

**SPRING 2021  
FLORY TRIAL  
COMPETITION**

**RULES AND  
PROCEDURES**

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**LSU Law**

**ADVOCACY PROGRAMS**

# RULE 1: TEAM COMPOSITION

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

"Attorney advocates" must be 2Ls or 3Ls currently enrolled at LSU Law. LLM and joint-degree candidates may compete with the written permission of the Director of Advocacy Programs.

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 1<sup>st</sup> 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 or housekeeping matters** are permitted.

The **Case File** will cover all normal housekeeping matters.

All trials, including the Final Round will be held **online using Zoom**.

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

Only the **Final Round** is open to the public.

All other rounds are closed to all persons other than competitors, witnesses, judges, and competition administrators.

## RULE 3: CONDUCT OF TRIALS

Each Flory Team will have **45 (forty-five)** 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 45 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.

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

## RULE 4: FACT INVENTION

The Case File is a **closed universe**. Advocates and witnesses shall 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, applied to the specific facts at issue, and made in good faith.

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 to 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.

Teams cannot change or alter the Case File or its exhibits in any way.

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

The complete Case File will be placed in an online **trial notebook**.

Advocates should authenticate exhibits, impeach, and refresh recollection by reference to the electronic notebook.

**Screen-sharing** will be permitted only **after** an exhibit has been **admitted into evidence** by the presiding judge.

Teams are encouraged to practice screen-sharing prior to trial.

Teams **cannot create demonstrative aids** in advance of or during the trial.

Teams **cannot use presentation software** (Prezi, PowerPoint, etc.) during presentation of their trials.

## RULE 7: ADDITIONAL ONLINE TRIAL RULES

A Board of Advocates member shall be present in every online trial match as **bailiff**.

The **bailiff** will be responsible for keeping time and managing the technology of the trials.

**Advocates must have video on** during all parts of the trial in which they are actively participating.

(Ex; only the advocates giving openings should have video on during opening statements.)

**Witnesses** must turn their video off and mute themselves **except** during their testimony.

While a witness is testifying, no one may communicate with them privately (e.g., **no coaching your witness by text message**).

**No Flory Team member** (advocate or witness) **may compete in the same room** with any other team member.

Teams may set up their physical spaces however they like, except they **cannot use virtual backgrounds**.

**Witnesses must sit** while testifying (unless given permission to stand by the presiding judge).

**Advocates may choose** whether, and when, **to sit or stand**.

## RULE 8: 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.

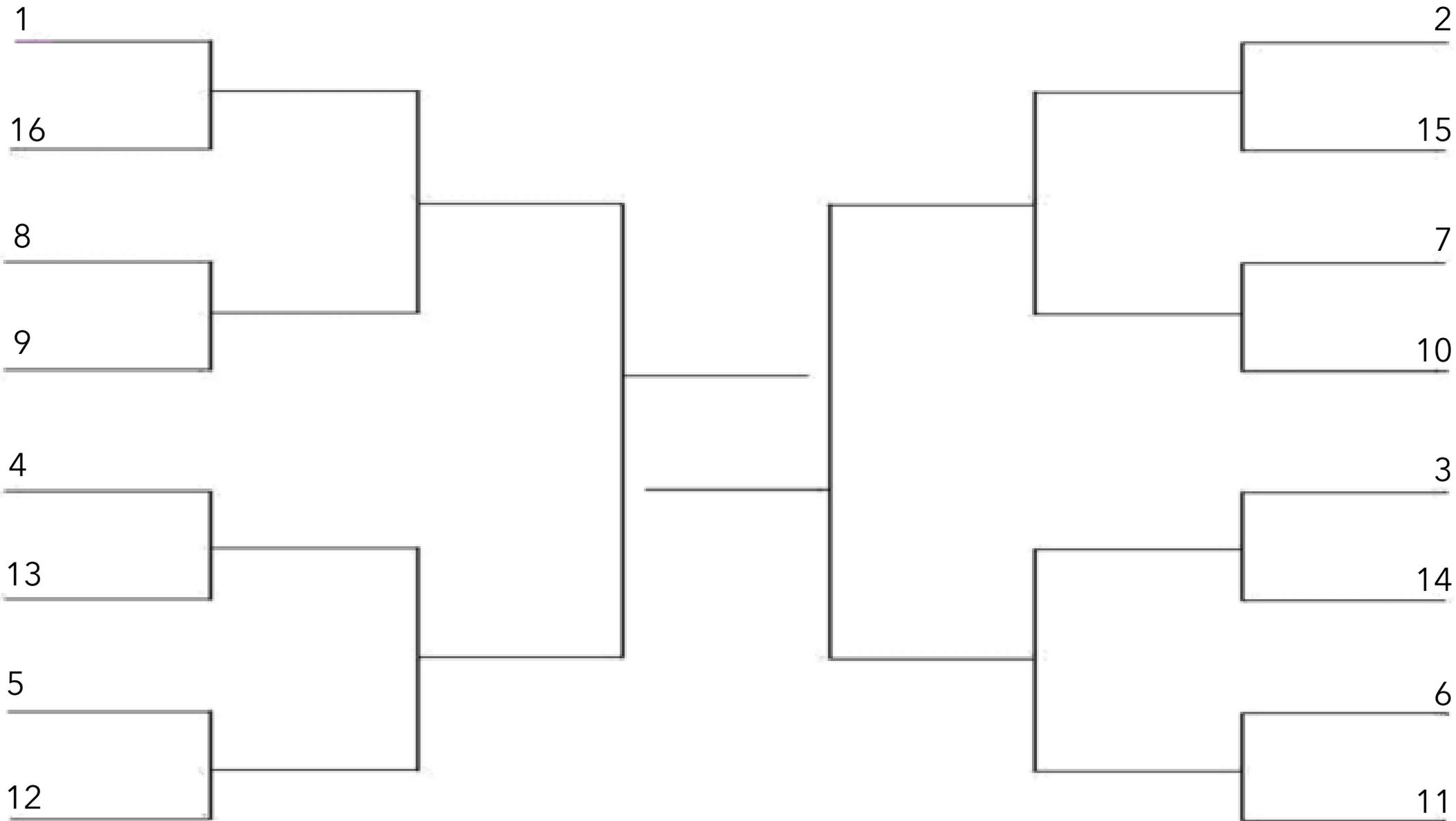
After the Preliminary Rounds, teams will be **power-seeded** and paired by team ranking.

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 9: 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 10: 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](mailto: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 **via email** to [advocacyprogram@lsu.edu](mailto:advocacyprogram@lsu.edu) no later than fifteen (15) 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 must submit a complaint **via email** to [advocacyprogram@lsu.edu](mailto: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.