made for Medical Diagnosis or Treatment.** A statement that:
 - (a) is made for — and is reasonably pertinent to — medical diagnosis or treatment; and
 - (b) describes medical history; past or present symptoms or sensations; their inception; or their general cause.
- (5) **Recorded Recollection.** A record that:
 - (a) is on a matter the witness once knew about but now cannot recall well enough to testify fully and accurately;
 - (b) was made or adopted by the witness when the matter was fresh in the witness's memory; and
 - (c) accurately reflects the witness's knowledge.

If admitted, the record may be read into evidence but may be received as an exhibit only if offered by an adverse party.

- (6) **Records of Regularly Conducted Activity.** A record of an act, event, condition, opinion, or diagnosis if:
 - (a) the record was made at or near the time by – or from information transmitted by – someone with knowledge;
 - (b) the record was kept in the course of a regularly conducted activity of a business, organization, occupation, or calling, whether or not for profit;
 - (c) making the record was a regular practice of that activity;
 - (d) all these conditions are shown by the testimony of the custodian or another qualified witness; and
 - (e) the opponent does not show that the source of information or the method or circumstances of preparation indicate a lack of trustworthiness

(7) **Absence of Regularly Conducted Activity.**

Evidence that a matter is not included in a record described in paragraph (6) if:

- (a) the evidence is admitted to prove that the matter did not occur or exist;
 - (b) a record was regularly kept for a matter of that kind; and
 - (c) the opponent does not show that the possible source of information or other indicated a lack of trustworthiness.
- (8) **Public Records.** A record or statement of a public office if:
 - (a) it sets out:
 - (i) the offices activities;
 - (ii) a matter observed while under a legal duty to report, but not including, in a criminal case, a matter observed by law enforcement personal; or
 - (iii) in a civil case or against the government in a criminal case, factual findings from a legally authorized investigation; and
 - (b) the opponent does not show that the source of information or other circumstances indicate a lack of

trustworthiness.

- (10) **Absence of a Public Record.** Testimony that a diligent search failed to disclose a public **record** or statement if the testimony or certification is admitted to prove that:
- (a) the record or statement does not exist; or
 - (b) a matter did not occur or exist, if a public office regularly kept a record or statement for a matter of that kind.
- (16) **Statements in Ancient Documents.** A statement in a document that was prepared before January 1, 1998, and whose authenticity is established.
- (18) **Statements in Learned Treatises, Periodicals, or Pamphlets.** A statement contained in a treatise, periodical, or pamphlet if:
- (a) the statement is called to the attention of an expert witness on cross-examination or relied on by the expert on direct examination; and
 - (b) the publication is established as a reliable authority by the expert's admission or testimony, by another expert's testimony, or by judicial notice.

If admitted, the statement may be read into evidence but not received as an exhibit.

- (21) **Reputation Concerning Character.** A reputation among a person's associates or in the community concerning the person's character.
- (22) **Judgment of a Previous Conviction.** Evidence of a final judgment of conviction if:
- (a) the judgment was entered after a trial or guilty plea, but not a nolo contendere plea;
 - (b) the conviction was for a crime punishable by death or by imprisonment for more than a year;
 - (c) the evidence is admitted to prove any fact essential to the judgment; and
 - (d) when offered by the prosecutor in a criminal case for a purpose other than impeachment, the judgment was against the defendant.

The pendency of an appeal may be shown but does not affect admissibility.

Rule 804. Hearsay Exceptions; Declarant Unavailable

- (a) **Criteria for Being Unavailable.** A declarant is considered to be unavailable as a witness if the declarant:
- (1) is exempted from testifying about the subject matter of the declarant's statement because the court rules that a privilege applies;
 - (2) refuses to testify about the subject matter despite a court order to do so;
 - (3) testifies to not remembering the subject matter;
 - (4) cannot be present or testify at the trial or hearing because of death or a then-existing infirmity, physical illness, or mental illness; or
 - (5) is absent from the trial or hearing and the statement's proponent has not been able, by process or other reasonable means, to procure:
 - (A) the declarant's attendance, in the case of a hearsay exception under Rule 804(b)(1) or (6); or
 - (B) the declarant's attendance or testimony, in the case of a hearsay exception under Rule 804(b)(2), (3), or (4).

But this subdivision (a) does not apply if the statement's proponent procured or wrongfully caused the declarant's unavailability as a witness in order to prevent the declarant from attending or testifying.

- (b) **The Exceptions.** The following are not excluded by the rule against hearsay if the declarant is unavailable as a witness:

- (1) **Former Testimony.** Testimony that:
 - (A) was given as a witness at a trial, hearing, or lawful deposition, whether given during the current proceeding or a different one; and
 - (B) is now offered against a party who had — or, in a civil case, whose predecessor in interest had — an opportunity and similar motive to develop it by direct, cross-, or redirect examination.
- (2) **Statement Under the Belief of Imminent Death.** In a prosecution for homicide or in a civil case, a statement that the declarant, while believing the declarant’s death to be imminent, made about its cause or circumstances.
- (3) **Statement Against Interest.** A statement that:
 - (A) a reasonable person in the declarant’s position would have made only if the person believed it to be true because, when made, it was so contrary to the declarant’s proprietary or pecuniary interest or had so great a tendency to invalidate the declarant’s claim against someone else or to expose the declarant to civil or criminal liability; and
 - (B) is supported by corroborating circumstances that clearly indicate its trustworthiness, if it is offered in a criminal case as one that tends to expose the declarant to criminal liability.
- (4) **Statement of Personal or Family History.** A statement about:
 - (A) the declarant’s own birth, adoption, legitimacy, ancestry, marriage, divorce, relationship by blood, adoption, or marriage, or similar facts of personal or family history, even though the declarant had no way of acquiring personal knowledge about that fact; or
 - (B) another person concerning any of these facts, as well as death, if the declarant was related to the person by blood, adoption, or marriage or was so intimately associated with the person’s family that the declarant’s information is likely to be accurate.
- (5) **Not Applicable**
- (6) **Statement Offered Against a Party That Wrongfully Caused the Declarant’s Unavailability.** A statement offered against a party that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result.

Rule 805. Hearsay within Hearsay

Hearsay included within hearsay is not excluded by the rule against hearsay if each part of the combined statements conforms with an exception to the rule.

Rule 806. Attacking and Supporting the Declarant’s Credibility

When a hearsay statement — or a statement described in Rule 801(d)(2)(C), (D), or (E) — has been admitted in evidence, the declarant’s credibility may be attacked, and then supported, by any evidence that would be admissible for those purposes if the declarant had testified as a witness. The court may admit evidence of the declarant’s inconsistent statement or conduct, regardless of when it occurred or whether the declarant had an opportunity to explain or deny it. If the party against whom the statement was admitted calls the declarant as a witness, the party may examine the declarant on the statement as if on cross-examination.

Rule 807. Residual Exception

Under the following conditions, a hearsay statement is not excluded by the rule against hearsay even if the statement is not admissible under a hearsay exception in Rule 803 or 804:

- (1) the statement is supported by sufficient guarantees of trustworthiness—after considering the totality of circumstances under which it was made and evidence, if any, corroborating the statement; and
- (2) it is more probative on the point for which it is offered than any other evidence that the proponent can obtain through reasonable efforts.

Article IX. – Authentication and Identification – Not Applicable

Article X. – Contents of Writing, Recordings and Photographs – Not Applicable

Article XI. – Other

Rule 1103. Title

These rules may be known and cited as the Florida High School Mock Trial Rules of Evidence.

FLORIDA HIGH SCHOOL MOCK TRIAL

RULES OF THE COMPETITION

The Florida High School Mock Trial State Competition (“State Competition”) is governed by these Rules of the Competition (“Rules of Competition”) and the Florida High School Mock Trial Rules of Evidence (“Rules of Evidence”). Any clarification of the Rules of Competition, the Rules of Evidence, or the case materials will be issued in writing to all participating teams in a timely manner and no less than two weeks prior to the tournament whenever possible. The State Coordinator, or its designee(s), will distribute to each team any such clarification.

The Rules of Competition and the Rules of Evidence govern the Florida High School Mock Trial State Competition (or State Competition). All teams are responsible for the conduct of persons associated with their teams throughout the Florida High School Mock Trial State Competition.

TABLE OF CONTENTS

RULES OF THE COMPETITION

ADMINISTRATION	88
Rule 1.1. Rules	88
Rule 1.2. Code of Conduct	88
Rule 1.3.A. Emergencies	88
Rule 1.3.B. Technical Difficulties in a Virtual Competition	88
Rule 1.4. Student Timekeepers	89
Rule 1.5. Relationship to Other Laws; Accommodation of Disability	89
THE PROBLEM	90
Rule 2.1. The Problem	90
Rule 2.2. Witnesses Bound by Statements	90
Rule 2.3. Unfair Extrapolation	90
Rule 2.4. Gender of Witnesses	90
Rule 2.5. Voir Dire	90
TEAMS	91
Rule 3.1. Team Eligibility	91
Rule 3.2. Substitution of Members on the State Competition Team	91
Rule 3.3. Team Composition	92
Rule 3.4. Team Duties	92
Rule 3.5. Team Roster Form	92
THE TRIAL	93
Rule 4.1. Courtroom Setting	93
Rule 4.2. Stipulations	93
Rule 4.3. Reading into the Record Not Permitted	93
Rule 4.4. Swearing of Witnesses	93
Rule 4.5. Trial Sequence and Time Limits	93
Rule 4.6. Timekeeping	93
Rule 4.7. Time Extensions and Scoring	94
Rule 4.8. Motions Prohibited	94
Rule 4.9. Sequestration and Exclusion	95
Rule 4.10. Bench Conferences	95
Rule 4.11. Enlargements, Costuming, Props, and Accents	95
Rule 4.12. Trial Communication	95
Rule 4.13. Scouting and Viewing Trials	95
Rule 4.14. Videotaping/Photography	96

Rule 4.15.	Jury Trial.....	96
Rule 4.16	Standing During Trial	96
Rule 4.17.	Objections During Opening Statement/Closing Statement	96
Rule 4.18.	Objections	96
Rule 4.19	Filibustering or Deliberate Time Wasting.....	97
Rule 4.20.A	Procedure for Introduction of Exhibits – Generally	97
Rule 4.20.B	Procedure for Introduction of Exhibits – Special Rules for a Virtual Competition.....	97
Rule 4.21.	Use of Notes	98
Rule 4.22	Redirect/Recross	98
Rule 4.23.	Scope of Closing Arguments	98
Rule 4.24.	The Critique	98
Rule 4.25.	Offers of Proof	98
Rule 4.26.	Trial Materials; Outside Legal Research Prohibited at Trial.....	98
Rule 4.27.	Marking Documents at Trial	98
Rule 4.28.	Sharing Documents with Scoring Panel; Using Documents During Argument	99
Rule 4.29.	Reference to Witness Gender and Physical Traits	99
Rule 4.30.	Roster Forms, Name Tags and Name Plates	99
Rule 4.31.	Sleeves and Laminations of Trial Exhibits	99

JUDGING AND TEAM ADVANCEMENT..... 100

Rule 5.1.	Finality of Decisions	100
Rule 5.2.A	Composition of Judging Panels.....	100
Rule 5.2.B	Conflicts Between Judges and Teams	100
Rule 5.2.C	Disqualification of Judges	101
Rule 5.2.D	Process Following Disqualification of a Ballot.....	101
Rule 5.3.	Score Sheets/Ballots.....	101
Rule 5.4.	Completion of Score Sheets	101
Rule 5.5.	Team Advancement	101
Rule 5.6.	Power Matching/Seeding	102
Rule 5.7.	Selection of Sides for Championship Round	102
Rule 5.8.	Odd Number of Teams Participating in State Competition.....	103

DISPUTE RESOLUTION..... 103

Rule 6.1.A	Disputes at the Conclusion of the Trial – In-Person Competitions	103
Rule 6.1.B	Disputes at the Conclusion of the Trial – Virtual Competitions	104
Rule 6.2.	Effect of Violation on Score	104
Rule 6.3.A	Disputes After the Conclusion of the Trial – In-Person Competition	104
Rule 6.3.B	Disputes After the Conclusion of the Trial – Virtual Competition	104

CIRCUIT COMPETITIONS..... 104

Rule 7.1.	Power Matching/Seeding	104
-----------	------------------------------	-----

FLORIDA HIGH SCHOOL MOCK TRIAL CHAMPIONSHIP RULES OF THE COMPETITION

ADMINISTRATION

Rule 1.1. Rules

All trials will be governed by the Rules of the Florida High School Mock Trial Championship (“Rules of Competition”) and the Florida High School Mock Trial Championship Rules of Evidence (“Rules of Evidence”).

Questions or interpretations of the Rules of Competition and the Rules of Evidence are within the discretion of the State Coordinator, or its designee(s), whose decision is final.

Rule 1.2. Code of Conduct

The Rules of Competition, as well as proper rules of courthouse and courtroom decorum and security, must be followed. The State Coordinator may impose sanctions on teams or individuals for (i) any misconduct occurring while a team is participating in the State Competition, (ii) flagrant rule violations, and (iii) breaches of decorum which affect the conduct of a trial or which impugn the reputation or integrity of any team, school, participant, court officer, judge, or the mock trial program. These sanctions include, but are not limited to, adjustment of points or standings, disqualification, immediate eviction from the Competition events, and forfeiture of all fees and awards (if applicable).

In the Rules of Competition, all references to “participating” include any activity as a part of a State Competition in-person or virtually.

Rule 1.3.A. Emergencies

During a trial, the presiding judge has the discretion to declare an emergency and adjourn the trial for a short period of time to address the emergency. In the event of an emergency, the presiding judge must notify the State Coordinator, or its designee(s), as soon as is practical for further guidance.

Rule 1.3.B. Technical Difficulties in a Virtual Competition

In the event of technical difficulties substantially impairing participation in the trial during a virtual competition, the presiding judge has the discretion to declare a technical emergency and adjourn the virtual trial for a short period of time to resolve the technical difficulties.

If the technical difficulty is substantially impairing a participant’s participation in the trial 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 emergency substitute must be a member of the same team as the impacted participant.

Before making an emergency substitution, the impacted team must make the presiding judge aware, by stating words to the effect of, “Your honor, before I begin I would like to inform the court that I am [insert name] and I am substituting for [insert name], who is unable to compete due to technical difficulties.” Teams shall advise the State Coordinator of any emergency substitution following the round of competition.

The presentation will be scored based on the performance by the initial team member and the emergency substitute, taken as a whole.

Once the presiding judge determines either at the request of the team or *sua sponte* that a student is unable to compete in a role due to technical difficulties, to minimize disruption, the impacted student is not permitted to return and compete in the role for which a substitution was made. If the technical difficulty is resolved, the impacted participant may return and participate in his or her other roles, if any. For purposes of this rule, a witness examination consisting of direct, cross, any re-direct and any re-cross

is one role, so that a participant who requires an emergency substitution for a witness examination may not return and participate until the entire witness examination is completed.

For purposes of this rule, technical difficulties include internet failure, and computer, device, or microphone failure. Failure of a camera only does not permit emergency substitution under this rule. Students who lose internet connection shall rejoin the trial using a telephonic connection, if possible.

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 qualified under Rule 1.4 for the remaining trial segments. The timekeepers shall confer consistent with Rule 4.6(e) regarding time remaining at the beginning of each trial segment.

Technical emergencies resulting from the loss of the connection of a presiding or scoring judge shall be handled in accordance with Rule 5.2.A.

If the technical difficulty prevents an entire team from completing in part or all of a round, 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 audio-only via telephone. If reconnection is impossible, the State Coordinator, or its designee(s), may declare a forfeit in favor of the team that maintains its connection no sooner than the end of the 15-minute recess. If at least five witnesses have been subject to cross-examination, the State Coordinator, or its designee(s), may in its sole discretion complete the ballot, assigning scores equal to their average score on all segments that could not be completed by the disconnected team and a "10" to the team that remained connected.

In the event that a technical emergency prevents an entire team from connecting via video but that team is able to connect via audio-only, the opposing team and all judges shall turn off their video until video connection from both teams has been restored.

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 Rules of Competition and Code of Ethical Conduct and may be sanctioned in accordance with Rule 1.2.

Rule 1.4. Student Timekeepers

Teams shall provide timekeepers for the State Competition as follows:

- a. Each team participating in the State Competition is responsible for providing at least one student as an official timekeeper. All timekeepers must be official team members.
- b. Any student who will keep time, including any witness who will keep time in accordance with Rule 3.2, is required to attend the scheduled timekeeper orientation, which will be held before competition rounds begin. If a team does not have a timekeeper attend the required orientation meeting, that team will defer to its opponents' timekeepers in all rounds of the competition.
- c. If a team desires to assign more than one student to the timekeeper role, then all students who will be assigned to the timekeeper role must attend the timekeeper orientation. (See Rule 1.4(b)) The team's official student timekeeper will keep time for both sides during all competition rounds.

Rule 1.5. Relationship to Other Laws; Accommodation of Disability

The Rules of Competition will be interpreted and administered consistent with all applicable laws. Accordingly, should any applicable law require variance from these rules or accommodation of any competitor for any reason, including a legally-recognized disability, that team member or their coach may apply to the State Coordinator, or its designee(s), for accommodation, and such reasonable accommodation as the law requires shall be granted. The State Coordinator will consider all requests and determine what reasonable accommodations can be made consistent with related policies. These accommodations may include adjustment of the Rules of Competition where appropriate. The timeliness of the request for accommodation may be material to whether an accommodation is granted. Where possible, teams competing against the team for which an accommodation was granted shall be informed of the accommodation in advance of a competition round but will ordinarily not be informed of the specific nature of the issue that led to the accommodation.

THE PROBLEM

Rule 2.1. The Problem

The problem will be an original fact pattern which may contain any or all of the following: statement of facts, pleadings, indictment, stipulations, witness statements/affidavits, jury charges, orders/rulings, and exhibits. Stipulations may not be disputed at trial. Witness statements may not be altered.

The problem shall consist of three witnesses per side, all of whom shall have names and characteristics that would allow them to be played by individuals of any gender. All three of the witnesses must be called.

Rule 2.2. Witnesses Bound by Statements

Each witness is bound by the facts contained in that witness's statement, the Statement of Facts, if present, and/or any necessary documentation relevant to that witness's testimony. Fair extrapolations may be allowed, provided reasonable inference may be made from the witness's statement. If, during direct examination, an attorney asks a question which calls for extrapolated information pivotal to the facts at issue, the information is subject to objection under Rule 2.3, "unfair extrapolation."

A witness is not bound by facts contained in other witness statements.

Rule 2.3. Unfair Extrapolation

A fair extrapolation is one that is neutral. Unfair extrapolations are best attacked through impeachment and closing arguments and are to be dealt with during the trial.

If a witness is asked information not contained in the witness's statement, the answer must be consistent with the statement and may not materially affect the witness's testimony or any substantive issue of the case.

Attorneys for the opposing team may refer a special objection, such as "unfair extrapolation," or "This information is beyond the scope of the statement of facts."

Possible rulings by a judge include:

- a. No extrapolation has occurred;
- b. An unfair extrapolation has occurred;
- c. The extrapolation was fair; or,
- d. Ruling is taken under advisement.

The decision of the presiding judge regarding extrapolations or evidentiary matters is final.

When an attorney objects to an extrapolation, the judge will rule in open court to clarify the course of further proceedings.

Rule 2.4. Gender of Witnesses

All witnesses are gender neutral. Personal pronoun changes in witness statements indicating the preferred gender of the characters may be made. Any student may portray the role of any witness of any gender.

Rule 2.5. Voir Dire

Voir dire examination of a witness is not permitted.

TEAMS

Rule 3.1. Team Eligibility

- a. Subject to the other provisions in this section, an official team competing at the Florida High School Mock Trial Competition shall be comprised of the following:
 1. A minimum of six (6) and a maximum of twelve (12) students, each of whom in the school year of the State Competition:
 - a. Participated on the circuit championship team;
 - i. **If a team has not competed in any level of competition prior to the state competition and seeks to advance from a circuit, the teacher coach must obtain approval from the State Coordinator prior to advancement.**
 - b. Represent the same mock trial team as defined in Rule 3.1.b;
 - c. Enrolled in grades nine (9) through twelve (12).
 2. A teacher, principal, or school administrator **must** accompany the team throughout all levels of the competition (generally referred to as a “teacher coach”)
- b. A mock trial team is composed of students that are registered in the same “school” in the judicial circuit the team will represent.
 1. A school (whether public, private, charter, parochial, etc.);
 2. A team consisting of home school students; or
 3. Other pre-approved configurations (if a team does not meet the criteria in sections b.1 through b.2 of this Rule, approval from the State Advisory Committee must be obtained).
- c. The State Coordinator and the teacher-sponsor have an affirmative obligation to verify each mock trial organization’s eligibility. Submission of a roster for the Florida Championship constitutes certification that the status of each participant for the mock trial organization has been verified and that the roster complies with Rule 3.1.
- d. All teacher coaches and students must attend the mandatory general assembly/orientation. Any attorney coach(es) accompanying a team must also be present.
- e. Following the mandatory meeting described in Rule 3.1.d, teacher and attorney coaches affiliated with a participating team must attend a Teacher and Coaches Meeting, which will include a review of the rules and power matching system
- f. At the discretion of the State Coordinator, other mandatory meetings for teacher coaches may be called to ensure a successful mock trial season.
 1. Should a teacher coach not be able to attend such meetings, the teacher coach must make alternative arrangements with the State Coordinator.
- g. The team advancing from Florida to the National High School Mock Trial Championship must be comprised of a minimum six (6) and a maximum of nine (9) students that participated on the state championship team.

Rule 3.2. Substitution of Members on the State Competition Team

- a. If the circuit championship team has seven or more students available to compete at the State Competition, it may not add additional students to its roster for the State Competition.
- b. If the circuit championship team has four, five, or six students available to compete in the State Competition, the team may add up to two students, to reach a roster size of a maximum of seven students. A circuit championship team may not have a roster size of greater than seven (7) students if any student on the team is a replacement student. Students added to a team as described in this Rule must meet Rule 3.1 Team Eligibility Requirements.
- c. Should the circuit champion be unable to compete or elect not to compete in the State Competition, the Circuit Coordinator has the sole discretion to designate an alternate team from their circuit competition to compete in the State Competition. Absent good cause, Circuit Coordinators should ordinarily designate alternate teams in order of their finish in the circuit competition.

Rule 3.3. Team Composition

Teams consist of six to twelve official team members. Only these official team members may be assigned to attorney, witness, and timekeeper roles representing the prosecution/plaintiff and defense/defendant sides. In each round, three official team members will serve as attorneys, and three different official team members will serve as witnesses. A seventh official team member, if available, will serve as timekeeper. If a team has only six official team members, it must designate two or more of its witnesses to serve as timekeepers in each round. Each timekeeper must meet the requirements of Rule 1.4 as the team's timekeeper.

Any student outside the declared official team is considered an additional non-competing team member. Additional non-competing team members may neither compete nor keep time for the team at any point during the competition. The Team Roster will become official at the close of on-site registration for an in-person competition, and at 5:00 p.m. local time of the Host location on the day prior to the first round for a virtual competition.

Rule 3.4. Team Duties

Except as permitted during technical difficulties under Rule 1.3.B, each of the three attorneys will conduct one direct examination and one cross-examination; in addition, one will present the opening statement and another will present the closing arguments. In other words, the attorney duties for each team will be divided as follows:

1. One attorney will be responsible for the direct examination of one witness and the cross-examination of one witness;
2. One attorney will be responsible for the direct examination of one witness, the cross-examination of one witness, and the opening statement; and
3. One attorney will be responsible for the direct examination of one witness, the cross-examination of one witness, and the closing argument (including rebuttal, if any).

Opening Statements must be given by both sides at the beginning of the trial.

The attorney who examines a particular witness on direct examination is the only person who may make the objections to the opposing attorney's questions of that witness' cross-examination, and the attorney who cross-examines a witness will be the only person permitted to make objections during the direct examination of that witness.

Each team must present the side assigned to it in each round. Each team must call all three of its assigned witnesses. Witnesses must be called only by their own team during their case-in-chief and examined by both sides. Witnesses may not be recalled by either side.

Rule 3.5. Team Roster Form

Copies of the Team Roster Form must be completed and duplicated by each team prior to arrival at the courtroom for each round of competition for an in-person competition. For a virtual competition, teams must submit Team Roster Forms in accordance with the protocol established and announced for the competition. Teams must be identified by the code assigned at registration. No information identifying team origin should appear on the form.

Before beginning a trial in an in-person competition, the teams must exchange copies of the Team Roster Form. Team Roster Forms will be distributed to judges in a virtual competition according to the protocol established for the competition. The Form should identify the preferred gender of each witness so that references to such parties will be made using the correct pronouns. Copies of the Team Roster Form should also be made available to the judging panel and presiding judge before each round. Teams shall not knowingly disclose their place of origin to any member of the judging panel or to the presiding judge.

THE TRIAL

Rule 4.1. Courtroom Setting

For an in-person competition, the Prosecution/Plaintiff team shall be seated closest to the jury box. No team shall rearrange the courtroom without prior permission of the presiding judge. If a team is granted permission to rearrange the courtroom, that team shall restore the courtroom to its original condition at the conclusion of the trial round.

For a virtual competition, each participant is encouraged to log into the virtual platform separately from a normal personal computer, tablet, cellular phone, or similar device. At a minimum, each of a participating attorney, witness, and timekeeper shall utilize an individual device. Each participant shall use a screen name formatted according to the protocol established and announced for the competition. 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 consistent with Rule 1.4. 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.

Rule 4.2. Stipulations

Stipulations will be considered a part of the record and already admitted into evidence.

Rule 4.3. Reading into the Record Not Permitted

Neither the stipulations, the indictment, nor the Charge to the Jury will be read into the record.

Rule 4.4. Swearing of Witnesses

The following oath may be used before questioning begins:

“Do you promise that the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the mock trial competition?”

The swearing of witnesses will occur in one of two ways. Either the presiding judge will indicate that all witnesses are deemed to be sworn using the above oath, or the above oath will be administered by the presiding judge or a bailiff provided by the host. The host will indicate which method will be used during all rounds of the current year’s tournament.

For a virtual competition, all witnesses will be deemed to be sworn.

Rule 4.5. Trial Sequence and Time Limits

The trial sequence and time limits are as follows:

- a. Opening Statement (5 minutes per side)
- b. Direct and Redirect (optional) Examination (25 minutes per side)
- c. Cross and Re-cross (optional) Examination (20 minutes per side)
- d. Closing Argument (5 minutes per side)

The Prosecution/Plaintiff gives the opening statement first. The Prosecution/Plaintiff gives the closing argument first; the Prosecution/Plaintiff may reserve a portion of its closing time for a rebuttal. The Prosecution/Plaintiff need not request or state that it is reserving rebuttal time. The Prosecution/Plaintiff's rebuttal is limited to the scope of the Defendant's closing argument.

Attorneys are not required to use the entire time allotted to each part of the trial. Time remaining in one part of the trial may not be transferred to another part of the trial.

Rule 4.6. Timekeeping

- a. Timekeepers are responsible for fairly and accurately keeping and reporting the time during the trial presentation and during

- any disputes under Rule 6.2.
- b. During the rounds of the competition, timekeepers are to act as a neutral entity. Timekeepers are not to communicate with their respective teams during the course of the trial presentation, recesses, or during any dispute procedure, except to display the time remaining or to indicate (as directed by the presiding judge) how much time is remaining during a particular part of the trial.
 - c. Time limits are mandatory and will be enforced. Time runs from the beginning of the witness examination, opening statement, or closing argument until its conclusion. Introduction of counsel or witnesses prior to the opening statement is not included in the time allotted for opening statements. However, if counsel or witnesses are introduced once the opening statement has commenced, such time is included in the time allotted for the opening statement. Time stops only for objections, questioning from the judge, or administering the oath. Time does not stop for introduction of exhibits. The presiding judge shall have discretion to stop time for technical difficulties in a virtual competition that do not rise to the level of an emergency under Rule 1.3.B.
 - d. In trial, each team will use three sets of time cards, one set for openings and closings, one set for direct examination, and one set for cross-examination. Each card will display both the “Time Elapsed” and the “Time Remaining.” See samples provided. **Teams should print their own time cards at each level of competition.** Teams are not permitted to use other time cards. The time cards will be allocated as follows (shown as Time Elapsed/Time Remaining):
 - 1. Opening and Closing: 1:00 / 4:00; 2:00 / 3:00; 2:30 / 2:30; 3:00 / 2:00; 3:30 / 1:30; 1:00 / 4:00; 4:20 / 0:40; 4:30 / 0:30; 4:40 / 0:20; 4:50 / 0:10, STOP
 - 2. Direct examinations: 3:00 / 22:00; 5:00 / 20:00; 7:00 / 18:00; 10:00 / 15:00; 13:00 / 12:00; 15:00 / 10:00; 18:00 / 7:00; 20:00 / 5:00; 21:00 / 4:00; 22:00 / 3:00; 23:00 / 2:00; 24:00 / 1:00; 24:20 / 0:40; 24:40 / 0:20; STOP
 - 3. Cross-examinations: 2:30 / 17:30; 5:00 / 15:00; 7:30 / 12:30; 10:00 / 10:00; 12:30 / 7:30; 15:00 / 5:00; 16:00 / 4:00; 17:00 / 3:00; 18:00 / 2:00; 19:00 / 1:00; 19:20 / 0:40; 19:40 / 0:20; STOP
 - e. Teams may not use these cards to signal time other than the aggregate time elapsed and remaining. (For example, teams may not use these cards to show the time remaining of the time allocated by that team to a particular trial segment.)
 - f. At the end of each task during the trial presentation (i.e., at the end of each opening, at the end each direct witness examination, at the end of each cross examination and at the end of each closing argument) if there is more than a 15 second discrepancy between the teams’ timekeepers, the timekeepers must notify the presiding judge of the discrepancy. The presiding judge will then rule on the discrepancy, the timekeepers will synchronize their stopwatches accordingly and the trial will continue. Any discrepancies between timekeepers less than 15 seconds will not be considered. No time disputes will be entertained after the trial concludes. The decisions of the presiding judge regarding the resolution of time disputes are final.
 - g. During a virtual competition, timekeepers shall post the time using the “chat” or similar feature visible to all participants at the end of each task during the trial presentation (i.e., at the end of each opening, at the end of each witness direct examination, at the end of each cross examination, and at the end of each closing argument).
 - h. In a virtual competition, the timekeepers must signal time by posting the time signals permitted by subsection a in the chatroom function of the virtual competition platform. The timekeepers also may display Time Remaining cards by activating their camera to do so.
 - i. Students keeping time may use stopwatches or cellular phones. Any cellular phone used for timekeeping must be kept in airplane mode and silenced during the duration of the trial round.

Rule 4.7. Time Extensions and Scoring

The presiding judge has sole discretion to grant time extensions. Such extensions should be granted sparingly and should be limited in duration, for example, to finish a question, answer, or thought. In all other cases, the presiding judge must stop the presentation once time expires. If time has expired and an attorney continues without permission from the court, the scoring judges may individually decide whether or not to deduct points in a category because of over-runs in time.

Rule 4.8. Motions Prohibited

The only motion permissible is one requesting the presiding judge to strike testimony following a successful objection to its admission.

Rule 4.9. Sequestration and Exclusion

Teams may not request actual or constructive sequestration or exclusion of witnesses.

Rule 4.10. Bench Conferences

Teams may not request bench conferences, and bench conferences are not permitted in either in-person or virtual competitions. Objections are deemed to have occurred at sidebar.

Rule 4.11. Enlargements, Costuming, Props, and Accents

- a. No enlargements of the case materials are permitted except as provided by the Host.
- b. No props are permitted.
- c. No costumes are permitted unless authorized specifically in the case materials. Costuming is defined as hairstyles, clothing, accessories, or make up which are case specific.
- d. An accent is not considered costuming. Competing students may affect an accent that is not their own.

Rule 4.12. Trial Communication

Coaches, teachers, alternates, and observers shall not talk to, signal, communicate with, or coach their teams during trial. This rule remains in force during any emergency recess that may occur. Team members (other than the timekeeper) may, among themselves, communicate during the trial; however, no disruptive communication is allowed and no participant may communicate with a witness while that witness is testifying other than through the course of that witness's questioning. Signaling of time by the teams' timekeepers shall not be considered a violation of this rule.

Coaches, teachers, alternates, and observers must remain outside the bar in the spectator section of the courtroom. Only team members participating in this round may sit inside the bar and communicate with each other.

During a virtual competition, no one may use the "chat," "instant message," or "chatroom" function of the electronic platform, except to: (1) display timekeeping messages, as permitted by Rule 1.4, and (2) to communicate in the case of a technical emergency where audio and video functions are lost but access to the chat or instant messaging function is intact. Observers are not permitted to use the chat or instant messaging functions at any time.

During a virtual competition, only the six participating attorneys and witnesses may communicate with one another. The six participating attorneys and witnesses may use computers, cellular telephones, or other devices to facilitate this communication.

Rule 4.13. Scouting and Viewing Trials

Team members, coaches, and any other persons directly associated with a mock trial team, except for those authorized by the State Coordinator, are not allowed to view other teams' performances in the State Competition, so long as their team remains in the competition. No person shall display anything that identifies their school, state, or organization of origin while in the courtroom.

Team members and individuals associated with competing teams are prohibited from contacting teachers, students, and attorney advisors from any other team in any manner in an effort to obtain information about an opponent. This prohibition is read and will be construed broadly, and it includes, without limitation, any form of personal communication, voice/telephone communication, and/or electronic communication, including electronic mail, instant messaging, and communication or messaging through social media sites.

It is not a violation of this rule for teams to participate voluntarily in practice or scrimmage matches in advance of the State Competition. It is a violation of this rule for teams to seek information about opposing teams in rounds of the State Competition from individuals who observed such scrimmages, including members of the team competing in that scrimmage.

To the extent that a team or its members makes information publicly available that bears on its strategy or other issues that would normally constitute the object of scouting, it shall not constitute scouting for another team to view these materials. For

example, if members of a team post videos of their team's performance in exhibitions or scrimmages to the public internet; create publicly-accessible online materials such as scripts or flash cards on an internet site; or post to publicly-accessible social media information about their performance, strategy, or other matters, it is not scouting for a potential opponent of another team to view that material. Teams are strongly discouraged from actively seeking out information of this kind, and it may constitute scouting for a member of a competing team to actively seek on social media information posted about a future opponent, such as social media information posted by members of teams that opponent faced in prior rounds.

Rule 4.14. Videotaping/Photography

All participants must consent to audio and video recording by the State Coordinator and consent to electronic posting (including news media, websites, social media, or other platforms) of each performance at the State Competition.

If a team wishes to record the team must complete the Mutual Agreement for Trial Round Videotaping by Team(s). This form does **not** give permission post, share, or otherwise disseminate any recording. Recordings permitted under this form should be done only for the purpose of internal, team coaching.

No team may post, share with another competing team, or otherwise disseminate any recording of any competition round in the State Competition.

Each team shall inform any family member or other observer of this rule. Violations of this rule, even by an individual who is not a team member, may result in sanction of the team affiliated with the individual who recorded and/or posted, shared, or otherwise disseminated the recording up to and **including disqualification from the competition.**

Rule 4.15. Jury Trial

The case will be tried before a jury; arguments are to be made to the presiding judge and the jury. Teams may address the scoring judges as the jury.

Rule 4.16 Standing During Trial

For in-person trials, student attorneys will stand while giving opening statements and closing arguments, during direct and cross examinations, and for all objections, unless excused by the presiding judge. For virtual trials, student attorneys may elect to stand or remain seated during their own examinations, opening statements, and closing arguments, but all objections shall be made while seated.

Rule 4.17. Objections During Opening Statement/Closing Statement

No objections may be raised during opening statements or during closing arguments. If a team believes an objection would have been warranted during the opposing team's opening statement or closing argument, the opposing attorney for that segment may, following the opening statement or following the closing argument, object and provide a basis for the objection. During a virtual competition, the attorney shall make the objection while remaining seated. **The opposing team is then allowed to respond to the objection. The presiding judge will not rule on this objection, and each scoring judge will weigh the objection individually.**

Rule 4.18. Objections

- A. Argumentative Questions: An attorney shall not ask argumentative questions.
- B. Lack of Proper Predicate/Foundation: Attorneys shall lay a proper foundation prior to moving the admission of evidence. After the exhibit has been offered into evidence, the exhibit may still be objected to on other grounds.
- C. Assuming Facts Not in Evidence: Attorneys may not ask a question that assumes unproved facts. However, an expert witness may be asked a question based upon stated assumptions, the truth of which is reasonably supported by evidence (sometimes called a "hypothetical question").
- D. Questions Calling for Narrative or General Answer: Questions must be stated so as to call for a specific answer. (Example of improper question: "Tell us what you know about this case.")
- E. Non-Responsive Answer: A witness' answer is objectionable if it fails to respond to the question asked.
- F. Repetition: Questions designed to elicit the same testimony or evidence previously presented in its entirety are improper if

merely offered as a repetition of the same testimony or evidence from the same or similar source.

Teams are not precluded from raising additional objections that are available under the Florida High School Rules of Evidence.

Rule 4.19 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 1.2. A presiding judge who believes that egregious misconduct under this rule has occurred may refer the matter for consideration by the State Coordinator, or its designee(s), immediately following the trial round. Whether to bring this concern to the attention of the State Coordinator is solely at the discretion of the presiding judge; individual teams may not appeal this issue under Rules 6.1 or 6.2.

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.

Rule 4.20. A Procedure for Introduction of Exhibits – Generally

As an example, the following steps effectively introduce evidence:

1. All evidence will be pre-marked as exhibits.
2. Ask for permission to approach the witness. “Your Honor, may I approach the witness with what has been marked for identification purposes as Exhibit No. ___?”
3. Show the exhibit to opposing counsel.
4. Ask the witness to identify the exhibit. “I now hand you what has been marked for identification as Exhibit No. ___. Would you identify it please?” Witness should answer to identify only.
5. Ask the witness a series of questions that are offered for proof of the admissibility of the exhibit. These questions lay the foundation or predicate for admissibility, including questions of the relevance and materiality of the exhibit.
6. Offer the exhibit into evidence. “Your Honor, we offer Exhibit No. ___ into evidence.”
7. Court: “Is there an objection?” (If opposing counsel believes a proper foundation has not been laid, the attorney should be prepared to object at this time.)
8. Opposing Counsel: “No, Your Honor,” OR “Yes, Your Honor.” If the response is “yes,” the objection will be stated for the record. Court: “Is there any response to the objection?”
9. Court: “Exhibit No. ___ (is/is not) admitted.” If admitted, questions on content may be asked.
10. If an exhibit is introduced into evidence, a team may publish it to the jury at the presiding judge’s discretion.

Rule 4.20. B Procedure for Introduction of Exhibits – Special Rules for a Virtual Competition

During a virtual competition, the procedure in Rule 4.20.A shall be followed, except that:

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. Instead of the language in Step 4, above, 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 identify 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 via “screen sharing” or similar technology. The member of the team responsible for posting the exhibit must be a team member competing in the round or the timekeeper for the round.
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 formally published to the jury. Publication to the jury is at the presiding judge’s discretion.
7. Teams may use technology to mark exhibits electronically only to the extent that marking physical exhibits would have been permitted by Rule 4.11. Any marked electronic exhibits may only be used as provided in Rule 4.11.

Rule 4.21. Use of Notes

Attorneys may use notes in presenting their cases. Witnesses are not permitted to use notes while testifying during the trial. Attorneys may consult with each other at counsel table verbally or through the use of notes. The use of laptops or other electronic devices is prohibited, except during a virtual competition.

Rule 4.22 Redirect/Recross

Redirect and recross examinations are permitted, but any redirect and recross examination is limited in scope to matters raised in cross examination and redirect examination, respectively. Re-redirect and re-recross examination are not allowed.

Rule 4.23. Scope of Closing Arguments

Closing Arguments must be based upon the actual evidence and testimony presented during the trial.

Rule 4.24. The Critique

The judging panel is allowed 10 minutes for critiquing. The timekeepers will monitor the critique following the trial. Presiding judges are to limit critique sessions to a combined total of ten (10) minutes.

Judges shall not make a ruling on the legal merits of the trial. Judges may not inform the students of score sheet results.

Rule 4.25 Offers of Proof

No offers of proof may be requested or tendered.

Rule 4.26 Trial Materials; Outside Legal Research Prohibited at Trial

Teams may refer only to materials included in the trial packet. No illustrative aids of any kind may be used, unless provided in the case packet or by the Host.

Rule 4.27 Marking Documents at Trial

No trial exhibits may be modified prior to the trial exhibit being admitted. Once a trial exhibit has been admitted, attorneys and witnesses may in real time highlight, underline, zoom in, or otherwise mark (e.g., circling, drawing an arrow, or making another, similar mark) the admitted exhibits during direct or cross examination, either physically or electronically. No other alterations, animations, or enhancements to the trial exhibit are allowed.

A team may also mark other documents in the case materials during trial, such as by real time highlighting, underlining, zooming in, or otherwise marking a pleading or witness statement. If a team wishes to mark a trial exhibit entered but not marked by the opposing team, it must substitute its own clean copy of that trial exhibit for this purpose before any markings are made.

Rule 4.28 Sharing Documents with Scoring Panel; Using Documents During Argument

Unless otherwise provided in the Case Materials, the only documents which the teams may provide to the presiding judge or scoring panel are the individual trial exhibits as they are introduced into evidence, the Roster Forms, and the Stipulations. **Exhibit notebooks are not to be provided to the presiding judge or scoring panel.**

If a trial exhibit is marked during an examination for demonstrative purposes, the marked exhibit may be used as a demonstrative exhibit during the trial and during closing arguments but may not be entered into evidence as a trial exhibit. Other documents, such as witness statements or pleadings, whether marked under Rule 4.27 or not, may not be entered into evidence, used as demonstratives during closing argument, or otherwise shown to the scoring panel.

During closing argument, teams may show the jury any document introduced as evidence and may use as a demonstrative any trial document marked under Rule 4.27.

Rule 4.29 Reference to Witness Gender and Physical Traits

A witness is prohibited from referring to the witness’s own physical traits or gender, or reference to the other witnesses’ physical traits or gender, where such information is not included in any witness statement. (For example, a witness cannot call attention to size to show inability to complete some physical act included in the case materials or state that the witness was treated differently because of the witness’s gender.) An attorney is likewise prohibited from making argument pointing out physical traits of a witness not otherwise included in the case materials. Such references are unfair extrapolations. (See Rule 2.3.) Teams are not prohibited, however, from raising issues about general or common human traits and abilities relevant to the case.

The team member playing the witness is allowed to act as though the team member has any condition, deformity, or disability described in the affidavits. Under no circumstances is the opposing team permitted to question the existence of such conditions based on the fact that the team member playing the witness does not actually have them. While the opposing team may cross examine the witness on the extent of the condition based on information provided in the affidavits, the opposing team may not challenge the witness to prove the existence of the condition by asking the team member to show the condition to the jury.

Rule 4.30 Roster Forms, Name Tags, and Name Plates

Each team shall complete a roster in the form provided by the Host. No roster forms may be altered except to provide the information requested. Teams must provide their rosters to the presiding judge, scoring panel, and opposing team at the beginning of each trial round.

Unless provided by the Host, name tags or name plates at counsel table are not permitted. The Host may provide an enlarged or alternate version of an exhibit. If so provided, use of that version of that exhibit does not violate these rules.

In a virtual competition, students may be directed to display screen names according to a protocol established and announced for a virtual competition. Such display is not a violation of this rule.

Rule 4.31 Sleeves and Laminations of Trial Exhibits

Teams may, but are not required to, use lamination or page sleeves for their trial exhibits or other case materials. If teams choose to laminate a page or use page sleeves, teams will ensure that each page is clean prior to trial.

JUDGING AND TEAM ADVANCEMENT

Rule 5.1. Finality of Decisions

All decisions of the judging panel are FINAL.

Rule 5.2. A Composition of Judging Panels

The judging panel will consist of at least three individuals. The composition of the judging panel and the role of the presiding judge will be at the discretion of the Board or its designee.

The scoring judges may be persons including judges, attorneys, individuals with extensive mock trial coaching or scoring experience, and other persons as approved by the State Coordinator when also in compliance with Florida Mock Trial Rules of Competition.

The presiding judge may be a judge, senior judge, administrative hearing officer, magistrate, or attorney.

At the discretion of the host director, the Championship round may have a larger panel.

All presiding and scoring judges will receive the mock trial manual, a memorandum outlining the case, orientation materials, and a briefing in a judges' orientation.

In the event of an emergency (i.e., sudden illness, etc.), if a judging panel member must leave the courtroom or the virtual competition platform, the presiding judge will call for a brief recess and assess whether the judging panel member will be able to return in a reasonably short period of time. If the judging panel member is unable to return to the courtroom or virtual competition platform in a reasonably short period of time, the dispute resolution committee must be informed. Once the panel composition is adjusted by this committee to best meet the requirements of the rules, the round should continue. During any recess under this rule, the teams, whenever possible, should remain in their appropriate positions within the courtroom or in the virtual competition platform until the round resumes.

If the technical or other emergency impacts the presiding judge, a scoring judge may serve as the presiding judge unless otherwise provided by the State Advisory Committee.

Rule 5.2. B Conflicts Between Judges and Teams

The State Coordinator recognizes that conflicts of interest between judges and participants may arise. This program requires extensive volunteer support, and it is assumed all participants will make every effort to identify potential conflicts. The sole discretion for determining whether a judicial conflict exists is vested in the State Coordinator or its designee. The following criteria will be considered:

1. A judge shall notify the State Coordinator, or its designees, when assigned to a trial round when the judge has an obvious or egregious conflict with either team involved in that trial round. Examples of an obvious or egregious conflict include where the judge is a coach of one of the teams, is a relative or close friend of a competing student or one of the team's coaches, or the circuit coordinator for either team.
2. A judge may be excused if that judge or his or her family members attended one of the schools competing or has a personal friendship with a team advisor or parent. However, in the case of such potential conflicts, it is within the discretion of the State Coordinator or its designee to determine whether such a conflict exists.
3. A situation where the judge recognizes a team advisor or student/parent through professional acquaintance or through participation in mock trials in years previous will not ordinarily be considered to be a conflict, unless there is a closer relationship of the kind that would prevent the judge from fairly scoring a round. Mere recognition of a team or its members is not a basis for disqualification absent a more significant conflict.

A judge who becomes aware of a conflict prior to or during a trial should notify the State Coordinator as soon as possible. If the judge was not aware of the conflict until after he or she has completed the scoresheet, it is left to the discretion of the State Coordinator to determine whether to disqualify the juror.

The State Coordinator will take reasonable steps to avoid any conflict between judges, teams, coaches and coordinators or sponsors of teams. In all such cases, however, the State Coordinator or its designee reserves the right to permit a judge to participate in a trial if there are no reasonable alternatives.

Rule 5.2.C Disqualification of Judges

The State Coordinator, or its designee, has discretion in cases involving juror irregularity to disqualify a scoring judge's score sheet.

Rule 5.2.D Process Following Disqualification of a Ballot

If a scoring judge's ballot needs to be disqualified following the conclusion of a round, the State Advisory Committee will ensure that the minimum number of qualified ballots for a competition round, as based on the Rules of Competition, are completed.

If two ballots need to be disqualified following the conclusion of a round, if there are two legal ballots remaining and those ballots agree on the winning team of the round, a third ballot will be generated consisting of the average total score of those two ballots. This third ballot will be used as the official ballot for power matching purposes.

If two ballots need to be disqualified following the conclusion of a round, if there are two legal ballots remaining and those ballots do not agree on which team won the round, the following process will be employed:

1. An average of the total points on the two valid ballots shall be generated, and the winner on points of that average ballot shall be deemed the winner of the trial.
2. If the average ballot is tied, the tie shall be broken by highest average score in the closing argument category. If the ballot remains tied, that tie shall be broken by the highest average score in the opening statement category. Should the ballots remained tied, following procedures will be determined by the State Coordinator, or its designee(s).
3. This third ballot shall be used for all power matching purposes.
4. In all cases where the averaging of two ballots above results in a score that is not a whole number, the score shall be averaged by rounding up to the nearest whole number.

Rule 5.3. Score Sheets/Ballots

The term "ballot" will refer to the decision made by a judge as to which team made the better presentation in the round. The term "score sheet" is used in reference to the form on which points are recorded. In any one round, a combination of presiding and scoring judge ballots may be used. Scoring judges are not bound by the rulings of the presiding judge. The team that earns the highest points on an individual judge's score sheet is the winner of that ballot. Unless otherwise provided under these Rules, the team that receives the majority of the ballots wins the round. The ballot votes determine the win/loss record of the team for power-matching and ranking purposes. The judging panel should not deliberate on individual scores.

Rule 5.4. Completion of Score Sheets

Throughout the trial, including the championship round, judges will complete appropriate scoresheets/ballots as determined by the Rules of Competition and the State Coordinator. **NO TIE IS ALLOWED IN THE TOTAL POINTS BOXES ON ANY INDIVIDUAL SCORE SHEET.**

In the event of a mathematical error in tabulation by a judge, the scoring room will correct the error.

Rule 5.5. Team Advancement

Teams will be ranked based on the following criteria in the order listed:

1. Win/Loss Record - equals the number of rounds won or lost by a team;
2. Total Number of Ballots - equals the number of scoring judges' votes a team earned in preceding rounds;
3. Total Number of Points Accumulated in Each Round;
4. Point Spread against Opponents - the point spread is the difference between the total points earned by the team whose tie is being broken less the total points of that team's opponent in each previous round. The greatest sum of these point spreads will break the tie in favor of the team with the largest cumulative point spread.

Rule 5.6. Power Matching/Seeding

Pairings for the first round will be determined by random draw. A power-match system will determine opponents for all other rounds. The two teams emerging with the strongest record from the four rounds will advance to the final round. The first-place team will be determined by ballots from the championship round only.

Power matching will provide that:

1. All teams are guaranteed to present each side of the case at least once;
2. Subject to Rule 5.6.6 below, the ranking of teams for purposes of power matching shall be in the order of:
 - a. Total matches won;
 - b. Number of ballots won;
 - c. Total points scored in all rounds to that point;
 - d. Total margin of victory in all rounds to that point.
3. To the greatest extent possible, teams will alternate side presentation in subsequent rounds. Subject to Rule 5.6.6, below, the team with the highest seed in the bracket will be matched with the team with the lowest rank in the bracket, the team with the next highest rank in the bracket will be matched with the team with the next lowest rank in the bracket, and so forth, until all teams are paired.
4. If there is an odd number of teams in a bracket, the top-ranked team from the next lower bracket will be "pulled up" into the higher bracket to create a bracket with an even number of teams. Pairing will occur normally from that point.
5. To the greatest extent possible, teams will not meet the same opponent twice;
6. Choice of side of the case
 - a. The choice of sides in Round 1 shall be random.
 - b. To the greatest extent possible, consistent with the following rules, teams will alternate side presentations in subsequent rounds.
 - c. After Round 1, teams will be paired within a bracket to allow for the greatest number of teams within the bracket to play the opposite side that they played in Round 1.
 - d. After Round 2, any team that has not switched sides will play the side that it has not yet played.
 - e. After Round 3, with the exception of the bracket of 3-0 teams, teams shall be paired within each bracket such that as many teams as practicable have competed twice on each side of the case, except that no team shall be moved more than two slots in the ranking.
 - f. After Round 3, subject to Rule 5.6.5, the teams in the 3-0 bracket shall be strictly paired in accordance with their ranking. Where a team that has competed twice on the plaintiff/prosecution side is matched against a team that has competed twice on the defense, the teams shall be assigned sides such that they each have competed twice on each side. Otherwise, the determination of sides shall be random.

Rule 5.7. Selection of Sides for Championship Round

In determining which team will represent which side in the Championship Round, the following procedure shall be used:

1. If one team represented the plaintiff/prosecution or the defendant three times prior to the Championship Round, then that team will represent the side which they represented only once in the competition, unless the other team also

represented that same side three times. In all other cases, a drawing of a prosecution or defense roles will determine which team will represent which side.

2. If the teams competed against each other at any stage of the competition, the teams will switch sides for the Championship Round.

Rule 5.8. Odd Number of Teams Participating in State Competition

A “bye” becomes necessary when an odd number of teams are participating in any given round of the tournament. It is the intent of the Florida High School Mock Trial Championship to avoid byes where possible. To avoid having an odd number of teams to start the state championship, the State Coordinator, upon determining that an odd number of teams have registered, will invite an additional team to participate.

In the event of a circumstance resulting in an odd number of competing teams, the following procedure will apply:

1. The team drawing the “bye” (no opponent for a single trial round) in rounds two through four will, by default, receive a win and three ballots for that round. For the purpose of power-matching, the team will temporarily be given points equal to the average of its own points earned in its preceding trials. At the end of the fourth round, the average from all three actual trial rounds participated in by the team will be used for the final points given for that team’s bye round.

For example, a team receiving a bye in round three would receive three ballots and an average of its points earned in rounds one and two. At the end of the fourth round, however, the points actually awarded to the team for the bye round will be adjusted to take into consideration the fourth-round performance of the team.
2. A team receiving a bye in round one will be awarded a win, three ballots and the average number of points for all round one winners. The team total will be adjusted at the end of each round to reflect the actual average earned by that team.

DISPUTE RESOLUTION

Rule 6.1. A Material Rules Violation – Disputes at the Conclusion of the Trial – In-Person Competitions

At the conclusion of each trial, the presiding judge should 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.

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. Students will use the Material Rules Violation Form as provided in the case materials 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 competing team members from that round.
- 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 competing team members in preparing the Material Rules Violation 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. The presiding judge will record the reasons for his/her decision on denying or granting the dispute on the Material Rules Violation Form, no further announcement is necessary. The presiding judge should then dismiss everyone except for judges in the courtroom while the judges prepare for critique.

Rule 6.1. B Disputes at the Conclusion of the Trial – Virtual Competitions

The foregoing rules shall also apply in virtual competitions, except that students shall not complete a Material Rules Violation Form. Instead, students shall have two minutes to prepare an argument regarding their dispute in consultation with coaches and team members, and the presiding judge shall take notes regarding the nature of the dispute and the arguments presented by each team.

Rule 6.2. Effect of Violation on Score

After hearing the teams' arguments, the scoring judges may or may not account for their view of the alleged material rules violation dispute in their scoring. The presiding judge's determination of the dispute is not binding on the scoring judges.

Rule 6.3. A Disputes After the Conclusion of the Trial – In-Person Competition

Disputes which could not have been brought to the attention of the presiding judge may be brought to the attention of the State Coordinator by teacher or attorney coaches exclusively. Such disputes must be made in writing using the Other Competition Dispute Form. This form must promptly be given to the State Coordinator, or its designee(s), and may be presented at any time throughout the State Competition. The form will be taken to the tournament's communications center, whereupon a dispute resolution panel will take the form under advisement.

The dispute resolution panel will determine appropriate next steps and may assess penalties if warranted.

The dispute resolution panel will be designated by the State Coordinator.

Rule 6.3. B Disputes After the Conclusion of the Trial – Virtual Competition

The foregoing rules shall also apply in virtual competitions, except that the State Coordinator, or its designee(s), shall, in consultation with the Host, designate in advance of competition a mechanism for submission and resolution of disputes.

CIRCUIT COMPETITIONS

Rule 7.1 Power Matching/Seeding

The State competition power matching and seeding system is optional for use during circuit competitions.

Team advancement procedures will be the responsibility of circuit coordinators. Circuit coordinators should contact the Justice Teaching Center for approved alternate models.

All circuits must use the Florida High School Mock Trial Rules of Evidence.

Score Sheets And Forms

Score Sheet/Ballot

Prosecution/Plaintiff: _____

Defense: _____

Courtroom: _____

Round: _____

Evaluators: Using the scale 1 (lowest) to 10 (highest), rate P and D attorneys and witnesses in the categories below. Please do not use fractions. NO TIE SCORES (No individual evaluator's score sheet may result in a tie.) *Please do not announce results of the trial.*

Prosecution/Plaintiff		Defense	
Opening Statement		Opening Statement	
P's Attorney	Direct Examination	D's Attorney	Cross Examination
P's Witness 1	Witness Performance - Direct		
	Witness Performance - Cross		
P's Attorney	Direct Examination	D's Attorney	Cross Examination
P's Witness 2	Witness Performance - Direct		
	Witness Performance - Cross		
P's Attorney	Direct Examination	D's Attorney	Cross Examination
P's Witness 3	Witness Performance - Direct		
	Witness Performance - Cross		
P's Attorney	Cross Examination	D's Attorney	Direct Examination
		D's Witness 1	Witness Performance - Direct
			Witness Performance - Cross
P's Attorney	Cross Examination	D's Attorney	Direct Examination
		D's Witness 2	Witness Performance - Direct
			Witness Performance - Cross
P's Attorney	Cross Examination	D's Attorney	Direct Examination
		D's Witness 3	Witness Performance - Direct
			Witness Performance - Cross
Closing Statement		Closing Statement	
Ethical Conduct		Ethical Conduct	
Team Performance		Team Performance	
Total		Total	

Judge's Signature

Judge's Last Name

Florida High School Mock Trial Competition

EXPLANATION OF RATINGS USED ON THE SCORE SHEET/BALLOT

Participants will be rated in the categories on the ballot on a scale of 1-10 points (10 being the highest), according to their roles in the trial. The Scoring Judges are scoring **STUDENT PRESENTATION** in each category. The Scoring Judges are **NOT** scoring the legal merits of the case. Each category is to be evaluated separately and fractional points **ARE NOT** to be awarded. One team **MUST** be awarded more total points than the other. The team winning the majority of the ballots shall win the round.

Judging panels also may recognize outstanding individual presentations by selecting one **MOST EFFECTIVE ATTORNEY** and/or one **MOST EFFECTIVE WITNESS** per round. This is a decision made by individual judges.

Judges may **NOT** disclose the score sheet/ballot results or the identities of the Most Effective Attorney and/or Witness to anyone other than the mock trial coordinator. Sign your score sheet/ballot before turning it over to the presiding judge on your panel. **DO NOT ANNOUNCE SCORES OR RESULTS TO THE TEAMS DURING THE CRITIQUE!**

POINT(S)	PERFORMANCE	CRITERIA FOR EVALUATING STUDENT PERFORMANCE
1-2	Not Effective	<ol style="list-style-type: none"> 1. Exhibits lack of preparation/understanding of the case materials. 2. Communication unclear, disorganized, and ineffective. 3. Unsure of self, does not think well on feet, depends heavily on notes.
3-4	Fair	<ol style="list-style-type: none"> 1. Exhibits minimal preparation/understanding of the case materials. 2. Communication minimally clear and organized but lacking in fluency and persuasiveness. 3. Minimally self-assured but lacks confidence under pressure.
5-6	Good	<ol style="list-style-type: none"> 1. Exhibits adequate preparation/understanding of the case materials. 2. Communications are clear and understandable but could be stronger in fluency and persuasiveness. 3. Generally self-assured, reads from notes very little.
7-8	Excellent	<ol style="list-style-type: none"> 1. Exhibits mastery of the case materials. 2. Communication is clear, organized, fluent, and persuasive. 3. Thinks well on feet, poised under pressure, does not read from notes.
9-10	Outstanding	<ol style="list-style-type: none"> 1. Superior in qualities listed for 7-8 points' performance.

Florida High School Mock Trial Competition
PRESIDING JUDGE BALLOT

Plaintiff: _____
(Team Code)

Defense: _____
(Team Code)

Round#: _____

Please make your decision, offer some written comments, and hand in this score sheet as soon as possible. Thank you for participating.

I. Performance Evaluation - MANDATORY

Performance Decision: In my opinion the better mock trial performance was shown
by the

PROSECUTION / DEFENSE (Circle One)

This is a team performance score based on the clarity and effectiveness of arguments presented and the professional demeanor exhibited by team members. This is **not based on the legal merits** of a case, but rather the guidelines set forth in the Explanation of Ratings.

Note: Do not announce your performance decision.

II. Comments

Judge's Signature & Date

Florida High School Mock Trial Competition
MOST EFFECTIVE ATTORNEY FORM

(This form may be completed by all judges.)

Date of Competition Round

Team Code

Round

ATTORNEY

I wish to award the following team member the title of
MOST EFFECTIVE ATTORNEY
For this round:

Name of Team Member from Team Roster

Plaintiff's Attorney or Defense's Attorney
(Circle One)

Judge's Signature

Florida High School Mock Trial Competition
MOST EFFECTIVE WITNESS FORM

(This form may be completed by all judges.)

Date of Competition Round

Team Code

Round

WITNESS

I wish to award the following team member the title of

MOST EFFECTIVE WITNESS

For this round:

Name of Team Member from Team Roster

Plaintiff's Witness or Defense's Witness
(Circle One)

Judge's Signature

Florida High School Mock Trial Competition
LEGAL PROFESSIONALISM AWARD BALLOT

Teachers: Please complete this ballot as your official recommendation for the Legal Professionalism Award. Only one entry per school will be accepted. You may wish to discuss with your students their feelings about the professionalism, spirit, and ethical conduct of other teams to aid in your decision. Please refer to the definition and quotes about professionalism.

Teams should NOT nominate themselves.

Recommendation #1: _____

Comments:

Recommendation #2: _____

Comments:

Submitted By: _____

School: _____

District: _____

Signature: _____

Florida High School Mock Trial State Competition

Team Member / Student Release Form

To be completed by/for each team member

I hereby grant and assign to the Justice Teaching Center for Civic Learning at Florida Southern College, its agents, designees, successors, or its clients, title and interest to video and photographic reproductions of below named student and consent that such footage and photographs may be used in the educational and promotional materials of Florida Southern College and the Justice Teaching Center for Civic Learning.

In giving this consent, I release Florida Southern College, its nominees and designees from liability for any violation of any personal and proprietary right I may have in connection with such reproduction or use.

I am the parent or legal guardians of the minor named below and have the legal authority to execute the above consent and release. I approve the foregoing.

Student's printed name: _____

Signature (parent/guardian): _____

Address: _____

Phone: _____

Email: _____

Date: _____ **Team / School Name:** _____

Teacher Name: _____

Florida High School Mock Trial Competition
COMPLAINT FORM

(Please Print)

Date: _____

Person Lodging Dispute/Complaint: _____

Affiliated With: _____ **(Enter Team Code Only)**

Nature of Dispute/Complaint:

NOTE: This form may be used to inform the Mock Trial Coordinator and Advisory Committee of any disputes or recommendations relating to the competition including complaints regarding judges. Please be specific regarding the nature of the dispute. This form in **no way** replaces the dispute resolution process as outlined in the rules.

Signature

****Return to Box at Information Desk in Courthouse****

Florida High School Mock Trial Competition
MATERIAL RULES VIOLATION FORM

Date: _____

Round (*Circle one*)

1 2 3 4 Final

Plaintiff: _____
(Team Code)

Defense: _____
(Team Code)

TEAM LODGING DISPUTE: _____
(Team Code)

Grounds for Dispute:

Initials of Team Spokesperson: _____

Response of Opposing Team:

Initials of Opposing Team's Spokesperson: _____

Presiding Judge's Notes from Hearing/Investigation:

This form must be returned to the Mock Trial Coordinator along with the score sheets of the Scoring Judges and the ballot of the Presiding Judge.

Signature of Presiding Judge

Mutual Agreement for Trial Round Videotaping by Team(s)

This form is optional and not required.

If a team wishes to record audio, videotape, or take photographs during a trial round at the State Competition, the teacher or attorney coaches of the teams competing along with the presiding judge of that trial round must sign this form.

The team wishing to record should ensure all members of the opposing team have agreed to the recording, this will be indicated by the signature of the opposing team's teacher or attorney coach. This form is good only for one trial round. If both teams wish to record, only one form must be submitted for that round.

This form should be filled out by teams prior to the start of the trial. Once the trial begins a student attorney (from the team wishing to record) should seek permission from the presiding judge to record during preliminary matters. The presiding judge may elect to allow or not to allow the recording of a trial round regardless of whether both teams have completed this mutual agreement.

If the presiding judge permits the recording of the round, the student attorney may ask to approach the presiding judge to sign the form. The form should remain in the hands of the presiding judge who will then submit it to the State Coordinator, or its designee(s), at the conclusion of the trial round.

If recording is permitted, only one individual per team may record. Under no circumstances may the recorder be inside the bar or in the jury box. The recorder may not move around the courtroom during the trial. Should the recording of the trial round distract from the contents/testimony of the trial, the recorder will be directed to end the recording immediately.

If the presiding judge does not permit the recording of the round, teams are **not** allowed to record audio, videotape, or take photographs during the trial round.

Teams must always remain in compliance with Rule 4.14 Videotaping/Photography in the Rules of Competition. **This form does not give teams permission to post share, or otherwise disseminate any recording of any round of the State Competition.** The purpose of recording a trial round must be only for internal, team coaching.

Teams must submit this agreement to the presiding judge or bailiff. The presiding judge or bailiff must then submit this agreement to the State Coordinator, or its designees.

Round Number (Circle One): 1 2 3 4 F	Date:
Team Code of Plaintiff: 	Team Code of Defense:
Team Requesting to Record: <i>If both teams wish to record, write "Both"</i> 	
Signature of Plaintiff Team Teacher: 	
Signature of Defense Team Teacher: 	
Signature of Presiding Judge: 	