

SECOND UPDATE MEMORANDUM
2020 ISBA High School Mock Trial Invitational

Dakota Young v. Riley Miller

2/18/2020

Question No. 1. Will there be revised copies of the exhibits to which corrections were made in the First Update Memorandum posted?

Due to the revisions made to Exhibit 4, will the ISBA provide participating teams with a revised copy of Exhibit 4?

Answer: Exhibit Nos. 4 and 6 will be revised to reflect the changes made to those exhibits in the First Update Memorandum and will be posted on the Mock Trial webpage. Teams may also reference any other changes in the Update Memoranda during trial by referencing the relevant Update Memoranda itself, as with prior years.

Question No. 2. It is written on the crash report that Guadalupe is in position #3 in the car. Is this position behind the driver or behind the front passenger side?

Answer: The problem will stand as written regarding any information referenced in this question.

Question No. 3. Guadalupe is also noted on the crash report to have injuries. What are these injuries, as it is on the report that she was transported to the hospital?

Answer: The problem will stand as written regarding any information referenced in this question.

Question No. 4. In a question that another school submitted, it was mentioned that the car hit a pole. We don't see this anywhere in the problem. Are we to assume that the car hit a pole? If so, are there any other assumptions that we need to be aware of?

Answer: The problem will stand as written regarding any information referenced in this question.

Question No. 5. The complaint states that Dakota was treated at the Lakeside Medical Center, but Quinn Simpson, Addison Knight, and Exhibit 6 indicate Dakota was taken to the Lincoln County Medical Center. Can you clarify?

Answer: This is an inadvertent typographical error in the Complaint. Paragraph 13, page 4 of the Complaint should read as follows:

13. Plaintiff Dakota Young was taken to Lincoln County Medical Center for evaluation and treatment of serious injuries to Plaintiff's right leg, ankle, and back. Plaintiff suffered less severe injuries to the right arm and hand.

Question No. 6. During a scrimmage, a team asked to “constructively redact” exhibits. Is that allowed? I looked over the rules regarding exhibits not being enhanced, but there does not appear to be a rule prohibiting the markup of exhibits.

Answer: The Mock Trial Handbook requires teams to use the materials given, including exhibits, and not to enhance exhibits. See Mock Trial Rules and Procedure Handbook, Page 26, Article VIII, Section A. Redacting or marking up exhibits is a violation of the Rules. Teams are reminded that the purpose of the competition is to simulate the trial experience and that there may be instances where evidence or testimony will be allowed for the purposes of mock trial but such evidence would likely not be allowed in an actual trial before a court of law.

Question No. 7. Please clarify Riley Miller's age. The affidavit indicates Riley is 18 years old (Line 1). The affidavit is signed and sworn on November 1, 2019. The Accident Report (Exhibit 6) shows Riley Miller's DOB as 9/25/01. The date of the accident is indicated as 03/23/19 (Exhibit 6). This would seem to mean that at the time of the accident Riley was 17, correct?

Answer: The problem will stand as written regarding any information referenced in this question.

Question No. 8. Are Denny's and the coffee shop the same place?

Answer: The problem will stand as written regarding any information referenced in this question.

Question No. 9. Stipulation 6 of the Pre-Trial Order on p. 22 reads as follows:

No witness examination or argument can suggest in any manner that there is a missing witness or party to this litigation, and any comparative fault arguments are to be limited only to the two parties to the case.

Based on this stipulation, would it be improper for a team to suggest that a plaintiff failed to offer medical evidence of the injuries, based on the lack of doctor or medical records included in the case?

Answer: Stipulation 6 of the Pre-Trial Order on p. 22 is hereby revised to state as follows:

No witness examination or argument can suggest in any manner that there is a missing witness, exhibit, or party to this litigation, and any comparative fault arguments are to be limited only to the two parties to the case.

The problem will stand as written regarding any other information referenced in this question.