

**BEYOND THE PODIUM: THE PEDAGOGICAL VALUE
OF WRITTEN MOTIONS IN LIMINE IN TRIAL
ADVOCACY COMPETITIONS**

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ABSTRACT

Trial advocacy programs provide valuable courtroom training but typically omit a routine component of modern litigation: written motions in limine. This essay argues that integrating these motions into law school curricula better prepares students by bridging the gap between theoretical evidence instruction and real-world practice. Most programs focus on oral objections; in actual litigation, written motions in limine serve as strategic tools. Incorporating these motions enhances strategic thinking, exposes students to judicial discretion, develops specialized persuasive writing skills, and improves oral advocacy through deeper analytical reasoning. This essay provides practical implementation guidance for both classroom settings and competitions, demonstrating how written advocacy components produce well-rounded attorneys, better prepared for modern trial practice.

INTRODUCTION

Trial advocacy programs play a crucial role in legal education and offer hands-on experience with oral evidentiary objections. In typical law school trial advocacy programs, students work through a simulated trial, from oral motions in limine through closing arguments.¹

1. See C.J. Williams, *Advocating Altering Advocacy Academics: A Proposal to Change the Pedagogical Approach to Legal Advocacy*, 25 SUFFOLK J. TRIAL & APP. ADVOC. 203, 206–07 (2020). Though programs have evolved, their course design stems from established NITA methodology. See Edward D. Ohlbaum, *Basic*

Through mock trials, students build a wealth of practical skills essential for practice. They receive personalized and extensive individual feedback, which they incorporate into future rounds. This creates a recursive feedback loop that continuously refines their advocacy skills through iterative practice. For many, this marks the first time students recognize the connection between different doctrinal subjects. Students can discover how procedural, substantive, and ethical questions intersect in applied settings.

While trial programs afford students considerable hands-on experience with oral evidentiary arguments, they often forego written motions—yet, pretrial written motions in limine are common tactical tools in actual practice.² This Article proposes incorporating written motions into trial advocacy programs. Part I begins by explaining how such motions fit into the evidentiary landscape and the value of bringing such motions in litigation. Part II articulates the pedagogical rationale for this proposal, exploring how drafting such motions further develops students' critical writing and advocacy skills. Finally, Part III addresses the nuts and bolts of integrating written motions in limine into trial advocacy programs.

I. MOTIONS IN LIMINE & THEIR VALUE

Following an initially uncertain reception, motions in limine gained substantial traction during the 1960s and achieved widespread adoption by the 1970s.³ The legal community—including attorneys, trial judges, and appellate courts—has embraced these procedural tools, recognizing the substantial benefits of early evidentiary determinations. This Part explains how motions in limine operate, then details their utility in litigation.

A. Governing Principles and Procedural Framework

Evidentiary objections must be both timely and specific.⁴ Traditionally, objections are considered timely when raised during the

Instinct: Case Theory and Courtroom Performance, 66 TEMP. L. REV. 1, 3 (1993) (“Under the NITA model, students engage in the direct and cross-examination of lay and expert witnesses, the introduction of exhibits, opening statements and closing arguments.”).

2. See *Tutein v. Ford Motor Co.*, 67 V.I. 139, 141 (2016).

3. See C. Barry Montgomery & Bradley C. Nahrstadt, *Motions in Limine (Part I) Beyond the Threshold*, 49 No. 4 DRI FOR DEF. 10, 10 (2007).

4. See FED. R. EVID. 103(a)(1)(A)–(B); see also *McKnight ex rel. Ludwig v. Johnson Controls, Inc.*, 36 F.3d 1396, 1408 (8th Cir. 1994) (quoting *Terrell v. Poland*, 744 F.2d 637, 638–39 (8th Cir. 1984) (“for an objection to be timely it must be made at the earliest possible opportunity after the ground of objection becomes

narrow temporal window between an examining attorney's question and the witness's response.⁵ Pretrial motions in limine—derived from the Latin phrase meaning “at the threshold”⁶—provide an alternative mechanism for securing timely evidentiary determinations.

A motion in limine encompasses any pretrial or mid-trial motion seeking an evidentiary decision before introducing evidence.⁷ This Article focuses on written pretrial motions that enable counsel to obtain advance judicial determinations regarding the admissibility, exclusion, or limitation of evidence.

The judicial authority to entertain motions in limine derives from courts' inherent case management powers.⁸ Both the Federal Rules of Civil Procedure⁹ and the Federal Rules of Evidence¹⁰ provide statutory support for such judicial determinations. State statutes also allow similar motion practice.¹¹ Courts enjoy the discretion¹² to permit or

apparent, or it will be considered waived”); *see also* *Jacquin v. Stenzil*, 886 F.2d 506, 508 (2d Cir. 1989) (“Specificity in an evidentiary objection is also required ... to preserve an issue for appeal.”).

5. *See* John H. Wigmore, WIGMORE'S CODE OF THE RULES OF EVIDENCE IN TRIALS AT LAW 25–26 (3d ed. 1942); *see generally* Roger C. Park, TRIAL OBJECTIONS HANDBOOK § 1:3 (2d ed. 2001).

6. *See, e.g.*, *Luce v. United States*, 469 U.S. 38, 40 n.2 (1984) (quoting *In limine*, BLACK'S LAW DICTIONARY (5th ed. 1979)).

7. *See, e.g.*, *Kelly v. New W. Fed. Sav.*, 56 Cal. Rptr. 2d 803, 808 (Ct. App. 1996) (noting that motions may be oral, written, or both).

8. *See, e.g.*, *Scotto v. Long Island R.R.*, No. 05 Civ. 4757, 2007 U.S. Dist. LEXIS 20005, at *2 (S.D.N.Y. Mar. 20, 2007) (citing *Luce*, 469 U.S. at 41 n.4); *People v. Michael M.*, 618 N.Y.S.2d 171, 175 (App. Div. 1994) (citing *Luce*, 469 U.S. at 41 n. 4).

9. *See* FED. R. CIV. P. 16(c)(2)(C).

10. *See* FED. R. EVID. 104(c) (allowing courts to determine preliminary admissibility questions); FED. R. EVID. 611(a) (allowing judges “reasonable control over the mode and order of examining witnesses and presenting evidence . . .”).

11. This statutory authority is both procedural and evidentiary. *Compare, e.g.*, ARIZ. R. CIV. P. 7.2, NEV. EIGHTH JUD. DIST. CT. R. EDCR 2.47, WASH. WHATCOM CNTY. R. 40.2, *with, e.g.*, KY. R. EVID. 103(d), CAL. EVID. CODE § 352, GA. CODE § 24-1-103.

12. *See, e.g.*, *Burns v. Levy*, No. 13-898, 2019 U.S. Dist. LEXIS 207446, at *12 (D.D.C. Dec. 2, 2019) (“The trial judge’s discretion extends ... to the threshold question of whether a motion *in limine* presents an evidentiary issue that is appropriate for ruling in advance of trial.”) (citing *United States v. Valencia*, 826 F.2d 169, 172 (2d Cir. 1987)).

exclude evidence in both bench and jury trials.¹³ The moving party bears the burden on such motions.¹⁴

Courts may defer, grant, or deny motions in limine.¹⁵ Preliminary rulings signal the court's position on the motion, but reserve the official admissibility determination until trial.¹⁶ Parties must renew objections when the issue arises; the written motion alone does not preserve the issue for appeal.¹⁷ By contrast, definitive rulings—rulings that do not “invite reconsideration”¹⁸—constitute final determinations that preserve the issue for appellate review,¹⁹ though only for the specific grounds articulated in the motion.²⁰

Even definitive rulings create potential complications. Should the opposing party violate the court's order, an objection remains necessary.²¹ The appealable error lies in violating the directive, not the underlying evidentiary determination.²² Moreover, judges retain

13. See Hon. Robert E. Bacharach, *Motions in Limine in Oklahoma State and Federal Courts*, 24 OKLA. CITY U. L. REV. 113, 116 (1999).

14. See *Bowens v. Bombardier*, No. 18-CV-1377, 2021 U.S. Dist. LEXIS 233760, at *2 (N.D.N.Y. Dec. 7, 2021) (citing *Walker v. Schult*, 365 F. Supp. 3d 266, 275 (N.D.N.Y. 2019)).

15. See *United States v. Perez*, No. 05 CR 441, 2005 U.S. Dist. LEXIS 24444, at *3–4 (S.D.N.Y. Oct. 20, 2005) (citing *Nat'l. Union Fire Ins. Co. v. L.E. Myers Co. Grp.*, 937 F. Supp. 276, 287 (S.D.N.Y. 1996) (discussing how judges may reserve motion in limine rulings until the factual context unfolds at trial)).

16. See *O'Rear v. Fruehauf Corp.*, 554 F.2d 1304, 1306 n.1 (5th Cir. 1977) (quoting Robert T. Hyde Jr., *The Motion In Limine: Pretrial Trump Card in Civil Litigation*, 27 FLA. L. REV. 531, 531 (1975) (“prohibitive motions prohibit[] opposing counsel from mentioning the existence of, alluding to, or offering evidence”).

17. See *United States v. Valenti*, 60 F.3d 941, 945 (2d Cir. 1995) (citing Christopher B. Mueller & Laird C. Kirkpatrick, *Federal Evidence* § 12, at 47 (2d ed. 1994); *United States v. Miles*, 889 F.2d 382, 384 (2d Cir. 1989)); see also FED. R. EVID. 103(a).

18. See, e.g., *United States v. Young*, 753 F.3d 757, 775 (8th Cir. 2014) (“[D]efinitive rulings do not invite reconsideration.”).

19. See FED. R. EVID. 103(b) (“Once the court rules definitively on the record—either before or at trial—a party need not renew an objection or offer of proof to preserve a claim of error for appeal.”); see, e.g., *United States v. Lui*, 941 F.2d 844, 846 (9th Cir. 1991) (holding a motion in limine preserves an evidentiary issue for appeal if “the district court’s ruling permitting introduction of evidence was explicit and definitive”) (citing *Palmerin v. City of Riverside*, 794 F.2d 1409, 1413 (9th Cir. 1986)).

20. See, e.g., *State v. Pergande*, 348 P.3d 245, 247–48 (Or. Ct. App. 2015) (holding a motion in limine targeted at others did not preserve error as to witness at issue).

21. See FED. R. EVID. 103 advisory committee’s note to 2000 amendment.

22. See, e.g., *United States v. Fonseca*, 744 F.3d 674, 683 (10th Cir. 2014); *U.S. Aviation Underwriters v. Olympia Wings, Inc.*, 896 F.2d 949, 956 (5th Cir. 1990); *Bakes v. St. Alexius Med. Ctr.*, 955 N.E.2d 78, 91 (Ill. Ct. App. 2011). *But see* *State v. Race*, 259 P.3d 707, 714 (Kan. 2011) (requiring parties object to evidence even similar to that excluded by a ruling).

authority to modify pretrial rulings,²³ requiring parties to object at trial when modifications alter prior determinations.²⁴

B. Strategic and Systemic Benefits in Practice

Evidentiary disputes arise in virtually every trial. This Part details the many gains to the judiciary and litigants alike in addressing these challenges through written motions in limine. It focuses on their critical role in preventing undue prejudice, strengthening litigation strategy, and advancing judicial economy.

1. Protecting Jury Neutrality for Advance Rulings

Perhaps the most frequently cited advantage of written motions in limine is their capacity to prevent undue prejudice in jury trials.²⁵ Absent such motions, attorneys must object at the moment opposing counsel solicits or introduces inadmissible evidence.²⁶ When objections are sustained, the requesting attorney may seek a curative instruction directing the jury to disregard the questioning.²⁷ However, merely asking certain questions may prove damaging during deliberations. Post-hoc instructions to ignore testimony often prove ineffective as a salve.²⁸

A prohibitive ruling on a motion in limine can prevent potentially prejudicial evidence from ever reaching the jury, a substantially safer approach than attempting to “unring the bell” after jurors have been

23. See *Walker v. Schult*, 365 F. Supp. 3d 266, 275 (N.D.N.Y. 2019) (citing *Highland Capital Mgt., L.P. v. Schneider*, 551 F. Supp. 2d 173, 175 (S.D.N.Y. 2008)) (discussing how courts may reverse decisions until trial and even then, such rulings are “subject to change when the case unfolds.”); see also *El-Bawab v. Jackson State Univ.*, No. 3:15-CV-733-DPJ-FKB, 2018 U.S. Dist. LEXIS 130596, at *6 n.1 (S.D. Miss. Aug. 3, 2018).

24. See FED. R. EVID. 103 advisory committee’s note to 2000 amendment.

25. See, e.g., *Graves v. Dir.*, Tex. Dep’t Crim. Just. —Corr. Insts. Div., No. 1:12-CV-21, 2015 U.S. Dist. LEXIS 30262, at *2 (E.D. Tex. Mar. 12, 2015); *Craig v. Dir.*, Tex. Dep’t Crim. Just. —Corr. Insts. Div., No. 5:07-CV-167, 2013 U.S. Dist. LEXIS 124367, at *3 (E.D. Tex. Aug. 30, 2013); *United States v. Rodriguez-Landa*, No. 2:13-cr-00484-CAS, 2019 U.S. Dist. LEXIS 27793, at *34 (C.D. Cal. Feb. 13, 2019).

26. See FED. R. EVID. 103 (requiring timely objections).

27. See, e.g., FED. R. EVID. 105 (allowing limiting instructions).

28. See, e.g., *Kayo Matsuo & Yuji Itoh, The Effects of Limiting Instructions about Emotional Evidence Depend on Need for Cognition*, 24 *PSYCHIATRY, PSYCH. & L.* 516, 517 (2017).

exposed to inadmissible material.²⁹ Accordingly, written in limine motions serve to preserve the neutrality in the mental process of the jury.³⁰

A successful motion in limine also can ensure a criminal defendant receives adequate due process during trial.³¹ In *Commonwealth v. Neff*, for example, the defendant was charged with failing to register as a sex offender. The prosecution sought to introduce evidence of the defendant's prior convictions, but a successful motion in limine by the defense excluded the defendant's history. Upon affirming the lower court's determination, the appellate court reiterated the importance of a motion in limine, highlighting that the trial court must "balance the evidentiary value . . . of evidence against the dangers of unfair prejudice, [or] inflaming passions of the jury"³²

2. Enhancing Litigation Strategy

Motions in limine facilitate a more sophisticated litigation strategy. Decisions on such motions provide attorneys greater clarity regarding available evidence from which to construct case theories. This early knowledge helps counsel craft more coherent narratives,³³ which directly correlates with greater persuasive force.³⁴

29. *Pinal Creek Grp. v. Newmont Mining Corp.*, No. CV-91-1764-PHX-DAE, 2006 U.S. Dist. LEXIS 43307, at *2 (D. Ariz. June 26, 2006) (quoting *Kelly v. New W. Fed. Savs.*, 49 Cal. App. 4th 659, 669 (1996)) (explaining how motions in limine avoid the need to "unring the bell" once inadmissible evidence has been presented to the jury); *In re Blue Crest Holding Asset, Inc.*, No. 17-21011-CIV-ALTONGA/Goodman, 2018 WL 11256051, at *1 (S.D. Fla. May 8, 2018) (same); see also Ramona C. Albin, *The Persistence of Rape Mythology*, 76 SYRACUSE L. REV. 669, 673 (2026) (discussing how rape shield laws are designed to prevent prejudicial sexual history from reaching the jury).

30. See *Burrus v. Silhavy*, 293 N.E.2d 794, 796–97 (Ind. Ct. App. 1973) (citing *Bridges v. Richardson*, 163 Tex. 292, 293 (1962)). Violation of such rulings provide grounds to move for a mistrial. See, e.g., *Snelson v. State*, 704 So. 2d 452, 458 (Miss. 1997).

31. See *Commonwealth v. Neff*, No. 1934 MDA 2013, 2014 Pa. Super. Unpub. LEXIS 628, at *1 (Pa. Super. Ct. Aug. 19, 2014).

32. *Id.* at *1 (quoting *Commonwealth v. Flor*, 998 A.2d 606, 623 (Pa. 2010)).

33. "A preliminary ruling allows the parties to consider the court's ruling in formulating their trial strategy." *United States v. Yannott*, 42 F.3d 999, 1006 (6th Cir. 1994).

34. See Anne E. Ralph, *Not the Same Old Story: Using Narrative Theory to Understand and Overcome the Plausibility Pleading Standard*, 26 YALE J.L. & HUMAN. 1, 35 (2014) ("Narrative theory teaches that narratives possess plausibility to the extent they are both internally coherent and externally consistent with what an audience knows to be true about the way the world works.") (on file with the Syracuse Law Review); see also Veronica J. Finkelstein, *Crafting Captivating Cases: Teaching Law Students to Use Evidence Narratively*, 76 SYRACUSE L. REV. 467, 503 (2026) ("Judges respond to narrative coherence, emotional resonance, and persuasive framing.").

The strategic value extends to limiting opposing parties' ability to introduce narrative-supporting evidence. Consider the defendant's motion in limine in *U.S. v. Allerheiligen*,³⁵ where the defendant faced charges for possession with intent to distribute marijuana. Anticipating the defendant's argument that the drugs were for personal medical use to treat hyperactivity and depression, the government successfully moved to exclude testimony regarding the defendant's psychiatric and/or psychological condition.³⁶ The court held that medical necessity was not a defense and thus ruled the evidence irrelevant.³⁷ The government's motion eliminated an essential component of the defendant's narrative.

A successful motion in limine can prove outcome-determinative in civil cases as well. For example, in *Colassi v. Cybex International, Inc.*, the plaintiff alleged patent infringement regarding treadmill belt support decks.³⁸ The defendant's primary defense rested on the reverse doctrine of equivalents, arguing that its product was so fundamentally different that imposing liability would be inequitable despite literal infringement. Recognizing that this defense could undermine the entire case, the plaintiff filed a motion in limine to preclude any evidence supporting it. In granting the motion, the court gutted the defendant's core legal theory.³⁹ With its primary defense excluded, the defendant had little recourse, and the jury unsurprisingly returned a verdict entirely in favor of the plaintiff.⁴⁰

Even unsuccessful motions in limine carry strategic implications. Such motions can elicit valuable information regarding opposing parties' evidentiary intentions and purposes⁴¹ and can familiarize judges with case details before trial.⁴² Further, judicial responses may foreshadow a court's future rulings on jury instructions and other substantive determinations.⁴³

35. See generally *U.S. v. Allerheiligen*, 457 F. Supp. 2d 1228 (D. Kan. Nov. 19, 1998).

36. See *id.* at 1230, 1235.

37. See *id.* at 1235.

38. See *Colassi v. Cybex Int'l, Inc.*, 221 Fed. Appx. 973, 974 (Fed. Cir. 2007).

39. See *id.* at 976-77.

40. See *id.* at 974.

41. See Johnny K. Richardson, *Use of Motions in Limine in Civil Proceedings*, 45 MO. L. REV. 130, 133 (1980).

42. See Bacharach, *supra* note 13, at 117.

43. See James A. Howell, *The Uses of Motions in Limine in Civil Litigation*, 1997 ARIZ. ST. L.J. 443, 446 (1977).

The *Luce/Ohler* doctrine starkly illustrates the intersection of strategy, motions in limine, and appeals.⁴⁴ Consider a criminal defendant whose motion to exclude prior conviction evidence is denied. Under *Luce*, if she elects not to testify (thereby obviating impeachment), she waives appellate review of the evidentiary decision.⁴⁵ Under *Ohler*, if she testifies and introduces the conviction during direct examination (thereby mitigating potential impeachment), she similarly forfeits appellate rights.⁴⁶ She preserves her appeal only by testifying without referencing her conviction, then objecting if the government impeaches her.⁴⁷ Early judicial indication on in limine motions helps defendants weigh these difficult choices.

3. Advancing Judicial Economy

Motions in limine also sharpen legal and factual issues before the court, eliminating distractors⁴⁸ and advancing judicial economy.⁴⁹ Definitive pretrial evidentiary rulings reduce objections and lengthy arguments that might otherwise impede trial progression.⁵⁰ They may result in fewer exhibits, witnesses, or lines of inquiry.⁵¹ Trial length is streamlined, jury time is conserved, and “the waste that sometimes results from haste” is minimized.⁵²

Beyond trial-level efficiency gains, motions in limine also improve the accuracy of judicial decisions. Written motions in limine create cleaner appellate records; each party’s supporting and opposing

44. The doctrine is based on two Supreme Court decisions: *see generally* *Luce v. United States*, 469 U.S. 38 (1984); *Ohler v. United States*, 529 U.S. 753 (2000).

45. *See Luce*, 469 U.S. at 43.

46. *See Ohler*, 529 U.S. at 760.

47. *See* L. Timothy Perrin, *Pricking Boils, Preserving Error: On the Horns of a Dilemma After Ohler v. United States*, 34 U.C. DAVIS L. REV. 615, 617 (2001).

48. *See* *United States v. Umoren*, No. 16-CR-00374-APG-NJK, 2021 U.S. Dist. LEXIS 231691, at *3 (D. Nev. Dec. 3, 2021) (citing *Palmerin v. City of Riverside*, 794 F.2d 1409, 1413 (9th Cir. 1986)).

49. *See* HÉCTOR FIX-FIERRO, COURTS, JUSTICE AND EFFICIENCY: A SOCIO-LEGAL STUDY OF ECONOMIC RATIONALITY IN ADJUDICATION 235 (Hart 2003) (discussing how judicial economy and efficiency have “become . . . inseparable part[s] of the . . . legal system”).

50. *See, e.g.,* *Crane-Mcnab v. County of Merced*, No. 08-CV-1218 WBS SMS, 2011 U.S. Dist. LEXIS 4276, at *2 (E.D. Cal. Jan. 11, 2011) (“Motions *in limine* may also serve to save time by . . . minimizing side-bar conferences and other disruptions at trial and potentially obviating the need to call certain witnesses.”).

51. *See, e.g.,* *Indiana Ins. Co. v. General Elec. Co.*, 326 F. Supp. 2d 844, 846 (N.D. Ohio 2004).

52. *Motions in Advance of Trial: In General*, 3 CRIM. PRAC. MANUAL § 81:3.

arguments are fully briefed.⁵³ Trial judges have more time to evaluate these competing positions before issuing rulings.⁵⁴ Consequently, encouraging the use of written motions in limine serves “to reduce trial errors resulting in mistrials, new trials, and reversals.”⁵⁵

Even when denied, motions in limine can identify potential factual stipulations and prompt parties to reconsider their positions.⁵⁶ More significantly, evidentiary rulings may trigger additional dispositive motions—including summary judgment motions or *Daubert* challenges—that can narrow or eliminate trial issues entirely.⁵⁷ Their strategic value extends to settlement negotiations—favorable rulings strengthen bargaining positions, and pending motions create useful leverage by introducing uncertainty about trial outcomes.⁵⁸ Given these substantial benefits to case management, trial preparation, and litigation strategy, the growing popularity of motions in limine is hardly surprising.⁵⁹

53. See *Int'l Graphics, Div. of Moore Bus. Forms, Inc. v. United States*, 5 Cl. Ct. 100, 104 (1984) (citing *Zenith Radio Corp. v. Matsushita Elec. Indus. Co.*, 505 F. Supp. 1125, 1140 (E.D. Pa. 1980)) (discussing how motions in limine “promot[e] improved accuracy of evidentiary determinations by virtue of the more thorough briefing and argument of the issues that are possible prior to the crush of trial.”).

54. See Michael D. Lyon, *Practices of Successful Lawyers Appreciated by Trial Judges*, 13 UTAH BAR J. 28, 29 (2003) (discussing how motions in limine afford judges “an opportunity to study the law and to thoughtfully reflect on the issue.”) (on file with Syracuse Law Review).

55. See *Evans v. Sisters of Third Ord. of St. Francis*, 506 N.E.2d 965, 968 (Ill. App. Ct. 1987) (citing *People v. Devine*, 371 N.E.2d 22, 24 (Ill. App. Ct. 1977)).

56. See *Pigott v. Battle Ground Acad.*, No. 3:11-cv-0764, 2013 U.S. Dist. LEXIS 59536, at *8 (M.D. Tenn. Apr. 25, 2013) (denying motion in limine but identifying related area for which the court “encourage[s] the parties, however, to consider the possibility of stipulating”).

57. See, e.g., *Irwin Indus. Tool Co. v. Pifer*, 276 A.3d 533, 555 (Md. 2022) (granting summary judgment given motion in limine ruling); see also *Stein-Brief Grp., Inc. v. Home Indem. Co.*, 76 Cal. Rptr. 2d 3, 8 (Cal. Ct. App. 1998) (dismissing case given motion in limine ruling).

58. See Todd A. Stahly, *The Motion in Limine: Use in Domestic Relations Cases*, 43 COLO. LAW. 47 (2014).

59. See, e.g., *United States v. Brawner*, 173 F.3d 966, 970 (6th Cir. 1999) (“The Federal Rules of Evidence, the Federal Rules of Criminal and Civil Procedure and interpretive rulings of the Supreme Court and this court all encourage, and in some cases require, parties and the court to utilize extensive pretrial procedures – including motions *in limine* – in order to narrow the issues remaining for trial and to minimize disruptions at trial.”); see also *United States v. Umoren*, No. 16-CR-00374-APG-NJK, 2021 U.S. Dist. LEXIS 231691, at *2 (D. Nev. Dec. 3, 2021) (encouraging “counsel to bring motions in limine on evidentiary questions”).

II. HOW INTEGRATING WRITTEN MOTIONS IN LIMINE BENEFITS STUDENTS

Modern litigation centers on pretrial motion practice.⁶⁰ Students who master motions in limine graduate better prepared for practice than students exposed to only trial objections.⁶¹ While the practical value of motions in limine is evident, some may question the purpose of their inclusion in trial advocacy courses. After all, trial advocacy programs already respond to employers' and the judiciary's demands for enhanced skills training.⁶²

The answer is straightforward: even good things can be better. Written motions in limine complement trial advocacy's core pedagogical goals by developing time management skills⁶³ and increasing assessment opportunities.⁶⁴ Students can connect trial preparation with broader dispute-resolution skills, including settlement and negotiation leverage. In the interest of brevity, however, this Part focuses on three distinct benefits: (1) deepening fact evaluation skills, (2) developing professional judgment, and (3) integrating meaningful legal writing into experiential education.

60. Pretrial motion practice is critical. As of 2017, only approximately 1% of all civil cases and only 2% of criminal cases were resolved by trial. See Jeffery Q. Smith & Grant R. MacQueen, *Going, Going, But Not Quite Gone: Trials Continue to Decline in Federal and State Courts. Does it Matter?*, 101 JUDICATURE 26, 28 (2017).

61. Research ranging from the Carnegie studies to the American Bar Association's Task Force reports all emphasize the need for more practice-ready graduates. See, e.g., WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 89–91 (2007) [hereinafter CARNEGIE REPORT]; see also AM. BAR ASS'N TASK FORCE ON PROFESSIONAL COMPETENCE, FINAL REPORT AND RECOMMENDATIONS OF THE TASK FORCE ON PROFESSIONAL COMPETENCE 6 (1983); see also AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATION CONTINUUM, REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION; NARROWING THE GAP 138–41, 233–36 (1992).

62. See Christine P. Bartholomew, *Time: An Empirical Analysis of Law Student Time Management Deficiencies*, 81 U. CIN. L. REV. 897, 898 (2013) [hereinafter *Time*] (“The plea for practical skills training in law school is reaching a fever pitch.”).

63. See *id.* at 901 (discussing law students' need for time management skills).

64. See Kathleen M. Burch & Chara Fisher Jackson, *Creating the Perfect Storm: How Partnering with the ACLU Integrates the Carnegie Report's Three Apprenticeships*, 3 J. MARSHALL L.J. 51, 73 (2009) (“Not only is the best way to teach competency through context-based learning, the only way to measure competency is through context-based learning and formative assessment.”).

A. Strengthening Fact Evaluation Skills

Incorporating motions in limine significantly enhances students' fact evaluation skills⁶⁵—what Leon Green termed “the highest art of the lawyer.”⁶⁶ This enhancement occurs through deepened analytical rigor and expanded perspective-taking.

Trial advocacy programs are intended to prepare students for practice. These programs cultivate fact evaluation by requiring intensive case analysis over extended periods. This process helps students “engage in more sophisticated fact evaluation and identify dimensions of the facts” initially overlooked.⁶⁷ Critically, trial advocacy reverses traditional law school methodology: instead of extracting legal rules from cases and applying them to hypothetical facts, students begin with concrete facts and determine applicable legal principles—mirroring actual practice.

By including written motions in limine, trial advocacy can expand students' opportunities to engage with facts. Active learning through motion practice develops the nuanced fact evaluation essential to effective advocacy.⁶⁸ These motions demand students to evaluate each piece of evidence through three distinct lenses: advocacy, opposition, and judicial perspectives. Students must consider how evidence advances their client's case, how opposing counsel might weaponize it, and how courts will likely rule on admissibility challenges. This tri-perspective analysis forces students to think beyond whether evidence helps or hurts their case.

Written motions in limine would broaden trial advocacy programs, ensuring more comprehensive legal critical thinking skills. By requiring multi-perspective fact evaluation with sustained analytical rigor, this exercise develops the sophisticated fact evaluation skills that define legal excellence and produces graduates who think like strategic advocates.

65. Fact evaluation has long been identified as a critical skill for aspiring attorneys. See William Keener, *The Inductive Method in Legal Education*, 17 AM. BAR ASS'N. REP. 473, 489 (1948) (describing fact evaluation as “a power which, in no small degree, distinguishes the good from the poor or indifferent lawyer.”); see also Roger C. Cramton & Erik M. Jensen, *The State of Trial Advocacy and Legal Education: Three New Studies*, 30 J. LEGAL EDUC. 253, 266 (1979) (detailing a study of attorneys who identified fact evaluation as the most important legal skill).

66. Leon Green, *Advocacy and Case Study*, 4 J. LEGAL EDUC. 317, 317 (1952).

67. Edward J. Imwinkelried, *The Educational Philosophy of the Trial Practice Course: Reweaving the Seamless Web*, 23 GA. L. REV. 663, 683 (1989).

68. Active learning provides greater content retention and higher transfer of knowledge to new situations. See CHARLES C. BONWELL & JAMES E. EISON, ACTIVE LEARNING: CREATING EXCITEMENT IN THE CLASSROOM 21 (1991).

B. Developing Professional Judgment

Beyond strengthening fact evaluation, written motions in limine cultivate professional judgment,⁶⁹ meaning the ability to discern what matters in a situation, determine which legal principles apply, and choose the best course of action.⁷⁰ Trial advocacy programs have long taught students to “learn the consequences of both manipulation and choice”⁷¹ by developing trial strategies within closed-universe case files. Students can select narratives,⁷² but the simulation format necessarily creates “artificial boundaries” to the potential legal and factual theories they can advance.⁷³ Adding written motions in limine pushes these boundaries. Rather than following a scripted path, students identify novel evidentiary challenges, research current law for creative exclusion grounds, and develop original legal arguments. This develops the “divergent thinking” essential to professional judgment; students learn to generate multiple solutions before selecting one.⁷⁴

To draft a persuasive motion, students must conduct legal research, synthesize conflicting precedents, and construct well-developed arguments addressing counterarguments. This depth of analysis is not feasible for most trial objections. A student may prepare to object to hearsay, but drafting a motion arguing that an expert’s methodology fails *Daubert* standards requires parsing scientific literature, distinguishing circuit splits, and building a multi-layered legal argument. This work develops judgment that oral advocacy alone cannot easily replicate.

More critically for professional judgment, written motions teach strategic judgment under uncertainty. Students must evaluate not just *whether* evidence is objectionable, but *whether challenging it in writing before trial* serves their theory.⁷⁵ Filing a motion might alert opposing counsel to shore up foundational defects they could have

69. See Christine P. Bartholomew, *Twiqbal in Context*, 65 J. LEGAL EDUC. 744, 761 (2016) (discussing professional judgment as a curricular component).

70. See CARNEGIE REPORT, *supra* note 61, at 115.

71. Steven Lubet, *What We Should Teach (But Don't) When We Teach Trial Advocacy*, 37 J. LEGAL EDUC. 123, 125 (1987).

72. See Edward J. Imwinkelried, *The Development of Professional Judgment in Law School Litigation Courses: The Concepts of Trial Theory and Theme*, 39 VAND. L. REV. 59, 68–70 (1986).

73. Lubet, *supra* note 71, at 136.

74. Paul Brest & Linda Krieger, *On Teaching Professional Judgment*, 69 WASH. L. REV. 527, 541 (1994).

75. As such, written motions in limine respond to the call for legal education to develop practical wisdom alongside doctrinal knowledge. See CARNEGIE REPORT, *supra* note 61, at 115.

exploited at trial. Losing a motion signals the judge's view on the evidence, potentially weakening objections to related matters. Students learn to assess these tradeoffs by considering judicial temperament, the strength of their legal arguments, and whether courtroom objections might prove more effective. They discover that some technically objectionable evidence is strategically untouchable, and that timing matters as much as legal merit. These decisions demand balancing strategic, client, and ethical implications with the likelihood of success based on precedent and judicial tendencies. Such decisions expose students to risk assessment and the cascading strategic implications of pursuing a particular course of action.

Post-trial assessment completes the learning cycle. Students can compare their strategic choices with classmates who handled identical evidentiary issues differently, revealing that professional judgment operates within a range of acceptable approaches.⁷⁶ Reviewing which motions succeeded—and why others failed—develops the self-reflective capacity essential to professional growth.⁷⁷ The result: lawyers who exercise professional judgment that distinguishes technical competency from excellence.

C. Writing Across the Curriculum

Written motions in limine also address another persistent concern in legal education. Despite expanded mandatory writing courses across law schools, complaints from bench and bar about new graduates' inadequate writing skills persist.⁷⁸ Trial advocacy programs excel at developing courtroom skills but offer limited writing opportunities, with students typically only drafting speeches and examinations intended for oral delivery. Motions in limine can fill this gap by integrating substantial legal writing into experiential education, offering advantages that traditional writing courses cannot replicate.

76. See Brest & Krieger, *supra* note 74, at 541.

77. See Timothy Casey, *Reflective Practice in Legal Education: The Stages of Reflection*, 20 CLINICAL L. REV. 317, 319 (2014) (“Deliberate reflection ... is necessary because new professionals cannot rely on intuition or ‘gut’ in the same manner as an expert.”).

78. See Kirsten M. Winek, *Writing Like A Lawyer: How Law Student Involvement Affects Self-Reported Gains in Writing Skills in Law School*, 69 J. LEGAL EDUC. 568, 598 (2020) (“Complaints by the bench and bar that new attorneys do not write well have lingered for decades.”); see also COMM. ON LEGAL EDUC. & ADMISSIONS REFORM (CLEAR), REPORT AND RECOMMENDATIONS (2025), https://www.ncsc.org/sites/default/files/media/document/CLEAR_Report.pdf (“Participants report ... a need for enhanced skills training and competency requirements.”) (on file with Syracuse Law Review).

The format itself creates ideal learning conditions. Each motion's modest length, typically three to five pages, enables meaningful professor feedback essential for writing improvement.⁷⁹ Unlike lengthy appellate briefs that may overwhelm students and instructors, these focused pieces allow meaningful revision cycles. More importantly, most cases require multiple motions in limine, creating recursive practice essential for skill development.⁸⁰ A student drafts a privilege motion, receives feedback on legal reasoning and prose clarity and then immediately applies lessons to the next motion to exclude prior bad acts. This iterative loop mirrors actual practice and accelerates improvement in ways single-assignment courses cannot match.

The writing demands for this type of motion practice differ from those of traditional legal writing assignments. Students must write for judges within authentic procedural contexts, developing audience-specific voice and tone while making strategic organizational choices, such as leading with the strongest arguments rather than following chronological or topical structures.⁸¹ This form of writing integrates evidence doctrine with persuasive advocacy, requiring students to research current law, distinguish precedent, and apply rules to specific facts while maintaining clarity. Crucially, students experience the consequences of their written work during the trial. A successful motion excluding prior convictions reshapes cross-examination strategy; a denied motion requires adapting opening statements. This integration of written advocacy and trial performance vividly illustrates to students how legal writing directly affects courtroom outcomes.⁸²

Analytical writing demands a clearer distinction from these assignments. Students must identify multiple exclusion grounds, construct complete legal arguments, anticipate counterarguments, and communicate complex analysis clearly, developing analytical writing skills identified in the MacCrate Report's fundamental lawyering

79. See Winek, *supra* note 78, at 592–93.

80. See Linda Flower & John R. Hayes, *A Cognitive Process Theory of Writing*, 32 COLL. COMPOSITION & COMMUN 365, 367 (1981) (discussing the value of recursive writing loops).

81. See, e.g., Kristen K. Robbins, *The Inside Scoop: What Federal Judges Really Think About the Way Lawyers Write*, 8 J. LEGAL WRITING 257, 264 (2002) (discussing judicial expectations for legal writing).

82. See Jennifer E. Spreng, *Spirals and Schemas: How Integrated Courses in Law Schools Create Higher-Order Thinkers and Problem Solvers*, 37 U. LA VERNE L. REV. 37, 63 (2015) (“By their very nature, integrated courses offer students more and richer connections and experiences, so they can construct and use more complex schemas and mental models.”).

competencies.⁸³ Trial classes can further scaffold complexity, sequencing motions from simple evidentiary challenges to more sophisticated constitutional issues requiring nuanced balancing.⁸⁴

D. Generating Professional Writing Samples

Beyond the immediate pedagogical benefits, incorporating written motions in limine provides concrete professional advantages throughout students' careers. Well-crafted motions serve as superior writing samples, distinguishing students in competitive legal markets while demonstrating practice-ready skills.

Traditional law school writing—research papers, seminar essays, and first-year legal writing assignments—often fails to showcase practical legal skills.⁸⁵ Employers seeking to evaluate writing abilities may discount writing samples disconnected from their practice or daily writing demands.⁸⁶ In contrast, motion briefs address practical evidentiary issues employers encounter in their own practice, demonstrating students' ability to conduct focused legal research, synthesize complex authority, and present persuasive arguments within realistic constraints.⁸⁷ When used as writing samples, they provide several distinct advantages.

First, their brevity makes them accessible interview discussion pieces that busy practitioners can review before candidate meetings.⁸⁸ Second, these samples generate compelling interview narratives that

83. See AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATION CONTINUUM 138–40 (1992).

84. See Max Huffman & Cynthia Adams, *Upward! Higher: How a Law Faculty Stays Ahead of the Curve: Online Simulation Courses*, 51 IND. L. REV. 418, 424 (2018) (discussing how scaffolded assignments can advance student skill development).

85. See, e.g., The Writing Center, *Choosing the Right Writing Sample*, GEO. UNIV. L. CTR. (2016), <https://www.law.georgetown.edu/wp-content/uploads/2018/07/ChoosingTheRightWritingSample2016.pdf> (on file with Syracuse Law Review).

86. See Mark E. Wojcik, *The Right Writing Sample*, 37 STUDENT LAW. 1, 1 (2009) (discussing the value of briefs as writing samples).

87. See Sherri Lee Keene, *One Small Step for Legal Writing, One Giant Leap for Legal Education: Making the Case for More Writing Opportunities in the "Practice-Ready" Law School Curriculum*, 65 MERCER L. REV. 467, 480 (2014) ("Legal writing practice involves the process of synthesizing law and facts to formulate, and then communicate, a purposeful message to the legal audience.").

88. See, e.g., Career Center, *Writing Samples*, WASH. UNIV. SCH. OF LAW (2016), <https://www.law.georgetown.edu/wp-content/uploads/2018/07/ChoosingTheRightWritingSample2016.pdf> (discussing writing sample length recommendations) (on file with Syracuse Law Review).

demonstrate essential lawyering competencies. Students can articulate the substantive legal issues they addressed, describe their research methodology, explain how they distinguished adverse authority, and discuss their strategic decision-making process. Such discussions give employers insight into candidates' analytical capabilities, professional judgment, and understanding of litigation strategy.⁸⁹ Third, the collaborative nature of trial advocacy programs enhances the value of these writing samples. In interviews, students can highlight teamwork experience, demonstrating the interpersonal and professional skills essential for successful legal practice.⁹⁰ These experiences provide depth to students' professional narratives that purely academic writing samples cannot match.

Incorporating motions in limine thus serves dual functions: developing essential writing skills while creating tangible career assets. Adding written motions in limine can address the profession's most persistent educational critique: weak writing skills.⁹¹ By requiring students to translate sophisticated legal analysis into clear, persuasive written argument, these assignments develop writing skills that distinguish them as effective attorneys—preparing graduates for practice in which success depends as much on persuasive writing as courtroom performance.

III. MAKING IT WORK: PROPOSED IMPLEMENTATION FRAMEWORK

Incorporating written motions in limine delivers substantial pedagogical and professional benefits but requires careful planning. This Part addresses methodologies for including written motions in limine in external competitions (multiple schools competing against each other) and internal competitions (within a single institution's mock trial course). It then explores how the internal competition's structure creates greater flexibility to deepen the written motion experience.

89. Keene, *supra* note 87, at 472–73 (discussing the characteristics of practice-ready graduates).

90. See, e.g., Sarah J. Morath & Elizabeth A. Shaver, *Training the Superstar Associate: Teaching Workplace Professionalism in Legal Writing Courses*, 23 *TEACHING L. RES. & WRITING* 53, 53 (2014).

91. See Abigail L. Perdue, *Mind the Gap: Nine Easy Ways for Legal Employers to Identify Strong Applicants*, 63 *PRAC. LAW.* 39, 40 (2017) (“[F]ew legal employers believe that new attorneys possess the basic research and writing skills essential to the practice.”).

A. Foundational Requirements for Adding Written Motions in Limine

Successfully integrating written motions in limine into any competition requires two foundational elements: substantive evidentiary issues that justify written briefing, and evaluation systems with qualified graders and consistent protocols. Careful advance planning on both elements maximizes educational benefits while maintaining competitive fairness.

1. Strategic Case Drafting Requirements & Topic Selection

Traditional mock trial fact patterns already contain evidentiary issues that generate objections and rulings during trial. Most existing mock trial evidentiary issues work well for quick oral objections but lack the complexity needed for written motion practice. Written motions in limine, however, require a different type of evidentiary challenge: one substantial enough to warrant advance briefing by both sides while ensuring sufficient legal issues remain regardless of the ruling on the motion.⁹²

A simple hearsay objection only requires understanding hearsay and basic exceptions—raised, responded to, and resolved in seconds. A motion to exclude a forensic psychologist's expert testimony on eyewitness reliability, however, requires analyzing expert qualifications,⁹³ examining the scientific reliability under *Daubert*,⁹⁴ and assessing probative value against prejudicial impact.⁹⁵ These multifaceted issues benefit from thorough written briefing.

Case drafters must therefore build motion topics directly into their fact patterns from the outset.⁹⁶ Careful case drafting is essential to ensure balanced issues that offer the opportunity for decisions on either side with meaningful strategic impact while accommodating for

92. See, e.g., 23 Ronald I. Mesbeshier & James B. Sheehy, *Motions in Limine*, in TRIAL HANDBOOK FOR MINNESOTA LAWYERS § 4:16 (2025 ed.) (discussing how written motions in limine are encouraged mechanisms for addressing complex issues).

93. See FED. R. EVID. 702.

94. See FED. R. EVID. 702(c); *Daubert v. Merrel Dow Pharms., Inc.*, 509 U.S. 579, 579 (1993).

95. See FED. R. EVID. 403.

96. Because of these limitations, written motions in limine would be easiest to add to trial advocacy programs that rely on simulated cases. See Alan D. Hornsetein & Jerome E. Deise, *Greater than the Sum of Its Part: Integrating Trial Evidence & Advocacy*, 7 CLINICAL L. REV. 77, 83–84 (2000) (detailing the value of using simulated cases in trial advocacy courses).

time constraints inherent in trial competitions.⁹⁷ Evidentiary topics should integrate seamlessly into the broader case.⁹⁸ Drafters must aim for genuine disputes in which both sides can argue with equal credibility, avoiding issues where one side clearly has stronger legal grounds.

Case drafters must also ensure that evidentiary issues complement rather than dominate the case. Given the two-witness-per-side model, an evidentiary determination cannot eliminate the need to call a witness altogether. Similarly, with approximately 60-minutes per side,⁹⁹ no evidentiary issue should eliminate all viable case strategies.¹⁰⁰ Discrete evidentiary matters or specific admissibility questions work best.

Several evidentiary disputes provide ideal subjects: similar occurrences,¹⁰¹ past lawsuits,¹⁰² subsequent remedial measures,¹⁰³ past convictions,¹⁰⁴ and multiple hearsay exceptions.¹⁰⁵ Admissibility of such evidence requires analyzing the purpose for which it is offered,¹⁰⁶ its probative value, and the risk of unfair prejudice¹⁰⁷—generating genuine legal complexity with room for reasonable arguments on both sides. Rulings require strategic adjustment without eliminating the factual dispute or the need for witness testimony.

97. Cf. James F. Basile & Robert Gretch, *Training Trial Lawyers*, 48 LITIG. 46, 46 (Spring 2022) (discussing how balanced case problems aid with student training).

98. One useful approach is to reverse engineer trial advocacy problems around the legal and evidentiary issues they want students to address. Cf. DIANA DONAHOE & JULIA ROSS, *LEGAL WRITING PEDAGOGY: COMMENTING, CONFERENCING, & CLASSROOM TEACHING* § 4.1 (2013).

99. See, e.g., AM. ASS'N FOR JUST., *National Student Trial Advocacy Competition Official Rules and Fact Pattern* 9 (2021); *The Premier Trial Competition*, DREXEL UNIV. KLINE SCH. OF LAW, <https://drexel.edu/law/academics/kline-difference/advocacy/competitions/the-premiere-mock-trial/> (on file with Syracuse Law Review) (last visited Jan. 29, 2026); *Buffalo-Niagara Mock Trial Competition*, UNIV. AT BUFFALO SCH. OF LAW, <https://www.law.buffalo.edu/beyond/competitions/buffaloNiagara/participate.html> (on file with Syracuse Law Review) (last visited Jan. 29, 2026).

100. This means that case drafters must avoid the type of evidentiary issue that would be essentially outcome determinative. See, e.g., *supra* Part I (B)(2) (discussing *Colassi v. Cybex Int'l, Inc.*, 221 Fed. Appx. 973, 974 (Fed. Cir. 2007)).

101. See FED. R. EVID. 404.

102. See *id.*

103. See FED. R. EVID. 407.

104. See FED. R. EVID. 404(b), 609.

105. See, e.g., FED. R. EVID. 801–804.

106. See FED. R. EVID. 404(a) (prohibiting propensity evidence).

107. See FED. R. EVID. 403 (excluding evidence when the risk of undue prejudice substantially outweighs its probative value).

External competitions are most effective when motion topics are prescribed.¹⁰⁸ If teams chose different evidentiary issues, pairing becomes difficult because they cannot argue meaningfully against each other. By framing both arguments around the same evidentiary issue, organizers stabilize the central question, enabling flexible pairings and accommodating late changes without disrupting the exercise.

2. Meaningful Review of Motion Papers Utilizing Practitioner and Faculty Graders

The next challenge is to create a feasible evaluation system. Successful written motion scoring requires two critical elements: adequate grading time and qualified evaluators. Competition directors must recruit qualified graders and establish protocols and timelines for grading.

B. Selecting Qualified Grading Personnel

Effective grading requires evaluators with complementary expertise spanning substantive law, legal writing, and practice experience.¹⁰⁹ Different graders bring essential but distinct perspectives.

Legal writing professors excel at assessing persuasive writing mechanics. They could identify whether briefs properly characterize adverse authority, distinguish unfavorable cases precisely, and avoid analytical errors such as rule-proving or conclusory reasoning.¹¹⁰ When legal writing professors evaluate practical advocacy work, students receive feedback connecting classroom writing instruction to real-world application, demonstrating the relevance of foundational writing skills to trial practice.¹¹¹

108. Prescribed evidentiary issues offer a streamlined means for integrating written motions in limine. For example, the Stetson National Pretrial Competition (“NPTC”) allows students to conduct their own legal research into a prescribed legal issue, requires written memoranda approximately one month before oral rounds, uses evaluators experienced in the substantive areas of law as well as in legal writing to grade submissions, and combines written scores with oral advocacy performance. *See, e.g., Rules for the Stetson National Pretrial Competition.*

109. *Cf. Susie Salmon, Reconstructing the Voice of Authority*, 51 AKRON L. REV. 143, 177–78 (2017) (discussing the value of combining academics and practitioners in advocacy programs).

110. *See, e.g., Sabrina DeFabritiis, IL is the New Bar Prep*, 51 CREIGHTON L. REV. 37, 48 (2017) (detailing analytical and research skills commonly taught by legal writing faculty).

111. *See Adam Lamparello & Charles E. MacLean, Experiential Legal Writing: The New Approach to Practicing Like a Lawyer*, 39 J. LEGAL PRO. 135, 137–38 (2015) (discussing the value of linking legal writing instruction and drafting litigation documents).

Doctrinal faculty would offer subject matter expertise.¹¹² Evidence professors bring a comprehensive understanding of the Federal Rules of Evidence and underlying policy rationales.¹¹³ Criminal law, tort, contracts, and civil procedure professors contribute expertise on how evidentiary challenges affect their respective substantive areas and the judicial standards governing them.

Practicing attorneys should complement academic perspectives where available. Practitioners would bring current courtroom experience that informs strategic judgment. They can evaluate not only legal accuracy but also strategic effectiveness, assessing tone appropriateness, factual development sufficiency, or overlooked procedural considerations from a practice-tested perspective.¹¹⁴ Including practitioners as graders allows competitions to use skilled attorneys who might otherwise be unavailable to judge in person on competition day.

Collaborative grading panels ensure scoring quality while advancing broader institutional goals.¹¹⁵ Panel-based evaluation prevents insularity and helps avoid potentially overlooked issues. Panel members could discuss their assessments, encouraging meaningful exchange between legal writing, doctrinal, and practice perspectives.¹¹⁶

112. Distinguishing between legal writing and doctrinal faculty is for organizational clarity only. *Cf.* Pamela Lysaght, Cristina D. Lockwood, *Writing Across the Law School Curriculum: Theoretical Justifications, Curricular Implications*, 2 J. ASS'N LEGAL WRITING DIRECTORS 73, 105–06 (2004) (“The institution and the profession benefit by breaking down the false dichotomy between substance and skills.”). Many faculty members contribute expertise in both areas. It is not uncommon for legal writing professors to teach doctrinal courses. Further, many doctrinal faculty have significant expertise in legal writing pedagogy.

113. Evidence and trial advocacy are natural partners and have already spurred proposals for greater integration. *See generally* Alan D. Hornstein & Jerome E. Deise, *Greater than the Sum of its Parts: Integrating Trial Evidence & Advocacy*, 7 CLINICAL L. REV. 77 (2000).

114. *See* Stephanie A. Vaughan, *Experiential Learning: Moving Forward in Teaching Oral Advocacy Skills by Looking Back at the Origins of Rhetoric*, 59 S. TEX. L. REV. 121, 150 (2017) (discussing the benefits of incorporating practitioners in moot court and trial advocacy competitions); *see also* Christopher W. Behan, *Building Cross-Cultural Trial Advocacy Skills Through Structured Mentoring and Co-Mentoring: A Case Study with Global Implications*, 76 SYRACUSE L. REV. 401, 429 (2026) (same).

115. *See* Henry H. Perritt, Jr., *Taking Legal Communications Seriously*, 33 U. TOLEDO L. REV. 137, 140 (2001) (“All kinds of law teachers need to work together, shaping appropriate curricular experiments...”).

116. Such collaboration also ensures scoring focuses on the strength of legal analysis. *See, e.g.,* Barbara Kritchevsky, *Judging: The Missing Piece of the Moot Court Puzzle*, 37 U. MEMPHIS L. REV. 45, 49 (2006) (discussing the problem of judging that “rewards cleverness and poise over persuasiveness and sound legal argumentation”).

This collaborative grading process would expose all participants to the academic rigor and practical demands of trial advocacy. Faculty gain insight about how their classroom instruction connects to courtroom performance, while practitioners observe how academic evaluation standards assess advocacy skills. A grading panel, including doctrinal and writing faculty alongside practitioners, provides balanced evaluation, leverages diverse strengths, and ensures no single grader's blind spot compromises motion evaluation.

C. Establishing Adequate Timeframes and Standardization

Whether faculty or practitioners, graders need adequate time and consistent grading protocols to complete the grading process before the competition starts. For external competitions, competitors should submit written motions four to five weeks before the competition. This timeline allows graders to thoroughly evaluate submissions and organizers to integrate scores into preliminary-round score sheets.

Each competing school would submit two motions simultaneously, one seeking admission and the other precluding it. Students organized into plaintiff/prosecution and defense teams would work with their partner on one motion while collaborating with opposing teammates to ensure comprehensive coverage.

While sequential briefing would better mirror actual practice,¹¹⁷ the practical complications of implementing moving and responding briefs across multiple opponents would create nearly insurmountable logistical hurdles. In external competitions, teams typically face different opponents in each preliminary round.¹¹⁸ Sequential briefing would require each team to write responsive briefs to multiple different moving briefs—potentially four or five different versions if they face that many opponents. Alternatively, organizers would need to pair teams in advance and restrict them to facing only each other throughout all preliminary rounds, eliminating the flexibility that

117. Though less common, judges do sometimes order simultaneous briefing in practice. *See, e.g.,* *Ramsek v. Beshear*, 468 F. Supp. 3d 904, 910 (E.D. Ky. 2020) (simultaneous briefing on discovery issue) (subsequent history omitted); *Tockstein v. Sponeman*, No. 4:07CV00020 ERW, 2009 U.S. Dist. LEXIS 35709, at *9 (E.D. Mo. Apr. 27, 2009) (simultaneous briefing on admissibility of expert testimony); *Heuft Systemtechnik GmbH v. Indus. Dynamics Co., Ltd.*, No. CV 05-6299-GPS (JTLx), 2006 WL 6627089, at *1 (C.D. Cal. Sept. 19, 2006) (simultaneous briefing on *Markman* issues).

118. *See, e.g.,* TEX. YOUNG LAWS. ASS'N, *Rules of the 50th Annual National Trial Competition 4* (2025) [hereinafter *Texas Rules*]; AM. ASS'N FOR JUST., *National Student Trial Advocacy Competition Official Rules and Fact Pattern 3* (2025) [hereinafter *NSTSAC Rules*].

makes tournament bracketing manageable. Either approach would dramatically increase the workload for students and graders or severely constrain tournament operations.

Written motion scoring should adopt proven appellate advocacy frameworks, awarding points for analytical depth, citation format, argument structure, authority use, persuasiveness, grammar, and technical compliance.¹¹⁹ Case drafters would prepare a rubric and bench brief to ensure grading accuracy and consistency.¹²⁰

Scoring should still reflect the fundamentals of trial advocacy. Trial competitions typically determine advancement through win-loss record, ballot count, score differential, and overall score, and individual preliminary round scores are often calculated out of 100 points.¹²¹ Written motions in limine would comprise ten of the 100 points per preliminary round. This modest but meaningful proportion acknowledges the written component's importance without overwhelming trial performance scores.¹²²

Since advancing teams often win by narrow margins,¹²³ students are likely to take the writing component seriously. The initial implementation should emphasize skill development over point maximization. Analysis of competition results, including examining whether written scores meaningfully affected advancement and correlated with trial performance, will help refine optimal weighing decisions.¹²⁴ The writing process itself enhances advocacy abilities, making educational benefits as valuable as numerical scores.

119. See, e.g., AM. BAR ASS'N LAW STUDENT DIV., *2024–2025 National Appellate Advocacy Competition*, 27–28 (2024).

120. Cf. JAMES DIMITRI ET AL., *THE MOOT COURT ADVISOR'S HANDBOOK* 57–161 (2d ed. 2023) (providing sample bench briefs and scoring rubrics for moot court competitions).

121. See, e.g., Texas Rules, *supra* note 118, at 4; NSTSAC Rules, *supra* note 118, at 3.

122. See, e.g., STETSON UNIV. COLL. OF LAW, *2025 Eighteenth Annual National Pretrial Competition: Competition Rules* 10 (2025); see also Meredith Aden, *CREAC Scramble: An Active Self-Assessment Exercise*, *POPULAR MEDIA* 14, 15 (2010) (discussing how when assignments are graded, students take them “more seriously and give a better effort”); Franklin A. Gevurtz, *The Complexity Dilemma: A Reflection on Teaching a Simulation Course in Business Planning*, 56 *WILLAMETTE L. REV.* 307, 314 (2020) (“[T]o have student take it seriously, [written] work product should be graded”).

123. See, e.g., *Buffalo Niagara Trial Competition Advancing Round Scores* (2022–2025) (on file with author).

124. See Edward K. Cheng & Scott J. Farmer, *A Normalized Scoring Model for Law School Competitions*, 16 *GREEN BAG 2D* 377, 378 (2013) (itemizing challenges that arise in scoring moot court and trial team competitions).

In advanced rounds where teams are power ranked,¹²⁵ the focus would return exclusively to oral advocacy. Written motions would no longer constitute a distinct category of scoring. Instead, they would be reflected in teams' overall preliminary scores, which determine whether they advance to the semifinal and final rounds.

The motion argument component integrates seamlessly into existing competition formats. Teams would present brief oral arguments (five to seven minutes per side) immediately before trial. Judges would then render immediate decisions based on the oral presentations and resources provided by organizers, including bench briefs and instructions. Competitions may train judges on specific evidentiary issues, providing them with additional context and confidence in their analysis.¹²⁶ In all instances, the judges' rulings at the start of the trial would control, regardless of written scores.

This proposed framework offers a practical enhancement in trial advocacy education. Collaborative grading panels combining legal writing faculty, doctrinal professors, and practitioners ensure rigorous evaluation while fostering cross-disciplinary exchange. With manageable timelines, modest scoring weight, and seamless integration into existing formats, written motions in limine provide an authentic pre-trial experience without disrupting competition structures.

D. Expanding Written Motion Practice in Internal Competitions

While external competitions provide valuable standardized training, internal competitions offer opportunities to deepen the written motion experience. Internal competitions present fewer logistical hurdles for adding written motions in limine. First, students can select their own motion topics rather than researching predetermined ones. Second, a briefing can follow a sequential, adversarial exchange. Third, decisions can be rendered days or weeks in advance of trial, allowing students substantial time to restructure their case strategy. Fourth, students can engage in post-trial reflection to analyze how motion rulings shaped trial outcomes and the efficacy of advocacy.

125. See, e.g., Texas Rules, *supra* note 118, at 4; NSTAC Rules, *supra* note 118, at 4.

126. For example, in 2025, the Buffalo Niagara Trial Competition offered a continuing legal education program (CLE) one week before the competition to familiarize judges and evaluators with the legal and evidentiary issues they might encounter during the competition. Competitions could utilize a similar model, emphasizing the specific legal issues addressed in the written motions in limine.

1. Strategic Issue Identification

Issue identification represents a foundational skill that separates experienced practitioners from recent graduates.¹²⁷ As discussed above, external competitions would need to assign the same motion topic to all teams. Internal competitions, in contrast, could potentially identify for themselves which evidentiary challenges warrant motion practice.¹²⁸ This diagnostic process requires students to read the case file with the analytical eye of a practicing attorney, spotting legal vulnerabilities that less experienced advocates might miss.

Trial advocacy professors should guide students through this process to justify their decisions.¹²⁹ Students must articulate how their chosen evidentiary challenges advance their case theory, considering: Will excluding this evidence damage the opponent's case theory? Does this motion reveal strategy prematurely? Is time better spent on witness preparation? These allocation decisions mirror how attorneys prioritize limited resources across potential motions.¹³⁰

The educational value of written motions in limine includes structured revision based on faculty feedback. Students should receive detailed commentary on their drafts, including input on legal analysis, persuasive strategy, and technical execution. Based on this feedback,¹³¹ students would then revise their motions. This revision

127. See Joan W. Howarth, *The Professional Responsibility Case for Valid and Nondiscriminatory Bar Exams*, 33 GEO. J. LEGAL ETHICS 931, 949 (2020) (describing issue spotting “as perhaps the most fundamental legal skill, a skill that necessarily transcends any particular specialized knowledge”) (internal quotations omitted); accord Sherri Lee Keene & Susan A. McMahon, *The Contextual Case Method: Moving Beyond Opinions to Spark Students’ Legal Imaginations*, 108 VA. L. REV. ONLINE 72, 82 (2022).

128. See Christopher B. Mead, *Motions in Limine: The Little Motion that Could*, 24 LITIG. 52, 54 (1998) (discussing how attorneys “must analyze a host of factors in choosing between filing a motion in limine and waiting to make an objection at trial”).

129. This approach responds to concerns that law students are left “largely on their own to acquire the skills of issue spotting and rule application.” Jaime R. Abrams, *The Deconstructed Issue-Spotting Exam*, 68 J. LEGAL EDUC. 194, 201 (2019).

130. See *Five Tips for a More Effective Motion Practice*, LEWIS RICE (Mar. 2, 2017), <https://assets.lewisrice.com/content/uploads/2017/03/Five-Tips-for-a-More-Effective-Motion-Practice.pdf> (“Just because you can file a motion does not mean you should. Carefully choosing when and when not to engage in motion practice can be the difference between moving a case forward quickly toward a successful end and an expensive and wholly ineffective boondoggle.”) (on file with Syracuse Law Review).

131. Such feedback is particularly important given that law students often struggle with persuasive tone. See Kathy Stanchi, *Teaching Students to Present Law*

process mirrors the collaborative dynamic between junior associates and supervising attorneys, where initial drafts undergo multiple revisions before filing.¹³² By requiring students to address specific feedback, the exercise becomes an iterative learning experience that reinforces the connection between analysis and advocacy.

2. *Adversarial Brief Exchange*

Once students select what evidence to address, internal competitions can structure the briefing sequence to replicate adversarial practice. While external competitions require simultaneous brief submission, internal competitions can add sequential briefing. Internal competitions benefit from a single-institution setting and a semester-long timeline. These attributes enable faculty to coordinate staggered deadlines and ensure students face the same opponents throughout the briefing sequence. Students can draft initial motions, receive briefs from their opponent on various issues, and prepare responses defending challenged evidence.¹³³

Responsive brief writing forces advocates to operate defensively: advocates must address opponent arguments while constructing affirmative reasons for admission. When responding to an opponent's motion, students cannot simply present their preferred legal analysis. Instead, they must address the opponent's specific arguments, distinguish the cases cited against them, and explain why the opponent's factual characterization is wrong—all while building their own affirmative case for admitting the evidence.¹³⁴

Persuasively Using Techniques from Psychology, 19 PERSPECTIVES: TEACHING LEGAL RSCH. WRITING 142, 142 (2011).

132. See generally Andrea A. Curcio, Gregory Todd Jones & Tanya M. Washington, *Does Practice Make Perfect?: An Empirical Examination of the Impact of Practice Essays on Essay Exam Performance*, 35 FLA. ST. U. L. REV. 271, 282 (2008) (“Improving metacognitive skills, and thus improving academic performance, requires practice, feedback and employing strategies on a consistent, intensive, and explicit basis.”).

133. In practice, motions in limine involved staggered briefing, like other motion practice. See, e.g., SUPER. CT. S.F. CNTY., LOC. R. 6.2 (requiring opening briefs for motions in limine at least ten days prior to trial, while oppositions are due no later than the date of trial); Standing Order for Judge Leichty, N. D. IND. (requiring opening motions in limine briefs at least 14 days before the final pretrial conference order and oppositions at least a week later).

134. See generally Adam Lamparello, *Writing an Effective Opposition Brief*, APPELLATE ADVOCACY BLOG (Jan. 25, 2025), <https://www.appellateadvocacyblog.com/2025/01/writing-an-effective-opposition-brief.html> (describing effective opposition briefs) (on file with Syracuse Law Review).

3. Pretrial Strategic Adaptation

The third enhancement internal competitions can offer involves the timing and impact of judicial decisions. For internal competitions, faculty can render decisions weeks before the trial. Extended timelines provide students more time for deeper strategic restructuring.¹³⁵

The *Luce/Ohler* doctrine provides one example.¹³⁶ When courts deny motions to exclude prior convictions, students face the same strategic dilemma that experienced criminal defense attorneys face: have a witness testify and risk damaging cross-examination to preserve appellate rights, or suggest they remain silent and foreclose an appeal.¹³⁷

Students need time to work through the cascading implications of such procedurally complex matters. Choosing the testimony route requires revising opening statements, reconsidering witness sequencing, and preparing for more intensive cross-examination. Choosing silence requires developing alternative case theories and modifying defensive narratives. If drafted with a choice of witnesses, students may elect to forego calling the defendant and instead call a different witness.¹³⁸

Even beyond decisions implicating the *Luce/Ohler* doctrine, internal competitions can allow students to explore evidentiary rulings in greater depth.¹³⁹ Extended time between rulings and competitions means students can completely rewrite opening statements, restructure witness examination sequences, and meaningfully prepare witnesses to handle problematic evidence through multiple practice sessions.¹⁴⁰

135. A sample syllabus for a twelve-week trial advocacy course incorporating written motions in limine and culminating in an internal competition is available upon request from the authors.

136. See *supra* Part I(B)(2) and accompanying notes (discussing the *Luce/Ohler* doctrine).

137. See, e.g., Anna Roberts, *Conviction by Prior Impeachment*, 96 B.U. L. REV. 1977, 1986–87 (2016) (detailing decisions forced by the *Luce/Ohler* doctrine).

138. See generally, e.g., ELIZABETH I. BOALS, *STATE V. PEYTON: CASE FILE, TRIAL MATERIALS* (Aspen Publ'g, 3d ed. 2022) (criminal fact pattern written with defendant testimony and optional expert witnesses).

139. Cf. Jack McManus, *Preparing for Deposition—A Case Theory Approach for Systematic Preparation*, NAT'L ASS'N OF ATT'YS GEN. (Aug. 30, 2022), <https://www.naag.org/attorney-general-journal/preparing-for-deposition-a-case-theory-approach-for-systematic-preparation/> (discussing how a lawyer's "factual theory will evolve from the time [attorneys] start working on the case until the time the trial starts, and [attorneys' case] them will evolve with it") (on file with Syracuse Law Review); see also Elliott S. Milstein, *Clinical Legal Education in the United States: In-House Clinics, Externships, and Simulations*, 51 J. LEGAL EDUC. 375, 378 (2001) (discussing the value of teaching how to develop a case theory early and revise it as necessary as situations change).

140. See Mead, *supra* note 128, at 67 (discussing how motion in limine rulings help attorneys "plan the flow of evidence" pretrial).

Advocates can research new legal authorities, seek faculty guidance on revised strategies, and integrate motion outcomes with ongoing coursework.¹⁴¹ Through this extended process, students more fully internalize how every strategic door that closes forces others open—precisely the adaptive thinking that characterizes sophisticated legal practice.

Extended post-motion timelines allow students to experience the iterative consultation and strategic refinement that evidentiary determinations trigger in practice. This transforms doctrinal knowledge into comprehensive lessons in strategic adaptation and professional judgment—precisely the integrated learning that trial advocacy programs should provide.

4. Reflective Practice Development

Internal competitions can further enhance learning through post-trial reflection on how motion rulings shaped trial outcomes.¹⁴² After completing their trials, students can analyze how evidentiary decisions affected witness examinations, opening statement structure, and jury persuasion strategies. Students who unsuccessfully sought to exclude evidence can evaluate whether their mitigation strategies successfully minimized harmful evidence. Such reflection can include discussing strategy choices with classmates, particularly those who moved on the same evidence but received a different ruling.

This retrospective analysis teaches students to recognize the strategic interconnections between written advocacy and trial performance.¹⁴³ Students learn to identify which arguments proved most persuasive to judges, which evidentiary exclusions had greater tactical impact than anticipated, and how different rulings might have altered case outcomes.¹⁴⁴ Such reflection develops the strategic hindsight that

141. Students would have one week to prepare oppositions, thereby gaining experience writing on tight deadlines and strengthening time-management skills. Cf. Tamar Ezer, *Teaching Written Advocacy in A Law Clinic Setting*, 27 CLINICAL L. REV. 167, 179 (2021) (“Many students have difficulties with time management.”).

142. Cf. James A. Johnson, *Cross-Examination*, 48 MD. B.J. 20, 24 (2015) (discussing how case theory “explains the legal theory and factual background and ties the evidence into a coherent whole”).

143. Cf. Stephanie A. Vaughan, *Persuasion Is an Art . . . But it is Also an Invaluable Tool in Advocacy*, 61 BAYLOR L. REV. 635, 678 (2009) (discussing the similarity between oral and written advocacy).

144. Cf. Robert E. Scott & George G. Triantis, *Anticipating Litigation in Contract Design*, 115 YALE L.J. 814, 826 (2005) (“[E]videntiary decisions are interactive, in the sense that the marginal benefit of one party’s evidence is affected by the other’s evidentiary strategy.”).

enables attorneys to improve motion practice and litigation strategy in future cases.¹⁴⁵

Both external and internal competition models demonstrate that written motions in limine can be successfully integrated into trial advocacy education. External competitions can provide standardized skill development within necessary tournament constraints. Internal competitions can incorporate greater complexity that better mirrors litigation practice.

The implementation framework addresses practical concerns while preserving educational priorities. Strategic case drafting creates genuine evidentiary challenges. Collaborative grading ensures rigorous evaluation. Adequate timeframes permit thoughtful briefing and adaptation. Together, these elements transform trial advocacy programs from purely oral exercises into comprehensive litigation training that reflects modern practice. As law schools prioritize practice-ready skills, this addition enhances educational value and real-world relevance while preserving the oral advocacy focus central to trial competitions.

CONCLUSION

Integrating written motions in limine into trial advocacy programs is not merely curricular tinkering. It is a realignment to modern practice. Contemporary litigation centers on pretrial motion practice; oral objections alone no longer suffice.

The pedagogical benefits span three critical dimensions. Students master sophisticated fact evaluation, learning to think like advocates, opponents, and judges simultaneously. They develop professional judgment by navigating the strategic complexities of motion practice. Most crucially, they bridge the persistent gap between academic exercises and the persuasive writing that defines successful practice.

Including written motions in limine in trial advocacy programs also addresses a persistent misconception: the perceived lack of academic rigor in trial advocacy compared to appellate advocacy. Written motions require independent research, complex evidentiary analysis,

145. Self-reflection is critical for legal professionals and thus worthy of law school attention. See Becky L. Jacobs, *Cultivating Purposeful Curiosity in A Clinical Setting: Extrapolating from Case to Social Justice*, 21 CLINICAL L. REV. 371, 382 (2015). It helps students “critically think about their learning and [better] initiate and sustain focused goal-orientated activities while ignoring distractions and setbacks.” Sandra L. Simpson, *Law Students Left Behind: Law Schools’ Role in Remediating the Devastating Effects of Federal Education Policy*, 107 MINN. L. REV. 2561, 2585 (2023).

and persuasive writing comparable to appellate briefs. This integration invites broader faculty participation—evidence, legal writing, and substantive law faculty—all contributing as judges and mentors. The result: intellectual credibility without sacrificing practical focus.

The institutional benefits follow. Programs gain prestige. Employers take notice. Faculty support strengthens. And, most importantly, graduates emerge as more practice-ready attorneys who understand that litigation success depends equally on written motion practice and courtroom performance.