

**SPRING 2020
FLORY TRIAL
COMPETITION**

**RULES AND
PROCEDURES**

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ADVOCACY PROGRAMS

RULE 1: TEAM COMPOSITION

A **Flory Team** consists of 2 attorney advocates.

Attorneys must be 2Ls, 3Ls, or LLM students enrolled at LSU Law.

(LLM students must have permission from Prof. Brooks and Prof. Moreteau to compete.)

Each Flory Team must provide 2 **witnesses** in each match.

Witnesses may be played by any LSU Law student.

Teams are free to change out the people playing their witnesses in each match.

Eliminated competitors can play witnesses in subsequent rounds, but a team seeking to use an eliminated competitor as a witness must get permission from Prof. Brooks.

Each Flory Team must inform the BOA of all **scheduling conflicts** at least 72 hours before the date of the 1st Preliminary Round.

The BOA will accommodate conflicts where possible. The Final Round cannot be rescheduled.

If a Flory Team withdraws, fails to appear, or is otherwise unavailable for a match, and the BOA cannot accommodate such a conflict, that Flory Team shall be considered to have **forfeited** the competition.

Flory Team members are warned that **withdrawals and forfeits without good cause** may result in restrictions on their further participation in Advocacy Programs competitions and programs.

RULE 2: PRE-TRIAL MATTERS

The **Case File** will specify what rules of evidence and procedure govern the trial.

Flory Teams **cannot** seek to **change or abandon** the jury instructions, causes of action, or other controlling law, or seek any responsive verdicts other than those specifically stated within the Case File.

No pre-trial motions are permitted.

Flory Teams may discuss **“housekeeping matters”** (swearing of witnesses, use of the well, sequestration, etc.) with the presiding judge in pre-trial.

No printed materials (written briefs, written motions, appearance forms, bound case files, etc.) may be given to the judge by a team.

(Teams may pass up duplicate copies of exhibits while laying a foundation.)

Flory Teams cannot **scout** (view any trials other than those in which they are directly competing/participating).

The Semifinal and Final Rounds are **open to the public**.
Teams seeking to have guests in earlier rounds must get permission from Prof. Brooks.

RULE 3: CONDUCT OF TRIALS

Each Flory Team will have **60 (sixty)** minutes to present their case.

Time begins to run when opening statements begin.

The clock stops for objections, and will resume after the judge rules.

Judges cannot extend time for any team who goes over their 60 minutes, unless the judge feels that the opposing team has deliberately **"run the clock."**

The Case File will specify the **order of the trial** in the procedural stipulations.

Teams cannot change the order of the trial.

Each advocate must:

- Give the opening **OR** the closing (but not both), **and**
- Direct-examine only 1 witness, **and**
 - Cross-examine only 1 witness.

The only advocate who can **object or respond to objections** in any witness examination is the advocate handling that witness's examination.

Advocates may request to confer with co-counsel.

If the Case File permits **mid- or post-trial motions**, the judge must deny any such motions that would end the trial.

Teams cannot cite cases in mid-trial motions.

RULE 4: FACT INVENTION

The Case File is a **closed universe**. Advocates and witnesses may not invent or create facts or exhibits.

Advocates are permitted to make **negative inferences**; that is, questions about things a witness did not do are permitted.

If any advocate asks a witness a question that requires fact invention or is otherwise not included within the four corners of the Case File, that witness **must answer "I don't know"** or "I don't recall."

Advocates and witnesses shall be **extraordinarily careful to be fair, accurate, and comprehensive** in staying within the bounds of the case file.

When in doubt as to whether the Case File supports a question, an answer, or an argument, all participants shall err on the side of **not** asking the question or arguing the fact.

If a team has a witness testify on direct examination to invented facts, the opposing counsel may **not object** on the grounds of "**facts outside the record.**"

Instead, counsel should impeach the witness by omission (see the [Trial Skills Packet on the Advocacy Resources Drive](#)).

A witness may testify to a fact which, although not in that witness's statement or deposition, **is part of the Case File** (for example, is expressly stated in another witness's statement), to the extent such witness might have personal knowledge of such a fact.

Advocates and witnesses are expected to observe the **highest level of professionalism and fair play** in every aspect of the trial.

Teams who invent material facts risk a substantial downgrade in points, loss of the round, disqualification from the competition, and restrictions on future participation in Advocacy Programs competitions and programs.

RULE 5: OBJECTIONS

The presiding judge has **sole discretion** regarding the admissibility of all exhibits and testimony during the trial.

(The judge may, in their discretion, make evidentiary rulings to test counsel's reaction to exclusion of evidence.)

Objections must be brief, limited to the legal basis, and applied to the specific facts at issue.

Judges should give advocates a **reasonable chance to respond** to any objections made, as a learning experience. Any such response must be **brief**, limited to the legal basis, and applied to the specific facts at issue.

All objections are made at **constructive sidebar**. However, counsel should signal to the court when they feel a sidebar would be appropriate.

Advocates **cannot argue caselaw** in their objections or responses to objections.

(If applicable, advocates may argue the comments or advisory notes to the Federal Rules of Evidence but may not cite the cases contained therein.)

Counsel may request **redaction** of an exhibit following an evidentiary ruling by the presiding judge. Any such redaction shall be made constructively.

RULE 6: EXHIBITS

Trial exhibits are limited to those materials included within the Case File and any demonstratives created by counsel or a witness during the trial. Teams cannot change or alter the Case File in any way.

All exhibits have been **pre-marked for identification**, and teams must use the Case File's pre-marked document numbers.

Counsel and witnesses may use dry-erase boards, chalkboards, large notepads, etc., to create **demonstrative evidence** for use during trial.

Prior to the Final Round, teams cannot use any classroom/courtroom technology.

Flory Teams are **permitted to enlarge exhibits** and documents contained in the case file, as long as such enlargements do not otherwise alter the exhibit or document.

Advocates are **permitted to use opponents' demonstratives and enlargements**, but advocates may not permanently alter such materials in any way.

All planned demonstrative evidence, including enlarged exhibits, **must be approved in advance** by the Director of Advocacy Programs **before** such evidence is made. Teams bear their own costs for exhibit preparation.

RULE 7: PRELIMINARY ROUNDS

In the preliminary rounds, each Flory Team **shall compete twice**, and will present each side of the case once.

For example, in Prelim Round 1, a Flory Team might present the case for the plaintiff. In Prelim Round 2, that same team would present the case for the defendant.

One (1) and only one volunteer attorney shall judge each Preliminary Round match.

No team can have the same attorney judge twice in the Preliminary Rounds.

Each judge will complete a scoring ballot, which will provide a total score for each Flory Team.

The team with the higher score in a match wins that match. Ties are not permitted.

Preliminary Rounds team rankings are determined as follows:

1. Total wins (2-0, 1-1, 0-2), then
2. Point differential, then
3. Average team score.

After the Preliminary Rounds, teams will be **power-seeded** and paired by team ranking.

Teams will be paired for Advanced Rounds using the bracket on the next page.

In the event of a team's forfeit, the Board of Advocates may offer the opportunity to compete twice on the same side to all eligible teams.

The first team to accept such an offer will have their lowest ballot for that side of the case dropped.

If no teams are willing to substitute, the opponent team in the forfeited match will receive a bye. A bye is 1 win, with no point differential or average team score.

RULE 8: ADVANCED ROUNDS

Teams' **power-seeding ranks** that were established during Preliminary Rounds will remain the same throughout the Advanced Rounds.

The **higher-ranked team** in each match of each Advanced Round chooses whether it will compete as prosecution/plaintiff or as defense.

This selection must be made at least twenty-four (24) hours prior to the next elimination round.

An **odd number of judges** shall judge every Advanced Round.

If in **extenuating circumstances** an Advanced Round must be judged by an even number of judges, advancement in such a round will be controlled by (1) number of winning ballots, then (2) highest average team score.

The **winner of an Advanced Round match** is the Flory Team who wins the majority of the ballots from the judges in that Advanced Round match.

In the **Final Round**, the judges may, at their discretion, select a winner by a simple majority vote without using the scoring ballot.

RULE 9: ASSISTANCE AND COMPLAINTS

Teams may **submit questions** about these rules or for clarifications of facts contained the Case File via email to advocacyprogram@lsu.edu. All responses will be sent to and will bind all teams.

Teams cannot receive **any assistance from any person** regarding specific objections to make or specific procedures to use in relation to the facts of the Case File.

There are a number of trial prep resources available in the [Advocacy Resources Folder](#) and in the Reserve Room of the Law Library.

Complaints for violations of these rules that occur during a match are **strongly discouraged**, as most perceived violations (such as fact invention, improper objections, etc.) can, should, and must be dealt with by making timely objections and impeachments during the trial.

In the event a Flory Team feels that it has a complaint of a rules violation that occurred **during a match** and that the violation could not have been cured by the methods discussed above, such a complaint must be made **in writing** to the Flory Trial check-in table no later than ten (10) minutes after the conclusion of the trial.

In the event a Flory Team feels that a competition rule (ex.; the rule on outside assistance) has been violated by another team **outside of a match**, that team may submit a complaint **via email** to advocacyprogram@lsu.edu as soon as possible.

Complaints will be ruled on by the BOA Director of Internal Trial Competitions and the BOA VP of Internal Competitions.

Appeals of such rulings can be made to the Director of Advocacy Programs. Appeals must be in writing, and made within 6 hours of such ruling.