

Hippard Open 2020 November 6th-8th

Round Format

I. Motion in Limine*

- a. During the MIL both sides ask the court for an order or ruling limiting or preventing certain facts from being presented by the other side during opening statements and requiring opposing counsel to first approach during trial before mentioning it. (5 minutes max per side)

II. Opening Statements**

- a. One member of Prosecution counsel's team
- b. One member of Defense counsel's team

III. Prosecution's Case***

- a. Witness 1
 - i. Direct examination of Witness 1 (by Prosecution's counsel)
 - ii. Cross-Examination of Witness 1 (by defense counsel)
 - iii. (Optional) Redirect Examination of Witness 1 (by Prosecution's counsel)
- b. Witness 2
 - i. Direct examination of Witness 2 (by Prosecution's counsel)
 - ii. Cross-Examination of Witness 2 (by defense counsel)
 - iii. (Optional) Redirect Examination of Witness 2 (by Prosecution's counsel)

IV. Defense's Case

- a. Witness 3
 - i. Direct examination of client (by defense counsel)
 - ii. Cross-Examination of defendant (by Prosecutions counsel)
 - iii. (Optional) Redirect Examination of client (by defense counsel)
- b. Witness 4
 - i. Direct examination of defendant's friendly witness
 - ii. Cross-Examination of defendant's friendly witness
 - iii. (Optional) Redirect Examination of defendant's friendly witness

V. Closing Arguments

- a. Prosecution's counsel (who did not present Opening)
- b. Defense counsel (who did not present Opening)
- c. (Optional) Rebuttal by Prosecution's counsel

VI. The division of the Motion In Limine responsibilities are left to the discretion of the team.

** Rounds are limited to 50 minutes per side (**not counting objections**)

*** Both student lawyers on a team must each perform one direct examination and one cross examination per round.

What is an opening, direct examination, cross examination, etc.?

Opening Statement:

Openings should not be argumentative! In your opening you should tell your client's side of the case in the form of a story, as the attorney believes it will unfold, in a clear and convincing manner.

Direct Examination:

- Direct examination means that you are calling a witness that you believe has important evidence to help your side. Because you are calling the witness, the witness is considered "friendly" to your side (whether or not your client actually has a friendly relationship with the witness).
- When you examine a witness during direct examination, your questions must be open-ended in nature. No leading of the witness is allowed! In other words, your questions should **not** suggest a specific response. Failure to observe this rule will permit opposing counsel to object to your line of questioning.
- Some examples of acceptable direct examination questions are:
 - ☐ "Did you hear anything?" – "What did you hear?"

Cross-Examination:

- Cross-examination is when the opposing counsel has just completed a direct examination of one of their own friendly witnesses, and you wish to obtain more details, or possibly discredit what has been said. Because it is understood that the witness is "unfriendly" (not trying to help your side), you are allowed to lead the witness by asking questions that suggest a specific answer. (Often, it is helpful to try to phrase your questions so that the witness only needs to answer "yes" or "no.") The goal here is to be able to point out some flaws in the opposing team's construction of arguments and to weaken the credibility of the witness (without intimidation).
- An example of a question suggesting a specific response is:
 - ☐ "When you went to bed, you heard a noise in the backyard?"

Redirect Examination:

- Redirect examination is limited to questions regarding information that counsel questioned the witness on during cross-examination. It should not be used simply to restate testimony already brought out, and it is not allowed to be used to present brand-new testimony (unrelated to prior testimony). For this reason, it is optional, and may be quite short.

Closing arguments:

- Counsel provides a summary of the facts presented in the case, and how the law applies to the facts. This includes a reminder of why the case is in court, a summary of any helpful testimony (and sometimes an explanation of why unhelpful testimony should not be given significant weight), and a short presentation of the legal and ethical arguments supportive of your side.

- The basic purpose of the closing argument is to remind the jury why the facts presented mean that you should win the case. Accordingly, your closing should convey a firm belief in your client's position and the sufficiency of the evidence presented for your side. You should conclude your closing by asking the jury to give you what you want. Be specific! The jury cannot read your mind!

How do I get 1 class credit?

To obtain 1 credit for Hippard Open, you must put forth a good faith effort in all of your competition rounds. You may not forfeit any round. You must also email 3 of 5 of the following to **Amanda Blons** (ablons@central.uh.edu) no later than **11:59 PM on November 11th**: motion in limine, opening statement, direct exam, cross exam, or closing argument.

Tournament Rules

1. Any UHLC student is eligible to compete in the Hippard Open.
- 2.. Signups will be **October 21-28**. Problem will be released by October 29th.
3. Scheduling preferences are based solely on the following:
 - a. Class conflicts: Every effort will be made to accommodate class conflicts. The Advocates **DO NOT** encourage competitors to miss class. We will do our best to accommodate any and all class conflicts.
 - b. Order of sign-up: Scheduling preferences will be given to those who signed up first. It is in your interest to sign up as soon as possible! Please note that a team does not receive a registration number or packet until their entry fee is paid in full.
 - c. Personal conflicts: If you have a personal conflict with your team's schedule, please notify the competition director immediately.
4. **All rounds will be held via Zoom** - Additional Zoom rules and information will be distributed before the competition.
5. Rounds are limited to 55 minutes per side (not counting objections) plus an additional 5 minutes per side for housekeeping and/or motions in limine. Either student lawyer on a team may perform the Opening Statement or the Closing Argument, but the same student lawyer may not perform both duties in the same round. Both student lawyers on a team must each perform one direct examination and one cross examination per round. The division of Housekeeping and Motion In Limine responsibilities are left to the discretion of the team.

6. The trial will be conducted in accordance with the Federal Rules of Evidence.
7. Oral motions in limine may be offered as a pretrial matter. However, no written motions, briefs, or other memoranda may be submitted to the judge during the trial.
8. **To obtain 1 credit for Hippard Open, you must put forth a good faith effort in all of your competition rounds. You may not forfeit any round. You must also email 2 of 5 of the following to Amanda Blons no later than 11:59pm on November 11th: motion in limine, opening statement, direct exam, cross exam, or closing argument.**
9. **If a team misses any scheduled competition round FOR ANY REASON, the team members are not eligible to receive course credit.** Competition rounds include elimination rounds.
10. In order to petition for credit, the competitor(s) must apply for credit through Blakely Advocacy Institute. The credit petition is now directly available online at: <https://www.law.uh.edu/blakely/credit-petition.asp> .
11. This competition is closed research for substantive legal issues. Only case law contained in the packet may be referred to in any way during the competition. You may not conduct any additional research on the cases in your packet.
12. Competitors may consult with each other regarding strategy and tactics. Competitors MAY NOT consult with attorneys or professors about strategies or tactics.
13. Competitors may reveal their own strategies and tactics to anyone. **NO COMPETITOR OR WITNESS MAY REVEAL INFORMATION ABOUT ANY OTHER TEAM'S CASE, STRATEGY, OR TACTICS. VIOLATION OF THIS RULE CAN RESULT IN DISQUALIFICATION, LOSS OF CREDIT, AND REFERRAL TO THE HONOR COURT.** Teams will inform their witnesses about this provision. Teams are responsible for making sure their witnesses adhere to this rule.
14. Please do not ask your judge for the results of the round. This may result in disqualification. Ballots are to remain confidential until all rounds of the tournament are completed.
15. Remember to show respect for your judge. This includes dressing professionally for your rounds. Our judges are attorneys who volunteer their time and expertise, and the competition could not happen without them. Disrespect for your judge may result in disqualification, loss of credit and/or being barred from Advocates-sponsored competitions for one calendar year.
16. All entrants must put in a good faith effort. Judges will be asked whether competitors put in a good faith effort to safeguard the integrity of the competition. Failure to put in a good faith effort may result in disqualification, loss of credit and/or being barred from Advocates-sponsored competitions for one calendar year.
17. Teams are responsible for recruiting and preparing their own witnesses. Witnesses are permitted to make reasonable inferences about the information in their witness statements with regard to non-material facts. ****Competitors are held responsible for the actions/statements of their witnesses. **If a witness makes a statement that would alter material facts, the team**

supplying the witness must immediately correct the error with the “court.” Failure to do so may result in the team being docked points. If you feel that a team has failed to correct a situation of this nature, you must inform the competition director within 24 hours of the round. A decision to dock points will be made by a panel consisting of the competition director, the Advocates Executive Chair, and the Advocates faculty advisor.

18. If a judge feels that a team has gone beyond reasonable inference, he/she may lower their score accordingly. In the event of a violation of this rule, competitors are to use the following language to discourage the use of improper inferences and to alert the judge of a possible violation of this competition’s rules: “This is new information that is beyond the scope of the material provided to me for this trial. Consequently, I am not prepared to address it at this time.”
19. The Board of Advocates reserves the right to amend and interpret these rules in a manner consistent with the fair and effective administration of this competition. Any substantive amendment to these rules will be noticed to competitors.
20. Please feel free to reach out with any questions to the competition director, **Amanda Blons** at **ablons@central.uh.edu**.

