

Illinois State Bar Association
High School Mock Trial Law Exam

For Teacher Use in Classrooms
Not an official part of the ISBA High School Mock Trial Program
This exam may be used as a pre-test/post-test mock trial activity.

MULTIPLE CHOICE—DIRECTIONS: Select the best answer to complete the following statements.

- 1. The scope of re-cross is (choose the best response)**
 - a. limited by the scope of questions asked on the initial cross examination
 - b. limited by the scope of questions asked on the redirect examination
 - c. limited by the stipulations
 - d. unlimited
 - e. there is no recross allowed at mock trials

- 2. Sequestering a jury means:**
 - a. asking the jury questions
 - b. selecting the jury
 - c. polling the jury to see if a verdict is unanimous
 - d. keeping members of the jury away from the general public, as well as the media
 - e. providing meals for the jury

- 3. If a cross-examining lawyer asks a question and the witness gives an answer that doesn't answer the question, what is the proper objection?**
 - a. narrative
 - b. no foundation
 - c. non-responsive
 - d. asked and answered
 - e. badgering

- 4. What is it called when a witness lies while under oath?**
 - a. perjury
 - b. impeachment
 - c. embezzlement
 - d. hearsay
 - e. reaching

- 5. During trial, which of the following is *not* true?**
 - a. you should rise when addressing the judge
 - b. you should badger the witnesses until you get the answers you want
 - c. you should direct all remarks to the judge or witnesses, not to opposing counsel
 - d. don't make objections unless you have a basis
 - e. don't ask witnesses about what they think might have happened

- 6. Which of the following is something that attorneys do not do during trial?**
- opening statements
 - direct examinations of witnesses
 - cross examinations of witnesses
 - closing arguments
 - responding to questions from the jurors
- 7. Testimony by an expert witness:**
- cannot be considered by the jury
 - should be given special consideration by the jury
 - should be considered on the same basis as any other witness testimony
 - should only be considered by the judge
 - none of the above
- 8. Mock trial witnesses**
- are bound by the facts in their affidavits
 - may be examined by the judge and members of the jury if deemed appropriate
 - may be impeached based on materials not found in the mock trial materials
 - may play the role of two witnesses during any one trial
 - may use costumes and dialect to express themselves.
- 9. If a witness offers an out-of-court statement made by another person to prove a matter asserted in the witness's own testimony, that statement is called:**
- Argumentative
 - Hearsay
 - Asked and answered
 - Leading
 - Improper character testimony
- 10. Circumstantial evidence may be relied upon**
- in criminal cases only
 - only when it relates to character
 - if it leads to a reasonable inference based on other facts
 - can be used only in appellate cases
 - in civil cases only
- 11. A change of venue is**
- a change in judges
 - a change in the location of the trial
 - a change in jury instructions
 - a change of lawyers
 - a change in the formal charges against the defendant
- 12. Jury instructions tell the jury**
- how they are to behave in court
 - whether the defendant is guilty or innocent
 - where to sit
 - the procedures they must follow when deliberating the case
 - that they can't go home until they have rendered a verdict

13. **The *best* thing to do if you believe that a witness has made an unfair extrapolation is**
- object to unfair extrapolation
 - file a rules violation at the end of the round
 - ignore the situation
 - attempt to impeach the witness
 - stop the trial and consult with your teacher
14. **If a witness is having problems remembering what to say, you may**
- help the witness by refreshing his or her recollection
 - answer the question yourself
 - ask a leading question to stimulate the answer you need
 - talk louder
 - dismiss the witness and call someone else
15. **Attorneys may "object" to certain statements made, or questions asked, by opposing counsel. Who makes the final determination regarding these "objections?"**
- the jury
 - opposing counsel
 - the judge
 - the witness
 - the bailiff
16. **What do you call a trial without a jury present?**
- Invalid trial procedure
 - Oral argument
 - Bench trial
 - Closed court
 - None of the above
17. **A stipulation is an agreement that certain facts pertaining to the case:**
- may never be admitted into evidence
 - may only be referred to by the plaintiff
 - may be admitted into evidence
 - only the judge may see
 - none of the above
18. **Pointing out a prior inconsistent statement of a witness during cross-examination is called:**
- impeachment
 - contradictory evidence
 - hearsay
 - improper recollection
 - none of the above

- 19. In Illinois, to become a lawyer, you must:**
- Graduate from an American Bar Association accredited law school
 - Pass the Bar Examination
 - Pass the Character and Fitness Review and an ethics examination
 - Take an oath.
 - All of the above.
- 20. The question "What happened on March 7, 2007?" is asked on direct examination. Which of the following is the best objection?**
- beyond the scope of direct
 - leading
 - the question calls for a narrative response
 - hearsay
 - any of the above
- 21. To impeach a witness on cross-examination, you may ask questions relating to all but which of the following?**
- prior bad conduct that makes his/her credibility (truth-telling ability) seem doubtful and shows that the witness should not be believed.
 - the accuracy of his/her sensory perceptions, which is the witness' ability to see, hear or smell.
 - prior statements made by the witness, which contradict his/her testimony at trial and point out the inconsistencies in his/her story.
 - the bias or prejudice of the witness, that is, showing that the witness has reason to favor or disfavor one side of the case.
 - Any of the above may be used to impeach a witness.
- 22. "Excited Utterance" is an exception to which standard courtroom objection?**
- leading question
 - asked and answered
 - lack of personal knowledge
 - hearsay
 - lack of proper foundation
- 23. Which of the following would be considered a leading question?**
- State your first and last name...
 - State your address...
 - What is your occupation...
 - You really didn't see anything, did you...
 - Where were you on the day in question...
- 24. Which of the following do NOT take place before a trial?**
- pretrial preparation
 - discovery
 - pretrial hearings
 - jury selection
 - rendering a verdict
- 25. Generally, only relevant evidence may be presented during trial. Relevant evidence is any**

evidence, which helps to prove or disprove the facts in issue in the case. However, even relevant evidence can be excluded if it is:

- a. unfairly prejudicial, potentially confusing to the jury or a waste of time
- b. presented by the an unsympathetic witness
- c. presented by a defendant's family member
- d. presented by an expert witness
- e. common knowledge any person should know.

26. Objections are properly made

- a. while the opposing counsel is stating his/her question
- b. after the question is asked, but before the witness responds
- c. by interrupting the witness
- d. at the conclusion of the witness's response
- e. at the conclusion of the trial

27. Which of the following mock trial rules is not true

- a) All witnesses are gender neutral
- b) Each side must call two witnesses
- c) Team may not call a "hostile witness"
- d) Re-direct and re-cross of witnesses is allowed, if necessary to the case
- e) Witness statements and stipulations may be disputed at trial

True/False Questions

- 28. T F Is the following the correct way to mark and enter an exhibit? Have the item marked as an exhibit. Then, show the witness the exhibit and ask him/her if he/she can identify it and, if so, how. Once the witness has clearly identified the object and has answered other questions the attorney may ask, then the attorney asks the judge to have it admitted into evidence. The object/exhibit should be given or shown to opposing counsel before questions are asked. If opposing counsel doesn't object, the item may be admitted into evidence; if counsel does object, the judge must rule whether or not to admit it into evidence.
- 29. T F Questions on direct examination should make the witness seem like he/she ought to be believed; keep the witness "in control" (prevent the witness from rambling since this might weaken the effect on his/her evidence); and not be leading
(where the attorney is telling the story for the witness).
- 30. T F Cross examination should use leading questions, which are aimed at getting "yes" or "no" responses; be based only on circumstantial evidence, and should include questions to which the attorney does not know the answer, to keep the jury interested.
- 31. T F While official mock trial teams registered and participating in the state mock trial event are limited to the materials provided by the ISBA for this event, as an additional classroom exercise, students are encouraged to expand on the materials provided.
- 32. T F Not all students will be able to participate as a mock trial witness or lawyer.

Other roles are open to students while practicing for the official events: They may include Presiding Judge, members of the jury panel, evaluator, bailiff, timers, court reporters, journalists/reporters, and/or courtroom artists.

33. T F Recently signed into law, Public Act 96-0130 prohibits a person from operating a motor vehicle on a roadway while using an electronic communication device to compose, send, or read an electronic message. This law is effective January 1, 2010.
34. T F There are exceptions to the above restrictions that include a driver using an electronic communication device to communicate with emergency personnel or while texting a parent or guardian.
35. T F Any person can report a drunk driver, or a person suspected of driving under the influence of alcohol by calling a nearby State Police Headquarters.
36. T F Seven Reasons to Leave the Party is an Illinois Judges Association program.
37. T F One of the Seven Reasons to Leave the Party is, "Trust is fragile. Don't break it."
38. T F The Complaint against Pat Sainsbury includes that Sainsbury was guilty of a number of careless and negligent acts and/or omissions, including reckless driving.
39. T F The following are terms used in the 2010 mock trial case materials:
BAC – Blood Alcohol Content CDL – Conditional Driver's License
DUI – Driving Under the Influence DWI – Driving While Inconsiderate
EMT – Educated Medical Technician BYOB – Bring Your Own Beer
40. T F Mock trial teams are encouraged to participate in as many formal regional and unofficial practice trials as possible to get the fullest benefit from this educational program.
41. T F This year the sponsors/hosts of the Illinois State Bar Association High School Mock Trial Invitational expanded to include the Illinois Judges Association and the Constitutional Rights Foundation Chicago.
42. T F Each year in Illinois, hundreds of people die needlessly as the result of drinking or drugged driving. Hundreds more are seriously injured or permanently disabled, and millions of dollars of property damage occur.
43. T F Kim Jordan had a party the night the accident involving Lovell and Sainsbury occurred. The party goers were all told that Kim's parents will be home, and that the party was a simple "movie night." Kim's parents are not at home and there is evidence of alcohol being present, brought by guests in coolers. Kim's parents are named in the Complaint as accessories to this case.

44. T F The school that Lovell and Sainsbury attend, Mary Lincoln High School, has a zero tolerance policy regarding drugs, drinking, smoking and curfew violations, except for those on school athletic or scholastic teams.
45. T F In cross-examining a witness, a lawyer is free to ask the witness anything at all, as long as the question pertains in some way to the case.
46. T F Appropriate courtroom etiquette and decorum should be continued in all public areas during all regional and final trials, as well as in all public areas around the trials.
47. T F During direct examination, questions should be very broad in order to encourage witnesses to narrate their story and clarify all points necessary to proving the case.
48. T F Objections are meant to keep improper evidence out of the trial. Judges are the only people in the courtroom qualified to rule on objections. If an objection is overruled, the question and response should not be considered by the jury.
49. T F Abraham Lincoln was our 16th President. In 2009 we celebrated the 200th anniversary of his birth.
50. T F This year's case was a criminal matter in which teams had to determine both liability and damages.
51. T F In a case before a lower court of law in Illinois, the defendant has the right to ask for either a bench trial or a jury trial.
52. T F In a criminal case, the defendant is not required to testify on the witness stand.
53. T F The purpose of punitive damages is to compensate a plaintiff for his/her losses or injuries.
54. T F A statement is not considered to be hearsay if it is used only to show its effect on the listener.
55. T F If, during direct examination, an attorney has to refresh a witness, the statement used to do so must be admitted into evidence.



EXTRA CREDIT – Especially for students thinking about a career in the law!

Critical thinking skills are an absolute necessity for anyone wishing to pursue a career as a lawyer. For extra credit, the following provide ways for students to learn to think “like a lawyer.”

Copies of the Illinois Rules of Professional Conduct are available at:

<http://www.state.il.us/court/SupremeCourt/Rules>



Question A. The Illinois Supreme Court issues Rules of Professional Conduct that lawyers in this state must follow throughout their careers. One of the Rules discusses “confidentiality of client information.” Even though lawyers are directed to keep matters of clients confidential, Rule 1.6 (c) specifically states, “A lawyer shall reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary to prevent reasonably certain death or substantial bodily harm.” Client A, who works at a research laboratory, gives the lawyer letters and files that contain information suggesting that the client mistakenly dumped a significant amount of toxic waste into the town’s water supply rather than disposing of it properly. May the lawyer disclose this information to appropriate authorities?



Question B. Lawyer A meets Lawyer B in a bar one evening and they talk for hours. Lawyer A discloses to Lawyer B that Lawyer A has just been diagnosed with an untreatable disease and he/she only has about six months to live. Then Lawyer A proceeds to tell Lawyer B about a case he/she concluded a number of years ago. Lawyer A admits to Lawyer B that A omitted significant amounts of evidence from discovery and trial which resulted in the opposing party being convicted of murder and given the death penalty. Lawyer B counsels Lawyer A to disclose this information to the appropriate authorities. Lawyer B does nothing with the information because he/she has no identifying information. No name, no case number, no city or county where the trial was conducted, etc. Lawyer A dies. Approximately 5 years after the conversation Lawyer B opens a newspaper and reads about an appeal of a prisoner on death row. Lawyer A’s name was mentioned as having served as opposing counsel. The facts were such that Lawyer B recognized this case as the one Lawyer A talked about years ago. Lawyer B immediately contacts the defendant’s lawyer and the Supreme Court where the appeal is pending and discloses the conversation had with lawyer A some years prior. The judge orders a full investigation into Lawyer A’s files and the information that had been withheld was found and the conviction was overturned, a new trial was held and the party was found not guilty. Question – Did Lawyer B act appropriately? Did Lawyer A act appropriately?



Question C. Lawyer X receives a fax that was obviously sent in error. The fax originated in Lawyer Y’s office and discusses matters pertinent to a case X is handling against Lawyer Y’s and his/her client in a divorce matter. The fax is a letter from Y’s client to Lawyer Y which discloses information that Lawyer X needs to prove certain allegations made against X’s client are false. Illinois Rules of Professional Conduct, Rule 4.4(b) states that “A lawyer who

receives a document relating to the representation of the lawyer's client and knows that the document was inadvertently sent shall promptly notify the sender."

The fax contains language at the bottom which states,

This message is intended only for the use of the individual or entity to which it was addressed and it may contain information that is privileged, confidential, and exempt from disclosure. If you are not the intended recipient of this message, any dissemination, distribution, or copying is strictly prohibited. If you have received this message in error, please notify us immediately by telephone and return it to us by first class mail. Thank you.

Lawyer X both phones opposing counsel Y and mails the fax to Y with a letter stating that the fax had arrived unsolicited. Lawyer X also makes a copy of the fax for his/her files.

May Lawyer X use the information contained in the inadvertently sent document to benefit his/her own client in the divorce proceeding? May Lawyer X show the copied fax to his/her own client? Must or should Lawyer Y advise his/her client of the possible breach of confidentiality?



Question D. Attorney X is hired by Company A to help them collect large past due accounts from debtors owing more than \$5000 each. Attorney X writes to each of the debtors, on Company A's behalf, informing them that he/she has been retained to collect on the past due accounts. Attorney X states in each of the letters, the amount due, the original date the payment was due, the length of time that the debtor is past due, and when payment is expected. Also included in the letters is a statement that after a reasonable amount of time has passed, Attorney X may be required to turn the matter over to the State's Attorney's Office for prosecution under a criminal statute and that possible warrants may issue if payment is not received in a timely manner.

Is the letter from Attorney X ethically permissible under the Illinois Rules of Professional Conduct?



JUST FOR FUN

Pass out this paragraph and ask your class to study it and find what's odd about it!

This particular paragraph is a bit odd. Ask your class to study it and find out why. It's not obvious, but it is a fascinating and difficult quiz for hard-working minds. Watch a clock to find out how long your classroom works at this. It's a critical thinking quandary. Too difficult? Actually it's not. It's just a paragraph that omits a bit of information. In a jam? Want to satisfy classroom curiosity? It's tough, but promising classrooms will crack it and laugh that it took so long! What's wrong with this paragraph? Nothing's wrong, just odd. It's not a typo...it's not an omission...it's not formatting. What is it? It will make you groan...it's that funny!



ILLINOIS STATE
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