THE FAMILY OF DANIEL S. HOFFMAN
and
THE CENTER FOR ADVOCACY
AT THE UNIVERSITY OF DENVER STURM COLLEGE OF LAW
David C. Schott, Directeor

PRESENT

THE
DANIEL S. HOFFMAN
MEMORIAL CUP

TOURNAMENT RULES

(Revised 8.22.18 CFA)

GENERAL INFORMATION

The Center for Advocacy (CFA) at The University of Denver Sturm College of Law and **the Hoffman Family** proudly present the **Daniel S. Hoffman Trial Advocacy Competition**. Any questions regarding The Hoffman Cup should be sent to **Professor David C. Schott,** Director –The Center for Advocacy.

ALL RELEVANT DATES AND DEADLINES ARE POSTED ON THE CFA WEBPAGE.

1. **CHAMPIONS.** The "Hoffman Cup" is the largest showcase of student talent as well as the most comprehensive student-alumni event of the year. The tournament is intended to **showcase the high level of collective and individual advocacy** possessed by the students at the law school, to **advance student-alumni relations**, and to **advance legal education** for the participating students in these areas:

- Trial advocacy
- Verbal persuasion
- Issue Identification
- Professional writing
- Professional camaraderie
- Courtroom professionalism
- Courtroom evidence (applied evidence)
- Constructing case theory from raw facts
- Case analysis & Critical thinking
- Communication with the Bench
- Professional identity
- Storytelling…and much more

This is a trial advocacy competition with the emphasis on the components required of an attorney to prepare and present a case for trial. This is not an appellate competition (moot court). The Ruling Judges and Scoring Jurors are instructed to make no decisions on the merits of the case, and to evaluate trial advocacy only.

2. **THE HONOR CODE** applies to all competitors' activities relating to the Hoffman Cup, and all competitors (including but not limited to advocates, witnesses, timekeepers) are expected to be familiar with the rules stated herein, and abide by them.

3. **APPLICATION.** Teams will be selected to compete based on the **Merit Point application system**, that can be found on the CFA webpage. **Email your completed application to Professor David Schott**, Director of the CFA (DSchott@law.du.edu). The goal is to accept ALL applicant teams. A team should not be discouraged from applying simply because the team's members believe they might not be selected to compete.

4. **CFA GOVERNING BODY.** Questions arising before and during the competition are to be submitted only to the Center for Advocacy, directly by email. All decisions of the CFA are final. Questions will be reviewed and answered, with the answer being provided to all competitors.

5. **COACHING - JUMPSTART PROGRAM:** The Center for Advocacy (CFA) again will host **the Hoffman JumpStart Coaching Program**. Through Jumpstart, the CFA will provide each team with a local alumnus who will serve as the teams attorney-coach, for the purpose of assisting the team with its Hoffman preparations. The coaches are well-versed in trial advocacy. They have all either been practicing as trial attorneys or have participated in several tournaments during their years in law school. Once all the teams sign-up, each will be have the opportunity to be assigned a coach if they so choose. It is requested of the coaches that each coach meets once per week with their team in the four weeks leading up to the Cup.

6. **OPEN DOOR FOR HELP.** Because one of the purposes of The Hoffman 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 outside support to actually draft work product for a student in the competition.**

7. **WITHDRAWING.** The **deadline to withdraw** from the Hoffman Cup without penalty is at 5:00 pm. on the fourteenth (14th) day prior to commencement of The Hoffman Cup. Failure to withdraw or compete in the competition after this drop date will result in the loss of the team's bond check. Additionally, all members of the withdrawing team will be prohibited from participating in all Center for Advocacy competitions for one (1) calendar year.

8. **ATTIRE.** Courtroom attire is required for all stages of the competition. This means full suits and shirt; male competitors must wear a tie.

COMPETITOR ROLES & RESPONSIBILITIES

9. **STUDENTS WHO MAY COMPETE.** Day and evening J.D. candidates currently enrolled at the University of Denver Sturm College of Law and in their second, third, or fourth year of study are eligible to compete. 1L students may serve as witnesses.

10. **BOTH SIDES OF CASE.** Each team must be prepared to argue both sides of the case in any given round.

11. **TEAM SIZE, COMPOSITION, REQUIRED ROLES & WITNESS RESTRICTIONS.**

    a. **Teams may be comprised of 2, 3, or 4 members.**
    b. Each team member shall actively participate in a significant part of the trial **as either a Witness or an Advocate.** To that end, each team member who is acting as an **Advocate** in a given round **must conduct one Direct Examination and one Cross Examination,** as well as an **Opening Statement or a Closing Argument.**
    c. **Team members not acting as an Advocate in a given round must serve as a witness in that round.**
    d. **One person** may play **both witnesses** in a given round**.**
    e. **At no time may a team use an individual to serve in a witness role when that individual has participated in the tournament for another team in either the capacity of a witness or an advocate.**

12. **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 the Direct Examination of that same witness.

13. **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

14. **QUALIFYING ROUNDS.** The competition consists of **three (3) Qualifying Rounds** in which all teams compete. **Quarterfinal, Semifinal** and **The Championship Rounds** follow the Qualifying Rounds. The dates of the rounds can be found on the CFA webpage.

15. **CRIMSON & GOLD BRACKETS.** The implementation of a dual-bracket system has been a very effective addition to the tournament. **There are two brackets in the tournament – the Crimson Bracket and the Gold Bracket.**

    a. Generally**.** Teams indicate on their application in which bracket they would like to compete. The **Crimson Bracket** is intended for **veteran advocacy teams**. (National Trial Team squads are required to compete in the Crimson Bracket.) The **Gold Bracket** is intended for all other teams. Teams **will compete ONLY against teams within their respective bracket during the Qualifying Rounds**.

b. Brackets Merge in Quarters. It is intended that **four (4) teams** from each bracket will advance to the **Quarterfinals**. However, the number of teams advancing to the Quarterfinals from each bracket will be pro-rated. Example:

> If there are 16 teams in the Gold bracket and 8 in the Crimson bracket, then the Gold bracket comprises two-thirds of the overall number of teams in the Cup. Thus, two-thirds of eight (8) teams – which is the number of teams that can advance to the Quarterfinals – is 5.36. Thus, five (5) teams will advance to the Quarterfinals from the Gold bracket, and 3 will advance from the Crimson bracket.

However, assuming however that the brackets are evenly balanced, then four (4) teams from each bracket will advance to the Quarterfinals. It is in the **Quarterfinals is when the brackets "melt"** (compete against each other). The schedule will look like this:

#1 Crimson Team	v	#4 Gold Team
#4 Crimson Team	v	#1 Gold Team
#3 Crimson Team	v	#2 Gold Team
#2 Crimson Team	v	#3 Gold Team

16. **POSSIBLE BYE ROUNDS.** In the event of an odd number of teams, one team will need to have a "bye" each round

17. **SIDES OF THE CASE.** Each team will be assigned by the CFA to represent one side of the case before the first round. **No team is guaranteed that it will automatically represent the other side in the second (2nd) round** (best efforts will be made to achieve that result)**. However teams are guaranteed that they will represent each side of the case at least one (1) time during the Qualifying Rounds.** Final notice of Round I pairings will be announced no later than the evening before the first day of The Hoffman Cup.

18. **NO PRELIMINARY ROUND REPEATS.** No two teams will compete against each other on the same side of the case more than once in the Qualifying Rounds.

19. **NO ADVERSE WITNESSES.** Teams **may *not* call** the opposing side's witnesses nor call an adverse witness.

20. **TRIAL STRUCTURE.** The trial will consist of the following:

    a. Pre-trial motions (Prosecution/Plaintiff & Defense)
    b. Opening Statements (Prosecution/Plaintiff & Defense)
    c. Direct of Prosecution Witness 1
    d. Cross of Prosecution Witness 1
    e. Redirect of Prosecution Witness 1, if any
    f. Direct of Prosecution Witness 2
    g. 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)

21. **TIME.** Each team will have **seventy-five (75) minutes** to complete arguments. 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, which they often do when they are not on the witness stand. This timekeeper will track the allocated time and give signals. The timekeepers are encouraged to also track opposing side's time. In the event of a discrepancy in both team's timekeeping, the difference is split.

22. **TIME NOT DEDUCTED FOR OBJECTIONS.** The time spent on the argument of **objections will be not deducted** from the time of the objecting party. **However**, objections should be short and concise, thus **the Ruling Judge may order that time be deducted** if one side objects repeatedly and frivolously.

23. **RE-CROSSES ARE DISCRETIONARY.** While Re-Direct Examinations are permitted, **Re-Cross Examinations are permitted ONLY by approval of the court**, and Re-Cross Examinations will only be granted if requested by the Re-Cross Examining counsel and if new areas arise during the Re-Direct.

24. **REBUTTAL CLOSING.** The Prosecution/Plaintiff 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 prior to the start of Defense Counsel's Closing Argument.

25. **NO WRITTEN MOTIONS.** No written motions or trial briefs will be permitted. This contest is to be determined on the basis of trial skills and not on the basis of legal research.

26. **RULES OF EVIDENCE - FRE.** The Federal Rules of Evidence and the Federal Rules of Criminal Procedure/Federal Rules of Civil 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. The only exceptions are the body of case law regarding the Confrontation Clause and Daubert and its progeny as they relate to the interpretation of F.R.E 702 and the application of the Daubert Factors.

27. **ORAL MOTIONS.** No written briefs, motions, trial notebooks, or other written material (Entry of Appearance excepted) shall be presented to the court. Pretrial *motions in limine* and motions for judgment of acquittal may be made and argued orally. The presiding judge shall however, deny any motion for judgment of acquittal.

28. **MOTIONS IN LIMINE.** Each team is <u>limited to three (3) motions</u> in limine. Teams are allowed four (4) minutes to present and four (4) minutes to respond to each motion; the time used to present such motions <u>will NOT be taken out of that team's seventy five (75) minute allotment</u>.

29. **NO SCOUTING.** All trials will be open for observation, however <u>scouting is strictly prohibited</u>. Teams may not direct friends, family or witnesses to watch other rounds in order to "scout" opposing teams. Scouting is considered to be "misconduct" under the Hoffman Cup Rules, and any team in violation of this rule will be subject, at the discretion of the Center for Advocacy, to disqualification from the competition and other CFA sanctions. Further, the conduct may be reported to the Dean of Academic Affairs and the Honor Board.

30. **NECESSARY INFERENCE RULE.** To ensure that no team obtains an unfair advantage by having their witnesses "make up" facts during their testimony, a "necessary inference rule" has been adopted for this tournament. Accordingly, <u>teams must confine their presentations to the facts given in the fact pattern</u>, any matters judicially noticeable under Federal Rule of Evidence 201, <u>and those inferences that are necessary, inescapable and inevitable</u>. 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 or consistent 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 (e.g. "I was #1 ranked candidate in the academy"), ranking or specific subjects taught unless otherwise established in the fact pattern.

31. **PENALTIES.** The Necessary Inference Rule will be strictly enforced. Violators run the risk of:

    a. Having points deducted from the score of the Witness;
    b. Having points deducted from the score of the Direct Examining Attorney;
    c. Having Professionalism points deducted;
    d. Forfeiting the round.

32. **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. Should a witness be impeached by omission, the witness MUST admit, if asked, that the facts they testified to are not in their prior testimony (e.g. deposition, statement, Grand Jury testimony, etc.). It is a VIOLATION of these Tournament Rules for a witness to testify that he or she was not previously asked about those facts when giving their prior testimony; the answer should simply be, "I did not say that in my prior testimony/statement/deposition."

33. **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.

34. **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.

35. **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. While participants are free to create demonstrative exhibits and demonstrations from the case materials provided, judges will be instructed that scoring must be based on advocacy skills and not on demonstrative evidence that are unduly elaborate or in poor taste in a law school competition.

36. **ELECTRONIC ASSISTANCE.** The use of iPads, or the like, are permitted during the trial. Additionally, the use of ELMO, Powerpoint, and other electronic aids are also permitted. However, 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.

37. **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.

38. **PROHIBITED DISCLOSURES.** At no point in the competition should a competitor tell a judge their (the competitor's) year in law school, nor shall any competitor disclose to any judge his or her current or prior legal jobs. Similarly, competitors do not have the right to declare a "conflict of interest" with a Ruling Judge or Scoring Juror. Only the Ruling Judge or Scoring Jurors have the right to declare a conflict of interest in judging a student in a round. Finally, competitors are not allowed to disclose to the judge their respective brackets or discuss the differences between brackets with any of the Judges.

39. **JUDGE'S DECISIONS.** All decisions made by the judging panel and individual judges are final.

SCORING

40. **PURPOSE OF THE TOURNAMENT.** The purpose of the contest is to develop and demonstrate trial skills and advocacy 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.

41. **AWARDS.** The following awards will be given based on scoring totals in the Daniel S. Hoffman Competition:

    a. **1st Place Team** – **The Champions** (plaques for each team member)
    b. **2nd Place Team** – **Championship Finalists** (plaques for each team member)
    c. **Most Professional Team** – based on gross points accumulated in the first three rounds (plaque)
    d. **Best Advocate** (veteran bracket) **& Rising Star Advocate** (non-veteran bracket) (plaque; determined by preliminary ranking points).
    e. **Best Witness** (plaque, determined by preliminary ranking points).

42. **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.

43. **SCORING.** Competitors in the Daniel S. Hoffman Cup Trial Advocacy Competitions will be scored on trial advocacy skills in the following areas:

    a. Motions in Limine (worth up to 10 points) – *these are NOT factored into the Best Advocate or Rising Star Awards*
    b. Opening Statement (worth up to 10 points)
    c. Closing Statement, including Rebuttal (worth up to 10 points)
    d. Direct Examinations (worth up to 20 points; each individual direct examination is worth up to 10 points)
    e. Cross Examinations (worth up to 20 points; each cross will be worth up to 10 points)
    f. Ethics, Courtroom Demeanor & Professionalism (worth up to 20 points; each team member may receive up to 10 points)
    g. Points for Objections, worth up to 2 points, are used as Tie-Breakers. These points will not be used to determine total points but will be used by to break ties.

44. **POINTS.** Each Round (Qualifying Rounds 1-3, Quarterfinals, Semifinals and Final Round) has a 90-point maximum score for each team. The maximum score does not include points allocated for Objections. DISCRETIONARY POINTS**.** Discretionary points will be based on the effective use of objections. These points will only be used as tiebreakers.

45. **TOTAL LINE ITEM POINTS.** The 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 are prohibited.

46. **BALLOTS.** The team receiving the most ballots will receive a "Win" for that round.

A SAMPLE SCORESHEET APPEARS ON THE NEXT PAGE

OFFICIAL HOFFMAN CUP SCORE SHEET

Day _____ Date _____ Room # _____ Round (circle) I II III Quarters Semi's Championships

POINT SCALE: **1-2** Poor **3-4** Below Average **5-6** Good **7-8** Very Good **9-10** Excellent

PROSECUTION/STATE		**DEFENSE**	
Motions in Limine	pts	**Motions in Limine**	pts
Opening Statements			
Opening Statement Presented By:	pts	**Opening Statement Presented By:**	pts
Begin Prosecution's Case-In-Chief			
1st State Direct Examination Presented By:	pts	1st Defense Cross Examination Presented By:	pts
2nd State Direct Examination Presented By:	pts	2nd Defense Cross Examination Presented By:	pts
Begin Defense's Case-In-Chief			
1st State Cross Examination Presented By:	pts	**1st Defense Direct Examination Presented By:**	pts
2nd State Cross Examination Presented By:	pts	**2nd Defense Direct Examination Presented By:**	pts
Closing Arguments			
Closing Argument Presented By:	pts	**Closing Argument Presented By:**	pts
Ethics & Professionalism (We Award A "Professionalism Award")			
1st State Competitor Name:	pts	1st Defense Competitor Name:	pts
2nd State Competitor Name:	pts	2nd Defense Competitor Name:	pts
TOTAL POINTS FOR STATE ⇨		**TOTAL POINTS FOR DEFENDANT ⇨**	

OBJECTIONS: TIE BREAK ONLY! If your scores are tied, each team **0, 1, or 2 points** for **"Objections"** in the space below.

Prosecution Objections	pts	**Defense Objections**	pts

STATE ⇦ CIRCLE THE WINNING TEAM ⇨ DEFENSE

WITNESS POINTS: AWARD 1-10 PTS (Used for Outstanding Witness Awards only. Print witness's FULL NAME in the space.)

1st Prosecution Witness By:	Pts	**1st Defense Witness By:**	Pts
2nd Prosecution Witness By:	Pts	**2nd Defense Witness By:**	Pts

Your Name (print) _____ **Cell Phone #** _____

47. **EVEN NUMBER OF JUDGES.** In the event there is an even number of judges on a panel (e.g. 2), 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.

48. **BYES.** If there is 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 two Qualifying 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 two Qualifying Rounds.

49. **ROUND PAIRINGS.** Matchups for the first Qualifying Round will be made by Power-Bracketing teams based on ranking each team based upon their total points tallied from their Merit Selection application. Matchups for Round 2 and 3 of the Qualifying Rounds will be made on a Power-Bracketing system) based on the results of the previous round(s).

50. **QUALIFYING FOR THE QUARTERFINALS.** The following factors are used in the determination of which four teams from each bracket will progress to the Quarterfinals:

    a. Win/Loss Record from Qualifying Rounds 1-3 (evaluated seperatly in each bracket)
    b. Number of Winning Ballots from Qualifying Rounds 1-3. If any team has fewer than three judges on its panel for a round, the phantom ballot (see Rule 47 above) will be tallied.
    c. Differential Points
    d. Gross Points

QUARTERFINALS

POWER MATCHING IN QUARTER AND SEMI FINALS; BRACKETS MERGE. As mentioned above, **the brackets will merge in the Quarterfinals.** Of the eight (8) teams in the Quarterfinals, if **four (4) teams** from each bracket advance to the **Quarterfinals,** then the Quarterfinals schedule will look like this:

#1 Crimson Team	v	#4 Gold Team
#4 Crimson Team	v	#1 Gold Team
#3 Crimson Team	v	#2 Gold Team
#2 Crimson Team	v	#3 Gold Team

51. **MOST POINTS/BALLOTS.** The total points for each team will be used to determine the round winner for each individual judge ballot. The team winning the most judge ballots will receive a "WIN" for that round. In the event of an even number of judges in a round and a split decision, the scores from the judges will be averaged to create a "ghost ballot", as described herein.

52. **ADVANCING TO SEMIS.** Only the winner of each trial will progress to the Semifinals.

SEMIFINALS

53. **SEMI-FINAL POWER-BRACKETING.** The four (4) teams advancing to Semifinals will be **Power-Bracketed** based upon the Quarterfinal results.

54. REPEAT MATCH-UPS. In the Semi's, if two teams have been matched against each other in an earlier round, then each team will represent **the opposite side** from that which they represented in the previous confrontation. This assures each side's case strategy unfamiliar to opposing counsel, ensuring the round is a true competition.

a. In the Semifinals, if two teams were matched against each other in an earlier round, then 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 the round is a true competition.

b. If matched teams have NOT met previously and have represented the same case sides an equal number of times, and the teams cannot agree to the sides which each of them will represent in the Semifinals, then a coin toss will determine representation, with the higher ranked team serving as the Prosecution/Plaintiff if the coin lands "heads."

55. The Finals will then be based on whichever two teams prevail in the Semifinals regardless of their original brackets (it is therefore possible that either two Crimson teams, two Gold teams, or one team from each bracket face off in the Championship round).

56. 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 a "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 "Ghost Ballot."

FINAL ROUND

57. COIN TOSS. If the parties both desire to present the same side in the Championship Round, a coin toss will take place prior to the Final Round. If the teams both desire to present the same side, the higher ranked team will serve as the Prosecution/Plaintiff if the coin lands "heads."

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 is unfamiliar to opposing counsel and thus ensuring that the final round is true.

58. 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).

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

WITNESSES (Competitors must have all witnesses read this section.)

60. WITNESSES. Each team is responsible for securing and preparing its own witnesses.

a. One person may play the part of more than one witness for a team.
b. On a four-person team, the team members who are not advocating in a round must play a witness.

c. Similarly, with a three-person team, the team member who is not serving as an Advocate in that round, must serve as a witness.
d. **At no time may a team use an individual to serve in a witness role when that individual has participated in the tournament for another team in either the capacity of a witness or an advocate.**

61. **LAY WITNESSES.** Witnesses do not have to be law students for two-person teams or three-person teams (to serve in the role of the remaining witness).

62. **REPORTING WITNESS NAMES.** Teams must email the names of their witnesses to the CFA once they have secured a firm commitment from each witness. Each team is responsible for ensuring its witnesses know when to arrive for the competition. Witnesses who fail to show for the competition will be banned from all competitions for one (1) calendar year by the Center for Advocacy

63. **WITNESS LIMITED TO CASE.** Each side may present only those witnesses allowed by the case.

64. **NO MATERIAL EXTRAPOLATION.** Each witness has been provided with some form of testimony (deposition, Grand Jury, etc.) or statement. Each witness "knows" only the facts contained in the applicable statement; any additional testimony is the invention of the witness. If a witness makes a statement of fact not contained in the deposition testimony or statement, the witness must admit that the fact was not contained in such testimony if questioned on the subject. Allowing a witness to answer a question with information that is beyond the facts contained in the problem, even if opposing counsel's question calls for such material extrapolations, results in unexpected testimony and thus an unfair advantage. Therefore, witness testimony is strictly limited to the facts of the problem and those reasonably inferred from the problem. Please review the Necessary Inference Rule above for guidance on this issue.

65. **NO "OUTSIDE THE RECORD" OBJECTIONS.** Except during closing argument, no objection shall be made that the opposing team is going outside the record. Any breach should instead be addressed by means of impeachment. Witnesses must admit if facts they testify to are not in the record. Witnesses may not qualify this admission in a misleading way. The judges will be instructed concerning the significance of this form of impeachment in the mock trial context, and they are directed to account for unfair additions to the record in their scoring of relevant directs, cross-examinations, and specifically the scoring for Ethics, Courtroom Demeanor & Professionalism.

66. **WITNESS NOTES PERMITTED.** A witness may bring a prompt sheet to the witness stand when being questioned. However, all competitors are urged to consider how this will affect their performance scores.

INDIVIDUAL AWARDS

67. **CALCULATING BEST ADVOCATE & RISING STAR ADVOCATE.** The student who has the highest differential points, as explained above, at the end of the **first three Qualifying Rounds** will win either the **Best Advocate or Rising Star Advocate award**.

a. The **Best Advocate** winner will only come from the veteran **Crimson Bracket**
b. The **Rising Star Advocate** will come from the **Gold Bracket.**
c. The Best Advocate & Rising Star awards will **only be based upon the first 3 rounds of the competition** – thus ALL competitors are in contention for the respective awards, even if their team does not advance to the Quarterfinals
d. A competitor **must compete in at least 3 rounds as an advocate** to be in contention for the Best Advocate award. A competitor **must compete in at least 1 round as an advocate** to be in contention for the Rising Star award. (If an Advocate's team draws a "Bye" in a given round, that will not disqualify an Advocate from contention. Rather the Advocate's other 2 rounds will be averaged to create the Advocate's third round differential score.)

e. Each Advocate'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) Opening or Closing,
(2) Direct,
(3) Cross, and
(4) Professionalism/Objections.

f. Each competitor will then have a differential score determined by <u>their total point's difference from the average of the other Advocates in that courtroom</u> in that round. Example:

Round 1 – Courtroom 1

	Total	Differential
Competitor 1	104	+2
Competitor 2	100	-2
Competitor 3	98	-4
Competitor 4	106	+4

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

g. The **<u>total</u>** of each Advocate's Differential Points from each round will be added. The Advocate with **the highest differential sum total** (not averaged total) will win the award.
h. If there is a tie, the Advocate with the hightest number of "10's" will win the award.

68. CALCULATING BEST WITNESS AWARD. The student who has the **HIGHEST <u>SUM</u> TOTAL of differentil points** at after the **first three Qualifying Rounds** will win the Best Witness award. The award will be determined as follows:

a. The **Best Witness** award is **only be based on the first 3 rounds** – thus ALL competitors are in contention for the award, even if their team does not advance to the Quarterfinals.
b. A Witness **must compete in 3 rounds as a witness** to be in contention for the Best Witness award. (If a Witness' team draws a "Bye" in a given round, that will not disqualify an Witness from contention. Rather the Witness' other round will be averaged to create the Witness' second round differential score.)

c. A **Differential point score** will be calculated for each Witness for each round.

Round 1 – Courtroom 1

	Total	Differential
Witness 1	9+8+9=26	+2
Witness 2	7+7+7=21	-3
Witness 3	8+8+9=25	+1
Witness 4	7+8+9=24	0

d. A Witness' **<u>TOTAL</u>** Differential points **will continue to accumulate** (with byes averaging the other 2 rounds) by adding the differential score earned by each Witness in each round.
e. The Witness with **the highest <u>sum</u> Differential Score** will win the award.
f. If there is a tie, the Witness with the hightest number of "10's" will win the award.

On behalf of The Center for Advocacy and the Daniel S. Hoffman family,
HAVE FUN AND GOOD LUCK!