

UPDATE MEMORANDUM
2011 Illinois State Bar Association High School Mock Trial Case
People v. Grey

Original Update Memo:

Thank you for reading the rules so carefully. There is a wording change but the rule is the same as it has been in previous years. You are allowed to have ten team members total BUT only seven of them may participate in any one trial.

The reason for the wording change is to ensure teams to not use all ten team members at any one trial. There was a breach of this rule last year; we do not want this to happen again.

You may use team members A B C D E F and G in a trial and then rotate three of them out with H I or J in another trial. ONLY SEVEN team members can participate in any ONE trial.

Update of January 04, 2011

Questions

1. How old was Whitney Grey when he started those fires? On page 3, it states he was 13. Later, on page 6, however, it states he was 14.

Whether he was 13 or 14 he is still considered a juvenile. For clarification purposes we changed the problem to state Whitney Grey was 14 when he started the fires.

2. A quick question regarding Whitney's juvenile records; we're aware that Whitney has given permission to release juvenile records, but does this effectively mean that we're to assume admissibility, or should we assume the records, while "available" may still not be admissible & will require argument in court over admissibility?

The parties have made no stipulations as to admissibility of Whitney's juvenile records.

3. Although this year's rules/procedures states there can be no objections during opening statements, I don't see a statement regarding objections during closings. Can objections be made?

There are no objections during closing arguments.

4. I have a question about the team member rule. Since we don't know which witnesses our opponents will call until the trial begins, are we allowed to decide who will do the cross-examination when the witness is called? Of course, we would only use 7 students per trial. For example, the student who prepares the cross-examination of Falcon Berk would step up if and only if Berk was called as a witness by the prosecution. If, instead, Lane Grey is called, the student who prepared that cross-examination would step up.

Assignment of team duties should be made so only 7 team members are needed in any given trial scenario, regardless of who is called as a witness by the opposing side.

Update of January 19, 2011

Questions

On page 18 of Eaton Bahr's statement it states "O'Brien arrived at the fire station about 12:30 p.m. after closing down the pub for the night." Shouldn't that be he closed down the pub at 12:30 a.m.?

The problem was changed to state the time O'Brien arrived at the fire station as 12:30 a.m.

We were wondering if there was any rule against having 4 attorneys participating at any one time in one trial. I know we have a limit of only 7 participating team members per trial, but we were not clear if it mattered that 4 were acting as attorneys at each trial.

Ok so long as no more than seven participating team members per trial.

Do all student participants have to compete on Friday at 11:00 am? Or are some schools arriving on Saturday to rotate teams?

All students have to compete once on Friday and once on Saturday. One day will be prosecution, one day will be defense. Trials begin at 11:15 a.m. on Friday and at 8:30 a.m. on Saturday.

Listed below are the possible time slots your team may be participating at:

Friday, March 4

___ 11:15 a.m. ___ 1:00 p.m. ___ 2:45 p.m. ___ 4:30 p.m.

Saturday, March 5

___ 8:30 a.m. ___ 10:15 a.m. ___ Noon ___ 1:45 p.m.

___ 3:15 p.m. - **Final Trials**

The diagrams of the pub are not attributed to any one witness and are clearly not drawn to scale. Can there be clarification as to who drew them and when?

Exhibit A on pages 24 -27 is the Fire Marshal's Report. The diagrams were drawn by Eaton Bahr, the Fire Marshal.

I am filling out our registration form for State and it's my first time filling the form out so I'm just trying to make sure I understand the packet. Can you explain the Law Test Questions section?

You do not have to submit Law Test questions. It's an option.

All students must take the Law Test either Friday or Saturday.

If you would like to submit questions for the Law Test.... either about the law in general or a question pertaining to this case please submit them by February 1st.

We will try to incorporate as many questions into the test as we can.

You can look on our website at a Mock Trial Pre-test for teacher use.

<http://www.isba.org/sites/default/files/teachers/mocktrial/mocktrialpretest.pdf>

Can you explain the Certification of Participation in Regional/Practice Trial form?

Each team has to show proof that they have participated in regional/practice trial. The regional/practice trial rule was put into place because years ago teams would show up with virtually no preparation. That's why we require the certification so everyone is ready and knows how the process works.

Lane O'Brien's affidavit states, "I would hate to be under the kind of scrutiny that Whitney Grey and Ashton Bellows are facing, especially since Ashton has also been charged and is facing a separate trial. I think maybe he/she will be in the future." What does the last sentence refer to? He/she will be what in the future (as it seems Ashton has already been charged)?

He is referring to the possibility of him going to trial for insurance fraud and arson. It's purely speculation on Lane's part.

FINAL Update of January 25, 2011

What qualifies as a regional/ practice trial? Would having a lawyer or judge come into our school and judge us count?

No, a lawyer or judge coming to your school would not qualify as a regional/ practice trial. The idea behind the regional/ practice trial is for the students to have the experience of participating against another school or team. There are regional/ practice trials scheduled for the Cook/DuPage/Lake Counties.

Please check out our website for contact information

<http://www.isba.org/teachers/mocktrial>

Are the defendant's (Whitney Grey) statements admissible and not considered hearsay?

All affidavits are considered signed and sworn and may not be disputed at trial. However, admissibility of the content of those statements is up to the individual teams to determine as a matter of strategy, and the presiding judge will be the final arbiter of what is and is not hearsay.

Bahr's affidavit says that there are two sprinklers in the basement but the drawing of the basement indicates there are none. Which is correct or is the inconsistency intentional?

The statement and exhibit stand as they are.

During closing arguments, is it permissible for the prosecution to waive their closing argument **until after** the defense has given their closing argument? If allowed, what would be the procedure for requesting this option?

There's no procedure for this in Mock Trials.

Would Jensen Decker need to be aware of **specific examples** of body language/ verbal communication if asked in cross exam or would this be going beyond Decker's affidavit?

The witnesses are limited to the statements contained in the affidavits.

Would Eaton Bahr, as fire chief, have access to police reports involved with this fire?

Again, the witnesses are limited to the material and statements listed in the Mock Trial affidavits and exhibits.

On page 24, Exhibit A, it says "Alarm system: Had been activated. No sign of tampering..." Is this referring to the fire alarm or the security alarm?

It's a security system.

***** PLEASE NOTE *****

- * This is the FINAL Update Memo. The last day for questions was January 21, 2011.**
- * If you are planning to attend, please let us know so we can plan for adequate space and volunteers.**
- * ALL Registration Forms, Special Requests and Law Test questions MUST be received by February 1, 2011.**
- * Certification of participation in regional/practice trial MUST be received by March 1, 2011.**

Remember to review the revised Rules for the 2011 Mock Trials. They are available on line at <http://www.isba.org/sites/default/files/teachers/mocktrial/handbook.pdf>
Timers need to be fully prepared to accurately time the trials. Please