Competition Integrity Committee

Summaries of 2023 Warnings & Sanctions

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Regionals 2023 (updated March 2023)

The CIC sanctioned a team for violating AMTA Rule 7.21(4)(a) by having a witness testify that a particular practice was an "industry standard" when that term was neither stated in or reasonable inferred from the witness's statement. The CIC concluded the invented fact was material because it affected the merits of the case by bolstering the argument in favor of admissibility and enhanced the persuasiveness of the witness's opinion.

The CIC sanctioned a team for violating AMTA Rule 7.21(4)(b). On cross-examination, R. Moore was asked whether Moore "ha[d] a spouse who works at Everx Pharmaceuticals" and the witness responded "My current spouse, yes," but then volunteered that the couple was in the process of finalizing a divorce. Under Rule 7.21(4)(b), a witness who is being cross examined may *only* "testify to material facts not included in their affidavit" if their answer "is responsive to the question posed and does not contradict the witness's affidavit." That rule further explains that "[a]n answer is responsive to the question posed if, and only if, it responds directly to the content of the question" and "is not responsive if it volunteers information on the same general subject as the question, but does not respond to the specific content of the question."

The CIC issued an official warning to a defense team for violating AMTA Rule 6.11(2), the so-called Guilty Portrayal Rule, in a round where the defense team called Mandy Navarra as a witness. Under Rule 6.11(2), "a defense team may not allege that a witness called by the defense .. is ... [a] responsible third party in the ... wrong." Accordingly, in trials where Mandy Navarra is called by the defense, the defense team may not assert that Navarra (as opposed to Navarra's former employer or other current or former employees of that employer) acted negligently or otherwise wrongfully in connection with the plane. The rule is not limited to the words spoken by the witness, but includes "the witness's ... performance, as well as the team's statements and conduct throughout the trial." Rule 6.11(2). Although the bulk of the materials brought to the CIC's attention focused on Navarra's former employer, isolated statements throughout the trial (including the witness's delivery of certain answers) impermissibly crossed the line into asserting that Navarra had personally failed to exercise due care or was otherwise at fault.

The CIC issued an official warning for violating AMTA Rule 7.20(2)(b)'s restriction on demonstrative aids. The respondent team acknowledged that portions of the demonstrative aid at issue violated the guidance contained in CIC Opinion 6 but asserted that the competitors most directly involved were not aware of that opinion. The CIC emphasizes that all competitors are responsible for knowing the relevant AMTA Rules and being aware of public CIC guidance, and that ignorance of the rules or that guidance is not a defense to an alleged rules violation. In this instance, however, the complaining team did not raise the issue with the AMTA Representatives before the round because it was unsure if the demonstrative aid would be used in a way that violated AMTA rules. Rule 7.20(3) provides that "[i]f a team believes a proposed demonstrative aid violates this Rule, it must raise the issue with an AMTA Representative before the conclusion of the pretrial captains meeting." The CIC stresses that disputes regarding demonstrative aids should be surfaced and resolved during the pretrial captains meeting whenever possible, and that teams should err on the side of obtaining clarity about how a demonstrative aid will be used and obtaining a ruling from the AMTA Representative when appropriate. See Rule 7.20(4)(a) (stating "all competitors are responsible for knowing about and complying with" any representations or rulings about how a demonstrative aid will be used during the pre-round captains meeting).

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The CIC issued an official warning to a team whose Roy testified that the witness learned about bad weather on the day of the crash from news reports because that information is neither "included in [n]or reasonably inferred from" Roy's report. AMTA Rule 7.21(4)(a)(ii). The CIC reiterates that a reasonable inference "is a conclusion a reasonable observer would draw from the facts contained within" the four corners of the witness's affidavit or report, CIC Opinion 2, and it concludes that the respondent team's attempt to find support for such an inference by carefully parsing the "totality" of the witness's materials and the "context" in which various statements were made exceeded the bounds Rule 7.21(4).

The CIC issued an official warning to a defense team that displayed an ibuprofen bottle on counsel table during a trial in which a deposition witness testified that one of the drugs mentioned in the case packet has side effects "like ibuprofen." Although the bottle was not handled or directly referenced by any attorney or witness, the bottle was still a "demonstrative aid" because it was a "tangible physical object" that was "intend[ed] to be show[n] to the jury during trial," AMTA Rule 7.20(1)(c), and we note that rule specifically covers "any object that is brought into the courtroom to be used as a 'prop,' even if the attorney or witness does not physically handle the object." The CIC further notes that Rule 7.20(2)(b) provides that "no demonstrative aid may state or include *any* case-specific material fact that is not included in the case packet"--here, the warning labels on the bottle--regardless of whether that material is specifically brought to the jury's attention or is even visible to the jury.