



## 4.5 Timekeeping

Time limits are mandatory and enforced. The Prosecution/Plaintiff timekeeper is the official timekeeper of the two timekeepers provided between the two teams competing in a trial. Presiding judges have the discretion to deal with any timekeeping issues and make final rulings. Timekeepers are responsible for fairly and accurately keeping and reporting the time during the trial presentation.

- A. Timekeeper:** Each team is required to provide a student who serves as the official timekeeper for that team. The Prosecution / Plaintiff timekeeper is the official timekeeper for that round, unless the presiding judge and scoring judges agree witnessing the lead timekeeper having difficulty in keeping time. The name of the timekeeper shall be noted on the Team Roster Form. A different timekeeper may be used for each round. An attorney or witness may also serve as timekeeper as long as they are not serving in another capacity during that particular trial. The bailiff may also serve as a timekeeper simultaneously.
- B. Aids for Timekeeping:** Timekeeping aids provided by the SC Bar remain in the courtroom throughout the competition day. The SC Bar provides on competition day the following:
  - **3 Sets of Timecards:** The three sets are for the opening/closings, direct examinations and cross-examinations. Timekeepers may only use the official timecards provided by the SC Bar and no others. The timecards are provided in specific increments and noted accordingly. Modification of intervals is not permitted. Note that the timecards start in an ascending order (lowest to highest) and build to the maximum number of minutes in that section. In addition, as the timecards begin to reach the last minute allowed in that phase, the timecards change from white to yellow, and the last card is in red showing the maximum amount of time and "STOP."
    - **Opening/Closing Timecards:** The timecards are provided in the following increments: 1:00, 2:00, 3:00, 4:00, 4:15, 4:30, 4:45, 5:00/STOP.
    - **Direct Examination Timecards:** The timecards are provided in the following increments: 2:00, 4:00, 6:00, 8:00, 10:00, 12:00, 14:00, 16:00, 18:00, 20:00, 21:00, 22:00, 23:00, 24:00, 24:15, 24:30, 24:45, 25:00/STOP.
    - **Cross-Examination Timecards:** The timecards are provided in the following increments: 2:00, 4:00, 6:00, 8:00, 10:00, 12:00, 14:00, 16:00, 18:00, 19:00, 19:15, 19:30, 19:45, 20:00/STOP.
- C. Placement of Timekeepers:** Timekeepers from both teams must be seated together and may not move from the SC Bar's assigned location unless teams address any concerns with the judge prior to the round starting and space is available for the change. The assigned seating location will be where the timekeeping materials are placed in the jury box. Timekeepers are to remain seated during the trial. For virtual competitions, timekeepers have video and audio during the round.
- D. Communication:** Timekeepers may communicate with their competing team members only during the dispute process or when directed by the presiding judge. For virtual competitions, the designated team's timekeeper posts time used in the chat feature.
- E. Improper Communication:** Timekeepers may not verbalize, wave the timecards, use hand gestures, or use any other means to get an attorney's attention other than raising the SC Bar timecards quietly. Timekeepers may not communicate with any team members, coaches, courtroom artists (HS), courtroom journalists (HS), or visitors during the recesses, unless approved by the presiding judge. For a virtual competition, timekeepers may only type "STOP" in the chat feature when time expires and may not type stop reminders in the chat feature.
- F. Conferring Times / Reporting Overages:** At the end of each phase of the trial (e.g., after both opening statements, at the end of each case in chief (direct and cross), and at the end of the closing arguments), timekeepers record and confer with one another on the total amount of time used by both sides. A time discrepancy is reported to the presiding judge when the timekeepers do not have the same times (hence discrepancy) and if the times are more than 15 seconds. Up to 15 seconds in different times is permitted to allow for the variances in stopping and starting a stop watch. If a student performed over the allotted time by more than 15 seconds, that is an overage and the presiding judge is immediately notified. The presiding judge rules on the overage immediately. After the ruling, the timekeepers clear their stopwatches for the next trial segment to begin. The decisions of the presiding judge in regards to resolving overages are final. For a virtual competition, one difference is that timekeepers confirm via the chat feature. Second, timekeepers post the time used for both teams after each witness and again at the end of each phase.
- G. Timing:** Timing begins for each trial phase when the first word during that phase is spoken by the student attorney or at the direction of the presiding judge. Time stops when the last word is spoken by the student attorney. In a case in chief, there are three witnesses and each witness will have a direct and cross-examination. When timekeeping, there are two stopwatches and two sets of timecards. One stopwatch records the direct while using the direct examination timecards. When the timing of the direct examination stops, the stopwatch also stops. Then, pick up the second stopwatch and the cross-examination timecards and time the cross-examination. If there is a re-direct or re-cross, the timekeeper picks up the appropriate stopwatch and timecards. This process is repeated for the two remaining witnesses. Once the case in chief is done with all three witnesses is when timekeepers will confer times. Time only stops for objections, questioning from the presiding judge, or administering the oath. Time does not stop for the introduction of exhibits, retrieving exhibits, re-organizing exhibits, or for student attorneys to confer with co-counsel. Timing is not held off for retrieval of exhibits prior to starting. The presiding judge has the discretion to stop the clock for any reason. Stopwatches continue timing as long as an attorney or witness is speaking even if the "STOP" card is reached, so that overages are documented. Stopwatches are cleared after each phase (opening, the case in chief for each side, and closing).
- H. Displaying Timecards:** Both timekeepers shall begin showing the timecards with the lowest amount of time allotted for that phase of the trial (e.g., opening statements, direct examinations, cross-examinations, and closing arguments) and continue to increase the timecard intervals simultaneously as time is used. Timekeepers are not to start with different times. (See Rule 4.6 Time Limits for the time allotted for each phase of the trial.) For virtual competitions, time used is posted in the chat feature while still referring to timecards to know when to post.
- I. Additional Responsibilities:** Additional timekeeping responsibilities include timing the recess for up to five minutes for in-person competitions (no recess virtually), the first team consultation time up to two minutes in-person and three minutes virtually, the second team consultation time up to two minutes, the peer award discussion up to two minutes, and the presiding judges' critique up to one minute.

**4.6 Time Limits:** The time limits for the phases of the trial are noted on the front page.

- A. Time Allotments:** Attorneys are not required to use the entire time allotted to each phase of the trial. Time remaining in one phase of the trial may not be transferred to another portion of the trial.
- B. Inquiring About Time:** The student attorney currently performing in that phase of the trial is allowed to ask the presiding judge for permission to inquire from the timekeeper how much time has been used or is left in that timed phase.
- C. Time Extensions:** The presiding judge has sole discretion to grant time extensions. Such extensions should be granted sparingly and should be limited in duration to include finish a question, answer, or thought. The student attorney may request the presiding judge's permission for a time extension up to 30 seconds to conclude the presentation only after the allotted time is used. If such an extension is granted, no penalty shall be assessed unless the extension is exceeded. If time has expired and a student attorney continues without permission from the presiding judge, the scoring judges shall impose a penalty in accordance with the rules.
- D. Calling Last Witness When Time Expired:** Direct Examination: Teams must call their third witness even if the team runs out of time. In that event, the team will be allocated up to three minutes for direct examination of its third witness and the team receives a penalty of ten points per scoresheet. Cross-Examination: Teams must cross-examine the third witness even if the team runs out of time. In that event, the team will be allocated up to three minutes for cross-examination of the third witness and the team receives a penalty of ten points per scoresheet. The crossing attorney is allowed three minutes to cross the witness with no penalty unless the three minutes is exceeded.
- E. Time Penalties:** If a team has two or more time penalties in different phases of the trial, each overage is treated independently.