1. **Tournament Directors**: The Tournament Directors are, for purposes of the Tournament of Champions, the final decision makers on all questions regarding the interpretation of these rules, all matters of administration of the tournament, any protests, and those decisions shall be final.

2. **Team Composition**: Each invited school shall field a team consisting of four students currently enrolled in the sponsoring law school's J.D. program, as well as a non-student advisor. For each round, two students will be advocates and two students will play their witnesses. Advocates and witnesses may change their roles from round to round, but not during a single trial. All communication with the Tournament Director must be from the advisor, not the students.

3. **Model Rules**: The Model Rules for Mock Trials, modified to allow only necessary inferences and modified to utilize a standard protest procedure (as described below) will apply for this tournament. By participating in Tournament of Champions, all participants (including advocates, witnesses, coaches and advisors) pledge to abide by those rules. If there is any conflict between the MRMT and the TOC Rules, the TOC rules will be applied. See MRMT 1.1

4. **Anonymity**: Teams shall be identified to judges only by a letter assigned by the Tournament Director. No team member, coach, or person associated with a team shall directly or indirectly attempt to communicate the identity of a team to a judge, and no judge shall attempt to discover that information. Students and advisers shall be careful not to have books, notepads or any other paraphernalia identifying a particular school. See MRMT 3.0

5. **Scouting**: Except in the final round, no coach or other person associated with a team may be present during any part of a round in which that team is not competing. In the semi-final rounds, person associated with eliminated teams may observe, but may not thereafter describe their observations to the finalists. See MRMT 5.1

6. **Assistance**: Coaching of a team, including conversations, notes or gesturing, is prohibited during a round INCLUDING recesses and breaks. Team members MAY talk to all four members of their own team. See MRMT 5.0

7. **Timing**: Each team shall be allotted eighty (80) minutes to conduct its case. An additional five (5) minutes per side shall be allowed for pretrial motions in limine and housekeeping matters. The clock shall be stopped for objections and responses to objections. The presiding judge or tournament director may extend these time periods only 1) where an opponent used excessive time either in answering questions or making objections, 2) to resolve time keeping mistakes or 3) to address an inequity. See MRMT 2.15

8. **Trials**: Each trial will consist of opening statement, direct and re-direct examination and cross examination of two witnesses per side and closing argument. Each advocate must conduct either an opening statement or a closing argument, one direct examination, and one cross examination. Re-direct examination, limited to the scope of cross examination, is permitted. **Re-cross examination is generally not permitted unless it is being used solely to impeach a witness on a fact testified to for the first time on re-direct that is either directly impeachable or impeachable by omission.** During opening statement and closing argument, objections and arguments must be made and responded to only by the advocate assigned to make the corresponding argument. During the testimony of the
witness, objections and arguments must be made and responded to only by the advocate assigned to examine or cross-examine the witness. Either or both advocates may address preliminary motions and housekeeping matters. Witnesses may NOT take any papers or other aids to memory with them on the witness stand. This does not preclude an advocate from refreshing a witness’ recollection or using exhibits, insofar as the same is consistent with the rules of evidence. See MRMT 2.13

9. **Witnesses:** All witnesses **MUST** acknowledged their signature as their own.

10. **Applicable Law:** The Federal Rules of Evidence and the Federal Rules of Criminal Procedure shall control. Only those rules, and the law provided in the fact pattern shall be used in argument. **Specifically, no statutory, regulatory, or case law shall be cited except for what is provided in the fact pattern.** Students may argue the comments or advisory notes to the Federal Rules of Evidence, but may **not** cite the cases contained therein.

11. **Written Materials:** No written briefs, motions, trial notebooks, list of advocates, list of witnesses, exhibit lists or other written material shall be presented to the court. Pretrial motions in limine and motions for judgment as a matter of law MAY be made and argued orally. The presiding judge shall however, deny any motion for judgment as a matter of law.

12. **NECESSARY INFERENCE RULE:** The TOC has adopted the MRMT, modified to allow only necessary inferences. Teams must confine their presentations to the facts given in the fact pattern, any matters judicially noticeable under Federal Rule of Evidence 201, **and those inferences that are absolutely necessary, inescapable and inevitable.**

13. **NECESSARY INFERENCE RULE:** The Necessary Inference Rule will be strictly enforced. Violators run the risk of having points deducted, ballots lost or rounds forfeited. This method of enforcement has been used in the past and will be used in the future if appropriate.

14. **Discovery Order:** A discovery order will also instruct counsel to gather the statements (including depositions, reports, etc.) of their witnesses and to exchange them in discovery. The order will instruct counsel to have their witnesses review their statements before trial and certify, under penalty of perjury, whether a) the information in those statements is true and correct and b) the witness has any information relevant to the matters discussed in the statements which is not contained in the statement, and if so, to add that information to the certification. The order will instruct counsel to append the certifications to the statements and file the same with the court no less than 14 days before trial. Those documents are the ones in the case file.

The jury instructions will include the following: In this case, each witness has given a prior statement. Each witness later reviewed his or her statement and certified the statement was true and correct and that s/he had no information relevant to the matters discussed in his/her statement that was not already included in the statement. If a witness has provided information today that differs from, or is in addition to information contained in his or her statement, you should consider that witness’ entire testimony with great caution.

15. **Questions & Protests:** All questions arising during the competition itself, including any protest about the conduct of a round shall be addressed directly to the Tournament Director verbally as soon as possible after the matter arises. No protest will be considered if not filed within **five minutes** of the end of that round. The Tournament Director shall appoint a committee of coaches to act as the protest committee.
16. **Impeachment:** Except during closing arguments, *no objections shall be made that the opposing team is going “outside the record,”* and any breach of the Necessary Inference Rule shall be addressed by means of impeachment. Should a witness by impeached by omission, the *witnesses MUST admit, if asked, that the facts they have testified to are not in their deposition. It is a VIOLATION of the rules for the witness to say that they were not asked about those facts in their deposition. The answer should simply be, “I did not say that in my deposition.”* The judges will be instructed concerning the significance of this form of impeachment in the mock trial context, and they are likely to account for unfair additions to the record in their scoring of that witness’ team. See MRMT 2.8, 2.9

17. **Exhibits & Other Materials:** Copies of any material contained in the fact pattern may be made, and may be enlarged for demonstrative purposes. Further, any team may enlarge any exhibit, Jury Instruction, or other component of the problem to use as a demonstrative exhibit. *No team may alter, modify, change or redact an Exhibit in ANY way.* This does not apply to redactions ordered during a round by the presiding judge. Exhibit stickers may be removed from enlargements as well. Teams may also bring with them and use a flip chart or white board for the purpose of drawing demonstrative diagrams *during the round* (subject to any appropriate objections by counsel.) See MRMT 2.4

18. **Judges & Evaluators:** Judges and evaluators will be given only copies of 1) the case summary, 2) the indictment and 3) the applicable jury instructions. Before the start of each round the Tournament Director shall instruct the judges: (1) to ignore regional variations of courtroom practice; (2) to judge the teams on the basis of performance and not the apparent merits of the case; and (3) not to announce the result of the round to the students. The Director may also give such other instructions as are appropriate.

19. **Scoring:** Scoring will be by points. No ties will be permitted on any individual ballot.

20. **Rounds:** There will be four preliminary rounds, all assigned at random. All teams will try the case twice on each side. Teams will not meet each other twice in the preliminary rounds.

21. **Rounds:** The four teams to advance to the semi-final rounds will be selected based on the following criteria used in the following order: (1) win/loss record; (2) total ballots; (3) total points; (4) sum of opponent’s records; and (5) coin toss. The semi-finalists shall be seeded based on their performance in the preliminary rounds, and the draw for the semi-final round shall seed 1 v. 4 and seed 2 v. 3. If the teams faced each other in preliminary rounds, they will reverse sides. Otherwise, the higher seeded team shall choose sides.

22. **Rounds:** In the final round, if the teams have faced each other in the preliminary rounds, they will reverse sides. If the finalists had opposite sides in the semi-finals, they shall switch sides from the semi-finals. If the finalists had the same side in the semi-finals, the higher seeded team shall choose sides.

23. **Use of Technology:** In all rounds, students will be permitted to utilize a document camera (as approved by their presiding judge), however no other technology may be used.
STIPULATIONS REGARDING EVIDENTIARY MATTERS
PROCEDURAL MATTERS

The prosecution and defense counsel have stipulated as follows:


2. All statements were signed under oath.

3. All witnesses signed their statement and will, if asked, state that they signed the witness statement.

4. The statements and depositions are complete transcripts and are true and correct descriptions of all events relevant to the case. After each statement was made and/or deposition was given the witness carefully reviewed their statement and/or deposition transcript to determine whether the answers contained were true and correct, and whether they had any additional information relevant to the matters therein. Each witness certified, in writing, under penalty of perjury, that the statement and/or deposition transcript was accurate and that they had no information relevant to the matters discussed other than what is discussed in their deposition. They certified that everything was covered and nothing was left out.

5. All exhibits in the file are authentic. In addition, each exhibit contained in the file is the original of that document unless otherwise stated on the face of the exhibit. All documents are stipulated to be accurate photocopies of the originals and are what they appear to be.

6. The indictment is not defective in any manner.

7. Other than what is supplied in the problem itself, there is nothing exceptional or unusual about the background information of any of the witnesses that would bolster or detract from their credibility.

8. Each party must call the two witnesses on their witness list. All witnesses may be played by either gender unless the packet specifically indicates otherwise. All teams must inform their opponents of their witness’ genders at the coaches meeting.