

BoğaziçiMUN

Rules of Procedure



A. GENERAL PROVISIONS

Article 1: Definitions

Court: Refers to the United State Civil Court

Hearing: Refers to the whole hearing of the Court.

Parties: Refers to both Plaintiff and the Defendant collectively.

President: Refers to the President Judge in the Court.

Registrar: Refers to the Registrar in the Court.

Board: Refers to both the President Judge and the Rapporteur in the Court.

Counsels: Refers to all members of the Counsels of the Plaintiff and the Defence.

Press: Collectively refers to press members of BOGAZICIMUN'24.

Rules of Procedure: Refers to the United States Civil Court Rules of Procedure 2024.

Court Room: Refers to The Court's venue.

Secretariat: Refers to the Secretary-General, the Deputy Secretary-General, Under Secretary-Generals, and the Academic Assistant.

Article 2: Rules of Procedure

This document outlines the regulations that must be followed for any issues pertaining to the United States Civil Court during BOGAZICIMUN'24.

The Rules of Procedure cannot be challenged, any attempt to do so will be rejected by the Secretariat.

Article 3: Language

English serves as the official operational language for BOGAZICIMUN'24. Any other languages permitted in the standard proceedings of the United States Civil Court will not be utilized during BOGAZICIMUN'24.

Article 4: Statements by the Secretariat

The Secretary-General or her designates have the authority to issue written or verbal statements to the Court at any time. Court members must adhere to the content of these statements.

Article 5: Electronic Device Usage

The use of electronic devices that allow Court members to communicate with each other and external parties within the Courtroom is generally prohibited. However, if the Board deems it necessary, electronic devices may be permitted in specific situations:

1. Counsel members may use electronic devices during Evidence and Legal Argument Presentations if there is a need to reference a digital file.
2. Juries may use electronic devices during Deliberations if they need to take effective notes on the proceedings and the drafting of the Judgment.

Article 6: Notes

Communication among Court members primarily takes place through formal note passing with the assistance of the Administrative Staff. This type of communication is allowed between Juries only, while Parties may only pass notes to the Board. The President Judge has the authority to pass notes to individuals as they see fit.

Article 7: Quorum

To establish a Quorum, a simple majority of registered Juries (including the President Judge), the Rapporteur, and one Counsel from each side must be present at the beginning of each session. The quorum is determined through a formal Roll Call at the start of each session.

Members arriving late to the session should provide a note to the President Judge to participate in the proceedings and be added to the Roll Call. The required majorities are calculated based on members recorded as present in the Roll Call. If one of the Parties arrives late by more than thirty minutes according to the designated time on the BOGAZICIMUN'24 Schedule, the President Judge is authorized to commence the session.

B. COMPOSITION OF THE COURT

Article 8: Members of the Court

The Court comprises the President Judge, the Rapporteur, the Juries, and the Counsels of two opposing parties.

Article 9: President Judge

The President Judge serves as the moderator of the Oral Proceedings and the representative of the Secretariat. They are responsible for applying the Rules of Procedure during the sessions and are expected to maintain their impartiality throughout the Conference.

The President Judge's duties include reporting any issues or breaches of rules by Court members to the Secretariat.

The President Judge has the authority to bypass the formal voting process for motions proposed by the Counsels and has full discretion in making decisions on these motions. The President Judge is also expected to adhere to the specified provisions outlined in the Rules of Procedure.

Article 10: Rapporteur/Registrar

The Rapporteur's role involves documenting court proceedings, arguments presented by the parties, substantive discussions among the Judges, witness testimonies, and procedural decisions made by the President Judge. These notes may be used in deliberations and the formulation of the verdict when necessary.

The Rapporteur's main responsibility is to fully grasp the case and provide consultation solely regarding the Juries' motions. Furthermore, the Rapporteur serves as the primary point of contact for the BOGAZICIMUN'24 Press Team, offering information and updates based on their records, although substantive outcomes and conclusions of the Juries remain confidential.

Before proceeding with the taking of the oaths, the Registrar shall take the oath before the President Judge by repeating this sentence; "I solemnly declare that I will exercise loyally, discreetly and conscientiously the functions conferred upon me as Registrar of the United States Civil Court"

The Registrar shall take the Oaths of the Presidency, the Juries and the Counsels before the commencement of the Oral Proceedings.

The Oath for the President Judge is; "I, President Judge solemnly declare that I will exercise my functions as the President Judge of the United States Civil Court, honorably, independently, and impartially and that I will keep secret all deliberations."

The Oath for a Jury is; "I, Jury, solemnly declare that I will exercise my functions as a jury of the

United States Civil Court, honorably, independently, and impartially and that I will keep secret all deliberations."

The Oath for a Counsel is; "I solemnly declare upon my honor and conscience that I shall speak the truth, the whole truth and nothing but the truth."

Article 11: Juries

A jury is a group of people empowered to make findings of fact and render a verdict for a trial. The jury decides questions of law, including whether particular items of evidence will be presented to the jury. The parties may, however, request a bench trial, where the jury decides issues of fact and law.

Article 12: Counsels

Counsels serve as representatives of the Plaintiff and the Defense in legal proceedings. Their primary duty is to act in the best interests of their respective parties throughout the proceedings.

Counsels are not eligible to vote on substantive or procedural matters, and they are expected to adhere to any procedural instructions provided by the Presidency or the Secretariat. The Secretariat and the Board ensure that Juries are fully informed about pre-hearing submissions from the Parties.

Counsels are obligated to follow the Rules of Procedure, with non-compliance potentially resulting in penalties determined by the Secretariat. During their statements, Counsels are required to speak while standing before the Court.

Counsels have the option to submit a motion to adjust the speakers' time in relation to the periods specified by the Presidency. The Presidency may decide on this motion independently or put it to a vote among the Juries if deemed appropriate.

C. ORAL HEARINGS BEFORE THE COURT

Article 13: Opening Statements

Once a jury is selected, the first "dialogue" in a personal injury trial comes in the form of two opening statements -- one from the plaintiff's attorney, and the other from an attorney representing the defendant. No witnesses testify at this stage, and no physical evidence is ordinarily utilized.

Because the plaintiff must demonstrate the defendant's legal liability based on the plaintiff's allegations, the plaintiff's opening statement is usually given first, and is often more detailed than that of the defendant. In some cases, the defendant may wait until the conclusion of the plaintiff's main case before making its own opening statement.

Regardless of when opening statements are made by either side in a personal injury case, during those statements:

- The plaintiff presents the facts of the case and the defendant's alleged role in causing the plaintiff's damages (or reasons to find for the plaintiff) -- basically walking the jury through what the plaintiff intends to demonstrate in order to get a civil judgment against the defendant.
- The defendant's attorney gives the jury the defense's own interpretation of the facts, and sets the stage for rebutting the plaintiff's key evidence and presenting any "affirmative" defenses to the plaintiff's allegations (or reasons to find for the defendant).

When a civil lawsuit involves multiple parties (i.e. where three individual plaintiffs sue one defendant, or one plaintiff sues two separate defendants),

attorneys representing each party may give their own distinct opening arguments.

Article 14: Presentation of Legal Arguments and Evidence Material

The Counsels representing the Plaintiff are tasked with commencing the initial presentation, to be followed by the Counsels for the Defense. This presentation encompasses a range of evidential materials, such as news articles, maps, images, videos, and other relevant items aimed at substantiating factual claims, as well as judicial decisions, international treaties, legal articles, and documents possessing legal significance designed to underpin legal arguments.

Materials presented in languages other than English must be accompanied by an English translation when submitted to the court. All materials for this phase must be provided to the Secretariat prior to its commencement.

If the opposing Counsel wishes to challenge the authenticity or relevance of a piece of material, they may raise an Objection of Immaterial. This objection will be evaluated by the Presidency, and the President may grant the Counsel who presented the evidence a right to respond. This phase may be divided between the two Counsels representing the Parties.

Article 15: Witness Testimonies and Cross-Examinations

Case-in-chief, the stage at which each side presents its key evidence and arguments to the jury.

In its case-in-chief, the plaintiff methodically sets forth its evidence in an attempt to convince the jury that the defendant is legally responsible for the plaintiff's damages, or that judgment for the plaintiff is warranted under the circumstances. It is at this point that the plaintiff may call witnesses and experts to testify, in order to strengthen his or her case. The plaintiff may also introduce physical evidence, such as photographs, documents, and medical reports. Especially in more complicated civil lawsuits such as employment discrimination and defective product claims, a plaintiff's utilization of expert testimony and documentary evidence will be crucial in proving the defendant's legal liability.

Whether a witness is called by the plaintiff or the defendant, the witness testimony process usually adheres to the following formula:

- The witness is called to the stand and is "sworn in," taking an oath to tell the truth.
- The party who called the witness to the stand questions the witness through "direct" examination, eliciting information through question-and-answer, to strengthen the party's position in the dispute.
- After direct examination, the opposing party has an opportunity to question the witness through "cross-examination" -- attempting to poke holes in the witness's story, attack their credibility, or otherwise discredit the witness and his or her testimony.
- After cross-examination, the side that originally called the witness has a second opportunity to question him or her, through "re-direct

examination," and attempt to remedy any damaging effects of cross-examination.

After the plaintiff concludes its case-in-chief and "rests," the defendant can present its own evidence in the same proactive manner, seeking to show that it is not liable for the plaintiff's claimed harm. The defense may call its own witnesses to the stand, and can present any of its own independent evidence in an effort to refute or downplay the key elements of the plaintiff's legal allegations. Once the defense has rested, the plaintiff has an opportunity to respond to the defense's arguments through a process known as "rebuttal," a brief period during which the plaintiff may only contradict the defense's evidence (rather than present new arguments). Sometimes, the defense may in turn have a chance to respond to the plaintiff's rebuttal.

Once the plaintiff and defendant each have had an opportunity to present their case and to challenge the evidence presented by the other, both sides "rest," meaning that no more evidence will be presented to the jury before closing arguments are made.

During the Witness Testimonies, the following types of Objections are permissible:

- **Ambiguous**
- **Argumentative**
- **Badgering**
- **Composed**
- **Incompetent**
- **Leading Question**
- **Nothing Pending**
- **Prejudicial Speculation**

Article 16: Expert Testimonies

Juries possess the authority to summon Expert Witnesses to the United States Civil Court.

Expert Witnesses appearing before the United States Civil Court are required to take an oath, solemnly affirming that they will provide truthful and complete information.

When Jury call upon Expert Witnesses, their role is to offer professional opinions concerning the legal matters under consideration. This phase does not have a specified time limit, allowing for a comprehensive examination of the issues. Furthermore, after Expert Witness testimonies, a Jury can propose to recall an Expert to provide further critical information related to the case.

Article 17: Rebuttal and Surrebuttal

The Rebuttal and Surrebuttal phase serves the purpose of challenging the arguments of the opposing party and addressing any aspects of the case that have been overlooked. This phase draws on the evidence presented, questions posed by Juries, counter-claims, witness testimonies, and submitted memorials.

The Rebuttal phase, initiated by the Plaintiff, is followed by the Surrebuttal by the Defendant. The allocated time for both Rebuttal and Surrebuttal is equal and is determined by the President Judge, with the possibility to modify this time through a formal motion.

It's important to note that the presentation of entirely new arguments during the Rebuttal and Surrebuttal is strictly prohibited. Parties can choose to divide this phase between their Counsels, but a Counsel cannot participate twice during the Evidence Presentation.

During the Rebuttal and Surrebuttal, Juries are authorized to interrupt the Counsels with questions. The scope of the Surrebuttal is confined to the content presented during the Rebuttal.

Article 18: Closing Statements

The Counsels representing the Plaintiff commence the Closing Statements, followed by the Counsels for the Defense. This phase is dedicated to summarizing the presentations and the evidence presented in prior phases. The Counsels conclude by stating their requests or prayers to the Court.

This phase cannot be divided between the two advocates representing the Parties.

D. RULES GOVERNING THE DELIBERATION

Article 19: Jury Instruction

After both sides of the case have had a chance to present their evidence and make a closing argument, the next step toward a verdict is jury instruction -- a process in which the judge gives the jury the set of legal standards it will need to decide whether the defendant should be held accountable for the plaintiff's alleged harm.

The judge decides what legal standards should apply to the defendant's case, based on the civil claims at issue and the evidence presented during the trial. Often, this process takes place with input and argument from both the plaintiff and the defendant. The judge then instructs the jury on those relevant legal principles decided upon, including findings the jury will need to make in order to arrive at certain conclusions. The judge also describes key concepts, such as the "preponderance of the evidence" legal standard; defines any specific claims the jury may consider (i.e. "fraud," "breach of contract," "emotional distress"); and discusses different types of damages (i.e. compensatory and punitive) -- all based on the evidence presented at trial.

The case then goes "to the jury."

Article 20: Jury Deliberation

After receiving instruction from the judge, the jurors as a group consider the case through a process called "deliberation," attempting to agree on whether the defendant should be held liable based on the plaintiff's claims, and if so, the appropriate compensation for any damages.

The Deliberation phase, conducted within the formal sessions of the Conference, involves Judges engaging in discussions and voting procedures related to the merits of the case. Deliberation begins after each set of Oral Hearings, including Opening and Closing Statements, Evidence Presentation, and Witness Testimonies.

The Deliberation phase is conducted in a confidential manner, with access granted to Press Team members only at the discretion of the President Judge during this phase.

Juries are not required to stand while making statements. The Deliberation process commences with the selection of the topic for discussion, initiated by a motion proposed by the Juries. The President Judge may consider suggestions from other Juries when determining the topics.

Deliberations may take place through moderated or unmoderated discussions, with the President Juries serving as the final speaker in these discussions. The mode of deliberation may be adjusted as needed, determined by the President Judge's discretion.

In moderated discussions, Juries are granted permission to speak when they wish to deliver a speech. During unmoderated discussions, Jury may speak without seeking permission, but they are not allowed to interrupt one another. If a Juries' speech becomes excessively time-consuming and hinders the negotiation process, the President Judge may request the Jury to conclude their speech.

The allocated time for each Deliberation and whether there will be speaker time during the discussions are determined by the President Judge in accordance with the progression of the discussions.

If a yield is directed to another Jury, the President Judge is obligated to inquire whether the referred Jury wishes to take the floor. Should the Jury accept, they may speak but have no further opportunity to yield. In the event of rejection, the Open Discussion proceeds as if there was no yield in place.

If a yield is directed to the President Judge, the President Judge must promptly accept or decline the yield. If the President accepts the yield, they too forfeit the right to yield again.

In the case of a yield used for Points of Information, the President Judge will seek input from other Juries to determine if any of them wish to raise a Point of Information to question the yielding Jury. These questions will continue until the end of the allotted time, with the answers from the yielding Jury pausing the time.

If the outline is not exhausted in a deliberation, the President Judge may choose to terminate the deliberation to go back into the Oral Hearings and revive the remaining outline at the beginning of the following Deliberation.

Article 21: Tour de Table

It is up to the discretion of the President Judge or to a motion to set a Tour de Table during the Deliberation.

In a Tour de Table phase, the Juries shall express opinions on the matter stated by the President Judge.

The speeches shall start and follow the alphabetical order of the last names and the President Judge shall make the last speech.

The President Judge has authority to determine the speakers' time being equal to all.

Article 22: Points of Order

If a court member notices an improper application of the Rules of Procedure may raise a point of order directly to the Bench.

The President Judge takes the point into consideration and evaluates the implementation of the rule according to the Rules of Procedure.

The President Judge gives the final decision on the point by themselves.

The Point of Order may not interrupt the speaker, unless an irreparable consequence will rise if the error is not corrected.

Article 23: Points of Parliamentary Inquiry

Point of Parliamentary Inquiry may rise directly to the President Judge if there is a question regarding the Rules of Procedure. The President Judge shall clarify the matter.

This point may not interrupt the speaker.

Article 24: Points of Personal Privilege

Point of Personal Privilege is raised to express a personal inconvenience or discomfort that has an affect on their participation to the proceedings. (i.e. room temperature, inaudibility)

This point may not interrupt the speaker unless it is raised due to inaudibility.

If a Court Member wishes to leave the Courtroom, he/she should get the permission of the President Judge via Message Paper. (i.e. using the restrooms)

Article 25: Points of Information

The Point of Information is used by the Juries to ask a question to a fellow Jury or the Presidency, on the substantive matters of the case.

This point may never interrupt the speaker.

This point is also used if a Jury yields their time to Points of Information.

Article 26: General Speakers' List

The Presidency may also establish a General Speakers' List at the beginning of the deliberation.

The Juries, in principle, shall pass notes to the President in order to be added to the Speakers' list. The President Judge may add themselves in the list.

The speakers' time shall be determined by the President Judge. Motions to alter the speakers' time shall be in order.

The list shall stay in effect until a new Motion is entertained by the President Judge.

Article 27: Yields

The Juries may utilize the remainders of their speakers' time through the usage of yields. The Juries may yield to another Jury/President Judge or to Points of Information.

The Juries are able to refrain from yielding. In that case, the Open Discussion shall move on.

Article 28: Moderated Caucus

A Jury can propose transitioning to a Moderated Caucus by submitting a Motion during the Deliberation phase, which is a deliberative discussion within the conference. This move aims to facilitate focused debate on a specific issue, with the condition that the President Judge announces that the floor is open for Motions.

The Jury initiating the motion is required to clarify the purpose of the moderated caucus and specify a total time duration for the caucus, which should not exceed twenty minutes. The President may either grant or reject the motion, and this decision is not subject to appeal.

The approval of the Motion necessitates the consent of the majority of the Juries. If the Motion concerning the Moderated Caucus is accepted, Juries must raise their placards to be recognized by the President. The recognized Jury begins speaking, and this order must be adhered to.

Article 29: Unmoderated Caucus

A Jury can propose shifting to an unmoderated caucus by making a motion. Such a motion may be presented during Deliberations when the President Judge announces the floor is available for motions.

The Jury introducing the motion should define the topic and determine the duration of the caucus. The ultimate authority to rule on the motion lies with the President Judge.

The adoption of the Motion necessitates approval from the majority of the Juries. If the Motion regarding an Unmoderated Caucus is approved, Juries are not required to seek recognition from the President Judge; they can engage in free discussion, while avoiding interruptions in each other's conversations.

Article 30: Suspension and Adjournment

The formal suspension of a meeting is mandated by the President Judge's decision, prior to Coffee Breaks scheduled by the Secretariat. At the conclusion of the announcement of the Verdict in the last session, the President Judge will declare the adjournment of the court.

G. JURY VERDICT

Article 31: Composing the Verdict

Once the jury reaches a decision, the jury foreperson informs the judge, and the judge usually announces the verdict in open court.

Most states require that a 12-person jury in a personal injury case be unanimous in finding for the plaintiff or the defendant, though some states allow for verdicts based on a majority as low as 9 to 3. If the jury fails to reach a unanimous (or sufficient majority) verdict and finds itself at a standstill (a "hung" jury), the judge may declare a "mistrial," after which the case may be dismissed or the trial may start over again from the jury selection stage.

Article 32: Contents and Format

We, the Jury, find the defendant, _____, guilty of _____, as charged in the indictment/complaint.

or

"We, the Jury, find the defendant, _____, not guilty.
