



STETSON LAW

**2016  
NINTH ANNUAL  
NATIONAL PRETRIAL COMPETITION**

**Schedule and Rules**

The Competition will be held on October 13–16, 2016  
at Stetson University College of Law,  
Gulfport, Florida,  
in cooperation  
with

 *The Center for Excellence in*  
**ADVOCACY**  
STETSON UNIVERSITY COLLEGE OF LAW

## Schedule

\*Problem distributed..... August 19, 2016

Memos due 12:00 noon EDT .....September 16, 2016  
(The memos must be received by this deadline.)

Supplemental Evidence released .....September 19, 2016

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\*\*Coaches' Meeting (6:00 p.m.) ..... October 13, 2016

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Team Registration (8:00–8:15 a.m.) ..... October 14, 2016

Continental Breakfast (8:15–8:45 a.m.) ..... October 14, 2016

First Preliminary Round (9:00 a.m.–12:30 p.m.) ..... October 14, 2016

Lunch (12:30–1:45 p.m.) ..... October 14, 2016

Second Preliminary Round (2:00–5:30 p.m.) ..... October 14, 2016

Announcement of the pairings for the Third Preliminary Round  
(no later than 6:30 p.m.)..... October 14, 2016

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Continental Breakfast (8:00–8:45 a.m.) ..... October 15, 2016

Third Preliminary Round (9:00 a.m. to 12:30 p.m.) ..... October 15, 2016

Lunch (12:30–2:00 p.m.) ..... October 15, 2016

Announcement of the Semifinalists (1:45 p.m.) ..... October 15, 2016

Semifinal Round (2:30–6:00 p.m.) ..... October 15, 2016

Reception (6:00–6:30 p.m.)..... October 15, 2016

Awards Banquet (6:30 p.m.)\*\*\* ..... October 15, 2016

Announcement of the two teams advancing to the Final Round  
will occur during Awards Banquet ..... October 15, 2016

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Continental Breakfast (8:00–8:45 a.m.) .....	October 16, 2016
(for the final round teams and their coaches or advisors)	
Final Round (9:00 a.m.–12:30 p.m.) .....	October 16, 2016
Presentation of Awards for final round teams (1:00 p.m.).....	October 16, 2016

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*All times are subject to change.*

- \* The problem will be made available on Stetson’s website, at <http://www.law.stetson.edu/pretrial>.
- \*\* The first **mandatory** event is the Coaches’ Meeting. At least one coaching representative of each team **must** attend. During the Coaches’ Meeting, the initial pairings will be chosen for the first two preliminary rounds.
- \*\*\* The attire for the Awards Banquet is business casual. The registration fee covers six people—four team members and two coaches/advisors. There will be a charge of \$35.00 per person, for any additional guests, which is payable during the coaches’ meeting on Thursday, October 13.

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## **A. COMPETITION COMMITTEE AND FORUM**

### **1. Competition Committee Defined**

The Competition Committee is comprised of the Competition Director, Erika McArdle, Esq.; Professor Charles H. Rose, III; and Professor Kelly Feeley, all of Stetson University College of Law. Other members may be appointed to serve on the Competition Committee. Members of the Competition Committee will not be actively affiliated with any team registered to participate in the Competition.

### **2. Powers of the Competition Committee**

- a. The Competition Committee has the sole discretion to enforce all Competition rules.
- b. The Competition Committee has the sole discretion to interpret the Competition rules. No interpretation of the Competition rules is valid unless obtained in writing from the Competition Committee.
- c. The Competition Committee has the sole discretion to answer questions about the Record and all other papers that constitute the problem.
- d. The Competition Committee has the sole power to resolve any dispute that may arise during the Competition.
- e. The Competition Committee has the power to change or supplement the Competition rules, should any changes or supplements become necessary. Changes and supplements will be communicated, in writing, to participating teams as quickly as possible.

### **3. Participation of Competition Committee Members**

Unless each affected team consents, members of the Competition Committee will not judge memos or oral arguments.

### **4. Questions and Inquiries**

Any questions or clarifications about the problem for memos must be sent to the Competition Committee via email, **no later than 5:00 p.m. EDT**, on September 2, 2016. Questions and inquiries will be addressed, all at once, after the September 2 deadline.

Any questions or clarifications concerning the supplemental evidence should be sent to the Competition Committee via email, **no later than** 5:00 p.m. EDT, on October 3, 2016. Questions and inquiries will be addressed, all at once, after the October 3 deadline.

Any questions or inquiries about the rules and the competition should be sent to the Competition Committee via email, by October 6, 2016, by 5:00 p.m. EDT.<sup>1</sup> To the extent a question or inquiry affects other teams, a copy of each written question and answer will be circulated to all participating teams.

## **5. Contact with the Competition Committee**

The Competition Committee may be reached as follows:

**By mail:** National Pretrial Competition 2016  
Attn: Erika McArdle, Esq.  
Stetson University College of Law  
1401 61st Street South  
Gulfport, Florida 33707

**By fax:** National Pretrial Competition 2016  
Attn: Erika McArdle, Esq.  
727-343-9319

**By email:** [nptc@law.stetson.edu](mailto:nptc@law.stetson.edu)

## **B. TEAM COMPOSITION**

### **1. Team Defined**

- a. A team consists of four persons, each of whom satisfies the criteria listed in section B(2) below.
- b. No person may be a member of more than one team.
- c. During the motion arguments, only two team members will present arguments—one team member per issue. And these are the only team members sitting at counsel table during the motion arguments.

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<sup>1</sup> The Coaches' Meeting on Thursday, October 13, is not the time to raise any questions, inquiries, or clarifications to the problem, rules, or the competition. All questions, inquiries, or clarifications must be received by the Competition Committee by the deadlines described in rule A(4) above.

- d. During the evidentiary portion, two team members will present the evidence, and two team members will serve as witnesses. Only the two team members presenting the evidence may sit at counsel table during the evidentiary portion.
- e. All team members may participate in any other aspect of the Competition, including practice rounds, research, and drafting.

## **2. Qualifications of Team Members**

- a. No team member may hold a law degree from a United States law school.
- b. Each team member must be enrolled in a full-time or part-time Juris Doctor or equivalent program at the law school they represent.
- c. Members may not hold or be enrolled in any graduate legal program, such as an LL.M. or S.J.D. program, or the equivalent.

## **3. Replacing Team Members**

Team members may not be replaced after the team's memos have been submitted on September 16, 2016, except with the express written consent from the Competition Committee, which will require a showing of good cause.

If a substitution is needed after September 16, 2016, you must email the Competition Committee at [nptc@law.stetson.edu](mailto:nptc@law.stetson.edu), before making the substitution.

## **4. Coaches and Advisors**

- a. Each team may have one or more coaches/advisors. If the team does not have a coach/advisor, the team must designate a representative to attend the Coaches' Meeting on October 13.
- b. Coaches may be present during the competition, but cannot communicate with the team members until after that particular round is complete. A particular round is complete after the presentation of closing arguments.
- c. During the competition, if the coaches or advisors want to stay in the courtrooms, they must remain in the classroom portion of the courtrooms. The coaches are not permitted in the "well" and should **not** approach the bench for any reason.



## C. MEMORANDA OF LAW

### 1. Sides

- a. Each team must submit **two** memoranda of law—one for the Prosecution and one for the Defendant.
- b. During the motion hearing, teams will argue motions based upon the memoranda of law.

### 2. Forum

The problem will be set in the fictitious State of Stetson (a state in the fictitious United States Court of Appeals for the Fourteenth Circuit). To the extent that the Competition rules or Competition materials are silent, the Federal Rules of Criminal Procedure, the Federal Rules of Evidence, and the local rules of the United States District Court for the Middle District of Florida will apply.

### 3. Problem

- a. The hypothetical facts on which the Competition is based will be drafted by a person or group of persons knowledgeable in the field of pretrial practice.
- b. The person(s) who drafts the problem will also prepare—or supervise the preparation of—a bench memo, which will be provided to those who judge the competition rounds.
- c. Supplemental evidence may be drafted to create factual inconsistencies prior to oral argument. The supplemental evidence will be distributed to participants on September 19, 2016.
- d. The bench memo will also be provided to those who judge the memos. The competition judges will be different from those who critiqued the memos.

### 4. Format

- a. The memos may not exceed **4,800 words** on 8-1/2 x 11-inch pages with one-inch margins at top, bottom, left, and right. **Footnotes do count toward the word limit**, even though footnotes are rarely used in trial briefs or memoranda of law. Note:

Most word processing programs can provide you with a word count. Deductions will be taken if the memo is over the word-count limit.

- b. Each memo must be typed, in 14-point, Times New Roman font, be left-justified, and be double-spaced. (There should be no extra spacing around point headings or between paragraphs.) A team does not violate the double-spacing requirement by including written material that is properly single spaced, such as headings, block quotations, or footnotes.
- c. Each memo must include the following sections, which **do** count toward the word limit: statement of facts, summary of argument, argument with point headings, and conclusion.
- d. Each memo must also include the following sections, which **do not** count toward the word limit: front cover page, table of contents, table of authorities, questions presented, statement of jurisdiction, signature block, and appropriate appendices.
  - (1) **Citations:** All citations—to both law and facts—must conform to the most current version of *The Bluebook: A Uniform System of Citation* (the twentieth) or the *ALWD Guide to Legal Citations* (the fifth edition).
  - (2) **Identification:** To facilitate anonymous grading, names of the team members and the school they represent may appear only on the affidavit that must be submitted at the same time as the original memos (see Addendum A).

The affidavit should be sent as a separate attachment in the email to the Competition Committee. Do not include the names of team members or the affidavit in the copies of the memos. Names of team members and the school must not appear within the memos.

Each team will be assigned an identification number the week of August 29, 2016, that is to appear in the uppermost right-hand corner of both front covers of the memos. That random number is the only way a team should identify itself in the memos.

## 5. Number and Service on Competition Committee

- a. Each team must submit two copies—one Word document and one PDF-file—of each of the team’s memos directly to the Competition Committee by the deadline (see contact information below).

Please name the document XXXXP.docx or XXXXD.docx (where XXXX is your team random number, “P” is for the Prosecution’s memo, and “D” is for the Defendant’s memo).

- b. In addition, each team must submit the affidavit, as a PDF-file (separate from the PDF-files that contain the team’s memos), directly to the Competition Committee by the deadline (see the contact information below).
- c. Send the electronic copies of the team’s memos, as an email attachment, to [nptc@law.stetson.edu](mailto:nptc@law.stetson.edu). The content of the two different forms of the memos (the Word version and the PDF version) should not differ.
- d. The memos must be **received** by the Competition Committee no later than 12:00 noon EDT, on September 16, 2016. The Committee will post each memo on the Stetson web site (see web site location URL on page ii above).
- e. All memos and the team affidavit must be received on-time. Deductions will be taken for memos and/or affidavits that do not arrive on-time.

## **6. Service on Other Teams**

Teams should not send copies of their memos to any other team. As noted in paragraph C(5)(d) above, the Competition Committee will post each memo on the Stetson web site.

## **7. No Changes After Submission**

Once the memos have been submitted to the Competition Committee, no revisions, supplements, or additions will be allowed. In addition, no written material outside the memo will be accepted.

## **8. Grading**

- a. Each memo will be scored by a panel of judges knowledgeable in the areas of pretrial practice and federal criminal procedure.
- b. Individuals who judge the memos will not judge the competition rounds.
- c. The team’s scores (for both memos) will be averaged and that average will be the memo score for that team used throughout the

Competition. However, the memo score will not be used to determine the Final Round winner.

- d. Memos will be graded for both content and style. The factors the memo judges will consider include, but are not limited to the following:
  - (1) legal substance;
  - (2) use of authority and extent of research;
  - (3) issue analysis; logic and reasoning;
  - (4) clarity and organization;
  - (5) persuasiveness;
  - (6) thoroughness;
  - (7) style;
  - (8) grammar;
  - (9) spelling;
  - (10) format; and
  - (11) compliance with Competition rules.
- e. Memo scores will not be released until after the Competition is completed. At that point, the Competition Committee will release a list that reflects each school's ranking.
- f. The minimum score on any memo will be 60.

## **9. Limitation on Use of Legal Authority**

Teams may not use—in their memoranda of law or during oral arguments—any case issued, ordered, or decided after **August 12, 2016**.

## **D. PRETRIAL ARGUMENT PROCEDURES**

### **1. Time and Place**

- a. All oral presentations will be held on the Stetson University College of Law campus in Gulfport, Florida, on October 14–16, 2016.
- b. Pairings for the First Preliminary and Second Preliminary Rounds and Courtroom assignments will be provided during the coaches' meeting on October 13. The Third Preliminary Round pairings will be provided after the Second Preliminary Round because the Third Preliminary round is power-matched based on the teams' win-loss record.

- c. Two preliminary rounds will be held on October 14 and one preliminary round will be held on October 15.
- d. The semifinal rounds will be held on October 15.
- e. The final round will be held on October 16.

## 2. Time per Team

- a. Each round will be limited to 180 minutes, with each team being allotted 90 minutes. Of the team's 90 minutes, 30 will be for the motion argument; the remaining 60 minutes will be for the presentation of evidence.
- b. During the motion argument, the team representing the Prosecution may reserve 1 or 2 minutes of the 30 minutes for rebuttal. (Rebuttal must be 1 or 2 minutes, if the Prosecution chooses to do rebuttal, and not 30 seconds or a minute and a half.)
- c. The order of the arguments will be as follows:
  - (1) Prosecution issue 1<sup>2</sup>
  - (2) Prosecution issue 2
  - (3) Defendant issue 1
  - (4) Defendant issue 2
  - (5) Prosecution rebuttal

There will be no sur-rebuttal for either team.

- d. During the motion portion of the round, a bailiff will keep time for each team<sup>3</sup> and provide the following time cards: 7, 5, 3, 1, and stop.
- e. In this competition, the judge will be unable to rule based upon the motion arguments and responses; therefore, the judge will then inform counsel to call witnesses to settle disputed issues of fact during an evidentiary hearing.
- f. For the evidentiary portion of the rounds, **all teams will be provided an additional motion with the Supplemental Evidence that is separate and different from the motions argued during the first motion portion.** This additional motion will require the

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<sup>2</sup> During the motion arguments, two students will present the arguments—one student will argue issue 1, and the other student will argue issue 2.

<sup>3</sup> We anticipate that there will be two bailiffs in each room—one for each team.

presentation of evidence. While the use of the Federal Rules of Criminal Procedure and the Federal Rules of Evidence is permitted during the evidentiary portion, **the use of case law during the evidentiary portion is strictly prohibited.** Despite the language used in the Notice of Hearing, included in the Competition Problem, **no team may file additional evidentiary motions to be heard during a round.**

- g. During the evidentiary portion, each team must call two witnesses and conduct direct examination. Opposing counsel will conduct cross examination. Re-direct will be permitted at the discretion of the judge. Re-cross will be permitted solely for the purposes of impeachment.

Not including the closing argument, there are four tasks to complete during the evidentiary portion of the competition—two direct examinations and two cross examinations. Each attorney must do two of the four tasks. For example, Attorney A could do both directs and Attorney B could do both crosses, or Attorney A could do one direct and one cross, with Attorney B doing the other direct and the other cross.

- h. The bailiffs will continue to keep track of the time during the evidentiary portion. Objections will stop the clock.
- i. At the end of the cross-examination of the second witness, the bailiffs will tell both teams how much time they have left for closing arguments. One counsel for each team will be allowed to make final arguments to the court *regarding only the motions at issue during the evidentiary portion of the round.*
- j. Nothing in this rule requires a 50/50 split of time between co-counsel.

- 3. **No Inferences Are Permitted in Direct Examination:** No advocate may elicit from a witness and no witness may draw any inference during a direct or re-direct examination. A witness must confine his or her answers to the facts and opinions stated in the problem. Inferences may be drawn only in motions, opening statements where appropriate, and closing arguments.

- a. On direct examination, advocates must advise their witnesses that if they are asked to provide information that is not specifically provided in the file, they are to respond by stating, “No, I didn’t do (hear, see) that” or “I don’t know that,” or “I don’t have that information.”

- b. An advocate is obligated to correct the record by withdrawing testimony that presented facts outside the file. When an advocate's witness testifies to a fact outside of the file, the advocate shall promptly ask the witness to correct the witness's testimony by withdrawing it and stating that he or she has no first-hand knowledge of it. If the witness refuses or is unable to do so, the advocate shall move to strike the answer as being outside the file and ask the court to disregard the statement.

**4. No Inferences Are Permitted in Cross Examination, If the Fact Is Material:** If the cross examination calls for a material answer, inferences are not permitted. If, on the other hand, the cross-examination question calls for a non-material answer, the witness should be able to respond with an inference, or say, "I've never testified to that before and I'm not comfortable answering your question now."

**Examples:**

When a doctor says in his or her deposition that he or she ran tests A, B, and C, in an effort to diagnose the plaintiff's illness, if the doctor was asked on cross, "Doctor, you cannot turn to this jury and tell them that you ran test D on your patient, can you?"

The **appropriate** response for the doctor is "No, I cannot."

An **inappropriate** response for the doctor is "I did because I should have."

An **inappropriate** response for the doctor is "I've never testified to that before and I'm not comfortable answering your question now."

When a witness says in his or her deposition that he or she is married, on cross examination, the witness may be asked, "Mr. or Mrs. Witness, you cannot turn to thus jury and tell them the name of your husband, can you?"

An **appropriate** response is for the witness to say, "I've never testified to that before and I'm not comfortable answering your question now."

An **appropriate** response is for the witness to provide the name of his or her spouse.

It would be **inappropriate** for the advocate doing the cross to try to impeach by omission or to try to get the jury/judges to believe that

the witness cheated by making an inference on cross examination, if the name of the spouse was not provided in the fact pattern. An inference may be made in this situation. (Another example is when a doctor does not mention his or her medical school in his or her deposition. An appropriate inference would be to provide the name of a medical school. If the doctor provided the name of the medical school, it would be inappropriate for the advocate to impeach by omission.)

## 5. Anonymity

- a. All team members and individuals affiliated with a team are prohibited from speaking with the judges before a round.
- b. Although counsel may introduce themselves to the Court in the usual manner (by team number), the team's law-school affiliation may not be mentioned at any time during the competition, until the team is eliminated from the Competition.
- c. All individuals affiliated with the team should not speak with judges about any substantive matters, until the team is eliminated from the Competition.
- d. Further, all team members, coaches, advisors, and observers must refrain from identifying a team's school at any time and in any manner, including, but not limited to, wearing any identifying items, such as school clothing, patches, or pins, or carrying identifying material (such as a pen, padfolio, or notebook with a school logo).
- e. The bailiffs in each room will provide each team with a "Prosecution" or "Defendant" table card that also contains the school's team number. The card should be placed on counsel table facing the judges at the beginning of the round and should remain on the table throughout the round.
- f. Judges may schedule a break between the end of the motion arguments and before the presentation of evidence. The coaches, advisors, and observers are not permitted to confer with the team members during the round, including the break(s). Also, team members **are not permitted** to use cell phones or other similar electronic devices during the round, including the break(s).

## 6. Judges and Judging Criteria

- a. Barring unforeseen circumstances, each round will be judged by at least three persons.



- b. Judges will be provided with a copy of the bench memo and the problem.
- c. Oral argument judges will NOT be provided with copies of the teams' memos or memo scores.
- d. Each judge will receive a score sheet outlining the factors to be considered during the judging process; the score sheet will also identify what excellent, good, and average scores should be in each category.
- e. The factors to be considered during the motion argument include, but are not limited to: poise and courtroom manner; analysis, organization, and clarity; thoroughness; control of argument; persuasiveness; professionalism; response to questions; and knowledge of facts and controlling law.
- f. The judge's scores for the motion argument and the evidentiary presentation will be added together to determine that judge's score for that team. The scores of all the judges from the oral presentation will be averaged to determine the oral-presentation of the team's score (worth 2/3 of that team's score for that round).
- g. The judges will be instructed that should a team's coach, advisor, or non-participating team member; family member; or other team representative approach the bench during oral argument that team will immediately forfeit the round.

## **7. Critiques**

Each judge will be requested to provide a short oral critique at the end of each round. Oral presentation scores will not be released until after the Competition is complete.

## **8. Announcements**

- a. After the Preliminary Rounds have been completed, the four teams advancing to the Semifinal Rounds will be announced during lunch on October 15.
- b. After the Semifinal Rounds have been completed, the two teams advancing to the Final Round will be announced during the Awards Banquet on October 15.

- c. All Preliminary Round awards—individual and team—will be presented during the Awards Banquet on October 15. All teams are encouraged to attend the Awards Banquet.
- d. The Final Round awards will be presented immediately following the conclusion of the Final Round.

**9. Stetson’s Participation**

- a. Stetson may not enter a team in the Competition.
- b. If, however, a team should drop from the Competition and leave an odd number of competing teams, or should an odd number of teams otherwise be registered and ready to compete, Stetson may enter one or more bye teams in the Competition to ensure that an even number of teams competes. A bye team may not advance past the Preliminary Rounds and its members will not be eligible for any award. Members of the bye teams will not write a memo; the memo score used for a bye team will be the average of all memos submitted by teams in the Competition.

**10. Exhibits**

- a. Exhibits and other similar devices **may** only be used during the evidentiary portion of the Competition. Only hard copy exhibits, i.e., flip charts, foam board, posters, etc., are allowed; no electronic exhibits. If the team is bringing exhibits, the team **is responsible** for bringing everything its members need to display the exhibit(s) (for example, an easel or markers).
- b. Team members are limited to the exhibits provided in the fact pattern and the supplemental evidence. Or the team members can create the exhibit in front of the judge.

**11. Using the Supplemental Evidence During the Motion Arguments**

The Supplemental Evidence, received after the team’s memos are submitted, may not be used in the motion arguments without permission from the Chief Judge. If a direct question by the Court requires reference to one or more of the depositions, then and only then may the advocate being questioned refer to a deposition. The reference should be in the following manner: *“If called to testify here today, I anticipate that the testimony would be . . .”*.

## **E. SEQUENCE OF ORAL ROUNDS/ADVANCEMENT**

### **1. Scoring Breakdown**

- a. Except for the Final Round, scores for each round will be determined by counting the team's memo score as one-third, the motion argument as one-third, and the presentation of evidence as one-third. In other words, the memo score will be one-third of the score and the oral presentation will be two-thirds of the score. Specifically, the scoring will be as follows:
- (1) The memos will be scored out of 100 points. Each team's memos will be read by multiple judges and the scores will be averaged to create the memo score used in the competition.
  - (2) The oral presentation will be scored out of 200 points, 100 points for the motion arguments and 100 points for the evidentiary presentation. The judges' scores from the oral presentations will be averaged to create the oral presentation for that round.
  - (3) Here is an example of how the scores for a round will be calculated:
    - (a) Team A's memo score (out of 100 points):
      - i. Team A's Prosecution's memo received the following scores: 90, 85, and 92.
      - ii. Team A's Defendant's memo received the following scores: 80, 78, and 85.
      - iii. Team A's memo score is: 85 (the average of the six scores).
    - (b) Team A's oral presentation score (out of 200 points):
      - i. Team A's oral presentation scores for the motion and evidentiary hearing combined were: 180, 195, and 174.
      - ii. Team A's oral presentation score for the round would be: 183 (the average of the three judges' scores).
    - (c) Team A's score for that round would be 268 (or the memo score of 85, plus the oral presentation score of 183).
- b. The judges of the oral presentations will not have read the teams' memos and will not know the teams' memo scores.

- c. In the Final Round, the winner will be determined solely on the scores from the oral presentation.

## **2. Preliminary Rounds**

- a. Three Preliminary Rounds will be held.
- b. Each team will argue in each Preliminary Round.
- c. Initial pairings for the first and second Preliminary Rounds will be randomly determined during the coaches' meeting on October 8.
- d. During the first two Preliminary Rounds, teams will argue once for each side.
- e. For the third Preliminary Round, the pairings will be power-matched (based off of the teams' win-loss records). The higher of the two teams will represent the Prosecution.
- f. Each team will be scored on a combination of its average memo score and average oral score, as described in section E(1)(a) above.
- g. Each team's score will be compared to its opponent's score in that round, and the differential will be determined.
- h. When determining which teams advance, the teams with the best win-loss records will advance to the Semifinal Rounds.
- i. In the event of a tie in win-loss records, the team winning the highest percentage of judges' ballots during the three Preliminary Rounds will advance.
- j. If a tie occurs on ballots, the team with the highest positive point differential over its opponents during the three Preliminary Rounds will advance.
- k. If a tie occurs on the point differential, the team with the highest memo score will advance.

## **3. Semifinal Rounds**

The top four teams will advance to the Semifinal Rounds. The highest ranked team will compete against the lowest ranked team, and the second-highest ranked team will compete against the third-ranked team. A coin toss will determine which side the teams will represent in the

Semifinal Rounds. The highest ranked team and the second-highest ranked team will call the coin toss.

#### **4. Final Round**

- a. The winners of each Semifinal Round will advance to the Final Round.
- b. If the winners of each Semifinal Round represented different parties, the teams will flip sides for the Final Round.
- c. If the winners of each Semifinal Round represented the same parties, a coin toss will determine which side the teams will represent in the Final Round. The higher ranked team will call the coin toss.
- d. The winner of the Final Round will be determined solely on the basis of oral presentation in the Final Round. The judges will caucus to determine the winning team and the best oralist in the Final Round. The judges are not obligated to use score sheets during the Final Round.
- e. The winner of the Final Round will be designated the winner of the 2016 Ninth Annual National Pretrial Competition.

#### **F. AWARDS**

1. The following awards will be presented at the Banquet/Awards ceremony on October 15:
  - a. Two semifinalist teams;
  - b. Best memo for both the Prosecution and Defendant;
  - c. Best advocate preliminary round 1 (to be eligible for a best oralist award, the oralist must participate in both portions of the oral presentation—i.e., argue a motion and present evidence);
  - d. Best advocate preliminary round 2 (to be eligible for a best oralist award, the oralist must participate in both portions of the oral presentation—i.e., argue a motion and present evidence);
  - e. Best advocate preliminary round 3 (to be eligible for a best oralist award, the oralist must participate in both portions of the oral presentation—i.e., argue a motion and present evidence); and
  - f. Best advocate semifinal round (to be eligible for a best oralist award, the oralist must participate in both portions of the oral presentation—i.e., argue a motion and present evidence).

2. The following awards will be presented at the Awards ceremony following the Final Round on October 16:
  - a. First Place
  - b. Second Place
  - c. Best overall advocate

**G. OUTSIDE ASSISTANCE**

**1. Assistance on Memos**

- a. A team may receive only the following assistance on the memo:
  - (1) Team members may discuss with their coach(es)/advisor(s) and with others affiliated with their school (so long as other rules contained herein are not violated) general principles of Federal Criminal Procedure or Federal Evidence. The coach(es)/advisor(s) may not dictate which Federal Rules of Criminal Procedure or Federal Rules of Evidence apply.
  - (2) The coach/advisor may not provide general guidance on the overall organization or assist with the actual writing of the memo. Only members of the team may edit the memos and correct citation format.
  - (3) Basically, the team members alone are solely responsible for the organization, the content, and the proofreading/editing of the memos.
- b. A team may not hold oral practice rounds before its memos are submitted to the Competition Committee.

**2. Affidavit**

- a. Each team member must sign a copy of the enclosed affidavit, which must be submitted with the original memo to the Competition Committee, as described in section E(b) above.
- b. By signing the affidavit and submitting the memos to the Competition Committee, each team member certifies that the memo has been prepared in accordance with the Competition rules, and that it represents the work product solely of such team's members.
- c. A blank affidavit is attached as Addendum A.

### **3. Assistance on Oral Argument**

A team may be assisted in the preparation of its oral argument, except as limited by section G(4) below.

### **4. No Collaboration with Other Teams**

No member or coach of any team still eligible to participate or actually participating in the Competition may attend any practice or argument of another team or receive information from any person who has attended such practice or argument. In addition, while a team is still active in the Competition, no team member, coach, or other person affiliated with the team may “scout” other active teams.

## **H. CHALLENGES AND DISPUTE RESOLUTION**

### **1. Memos and Pre-Oral Argument Challenges**

- a. Any memo or pre-oral argument challenge or complaint must be submitted via email to the Competition Committee no later than 5:00 p.m. EDT on October 3, 2016.
- b. Should the allegedly offensive conduct occur between October 3 and the start of the first Preliminary Round, on October 14, the challenge or complaint should be submitted within 24 hours of its discovery, via email.
- c. The challenge or complaint should be directed to the Competition Committee and should specify in as much detail as possible the nature of the challenge or complaint. No other person should be copied on the challenge or complaint.
- d. After reviewing the challenge or complaint, the Competition Committee will, if necessary, contact other affected teams and issue a ruling.
- e. The ruling of the Competition Committee will be final and may not be appealed.

### **2. Oral Arguments and Other Competition Challenges**

- a. Challenges or complaints concerning any oral argument or conduct during the Competition must be reported to the Competition Committee within 15 minutes of the conclusion of the round in which the allegedly offensive conduct occurs.

- b. Challenges or complaints that occur during the Competition that do not relate to a particular oral argument should be reported to the Competition Committee as soon as possible, but in no event later than 15 minutes before the next-scheduled oral argument round.

**3. Conflicts of Interest**

A judge's alleged conflict of interest should be reported to the Competition Committee before that particular round commences. Otherwise, the conflict is deemed waived.

**4. Penalties**

Penalties may range from warnings, to point deductions, to disqualification, depending upon the nature and severity of the offense. Multiple offenses by a single team will warrant more severe penalties.

**5. Waiver**

Failure to comply with the procedures in this section (section H) will waive the challenge or complaint.

**I. MISCELLANEOUS**

**1. Use of Problem**

The problem for this Competition may not be used by any participating school, for any reason, including intra-school competitions, without the express written consent of the Competition Committee.

**2. Scores**

- a. Scores will not be made available, either orally or in writing, until at least after the Semifinal rounds.
- b. When the scores are provided, each team representative will be provided a spreadsheet containing the judges' scores from the oral rounds. This is in addition to the list that reflects each school's ranking on the memos.



- c. The goal is that the scores will be made available to each team at the Banquet/Awards ceremony after the Semifinal round. If this is not possible, the scores will be emailed to a team representative within a week of the competition's completion.

**3. Professionalism**

All teams should conduct themselves ethically and professionally.

**4. Costs**

All costs associated with the Competition should be borne by the schools or by individual team members. Stetson will not reimburse participants for costs associated with the Competition.

**ADDENDUM A**

**AFFIDAVIT**

We have read the National Pretrial Competition Rules. Our submitted memos were prepared in accordance with the Competition Rules, and we have not received any unauthorized assistance.

School: \_\_\_\_\_

**Please print your names below**

Team Members: (1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

Coaches: \_\_\_\_\_

\_\_\_\_\_

Signatures (1) \_\_\_\_\_  
of team

members: (2) \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

Date: \_\_\_\_\_

Memo Number: \_\_\_\_\_

Prosecution memo  
word count: \_\_\_\_\_

Defendant memo  
word count: \_\_\_\_\_