

SECOND ANNUAL  
**GOLD CUP**  
MOCK TRIAL COMPETITION  
2024



**OFFICIAL RULES**

**2024**

## **General**

### **1.1 Competition Rules**

- a. Requests for interpretation of these rules should be sent in writing to the Gold Cup Challenge Coordinator, Keith Hill at HillK@sacda.org. The Coordinator will issue a written response to each inquiry. All participating teams will receive a copy of the question and the response.
- b. The Gold Cup Challenge Rules committee, in their sole discretion, will interpret these competition rules, and their decisions are final.
- c. Supplemental Rules – The Gold Cup Challenge Rule committee, in their sole discretion, may create additional rules to address situations not presently covered by these competition rules.

### **1.2 Professional Conduct**

- a. The conduct of all participants in the competition, including team members and coaches, will be governed by the standards set out in the ABA-Model Code of Professional Responsibility and the ABA-Model Rules of Professional Conduct. One team competing in the national competition may be awarded with a professionalism award.

## **Teams**

- 2.1 A team must consist of four law students attending the same ABA-accredited law school. For the purpose of these rules, a law student is a person enrolled in law school during the semester or quarter of the competition. Only students who are candidates for a J.D. or L.L.M. degree may compete.
- 2.2 Team members may not be substituted, except for exigent circumstances, such as death, severe illness, or other uncontrollable and unforeseeable circumstance, and two members must participate in each trial.
- 2.3 Each team will be randomly assigned a letter at the conclusion of the Coaches' Meeting. This will be the sole method of identifying a team during the competitions. Participants and coaches may not divulge the names of their law school directly or indirectly to the judges or witnesses.
- 2.4 In every trial, two team members will serve as attorneys and two other team members will serve as witnesses. In each trial, each attorney must perform one direct examination, one cross examination, and one speech (opening or closing). An attorney may only object to a witness examination if she is also examining that witness and may only object to a speech if she is performing the opposing speech (e.g., only the person crossing the defendant may object to the defendant direct, and only the attorney who opens for the defense may object to the prosecution opening).
- 2.5 Before the tournament, teams will announce the gender pronouns of their witnesses and those identifications will be provided to all teams.

## **Competition Problem**

- 3.1 The case problem used for this tournament is copyrighted and may not be used for purposes other than its intended use without the express written consent of the author. Teams may not download any portion of this case problem to any website without the express written approval of the host committee.

- 3.2 The persons, organizations, and events depicted in this problem are fictional and were prepared solely for the educational exercise of this tournament. Any resemblance to actual persons, living or deceased, is unintentional and purely coincidental.
- 3.3 The Federal Rules of Evidence and the Federal Rules of Criminal Procedure will control unless stated in the problem or otherwise modified by the rules. Otherwise, no legal authorities may be cited during trial except those included in the case problem.
- 3.4 All witness statements, depositions, photographs, diagrams, and other material included as part of the problems shall be deemed as originals and authentic. In addition, all signatures are authentic, and all documents that appear to have been sent to or by a witness are to be considered as having been sent or received by that witness, unless evidence contained in the fact pattern supports a conclusion that the document was forged. Witnesses must authenticate exhibits and materials with which they are familiar.
- 3.5 Copies of any material contained in the fact pattern may be made and may be enlarged for demonstrative purposes. However, no team may alter, modify, change or redact an exhibit in ANY way. Exhibit stickers may be removed for enlargements. Teams may also bring with them and use a flip chart or white board for the purpose of drawing demonstrative diagrams during the round (subject to any appropriate objections by counsel).

#### **Conduct of Trials**

- 4.1 This tournament adopts the Modified Model Rules of Conduct for Mock Trial Competitions. In instances where the Model Rules and these Local Rules conflict, the Local Rules control.
- 4.2 Coaching of a team, including conversations, notes, texting, emails or gesturing, is prohibited during a round, INCLUDING recesses and breaks.
- 4.3 Handwritten summaries or charts to be used during a closing argument may not be prepared before the time both sides have rested, and the evidence is closed. But materials created while examining a witness during a trial may be used during the closing argument of that same trial.
- 4.4 Teams may read substantive stipulations into the record with leave of court at any time during the trial. This time will NOT count against the total allotted time of 60 minutes.
- 4.5 All trials will be conducted as if a jury were present. The presiding judge will make no ruling that precludes the trial from being presented to conclusion.
- 4.6 The presiding judge may or may not direct counsel to approach the bench or seek leave of Court before introducing evidence.
- 4.7 When questioning a witness, team members may either sit or stand. However, no comment should be given as to why one method or the other was chosen.
- 4.8 Time Limits
- a. Each team will be allocated 60 minutes, exclusive of time spent on motions and objections, to present and argue its case. The burden for the effective use of time is on each team. The clock shall be stopped for objections and responses to objections.

- b. Each team will be allocated an additional 8 minutes to make and respond to motions in limine.
- c. Bailiffs will be provided for each round and will keep track of the remaining time for each team. However, coaches or advisors are encouraged to keep track of the remaining time on their own. Should a significant discrepancy arise regarding the remaining time for any team during a round, that coach or advisor must immediately contact Jesse Saucedo (909) 268-1387 or Keith Hill (916) 204-7955. That person, or a designated representative from the Protest Committee, will consult the bailiff, coaches/advisors and, if necessary, scoring judges, to determine the appropriate remaining time. Once a determination has been made, that decision will be final.

#### 4.9 Motions

- a. Motions in Limine may be presented, but must be made orally and not in writing (with the exception of the written Youngblood Motion). The presiding judge will be instructed that he/she may rule on any motion(s) or may defer a ruling on the motion(s).
- b. An oral motion to exclude witnesses or "invoke the rule" may be offered. The presiding judge will rule on the motion, but in no event will any witness or other person be required to actually leave the courtroom.

#### 4.10 Witness Testimony

- a. The prosecution must call Danny Lee and Celeena Winston as witnesses. The defense must call Jordan Avey and Adriana Garcia as witnesses. No other witnesses may be called in the preliminary rounds and witnesses may not be recalled. A witness may be called only by the directing team and may not be recalled by either side. Neither side may call a witness of the other party.
- b. Witnesses may testify as to reasonable inferences drawn from the case material on non-material facts, such as a witness's background. For example, it is reasonable for a witness playing a police officer to infer that he/she completed a police academy.
- c. During the presentation of their cases, team members and their witnesses may use only the facts contained in the problem, and team members are prohibited from enhancing their position by presenting testimony about material facts not contained in the problem. For example, if the record is silent, it is not a reasonable inference for a witness playing a police officer to testify that he/she finished at the top of his/her class at the police academy. If during a direct examination a witness testifies to a material fact not contained in the case materials, the witness may be impeached during cross examination through impeachment by omission. A witness must admit that the fact was suggested by counsel or that the witness him/herself made up the material fact, if true.
- d. During cross examination, an advocate may question the witness about non-events that are reasonable inferences based on the problem materials. For example, if a police officer witness is testifying and the record is completely silent relating to fingerprints, it is reasonable to assume the police officer witness did not collect fingerprints from the crime scene. In this example, it is permissible to ask the police officer witness "You never collected any fingerprints, correct?" However, an advocate may not invent facts or use outside resources in their questions to

enhance the cross examination of a witness. For example, if a police officer witness is testifying and the record is completely silent relating to fingerprints, an advocate shall not reference topics outside of the problem materials such as; the reliability of fingerprints, the process of fingerprint collection, etc. In this example, it is not permissible to ask the police officer witness, "You're aware that margin of error for fingerprint analysis can be as high as five percent, correct?" Nevertheless, if a witness gives a responsive answer to a question that takes him/her beyond his/her prior testimony, the cross examiner may not then try to impeach the witness by omission. Only when a witness volunteers a material fact at trial not mentioned in his/her prior testimony where it would have been logical and necessary to have included such fact in order to provide a responsive answer or to provide a true and complete narrative may the witness be impeached by omission. The purpose of this rule is to prevent unfair or frivolous impeachment of witnesses on account of facts that are missing through no fault of their own.

- e. The presiding judge may not entertain the objection that a particular question calls for information "outside the scope of the record." An answer to a question is not objectionable on the ground that it is outside the scope of the record. Except during closing argument, no objection shall be made that the opposing team is "going outside the record", and any breach of the rule shall be addressed by means of impeachment. Witnesses MUST admit, if asked that the facts they have testified to are not in their deposition or otherwise in the record. Witnesses may NOT qualify this admission in a misleading way by saying, for example, that they were not asked about those facts in their deposition, or those facts were contained in some other portion of the deposition which was omitted from the record. The answer should simply be "No, I did not say that in my deposition". The judges will be instructed concerning the significance of this form of impeachment in the mock trial context, and they are likely to account for unfair additions to the record in their scoring of the witness' team.
- f. The following jury instruction can be argued in Closing argument if a team feels their opponent's witnesses added facts not contained in their depositions, or reasonable inferences from the facts in their depositions:  
  
*In this case, each witness has given a prior statement. Each witness later reviewed his or her statement and certified the statement was true and correct and that s/he had no information relevant to the matters discussed in his/ her statement that was not already included in the statement. If a witness has provided information today that differs from, or is in addition to information contained in his or her statement, you should consider that witness' entire testimony with great caution.*
- g. Because witnesses cannot be recalled, cross-examination is not limited to the testimony on direct examination. This rule does not include re-cross examination.
- h. Redirect examination is permitted.
- i. Re-cross is permitted only if (a) to impeach the witness as to a contradiction or invention testified to on redirect examination and (b) the attorney seeking to re-cross first obtains leave to do so from the presiding judge upon an offer of proof.

#### 4.11 Exhibits and Jury Instructions

- a. Teams may enlarge, in whole or in part, any exhibit, jury instruction, or other component of the case file for demonstrative purposes. Copies of any material in the case file may be made and enlarged for demonstrative purposes. No team may alter, modify, change, or redact any exhibit in any way. This rule does not apply to redactions ordered during a round by the presiding judge. Teams may use flip charts or white boards for the purpose of creating demonstrative exhibits during the round (subject to any appropriate objection by counsel).
- b. With the exception of the option to play the 911 call, no technology (Power Point, etc) may be used during any portion of the trial.

#### 4.11 Objections

- a. Objections must be brief, limited to the legal basis, and applied to the specific facts at issue.
- b. Time consumed by objections is not charged against either team; however, the presiding judge, in the judge's sole discretion, may order time charged against any team that makes excessive objections or uses excessive time to argue or respond to objections.

#### 4.12 Closing Statements

- a. The order of closing statements will be as follows: Prosecution, defense, prosecution closing rebuttal.
- b. Prosecution's closing rebuttal is limited to the scope of defendant's closing.
- c. Prosecution may request to reserve time for their closing rebuttal. The bailiff should be notified of the requested time prior to the beginning of prosecution initial closing statement.

### **Pairings and advancement**

#### 5.1 Pairings

- a. Teams will be initially ranked based on Fordham's 2023-2024 Trial Competition Performance Rankings.
- b. Each team will be placed in a bracket. There will be four brackets and four teams in each bracket. Each team will face all other teams in their bracket once for the first three rounds.
- c. Placing the teams into four pots: the top four ranked teams go in Pot 1, the next four teams go in Pot 2, the next four teams go in Pot 3, and the remaining four teams will go in Pot 4.
- d. During the coaches meeting, we will draw the groups live. A team will be selected from each Pot beginning with Pot 1 and proceeding to Pot 4. The first team selected from each pot will go into Group A, the second into Group B and so on until all four groups are filled and the pots are empty.

## 5.2 Advancement

- a. The fourth round will be a blind (ghost) Quarterfinal Round. The top two teams from each group will advance to the Quarterfinal Round. Eight teams will advance to the Quarterfinal Round based on the following criteria: (1) win-loss record; (2) number of judge's ballots won; and (3) Trombetta/Youngblood Motion ranking. Those teams that advance to the Quarterfinal Round will be paired according to a power protection format in reference to each school's ranking on Fordham's 2023-2024 Trial Competition Performance Rankings. The remaining teams that did not advance to the Quarterfinal Round will be paired against one another for the fourth round. **Whether eliminated or not, ALL advocates will be eligible for the cash prizes during the first four rounds.**
- b. As best as practicable, teams in the Quarterfinals will be power protected according to Fordham's 2023-2024 Trial Competition Performance Rankings. However, an exception will be made when a particular power protection match would result in a team not having an opportunity to present as prosecution twice and defense twice. In that instance, the next closest power protected pairing will be chosen.

## Protests

- 6.1 Protest Procedures - Violation of any rule governing the Gold Cup Challenge may subject the offending team to disqualification. The spirit of the competition will be considered in determining whether a breach of the rules should result in disqualification from the competition. Taking into consideration that the competition is to be conducted as realistically as possible, would the breach of the spirit of the competition have resulted in a lawyer being held in contempt in an actual trial? If so, the spirit of the competition has been breached and would constitute grounds for disqualification.
- 6.2 In order to lodge a protest where a team believes that an opponent/witness has made up a material fact during a witness examination, the advocate must confront the witness on cross-examination (or re-cross-examination for this limited purpose) by way of impeachment by prior inconsistent statement or impeachment by omission. Then, once the round has been completed, the team representative (coach or advisor) must lodge the protest with the Protest Committee within ten minutes of the conclusion of the trial. Failure to follow this process will result in a team's forfeiture of their ability to protest the alleged violation. **Note: If the Protest Committee believes a protest was frivolous, it may impose a remedy against the protesting team.**
- 6.3 Protests may be lodged only by coaches/advisors. All protests should be lodged as soon as possible and may be lodged no later than ten minutes after the conclusion of the trial. Notification should be made by text message to Jesse Saucedo at (909) 268-1387 or Keith Hill at (916) 204-7955. Host committee members will serve as the Protest Committee members.
- 6.5 The Protest Committee will evaluate if any offense has been committed and, if so, the appropriate remedy. **If the Protest Committee believes a protest was frivolous, it may impose a remedy against the protesting team.** The Protest Committee is authorized to impose one or more of these remedies: warning; instruction to the judges; point deduction; ballot forfeiture; round forfeiture.

Separate from the remedies imposed by the Protest Committee, the committee is authorized to disqualify teams that violate tournament rules. A disqualified team is not entitled to a refund of its registration fee.

- 6.6 Protests are a last resort and discouraged. Teams must attempt to resolve the dispute during the trial or with their opponent before lodging a protest.

### Trombetta/Youngblood Motion

- 7.1 Each team will submit a brief on the issue prompted below.
- 7.2 A brief shall not exceed 3500 words. A team may rely on the word count of the word processing system used to prepare the brief.
- 7.3 While a brief's format is largely left to a team's discretion, judging will be based on a number of factors, including the substance of the arguments, quality of the writing, citation form and the document's overall appearance. Teams need not include a table of authorities or a table of contents. If included, these tables will count against a team's word count.
- 7.4 Each team must serve an electronic copy of its brief and the certification required to Jesse Saucedo at saucedoj@sacda.org. The e-mail must arrive by 11:59 p.m. PST on October 11, 2024.
- 7.5 All citations should conform to the most recent edition of A Uniform System of Citation (commonly known as The Bluebook).
- 7.6 The pdf file name must start with the word "team," followed by the team number. All letters must be lower case, and there can be no space between the word "team" and the team number (e.g., team101). The team number will be provided prior to the submission date of the brief.
- 7.7 The electronic document must contain only a copy of the submitted brief. The document must not contain appendices. The brief must be a single document.
- 7.8 A team must include, in the lower right corner of each page, the team's numeric designation. No information serving to identify the team or its law school, other than its numeric designation, may be included anywhere in the brief.
- 7.9 A team must include, as a separate document in pdf form, a signed certification in the following form: "We hereby certify that our brief has \_\_\_\_\_ words." In addition, the certification should include the team number, the law school name, and the team members' printed names.
- 7.10 Prompt

Prior to trial, defense filed a Motion to Dismiss, or in the Alternative, to Impose Lessor Sanctions Based on the Destruction of Evidence and Denial of Due Process. The motion is based on the loss or destruction of evidence found at the defendant's boarding house (specifically the shovel and evidentiary swabs) due to the actions of Officer Danny Lee following a search of the property on 11/2/23. From the position of the prosecution, and using any fact, statement or exhibit from the case file to support your position, write an opposition to defense's motion. You may utilize *California v. Trombetta (1984) 467 U.S. 479 [81 L.Ed.2d 413]* and *Arizona v. Youngblood (1988) 488*



*U.S. 51 [102 L.Ed.2d 281]*, and the cases cited therein, as your authority. Your brief must not only address the strengths of your position but also the weaknesses of your position with persuasive rebuttals.