# Hosting Online Trial Competitions

*Proposed Model Rules, Best Practices, and How-To-Tips*



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1. **Introduction**

Each of our law schools has now run an online trial competition and is planning to run additional online trial competitions this Fall. We've gotten a chance to see what works and what doesn't, and we've given a lot of thought to how online competitions can strike a balance involving equity, enforceability, and efficiency. We put together this Resources Guide to help other schools run their own competitions and to help ensure the best educational experience for all of our students. We thank Liz Boals, Susan Poehls, A.J. Bellido de Luna, David Schott, and Hon. Jim Roberts for their help reviewing this guide.

First and foremost, *this is doable.* If you've been running an in-person competition for years and you're nervous about whether you can successfully run one online, don't worry: you can. We did, and now there's a blueprint.

Second, **some aspects of running online competitions are actually easier**. You don't need a courthouse (or to worry about keeping it pristine); you don't have to deal with catering; you don't need to negotiate hotel block rates. We also found judge recruitment to be easier, and certain aspects of tabulation are easier (you won't have to ask, "is that a 7 or a 9?").

Third, some aspects of running online competitions require **more planning** than in-person competitions. You will need to prepare pairings, Zoom links, and judge assignments further in advance. You will need to rethink and revise your tournament rules. You will need to (re)train your judges.

Finally, while there is no one right way to run online tournaments, we do believe there are some **best practices**. We've tried to capture those here. In some cases, there are multiple options, and we've tried to identify the benefits of each.

We hope you find this helpful. Please let us know if you have any questions -- or ideas. We intend to update this guide as we, and others, learn more about online competitions.

Good luck!

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## 2. Summary

Here are our recommended competition rules. The key principles are wide latitude for teams to choose their setups and equipment, everyone competing in separate rooms, more permissive rules about premade demonstrative aids, specific rules about when each person's audio and video can/must be on, and shorter trials.

We've broken down some of the choices hosts will need to make about how to set up their Zoom courtrooms and how to administer the trials.  In some cases, we think there are clear best practices: judges should use gallery view for exams and speaker view for openings and closings; attorneys should be muted except when performing; use bailiffs in each trial; etc. , In other instances, we explain which features will work best depending on the size of your tournament staff, the number of participating teams, and your comfort with certain technology. We discuss the choices of: breakout rooms versus separate Zoom rooms; webinar format or standard Zoom meetings; whether and when to livestream and record; who appears on screen during different parts of trial; whether to use bailiffs; and the views/modes your judges should be taught for the best evaluative experience.

We recommend holding all judge orientations before the tournament weekend and teaching judges how to use Zoom. This guide includes example training videos and example scripts for presiding judges.

Hosts will need to replace paper ballots with electronic ballots. This guide explains how to create Google Form ballots (or use email if you prefer).

In addition to the traditional information (teams and courtroom number), pairings will need to include the Zoom link and other information. We recommend pre-matching all trials where possible, but we also include some suggestions for hosts who opt to power-match.

We have some advice for case writers as they adjust to the Zoom format: limit the legal claims/charges so evidence can be presented in less time; take advantage of the online format by including lots of photos and other media exhibits; and store materials in an electronic notebook that will be accessible to competitors and judges.

Finally, we include some resources for competing teams, including technology advice.

## 3. Recommended Competition Rules (and Rationales)

We drafted these as proposed rules that you are welcome to copy-and-paste for your own competition. For each, we have included our rationale as a footnote.

1. Each party has 60 minutes[1] to examine witnesses, deliver opening and closing, argue motions, and read depositions or other evidence to the jury. The clock stops for objections.[2]

2. Teams may use any technology[3] except teleprompters or other script-scrolling apps/devices.[4]

3. Teams may set up their physical spaces however they like[5] except they may not have (a) virtual backgrounds[6] or (b) anything on screen that identifies their school, state, or region.

4. Witnesses must sit while testifying (unless given permission to stand by the presiding judge). Advocates may choose whether, and when, to sit or stand.[7]

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[1] Most in-person trial competitions provide more time. But Zoom trials *feel* longer for judges. Attention spans wane. And the longer the trial, the greater the chance of connectivity problems.

[2] Some competitions increase the time limits but don't stop the clock for objections. This incentivizes teams to make frivolous objections just to consume their opponents' time, and it leaves teams vulnerable to presiding judges whose behavior lengthens trials unnecessarily.

[3] Different teams will prefer different approaches to cameras, microphones, and lighting. We view these as advocacy decisions that teams should be free to make for themselves. Some may worry that this could unfairly advantage schools with larger budgets, but the online events conducted so far suggest otherwise. Collectively we have hosted five online trial advocacy tournaments since April: none of the winners had the fanciest technology; and many teams/competitors with fancy tech did not fare particularly well. **If a host nonetheless feels it necessary to limit cameras, we recommend this rule: "Teams may use any technology they wish, except no competitor may use (1) teleprompters or other script-scrolling apps or devices or (2) more than one *external* camera and one *internal* computer camera."** This allows every student to change cameras if/when they stand without creating significant financial advantages.

[4] This prohibition is less about fairness (judges will likely be able to tell if students are reading from a teleprompter) and more about education (teleprompters deprive students of real world trial skills).

[5] When online competitions began this Spring, many (including us) feared that students with access to courtrooms or other professional space would have an advantage. Collectively we have hosted five online trial advocacy tournaments since April, and students in courtrooms have, on average, scored no better than students in homes or offices.

[6] Virtual backgrounds use tremendous bandwidth, which can cause lag and or disconnections.

[7] Different judges/evaluators have different preferences. This is an advocacy decision.

5. Teams may have one additional student on their roster to serve as a trial technician responsible for technology needs, such as display of exhibits. Teams may also assign those responsibilities to one or more of the other rostered members.[8]

6. No students may compete in the same room with each other or in the same room as a coach.[9]

7. An electronic notebook of all case materials will be provided to presiding judges and witnesses. Advocates should authenticate exhibits, impeach, and refresh recollection by reference to the electronic notebook.[10]

8. *If witnesses provided by the host:* The host will provide names and contact information for witnesses but will not provide Zoom rooms or otherwise coordinate woodshedding.[11] Teams may communicate with their witnesses however they wish (Zoom, phone, etc.). Woodshed is limited to 20 minutes.[12] Advocates may provide witnesses materials, but witnesses may not retain those materials after woodshed. No communication may occur after woodshed, except if the judge provides leave to educate a witness about the result of a motion in limine.

9. *If teams provide their own witness:* While a witness is testifying, no one may communicate with them privately (e.g., no coaching your witness by text message). Otherwise, during trial advocates may communicate with party witnesses at any time and with non-party witnesses only during the recess.[13]

10. While a witness is testifying, no one may communicate with them privately.

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[8] A trial technician roster spot allows advocates to focus on their performances. But we also recommend this position be optional. Some teams may be unable to recruit additional students, and some teams may prefer that their advocates (or non-testifying witnesses) display exhibits.

[9] Being in the same room as one's co-counsel is undeniably an advantage. Some schools may prohibit gatherings; some students may be attending school remotely, hundreds of miles from teammates; some students may be unable to share space with a teammate because of their own health or the health concerns of their family or housemates. This rule attempts to level the playing field. **If the host learns that *all* participants have the ability to be in the same room, then the host may want to waive this rule.**

[10] We have found this to be the cleanest way of dealing with exhibits that have not been admitted. Of course, once exhibits are admitted, screen sharing is usually the best approach.

[11] This is one less thing for a host to worry about and something teams can easily coordinate on their own.

[12] Though typically 15 minutes, this accounts for time spent logging into Zoom or other connection issues.

[13] This mirrors real life. An attorney can always communicate with a witness sitting next to them at counsel table but can only speak to other witnesses during a recess.

11. During trial, team members may communicate only with each other, judges, the opposing team, and tournament officials. They may not communicate with coaches or anyone else.[14]

12. Teams may create demonstrative aids during trial (e.g., timelines on a flipchart). Teams may also use demonstrative aids that were created before trial (e.g., PowerPoint charts, timelines, case exhibits with callouts, highlights or other emphasis) as long as they are displayed electronically and disclosed to opponents at least 30 minutes before trial.[15] Nothing in this rule permits to create new exhibits or evidence.

13. Advocates must mute their audio except when performing. If an attorney wishes to raise an objection, she must unmute their audio to do so.[16]

14. During appearances, all advocates must have their video on. During and housekeeping motions in limine, only the attorneys addressing the issues at that time should have their video on. During speeches, only the two attorneys giving that particular speech should have their video on (e.g., during the Plaintiff opening, both the Plaintiff opener and Defense opener should have their video on). During witness examinations, only the two attorneys examining that witness should have their video on (e.g., during the direct examination of the police officer, both the prosecutor directing the witness and defense attorney who will later cross the witness should have their videos on).

15. Witnesses should have their audio and video on only when testifying.

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[14] We realize this will be difficult to enforce. But it's nonetheless a bedrock rule that emphasizes the education and fairness at the heart of trial competition.

[15] For in-person competitions, equity often leads hosts to prohibit premade demonstratives and limit the number of enlargements. They are expensive to produce and, for nonlocal teams, expensive and difficult to transport. But those concerns don't apply online. Anyone with PowerPoint or free similar software can create appealing demonstrative aids. In fact, there is strong educational value in this approach, as students will likely need trial technology in their eventual legal practices, whether in-person or online.

[16] In Speaker View, judges will see on screen the person whose computer is detecting sound at that moment. So if the plaintiff is opening and the defense opener has their audio on, background noise from the defense opener will put the defense opener on the judges' screen, interrupting the plaintiff opening. We recommend everyone have their audio off unless speaking; attorneys can turn on their audio to object.

### 4. Judge Recruitment and Training

*Recruitment*

Judge recruitment for in-person competitions can often be time-consuming. The good news is that we found it less time-consuming to recruit judges for online competitions. We think this was true because we were able to use a larger recruitment pool (not limited by geographical location), judges are more likely to participate when they are not required to leave the comfort of their own home, and for the last few months many people haven't had much going on outside of working from home and taking care of family.

We have a few recommendations for recruiting judges for online competitions. First, consider expanding your recruitment pool to attorneys who are outside of your geographic area. You may be able to include alums who moved after law school but would enjoy judging remotely. Second, emphasize in your recruitment emails that the time commitment is shorter (either because the trials are shorter than usual) or because they will only need to attend one judge presentation.

*Training*

Just like with in-person competitions, you will need to hold a judge training. Most in-person competitions have judge orientations immediately before each trial.

For online competitions, we recommend training judges *before* the day they are scheduled to judge. Baylor, Drexel, and UCLA all held their judge orientations 5-10 days before the competition. This has multiple benefits. Training judges before they are scheduled to judge reduces the overall time they are on Zoom in one sitting and lessens the likelihood of Zoom fatigue. It means that judges who judge multiple trials can avoid sitting through multiple orientations. And it gives you more certainty as a host: judges who take the time to attend the orientation a week beforehand are far less likely to cancel or no-show on the day of the event since they've already invested the time. At Trial by Combat, for example, our no-show rate during the tournament weekend was about 2%. Basically, everyone who attended the training ended up judging.

Judge training can be done with a prerecorded video emailed to judges or a synchronous training session. A prerecorded video allows you to perfect your presentation. A synchronous presentation permits Q&A, lets you see who has attended, allows you to integrate the judges into the training (e.g., sending judges to breakout rooms). We recommend requiring all judges to view or attend the training in order to judge. This is a new format for judging, so all judges will

need instruction. Here is some recommended content for judge trainings involving online competitions:

**Laptops or desktops are best for judging, and phones are worst:** Laptops/desktops have the most Zoom functionality. Plus, their larger screens make it easier to pull up your ballot while watching trial. Tablets have less Zoom functionality (e.g., you can't use Side-by-Side mode) than laptops. Phones have very limited Zoom functions.

**Choose a quiet place and stable internet connection:** This one is obvious, but worth the reminder.

**Screen names (when signing in):** You may want to instruct judges on how to change their names in Zoom. You may want all judges to identify themselves as a scoring or presiding judge. If you are using breakout rooms, we strongly recommend asking the judges to list their courtroom letter or number at the beginning of their screen name to make it easier to assign everyone to the correct breakout room.

**Appropriate views and settings:** If you would like judges to use specific views and settings throughout the trial, you should instruct them on how to use those views and settings. This includes muting audio/video, gallery/speaker views, hiding non-video participants, and side-by-side mode. We recommend not just telling the judges how to operate Zoom, but showing them through a demonstration. You may also consider asking the judges to follow along and change their settings as you take them through the demo.

**Online Ballot:** During the judge training, we recommend showing the judges the ballot they will be using and showing them how to fill out and submit the ballot.

**Post-Round Feedback:** Top Gun did not allow judges to give comments. Trial by Combat allowed judges to give one comment overall and provided a space for written feedback on the ballot. While every tournament will likely handle comments differently, we agree that the fewer comments, the better. At Trial by Combat we instructed judges that our bailiff would mute their video if they provided more than one comment. 😀

*Links to our Judge Orientations*

- Baylor's orientation for scoring judges (pre-recorded):
  https://www.youtube.com/watch?v=MDnqepeGjGw&t

- Baylor's orientation for presiding judges (pre-recorded): https://www.youtube.com/watch?v=tyw9tcuJ21c

- Drexel/UCLA's orientation for all judges: https://youtu.be/9dKSWZ6scRg

## 5. Ballots and Tabulation System

You will need to find a replacement for the traditional ballots we all use for in-person competitions. Here are the two options we recommend.

### *Online Form Ballots*

We recommend an online form site, such as Google Forms. Judges type their names, enter their scores for each part of the trial, and click "submit." You can customize the form in very helpful ways. For example, you can restrict the scores a judge can enter (e.g., whole numbers 1-10) and label all questions as "required" so judges cannot submit incomplete ballots. Once submitted, the ballot can be set up to feed to a spreadsheet, such as Google Sheets. You can use the spreadsheet to aggregate the scores for each round, calculate results, determine standing, etc. If you or one of your tournament staff members is comfortable with spreadsheets, you can set up the spreadsheet to calculate basically all tournament results accurately and automatically.

This is the approach used by UCLA and Drexel for Trial by Combat (our collegiate version of Top Gun) and by UCLA and Fordham for their National Online Trial Advocacy Championship. It worked very well. You can see our ballot at the 20:02 mark in the UCLA/Drexel training video.

There are other online form sites (e.g., Survey Monkey, JotForm, Formsite), and some have advantages over Google Forms. But Google Forms is free, user friendly, and easily integrated with Google Sheets.

Here is an example of a simple online ballot that used Google Forms. To make one, follow these steps:

1. Go to Google Drive.
2. Click the New+ button to start a new document; choose More; and then click the purple Google Forms button. This will open what's called an Edit Form page.
3. Make your ballot! You can use different question types (short answer, drop down list, check boxes, etc.), add headers to help orient the judges, choose if each question is optional or required, and otherwise customize your ballot.
4. Click the Preview button in the upper right (it looks like an eye), and this will open a new page. **This is the ballot that judges will receive.** Copy the browser link in this "preview" page and send it to your judges.

Once judges submit their ballots, there are two ways to view their submission. First, on your original page (Edit Form), click Responses at the top of the page. This will show you all responses. But this is not the most efficient way to view what will likely be lots of ballots/results. So, instead, we recommend creating a spreadsheet. On that Responses page, click the green icon

to Create Spreadsheet. That will open a spreadsheet that contains all of the ballots submitted. From there, you can view the ballots, set up formulas to calculate winners, etc.

If there is interest, Justin will host a Zoom meeting on "How to Create an Online Ballot."

### *Email Ballots*

If you and your tournament staff want to avoid online forms, there is another option: You can distribute the ballot by email and have the judge return the ballot after the trial. The ballot can be an attachment (PDF or Word document), or it can simply be a table in the body of the email where judges type their scores and hit reply.

Baylor used the latter approach for Top Gun, and it also worked very well. Judges emailed their check-mark ballots to Robert Little. He entered the results -- winner and number of check-marks -- into a separate spreadsheet. And then he emailed out results shortly after each trial. You can see the ballot at the 12:15 mark in Baylor's judge training video.

The online form system referenced above has some significant advantages over an email ballot, particularly in a tournament where judges are assigning a dozen numerical scores instead of five check-marks. For one, manually transferring results from email to spreadsheet requires an extra (human) step, which increases the risk of error. It's also slower. That said, if you and your tournament staff are uncomfortable with online forms, email ballots are an easy, effective method of collecting results.

Whatever approach you adopt, may sure to test it and practice using it beforehand.

### 6. Pairings

Anyone who has run a tournament live and in-person is familiar with putting together pairings for that tournament and distributing them to the competitors. But there are additional considerations to take into account when conducting an online tournament, and we will discuss some of those considerations here, including: (1) how to get the pairings to the competitors; (2) what information needs to be included in those pairings; (3) whether your tournament should run all the rounds at the same time or whether there should be flights; and (4) whether all of your rounds should be pre-matched or whether you should include power-matched rounds for your tournament.

*Getting Pairings to Competitors*

One of the consistent themes of this article is that you should rely on old technology whenever you can, and email should be your ally when you're running an online tournament. So, when you're distributing the pairings for each round, whether that is being done at the beginning of the tournament or throughout the tournament, it should be done via email. This means that as part of your pre-tournament preparation you need to make sure that you have an email address for each team that is competing in your tournament where they would like all important updates and information sent, and you will need to make sure to instruct the teams that they will need to check that email account throughout the tournament for updates and pairings.

You may want to get a group chat going with the coaches at your tournament so that you can alert them when you've sent out the pairings or other important information. There are several ways to do this, such as GroupMe, but you can always use something as simple as a group text message on your phone. The bottom line is you need to be able to communicate with the teams and get them information so plan for that ahead of time and make sure you have backup plans. One reason we recommend email is that people will be in front of their computers anyway, so this should be the most convenient means of communication.

*What Information Needs to be Included in the Pairings*

Some of this is basic and obvious. The pairings need to include the team letters and what side each team is representing, which are things that would always be included on pairings at any tournament. But these pairings should also include some additional information. First, you should provide the teams with the phone number for either the bailiff or the presiding judge in their round. The bailiff or the presiding judge should be the person responsible for keeping the round running and stopping the round if there are any technological issues that necessitate pausing the action. Thus, in order for the teams to communicate with that person they should have their phone number, and the simplest way to communicate that is to just put it on the pairings where everyone will receive it.

Additionally, the link to the room where the round will take place needs to be included on the pairings or in a separate email. Assuming your competition is taking place via Zoom, the teams will need to know how to get into their designated Zoom room for the trial, and that means that you need to send them a link to that room. That doesn't have to be done on the pairings themselves. For example, during Top Gun, Baylor sent out an email to each of the competitors with the pairings for each day attached to it. On the pairings, the competitors were assigned to one of four courtrooms (Courtroom 1, Courtroom 2, etc.). Then, in the body of that same email, a table was attached showing the Zoom link and password for each of those rooms. It looked like this:

| Courtroom | Zoom Link | Password |
|---|---|---|
| Courtroom 1 | https://baylor.zoom.us/j/99737011040 | TOPGUN2020 |
| Courtroom 2 | https://baylor.zoom.us/j/99737011040 | TOPGUN2020 |
| Courtroom 3 | https://baylor.zoom.us/j/99737011040 | TOPGUN2020 |
| Courtroom 4 | https://baylor.zoom.us/j/99737011040 | TOPGUN2020 |

That way, each competitor knew what room they were assigned to based on the pairings and then they just had to click on the corresponding Zoom link in the body of the email.

No matter how you do it, we recommend that you provide the pairings, the Zoom link, and the name and phone number of either the presiding judge or bailiff.

***Simultaneous Trials versus Flights***

We recommend that tournaments hold all of their trials in each round at the same time (just as you would with an in-person tournament). This section explains why, but also provides an alternative.

For purposes of this discussion we will be talking about a sixteen-team tournament with eight preliminary rounds, which means that there are eight trials taking place during each of the four preliminary rounds. At standard, in-person tournaments, obviously every trial in each round would begin at the same time. But with online competitions, there are two potential issues with running all those trials simultaneously.

First, these online tournaments include teams from around the country, which means that there may be some teams in each of the four time zones across the United States. Thus, if you

start all of the rounds at the same time, the teams on the east coast might be starting at 9:30 a.m. EST, but the teams on the west coast are starting at 6:30 a.m. PST, which could lead to obvious competitive advantages and/or disadvantages. The opposite problem occurs if you start the trials too late, which push the second trial each day into a time slot that may disadvantage east coast teams.

Second, the more rounds you have going at any one time the more complicated things get and the likelihood that something could go wrong just goes up. This is not a big concern, but the fewer moving parts you have at any one time the lower the risk.

Top Gun handled this by separating each round into two flights. Flight A started at 9:00 a.m. EST, while Flight B would start at say 11:30 a.m. EST. But that means Flight B is starting at 8:30 a.m. PST, which is a more reasonable time for the west coast schools to be up and trying cases. When you do the pairings, place all the schools that are in the Mountain or Pacific time zones into Flight B by drawing their letters first out of a pot that includes only their team letters. Once that is done, the remaining schools can be drawn at random and assigned to either flight.

The flight approach worked really well for Top Gun, *but we do not recommend it for other tournaments.* It worked well for Top Gun because trials were short (one witness per side, lots of pre-admitted exhibits that didn't require foundation, and judges were told not to give post-round feedback). This made it feasible to schedule four trials per day. Baylor also wanted to keep things as simple as possible since this was the first live, synchronous online trial competition.

But after conducting several online tournaments, we are confident that it is completely feasible -- and preferable -- to run all the trials during any preliminary round at the same time, just as you would during a live, in-person tournament. Zoom is a very stable platform, and the biggest issue you will face is the strength of the competitors' internet connections, which we will address later in this article. So, there is no reason why eight rounds – or even more – could not be conducted at the same time. This means you and your volunteers won't be in front of your computers from dusk to dawn, and it's easier for competitors if there is a single schedule to track.

You will want to think about when those rounds should start to avoid disadvantaging teams on the west coast. If you start rounds at 9:00 a.m. EST, then that will certainly impact the performance of competitors on the west coast. At the same time, if you push it too far back and rounds run into the evening hours, then you may find it difficult to find judges who will give up their evenings to log on to a Zoom meeting for two or three hours. So, you just need to make sure to consider the different issues with the timing for each round.

### Pre-Matching Versus Power Matching

Let's start here: power matching is important, and if possible tournaments should have at least two power-matched preliminary rounds. (Power-matching, also known as power-pairing, is matching teams with the best records in previous rounds against each other.) Power matching rounds three and four at any tournament will make the tournament more challenging, more fair, will create a better educational experience for our students, and will help ensure that the best teams make it to elimination rounds. So, we want to make it clear that we support power matching rounds three and four whenever possible.

That being said, given the additional complexities of running an online tournament, we think that while power matching an online tournament is possible, the best practice is to pre-match all of the preliminary rounds for your online tournament. This is true for a couple of reasons.

First, online tournaments are new, and you will learn a lot while running your tournament online. You will also feel a lot of anxiety about running a tournament online. Pre-matching all of your rounds limits the number of things that can go wrong during your online tournament, it helps the tournament run on time, and it will lower your anxiety because you don't have to power match those last two rounds. This also allows you to focus on making the tournament as good as it can be for the competitors and the judges.

Second, pre-matching all the rounds means that you can also pre-match your presiding judges and scoring judges for each round to ensure that no teams see the same presiding judge or scoring judge more than once throughout the tournament. If you pre-match all of your rounds then you can set up all of your panels before the tournament as well, which means you can send out calendar invites and separate Zoom links to all of your judges and get everything ready to go before the tournament ever starts.

Given the new challenges introduced by hosting online tournaments, we think that pre-matching is the way to go, at least for 2020-21 (and hopefully we are back to in-person events after that!).

### How to Power Match an Online Tournament

Nonetheless, power-matching during an online tournament is doable. UCLA and Drexel power-matched Rounds 3 and 4 of Trial by Combat, and they were able to start all trials on time without any judge conflicts or other problems. So if you want to power-match some trials, here are our suggestions on how to make that work.

Most importantly, prepare completely clean panels of judges for any round you want to power match. If your judges for round three did not judge in rounds one or two then you can

pre-match them to Zoom courtrooms for round three because you know you will not have any conflicts. Then all that's left is to assign the teams to the courtrooms by sending them the appropriate Zoom links after you've power-matched. You won't have to worry about assigning teams to the "right" courtrooms because all of the judges are conflict-free; you can assign any team to any room. The same goes for Round 4: if your judges for round four did not judge rounds one, two, or three, then you can go ahead and pre-match them to Zoom courtrooms for round four because you know they won't have any conflicts. So, if you get completely clean panels for rounds three and four then it should make power matching much easier in an online format.

You can also avoid the challenges of power-matching by having the power-matched trials on a separate day. This gives you the evening/morning to power-match the trials, assign teams and judges, and distribute the Zoom links. Traditionally, tournaments are held on weekends, Friday through Sunday, so students will not have to miss too much class and presumably because of increased availability of courthouses. However, with online tournaments, there is no travel time, need for courthouses, or need for a student to miss classes to compete. Why can't a tournament be held over the course of an entire week with rounds starting in the evening? Why couldn't a tournament hold rounds one and two – the pre-matched rounds – on one day, but then hold rounds three and four – the power matched rounds – over the following two days, which would give you more time to pair those rounds, pair the judges to those rounds while avoiding conflicts, and send out invites to your judges giving them sufficient notice of when and where they'll be judging. At minimum, if you decide to power-match any preliminary rounds, make sure to schedule plenty of time (probably at least two hours) between rounds.

Bottom line: Pre-matching will make your life easier. But power-matching has benefits as long as you try to keep separate judge pools for power-matched rounds and think carefully about your schedule.

## 7. Zoom Courtrooms

There are several ways to configure your Zoom courtrooms, each with its own advantages and disadvantages. Here is a summary of your options, along with some suggestions.

### A. Separate Meetings v. Breakout Rooms

One Zoom limitation that we all dealt with is that it is difficult for any one person to host more than one Zoom meeting at a time. This means that you, as the tournament host, can not just set up four or eight different Zoom meetings to host all the trials that are taking place during each preliminary round. So, how do you solve this problem?

***Breakout Rooms***

One potential solution is to set up just one Zoom meeting and then use individual breakout rooms for the trials themselves. This would mean that all of the teams, judges, and bailiffs would enter into one Zoom meeting and then the host of that meeting would be responsible for sending them to the appropriate breakout rooms for their trials to take place.

The most obvious benefit of this approach is that you only need one Zoom meeting link and you only need one person (which Zoom calls the "Host") to oversee that Zoom meeting, which means there are fewer moving parts and you don't have to go searching for other Zoom account holders to host your meetings for you. But breakout rooms have other advantages, too. Using breakout rooms allows the Host to enter any trial, which is useful if you are checking on a protest, addressing a disconnection issue, or gauging how soon a trial will end. Breakout rooms also mean you can send a single Zoom link to every judge (and competing team) since everyone will be coming to the same Zoom room. Drexel and UCLA used breakout rooms for Trial by Combat without any hiccups.

Breakout rooms have significant drawbacks, though. First, one person has to move every advocate, witness, coach, judge, and bailiffs to their appropriate breakroom. With a standard 16-team tournament, that's more than 100 people. That is a lot for one person. It also creates problems if that person has connectivity issues. Second, the Host also has to be available at all times (or designate someone else as the Host) in case someone has a connection issue and needs to be reinvited to their breakout room. Third, using breakout rooms means participants will be kept waiting before trial. Professor Heller operated the breakout rooms for Trial by Combat. She was very adept with the technology and it still took about 15 minutes to assign all 100 participants. Zoom does allow you to pre-assign people to breakout rooms beforehand, which can save time during the event, but this doesn't work when judges sign in with a different email address than the one they provided you. Finally, breakout rooms don't permit livestreaming, though most tournaments won't want to livestream preliminary trials.

One tip if you decide to use breakout rooms: Once the participants receive their courtroom assignments, ask them to change their Zoom screen names to start with their courtroom number (e.g., "4 - Judge Gerry Powell). This will help the meeting host assign people to their breakout rooms much faster.

*Separate Zoom Meetings*

The other solution is to use different Zoom rooms/links for each trial. Your school likely has additional Zoom accounts, or you can borrow them from other faculty members.

Let's assume that you're going to have a bailiff host each round. About fifteen minutes before the round would start, the team members, the presiding judge, and the scoring judge would enter the waiting room for that Zoom meeting. The bailiff would then admit them to the room, and once all of the necessary people were in the room the bailiff would start the trial.

The most obvious benefit to this method is that each judge or bailiff only has to deal with the two teams and the judges that are in that one room, and you don't have to mess with breakout rooms at all, which just means things are simpler and there are fewer moving parts.

However, this also means that you have more meeting rooms, which means you will need to do more advance planning (so everyone gets the correct Zoom links) and there is always an increased risk of something going wrong.

*Bottom Line*

For most tournaments, *separate Zoom rooms are preferable*. They are easier to manage as long as you pre-match all trials and send the Zoom links to each judge and competing team. But if you have a smaller tournament, or if you don't have separate Zoom licenses, breakout rooms may work better for you.

### B. Standard Rooms v. Webinars

This Resource Guide assumes that everyone is using a standard Zoom meeting room. But there is an alternative called Zoom Webinar. This requires an additional license at additional cost, though many schools already have some Webinar licenses, so check with your school administrators to see if you have access to this feature.

While standard Zoom rooms are designed for meetings -- where everyone can see and hear each other -- Zoom webinars are designed for presentations -- where most people are silent audience members and a few people are speaking. In some ways, this better fits a trial competition because only a few people are speaking at one time (judge, advocates, witness) and some people (jurors) are just observing.

Unlike a standard Zoom room, where each person decides their own Zoom settings (Speaker View, Gallery View, etc.), in Webinars the Host chooses how the trial will look for every viewer. The Host can ensure that during opening statements only the advocate who is performing is visible and audible on everyone's computers. But when the Government calls its first witness, the Host can then change the settings so everyone sees the presiding judge, witness, and two advocates who will examine the witness.

Here's how it works. The Webinar puts all participants into two categories: panelists and attendees. Panelists can be made visible and audible to the attendees, but attendees are never visible or audible to the panelists. The Host can change a person's status from host to attendee, or vice versa, throughout trial. This is useful when sequestering witnesses or bringing in the jurors for post-trial feedback. The Host also chooses which panelists are visible and audible at any particular time. This is useful for making sure the judges are viewing and evaluating the right advocates at the right times.

At their best, Webinar setups might provide the best trial experience. They ensure every juror is seeing the same presentation. They take the pressure off judges to operate Zoom controls and change views throughout trial. They take the pressure off advocates to enable/disable their audio and video at the appropriate times. And they make it easy with respect to coaches and spectators: they can watch the trial as attendees, without risk of being recognized on camera or otherwise disrupting the trial.

There are two significant downsides to using Zoom Webinars instead of the standard Zoom rooms. First, the licenses cost additional money. Second, they require far more training and expertise by your bailiffs. In a standard Zoom room, the trial can run itself as long as competitors and judges have reasonable comfort with Zoom. But in a Webinar, the Host (bailiff) has to be present and focused all trial and very comfortable with Zoom controls.

If you use a standard Zoom room, we strongly recommend limiting attendees to the judges, bailiff, coaches, and competing students -- no spectators.  This will reduce lag and the chance of disruption. If you use the webinar format, though, it allows you to include attendees without the same concerns.

### C.  Live Streaming and Recording

During Top Gun, Baylor Law streamed every single round of the tournament on YouTube so that anyone could watch those rounds. Why did we do this? Because we wanted to give everyone a chance to see how and if this worked, and we wanted everyone in our community to get the benefit of seeing an online tournament before we all have to go compete in the fall. So, the question is, is that something that we should keep doing going forward? Should other tournaments continue to livestream all the rounds?

We think the answer is no. While watching those rounds provides a huge educational benefit for our community and our students, we have to recall that this is a competitive activity, and there is no question that livestreaming all of the preliminary rounds presents an opportunity for teams and coaches to scout their opponents, prepare for those opponents in unfair ways, and steal ideas. So, we think that livestreaming all of the preliminary rounds in future tournaments is a bad idea from a competitive standpoint.

But we do think that livestreaming the final rounds of these tournaments is a great idea. In final rounds, scouting is no longer a concern, and livestreaming allows the community -- and students' friends and parents -- to enjoy the trial. Baylor livestreamed its final round of Top Gun, and Drexel and UCLA livestreamed their final round of Trial by Combat. If you would like to learn more about how Baylor Law livestreamed its rounds, you can find that information online at https://www.baylor.edu/law/doc.php/358011.pdf.

While we discourage hosts from *livestreaming* preliminary rounds, we encourage everyone to *record* all trials. This creates an invaluable educational tool. Once the tournament is over, the host can post all the videos on a YouTube channel. The host can make each video public (so everyone can see them) or set them to "unlisted" (so only teams with the links to each video can see that video). We have a chance to create a massive repository of videos showing how online advocacy can be done, and that is an opportunity that we should not miss.

When you set up your Zoom meetings you can set them to record automatically, and you can then save those videos to be uploaded later on. We would encourage you to do so.If you decide to record the trials, we recommend including language in your rules, or getting a release from all participants, that permits you to use the recordings and still images for any purposes.

### D.  Trial Presentation: Video, Audio, View, and Mode

You will need to decide how each trial should look and sound. This means establishing who can have their audio and video, and when. It also means instructing the judges on what views to use when watching the trial. The recommendations below assume you are using

standard Zoom rooms, not Webinars. At the end of this chapter, we provide recommended for audio and video settings for Webinars.

### *Display*

Judges should be encouraged to watch the trial on their laptops or desktops. This will provide the best view and give them the most Zoom functionality. If that's not possible, a tablet is the next best option. Judges should not watch the trials on their phones, as phone provide the least detail and Zoom functionality.

Judges should be instructed to "hide non-video participants." This means that they will not see the participants -- advocates, witnesses, and judges -- who have turned off their videos, and it means that the participants whose videos are on will appear larger on their screens. This will allow judges to focus attention on -- and more clearly see -- the advocates they are scoring. You can do this by clicking the caret (^) next to the "stop video" button in the lower left; go to Video Settings and check the box for "Hide non-video participants."

Judges should be instructed to use Speaker View when attorneys are delivering opening statements or closing arguments. Speaker View displays the person who is speaking in almost full screen, and minimizes the videos of everyone else. This allows judges to focus on the advocate speaking.

At all other times -- especially during witness examinations -- judges should be instructed to use Gallery View. This puts multiple people on screen at once. For example, when a witness is testifying on direct examination, judges should be able to view four people at once: the witness, the directing attorney, the crossing attorney, and the presiding judge. This will allow judges to watch the dialogue between attorney and witness, and it also allows the judge to see everyone involved in an objection and subsequent argument.

You might also instruct judges to enable "Side-by-Side mode." This provides a different view when advocates display exhibits via screen-sharing. When someone shares their screen, the default Zoom function on judge's computers is to display the exhibit across nearly the entire screen and to display the speaker in a small box in the upper right corner. There is an alternative: Side-by-Side mode, which allows judges to resize the exhibit/video display so, for example, the exhibit and the advocate each occupy half the screen. Among the authors of this Resource Guide, we are split (pun intended) on which split-screen mode to use. Side-by-Side Mode provides a more even view of exhibit and advocate (or witness) at the same time. On the other hand, it's an extra instruction to give judges, and some people prefer the focus to be squarely on the exhibit when shared. We suggest you try both functions and decide how best to instruct your judges.

You can turn in Side-by-Side mode while *someone else* has shared their screen. Click the arrow next to the View Options button, and then click "Side-by-Side Mode," which should be the last option on the dropdown menu.

### *Screen Names*

You will want to adopt -- and announce -- screen name conventions for all participants. There is no single best "rule" for screen names but here are a few things to keep in mind:

- The presiding judge and bailiff (if any) should have screen names that reflect their roles ("Hon. Liz Boals" and "Bailiff"). This way participants know who to message in case of a problem.

- Advocates' screen names should include their parties, team numbers, and last names to help judges know who they are scoring ("Pros - 18 - Rosenblatt" or "Def - 31 - Jacobson"). Inclusion of Ms. and Mr. (or pronouns) may help prevent misgendering.

- Coaches will have their videos disabled. But judges can still see their names in the participant list. So coaches should be named simply "Coach" to reduce the likelihood that judges identify the teams they are judging.

- For witnesses, we recommend a screen name that identifies the party calling them and the witness name, not the student name ("Def - Taylor"). For trial technicians, we recommend something like "Pros - Tech" and "Def - Tech."

- If bailiffs are given co-hosting status, they can change participant names as needed.

### *Judges' Audio and Video*

Presiding judges should keep their video on throughout the trial. This way advocates can see the judge at all times. But presiding judges should mute their audio when they are not speaking. Generally this means presiding judges will have their audio on during the entirety of appearances, housekeeping, and motions, and they will turn on their audio every time an attorney raises an objection. But, otherwise, they will be on mute.

Non-presiding judges ("jurors") should have their videos on for only two parts of trial: (1) the very beginning / before trial starts; and (2) every time the court returns from recess. This allows the presiding judge and advocates to ensure everyone is present. Otherwise, throughout

trial jurors should have their video off. The downside is that advocates won't be able to see jurors's face, but the advantage is that everyone viewing the trial can focus on the advocates because they will be the ones visible on screen. We think that tradeoff is worthwhile.

Jurors should turn on their audio and video, of course, when giving post-trial feedback.

*Witnesses' Audio and Video*

Witnesses should disable their audio and video except when testifying.

*Advocates' Audio and Video*

**If using a standard Zoom room:** During appearances and housekeeping, all advocates should have their video on. During motions in limine, only the attorneys arguing the motions should have their video on. During speeches, only the two attorneys giving that particular speech should have their video on (e.g., during the Plaintiff opening, both the Plaintiff opener and Defense opener should have their video on). During witness examinations, only the two attorneys examining that witness should have their video on (e.g., during the direct examination of the police officer, both the prosecutor directing the witness and defense attorney who will later cross the witness should have their videos on).

Attorneys should mute their audio except when performing. For example, a prosecutor should mute their audio during the defense opening and during the defendant direct examination. Otherwise, background noise will change the person displayed in judges' Speaker View, which will interrupt and distract from the speech. If an attorney wishes to object, she should turn on their audio to make the objection and then turn off the audio once the judge has ruled.

**If using a Webinar format (discussed more below):** All advocates and witnesses should have their video on at all times, and the bailiff will decide who is displayed. Advocates should have their audio on only when performing or when raising an objection. The trial technician should have their video off at all times.

*Trial Presentation Webinars*

In Zoom Webinars, the host determines who is seen and heard on everyone's screen. Thus, judges don't need to receive any instructions about changing their views because the host

will handle that. In this format, we recommend having your bailiff or other tournament volunteer serve as the Webinar host. Here is how we recommend bailiffs operate Webinar trials:

- The presiding judge should be placed in the panel at all times and their video should be displayed at all times except opening statements and closing arguments.

- Witnesses should be placed in the panel and their video should be displayed only when they are testifying. Otherwise they should be attendees.

- Advocates should be placed in the panel at all times and their video should be displayed only when they are performing or eligible to raise an objection.

- Trial Technicians should be placed in the panel at all times and their video should never be displayed.

- All other participants -- jurors, coaches, non-testifying witnesses -- should be attendees so they can see and hear the trial without being seen or heard themselves. After trial, jurors should be added to the panel with their video turned on so they can provide feedback.

- All participants should mute their audio except when speaking.

## 8. Administration of Trials

This section includes our recommendations and considerations for making sure that the trials run smoothly.

### *Bailiffs*

As the tournament director, you will not be in all of the virtual courtrooms at the same time to make sure the trials are proceeding smoothly. We recommend assigning a bailiff to each courtroom. The bailiff should be trained/comfortable in using Zoom should be familiar with the rules of the competition. The bailiff does not need to be verbally administrating the trial but is present should anything go wrong or questions arise. The bailiff should also be able to quickly get in touch with you if necessary. You may consider assigning the bailiff the responsibilities of recording or livestreaming the trial, troubleshooting judges'/competitors' technology issues, making sure everyone is present in the virtual courtroom, and timekeeping.

If you are using separate Zoom links for each trial, we recommend making the bailiff the host who is responsible for starting the Zoom session. We also recommend making the presiding judge a co-host should the bailiff's internet connection fail. If you are using breakout rooms, we recommend making the bailiffs co-hosts.

UCLA and Drexel used bailiffs at Trial by Combat. We had bailiffs record trials, make sure trials ran smoothly, and communicate with the tournament directors if anything went awry.

Baylor ran Top Gun without bailiffs by having the presiding judges take on more responsibility. Baylor trained their judges specifically on how to run a Zoom trial. You can see the training [here](#).

### *Waiting Room*

We recommend the waiting room feature on Zoom if you are running trials on individual Zoom links. The waiting room feature requires whoever is the host on that link, either the bailiff or the judge, to allow the participants into the room. This ensures that only the individuals who are supposed to be in the courtroom are allowed into the courtroom. It's also an easy way for your bailiff or presiding judge to make sure all parties are accounted for.

We do not recommend using the waiting room feature if you are using breakout rooms. Individuals cannot move into breakout rooms without being assigned to breakout rooms, which accomplishes the same thing as using the waiting room feature.

*Starting the Trial*

If you are using separate Zoom links, the trial should begin once the bailiff or presiding judge notes that everyone is present in the virtual courtroom. If you are using breakout rooms, we recommend using the same method as above, or using the "broadcast message" feature to inform all breakout rooms that they may begin.

*When the Technology Fails*

The technology will fail at some point during the competition. Even if everyone hardwires their connection and takes all recommended measures to ensure stable Internet, at some point an advocate, witness, or judge will be temporarily kicked off of Zoom or lose their internet connection. As long as the individual still has an internet connection, the solution is simple: she logs back onto Zoom. Note that if you are using breakout rooms, you need to have someone monitoring the main Zoom room throughout the entire competition for when this happens. When the individual logs back on, she will need to be reassigned to their appropriate breakout room. If you are using waiting rooms on separate Zoom links or in conjunction with breakout rooms, the host will need to let the individual back into the Zoom room.

If an advocate or witness loses internet connection completely, we recommend using the phone app as a backup plan. An advocate could log onto Zoom with their phone, using cellular data, and complete the trial, so long as she has reception. This is not ideal. Using the phone app to try a case is more challenging than using a laptop or tablet, but it is an option. A student could also use their phone as a hotspot to connect to the internet if their internet connection goes out. We recommend asking advocates and witnesses to prepare for this ahead of time by downloading Zoom to their phones and practicing with their phones.

If a "juror" is kicked off of Zoom, we recommend having their log back on and proceed to judge, so long as she can meaningfully evaluate the advocates. If a judge completely loses internet connection, or has missed so much of the trial that she cannot meaningfully evaluate the advocates, we recommend proceeding without that judge's ballot. Having more than three scoring judges in the virtual courtroom is important for this reason.

*Script for Presiding Judges*

Regardless of whether your presiding judge is taking on additional bailiff responsibilities, we recommend providing the presiding judges with a script to facilitate each piece of the trial.

This may be the first time your presiding judge is presiding over a Zoom trial. Please feel free to use what you like from our script below that we used for Trial by Combat.

## Before trial:

Hi, everyone. We are waiting for a few people before we get started.

## Getting started:

Everyone is here and we just received the message to get started . Let's call the case of *United States v. Cara Bassett*. My name is Judge _____. Scoring judges, please look to the two buttons on the lower left of your screen and turn off your audio and video. These should remain off until trial ends. You should also have your video set to hide all non video participants. This means the only people on the screen right now should be the advocates and me.

Can the attorneys please make appearances?

## Before Opening Statements:

We will now hear opening statements from each party. Everyone should make sure they are in Speaker View. That button is in the upper right of your screen. Attorneys, please remember to mute your audio when the other attorney is speaking.

## Before First Witness:

Before the Government calls its first witness, I will ask everyone to switch to Gallery View. That button is in the upper right of your screen. This will allow you to see the attorneys and witness at the same time.

## Before Closing Arguments:

We will now hear closing arguments from each party. Everyone should please switch back to Speaker View. Also, since both witnesses have completed their testimony, you can complete the witness portion of your ballot.

## After Closing Arguments:

Judges should please complete their ballots and click "submit." I'll ask everyone to stay on until everyone has submitted their ballots, and then we will do brief comments.

## Comments:

All of the ballots have been submitted. The students will receive our written feedback, but we will do some brief oral comments now for the attorneys only. Because we have so many judges and we want to give the attorneys time to prepare for their next trial, I will ask each judge to limit themselves to one comment -- either their favorite moment from trial, or one suggestion for one of the competitors.

**After Comments:**

Thank you, everyone. You can sign off Zoom.

**Issues during the round?**

1) Ask the bailiff 2) Call/Text Abbie 267-457-6121 3) Call/Text Justin 949-705-7803

### 9. Case Problems

Drafting case problems for online competitions is mostly the same as drafting them for in-person competitions. We highlight, though, three important differences/considerations:

First, make sure the case works with your time limit -- which we are recommending be reduced to 60 minutes for online events. You may opt to shorten your fact patterns to fit the shortened trials. Or you may opt to keep the case problem just as long and complex as usual, leaving it to advocates to decide how to adapt to the tighter time constraints. Either way, it's a discussion that problem drafters should have.

To ensure the case can be tried in a shorter period, we recommend writing the case with only a single criminal charge or civil claim. Complicated *fact patterns* can be presented concisely or in great detail, but multi-count or mult-claim *legal pleadings* make it difficult for advocates to be brief. That's because, to merely be competent, they have to address each claim or charge. For example, the 2020 Trial by Combat had a sprawling fact pattern: five witness statements and 48 exhibits, including forensic testing, GPS records, financial statements, video clips. It could easily work for competitions formats with longer time limits (ABA Labor gave 90 minutes per side, and TYLA provides 75), but because it had only a single charge -- one count of murder -- it also worked for our 30-minutes-per-side one-on-one competition.

Second, we recommend including lots of exhibits, especially audiovisual exhibits. One of the few advantages of Zoom trials is the ability to display exhibits easily, effectively, and inexpensively. They can be dense emails -- hard to display in person even with enlargements, but easy to display on Zoom with the ability to magnify and highlight. They can be photos, audio clips, or even videos. (Check out Exhibits 35-44 if you want to see Professor Heller's star performance as a character based on Carole Baskin from *Tiger King*.) In other words, allow students to take advantage of the Zoom format.

Finally, we recommend storing the case problem online in a Google Drive folder. Ideally the case is included both as a single file (which is easier for participants to read while preparing) and *also* as individual documents and exhibits (which form the electronic notebook that judges and witnesses can view during trial). Set the sharing settings so "anyone with a link" can access, and then you can share that link with teams, judges, and witnesses.

**10. Resources for Competitors**

Baylor provided technology advice to all competitors. Speaking from the perspective of those competing teams (Abbie and Justin), this was extremely helpful and greatly appreciated. We provided almost identical advice for Trial by Combat competitors. Here is a link to the technology advice Drexel and UCLA used. You're welcome to borrow whatever you find useful.

We recommend a Zoom meeting where you explain to coaches and competitors how the trials will work and actually show them how to use the appropriate Zoom functions. This meeting can be part of or adjacent to the traditional coaches' meeting, though you may want to schedule it earlier so teams have time to adapt to whatever you've taught them. If your tournament uses breakout rooms, use breakout rooms in the meeting. If your tournament is in webinar format, walk everyone through how the webinar will work. This will make everyone more comfortable with the technology, ensure that participants understand what you meant by certain rules, and allow everyone to ask questions. It will also help you practice and troubleshoot; for example, it's difficult to simulate the experience of moving lots of people into breakout rooms under time pressure, and it's better if you're not doing it for the first time during the actual tournament.

At Top Gun, Baylor required each team to do a pre-tournament technology check to ensure all of their devices worked properly. As people become familiar with Zoom, webcams, and mics, this may be less necessary, but we still recommend either requiring a technology check or at least making it available to teams.

Finally, some schools may not know how an online trial looks. Feel free to direct them to the Top Gun YouTube page or Trial by Combat YouTube page, which together have more than 50 trials. If other schools record online trials and want them to be included here as a resource, please let us know and we will update this guide with additional links.