
2021-2022
MYLaw High School Mock Trial
Case & Competition

Estate of Aaron Griggs v. Jodie Donahue



We would like to acknowledge our tremendous appreciation for
our talented MYLaw Mock Trial Committee including
Ben Garmoe, Esq., who authored this case.

With gratitude to the Maryland Judiciary, CRC Salomon Court Reporting,
and Mock Trial Sponsors

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Important Contacts for the Mock Trial Competition

Please call your local coordinator for information about your county/circuit schedule.

Your second point of contact is the State Mock Trial Coordinator:

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Circuit 5—Carroll, Howard, Anne Arundel

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Mr. Mike Baruch
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A competition schedule will be published in mid-December.
Circuit Champions must be declared by February 24.



Thank you, 2021-22 Mock Trial Sponsors & Donors!

This competition would not be possible without those noted below. Mock Trial is funded by sponsors, donors, and school registration fees.

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**Our deepest gratitude to CRC
Salomon Court Reporting, whose
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the continuation and success of
MYLaw Virtual Mock Trial.**





October 31, 2021

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Dear Coaches, Advisors and Students,

Welcome to a new season of Mock Trial! We are thrilled that you have chosen to participate this year.

After a year filled with uncertainty, thankfully, some things are returning to “normal.” We understand, however, that normal may not be exactly the way things were in the past. As always, MYLaw always hopes to bring you the best experience possible; part of that, this year, is making sure we support Mock Trial in whatever form your county deems feasible. Some of you will be virtual and others in-person, and still others may be a combination. Regardless, it’s our hope that you stay safe and well, while enjoying the Mock Trial Competition.

We also hope you will enjoy this year’s case, which focuses on premises liability and weaves in urban exploration. Premises liability cases are common in many personal injury practices. In fact, it is the fourth leading area of practice for personal injury lawyers, behind motor vehicle crashes, product liability and medical malpractice.

Interest in urban exploration has risen exponentially in recent years, with more and more people seeking out abandoned buildings and ruins, often documenting their findings to online followings. The hobby is enjoyed by people all over the world who will go to great lengths to find their way into deserted or otherwise iconic sites. But, the practice should also prompt some very serious questions and planning on the part of the explorers and property owners, as there are some genuinely terrifying—and unexpected—outcomes.

As it is every year, our primary goal is to provide students an exciting and enriching opportunity to learn about the rule of law. The competition provides opportunities to hone skills that will serve you well for the rest of your life. Mock Trial parallels the real world in terms of proceedings, interpretations, and decisions by the Bench. Decisions will not always go your way and you will not always emerge a “winner.” Judges may offer suggestions based on their own preferences—use these as guidelines rather than “right” or “wrong” ways of doing things. The next judge who presides over your competition may prefer things just the opposite—and that, by the way, is very real-world!

Stay safe and be well,

Shelley Brown
Executive Director

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1. GENERAL

1.1. Applicability. These rules shall apply to all MYLAW Mock Trial competitions. Participants are cautioned that the absence of enforcement of any rule within the local circuit competition does not mean the rule will not be enforced at the Regional, Semi-Final, and/or State competition.

1.2. Diversity and inclusion. MYLAW has a policy of inclusion, and welcomes all participants regardless of race, color, religion, gender, sex, sexual orientation, gender identity, national origin, age, disability, ancestry, genetic information, or any other category protected by federal, state or local law.

1.3. Expectation of participants, coaches, hosts and volunteers. Ethical and professional behavior is expected at all times during all phases of the MYLAW Mock Trial Competition. MYLAW prohibits discrimination, retaliation, or harassment in all its forms, by any individual or team. Inappropriate behavior includes but is not limited to:

- Discriminatory comments based upon any ground listed in 1.2;
- Failure to show respect;
- Violating any of the rules outlined within the casebook;
- Adhering strictly to the “No Coaching” rule;
- Engaging in irresponsible behavior that puts oneself or others at risk, including intoxication at any time during competitions;
- Illegal conduct of any sort.

1.4. Ideals of MYLAW Mock Trial. To further understanding and appreciation of the rule of law, court procedures, and the legal system; to increase proficiency in basic life skills such as listening, speaking, reading, and critical thinking; to promote better communication and cooperation between the school system, the legal profession, and the community at large; and to heighten enthusiasm for academic studies as well as career consciousness of law-related professions.

1.5. Integrity. Individuals, teams, coaches and volunteers shall at all times demonstrate the highest standard of ethical conduct, courtesy, legal professionalism, competence and integrity.

1.6. Damage to property. No participant shall intentionally take, move, or cause damage to any property of any school, courthouse, or facility hosting any part of a MYLAW Mock Trial competition.

2. ROLES

2.1. Teacher Coach. The team’s teacher coach is considered the primary contact for each school. The Coach’s primary responsibility is to demonstrate that winning is secondary to learning.

a. Coaching goals. The Teacher Coach shall coach and mentor students about the “real world” aspects of judging in competitions; including but not limited to competition rules, sportsmanship, team etiquette, procedures, and courtroom decorum.

b. Coaches’ responsibilities. The Teacher Coach shall recruit students for the team; arrange practice sessions and scrimmages; coordinate transportation to and from competitions; supervise the team during practices and competitions; work within the school and greater community to recruit an attorney advisor; communicate with opposing teams prior to competition regarding any relevant issues including the identification of witnesses; and ensure that the team arrives at all scheduled mock trial competitions. Every coach has an obligation to instill by example in every student, respect for Judges, officials and other members of the MYLAW Mock Trial community.

2.2. Circuit Coordinator. Maryland is divided into eight judicial circuits. For the purpose of the Maryland Mock Trial Competition, local competitions will be divided and organized according to the eight judicial circuits. Each circuit shall have a Circuit Coordinator, who will serve as the primary contact for coaches and advisors. Circuit Coordinator contact information is listed on the inside front cover of this book.

MYLAW will send official communication to the Circuit Coordinator who is then responsible for disseminating the information to all Teacher Coaches within their respective circuit. The Circuit Coordinator shall make decisions or mediate at the local level when problems or questions arise; establish the circuit competition calendar; arrange for courtrooms, Judges, and attorneys for local competitions; and arrange general training circuit-wide or county-wide sessions if necessary.

2.3. Local and State Bar Associations. The Bar Associations shall advocate involvement of local attorneys in advising teams and hearing/scoring trials.

2.4. Attorney Advisors. It is the role of the Attorney Advisor to teach basic court processes and procedures, to review and explain modified rules of evidence and their application to the case at hand, and most importantly, to exemplify fairness, professionalism, integrity, and the ideals of the American justice system. In the absence of an Attorney Advisor, these responsibilities become that of the Teacher Coach.

2.5. MYLaw. MYLaw shall provide Mock Trial Guides and rules for the State competition; disseminate information to each circuit; provide technical assistance to Circuit Coordinators; provide certificates to all registered participants who compete for the season; assist in recruitment of schools; and act as liaison in finding legal professionals to assist teams.

3: REGISTRATION AND PAYMENT

3.1. Registration information. Registration information is available on the MYLAW.org website. Registration may be completed online or by mail.

3.2. Team Payment. Payment is expected by the registration deadline. Payments may be made by check or submitted through the PayPal link found on the MYLAW.org website. An invoice is available on the MYLAW.org website for your convenience.

3.3. Primary Contact/Teacher Coach. Each school must have a primary contact person, in most cases the Teacher Coach, in order to register. The Teacher Coach shall be the person MYLAW and/or the Circuit Coordinator communicates with when applicable. All primary contact persons' information shall be current, and shall be listed on the registration form at the time of registration. If a teacher is not available to serve as the primary contact, a parent, administrator or other school affiliate may do so with the permission of the school principal.

4. TEAMS

4.1. Team make-up. A team must be comprised of no fewer than eight (8) but a maximum of twelve (12) student members from the same high school, with the exception of high schools with a Maryland State Department of Education inter-scholastic athletics designation of Class 2A or Class 1A, which may combine with any other schools in the LEA in those classifications to field a team.

- a. Two "alternate" students are permitted during the local competition only. If a coach wishes to carry those two alternates forward to state competitions, any related expenses are the responsibility of the school.
- b. If a team advances beyond the local competition, an official roster must be submitted not to exceed twelve (12) students.

- 4.2. Team Roles.** Teams may use its members to play different roles in different competitions.
- For any single competition, all teams are to consist of three attorneys and three witnesses, for a total of six (6) different students.
 - Note: In Circuits 1 and 2, where teams typically participate in two competitions per evening – once as the prosecution and once as the defense – students may change roles for the second competition.

- 4.3. Fielding teams.** High schools that field two or more teams shall not, under any circumstances, allow students from Team A to compete for Team B or vice-versa.
- Each team must have its own Teacher Coach and Attorney Advisor, separate and apart from the other team.
 - If a high school has multiple teams, then those teams must compete against one another during the local competition.

- 4.4. Team Information.** Teacher Coaches of competing teams are to exchange information regarding the names and gender of their witnesses at least 24 hours prior to any given round.
- Teacher Coach for the plaintiff/prosecution should assume responsibility for informing the defense Teacher Coach.
 - A physical identification of all team members must be made in the courtroom immediately preceding the trial.

4.5. Attorney Advisor. Every effort should be made for teams to work with an Attorney Advisor to effectively prepare for competition.

4.6. Attendance of an opponent’s competition is prohibited. Members of a school team entered in the competition, including Teacher Coaches, back-up witnesses, attorneys, and others directly associated with the team’s preparation, shall not attend the enactments of any possible future opponent in the contest.

5. COMPETITION

- 5.1. Forfeits are prohibited.** All registered teams agree to attend all scheduled competitions.
- Team with inadequate number of students (i.e. due to illness, athletics, or other conflicts), are expected to attend and participate in the competition, regardless.
 - In these instances, a team will “borrow” students from the opposing team, in order to maintain the integrity of the competition, and respect for the Court, Presiding Judge, attorneys and the other team that has prepared for, and traveled to, the competition.
 - The competition will be treated as an automatic win for the opposition.
 - Coaches should make every effort to notify the local coordinator and the other coach in advance of the competition if there are an inadequate number of team members.
 - When an opposing team does not have enough students to assist the other team, students may depict two or more of the roles (i.e. they may depict 2 witnesses or play the part of 2 attorneys).

5.2. Local competitions. Local competitions must consist of enough matches that each participating high school presents both sides of the Mock Trial case at least once.

5.3. Areas of competition. Areas of competition coincide with the eight Judicial Circuits of Maryland.

| | | | |
|---|--|---------------------------------------|--|
| Circuit #1: Worcester Wicomico, Somerset Dorchester | Circuit #2: Cecil, Kent, Queen Anne’s, Talbot | Circuit #3: Baltimore Co., Harford | Circuit #4: Allegany, Garrett, Washington |
|---|--|---------------------------------------|--|

| | | | |
|---|-----------------------------------|---|----------------------------|
| Circuit #5: Anne Arundel, Carroll, Howard | Circuit #6: Frederick, Montgomery | Circuit #7: Calvert, Charles, Prince George's, St. Mary's | Circuit #8: Baltimore City |
|---|-----------------------------------|---|----------------------------|

5.4. "Unofficial" Circuit.

- a. Each circuit must have a minimum of four teams. Circuits that have less than four teams must abide by the following:
 - 1. If a circuit has up to three teams but less than the required minimum of four participating teams, the teams may compete in a "Round Robin" that advances the winner to the competition that determines circuit representative. The runner-up team from another circuit would then compete with the circuit representative in a playoff prior to the Regional Competition (see chart in 5.4).
 - 2. Or, when a circuit has less than four registered team, MYLAW may designate another circuit in which these teams will compete. Geographic location will be the primary factor in making this determination.
 - 3. Or, under the discretion of a circuit coordinator and MYLAW, if a circuit chooses, it may combine with the "un-official" circuit to increase the number of opportunities to compete.
- b. When a "circuit opening" arises, it will be filled by a sequential rotation of circuits. The second-place team from the specified circuit will advance to the regional competitions to fill the opening. If the team is unable to advance, the opportunity will move to the next circuit, and so on, until the opening is filled. In the event that all circuits are officially comprised of a minimum of four teams, the designated circuit will remain the next in-line to advance in future years.

| | | | |
|-----------|-----------|-----------|-----------|
| 2021-2022 | Circuit 3 | 2025-2026 | Circuit 7 |
| 2022-2023 | Circuit 4 | 2026-2027 | Circuit 8 |
| 2023-2024 | Circuit 5 | 2027-2028 | Circuit 1 |
| 2024-2025 | Circuit 6 | 2028-2029 | Circuit 2 |

5.5. Circuit Competition. Each competing circuit shall declare one team as Circuit Champion by holding a local Mock Trial playoff competition. The Circuit Champion shall be declared by the date set forth in this casebook. It is at the discretion of the Circuit Coordinator(s) and MYLaw as to the process by which the champion is declared, particularly if there is more than one county in the circuit.

5.6. Rendered decisions. Attorneys and Judges may preside over, and render decisions, for all matches. If possible, a Judge from the Court of Appeals or Court of Special Appeals will preside over, and render a decision at the State Finals.

5.7. Regional/ Quarterfinal Competitions. Each Circuit Champion will compete against another Circuit Champion in a single competition, in order to determine which team advances to the Final Four. For the 2021-22 competition season, MYLaw will likely create virtual and in-person playoff competitions.

5.8. Dates for MYLAW Final Competitions. Dates for the Regionals, Semi-Finals, and Final competitions will be set by MYLAW and notice will be given to all known participating high schools. Teams that enter into the current year's competition agree to participate on all scheduled dates of the competition as set forth on the MYLaw website or their local Coordinator.

5.9. Declared winner of the Regional Competition must agree to participate on the scheduled dates for the remainder of the competition or be eliminated. Any team that is declared a Regional Representative must agree to participate on the dates set forth for the remainder of the competition.

Failure to do so will result in the team's elimination from the competition and the first runner-up in that circuit will then be the Regional Representative under the stipulations.

6. JUDGING AND SCORING

6.1. Reserved, with information to be provided at a later date.

6.2. Reserved, with information to be provided at a later date.

6.2. All Judges' decisions are final. Appeals are not allowed. MYLaw retains the right to declare a mistrial in the event of a gross transgression of the organizational rules and/or egregious attempt to undermine the intent and integrity of the Mock Trial Competition.

7. DIRECTLY PROHIBITED

7.1. No coaching. There shall be no coaching of any kind during the enactment of a mock trial:

- a. Student Attorneys may not coach their witnesses during the other team's cross examination;
- b. Teacher and Attorney Coaches may not coach team members during any part of the competition;
- c. Members of the audience, including members of the team who are not participating that particular day, may not coach team members who are competing;
- d. Except for the express purpose of keeping time, team members must have their cell phones and all other electronic devices turned off during competition as texting may be construed as coaching.
- e. Teacher and Attorney Coaches shall not sit directly behind their team during competition as any movements or conversations may be construed as coaching.

7.2. Notice of team demographic information is prohibited. Team members or other affiliated parties, shall not, before or during the trial, notify the Judge of the students' ages, grades, school name or length of time the team has competed.

7.3. Attendance of an opponent's competition is prohibited. Members of a school team entered in the competition, including Teacher Coaches, back-up witnesses, attorneys, and any others directly associated with the team's preparation, shall not attend the enactments of any possible future opponent in the contest.

7.4. Use of Electronics. Except for the express purpose of keeping time, the use of electronics (phone, laptop, iPad, etc.) is completely prohibited.

8. General Trial Procedures

8.1 Time limits. Each team must complete its presentation within forty-two (42) minutes.

- a. Each side has a combined total time of forty-two (42) minutes for direct examination, cross examination, re-cross/re-direct and voir dire (if permitted);
- b. Opening statements and closing arguments are five (5) and seven (7) minutes respectfully and are not included in the forty-two (42) minutes permitted under 8.1a.
- c. The "clock" will be stopped during objections (including any arguments related to those objections), bench conferences, the setting up of demonstrative exhibits prior to the examination of a witness (where such activity is permitted by the presiding Judge) and court recesses;
- d. There is no objection permitted by any party based on the expiration of time.

8.2 Use of a Bailiff. Each team is mandated to have a non-competing Mock Trial team member serve as a Bailiff during the course of each competition.

- a. Each Bailiff will keep time for the opposing counsel. The two Bailiffs will sit together in a place designated by the presiding Judge separate from the contending teams. Bailiffs from the two teams will work together collaboratively to ensure the accuracy of their records;
- b. The Bailiff(s) will also announce the Judge, call the case, and swear in each witness;
- c. Each Bailiff shall have two stopwatches, cellphones, or other timing devices.
The second timepiece is intended to serve as a backup device. *Note - cellphones should be employed for the purposes of timekeeping only, with the expressed consent of courthouse officials.*
- d. Each Bailiff shall have visual displays (e.g. cards or pieces of paper) of numbers counting down from 42 in 10-minute intervals, (for example, 40, 30, 20, 10, etc.). At the final 3-minute mark, the Bailiff will begin counting down on the minute (3, 2, 1, 0). As each interval elapses in a team's presentation, the Bailiff will quietly display to both teams and to the presiding Judge, the time-card corresponding to the number of minutes remaining. When the number zero is displayed, the presiding Judge will announce that the team's presentation is concluded. Teams may ask the presiding Judge for courtesy time to complete a presentation, but the extension of courtesy time is intended to permit a team to complete a sentence or thought. It should not extend beyond 15 seconds.

8.3 Student Attorneys.

- a. Roles. The Student Attorney who directly examines a witness is the only attorney who may raise objections when that same witness is being cross-examined. The student attorney who raises objections on direct examination must be the same attorney who then cross-examines that same witness. This same principle applies if a Student Attorney calls for a bench conference; i.e., it must be the attorney currently addressing the Court. The student attorney who handles the opening statement may not perform the closing argument. Each student attorney may conduct only one direct examination and one cross examination.
- b. Addressing the Court. When addressing the Judge, always stand.
- c. Attire. Professional attire should always be worn during competition.

8.4 Evidentiary Materials. Any materials that have been modified for use during trial (e.g., enlarged), must be made available during the trial for the opposing team's use. During witness identification exchanges, please alert the other team if you plan to use modified materials.

9. Invention of Fact. This rule shall govern the testimony of all witnesses. Mock Trial competitors shall advocate as persuasively as possible based on the facts contained in the casebook. Teams must rely on the facts as stated in the case rather than creating new facts or denying existing facts in order to benefit their parties.

9.1. Judges' scoring. If a team demonstrates through impeachment that its opponent has made an Improper Invention, Judges should reflect that violation in the scores by penalizing the violating team, rewarding the impeaching team, or both.

9.2. Improper Invention. There are two types of Improper Invention: 1) Any instance in which a witness introduces testimony that contradicts



the witness's affidavit and/or 2) Any instance on direct or redirect in which an attorney offers, via the testimony of a witness, material facts not included in or reasonably inferred from the witness' affidavit.

Facts are material if they affect the merits of the case. Facts are not material if they serve only to provide background information or develop the character of a witness.

A reasonable inference must be a conclusion that a reasonable person would draw from a particular fact or set of facts contained in the affidavit. An answer does not qualify as a "reasonable inference" just because it is consistent with the witness affidavit.

For the purposes of Rule 9, an affidavit includes the witness's sworn statement, as well as any document in which the witness has stated his or her beliefs, knowledge, opinions or conclusions.

9.3. Trial Remedy for Violations. If the cross-examining attorney believes the witness has made an Improper Invention, the only available remedy is to impeach the witness using the witness's affidavit. Impeachment may take the form of demonstrating either (1) an inconsistency between the witness's affidavit and trial testimony ("impeachment by contradiction") or (ii) that the witness introduced material facts on direct or redirect that are not stated in or reasonably inferred from the witness's affidavit (impeachment by omission"). The cross-examiner is not permitted to raise an objection to the Judge on the basis of "invention of fact."

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Team members will have reliable internet, functioning devices, and a quiet space to compete.

1. GENERAL

1.1. Applicability. These rules shall apply to all virtual MYLAW Mock Trial competitions. Participants are cautioned that the absence of enforcement of any rule within the preliminary competitions does not mean the rule will not be enforced at the Quarterfinal, Semi-Final, and/or State competition.

1.2. Diversity and inclusion. MYLAW has a policy of inclusion, and welcomes all participants regardless of race, color, religion, gender, sex, sexual orientation, gender identity, national origin, age, disability, ancestry, genetic information, or any other category protected by federal, state or local law.

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1.5. Integrity. Individuals, teams, coaches and volunteers shall at all times demonstrate the highest standard of ethical conduct, courtesy, legal professionalism, competence and integrity.

2. ROLES

2.1. Teacher Coach. The team’s teacher coach is considered the primary contact for each school. For virtual competitions, teacher coaches will serve as co-hosts, and as such, will allow each of their team members to “enter the courtroom.” The Coach’s primary responsibility is to demonstrate that winning is secondary to learning.

a. Coaching goals. The Teacher Coach shall coach and mentor students about the “real world” aspects of judging in competitions; including but not limited to competition rules, sportsmanship, team etiquette, procedures, and courtroom decorum.

b. Coaches’ responsibilities. The Teacher Coach shall recruit students for the team; arrange practice sessions and scrimmages; supervise the team during practices and competitions; work within the school and greater community to recruit an attorney advisor; communicate with opposing teams a minimum of 24 hours prior to competition regarding any relevant issues including the identification of witnesses; and ensure that the team appears at all scheduled virtual mock trial competitions. Every coach has an obligation to instill by example in every student, respect for judges, officials and other members of the MYLAW Mock Trial community.

2.2. Circuit Coordinator. In traditional Mock Trial competition years, the Circuit Coordinator serves as the primary contact for schools. For the purpose of the 2021-22 hybrid competition year, Circuit Coordinators will assist with dissemination and collection of information from schools, as well as judge recruitment. Coordinators will also serve as a conduit for coaches' questions and/or concerns which will then be brought to the attention of MYLAW.

2.3. Local and State Bar Associations. The Bar Associations shall advocate involvement of local attorneys in advising teams and hearing/scoring trials.

2.4. Attorney Advisors. It is the role of the Attorney Advisor to teach basic court processes and procedures, to review and explain modified rules of evidence and their application to the case at hand, and most importantly, to exemplify fairness, professionalism, integrity, and the ideals of the American justice system. In the absence of an Attorney Advisor, these responsibilities become that of the Teacher Coach.

2.5. MYLAW. MYLAW shall provide the Mock Trial case, guidelines, and rules for the competition; oversee the virtual competition; disseminate information to each team; provide technical assistance; provide certificates to all registered participants who compete for the season; assist in recruitment of schools; and act as liaison in finding legal professionals to assist teams.

3: REGISTRATION AND PAYMENT

3.1. Registration information. Registration information as well as a list of all participating teams may be found on www.mylaw.org.

3.2. Team Payment. Payment is expected by the registration deadline. MYLAW requests that payments be made online if possible in the 2021-22 competition year. Payments may be made through the PayPal link found on the MYLAW.org website. An invoice and W9 are available on the MYLAW.org website for your convenience.

3.3. Primary Contact/Teacher Coach. Each school must have a primary contact person, in most cases the Teacher Coach, in order to register. The Teacher Coach shall be the person MYLAW and/or the Circuit Coordinator communicates with when applicable. All primary contact persons' information shall be current, and shall be listed on the registration form at the time of registration. If a teacher is not available to serve as the primary contact, a parent, administrator or other school affiliate may do so with the permission of the school principal and as much notice as possible to MYLAW and/or the Circuit Coordinator.

4. TEAMS

4.1. Team make-up. A team must be comprised of no fewer than eight (8) but a maximum of twelve (12) student members from the same high school, with the exception of high schools with a Maryland State Department of Education inter-scholastic athletics designation of Class 2A or Class 1A, which may combine with any other schools in the LEA in those classifications to field a team. A team may carry up to two alternate students, who are permitted to compete only in the event that one of the twelve official members can no longer participate as a member of the team.

- a. Two "alternate" students are permitted during the local competition only. If a coach wishes to carry those two alternates forward to state competitions, any related expenses are the responsibility of the school.

- b. If a team advances beyond the local competition, an official roster must be submitted not to exceed twelve (12) students.

4.2. Team Roles. Teams may use its members to play different roles in different competitions.

- a. For any single competition, all teams are to consist of three attorneys and three witnesses, for a total of six (6) different students.
- b. Reserved.

4.3. Fielding teams. High schools that field two or more teams shall not, under any circumstances, allow students from Team A to compete for Team B or vice-versa.

- a. Each team must have its own Teacher Coach and Attorney Advisor, separate and apart from the other team.
- b. Reserved.

4.4. Team Information. Teacher Coaches of competing teams are to exchange information regarding the names and gender of their witnesses at least 24 hours prior to any given round.

- a. Teacher Coach for the plaintiff/prosecution should assume responsibility for informing the defense Teacher Coach.
- b. A physical identification of all team members must be made in the courtroom immediately preceding the trial.

4.5. Attorney Advisor. Every effort should be made for teams to work with an Attorney Advisor to effectively prepare for competition.

4.6. Attendance of an opponent's competition is prohibited. Members of a school team entered in the competition, including Teacher Coaches, back-up witnesses, attorneys, and others directly associated with the team's preparation, shall not observe or listen to the enactments of any possible future opponent in the contest.

5. COMPETITION

5.1. Forfeits. All registered teams agree to attend all scheduled competitions, even in instances where a team has an inadequate number of students. Virtual forfeits shall occur this season only in the event that multiple members of one team are unable to finish the trial (due to technology). In the event that one student loses connection and is unable to rejoin the trial by the time their next trial function arrives, another student on that team's roster shall fill the missing student's role. If the student loses connection after the trial has begun, the replacement student may include another student already competing in that trial (for example, one attorney could fill two roles or one witness could play two parts). If the connection issues occur before the trial begins, the replacement student may not include another student already competing in that trial. (In other words, if the issue arises before the case is called and it appears likely that the student with connection problems will be unable to reconnect in time to complete their role, their replacement must be someone else on the roster not competing in the round.) In the event a team refuses to designate a replacement competitor, all trial functions not performed should be scored a zero by the scoring judges.

If a team cancels/forfeits, the competition will not be rescheduled. It will be treated as an automatic win for the opposition.

5.2 Notification. Coaches shall make every effort to notify, by email, the local coordinator, MYLaw and the opposition's coach in advance of the competition if there are an inadequate number of team members.

5.3. Structure and dates of competition. Unlike last year (2020-21), teams will compete against teams in only their circuit during preliminary competition. Areas of competition coincide with the eight Judicial Circuits of Maryland. Competition may begin in early January and continue through the end of February. Quarterfinal, semi-final and state championship competitions will be held in March, ending before March 25. A complete schedule of competitions will be published in December.

5.4. “Unofficial” Circuit.

- a. Each circuit must have a minimum of four teams. Circuits that have less than four teams must abide by the following:
 - 1. If a circuit has up to three teams but less than the required minimum of four participating teams, the teams may compete in a “Round Robin” that advances the winner to the competition that determines circuit representative. The runner-up team from another circuit would then compete with the circuit representative in a playoff prior to the Regional Competition (see chart in 5.4B).
 - 2. Or, when a circuit has less than four registered team, MYLAW may designate another circuit in which these teams will compete. Geographic location will be the primary factor in making this determination.
 - 3. Or, under the discretion of a circuit coordinator and MYLAW, if a circuit chooses, it may combine with the “un-official” circuit to increase the number of opportunities to compete.

- b. When a “circuit opening” arises, it will be filled by a sequential rotation of circuits. The second-place team from the specified circuit will advance to the regional competitions to fill the opening. If the team is unable to advance, the opportunity will move to the next circuit, and so on, until the opening is filled. In the event that all circuits are officially comprised of a minimum of four teams, the designated circuit will remain the next in-line to advance in future years.

| | | | |
|-----------|-----------|-----------|-----------|
| 2021-2022 | Circuit 3 | 2025-2026 | Circuit 7 |
| 2022-2023 | Circuit 4 | 2026-2027 | Circuit 8 |
| 2023-2024 | Circuit 5 | 2027-2028 | Circuit 1 |
| 2024-2025 | Circuit 6 | 2028-2029 | Circuit 2 |

5.5. Circuit Competition. Each competing circuit shall declare one team as Circuit Champion by holding a local Mock Trial playoff competition. The Circuit Champion shall be declared by the date set forth in this casebook. It is at the discretion of the Circuit Coordinator(s) and MYLaw as to the process by which the champion is declared, particularly if there is more than one county in the circuit.

5.6. Rendered decisions. Attorneys and judges may preside over, and render decisions, for all matches. If possible, a judge from the Court of Appeals or Court of Special Appeals will preside over, and render, a decision at the State Finals.

5.7. Regional/ Quarterfinal Competitions. Each Circuit Champion will compete against another Circuit Champion in a single competition, in order to determine which team advances to the Final Four.

5.8. Dates for MYLAW Playoffs. Dates for the playoff competitions will be set by MYLAW and notice will be given to all known participating high schools before winter break.

5.9. Declared winner of preliminary competitions must agree to participate on the scheduled dates for the remainder of the competition or be eliminated. Any team that prevails in a competition and advances to the next round, must agree to participate on the dates set forth for the remainder of the

competition. Failure to do so will result in the team's elimination from the competition and the first runner-up in that division will advance in their place.

6. JUDGING AND SCORING

6.1 PROCess. An online scoring software called PROCess will be utilized throughout the competition season. Each judge will score the competition independently. It is entirely possible that teams will tie, as the "tie point" rule has been removed. Teams will log in to PROCess following the conclusion of each round of competition to view scoresheets, comments and standings. Results may take up to 24 hours to post.

- a. Regular season. During the regular season, every effort will be made to secure two scoring judges for each competition.
- b. Quarterfinals, Semi-Finals and State Championship. At least two attorneys (and the judge) will independently score team performance at the trial, using the scoring process provided by MYLaw. Each ballot will be calculated separately from the other ballots. In the event there is a tie (such as if two non-presiding scorers score the trial and their ballots split between the two teams) the presiding judge's ballot shall determine the winner of the trial.

6.2 Judges' decisions are final. Appeals are not allowed. MYLaw retains the right to declare a mistrial in the event of a gross transgression of the organizational rules and/or egregious attempt to undermine the intent and integrity of the Mock Trial Competition.

7. DIRECTLY PROHIBITED

7.1. No coaching. There shall be no coaching of any kind during the enactment of a mock trial:

- a. Student Attorneys may not coach their witnesses during the other team's cross examination;
- b. Teacher and Attorney Coaches may not coach team members during any part of the competition;
- c. Members of the team who are not participating that particular day may not coach team members who are competing;
- d. Coaches and team members are prohibited from using their electronic devices for any means of coaching;
- e. Reserved.

7.2. Notice of team demographic information is prohibited. Team members or other affiliated parties, shall not, before or during the trial, notify the judge of the students' ages, grades, school name or length of time the team has competed.

7.3. Attendance of an opponent's competition is prohibited. Members of a school team entered in the competition, including Teacher Coaches, back-up witnesses, attorneys, and others directly associated with the team's preparation, shall not attend or listen to virtual or in-person enactments of any possible future opponent in the competition.

7.4. Use of Electronics.

- a. Cell phones must be completely silenced during the course of the competition.
- b. Teams may not record any portion of competition. CRC Salomon will record each competition in the event that judges need to access a match for the purpose of scoring (i.e. if there is a glitch with the scoring software or if both judges lose their internet connection). These recordings will be held for a period of one week and then destroyed.
- c. Team members should turn their microphones and cameras off when they are not actively participating in trial. Judges will be instructed to hide non-video participants.

8. GENERAL TRIAL PROCEDURES

8.1 Time limits. Each team must complete its presentation within forty-two (42) minutes.

- a. Each side has a combined total time of forty-two (42) minutes for direct examination, cross examination, re-cross/re-direct and voir dire (if permitted);
- b. Opening statements and closing arguments are five (5) and seven (7) minutes, respectively, and are not included in the forty-two (42) minutes permitted under 8.1a.
- c. The “clock” shall pause during objections (including any arguments related to those objections), bench conferences, the setting up of demonstrative exhibits prior to the examination of a witness (where such activity is permitted by the presiding judge) and court recesses;
- d. There is no objection permitted by any party based on the expiration of time;
- e. The presiding judge shall have discretion to stop time or add time for technical difficulties in a virtual competition that do not rise to the level of an emergency in Rule 10.

8.2 Use of a Bailiff and Tech Chair. Teams are strongly encouraged to employ non-competing Mock Trial team members as Tech Chair during each competition. A Tech Chair is suggested so that the sharing of documents is managed by one person throughout the course of the competition, although the Bailiff may do both.

- a. Each Bailiff will keep time for the opposing team. Bailiffs from the two teams will work together collaboratively to ensure the accuracy of their records. The Bailiffs will confer using the private chat feature to determine how much time remains for each team.
- b. Each Bailiff shall have two stopwatches, cellphones, or other timing devices. The second timepiece is intended to serve as a backup device.
- c. Each Bailiff shall have visual displays (e.g. cards or pieces of paper) of numbers counting down from 42 in 10-minute intervals (for example, 40, 30, 20, 10, etc.). At each of these intervals, the Bailiff may turn on the camera in order to visually display time remaining, or the Bailiff may use the chat feature. At the 10-minute mark, the Bailiff must turn on the camera to display the remaining intervals of 10, 5, 3, 2, 1 minute intervals. When the number zero is displayed visually, the presiding judge will announce that the team’s presentation is concluded. Teams may ask the presiding judge for courtesy time to complete a presentation, but the extension of courtesy time is intended to permit a team to complete a sentence or thought. It should not extend beyond 15 seconds.
- d. The Bailiff(s) will also announce the Judge and call the case. Witnesses will be deemed sworn, in advance of competition.

8.3 Student Attorneys.

- a. Roles. The Student Attorney who directly examines a witness is the only attorney who may raise objections when that same witness is being cross-examined. The student attorney who raises objections on direct examination must be the same attorney who then cross-examines that same witness. This same principle applies if a Student Attorney calls for a bench conference; i.e., it must be the attorney currently addressing the Court. The student attorney who handles the opening statement may not perform the closing argument. Each student attorney may conduct only one direct examination and one cross examination.
- b. Addressing the Court. In a traditional mock trial, just as if you were in court, the appropriate way to address the court is to stand. In the interest of limiting disruption in the virtual competition process, attorneys shall remain sitting when asking questions or addressing the judge.
- c. Appropriate attire, as if you are appearing in court, is expected of all competing team members.

8.4 Evidentiary Materials and Procedure for Introduction of Exhibits.

- a. All witnesses shall have case materials in their possession, but they may only refer to them when prompted by an examining attorney.
- b. Attorneys will not physically approach their witnesses; instead, they will identify the exhibit they wish to show the witness, and request the Court's permission for the witness to view it.
- c. Attorneys will not be required to confirm they have shown the exhibit to the opposing counsel.
- d. When an exhibit or document is shown to a witness, a member of the examining attorney's team shall make that document available to all participants via "screen sharing." The member of the team posting the exhibit must be a competing team member (including the Bailiff). It is preferable for teams to separately identify a tech chair who handles evidence and a Bailiff who handles timekeeping, but your Bailiff may handle both if necessary.
- e. Exhibits or other documents posted in this manner will be considered not to have been shown to the jury unless they are admitted into evidence and formally published to the jury. Publication to the jury is at the presiding judge's discretion.

8.5 Objections. Opposing counsel (i.e. the attorney for the other side who is listening to the direct examination) should keep their camera on but their microphone muted. In the event that counsel wishes to object, they should quickly unmute themselves in order to object in a timely manner.

8.6 Bench Conferences. Bench conferences may be granted, but must be conducted in open court during virtual competition.

8.7 Location of Students & Competition. Team members may perform their roles while in the same room. (This rule has changed since the 2020-21 season.) Please note that the 7.1/"no coaching" rule still applies.

9. INVENTION OF FACT. This rule shall govern the testimony of all witnesses. Mock Trial competitors shall advocate as persuasively as possible based on the facts contained in the casebook. Teams must rely on the facts as stated in the case rather than creating new facts or denying existing facts in order to benefit their parties.

9.1. Judges' scoring. If a team demonstrates through impeachment that its opponent has made an Improper Invention, judges should reflect that violation in the scores by penalizing the violating team, rewarding the impeaching team, or both.

9.2. Improper Invention. There are two types of Improper Invention: 1) Any instance in which a witness introduces testimony that contradicts the witness's affidavit and/or 2) Any instance on direct or redirect in which an attorney offers, via the testimony of a witness, material facts not included in, or reasonably inferred from, the witness' affidavit.

Facts are material if they affect the merits of the case. Facts are not material if they serve only to provide background information or develop the character of a witness.

A reasonable inference must be a conclusion that a reasonable person would draw from a particular fact or set of facts contained in the affidavit. An answer does not qualify as a "reasonable inference" just because it is consistent with the witness affidavit.

For the purposes of Rule 9, an affidavit includes the witness's sworn statement, as well as any document in which the witness has stated his or her beliefs, knowledge, opinions or conclusions.

9.3. Trial Remedy for Violations. If the cross-examining attorney believes the witness has made an Improper Invention, the only available remedy is to impeach the witness using the witness's affidavit.

Impeachment may take the form of demonstrating either (1) an inconsistency between the witness's affidavit and trial testimony ("impeachment by contradiction") or (2) that the witness introduced material facts on direct or redirect that are not stated in or reasonably inferred from the witness's affidavit ("impeachment by omission"). The cross-examiner is not permitted to raise an objection to the judge on the basis of "invention of fact."

10. EMERGENCIES IN VIRTUAL COMPETITIONS. In the event of technical difficulties during a virtual competition, the presiding judge shall have discretion to declare a brief recess to resolve technical difficulties that are substantially impairing a student's ability to participate in the trial. If the difficulty cannot be resolved within a reasonable but brief amount of time, then the trial should continue with another member of the impacted team. Before making an emergency substitution, the impacted team must make the presiding judge aware by making a statement similar to the following, "Your Honor, before I begin I would like to inform the Court that I am [insert your name] and I am substituting for [insert name], who is unable to continue due to technical difficulties."

The presentation will be scored based on the performance by the initial team member and the emergency substitute, as a whole.

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Good Luck to all Mock Trial Teams

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PART II: HINTS ON PREPARING FOR A MOCK TRIAL COMPETITION

The following tips were developed by long-time Mock Trial Coaches.

1. Every student, teacher and attorney participating in a team's preparation should read the entire set of materials (case and guide) and discuss the information, procedures and rules used in the mock trial competition. Students: you are ultimately responsible for all of this once Court is in session.
2. Examine and discuss the facts of the case, witness testimony and the points for each side. Record key information as discussion proceeds so that it can be referred to in the future.
3. Witness' credibility is very important to a team's presentation of the case. Witnesses -- move into your roles and attempt to think as the person you are portraying. Read over your affidavits many times and have other members of your team ask you questions about the facts until you know them.
4. Student attorneys: you should have primary responsibility for deciding what possible questions should be asked of each witness on direct and cross-examination. Questions for each witness should be written down and/or recorded. Write out key points for your opening statements and closing arguments before trial; then, incorporate any important developments that occurred during the trial. Concise, summary, pertinent statements which reflect the trial that the Judge just heard are the most compelling and effective. Be prepared for interruptions by Judges who like to question you, especially during closing arguments.
5. The best teams generally have student attorneys prepare their own questions, with the Teacher and Attorney Coaches giving the team continual feedback and assistance. Based on these practice sessions, student attorneys should continue revising questions and witnesses should continue studying their affidavits.
6. As you approach your first round of competition, you should conduct at least one complete trial as a dress rehearsal. All formalities should be followed and notes should be taken by everyone. Evaluate the team's presentation together. Try to schedule this session when your Attorney Coach can attend.
7. Some of the most important skills for team members to learn are:
 - Deciding which points will prove your side of the case and developing the strategy for proving those points.
 - Stating clearly what you intend to prove in an opening statement and then arguing effectively in your closing that the facts and evidence presented have proven your case.
 - Following the formality of court; e.g., standing up when the Judge enters or exits the courtroom, or whenever you address the Bench, and appropriately addressing the Judge as "Your Honor," etcetera.
 - Phrasing direct examination questions that are not leading (carefully review the rules of evidence and watch for this type of questioning in practice sessions).
 - Refraining from asking so many questions on cross-examination that well-made points are lost. When a witness has been contradicted or otherwise discredited, learn to limit additional questions, as they often lessen the impact of previously made points.
 - Thinking quickly on your feet when a witness gives you an unexpected answer, an attorney asks unexpected questions, or a Judge throws questions at you.
 - Recognizing objectionable questions and answers, offering those objections quickly and providing the appropriate basis for the objection.
 - Paying attention to all facets of the trial, not just the parts that directly affect your presentation. All information heard is influential! Learn to listen and incorporate information so that your presentation, whether as a witness or an attorney, is the most effective it can be.

- The Mock Trial should be as enjoyable as it is educational. When winning becomes your primary motivation, the entire competition is diminished. Coaches and students should prepare AT LEAST as much for losing as they do for winning/advancing. Each member of the team, student or coach, is personally responsible for his/her behavior prior to, during, and at the close of the trial. There are schools and individuals across the state that are no longer welcome to participate based on previous behavior.

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*Best of luck to the
2021-22
MYLaw Mock Trial teams!*

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Part III: TRIAL PROCEDURES

Before participating in a mock trial, it is important to be familiar with the physical setting of the courtroom, as well as with the events that generally take place during the competition and the order in which they occur. This section outlines the usual steps in a “bench” trial that is, without a jury.

1. Courtroom Set-Up

- a. Plaintiff/Prosecution will sit closest to the jury box.
- b. Defense – will sit on the side of the courtroom that is farthest from the jury box. This is based on the premise that the defendant is innocent until proven guilty, and so is removed (as far as possible) from the scrutiny of the court.
- c. The Bailiff will sit in either i) the jury box ii) the court reporter’s seat or iii) in another seat so designated by the Judge, that is equally visible to both parties.

2. The Opening of the Court & Swearing of Witnesses

- a. The Bailiff for the Prosecution/Plaintiff will call the Court to order through the following steps:
 - i. In a loud voice, say, “All rise.” (When the judge enters, all participants should remain standing until the judge is seated.)
 - ii. The Bailiff should call the case; i.e., “The Court will now hear the case of _____ v. _____.” And announce the judge: “The Honorable _____ presiding.”
- b. The judge will permit those in the Court to be seated; then ask the attorneys for each side if they are ready. The judge will likely ask the parties to identify themselves. This is done in this manner:

One member from each team will state for whom they are there on behalf. For example: "Good afternoon, Your Honor. I am (Introduce yourself) from (applicable law firm: "Plaxen Adler Muncy" or "Rifkin Weiner Livingston") and we represent the (Plaintiff/Defendant)" and then state the name of your client. "With me are my Co-Counselors," and then introduce your student attorneys.

- c. During the course of the trial, the Bailiff for the Defense shall administer the Oath, and ask the witness to raise his or her right hand: “Do you affirm to tell the truth, the whole truth, and nothing but the truth under the pains and penalties of perjury?”

3. Opening Statements (5 minutes maximum)

- a. Prosecution (criminal case)/ Plaintiff (civil case)

After introducing oneself and one’s colleagues to the judge, the prosecutor or plaintiff’s attorney summarizes the evidence for the Court which will be presented to prove the case. The Prosecution/ Plaintiff statement should include a description of the facts and circumstances surrounding the case, as well as a brief summary of the key facts that each witness will reveal during testimony. The Opening Statement should avoid too much information. It should also avoid argument, as the statement is specifically to provide facts of the case from the client’s perspective.

- b. Defense (criminal or civil case)

After introducing oneself and one’s colleagues to the judge, the defendant’s attorney summarizes the evidence for the Court which will be presented to rebut the case (or deny the validity of the case) which the plaintiff has made. It includes facts that tend to weaken the opposition’s case, as well as key facts that each witness will reveal during testimony. It should avoid repetition of facts that are not in dispute, as well as strong points of the plaintiff/ prosecution’s case. As with the Plaintiff’s statement, Defense should avoid argument at this time.

4. Direct Examination by the Plaintiff/Prosecutor

The prosecutor/ plaintiff's attorney conducts direct examination (questioning) of each of its own witnesses. At this time, testimony and other evidence to prove the prosecution's/plaintiff's case will be presented. The purpose of direct examination is to allow the witness to relate the facts to support the prosecution/plaintiff claim and meet the required burden. It also allows counsel for each side to establish the credibility of each of their witnesses.

General Suggestions:

- Ask open-ended questions, rather than those that draw a "yes" or "no" response. Questions that begin with "who," "what," "where," "when," and "how" or "explain..." and "describe..." are helpful during direct examination.
- Questions should be clear and concise, and should help guide your witness through direct examination.
- Witnesses should not narrate too long, as it will likely draw an objection from opposing counsel.
- Do not ask questions that "suggest" a specific answer or response.

5. Cross-Examination by the Defendant's Attorneys After the attorney for the prosecution/plaintiff has completed the questioning of a witness, the judge then allows the defense attorney to cross-examine the witness. The cross-examiner seeks to clarify or cast doubt upon the testimony of the opposing witness. Inconsistency in stories, bias, and other damaging facts may be pointed out to the judge through cross-examination.

General Suggestions:

- Use narrow, leading questions that "suggest" an answer to the witness. Ask questions that require "yes" or "no" responses.
- In general, it is never a good idea to ask questions to which you do not know the answer – unexpected responses can be costly and may leave you unprepared and off-guard.
- Never ask "why." You do not want to give a well-prepared witness an opportunity to expand upon a response.
- Avoid questions that begin with "Isn't it a fact that...", as it allows an opportunistic witness an opportunity to discredit you.

6. Direct Examination by the Defendant's Attorneys

Direct examination of each defense witness follows the same pattern as above which describes the process for prosecution's witness. (See #3 above for suggestions.)

7. Cross-Examination by the Prosecution/ Plaintiff

Cross-examination of each defense witness follows the same pattern as above for cross-examination by the defense. (See #4 above for suggestions.)

8. Re-Direct Examination by the Plaintiff/ Prosecution

The Plaintiff's/Prosecution's attorney may conduct re-direct examination of the witness to clarify any testimony that was cast in doubt or impeached during cross-examination.



9. Re-Cross Examination by the Defense Attorneys

The defense attorneys may re-cross examine the opposing witness to impeach previous testimony.

10. Voir Dire Examination by Either the Plaintiff/ Prosecution or the Defense Attorneys

Voir Dire is the process of asking questions to determine the competence of an alleged expert witness. Before giving any expert opinion, the witness must be qualified by the court as an expert witness. The court must first determine whether or not the witness is qualified by knowledge, skills, experience, training or education to give the anticipated opinion. After the attorney who called the witness questions him/her about his/her qualifications to give the opinion, and before the court qualifies the witness as an expert witness, the opposing counsel shall, if he/she chooses to do so, have the opportunity to conduct a brief cross-examination (called “voir dire”) of the witness’ qualifications. Voir dire is to be limited to the fair scope of the expert’s report.

11. Closing Arguments (Attorneys) (7 minutes)

For the purposes of the Mock Trial Competition, the first closing argument at all trials shall be that of the Defense.

a. Defense

A closing argument is a review of the evidence presented. Counsel for the defense reviews the evidence as presented, indicates how the evidence does not substantiate the elements of a charge or claim, stresses the facts and law favorable to the defense, and asks for a finding of not guilty (or not at fault) for the defense.

b. Prosecution/ Plaintiff

The closing argument for the prosecution/plaintiff reviews the evidence presented. The prosecution’s/plaintiff’s closing argument should indicate how the evidence has satisfied the elements of a charge, point out the law applicable to the case, and ask for a finding of guilt, or fault on the part of the defense. Because the burden of proof rests with the prosecution/plaintiff, this side has the final word.

12. The Judge’s Role and Decision

The judge is the person who presides over the trial to ensure that the parties’ rights are protected and that the attorneys follow the rules of evidence and trial procedure. In mock trials, the judge also has the function of determining the facts of the case and rendering a judgment, just as in actual bench trials.



Thanks to the Board, Officers, Staff and Volunteers of MYLaw for all of their fabulous work.

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RULES OF EVIDENCE
INTRODUCTION

In American trials, elaborate rules are used to regulate the admission of proof (i.e., oral or physical evidence). Rules of Evidence are designed to ensure that both parties receive a fair hearing and to exclude any evidence deemed irrelevant, incompetent, untrustworthy or unduly prejudicial. If it appears that a rule of evidence is being violated, an attorney may raise an objection to the judge.

1. Judge decides whether a rule has been violated and whether the evidence must be excluded from the record of the trial. In the absence of a properly made objection, however, the evidence will probably be allowed by the judge. The burden is on the attorneys to know the rules, to be able to use them to present the best possible case, and to limit the actions of opposing counsel and their witnesses.
2. Formal rules of evidence are quite complicated and differ depending on the court where the trial occurs. For purposes of this Mock Trial Competition, the rules of evidence have been modified and simplified. Not all judges will interpret the rules of evidence or procedure the same way, and you must be prepared to point out the specific rule (quoting it, if necessary) and to argue persuasively for the interpretation and application of the rule you think proper. No matter which way the judge rules, attorneys should accept the ruling with grace and courtesy.

ARTICLE I. GENERAL PROVISIONS

Rule 101. Scope. These rules govern all proceedings in the mock trial competition. The only rules of evidence in the competition are those included in these rules.

Rule 102. Purpose and Construction. These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and ascertain the truth and secure a just determination.

ARTICLE IV. RELEVANCE AND ITS LIMITS

Rule 401. Test for Relevant Evidence

Evidence is relevant if:

- (a) It has any tendency to make a fact more or less probable than it would be without the evidence; and
- (b) The fact is of consequence in determining the action

Rule 403. Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons.

The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.

Rule 404. Character Evidence; Crimes or Other Acts.

(a) Character Evidence:

- (1) Prohibited Uses: Evidence of a person's character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.

(b) Exceptions in a Criminal case:

- (1) Evidence of a person's character or character trait may be admissible for another purpose, such as proving motive, opportunity, intent, plan, or knowledge.
- (2) Evidence of the character or character trait of the defendant, the victim, or any witness testifying in a case may also be admissible if it shows a pertinent trait. Pertinent traits are

character traits that relate directly to a particular element of the crime charged or a defense to that alleged crime.

That is to say, mention of a person's typical behavior is not usually admissible when trying to prove that the person behaved in a way that matches the behavior discussed in the current case.

ARTICLE VI. WITNESSES/ WITNESS EXAMINATION

Rule 601. Competency to Testify in General. Every person is competent to be a witness unless these rules provide otherwise.

Rule 602. Need for Personal Knowledge. A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may consist of the witness's own testimony. This rule does not apply to a witness's expert testimony under Rule 703.

Rule 603. Oath or Affirmation to Testify Truthfully.

Before testifying, every witness is required to declare that the witness will testify truthfully, by oath provided in these materials. The bailiff shall swear in all witnesses as they take the stand:

Do you promise to tell the truth, the whole truth, and nothing but the truth, under the pains and penalties of perjury?

Rule 607. Who May Impeach a Witness. Any party, including the party that called the witness, may attack the witness's credibility.

Rule 608. A Witness' Character for Truthfulness or Untruthfulness.

- (a) **Reputation or Opinion Evidence.** A witness's credibility may be attacked or supported by testimony about the witness's reputation for having a character for truthfulness or untruthfulness, or by testimony in the form of an opinion about that character. But evidence of truthful character is admissible only after the witness's character for truthfulness has been attacked.
- (b) **Specific Instances of Conduct.** Extrinsic evidence is not admissible to prove specific instances of a witness's conduct in order to attack or support the witness's character for truthfulness. But the court may, on cross-examination, allow them to be inquired into if they are probative of the character for truthfulness or untruthfulness of:
 - (1) the witness; or
 - (2) another witness whose character the witness being cross-examined has testified about.

By testifying on another matter, a witness does not waive any privilege against self-incrimination for testimony that relates only to the witness's character for truthfulness.

Rules 609. Impeachment by evidence of conviction of crime.

- (a) **Generally.** For the purpose of attacking the credibility of a witness, evidence that the witness has been convicted of a crime shall be admitted if elicited from the witness or established by public record during examination of the witness, but only if (1) the crime was an infamous crime or other crime relevant to the witness's credibility and (2) the court determines that the probative value of admitting this evidence outweighs the danger of unfair prejudice to the witness or the objecting party.

- (b) Time limit. Evidence of a conviction is not admissible under this Rule if a period of more than 15 years has elapsed since the date of the conviction, except as to a conviction for perjury for which no time limit applies.

Rule 611. Mode and Order of Examining Witnesses and Presenting Evidence.

- (a) Control by the Court; Purposes. The court should exercise reasonable control over the mode and order of examining witnesses and presenting evidence so as to:
- (1) make those procedures effective for determining the truth;
 - (2) avoid wasting time; and
 - (3) protect witnesses from harassment or undue embarrassment.

Scope of Direct Examination: Direct questions shall be phrased to elicit facts from the witness. Witnesses may not be asked leading questions by the attorney who calls them for direct. A leading question is one that suggests the answer that is anticipated or desired by counsel; it often suggests a “yes” or “no” answer.

Example of Leading Question: “Mr/s. Smith: “Is it not true that you made several stops after work before returning home?”

Example of a Direct Question: Mr/s. Smith: “Did you do anything after work, before returning home?”

- (b) Scope of Cross-Examination. The scope of cross examination shall not be limited to the scope of the direct examination, but may inquire into any relevant facts or matters contained in the witness’ statement, including all reasonable inferences that can be drawn from those facts and matters, and may inquire into any omissions from the witness statement that are otherwise material and admissible.

Cross examination is the questioning of a witness by an attorney from the opposing side. An attorney may ask leading questions when cross-examining the opponent’s witnesses.

In Mock Trial, attorneys are allowed to ask any questions on cross examination about any matters that are relevant to the case. Witnesses must be called by their own team and may not be recalled by either side. All questioning of a witness must be done by both sides in a single appearance on the witness stand.

- (c) Leading Questions. Leading questions should not be used on direct examination. Ordinarily, the court should allow leading questions:
- (1) on cross-examination; and
 - (2) when a party calls a hostile witness, an adverse party, or a witness identified with an adverse party.
- (d) Redirect/Recross. After cross examination, additional questions may be asked by the direct examining attorney, but questions must be limited to matters raised by the attorney on cross examination. Likewise, additional questions may be asked by the cross examining attorney on recross, but such questions must be limited to matters raised on redirect examination and should avoid repetition.

- (e) Permitted Motions. The only motion permissible is one requesting the judge to strike testimony following a successful objection to its admission.

Rule 612. Writing Used to Refresh a Witness's Memory. If a witness is unable to recall a statement made in an affidavit, the attorney on direct may show that portion of the affidavit that will help the witness to remember.

Rule 615. Excluding Witnesses. At a party's request, the court must order witnesses excluded so that they cannot hear other witnesses' testimony. Or the court may do so on its own. But this rule does not authorize excluding a party to the case.

Note: for the purpose of Mock Trial, "excluded" shall mean "constructively excluded." No competitors should actually be excluded from the courtroom under this rule, but rather the rule simply indicates that excluded witnesses must act as if they did not hear testimony from other witnesses or statements made by attorneys or the judge.

ARTICLE VII. OPINIONS AND EXPERT TESTIMONY

RULE 701. Opinion Testimony by Lay Witnesses. If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is:

- (a) rationally based on the witness's perception;
- (b) helpful to clearly understanding the witness's testimony or to determining a fact in issue; and
- (c) not based on scientific, technical, or other specialized knowledge within the scope of [Rule 702](#).

Rule 702. Testimony by Expert Witnesses.

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

- (a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
- (b) the testimony is based on sufficient facts or data;
- (c) the testimony is the product of reliable principles and methods; and
- (d) the expert has reliably applied the principles and methods to the facts of the case.

A witness cannot give expert opinions under Rule 702 until they have been offered as an expert by the examining lawyer and recognized as such by the court. To have an expert witness admitted by the court, first ask the witness to testify as to their qualifications: education, experience, skills sets, etc. Then, ask the presiding judge to qualify the witness as an expert in the field of _____. The presiding judge then asks opposing counsel if they wish to Voir Dire [vwar deer] the witness.

Voir dire is the process through which expert witnesses are questioned about their backgrounds and qualifications before being allowed to present their opinion testimony or testimony on a given subject, in court. After an attorney who has called a witness questions them about their qualifications, and before the court qualifies the witness as an expert, the opposing counsel shall have the opportunity to conduct voir dire.

Once voir dire is completed, opposing counsel may 1) make an objection as to their being qualified as an expert, 2) request that the court limit their expert testimony to a more specific matter or subject, or 3) make no objection about the witness being qualified as an expert. The presiding judge will then make a ruling regarding the witness being qualified as an expert.

Rule 703. Bases of an Expert. An expert may base an opinion on facts or data in the case that the expert has been made aware of or personally observed. If experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, the need not be admissible for the opinion to be admitted. But if the facts or data would otherwise be inadmissible, the proponent of the opinion may disclose them to the jury only if their probative value in helping the jury evaluate the opinion substantially outweighs their prejudicial effect.

Rule 704. Opinion on the Ultimate Issue. Testimony in the form of an opinion or inference otherwise admissible is not objectionable merely because it embraces an ultimate issue to be decided by the trier of fact. Such testimony may be objectionable based on other sections of these Rules.

Rule 705. Disclosing the Facts or Data Underlying an Expert. Unless the court requires otherwise, the expert may testify in terms of opinion or inference and give reasons without first testifying to the underlying facts or data. The expert may in any event be required to disclose the underlying facts or data on cross-examination.

ARTICLE VIII. HEARSAY

RULE 801. Definitions That Apply to This Article; Exclusions from Hearsay.

The following definitions apply under this article:

- (a) Statement. "Statement" means a person's oral assertion, written assertion, or nonverbal conduct, if the person intended it as an assertion.
 - (b) Declarant. "Declarant" means the person who made the statement.
 - (c) Hearsay. "Hearsay" means a statement that:
 - (1) the declarant does not make while testifying at the current trial or hearing; and
 - (2) a party offers in evidence to prove the truth of the matter asserted in the statement.
 - (d) Statements That Are Not Hearsay. A statement that meets the following conditions is not hearsay:
 - (1) *A Declarant-Witness's Prior Statement.* The declarant testifies and is subject to cross-examination about a prior statement, and the statement:
 - (A) is inconsistent with the declarant's testimony and was given under penalty of perjury at a trial, hearing, or other proceeding or in a deposition;
 - (B) is consistent with the declarant's testimony and is offered:
 - (i) to rebut an express or implied charge that the declarant recently fabricated it or acted from a recent improper influence or motive in so testifying; or
 - (ii) to rehabilitate the declarant's credibility as a witness when attacked on another ground;
 - or
 - (C) identifies a person as someone the declarant perceived earlier.
 - (2) *An Opposing Party's Statement.* The statement is offered against an opposing party and:
 - (A) was made by the party in an individual or representative capacity;
 - (B) is one the party manifested that it adopted or believed to be true;
 - (C) was made by a person whom the party authorized to make a statement on the subject;
 - (D) was made by the party's agent or employee on a matter within the scope of that relationship and while it existed; or
 - (E) was made by the party's coconspirator during and in furtherance of the conspiracy.
- The statement must be considered but does not by itself establish the declarant's authority under (C); the existence or scope of the relationship under (D); or the existence of the conspiracy or participation in it under (E).

Hearsay generally has a three-step analysis:

1) Is it an out of court statement?

2) If yes, is it offered to prove the truth of what it asserts?

3) If yes, is there an exception that allows the out-of-court statement to be admitted despite the fact that it is hearsay?

RULE 802. The Rule Against Hearsay. Hearsay is a statement, other than one made by the declarant while testifying at trial, offered in evidence to prove the truth of the matter asserted made outside of the courtroom. Statements made outside the courtroom are usually not allowed as evidence if they are offered in court to show that the statements are true. The most common hearsay problem occurs when a witness is asked to repeat what another person stated. For the purposes of the Mock Trial Competition, if a document is stipulated, you may not raise a hearsay objection to it.

RULE 803. Exceptions to the Rule Against Hearsay.

The following are not excluded by the rule against hearsay, regardless of whether the declarant is available as a witness:

- (a) Present Sense Impression. A statement describing or explaining an event of condition, made while or immediately after the declarant perceived it.
- (b) Excited Utterance. A statement relating to a startling event or condition, made while the declarant was under the stress of excitement that it caused.
- (c) Then-Existing Mental, Emotional or Physical Condition. A statement of the declarant's then-existing state of mind (such as motive, intent or plan) or emotional, sensory, or physical condition (such as mental feeling, pain, or bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the validity or terms of the declarant's will.
- (d) Business Records. A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnosis, made at or near the time by or from information transmitted by a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, unless the source of the information or the method of circumstances of preparation indicate lack of trustworthiness, shall be admissible. The term "business" as used in this paragraph includes business, institution, association, profession, occupation, and callings of every kind, whether or not conducted for profit.
- (e) Public Records. A record or statement of a public office if:
 - (1) It sets out:
 - (A) The office's activities
 - (B) A matter observed while under a legal duty to report, but not including, in a criminal case, a matter observed by law enforcement personnel; or
 - (C) In a civil case or against the government in a criminal case, factual findings from a legally authorized investigation; and
 - (2) The opponent does not show that the source of information or other circumstances indicate a lack of trustworthiness.

Rule 804. Exceptions to the Rule Against Hearsay –When the Declarant Is Unavailable as a Witness.

(a) Criteria for Being Unavailable. A declarant is considered to be unavailable as a witness if the declarant:

- (1) cannot be present or testify at the trial or hearing because of death or a then-existing infirmity, physical illness, or mental illness; or
- (2) is absent from the trial or hearing and the statement's proponent has not been able, by process or other reasonable means, to procure the declarant's attendance or testimony.

Comment: This rule may not be used at trial to assert that a team has "procured" the unavailability of a witness by choosing not to call that witness.

(b) The Exceptions. The following are not excluded by the rule against hearsay if the declarant is unavailable as a witness:

- (1) Former testimony. Testimony that:
 - (A) was given as a witness at a trial, hearing, or lawful deposition, whether given during the current proceeding or a different one; and
 - (B) is now offered against a party who had – or, in a civil case, whose predecessor in interest had – an opportunity and similar motive to develop it by direct, cross-, or redirect examination.
- (2) Statement Under the Belief of Imminent Death. In a prosecution for homicide or in a civil case, a statement that the declarant, while believing the declarant's death to be imminent, made about its cause or circumstances.
- (3) Statement Against Interest. A statement that:

(A) a reasonable person in the declarant's position would have made only if the person believed it to be true because, when made, it was so contrary to the declarant's proprietary or pecuniary interest or had so great a tendency to invalidate the declarant's claim against someone else or to expose the declarant to civil or criminal liability; and

(B) is supported by corroborating circumstances that clearly indicate its trustworthiness, if it is offered in a criminal case as one that tends to expose the declarant to criminal liability.

(4) Omitted.

(5) Omitted.

(6) Statement Offered Against a Party That Wrongfully Caused the Declarant's Unavailability. A statement offered against a party that wrongfully caused – or acquiesced in wrongfully causing – the declarant's unavailability as a witness, and did so intending that result.

Rule 805. Hearsay within Hearsay

Hearsay within hearsay is not excluded by the rule against hearsay if each part of the combined statement confirms with an exception to the rule.

ARTICLE IX. AUTHENTICATION AND IDENTIFICATION

Rule 901. Evidence may be introduced only if it is contained within the casebook and relevant to the case. Evidence will not be admitted into evidence until it has been identified and shown to be authentic or its identification and/or authenticity has been stipulated. Evidence may be admitted before trial upon stipulation of both parties.

That a document is "authentic" means only that it is what it appears to be, not that the statements in the document are necessarily true. To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is. Evidence that satisfies this requirement may include:

(a) Testimony of a Witness with Knowledge. Testimony that an item is what it is claimed to be.

(b) Distinctive Characteristics and the Like. The appearance, contents, substance, internal patterns, or other distinctive characteristics of the item, taken together with all the circumstances.

(c) Opinion about a Voice. An opinion identifying a person's voice – whether heard firsthand or through mechanical or electronic transmission or recording – based on hearing the voice at any time under circumstances that connect it with the alleged speaker.



MOCK TRIAL OBJECTIONS

| Objection | Rule | Description |
|---|-------------|--|
| Relevance | 401 | Evidence is not relevant if it does not make a fact that a party is trying to prove as part of the claim or defense more or less probable than it would be without the evidence. |
| Substantially more prejudicial than probative | 403 | A court may exclude relevant evidence if its probative value is substantially outweighed by a danger of unfair prejudice. By its nature, all relevant evidence is prejudicial to one side. This rule generally applies to evidence that could unfairly prejudice the jury against one side. |
| Improper character evidence | 404; 608 | A number of rules govern whether it is appropriate to introduce affirmative or rebuttal evidence about the character of a witness and the notice required to introduce such evidence. This objection is made when improper character evidence has been given as testimony in court. <i>Example: "The defendant has always been very rude to me, and was particularly rude on the day of the incident."</i> |
| Lack of personal knowledge/ speculation | 602 | A witness may only testify to a fact after foundation has been laid that the witness has personal knowledge of that fact through observation or experience. Many teams refer to testifying to an assumption or fact without personal knowledge as "speculation." Whenever proper foundation has not been laid under this rule or others for testimony, "lack of foundation" is also a proper objection. Speculation, or someone's idea about what might have occurred, is generally not permitted. A witness may not jump to conclusions that are not based on actual experiences or observations, as this is of little probative value. Some leeway is allowed for the witness to use their own words, and greater freedom is generally allowed with expert witnesses. |
| Lack of foundation | 602 | This objection is made when counsel asks a question without first establishing that the witness has a basis to answer it. This most frequently occurs when the examining attorney is going too quickly and not asking preliminary questions that demonstrate the witness' familiarity with the facts. |
| Beyond the scope | 611 | In Maryland mock trial, the initial cross examination is not restricted to the content of the direct examination. All subsequent examinations (beginning with redirect) must be within the scope of the prior examination. |
| Form of question - leading | 611 | This objection is made when counsel starts arguing with the witness, badgering a witness, or becoming overly aggressive. This objection is made by an attorney to protect a witness during cross examination. |
| Form of question - compound | 611 | This objection is made when counsel asks a compound question. A compound question asks multiple things. |

| | | |
|----------------------------------|---------|---|
| Form of question - narration | 611 | This objection is made when either a witness begins telling a narrative as part of their answer, or counsel's question calls for a narrative. It is admissible for a witness to testify about what happened, but they must do so in response to a question. This objection prevents long winded witness answers. |
| Form of question - argumentative | 611 | This objection is made when counsel starts arguing with the witness, badgering a witness, or becoming overly aggressive. This objection is made by an attorney to protect a witness during cross examination. |
| Non-responsive | 611 | This objection is made when a witness does not answer the question being asked by the attorney. This objection can help an attorney corral the witness and get a straight answer to questions the witness may be trying to avoid. Be careful to avoid making this objection when the witness simply gives a different answer than what was expected or desired. |
| Asked and answered | 611 | This objection is made when counsel has asked a question and received an answer, and asks the same question again. If an answer is given, a new question must be asked. Counsel can ask a question multiple times if the witness is not giving a full answer, is being uncooperative or unresponsive. |
| Improper lay opinion | 701 | A "lay" (meaning "non-expert") witness may only testify to what is rationally based on their perception, which generally means what they perceived with their own senses. This rule is closely related to Rule 602, which requires the witness to have personal knowledge before testifying about what they know. |
| Improper expert opinion | 702 | Expert witnesses are permitted to testify about their opinions, but they must stay within the boundaries of Rule 702. This rule provides the necessary qualifications for a court to allow a witness to testify as an expert. |
| Hearsay | 801-802 | An out-of-court statement (including a statement by the witness on the stand) may not be used to prove the truth of the matter asserted. That said, there are many exceptions to the hearsay rule. |
| Hearsay exceptions | 803-804 | Provides for exceptions to the hearsay rule in instances when the evidence is technically hearsay, but circumstances would suggest that it will be reliable. |
| Authentication | 901 | The proponent of a piece of evidence must prove the evidence is authentic. Rule 901 provides rules for how evidence is authenticated, and any party may object under Rule 901 if they believe the proponent of evidence has not proven the evidence they wish to admit is authentic. |

Please note: **Invention of Fact** has been removed as both a Rule of Evidence and an Objection. The thinking behind this is as follows: if a witness tells a falsehood on the stand, it will be better to take up the issue on cross examination and impeach the witness using their own witness statement. The effect is two-fold: 1) the witness is shown to have lied, and 2) the judge/jury will see the greater skill of the crossing attorney.

SPECIAL INSTRUCTIONS¹

1. This is a jury trial set in the Circuit Court for Chesapeake County. Chesapeake County is a county in western Maryland. All venue and jurisdictional requirements have been met.
2. Because this is a jury trial, competitors should direct their arguments to the “members of the jury.” No judge should ever instruct students to argue this case as a bench trial.
3. The Plaintiff has four witnesses available to testify, and the following rules apply to the Plaintiff only:
 - a. The Plaintiff is required to call Hunter Knowles and Rahul Singh.
 - b. The Plaintiff may call **either** Elin Sanchez or Jess Leonard. Both Sanchez and Leonard were present on the exploration trip where Aaron Griggs eventually died.
 - c. The Plaintiff team must provide notice before trial about which student the Plaintiff intends to call. The Plaintiff must provide such notice sixty (60) minutes before trial, either by a pretrial conversation or an email to the Defense team’s designated contact person.
 - d. Under no circumstances may a Plaintiff team call both Sanchez and Leonard.
 - e. Plaintiff teams are free to present their three witnesses in any order.
4. The Defense has three witnesses available to testify and must call all three: Defendant Jodie Donahue, Monroe Williams, and Salem Harris. Defense teams are also free to present their three witnesses in any order.
5. Once the Plaintiff has provided notice to the Defense about their selection between the two optional witnesses, each team must provide the other team with their selected call order and the pronouns for each witness who will testify at trial.
6. All affidavits and reports including the interview of Jodie Donahue are not exhibits and are not permitted to be entered into evidence.
7. For the purposes of Maryland Rule of Evidence 615, Defendant Jodie Donahue may serve as party representative for the Defense. In the event this case is tried in-person, Defendant Jodie Donahue is permitted to be seated at counsel table. All other witnesses must be constructively excluded upon a proper Motion to Exclude made by either party, and judges should not entertain any argument to allow any other witnesses besides Donahue to remain in the courtroom.
8. The Plaintiff does not have a party representative for the purposes of Rule 615.
9. Exhibit 1 is a photograph of Aaron Griggs. The Plaintiff team is permitted to supply a photograph of Aaron Griggs for trial. That photograph must be disclosed to the Defense team prior to trial, and a copy of the photograph must be made available to the Defense team for their use. The photograph of Aaron Griggs must be of an individual who could reasonably be between 19-20 years old at the time the photograph was taken. Teams may use photographs of a person of any gender identity, but should be aware that for the purposes of this case Aaron Griggs’ pronouns are he/him/his. The photograph is not permitted to contain any other individuals, any animals,

¹ Both parties agree that the Special Instructions are inadmissible at trial. Teams may direct the Presiding Judge to the Special Instructions in the event they believe an opposing side is violating the Special Instructions or the Special Instructions can be used to clarify a question raised by the Presiding Judge.

or any information that could possibly relate to this case. For example, the individual portraying Aaron Griggs may not be wearing a shirt that touts Griggs's climbing accomplishments.

10. If the Plaintiff team chooses not to provide a photograph of Aaron Griggs or fails to disclose the photograph before the trial begins, Exhibit 1 does not exist. Any objections to the use of Exhibit 1 because it does not comply with these rules should be heard by the Presiding Judge.
11. The photographs depicted in Exhibit 14 fairly and accurately depict the locations they purport to depict, and the photos contain all relevant photographic information for this case. No party may argue that one photo does not accurately match another photo, nor may a party argue that there are missing photographs or that other photographs would materially change the facts of this case.
12. Witnesses must acknowledge authorship of any document that purports to be authored by them and the authenticity of any signature that purports to be theirs. A witness whose affidavit, deposition, or report states that the witness is familiar with a particular document must acknowledge, if asked, that the witness is familiar with that document and that the referenced document is the same version as the corresponding document in the current case.
13. This is a closed universe case packet. The only legal materials that competitors may mention or rely upon are the Maryland Rules of Evidence, Statutes, and Case Law provided in this packet. All participants must acknowledge this if asked by a judge.
14. All parties have waived objections specifically related to the United States Constitution and no party may raise any objections related to the United States Constitution.
15. No witness may refuse to answer any questions and no attorney may instruct a witness not to respond to a question based on the witness's Fifth Amendment rights.
16. Witnesses should feel free to use distinctive accents, speech patterns, and mannerisms - but these elements must never become material inventions of fact. For example, a witness may not testify using a distinctive accent and then have an attorney argue in closing that a certain statement must not have been said by that witness because the person who heard the statement did not state that they heard the distinctive accent.
17. Because this is a jury trial, this packet includes Jury Instructions. For the purposes of this trial, the parties are to assume these Jury Instructions were read aloud by the Presiding Judge to the panel of jurors. This is done so the jury understands the law they must apply when considering the facts of the case. Jury Instructions are read to a jury after the last witness has testified and prior to closing arguments being made by the attorneys. Jury Instructions are created by a committee of select Judges and Attorneys from the Maryland State Bar Association who are tasked with coming up with impartial, accurate statements of the law in language understandable and familiar to someone that does not have legal training. Jurors shall not be provided with any additional law to the jury instructions, and no team may make a motion to modify the provided jury instructions in this case.
18. Exhibit 15A is a transcript of Exhibit 15, which is an audio exhibit. Exhibits 15 and 15A are not preadmitted, and they must be admitted together. When this trial is held virtually, teams are permitted to play the audio exhibit on Zoom in any way they choose if the exhibit is admitted into evidence. When this trial is held in person, teams may use one device to play the audio exhibit, and that device may be connected to an amplifying speaker if necessary. The device may

be anything the team chooses, so long as it complies with any courthouse restrictions, and is not used to violate any rules such as rules on team communication during the trial.

- a. For example, a team is permitted to play this exhibit from a phone connected to a Bluetooth speaker. But the team must ensure that phone is not connected to the internet and is not used at any other point during trial except to play the exhibit.
19. Teams are not permitted to modify the audio from Exhibit 15 in any way, including slowing down or speeding up the audio, adjusting the pitch of the audio, or changing the order of the words in the audio. Team are free to play portions of the audio if they choose, subject to any objections raised by the opposing team.

STIPULATIONS

1. Exhibit 1 (the photograph of Aaron Griggs) is pre-admitted and may be used by either party during opening statements. The only objection permitted to Exhibit 1 is that the photograph does not follow the Special Instructions or was not disclosed prior to trial.
2. For the convenience of all parties, all potential exhibits have been pre-labeled and pre-numbered. These numbers should be used for all purposes at trial regardless of which party offers an exhibit or what order exhibits are offered.
3. Exhibit 2 (the autopsy report of Aaron Griggs) and Exhibit 3 (the Police Report) are pre-admitted. They have already been admitted into evidence before trial and all parties have waived objections to these exhibits. All participants are free to display pre-admitted exhibits at any time during trial and no one may raise an objection to the admissibility of a pre-admitted exhibit.
 - a. This stipulation does not prevent teams from objecting to the way a pre-admitted exhibit is used, if a team believes a pre-admitted exhibit is being used in a manner prohibited by the Rules of Evidence.
4. Exhibits 4 and 5 are not to scale. Both parties waive all objections to Exhibit 5 based on the map not being to scale.
5. Exhibits 6, 7 and 8 are screenshots taken from the cellular phone of Elin Sanchez. The screenshots were taken from 9:50 to 9:53 p.m. on April 21, 2021 and were provided to counsel for both parties. All parties agree that the contents of those text messages, including names and timestamps, are accurate.
6. All parties and witnesses are of at least normal intelligence and none has or ever has had a mental condition that would impact a person's perception, memory, or ability to respond to questions on cross examination.
7. All notice requirements have been satisfied for all evidence and exhibits in the case packet and no party may object at any time that they did not receive proper notice that the other side intended to use a particular document or piece of evidence.
8. This is a bifurcated trial. Testimony should be limited to evidence relevant to the question of liability. Testimony going solely to the issue of damages is irrelevant.
9. Officers Sloat and Featherston were killed in a motor vehicle accident on September 21, 2020. Both officers are unavailable to testify at trial.
10. Exhibit 15 is a radio commercial commissioned by defendant Jodie Donahue. Donahue hired a local recording artist to record the commercial and paid that artist \$150 for their work. Donahue paid local radio station WHFS \$200 per airing, for a total of \$600, to air the commercial on April 14, 15, and 16, 2020, at 1:05 p.m., for a total of three times.
11. Exhibit 15A is a fair and accurate transcript of Exhibit 15. All parties agree that Exhibit 15A is correct and accurate, and no party may dispute the accuracy of the information in Exhibit 15A.