

**THE ADVOCACY DEPARTMENT  
AT THE UNIVERSITY OF DENVER STURM COLLEGE OF LAW**

PRESENTS

# **THE ADVOCATES CUP**

A Trial Advocacy Tournament  
For 1Ls, 2Ls and 3Ls

## **TOURNAMENT RULES**

# THE ADVOCATES CUP

Presented by The Advocacy Department  
at the University of Denver Sturm College of Law

## GENERAL INFORMATION

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1. **TOURNAMENT HOST.** The Advocacy Department (TAD) at the University of Denver Sturm College of Law annually presents The Advocates Cup.
2. **THE HONOR CODE** applies to all competitors' activities relating to The Advocates Cup.
3. **GOALS OF THE TOURNAMENT.** The Advocates Cup is, first and foremost, an educational exercise for 1Ls, 2Ls, and 3Ls. TAD views one of its main goals is to help students find their career path (e.g. get a job) and help prepare those students so they can excel on that path. Thus, The Advocates Cup is designed to further develop law students' trial practice skills. These skills include, the development of students' case analysis and critical thinking skills, application of evidence, legal writing skills, and of course, verbal persuasion skills.
4. **"OPEN DOOR" POLICY FOR LEARNING.** Because one of the main purposes of The Advocates Cup is to provide an educational experience, **teams may receive outside advice and assistance**, including that offered by attorneys, clerks, friends, family and professors. **However, it is forbidden for such people providing outside assistance to actually draft work product for a student in the competition.** Outside help can include, reviewing written work product of the student-advocates and providing feedback. Further such help can include presiding over, or observing run-throughs, and providing feedback.
5. **INFORMATION ON THE TAD WEBPAGE.** All information, including the application, the release of the case problem, any updates to the case, will be posted on the TAD webpage.
6. **QUESTIONS.** Questions arising before and during the competition are to be submitted only to the Director of the Advocacy Department, David Schott. Questions should be submitted by email.

## TEAMS & ROUNDS

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7. **TEAM COMPOSITION.** Each team must be comprised of at TWO 1L students and TWO upperclassmen (2L students and/or 3L students). Two students will serve as Advocates in each round, and the other two teammates will serve as their witnesses. One 1L student MUST be an Advocate in each round and must be partnered with an upperclassmen Advocate.
8. **THE MENTORING COMPONENT.** One of the unique dynamics of The Advocates Cup is its mentoring component – 1Ls have the opportunity to benefit from the knowledge of their upperclassmen partners who have likely already taken Evidence or Evidence Applied, and Trial Practice.

9. **ROUNDS OF THE TOURNAMENT.** There are four (4) Tournament Rounds and one (1) Championship Round. Opposing teams will be randomly selected for Round 1. All subsequent rounds will be Power-Bracketed (see below). The times of the rounds are as follows:

Round 1	Friday at 6:00 p.m.
Round 2	Saturday at 9:30 a.m.
Round 3	Saturday at 2:00 p.m.
Round 4	Sunday at 9:30 a.m.
Championships	Sunday at 2:00 p.m.

#### **AWARDS & FREE BAR THEMIS REVIEW COURSE**

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10. **AWARDS & TROPHIES.** The names of the Champions will be engraved on the plaque accompany the Crystal Cup, the Advocates Cup trophy that is displayed in the law school's trophy case.
11. **BEST ADVOCATE AWARDS.** A Best Advocate Award will be awarded to the Best 1L Advocate. A Best Advocate Award will also be presented to the best Upperclassman Advocate (2L or 3L).
12. **THEMIS BAR REVIEW.** Themis Bar Review also generously donates one free online bar review course to each of the two Best Advocate Award Winners.

#### **APPLICATION, WITHDRAW & QUESTIONS**

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13. **APPYING TO THE TOURNAMENT.** There are a limited number of teams that can be accepted into The Advocates Cup. Completed applications that are submitted will be accepted on a first-come, first-served basis.
14. **WITHDRAWING.** The **deadline to withdraw** from the tournament is twenty-one days prior to the start of the tournament. After withdrawal after the deadline, that is not approved by TAD, will result in all members being prohibited from participating in all mock trial and moot court competitions for one (1) calendar year.
15. **ATTIRE.** Business dress is required at all stages of the competition. This means full suits and shirt; male competitors must wear a tie. Ladies can certainly wear pants, or a business suit, or a professionally-styled dress.

#### **COMPETITOR ROLES & RESPONSIBILITIES**

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16. **STUDENTS WHO MAY COMPETE.** Day and evening J.D. candidates currently enrolled at the University of Denver Sturm College of Law, who are in good academic standing, and in their first, second, third, or fourth year of study, are eligible to compete.
17. **DIVISION OF LABOR.** One team member Advocate must present the Opening Statement and the other team member Advocate must present the Closing Argument. Additionally, in each round, each of the two Advocates must present one Direct Examination and one Cross Examination. Motions in Limine (MILs) may be presented and rebutted by either Advocate, or split between the two Advocates.

18. **OBJECTING.** Only the team member conducting a given Direct Examination shall make objections to the Cross-Examination of that same witness. Concomitantly, only the team member Cross-Examining a witness shall make objections to Direct Examination of that same witness.
19. **PUNCTUALITY.** Team members must be present at counsel table and ready to begin at the scheduled trial time or face possible forfeiture of that round or penalty thereof.

## COMPETITION LOGISTICS

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20. **ROUNDS OF THE TOURNAMENT.** There are four (4) Qualifying Rounds and one (1) Championship Round. Opposing teams will be randomly selected for Round 1. All subsequent rounds will be Power-Bracketed (see below). The times of the rounds are as follows:

Round 1	Friday at 6:00 p.m.
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Championships	Sunday at 2:00 p.m.

21. **POSSIBLE BYE ROUNDS.** In the event of an odd number of teams, one team may receive a “Bye” in a given round. No team will be given a “Bye” in more than one round in the tournament. (The scoring of a Bye team is explained below.)
22. **SIDES OF THE CASE.** Each team will be assigned to represent one side of the case approximately twenty-four hours before the start of Round 1. Subsequent round assignment will be posted at the law school at least fifteen (15) minutes prior to the commencement of the round.
23. **TWO TIMES PER SIDE.** Each team is guaranteed that they will present each side of the case TWICE (unless they receive a “Bye” in a given round).
24. **ROUND 2 ASSIGNMENTS.** No team is guaranteed that it will automatically represent in Round 2, the side opposite that they represented in Round 1.
25. **NO PRELIMINARY ROUND REPEATS.** No two teams will compete against each other on the same side more than once in the preliminary rounds.
26. **NO ADVERSE WITNESSES.** Teams **may not call** the opposing side’s witnesses, nor may any witness be called as an adverse witness unless specifically indicated in the case materials.
27. **TRIAL STRUCTURE.** The trial will consist of the following:
- Pre-trial motions (Prosecution & Defense)
  - Opening Statements (Prosecution & Defense)
  - Direct of Prosecution Witness 1
  - Cross of Prosecution Witness 1
  - Redirect of Prosecution Witness 1, if any
  - Direct of Prosecution Witness 2
  - Cross of Prosecution Witness 2

- h. Redirect of Prosecution Witness 2, if any  
(Re-Crosses are only allowed with Court's Approval)
- i. Rule 29 Motion
- j. Direct of Defense Witness 1
- k. Cross of Defense Witness 1
- l. Redirect of Defense Witness 1, if any
- m. Direct of Defense Witness 2
- n. Cross of Defense Witness 2
- o. Redirect of Defense Witness 2, if any
- p. Closing Arguments (Prosecution & Defense)

28. **TIME.** Each team will have **sixty (60) minutes** to complete presentation of their case-in-chief and to rebut the opposing side's case. Time on Cross-Examination is charged against the team conducting the Cross-Examination. Time limits will be strictly enforced, although it is not necessary that all time allotted be used. **Each team is responsible for providing a timekeeper.** A team's witnesses may also serve as their timekeeper. This timekeeper will track the allocated time and give signals.
29. **CLOCK STOPS.** Argument of motions and objections made during the course of the trial are to be limited to the Judge's discretion. The clock will be stopped. This is a trial competition and the emphasis is on trial skills, and not appellate advocacy. Objections should be short and concise.
30. **MOTIONS IN LIMINE.** Each team is limited to present three (3) oral *Motions in Limine*. Teams are allowed four (4) minutes to present and four (4) minutes to respond to each motion. The Presiding Judge will monitor the time during MILs. The team timekeepers do not monitor time during MILs. The time used to present such motions will NOT be taken out of that team's sixty (60) minute allotment to present their case.
31. **NO WRITTEN MOTIONS.** No written briefs, motions, trial notebooks, or other written material shall be presented to the court other than a written Entry of Appearance.
32. **HALFTIME MOTIONS.** *Motions for Judgment of Acquittal* (JOA) may be made and argued orally when the Prosecution "rests." The presiding judge shall however, deny any JOA motions.
33. **NO WRITTEN MOTIONS.** No written motions or trial briefs will be permitted. The contest is to be determined on the basis of trial skills and not on the basis of legal research.
34. **RE-CROSSES ARE DISCRETIONARY.** While Re-Direct Examinations are permitted, Re-Cross Examinations are allowed permitted by approval of the court, and they will only be granted if new areas arise during the Re-Direct.
35. **REBUTTAL CLOSING.** The Prosecution may choose to reserve a portion of the time allotted for summation to rebut Defendant's Closing Argument. Proper notice must be given to the Court and timekeeper.
36. **RULES OF EVIDENCE - FRE.** 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 that provided in the case file. Students may argue the comments or advisory notes to the Federal Rules of Evidence, but may not cite the cases contained therein.

37. **NO SCOUTING.** All trials will be open for observations, however scouting is strictly prohibited. Teams may not direct friends, family or witnesses to watch other rounds in order to scout opposing teams. Scouting is also considered to be sharing the team strategies, case theory, examination questions, and the like, of a prior opponent to a third team. Scouting is considered misconduct under the rules of The Advocates Cup and The Honor Code. Any team in violation of this rule will be subject to action at the discretion of The Advocacy Department Director. Such action can include disqualification from the competition and other mock trial and moot court events. Further the conduct may be reported to the Dean of Academic Affairs and the Honor Board.
38. **WITNESSES.** The two team members who are not advocating in a given round shall serve as the witnesses for their team in that round.
39. **WITNESS LIMITED TO CASE.** Each side may present only those witnesses allowed by the case. The purpose of the tournament contest is to develop and demonstrate trial skills. The actual merits of each side's case presented are irrelevant to this purpose. The contest is not to be decided on the merits of the case. The fact that a witness may introduce information outside the record is not normally pertinent; the way the competitors handle such information is pertinent .
40. **NECESSARY INFERENCE RULE.** To ensure that no team obtains an unfair advantage by having their witnesses fabricate facts during their testimony, a "necessary inference rule" has been adopted for this tournament. Accordingly, 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 necessary, inescapable and inevitable. For the purpose of this tournament, a necessary inference is NOT any fact that you might wish to be true, nor is it any factual inference that is merely possible with the facts in the pattern. EXAMPLE: If the fact pattern establishes that a witness is a police officer, it is a necessary inference that the witness had training in a police academy, even if not explicitly stated in the packet. However, a necessary inference would NOT include that officer's grades, ranking or specific subjects taught unless otherwise established in the fact pattern.
41. **PENALTIES.** The Necessary Inference Rule will be strictly enforced. Violators run the risk of forfeiting the round and having those points stricken. This method of enforcement has been used in the past and will be used, as necessary, in The Advocates Cup.
42. **NO "OUTSIDE THE RECORD" OBJECTIONS / IMPEACH BY OMISSION.** Except during Closing Arguments, no objections that the opposing team is going "outside the record" are permitted. Any breach of the Necessary Inference Rule must be addressed through impeachment (by omission or otherwise). Should a witness be impeached by omission, the witness MUST admit, if asked, that the facts they testified to are not in their deposition. It is a VIOLATION of these Tournament Rules for a witness to testify that he or she was not asked about those facts in their deposition; the answer should simply be, "I did not say that in my deposition."
43. **ENLARGEMENTS.** Copies of any material contained in the fact pattern are permitted, and may be enlarged for demonstrative purposes. Further, any team may enlarge any exhibit, Jury Instruction(s), or other component of the problem to use as a demonstrative exhibit.
44. **NO ALTERATION OF EXHIBITS.** Except for renumbering exhibits to correspond to a team's presentation plan, 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.

45. **DEMONSTRATIVES.** Counsel and witnesses may create simple charts and drawings or make physical demonstrations in court for the purpose of illustrating the Direct or Cross-Examination or argument. Participants are free to create demonstrative exhibits and demonstrations from the case materials provided.
46. **ELECTRONIC ASSISTANCE.** The use of iPads, or the like, are permitted during the trial. Additionally, the use of ELMO or an overhead projector is permitted. However use of Powerpoint, etc., is not permitted. The reason is due to the fact that not all of the venues (courtrooms) will be equipped with the same electronic or technological capabilities. No cell phones may be used, or even turned on, at any time during any round. Use of a cell phone, or other electronic device, for communication with anyone during the round will result in automatic expulsion from the tournament and will be viewed as an Honor Code violation.
47. **JURY INSTRUCTIONS.** Competitors should assume the Jury Instructions provided in the fact pattern are the only instructions to be given and are not subject to motion or modification. They are the only statements of the applicable substantive law. No additional instructions may be tendered.
48. **PROHIBITED DISCLOSURES.** At no point in the competition should a competitor tell a judge what year in law school the competitor is, nor shall any competitor disclose to any judge his or her current or prior legal jobs.
49. **JUDGE'S DECISIONS.** All decisions made by the judging panel and individual judges are final.

## SCORING

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50. **AWARDS.** The following awards will be given based on scoring totals in The Advocates Cup:

- a. **The Advocates Cup Champions**
- b. **The Championship Finalist**
- c. **Best 1L Advocate & Best 2L/3L Advocate.** Based on differential points in the 4 Tournament Rounds. In each round, these points will continue to accumulate (with Byes averaging the other rounds). Example:

Round 1 – Courtroom 1		
	Total	Differential
1L Competitor #1	104	+2
1L Competitor #2	100	-2
2L/3L Competitor #1	98	-4
2L/3L Competitor #2	106	+4

Each competitor's points will include the sum of 4 categories between all 3 judges (with a ghost ballot being used if there are only 2 judges). The four categories are: (1) either Opening or Closing, (2) Direct, (3) Cross, and (4) Professionalism/Objections. The competitor with the highest differential will win, with the highest total being the tiebreaker. Bye rounds will be scored by averaging the other two rounds.

51. **TRI-FURCATED PANELS.** Performance at trial will be evaluated by a panel of **judges, attorneys and may also include a layperson**. Every effort will be made to provide three-person panels for scoring purposes. A copy of the score sheet that will be used to evaluate the team is provided with the competitor materials prior to the tournament. If there are only 2 judges in a courtroom, then a third **“ghost” ballot** will be generated based upon the average scores from the other two ballots.
52. **SCORING.** Individual competitors in The Advocates Cup will be scored on trial advocacy skills in the following areas:
- a. Motions in Limine (worth up to 10 points – only factored for the team, not individuals)
  - b. Opening Statement (worth up to 10 points)
  - c. Closing Statement, including Rebuttal (worth up to 10 points)
  - d. Direct Examinations (each individual Direct Examination is worth up to 10 points)
  - e. Cross Examinations (each Cross will be worth up to 10 points)
  - f. Ethics, Courtroom Demeanor & Professionalism (each team member may receive up to 10 points)
  - g. Discretionary Points for Objections (worth up to 1 bonus points; each team may receive a total of 1 bonus point). These points will not be used to determine total points but will be used by to break ties, see Rule 47 below.
53. **POINTS.** Each Round (Qualifying Rounds 1-4, and the Championship Round) has a 90-point maximum score for each team. The maximum score does not include points allocated for Motions & Objections (0, 1).
54. **TOTAL LINE ITEM POINTS.** The total points for each individual’s Opening, Closing, Directs, Crosses, and Ethics Courtroom Demeanor & Professionalism (lines 1-12 on the score sheet) shall not exceed 10 points. Total points will be used to determine the round winner for each individual judge ballot. Ties in total points will not be allowed.
55. **BALLOTS.** The team receiving the most ballots will receive a “Win” for that round.
56. **DISCRETIONARY POINTS.** Discretionary points will be based on the effective use of objections. These will not be used in the normal course of scoring. These points will only be used in the case of a tiebreaker during power-matching for subsequent rounds.
57. **EVEN NUMBER OF JUDGES.** In the event there is an even number of judges on a panel, the scores from all judges will be averaged to provide an average score for each team for that round. The averaged score will be treated as phantom ballot. The team with the highest average will win the phantom ballot. The averaged score will be between 0 and 90.
58. **BYES.** If there are an odd number of teams competing, one team in each round will receive a bye, chosen by lot. For ranking purposes, a team’s ballots for the bye round will be determined by averaging the ballots from the team’s other three Tournament Rounds. So yes, this “average” will change throughout the tourney. Similarly, a team’s points for the bye round will be determined by averaging the points from the team’s other three Tournament Rounds.

59. **BEST ADVOCATE.** The student who has the highest differential points, as explained above, at the end of the **first four Tournament Rounds** will win **Best Advocate**. Each competitor's points will include the sum of 4 categories between all 3 judges (with a ghost ballot being used if there are only 2 judges, as described above). The four categories are: (1) either Opening or Closing, (2) Direct, (3) Cross, and (4) Professionalism/Objections. Each competitor will then have a differential score determined by their total point's distance from the average of everyone in that courtroom in that round. The competitor with **the most total differential points** at the end of the four Tournament Rounds will win, **with the highest number of perfect "10's" being the tiebreaker**. Bye rounds will be scored by averaging the other rounds. **A competitor must compete in at least 2 rounds to receive Best Advocate.** Here is an example...

Round 1 – Courtroom 1		
	Total	Differential
Competitor 1	104	+2
Competitor 2	100	-2

In the example above, the total points are the sum of all three judges' ballots for the 4 applicable categories. The average of both competitors' scores is 102. The differential is based on that average.

60. **ROUND 1 MATCHING.** Matchups for Tournament Round 1 will be made randomly. Matchups for all subsequent rounds will be made on a Power-Bracketing system based on the results of the previous round(s).

61. **QUALIFYING FOR THE CHAMPIONSHIP.** The following factors are used in the determination of which teams will progress to the Championship Round:

- a. Win/Loss Record from first 4 Tournament Rounds;
- b. Number of Winning Ballots from the 4 Tournament Rounds. If any team has fewer than three judges on its panel for a round, a "Ghost Ballot (see above) will be tallied.
- c. Differential Points
- d. Gross Points

## CHAMIONSHIP ROUND

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62. **COIN TOSS.** If both parties desire to present the same side in the Championship Round, a coin toss will take place prior to the Championship Round. The higher ranked team will be "Heads" for the coin toss. The winner of the coin toss gets to choose its side in the Championship Round.

**Important note:** In the event the Final Round teams have been previously matched against each other in an earlier round, no coin toss shall take place. Each team will represent the opposite side from that which they represented in the previous confrontation. This is to make each side's case strategy unfamiliar to opposing counsel, ensuring no tricks are used and that the final round is a true competition.

63. **BALLOTS.** The total points on each individual judge ballot will determine which team wins each respective individual ballot. The team winning the most judge ballots will receive the "WIN" for that round. In the event of an even number of judges in a round and a split decision, the scores from all judges will be averaged to create a phantom ballot (see item 7 above).

64. **TITLES.** The team winning the most ballots will be announced as The Advocates Cup Champion. The other team will be announced as The Advocates Cup Championship Finalist.

***On behalf of The Advocacy Department.***

***HAVE FUN AND GOOD LEARNING TO YOU!***