

MEMORANDUM

TO: 1L Mock Trial Competitors; Judges
FROM: MCHB VP of In-House Problem Development
RE: Clarifications and Revised Stipulations for 1L Mock Trial

Purpose

This Memorandum clarifies some rules for *Lone Star v. Sloan* and revises the section titled “Procedural Matters” on pages two through four of the *Lone Star v. Sloan* problem materials. **As such, the below stipulations void and supersede the items on those pages, and you should no longer refer to the original stipulations.** Nothing in this document changes or clarifies the fact pattern of the case. After all, ambiguities and conflicting stories are part of the fun.

2019 Floyd, Pflueger and Ringer Mock Trial Competition Clarifications

- To the extent that the TYLA rules in *Lone Star v. Sloan* contradict MCHB bylaws and rules for the Floyd, Pflueger and Ringer competition, the MCHB bylaws and rules control.
- The only objections which shall be entertained are those listed in the Competition Rules. No other objections (e.g. relevance, hearsay) shall be entertained.
- No motions in limine will be entertained.
- Please contact Floyd, Pflueger and Ringer Mock Trial Committee with any questions.

Procedural Matters

1. All witnesses called to testify who have identified the parties, other individuals, or tangible evidence in deposition can, if asked, identify the same at trial.
2. Each witness who gave a deposition agreed under oath at the outset of his or her deposition to give a full and complete description of all material events and occurrences and to correct the deposition for inaccuracies and completeness before signing the deposition.
3. All depositions were signed under oath.

4. No team is permitted to attempt to or impeach a witness by arguing that a signature on their deposition is not the same as their signature or initials located on an exhibit. Teams may, of course, impeach a witness based on inconsistencies in their testimony.
5. Other than information in the problem and in witness depositions, there is nothing exceptional or unusual about their background information to bolster or detract from their credibility. Accordingly, witnesses may not “invent” individuals not mentioned in the problem and offer testimony to the court from that invented individual.

Consider the following example. A defendant is on trial for murder. Nothing in the fact pattern or witness testimony suggest or confirm that the police found a murder weapon in the Defendant’s home or indeed, found a murder weapon at all. All the police detective found was a locked gun safe, without a key. During direct examination, however, the police detective states that another detective told her he found a key, unlocked the safe, and found a gun. The offer of the second, invented detective’s testimony through the witness is prohibited by this stipulation.

6. “Beyond the record” or “assumes facts not in evidence” may be entertained as objections.
7. The State and the defendant must call the two witnesses listed as that party’s witnesses on the witness list. The witnesses may be of any gender.
8. All exhibits are originals unless otherwise noted or established by the evidence.
9. All exhibits are authentic and may not be challenged.
10. No additions or deletions to the provided jury instructions are permitted.