

## Mock Trial 23-24 Questions and Clarifications

Q1: Line 11-12 in Vale Taylor affidavit says he owns a 24 ft extension ladder but Exhibit 10 says it's 21 ft. Error?

A: This is not an error, but an excellent question. A 24-foot extension ladder will consist of two sections, each 12 feet long, but the maximum extended length will be 21 feet, because the sections overlap by no less than 1½ feet when the ladder is at maximum extension. As such, with this understanding, Vale Taylor's affidavit is correct and Exhibit 10 is correct. To make this more clear going forward, the parties stipulate the above information is accurate, without need for testimony from any party.

Q2: Is the plaintiff and defendant allowed to sit at the tables with their attorneys? Is there any limitation on who is considered constructively in the courtroom?

A: The plaintiff and defendant are allowed to sit at the tables with their attorneys, provided that there is enough room to do so. Not every courtroom trial table is big enough for this. So the answer is yes, space permitting.

Q3: Is there a way to darken up exhibit 19? It is really hard to see the streets and will not show up properly if enlarged.

A: Unfortunately, we have attempted to do this with no success. Please do your best with what is provided.

Q5: This case seems like it's asking for very technical decisions about the amount of damages being contested. In the past, civil trials have been bifurcated so that the teams only focus on addressing the question of liability. Will that be the same this year and the casebook just forgot to stipulate it? Or will there be further clarification how the teams are meant to argue damages.

A: See Stipulation #6, the Verdict Sheet, and Jury Instruction on pages 32-33 of the case book.

Q6. A point our team noticed about stipulation 6 - should the 5th sentence read "The only questions are whether the Defendant is a cause of Plaintiff's injury or injuries, whether the **Plaintiff** is contributorily negligent for not inspecting the ladder before using it or for any other reason the Defendant believes the Plaintiff is contributorily negligent, and, if the Defendant is a cause of injury and **the Plaintiff** is not contributorily negligent, then what Damages are the Plaintiff due from the Defendant."? Currently the two bolded Plaintiffs read "Defendant", and that didn't seem quite right.

A: The questioner is correct. The way this person poses it should be read is how it should be changed to.

Q7. In exhibit 5, page 63, paragraph, it states that there was a "gap in treatment for two weeks" - is this a typo? The timeline doesn't seem to match up. It looks like 8 days, instead of 2 weeks.

A: There is no typo. Students should look to Exhibit 4, on page 62 to find the gap in treatment.

Q8: On page 21, it seems like the description for a leading question objection is the description for badgering the witness. Is this the correct description or should they be switched?

A: Re page 21, this person is correct. In fact, the same answer appears on the same page for another question. For Leading, the example should read:

This objection is made when one suggests a specific answer or leads the witness toward a particular response. On direct examination, leading is not permitted, and the questions should be open-ended. Leading is fully allowed on cross-examination.

Q9: In Vale's affidavit, Vale introduces himself as Dakota Reese. Is this an error?

A: As to "In Vale's affidavit, Vale introduces himself as Dakota Reese. Is this an error?"... this person is correct that there is an error there. It is on Line 5 of the Vale Taylor affidavit. This reference should be changed from "Dakota Reese" to "Vale Taylor."

Q10: In Dr. Morgan's affidavit on page 56, Dr. Morgan states Parker fell from 5-6 rungs up the ladder. In Parker's affidavit on page 76, Parker states Parker fell 10-11 rungs off the ladder. Is this discrepancy intentional by the casebook author?

A: This discrepancy is intentional by the casebook author.