

**JUDGE LYLE STROM HIGH SCHOOL
MOCK TRIAL PROGRAM
2017 CASE**

**Jesse Kimball
vs.
Bentley VanderFeller**

CI 17-092011

Sponsored by the
Nebraska State Bar Foundation
and its State Center for Law-Related Education

www.nebarfnd.org/mock-trial

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NEBRASKA STATE BAR FOUNDATION
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MEMO

TO: ALL MOCK TRIAL PARTICIPANTS

FROM: Doris J. Huffman, EXECUTIVE DIRECTOR

RE: 2017 Judge Lyle Strom High School Mock Trial Program

DATE: August 22, 2017

On behalf of the Nebraska State Bar Foundation, I welcome your participation in the 2017 Mock Trial competition! This year's civil case decides whether a SnappyGab video deliberately caused Jesse Kimball to have an epileptic seizure. ***One important lesson both students and adults alike should learn from this case is that all of us need to be very careful what we Post/Send.....there may be consequences.***

Students – You will experience what it is like to prepare for and present a case before a judge. Working with your team and coaches, you will learn to evaluate information, respond quickly, and sharpen your public speaking skills.

The greatest benefit is the opportunity to learn how the legal system works. After the competition, you will have gained knowledge that will be helpful to you as an adult. By studying and understanding courtroom procedure, you should become more comfortable with federal and state laws as part of the legal system. Your interaction with some of Nebraska's finest attorneys and judges will give you a glimpse of the different interpretations of trial procedure and different approaches of individual members of the judiciary.

Teacher Coaches, Attorney Coaches and Judges – I strongly encourage you to focus on the goal of participation by students rather than stressing competition while preparing your case. Your contributions of time and talent are making many experiential educational opportunities available to over 1,000 Nebraska students. Your participation is an essential element to the success of this program. You can be proud of the positive impact you have made on the lives of these students. Thank you so much!

Gentle reminder - *Scouting by a team's teachers, attorneys, or parents or by affiliates of any other team is not permitted. This includes talking to other schools about a specific team's strategy. The lead teacher coach and lead attorney coach are required to sign the Code of Ethical Conduct Form and return it to me.*

If you have any questions, please contact me.

Good luck and have fun!

ACKNOWLEDGEMENTS

The Judge Lyle Strom High School Mock Trial Program is administered and funded by the **Nebraska State Bar Foundation** and supported by hundreds of volunteer lawyers each year.

The Nebraska State Bar Foundation is a nonprofit corporation that was established in 1963. Its mission is *to serve the citizens of Nebraska and the legal profession through the administration and funding of innovative and creative programs directed toward the improvement of justice and the fulfillment of the American vision of equal justice for all.*

Annually, the NEBRASKA STATE BAR FOUNDATION and the NEBRASKA COUNCIL OF SCHOOL ATTORNEYS help provide financial assistance for the winning Nebraska Mock Trial team to attend the National High School Mock Trial Championship.

A sincere thank you is extended to the Nebraska Council of School Attorneys. Since 1992, this statewide organization has given \$1,000 annually to the winning State Champion. The Council's continued support is a testament of the positive impact Mock Trial has on young Nebraskans.

A most sincere thank you is extended to The Honorable Lyle Strom for his continued leadership and invaluable input with the Mock Trial Program. The Foundation also appreciates the time and input from The Honorable John Gerrard and The Honorable Riko Bishop to the Case Committee.

A special thank you is also extended to the members of the Mock Trial Case Writing Committee for all their time and creative ideas that made this case "come to life":

Hon. Karen Flowers, Lincoln, Chair (ret.)	
Stephanie Hupp, Lincoln, Vice-chair	
Kristi Egger, Lincoln	Lory Pasold, Seward
Michael Gooch, Omaha	Tina Marroquin, Seward
Joel Nelson, Lincoln	Stan Beeder, Omaha

In addition, the Foundation would like to acknowledge and thank the following individuals, who provided invaluable assistance to the Case Writing Committee:

Sourabh Chakraborty and Dr. James "Shum" McShane, M.D.

The Bar Foundation thanks the following Nebraska companies for allowing us to use their name/logo in the case materials: Baker's Candies, Hudl and Runza.

The following organizations endorse the Nebraska High School Mock Trial Program:

Defense Counsel Association of Nebraska	Nebraska County Judges Association
Nebraska Association of School Boards	Nebraska Criminal Defense Attorneys Association
Nebraska Association of Trial Attorneys	Nebraska District Judges Association
Nebraska Council of School Attorneys	Nebraska State Bar Association
Nebraska County Attorneys Association	Nebraska State Council for the Social Studies

MOCK TRIAL OATH

Do you promise that the testimony you are about to give will truthfully conform to the facts and rules of the Mock Trial Competition?

CODE OF ETHICAL CONDUCT

The purpose of the Judge Lyle Strom High School Mock Trial Program is to stimulate and encourage a deeper understanding and appreciation of the legal system. This is accomplished by providing students the opportunity to participate actively in the learning process. The education of students is the primary goal of the Mock Trial program, and healthy competition helps to achieve this goal. Other important objectives include improving proficiency in speaking, listening, reading, and reasoning skills; promoting effective communication and cooperation between the educational and legal communities; providing an opportunity to compete in an academic setting; and promoting cooperation among young people of diverse interests and abilities.

As a means of diligent application of the Mock Trial Competition Rules, the Nebraska State Bar Foundation encourages all participants to follow the Code of Ethical Conduct:

- a. Team members promise to compete with the highest standards of deportment, showing respect for their fellow team members, opponents, judges, evaluators, attorney coaches, teacher coaches and Mock Trial personnel. All competitors will focus on accepting defeat and success with dignity and restraint. Trials will be conducted honestly, fairly, and with the utmost civility. Members will avoid all tactics they know are wrong or in violation of the Rules, including the use of Invention of Facts. Members will not willfully violate the Rules of the competition in spirit or in practice.
- b. Teacher Coaches agree to focus attention on the educational value of the Mock Trial Competition. They shall discourage willful violations of the Rules. Teachers will instruct students as to proper procedure and decorum and will assist their students in understanding and abiding by the competition Rules and this Code of Ethical Conduct.
- c. Attorney Coaches agree to uphold the highest standards of the legal profession and will zealously encourage fair play. They will promote conduct and decorum in accordance with the competition Rules and this Code of Ethical Conduct. Attorney coaches are reminded that they are in a position of authority and thus serve as positive role models for the students.
- d. All participants (including observers) are bound by all sections of this Code and agree to abide by the provisions. Teams are responsible for ensuring that all observers are aware of the Code.
- e. Scouting by a team, its teachers, attorneys, or parents or by affiliates of any other team is not permitted. No information about any previous trials may be shared with any other team/school at either the regional or state competition.

NEBRASKA MOCK TRIAL GOALS

- To increase student comprehension of the historical, ethical and philosophical bases of the American system of justice.
- To clarify operation of the law, court procedures and the legal system.
- To help students develop basic life and leadership skills, such as listening, speaking, writing, reading and analyzing.
- To build bridges of mutual cooperation, respect and support between the community (teachers, students, parents and schools) and the legal profession.
- To heighten appreciation for academic studies and promote positive scholastic achievements.
- To bring law to life for students through active participation in the program.
- To encourage participation and growth toward understanding the meaning of good citizenship in our democracy through the system of law. All students who participate are winners.

2017-2018 MOCK TRIAL COMPETITION TIMELINE AND DATES

Entry deadline	September 11, 2017
Dates and Times Preference Form due to Regional Coordinator	September 22, 2017
Local and regional competition	October 1 -
(7-week period in 12 regions).....	November 22, 2017
Regional winners announced.....	November 22, 2017
State Competition	December 4-5, 2017
Sarpy County Courthouse	
Papillion, Nebraska	
Mock Trial Banquet	December 4, 2017
Embassy Suites La Vista	
La Vista, Nebraska	
National Championship.....	May 10-12, 2018
Reno, Nevada	

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

Jesse Kimball

CI 17-092011

Plaintiff

)

)

vs.

)

Bentley VanderFeller

)

COMPLAINT AND PRAECIPE

Defendant.

)

)

The Plaintiff states as follows:

1. Plaintiff Kimball is a resident of Wagon Wheel County.
2. Defendant VanderFeller is a resident of Wagon Wheel County.
3. On or about April 28, 2017, Defendant caused an instant message communication to be sent to individuals including Plaintiff.
4. The content of the message included a flashing “strobe” light.
5. At the time Defendant sent the message, Defendant knew or reasonably should have known Plaintiff was susceptible to epileptic seizures triggered by the type of “strobe” light in the message.
6. Defendant sent the message to the Plaintiff with intent to cause Plaintiff injury and/or with reckless disregard of the health consequences to the Plaintiff.
7. Plaintiff viewed the instant message with the “strobe” light, and this viewing immediately and proximately caused Plaintiff to suffer an epileptic seizure.
8. Defendant’s actions in targeting the Plaintiff with the message were so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency and are to be regarded as atrocious and utterly intolerable in a civilized community.
9. The seizure induced by the instant message proximately caused damages to the Plaintiff including but not limited to the following:
 - a. Aggravation of Plaintiff’s pre-existing epilepsy;
 - b. A seizure event that, while temporary, was life-threatening while occurring;
 - c. Severe psychological and emotional distress, past, present and future, so severe that no reasonable person should be expected to endure it;
 - d. Past treatment expense;
 - e. The need for future treatment; and
 - f. Severe humiliation and embarrassment.

WHEREFORE, the Plaintiff respectfully requests judgment against the Defendant for special damages, general damages and all other relief allowed under law.

The Plaintiff requests trial by jury of this case.

DATED this 26th day of July, 2017.



Jesse Kimball, Plaintiff,

BY: Millard D. Pile

Plaintiff's lawyer

PRAECIPE

TO THE CLERK OF SAID COURT:

Please issue a summons, endorsed for service upon Defendant and return according to law.

The Defendant will be served by the Goldenrod Sheriff's Department.

Please return the summons to the attention of Millard D. Pile.

DATED this 26 day of July 2017.



Millard D. Pile

Plaintiff's lawyer

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

Jesse Kimball

CI 17-092011

Plaintiff)

)

vs.)

Bentley VanderFeller)

Honorable Tina Beeder

Defendant.)

Presiding Judge

)

WITNESSES, EXHIBITS, AND STIPULATIONS

Witnesses for Plaintiff

- 1: Jesse Kimball
- 2: Alex Payne
- 3: Dr. Dillon Blackwood

Witnesses for the Defendant

- 1: Bentley VanderFeller
- 2: Terry L. Dimond
- 3: Harlan Washington

Exhibits

- 1: Goldenrodian Newspaper Articles
- 2: WallSpace and Yoodell posts
- 3: 911 Call Transcript
- 4: Hospital Discharge Paper
- 5: SnappyGab listing
- 6: How SnappyGab works
- 7: Metadata

Stipulations

Both sides stipulate to the following:

- 1. All exhibits included in the case are authentic and accurate in all respects. No objections to the authenticity of the exhibits will be entertained.
- 2. The parties have stipulated that, if called, the appropriate witness or witnesses would testify that the following amounts were for treatment that was necessary because of Plaintiff's seizure, and were fair, reasonable and customary for the services rendered:
 - \$ 850 ambulance service
 - \$ 4,250 hospital
 - \$ 150 per counseling session
- 3. This is a work of **fiction**. Names, characters, businesses, places, occupational characteristics, events and incidents are either the product of the Case Committee members' imagination or are intended to be used in a fictitious manner. Any resemblance to actual persons, living or dead, or actual events is purely coincidental.

Jury Instructions

STATEMENT OF THE CASE

1. Plaintiff's Claims

A. ISSUES

This case involves a seizure experienced by Plaintiff that occurred on April 28, 2017, at 12:17 a.m. in Wagon Wheel County. The Plaintiff, Jesse Kimball, claims that the Defendant, Bentley VanderFeller, caused the seizure and resulting damages in one or more of the following ways:

- a. Assault by social media message;
- b. Battery by social media message; or
- c. Intentional infliction of emotional distress by social media message.

The Plaintiff claims injury as a result of the Defendant's actions and seeks a judgment against the Defendant for the resulting damages.

The Defendant admits sending a social media message, and admits the Plaintiff experienced a seizure, but denies any actions by the Defendant caused Plaintiff damages or that Defendant intended to harm Plaintiff.

B. BURDEN OF PROOF

Before the Plaintiff can recover against the Defendant for assault, the Plaintiff must prove each and all of the following:

1. The Defendant intended to physically harm the Plaintiff or to cause the Plaintiff apprehension that physical harm was imminent;
2. The Defendant attempted to inflict bodily injury on the Plaintiff with apparent ability to injure the Plaintiff;
3. The Defendant's actions were a proximate cause of damage to the Plaintiff; and
4. The nature and extent of that damage.

Before the Plaintiff can recover against the Defendant for battery, the Plaintiff must prove each and all of the following:

1. The Defendant intended to physically harm the Plaintiff;
2. The Defendant actually inflicted unconsented injury or unconsented contact on the Plaintiff;
3. The unconsented injury or contact was a proximate cause of damage to the Plaintiff; and
4. The nature and extent of that damage.

Before the Plaintiff can recover against the Defendant for intentional infliction of emotional distress, the Plaintiff must prove each and all of the following:

1. The defendant engaged in the following conduct: sending a SnappyGab message with a flashing light;
2. This conduct was intentional or reckless;
3. This conduct was so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency and is to be regarded as atrocious and utterly intolerable in a civilized community;
4. This conduct caused the Plaintiff emotional distress so severe that no reasonable person should be expected to endure it;
5. This conduct was a proximate cause of some damage to the Plaintiff; and
6. The nature and extent of that damage.

C. EFFECT OF FINDINGS

If the Plaintiff has not met the burden of proof on any of Plaintiff's theories, then your verdict must be for the Defendant and you should complete Verdict Form No. 1.

On the other hand, if the Plaintiff has met the burden of proof on one or more of these theories, then your verdict must be for the Plaintiff and you should complete Verdict Form No. 2.

NJI2d 2.12A

BURDEN OF PROOF – GREATER WEIGHT OF THE EVIDENCE DEFINED

Any party who has the burden of proving a claim must do so by the greater weight of the evidence.

The greater weight of the evidence means evidence sufficient to make a claim more likely true than not true. It does not necessarily mean a greater number of witnesses or exhibits.

Any party is entitled to the benefit of any evidence tending to establish a claim, even though such evidence was introduced by another.

If the evidence upon a claim is evenly balanced, or if it weighs in favor of the other party, then the burden of proof has not been met.

NJI2d 4.00 & 4.01

DAMAGES

If you return a verdict for the Plaintiff, you must decide how much money will fairly compensate the Plaintiff for his/her injury.

I am about to give you a list of the things you may consider in making this decision. From this list, you must consider only those things you decide were proximately caused by Defendant's actions:

1. The reasonable value of the medical care and supplies reasonably needed by and actually provided to the Plaintiff [and reasonably certain to be needed and provided in the future];
2. The nature and extent of the injury, including whether the injury is temporary or permanent;
3. The physical pain and mental suffering the Plaintiff has experienced [and is reasonably certain to experience in the future]; and
4. The reasonable monetary value of the inconvenience the Plaintiff has experienced.

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

Jesse Kimball

CI 17-092011

Plaintiff

vs.

Bentley VanderFeller

Defendant.

Honorable Tina Beeder

Presiding Judge

Witness Statement of Jesse Kimball

1 My name is Jesse Kimball. I'm 20 years old now. I was a student at Goldenrod University (GU)
2 until all this happened. Now I don't know what I'll do. I totally blame Bentley VanderFeller. I
3 used to live in the dorms on campus, but now I am back living with my parents in Butler. They live
4 at 3100 East Pershing. I hate sharing a room. Sometimes I just go sleep in the hammock outside
5 under the old oak tree. Oh sorry...

6 I have known Bentley for my whole life, but I don't think s/he knew who I was until this year at
7 Goldenrod. Bentley and I are both from Butler, Nebraska, which is about 12 miles east of
8 Goldenrod. Butler was named for the first Governor of the State of Nebraska, but sadly was
9 also the first (and only) Governor to be impeached. The town is still proud of Governor Butler
10 and has a statue in the town square. Bentley and I graduated from Butler High School in 2016.

11 I was born and raised in Butler. I am the oldest of 11 kids and the first to go to college. My
12 parents, Bryan and Sandy, have always worked hard, but with 11 children, we didn't have any
13 extra money. Don't get me wrong. I learned the value of earning your own way, but we never
14 had anything extra. I have had a job ever since I was old enough. I would ride my 1997 blue
15 Schwinn all over Butler to get to my jobs. I have delivered newspapers, collected cans to recycle
16 them for money, detassled every summer since I was 13 and worked at the lumberyard. Oh,
17 yeah, I have 3 sisters and 7 brothers and my sister Liz has a peanut allergy. Let me tell you,
18 there was a lot of teasing and roughhousing on our farm! We lived right outside of town on a
19 farm and had several cats – one named Peanut, cuz she was a light tan color with a white spot on
20 her left ear, and one named Bear that is an American Shorthair that my cousin Bobby gave me
21 and then Cheddar that we got from our neighbors Max and Joanie. Plus, we have a jet-black
22 Chow Chow named Bruno and he is the best watch dog ever.

23 Anyway, back to my story...when I turned 16, I was old enough to work at the Butler Country
24 Club. At first, I caddied and worked in the bag storage room. Sometimes I could earn extra
25 money picking up trash after big events, like the 4th of July party or wedding receptions. The
26 longer I was there and got to know the members, the more I moved up the ladder. Last summer, I
27 even got to work fancy dinners and substitute as a bartender when they were shorthanded.
28 Every night when I got home, my dad had me put my tips in the "college fund", which was just a
29 big gnome cookie jar in the kitchen.

30 Just so you know, every penny that I have ever earned was saved for college. I still couldn't
31 afford going to GU, until I won the Oliver P. Mason Scholarship because I finished in the Top 3 of
32 my graduating class. That Scholarship was a full ride! As long as I maintained a 3.5 grade point
33 average I could keep my Mason Scholarship. I didn't have my own computer, but that was ok
34 because there was a computer lab on the GU campus that I could use for all my schoolwork.
35 Getting a 3.5 shouldn't have been a problem because school had always been easy for me. I
36 was majoring in Geology mainly because paleontology is so cool. I have always been fascinated
37 by woolly mammoth fossils, since I learned they have been found in Butler.

38 Oh, yeah, I forgot to mention that I formed my own Hiking Club while I was in high school as I'm a
39 "rockhouser" and have a cool collection of gemstones including the state gemstone – the Blue
40 Chalcedony Agate. Yep, I found this by the Chadron Formation and I also used the Fossil
41 Freeway website, a favorite of mine, to look for some fossils in the Panhandle. I even saved
42 money to become a Rockhound Activist of the American Lands Access Association. It took me
43 awhile to save up for the \$25 membership fee, however, I did and even got to meet the
44 Nebraska State Representative!

45 I earned a perfect 4.0 first semester at GU. My grades second semester weren't as good at
46 mid-term, but I was confident I would finish strong and maintain my 3.5 average to keep my
47 scholarship.

48 Bentley and I were from the same town, but we did not socialize. I always knew who Bentley was
49 because his/her parents are the wealthiest people in town. They were the Rockefellers of Butler.
50 I'm pretty sure Bentley didn't know who I was until we ended up in the same class at GU. When I
51 worked at the Country Club, Bentley and his/her parents would come in. I would bus their table
52 every Sunday when they would come in for brunch. I caddied for his/her dad. They had so much
53 money. Bentley would just rattle off his/her dad's member number to buy whatever s/he wanted.
54 I would go home and be lucky if there were leftovers, otherwise I lived on Lucky Charms. Well,
55 the generic brand of Lucky Charms called Top O' The Mornin' Puffs.

56 I guess it was some time during middle school that I had my first epileptic seizure. I was at a chili
57 feed at Butler Middle School sitting with a group of my classmates. The next thing I knew, I was
58 laying on the floor of the cafeteria and everyone was standing over me. I was told that I had
59 started to twitch and my body started to shake. I tipped out of my chair and on to the floor. I
60 don't know. I blacked out, then I was super confused about what had happened. Even though I
61 had come to and the only thing wrong was I felt like I couldn't think straight, my mom took me in to
62 see the doctor.

63 I was prescribed Dilantin. It wasn't so bad. At least it was just one pill. Occasionally I had some
64 dizziness and nausea, but it wasn't too bad and definitely better than having a seizure.

65 I have always been private about my epilepsy. I didn't want anyone to think I was crazy or think
66 of me as different. None of my friends knew about it in Butler. I would take my meds at night,

67 because grogginess was a side effect that I had sometimes. By the time I woke up for school the
68 next day, I was fine. Once I got to the dorm, I didn't want my prescription bottle around, so I put
69 my pills in a weekly box with vitamins, so it wasn't obvious to even my roommate that I was on a
70 prescription. I don't need the weekly box to remember to take them. It was just to hide the
71 prescription bottle. At GU, I always rode my bike over to the Student Health Center and snuck in
72 a side door. I'd keep my head down so no one saw me going in there.

73 I don't think anyone knew that I had epilepsy or seizures at all, until the Karmin concert on
74 September 2, 2016, at the Nebraska State Fair. That was the first seizure I had at college.
75 Strobe lights and loud music. I really like her music and didn't think at all about what seeing her
76 in concert would be like. Alex apparently rode with me in the ambulance and stayed with me at
77 the hospital, so I decided to tell Alex all about it. Everyone knows strobe lights can cause
78 seizures. I have avoided playing video games ever since my first seizure. I never played since
79 then. When people played around me, I looked away from the screen. I didn't want people to
80 know about the seizures, so I pretended to play along and learned what the games were about,
81 even though I never played them.

82 Well, the Goldenrod University newspaper, "The Goldenrodian", did a story about me and my
83 epilepsy right after the concert (Exhibit 1). I did NOT want to participate in any article at all.
84 They said it would be good to bring attention to epilepsy, because it is misunderstood or
85 something. All I saw was that I couldn't keep it a secret anymore. Everyone knew. It was a huge
86 article. You couldn't miss it, even if you wanted to, which I did. Now, I wasn't just the kid with no
87 money. I was the seizure kid.

88 During the Second Semester, Bentley and I were put on the same group project in Nebraska
89 History 201. We were supposed to do something on the Sesquicentennial of Nebraska
90 Statehood, but it could be on any topic. I knew Bentley wasn't much of a student. I could tell that
91 s/he was just relying on whatever job his/her parents had set up for him/her. S/he was coasting
92 through college. I wanted to do our group project on the woolly mammoth since I have always
93 been interested in the woolly mammoth and because it was the oldest thing any of us could think
94 of in Nebraska. Well, Bentley wanted to do it on his/her own family! The arrogance! Having
95 money handed to you does NOT make you a great Nebraskan and certainly not the most
96 important thing in Nebraska history! Bentley didn't even care about his/her grades and I knew
97 that Bentley wasn't going to pull his/her weight on the project. I would be the only one in our
98 group that cared about our grades and I needed a good grade to keep my scholarship.

99 At Spring Break, Bentley invited me to a party at his/her parents' house in Butler. Apparently, it
100 was some big shindig that his/her parents were throwing, but I knew Bentley was inviting some of
101 our classmates. When I got there, s/he told me to be the bartender. I wasn't actually invited to
102 the party as his/her guest. That was the first time I found out that Bentley did recognize me from
103 the Butler Country Club and wanted me to work his/her parents' party. Don't get me wrong. I
104 am a good bartender and I actually needed the money, but I thought I was a guest. Bentley and
105 his/her "followers" got a big laugh out of me thinking I was invited as a guest.

106 I had heard that Bentley had been badmouthing me on WallSpace, Yoodell and Prontogram
107 (Exhibit 2). I found out that s/he gave me a nickname "Spazzy". At first, I just thought it was just
108 because s/he was jealous that I was a better student. Even though I didn't have any money, I got
109 a lot of respect at school and in the dorm because I was the smart one. After a while, they got
110 hurtful and talked about how I didn't have any money, had to use the campus computer lab, rode
111 my bike all over campus, etc. Since Bentley had a lot of money, the best car and even the dorm
112 was named after his/her family, Bentley had a lot of "followers" even though s/he didn't have
113 any talent. My roommate, Terry Dimond..... as soon as Terry found out Bentley went to school
114 at Goldenrod, s/he was immediately trying to get in good with him/her. What a brown-noser.
115 No doubt Terry is a social climber.

116 During Dead Week, it all came to a head. On Thursday April 27th during Dead Week we had
117 our group presentation. Bentley kept insisting on keeping all of the stuff about his/her rich and
118 important family. The rest of us in the group said no, but Bentley wouldn't listen. So, we just cut
119 out all of his/her part in the presentation. We figured s/he wouldn't care as long as s/he got the
120 credit. I didn't want him/her to ruin my grade. Well, the presentation was incredible once we cut
121 out the fluff. Bentley didn't think so. S/he confronted me directly after the presentation.
122 Something about disrespecting his/her family and telling someone on me. No work and all the
123 credit, just like always. Whatever.

124 That night, I wanted to go to bed early, so like, before midnight for a change. The project was
125 over, but I still had finals. I was taking 16 hours that semester. I had 4 finals during Finals Week
126 and I wanted to be ready. So, I took my medication, turned on my fan right by my head to
127 drown out the noise of the dorm, and got ready for bed. The next thing I know I woke up in the
128 hospital. I had no idea what happened or what day it was. Obviously, I had forgotten that
129 Alex was bringing over a large Val's Special, which is my favorite pizza, otherwise I wouldn't
130 have taken my meds.

131 I found out later that I had another seizure. Alex told me that s/he found me on my dorm room
132 floor with SnappyGab open. That makes sense. Usually, when I am getting ready for bed, I
133 check my phone one last time in case I missed a text or I have a notification from SnappyGab or
134 WallSpace. I had a Gab from Bentley. Alex said, "Bentley sent a SnappyGab to cause your
135 seizure on purpose and s/he laughed about it later." Alex said, "Bentley told Terry that I needed
136 to remember my place."

137 I was so upset. "My place". I have tried so hard to overcome that my family doesn't have much
138 money and overcome my epilepsy and Bentley purposely causes a seizure?! It makes sense
139 though because s/he never sent me a Gab before. Of course, Bentley knew about my seizures
140 from the concert. Everyone knows. It was on purpose because I turned our history group into my
141 project and everyone agreed with me that his/her family was not a significant contributor to
142 Nebraska history.

143 I got discharged around 10:00 a.m. on Friday. My first final was on Monday May 1st. I missed it.
144 I had one on Tuesday, I missed it too. I got permission to change the time of my final, but I
145 couldn't focus. Seizures are really hard on me and it takes a while for me to be able to think
146 straight again. I couldn't finish studying and getting ready for the final in the first place, much less
147 do any good on my exams.

148 Over the next few days, I couldn't even leave my dorm. I heard students walking by my room
149 and making comments. I saw on WallSpace and Yoodell all sorts of mean comments about me. I
150 couldn't handle it.

151 I wasn't able to sleep, I couldn't focus on my studies, I couldn't finish my term papers. I just stayed
152 in my dorm room. I didn't complete any of my courses. I flunked them all. By the time I could
153 think straight again, it was too late to save my grades. Usually, you can take an incomplete for
154 the class and retake it, so it doesn't ruin your GPA, but one of the terms of my scholarship was
155 that an incomplete was the same as a fail. I was so embarrassed and humiliated. This must have
156 been how Governor Butler felt when he returned to his hometown after his impeachment. I didn't
157 want that to be me.

158 There was an end of the year party at the Quad on Friday after finals. I didn't want to go. I
159 hadn't left my dorm for a week. Alex came to my room and told me that it would do me some
160 good to get out of the dorm and see people and see that it wasn't so bad. I hated it. I left as
161 soon as I could. They were all whispering about me and pointing at me. There were more posts
162 on WallSpace after the party. I couldn't get away from it. The next day my parents came down
163 to move me out of the dorms for the summer.

164 When I was discharged from the hospital, the doctor recommended that I go to counseling and
165 follow the recommendations of the counselor. I have done that occasionally. I don't get to every
166 biweekly appointment, but I get to at least half, especially when I think I need it...so maybe 14-
167 15 times. I still take my medications every day. I know my meds have been adjusted since all this
168 happened, but you would have to ask my doctor what the changes were supposed to do.

169 I lost my scholarship. Without my scholarship, I can't afford GU. I don't want to work in the
170 lumberyard and I can't be a caddy for the rest of my life and it is all Bentley's fault.

WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,



SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2017-2018 Nebraska State High School Mock Trial Competition.

Stephanie Ann Nelson

Stephanie Ann Nelson, Notary Public

My Commission Expires: December 31, 2017

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

Jesse Kimball

CI 17-092011

Plaintiff

vs.

Bentley VanderFeller

Defendant.

Honorable Tina Beeder
Presiding Judge

Witness Statement of Alex Payne

1 My name is Alex Payne. No, I'm not "the" Alex Payne of course, but I am a distant cousin. My
2 parents were so proud of the accomplishments of Omaha born, screen-writer and director,
3 Alexander Payne, that they gave me his namesake. I have to admit that his films "About Schmidt"
4 and "Nebraska", that were filmed right here in our state, are both great movies! I have always
5 been proud of my family name and proud of my roots, that's why I always knew I would go to
6 college here at good ole GU.....that stands for Goldenrod University.

7
8 My address is 7251 Wildcat Hills in Goldenrod, Nebraska. My parents, Charlie and Teri, still
9 work. My mom is a trial attorney and my dad owns a bookstore, Bound to Please. I have an
10 older sister, Neve Victoria, who has her Masters in Non-profit Management and is the Executive
11 Director of the Community Blood Bank. Neve belongs to the local gym and can usually be found
12 at a HIIT class....you know, the high-intensity interval training classes. My younger brother,
13 Zander, is still in high school and he plays as a defensive midfielder on the Lazars soccer team.
14 We have a black and silver Miniature Schnauzer named Kirby. He is a spunky, fun-loving dog
15 that loves to run and play outside! We also have a mini teacup pig, Barbie-Q, that likes to
16 wrestle with Kirby. Oh, I should mention, that when we bought Barbie-Q it about busted the
17 bank....more than a grand....but she is so darn cute!!! Mom wasn't real thrilled about "pig-
18 proofing" the house with all of her "prized" vases including the handcrafted lead crystal Lalique
19 vase she got from Great-Grandma Althea.

20
21 I met Jesse Kimball the very first semester at GU. We had an intro geology class together and
22 ended up having the same lab time. I hit it off with Jesse almost instantly as I found out s/he is a
23 rockhouser too! S/he was clearly at college to get a degree. What I mean is.... s/he was a
24 serious student, not like some of these rich kids who just party all the time and let their parents
25 pay for a degree in how to successfully complete a keg stand! In fact, one night when we were
26 hanging out in Jesse's dorm room I asked about this stupid gnome cookie jar that s/he has sitting
27 out on a desk. Jesse told me that s/he kept all the money s/he made from all his/her high school
28 jobs in that cookie jar so that s/he could go to college rather than work forever in the lumber
29 yard. It's Jesse's reminder of how hard s/he worked to be at GU. Jesse and I really clicked and
30 we became great friends.

31 It was early on that I learned of Jesse's epilepsy. A group of us had purchased tickets to go see
32 Karmin in concert on September 2nd, 2016, at the Nebraska State Fair. I was so excited to see
33 Karmin, a Seward, Nebraska girl, that had made the cover of Rolling Stone Magazine! There
34 were five of us that went in a group to the concert, but lots of kids from GU were at the concert. I
35 mean this was kind of what the whole college was talking about at the time. Anyway, at the
36 concert Jesse seized. It was so scary! The medics took him/her by ambulance to the hospital and
37 I rode along. Everyone there saw it happen. In fact, I'm certain Bentley VanderFeller knew
38 because we ran into him/her right before the concert started. Jesse pointed him/her out and told
39 me that s/he knew VanderFeller from high school.

40 When things calmed down, Jesse told me all about his/her epilepsy and that the lights at the
41 concert probably caused the seizure. Jesse said s/he probably shouldn't have gone, but didn't
42 want to miss out on the good time. Unfortunately, it was the talk of the school because it was a
43 show stopper! Seemed like everyone at GU had heard what happened at the concert.
44 So, on the day that this most recent seizure happened, I had been hanging out with Jesse listening
45 to him/her complain about how arrogant VanderFeller was and how VanderFeller had some
46 stupid idea for their project. Jesse said that s/he and VanderFeller got into it and Jesse had
47 stormed off. I told Jesse to let it go, I'd go pick up some Valentino's Pizza, and we would just
48 hang out.

49 When I got back with pizza, I knocked quick, but just walked into Jesse's room like I always do. I
50 saw Jesse laying near the bed having a seizure! I freaked out and started yelling for help. I
51 remember running over to him/her, but s/he couldn't communicate with me. My heart was racing.
52 I reached for my cell phone and dialed 911. I don't even remember what I said to them, I was in
53 such a panic (Exhibit 3). It seemed like forever, but the paramedics finally arrived. I distinctly
54 remember that Jesse's phone was on the floor next to him/her, because I picked it up while I was
55 on the 911 call to call Jesse's parents. When the screen lit up, I could see that Jesse had a Gab,
56 and it was from Bentley. I thought that was odd given they were peeved at each other, so I
57 thought I'd be nosey and see what it was. It was pretty short, maybe 5 seconds, but the entire 5
58 seconds was strobe lights. It also had hashtags about #partytime and #jk. I'm sure I saw the #jk
59 because I immediately noticed that those were Jesse's initials. I remember thinking, "what a jerk,
60 sending a jab about the concert incident to Jesse". Then it occurred to me – the strobe lights could
61 have triggered the seizure. The hair on my neck stood up, because I put it all together right then
62 that Bentley did it on purpose! Thinking back, I should have screen-shot the Gab, but I didn't have
63 the presence of mind to save it. I didn't have time to go confront Bentley right then with all the
64 commotion.

65 While the paramedics were with Jesse, I called my parents as I climbed into the ambulance. I was
66 telling my mom, who is an attorney, all about this. She wanted me to send her the image from the
67 phone, but it was gone. She said it would be a good idea to get some fancy court order that
68 would tell SnappyGab to keep the phone data. I know my mom talked to Jesse's parents and
69 encouraged them to get a lawyer right away to file whatever that long-worded motion, "spoiling
70 letter" or something like that.

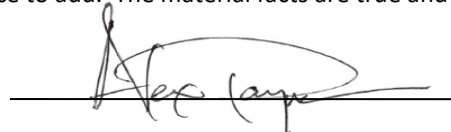
71 The very next day I went to Jesse's dorm room to get some of his/her stuff and take it up to the
72 hospital. Jesse's roommate, Terry, was there. I told Terry exactly what I thought about his/her
73 buddy's Gab! I told Terry how self-centered Bentley was and that s/he never gets in trouble for
74 anything and just has his/her family bail him/her out. Terry said that Jesse was out of line the
75 other day and maybe ought to learn his/her place. Seemed to me like Bentley had already
76 been bragging to Terry about what s/he did.

77 When Jesse came back to school, I stopped by pretty regularly to check in. Several days went
78 by that Jesse barely left the dorm room. I finally told him/her that some socialization would be
79 good. Jesse reluctantly came with me to the end of the year party in the Quad. I noticed that
80 Jesse was talking to some other friends and seemed to have some energy back. But Jesse just
81 wasn't the same. Jesse seemed withdrawn and apathetic most of the night. The next thing I knew
82 Jesse had withdrawn from GU altogether.

WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,

A handwritten signature in black ink, appearing to read "Alex", is written over a horizontal line.

SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2017-2018 Nebraska State High School Mock Trial Competition.

Stephanie Ann Nelson
Stephanie Ann Nelson, Notary Public
My Commission Expires: December 31, 2017

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

Jesse Kimball

CI 17-092011

Plaintiff

)

)

vs.

)

Bentley VanderFeller

)

Honorable Tina Beeder

Defendant.

)

Presiding Judge

)

Witness Statement of Dr. Dillon Blackwood

1 My name is Dr. Dillon Blackwood. I am an emergency room physician at the Tallgrass Prairie
2 Hospital in Goldenrod and treated Mr./Ms. Jesse Kimball on April 28, 2017, for the effects of a
3 seizure.

4 I live at 2210 Ridgeway Drive. My spouse, Morgan, is a Security Architect at Hudl, which is a
5 company that started in Lincoln in 2006. The founders are three University of Nebraska – Raikes
6 School graduates who have created a powerful software platform that helps coaches and
7 athletes win with sports video editing and analysis tools. We keep busy with work and our 15-
8 year-old twin boys, Zach and Micha. The boys are involved in band, basketball and track. In
9 addition, we have a ragdoll cat named Clawedya (she had no claws) with piercing blue eyes.
10 Last, but certainly not least, we have a copper colored Siberian Husky named Lulu. In my spare
11 time, I play tennis to keep fit...someday I want to meet Roger Federer and Angelique Kerber.

12 My undergraduate and medical training was all at the University of Goldenrod: Bachelor of
13 Science degrees in biology and chemistry -- double-major, essentially -- from the University and
14 then my M.D. from the University of Goldenrod Medical Center. My residency was at UGMC, in
15 emergency medicine. For the last ten years I have been board certified by the American Board
16 of Emergency Medicine.

17 I am not a neurologist, neurosurgeon or psychiatrist, though of course my medical education and
18 training included some exposure to these areas. I do call neurologists, neurosurgeons and
19 psychiatrists to the hospital when required for ER patients experiencing certain conditions and then
20 consult and coordinate care with them.

21 My experience treating people with epilepsy is confined to my emergency room work. A rough
22 estimate of the total number of patients I have evaluated and treated for epileptic seizure, during
23 or immediately after the seizure event, would be seventy-five to one hundred. I do not typically
24 follow up with patients who are admitted at the hospital for further evaluation or treatment,
25 except for initial coordination of care.

26 In my experience people come to the ER experiencing seizures triggered by a number of
27 different kinds of factors. The most common precipitating cause is non-compliance with their
28 medication regimen and not maintaining a high enough level in their system. But seizures can also
29 be brought on by a blow to the head, excessive stress, lack of sleep, excessive caffeine, alcohol
30 or drug use, low or high blood sugar, or an infection, just to name some common causes. In a
31 patient with a lowered threshold for seizures these can all be triggers.

32 Before Mr./Ms. Kimball I do not recall treating any patients experiencing seizures specifically
33 triggered by something on an electronic device. Based on my experience, training and keeping
34 up on the medical literature this would be considered a somewhat unusual cause for a seizure.
35 But I can recall seizure patients who had been in an unusual environment that may have played a
36 part.

37 For example, approximately two years ago a patient was brought to the ER from a local
38 nightclub with flashing strobe-type lights and that, along with alcohol consumption and perhaps
39 some dehydration, seemed to be contributing factors. Another time, I would guess four and a half
40 years ago, a patient came in experiencing seizures that seemed to be related to a haunted house
41 type ride at a local amusement park. Again, there were flashing lights or some other disorienting
42 visual phenomena that seemed to play a part.

43 Do not get me started on the broader topic of how use of electronic devices leads to ER visits. If I
44 had a dollar for every time a person was injured in a motor vehicle accident – or, more tragically
45 at times, the driver whose passenger was badly injured -- says they just looked at their phone for
46 a second, we could probably build a new wing on the hospital.

47 Back to seizures. From one perspective, you could say we all have a threshold for seizure.
48 Beyond that threshold we would seize. For most of us the trigger-point is above what we
49 experience in normal, or even unusual, day to day life. Some people unfortunately have a lower
50 threshold and certain factors in regular life can trigger their brains to begin firing electrical
51 signals in a chaotic pattern that we commonly refer to as epilepsy.

52 Despite seeing thousands of patients per year, I do have some independent recall of treating this
53 particular patient, probably because of the somewhat unusual history given by a fellow student
54 or perhaps residence hall adviser who accompanied him/her to the hospital. I do not recall
55 exactly who it was that was there providing information to me about what had happened.

56 I am also relying on my dictated notes made later that night or the next day, to refresh my
57 memory. These notes were made and kept consistently with hospital procedure and my own
58 personal practice of recording, checking and then electronically signing these chart notes as soon
59 as possible after seeing patients, and within twenty-four hours whenever possible.

60 The history was that the patient was found on the floor of his/her dorm room, in the middle of
61 what sounded like a classic tonic-clonic seizure. Extremely frightening to behold if you are not

62 accustomed to it: the patient can go stiff like a board, or arched almost backward, eyes roll back,
63 and then typically the patient will begin jerking uncontrollably. Apparently, whoever found the
64 patient was astute enough to notice there was some type of phone or device nearby. In any
65 event, I was informed the patient may have seen a flashing strobe-type light on the device that
66 triggered the seizure.

67 By the time the patient was wheeled into the ER by the paramedics the seizures were ending,
68 becoming less frequent and then stopping altogether. The patient was by no means able to
69 communicate meaningfully with hospital staff initially, however. We essentially provided
70 supportive care during recovery, and eventually the patient was able to respond to our questions.

71 In terms of my specific role in the patient's care, immediately upon his/her arrival I talked to the
72 paramedics who reported finding the patient in the middle of the seizures which lessened in
73 frequency as the patient was loaded onto a board, loaded into the ambulance, and then driven
74 to the hospital. I ordered lab work done to determine levels of any medication or other
75 substances in the patient's system, and to rule out possible causes such as acute infection. I
76 ordered fluids provided intravenously. I performed an examination to rule out stroke, blow to the
77 head, or other potential causes.

78 As the patient became more responsive I was able to take a limited history. The patient was
79 eventually able to confirm a history of epileptic seizure for which s/he was taking Dilantin. The
80 patient reported strict compliance with the medication regimen and this was consistent with the lab
81 results I obtained. The patient denied any recent seizures and reported it had been
82 approximately 7 months since the last seizure episode. The patient denied any past pattern of
83 frequent seizures.

84 The individual, Alex Payne, who accompanied the patient to the ER was perhaps aware of this
85 pre-existing epilepsy condition. The patient had no recollection of what may have triggered the
86 seizure, which is typical. There is usually an element of both anterograde and retrograde
87 amnesia – in other words, the patient cannot remember the moments immediately before the
88 seizure and cannot remember the seizure itself.

89 However, after Alex informed the patient about seeing the strobe light as part of some social
90 media message, the patient became extremely distraught – crying, agitated, and repeatedly
91 trying to get out of the hospital bed. Staff had to repeatedly urge the patient to remain in bed
92 and attempt to calm down. The patient appeared unable to calm down. One phrase I do
93 distinctly remember the patient saying multiple times that the person who sent the message had
94 tried to kill him/her with the message. The patient was at that point hysterical, repeating over
95 and over that this person was trying to kill him/her.

96 After several minutes of this emotional outburst I ordered that a sedative be administered
97 intravenously as there was concern for the patient's extreme emotional state could trigger another
98 seizure. This calmed the patient down and s/he was able to sleep. Treating people in the throes

99 of psychiatric or emotional crisis is sadly all too common in my practice, almost daily. The
100 patient's level of distress in this regard was quite high, even by our standards that include people
101 who are suicidal, delusional, or who have gone off their psychotropic medications.

102 Before the patient learned how the incident occurred, s/he denied any alcohol or drug use in the
103 recent past, denied any unusually excessive caffeine use, and denied any unusual degree of
104 stress other than "usual finals stuff."

105 We recommended that the patient be admitted overnight given not only the seizure but also the
106 intense psychological reaction to learning how the seizure was triggered. By the next morning the
107 patient was fully oriented, was not hysterical nor deemed to be a risk to him/herself, and had an
108 essentially normal physical examination by the hospitalist on-duty at the time. Dr. Susan LaFlesche
109 Picotte, the hospitalist on duty at the time, did not find it necessary to order an MRI or CT scan of
110 the brain. It was recommended the patient rest and avoid any stressful activity for one to two
111 days. I reviewed Dr. Susan LaFlesche Picotte's notes as well. Those notes are the type of
112 information I, as a physician, typically rely on in assessing patients or in giving opinions such as I
113 have been asked to do in this case. Dr. Susan LaFlesche Picotte's records, like my own notes, were
114 made and kept consistent with standard hospital procedure.

115 Dr. Susan LaFlesche Picotte did call me the next day before discharging the patient, specifically
116 to discuss follow-up that might be necessary for the patient's severe emotional reaction to
117 learning about the triggering event for the seizure. We concurred that the patient should follow
118 up with a psychiatrist, PhD psychologist or at a minimum a licensed mental health practitioner to
119 discuss whatever events culminated in this message that triggered the seizure. Exhibit #4 is the
120 discharge paper work. From the patient's reaction to the news of how this transpired it was clear
121 that the patient was profoundly upset, distraught and shocked that someone had apparently
122 taken this type of action against him/her.

123 I have been asked if, with medical certainty, I believe seeing the strobe light on the electronic
124 device caused the seizure. As indicated earlier, this would be enough of an unusual history for
125 seizure that I am unable to state any opinion with certainty or unequivocally. It is certainly
126 possible another qualified medical professional could in good faith reach a different opinion than
127 I have.

128 That said, I was able to rule out the more common causes of seizure such as medication non-
129 compliance, a blow to the head, acute illness, substance use, or unusual stressful circumstances.
130 On that basis, I certainly can say to a reasonable degree of medical *probability*, based on my
131 education, training and experience, and also based on the history provided by the patient, the
132 paramedics, and those from the dorm who accompanied the patient to the ER, that the unusual
133 stimuli from the patient's phone did in fact cause the epileptic seizure on April 28, 2017, as well
134 as causing the patient's severe emotional reaction and trauma.

135 Further, it is my opinion it was reasonable and necessary for the patient to rest from all normal
136 school or work activity for one to two days because of this episode, and for the patient to receive
137 psychiatric, psychological and/or counseling treatment as a result of the trauma.

138 In summary, I do believe that absent the strobe light type signal from the phone, this event and
139 resulting trauma would likely not have occurred. I am making the assumption, based on the
140 collective history provided, that the patient did in fact view some type of disorienting message or
141 signal on the electronic device immediately or shortly before the seizure began. Obviously, if
142 that assumption is inaccurate, my opinion might change.

143 I have agreed to be identified as an expert in this case, at the request of the patient's attorneys
144 with whom I spoke for perhaps half an hour a month or so ago. I am charging \$500 per hour for
145 my time associated with giving evidence by way of this statement, deposition testimony, or trial
146 testimony. I am happy to explain what I know about this episode and the medical issues involved,
147 but it does take time away from my normal duties and responsibilities. Therefore, I feel it is fair
148 to be compensated for the time spent.

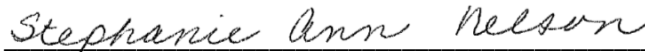
WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,

A handwritten signature in blue ink that reads "D. Dillon Blackwood". The signature is written in a cursive style and is positioned above a horizontal line.

SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2017-2018 Nebraska State High School Mock Trial Competition.

A handwritten signature in black ink that reads "Stephanie Ann Nelson". The signature is written in a cursive style and is positioned above a horizontal line.

Stephanie Ann Nelson, Notary Public

My Commission Expires: December 31, 2017

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

Jesse Kimball

CI 17-092011

Plaintiff

)

)

vs.

)

Bentley VanderFeller

)

Honorable Tina Beeder

Defendant.

)

Presiding Judge

)

Witness Statement of Bentley VanderFeller

1 My name is Bentley VanderFeller. I am a Fifth Generation Nebraskan. You may have heard of
2 the VanderFeller family. The VanderFellers have a charitable trust dedicated to improving the
3 lives of our fellow Nebraskans. My family was honored several years ago when the University
4 decided to name the new campus arena the VanderFeller Arena. Many students call it "The V"
5 for short. The dedication ceremony was wonderful. Warren, Pete and their families were there.
6 The place was packed with well-wishers and people taking tours of the top of the line facilities.
7 A proud day for the VanderFellers.

8 Let me tell you a bit about my family. Our family home is at 2201 Rodeo Drive, just on the edge
9 of town. People think we are just a typical rich family, but many don't know our humble
10 beginnings. My great-great grandfather Harry settled in the Sandhills along with my great-great
11 grandmother Annie. Harry was a hard-working rancher. Harry and Annie had seven children
12 including my great-grandfather George. George always planned on ranching on the land he
13 grew up on and had no idea what life had in store for him. When George was a young man, he
14 made a widget that improved the performance of his wagon out in the fields. All the neighbors
15 insisted he make widgets for them, too, and the next thing he knew, his widgets were in demand
16 all over the place. George's wife Kate, my great-grandmother, was an industrious woman. She
17 encouraged George to turn his widget making into a business. Here we are today, and my
18 great-grandparents' widget business is an international company manufacturing widgets for
19 hundreds of different farm implements. My father, Phil VanderFeller, is the President of GVF
20 Widget Co. After college, I plan on working for GVF, too. My mother, Muffy, owns a Luxury
21 Expedition and is always checking out GVF's international sites. She does attend her weekly
22 Pilates classes when she is in town. We have a Goldendoodle named Samantha and she has a
23 very playful personality.

24 Here is the Cliffs Notes version of high school: I hated it. I attended high school in Butler where
25 my family has a home. My mother Muffy once suggested that my brothers and I go to private
26 school in Manhattan. We had an apartment in the Upper East Side where we spent our summers
27 and some weekends, but Father always said that he didn't trust the school boards there. "All they
28 see is our money, Muffy. If a public school education was good enough for me, it is good enough
29 for our children." I never got to be very close to any of the other kids at Butler HS. No one ever

30 seemed to be interested in getting to know me. Always staring at me. One time after classes, I
31 discovered someone had keyed my brand-new Midnight Silver Metallic Tesla, which has a black
32 leather interior and onyx black wheels and goes from zero to 60 in 2.9 seconds. I really wanted
33 the Model 3, however, it is not available for another 15 months, so I got the Model X P100D. Oh,
34 yeah, the fact that someone keyed my baby car really ticked me off! Let me just say that my
35 semester abroad in Paris was the only part of high school that I really enjoyed.

36
37 I am a sophomore at the university. There have been many rumors spread on campus about me. I
38 believe it is because of my last name VanderFeller. I have heard other students say that the only
39 reason I am attending the university and not an Ivy League school like Stanford or Yale is because
40 my SAT score and grades were so bad. That could not be further from the truth. GU has an
41 excellent business program. I am majoring in business and plan to get my MBA. I am also taking
42 some writing courses. I have already started writing a book about my experiences.

43 This whole thing with Jesse Kimball has put a vise grip on my life. I first found out about the law
44 suit when I was on a ski lift in Aspen with friends from New York. A reporter from the Omaha
45 Daily News called me asking for a comment. Of course, this would make the news. Any time my
46 family is involved in a lawsuit, they think everyone needs to know.

47 Jesse Kimball and I were assigned to do a group project in our Nebraska history class. Jesse and
48 I did not choose to be partners for this assignment. I knew who Jesse was because we both went
49 to Butler High. Jesse worked at the Country Club and I would see him/her when my family was
50 there, but Jesse refused to talk to me. It was clear s/he thought I was just a rich entitled kid.
51 Jesse never seemed to acknowledge all of the charity work my family did. The fundraisers we
52 hosted at the Club always brought in the most donations for the Arts Foundation. When I ran for
53 class president at Butler High, someone put flyers inside the voting booths that said, "Vote for
54 VanderFeller if you want a president only committed to building his/her resume." I always
55 suspected Jesse.

56 Now that we were in college, I hoped that Jesse and I could work on this project without any
57 problems. My family is such an important part of Nebraska history, I figured Jesse would be
58 eager to use my connections for our project. For the most part, things went fine. We met several
59 times at the dorm cafeteria (Jesse said s/he didn't have any money to eat out). Jesse usually ate
60 a salad with Dorothy Lynch dressing. Yuck. I always had a Reuben—it was the only dorm food I
61 could stomach. One time Jesse insisted we meet in his/her dorm room. We ate frozen TV dinners
62 and drank Kool-Aid. Definitely not five-star accommodations.

63 We got into a disagreement about whether we should include the history of the VanderFeller
64 family in our report. I felt our project would not be complete without mentioning the
65 VanderFellers. Jesse said that I was just trying to promote my family and that we weren't that
66 important. I will admit, I was angry. Despite our disagreement, we both knew we had to finish
67 the project to get credit for the class. Just before class started on the day of our group
68 presentation, Jesse told me s/he had cut out all of the information about my family from the

69 PowerPoint presentation and it was too late to add them back in. Jesse said “What’s it matter?
70 I’ll do all of the work and you’ll get all of the credit just like you always do.” I said, “We’ll see
71 about that Spazzy.” I will admit I was very angry. What I meant was that I was going to talk to
72 our professor about what s/he did.

73 Yes, I called Jesse “Spazzy.” My good friend, Terry Dimond, coined the phrase. Terry had been
74 Jesse’s roommate and said that Jesse was such a spazz about everything. The name “Spazzy”
75 kind of stuck. I didn’t mean anything by it.

76 Our final paper for the project was almost complete when I heard about the 911 call for Jesse’s
77 seizure. Everyone on campus was talking about it. The rumor was that strobe lights from a video
78 caused it. Apparently, Jesse has a form of epilepsy that can be triggered by flashes of light.
79 That’s all news to me. Jesse and I had a strictly working relationship and did not share details of
80 our personal lives. Since this ridiculous lawsuit was filed, I found out about an article in the
81 Goldenrodian about Jesse’s seizure during the Karmin concert. All of the students including me
82 were at the concert. My friends and I sat in the VIP suite for the show. I had no idea anyone on
83 the floor had a medical episode. I am now aware the article about Jesse’s seizure was published
84 the same day an article about my family appeared, but I did not read or see the article about
85 Jesse. I didn’t even bother reading the article about my family. I figured if they weren’t going to
86 interview me for the article to get my perspective as a student at the U, why bother reading it.
87 Yes, I saw the link to the article on Terry’s WallSpace page, but that doesn’t mean I saw the
88 article about Jesse. Exhibit #1 does appear to be the same article for the link I saw on Terry’s
89 page.

90 I’ve seen the SnappyGab records marked as Exhibit #5 that show I sent a SnappyGab to Jesse
91 the day of the seizure. I do not dispute the information contained in it. I was at a party that night
92 with my friend Adrian....just kickin’ back and having a good time. There was a great band
93 playing and I wanted the rest of our friends to join us. I took a video of the band that was few
94 seconds long and SnappyGabbbed it to them. The records confirm that I sent a Gab to a bunch of
95 my friends that same time. I sent the video to Doug, Art, Nancy, Burt and Cass, but I never
96 intended to send a SnappyGab of the band to Jesse. We weren’t friends. I must have spazzed
97 when I sent the video to Jesse. The only reason I even had Jesse’s SnappyGab screen name in my
98 app place was because of the Nebraska history project.

99 I’ve also heard about all of the bad things that I’m accused of saying about Jesse. I don’t
100 remember saying those things, but if you push me, I will push back.

101 I wish I had kept a copy of the video I sent to my friends because then I could show you the video
102 I sent to my friends and you would know that I was just making a video of the band. I didn’t even
103 know strobe lights were on.

104 If you ask me, this is all just a ploy to get at my trust fund.

WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,

Bentley VanderFeller

SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2017-2018 Nebraska State High School Mock Trial Competition.

Stephanie Ann Nelson

Stephanie Ann Nelson, Notary Public

My Commission Expires: December 31, 2017

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

Jesse Kimball

CI 17-092011

Plaintiff

)

)

vs.

)

Bentley VanderFeller

)

Honorable Tina Beeder

Defendant.

)

Presiding Judge

)

Witness Statement of Terry L. Dimond

1 My name is Terry L. Dimond, but you probably already know that. I successfully completed my
2 first year at Goldenrod University and I'm tremendously popular on campus. As an extremely
3 important member in a number of prestigious organizations, I am highly in demand. I have known
4 Bentley VanderFeller for 10 years as our families had many business dealings. We became
5 good friends at university. I vouch for his/her honesty and character. I'm majoring in business, but
6 I should be teaching these classes. I know much more about business than any of these professors.
7 I basically have to teach myself. So, when I got to this school, I said to myself, and I speak to
8 myself, because I have a very, very good brain, and I know a lot of things. I said, "Terry L.
9 Dimond, one day you will have your own university." Believe me. My family has been in business
10 for generations, and has always enjoyed incredible success. Oh, yes, I live in the Gerald Ford
11 dorms, which is on the City Campus. My address is 635 S. 14th Street, Goldenrod, Nebraska.

12 Believe me, I know more about dishonest people than anyone, including lawyers. This Jesse, I
13 knew when I first met her/him, and believe me I meet a lot of people, that's how popular I am, I
14 said to myself, this Jesse person.... this is my roommate? What a spaz. Loser. But . . . I'm an
15 incredibly magnanimous person, everybody says so, just ask anybody. I thought having Jesse as
16 a roommate could be hilarious. I mean I'm the least judgmental person you'll ever meet. I don't
17 have a judgmental bone in my body. So even though I knew right away that this Jesse was a
18 loser, I mean, who has a troll cookie jar? Am I right? Some people just have no taste or sense of
19 style. I mean not everybody is as popular and special as me.

20 I'm the best roommate. In the history of college, no one has been a better roommate than me,
21 believe me, I have been a great roommate for Jesse. S/he couldn't have had a better roommate
22 than me. Jesse was always stressing out and spazzing out about grades and homework and
23 school. . . always such a wet blanket. Who wants to hang out with somebody like that? Not me.

24 It's too bad there's not an award for being a great roommate, because I would have won that
25 award. Jesse was always whining and complaining and quite frankly on the verge of a nervous
26 breakdown about this whole college thing from the very beginning. To be honest, and I don't say
27 this to be cruel, it's just a fact, . . . and I know about these things, believe me, s/he does not have
28 what it takes. And I know it takes a lot of stamina to be a college student! Even my family doctor

29 says I have incredible stamina. And quite frankly, Jesse does not have what it takes, and s/he
30 never has. So, when I found out that Jesse's been seeing a doctor, and claims to have some
31 medical problem, and is taking all of these drugs to solve his/her problems, and by the way I'm
32 totally against drugs, they're ruining our country, I thought to myself, what a loser. Sad. People
33 who need a pill or whatever for their problems are just losers. I prefer winners. Jesse is like some
34 old senile person who can't remember when to take their meds with that stupid little day of the
35 week box . . . They can't even keep the days straight, so maybe s/he didn't even take the right
36 pills. S/he probably screwed herself/himself up, forgetting to take his/her spaz pills. What a
37 loser! How many times did s/he ask me, "Hey, Terry, . . . what day is it?"

38 Now the VanderFellers . . . they're superb people. Winners. Bentley is great. Great! I got to
39 know Bentley better when I came to GU. My family has had business dealings with the
40 VanderFellers, and believe me, they are good people. The best. I mean, look how much money
41 they've got. Right? They've been so successful, I mean, just like my family, have enjoyed great
42 success. I have a knack for knowing these things when I meet someone, and I knew right away
43 when I met Bentley, this is a fantastic worker and very successful person. So naturally, Jesse is
44 jealous of the success of Bentley. Which is sad. Because Bentley's family has always been so
45 generous to Jesse. I mean, big tippers, Bentley's family, big tippers, I think that says it all right
46 there. I mean, they even let Jesse bartend at their party. So generous! So, it seems, you know, so
47 ungrateful for Jesse to be suing. I mean it's crazy, right? And I know about these things . . . I see
48 it all the time.

49 It was a joke. The whole thing is stupid. It's all nuts. The whole thing was a joke. I mean, it's
50 funny, right? And I know what funny is, believe me. I'm a very funny person. Everybody says so.
51 This Jesse, her/his SnappyGabs are very unpopular. My SnappyGabs get a ton of hits. My
52 SnappyGab, "100karatDimond," is so popular, I'm like Pepe the Frog and Gabe the Dog, but
53 even more popular. My SnappyGabs are better. Very funny. Believe me, I'm extremely
54 popular. So, when I saw this SnappyGab, I knew that it was just a joke. Everybody knew it was
55 just a joke. I see tons of SnappyGabs a day, so believe me, I know a funny SnappyGab when I
56 see one. And so, I saw the party and people dancing with Jesse's ex, and I laughed because it
57 was funny, right? And #JK means just kidding . . . only a stupid person wouldn't recognize that, so
58 I knew it was a joke. Some people can't take a joke. They're too thin skinned. This is a bogus
59 lawsuit. I mean who is Jesse kidding? S/he knows it was a joke. Bentley is great at jokes, almost
60 as good as me. And all this suffering Jesse claims to have, it's nothing. There's nothing wrong with
61 her/him. Believe me. S/he is perfectly fine. So, "oh poor me, I'm such a spaz . . . Aaaaah! I'm
62 so sick and it's all somebody else's fault." Somebody call the "WAAHambulance!"

63 S/he's made up this story to get money. That's the kind of person s/he is. Isn't it obvious? That is
64 so unfair. And I know these things. I mean, a SnappyGab is causing seizures because of lights or
65 whatever? What about all the video games and movies s/he looked at? Why no seizures then?

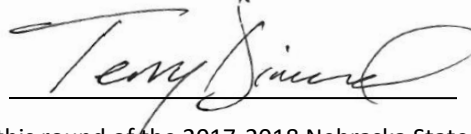
66 They're such whiners. Both Jesse and Alex. They're always miserable. That's just the way they
67 are. And, oh, the drama. It's no wonder Alex called in the national guard. I'm fact, I wouldn't be

68 surprised if they weren't in on it together. When Alex came by that day after Jesse went to the
69 hospital, and when I asked how Jesse was doing (I might have asked how The Spaz was doing,
70 because that's my nickname for Jesse. I have pet names for everyone, believe me. No disrespect
71 intended. None at all). Anyway, after I asked that, Alex jumped all over me and accused me
72 and Bentley of doing this on purpose. It made me so angry because Jesse owes so much to the
73 VanderFellers. What I said was "S/he should remember all that they have done for her/him." I
74 said, "S/he should be grateful, and to stop being such a baby over nothing." It seems to me like
75 Alex and Jesse had already concocted this scheme. The whole thing is a sham to get attention
76 and money. They always want attention. Look at me, look at me. I'm not saying that the whole
77 thing is a grift, a con, a snow job. . . I'm not saying that they are going to split the money, right?
78 But it could be. I mean, who knew that lawsuits could be so complicated? I mean, my family has
79 been involved in a lot of lawsuits, believe me. And we never settled. Never.

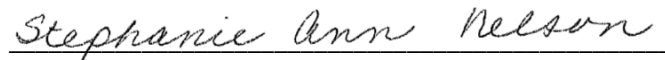
WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,



SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2017-2018 Nebraska State High School Mock Trial Competition.



Stephanie Ann Nelson, Notary Public

My Commission Expires: December 31, 2017

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

Jesse Kimball

CI 17-092011

Plaintiff)

)

vs.)

Bentley VanderFeller)

Honorable Tina Beeder

Defendant.)

Presiding Judge

)

Witness Statement of Harlan Washington

1 My name is Harlan Washington and I am a computer genius. That is why Bentley VanderFeller's
2 Dad's attorneys hired me as their expert witness, to fill more of your brains with awe. You can do
3 nothing but learn from me. I have never done this before, but like I know what I know, right? I
4 don't have clay feet. I am not shy and coming to duel on the frontier will be more fun than Custer
5 had dodging bullets in the Dakotas. I can take some hard knocks but I probably won't even
6 scrape my knuckles. How hard can it be? And yes, I grant you that I am being reimbursed for my
7 expenses and getting \$1,500.00 per day. That is, I am essentially doing this for free.

8 Did you know that I was born in Box Butte County, Nebraska? I survived there, living next to the
9 furnace in the winter. I tended our garden. Seed or bulb, I put it in the ground. All I wanted to do
10 was to chase around like Wild Bill Hitchcock. In those lost years, I wanted to study geology and
11 learn all about the atoms which make up rocks. Frankly, no one believes it but I was even
12 interested in coal facts. I was also interested in fishing, but there is no money in the gar field. My
13 first paying job was washing tons of dirty dishes for the local diner.

14 Just as I entered high school, we moved to Greeley, California. My first car was a 2002 Solar
15 Yellow Jeep Wrangler with 78,637 miles on it. My aunt eloped to Keya Paha County in that
16 jeep. I took it back in the middle of the night, which shows how Mad a person can fee l. That
17 jeep needed repairs, but after he fixed it, pa hocked it. He did that to rebuff a loan shark.
18 Now, I am married and have twin sons, John and Dick, who are both in elementary school. I live
19 at 11428 Pacific Way, which is just south of the Bay area. Oh, and I love listening to jazz! My
20 favorite artist is Louis Armstrong, who began playing the cornet at the tender age of 13. He, of
21 course, is also known as Pops or Satchmo. Other artists that I listen are Duke Ellington (the
22 "Duke"), Dizzy Gillespie – a true visionary, Billie Holiday, Jelly Roll Morton, Herbie Hancock,
23 Pharoah Sanders, Charles Lloyd, Chick Corea, McCoy Tyner, Grace Potter, John Coltrane ("cool"),
24 Miles Davis, or the Bird (Charlie Parker), Ella Fitzgerald, Jeremy Davenport (lounge named after
25 him in the Ritz Carlton), Dr. John and on and on. I'm a total jazz buff.....know everything about it.
26 Heck, I go to the annual New Orleans Jazz & Heritage Festival, which is a 10-day cultural and
27 music event. There are over 600 musicians there! Of course, goin' to NOLA would not be
28 complete without having some Creole cuisine at Commander's Palace or the Brunch buffet at the
29 Court of Two Sisters while listening to live jazz. Plus, you can't beat Dooky Chase's, established in

30 1941, a premier restaurant that Quincy Jones, Hank Aaron and even past United States
31 Presidents' have dined in. And like the Creoles, I consider myself as urban and very
32 sophisticated....and I love gastronomic pleasures.

33 Ah, New Orleans.....love that city. Ok, now, where was I? Oh, yeah, then I escaped to the center
34 of the universe, Silicon Valley. I was forced to attend high school, at Garfield High, but school was
35 way easy. I started taking online classes from UCLA while I was still a junior in high school. I
36 registered for computational mathematics and computer science courses and aced them. In my
37 sophomore year at UCLA, I moved into a coed dorm where I met Glass Steagle. She and I
38 invented SnappyGab©®. It was a boon for me and a banner day for Silicon Valley to be sure. It
39 satisfied a thirst in the IP market. They are trying to copy my code but theirs doesn't hold a
40 chance of doing what mine does. They have similar code but they will never pierce the veil of
41 secrecy surrounding my code.

42 I wrote the code. I was sure, man I got it right too. Wait, you mean zeros and ones? Ha-ha. We
43 are not even touring with that stuff. We stopped using stone and chisels seven decades ago.
44 Glass managed the production and promotion details. I have had to sue those Snap Chatters who
45 have been claiming that I stole their ideas. They have no hope of winning. They did not register
46 their code and we did. They may have gotten to the market first, but they stole my ideas to get
47 there.

48 My code is proprietary and I will not disclose it even in this trial. However, I can explain to
49 primitives how it works, well, I mean how it worked when this seizure happened. Back then,
50 SnappyGab© allowed a user to capture an image or even to take a video of up to ten seconds
51 in duration. What cannot be said in ten seconds, really? That image or video could then be sent to
52 anyone you have friended on the app. The version used at that time had features which allowed
53 for the images or videos to be sent to as many people as you want on an individual basis. Now
54 you can send to groups and or individuals or both. My app allowed for the insertion of captions.
55 You could see words. You could hook or link on to your gab text, add emojis, or voice. You could
56 even distort facial images. My assistant prepared Exhibit #6, a two-page summary with cute
57 pictures so you can follow what my app does and how it does it. I have reviewed Exhibit #6, it is
58 an accurate reproduction of the original. As to its content, of course, I am the expert and I know
59 since I created the app itself that Exhibit #6 fairly and accurately, if somewhat simplistically,
60 helps me to explain what I am testifying about.

61 The revolutionary part was that the content, images or text, after 10 seconds goes poof, except
62 no smoke unless they are using a flammable phone. Yep, helps whatever you send disappear
63 automatically. Refinements of my program since permit saving both by the sender and by the
64 recipient but at the time this communication was dispatched, the recipient could access the content
65 once for ten seconds and a second time within 24 hours of when it arrived. Most important, my
66 app offered and still offers a chance for everyone to keep connected with everyone else. The
67 disappearing act worked by sending along a trigger for the two-time loops built into the app.
68 After the second viewing or after 24 hours from receipt, the recipient's app deleted the content. I

69 mean deleted, not just altering a portion of the metadata. My code, inside the recipient's app,
70 destroys the image and prevents it from being stored at all.

71 Here is how it works: All the sender needs to do is log in, click on the app icon, go to settings,
72 chose any special filters from their preferences and take off. Then the sender captures, creates
73 and enhances his/ her important content. The image or other content is digitized. Then they hit
74 send and send off the data packet into the cloud. The recipient's app includes instructions upon
75 receipt to trigger a ten second viewing time loop. It also triggers the 24-hour self-destruct code.
76 Anyone who opened the message has ten seconds to decide whether to save it or let it disappear.
77 SnappyGab©, like Wired Magazine said, "is indistinguishable from magic, and you are right to
78 fear it."

79 Okay, back then you had a one event per day replay opportunity so you had to keep your head
80 concerning what you keep and what evaporates into the ether. Think of the privacy implications.
81 Any random thing you think could be shared with perfect impunity. This is a perfect tool for
82 keeping in contact with the important people in your world with no social risk. Who could prove
83 what you sent? No one. Maintain your social commitments without risk. Amazing.

84 The old technology just caused the data to disappear by altering some of the metadata.
85 Consequently, the cops could reconstruct partial images, but unless you had their forensic
86 technology, your messages were completely safe. Now you are completely safe. You never have
87 to worry about making a "teenage poor judgment." See, dare, delete, simple. That is about the
88 only risk of the long life of most internet dispatches. At least you know if someone is saving your
89 important ideas and images. We are thorough. If your recipient took a screen shot, you get a
90 notification. Cool bounce back code by the way.

91 Do not chase after the knock-off programs which wish they could do everything that
92 SnappyGab © does.

93 Someone who has epilepsy could, I suppose have a seizure triggered by flashing lights. They
94 could be harmed using my invention. What does that have to do with me? This is America. I did
95 not send anything to anyone. It is true that two years before this incident, McPherson, my CTO
96 (Chief Technical Officer), sauntered into a staff meeting to ask about offering a filter for my app
97 which would have allowed users to avoid noxious content. A computer engineering professor in
98 Nebraska, (notice the amazing coincidence, I am from Nebraska too) claims he could write the
99 code to filter certain types of content in a couple of hours. I am not a doubting Thomas. Really it
100 would be a done deed if we could make some money. I could have richer sons but I have not had
101 time to follow-up on his offer. He said he would do it if we would donate 10% of the net income
102 from the sales of the update to my original code to the Epilepsy Foundation. It would probably
103 not make much money for us so why bother?

104 About this particular lawsuit, I have not tried to access any images on anyone's device. You cannot
105 blame me. I did get a subpoena from the plaintiff's attorneys ordering me to bring in the

106 metadata and content associated with SnappyGab© sent by the defendant around the time and
107 date of the incident. I brought a copy of the metadata, but I cannot bring any content. Exhibit #7,
108 which is labeled by a sharpie© as Exhibit #7 is a true and accurate copy of the relevant records
109 kept by my company in the ordinary course of our work which addresses that subpoena. As you
110 can see, one the appropriate date and time, the metadata serves up on a platter that defendant
111 sent a group SnappyGab© to:

112 Jesse Kimball
113 Douglas Gosper
114 Arthur Sheridan
115 Nancy Perkins;
116 Burt Hamilton

117 I was also ordered to bring copies of any content from the relevant SnappyGab© that are in my
118 records. Oh, to be able to poke around in the haze of the hallways of these Gabs, but no can do
119 since my servers purge all content after the message passes through my system. I could not
120 recover it even if I wanted to and I don't want to. I have made no changes to this part of the
121 system.

122 I know that two people have sued my company claiming that it offers mean people a tool for
123 cruel and harmful, stalking-like misconduct. So far, none of those cases has gone to court and my
124 lawyers tell me that I will win because they don't have a leg to stand on. These complaints have
125 already begun to wane so it should be smooth sailing from here on out. Besides, we have the
126 money to paper them out of court. It is hard to understand why the defendant here did not just
127 copy what my lawyers have done.

128 One suit, brought by Keith Lancaster, claims that his daughter was suspended from school for
129 SnappyGapping© during class. Honestly, I don't even understand what he thinks is wrong with her
130 using my app during class. People have to keep up with their friends. Even if something is wrong,
131 it is the fault of the bad parent and bad teachers. Plain and simple.

132 The second lawsuit involves a Scott Brown who claims that a private investigator took some video
133 which was supposed to be kept confidential. Instead, the PI sent the video unencrypted over the
134 internet. The video showed Browns' father standing up from a kneeling position. Well that ruined
135 his pa's need to prove he was disabled because he wasn't really that injured. Anyway, his claim
136 against me is that the PI used SnappyGab© but it failed to erase the video. I am positive that it
137 was some inferior copycat program and not my program. Mine never fails. So, they could see
138 through Scott's bluff. He must have been lying about being disabled or how could he have gotten
139 up? Liars never prosper.

140 I admit that some rude dudes have figured out a way to be abusive with my invention, but that is
141 not my fault. I do not recommend that people send mean and nasty things to their enemies. But, I
142 get what you are asking here. And yes, technology such as mine does offer the potential for

143 people to do harm. People sometimes hit other people with a hammer but I do not hear anyone
144 suggesting that we should do away with hammers just because some people use them for the
145 wrong purpose, have you?

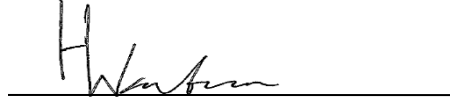
146 At the same time, consider what I have accomplished. I have conquered the question of whether
147 immature conduct lives forever on the web. No, a thousand times no, not anymore. It can be
148 argued by old fogies that the elimination of the durability of images encourages greater, not less,
149 risk taking by teens. With my technology, mistakes disappear without long term consequences.
150 Teenagers and anyone else can keep in constant contact with their group, without fear of creating
151 a permanent trail for all to see. Freedom, I am a champion of risk free youth. What could be
152 better? I am protecting teens from themselves. And besides, who in their right mind would actually
153 believe anything they get over the internet unless it comes from someone they trust. Give me a
154 break.

155 You can tell how successful my invention is considering Ipenema Technologies offered to buy it for
156 \$450,000,000.00. Really, is Ipenema hot? The condition was that we would have to win those
157 pesky lawsuits. Now they are dickering with me and SnappyGab. Really, I cannot imagine
158 anyone getting upset about such stuff either. It is mostly harmless fun.

WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,

A handwritten signature in black ink, appearing to be "H. W. ...", written over a horizontal line.

SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2017-2018 Nebraska State High School Mock Trial Competition.

Stephanie Ann Nelson

Stephanie Ann Nelson, Notary Public

My Commission Expires: December 31, 2017

Exhibit #1

9/9/2016

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NEWS



Karmin Concert Induces Seizure for Campus Student

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VanderFellers Spread The Wealth Across Goldenrod Campus

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Arbor Day Celebration Planned as GU celebrates Tree Campus

Joel Gerrard September 7, 2016
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SPORTS



Golden Larks Cornhole team makes playoffs!

Stephanie Strom September 8, 2016
 1



Golden Larks Quidditch team makes it to World Cup!

Lory Flowers September 6, 2016
 8



Golden Larks face off in the 'Ultimate' test

Stan Hupp September 6, 2016
 3

ARTS & ENTERTAINMENT



TIME TO SETTLE THE SCORE!

Tickets on Sale Now for Burr at the Carson Theatre

Tina Pasold September 7, 2016
 7



Adam DeVine in town for Holiday Special - Dec. 9

Karen Egger September 8, 2016
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TV Dinners and Butter Brickle Ice Cream - reviews

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Karmin Concert Induces Seizure for Campus Student

Mike Bishop September 9, 2016



Campus is abuzz about last week's Karmin concert, but not because of the group's typically-riveting performance. Instead, the Grammy-award winning troupe has come under fire due to the fact its inclusion of an uncharacteristic light show last week induced a severe seizure in campus student Jesse Kimball.

Shortly into the show, the band broke from its traditional low-key and intimate performance model and infused a calvacade of strobes, smoke machines, and color beams Pink Floyd fans would admire. The strobes, in particular, caused Kimball, a Goldenrod University (GU) freshman, to immediately suffer a grand mal epileptic seizure.

Kimball attended the concert with some of his/her dorm room friends, none of whom knew of his/her condition.

"I have been very private about my epilepsy and have not had a seizure for years," said Kimball, "but I guess everyone knows now."

Alex Payne, a GU freshman, attended the Karmin concert with Kimball. S/he was shocked by the affect the lights had on Kimball, but was happy s/he was there to help his/her friend.

"As the first song finished, we were all dancing and this amazing light show started up. All of us were, like, whoa, this isn't like Karmin, but it was awesome so we all started screaming. Then I looked over and saw Jesse on the ground shaking and was like OMG, let's get him/her out of here," Payne recalled.

"I jumped in the ambulance with him/her and was freaking out the whole time. Little did I know Jesse had epilepsy. I am just happy we were all with him/her and could help before s/he got stepped on or something worse," Payne said.

Karmin's newly-introduced light show was not something Kimball anticipated.

"I have loved Karmin since I was a junior in high school. They aren't known for their flash. I wouldn't have gone if I would have known about the light show. I haven't even played video games since I was diagnosed with epilepsy in middle school," Kimball said.

Strobing and flickering lights have been linked to seizure induction in epileptics for some time, but main stream knowledge has only recently expanded with the coverage of the Kurt Eichenwald case.

Eichenwald, an epileptic and widely-known political journalist, suffered a debilitating seizure earlier this year when a twitter follower sent him a tweet containing a strobing GIF image. Eichenwald unknowingly viewed the image and instantaneously experienced an epileptic seizure that incapacitated him for several days, caused him to lose feeling in his left hand and adversely affected his ability to speak for several weeks. The Federal Bureau of Investigation recently arrested the man who sent Eichenwald the strobing tweet on charges of criminal cyberstalking and a parallel civil suit is also pending.

According to Dr. Evan Jackson of the Goldenrod Student Health Center, knowledge or sensitivity to these types of issues for epileptics is commonly lacking among the general populace. "Most people without epilepsy or experience with the condition do not realize the vast number of seizure-inducing exposures they encounter everyday," Dr. Jackson said. "While there are medications that can alleviate the effects of most of these exposures, medicine is not an exact science. It takes active participation from the person with epilepsy, those people closest to them, and the community at large."

Dr. Jackson further acknowledges that individuals with epilepsy should advise the people with whom they regularly interact about their condition to further alleviate any potential seizure-inducing experiences.

"The worst thing to do is keep it a secret," he said. "The more people who know, the less likely it is that the person with epilepsy will find themselves in a seizure inducing experience or environment."

Kimball now heeds that advice. "I know now that I shouldn't hide my epilepsy. All of my friends know and everyone who reads your article will now know, too. I am fine with that."

Even Karmin knows now, too, but that will not stop the band from continuing with its light show. "Karmin appreciates and understands the effect portions of its performance may have on audience members with epilepsy and has taken steps to ensure that all tickets are marked accordingly. However, the group plans to finish its current tour using the new light show as originally intended," said Lewis Sloane the group's publicist.

Reach the writer at 402-475-1042 or mbishop@goldenrodian.edu



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VanderFellers Spread The Wealth Across Goldenrod Campus

Doris Nelson September 9, 2016



Amidst the small, dusty façade of downtown Butler, Nebraska sits a shiny, large, pre-fabricated metal building with an inconspicuous sign that reads: GVF Widget Co. GVF Widget Co. is the juggernaut company that put a town, a family and Goldenrod campus on the national stage over the course of five Nebraska generations.

Like most success stories, however, the VanderFeller family and its philanthropic prowess were seeded in much humbler beginnings.

“In the 1850s, Harry and Annie VanderFeller settled in the Sandhills and began a ranching operation,” said Phil VanderFeller, current president of GVF Widget Co. “Over the course of economic downturns, statehood, droughts, fires and seven children, my great-grandparents extracted a modest living out of the western Nebraska soil.”

While all seven of the VanderFeller children dreamt of contributing to the family ranch as adults, young George VanderFeller broke the mold and invented a widget designed to improve field wagon performance. “George’s widget quickly became an industry standard during a time the county was flooding with farm families looking to harvest a living out of the sunbathed plains,” added Buzz Hamdon, president of the North American Association of Implement Dealers.

George and Kate VanderFeller eventually incorporated GVF Widget Co. in 1906 and over the course of the next 112 years the company has become the market share leader in farm implement widget manufacturing. Today the company services all brands, all makes and also has the capacity to create custom widgets for various farm equipment applications.

Each following generation of VanderFellers since George and Kate have called the company their employer along with the majority of Butler’s constituents. In fact, Phil VanderFeller, the company’s current president, has a child named Bentley, who is currently a Goldenrod freshman and who plans to work for GVF Widget Co. upon his/her graduation.

According to Muffy VanderFeller, Phil’s wife and executive director of the VanderFeller Charitable Trust, “A keystone to George and Kate VanderFeller’s vision for GVF Widget Co. was to ensure that the company shared its success with its state, its people and its institutions.” Adherence to this core principle influenced the creation of the VanderFeller Charitable Trust in 1935 “dedicated to improving the lives of our fellow Nebraskans.” One of the major benefactors of the VanderFellers’ philanthropic spirit has been Goldenrod University.

“Our family has always believed in the need for strong educational institutions in the land grant system,” said Muffy VanderFeller. “These universities create opportunities for local students, train a local workforce, and prepare a population for the future. Our strategic giving to Goldenrod has served the gamut of these factors, tax free.”




Strategic giving indeed. The VanderFellers have singularly funded a multitude of campus improvements including the George VanderFeller Library, the VanderFeller Ag Institute, the Annie VanderFeller Center for Early Childhood Development, and, most recently, VanderFeller Arena, also known as “The V.”

The prevalence of the family name on campus does not go unnoticed. “You can’t go to Goldenrod without knowing about the VanderFellers,” said Trace McGerr, a Goldenrod sophomore. “I am from Arkansas and just thought the VanderFellers were some sort of rich local family looking to show off, but, having been here on campus for a couple of years, I now know I was only half right. The VanderFellers seem like pretty cool people, too.”





For now, however, the VanderFellers continue to look for meaningful ways to help improve the student and faculty experience at Goldenrod. “Based on what I saw when we moved our precious Bentley in earlier this year, I think the campus will need some new dorms in the near future,” said Muffy VanderFeller. “We also think a new business college would be a fitting tribute to Phil, given how well he has stewarded GVF and all since taking over. Only time will tell.”





Reach the writer at 402-475-1042 or dnelson@goldenrodian.edu




Exhibit #2

 Bentley
 @bentleysrbest  


Rockin the @Karmin concert in nothing less than the VIP section! #vandysrule











Re-Yoodelled 51	Favorites 13	   
9.2.16 10:49p		

 Bentley
 @bentleysrbest  

When you check your bank acct and you have an extra \$500 bc its a Tuesday! #loveumom #poorjk #whattobuy



Re-Yoodelled 22	Favorites 4	    
11.15.16		




 Bentley
 @bentleysrbest  

Whas going on in the nosebleed sec? #ruiningourconcert















Re-Yoodelled 6	Favorites 1	 
9.2.16 11:31p		

 Bentley
 @bentleysrbest  

School project...#Nebraska150...what's your fav NE food? @NE150

Re-Yoodelled 49	Favorites 28	    
1.17.17 9:38p		



 Bentley
 @bentleysrbest  

Just got asked to go back stage with @Karmin!!!













Re-Yoodelled 34	Favorites 5	   
9.3.16 12:03a		

 Bentley
 @bentleysrbest  

Need a ride @100karetdimond? #alwaysfrontrow #bikersrsmelly

Re-Yoodelled 29	Favorites 8	    
2.24.17 10:42a		

 Bentley
 @bentleysrbest  

Just got a new laptop! Happy dance! A feelin spazzy has never had! #computerlabdirty #dontsharentcare






Re-Yoodelled 8	Favorites 2	    
10.15.16 2:19p		



TDiamond 
@100karatdimond



Knock-knock Whos there? Doris Doris who? Doris locked that's why Im knocking! #roommatelockedmeout



Re-Yoodelled 51	Favorites 13	   
--------------------	-----------------	---

2.7.17
5:37p



TDiamond 
@100karatdimond



I am amazing! Todays challenge....try and be as amazing as me!



Re-Yoodelled 51	Favorites 13	    
--------------------	-----------------	---

3.21.17
7:03a



Terry Dimond
9.9.16

Hey, Vandy, terrific article today about your fam in the DG. It's about time somebody in the media gives you and your fam credit for being so great. Oh, btw, there was a pathetic story about The Spaz throwing a fit or whatever at the Karmin concert. Sad.

http://goldenrodian.com/news/VanderFellers-Spread-The-Wealth-Across-Goldenrod-Campus/article_1j9u8d1-g2e0s1tr5om



Comments 2 Share



Bentley VanderFeller
2.10.17

Going to dinner - grab your roommates!
#jk tdimond you got the raw deal



16 Comments 2 Share



Bentley VanderFeller
3.20.17

Need a new project group! Why do I always get the worst? Anyone else?



42 Comments 5 Share



Let's Party



 48 #VIP #sooclose #kaminlove



Cats away....



 113 #catsaway #micewillplay #GUrocks #nojk



Wagon Wheel County Sheriff's Office

**Transcript of 911 Call for Service
April 28, 2017 at 12:17 a.m.**

**OG: Octavia Garrison, WWCSO Dispatcher
AP: Alex Payne, caller**

OG: Wagon Wheel County 911, where is your emergency?
AP: My friend, something's wrong! (inaudible) don't know what to do! S/he isn't moving! Jesse!
OG: Ok, Where are you?
AP: In his/her room. Oh my gosh – what do I do -help, s/he won't open his/her eyes!
OG: Ok, what room? What's your address?
AP: Jesse's dorm room, umm, Goldenrod.....(inaudible)... I don't know the address here, I don't live here, it's, ahh, Norris Hall, Norris Hall, at Goldenrod University.
OG: Ok, standby, I'm dispatching rescue.
OG: What is your name?
AP: Alex Payne
OG: Ok, Alex, what is going on?
AP: I don't know – I think it's a seizure. S/he has seizures. How long (inaudible) we need help!! (inaudible)
OG: Help is coming. Stay on the phone with me.
AP: Ok
OG: Alex, has Jesse had seizures before?
AP: Yes, yes.
OG: Do you know if Jesse takes medications?
AP: Yes, I think so, I don't know....(inaudible). S/he's twitching – Oh my God! It's ok Jesse! They are coming!
(inaudible)... I need to tell his/her parents! (inaudible)...
OG: Alex. Alex? Alex?
AP: I'm here...(inaudible) calling his/her parents, they need to know, they need to come, (inaudible). What the heck?
OG: Alex, what did you say?
AP: It's on his/her phone... (inaudible).... strobe lights. Oh my god! Jesse, it's ok, they are coming to help. It's ok!
OG: Alex, are you there?
AP: I'm here! It was his/her phone.. (inaudible)... made him/her seize.
OG: Can you repeat that? What did you say about the phone?
AP: There are lights on the phone – they cause him/her to seize! It's a seizure! S/he needs help right now! Right now!
OG: Ok, they are almost there. Is the door unlocked?
AP: It's open! Hurry, please, hurry, I don't know what to do! I don't know what to do!
OG: Stay on the phone Alex, they are almost there. They are coming in the main doors. Can you go toward the main doors and locate rescue and then come back to the phone?
AP: Ok! (inaudible)
AP: I'm here. They're here.
OG: Alex, have they arrived?
AP: They're here.
OG: Tell them everything then come back to the phone, ok?
AP: Ok. (voices in background: "she keeps all of it (inaudible) medicine closet (inaudible) seemed tired (inaudible) pizza to the room and found (inaudible) cell phone (inaudible) snappy (inaudible) flashing light was on the screen and I know that wasn't an accident. (inaudible) no, that one is my phone...")
AP: I'm back. They are taking Jesse now.
OG: Ok, you can hang up now. Thank you for helping your friend.

**WWCSO# 040381
Medical Call
04/28/17 DJH**

Exhibit #4



Tallgrass Prairie Hospital
Emergency Department
4100 Winthrop, Goldenrod, NE

Kimball, Jesse m/f
06/28/1997 002-072-0071
sez2-1021-1981

12345

INSTRUCTIONS FOR PATIENTS

MEDICATIONS/PRESCRIPTIONS

You were given (medications/prescriptions):
cont. reg. meds

The Medications you received can make you sleepy.
 Please be careful and do not drive, drink alcoholic beverages or perform dangerous activities for the next:
24 hours 24 hours after taking your medication.

You may take aspirin, Tylenol, Ibuprofen (Advil, Motrin) or Naproxen (Aleve) for pain or fever (use only as instructed on the bottle)

DO NOT TAKE ANY OTHER MEDICATIONS for this problem without first consulting with the Emergency Department or your family doctor.

ACTIVITY

Get plenty of rest, as appropriate
 Bedrest for the next ___ days
 Light activity only for the next ___ days
 Avoid heavy lifting
 Other no driving, stressful activities x 2 days

DIET

As desired or tolerated
 Clear fluids for the next ___ hours
 Drink plenty of fluids
 Avoid fatty foods
 Other _____

OTHER INSTRUCTIONS

****IMMEDIATE FOLLOW-UP IS REQUIRED IF:**

- Your symptoms appear to be getting worse
- Increased Redness or swelling
- Chills or fevers for more than 2 days
- Nausea and Vomiting
- Difficulty Breathing
- Chest pains

OR

repeat seizure

If any of these symptoms occur, **immediately** call your family doctor or the Emergency Department

FOLLOW-UP CARE:

- If this problem has not completely resolved in ___ days, you must see your Family doctor or return to the ER.
- If pain persists for more than ___ days, you must see your Family doctor or return to the ER.
- The problems recognized require further evaluation or treatment. Follow up care is mandatory. ① P.C.P re. epilepsy ② psych. consult
- Return to the Emergency Department in ___ days for a recheck and follow-up.
- You will need to bring your x-rays when you go to your follow-up appointment. You can pick them up in the X-ray Dept. on the morning of your appointment. If you call first they will have them ready for you. Call (402) 475-1042.
- Your follow-up care is to be provided by _____. Please make (or keep) an appointment ___ tomorrow or in ___ days. If there are any problems in contacting this doctor you may call or return to the Emergency Room.

Please follow these instructions carefully. If questions arise please call the Emergency Room or your Family Doctor. If you feel your problem requires further attention please return to the Emergency Room. There is no charge for a recheck within 24 hours. If you had any X-rays taken, they have only had preliminary readings. If any changes occur in the final reading, you will be notified.

I certify that the above instructions have been explained to me. I understand and agree to follow these instructions.

SIGNED: Jesse Kimball
Patient or Responsible party

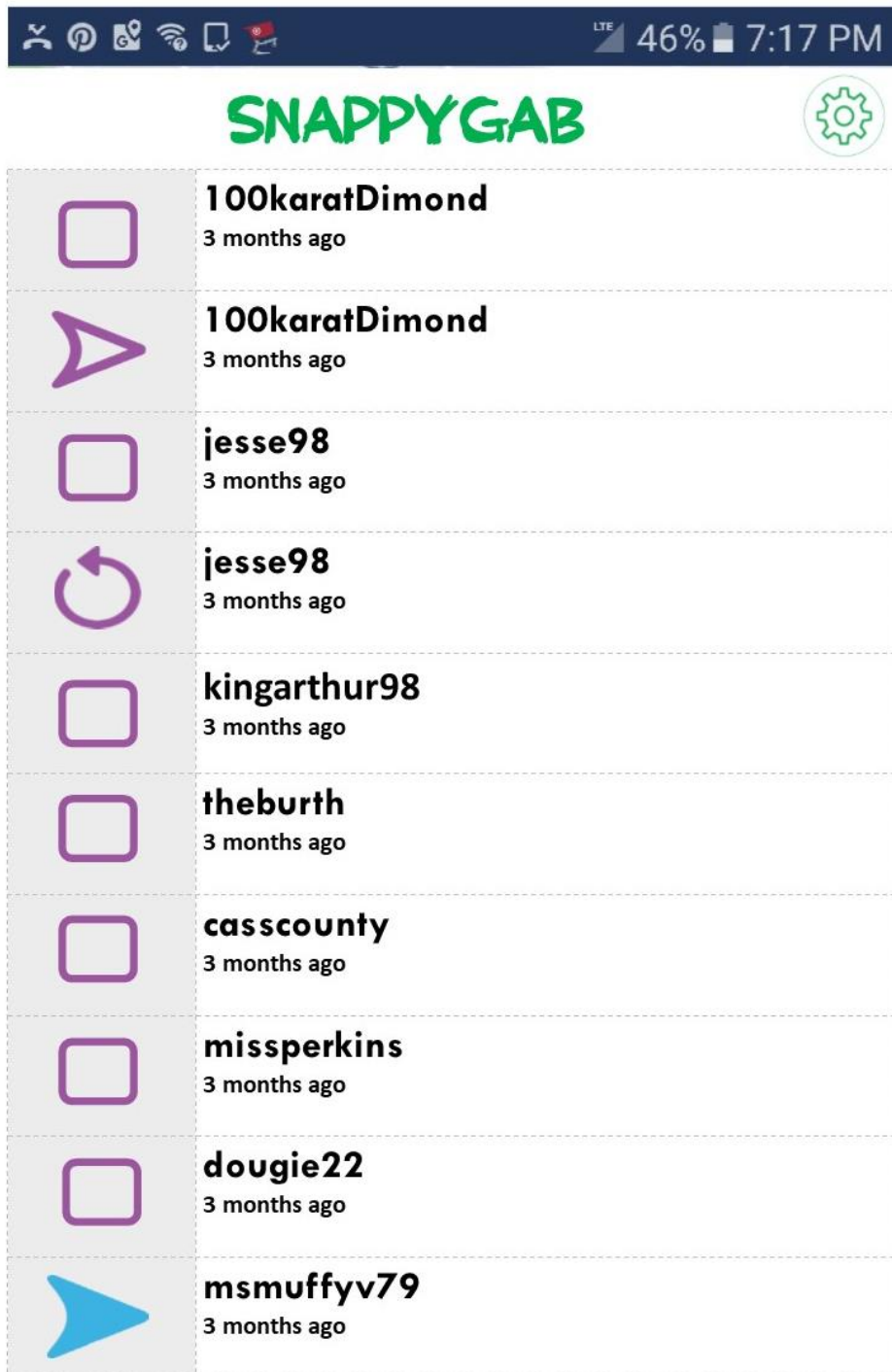
WORK/SCHOOL RESTRICTIONS:

Date 4/29/17

Jesse Kimball has been treated in the Tallgrass Prairie Hospital Emergency Department and may return to work/school: ___ Today ___ Tomorrow ___ on 48 hrs
___ Regular Activities Restricted/Light activity only (light duty, no sports or PE, etc.) until 48 hrs

SIGNED: [Signature]
ER Physician

Exhibit #5



The image shows a mobile application interface for "SNAPPYGAB". At the top, there is a status bar with icons for signal strength, LTE, 46% battery, and 7:17 PM. Below the status bar is the app's logo "SNAPPYGAB" in green, followed by a gear icon for settings. The main content is a list of ten user profiles, each with a profile picture icon, the user's name, and the text "3 months ago".











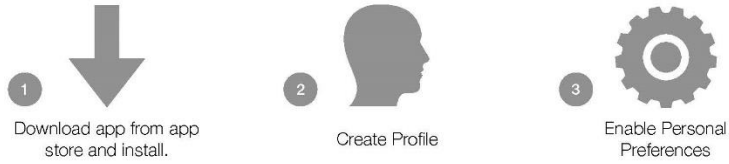
Profile Picture	Username	Time
	100karatDimond	3 months ago
	100karatDimond	3 months ago
	jesse98	3 months ago
	jesse98	3 months ago
	kingarthur98	3 months ago
	theburth	3 months ago
	casscounty	3 months ago
	missperkins	3 months ago
	dougie22	3 months ago
	msmuffyv79	3 months ago

Exhibit #6

How does a user access the app?

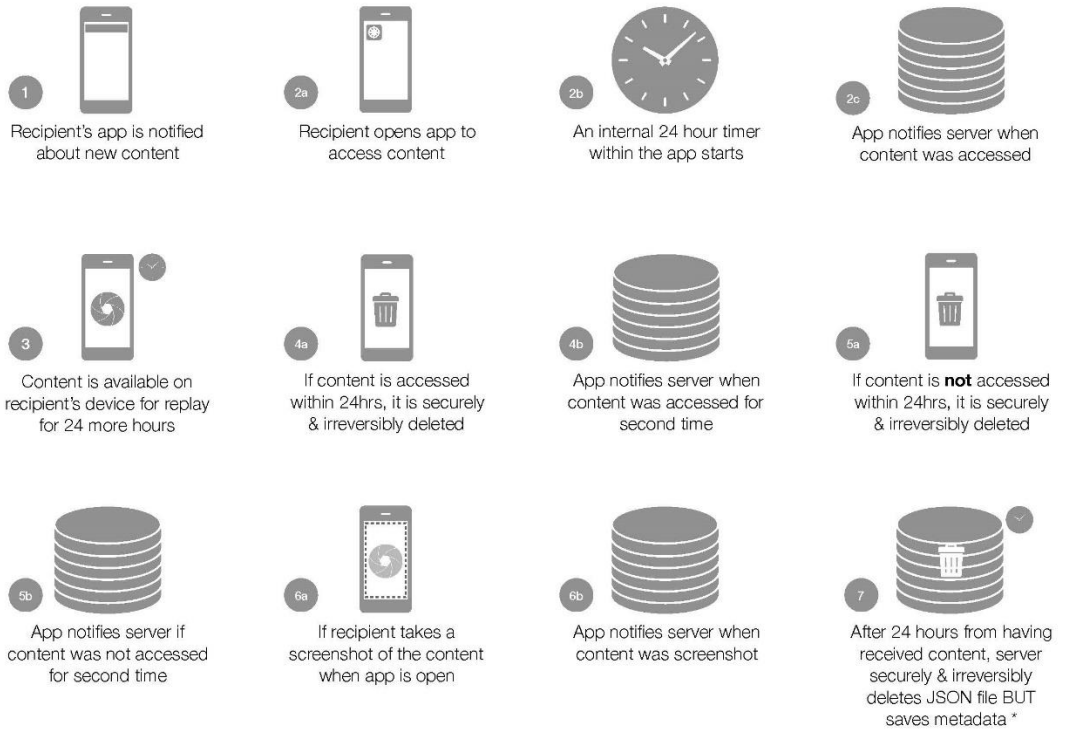


What happens when the Sender sends content?



* A.R. - Augmented Reality A.I. - Artificial Intelligence

What happens when a Recipient accesses new content?



* metadata - any information about the data like time it was received, opened, who sent it, who played it again, etc. but not the data itself

Exhibit #7

EXHIBIT 7

```
{
  "metadata": [
    {
      "message_id": "ny32c61b8vzbg0kgulol",
      "message_type": "video",
      "message_length": "10s",
      "created_by": "bentleyroyal",
      "created_by_user_id": "bvanderfeller",
      "created_at": "2017-04-27 23:08:24",
      "device": "iPhone 7plus 10.3.1",
      "deleted_from_sender_device": "2017-04-27 23:09:18",
      "deleted_from_server": "2017-04-28 00:18:42",
      "recipients": [
        {
          "username": "dougie22",
          "user_id": "douglasgasper",
          "viewed_at": "2017-04-27 23:09:14",
          "replayed_at": "2017-04-27 23:10:55",
          "device": "iPhone 6s 10.3.1"
        },
        {
          "username": "kingarthur98",
          "user_id": "arthursheridan",
          "viewed_at": "2017-04-27 23:09:48",
          "replayed_at": "2017-04-27 23:11:03",
          "device": "Samsung S8 android 7.1"
        },
        {
          "username": "missperkins",
          "user_id": "nancyperkins",
          "viewed_at": "2017-04-27 23:11:54",
          "replayed_at": "2017-04-27 23:12:23",
          "device": "iPhone 7 10.3.1"
        },
        {
          "username": "theburth",
          "user_id": "bhamilton19",
          "viewed_at": "2017-04-27 23:22:11",
          "replayed_at": "2017-04-27 23:32:24",
          "device": "Samsung Note android 7.1"
        },
        {
          "username": "jesse98",
          "user_id": "jkimball98",
          "viewed_at": "2017-04-28 00:13:20",
          "replayed_at": "2017-04-28 00:18:12",
          "device": "iPhone 5s 10.3.1"
        }
      ]
    }
  ]
}
```

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I. RULES OF THE COMPETITION

The Rules of the Competition are based on the rules of the National High School Mock Trial Competition. Some additions or modifications have been made for Nebraska.

A. THE PROBLEM

Rule 1. Rules

All trials are governed by the Nebraska High School Mock Trial Rules of the Competition, the Rules of Procedure, and the Federal Rules of Evidence (Mock Trial Version). Questions or interpretations of these rules are within the discretion of the mock trial coordinators, whose decisions are final.

Rule 2. The Problem

The problem is an original fact pattern, which may contain any or all of the following: statement of facts, indictment, stipulations, witness statements/affidavits, jury charges, exhibits, etc. Stipulations may not be disputed at trial. Witness statements may not be altered.

Rule 3. Witness Bound by Statements

Each witness is bound by the facts contained in her/his own witness statement, the statement of facts, if present, and/or any necessary documentation relevant to her/his testimony.

- If, on direct examination, an attorney asks a question which calls for an invention of facts, the question is subject to objection under Rule 4.
- If, on cross-examination, an attorney asks a question which calls for an invention of facts, the witness may or may not respond, so long as any response is consistent with the witness' statement or affidavit. The question is not subject to objection. See Rule 4 for further clarification.
- A witness is not bound by facts contained in other witness statements.

Rule 4. Invention of Facts

Inventions of facts are best attacked through impeachment and closing arguments and are to be dealt with in the course of the trial. The purpose of this rule is to keep the case as even as possible by not allowing either side to create an advantage for their side by inventing facts. In real trials, this rule is not necessary because all of the facts are within the knowledge of the witnesses. Since mock trials use created fact situations, all of the necessary facts may not be within the knowledge of the witnesses. Therefore, for mock trials we need a rule to prevent inventions of facts that are not included in the case materials.

When an attorney objects to an invention of facts, the judge will rule in open court to clarify the course of further proceedings. The decision of the presiding judge regarding invention of facts or evidentiary matters is final.

Direct and Redirect Examination

Attorneys shall not ask questions calling for an invention of facts and witnesses shall not provide answers that involve an invention of facts. Attorneys for the opposing team may refer to Rule 4 in a special objection, such as: "Objection, Your Honor. The question calls for an invention of facts."

Cross and Recross Examination

An invention of facts may only be allowed on cross or recross examination and only if the question being asked calls for facts that are not included in the case materials. If a witness is asked a question calling for an invention of facts, the witness may respond:

1. "I do not know the answer to that question because that information is not contained in the Nebraska Mock Trial case materials." OR
2. With any answer which is consistent with the witness' affidavit and other substantive issues of the case.

An answer that is contrary to the witness' affidavit may be impeached.

Rule 5. Gender of Witnesses

All witnesses are gender neutral. Personal pronoun changes in witness statements indicating gender of the characters may be made. Any student may portray the role of any witness of either gender. In certain years the Nebraska case may have a specific gender witness role. This may be portrayed by any student on the team.

Rule 6. Voir Dire

Voir dire examination of a witness is not permitted. This is the preliminary questioning of a witness or juror to determine competency, prejudices, biases, or personal knowledge.

B. THE TRIAL

Rule 7. Team Eligibility

Each team competing in the Judge Lyle Strom High School Mock Trial Program must be composed of students who are registered in grades 9-12 in a Nebraska public, private or home school. Schools may enter as many teams as they can effectively organize and properly supervise. [Special permission may be granted for two schools to register a combined team. Contact the State Mock Trial Coordinator.] Exceptions on eligibility issues will be considered on a case-by-case basis.

A team that earns the right to compete at the State Championship shall be composed of the same students (including alternates) that participated at the Regional competition. If any student participant from the Mock Trial team is unable to compete and there are no alternates, another student may substitute for such participant as provided herein. The individual acting as the substitute must be enrolled as a student at the school and not have served on any other Mock Trial team at that school. Participation by an ineligible team member shall result in forfeiture of each trial in which the ineligible team member participated.

To be a part of the competition, schools must register their teams by completing and mailing the Official Mock Trial Entry Form to the State Coordinator, along with a check for **\$35 PER TEAM** (made payable to the **Nebraska State Bar Foundation**) no later than September 11, 2017. Registrations received after Monday, September 11th will be charged **\$70.00**. Also by September 22, 2017, each school should forward to their Regional Coordinator, the time and date preference form and if possible a school activities calendar for October and November.

Rule 8. Team Composition

Teams may consist of a **minimum of six** and a **maximum of eight** students. Only **SIX** members may participate in any given trial. The duties of the two alternate team members may be assigned at the

discretion of the coaches. Students may only participate on one team per school year. Student timekeepers may be provided, but are not considered "official timekeepers" unless so designated by the trial judge.

Rule 9. Team Presentation

Teams must be prepared to present both the Plaintiff and Defense sides of the case, using **SIX** team members per trial. For each trial, teams shall use three students as attorneys and three students as witnesses.

In the event of an emergency that would cause a team to participate with less than six members, the team must notify the Regional Coordinator as soon as possible. If the Regional Coordinator agrees that an emergency exists, he or she will decide whether the team will forfeit a trial or take appropriate measures to continue a trial round with less than six members. Trials may be rescheduled at the discretion of the Regional Coordinator. If the Regional Coordinator is unavailable, the presiding judge will make these decisions. A team proceeding with fewer than six team members may have points deducted from their point totals at the discretion of the scoring judges.

A team that forfeits a trial shall be given zero points, zero judges' ballots and a loss on their trial record. A team that was to have competed against a forfeiting team shall receive a win on their trial record.

The starting time of any trial may not be delayed longer than 15 minutes, unless agreed to by both teams and the presiding judge.

Rule 10. Team Duties

Each of the three attorneys shall conduct one direct examination and one cross examination. In addition, one attorney shall present the opening statement and a different attorney shall present the closing argument.

Opening Statements must be given by both sides at the beginning of the trial.

The attorney who will cross-examine a particular witness is the only one permitted to make objections during the direct examination of that witness, and the attorney who questions a particular witness on direct examination is the only person who may make objections during cross-examination of that witness. Each team must call three witnesses. Witnesses shall be called only by their own team. Witnesses shall be examined by both teams. Witnesses may not be recalled by either team.

Rule 11. Swearing of Witnesses

Witnesses shall be sworn, either individually or as a group, by the presiding judge, using the following oath:

"Do you promise that the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the mock trial competition?"

Rule 12. Trial Sequence and Time Limits

The trial sequence shall be as follows:

1. Plaintiff's opening statement
2. Defense's opening statement
3. Plaintiff's direct examination and Defense's cross-examination of Plaintiff's three witnesses
4. Defense's direct examination and Plaintiff's cross-examination of Defense's three witnesses

5. Plaintiff's closing argument
6. Defense's closing argument
7. Plaintiff may reserve a portion of its closing argument time for rebuttal if it does so at the beginning of its closing argument. The Plaintiff's rebuttal, if any, is limited to the scope of the Defense's closing argument.

Time Limits

1. Each team shall have a total of 10 minutes for Opening Statement and Closing Argument. For example, a 3 minute opening and a 7 minute closing.
2. Each team shall have a total of 25 minutes for Direct and Redirect Examination.
3. Each team shall have a total of 20 minutes for Cross and Recross Examination.

Attorneys are not required to use the entire time allotted to each part of the trial. Time remaining in one part of the trial may not be transferred to another part of the trial, except as allowed by this rule.

Rule 13. Timekeeping

Time limits are mandatory and shall be enforced by the presiding judge. Time for objections, extensive questioning from the judge, or administering the oath shall NOT be counted as part of a team's allotted time. Time does not stop for introduction of exhibits. Each team may have its own timekeeper for the benefit of the team.

Rule 14. Time Extensions and Scoring

The presiding judge has sole discretion to grant time extensions. If time has expired and an attorney continues without permission from the presiding judge, the scoring judges may determine individually whether or not to deduct points in a category because of the overrun in time.

Rule 15. Prohibited Motions

The only motion permissible is one requesting the judge to strike testimony following a successful objection to its admission. Other motions, for example, a motion for directed verdict, acquittal, or dismissal of the case at the end of the Plaintiff's case, may not be used. A motion for a recess may be used only in the event of an emergency or before closing arguments. Should a recess be called, team members are to remain in place and shall not communicate with any observers, coaches, or instructors regarding the trial.

Rule 16. Sequestration

Teams may not invoke the rule of sequestration of witnesses (exclusion of witnesses from the courtroom).

Rule 17. Bench Conferences

Bench conferences may be granted at the discretion of the presiding judge, but should be made from the counsel table in the educational interest of handling all matters in open court.

Rule 18. Supplemental Material/Illustrative Aids

During the trial teams may refer only to materials included in the mock trial case packet. No physical evidence, illustrative aids, enlargements, props or costumes are permitted unless authorized specifically in the case materials.

Rule 19. Trial Communication

Teacher sponsors, attorney coaches, non-participating team members (the two alternates), and observers shall not talk to, signal, communicate with, or coach their teams during trial. Team members (defined as

the three student attorneys and three student witnesses) participating in the trial may, among themselves, communicate during the trial; however, no disruptive communication is allowed. Signaling of time by the teams' timekeeper(s) shall not be considered a violation of this rule. Timekeeper(s) may verbally communicate the remaining time to their teammates during a recess. Non-participating team members serving as the timekeeper(s) and/or the videographer may sit in the jury box if space allows.

Teacher sponsors, attorney coaches, and observers must remain outside the bar in the spectator section of the courtroom.

This rule remains in force during any recess time that may occur.

Rule 20. Viewing a Trial

Local and Regional Trials

Check with the Regional Coordinator for your county regarding persons not associated with the competing teams viewing a trial. Coordinators may choose one of the following options:

- A. All trials are open to the public. Trials may be videotaped only by the competing schools or local media, OR
- B. Only team members, alternates, attorney coaches, teacher sponsors, observers or other persons directly associated with the competing teams may view a trial. Videotaping is allowed only by the competing teams IF both teams agree to permit it.

State and National Championships

Team members, alternates, attorney-coaches, teacher-sponsors, and any other persons directly associated with a mock trial team, except those authorized by the State Coordinator or the National Board, are not allowed to view other teams in competition, so long as their team remains in the competition.

Rule 21. Videotaping/Photography

Local and Regional Trials -- See Rule 20.

State and National Championships -- Any team has the option to refuse participation in videotaping, tape recording, still photography, or media coverage, except that media coverage will be allowed by the two teams in the state championship round and at the national championship.

C. JUDGING

Rule 22. Decisions

All decisions of the judging panel are FINAL.

Rule 23. Composition of Panel

The judging panel shall consist of one presiding judge and two scoring judges, all of whom shall complete individual score sheets. No mock trial shall proceed without three judges, unless one mock trial judge is unavoidably, unexpectedly absent. [Contact your coordinator if a mock trial judge is absent.]

If one mock trial judge is unavoidably, unexpectedly absent, the other two judges may proceed to score the trial and determine a winner by mutual agreement. If the two judges cannot agree on a winner, then the two teams shall retry the case at a mutually agreeable later date. Any mock trial with less than two judges shall be rescheduled by the two participating schools at a mutually agreeable later date.

The state championship trial may have a panel of five to twelve jurors (mock trial judges) at the discretion of the State Coordinator.

Rule 24. Score Sheets/Ballots

The term "ballot" will refer to the decision made by a presiding or scoring judge as to which team made the best presentation in the trial. The term "score sheet" is used in reference to the form on which speaker and team points are recorded. Score sheets are to be completed individually by all three judges. Scoring judges are not bound by the rulings of the presiding judge. The team that earns the highest points on an individual judge's score sheet is the winner of that ballot. The team that receives the majority of the three ballots wins the trial.

Whether or not teams receive copies of the score sheets from their trials is up to the discretion of the local coordinators.

Rule 25. Courtroom Decorum

Mock trials are meant to simulate real trials in a courtroom atmosphere. Participants should act and dress accordingly. Check with your local coordinator for guidelines.

Rule 26. Pre-trial Conferences

Each mock trial should begin with a pretrial conference held in open court with all participants, coaches and spectators present. Mock trial attorneys may ask the presiding judge to mark exhibits and clarify rules of procedure or rules of evidence. Roster forms should be presented to all three judges.

D. DISPUTE RESOLUTION

Rule 30. Reporting a Rule Violation/Inside the Bar

Alleged rule violations that involve students competing in a trial and occur during the trial should be brought to the attention of the presiding judge by a student attorney through an objection at the time of the alleged violation. The presiding judge shall rule on the objection and the trial shall continue. Any alleged rule violation known, or through the exercise of reasonable diligence should have been discovered during the trial and which is not brought to the attention of the judge, is waived.

If an alleged material rule violation could not reasonably have been discovered until after the trial has concluded, the alleged violation should be brought to the attention of the presiding judge immediately at the conclusion of the trial. The scoring judges will be excused from the courtroom and the presiding judge will provide the student attorney with a dispute form on which the student will record in writing the nature of the alleged rule violation. The student attorney may communicate with co-counsel and student witnesses before preparing the form. At no time in this process may teacher sponsors, attorney coaches or observers communicate with the students.

Rule 31. Dispute Resolution Procedure

The presiding judge will review the written dispute form and determine whether the dispute should be heard or denied. If the dispute is denied, the judge will record the reasons for this, announce her/his decision in open court, retire to complete her/his score sheet and turn the dispute form in with the score sheets. If the presiding judge feels the grounds for the dispute merit a hearing, the form will be shown to opposing counsel for their written response. After the team has recorded its response and transmitted it to the judge, the judge will ask each team to designate a spokesperson. After the spokespersons have had time (not to exceed three minutes) to prepare their arguments, the judge will conduct a hearing on the

dispute, providing each team's spokesperson three minutes for a presentation. The spokespersons may be questioned by the judge. At no time in this process may teacher sponsors, attorney coaches or observers communicate with the students. After the hearing the presiding judge will adjourn the court and retire to consider her/his ruling on the dispute. That decision will be recorded in writing on the dispute form, with no further announcement.

Rule 32. Effect of Violation on Score

If the presiding judge determines that a material rule violation has occurred, the judge will inform the scoring judges of the dispute and provide a summary of each team's argument. The scoring judges will consider the rule violation before reaching their final decisions. The dispute may or may not affect the final decision, but the matter will be left to the discretion of the scoring judges.

Rule 33. Reporting of Alleged Rule Violation /Outside the Bar

Disputes that involve people other than student team members and occur outside the bar during a trial round may be brought by teacher sponsors or attorney coaches exclusively. Such disputes must be made promptly to the appropriate local coordinator who will ask the complaining party to complete a dispute form. The form will be taken by the coordinator. The coordinator will (a) notify all pertinent parties; (b) allow time for a response, if appropriate; and (c) rule on the charge. The coordinator will notify all pertinent parties of her/his decision.

II. RULES OF PROCEDURE

The Nebraska Rules of Procedure are based on the Rules of the National High School Mock Trial Competition.

A. BEFORE THE TRIAL

Local coordinators will schedule trials once the school activities forms are completed by the individual teams. Twelve teams will compete at the state championship – one from each of twelve regions.

Rule 34. Courtroom Setting

The Plaintiff/Prosecution team shall be seated closest to the jury box. No team shall rearrange the courtroom without prior permission of the judge.

Rule 35. Team Roster

Before beginning a trial the teams must exchange copies of the Team Rosters. The form shall identify the gender of each witness so that references to such parties shall be made in the proper gender. Copies of the Team Rosters shall be made available to all three judges during the pretrial conference. A copy of the team roster shall be provided to the Regional Coordinator at the start of the regional competition.

Rule 36. Stipulations

The attorney assigned the Plaintiff's opening statement shall offer any stipulations into evidence prior to beginning the opening statement.

Rule 37. The Record

The stipulations, indictment and charge to the jury shall not be read into the record.

B. BEGINNING THE TRIAL

Rule 38. Jury Trial

The case shall be tried to a jury; arguments are to be made to judge and jury. Teams may address the scoring judges as the jury.

Rule 39. Standing During Trial

Based on the Rule 4.16 of the National High School Mock Trial Competition Rules all attorneys shall stand when addressing the court or the jury, including opening statements, closing arguments, direct and cross-examination, and for the making of objections. Direct and cross-examination may be conducted from counsel table, a podium, or with leave of the court, from any place in the well of the court. Counsel shall obtain permission from the court before approaching a witness.

Rule 40. Objection During Opening Statement/Closing Argument

No objections may be raised during opening statements or closing arguments.

If a team believes an objection would have been proper during the opposing team's closing argument, one of its attorneys may, following the closing argument, raise her/his hand to be recognized by the judge and say, "If I had been permitted to object during closing arguments I would have objected to the opposing team's statement that _____." The presiding judge shall not rule on this "objection." Judges shall weigh the "objection" individually for purposes of determining their scores. No rebuttal by opposing team shall be heard.

C. PRESENTING EVIDENCE

Rule 41. Argumentative Questions

An attorney shall not ask argumentative questions. However, the Court may, in its discretion, allow limited use of argumentative questions on cross-examination.

Rule 42. Lack of Proper Predicate/Foundation

Attorneys shall lay a proper foundation prior to moving for the admission of evidence. After motion has been made, the exhibits may still be objected to on other grounds.

Rule 43. Procedure for Introduction of Exhibits

As an example, the following steps effectively introduce evidence.

1. All evidence shall be pre-marked as exhibits.
2. Ask for permission to approach the bench. Show the presiding judge the marked exhibit. "Your honor, may I approach the bench to show you what has been marked as Exhibit No. ___?"
3. Show the exhibit to opposing counsel.
4. Ask for permission to approach the witness. Give the exhibit to the witness. "I now hand you what has been marked as Exhibit No. ___ for identification."
5. Ask the witness to identify the exhibit. "Would you identify it please?"
Witness answers with identification only.
6. Offer the exhibit into evidence. "Your Honor, we offer Exhibit No. ___ into evidence at this time. The authenticity of this exhibit has been stipulated."
7. Presiding Judge: "Is there an objection?"
If proper foundation has not been laid, opposing counsel should object at this time.

8. Opposing Counsel: "No, your Honor," or "Yes, your Honor proper foundation has not been laid for Exhibit No. ___."
9. Presiding Judge: "Is there any response to the objection?"
10. Presiding Judge: "Exhibit No. ___ is/is not admitted."

Rule 44. Use of Notes/Exhibits

Attorneys may use notes in presenting their cases. Witnesses are not permitted to use notes while testifying during the trial. Attorneys may consult with each other at counsel table verbally or through the use of notes.

Exhibit Binders: Teams may prepare a binder of some or all of the exhibits, but at no time during the trial shall the binder be left on or near the witness stand. If an exhibit is admitted into evidence, only the copy of the exhibit authenticated by the witness and admitted by the presiding judge shall be used in evidence. Teams shall use only the exhibit actually admitted into evidence for the duration of the trial, including publication to the jury, during further testimony by any witness, and during closing argument. Exhibits may not be enhanced or enlarged without permission from the State Coordinator. No protective covering of paper exhibits is allowed.

Rule 45. Redirect/Recross

Redirect and recross examinations are permitted, provided they conform to the restrictions in Rule 611(d) in the Federal Rules of Evidence (Mock Trial Version).

D. CLOSING ARGUMENTS

Rule 46. Scope of Closing Arguments

Closing arguments must be based on the actual evidence and testimony presented during the trial.

E. DEBRIEFING/CRITIQUE

Rule 47. Debriefing/Critique

The judging panel is allowed 10 minutes for debriefing. Presiding judges shall limit debriefing sessions to the 10 minutes total time allotted.

III. FEDERAL RULES OF EVIDENCE (Mock Trial Version)

In American trials, complex rules are used to govern the admission of proof (i.e., oral or physical evidence). These rules are designed to ensure that all parties receive a fair hearing and to exclude evidence deemed irrelevant, incompetent, untrustworthy, unduly prejudicial, or otherwise improper. If it appears that a rule of evidence is being violated, an attorney may raise an objection to the judge. The judge then decides whether the rule has been violated and whether the evidence must be excluded from the record of the trial. In the absence of a properly made objection, however, the judge will probably allow the evidence. The burden is on the mock trial team to know the Nebraska High School Mock Trial Rules of Evidence and to be able to use them to protect their client and fairly limit the actions of opposing counsel and their witnesses.

For purposes of mock trial competition, the Rules of Evidence have been modified and simplified. They are based on the Federal Rules of Evidence and its numbering system. Where rule numbers or letters are skipped, those rules were not deemed applicable to mock trial procedure. Text in italics or underlined represent simplified or modified language.

Not all judges will interpret the Rules of Evidence (or procedure) the same way, and mock trial attorneys should be prepared to point out specific rules (quoting, if necessary) and to argue persuasively for the interpretation and application of the rule they think appropriate.

The Mock Trial Rules of Competition and these Nebraska High School Mock Trial Rules of Evidence govern Nebraska High School Mock Trial competition.

ARTICLE I. GENERAL PROVISIONS

Rule 101. Scope

These National High School Mock Trial Rules of Evidence govern the trial proceedings of the National High School Mock Trial Championship.

Rule 102. Purpose and Construction

These Rules are intended to secure fairness in administration of the trials, eliminate unjust delay, and promote the laws of evidence so that the truth may be ascertained.

ARTICLE IV. RELEVANCY AND ITS LIMITS

Rule 401. Definition of “Relevant Evidence”

“Relevant evidence” means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

Rule 402. Relevant Evidence Generally Admissible; Irrelevant Evidence Inadmissible

All relevant evidence is admissible, except as otherwise provided by these Rules. Evidence which is not relevant is not admissible.

Rule 403. Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, or Waste of Time

Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

Rule 404. Character Evidence Not Admissible To Prove Conduct; Exceptions; Other Crimes

(a) **Character evidence generally.** Evidence of a person's character or a trait of character is not admissible for the purpose of proving action in conformity therewith on a particular occasion, except:

- (1) **Character of accused** - In a criminal case, evidence of a pertinent trait of character offered by an accused, or by the Plaintiff to rebut the same, or if evidence of a trait of character of the alleged victim of the crime is offered by an accused and admitted under Rule 404 (a)(2), evidence of the same trait of character of the accused offered by the Plaintiff;
- (2) **Character of alleged victim** - In a criminal case evidence of a pertinent trait of character of the alleged victim of the crime offered by an accused, or by the Plaintiff to rebut the same, or evidence of a character trait of peacefulness of the alleged victim offered by the

Plaintiff in a homicide case to rebut evidence that the alleged victim was the first aggressor;

- (3) **Character of witness** - Evidence of the character of a witness, as provided in Rules 607, 608 and 609.

(b) **Other crimes, wrongs, or acts.** Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

Rule 405. Methods of Proving Character

(a) Reputation or opinion. - In all cases where evidence of character or a *character trait* is admissible, proof may be made by testimony as to reputation or in the form of an opinion. On cross-examination, *questions may be asked regarding relevant, specific conduct.*

(b) Specific instances of conduct. - In cases where character or a character trait is an essential element of a charge, claim, or defense, proof may also be made of specific instances of that person's conduct.

Rule 406. Habit, Routine Practice

Evidence of the habit of a person or the routine practice of an organization, whether corroborated or not and regardless of the presence of eyewitnesses, is relevant to prove that the conduct of the person or organization, on a particular occasion, was in conformity with the habit or routine practice.

Rule 407. Subsequent Remedial Measures

When, after an injury or harm allegedly caused by an event, measures are taken that, if taken previously, would have made the injury or harm less likely to occur, evidence of the subsequent measures is not admissible to prove negligence, culpable conduct, a defect in a product, a defect in a product's design, or a need for a warning or instruction. This rule does not require the exclusion of evidence of subsequent measures when offered for another purpose, such as proving ownership, control, or feasibility of precautionary measures, if controverted, or impeachment.

Rule 408. Compromise and Offers to Compromise

(a) **Prohibited uses.** Evidence of the following is not admissible on behalf of any party, when offered to prove liability for, invalidity of, or amount of a claim that was disputed as to validity or amount, or to impeach through a prior inconsistent statement or contradiction:

(1) furnishing or offering or promising to furnish--or accepting or offering or promising to accept--a valuable consideration in compromising or attempting to compromise the claim; and

(2) conduct or statements made in compromise negotiations regarding the claim, except when offered in a criminal case and the negotiations related to a claim by a public office or agency in the exercise of regulatory, investigative, or enforcement authority.

(b) **Permitted uses.** This rule does not require exclusion if the evidence is offered for purposes not prohibited by subdivision (a). Examples of permissible purposes include proving a witness's bias or

prejudice; negating a contention of undue delay; and proving an effort to obstruct a criminal investigation or Plaintiff.

Rule 409. Payment of Medical or Similar Expenses

Evidence of furnishing or offering or promising to pay medical, hospital, or similar expenses occasioned by an injury is not admissible to prove liability for the injury.

Rule 410. Inadmissibility of Pleas, Plea Discussions, and Related Statements

Except as otherwise provided in this Rule, evidence of the following is not, in any civil or criminal proceeding, admissible against a defendant who made the plea or was a participant in the plea discussions:

- (1) a plea of guilty which was later withdrawn;
- (2) a plea of *nolo contendere*;
- (3) any statement made in the course of any proceeding under Rule 11 of the Federal Rules of Criminal Procedure or comparable state proceeding regarding either of the foregoing pleas; or
- (4) any statement made in the course of plea discussions with an attorney for the prosecuting authority which does not result in a plea of guilty or which results in a plea of guilty which is later withdrawn.

However, such a statement is admissible (1) in any proceeding wherein another statement made in the course of the same plea or plea discussions has been introduced and the statement ought, in fairness, be considered with it, or (2) in a criminal proceeding for perjury or false statement if the statement was made by the defendant under oath, on the record and in the presence of counsel.

Rule 411. Liability Insurance (*civil case only*)

Evidence that a person was or was not insured against liability is not admissible upon the issue whether the person acted negligently or otherwise wrongfully. This rule does not require the exclusion of evidence of insurance against liability when offered for another purpose, such as proof of agency, ownership, or control, or bias or prejudice of a witness.

ARTICLE V. PRIVILEGES

Rule 501. General Rule

There are certain admissions and communications excluded from evidence on grounds of public policy. Among these are:

- (1) *communications between husband and wife;*
- (2) *communications between attorney and client;*
- (3) *communications among grand jurors;*
- (4) *secrets of state; and*
- (5) *communications between psychiatrist and patient.*

ARTICLE VI. WITNESSES

Rule 601. General Rule of Competency

Every person is competent to be a witness.

Rule 602. Lack of Personal Knowledge

A witness may not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may, but need not, consist of the witness' own testimony. This rule is subject to the provisions of Rule 703, related to opinion testimony by expert witnesses.

Rule 607. Who May Impeach

The credibility of a witness may be attacked by any party, including the party calling the witness.

Rule 608. Evidence of Character and Conduct of Witness

(a) **Opinion and reputation evidence of character.** The credibility of a witness may be attacked or supported by evidence in the form of opinion or reputation, but subject to these limitations: (1) the evidence may refer only to character for truthfulness or untruthfulness, and (2) evidence of truthful character is admissible only after the character of the witness for truthfulness has been attacked by opinion or reputation evidence or otherwise.

(b) **Specific instances of conduct.** Specific instances of the conduct of a witness, for the purpose of attacking or supporting the witness' character for truthfulness, other than conviction of crime as provided in rule 609, may not be proved by extrinsic evidence. They may, however, in the discretion of the court, if probative of truthfulness or untruthfulness, be inquired into on cross-examination of the witness (1) concerning the witness' character for truthfulness or untruthfulness, or (2) concerning the character for truthfulness or untruthfulness of another witness as to which character the witness being cross-examined has testified.

The giving of testimony, whether by an accused or by any other witness, does not operate as a waiver of the accused or the witness' privilege against self-incrimination when examined with respect to matters that relate only to character for truthfulness.

Rule 609. Impeachment by Evidence of Conviction of Crime

(a) **General rule.** For the purpose of attacking the character for truthfulness of a witness,
(1) evidence that a witness other than an accused has been convicted of a crime shall be admitted, subject to Rule 403, if the crime was punishable by death or imprisonment in excess of one year under the law under which the witness was convicted, and evidence that an accused has been convicted of such a crime shall be admitted if the court determines that the probative value of admitting this evidence outweighs its prejudicial effect to the accused; and

(2) evidence that any witness has been convicted of a crime shall be admitted regardless of the punishment, if it readily can be determined that establishing the elements of the crime required proof or admission of an act of dishonesty or false statement by the witness.

(b) **Time limit.** Evidence of a conviction under this rule is not admissible if a period of more than ten years has elapsed since the date of the conviction or of the release of the witness from the confinement imposed for that conviction, whichever is the later date, unless the court determines, in the

interests of justice, that the probative value of the conviction supported by specific facts and circumstances substantially outweighs its prejudicial effect. However, evidence of a conviction more than 10 years old as calculated herein, is not admissible unless the proponent gives to the adverse party sufficient advance written notice of intent to use such evidence to provide the adverse party with a fair opportunity to contest the use of such evidence.

(c) **Effect of pardon, annulment, or certificate of rehabilitation.** Evidence of a conviction is not admissible under this rule if (1) the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, and that person has not been convicted of a subsequent crime that was punishable by death or imprisonment in excess of one year, or (2) the conviction has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence.

(d) **Juvenile adjudication.** Evidence of juvenile adjudication is generally not admissible under this rule. The court may, however, in a criminal case allow evidence of a juvenile adjudication of a witness other than the accused if conviction of the offense would be admissible to attack the credibility of an adult and the court is satisfied that admission in evidence is necessary for a fair determination of the issue of guilt or innocence.

Rule 610. Religious Beliefs or Opinions

Evidence of the beliefs or opinions of a witness on matters of religion is not admissible for the purpose of showing that by reason of their nature the witness' credibility is impaired or enhanced.

Rule 611. Mode and Order of Interrogation and Presentation

(a) **Control by Court.** - The Court shall exercise reasonable control over questioning of witnesses and presenting evidence so as to:

1. make the interrogation and presentation effective for ascertaining the truth,
2. avoid needless consumption of time, and
3. protect witnesses from harassment or undue embarrassment.

(b) **Scope of cross examination.** - *The scope of the cross examination shall not be limited to the scope of the direct examination, but may inquire into any relevant facts or matters contained in the witness' statement, including all reasonable inferences that can be drawn from those facts and matters, and may inquire into any omissions from the witness statement that are otherwise material and admissible.*

(c) **Leading questions.** - Leading questions should not be used on direct examination of a witness except as may be necessary to develop the witness' testimony. Ordinarily leading questions should be permitted on cross-examination. When a party calls a hostile witness, an adverse party, or a witness identified with an adverse party, interrogation may be by leading questions.

(d) **Redirect/Re-cross.** - *After cross examination, additional questions may be asked by the direct examining attorney, but questions must be limited to matters raised by the attorney on cross examination. Likewise, additional questions may be asked by the cross examining attorney or re-cross, but such questions must be limited to matters raised on redirect examination and should avoid repetition.*

Rule 612. Writing Used to Refresh Memory

If a written statement is used to refresh the memory of a witness either while testifying or before testifying, the Court shall determine that the adverse party is entitled to have the writing produced for inspection. The adverse party may cross examine the witness on the material and introduce into evidence those portions, which relate to the testimony of the witness.

Rule 613. Prior Statements of Witnesses

(a) **Examining Witness Concerning Prior Statement.** In examining a witness concerning a prior statement made by the witness, whether written or not, the statement need not be shown nor its contents disclosed to the witness at that time, but on request the same shall be shown or disclosed to opposing counsel.

(b) **Extrinsic Evidence of Prior Inconsistent Statement of Witness.** Extrinsic evidence of a prior inconsistent statement by a witness is not admissible unless the witness is afforded an opportunity to explain or deny the same and the opposite party is afforded an opportunity to interrogate the witness thereon, or the interests of justice otherwise require. This provision does not apply to admissions of a party-opponent as defined in rule 801(d)(2).

ARTICLE VII. OPINIONS AND EXPERT TESTIMONY

Rule 701. Opinion Testimony by Lay Witness

If the witness is not testifying as an expert, the witness' testimony in the form of opinions or inferences is limited to those opinions or inferences which are (a) rationally based on the perception of the witness, and (b) helpful to a clear understanding of the witness' testimony or the determination of a fact in issue, and (c) not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.

Rule 702. Testimony by Experts

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise, if (1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case.

Rule 703. Bases of Opinion Testimony by Experts

The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to the expert at or before the hearing. If of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject, the facts or data need not be admissible in evidence in order for the opinion or inference to be admitted. Facts or data that are otherwise inadmissible shall not be disclosed to the jury by the proponent of the opinion or inference unless the court determines that their probative value in assisting the jury to evaluate the expert's opinion substantially outweighs their prejudicial effect.

Rule 704. Opinion on Ultimate Issue

(a) Except as provided in subdivision (b), testimony in the form of an opinion or inference otherwise admissible is not objectionable because it embraces an ultimate issue to be decided by the trier of fact.

(b) No expert witness testifying with respect to the mental state or condition of a defendant in a criminal case may state an opinion or inference as to whether the defendant did or did not have the mental state or condition constituting an element of the crime charged or of a defense thereto. Such ultimate issues are matters for the trier of fact alone.

Rule 705. Disclosure of Facts or Data Underlying Expert Opinion

The expert may testify in terms of opinion or inference and give reasons therefore without first testifying to the underlying facts or data, unless the Court requires otherwise. The expert may in any event be required to disclose the underlying facts or data on cross examination.

ARTICLE VIII. HEARSAY

Rule 801. Definitions

The following definitions apply under this article:

(a) **Statement.** - A “statement” is an oral or written assertion or nonverbal conduct of a person, if it is intended by the person as an assertion.

(b) **Declarant.** - A “declarant” is a person who makes a statement.

(c) **Hearsay.** - “Hearsay” is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.

(d) **Statements which are not hearsay.** A statement is not hearsay if--

- (1) **Prior statement by witness.** - The declarant testifies at the trial or hearing and is subject to cross examination concerning the statement and the statement is (A) inconsistent with the declarant’s testimony, and was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition, or (B) consistent with the declarant’s testimony and is offered to rebut an express or implied charge against the declarant of recent fabrication or improper influence or motive, or (C) one of identification of a person made after perceiving the person; or
- (2) **Admission by party-opponent.** The statement is offered against a party and is (A) the party's own statement in either an individual or a representative capacity or (B) a statement of which the party has manifested an adoption or belief in its truth, or (C) a statement by a person authorized by the party to make a statement concerning the subject, or (D) a statement by the party's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship, or (E) a statement by a coconspirator of a party during the course and in furtherance of the conspiracy. The contents of the statement shall be considered but are not alone sufficient to establish the declarant's authority under subdivision (C), the agency or employment relationship and scope thereof under subdivision (D), or the existence of

the conspiracy and the participation therein of the declarant and the party against whom the statement is offered under subdivision (E).

Rule 802. Hearsay Rule

Hearsay is not admissible except as provided by these Rules.

Rule 803. Hearsay Exceptions, Availability of Declarant Immaterial

The following are not excluded by the hearsay rule, even though the declarant is available as a witness:

- (1) **Present sense impression.** - A statement describing or explaining an event or condition made while the declarant was perceiving the event or condition, or immediately thereafter.
- (2) **Excited utterance.** - A statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.
- (3) **Then existing mental, emotional, or physical conditions.** - A statement of the declarant's then existing state of mind, emotion, sensation, or physical condition (such as intent, plan, motive, design, mental feeling, pain, and bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the execution, revocation, identification, or terms of declarant's will.
- (4) **Statements for purposes of medical diagnosis or treatment.** Statements made for purposes of medical diagnosis or treatment and describing medical history, or past or present symptoms, pain, or sensations, or the inception or general character of the cause or external source thereof insofar as reasonably pertinent to diagnosis or treatment.
- (5) **Recorded recollection.** - A memorandum or record concerning a matter about which a witness once had knowledge but now has insufficient recollection to enable the witness to testify fully and accurately, shown to have been made or adopted by the witness when the matter was fresh in the witness' memory and to reflect that knowledge correctly. If admitted, the memorandum or record may be read into evidence but may not itself be received as an exhibit unless offered by an adverse party.
- (6) **Records of regularly conducted activity.** - A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness. The term "business" as used in this paragraph includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.
- (8) **Public records and reports.** - Records, reports, statements, or data compilations, in any form, of public offices or agencies, setting forth (A) the activities of the office or agency, or (B) matters observed pursuant to duty imposed by law as to which matters there was a duty to report, excluding, however, in criminal cases matters observed by police officers and other law enforcement personnel, or (C) in civil actions and proceedings and against the Government in criminal cases, factual findings resulting from an investigation made pursuant to authority granted by law, unless the sources of information or other circumstances indicate lack of trustworthiness.

(18) **Learned treatises.** - To the extent called to the attention of an expert witness upon cross examination or relied upon by the expert witness in direct examination, statements contained in published treatises, periodicals, or pamphlets on a subject of history, medicine, or other science or art, established as a reliable authority by the testimony or admission of the witness or by other expert testimony or by judicial notice. If admitted, the statements may be read into evidence but may not be received as exhibits.

(21) **Reputation as to character.** - Reputation of a person's character among associates or in the community.

(22) **Judgment of previous conviction.** - Evidence of a final judgment, entered after a trial or upon a plea of guilty (but not upon a plea of nolo contendere), adjudging a person guilty of a crime punishable by death or imprisonment in excess of one year, to prove any fact essential to sustain the judgment, but not including, when offered by the Government in a criminal Plaintiff for purposes other than impeachment, judgments against persons other than the accused.

Rule 804. Hearsay Exceptions, Declarant Unavailable

(a) **Definition of unavailability.** "Unavailability as a witness" includes situations in which the declarant

- (1) is exempted by ruling of the court on the ground of privilege from testifying concerning the subject matter of the declarant's statement; or
- (2) persists in refusing to testify concerning the subject matter of the declarant's statement despite an order of the court to do so; or
- (3) testifies to a lack of memory of the subject matter of the declarant's statement; or
- (4) is unable to be present or to testify at the hearing because of death or then existing physical or mental illness or infirmity; or
- (5) is absent from the hearing and the proponent of a statement has been unable to procure the declarant's attendance (or in the case of a hearsay exception under subdivision (b)(2), (3), or (4), the declarant's attendance or testimony) by process or other reasonable means. A Declarant is not unavailable as a witness if exemption, refusal, claim of lack of memory, inability, or absence is due to the procurement or wrongdoing of the proponent of a statement for the purpose of preventing the witness from attending or testifying.

(b) **Hearsay exceptions:** The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

- (1) **Former testimony.** Testimony given as a witness at another hearing of the same or a different proceeding, or in a deposition taken in compliance with law in the course of the same or another proceeding, if the party against whom the testimony is now offered or, in a civil action or proceeding, a predecessor in interest, had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination.
- (2) **Statement under belief or impending death.** In a Plaintiff for homicide or in a civil action or proceeding, a statement made by a declarant while believing that the declarant's death was imminent, concerning the cause or circumstances of what the declarant believed to be impending death.

- (3) Statement against interest. A statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far tended to subject the declarant to civil or criminal liability, or to render invalid a claim by the declarant against another, that a reasonable person in the declarant's position would not have made the statement unless believing it to be true. A statement tending to expose the declarant to criminal liability and offered to exculpate the accused is not admissible unless corroborating circumstances clearly indicate the trustworthiness of the statement.
- (4) Statement of personal or family history. (A) A statement concerning the declarant's own birth, adoption, marriage, divorce, legitimacy, relationship by blood, adoption, or marriage, ancestry, or other similar fact of personal or family history, even though declarant had no means of acquiring personal knowledge of the matter stated; (B) a statement concerning the foregoing matters, and death also, of another person, if the declarant was related to the other by blood, adoption, or marriage or was so intimately associated with the other's family as likely to have accurate information concerning the matter declared.
- (5) Forfeiture by wrongdoing. A statement offered against a party that has engaged or acquiesced in wrongdoing that was intended to, and did, procure the unavailability of the declarant as a witness.

Rule 805. Hearsay within Hearsay

Hearsay included within hearsay is not excluded under the hearsay rule if each part of the combined statement conforms with an exception to the hearsay rule provided in these rules.

ARTICLE XI. OTHER

Rule 1103. Title

These rules may be known and cited as the Nebraska High School Mock Trial Federal Rules of Evidence.

OFFICIAL TEAM ROSTER FORM

Before beginning a trial the teams must exchange copies of the Team Rosters. The form shall identify the gender of each witness so that references to such parties shall be made in the proper gender. Copies of the Team Rosters shall also be made available to all three judges during the pretrial conference. At the conclusion of each trial, the presiding judge shall forward a copy of each team's roster to the local coordinator. **No changes in a team's roster should be made after the first round of local competition.** Contact your local coordinator with questions.

NAME OF SCHOOL: _____

Name of Team (if school has more than one team): _____

During this trial our team will be representing the: (circle one) Plaintiff/Prosecution OR Defense

STUDENT ATTORNEYS

	<u>Name</u>	<u>Direct Examination</u>	<u>Cross Examination</u>	<u>Other</u>
1.	_____			
2.	_____			
3.	_____			

WITNESSES

	<u>Name</u>	<u>(Circle One)</u>	<u>Trial Name</u>
1.	_____	Male/Female	_____
2.	_____	Male/Female	_____
3.	_____	Male/Female	_____

NAMES OF ALTERNATES

1. _____ 2. _____

Teacher-Coach(es): _____

Attorney-Coach(es): _____

Signature of Teacher(s): _____

TRIAL SCORING & DEDUCTION OF POINTS

TRIAL SCORING: Trial winners are determined by which team earns the most judges' ballots. Do NOT add the two performance judges' team totals together to determine the trial winner.

Each of the performance judges should total their scores separately. If an individual judge's team totals are the same for both teams, that judge should indicate on the line ***If my total scores are tied, the win goes to _____***, which of the teams s/he feels gave the best overall performance. The team which earns the greatest number of points on a judge's score sheet (or receives the judge's vote if the numbers were tied) wins that judge's ballot. **TO WIN A TRIAL, A TEAM MUST WIN AT LEAST TWO JUDGES' BALLOTS.**

In other words, if each of the performance judges has awarded the greatest number of points to the same team, that team is the winner. If the performance judges have made a "split" decision (i.e., each awarded the most points to a different team) then the presiding judge must determine the winner based on which team gave the best overall performance.

Example A:

Judge Smith's:	Team #1	<u>83</u> points &	Judge Jones'	Team #1	80 points &
score sheet shows:	Team #2	<u>76</u> points	score sheet shows:	Team #2	<u>78</u> points

In Example A, **Team #1 is the clear winner** because both performance judges gave them a greater number of points than the judges gave to Team #2 -- 83 and 80 versus 76 and 78.

Example B:

Judge Smith's:	Team #1	<u>83</u> points &	Judge Jones'	Team #1	<u>79</u> points &
score sheet shows	Team #2	<u>76</u> points	score sheet shows:	Team #2	<u>80</u> points

In Example B, Judge Smith has chosen Team #1 as the winner. Judge Jones has chosen Team #2 as the winner. Even though one team has more total points than the other, it is the number of judges' ballots NOT the total points which determines a trial winner. Therefore, this is a situation in which the performance judges have given a "split" decision. The presiding judge must determine the winner based upon overall team performance. In example B the team which earns the presiding judge's vote/ballot is the trial winner.

DEDUCTION OF POINTS: Performance judges may, at their discretion, consider subtracting points from an individual's score because of rule violations. For example, if a team violates its time limits, the performance judges MAY decide to reduce the points given to each of the three attorneys, or reduce the point total of the attorney who appeared to be the greatest cause of the time limit violation.

Other rule violations for which performance judges may wish to deduct points may be brought to the judges' attention during a dispute settlement (see Rules 30-33). For example, if it is brought to the judges' attention that a team member was improperly coached by a teacher or attorney-coach during the trial round, the judges may wish to reduce the points given to that particular team member.

Whatever rule violations are brought to the attention of the judges, it is entirely within the judges' discretion whether or not they will deduct points from any participant's score. The decision of the judges is final.

PRESIDING JUDGE'S SCORE SHEET

Date: _____ Round: _____

Plaintiff/Prosecution: _____ Defense: _____

Indicate your decision regarding which team made the best overall performance independent of the decisions of the performance judges. If the decisions of the performance judges are split, your decision as to the best overall performance will be used to decide which team wins the trial. If the two performance judges agree regarding which team gave the better performance, your score sheet will not be used in the calculation of the winner, but at the regional or state championships your score sheet may decide pairings and round advancement.

The criteria for BEST OVERALL PERFORMANCE are, among other things, whether ALL team members:

- complied with all rules of the competition and spirit of fair play;
- were poised and spoke clearly and distinctly;
- observed courtroom decorum;
- used their time effectively and stayed within their allotted time; and
- were courteous of their opponent.

PERFORMANCE EVALUATION

In my opinion, the team which gave the BEST OVERALL PERFORMANCE is the:

CIRCLE ONE: Plaintiff/Prosecution OR Defense

COMMENTS (optional):

Judge's Signature

Date

Please print name



Judge Lyle E. Strom High School Mock Trial Program

Sponsored by the Nebraska State Bar Foundation

PERFORMANCE JUDGE'S SCORE SHEET

P = Plaintiff/Prosecution _____ **D = Defense** _____
 (School Name) (School Name)

Round: _____ **Court Room:** _____

On a scale of 1 to 10, as outlined below, rate each team's performance in each of the 12 scoring categories.

Ineffective	Fair	Average	Excellent	Superior
1-2	3-4	5-6	7-8	9-10

PLEASE DO NOT: 1 – Leave any categories blank; 2 – Give any scores of zero; 3 – Use Fractions

		P			D
Opening Statement			Opening Statement		
Plaintiff/Prosecution					
First Plaintiff/Prosecution Witness	Attorney Direct Examination		Attorney Cross Examination		
	Witness Performance				
Second Plaintiff/Prosecution Witness	Attorney Direct Examination		Attorney Cross Examination		
	Witness Performance				
Third Plaintiff/Prosecution Witness	Attorney Direct Examination		Attorney Cross Examination		
	Witness Performance				
Defense					
Attorney Cross Examination			First Defense Witness	Attorney Direct Examination	
			Witness Performance		
Attorney Cross Examination			Second Defense Witness	Attorney Direct Examination	
			Witness Performance		
Attorney Cross Examination			Third Defense Witness	Attorney Direct Examination	
			Witness Performance		
Closing Arguments			Closing Arguments		
Team Decorum & Professionalism			Team Decorum & Professionalism		
Total Scores					
TOTAL PLAINTIFF/PROSECUTION SCORE			TOTAL DEFENSE SCORE		
(Min. Points 12, Max. Points 120)			(Min. Points 12, Max. Points 120)		

Tiebreaker (in case of tie, circle the party that won this round): Plaintiff/Prosecution Defense

Explanation of any point deduction: _____

Name (Print): _____ Date: _____

Signature: _____

SUGGESTIONS FOR SCORING MOCK TRIALS
Nebraska High School Mock Trial Competition

POINTS	PERFORMANCE	CRITERIA FOR EVALUATING STUDENT PERFORMANCE
1-2	Ineffective	Unsure of self, illogical, uninformed, not prepared, speaks incoherently, definitely ineffective in communication.
3-4	Fair	Minimally informed and prepared. Performance is passable but lacks depth in terms of knowledge of task and materials. Communications lack clarity and conviction.
5- 6	Average	Good, solid, but less than spectacular performance. Can perform outside the script but with less confidence than when using script. Logic and organization are adequate, but not outstanding. Grasps major aspects of the case, but does not convey mastery of same. Communications are clear and understandable, but could be stronger in fluency and persuasiveness.
7-8	Excellent	Fluent, persuasive, clear and understandable. Organizes materials and thoughts well and exhibits mastery of the case and materials.
9-10	Superior	Superior in qualities listed for "Excellent" rating. Thinks well on feet, is logical, and keeps poise under duress. Can sort out essential from the nonessential and use time effectively to accomplish major objectives. Demonstrates the unique ability to utilize all resources to emphasize vital points of the trial.

Factors to Consider in Scoring

OPENING STATEMENTS

Provided a case overview; mentioned the key witnesses; stated the relief requested; and provided a clear and concise description of their case.

DIRECT EXAMINATION

Used properly phrased questions (who, what, where, when, how); used proper courtroom procedure; demonstrated understanding of issues and facts; proper introduction of evidence; defended objections in clear, concise terms; used time effectively; and complied with all rules of the competition and spirit of fair play.

CROSS EXAMINATION

Used leading questions; properly impeached witnesses; raised proper objections and stated reasons clearly; knew Rules of Evidence and did not overuse objections; courteous of opponent; and complied with rules of competition and spirit of fair play.

WITNESSES

Credible; understood facts; responded spontaneously; poised and observed courtroom decorum.

CLOSING ARGUMENTS

Summarized the evidence; emphasized the supporting points of their own case and damaged

the opponent's; concentrated on the important, not the trivial; applied the applicable law; and used arguments that followed a logical pattern, in direct and easily understood language.

CONSTRUCTIVE CRITIQUES

An important aspect of the educational process of mock trials is the critique provided by the presiding and performance judges at the conclusion of the trial. The comments and suggestions on this page are meant to assist judges in their roles as educators about the law and our legal system.

Please read these comments and try to give students positive suggestions that will help them 1) do better next time, and 2) understand how our justice system works.

For many students the critique is the most valuable part of the competition. They learn from hearing *specifically* what they did wrong, as well as from hearing your approval of what they did well.

- Humor is a welcome tension reliever during the critique.
- Your comments should bear in mind the educational goals of the mock trial program.
- Remember that you are helping *educate, guide and nurture* these young people. Treat them with the respect you expect to receive from them.
- Encourage questions during the critique.
- Be realistic about the legal system. It is not perfect.
- Let students see you as a real human being. Share your interests, concerns, and satisfactions.
- Remember you are a role model for the students and an ambassador for your profession.
- Maintain eye contact.
- Keep your critique to the time suggested (**15 minutes for the entire panel**).
- Let your personality come across. Let students know that not all attorneys use the same methods and techniques. Differences of opinions regarding style of trial presentations are common.

POSITIVE APPROACHES FOR SUGGESTIONS TO STUDENTS

"Perhaps an alternative way of handling the questioning of that witness would have been to..."

"Your opening statement was good, but it may have been even better if you had..."

"I cannot recall hearing evidence about ..., which would have helped your client's case. If you did include such evidence I suggest that next time you make it somehow stand out stronger by..."

DO NOT:

Criticize students about their attire.

Expect high school students to understand all that law students or lawyers understand.

Talk down to students.

DISPUTE RESOLUTION FORM -- INSIDE THE BAR
(See Rules 30 & 33)

DATE _____ PLACE OF TRIAL _____

SCHOOLS COMPETING _____

NAME OF STUDENT ATTORNEY FILING DISPUTE _____

SCHOOL OF STUDENT ATTORNEY FILING DISPUTE _____

NATURE OF DISPUTE. Explain briefly why you are filing this dispute. When finished, give this form to the PRESIDING JUDGE.

PRESIDING JUDGE

I have read this dispute form and determined that the dispute should be DENIED.

My reasons for denying this dispute are _____

OR

I have read this dispute form and determined that the dispute should be HEARD. I will now present this form to opposing counsel and ask for their written response on the reverse side of this form.

SIGNATURE OF PRESIDING JUDGE _____

DATE & TIME _____

DISPUTE RESOLUTION FORM -- INSIDE THE BAR
(Page Two)

Opposing sides' RESPONSE TO DISPUTE.

NAME OF STUDENT ATTORNEY RESPONDING _____

SCHOOL OF STUDENT ATTORNEY _____

RESPONSE TO DISPUTE. Write a brief response to the opposing side's dispute claim. When finished, return this form to the presiding judge.

PRESIDING JUDGE (please print): _____

The respective teams have submitted a dispute and a response to the dispute in writing. Both sides have now had an opportunity to argue the dispute in an open hearing in my presence. After reviewing the dispute, the response, the oral arguments, and the relevant mock trial rules, I have reached a decision in this matter. My decision is:

SIGNATURE OF PRESIDING JUDGE _____

DATE AND TIME _____

DISPUTE RESOLUTION FORM -- OUTSIDE THE BAR
(See Rule 33)

Date _____ Place of trial _____

Schools Competing _____

Name of TEACHER OR ATTORNEY COACH filing dispute _____

School of Teacher or Attorney Coach filing dispute _____

NATURE OF DISPUTE: Explain briefly why you are filing this dispute. When complete, give this form to the REGIONAL COORDINATOR.

COORDINATOR (please print)

I received this Dispute Resolution Form on _____ (date) and have notified all pertinent parties of the nature of the dispute. I DID DID NOT feel that a response was necessary for me to make a decision.
(circle one)

If received, the response is attached to this form.

My decision in the dispute is

I have notified all pertinent parties of my decision.

REGIONAL COORDINATOR'S SIGNATURE _____

DATE & TIME _____

2017-2018 MOCK TRIAL COORDINATORS & REGIONS

REGION 1

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