



**STETSON** LAW

**2019**  
**Twelfth Annual**  
**National Pretrial Competition**  
**Competition Rules**

This Competition will be held October 10-13, 2019  
at Stetson University College of Law  
Gulfport, Florida

The 2019 Stetson Law National Pretrial Competition Problem was drafted by Stetson University College of Law Alumni Brandon K. Breslow, Esq., (J.D. '16) and Lara E. Breslow, Esq., (J.D. '16) in association with the Stetson University College of Law Center for Excellence in Advocacy, Advocacy Center Director Professor Roberta Flowers, and Professor Kelly Feeley. The 2019 Competition Problem is the property of the Stetson College of Law Center for Excellence in Advocacy.

## Schedule

<b>Wednesday, August 14, 2019</b>	
Problem Distributed*	
<b>Friday, August 23, 2019</b>	
Deadline for requests for clarifications about the competition problem	5:00:00p.m. EDT
<b>Friday, August 30, 2019</b>	
Deadline for requests for clarifications about the competition rules or format	5:00:00p.m. EDT
<b>Week of September 2, 2019</b>	
Teams receive their assigned team number	
<b>Thursday, September 12, 2019</b>	
Memoranda of Law Due	12:00:00p.m. EDT
<b>Thursday, October 10, 2019</b>	
Coaches' Meeting**	6:00 p.m.
<b>Friday, October 11, 2019</b>	
Team Registration	8:00-8:15 a.m.
Continental Breakfast	8:15-8:45 a.m.
First Preliminary Round	9:00 a.m.-12:30 p.m.
Lunch	12:30-1:45 p.m.
Second Preliminary Round	2:00-5:30 p.m.
Announcement of Third Preliminary Round Pairings	Approximately 6:15p.m.
<b>Saturday, October 12, 2019</b>	
Continental Breakfast	8:15-8:45 a.m.
Third Preliminary Round	9:00 a.m.-12:30 p.m.
Lunch	12:30-2:00 p.m.
Announcement of Semi-Finalists	1:45 p.m.
Semi-Final Round	2:30-6:00 p.m.
Reception	6:00-6:30 p.m.
Awards Banquet*** Announcement of Final Round teams	6:30 p.m.
<b>Sunday, October 13, 2019</b>	
Continental Breakfast for Final Round teams and their coaches/advisors	8:00-8:45 a.m.
Final Round	9:00 a.m.-12:30 p.m.
Presentation of Awards for Final Round	1:00 p.m.

*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/guests. There will be a charge of \$35.00 per person, for any additional guests, which is payable during the coaches' meeting on Thursday, October 10.

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# **I. COMPETITION COMMITTEE AND FORUM**

## **A. Competition Committee Defined**

The Competition Committee is comprised of the Competition Director Professor Kelly Feeley and Professor Roberta Flowers. 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.

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

1. The Competition Committee has sole discretion to enforce all Competition rules.
2. The Competition Committee has sole discretion to interpret the Competition rules. No interpretation of the Competition rules is valid unless obtained in writing from the Competition Committee, unless an oral interpretation is required because time is of the essence.
3. The Competition Committee has sole discretion to answer questions about the documents that constitute the problem.
4. The Competition Committee has sole power to resolve any dispute that may arise during the Competition.
5. The Competition Committee has 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. Oral communication will be allowed only when time is of the essence and written communication is not feasible.

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

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

## **D. Questions/Clarifications about Competition Problem, Rules, and Format**

1. Any questions or clarifications about the Competition problem must be sent to the Competition Committee via email, no later than August 23, 2019 by 5:00:00p.m. EDT. Questions and clarifications will be addressed, all at once, after the August 23 deadline.
2. Any questions or clarifications about the Competition rules or format should be sent to the Competition Committee via email no later than August 30, 2019 by 5:00:00p.m. EDT.<sup>1</sup>
3. 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.

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<sup>1</sup> All questions, inquiries, or clarifications about the Competition problem, rules, or format must be received by the Competition Committee by the deadlines described above and not at the Coaches' Meeting.

- E. Contact with the Competition Committee
- By email:** [nptc@law.stetson.edu](mailto:nptc@law.stetson.edu)
- By mail:** National Pretrial Competition 2019  
Attn: Professor Kelly Feeley  
Stetson University College of Law  
1401 61st Street South  
Gulfport, Florida 33707
- By fax:** National Pretrial Competition 2019  
Attn: Professor Kelly Feeley  
(727) 343-9319

## II. TEAM COMPOSITION

- A. Team Defined
1. A team consists of four persons, each of whom satisfies the criteria listed in section (B) below.
  2. No person may be a member of more than one team.
  3. During the Evidentiary Presentation, two team members will present the evidence, and two team members will serve as witnesses. Only the two advocates may sit at counsel table during the evidentiary portion.
  4. The same two advocates presenting the evidence will also argue during the Motion Hearing.
  5. All team members may participate in any other aspect of the Competition, including practice rounds, research, and drafting.
- B. Qualifications of Team Members
1. No team member may hold a law degree from a United States law school.
  2. Teams members must be enrolled in a full-time or part-time Juris Doctor or equivalent program at the law school they represent.
  3. Members may not hold or be enrolled in any graduate legal program, such as an LL.M., S.J.D., or equivalent program.
- C. Substituting Team Members
1. Team members may be substituted before the memo deadline of September 12, 2019 and before that team actually submits its memos. To make a substitution, the team must email the Competition Committee at [nptc@law.stetson.edu](mailto:nptc@law.stetson.edu) with the substitution before that team's memos are due and submitted.
  2. If a substitution is needed after the memo deadline of September 12, 2019, the team must email the Competition Committee at [nptc@law.stetson.edu](mailto:nptc@law.stetson.edu) and provide good cause, as determined by the Competition Committee. Examples of good cause include such circumstances as: a medical emergency of the team

member, family member, or dependent; death in the immediate or extended family; a legal obligation such as a subpoena or jury summons for which failure to appear could result in civil or criminal penalty.

D. Coaches and Advisors

1. 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 10.
2. Coaches/advisors may be present during the Competition but cannot communicate with team members until after that round is complete. A round is complete after the judges provide oral feedback at the conclusion of the Motion Hearing.
3. During the competition, if coaches or advisors want to leave the courtroom at any point, they must do so quietly and without interruption.
4. Team coaches, advisors, non-participating team members, family members, or other team representatives are not permitted in the "well" of the courtroom and should not approach the bench for any reason. Doing so will result in the associated team forfeiting that round.

### **III. MEMORANDA OF LAW**

A. Sides

1. Each team must submit two memoranda of law—one for the Movant and one for the Non-Movant.
2. During the Motion Hearing, teams will argue the issues addressed in the memoranda of law.

B. Venue

The problem will be set in the fictitious United States District Court of Milton. Milton is a fictitious state, and its district court sits in the fictitious United States Court of Appeals for the Fourteenth Circuit. To the extent the Competition Problem or Rules are silent, the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, Federal Rules of Evidence, and local rules of the United States District Court for the Middle District of Florida will apply.

C. Problem

1. 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.
2. The persons who draft the problem will also prepare—or supervise the preparation of—a bench memorandum to be provided to those who judge the memos and those who judge the oral competition rounds.

D. Format

1. Memos must comply with the following format:
  - a. Not exceed 4800 words.

- b. Be typed using Times New Roman 13- or 14-point font.
  - c. Have 1-inch margins all the way around the page.
  - d. Be double spaced with no extra spacing around headings or between paragraphs. Properly singled-spaced written material, such as headings that exceed one line, block quotations, or footnotes are permitted. However, block quotations and footnotes should be used sparingly, if at all.
2. Include page numbers at the bottom center of each page. The introductory sections (4.b.-c. below) shall use smaller case Roman Numerals—i, ii, etc. and the remaining sections (3.a-e. and 4.d.) shall use Arabic Numbers—1, 2, etc.
  3. Each memo must include the following sections, which do count toward word count:
    - a. introduction with request for relief,
    - b. statement of facts,
    - c. argument with point headings,
    - d. citations (and/or footnotes), and
    - e. conclusion with prayer for relief.
  4. Each memo must also include the following sections, which do not count toward word count:
    - a. front cover page,
    - b. table of contents,
    - c. table of authorities, and
    - d. signature block.
  5. Citations:

All citations—to both law and facts—must conform to the most current version of the ALWD Guide to Legal Citations or The Bluebook: A Uniform System of Citation.

E. Team Identification and Affidavit

1. To facilitate anonymous grading, names of the team members and the team's school may appear only on the affidavit that must be submitted at the same time as the original memos (see Appendix 1 for the affidavit).
2. Each team member must sign a copy of the required affidavit.
3. By signing the affidavit and submitting the memos to the Competition Committee, each team member certifies the memos have been prepared in accordance with the Competition rules, and the memos represent the work product solely of such team's members.
4. Each team will be assigned an identification number the week of September 2, 2019, that is to appear in the uppermost right-hand corner of both front covers of



the memos. That random number is the only way teams should identify themselves in the memos.

F. Number and Service on Competition Committee

1. Each team must submit one Word document of each of the team's memos directly to the Competition Committee as an email attachment to nptc@law.stetson.edu..
2. Please name the document XXXXMov.doc or .docx or XXXXNon-Mov.doc or .docx (where XXXX is your team's random number, "Mov" is for the Movant's memo, and "Non-Mov" is for the Non-Movant's memo).
3. In addition, each team must submit an affidavit as a Word or PDF-file as a separate attachment from the team's memos, directly to the Competition Committee by the deadline (see the contact information below).
4. The memos and affidavit must be received by the Competition Committee by 12:00:00p.m. (noon) EDT, on September 12, 2019 (and teams are encouraged to submit the memos and affidavit as one email with three attachments). The Competition Committee will post each memo on the Stetson Law web site.

G. Service on Other Teams

Teams should not send copies of their memos to any other team. As noted above, the Competition Committee will post each memo on the Stetson Law web site.

H. No Changes After Submission

Once 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.

I. Grading

1. Each memo will be scored by a panel of judges knowledgeable in the area of pretrial practice.
2. The team's scores for both memos will be averaged to create that team's memo score to be used during the Competition. This memo score counts as one-third of the team's score in each preliminary round. The memo score will not be used to determine Semi-Final Round or Final Round winners.
3. Memos will be graded for both content and style using the following criteria:<sup>2</sup>
  - a. Introductory Statement (2.5 points);
  - b. Statement of Facts (10 points);
  - c. Argument (55 points);
  - d. Conclusion (2.5 points)
  - e. Writing Style (25 points);
  - f. Citations (5 points);

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<sup>2</sup> See Appendix 2 for the 2019 memo evaluation sheet.

- g. Technical compliance (see deductions below in 5.b.); and
  - h. Timeliness (see deductions below in 5.a. and 5.c.).
4. Except for memos submitted more than 12 hours after the deadline, which will receive a zero, the minimum score on any memo will be 60.
  5. Deductions will be taken for memos and/or affidavits that do not arrive on-time and/or do not comply with technical requirements.
    - a. Deductions for Late Memo Submissions:
      - i. Up to 15 minutes late: .5 deduction
      - ii. 15:01-60 minutes late: 1-point deduction
      - iii. Every hour, or portion of hour thereafter up to 12 hours: 2-point deduction
      - iv. After 12 hours: the memo will receive a zero
    - b. Deductions for Late Affidavit Submissions:
      - i. Up to 12 hours late: .5 deduction
      - ii. After 12 hours: 1-point deduction
    - c. Deductions for Technical Noncompliance in Memos and Affidavits:
 

Deductions of .5-1 point will be made for everything from not following the rules (font, margins, etc.), to leaving Track Changes on or the comment balloons in, to not including the right sections, etc.

J. Legal Issues and Facts Argued in Memoranda

The memoranda of law must address all issues to be addressed during the Motion Hearing. To establish the procedural and substantive facts for the memoranda, teams may cite to any docket entry provided in the Competition Problem. However, the admissibility of the testimony offered in the witnesses' depositions, affidavits, or any other docket entry will be determined during the Evidentiary Presentation.

## IV. PRETRIAL ORAL ARGUMENT PROCEDURES

A. Time and Place

1. All oral presentations will be held on the Stetson University College of Law campus in Gulfport, Florida, on October 11–13, 2019.
2. Pairings for the First and Second Preliminary Rounds and Courtroom assignments will be provided during the Coaches' Meeting on October 10. 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.
3. Two preliminary rounds will be held on October 11 and one preliminary round will be held on October 12.

4. The Semi-Final Round will be held on October 12.

5. The Final Round will be held on October 13.

B. Time per Team

1. Each round will be limited to 180 minutes, with each team being allotted 90 minutes. Of the team's 90 minutes, 60 minutes will be for the Evidentiary Presentation and 30 minutes for the Motion Hearing.

2. During the Motion Hearing, the team representing the Movant may reserve 1 or 2 minutes of its 30 minutes for rebuttal, but not 30 or 90 seconds.

3. Nothing in this rule requires a 50/50 split of time between co-counsel in either the Evidentiary Presentation or Motion Hearing.

4. Any unused time will be waived.

C. Evidentiary Presentation

1. Tasks

a. During the evidentiary hearing, teams must conduct the following tasks:

i. Conduct the direct examination of two witnesses (with redirect permitted only at the judge's discretion);

ii. Conduct the cross examination of two witnesses (with re-cross permitted only at the judge's discretion for impeachment).

b. As there are four tasks to complete during the evidentiary presentation—two direct examinations and two cross examinations—each attorney must conduct two of the four tasks. For example, Attorney A could conduct both directs and Attorney B could conduct both crosses. Or, Attorney A could conduct one direct and one cross, with Attorney B conducting the other direct and the other cross.

2. Order of Evidentiary Presentation

a. Movant's witness #1—direct by Movant and cross by Non-Movant.

b. Movant's witness #2—direct by Movant and cross by Non-Movant.

c. Non-Movant's witness #1—direct by Non-Movant and cross by Movant.

d. Non-Movant's witness #2—direct by Non-Movant and cross by Movant.

3. Time

The bailiffs will keep track of the time during the Evidentiary Presentation and objections will stop the clock.

4. Direct Examination

The goal and challenge of any competition is to stay within the facts provided in the competition problem. To further that, the following limitations are imposed:

a. 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/her

answers to the facts and opinions stated in the problem. Inferences may only be drawn during the Motion Hearing.

- b. On direct examination, advocates must advise their witnesses if they are asked to provide information not specifically provided in the file, to respond by stating, “No, I didn’t do (hear, see) that,” “I don’t know that,” or “I don’t have that information.”
- c. 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 he/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 facts and ask the court to disregard the statement.

## 5. Cross Examination

- a. If the cross examination calls for a material answer, inferences are not permitted.

**Example of a material answer:** When Doctor X says in her deposition she ran tests A, B, and C to diagnose the plaintiff’s illness, if the doctor was asked on cross, “Doctor, you cannot tell the jury you ran test D on the plaintiff, 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,” or “I’ve never testified to that before and I’m not comfortable answering your question now.”

- b. 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.”

**Example of non-material answer:** When a deposition indicates a witness is married, has children, or graduated with a college degree, that witness may provide his/her spouse’s name, his/her children’s names, or the name of the college attended, even when those names are not provided in the deposition. Those matters are generally considered non-material.

If a witness does provide such names on direct examination, an advocate should not try to impeach the witness for not providing those names in the deposition.

## 6. Exhibits

- a. 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 Competition Problem or exhibits created by team members in front of the judge.

D. Motion Hearing

1. At the conclusion of the Evidentiary Presentation, the Motion Hearing will commence.
2. Each team has 30 minutes for the Motion Hearing.
3. Each advocate is responsible for one issue during the Motion Hearing.
4. A bailiff will keep time for each team<sup>3</sup> and provide the following timecards: 10, 7, 5, 3, 1, and stop.
5. The Chief Judge will ask questions during the Motion Hearing.
6. 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.

E. Anonymity and Prohibited Communication

1. All team members are prohibited from speaking with the judges before a round begins except to introduce themselves to the Court in the usual manner with their actual names and team number, but not their law-school affiliation, until the team is eliminated from the Competition.
2. Other than possibly thanking the judges after the round is complete, all individuals affiliated with a team are prohibited from speaking with the judges before a round begins or discussing any substantive matters with the judges until the team they are affiliated with has been eliminated from the competition.
3. 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).
4. Teams shall place their table tent cards with their team number and either Movant or Non-Movant on counsel table facing the judges at the beginning of the round to remain for the duration of the round.
5. Judges may schedule a break between the Evidentiary Presentation and the Motion Hearing. Coaches, advisors, and observers are not permitted to confer with team members during the round, including break(s).

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

6. Team members are **NOT** permitted to use cell phones or other similar electronic devices during the round, including break(s).

F. Team Information on Score Sheets

1. To ensure correct team numbers, student names, and sides represented are included on the oral argument ballots, **BOTH** teams must be in their assigned room 10-15 minutes **BEFORE** each round to fill out the score sheets for the judges with their teams' information.
2. Once completed, teams should provide the ballots to the bailiff(s) in their assigned room to distribute to the judges when they arrive.

G. Judges and Judging Criteria

1. Barring unforeseen circumstances, each round will be judged by at least three persons; however, if not, three judges' scores will be created:
  - a. If there are less than three judges, the other judges in that room will be averaged to create a third judge's score. With a .5 being rounded up to the next higher whole number. i.e. a created-judge's score of 182.5 would be rounded up to 183.
  - b. If there are four judges, the Chief Judge will not be a scoring judge.
  - c. If there are five judges, the Chief Judge will not be a scoring judge and the Competitions Committee, without looking at the completed score sheets, will randomly discard one of the judge's score sheets. If it is the semi-final or final round, all five judges will be scoring judges.
2. Judges will be provided with a copy of the Competition Problem and bench memo.
3. Judges will NOT be provided with copies of the teams' memos or memo scores.
4. 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.
5. During the Evidentiary Presentation, judges will score the direct and cross examinations.
6. During the Motion Hearing, judges will score the arguments on these factors:<sup>4</sup>
  - a. Knowledge of facts and law;
  - b. Organization and clarity of argument;
  - c. Ability to answer questions; and
  - d. Presentation Style.
7. For the Preliminary Rounds, each judge's scores for the Evidentiary Presentation and Motion Hearing will be added together to determine that judge's score for that team for the oral presentation. The scores of all the judges from the oral

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<sup>4</sup> See Appendix 3 for the oral argument ballots.

presentation will be averaged to determine the oral-presentation score for that team for that round (worth two-thirds of that team's score for the preliminary rounds).

8. For the Semi-Final and Final rounds, the memo scores are no longer factored in and the winning teams will be determined by the greater number of oral-argument judges' ballots won.
9. The judges will be instructed that should a team's coach, advisor, non-participating team member, family member, or other team representative approach the bench during oral argument, that team will immediately forfeit the round.

#### H. Critiques

Each judge will be requested to provide a short oral critique, no longer than 5 minutes a judge, at the end of each round.

#### I. Announcements

1. After three Preliminary Rounds are completed, the four teams advancing to the Semi-Final Round will be announced during lunch on October 12.
2. After the Semi-Final Round is completed, the two teams advancing to the Final Round will be announced during the Awards Banquet on October 12.
3. All Preliminary and Semi-Final Round awards—individual and team—will be presented during the Awards Banquet on October 12. All teams are encouraged to attend the Awards Banquet.
4. The Final Round awards will be presented immediately following the conclusion of the Final Round.

#### J. Stetson's Participation

Stetson may not enter a team in the Competition except as a bye-team should an odd number of teams register to compete, or should a team drop from the Competition leaving an odd number of competing teams. A Stetson bye-team may not advance past the Preliminary Rounds and its members will not be eligible for any award. Members of the bye-team 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.

## V. SEQUENCE OF ORAL ROUNDS/ADVANCEMENT

#### A. Scoring Breakdown

1. Except for the Semi-Final and Final Rounds, scores for each round will be determined by counting the team's memo score as one-third and the entirety of the pretrial hearing as two-thirds. Specifically, the scoring will be as follows:
  - a. The memos will be scored out of 100 points. Each team's memos will be read by multiple judges and the scores averaged to create the memo score used in the competition.

- b. The oral presentation will be scored out of 200 points:
- 100 points for the Evidentiary Presentation, and
  - 100 points for the Motion Hearing.

For the Preliminary Rounds, the judges' scores from the oral presentations will be averaged to create the team's oral presentation for that round.

- c. Here is an example of how the scores for a round will be calculated:

- i. Team A's memo score (out of 100 points):

- Team A's Movant's memo received the following scores: 90, 85, and 92.
- Team A's Non-Movant's memo received the following scores: 80, 78, and 85.
- Team A's memo score is: 85 (the average of the six scores).

- ii. Team A's oral presentation score (out of 200 points):

- Team A's oral presentation scores for the Evidentiary Presentation and Motion Hearing were: 180, 195, and 174.
- Team A's oral presentation score for the round would be: 183 (the average of the three judges' scores).
- Team A's score for that round would be 268 (or the memo score of 85, plus the oral presentation score of 183).

2. In the Semi-Final and Final Rounds, the winner will be determined solely on the oral presentation and the greater number of judges' ballots won.

## B. Preliminary Rounds

1. Three Preliminary Rounds will be held.
2. Each team will argue in each Preliminary Round.
3. Initial pairings for the first and second Preliminary Rounds will be randomly determined during the Coaches' Meeting on October 10.
4. During the first two Preliminary Rounds, teams will argue once for each side (the Movant and then Non-Movant, or vice-versa).
5. For the third Preliminary Round, the pairings will be power-matched based off the teams' win-loss records and cumulative margin of victory. The higher of the two teams will get to choose the side it will represent in the third Preliminary Round.
6. When determining which teams advance, the following will apply in this order:
  - a. teams with the best win-loss records (which includes cumulative margin of victory);
  - b. teams with the greatest number of judges' ballots won;
  - c. teams with the highest memo score; and



- d. teams with the highest total points on the memo and oral scores combined for the first two preliminary rounds.

C. Semi-Final Round

1. The top four teams will advance to the Semi-Final Round. 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 Semi-Final Round. The highest ranked team and the second-highest ranked team will call the coin toss.
2. The winners of the Semi-Final Round will be determined solely based on oral presentation in the Semi-Final Round. The team in each match-up with the greater number of judges' ballots won will advance to the Final Round.

D. Final Round

1. The winners of each Semi-Final Round will advance to the Final Round.
2. If the winners of each Semi-Final Round represented different parties, the teams will flip sides for the Final Round.
3. If the winners of each Semi-Final Round represented the same parties, a coin toss will determine which side the teams will represent in the Final Round. The higher ranked team from the preliminary rounds will call the coin toss.
4. The winner of the Final Round will be determined solely based on 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.
5. The winner of the Final Round will be designated the winner of the 2019 National Pretrial Competition.

## **VI. MEMO SCORES, ORAL SCORES, AND TALLY REVIEW PERIOD**

A. Memo and Oral Presentation Scores

Memo and Oral Presentation Scores will be made available to teams during lunch after the Third Preliminary Round. This will include all teams' memo scores and rankings, each team's oral presentation scores, and a master tally sheet with all scores for all teams and their rankings.

B. Tally Review Period

Once the "preliminary" announcement is made about the four teams advancing to the Semi-Final round, all teams will be given 10 minutes to review their scores and the master tally sheet and raise any mathematical or scrivener's error. The four teams advancing to the Semi-Final round do not become final until the 10-minute review period has ended and no challenges have been made.

However, should a challenge be made, any mathematical or scrivener errors will be corrected and a final announcement of the four advancing teams will be made.

## **VII. AWARDS**

The following awards will be presented:

- A. Banquet Awards Ceremony
  - 1. BEST memo for both the Movant and Non-Movant
  - 2. BEST advocate Preliminary Round 1
  - 3. BEST advocate Preliminary Round 2
  - 4. BEST advocate Preliminary Round 3
  - 5. Two Semi-Finalist teams
  - 6. BEST advocate Semi-Final Round
- B. Final Round Awards Ceremony
  - 1. First Place
  - 2. Second Place
  - 3. BEST overall advocate

## **VIII. OUTSIDE ASSISTANCE**

- A. Assistance on Memos
  - 1. A team may receive only the following assistance on the memo:
    - a. 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 Civil Procedure, Criminal Procedure, and Evidence. The coach(es)/advisor(s) may not dictate which Federal Rules of Civil Procedure, Criminal Procedure, or Evidence apply.
    - b. Coach(es)/advisor(s) 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.
    - c. Basically, the team members alone are solely responsible for the organization, content, and proofreading/editing of their memos.
  - 2. A team may not hold oral practice rounds before its memos are submitted to the Competition Committee.
- B. Assistance on Oral Argument

Once a team's memos are submitted to the Competition Committee, that team may be assisted in the preparation of its oral argument, except as limited below.
- C. Collaboration with Other Teams

No member or coach of any team still eligible to participate or 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. The only exception is that all teams, coaches, and others affiliated with the teams, may attend the Final Round, regardless of whether their team is competing in the Final Round.

## **IX. CHALLENGES, DISPUTE RESOLUTION, AND SANCTIONS/PENALTIES**

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

1. Any memo or pre-oral argument challenge or complaint must be submitted via email to the Competition Committee no later than 5:00:00p.m. EDT on October 1, 2019.
2. Should the allegedly offensive conduct occur between October 1 at 5:00:00p.m. EDT and the start of the first Preliminary Round on October 11, the challenge or complaint should be submitted within 24 hours of its discovery, via email.
3. 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.
4. After reviewing the challenge or complaint, the Competition Committee will, if necessary, contact other affected teams and issue a ruling.
5. The ruling of the Competition Committee will be final and may not be appealed.

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

1. 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; otherwise, the challenge or complaint is waived.
2. Challenges or complaints that occur during the Competition that do not relate to an 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; otherwise, the challenge or complaint is waived.

### **C. Conflicts of Interest**

A judge’s alleged conflict of interest should be reported to the Competition Committee before that round commences; otherwise, the conflict is deemed waived.

### **D. Penalties**

1. All teams should conduct themselves ethically and professionally.
2. 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.

## **X. OWNERSHIP AND USE OF COMPETITION PROBLEM**

- ### **A. The NPTC Competition Problem is the property of Stetson University College of**

Law.

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

## **XI. COSTS TO PARTICIPATE IN THE COMPETITION**

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.

**APPENDIX 1**

**AFFIDAVIT—2019 NPTC**

We have read the 2019 National Pretrial Competition Rules. Our submitted memos were prepared in accordance with the Competition Rules, and we have not given or 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: \_\_\_\_\_

Team Number: \_\_\_\_\_

Plaintiff/Prosecution  
memo word count: \_\_\_\_\_

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

**APPENDIX 2**  
**Memo Evaluation Sheet**

**Team #:**

**Circle: Movant or Respondent**

**Judge:**

<u>CATEGORY</u>	<u>Total</u>
<p style="text-align: center;"><b>INTRODUCTORY STATEMENT</b></p> <p style="text-align: center;">Introductory Statement is persuasive, accurate, and requests relief</p> <p style="text-align: center;"><b>Maximum 2.5 points:</b> Excellent = 2.5    Good = 2    Average = 1</p>	
<p style="text-align: center;"><b>STATEMENT OF FACTS</b></p> <p style="text-align: center;">Facts are persuasive, accurate, and complete</p> <p style="text-align: center;"><b>Maximum 10 points:</b> Excellent = 8-10    Good = 4-7    Average = 1-3</p>	
<p style="text-align: center;"><b>ARGUMENT SECTION</b></p> <p style="text-align: center;">Argument section is well-organized with clear, accurate, and persuasive headings; arguments are well supported and persuasive; analysis is logical and developed; and legal authority discussed accurately and persuasively</p> <p style="text-align: center;"><b>Maximum: 55 points:</b> Excellent = 50-55    Good = 40-49    Average = 35-39</p>	
<p style="text-align: center;"><b>CONCLUSION</b></p> <p style="text-align: center;">Conclusion accurately summarizes major points and includes prayer for relief</p> <p style="text-align: center;"><b>Maximum 2.5 points:</b> Excellent = 2.5    Good = 2    Average = 1</p>	
<p style="text-align: center;"><b>WRITING STYLE</b></p> <p style="text-align: center;">Appropriate sentence structure and style used; grammar, punctuation, and spelling correct; appropriate tone used; brief is readable; quotes used sparingly</p> <p style="text-align: center;"><b>Maximum 25 points:</b> Excellent = 22-25    Good = 19-21    Average = 15-18</p>	
<p style="text-align: center;"><b>CITATIONS</b></p> <p style="text-align: center;">Citations to law and facts are accurate in placement, form, and content</p> <p style="text-align: center;"><b>Maximum 5 points:</b> Excellent = 4-5    Good = 2-3    Average = 1</p>	
<p style="text-align: center;"><b>TECHNICAL COMPLIANCE<sup>5</sup></b></p> <p style="text-align: center;">Includes all required sections only and complies with all technical requirements</p>	
<p style="text-align: center;"><b>TIMELINESS<sup>6</sup></b></p> <p style="text-align: center;">Memos and affidavit submitted timely</p>	
<p><b>Minimum Score:</b> 60<sup>7</sup>      <b>Maximum Score:</b> 100      <b>TOTAL:</b></p>	

<sup>5</sup> Deductions of .5-1 point will be made for everything from not following the rules (font, margins, etc.), to leaving Track Changes on or the comment balloons in, to not including the right sections, etc.

<sup>6</sup> Deductions for Late Memo Submissions: Up to 15 minutes late: .5 deduction; 15:01-60 minutes late: 1-point deduction; every hour, or portion of hour thereafter up to 12 hours: 2-point deduction; and after 12 hours: the memo will receive a zero.  
Deductions for Late Affidavit Submissions: Up to 12 hours late: .5 deduction and after 12 hours: 1-point deduction.

<sup>7</sup> Memos more than 12 hours late will receive a zero.

**APPENDIX 3**  
**2019 National Pretrial Competition**  
**Evidentiary Presentation Ballot**

Judge's Name (please print): \_\_\_\_\_ Crtrm: \_\_\_\_\_

Movant's Team #: \_\_\_\_\_ P or D P1 P2 P3

Non-Movant's Team #: \_\_\_\_\_ P or D Semis Finals

MOVANT	ACTIVITY	NON-MOVANT
Atty:		Atty:
Atty:		Atty:
Wit #1:		Wit #1:
Wit #2:		Wit #2:
Excellent = 22-25 Good = 19-21 Average = 16-18		
[25]	Direct of Movant Witness #1 [25 points possible for Movant only]	
	Cross-Examination of Movant Witness #1 [25 points possible for Non-Movant only]	[25]
[25]	Direct of Movant Witness #2 [25 points possible for Movant only]	
	Cross-Examination of Movant Witness #2 [25 points possible for Non-Movant only]	[25]
	Direct of Non-Movant Witness #1 [25 points possible for Non-Movant only]	[25]
[25]	Cross-Exam of Non-Movant Witness #1 [25 points possible for Movant only]	
	Direct of Non-Movant Witness #2 [25 points possible for Non-Movant only]	[25]
[25]	Cross-Exam of Non-Movant Witness #2 [25 points possible for Movant only]	
[100] Movant	<b>TOTAL POINTS</b> [Total of 100 points possible per team]	[100] Non-Movant

**Rank all advocates (not witnesses) in this Round.**

1. \_\_\_\_\_

3. \_\_\_\_\_

2. \_\_\_\_\_

4. \_\_\_\_\_

**2019 National Pretrial Competition**

**Motion Hearing Ballot**

Judge's Name (please print): \_\_\_\_\_

Courtroom: \_\_\_\_\_

Movant's Team #: \_\_\_\_\_ P or D

P1 P2 P3

Non-Movant's Team #: \_\_\_\_\_ P or D

Semis Finals

Movant* Name:	Movant* Name:	CATEGORY	Non-Movant Name:	Non-Movant Name:
[20]	[20]	Knowledge of facts and law [20 pts] [Excel =18-20; Good= 14-17; Avg= 11-13]	[20]	[20]
[15]	[15]	Organization and clarity [15 pts] [Excel = 13-15; Good = 10-12; Avg = 7-9]	[15]	[15]
[10]	[10]	Ability to answer questions & transition back to argument [10 pts] [Excel = 9-10; Good = 7-8; Avg = 5-6]	[10]	[10]
[5]	[5]	Style and appearance [5 pts] [Excel = 4-5; Good = 3; Avg = 2]	[5]	[5]
[50]	[50]	<b>TOTAL SCORE per student [max 50 pts]</b>	[50]	[50]
<b>Movant</b>		<b>TEAM TOTAL [max 100 points]</b>	<b>Non-Movant</b>	

\*Rebuttal should be factored into the scoring for the Movant's attorney who conducts the rebuttal.