



Robert L. Galloway  
Tournament Director

To: Participants and Coaches

From: Rob Galloway

Date: March 11, 2022

Re: **Bulletin 3**  
(Clarifications: Witness Assignment; Postings at Four Seasons;  
Saturday Event)

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I have revised the problem and will post it to the website later today. The new version incorporates the changes addressing the clarification requests. The affected pages are attached with the revisions marked in green.

The judges will receive the revised problem.

Most of the clarifications are reflected in the revised pages. But in addition to those corrections, we have the following responses to clarification requests:

- The extent to which a team may inquire into the scope of a witness's expertise are reflected in the pretrial conference report, the depositions, and the model rules.

- The jury hearing the damage phase is not the same jury that heard the liability phase.
- The identity of the witness called by a team will be a function of the gender of the opposing team member serving as the party representative. If a plaintiff team has a male playing the witness role, the defense team will be required to call Shannon Gibbs. If a plaintiff team has a female playing the witness role, the defense team will be required to call Twyla Sands. If a defense team has a male playing the witness role, the plaintiff team will be required to call Johnny Rose. If a defense team has a female playing the witness role, the plaintiff team will be required to call Moira Rose.
- Teams should report to their assigned courtroom at least twenty minutes before the round is scheduled to confer with opposing counsel. During this pretrial meeting, the teams shall disclose the gender of their party representative.
- Given that the time-limit has been shortened to 60 minutes per side, the judges will be told that teams are generally expected to confer regarding housekeeping and anticipated deposition excerpts it will introduce to avoid wasting the trial court's time with undisputed matters. This does not prevent a team from offering deposition testimony to impeach what the other side offers or from withdrawing objections based on an issue conditioned on another ruling. But, be aware, that the point of this exercise is to work together to focus the trial court's attention on what is truly in dispute.
- Teams are permitted to read portions of the unavailable witness depositions to the jury/judges. See Local Rule 5.003.
- The testifying witnesses have reviewed the depositions of the other witnesses.

- The court will address comparative responsibility issues after the jury assess damages.
- Although the tournament director will assign pairings, each team chooses how to present its case. Team members may switch roles during the trials. In each round, a team must provide two attorneys and one witness to play the party representative role. In addition, one South Texas student will play the expert witness role.
- Teams may not use any technology during the trial, even if it is available in the courtroom. From the point the judges enter the room, team members are prohibited from using computers, mobile phones, smart phones, personal digital assistants and other electronic communication devices are prohibited at counsel table.
- The side with the burden of proof will sit at the table closest to the jury box.
- A team's fourth member (not serving as an attorney or witness in a particular round) may confer with team members during breaks in the trial.
- Because the two witnesses for both plaintiffs (Twyla and Shannon) and defendants (Moirra and Johnny) adopt each other's statements, opposing counsel may not raise a lack of personal knowledge or hearsay objection to the adopted statements.
- Demonstratives used during closing must be created during the trial. See Local Rule 5.020, 5.021.

I will send you an e-mail with the name and contact information for your assigned South Texas witness by no later than Friday, March 18th. Once you receive the e-mail, there are no limitations on what you may do to prepare for trial with your assigned witness. It is entirely up to you.

We will not have evening events on Wednesday, Thursday or Friday. We will provide a list of our favorite restaurants. We will post pairings on Thursday and Friday nights at the Four Seasons when we complete them. We will predetermine sides so teams may go to dinner and view the pairings once they return to the Four Seasons.

The Saturday night event will be a Pete's Piano Bar, which is adjacent to the Four Seasons. We have titled the event the Boots, Bluejeans and Barbecue Party. If you don't want to wear boots or blue jeans, dress casually. We will serve dinner, present awards, and enjoy the fact we finally get to have an in-person tournament.

Let me know if you have any questions or need anything.