



STETSON LAW

2022
Fifteenth Annual
National Pretrial Competition

Stetson University College of Law
October 6-9, 2022

Competition Rules

The 2022 National Pretrial Competition Problem was drafted by Katherine E. Donoghue, Associate Director of the Center for Excellence in Advocacy at Stetson University College of Law in association with the Center for Excellence in Advocacy. The 2022 Problem is the property of Stetson University College of Law and may not be used, reproduced, or altered in any way without Stetson's express written permission.



FIFTEENTH ANNUAL NATIONAL PRETRIAL COMPETITION

Competition Schedule

Monday, August 1, 2022

The 2022 National Pretrial Competition Problem (aka Case File) and Rules will be made available on the Stetson Law [National Pretrial Competition](#) website.

Wednesday, August 10, 2022

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.

Thursday, September 1, 2022

5:00pm EST Movant and Non-movant Memoranda of Law and Affidavit due.

Thursday, October 6, 2022

4:30pm EST Coaches' Meeting.¹ At least one coaching representative for each team must attend. The pairings for the first two preliminary rounds will be provided. Details regarding the meeting location will be provided via email.

6:00 pm EST First Preliminary Round

Friday, October 7, 2022

1:00pm EST Second Preliminary Round

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

6:00pm EST Third Preliminary Round.
*Immediately following the Third Preliminary Round will be an announcement of the teams advancing to the Quarterfinals.

¹ We intend to hold a preliminary coaches' meeting via Zoom in the week prior to the Competition to answer any logistical questions you all may have so that this meeting can run as quickly and as smoothly as possible.

Saturday, October 8, 2022

10:00am EST	Quarterfinal Rounds
1:30-2:30pm EST	Lunch and announcement of Semi-Finalists
3:00pm EST	Semi-Final Round
7:00pm EST	Awards Banquet and Celebration in Stetson's Great Hall: Awards for Memorandums and for Preliminary Rounds, and announcement of 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 during the coaches' meeting on Thursday, October 6 th .

Sunday, October 9, 2022

10:00am EST	Final Round
Conclusion of Final Round	Presentation of Awards for Final Round

TABLE OF CONTENTS

I. COMPETITION COMMITTEE AND FORUM.....	1
A. Competition Committee Defined.....	1
B. Powers of the Competition Committee.....	1
C. Questions/Clarifications about Competition Problem, Rules, and Format.....	1
D. Contact with the Competition Committee.....	1
II. TEAM COMPOSITION	1
A. Team Defined	1
B. Qualifications of Team Members	2
C. Substituting Team Members	2
D. Coaches and Advisors.....	2
III. MEMORANDA OF LAW.....	3
A. Sides.....	3
B. Venue	3
C. Format.....	3
D. Team Identification and Affidavit.....	4
E. Number and Service on Competition Committee	4
F. Service on Other Teams.....	4
G. Grading	5
H. Legal Issues and Facts Argued in Memoranda.....	5
IV. PRETRIAL ORAL ARGUMENT PROCEDURES	6
A. Time and Place	6
B. Time per Team.....	6
C. Evidentiary Presentation	6
D. Motion Hearing.....	8
E. Anonymity and Prohibited Communication.....	9
F. Team Information on Score Sheets.....	9
G. Judges and Judging Criteria.....	10
H. Critiques.....	10
I. Announcements	11
J. Stetson’s Participation	11
V. SEQUENCE OF ORAL ROUNDS/ADVANCEMENT	11
A. Scoring Breakdown	11
B. Preliminary Rounds	12
C. Quarterfinal Round	12
D. Semifinal Round	12
E. Final Round.....	12

VI. MEMO SCORES & ORAL SCORES	13
VII. AWARDS	13
VIII. OUTSIDE ASSISTANCE.....	13
A. Assistance on Memos	13
B. Assistance on Oral Argument	14
C. Collaboration with Other Teams.....	14
IX. CHALLENGES, DISPUTE RESOLUTION, AND SANCTIONS/PENALTIES	14
A. Memos and Pre-Oral Argument Challenges.....	14
B. Competition Challenges.....	14
C. Conflicts of Interest.....	15
D. Penalties.....	15
X. OWNERSHIP AND USE OF COMPETITION PROBLEM	15
XI. COSTS TO PARTICIPATE IN THE COMPETITION.....	15

APPENDIX 1 – 2022 NPTC AFFIDAVIT

APPENDIX 2 – MEMO EVALUATION BALLOT

APPENDIX 3 – EVIDENTIARY PRESENTATION BALLOT

APPENDIX 4 – MOTION HEARING BALLOT

I. COMPETITION COMMITTEE AND FORUM

A. Competition Committee Defined

The Competition Committee is comprised of the Competition Director Professor Liz Boals and Advocacy Center Associate Director Kate Donoghue. 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 all Competition rules.
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 to participating teams as quickly as possible.

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 10, 2022, by 5:00 p.m. EST**. Questions and clarifications will be addressed, all at once, after the August 10 deadline.²
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.

D. All contact with the Competition Committee

By email: nptc@law.stetson.edu

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 present the evidence, and two team members will serve as witnesses. The witnesses

² 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.

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 Prongs 1 and 2 and the other advocate will argue Prongs 3 and 4.³
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, 2022, **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, 2022, 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 6, 2022.
2. Coaches/advisors may observe the round but cannot communicate with team members until after that round is complete. A round is complete once the judges excuse the advocates in order to complete the ballots at the conclusion of the Motion Hearing. Therefore, NO communication is allowed during breaks or recesses taking during the round, but communication is permitted before oral feedback.

³ 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 (prosecution) and one for the Non-Movant (defense).
2. During the Motion Hearing, teams will argue the issues addressed 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.

C. 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.

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 original memos (see Appendix 1 for 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. Number and Service on Competition Committee

1. Each team must submit one Word document for 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 each of 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 at nptc@law.stetson.edu by 5:00 p.m. EST, on September 1, 2022 (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 [National Pretrial Competition](#) website.
5. Once memos have been submitted, no revisions, supplements, or additions will be allowed and no written material outside the memo will be accepted.

F. Service on Other Teams

Teams should not send copies of their memos to any other team. The Competition Committee will post each memo on the Stetson Law [National Pretrial Competition](#) website.

G. Grading⁴

1. Each memo will be scored by a panel of judges knowledgeable in the area of pretrial 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 Round, Semifinal Round or Final Round winners.
3. Memos will be graded for both content and style using the following criteria:
 - 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);
 - g. Technical compliance (see deductions below in 5.b.); and
 - h. 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.
 - 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.

H. Legal Issues and Facts Argued in Memoranda

1. 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 information contained in the Competition Problem. However, the

⁴ See Appendix 2 for the 2022 Memo Evaluation Sheet.

admissibility of the testimony offered from any witnesses and exhibits will be determined by the Stipulations of the Parties (see 2022 Competition Problem) and/or during the Evidentiary Presentation.

2. Legal research may be conducted with respect to case law analyzing and applying the rule set forth in *Sell v. U.S.*, 539 U.S. 166 (2003). Other than case law analyzing *Sell* and its progeny, no outside research may be conducted. In other words, teams are limited to the facts contained within the four corners of the Case File, and particularly with respect to the medications and the symptoms, causes, diagnoses, and treatments of the physical and mental illnesses discussed in the Case File.

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 6-9, 2022.
2. Pairings for the first two Preliminary Rounds and Courtroom assignments will be provided during the Coaches' Meeting on October 6th. 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 6th and two preliminary rounds will be held on October 7th.
4. The Quarterfinal and Semifinal Round will be held on October 8th.
5. The Final Round will be held on October 9th.

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 Presentation⁵

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).

⁵ See Appendix 3 for the Evidentiary Hearing Ballot.

iii. Each advocate must conduct a direct examination and a cross examination.

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. A bailiff will keep time for each team and let the teams know how much time is left by providing the following time-cards: 5, 3, 1, and stop.

4. Direct Examination

The goal and challenge of any competition is to stay within the facts provided in the competition problem. Every team should strive to stay squarely within the four corners of the Problem and not push the envelope beyond the Problem's legitimate purpose. In other words, teams are limited to only the facts contained in the Case File, and particularly with respect to the medications and the symptoms, causes, diagnoses, and treatments of the physical and mental illnesses discussed in the Problem. Teams that invent facts or go outside the record will be subject to challenges and may suffer repercussions by the Competition Committee. 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 that if they are asked to provide information not specifically provided in the Problem 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 Case File. When an advocate's witness testifies to a fact outside of the Case 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 of the Case File 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, 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, 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. 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., timelines on a flipchart, diagrams on a whiteboard, etc.).
- b. Due to the ongoing construction of Stetson's new Advocacy Institute, not every courtroom utilized during the Competition will have the ability to present evidence electronically. Therefore, in an effort to ensure equity among all teams during all rounds, only hard-copy enlargements of exhibits are allowed. In other words, exhibits may not be displayed electronically.
- c. Each team is responsible for bringing their own enlarged exhibits, easels, whiteboards, flipcharts, markers, etc., should they choose to do so.

D. Motion Hearing

1. At the conclusion of the Evidentiary Presentation, the Motion Hearing will commence after a short recess.
2. Each team has 30 minutes to argue its position during the Motion Hearing.
3. Both advocates must argue during the Motion Hearing. The first advocate will argue Prongs 1 and 2, and the second advocate will argue Prongs 3 and 4. Each advocate will have 15 minutes to argue. Each advocate for the movant (prosecution) may reserve 1 or 2 minutes for rebuttal on their respective Prongs. Any unused time by the Advocate who argues Prongs 1 and 2 may be applied to the time the second Advocate has to argue Prongs 3 and 4.
4. The order of the Motion Hearing will be as follows:

- a. Movant's argument on Prongs 1 and 2
 - b. Non-Movant's argument on Prongs 1 and 2
 - c. Movant's rebuttal on Prongs 1 and 2 (if any)
 - d. Movant's argument on Prongs 3 and 4
 - e. Non-Movant's argument on Prongs 3 and 4
 - f. Movant's rebuttal on Prongs 3 and 4 (if any).
 - i. There will be no sur-rebuttal for either team.
5. 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 argument by providing the following timecards: 10, 5, 3, 1, and stop.
 6. The Chief Judge will ask questions during the Motion 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 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 after the rounds 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. These tent cards will be provided at check-in.
5. Judges may schedule 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 at any point during the round, including break(s).
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 enter their assigned courtroom 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 Criteria⁶

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 Presiding Judge will not be a scoring judge.
 - c. If there are five judges, the Presiding 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 Quarterfinal, Semifinal 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:
 - 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 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 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 oral-argument judges' ballots won.

H. Critiques

Each judge will be requested to provide a short oral critique, no longer than 3 minutes per judge, at the end of each round.

⁶ See Appendix 4 for the Motion Hearing Ballot.

I. Announcements

1. After three Preliminary Rounds are completed, the eight teams advancing to the Quarterfinal Round will be announced on October 7th.
2. After the Quarterfinal Round is completed, the four teams advancing to the Semifinal Round will be announced on October 8th.
3. After the Semifinal Round is completed, the two teams advancing to the Final Round will be announced during the Awards Ceremony on October 8th.
4. All Preliminary and Semifinal Round Awards—individual and team—will be presented during the Awards Ceremony on October 8th. All teams are encouraged to attend the Awards Ceremony.
5. The Final Round Awards will be presented immediately following the conclusion of the Final Round on October 9th.

J. 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:
 - 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 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 Quarterfinal. Otherwise, a coin toss will determine which side the teams will represent in the Quarterfinal Round. The highest ranked team in each pairing will call the coin toss.
2. The winners of the Quarterfinal Round will be determined solely based on oral presentation in the Quarterfinal 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 top four teams 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. A coin toss will determine which side the teams will represent in the Semifinal Round. The highest ranked team and the second-highest ranked team will call the coin toss.
2. The winners of the Semifinal Round will be determined solely based on oral presentation in the Semifinal Round. 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, the teams will flip sides for the Final Round.

3. 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.

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.

4. The winner of the Final Round will be designated the winner of the 2022 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:
 - 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 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.

- b. 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.
 - c. Basically, 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 oral argument, except as limited below.

C. Collaboration with Other Teams

Teams may moot with other teams before October 6, 2022. 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, 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 by 5:00 p.m. EST on September 30, 2022.
2. Should the allegedly offensive conduct occur between September 30th at 5:00 p.m. EST and the start of the first Preliminary Round on October 6th, 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 Competition 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

A 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. 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.
3. Baseless challenges may also be penalized. A baseless challenge is unreasonable and unfounded. Whether a challenge is baseless will be determined by the Competition Committee. The ruling of the Competition Committee on whether a challenge is baseless will be final and may not be appealed. Penalties for baseless challenges may range from warnings, to point deductions, to disqualification, depending upon the nature and severity of the offense. Multiple baseless challenges by a single team will warrant more severe penalties.

X. OWNERSHIP AND USE OF COMPETITION PROBLEM

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

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—2022 NPTC

We have read the 2022 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

(1) _____

members:

(2) _____

(3) _____

(4) _____

Date: _____

Team Number: _____

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;">INTRODUCTORY STATEMENT</p> <p style="text-align: center;">Introductory Statement is persuasive, accurate, and requests relief</p> <p style="text-align: center;">Maximum 2.5 points: Excellent = 2.5 Good = 2 Average = 1</p>	
<p style="text-align: center;">STATEMENT OF FACTS</p> <p style="text-align: center;">Facts are persuasive, accurate, and complete</p> <p style="text-align: center;">Maximum 10 points: Excellent = 8-10 Good = 4-7 Average = 1-3</p>	
<p style="text-align: center;">ARGUMENT SECTION</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;">Maximum: 55 points: Excellent = 50-55 Good = 40-49 Average = 35-39</p>	
<p style="text-align: center;">CONCLUSION</p> <p style="text-align: center;">Conclusion accurately summarizes major points and includes prayer for relief</p> <p style="text-align: center;">Maximum 2.5 points: Excellent = 2.5 Good = 2 Average = 1</p>	
<p style="text-align: center;">WRITING STYLE</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;">Maximum 25 points: Excellent = 22–25 Good = 19–21 Average = 15–18</p>	
<p style="text-align: center;">CITATIONS</p> <p style="text-align: center;">Citations to law and facts are accurate in placement, form, and content</p> <p style="text-align: center;">Maximum 5 points: Excellent = 4-5 Good = 2-3 Average = 1</p>	
<p style="text-align: center;">TECHNICAL COMPLIANCE⁴</p> <p style="text-align: center;">Includes all required sections only and complies with all technical requirements</p>	
<p style="text-align: center;">TIMELINESS⁵</p> <p style="text-align: center;">Memos and affidavit submitted timely</p>	
<p>Minimum Score: 60⁶ Maximum Score: 100 TOTAL:</p>	

⁴ 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.

⁵ 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.

⁶ Memos more than 12 hours late will receive a zero.

APPENDIX 3
2022 National Pretrial Competition
Evidentiary Presentation Ballot

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

Movant's Team #: _____ P or D Prelim 1 Prelim 2 Prelim 3

Non-Movant's Team #: _____ P or D Quarterfinals Semifinals Finals

MOVANT	ACTIVITY	NON-MOVANT
Atty: _____ Atty: _____		Atty: _____ Atty: _____
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	TOTAL POINTS [Total of 100 points possible per team]	[100] Non-Movant
For Preliminary Rounds ONLY Rank all advocates (not witnesses) in this Round		
1. _____ 3. _____ 2. _____ 4. _____		

APPENDIX 4
2022 National Pretrial Competition
Motion Hearing Ballot

Judge's Name (please print): _____

Courtroom: _____

Movant's Team #: _____ P or D

Prelim 1 Prelim 2 Prelim 3

Non-Movant's Team #: _____ P or D

Quarters 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]	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]
Movant		TEAM TOTAL [max 100 points]	Non-Movant	

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