

THIRD UPDATE MEMORANDUM
2026 ISBA High School Mock Trial Invitational

River Knox v. Lincoln Adventure Co., LLC

3/6/2026

Question No. 1. During trial, while a student portraying a witness is not on the witness stand, can that student sit at the lawyer's table and confer with teammates who are portraying lawyers and the team's other witness? Similarly, when it is the opposing team's case-in-chief, can the two witnesses on the team that is not then presenting its case-in-chief sit at the lawyer's table and confer with each other and with their teammate lawyers? If there is no room for the witnesses to sit at the lawyer's table while not testifying, can they still confer with their teammate lawyers and their teammate witness during the trial, so long as they do so quietly, and with full recognition of proper courtroom decorum?

Answer: Witnesses who are participating in a trial may not sit at the table with the attorneys participating in the same trial or confer with them. Only attorneys are permitted to sit at counsel table. There is no pretrial order allowing party representatives to sit at counsel table. Any person not actively participating in the trial, even if on the official team roster, is considered an alternate or an observer. Observers and alternates are not permitted to participate in any way. See How a Mock Trial Works, Page 7, Paragraph 4. See also Handbook, Section XV.

Question No. 2. In Exhibit 16, it states that Harper McFinch finished the race in 22:12:10. In their affidavit, Harper claims to see River Knox near the talus zone when they fell. If River Knox fell around midnight, that means Harper would have been there at the same time. If the race started at 5:00 AM, that means Harper would be at/near mile 63 nineteen hours into the race, which means they would have finished that last 37 miles of the race in roughly 3 hours, which is a VERY fast pace. Is this timeline correct and intentional?

Answer: The Problem will stand as written.

Question No. 3. What are the rules regarding the use of pleadings in trial proceedings? Are these considered part of the case packet and admissible under rule 612 for witness recollection if there are potential discrepancies between witness affidavits and pleadings?

Answer: The Problem and Rules will stand as written.

Question No. 4. In portraying a witness character, what level of acting is allowed?

Answer: Witnesses may not use costumes, accents, dialects, etc. in portraying a character and their testimony must be entirely consistent with, and not a material departure from, the facts set forth in their affidavit.

Testimony is acceptable so long as it can be reasonably inferred from the witness' statement or it is apparent from the other case materials that this witness would have known that testimony. Creation of a material fact may result in impeachment. If asked on cross-examination to testify about information that is not a part of the case materials, a witness may invent an answer that is consistent with the other affidavits and the facts in the trial. *See ISBA How a Mock Trial Works brochure, pp. 14-15.*