

## MEMORANDUM

**TO:** Coaches and Participants  
**FROM:** ISBA Standing Committee on Law-Related Education for the Public  
Mock Trial Coordinator and Illinois Trial Team  
**RE:** 2015 ISBA High School Mock Trial Invitational  
**DATE:** December 3, 2014

This memorandum is in response to certain comments that were submitted to the Mock Trial Coordinator about the 2015 ISBA High School Mock Trial Invitational Problem (the Problem). Specifically, there were concerns that: 1) the Problem contains two witness affidavits for each side, rather than the three witness affidavits for each side that are typically provided, reducing the number of roles for participants; 2) there is stipulated testimony that could limit cross examination; and 3) the stipulated testimony contains inconsistencies. The individuals submitting the comments expressed a general concern that the format of this year's Problem could affect students' educational experience.

We thank the individuals who contacted us for taking the time to advise us of the importance of the Invitational to their students, and for their comments about the changes to this year's problem. We strive to make the Mock Trial Invitational a positive experience and to be responsive to concerns raised by participating schools. Accordingly, we held a lengthy meeting in which we thoroughly discussed the issues, considering all points of view, our past experiences with the Invitational, and the goals expressed in the Invitational Handbook. In doing so, we determined that it would be appropriate to share our reply with all potential participants in this year's Invitational.

The Mock Trial Subcommittee of the LRE Committee spent an extensive amount of time preparing, reviewing, and discussing this year's Problem prior to publication. In doing so, the Subcommittee drew upon the real experiences of Subcommittee members, several of whom are litigators and/or former mock trial participants or coaches. As in previous years, in coming up with this year's Problem, the Subcommittee was guided by several intentions. We wanted to present a case that was interesting, challenging, and balanced for both the prosecution and defense.

In developing the Problem, we decided on a different approach this year, namely, to present only two witnesses for each side. While we felt that the change in the number of witnesses was appropriate for this year's Problem, it is not anticipated that this will become a permanent change in format for future Mock Trial Invitationals.

Concerns were raised about the neighbors' stipulated testimony, both in terms of vagueness and difficulties with cross-examination. The ambiguities in testimony are intentional and reflect the often inconsistent nature of witnesses' statements in real-life

cases. The stipulated testimony in this year's Problem also serves to flesh out the facts and to provide balance to the Problem. While we do not wish to counsel any of the teams on trial strategy, we believe that there are ample opportunities for cross-examination and other tactics that can be utilized by participants to address the stipulated facts.

The Subcommittee understands and has carefully examined the issues brought to our attention, including the use of two fewer roles. After balancing all of the considerations, however, the Subcommittee has decided that the Problem will stand as it is written. While we recognize the importance of the competitive aspects of the Invitational, at its heart, the Invitational is intended primarily to serve as an educational experience. Goals of the program include allowing students to learn about the judicial system and about preparing and presenting a case before the Illinois courts. Further, the program is designed to help students expand their reading, writing, and thinking skills, to work as a team, to develop oral presentation skills, to learn to set goals and plan effectively, to think on their feet, and to face challenging obstacles with enthusiasm and confidence.

We are keenly aware that in the "real world," and particularly in a criminal case, extensive stipulations are unlikely to occur. This was considered in developing the Problem. Although we strive to reproduce a genuine trial experience, the fact remains that the Invitational is still a mock trial program. It is different from the true litigation experience in many ways, such as the length of trials, the absence of discovery, and the use of modified rules of evidence. This year we took a slightly different approach to some aspects of the Problem, but upon review, we believe that the Problem, as presented, is consistent with and does not detract from students' ability to have a positive educational experience, including exposure to the judicial system, in general, and trials, in particular. We hope that teams will be open to this new format and to the idea that it may present new and interesting ways for them to be creative in planning their trial strategies for each side of the Problem.

Finally, as we considered the comments that were submitted, we determined that the changes in the format of the Problem required additional consideration to the Rules of the Invitational. Accordingly, the First Update Memorandum from the LRE Committee will include certain adjustments and clarifications to the Rules pertaining to this year's Invitational. We expect that the First Update Memorandum, which will also contain a response to the questions that we have received so far this year, will be posted in mid-December.

Thank you for your interest in the Invitational and good luck preparing for the 2015 ISBA High School Mock Trial Invitational. We look forward to seeing all of you in March 2015!