



STETSON LAW

**2024**  
**Seventeenth Annual**  
**National Pretrial Competition**

Stetson University College of Law  
October 3-6, 2024

**Competition Rules**



## SEVENTEENTH ANNUAL NATIONAL PRETRIAL COMPETITION SCHEDULE

### **August 1, 2024**

The 2024 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).

### **August 8, 2024 at 5:00pm**

Deadline for requests for clarifications about the Competition Problem, Rules, or Format. Teams will also receive their assigned team number on this date.

### **September 1, 2024 at 5:00pm**

Prosecution and Defense Memoranda of Law, and Team Affidavit due. Email three attachments (both memos and affidavit) to [nptc@law.stetson.edu](mailto:nptc@law.stetson.edu) before 5:00pm EDT.

### **October 1, 2024 at 8:00pm EDT**

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.

### **October 3, 2024**

6:30:pm EDT                      First Preliminary Round<sup>1</sup>

### **October 3, 2024**

1:30pm EDT                      Second Preliminary Round

4:30-5:30pm EDT              Dinner

6:30pm EDT                      Third Preliminary Round

### **October 4, 2024**

10:00am                          Fourth Preliminary Round (this round will be a Silent Quarterfinal)

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<sup>1</sup> All competition rounds will take place at Stetson University College of Law at 1401 61<sup>st</sup> Stret South in Gulfport, FL.

1:30-2:30pm Lunch, and announcement of teams advancing to the Semifinals.

3:00pm Semifinal Rounds

7:00pm Awards Banquet and Celebration! Awards for Quarterfinalist and Semifinalist Teams, Best Prosecution and Defense 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, and the event will take place in the Great Hall on Stetson's Gulfport Campus. 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 3rd.

**October 5, 2024**

10:00am Final Round, immediately followed by presentation of Winner, Finalist, and Overall Best Advocate awards.

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# I. COMPETITION COMMITTEE

## A. Competition Committee Responsibilities

- 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](mailto:nptc@law.stetson.edu). The Competition Committee has sole discretion to interpret and enforce all competition rules; answer questions about the problem; resolve any dispute that may arise during the competition; and supplement or change the competition rules as necessary. Any changes or supplements will be communicated to participating teams as quickly as possible.
- For the handling of protests/challenges during the competition, the Competition Committee will convene a “Protest Committee” comprised of volunteer coaches/advisors (not student representatives). This will be discussed further at the coaches’ meeting.

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

- Any questions or clarifications about the competition problem or rules must be sent to the Competition Committee via email ([nptc@law.stetson.edu](mailto:nptc@law.stetson.edu)) no later than **August 8, 2024, by 5:00 p.m. EDT**. Questions and clarifications will be addressed all at once and as quickly as possible after the August 8th deadline.<sup>2</sup>

# II. TEAM COMPOSITION

## A. Team Defined & Qualifications

- A team consists of four persons. No team member may hold a law degree from a United States law school. Team members must be enrolled in a full-time or part-time Juris Doctor or equivalent program at the law school they represent.
- During the evidentiary presentation, two team members will serve as advocates, and two team members will serve as witnesses. One advocate will conduct the opening statement to the court, and both advocates must conduct a direct examination and a cross-examination. During the motion hearing, both advocates must argue: one advocate will argue the first issue and the other advocate will argue the second issue.<sup>3</sup>

## B. Substituting Team Members

- Team members may be substituted before the memo deadline of September 1, 2024, 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 1<sup>st</sup> deadline. 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.

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<sup>2</sup> 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.

<sup>3</sup> See Section IV ORAL PRESENTATION PROCEDURES further details on the motion hearing.

- If a substitution is needed after the memo deadline of September 1, 2024, 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 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.

### **C. Coaches and Advisors**

- 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 1, 2024.
- Coaches/advisors may not assist in the memoranda research, drafting, or proofreading in any way. However, once both memoranda and the team affidavit have been submitted, coaches/advisors may help students prepare for the evidentiary hearing and motion argument.
- 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.

## **III. MEMORANDA OF LAW**

### **A. Sides**

- Each team must submit two memoranda of law—one for the movant (defense) and one for the non-movant (prosecution). 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**

- 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 Criminal Procedure and the Federal Rules of Evidence apply. When citing state and/or federal caselaw for the memorandum, all jurisdictions are considered persuasive authority, of course with the exception of the United States Supreme Court.
- Generally, Rule 1101 exempts the Federal Rules of Evidence from applying to this type of proceeding. However, in the interest of academic rigor, the judge will entertain and rule on objections based on the FRE as if they had been made a trial.

### **C. Format**

- Memos must comply with the following format:

- Not to exceed 4800 words.
- Be typed using Times New Roman 13- or 14-point font.
- Have 1-inch margins all the way around the page.
- 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.
- 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.
- Each memo must include the following sections, which do count toward word count:
  - introduction with request for relief,
  - statement of facts,
  - argument with point headings,
  - citations (and/or footnotes), and
  - conclusion with prayer for relief.
- Each memo must also include the following sections, which do not count toward word count:
  - front cover page,
  - table of contents,
  - table of authorities, and
  - signature block.
- 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**

- To facilitate anonymous grading, each team will be assigned an identification number. 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.
- Each team member must sign a copy of the required affidavit. 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.

## E. Memoranda and Affidavit Submission

- Each team must send **one email** to [nptc@law.steteson.edu](mailto:nptc@law.steteson.edu) by 5:00 p.m. EDT on September 1, 2024, **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.
- Please name the documents:
  - o [team number]Mov-defense.doc or .docx for the movant’s memo;
  - o [team number]Non-Mov-prosecution.doc or .docx for the non-movant’s memo; **AND**
  - o [team number]Affidavit
- Once memos have been submitted, no revisions, supplements, or additions will be permitted, and no additional written materials will be reviewed. Teams should not send copies of their memos to any other team. Instead, the Competition Committee will post each memo on the [National Pretrial Competition](#) website.

## F. Grading<sup>4</sup>

- Each memo will be scored by a panel of judges knowledgeable in the area of pretrial practice. 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 during the first three preliminary rounds. The memo score will not be used to determine the (silent) quarterfinal, semifinal, or final round winners.
- Memos will be graded for both content and style using the following criteria:
  - o Introductory Statement (2.5 points);
  - o Statement of Facts (10 points);
  - o Argument (55 points);
  - o Conclusion (2.5 points);
  - o Writing Style (25 points);
  - o Citations (5 points);
  - o Technical compliance (see deductions below in 5.b.); and
  - o Timeliness (see deductions below in 5.a. and 5.c.).
- Deductions will be taken for memos and/or affidavits that do not arrive on-time and/or do not comply with technical requirements.
- Deductions for late memo submissions:
  - o Up to 15 minutes late: .5 deduction
  - o 15:01-60 minutes late: 1-point deduction

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<sup>4</sup> See Appendix 2 for the Memo Evaluation Sheet.



- Every hour, or portion of hour, thereafter up to 12 hours: 2-point deduction
- After 12 hours: the memo will receive a zero
- Deductions for late affidavit submissions:
  - Up to 12 hours late: .5 deduction
  - After 12 hours: 1-point deduction
  - 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**

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

## **IV. ORAL PRESENTATION PROCEDURES**

### **A. Time and Place**

- All oral presentations will be held on the Stetson University College of Law campus in Gulfport, Florida, on October 3-6, 2024.
- All teams will be guaranteed four rounds. Pairings for the first three rounds will occur during the coaches' meeting. The first three round pairings will be made randomly. The fourth round will be a power-protected, silent quarterfinal round (1 v. 8, 2 v. 7, 3 v. 6, 4 v. 5, and all remaining teams will be randomly paired). The winners of this round will be determined based only on the evidentiary hearing and motion argument (in other words, the memo scores will no longer count as one-third of the round scores).
  - Round One will be held on October 3rd at 6:30pm;
  - Round Two will be held on October 4th at 1:30 pm;
  - Round Three will be held on October 4th at 6:30pm;

- Round Four will be held on October 5th at 10:00am;
- The Semifinal Rounds will be held on October 5th at 3:00pm;
- The Final Round will be held on October 6th at 10:00am.

## B. Time per Team

- Each team is allotted a total of 80 minutes per round. Of the team's 80 minutes, **50 minutes** will be for the **evidentiary presentation** and **30 minutes** for the **motion hearing**.
- 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 Presentation<sup>5</sup>

- During the Evidentiary Hearing, teams must conduct an opening statement setting forth the issues presented and the anticipated evidence; the direct (and re-direct, if desired) examination of two witnesses; and the cross-examination of two witnesses (re-cross is permitted only at the judge's discretion for impeachment). Only one advocate will conduct the opening statement, but each advocate must conduct a direct and a cross-examination. The Evidentiary Hearing will proceed as follows:
  - Prosecution Opening Statement to the Court
  - Defense Opening Statement to the Court
  - Prosecution witness #1—direct (and redirect) by prosecution and cross by defense.
  - Prosecution witness #2—direct (and redirect) by prosecution and cross by defense.
  - Defense witness #1—direct (and redirect) by defense and cross by prosecution.
  - Defense witness #2—direct (and redirect) by defense and cross by prosecution.
- Each team has 50 minutes to complete their evidentiary presentation (opening, 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.
- **This is a no inference competition.** 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. If a fact is not contained in the problem, it did not happen/does not exist. So, for example, let's assume X fact is not contained in the problem. If a witness were asked on either direct or cross examination whether they

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<sup>5</sup> See Appendix 3 for the Evidentiary Hearing Ballot.

did X fact, their answer must be “No.” Teams that invent facts or go outside the record will be subject to challenges and may suffer penalties from the Competition Committee.

- 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.).
- 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. For example, should courtroom technology fail, the video may be played on a laptop or tablet.

#### **D. Motion Hearing<sup>6</sup>**

- At the conclusion of the evidentiary presentation, the motion hearing will commence. **Each team has a total of 30 minutes to argue its position during the motion hearing.** Both advocates must argue during the motion hearing. One advocate will argue the first issue raised in the memorandum of law, and the other 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.*
- The order of the motion hearing will be as follows:
  - Prosecution’s argument on the first issue
  - Defense’s argument on the first issue
  - Prosecution’s rebuttal on the first issue (if any)
  - Prosecution’s argument on the second issue
  - Defense’s argument on the second issue
  - Prosecution’s rebuttal on the second issue (if any).
    - There will be no sur-rebuttal for either team.
- 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.
- Only the Presiding Judge will ask questions during the motion hearing. The other judges in the room will score but will not ask any questions as this is a mock pre-trial hearing not an appellate argument.

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<sup>6</sup> See Appendix 4 for the Motion Hearing Ballot.

- During oral argument, advocates are limited to using only the testimony elicited from the witnesses during the evidentiary hearing.

#### **E. Anonymity and Prohibited Communication**

- All team members are prohibited from speaking with the judges before a round begins other than to introduce themselves to the court in the usual manner with their names and team number, but not their law-school affiliation.
- Other than possibly thanking the judges after the round is complete, all individuals affiliated with a team are prohibited from discussing any substantive matters with the judges before or after the rounds.
- 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).
- 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 may not confer* with any team members during the round, including break(s).
- Other than to display electronic evidence, team members – advocates and witnesses – are not permitted to use cell phones, or other similar electronic communication devices, during the round, including break(s).
- 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 openings, witness examinations, or motion arguments.

#### **F. Judging**

- Our goal is to have three judges in each round; but, if we are unable to do so, three judges' scores will be created:
  - o 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.
- If there are more than three judges in a preliminary round (Rounds 1, 2, 3), 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 and will email that information to the competing teams' coaches.

- 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, and will email the competing teams' coaches with that information.
- 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.
- Judges will be provided with a copy of the competition problem and a bench memo. Judges will NOT be provided with copies of the teams' memos or memo scores.
- For the first three 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 with the team's memo score being the other one-third). See below for further scoring information.
- 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.
- **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.
- **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.
- Each judge will be asked to provide a short oral critique, no longer than 3 minutes per judge, at the end of each round.

#### **G. Announcements**

- After three preliminary rounds are completed, the Competition Committee will announce the pairings for the fourth round, which is a silent quarterfinal round.
- After the fourth round is completed, the Competition Committee will announce the four teams advancing to the semifinals.
- At the awards dinner following the semifinal round, the Competition Committee will announce the two teams advancing to the finals.
- All preliminary and advanced-round awards—individual and team—will be presented during the awards dinner on Saturday evening. All teams should attend the awards dinner. Details will be provided as the event gets closer.

## **H. 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**

- 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:
  - o The memos will be scored out of 100 points. Each team's memos (prosecution (non-movant) and defense (movant)) will be read by multiple judges and the scores for each memo averaged to create the team's one memo score that is used in the competition.
  - o 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.
  - o 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).
- 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. First Three (Preliminary) Rounds**

- Pairings for the first three preliminary rounds will be randomly determined at the coaches' meeting.

## **C. Fourth/Silent Quarterfinal Round**

- In the fourth round, the top eight teams will compete in a silent 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 silent quarterfinal. Otherwise, all efforts will be made to ensure that each side of each team gets to go twice (for example, if Team X has competed twice as the prosecution and once as the defense, all efforts will be made to ensure Team X's defense team gets to compete in the silent quarterfinal). All other teams in the competition will be randomly paired, again ensuring that both sides of each team get to compete twice at the competition. The memo scores will not be factored into the fourth round. In other words, the winners of the fourth round will be determined solely based on the oral presentation (evidentiary hearing and motion argument) and the greater number of judges' ballots won.

## **D. Semifinal Round**

- The four silent 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 next-lowest-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.
- 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**

- The winners of each semifinal round will advance to the final round.
- 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.
- 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.
- The winner of the final round will be designated the champion of the 2024 National Pretrial Competition.

## VI. BALLOTS

- Ballots, including memo scores, for the first and second rounds will be released prior to the start of the third round. Ballots for the third and fourth rounds will be made available after the conclusion of the fourth round once the four semifinalist teams have been announced.

## VII. AWARDS

- The following awards will be presented:
  - o Best Movant Memorandum
  - o Best Non-Movant Memorandum
  - o Best Advocate, Preliminary Round 1
  - o Best Advocate, Preliminary Round 2
  - o Best Advocate, Preliminary Round 3
  - o Four Quarterfinalist Awards
  - o Two Semifinalist Awards
  - o Second Place
  - o First Place
  - o Best Overall Advocate in the Final Round
  - o Professionalism Award

## VIII. OUTSIDE ASSISTANCE

### A. Assistance on Memos

- A team may receive only the following assistance on the memo:
  - o Subject to all other rules contained herein, team members may discuss with their coach(es)/advisor(s) *general principles* of procedure and evidence. The coach(es)/advisor(s), however, may not provide which rules apply to this Problem, and the coach(es)/advisor(s) may not conduct legal research for team members.
  - o Coach(es)/advisor(s) also may not provide general or specific guidance on the organization of the memo, or assist with the actual writing of the memo in any way. Only student members of the team may draft, structure, edit, and cite in the memo.
  - o 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.



- **Bottom line: The student team members alone are solely responsible for the research, organization, content, and proofreading/editing of their memos.**

#### **B. Assistance on Oral Argument**

- A team may not hold oral presentation practice rounds before its memos are submitted, but once a team's memos are submitted, that team may be assisted by a coach(es) in the preparation of its evidentiary presentation and oral argument, except as limited below.

#### **C. Collaboration with Other Teams**

- Teams may moot with other teams before October 3, 2024. However, during the competition, no member, coach, or person affiliated with any team may "scout" other active teams.

### **IX. CHALLENGES AND PENALTIES**

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

- Any memo or pre-oral argument challenge or complaint must be submitted to the Competition Committee via email before the coaches meeting on October 1, 2024.
- Should the allegedly offensive conduct occur between the coaches meeting and the start of the first Preliminary Round on October 3<sup>rd</sup>, the challenge or complaint should be submitted via email to the Competition Committee within 24 hours of its discovery.
- 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.
- After reviewing the challenge or complaint, the Competition Committee will, if necessary, contact other affected teams and issue a ruling, which will be final and may not be appealed.

#### **B. Competition Challenges**

- 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.
- 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**

- All teams should conduct themselves ethically and professionally.
- 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.
- 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. 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—2024 NPTC**

We have read the 2024 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) \_\_\_\_\_

Coach(es): \_\_\_\_\_

Signatures (1) \_\_\_\_\_

of team

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

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

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

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

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

Prosecution (non-movant)  
memo word count: \_\_\_\_\_

Defense (movant) memo  
word count: \_\_\_\_\_

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

**Team #:**

**Circle:** Movant-Defense, **OR** Non-Movant-Prosecution

**Judge:**

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

<sup>4</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>5</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>6</sup> Memos more than 12 hours late will receive a zero.

**APPENDIX 3**  
**2024 National Pretrial Competition**  
**Evidentiary Presentation Ballot**

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

Prosecution Team #: \_\_\_\_\_ **Circle Round** → Round 1 Round 2 Round 3

Defense Team #: \_\_\_\_\_ Round 4 Semifinals Finals

<b>PROSECUTION</b>	<b>ACTIVITY</b>	<b>DEFENSE</b>
Atty:  Atty:		Atty:  Atty:
Excellent = 18-20 Good = 15-17 Average = 12-14		
<b>[20]</b>	Opening Statement of the Issues [20 points possible for each side]	<b>[20]</b>
<b>[20]</b>	Direct of Prosecution Witness #1 [20 points possible for Prosecution only]	
	Cross of Prosecution Witness #1 [20 points possible for Defense only]	<b>[20]</b>
<b>[20]</b>	Direct of Prosecution Witness #2 [20 points possible for Prosecution only]	
	Cross-Examination of Prosecution Witness #2 [20 points possible for Defense only]	<b>[20]</b>
	Direct of Defense Witness #1 [20 points possible for Defense only]	<b>[20]</b>
<b>[20]</b>	Cross-Examination of Defense Witness #1 [20 points possible for Prosecution only]	
	Direct of Defense Witness #2 [20 points possible for Defense only]	<b>[20]</b>
<b>[20]</b>	Cross-Exam of Defense Witness #2 [20 points possible for Prosecution only]	
<b>[100] Prosecution</b>	<b>TOTAL POINTS</b> [Total of 100 points possible per team]	<b>[100] Defense</b>
<b>Rank all advocates (not witnesses) in this Round</b>		
1. _____	3. _____	
2. _____	4. _____	

**APPENDIX 4**  
**2024 National Pretrial Competition**  
**Motion Hearing Ballot**

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

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

Prosecution Team #: \_\_\_\_\_

Circle round: Round 1      Round 2      Round 3

Defense Team #: \_\_\_\_\_

Round 4      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]	<b>TOTAL SCORE per student [max 50 pts]</b>	[50]	[50]
<b>Prosecution [100]</b>		<b>TEAM TOTAL [max 100 points]</b>	<b>Defense [100]</b>	

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