

## **Q & A about 2019 NPTC—Format and Rules**

Q1: Who plays the witnesses?

A1: Teams consist of 4 students—2 will be advocates and 2 will be witnesses for that team. Each team is responsible for its own witnesses. See Rule II. A.

Q2: May the students who are not the primary drafters of the memos begin working on directs and crosses before the memos are filed?

A2: No. Practices should not take place before the team submits its memos. See Rule VIII.A.2.-B.

Q3: Do the students conduct openings and closings?

A3: No. Teams will present their two witnesses (and cross the opposing team's witnesses). Then teams will participate in a Motion Hearing, which should include legal arguments (based on their memos) and factual arguments (based on the facts derived from the evidentiary presentation). In a sense, the Motion Hearing acts as a "closing" for each team, but not in the traditional sense. See Rule IV.C.-D.

Q4: Do the students have to qualify the experts during direct?

A4: Yes. Students should apply relevant law to tender the witnesses as experts for the hearing.

Q5: Do teams write and submit two memos?

A5: Yes. Each team writes a memo for the Movant and a memo for the Non-Movant. See Rule III.A.

Q6: May teams attach exhibits to their memos?

A6: Although teams may and should refer to the documents in the Competition Problem by citing to those documents in their memos, they should not attach exhibits to their memos.

Q7: May teams submit Motions in Limine or Motions to Strike portions of the affidavits, etc.?

A7: Other than the teams' memos, no other written or oral motions should be made. However, teams may object to evidence during the Evidentiary Presentation, and then follow up with legal arguments during the Motion Hearing.

Q8: What exact portions of the WPATH Standards of Care will be admitted into evidence?

A8: Teams should have full access and use of the WPATH Standards of Care, Version 7, available here:  
[https://www.wpath.org/media/cms/Documents/SOC%20v7/Standards%20of%20Care\\_V7%20Full%20Book\\_English.pdf](https://www.wpath.org/media/cms/Documents/SOC%20v7/Standards%20of%20Care_V7%20Full%20Book_English.pdf)

Q9: Which sections of the DSM-V pertaining to the diagnosis of gender dysphoria are relevant/controlling?

A9: As to the DSM-V, the students should limit their reference to Gender Dysphoria in Adolescents and Adults 302.85 (F64.1), and the immediately following subsections that include:

- Specifiers
- Diagnostic Features
- Associated Features Supporting Diagnosis
- Prevalence
- Development and Course
- Risk and Prognostic Factors
- Culture-Related Diagnostic Issues
- Diagnostic Markers
- Functional Consequences of Gender Dysphoria
- Differential Diagnosis
- Comorbidity

Teams should not reference Gender Dysphoria in Children 302.6 (F64.2), Other Specified Gender Dysphoria 302.6 (F64.8), or Unspecified Gender Dysphoria 302.6 (F64.9).

Q10: Will teams be allowed to bring in paper copies of the WPATH Standards of Care and the DSM-V, so that the experts can testify with them?

A10: Teams may use paper copies of either document, or demonstratives during the Evidentiary Presentation, per stipulation of the parties. See Competition Problem page 2.

Q11: We would like to confirm there are no opening statements and no closing arguments.

A11: Teams do not conduct openings and closings. See Q3/A3 above.

Q12: We would like to confirm that our students will play our own witnesses. For example, when the Plaintiff/Movant is presenting their case in chief, our other two students who will represent the Defendant/Non-Movant will play Plaintiff's witnesses.

A12: Correct. See Q1/A1 above.

Q13: Though the rules state oral argument practices cannot be held before the memos of law are submitted, can coaches meet with the team to begin practice on the directs/crosses of witnesses (the evidence presentation portion) before September 12?

A13: No practices should take place until that team's memos have been submitted. See Q2/A2 above.

Q15: What is the order of arguments/issues during the Motion Hearing?

A15: The order of the Motion Hearing will be as follows:

- a. Movant's argument on both issues.
- b. Non-Movant's argument on both issues.
- c. Movant's rebuttal.

There will be no sur-rebuttal for either team.

See Rule IV.D.6.

Q16: During the Evidentiary Presentation and Motion Hearings, will teams represent only the Movant or the Non-Movant, or both?

A16: Teams will represent the Movant once and the Non-Movant once during the first two preliminary rounds. Then, the higher ranked team in each third-round pairing gets to choose which side it represents. See Rule V.B.4-5.

Q17: Should we rely on the PageID in the upper right-hand corner in order to cite to the fact pattern?

A17: Students should reference the title of filings and the docket entry numbers when necessary. Citations should comply with the most current ALWD or Bluebook manual. See Rule III.D.5.