



STETSON LAW

2023
Sixteenth Annual
National Pretrial Competition

Stetson University College of Law
October 12-15, 2023

Competition Rules



SIXTEENTH ANNUAL NATIONAL PRETRIAL COMPETITION Competition Schedule

Tuesday, August 1, 2023

The 2023 National Pretrial Competition Problem (Casefile) and Rules will be made available on the Stetson Law website: [National Pretrial Competition - College of Law \(stetson.edu\)](https://www.stetson.edu/nptc).

Tuesday, August 8, 2023

5:00pm EST Deadline for requests for clarifications about the competition Problem, rules, or format. Teams will also receive their assigned team number on this date.

Friday, September 1, 2023

5:00pm EST Movant and Non-movant Memoranda of Law, and Team Affidavit due. Email three attachments (both memos and affidavit) to nptc@law.stetson.edu before 5:00pm EST.

Tuesday, October 10, 2023

8:00 pm EST Coaches' meeting via zoom. A link will be emailed prior to the meeting. At least one coaching representative for each team must attend. The pairings for the first two preliminary rounds will be provided.

Thursday, October 12, 2023

6:30 pm EST First Preliminary Round

Friday, October 13, 2023

1:30pm EST Second Preliminary Round

4:30-5:30pm EST Dinner and announcement of Third Preliminary Round pairings.

6:30pm EST Third Preliminary Round. Following the Third Preliminary Round, there will be an announcement of the teams advancing to the

Quarterfinals. We will also provide snacks and dessert after the third preliminary round for anyone who is hungry!

Saturday, October 14, 2023

- | | |
|-----------------|--|
| 10:00am EST | Quarterfinal Rounds |
| 1:30-2:30pm EST | Lunch, and announcement of teams advancing to the Semifinals. |
| 3:00pm EST | Semifinal Rounds |
| 7:00pm EST | Awards Banquet and Celebration! Awards for Best Memoranda and Best Advocates in the Preliminary Rounds, as well as announcement of the teams advancing to the Finals. The attire for the Awards Banquet is business casual. The registration fee covers the cost of 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 on the first day of the competition, October 12th. |

Sunday, October 15, 2023

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| 10:00am EST | Final Round, immediately followed by presentation of awards. |
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I. COMPETITION COMMITTEE AND FORUM

A. Competition Committee Defined

The Competition Committee is comprised of the Competition Directors, Elizabeth Boals and Kate Donoghue. All contact with the Competition Committee should be via email: nptc@law.stetson.edu.

B. Powers of the Competition Committee

1. The Competition Committee has sole discretion to interpret and enforce all competition rules; answer questions about the problem; and resolve any dispute that may arise during the competition.
2. The Competition Committee also has the power to change or supplement the competition rules should any changes or supplements become necessary. Changes and supplements will be communicated to participating teams as quickly as possible.
3. For the handling of protests/challenges during the competition, the Competition Committee may convene a “Protest Committee” comprised of volunteer coaches/advisors (not student representatives). This will be discussed further at the coaches meeting.

C. Questions/Clarifications about Competition Problem, Rules, and Format

1. Any questions or clarifications about the competition problem or rules must be sent to the Competition Committee via email (nptc@law.stetson.edu) no later than **August 8, 2023, by 5:00 p.m. EST**. Questions and clarifications will be addressed all at once and as quickly as possible after the August 8th deadline.¹
2. 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.

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 serve as advocates, and two team members will serve as witnesses. The witnesses in the problem may be played by persons of any gender.
4. During the evidentiary presentation in each round, both advocates must conduct a direct examination and a cross-examination. During the motion hearing in each round, both advocates must argue: one advocate will argue the first issue and the

¹ All questions, inquiries, or clarifications about the competition problem and rules must be received by the Competition Committee by the deadlines described above and not at the Coaches’ Meeting.

other advocate will argue the second issue.²

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. Team members must be enrolled in a full-time or part-time Juris Doctor or equivalent program at the law school they represent.

C. Substituting Team Members

1. Team members may be substituted before the memo deadline of September 1, 2023, and before that team actually submits its memos. In other words, team members may not be substituted after a team submits its memos even if those memos are submitted before the September 1st deadline. To make a substitution, the team must email the Competition Committee at 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 1, 2023, the team must email the Competition Committee at 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 or illness of the team member, family member, or dependent; death in the immediate or extended family; or 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 student representative to attend the Coaches' Meeting on October 10, 2023.
2. Coaches/advisors may not assist in the memoranda research, drafting, or proofreading in any way. However, once both memoranda and team affidavit have been submitted, coaches/advisors may help students prepare for the evidentiary hearing and motion argument.
3. Coaches/advisors may observe the round but cannot communicate with team members in any way until after that round is complete. This includes speaking during breaks, signaling (coughing, stomping, etc.), or electronically communicating in any way with any team member, including witnesses. A round is complete once the judges excuse the advocates in order to complete their ballots at the conclusion of the motion hearing. Therefore, no communication is allowed during breaks or recesses taken during the round, but communication is permitted before oral feedback.

² See Section IV PRETRIAL ORAL ARGUMENT PROCEDURES, Sub-section D for further details on the motion hearing.

III. MEMORANDA OF LAW

A. Sides

1. Each team must submit two memoranda of law—one for the movant (defense) and one for the non-movant (prosecution).
2. During the motion hearing, teams will argue the evidence elicited during the evidentiary hearing and its implication on the issues raised in the memoranda of law.

B. Venue

1. The problem takes place in the fictitious State of Stetson, which 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, 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.
2. Generally, as this is a pretrial hearing, the Federal Rules of Evidence are exempted other than privilege pursuant to Rule 1101. However, the court may entertain objections based on the form of the question or other Article 6 or 9 objections pertaining to witnesses and authenticity.

C. Format

1. Memos must comply with the following format:
 - i. Not exceed 4800 words.
 - ii. Be typed using Times New Roman 13- or 14-point font.
 - iii. Have 1-inch margins all the way around the page.
 - iv. 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:
 - i. introduction with request for relief,
 - ii. statement of facts,
 - iii. argument with point headings,
 - iv. citations (and/or footnotes), and
 - v. conclusion with prayer for relief.
4. Each memo must also include the following sections, which do not count toward word count:

- i. front cover page,
- ii. table of contents,
- iii. table of authorities, and
- iv. 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.

D. 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 memos (see Appendix 1 for a copy of the affidavit). Each team member must sign a copy of the required affidavit.
2. 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 (not coaches/advisors).
3. Each team will be assigned an identification number after all invitations have been accepted. That number 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.

E. Memoranda and Affidavit Submission

1. Each team must send **one email** to nptc@law.steteson.edu by 5:00 p.m. EST on September 1, 2023, **with three attachments**: a word document for each memo (movant (defense) and non-movant (prosecution)), as well as the team affidavit as a Word or PDF-file.
2. Please name the documents:
 - i. [team number]Mov-defense.doc or .docx for the movant's memo;
 - ii. [team number]Non-Mov-prosecution.doc or .docx for the non-movant's memo; **and**
 - iii. [team number]Affidavit
3. Once memos have been submitted, no revisions, supplements, or additions will be permitted, and no additional written materials will be reviewed.
4. Teams should not send copies of their memos to any other team. The Competition Committee will post each memo on the [National Pretrial Competition](#) website.

F. Grading³

1. Each memo will be scored by a panel of judges knowledgeable in the area of pretrial

³ See Appendix 2 for the 2023 Memo Evaluation Sheet.

practice.

2. Each 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 quarterfinal, semifinal, or final round winners.
3. Memos will be graded for both content and style using the following criteria:
 - i. Introductory Statement (2.5 points);
 - ii. Statement of Facts (10 points);
 - iii. Argument (55 points);
 - iv. Conclusion (2.5 points);
 - v. Writing Style (25 points);
 - vi. Citations (5 points);
 - vii. Technical compliance (see deductions below in 5.b.); and
 - viii. Timeliness (see deductions below in 5.a. and 5.c.).
4. Deductions will be taken for memos and/or affidavits that do not arrive on-time and/or do not comply with technical requirements.
 - i. 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
 - After 12 hours: the memo will receive a zero
 - ii. Deductions for late affidavit submissions:
 - Up to 12 hours late: .5 deduction
 - After 12 hours: 1-point deduction
 - iii. 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.

G. Legal Issues and Facts Argued in Memoranda

1. The memoranda of law must analyze both legal issues to be addressed during the motion hearing. To establish the procedural and substantive facts for the memoranda, teams may cite any information contained in the competition problem. However, the admissibility of the testimony and exhibits at the evidentiary hearing are subject to objection, unless otherwise addressed by the stipulations contained in the competition problem. Further, during oral argument, advocates are limited to

using the testimony elicited from the witnesses during the evidentiary hearing.

2. Legal research may be conducted with respect to the Fourth Amendment issues raised by the competition problem. However, teams are limited to the facts contained within the four corners of the competition problem.
3. The use of Chat GPT is prohibited in this competition. In addition, the use of any other AI that creates, generates, synthesizes, or otherwise produces legal analysis, conclusions, or arguments is prohibited.

IV. ORAL PRESENTATION 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 12-15, 2023.
2. Pairings for the first two preliminary rounds and Courtroom assignments will be provided during the coaches' meeting on October 10th. All preliminary round pairings will be made randomly. The third preliminary round is *not* power-matched based on the teams' win-loss record.
3. One preliminary round will be held on October 12th and two preliminary rounds will be held on October 13th.
4. The quarterfinal and semifinal rounds will be held on October 14th.
5. The final round will be held on October 15th.

B. Time per Team

1. Each round will be limited to 160 minutes, with each team being allotted 80 minutes. Of the team's 80 minutes, 50 minutes will be for the evidentiary presentation and 30 minutes for the motion hearing.
2. Any unused time of each team's 50 minutes that may be left at the conclusion of the evidentiary presentation will be waived. In other words, unused time from the evidentiary hearing may not be applied to the motion hearing.

C. Evidentiary Presentation⁴

1. Tasks
 - i. During the Evidentiary Hearing, teams must conduct the following tasks:
 - Direct examination of two witnesses (with one redirect permitted for each examination);
 - Cross-examination of two witnesses (with re-cross permitted only at the judge's discretion for impeachment).
 - Each advocate must conduct a direct and a cross-examination.

⁴ See Appendix 3 for the Evidentiary Hearing Ballot.

2. Order of Evidentiary Presentation

- i. Prosecution witness #1—direct (and redirect) by prosecution and cross by defense.
- ii. Prosecution witness #2—direct (and redirect) by prosecution and cross by defense.
- iii. Defense witness #1—direct (and redirect) by defense and cross by prosecution.
- iv. Defense witness #2—direct (and redirect) by defense and cross by prosecution.

3. Time for the Evidentiary Presentation

Each team has 50 minutes to complete their evidentiary examinations (two directs and two crosses). The clock will stop for objections. Bailiffs will keep track of the time during the evidentiary presentation and teams may ask for a time-check at the end of the prosecution's case-in-chief.

4. Direct Examination

Teams are limited to only the facts contained in the competition problem. Every team should strive to stay squarely within the four corners of the problem. Teams that invent facts or go outside the record will be subject to challenges and may suffer penalties from the Competition Committee. To that end, the following limitations are imposed:

- i. No advocate may elicit from a witness, and no witness may draw, *any* inference during 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 in argument during the motion hearing.
- ii. If, on direct examination, a witness is asked to give an answer not specifically provided in the problem, the witness must respond by stating, "No, I didn't do (hear, see) that," or "I don't know that," or "I don't have that information."

5. Cross Examination

- i. If the cross examination calls for a material answer, inferences are not permitted. A material answer is anything that affects the credibility or quality of a witness' testimony.

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 didn't run test D on the plaintiff, right? The **appropriate** response for the doctor is "No, I did not."

An **inappropriate** response for the doctor is "I did, but I don't have the results," or "I've never testified to that before and I'm not comfortable answering your question now."

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 and/or has children, that witness may provide his/her spouse's and/or children's names, even when those names are not provided in the problem because 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 on cross-examination for not providing those names in their prior statement.

6. Exhibits

- i. Team members are limited to the exhibits provided in the competition problem or exhibits created by team members in front of the judge during the hearing (e.g., demonstratives, timelines on a flipchart, diagrams on a whiteboard, etc.).
- ii. Each team is responsible for bringing their own enlarged exhibits, easels, whiteboards, flipcharts, markers, etc., should they choose to do so. Technology will be available in all courtrooms. However, like in the real world, technology can fail, so each team is responsible for being prepared to still be able to present their evidence should the courtroom technology fail for any reason.

D. Motion Hearing

1. At the conclusion of the evidentiary presentation, the motion hearing will commence.
2. Each team has a total of 30 minutes to argue its position during the motion hearing. Both advocates must argue during the motion hearing. The first advocate will argue the first issue raised in the memorandum of law, and the second advocate will argue the second issue raised in the memorandum of law. Each advocate will have 15 minutes to argue. Each advocate for the prosecution may reserve 1 or 2 minutes for rebuttal on their respective issues. Any unused time by the advocate who argues the first issue may be applied to the time the second advocate has to argue the second issue.
3. The order of the motion hearing will be as follows:
 - i. Prosecution's argument on the first issue
 - ii. Defense's argument on the first issue
 - iii. Prosecution's rebuttal on the first issue (if any)
 - iv. Prosecution's argument on the second issue
 - v. Defense's argument on the second issue
 - vi. Prosecution's rebuttal on the second issue (if any).
 - o There will be no sur-rebuttal for either team.
4. A bailiff will keep time for each team. A bailiff will let each advocate on each team know how much time is left for their respective 15—minute argument by providing the following timecards: 5, 3, 1, and stop.
5. The Chief Judge will ask questions during the motion hearing.
6. During oral argument, advocates are limited to using the testimony elicited from the

witnesses during the evidentiary hearing.

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 names and team number, but not their law-school affiliation.
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 after the rounds.
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. Judges may take a break between the evidentiary presentation and the motion hearing. Students playing the witness roles may confer with the student advocates during these breaks, but coaches, advisors, and observers are not permitted to confer with team members ***in any way, at any point*** during the round, including break(s).
5. Team members – advocates and witnesses – are **NOT** permitted to use cell phones, or other similar electronic communication devices, during the round, including break(s). Advocates, however, may use a laptop or tablet device to display evidence during the evidentiary presentation or motion hearing.
6. Witnesses may confer with each other by passing notes during the round; however, witnesses may not confer with the advocates by passing notes to them during the round. Witnesses and advocates may confer orally during breaks, but witnesses should not be speaking with, or passing notes to, the advocates during the witness examinations or oral arguments.

F. Judges and Judging Criteria⁵

1. Barring unforeseen circumstances, each round will have three judges; however, if not, three judges' scores will be created:
 - i. If there are less than three judges, the scores of the other judges in that room will be averaged. If the average score is a decimal score, any averaged decimal number less than .5 will be rounded down to the lower whole number. For example, an averaged score of 182.4 would be rounded down to 182. If the average score is a decimal score with a .5 or higher, the score will be rounded up to the next whole number. For example, an averaged score of 182.5 would be rounded up to 183.
2. 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 See Appendix 4 for the Motion Hearing Ballot.

3. If there are more than three judges in a preliminary round, or only four judges in a quarterfinal or semifinal round, only three judges' ballots will count. The Competition Committee will decide before the round which judge's ballot will not count.
4. If there are five judges in a quarterfinal, semifinal, or final round, all five judges will be scoring judges. However, if there are a different number of judges in each courtroom during an advanced round, the Competition Committee will make sure the number of ballots counted in each courtroom are even, and will decide which ballots will count prior to the start of the round.
5. The winner of the final round will be determined by a caucus, where all judges will meet and confer after the round to decide on the winning team and the best advocate in the final round.
6. Judges will be provided with a copy of the competition problem and bench memo.
7. Judges will NOT be provided with copies of the teams' memos or memo scores.
8. During the evidentiary presentation, judges will score the direct and cross examinations.
9. During the motion hearing, judges will score the arguments on these factors:
 - i. Knowledge of facts and law;
 - ii. Organization and clarity of argument;
 - iii. Ability to answer questions; and
 - iv. Presentation style.
10. 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 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). See Section V below for further scoring information.
11. For the quarterfinal, semifinal, and final rounds, the memo scores are no longer factored in, and the winning teams will be determined by the greater number of judges' ballots won.
12. **In the event of a numerical tie on a ballot**, the judge with the tied ballot will be asked to indicate on the ballot which team deserves to win the round based on the advocacy skills presented.
13. **In the event of a numerical tie when it comes to the ranking of teams for purposes of advancement**, the tie will be broken by first looking at win-loss record; second, if necessary, by looking at ballots won; and third, if necessary, by looking at the point-differential on the ballots.

G. Critiques

Each judge will be asked to provide a short oral critique, no longer than 3 minutes

per judge, at the end of each round.

H. Announcements

1. After three preliminary rounds are completed, the Competition Committee will announce the eight highest-ranked teams advancing to the quarterfinals.
2. After the quarterfinal round is completed, the Competition Committee will announce the four winning teams who will advance to the semifinals.
3. At the awards dinner following the semifinal round, the Competition Committee will announce the two winning teams who will advance to the finals.
4. All preliminary and advanced-round awards—individual and team—will be presented during the awards dinner on Saturday evening, October 14th. All teams are encouraged to attend the awards dinner. Details will be provided as the event gets closer.
5. The final round awards will be presented immediately following the conclusion of the finals on October 15th.

I. Stetson's Participation

Stetson will not enter a team in the Competition except as a bye-team 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 quarterfinal, semifinal, and final rounds, scores for each round will be determined by counting the team's memo score as one-third and the evidentiary presentation and motion hearing oral argument as two-thirds. Specifically, the scoring will be as follows:
 - i. 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.
 - ii. 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.
 - iii. Here is an example of how the scores for a round will be calculated:
 - 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).
 - 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 quarterfinal, semifinal 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. Pairings for the preliminary rounds will be randomly determined.
3. During the preliminary rounds, teams will argue at least once for each side.

C. Quarterfinal Round

1. The top eight teams will advance to the quarterfinal round. The highest ranked team will compete against the lowest ranked team, and the second-highest ranked team will compete against the second lowest ranked team, and so forth. If paired teams have already competed against each other, they will switch sides in the quarterfinals. Otherwise, the highest ranked team in each pairing will get to choose their side.
2. The winners of the quarterfinal round will be determined solely based on oral presentation in the round. The team in each match-up with the greater number of judges' ballots won will advance to the semifinal round.

D. Semifinal Round

1. The four quarterfinal round winners will advance to the semifinal 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. If paired teams have already competed against each other, they will switch sides in the semifinal. Otherwise, the highest ranked team in each pairing will get to choose their side.
2. The winners of the semifinal rounds will be determined solely based on oral presentation. The team in each match-up with the greater number of judges' ballots won will advance to the final round.

E. Final Round

1. The winners of each semifinal round will advance to the final round.
2. If the winners of each semifinal round represented different parties in the semifinals, the teams will flip sides for the final round. If the two teams went against each other

in the preliminary rounds, they will flip sides for the final round. Otherwise, the highest ranked team will get to choose their side.

3. 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 advocate in the final round. The judges are not obligated to use score sheets during the final round.
4. The winner of the final round will be designated the champion of the 2023 National Pretrial Competition.

VI. MEMO SCORES & ORAL SCORES

Memo and Oral Presentation Scores: After the third preliminary round, copies of the ballots for each preliminary round will be made available to the teams who competed against one another in each preliminary round. Further, a spreadsheet containing each team's memo score will be made available to all teams.

VII. AWARDS

The following awards will be presented:

1. BEST memo for the Movant
2. BEST memo for the Non-Movant
3. BEST advocate Preliminary Round 1
4. BEST advocate Preliminary Round 2
5. BEST advocate Preliminary Round 3
6. Four Quarterfinal Awards
7. Two Semifinalist Awards
8. Second Place
9. First Place
10. Best Overall Advocate
11. Professionalism Award

VIII. OUTSIDE ASSISTANCE

A. Assistance on Memos

1. A team may receive only the following assistance on the memo:
 - i. 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), however, may not provide which Federal Rules of Civil Procedure, Criminal Procedure, or Evidence apply to this Problem and the coach(es)/advisor(s) may not conduct legal research for team

members.

- ii. Coach(es)/advisor(s) may not provide general or specific guidance on the organization of the memo or assist with the actual writing of the memo. Only student members of the team may edit the memos and correct citation format.
 - iii. The use of Chat GPT is prohibited in this competition. In addition, the use of any other AI that creates, generates, synthesizes, or otherwise produces legal analysis, conclusions, or arguments is prohibited.
 - iv. **Bottom line: the team members alone are solely responsible for the research, organization, content, and proofreading/editing of their memos.**
2. A team may not hold oral presentation 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 evidentiary presentation and oral argument, except as limited below.

C. Collaboration with Other Teams

Teams may agree to moot with other teams before October 12, 2023. However, during the competition, no member, coach, or person affiliated with any team still eligible to participate or participating in the competition may attend any argument of another team or receive information from any person who has attended such argument. 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. 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 AND 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 by 5:00 p.m. EST on October 6th, 2023.
2. Should the allegedly offensive conduct occur between October 6th at 5:00 p.m. EST and the start of the first Preliminary Round on October 12th, the challenge or complaint should be submitted via email to the Competition Committee within 24 hours of its discovery.
3. The challenge or complaint 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. Competition Challenges

1. Challenges or complaints concerning any oral argument or conduct during a round 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 or conduct during a round should be reported to the Competition Committee as soon as possible, but in no event later than 15 minutes before the next-scheduled round; otherwise, the challenge or complaint is waived.

C. Conflicts of Interest

The Competition Committee will conduct a conflict check before every round. However, if there is a concern about a potential conflict, the judge's alleged conflict of interest should be reported to the Competition Committee before that round commences or as soon as it becomes known; otherwise, the conflict is deemed waived.

D. Penalties

1. All teams should conduct themselves ethically and professionally.
2. Meritorious challenges may result in penalties imposed by the Competition Committee and/or the Protest Committee. Penalties may range from warnings, to point deductions, to forfeiture of a round, to disqualification, depending upon the nature and severity of the offense. Multiple offenses by a single team will warrant more severe penalties. All penalty decisions are final and may not be appealed.
3. Baseless challenges may also be penalized. A baseless challenge is unreasonable, unfounded, and/or retaliatory in nature. Whether a challenge is baseless will be determined by the Competition Committee and/or the Protest Committee. Penalties for baseless challenges may range from warnings, to point deductions, to forfeiture of a round, to disqualification, depending upon the nature and severity of the offense. Multiple baseless challenges by a single team will warrant more severe penalties. The ruling on whether a challenge is baseless, and any penalties imposed, will be final and may not be appealed.

X. OWNERSHIP AND USE OF COMPETITION PROBLEM

1. The NPTC Competition Problem is the property of Stetson University College of Law. The 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

1. 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—2023 NPTC

We have read the 2023 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
of team

members: (1) _____

(2) _____

(3) _____

(4) _____

Date: _____

Team Number: _____

Prosecution
memo word count: _____

Defense memo
word count: _____

APPENDIX 3
2023 National Pretrial Competition
Evidentiary Presentation Ballot

Judge's Name (please print): _____ Ct. Room: _____

Prosecution Team #: _____ Circle Round: Prelim 1 Prelim 2 Prelim 3

Defense Team #: _____ Quarterfinals Semifinals Finals

PROSECUTION	ACTIVITY	DEFENSE
Atty: _____ Atty: _____		Atty: _____ Atty: _____
Excellent = 22-25 Good = 19-21 Average = 16-18		
[25]	Direct of Prosecution Witness #1 [25 points possible for Prosecution only]	
	Cross of Prosecution Witness #1 [25 points possible for Defense only]	[25]
[25]	Direct of Prosecution Witness #2 [25 points possible for Prosecution only]	
	Cross-Examination of Prosecution Witness #2 [25 points possible for Defense only]	[25]
	Direct of Defense Witness #1 [25 points possible for Defense only]	[25]
[25]	Cross-Examination of Defense Witness #1 [25 points possible for Prosecution only]	
	Direct of Defense Witness #2 [25 points possible for Defense only]	[25]
[25]	Cross-Exam of Defense Witness #2 [25 points possible for Prosecution only]	
[100] Prosecution	TOTAL POINTS [Total of 100 points possible per team]	[100] Defense
For Preliminary Rounds ONLY Rank all advocates (not witnesses) in this Round		
1. _____	3. _____	
2. _____	4. _____	

APPENDIX 4
2023 National Pretrial Competition
Motion Hearing Ballot

Judge's Name (please print): _____

Courtroom: _____

Prosecution Team #: _____

Circle round: Prelim 1 Prelim 2 Prelim 3

Defense Team #: _____

Quarters Semis Finals

Issue 1 - Prosecutor Name:	Issue 2 – Prosecutor Name:	CATEGORY	Issue 1 – Defense Atty Name:	Issue 2 – Defense Atty 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]	Effective Presentation Style [5 pts] [Excel = 4-5; Good = 3; Avg = 2]	[5]	[5]
[50]	[50]	TOTAL SCORE per student [max 50 pts]	[50]	[50]
Prosecution [100]		TEAM TOTAL [max 100 points]	Defense [100]	

*Rebuttal should be factored into the scoring for any prosecuting attorney who conducts rebuttal.