



Mock Trial Matters

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SPRING 2005: Vol. 5, Issue 2

Mock Trial Matters to Students

The 2004 Widenhouse Award Essay

A North Carolina student explains how mock trial has enhanced his leadership abilities

The NBSMTC Invitational Essay

A student from South Carolina's 2004 National High School Mock Trial Championship team discusses why all the sacrifices needed to become a champion are worth it.

Mock Trial Matters in the

STATES



A Survey Concerning State High School Mock Trial Competitions

Data covering all aspects of state mock trial programs are included in this 171-page survey to which all states Participating in the NBSMTC participated. The various topics covered will be elaborated upon in future issues of *Mock Trial Matters*.

The 2004 Illinois Mock Trial Exam

This exam is a unique addition to Illinois's Mock trial program.


Mock Trial Summer Institutes


UCLA Summer Institute


The Mock Trial Academy (Illinois)


CALENDAR





 **March 15** Deadline for submitting letter of intent to run for the National High School Mock Trial Championship, Inc. Board of Directors

 **April 1** Deadline for states to submit bids to host the 2008 National High School Mock Trial Championship.

 **April 1** Deadline for states to submit comments on proposal to change the days of the week on which the competition is held.

 **April 1** National Case available on NBSMTC web site

 **May 5-8** National High School Mock Trial Championship to be held in Charlotte, North Carolina

 **May 5**
1:15 pm - 2:15 pm State Coordinator Round Table, Adam's Mark (Carolina A/B)

2:30 pm - 3:15 pm State Coordinator Meeting, Adam's Mark (Carolina A/B)

North Carolina's M. Gordon Widenhouse, Jr. Scholarship Essay Contest

One North Carolina mock trial participant each year receives the \$500 M. Gordon Widenhouse Scholarship. The application is distributed at the Regional Competition in November and requires a 500-word essay that addresses the following:

***"What have you learned from the mock trial experience?
Please address the program's impact on your leadership abilities."***

One student (senior) per team is nominated. Each submits the application, along with a letter of recommendation, from a team advisor (teacher or attorney) which should focus on the student's leadership abilities and contributions to his/her mock trial team. The [award] was established to honor the energy and commitment of the North Carolina mock trial program's first Academy program chair. The award's recipient "will not necessarily be a team's star witness or attorney," but will be the person who has held his or her team together throughout practices and competitions.

The applications are reviewed primarily by the person for whom the scholarship is named, but also by the state coordinator's office. The submission should include the application, the letter of recommendation, and transcript. The winner is announced at the banquet after the first day of State Finals competition. The 2004 winning essay was written by Mathew Leach, an attorney on the Ashcroft High School mock trial team that won the 2004 North Carolina Mock Trial Championship.

2004 M. Gordon Widenhouse, Jr., Award Essay

By Matthew David Leach

The normal connotation of the term "riches" is images of jewels, gold, or the general idea of money – in other words, tangible items. However, my Wade Edwards High School Mock Trial experience has not come down to the tangible riches of the program and competition (i.e. "Best Attorney" certificates, championship medals/plaques, though those are quite nice) but of the intangibles, things far more valuable and worthwhile.

The mock trial program opened my eyes to a wider range of people that I would not have had the pleasure of meeting any other way. I had the privilege of meeting some of the most intelligent, interesting, and compassionate people that I have come across in my high school career, and, most importantly, we all became friends. Even more amazing was the sense of unity and camaraderie that occurred not just among teammates of the White (Junior Varsity) or Blue (Varsity) teams but across team lines, as well as across grade levels and age gaps. In fact, most of my closest and best friends I have met on the mock trial team came from all grades and ages, and I cannot imagine having gone through these past four years without their support, input, and company.

Critical skills necessary for functioning in the "real world" have all been present with Mock Trial. One of the key components that my attorney advisor, Steve Schmidly, is always hammering into the team's heads is the necessity to "listen." Listening is an important skill undoubtedly important for the competition but essential for keeping

informed. In essence, Steve wants us to open our ears to information. Furthermore, the way that information is handled upon its reception has been taught: critical thinking and situation analysis. While these abilities could be taught at school, neither of them is handled with the precision and real world application that arises with Mock Trial.



The joy of triumph and the agony of defeat are all too familiar lessons that I have had the fortune of learning during Mock Trial. I have stood as a member of the state championship team after having lost the regional competition just months earlier. It was quite clear that just because a snag or two is hit on the path that does not mean the journey has come to an end. More importantly, I was deeply impressed, but I cannot say surprised, with my team's conviction to trudge on through the defeat and turn the season around. That was truly a sight worth experiencing.

My leadership abilities have been sharpened and enhanced invaluable. Organization is a big part of the program, whether dealing with meeting times, direct examinations, or who is rooming with whom. I had no choice but to get organized and stay that way. With age in the program has come more responsibility. I have received bigger and bigger parts over the years, and I have done all that I can to aid my teammates, which ties right in with cooperation. Cooperation at school is not in the same realm as Mock Trial, for ways must be found to work together nearly every day during the entire year. Through Mock Trial, I have been able to develop my skills as a team player and as an organized leader.

To me, Mock Trial has been the most important program that I have been a part of in high school. It has given me an abundance of tangibles, but I am able to leave the program a far more wealthy man with the intangible riches. I only wish that I had the opportunity to spend another year with all of the friends I have made in the program, but I thank God that I had the time that I did with my teammates, coaches, and competitors. Mock Trial has truly been a blessing.

Each year the National Championship team is asked to designate a student to write an article for Mock Trial Matters discussing a significant aspect of his or her mock trial experience. Beginning with the Fall 2005 issue, that opportunity will be specifically offered to the runner-up team as well. Any mock trial student, however, is always welcome to submit an article to Mock Trial Matters discussing a meaningful aspect of his or her mock trial experience.

Sacrifice and Triumph: The Trade-off Was Worth It

By Elizabeth Sowers

Elizabeth Sowers was a witness on the 2004 National High School Mock Trial Championship team from Bob Jones Academy High School of Greenville, South Carolina, coached by Michael Murphy. Her team edged Rhinelander High School of Rhinelander, Wisconsin, pictured below, by winning the ballots of six of the eleven judges to Rhinelander's five.

My palms were sweaty, there were butterflies in my stomach, and my heart was racing. I was sitting at the end of the defense table watching my lawyers quickly jotting and passing notes. It was almost my turn. I would take the stand as the defendant for the last time of my high school career, and who would have thought that it would be in the final round of the National High School Mock Trial Championship?

I started doing Mock Trial as a freshman in high school. There were four freshmen on the Bob Jones Academy B team. Three of us stuck with it all the way through. Ashleigh Millard, Richie Patton, and I were the core members of a team that we never thought would go very far. I don't even think our coach, Mr. Michael Murphy, thought we would go all the way to nationals when we first started out.

My freshman and sophomore years, we didn't even make it past the district competition. I remember Mr. Murphy writing in my yearbook my sophomore year that he hoped that one day he could take us to the *state* finals, where the top teams from each region – 16 or so in all - compete for the state championship. That next year he got his wish. We added lawyer Matthew Miller and three witnesses: Ben Adams, Kerry Weigand and Daniel Hindman. Somehow, by God's grace, we made it to state finals and, as an even bigger surprise,—we won. We were on our way to Nationals in New Orleans. We finished ninth in the nation in 2003. I think we were all pretty content with that. We hadn't even expected to make it that far.

My last year of mock trial was unlike any other. I was ready to do it in the beginning. I love the challenge of getting a witness role, pulling the case apart, really creating a character, and then getting with the lawyer, learning about the law, and figuring out what I may and may not say on the witness stand. However, there was something different about that last year: I was getting tired and stressed to the limit. During practice I felt so worn out. We had so many late nights with Mr. Murphy and our attorney coach, Mr. Allen Fretwell, that I think most of us who had done mock trial before were ready to

scream. Then we got to competition, and the adrenaline and thrill of doing it kicked in and we were all ready to go.

Both the teams from Bob Jones made it to the state finals. We were able to practice scrimmaging against each other. At the state finals, we had trials during the day and one in the evening. When they posted the competitors for the evening trial, we realized that the two Bob Jones teams would be facing each other. It was really strange, since we had previously scrimmaged against each other so many times. My team won, defeated some other fine teams, and we were on our way to Nationals for the second time.



**The 2004 National High School Mock Trial Champions
From Bob Jones Academy High School of Greenville, South Carolina**

The biggest struggle I have ever had in mock trial was not while testifying, or even in the courtroom; it came when the team found out that nationals was the same week as our high school graduation. Shortly after graduating the six seniors on the team were going to have to step onto a plane headed for Orlando and be ready for competition the next morning. The fact that I was missing almost all my friends' graduation parties was really disappointing. I wasn't sure if the trade-off was really worth it.

I'm standing in front of the platform with my entire mock trial team holding hands and crossing fingers. We hear the announcement that we are the National champions and all the sweat, prayers, and tears have immediately paid off. Now the memories come flooding back, the many lessons learned prominent among them.

There is no doubt that the trade-off was worth it.



**Rhinelander High School, the 2004 National High School Mock Trial
Championship Runner-Up**

Mock Trial Matters will occasionally make available information concerning both mock trial summer programs for high school students, and college mock trial programs and scholarship opportunities. This should not be taken as an endorsement by either the editors of **Mock Trial Matters**, or the **Board of Directors of the National High School Mock Trial Championship, Inc.**, of any program or its sponsors.

THE UCLA SUMMER INSTITUTE

Two summer programs for high school students will be held on the UCLA campus: a one-week Mock Trial Institute to be held from **June 26- July 2**, and a one- week Summer Law Institute, co-sponsored by the Constitutional Rights Foundation and the UCLA School of Law, to be held from **July 31- August 6**.

The **June 26-July 2 Mock Trial Institute**, sponsored by **UCLA**, will provide high school students the opportunity to learn trial advocacy skills from some of the top mock trial collegiate coaches in the country as well as the UCLA Mock Trial Team, the 2004 Collegiate National Champion. The Institute features classroom sessions on evidence, trial techniques, and witness performance, as well as field trips to the Federal Courts, UCLA Law School, and the LAPD Crime Lab. While learning about our legal system, students will work in small group settings with UCLA Mock Trial Team members, developing their trial advocacy and public speaking skills.

Program registration is now open. Please visit <http://www.specialprograms.ucla.edu/mocktrial/> for more information about the program and comments from students about last fall's Institute. Access to this web site requires the installation of Flash.

For those of you living in the LA area, on Saturday, March 12th the UCLA Office of Summer Sessions will be hosting a Summer Preview event for high school students and their families.

Please contact the program director at mocktrial@specialprograms.ucla.edu if you have any specific questions or concerns.

MOCK TRIAL ACADEMY: STEP INTO THE COURTROOM

By: Alicia M. Hawley, Esq.

Mock Trial Academy is a trial advocacy conference, endorsed by the American Mock Trial Association (AMTA), where real life trial lawyers and college Mock Trial coaches from around the country instruct high school students in the art of trial advocacy. This year's conference will be held at North Central College in Naperville, Illinois, one of Chicago's western suburbs, from June 16-26, 2005.

Last year's conference was a great success, bringing together students from five different states and twelve different high schools to learn the ins and outs of trial advocacy. Students who took advantage of this program included mock trialers from three high schools that competed at the 2004 National High School Mock Trial Championship

Tournament in Orlando, Florida - Timothy Christian in Illinois, John Adams in Indiana, and Clayton High School in Missouri.

At Mock Trial Academy, high school students get expert instruction from some of the most knowledgeable Mock Trial minds in the country. Mock Trial Academy students will spend their days learning the principles and the finer points of each stage of trial, including opening statements, direct examinations, cross examinations, closing arguments, objections, courtroom procedures and trial strategy. Students immediately apply what they learn as they prepare to try a fictitious case that was previously used in college Mock Trial competition.



The 2004 Summer Academy Class

Students at the 2004 Academy prepared and tried *People v. Lee Darnell*, a fictitious case in which the defendant was charged with murdering her own son. Students at the 2005 Academy will learn as they prepare *Chris Daniel v. Chuggie's Sports Bar*, a fictitious case in which the plaintiff has sued the defendant for injuries sustained while playing a game called Human Darts at the defendant's bar.

Students also participate in numerous field trips and social events, which include shopping on Chicago's famous Michigan Avenue and visits to The Sears Tower, Northwestern University, a downtown Chicago law firm, and a courthouse. Social events include movie night, karaoke, and Whirlyball (a Chicago favorite combining basketball, lacrosse, and bumper cars).

AMTA, the governing body that administers every college mock trial tournament in the United States, endorses our program. If high school students are looking to get a jump on their college mock trial preparation, there is no better place, as all faculty and guest speakers at Mock Trial Academy are affiliated with AMTA.

Students who will be in Grades 9-12 in the 2004-2005 school year are eligible to apply for admission to Mock Trial Academy. Mock Trial Academy offers two levels of

instruction: Trial Advocacy I for those with little or no mock trial experience and Trial Advocacy II for more advanced mock trial students. For more information, please visit our website at www.mocktrialacademy.com, email information@mocktrialacademy.com, or call 773.244.2934.

The application deadline is April 8, 2005, but we review applications in the order we receive them. So apply soon, and experience Mock Trial Academy.

The 2004 Illinois State Bar Association High School Mock Trial Law Test

The Illinois State Bar Association High School Mock Trial Law Test started out as a way to keep students busy when they weren't participating in a trial. They seemed to like it, so it was made a regular part of the Illinois competition. An award is given to the highest scoring student and to the team that scores the best on the test. While some of the questions are peculiar to Illinois or to the rules of the Illinois competition, many of the questions - and certainly the concept - are applicable everywhere.

The correct answer to each question is denoted in **red**.

1. In a jury trial, the jury deliberations are lead by:

- a. **The jury foreperson**
- b. The clerk of the court
- c. The judge
- d. The defense counsel
- e. The prosecution counsel

2. What do you call a trial without a jury present?

- a. Invalid trial procedure
- b. Oral argument
- c. **Bench trial**
- d. Closed court
- e. None of the above

3. Who is responsible for instructing the jury in a criminal trial?

- a. Trial counsel
- b. Jury foreperson
- c. Clerk of the court
- d. **The judge**
- e. Any of the above

4. Which of the following objections would you now use to claim that the opposing counsel is asking or providing information that is not part of the mock trial materials?

- a. Creation of material fact
- b. Outside the scope of the mock trial materials
- c. **No such objection is allowed; the attorney must impeach the witness on cross**
- d. Unfair extrapolation
- e. Hearsay

5. If a witness offers an out-of-court statement made by another person to prove a matter asserted in the witness's own testimony, that statement is called:

- a. Argumentative

- b. **Hearsay**
 - c. Asked and answered
 - d. Leading
 - e. Improper character testimony
6. Attorneys may only ask leading questions
- a. During direct examination
 - b. **During cross-examination**
 - c. During opening statements
 - d. During closing arguments
 - e. Leading questions are never allowed
7. Of the following, which step comes first during the trial process?
- a. admission of evidence
 - b. jury instructions
 - c. verdict
 - d. direct examination by defense counsel
 - e. **direct examination by prosecution counsel**
8. In a criminal trial, the burden of proof is always:
- a. based on a preponderance of the evidence presented
 - b. **beyond a reasonable doubt**
 - c. determined by the judge
 - d. determined by the jury
 - e. none of the above
9. An "excited utterance" is an exception to which standard courtroom objection?
- a. leading question
 - b. asked and answered
 - c. lack of personal knowledge
 - d. **hearsay**
 - e. lack of proper foundation
10. In the landmark Miranda case, which of the following protections are not guaranteed?
- a. right to remain silent
 - b. right to counsel of appointed lawyer
 - c. right to be advised of your right to silence and your right to counsel
 - d. **protection against cruel and unusual punishment**
 - e. all of the above
11. When an attorney objects during the trial, which has the right to make the final determination regarding the objections?
- a. **the judge**
 - b. the jury
 - c. the witness
 - d. opposing counsel

- e. any of the above
12. To become a licensed attorney in Illinois, which of the following is not required:
- a. graduation from law school
 - b. passing a bar examination
 - c. passing a professional responsibility examination
 - d. proving you have appropriate "character and fitness"
 - e. **residency in Illinois**
13. In a trial, proving the case either beyond a reasonable doubt or by a preponderance of the evidence is the responsibility of:
- a. the judge
 - b. the defense/defendant
 - c. both sides, equally divided
 - d. **the prosecution/plaintiff**
 - e. the jury
14. A stipulation is an agreement that certain facts pertaining to the case:
- a. may never be admitted into evidence
 - b. may only be referred to by the plaintiff
 - c. **may be admitted into evidence**
 - d. only the judge may see
 - e. none of the above
15. Testimony by an expert witness:
- a. cannot be considered by the jury
 - b. should be given special consideration by the jury
 - c. **should be considered on the same basis as any other witness testimony**
 - d. should only be considered by the judge
 - e. none of the above
16. In determining a verdict, the judge, or jury may consider:
- a. **the law, testimony, exhibits and stipulations**
 - b. testimony of expert witnesses only
 - c. stipulations only
 - d. anything they want
 - e. b and c only
17. Pointing out a prior inconsistent statement of a witness during cross-examination is called:
- a. **impeachment**
 - b. contradictory evidence
 - c. hearsay
 - d. improper recollection
 - e. none of the above
18. Under the Twenty-Second Amendment, the maximum time a U.S. President may serve is:

- a. four years
- b. **eight years**
- c. 10 years
- d. no limit
- e. none of the above

19. Circumstantial evidence:

- a. can be used only in civil, not criminal, cases.
- b. may be used only if character is an issue.
- c. **leads to a reasonable inference of other facts.**
- d. may only be used in negligence cases.
- e. none of the above.

20. Which of the following is NOT an exception to the hearsay rule?

- a. statement goes to the state of mind of the defendant
- b. excited utterance
- c. **factual evidence that is pertinent to the case**
- d. statement is made by the defendant and goes against the defendant
- e. all of the above are exceptions to the hearsay rule

21. When the jury is not allowed to go home during the course of the trial, this is called:

- a. **Sequestering the jury**
- b. Impounding the jury
- c. Empanelling the jury
- d. Secreting the jury
- e. Closeting the jury

22. Which of the following would be considered a leading question?

- a. State your first and last name?
- b. Please state your address?
- c. What is your occupation?
- d. **You really didn't see anything, did you?**
- e. Where were you on the day in question?

23. The period of time during which a person may be charged with a crime is called

- a. pro bono publico
- b. **statute of limitation**
- c. amicus curiae
- d. writ of habeas corpus
- e. none of the above

24. Jurors are expected to reach a decision based only upon the evidence

- a. **Presented during the trial**
- b. Reported in the media
- c. Their life experiences
- d. A and B

e. A, B, and C

25. Mr. Blue, a teacher who has known a student for four years of high school, later testifies at the student's criminal trial for murder that the student did not do well in high school because of deep psychological problems. What would be an appropriate objection to this comment?

- a. **Opinion testimony**
- b. Relevance
- c. Hearsay
- d. No personal knowledge
- e. Any of the above

26. In Illinois, cases routinely follow which course through the courts?

- a. Appellate Court, Supreme Court, Trial Court
- b. Supreme Court, County Court, Circuit Court
- c. Circuit Court, Supreme Court, Appellate Court
- d. **Circuit Court, Appellate Court, Supreme Court**
- e. Any of the above

27. During class, on which infamous serial killer did Craghead report?

- a. Ted Bundy
- b. Jeffrey Dahmer
- c. **Jack the Ripper**
- d. John Gacy
- e. All of the above

28. In order to run for President in the United States, one must:

- a. Be at least 18 years old
- b. Be no older than 70
- c. Be a citizen of the United States for at least 20 years
- d. **Have been born in the United States**
- e. None of the above

29. *Voir Dire* is examination of

- a. The judge
- b. The prosecutors
- c. Defense attorneys
- d. **Potential jurors**
- e. None of the above

30. The objective of a closing argument is to:

- a. Provide a clear and persuasive summary
- b. Point out weaknesses in the opposition's arguments
- c. Argue your own position
- d. **a, b and c**
- e. a and c only

TRUE FALSE

31. **T F** In the American justice system, all people are presumed to be guilty until proven innocent
32. **T F** In a civil case, as in a criminal case, you have the right to a court appointed attorney.
33. **T F** A hung jury results in the case being tried again with the same jury.
34. **T F** In a criminal case, the defendant is not required to appear on the witness stand to give testimony in court.
35. **T F** The role of the prosecution is to defend the accused.
36. **T F** In a civil case, the plaintiff is the person being sued.
37. **T F** Irrelevant evidence contributes toward proving or disproving a material issue.
38. **T F** When a judge overrules an objection, the question and the answer are both stricken from the record.
39. **T F** Hearsay is allowable if it describes the then-existing state of mind of a relevant person in the case.
40. **T F** In mock trials, as in real trials, objections may be made during opening statements.
41. **T F** An excited utterance is not admissible because such a statement is less reliable.
42. **T F** In mock trials, if a witness is asked a question on cross-examination about information that is not part of the case materials, he or she may invent or create an answer, so long as it is consistent with the facts in the materials.
43. **T F** In cross-examining a witness, a lawyer is free to ask the witness anything at all, as long as the question pertains to the case.
44. **T F** When refreshing a witness's recollection, the lawyer does not have to have whatever document is used to do so admitted as evidence.
45. **T F** The burden of proof in a civil trial, is beyond a reasonable doubt.
46. **T F** A mediator is a neutral third party who assists parties in reaching a voluntary, satisfactory solution to issues in a dispute.
47. **T F** Witnesses may never offer their own opinions.
48. **T F** Overruled objections may be considered by the jury during their deliberations.