

New York State 2013 Statewide High School Mock Trial Tournament Materials

Morgan Martin

vs.

Cattaraugus Programming University

*Materials prepared by the Law, Youth & Citizenship Program of
the New York State Bar Association.*

Supported by The New York Bar Foundation.

Law, Youth and Citizenship
New York State Bar Association®





2012 New York State Bar Association High School Mock Trial Champions

Nyack High School

Samuel Bangs

Rebecca Blair

Cassandra Brown

Charlotte Buck

Gillian Clowes

Andrew Gates

Jessica Gerber

Lauren Gerber

Allison Hackel

Ryan Kirsch

Ani Marellapudi

Natasha Sarna

Jacob Steinberg-Otter

Mr. Kevin Sullivan

Teacher Coach

Dr. Duncan Rogers Lee II

Attorney Advisor

With the Honorable Robert S. Smith of the New York State Court of Appeals Presiding

May 22, 2012

2012-2013 Mock Trial Case Materials

TABLE OF CONTENTS

BEFORE YOU BEGIN

LETTER FROM THE CHAIR.....	3
STANDARDS OF CIVILITY.....	5
PREPARATION FOR MOCK TRIAL	6

PART I -TOURNAMENT RULES

7

• Team Composition.....	9
• Objections	9
• Dress	9
• Stipulations	10
• Outside Materials	10
• Exhibits	10
• Signals and Communication	10
• Videotaping/Audiotaping.....	10
• Mock Trial Coordinators.....	11
• Role and Responsibility of Attorneys	11
• Witnesses	11
• Protests	12
• Judging.....	12
• Time Limits.....	12
• Team Attendance at State Finals.....	12

PART II-POLICIES AND PROCEDURES

13

• General Policies	15
• Scoring	16
• Levels of Competition.....	17
• County Tournaments.....	17
• Regional Tournaments	18
• Statewide Finals	18
• MCLE Credit for Judges and Attorney-Advisors	19

PART III-SIMPLIFIED RULES OF EVIDENCE AND PROCEDURE.....

21

• Scope.....	23
• Relevancy.....	23
• Witness Examination	26
• Hearsay	31
• Opinion and Expert Testimony	34
• Physical Evidence	35
• Invention of Facts	37
• Procedural Rules	37

PART IV-TRIAL SCRIPT

41

• Summary	43
• Stipulations	47
• Complaint.....	49

• Answer	53
• Affidavits	59
○ Morgan Martin	61
○ Jordan Phillips.....	65
○ Chris Cringle.....	69
○ Dr. Shannon Charlton	71
○ Dana Detter	75
○ Casey Key	79
PART V-EVIDENCE	81
• Exhibit...CPU Promotional Brochure	83
• Exhibit...CPU Application	87
• Exhibit...First Subsidy Loans, Inc. Application	89
• Exhibit...New Student Checklist	91
• Exhibit...Martin’s CPU Transcript.....	93
PART VI-RELATED CASES AND CASE LAW	95
• Cases	97
• Law	98
APPENDECISES.....	99
• Performance Rating Guidelines	100
• Performance Score Sheet	101
• Past Regional Winners.....	103
• Regional Map.....	109
• Mock Trial Summer Institute Information.....	111
• Social Media	113
• Youth Court Information	114



New York State Bar Association

One Elk Street, Albany, New York 12207 • 518/463-3200 • <http://www.nysba.org>

November 12, 2012

Dear Mock Trial Students, Teacher-Coaches and Attorney-Advisors:

Thank you for participating in the 2012-13 New York State High School Mock Trial Tournament. The tournament is now entering its 32nd year and thanks to the continued financial and logistical support of the New York Bar Foundation and the New York State Bar Association, New York can continue to boast as having one of the largest and longest running mock trial programs in the nation. Equally, the program would not be as successful as it is without the support of the numerous local bar associations across the state that sponsor mock trial tournaments in their counties and to the County Coordinators who spend many hours managing the local tournaments. And of course, the teacher-coaches and the attorney-mentors have our thanks for their time, dedication and commitment to the program. And last, but not least, thank you to the students who devote their time and energy in preparing for the tournament. Every year, we are amazed at the level of skill and talent the students bring to the courtrooms. Congratulations to the 2011-12 NYS Tournament Champion, Nyack High School, who turned in a winning performance last May at the State Finals here in Albany.

Please take the time to carefully review all of the enclosed mock trial tournament information. The simplified rules of evidence should be studied carefully as should the general tournament rules. This year's case, *Morgan Martin v. Cattaraugus Programming University*, is a case in which the defendant is charged with deceptive business practices for giving misleading statements to the plaintiff during Martin's tour of the college, which allegedly induced the plaintiff to apply for admission to the University.

The mock trial program is first and foremost an educational program designed to teach high school students basic trial skills. Students learn how to conduct direct and cross examinations, how to present opening and closing statements, how to think on their feet and learn the dynamics of a courtroom. Students will also learn how to analyze legal issues and apply the law to the facts of the case. Secondly, but equally important, is that participation in mock trial will teach the students professionalism. Students learn ethics, civility, and how to be ardent but courteous advocates for their clients. Good sportsmanship and respect for all participants are central to the competition. We thank the teachers, coaches, advisors, and judges not only for the skills that they teach, but for the example of professionalism and good sportsmanship they model for the students throughout the tournament.

We remind the teams that all participants; students, teachers, attorneys, parents and all spectators must conduct themselves before, during, and after a round with the utmost respect and civility toward the judges. If there is a circumstance in which any participant does not abide by this standard, a referral will be made to the LYC Mock Trial subcommittee for review for possible sanctioning.

Please be sure to share with your students the information that is found on the digital copy of the case regarding Mock Trial Summer Institute. MTSI is scheduled for July 14-19, 2013 at Silver Bay YMCA on the shores of beautiful Lake George. If you have not had a student attend MTSI, now is the time! The students who return from MTSI become the team leaders of tomorrow and an inspiration to the rest of the team. Having a student or two attend MTSI will give you a definite leg up as you start the tournament season next year.

Concerns have been expressed regarding the time limits stated in the tournament rules, Part I, Number 14. The Mock Trial subcommittee is taking this under advisement and will review the feasibility of possible adjustments in the timing structure for the 2013-14 tournament season.

The tournament finals will be held in Albany on May 20 and 21, 2013. As in years' past, the regional winners in each of the six regions will be invited to participate in the semi-finals and if successful, will move on to the final round the next day. The New York Bar Foundation is generously supporting the tournament again this year and will fund the teams' room and board for the state tournament. More details will be available closer to the date of the tournament.

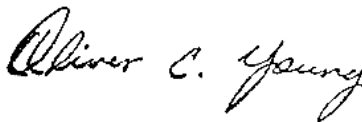
This year's Mock Trial Tournament materials will be posted on the Law, Youth and Citizenship website, www.lycny.org and there will be frequent updates to the Facebook and twitter pages (NYS Mock Trial and Mock Trial Summer Institute and @NYSMockTrial.) We are also on Pinterest, where our "pin" is nycviced. Alternatively, you can look for us on Pinterest's Mock Trial boards.

We know you'll enjoy working on this year's case. Best wishes to all of you for a successful and challenging mock trial tournament.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Bader".

Richard Bader, Esq., Albany
Chair, Committee on Law, Youth and Citizenship

A handwritten signature in black ink, appearing to read "Oliver C. Young".

Oliver Young, Esq., Buffalo
Chair, Mock Trial Subcommittee

Subcommittee Members:

Craig Bucki, Esq., Buffalo
Karen Callahan, Esq., New York City
Melissa Ryan Clark, Esq., New York City
Eugenia Brennan Heslin, Esq., Poughkeepsie
Seth Gilbertson, Esq., Albany
Janet Phillips Kornfeld, Esq., New York City
Susan Katz Richman, Esq., Mineola
Michael Yood, Esq., Albany

STANDARDS OF CIVILITY

“ . . . [O]urs is an honorable profession, in which courtesy and civility should be observed as a matter of course.”

Hon. Judith S. Kaye, Former Chief Judge of the State of New York

The following standards apply to all participants in the Mock Trial Tournament, including students, teachers, attorneys, and parents/guardians:

1. Lawyers should be courteous and civil in all professional dealings with other persons.
2. Lawyers should act in a civil manner regardless of the ill feelings that their clients may have toward others.
3. Lawyers can disagree without being disagreeable. Effective representation does not require antagonistic or acrimonious behavior. Whether orally or in writing, lawyers should avoid vulgar language, disparaging personal remarks or acrimony toward other counsel, parties or witnesses.
4. Lawyers should require that persons under their supervision conduct themselves with courtesy and civility.
5. A lawyer should adhere to all expressed promises and agreements with other counsel, whether oral or in writing, and to agreements implied by the circumstances or by local customs.
6. A lawyer is both an officer of the court and an advocate. As such, the lawyer should always strive to uphold the honor and dignity of the profession, avoid disorder and disruption in the courtroom, and maintain a respectful attitude toward the court.
7. Lawyers should speak and write civilly and respectfully in all communications with the court and court personnel.
8. Lawyers should use their best efforts to dissuade clients and witnesses from causing disorder or disruption in the courtroom.
9. Lawyers should not engage in conduct intended primarily to harass or humiliate witnesses.
10. Lawyers should be punctual and prepared for all court appearances; if delayed, the lawyer should notify the court and counsel whenever possible.
11. Court personnel are an integral part of the justice system and should be treated with courtesy and respect at all times.

The foregoing Standards of Civility are based upon the Standards of Civility for the New York State Unified Court System.

PREPARING FOR THE MOCK TRIAL TOURNAMENT

Learning the Basics

Teachers and attorneys should instruct students in trial practice skills and courtroom decorum. You may use books, videos and other materials in addition to the tournament materials that have been provided to you to familiarize yourself with trial practice. However, during the competition, you may cite only the materials and cases provided in the Mock Trial Tournament materials contained in this booklet. You may find the following books and materials helpful:

Mauet, Thomas A., Trial Techniques (6th ed.), Aspen Law and Business

Murray, Peter, Basic Trial Advocacy, Little, Brown and Company

Lubet, Steven, Modern Trial Advocacy, National Institute for Trial Advocacy

Vile, John R., Pleasing the Court: A Mock Trial Handbook (3rd ed.), Houghton Mifflin Company

Preparation

1. Teachers and attorneys should teach the students what a trial is, basic terminology (e.g., plaintiff, prosecutor, defendant), where people sit in the courtroom, the mechanics of a trial (e.g., everyone rises when the judge enters and leaves the courtroom; the student-attorney rises when making objections, etc.), and the importance of ethics and civility in trial practice.
2. Teachers and attorneys should discuss with their students the elements of the charge or cause of action, defenses, and the theme of their case. We encourage you to help the students, but not to do it for them.
3. Teachers should assign students their respective roles (witness or attorney).
4. Teams must prepare both sides of the case.
5. Student-witnesses cannot refer to notes so they should become very familiar with their affidavits and know all the facts of their roles. Witnesses should “get into” their roles. Witnesses should practice their roles, with repeated direct and cross examinations, and anticipate questions that may be asked by the other side. The goal is to be a credible, highly prepared witness who cannot be stumped or shaken.
6. Student-attorneys should be equally familiar with their roles (direct examination, cross examination, opening and closing statements). Student attorneys should practice direct and cross examinations with their witnesses, as well as practice opening and closing arguments. Closings should consist of a flexible outline. This will allow the attorney to adjust the presentation to match the facts and events of the trial itself, which will vary somewhat with each trial. Practices may include a judge who will interrupt the attorneys and witnesses occasionally. During the earlier practices, students may fall “out of role”; however, we suggest that as your practices continue, this be done less and that you critique presentations at the end. Each student should strive for a presentation that is as professional and realistic as possible.
7. Each team should conduct a dress rehearsal before the first round of the competition. We encourage you to invite other teachers, friends and family to your dress rehearsal.

NEW YORK STATE HIGH SCHOOL MOCK TRIAL TOURNAMENT RULES

PART I

MOCK TRIAL TOURNAMENT RULES

1. TEAM COMPOSITION:

- a. The Mock Trial Tournament is open to all 9th - 12th graders in public and nonpublic schools who are currently registered as students at that school.
- b. If a school chooses to limit student participation for any reason, this should be accomplished through an equitable “try-out” system, not through disallowing participation by one or more entire grade levels.
- c. Each school participating in the Mock Trial Tournament may enter only **ONE** team.
- d. Members of a school team entered in the Mock Trial Tournament—including teacher-coaches, back-up witnesses, attorneys, and others directly associated with the team’s preparation—are **NOT** permitted to attend the trial enactments of any possible future opponent in the contest. This rule should not be construed to preclude teams from engaging in practice matches, even if those teams may meet later during the competition.

Violations of this rule can lead to being disqualified from the tournament.

- e. Immediately prior to each trial enactment, the attorneys and witnesses for each team must be physically identified to the opposing team and the judge by stating their first and last names. Please do not state the name of your school in front of the judge since the judge will not otherwise be told the name of the schools participating in the enactment he or she is judging.

2. OBJECTIONS

- a. Attorneys should stand when making an objection, if they are physically able to do so.
- b. When making an objection, attorneys should say “objection” and then, very briefly, state the basis for the objection (for example, “leading question”). Do not explain the basis unless the judge asks for an explanation.
- c. Witnesses should stop talking immediately when an opposing party makes an objection. Please do not try to “talk over” the attorney making an objection.

3. DRESS

We emphasize to the judges that a student’s appearance is not a relevant factor in judging his or her performance. However, we strongly encourage students to dress neatly and appropriately. A “business suit” is not required.

4. STIPULATIONS

Any stipulations are binding on all participants and the judge, and may **NOT** be disputed at the trial.

5. OUTSIDE MATERIALS

Students may read other materials such as legislative histories, judicial opinions, textbooks, treatises, etc., in preparation for the Mock Trial Tournament. However, students may cite only the materials and cases provided in these Mock Trial Tournament materials.

6. EXHIBITS

Students may introduce into evidence or use only the exhibits and documents provided in the Mock Trial Tournament materials. Students may not create their own charts, graphs or any other visual aids for use in the courtroom in presenting their case. **Evidence is not to be enlarged, projected, marked or altered for use during the trial.**

7. SIGNALS AND COMMUNICATION

The team coaches, advisors, and spectators may not signal the team members (neither student-attorneys nor witnesses) or communicate with them in any way during the trial, including but not limited to wireless devices and text messaging. A witness may talk to his/her student attorney during a recess or during direct examination but not during cross examination.

8. VIDEOTAPING/AUDIOTAPING

- a. During any tournament round, except State semi-finals and State finals, a trial may be videotaped or audio taped but only if each of the following conditions is satisfied:
 1. The courthouse in which the tournament round is taking place must permit video or audio taping and the team wishing to videotape or audiotape has received permission from the courthouse in advance of the trial. *We note that many state and Federal courthouses prohibit video or audio taping devices in the courthouse.*
 2. The judge consents before the beginning of the trial.
 3. The opposing team consents in writing prior to the time the trial begins. Written consents should be delivered to the County Coordinator. Fax or e-mail is acceptable.
 4. A copy of the video or audio tape must be furnished to the opposing team (at no cost) within 48 hours after the trial.
 5. The video or audio tape may not be shared by either team with any other team in the competition.
- b. Video or audio taping of the State semi-finals and final rounds is **NOT** permitted by either team.

9. MOCK TRIAL COORDINATORS

The success of the New York State Mock Trial Program depends on the many volunteer county and regional coordinators. **The appropriate supervisor will be contacted if any representative from a high school, parent, coach, or team member addresses a mock trial volunteer or staff person at any level of the competition in an unprofessional or discourteous manner. County Coordinators may also refer any such matters to the Law, Youth and Citizenship Committee of the New York State Bar Association for appropriate action by the LYC Committee.**

10. ROLE AND RESPONSIBILITY OF ATTORNEYS

- a. The attorney who makes the opening statement may not make the closing statement.
- b. Requests for bench conferences (i.e., conferences involving the Judge, attorney(s) for the plaintiff or the people and attorney(s) for the defendant) may be granted after the opening of court in a mock trial, but not before.
- c. Attorneys may use notes in presenting their cases, for opening statements, direct examination of witnesses, etc. Witnesses are **NOT** permitted to use notes while testifying during the trial.
- d. Each of the three attorneys on a team must conduct the direct examination of one witness and the cross examination of another witness.
- e. The attorney examining a particular witness must make the objections to that witness's cross examination, and the attorney who will cross-examine a witness must make the objections to the witness's direct examination.

11. WITNESSES

- a. Each witness is bound by the facts of his/her affidavit or witness statement and any exhibit authored or produced by the witness that is relevant to his/her testimony. Witnesses may not invent any other testimony. However, in the event a witness is asked a question on cross examination, the answer to which is not contained in the witness's statement or was not testified to on direct examination, the witness may respond with any answer that does not materially alter the outcome of the trial.
- b. If there is an inconsistency between the witness statement or affidavit and the statement of facts or stipulated facts, the witness can only rely on and is bound by the information contained in his/her affidavit or witness statement.
- c. A witness is not bound by facts in other witnesses' affidavits or statements.
- d. If a witness contradicts a fact in his or her own witness statement, the opposition may impeach the testimony of that witness.
- e. A witness's physical appearance in the case is as he or she appears in the trial enactment. No costumes or props may be used.

- f. Witnesses shall not sit at the attorneys' table.

12. PROTESTS

- a. Other than as set forth in 12(b) below, protests of judicial rulings are **NOT** allowed. **All judicial rulings are final and cannot be appealed.**
- b. Protests are highly disfavored and will only be allowed to address two issues: (1) cheating (a dishonest act by a team that has not been the subject of a prior judicial ruling) and (2) a conflict of interest or gross misconduct by a judge (e.g., where a judge is related to a team member). All protests must be made in writing and either faxed or emailed to the appropriate County Coordinator and to the teacher-coach of the opposing team. The County Coordinator will investigate the grounds for the protest and has the discretion to make a ruling on the protest or refer the matter directly to the LYC Committee. The County Coordinator's decision can be appealed to the LYC Committee.
- c. Hostile or discourteous protests will not be considered.

13. JUDGING

THE DECISIONS OF THE JUDGE ARE FINAL.

14. TIME LIMITS

- a. The following time limits apply:

Opening statements	5 minutes for each team
Direct examination	7 minutes for each witness
Cross examination	5 minutes for each witness
Closing arguments	5 minutes for each team
- b. The judges have been instructed to adhere as closely as possible to the above time limits and that an abuse of the time limits should be reflected in scoring. Specifically, although leeway may be given based upon time consumed by an opposing attorney, objections and resulting argument, an attorney should be penalized for repeatedly posing frivolous objections.

15. TEAM ATTENDANCE AT STATE FINALS ROUND

Six teams will advance to the State Finals. All six teams are required to participate in all events associated with the Mock Trial Tournament, including attending the final round of the competition.

NEW YORK STATE
HIGH SCHOOL
MOCK TRIAL
TOURNAMENT
POLICIES AND
PROCEDURES

PART II

MOCK TRIAL TOURNAMENT POLICIES AND PROCEDURES

New York's Annual Mock Trial Tournament is governed by the policies set forth below. The LYC Committee and the Law, Youth and Citizenship Program of the New York State Bar Association reserve the right to make decisions to preserve the equity, integrity, and educational aspects of the program.

By participating in the Mock Trial Tournament, participants agree to abide by the decisions rendered by the LYC Committee and the Mock Trial program staff and accept such decisions as final.

1. GENERAL POLICIES

- a. All mock trial rules, regulations, and criteria for judging apply at all levels of the Mock Trial Tournament.
- b. The Simplified Rules of Evidence and Procedure contained in Part III govern the trial proceedings.
- c. County Coordinators administer county tournaments. County Coordinators have sole responsibility for organizing, planning, and conducting tournaments at the county level and should be the first point of contact for questions at the county level.
- d. For any single tournament round, all teams are to consist of three attorneys and three witnesses.
- e. For all tournament rounds, one judge will be utilized for trial re-enactments.
- f. Teams must not identify themselves by their school name to the judge prior to the announcement of the judge's decision.
- g. If a team member who is scheduled to participate in a trial enactment becomes ill, injured, or has a serious conflict and as a result cannot compete, then the team may substitute an alternate team member. If an alternate team member is not available, the local coordinator may declare a forfeit or reschedule the enactment at his or her sole discretion.
- h. Members of a team may play different roles in different rounds, or other students may participate in another round.
- i. Winners in any single round will be asked to switch sides in the case for the next round. Where it is impossible for both teams to switch sides, a coin flip will be used to determine assignments in the next round.

- j. Teacher-coaches of teams who will be competing against one another are required to exchange information regarding the names and gender of their witnesses at least three days prior to each round.
- k. No attorney may be compensated in any way for his or her service as an attorney-advisor to a mock trial team or as a judge in the Mock Trial Tournament. When a team has a student or students with special needs who may require an accommodation, the teacher-coach **MUST** bring this to the attention of the County Coordinator at least two weeks prior to the time when the accommodation will be needed.
- l. The judge must take judicial notice of the Statement of Stipulated Facts and any other stipulations.
- m. Teams may bring perceived errors in the problem or suggestions for improvements in the tournament rules and procedures to the attention of the LYC staff at any time. These, however, are not grounds for protests. Any protest arising from an enactment must be filed with the County Coordinator in accordance with the protest rule in the Tournament Rules.

2. SCORING

- a. Scoring is on a scale of 1-5 for each performance (5 is excellent). Judges are required to enter each score on the performance rating sheet (Appendix) after each performance, while the enactment is fresh in their minds. Judges should be familiar with and use the performance rating guidelines (Appendix) when scoring a trial.
- b. Judges are required to also assign between 1 and 10 points to **EACH** team for demonstrating professionalism during a trial. A score for professionalism may not be left blank. Professionalism criteria are:
 - Team's overall confidence, preparedness and demeanor
 - Compliance with the rules of civility
 - Zealous but courteous advocacy
 - Honest and ethical conduct
 - Knowledge and adherence to the rules of the competition
 - Absence of unfair tactics, such as repetitive, baseless objections and signals

A score of 1 to 3 points should be awarded for a below average performance, 4 to 6 points for an average performance and 7 to 10 points for an outstanding or above-average performance.

- c. The appropriate County Coordinator will collect the Performance Rating Sheet for record keeping purposes. Copies of score-sheets are not available to individual teams; however, a team can get its total score through the County Coordinator.

3. LEVELS OF COMPETITION

- a. For purposes of this program, New York State has been divided into six regions:

Region #1: West

Region #2: Central

Region #3: Northeast

Region #4: Lower Hudson

Region #5: New York City

Region #6: Long Island

- b. See Map and Chart of Counties in Regions (Appendix).

4. COUNTY TOURNAMENTS

- a. All rules of the New York State Mock Trial Tournament must be adhered to at tournaments at the county level.
- b. In these tournaments there are two phases. In the first phase each team will participate in at least two rounds before the elimination process begins, once as plaintiff/prosecution and once as defendant. After the second round, a certain number of the original teams will proceed to the second phase in a single elimination tournament. Prior to the competition and with the knowledge of the competitors, the County Coordinator may determine a certain number of teams that will proceed to the Phase II single elimination tournament. While this number may be more or less than half the original number of teams, any team that has won both rounds based on points, but whose combined score does not place it within the established number of teams, **MUST** be allowed to compete in the phase II single elimination tournament.
- c. The teams that advance to Phase II do so based on a combination of wins and points. All 2-0 teams automatically advance; teams with a 1-1 record advance based on total number of points; if any spots remain open, teams with a record of 0-2 advance, based on their total number of points.
- d. If the number of teams going into the single elimination phase is odd, the team with the most wins and highest combined score will receive a bye. If any region starts the year with an odd number of teams, one team from that region may receive a bye—coin toss, etc.
- e. Phase II of the contest is a single round elimination tournament; winners advance to the next round.
- f. At times, a forfeit may become a factor in determining aggregate point totals and which teams should advance to the single elimination tournament. Each county should review its procedures for dealing with forfeits, in light of the recommended procedures below. Please note that due to the variety of formats in use in different counties, it is strongly urged that each county develop a system which takes its own structure into account and which participants understand prior to the start of the local tournament. That procedure should be forwarded to Stacey Whiteley, the New York State Coordinator, before the first round of competition is held.

- g. If a county has an established method for dealing with forfeits, or establishes one, then that rule continues to govern. If no local rule is established, then the following State rule will apply: *In determining which teams will advance to the single elimination tournament, forfeits will first be considered to cancel each other out, as between two teams vying for the right to advance. If such canceling is not possible (as only one of two teams vying for a particular spot has a forfeit victory) then a point value must be assigned for the forfeit. The point value to be assigned should be derived from averaging the team's point total in the three matches (where possible) chronologically closest to the date of the forfeit; or if only two matches were scheduled, then double the score of the one that was held.*

5. REGIONAL TOURNAMENTS

- a. Teams who have been successful in winning county level tournaments will proceed to regional level tournaments. Coordinators administer regional tournaments. Coordinators have sole responsibility for organizing, planning and conducting tournaments at the regional level. Participants must adhere to all rules of the tournament at regional level tournaments.
- a. Regional tournaments are held in counties within the region on a rotating basis. Every effort is made to determine and announce the location and organizer of the regional tournaments before the new mock trial season begins.
- b. All mock trial rules and regulations and criteria for judging apply, at all levels of the Mock Trial Tournament.
- c. The winning team from each region will be determined by an enactment between the two teams with the best records (most number of wins and greatest number of points) during the regional tournament. The winning team from each region will qualify for the State Finals in Albany.
- d. The regional tournaments **MUST** be completed 16 days prior to the State Finals. Due to administrative requirements and contractual obligations, the State Coordinator must have in its possession the schools' and students' names by this deadline. Failure to adhere to this deadline may jeopardize hotel blocks set aside for a region's teacher-coaches, attorney-advisors and students coming to Albany for the State Finals.

6. STATEWIDE FINALS

- a. Once regional winners have been determined, The New York Bar Foundation will provide the necessary funds for each team's room and board for the two days it participates in the State Finals in Albany. Funding is available to pay for up to nine students, one teacher coach and one attorney-advisor for each team. Students are up to four to a room. However, if a school can cover additional costs for transportation and room and board for additional team members above the nine sponsored through the Bar Foundation, all members of a team are welcome to attend the State Finals.

- b. Additional students and adults attending the State Finals will not be reimbursed for their expenses. The cost of those students' and adults' rooms will not be covered by the New York Bar Foundation grant or the LYC Program. The State Coordinator will not be responsible for making room arrangements and reservations for anyone other than the nine students, one teacher-coach and one attorney-advisor for each team. However, every attempt will be made to pass along any special hotel rates to these other participants. Additional students and adults attending the State Finals may participate in organized meal functions but will be responsible for paying for their participation.
- c. Teacher-coaches proceeding to the State Finals must communicate all special dietary requirements and the total number of persons attending to the State Coordinator within 72 hours before the tournament.
- d. Each team will participate in two enactments the first day, against two different teams. Each team will be required to change sides—plaintiff/prosecution to defendant, defendant to plaintiff/prosecution—for the second enactment. Numerical scores will be assigned to each team's performance by the judges.
- e. The two teams with the most wins and highest numerical score will compete on the following day, except that any team that has won both its enactments will automatically advance, regardless of its point total. In the rare event of three teams each winning both of their enactments, the two teams with the highest point totals, in addition to having won both of their enactments, will advance.
- f. The final enactment will be a single elimination tournament. Plaintiff/prosecution and defendant will be determined by a coin toss by the tournament director. All teams invited to the State Finals must attend the final trial enactment.
- g. A judge will determine the winner. **The judge's decision is final.**

7. MCLE CREDIT FOR JUDGES AND ATTORNEY-ADVISORS

The LYC Program applies for MCLE credit for attorneys participating in the New York State high school mock trial program. All paperwork is submitted to the MCLE board after the State Finals are held in May. Coordinators and the LYC Program must follow the following procedures:

- a. County Coordinators receive and disseminate the appropriate forms to attorneys and judges that participate in their counties.
- b. The County Coordinators will collect all forms from attorneys who participated in the Mock Trial Tournament during the current year, complete the required form provided by the Mock Trial program manager and return it to the program manager by June 1.
- c. The State Coordinator compiles all of the forms and submits them to the MCLE board within 7 days of receiving the forms from the County Coordinators.
- d. Once the tournament has been accredited, certificates will be generated by MCLE staff at the NYSBA and emailed to attorneys.

- e. According to MCLE rules, each attorney-judge or attorney-coach may earn CLE credits by participating in a specific activity. That is, an attorney-judge earns credits for trial time only; an attorney coach earns credit for time spent working with students only, which does not include the advisor's personal preparation time. A maximum of three (3) CLE credits may be earned for judging or coaching mock trial competitions during any one reporting cycle, i.e., in a two-year period. Finally, an attorney who has been admitted to the New York State Bar in the last two years **MAY NOT** apply for this type of CLE credit.

NEW YORK STATE
HIGH SCHOOL
MOCK TRIAL
SIMPLIFIED RULES
OF EVIDENCE AND
PROCEDURE

PART III

SIMPLIFIED RULES OF EVIDENCE AND PROCEDURE

In trials in the United States, elaborate rules are used to regulate the admission of proof (i.e., oral or physical evidence). These rules are designed to ensure that both parties receive a fair hearing and to exclude any evidence deemed irrelevant, incompetent, untrustworthy, or unduly prejudicial. 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 attorneys to know the rules of evidence and to be able to use them to protect their client and to limit the actions of opposing counsel and their witnesses.

Formal rules of evidence are quite complicated and differ depending on the court where the trial occurs. For purposes of this Mock Trial Tournament, the New York State rules of evidence have been modified and simplified. Not all judges will interpret the rules of evidence or procedure the same way, and you must be prepared to point out the specific rule (quoting it, if necessary) and to argue persuasively for the interpretation and application of the rule that you think is proper. No matter which way the judge rules, you should accept the ruling with grace and courtesy.

SCOPE

- Rule 101: SCOPE. These rules govern all proceedings in the mock trial competition. The only rules of evidence in the competition are those included in these rules.
- Rule 102: OBJECTIONS. The court shall not consider an objection that is not contained in these rules. If counsel makes an objection not contained in these rules, counsel responding to the objection must point out to the judge, citing Rule 102, that the objection is beyond the scope of the listed objections. However, if counsel responding to the objection does not point out to the judge the application of this rule, the court may exercise its discretion and consider such objection.

RELEVANCY

- Rule 201: RELEVANCY. Only relevant testimony and evidence may be presented. This means that the only physical evidence and testimony allowed is that which tends to make a fact which is important to the case more or less probable than the fact would be without the evidence. However, if the probative value of the relevant evidence is substantially outweighed by the danger that the evidence will cause unfair prejudice, confuse the issues, or result in undue delay or a waste of time, the court may exclude it. This may include testimony, physical evidence, and demonstrations that do not relate to time, event or person directly involved in the litigation.

Example:

Photographs present a classic problem of possible unfair prejudice. For instance, in a murder trial, the prosecution seeks to introduce graphic photographs of the bloodied victim. These photographs would be relevant because, among other reasons, they establish the victim's death and location of the wounds. At the same time, the photographs present a high danger of unfair prejudice, as they could cause the jurors to feel incredible anger and a desire to punish someone for the vile crime. In other words, the photographs could have an inflammatory effect on the jurors, causing them to substitute passion and anger for reasoned analysis. The defense therefore should object on the ground that any probative value of the photographs is substantially outweighed by the danger of unfair prejudice to the defendant. Problems of unfair prejudice often can be resolved by offering the evidence in a manner that retains the probative value, while reducing the danger of unfair prejudice. In this example, the defense might stipulate to the location of the wounds and the cause of death. Therefore, the relevant aspects of the photographs would come in, without the unduly prejudicial effect.

Rule 202: CHARACTER. Evidence about the character of a party or witness may not be introduced unless the person's character is an issue in the case or unless the evidence is being offered to show the truthfulness or untruthfulness of the party or witness. Evidence of character to prove the person's propensity to act in a particular way is generally not admissible in a civil case.

In a criminal case, the general rule is that the prosecution cannot initiate evidence of the bad character of the defendant to show that he or she is more likely to have committed the crime. However, the defendant may introduce evidence of her good character to show that she is innocent, and the prosecution may offer evidence to rebut the defense's evidence of the defendant's character. With respect to the character of the victim, the general rule is that the prosecution cannot initiate evidence of the character of the victim. However, the defendant may introduce evidence of the victim's good or (more likely) bad character, and the prosecution may offer evidence to rebut the defense's evidence of the victim's character.

Examples:

A limousine driver is driving Ms. Daisy while he is intoxicated and gets into a car accident injuring Ms. Daisy. If Ms. Daisy sues the limousine company for negligently employing an alcoholic driver, then the driver's tendency to drink is at issue. Evidence of the driver's alcoholism is admissible because it is not offered to demonstrate that

he was drunk on a particular occasion. The evidence is offered to demonstrate that the limousine company negligently trusted him to drive a limousine when it knew or should have known that the driver had a serious drinking problem.

Sally is fired and sues her employer for sexual harassment. The employer cannot introduce evidence that Sally experienced similar problems when she worked for other employers. Evidence about Sally's character is not admissible to prove that she acted in conformity with her prior conduct, unless her character is at issue or it relates to truthfulness.

If an attorney is accused of stealing a client's money, he may introduce evidence to demonstrate that he is trustworthy. In this scenario, proof of his trustworthiness makes it less probable that he stole the money.

Richard is on trial for punching his coworker, Larry, during an argument. The prosecution wants to offer that Richard has, in the past, lost his temper and has neared physical altercations. This evidence constitutes character evidence within the meaning of the rule, because it is being offered to show that Richard has a propensity for losing his temper and that he may have acted in conformity with this character trait at the time he struck Larry. Therefore, it would only be admissible if Richard, as the defendant, has decided to place his character at issue.

Rule 203: **OTHER CRIMES, WRONGS, OR ACTS.** Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person. Such evidence, however, may be admissible for purposes other than to prove character, such as to show motive, intent, preparation, knowledge, or identity.

Examples:

Harry is on trial for stealing from a heavy metal safe at an office. The prosecution seeks to offer evidence that, on an earlier date, Harry opened the safe and stole some money from the safe. The evidence is not being offered to show character (in other words, it is not being offered to show that Harry is a thief), but rather it is being offered to show that Harry knew how to crack the safe. This evidence therefore places Harry among a very small number of people who know how to crack safes and, in particular, this safe. The evidence therefore goes to identity and makes Harry somewhat more likely to be guilty.

William is on trial for murder after he killed someone during a fight. The prosecution seeks to offer evidence that a week earlier William

and the victim had another physical altercation. In other words, the victim was not some new guy William has never met before; rather, William and the victim had a history of bad blood. The evidence of the past fight would be admissible because it is not being offered to show that William has bad character as someone who gets into fights, but rather to show that William may have had motive to harm his victim.

In the same trial, the evidence shows that the victim died after William struck him in the larynx. William's defense is that the death was completely accidental and that the fatal injury suffered by his victim was unintended and a fluke. The prosecution seeks to offer evidence that William has a black belt

in martial arts, and therefore has knowledge of how to administer deadly strikes as well as the effect of such strikes. This evidence would be admissible to show the death was not an accident; rather, William was aware that the strike could cause death.

WITNESS EXAMINATION

a. Direct Examination (attorneys call and question witnesses)

Rule 301: **FORM OF QUESTION.** Witnesses should be asked direct questions and may not be asked leading questions on direct examination. Direct questions are phrased to evoke a set of facts from the witnesses. A leading question is one that suggests to the witness the answer desired by the examiner and often suggests a “yes” or “no” answer.

Example of a Direct Question: “What is your current occupation?”

Example of a Leading Question: “Isn’t it true that in your current position you are responsible for making important investment decisions?”

Narration: While the purpose of direct examination is to get the witness to tell a story, the questions must ask for specific information. The questions must not be so broad that the witness is allowed to wander or “narrate” a whole story. Narrative questions are objectionable.

Example of a Narrative Question: “Please describe how you were able to achieve your financial success.” Or “Tell me everything that was said in the board room on that day.”

Narrative Answers: At times, a direct question may be appropriate, but the witness’s answer may go beyond the facts for which the question was asked. Such answers are subject to objection on the grounds of narration.

Objections:

“Objection. Counsel is leading the witness.”

“Objection. Question asks for a narration.”

“Objection. Witness is narrating.”

Rule 302: SCOPE OF WITNESS EXAMINATION. Direct examination may cover all the facts relevant to the case of which the witness has first-hand knowledge. Any factual areas examined on direct examination may be subject to cross examination.

Objection:

“Objection. The question requires information beyond the scope of the witness’s knowledge.”

Rule 303: REFRESHING RECOLLECTION. If a witness is unable to recall a statement made in an affidavit, the attorney on direct may show that portion of the affidavit that will help the witness to remember.

b. Cross examination (questioning the other side’s witnesses)

Rule 304: FORM OF QUESTION. An attorney may ask leading questions when cross-examining the opponent’s witnesses. Questions tending to evoke a narrative answer should be avoided.

Rule 305: SCOPE OF WITNESS EXAMINATION. Attorneys may only ask questions that relate to matters brought out by the other side on direct examination, or to matters relating to the credibility of the witness. This includes facts and statements made by the witness for the opposing party. Note that many judges allow a broad interpretation of this rule.

Objection:

“Objection. Counsel is asking the witness about matters that did not come up in direct examination.”

Rule 306: IMPEACHMENT. An attorney may impeach the credibility of a witness (show that a witness should not be believed) in the following ways:

1. A witness may testify as to another witness’s reputation for truthfulness, provided that an adequate foundation is established for the testifying witness’s ability to testify about the other witness’s reputation.

Example:

Ben testifies at trial. Jeannette then takes the stand and is familiar with Ben's reputation in the community as not being truthful. Jeannette therefore would be able to testify to Ben's reputation for truthfulness.

2. Counsel may ask questions demonstrating that the witness has made statements on other occasions that are inconsistent with the witness's present testimony. A foundation must be laid for the introduction of prior contradictory statements by asking the witness whether he or she made such statements.

Example:

If a witness previously stated that the car was black but at trial testified that the car was red, the witness could be questioned about this prior inconsistent statement for impeachment purposes.

3. An attorney may ask questions demonstrating the witness's bias in favor of the party on whose behalf the witness is testifying, or hostility toward the party against whom the witness is testifying or the witness's interest in the case.

Examples:

"Isn't it true that you are being paid to testify at this trial?" If the witness is paid to testify, he may have an incentive not to tell the truth while testifying.

Steve is on trial for bank robbery, and calls his father as a defense witness to testify that they were watching football at the time of the crime. On cross examination, the prosecutor could attempt to demonstrate the father's bias that could cause him to fabricate an alibi for his son. Proper questions to impeach the father's credibility might include, "You love your son very much, don't you?" and "You don't want to see your son go to jail, do you?"

Rule 307: IMPEACHMENT BY EVIDENCE OF A CRIMINAL CONVICTION. For the purpose of attacking the credibility of a witness, evidence that the witness has been convicted of a crime shall be admitted, but only if the crime was a felony or involved moral turpitude, regardless of punishment, and the court determines that the value of this evidence as reliable proof outweighs its prejudicial effect to a party. Crimes of moral turpitude are crimes that involve dishonesty or false statements. These crimes involve an intent to deceive or defraud, such as forgery, perjury, counterfeiting and fraud.

Example:

“Have you ever been convicted of criminal possession of marijuana?”

Objections:

“Objection. The prejudicial effect of this evidence outweighs its usefulness.”

“Objection. The prior conviction being testified to is not a felony or a crime involving moral turpitude.”

c. Re-Direct Examination

Rule 308: LIMIT ON QUESTIONS. After cross examination, up to three, but no more than three questions may be asked by the attorney conducting the direct examination, but such questions are limited to matters raised by the attorney on cross examination. The presiding judge has considerable discretion in deciding how to limit the scope of re-direct.

NOTE: If the credibility or reputation for truthfulness of the witness has been attacked on cross examination, the attorney whose witness has been damaged may wish to ask several more questions. These questions should be limited to the damage the attorney thinks has been done and should be phrased so as to try to “save” the witness’s truth-telling image in the eyes of the court. Re-direct examination is limited to issues raised by the attorney on cross examination. Please note that at times it may be more appropriate not to engage in re-direct examination.

Objection:

“Objection. Counsel is asking the witness about matters that did not come up in cross examination.”

d. Re-Cross Examination

Rule 309: LIMIT ON QUESTIONS. Three additional questions, but no more than three, may be asked by the cross-examining attorney, but such questions are limited to matters on re-direct examination and should avoid repetition. The presiding judge has considerable discretion in deciding how to limit the scope of re-cross. Like re-direct examination, at times it may be more appropriate not to engage in re-cross examination.

Objection:

“Objection. Counsel is asking the witness about matters that did not come up on re-direct examination.”

e. Argumentative Questions

Rule 310: Questions that are argumentative should be avoided and may be objected to by counsel. An argumentative question is one in which the cross-examiner challenges the witness about his or her inference from the facts, rather than seeking additional facts.

Example:

“Why were you driving so carelessly?”

Objection:

“Objection. “Your Honor, counsel is being argumentative.”

f. Compound Questions

Rule 311: Questions that are compound in nature should be avoided and may be objected to by counsel. A compound question requires the witness to give one answer to a question, which contains two separate inquiries. Each inquiry in an otherwise compound question could be asked and answered separately.

Examples:

“Tony, didn’t you get sued by the buyer of your company and get prosecuted by the IRS?”

“Did you see and feel the residue on the counter?”

Objection:

“Objection. “Your Honor, counsel is asking a compound question.”

g. Asked and Answered Questions

Rule 312: Questions that have already been asked of and answered by a witness should not be asked again and may be objected to by opposing counsel.

Objection:

“Objection. “Your Honor, the witness was asked and answered this question.”

h. Speculation

Rule 313: Questions that ask a witness to speculate about matters not within his personal knowledge are not permitted, and are subject to an objection by opposing counsel.

Example:

"Do you think your friend Robert knew about the robbery in advance?"

Objection:

"Objection. Your Honor, the question asks the witness to speculate."

HEARSAY

Understanding and applying the Hearsay Rule (Rule 401), and its exceptions (Rules 402, 403, 404, and 405), is one of the more challenging aspects of the Mock Trial Tournament. We strongly suggest that teacher-coaches and students work closely with their attorney-advisors to better understand and more effectively apply these evidentiary rules.

Rule 401: **HEARSAY.** A statement made out of court (i.e., not made during the course of the trial in which it is offered) is hearsay if the statement is offered for the truth of the fact asserted in the statement. A judge may admit hearsay evidence if it was a prior out-of-court statement made by a party to the case and is being offered against that party. The party who made the prior out-of-court statement can hardly complain about not having had an opportunity to cross examine himself regarding this statement. He said it, so he has to live with it. He can explain it on the witness stand. Essentially, the witness on the stand is repeating what she heard someone else say outside of the courtroom. The hearsay rule applies to both written as well as spoken statements. If a statement is hearsay and no exceptions to the rule are applicable, then upon an appropriate objection by opposing counsel, the statement will be inadmissible.

REASONS FOR EXCLUDING HEARSAY: The reason for excluding hearsay evidence from a trial is that the opposing party was denied the opportunity to cross-examine the declarant about the statement. The declarant is the person who made the out-of-court statement. The opposing party had no chance to test the declarant's perception (how well did she observe the event she purported to describe), her memory (did she really remember the details she related to the court), her sincerity (was she deliberately falsifying), and her ability to relate (did she really mean to say what now appears to be the thrust of her statement). The opportunity to cross

examine the witness on the stand who has repeated the statement is not enough because the judge or the jury is being asked to believe what the declarant said.

Example:

Peter is on trial for allegedly robbing a Seven-Eleven store on May 1. A witness who is testifying on Peter's behalf, testifies in the trial "I heard Joe say that he (Joe) went to the Seven-Eleven on May 1." Peter, the party offering the witness's testimony as evidence, is offering it to prove that Joe was in the Seven-Eleven on May 1, presumably to create a question as to whether it could have been Joe at the scene of the crime, rather than Peter. In this example, Joe is the declarant. The reason why the opposing party, in this case the prosecution, should object to this testimony is that the prosecution has no opportunity to cross examine Joe to test his veracity (was he telling the truth or just trying to help his friend Peter out of a mess) or his memory (was Joe sure it was May 1 or could it have been May 2)?

EXCEPTIONS

Hearsay may be admissible if it fits into certain exceptions. The exceptions listed below are the only allowable exceptions for purposes of the Mock Trial Tournament.

Rule 402: **ADMISSION OF A PARTY OPPONENT:** A judge may admit hearsay evidence if it was a prior out-of-court statement made by a party to the case that amounts to an admission that is against that party's interest at trial. Essentially, the party's own out-of-court statement is being offered into evidence because it contains an admission of responsibility or an acknowledgment of fault. The party who made the prior out-of-court statement can hardly complain about not having had the opportunity to cross examine himself. He said it, so he has to live with it. He can explain it on the witness stand.

Example:

Pam is involved in a car accident. Wendy was at the scene of the crash. At Pam's trial, Wendy testifies that she heard Pam say "I can't believe I missed that stop sign!" At the trial, Wendy's testimony of Pam's out-of-court statement, although hearsay, is likely to be admitted into evidence as an admission against a party's interest. In this example, Pam is on trial so she can testify about what happened in the accident and refute having made this statement or explain the circumstances of her statement.

Rule 403: **STATE OF MIND:** A judge may admit an out-of-court 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). Such out-of-court statements of pain or intent

do not present the usual concerns with the reliability of hearsay testimony. For instance, when a witness testifies as to a declarant's statement of intent, there are no memory problems with the declarant's statement of intent and there are no perception problems because a declarant cannot misperceive intent. When applying this exception, it is important to keep in mind that the reliability concerns of hearsay relate to the out-of-court declarant, not to the witness who is offering the statement in court.

Example:

Mike is on trial for a murder that occurred at the West End Restaurant. Mike's defense relies upon the theory that another person, Jane, committed the murder. The defense then calls a witness who testifies that on the night of the murder he heard Jane say that she intended to go to the West End Restaurant. This hearsay statement is admissible as proof of Jane's intent to go to the restaurant.

Rule 404: BUSINESS RECORDS. A judge may admit a memorandum, report, record, or data compilation concerning an event or act, provided that the record was made at or near the time of the act by a person with knowledge and that the record is kept in the regular course of business. The rationale for this exception is that this type of evidence is particularly reliable because of the regularity with which business records are kept, their use and importance in the business and the incentive of employees to keep accurate records or risk being reprimanded by the employer.

Example:

Diane is on trial for possession of an illegal weapon. The prosecution introduces a written inventory prepared by a police officer of items, including a switchblade knife, taken from Diane when she was arrested as evidence of Diane's guilt. The written inventory is admissible. In this example, the statement that is hearsay is the written inventory (hearsay can be oral or written), the declarant is the police officer who wrote the inventory and the inventory is being offered into evidence to prove that Diane had a switchblade knife in her possession. The reason that the written inventory is admissible is that it was a record made at the time of Diane's arrest by a police officer, whose job required her to prepare records of items taken from suspects at the time of arrest and it was the regular practice of the police department to prepare records of this type at the time of an arrest.

Rule 405: PRESENT SENSE IMPRESSION. A judge may admit an out-of-court statement of a declarant's statement describing or explaining an event or condition made while the declarant was perceiving the event

or condition, or immediately thereafter. The rationale for this exception is that a declarant's description of an event as it is occurring is reliable because the declarant does not have the time to think up a lie.

Example:

James is witnessing a robbery and calls 911. While on the phone with the 911 operator, James describes the crime as it is occurring and provides a physical description of the robber. These hearsay statements are admissible because they are James's description or explanation of an event – the robbery – as James is perceiving that event.

OPINION AND EXPERT TESTIMONY

Rule 501: OPINION TESTIMONY BY NON-EXPERTS. Witnesses who are not testifying as experts may give opinions which are based on what they saw or heard and are helpful in explaining their story. A witness may not testify to any matter of which the witness has no personal knowledge, nor may a witness give an opinion about how the case should be decided. In addition, a non-expert witness may not offer opinions as to any matters that would require specialized knowledge, training, or qualifications.

Example:

(General Opinion)

The attorney asks the non-expert witness, "Why is there so much conflict in the Middle East?" This question asks the witness to give his general opinion on the Middle East conflict.

Note: This question is objectionable because the witness lacks personal perceptions as to the conflict in the Middle East and any conclusions regarding this issue would require specialized knowledge.

Objection:

"Objection. Counsel is asking the witness to give an opinion."

Example:

(Lack of Personal Knowledge)

The attorney asks the witness, "Why do you think Abe skipped class?" This question requires the witness to speculate about Abe's reasons for skipping class.

Objection:

“Objection. The witness has no personal knowledge that would enable him/her to answer this question.”

Example:

(Opinion on Outcome of Case)

The attorney asks the witness, “Do you think the defendant intended to commit the crime?” This question requires the witness to provide a conclusion that is directly at issue and relates to the outcome of the case.

Objection:

“Objection. The question asks the witness to give a conclusion that goes to the finding of the Court.”

Rule 502: OPINION TESTIMONY BY EXPERTS. Only persons qualified as experts may give opinions on questions that require special knowledge or qualifications. An expert may be called as a witness to render an opinion based on professional experience. The attorney for the party for whom the expert is testifying must qualify as an expert. This means that before the expert witness can be asked for an expert opinion, the questioning attorney must bring out the expert’s qualifications, education and/or experience.

Example:

The attorney asks the witness, an auto mechanic, “Do you think Luke’s recurrent, severe migraine headaches could have caused him to crash his car into the side of George’s house?”

Objection:

“Objection. Counsel is asking the witness to give an expert opinion for which the witness has not been qualified.”

However, a doctor can provide an expert opinion on how migraine headaches affect eye sight.

PHYSICAL EVIDENCE

Rule 601: INTRODUCTION OF PHYSICAL EVIDENCE. Physical evidence may be introduced if it is relevant to the case. Physical evidence will not be admitted into evidence until it has been identified and shown to be authentic or its identification and/or authenticity has been stipulated

to. That a document is “authentic” means only that it is what it appears to be, not that the statements in the document are necessarily true.

A prosecutor must authenticate a weapon by demonstrating that the weapon is the same weapon used in the crime. This shows that the evidence offered (the weapon) relates to the issue (the crime). If the weapon belonged to the prosecutor, it would not be relevant to the defendant’s guilt. The evidence must be relevant to the issue to be admissible.

PROCEDURE FOR INTRODUCING EVIDENCE: Physical evidence need only be introduced once. The proper procedure to use when introducing a physical object or document for identification and/or use as evidence is:

- a. Have exhibit marked for identification. *“Your Honor, please mark this as Plaintiff’s Exhibit 1 (or Defense Exhibit A) for identification.”*
- b. Ask witness to identify the exhibit. *“I now hand you what is marked as Plaintiff’s Exhibit 1 (or Defense Exhibit A). Would you identify it, please?”*
- c. Ask witness questions about the exhibit, establishing its relevancy, and other pertinent questions.
- d. Offer the exhibit into evidence. *“Your Honor, we offer Plaintiff’s Exhibit 1 (or Defense Exhibit A) into evidence at this time.”*
- e. Show the exhibit to opposing counsel, who may make an objection to the offering.
- f. The Judge will ask opposing counsel whether there is any objection, rule on any objection, admit or not admit the exhibit.
- g. If an exhibit is a document, hand it to the judge.

NOTE: After an affidavit has been marked for identification, a witness may be asked questions about his or her affidavit without its introduction into evidence. In order to read directly from an affidavit or submit it to the judge, it must first be admitted into evidence.

Rule 602: **VOIR DIRE OF A WITNESS.** When an item of physical evidence is sought to be introduced under a doctrine that normally excludes that type of evidence (e.g., a document which purports to fall under the business record exception to the Hearsay Rule), or when a witness is offered as an expert, an opponent may interrupt the direct examination

to request the judge's permission to make limited inquiry of the witness, which is called "*voir dire*."

The opponent may use leading questions to conduct the *voir dire* but it must be remembered that the *voir dire*'s limited purpose is to test the competency of the witness or evidence and the opponent is not entitled to conduct a general cross examination on the merits of the case.

The *voir dire* must be limited to three questions and any time spent on *voir dire* will be deducted from the time allowed for cross examination of that witness.

INVENTION OF FACTS (Special Rules for the Mock Trial Competition)

Rule 701: DIRECT EXAMINATION. On direct examination, the witness is limited to the facts given. Facts cannot be made up. If the witness goes beyond the facts given opposing counsel may object. If a witness testifies in contradiction of a fact given in the witness's statement, opposing counsel should impeach the witness during cross examination.

Objection:

"Objection. Your Honor, the witness is creating facts which are not in the record."

Rule 702: CROSS EXAMINATION. Questions on cross examination should not seek to elicit information that is not contained in the fact pattern. If on cross examination a witness is asked a question, the answer to which is not contained in the witness's statement or the direct examination, the witness may respond with any answer that does not materially alter the outcome of the trial. If a witness's response might materially alter the outcome of the trial, the attorney conducting the cross examination may object.

Objection:

"Objection. The witness's answer is inventing facts that would materially alter the outcome of the case."

PROCEDURAL RULES

Rule 801: PROCEDURE FOR OBJECTIONS. An attorney may object any time the opposing attorneys have violated the "Simplified Rules of Evidence and Procedure." Each attorney is restricted to raising objections concerning witnesses, whom that attorney is responsible for examining, both on direct and cross examinations.

NOTE: The attorney wishing to object (only one attorney may object at a time) should stand up and do so at the time of the violation. When an objection is made, the judge will ask the reason for it. Then the judge will turn to the attorney who asked the question and the attorney usually will have a chance to explain why the objection should not be accepted (“sustained”) by the judge. The judge will then decide whether a question or answer must be discarded because it has violated a rule of evidence (“objection sustained”), or whether to allow the question or answer to remain on the trial record (“objection overruled”).

Rule 802: MOTIONS TO DISMISS. Motions for directed verdict or dismissal are not permitted at any time during the plaintiff’s or prosecution’s case.

Rule 803: CLOSING ARGUMENTS. Closing arguments must be based on the evidence presented during the trial.

Rule 804: OBJECTIONS DURING OPENING STATEMENTS AND CLOSING ARGUMENTS. Objections during opening statements and closing arguments are **NOT** permitted.

Rule 901: PROSECUTION’S BURDEN OF PROOF (criminal cases).

Beyond a Reasonable Doubt: A defendant is presumed to be innocent. As such, the trier of fact (jury or judge) must find the defendant not guilty, unless, on the evidence presented at trial, the prosecution has proven the defendant guilty beyond a reasonable doubt. Such proof precludes every reasonable theory except that which is consistent with the defendant’s guilt. A reasonable doubt is an honest doubt of the defendant's guilt for which a reason exists based upon the nature and quality of the evidence. It is an actual doubt, not an imaginary one. It is a doubt that a reasonable person would be likely to entertain because of the evidence that was presented or because of the lack of convincing evidence. While the defendant may introduce evidence to prove his/her innocence, the burden of proof never shifts to the defendant. Moreover, the prosecution must prove beyond a reasonable doubt every element of the crime including that the defendant is the person who committed the crime charged. (Source: NY Criminal Jury Instructions).

Rule 902: PLAINTIFF'S BURDENS OF PROOF (civil cases).

902.1 Preponderance of the Evidence: The plaintiff must prove his/her claim by a fair preponderance of the credible evidence. The credible evidence is testimony or exhibits that the trier of fact (jury or judge) finds to be worthy to be believed. A preponderance of the evidence means the greater part of such evidence. It does not mean the greater number of witnesses or the greater length of time taken by either side. The phrase refers to the quality of the evidence, *i.e.*, its convincing quality, the weight and the effect that it has on the trier of fact. (Source: NY Pattern Jury Instructions, §1:23).

902.2 Clear and Convincing Evidence: (To be used in cases involving fraud, malice, mistake, incompetency, etc.) The burden is on the plaintiff to prove fraud, for instance, by clear and convincing evidence. This means evidence that satisfies the trier of fact that there is a high degree of probability that the ultimate issue to be decided, *e.g.*, fraud, was committed by the defendant. To decide for the plaintiff, it is not enough to find that the preponderance of the evidence is in the plaintiff's favor. A party who must prove his/her case by a preponderance of the evidence only need to satisfy the trier of fact that the evidence supporting his/her case more nearly represents what actually happened than the evidence which is opposed to it. But a party who must establish his/her case by clear and convincing evidence must satisfy the trier of fact that the evidence makes it highly probable that what s/he claims is what actually happened. (Source: NY Pattern Jury Instructions, §1:64).

NEW YORK STATE
HIGH SCHOOL
MOCK TRIAL
TRIAL SCRIPT

PART IV

Case Summary

Morgan Martin v. Cattaraugus Programming University

In the fall of 2009, Morgan Martin was a senior at Fallsview High School in Fallsview, New York. Morgan had earned mostly Bs and Cs as a student but had developed a passion for computers and technology. Morgan had taken all of the computer courses that Fallsview had to offer, from word processing to programming in C++, and hoped one day to pursue a career as a computer programmer or as an information technology specialist.

Moe Demm, Morgan's computer science teacher at Fallsview High School, had encouraged Morgan to enroll as a computer science major at Fallsview Community College. Mr. Demm advised Morgan that after two years of matriculation at Fallsview Community College, s/he would be able to transfer to a four-year SUNY institution to obtain a bachelor's degree and the career counseling necessary to land a job that would put Morgan's computer skills to good use. Morgan discounted Mr. Demm's advice, however, because Morgan was tired of living in Fallsview and wanted to pursue his/her higher education out of town.

Upon taking standardized testing in the spring of his/her junior year, Morgan completed a survey that requested information about Morgan's academic interests. In responding to this survey, Morgan declared that s/he sought to major in computer science and gave consent for his/her name, mailing address and e-mail address to be disseminated to colleges and universities for student recruitment purposes.

Soon after Morgan's 18th birthday in December 2009, Morgan unexpectedly received a glossy, sleek brochure from Cattaraugus Programming University (CPU), a two-year, private, for-profit, community college located in Little Valley, New York. The brochure explained CPU's two-year associate's degree programs in computer-related fields. Morgan was intrigued by this communication. Never before had Morgan heard of CPU, but the brochure suggested that CPU featured all that Morgan was looking for in a school: an out-of-town location where Morgan could enjoy his/her freedom, challenging computer courses and an opportunity earn credits to transfer to a four-year institution after graduation. The brochure featured, among other things, numerous photos of the school and its high-tech classrooms, and a testimonial from a former student and an employer of CPU graduates. In describing CPU, the brochure stated:

- Private financial aid was available for qualified applicants;
- Over 95% of CPU graduates received "computer-related employment" or proceeded to a four-year institution within one year after graduation;

- CPU's career placement office was "experienced at finding unpaid internships for CPU's students";
- Credits earned at CPU were transferable to "numerous four-year colleges";
- CPU courses were taught by "accredited computer science professionals" who possessed the "highest qualifications in their field";
- CPU's tuition offered an "excellent value for a world-class education"; and
- CPU enabled students to participate in a "wide range of extracurricular activities."

Based on these statements and the positive perception that Morgan developed after s/he read the brochure, Morgan decided to visit CPU. On February 16, 2010, Morgan took a CPU campus tour led by Dr. Shannon Charlton, the CPU Dean of Admissions. During the tour, and in response to Morgan's questions, Dr. Charlton represented that "many four-year institutions regularly accepted CPU credits toward bachelor's degrees," and that CPU's career placement office played "an active role in referring current students and graduates to businesses that are looking for employees with knowledge of cutting-edge computer technologies to fill high-paying jobs."

Given these representations and in reliance upon CPU's promotional brochure, Morgan decided, after the tour, to apply for enrollment in CPU for the fall of 2010. Morgan was granted "instant admission" after s/he filled out a one-page application. Annual tuition was steep, over \$30,000, and Morgan expressed concern to the admissions office about this cost. In response, a CPU admissions counselor, Dana Detter, encouraged Morgan to take out a loan underwritten by First Subsidy Loans, Inc., to pay the cost of Morgan's education. On the spot, Morgan signed the necessary loan paperwork and an agreement to attend classes at CPU in the fall of 2010.

Before doing so, however, Morgan failed to read the fine print that was included on these documents. The fine print clarified that

- Credits earned at CPU may not be accepted at all four-year educational institutions;
- First Subsidy Loans, Inc., was an affiliate of CPU; and
- First Subsidy Loans, Inc., charged an interest rate well above the interest rate offered by the federal government or other private providers of student loans.

Morgan graduated from CPU in May 2012 with an associate's degree in information systems technology. During Morgan's two years as a CPU student, however, Morgan found his/her experience to be underwhelming and far short of what Morgan had expected from CPU's promotional materials. After enrolling at CPU, Morgan learned

- S/he could have obtained student loans at a much lower cost than was provided by First Subsidy Loans, Inc.;
- CPU received a significant portion of the interest payments that Morgan would make on his/her loans, because First Subsidy Loans, Inc., was an affiliate;

- When CPU described its graduates as finding “computer-related” employment, CPU had meant employment that required work with computers, rather than employment as a computer programmer or as an information technology specialist;
- CPU’s career placement office, in fact, had a poor track record of placing students in unpaid internships;
- CPU credits were transferable only to a handful of for-profit, four-year colleges located in the Caribbean and the South Pacific;
- CPU’s professors were accredited only by an organization that CPU and several other for-profit colleges had founded;
- Many of CPU’s professors lacked master’s or doctoral degrees in computer science;
- In addition to paying tuition, CPU students needed to pay “activity fees” that amounted to thousands of dollars in order to remain in good standing at CPU;
- Several courses needed for Morgan’s matriculation weren’t available because of professors’ sabbaticals and leaves of absence that made it nearly impossible for him/her to graduate in two years;
- Due to these sabbaticals, most students needed more than two years to graduate, and therefore were required to pay more than four semesters of tuition in order to take all of their required courses. Indeed, Morgan graduated in May 2012 only because s/he paid extra tuition to take necessary courses during a “summer semester” in 2011; and
- CPU was not accredited by the National Association of Computer Colleges but rather by the “Leibniz League,” an organization that CPU and other for-profit colleges had created.

Since graduation, Morgan has been unable to find work in his field, or in a related field, of study. Several prospective employers have advised Morgan that his/her degree is “not worth the paper it is printed on,” because CPU maintains a poor academic reputation. Able to land only a minimum-wage job that does not require any training or expertise in computer science, Morgan is concerned that s/he will be unable to pay his/her student loans, which are not dischargeable in bankruptcy except in cases of “extreme hardship.” Morgan could matriculate at Fallsview Community College, whose credits are transferable to four-year institutions throughout the SUNY system, but is reluctant to spend two more years to attain the level of education that Morgan thought s/he would attain at CPU. Feeling that s/he was duped and misled by CPU and its representatives, Morgan alleges that CPU engaged in deceptive business practices, and seeks monetary damages pursuant to New York General Business Law § 349.

CPU disagrees strongly with Morgan’s theory of the case. At trial, CPU shall highlight that Morgan’s relative lack of success arose not from any deceptive conduct on the part of CPU, but rather from Morgan’s own laziness and poor study habits during his/her time as a student. This is reflected, CPU will argue, in Morgan’s failure to ask more questions about CPU before Morgan enrolled, in Morgan’s failure to read CPU’s promotional materials and application and financial aid forms more carefully and thoroughly, in the poor grades that Morgan earned at

CPU, in Morgan's refusal to take advantage of the career placement services that CPU offered and in Morgan's well-known proclivity for partying.

Notwithstanding CPU's arguments, the trial court denied CPU's motion for summary judgment and determined that Morgan's claim presented issues of fact that had to be resolved at trial.

Witnesses:

For the Plaintiff:

Morgan Martin, the Plaintiff and a CPU graduate

Dr. Chris Cringle, the President of the National Association of Computer Colleges

Jordan Phillips, a former CPU Admissions Counselor

For the Defendant:

Dr. Shannon Charlton, the CPU Dean of Admissions

Dana Detter, a CPU Admissions and Financial Aid Counselor

Casey Key, a former CPU student who graduated with Morgan Martin

STIPULATIONS

1. All witness statements are sworn and notarized.
2. All items of evidence are eligible for use at trial, following proper procedure for identification and submission.
3. Any enactment of this case is conducted after the named dates in the stipulated facts and witness affidavits.
4. No other stipulations shall be made between the plaintiff/prosecution and the defense, except as to the admissibility of evidentiary exhibits provided herein.
5. A true and accurate copy of Morgan Martin's official transcript is provided as evidence and is admissible subject to the laying of a proper foundation.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF CATTARAUGUS

MORGAN MARTIN,

Plaintiff,

v.

Index No. 2012/01234

CATTARAUGUS PROGRAMMING UNIVERSITY,

Defendant.

COMPLAINT

Morgan Martin, by and through his/her attorneys, Latham & Greenbush, LLP, for and as his/her Complaint against Cattaraugus Programming University, respectfully alleges as follows:

PARTIES AND VENUE

1. At all times relevant hereto, Morgan Martin was and is a resident of the Town of Fallsview, County of Niagara, State of New York.
2. Upon information and belief, at all times relevant hereto, Cattaraugus Programming University is a domestic, two-year, private, for-profit community college located in the Town of Little Valley, County of Cattaraugus, State of New York.
3. Venue in Cattaraugus County is proper for this action, pursuant to CPLR 503(a).

FACTUAL BACKGROUND

4. Upon information and belief, Cattaraugus Programming University (hereinafter referred to as CPU) offers two-year associate's degrees in computer-related disciplines, such as computer programming and digital media arts, to the consuming general public who have obtained the requisite academic credentials for enrollment as determined by CPU.

5. Plaintiff, Morgan Martin, was accepted and enrolled as a student at CPU in September 2010 and graduated with an associate's degree in May 2012.

6. In or about December 2009, Plaintiff received an unsolicited informational brochure from CPU describing its college program. In describing CPU, the brochure stated:

That private financial aid was available for qualified applicants;

That over 95% of CPU graduates received "computer-related employment" or proceeded to a four-year institution within one year after graduation;

That CPU's career placement office was "experienced at finding unpaid internships for CPU's students";

That credits earned at CPU were transferable to "numerous four-year colleges";

That CPU courses were taught by "accredited computer science professionals" who possessed the "highest qualifications in their field";

That CPU's tuition offered an "excellent value for a world-class education"; and

That CPU enabled students to participate in a "wide range of extracurricular activities."

7. Upon information and belief, at all times relevant hereto, CPU was aware of its representations and:

That 95% of CPU graduates DID NOT receive "computer-related employment" or proceeded to a four-year institution within one year after graduation;

That CPU's career placement office DID NOT find unpaid internships for all of its students;

That credits earned at CPU were NOT transferable to "numerous four-year colleges";

That very few of CPU courses were taught by "accredited computer science professionals" who possessed the "highest qualifications in their field";

That CPU's tuition DID NOT offer an "excellent value for a world-class education"; and

That CPU DID NOT enable students to participate in a “wide range of extracurricular activities.”

8. Because of the misrepresentations of CPU, Plaintiff was prevented from making an informed decision on whether to attend and remain at the college.

9. In reliance upon the false and deceptive representations made by CPU, Plaintiff completed the associate’s degree program and incurred a loan debt in excess of \$80,000.

10. CPU should be also be permanently enjoined and restrained from engaging in such false and deceptive business practices which have caused Plaintiff irreparable harm for which s/he has no adequate remedy at law.

WHEREFORE, FOR THE FOREGOING REASONS, PLAINTIFF RESPECTFULLY REQUESTS A JUDGMENT AGAINST THE DEFENDANT IN AN AMOUNT TO BE DETERMINED AT TRIAL BUT BELIEVED TO BE IN EXCESS OF \$80,000, TOGETHER WITH LAWFUL INTEREST THEREON, AND A PERMANENT INJUNCTION ENJOINING AND RESTRAINING DEFENDANT CPU FROM ENGAGING IN FALSE AND DECEPTIVE BUSINESS PRACTICES IN VIOLATION OF NY GENERAL BUSINESS LAW § 349 IN THE ADVERTISING AND MARKETING OF ITS ASSOCIATE’S DEGREE PROGRAM; AND FOR SUCH OTHER AND FURTHER RELIEF AS THIS COURT DEEMS JUST AND PROPER.

DATED: Little Valley, New York
December 31, 2012

LATHAM & GREENBUSH, LLP

By: *Cheryl F. Greenbush, Esq.*
CHERYL F. GREENBUSH, ESQ.
ATTORNEYS FOR PLAINTIFF
25 FRANKLIN STREET
LITTLE VALLEY, NEW YORK 14112
TELEPHONE No.: (716) 555-8200

STATE OF NEW YORK
SUPREME COURT : COUNTY OF CATTARAUGUS

MORGAN MARTIN,

Plaintiff,

v.

Index No. 2012/01234

CATTARAUGUS PROGRAMMING UNIVERSITY,

Defendant.

ANSWER

Defendant, Cattaraugus Programming University (hereinafter referred to as Defendant or CPU), by and through its undersigned counsel, Seymour & James, LLP, hereby submits the following Answer to the Complaint filed by Plaintiff, Morgan Martin (hereinafter referred to as Plaintiff). The following numbered paragraphs correspond to the numbered paragraphs of the Complaint.

1. At all times relevant hereto, Morgan Martin was and is a resident of the Town of Fallsview, County of Niagara, State of New York.

RESPONSE:

Admits to the allegations of paragraph 1.

2. Upon information and belief, at all times relevant hereto, Cattaraugus Programming University is a domestic, two-year, private, for-profit community college located in the Town of Little Valley, County of Cattaraugus, State of New York.

RESPONSE:

Admits to the allegations of paragraph 2.

3. Venue in Cattaraugus County is proper for this action, pursuant to CPLR 503(a).

RESPONSE:

Admits to the allegations of paragraph 3.

4. Upon information and belief, Cattaraugus Programming University offers two-year associate's degrees in computer-related disciplines, such as computer programming and digital media arts, to the consuming general public who have obtained the requisite academic credentials for enrollment as determined by CPU.

RESPONSE:

Admits to the allegations of paragraph 4.

5. Plaintiff, Morgan Martin, was accepted and enrolled as a student at CPU in September 2010 and graduated with an associate's degree in May 2012.

RESPONSE:

Admits to the allegations of paragraph 5.

6. In or about December 2009, Plaintiff received an unsolicited informational brochure from CPU describing its college program. In describing CPU, the brochure stated:

That private financial aid was available for qualified applicants;

That over 95% of CPU graduates received "computer-related employment" or proceeded to a four-year institution within one year after graduation;

That CPU's career placement office was "experienced at finding unpaid internships for CPU's students";

That credits earned at CPU were transferable to "numerous four-year colleges";

That CPU courses were taught by “accredited computer science professionals” who possessed the “highest qualifications in their field”;
That CPU’s tuition offered an “excellent value for a world-class education”;
and
That CPU enabled students to participate in a “wide range of extracurricular activities.”

RESPONSE:

In response to paragraph 6, Defendant denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegation that Plaintiff received an “unsolicited” informational brochure from CPU and admits that the brochure contains the information as set forth in said paragraph.

7. Upon information and belief, at all times relevant hereto, CPU was aware that its representations and:

That 95% of CPU graduates DID NOT receive “computer-related employment” or proceed to a four-year institution within one year after graduation;

That CPU’s career placement office DID NOT find unpaid internships for all of its students;

That credits earned at CPU were NOT transferable to “numerous four-year colleges”;

That very few of CPU courses were taught by “accredited computer science professionals” who possessed the “highest qualifications in their field”;

That CPU's tuition DID NOT offer an "excellent value for a world-class education"; and

That CPU DID NOT enable students to participate in a "wide range of extracurricular activities."

RESPONSE:

Denies to the allegations of paragraph 7.

8. Because of the misrepresentations of CPU, Plaintiff was prevented from making an informed decision about whether to attend and remain at the college.

RESPONSE:

Denies to the allegations of paragraph 8.

9. In reliance upon the false and deceptive representations made by CPU, Plaintiff completed the associate's degree program and incurred a loan debt in excess of \$80,000.

RESPONSE:

Denies to the allegations of paragraph 9.

10. CPU should also be permanently enjoined and restrained from engaging in such false and deceptive business practices that have caused Plaintiff irreparable harm for which s/he has no adequate remedy at law.

RESPONSE:

Denies to the allegations of paragraph 10.

Defendant denies each and every allegation of Plaintiff's complaint not heretofore admitted, denied or otherwise controverted.

As and for its defenses, Defendant states that Plaintiff's claims, in whole or in part, fail to state a claim upon which this Court may grant relief.

WHEREFORE, having fully answered Plaintiff's complaint, Defendant respectfully requests judgment as follows:

- 1. That Plaintiff's complaint against Defendant be dismissed with prejudice and that Plaintiff take nothing;**
- 2. That Defendant be awarded its cost, disbursements and attorney fee and expenses incurred herein; and**
- 3. That Defendant be awarded such other and further relief as the Court may deem just and proper.**

DATED: Little Valley, New York
January 18, 2013

SEYMOUR & JAMES, LLP

By: Ryan F. Seymour, Esq.

RYAN F. SEYMOUR, ESQ.

ATTORNEYS FOR DEFENDANT

100 VILLAGE PLAZA

LITTLE VALLEY, NEW YORK 14112

TELEPHONE NO.: (716) 555-2121

**NEW YORK STATE
HIGH SCHOOL
MOCK TRIAL
AFFIDAVITS**

EDITED VERSION FOR FINAL USE

1/19/13

**Affidavit of Morgan Martin
Plaintiff**

1. My name is Morgan Martin. I am 21 years old, and I reside with my parents at 125 Bear Ridge Road in Fallsview, New York.
2. I graduated from Fallsview High School in June 2010. I earned mostly Bs and Cs in high school, and I considered myself to be a pretty average student. Yet, I always had a passion for computers and technology. Ever since I was young, I have enjoyed playing computer games and surfing the Internet on my family's home computer. My parents often told me that computer games were a waste of my time, but that was what I liked to do for fun, especially at the end of a stressful day in school.
3. In high school I developed an interest in computer programming from my love of computer games. Fallsview High School offered several programming courses, in languages such as Pascal and C++. My teacher, Mr. Demm, was great. Not only could he explain complicated concepts in a way that I could understand, but he also gave plenty of extra credit to boost my grade-point average.
4. Mr. Demm saw that I liked his classes, and he encouraged me to enroll as a computer science major at Fallsview Community College. Mr. Demm advised me that after earning a two-year degree, I could attend a SUNY institution to earn my bachelor's degree and then find work as a computer programmer full time. In hindsight, I should have listened to Mr. Demm. As a high school senior, however, I wanted to attend school out of town, because I could not wait to leave Fallsview and live a more independent life.
5. During my junior year, when I took a standardized college admissions exam, I filled out a survey preceding the exam concerning my academic interests. In response to the survey, I said that I wanted to major in computer science. I also checked a box that said I would consent to the release of my name, mailing address and e-mail address to colleges and universities that might be interested in recruiting me. I figured that I was planning to investigate colleges anyway, and that any extra junk mail or spam from colleges that might interest me was worth getting.
6. In December 2009, soon after I turned 18, I received an intriguing packet in the mail from CPU, Cattaraugus Programming University. This was the first time I had ever heard of CPU. Most of the time I throw away junk mail like the CPU brochure, but I decided to look at it when I noticed the reference to "programming."
7. The brochure said that CPU was located in Little Valley, New York. When I found Little Valley on a map, I was happy to see that it was located several hours from Fallsview (and from my parents). The more I read the brochure, the more I liked what I read. According to the brochure, CPU offered two-year associate's degree programs in computer science and digital media arts. These programs, according to the brochure, were taught by "accredited computer science professionals" who possessed the "highest qualifications in their field." The brochure claimed that any credits earned in these programs could be

transferred to “numerous four-year colleges.” The brochure also said that CPU could match students with any of a variety of internships. Most important for my family – for which funding college would be a stretch – CPU promised that private financial aid was available for qualified applicants.

8. At the family dinner table the night after I read the brochure, I excitedly told my parents about CPU, and that I wanted to consider CPU as an option for my future education. My parents did not react well. My mom said she wanted me to stay in Fallsview, and my Dad said that he would never go to a college that sent me a slick brochure. Later in the evening, my dad went online to research CPU, and saw a bunch of negative reviews about the school. The next morning at breakfast, my dad showed me printouts of the reviews, in which supposed current and former students called the school, in sum and substance, a colossal waste of money. I guess I should have listened to those online reviews, but I was stubborn and didn’t listen. At the time, I was anxious to get out of Fallsview, and CPU seemed like a good option, so I decided to pay a visit to CPU on my own when I had the first opportunity.
9. That opportunity came during my winter break in February 2010. I bought a \$5.00 ticket to take the “Super Bus” from Fallsview to Little Valley. The bus conveniently stopped at the Cattaraugus County Courthouse, a few blocks from the CPU campus. When I arrived at the office of admissions, I signed up to take a campus tour led by Dr. Shannon Charlton, the Dean of Admissions. During the tour, Dr. Charlton talked mostly about the country setting, about the internships that CPU students could receive, about the world-class ski slopes nearby, and about the fun things students liked to do on the weekends in Olean and Salamanca. Dr. Charlton did not discuss academic programs much, but I thought nothing of this. My dad had instructed me to ask specifically whether four-year SUNY schools accepted CPU credits. Dr. Charlton answered that “many four-year institutions accepted” those credits but did not specify which schools did. I should have asked for a list, but I didn’t.
10. I admit that upon touring the CPU campus, I liked the environment so much that I only wanted to think and feel good things about the school. This became even more true when I met with the admissions counselor, Dana Detter, after the tour. Dana had me fill out a one-page application that sought nothing more than basic contact information, and certainly nothing about my high school grades. Once I completed the application, Dana told me that “congratulations” were in order, because I had earned “instant admission” to CPU. I was ecstatic! Dana then told me that I was eligible for financial aid, and that I could take out a “competitive” loan by filling out another form. I knew this would make my parents happy, because of the high cost of CPU tuition – about \$30,000 per year, much more than I would have paid to attend Fallsview Community College. At that point, I made up my mind that as an 18-year-old, it was my right to take charge of my education. So I decided I would apply for the loan and attend CPU, whether my parents liked it or not. Needless to say, this turned out to be a mistake.
11. First, amid my excitement in filling out the loan documents and the application, I did not read the fine print. The application said that, in fact, CPU credits may not be accepted at

1/19/13

all four year educational institutions. I have since found out that the schools that will accept CPU credits are in places like the Cayman Islands, Tahiti, Fiji, Nevis, Grenada and other islands that I could never even afford to visit. The loan documents said that my financial aid would be underwritten by First Subsidy Loans, an “affiliate” of CPU. I now know that the same company owned both CPU and First Subsidy Loans, and that CPU would get a “cut” of whatever interest First Subsidy Loans would earn on my financial aid. The interest rate on the loan was 10%, which was much higher than the 5% rate I could have received from the Fallsview National Bank, but I didn’t realize that then.

12. If anyone in the admissions office, particularly Dr. Charlton in response to my questions, would have told me that CPU credits were not transferable to SUNY institutions, I definitely would have decided not to attend CPU. I would have thought twice about obtaining financial aid through CPU, knowing that the interest rate was so high. I probably should have asked more questions about the documents that I was signing, but in my view, CPU, Dr. Charlton and Dana Detter should have been forthright about the terms and conditions of the loan. Instead, they misled me by conveniently failing to tell me important information that would have affected my decision of where to attend college.
13. I did graduate with an associate’s degree from CPU in May 2012. To me, however, the degree is not worth the paper on which it is printed. My experience at CPU was far less than what I had anticipated for several reasons.
14. First, the career placement office offered me little help in finding an internship. The internships that were available were awarded to the very best students. As in high school, I earned a lot of Bs and Cs. I liked programming, but I needed to have a social life, and I did not carry six or seven flash drives around my neck like a nerd who was going to spend all my time in the library. These nerds got all the internships, and nothing was left over. The career placement office should have worked harder to find more internship opportunities in western New York for all CPU students who wanted them. Maybe I should have tried to find an internship on my own, but even so, it was job of the career placement office to help me.
15. Second, the quality of the professors was underwhelming. None of them could compare to Mr. Demm – they could not explain anything! Not surprisingly, these “accredited” professors belonged to the Leibniz League – which, despite its fancy-sounding name, is only an organization that CPU and other for-profit colleges had started on their own. Fewer than 10% had doctoral degrees, whereas every professor in the Fallsview Community College computer science department had earned a Ph.D.
16. Third, not only did I need to pay steep tuition, but also I had to pay \$3,000 each year in “activity fees” that CPU never disclosed in its brochure, on the campus tour or on the application for financial aid. My parents would not let me borrow the money, so I needed to spend most of the savings I had earned working after school at the computer lab help desk at Fallsview High School.

1/19/13

17. Fourth, CPU never disclosed that so many professors would take sabbaticals (probably to earn the master's and doctoral degrees that they should have earned before they began teaching). That made it basically impossible to graduate on time in two years. I did, but only because I took some of my necessary courses during the summer of 2011, which I had to pay for by obtaining additional financial aid from First Subsidy Loans. I suppose I could have cut my losses and dropped out of CPU when I learned that this was true, but I had already been enrolled for a year and still held out hope that I could get a good job after graduation.
18. Nothing could have been further from the truth. Given my nearly \$80,000 in student loans, I cannot afford any more school. I had no choice but to take a minimum-wage job at Sprawl City, Fallsview's largest retailer, where I stock shelves on the graveyard shift. It is boring work, but at least it helps pay off some of my debt. I have moved in with my parents, who never fail to remind me what a mistake it was that I went to CPU against their advice, and how I should have asked more questions of Dr. Charlton and Dana Detter. To quote Mr. Catullus, my former Latin teacher at Fallsview High School, "*Caveat emptor.*"
19. I consulted with an attorney at Darrow & Hand, a Fallsview law firm, in preparation for filing for bankruptcy, but I learned that bankruptcy would not likely discharge my student loan debt. After I explained the details of how I matriculated at CPU, the attorney suggested that I file a lawsuit alleging CPU violated New York's General Business Law Section 349 with its misleading and untruthful representations that spurred me to enroll. Never would I have ever considered giving a dime to CPU if I had known that its supposed educational value would prove so worthless. I have decided to sue CPU not only to recoup the monetary loss that I sustained as a result of CPU's dishonesty, but also to send a message that CPU needs to be forthright in its representations, so that no other impressionable high school senior ever again makes the same mistake that I did.

To the best of my knowledge the above is true.

Morgan Martin
Morgan Martin

Dated: Fallsview, NY
December 12, 2012

Affidavit of Jordan Phillips
Former CPU Admissions Counselor

1. My name is Jordan Phillips, I am 36 years old and I am a former CPU admissions counselor. I was employed by CPU for the academic years of 2003-2004 through 2007-2008. Within my capacity as an admissions counselor, I worked closely with the Dean of Admissions, Dr. Shannon Charlton, drafting the school's brochures and marketing material. In addition, I actively recruited students by visiting high schools and college fairs to conduct interviews.
2. Currently, I reside at 93 Park Avenue, Bigg City, New York. I live alone. I am the founder and president of Scholarly Risk Management and Public Relations, LLC, located at 36 Lexington Avenue, Suite 2031, also in Bigg City. We represent major universities who find themselves in undesirable circumstances, which are usually brought on as a result of inappropriate conduct by their administrators and/or faculty members and occasionally the student body. In short, we chart the waters of potential lawsuits and bad press for our clients in order to preserve their good names and integrity in the face of scandal.
3. Prior to my employment at CPU, I received a BS in marketing from Babcock College in Wellesley, Massachusetts in 1998, and then I went straight to law school at Jaden College of Law, where I received a JD in 2001. Most people are unfamiliar with Jaden. It was founded by a group of retired law professors from Easternwestern University and accredited in 1995. Previously, it was known as The People's Law School of the YMCA of the Greater Boston Area.
4. I subsequently returned to my hometown of Little Valley, New York, with the hope of starting a small rural practice after I had passed the New York State bar exam. I passed on my second attempt. I began my practice by using the marketing techniques that I had previously mastered. After practicing for about a year, I decided that I needed to make more money, so I looked at Craig's List for a part-time position to augment my income from practicing law.
5. I interviewed at CPU and was then hired as an admissions counselor. I had never worked in an academic setting prior to my engagement with CPU. Initially it was part time, but I was soon invited to join the staff full time. I realized that with my base salary and the commissions that I could earn by convincing students to enroll at CPU, along with the bonuses that were promised to me for convincing students to obtain student loans through First Subsidy Loans, Inc., I could far exceed my earning potential as a small-town lawyer in an economically depressed county. I stopped practicing law in July 2003.
6. I left CPU in October of 2008. I left of my own accord after I ran into a former client on the street – Farmer Muller. I was told that the Muller's farm was sold to satisfy a huge debt that had accumulated in order to send young Ethan to CPU. The student loan from First Subsidy had to be co-signed by Farmer Muller as Ethan was just 17 at the time of

his enrollment. After graduation Ethan was unable to find employment, which left Farmer Muller responsible for paying back the loan, including all of the interest that had accrued. Farmer Muller was forced to file bankruptcy. The bankruptcy trustee ordered the farm to be sold in order to satisfy the debt. Farmer Muller said that Ethan had gone to CPU because his grades were not good enough to allow him to go to any other school, and CPU seemed to be guaranteeing Ethan a future off the farm. Well, I guess CPU was right; Ethan now has no future on the farm. Disgusted with myself, my role at CPU and CPU all together, I quit the next day.

7. As an admissions counselor from 2003-2004 through 2007-2008, I can comment on CPU's marketing and recruitment practices during my period of employment. Subsequent to my leaving CPU, I have had no contact with CPU and its personnel.
8. Dr. Shannon Charlton was the Dean of Admissions at CPU and my immediate supervisor. Nothing was done without Dr. Charlton's knowledge and approval.
9. When I was hired, Dr. Charlton made it clear that I was hired for my marketing expertise, and that my assignment was to do "that which was necessary to fill seats, short of kidnapping students." S/he was not kidding!
10. Additionally, I was told to sell as many First Subsidy Loan packages as I could, and I was advised never to inform the prospective students about any other types of financial aid. I was told that if a student inquired about any other sources of student loans, I was to gently steer them to the Internet but encourage them to apply for a guaranteed First Subsidy loan.
11. Our marketing campaign was geared toward potential students that were of a demographic spectrum that included those of average to low intellect. Basically, we catered to those who were not necessarily the brightest lights on the porch. Dr. Charlton used to emphasize that "they are like cattle because they like to be led by their noses and they do not like to ask questions." S/he was not joking.
12. I worked very closely with Dr. Charlton designing the brochure. At the time I was very proud of it because it was so effective at luring potential students, but in hindsight I should have felt ashamed. While we did not lie in the brochure, we certainly did not precisely tell the truth. For example:
 - a. "At CPU we offer private financial aid for qualified applicants." Financial aid was available for any student that had a pulse if they applied to First Subsidy Loans, because it was an affiliate of CPU. The majority of the interest that was paid to First went right back as income to CPU.
 - b. "Over 95% of graduates received computer-related employment or are accepted into a four-year institution within one year of graduation." For those graduates who were able to secure employment, over 95% were employed in computer-related jobs such as cashiers, gas station attendants, secretaries, meter readers, etc. They all work with computers in one form or another. Regarding the four-year

institution line, Charlton had me include that fact after s/he had heard a few of our alumni were sent to a state prison for a minimum sentence of four years. We had a good laugh in the office that day.

- c. "Our trained career placement office is experienced at finding unpaid internships." Overall, the career placement office had a poor track record at accomplishing this task because of the lack of opportunities related to computer science within our county. Occasionally, the placement office would get the odd phone call looking for an intern and the placement office would place the appropriate student. Additionally, the placement office would always place at least one student intern in its office to work on its respective database. Also, if a student did make a request for an internship with a specific employer, then the placement office would make a call.
 - d. Transferability of credits to four-year colleges? Yes, but those schools were located in the Caribbean and the South Pacific.
 - e. Our "accredited faculty" were accredited by an accrediting educational organization, the Leibniz League, which was founded and funded by for-profit educational institutes such as CPU and others. Many of CPU's professors lacked master's and doctoral degrees, but they were all very sincere, well-meaning and worked hard for their students.
13. We also had an aggressive manner of raising funds beyond our customary tuition, with "activity fees," and some of our necessary courses for graduation were not always available in a two-year block, so the students were forced to take summer courses and/or additional semesters in order to graduate.
14. I regret having worked for CPU.

To the best of my knowledge the above is true.

Dated: Bigg City, New York

December 14, 2012

Jordan Phillips

Jordan Phillips

Affidavit of Dr. Chris Cringle
President of the NACC

1. My name is Chris Cringle and I am 58 years old. I live in Boston, Massachusetts.
2. I am the president of the National Association of Computer Colleges (NACC). I have served in this role for six years.
3. Prior to joining NACC, I worked as a professor of computer science and engineering at the Massachusetts Institute of Technology (MIT). I left MIT to pursue other opportunities just before a research integrity audit of my lab was conducted by the National Science Foundation. I understand that the audit produced some questionable results, which could not be addressed due to my absence. As a result, the department was under a cloud of suspicion for some time. In hindsight, I regret the timing of my departure and know that I lost the respect of some of my colleagues as a result.
4. One former colleague whose respect I do not regret losing is “Dr.” Shannon Charlton. Shannon was the roommate of my former love interest, Ryan Buckeye. I spent a lot of time in their apartment back when I was working on my thesis, “Development of a Concentration-Enhanced Mobility Shift Assay Platform for Aptamer-Based Biomarker Detection and Kinase Profiling.” Shannon was working on a related project that s/he titled “Mobility Shift Assay Platform Inducement Through Intensity-Enhancement for Kinase Detection and Aptamer-Based Biomarker Recognition.” Of course, the two projects were entirely dissimilar, but when I published first, s/he accused me a stealing some of his/her research. The Dean of Education concluded that I had not done anything wrong at all. If anyone is a scoundrel, it is Shannon. I caught him/her cheating on the advanced statistics exam. The Dean told us “enough is enough” and to knock it off with the accusations. The schism eventually led to Ryan and me breaking up.
5. NACC sets standards for academic program accreditation, personal certification, and professional development for educators and industry professionals involved in computing and information technology. Its primary mission is protecting high standards within the industry workforce and ensuring the success of faculty, students and industry professionals in developing and completing competitive training and educational programs in the United States.
6. NACC fulfills its accreditation role by setting standards and then evaluating applicant institutions to see that they meet those standards. Accredited institutions are also reviewed every five years to ensure that they continue to meet accreditation standards.
7. NACC accreditation standards cover areas such as admissions standards, graduation rates, faculty qualifications, technological resources, academic rigor, job placement and per-student expenditures. Evaluations of standards compliance are performed by teams of experts from peer institutions, as well as NACC staff.

8. The U.S. Department of Education requires accreditation as a prerequisite for participation in its Title IV student loan programs. Similarly, most accredited institutions only accept transfer credits from other accredited institutions. In short, accreditation is widely accepted as the surest benchmark of an academic program's value. Unaccredited institutions are often referred to as "diploma mills."
9. Cattaraugus Programming University (CPU) last applied for NACC accreditation in 2009. Our team conducted an extensive evaluation, although it was clear from the start that CPU would not meet our standards. The application was denied, but NACC provided CPU with an "action plan" of steps that it could take to improve its chances of achieving successful accreditation in the future. I am not aware of CPU's progress toward completing this plan.
10. At the time of the evaluation, NACC's evaluation team noted the following:
 - CPU was "open enrollment," which meant that everyone that applied got in;
 - Many instructors were part time and nearly 90% lacked high-level degrees in their fields;
 - Much of the technology in use was three or four years out-of-date;
 - Grading standards were lax, with almost no failing grades and many students receiving high marks for little work;
 - Course offerings were sparse and failed to account for several core concepts of modern programming;
 - Few graduates worked in fields directly related to programming or computer science;
 - Although tuition was well above average, per-student expenditures were below more successful programs, including those at many community colleges.
11. As a result of its unaccredited status, it is doubtful that CPU credits can transfer to many other institutions. In fact, NACC has a policy that its member institutions accept credits only from each other or regionally accredited schools. The policy is meant to bolster the standards for the whole computer education community, but some view it as an effort to suppress competition. Predictably, Shannon Charlton has been particularly vocal in his/her opposition to the policy.

To the best of my knowledge the above is true.

Dated: Boston, Massachusetts

December 20, 2012

Dr. Chris Cringle
Dr. Chris Cringle

Affidavit of Dr. Shannon Charlton
Dean of Admissions

1. My name is Shannon Charlton. I am 57 years old. I reside at 534 Big Hill Road in Little Valley. I am the Dean of Admissions at Cattaraugus Programming University, which we affectionately call CPU. Cute, isn't it?
2. CPU is a two-year, private, for-profit community college located in Little Valley, New York. Successful students receive associate's degrees in programs like computer science and digital media arts. I have served as Dean of Admissions at CPU since June 2002, shortly after the college opened. Prior to coming to CPU, I worked for eight years as an admissions counselor for a large university in the Midwest.
3. I have a Ph.D. in education from the Massachusetts Institute of Technology. My master's degree in economics is from Boston University, and my undergraduate degree in political science is from Reedus College. I have always enjoyed campus life. I love working with students and was thrilled when I landed the job as an admissions counselor after graduating from MIT. A Ph.D. working as an admissions counselor may have been a little beneath my educational attainment, but the job market at the time was tight. So, you take what you can get.
4. CPU has many outstanding students in attendance at this institution, but also a few who are academically challenged. I remember when Morgan Martin first visited CPU. I was initially quite impressed with him/her. During the campus tour, I talked to him/her a little about CPU and our mission. S/he had in his/her possession our glossy brochure, which does a great job describing our university, our professors, and what the students should expect both during their academic years and afterwards. I recall that Morgan asked a few questions. In response to one of his/her questions, I told him/her that many four-year institutions regularly accepted CPU credits toward bachelor's degrees. I also said, in response to another inquiry from Morgan, that CPU's career placement office plays an active role in referring current students and graduates to businesses that look for employees with knowledge of cutting-edge computer technologies to fill high-paying jobs. Morgan seemed genuinely excited about the prospects of attending CPU.
5. After the brief tour, Morgan went to the admissions office to meet with our admissions counselor, Dana Detter, and s/he applied for enrollment in CPU for the 2010-2011 academic year. Morgan completed our one-page application, and s/he was accepted immediately for admission because s/he, at the time, appeared to be a good student and expressed great interest in CPU. While our annual tuition is approximately \$30,000, we do offer student loans underwritten by First Subsidy Loans, Inc. Dana told Morgan about the loan program and gave him/her the loan paperwork to complete. Morgan completed the loan application willingly and agreed to begin attending classes at CPU in the fall of 2010.

6. During his/her two years at CPU, I was unimpressed with Morgan's academic performance. I am told s/he seemed to spend an inordinately large amount of time socializing in the student union and very little time in the computer lab. It's amazing that Morgan was able to graduate. We are all very disappointed because s/he showed so much promise back in 2010. If only s/he had applied himself/herself and put in a little bit more effort, s/he would probably be working now in the computer/digital media arts field. S/he can't blame CPU for his/her own failings. Why, just look at Casey Key for example. Casey would be the first to admit that s/he is no whiz kid. But Casey worked hard during his/her two years at CPU. S/he was not out partying all of the time. Casey got good grades and is now working as a computer programmer at Face Space, a social networking website that is expected to go public soon.
7. My old "friend," Dr. Chris Cringle, should be ashamed of himself/herself. We met at MIT when we both were earning our doctorates there. Ryan Buckeye, my roommate, was Chris's love interest in those days. Chris was in our apartment all the time back then. Dr. Cringle now heads up this fraudulent operation called National Association for Computer Colleges (NACC). This organization has set itself up as THE authority on what is a good technology school and believes it has the authority to evaluate schools for accreditation purposes. I heard that the schools that get good rankings are the ones that "donate" money to NACC. The organization calls the contributions made by the schools "voluntary" membership dues. Well, CPU does not play that game. We have a great program and we don't need Cringle's stamp of approval.
8. Dr. Cringle has never gotten over our little spat back at MIT, when I reported to the Dean of Education that Chris had committed plagiarism in major parts of his/her Ph.D. thesis. S/he had taken major parts of my work as his/her own. My thesis was "Mobility Shift Assay Platform Inducement Through Intensity-Enhancement for Kinase Detection and Aptamer-Based Biomarker Recognition." Cringle's paper was called "Development of a Concentration-Enhanced Mobility Shift Assay Platform for Aptamer-Based Biomarker Detection and Kinase Profiling." S/he published first, and I was sure s/he stole some of my work.
9. The Dean launched a big investigation and concluded that while, in his opinion, no plagiarism had occurred, my interpretation of what Cringle had done was an honest mistake. Since that time, Cringle has had it in for me. In retaliation, s/he even accused me of cheating on the advanced statistics exam. The Dean finally told both of us to just knock it off with all of the accusations. CPU will never get a good accreditation so long as Cringle is running NACC. So don't believe anything Cringle has to say about me and CPU. S/he was kicked out of MIT following an integrity audit by the National Science Foundation showing that Cringle's lab was fudging its research results.
10. This lawsuit by Morgan is just sour grapes. His/her lack of success at CPU is Morgan's own fault. Just take a look at his/her academic transcript. As everybody knows, it is within the ordinary course of business for academic institutions to prepare and keep grade reports. And it is a very good thing we did in Morgan's case. His/her transcript shows a less than stellar performance.

11. The CPU brochure and my presentation during the tour are an honest and true portrayal of CPU. It is incumbent upon prospective students like Morgan to ask questions and obtain more details in order to make an informed choice about where they will attend college. We even have a disclaimer in the loan application letting students know that First Subsidy Loans has a special relationship with CPU. So what if the disclaimer is in small print. It's there, isn't it?!
12. CPU is in the business of training young adults for high-tech jobs of the present and future. We are not here to provide an entertainment venue for immature brats like Morgan who just want to get away from home and party. Everyone knows that the economic climate in Cattaraugus County has not been good in recent years, so it has been difficult to place many of our students in internships with tech firms as we promised in our brochure. In fact, a significant number of students have been required to find work That is "computer-related," which in many instances does not require extensive education in computer science or computer programming.
13. I don't recall making a statement attributed to me by Jordan Phillips that our students "... are like cattle because they like to be led by their noses and they do not like to ask questions." And even if I made a stupid comment like that, no rational person would take a statement like that seriously. Similarly, my statement to Jordan to do "that which was necessary to fill seats, short of kidnapping students" was just me trying to be funny. Everybody knows that.
14. Nevertheless, we are proud of our accomplishments here at CPU. Students who attend CPU and apply themselves enjoy enormous success. Slackers like Morgan blame other people for their failures.

To the best of my knowledge, the above is true.

DATED: Little Valley, New York

December 3, 2012

Dr. Shannon Charlton

Dr. Shannon Charlton

Affidavit of Dana Detter
CPU Admissions and Financial Aid Counselor

1. My name is Dana Detter. I am 39. I reside at 255 Ridge Street, Little Valley, NY.
2. I received my BA in English from Zander College, which is a small private college in the center of the state. Following graduation, I worked in the Zander College admissions office for two years before pursuing my MBA at Berney University in Lightning Knob, Kansas, where I helped pay for my tuition by working in the financial aid office.
3. For several years, I saw students rejected by my college. They'd call the admissions office to ask, "Why? Can you reconsider?" Many of those students had attended the "wrong" high schools. Experienced admissions officers knew that an "A" from one school might equal a "C" from another. Students from the "wrong" schools had been accepted before, failed, become unhappy, and eventually dropped out. I felt bad for them. Surely with some support, these men and women could succeed in college.
4. Working in the financial aid office was worse. There I saw qualified students who were admitted to our fine university turn us down because we could not provide sufficient financial aid.
5. Let's be honest about financial aid. It isn't just scholarships or grants. Most financial aid is loans. A limited number of athletes get scholarships, but everyone knows they have to work harder than everyone else to keep them. They've got to both practice and study. Some schools give grants, but most can't afford to give much and the grants leave students, and their parents, with a large amount left to pay each semester. State universities have lower tuition, but many of them are located in the back of beyond. Students can't commute and the room and board are high. Really, CPU's \$30,000 tuition is pretty competitive with other colleges.
6. I am proud to work at Cattaraugus Programming University as an admissions and financial aid counselor. We serve students who may not be accepted at more traditional universities and we offer them the support they need to succeed. We have free tutoring in our academic support center. Our students are generally the first in the family to go to college and every step forward is a new experience, not just for the student, but also for the family, so we remove as many of the hurdles as we can. Our one-page admission form is simple to understand. We don't want applicants to become discouraged and give up before they even start, so we offer instant admission.
7. We know that our applicants will have weaknesses, but we will deal with them when they get here. We don't rely entirely on scores from their high school or a testing service. We test all students during orientation and address their weaknesses in order to make it possible for them to work at the college level.
8. Financial aid is also easy to apply for. We don't want anyone to be turned away from a

better future because some piece of paperwork wasn't filled out correctly or because of a past problem. We are not focused on the past, but on the future.

9. Our financial aid packages are generous and our interest rates are fair considering that the people we loan to, generally speaking, have no savings, do not own their home and have negligible financial assets. We have a pretty high delinquency rate and when you have that, you have to charge a higher interest rate to cover your costs.
10. Many of our students borrow from First Subsidy Loans. First Subsidy Loans is an affiliate of CPU, so we have the ability to loan to people who have pretty poor credit ratings and find it difficult to get other financing. We disclose the relationship of the school and First Subsidy right on the loan forms. It is our policy to present the forms to a prospective student and then leave the room so that s/he can go over them before signing. I don't know if all our applicants read the loan forms before they sign them.
11. There are laws governing what must be disclosed on loan forms, the size of type, etc., and we comply with all of them.
12. Students have been financing their education with student loans for decades. I had student loans myself. When I got out of college, I got a job and paid them off.
13. It is expensive to run a college, especially one like ours. After all, it is a programming college. We have a lot of computers. Our technology is always up-to-date. Our campus is beautiful. The new library building is totally wired. We have study rooms for group projects where every seat has a computer. Use of these rooms is scheduled electronically. Some of our groups have produced wonderful interactive websites and even computer games. It all takes money. It's a good thing we receive income from the interest paid to First Subsidy.
14. In addition to tuition and books, our students pay several "activity fees." These include lab fees for courses requiring use of computer stations, testing fees and, of course, yearbook and graduation fees. Oh, and they have to buy their laptops and laptop service contract through us. That way we're all on the same page.
15. Everyone is talking about jobs right now: "We need to create more jobs." "All the manufacturing jobs have moved offshore." "We're not making things in America anymore." I think they're missing the real picture. The United States is making double what it used to make, but with fewer workers because it's all computers and robotics now. That's why I'm so excited about getting the sons and daughters of former assembly-line workers into our technical programs. That's where the jobs are.
16. I can get really enthusiastic about what CPU offers its students, but really, it's up to each student to make use of our support services. I explained all that to Morgan Martin when I met with him/her during the admission process. I have a checklist of things I need to cover with each prospective student. It really helps me to remember what I have to go over with them. I see so many, you know, that I might not remember what I covered with

each without it. There are some applicants who stick in my memory, like the really tall girl who wanted a music program, or the boy who only cared about parking. Morgan was one I remembered because I thought s/he had potential. All those computer classes in high school! I suppose I should have been warned by his/her lack of questions. I have several places in the process where I ask, "Do you have any questions?" Usually the ones who've had a lot of computer courses in high school pester me with such technical questions I have to call on a faculty member or the registrar to answer them. But not Morgan. S/he did not ask any questions. Nope. None at all.

17. I really don't think it's fair for Morgan to demand financial compensation for his/her failure to do his/her homework before applying to CPU. S/he should have read the loan application which I gave him/her. I advised him/her to read the documents and I gave him/her time to do so. It's not my fault, or CPU's either, if s/he failed to ask questions, to research the school or alternative methods of paying for it on the Internet.

To the best of my knowledge the above is true.

Dated: Little Valley, NY
December 29, 2012

Dana Detter
DANA DETTER

Affidavit of Casey Key
Former CPU Student

1. My name is Casey Key. I am 20 years old and live in Fallsview, NY.
2. I am currently employed as a programmer with Face Space, a popular social networking website that will soon be going public.
3. I attended Little Valley High School, where I was basically a B minus student.
4. In May 2012, I graduated from Cattaraugus Programming University (CPU), a two-year, private for-profit community college. I was valedictorian, an honor of which I am extremely proud. I received an associate's degree in computer science.
5. I credit CPU with helping me to obtain a job at Face Space by providing me with an outstanding education in the computer sciences. Sure, some professors took sabbaticals or leaves of absence while I was at CPU, but there were always enough courses from which to choose.
6. As a matter of fact, I took full advantage of the many internships made available to CPU students, realizing that such supervised practical experience and networking opportunities would substantially increase the chances of my securing a position in my chosen field, particularly in light of the difficult job market. Also, anyone who's determined to achieve that goal knows that resulting letters of recommendation from internship supervisors would give him/her an additional edge.
7. I also firmly believe that the efforts and connections of CPU's career placement office played a major part in my having secured my current position with Face Space. Almost from the start, I used their resources to help identify specific areas of need in the industry in terms of qualifying myself for future employment. For example, I utilized that information in selecting my courses each semester. And, as graduation approached, I continued to use the CPU office for job placement guidance, employment leads, referrals and arranging interviews.
8. I first learned about CPU from a brochure I received in the mail when I was entering my senior year of high school. What really caught my attention was the promise of a "world-class education," with courses taught by "accredited computer science professionals" with the "highest qualifications in their field." That, plus the fact that "over 95% of CPU graduates received computer-related employment," basically sealed my decision. Sure, some of the statements in CPU's brochure could have been more explanatory, but I was sold, so I took the tour.

9. During the tour, additional information was provided, and everyone had the chance to ask questions, although I didn't have any and I don't remember any questions that may have been asked. While on the tour, I met Morgan Martin. When it was over, I believe that there was a detailed session on financial assistance and loans. At that point, though, I didn't pay much attention, since I was the fortunate beneficiary of a 529 plan that my grandmother had established. I applied to CPU and was accepted.
10. Early into my first year on campus, I ran into Morgan, who reminded me we had met on the tour. I commented on how we both must have come to the same conclusion about what CPU had to offer, especially in terms of the quality of their programs and job placement opportunities. To my surprise, Morgan replied, "Are you kidding? I'm only here because I just couldn't wait to leave Fallsview. Can you believe my computer science teacher had actually suggested that I go to Fallsview Community College for my first two years?"
11. Other than that brief conversation, I really didn't have much to do with Morgan at CPU. I'm not into partying. I studied hard, spent a lot of time in CPU's computer labs and kept my grades up. I can't say the same thing about Morgan, whom I rarely saw in the library or the lab and always seemed to be fooling around in the student union building whenever I walked by or ran in for a quick bite to eat. I would best describe Morgan as extremely lazy, a real slacker. I'm sure that is why his/her grades were poor, and I'm not surprised that s/he couldn't get a job after graduation.
12. Regardless, CPU offered certain classes, including some required courses, during summer semesters. People like Morgan could lessen their load for the regular academic year by taking a course or two during the months of June, July and/or August. I also took advantage of this and attended CPU in the summer.
13. True, many of my other classmates have struggled to find work in this tough economy, but most of them have been persistent and ultimately landed jobs. I'll bet Morgan never even tried to use CPU's career placement office, let alone bother to seriously prepare for and seek a position on his/her own. S/he probably enjoys not working and is only suing CPU in the hope that s/he'll never have to get a real job!

To the best of my knowledge, the above is true.

Dated: Fallsville, NY
December 20, 2012

Casey Key
Casey Key

NEW YORK STATE
HIGH SCHOOL
MOCK TRIAL
TOURNAMENT
EVIDENCE

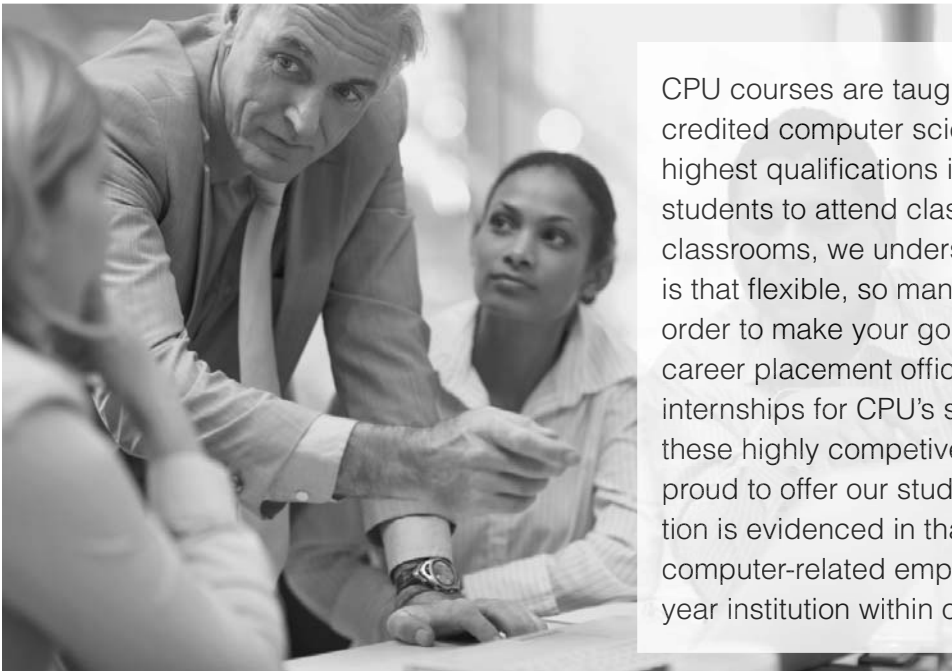
PART V

Cattaraugus Programming University



*An Excellent Value for a
World Class Education*

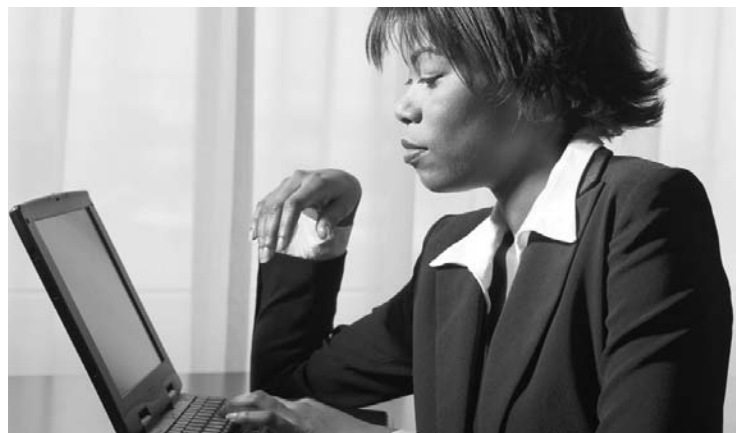
Welcome to Cattaraugus Programming University!
Here at CPU we know that each individual has the ability to forge their own path to success. CPU welcomes all students who have drive, desire, and a willingness to succeed. At CPU we offer instant admission, personalized advisement from our career placement office, affordable tuition and private financial aid for qualified applicants, flexible schedules with both in-person and online class offerings, a wide range of extracurricular activities on our beautiful campus, and an opportunity to prepare for your future in the fast changing and always challenging computer industry.



CPU courses are taught by faculty and staff who are accredited computer science professionals who possess the highest qualifications in their field. While we encourage our students to attend classes in-person in our state of the art classrooms, we understand that not everyone's schedule is that flexible, so many of our courses are offered online in order to make your goals even more attainable. Our trained career placement office is experienced at finding unpaid internships for CPU's students at several local tech firms; these highly competitive positions are an opportunity CPU is proud to offer our students. The prestige of a CPU education is evidenced in that over 95% of graduates received computer-related employment or are accepted into a four year institution within one year after graduation.

"CPU gave me the educational opportunities that allowed me to become a successful video game developer. I'm living my dream!"

-Stan Skrilling, PeaceNotWar Gaming





CPU's Association Degree programs are:

- Computer Science
- Digital Media Arts
- Website Development
- Information Systems Administration
- Video Game Development
- Computer Forensics

If continuing your education is what you wish to do, rest assured, credits earned at CPU are transferable to numerous four-year colleges. *

"CPU graduates have proven to be the most prepared and innovative employees."

-Shirley Ulyed, Flying V Industries



Are you ready to take the next step towards a high paying, rewarding career?

Call or email our admissions office. An Admissions Counselor will contact you immediately to answer your questions and set up an appointment to visit our campus.

**Call CPU's Admissions Office at
(555) 456-9988 x 3423 or
email at CPUadmits@priv.edu**

Your future is waiting.

Call today.

*Part of the CPU network of sister schools found in the Cayman Islands, Tahiti, Fiji, Nevis, and Grenada.



10001 State Route 12
Little Valley, NY 10101
www.CPUniversity.edu
(555) 456-9988



New Student Application

Legal Name Morgan Martin

Birthdate 11/30/1991

Social Security Number 111-00-1111

Telephone: Home 716-555-2211

Cell 716-555-1122

E-mail mmartin@wnymail.com

Mailing address 125 Bear Ridge Road

Fallsvew, NY 14112

Semester/year applying for: Fall 2010 Spring 2011 Summer 20

Career interests? Computer science/information technology

Do you intend to apply for financial aid? Yes

Do you intend to be a full time student? Yes

What degree program interests you? Computer Science/Information Systems Administration

Most recent secondary school attended Fallsvew High School

Graduation or GED date June 2010

Address Education Way, Fallsvew NY

Counselor's Name John Kemeny

Telephone 716-555-1212

Email Address j.kemeny@FCSD.edu

Work Experience:

Staffer. Fallsville HS Comp. Lab Help Desk

By signing below I confirm the following:

Application fee of \$50.00 to be paid upon submission of application.

All information submitted in the admission process is factually true and honestly presented and that these documents will become the property of CPU and will not be returned to me.

I will submit full payment of tuition fees prior to the start of each semester for which I am attending.

I understand that credits earned at CPU may not be accepted at all four year educational institutions.

Signature Morgan Martin

Date Feb.16, 2010

First Subsidy Loans, Inc.
PO Box 102929
Hedge Valley, IN 25221



INSTANT APPROVAL
GUARANTEED STUDENT LOAN APPLICATION

How to Apply:

- Please complete application in full
- Signature needed

Name Morgan Martin

Address 125 Bear Ridge Road

City Fallsview State NY Zip Code 14112

Phone 716-555-2211 Cell 716-555-1122 Email mmartin@wnymail.com

Birthdate 11/30/1991 Social Security Number 111-00-1111

Amount of loan requested \$ 30,000

School Name Cattaraugus Programming University

School year and semester: Fall 2010 Spring 2011 Summer _____

Employment/Sources of Income Fallsview High School

Name and Address of Employer Education Way, Fallsview, NY

Title Computer Lab Help Desk Senior Staffer Years Employed 3

Supervisor's Name Moe Demm

Salary \$10 per hr/wk/yr

Please list two references:

Moe Demm, Supervisor/Teacher

Sasha Fernbank, neighbor

Terms and Conditions

First Subsidy Loans, Inc. is a private banking institution and an affiliate of Cattaraugus Programming University.

If applicant is under 18 years of age, a cosigner is required.

Interest begins accruing on the date of loan disbursement. There are three options of loan repayment:

- The loan can be repaid in full at any time after disbursement with no fee or penalty.
- Interest only payments beginning 30 days after the disbursement of the loan. The principal and interest payments begin 2.5 years after the initial loan disbursement.
- The loan can be deferred while attending school. Payments including principal and interest begin 2.5 years after the initial loan disbursement. Interest is capitalized if loan payments are deferred while enrolled in school.

Interest is set at a principal rate of LIBOR (London Interbank Offered Rate) plus a margin. LIBOR is a variable rate and adjusted quarterly. The First Subsidy Loans variable rate can fall between 3.55% to 10.75% based upon credit score and other factors.

No originating fees.

Are you a citizen or permanent resident of the U.S.?

Yes ☒ No ☐

Are you currently in default or have other judgments against you for previous loans?

Yes ☐ No ☒

Have you read the Terms and Conditions?

Yes ☒ No ☐

Your signature in full is required to process your application.

Signature Morgan Martin Date Feb. 16, 2010 Cosigner (if under 18) _____

FROM THE DESK OF: DANA DETTER

Prospective Student Checklist

Name:_____

Address:_____

Phone:_____

Cell:_____

High School Attended:_____

High School Graduation Date:_____

Goals

- **Where do you expect to be in 5 years?**
- **How much do you expect to earn in five years?**

- **Have you taken our campus tour?**
- **Ask if the prospective student has any questions.**

- **Have you applied to other colleges?**
- **If yes, Have you been admitted or are you waiting to hear?**
- **Explain our instant admission policy.**
- **Ask if there are any questions.**

- **Do you prefer to live on campus?**
- **Would you prefer to take classes online?**

Brochures given:

- **Promotional Media**
- **Class schedule**
- **Campus Directory**
- **Chamber of Commerce Directory**

FROM THE DESK OF: DANA DETTER

Financial Aid

- **How will you pay for college?**
- **529 plan?**
- **Savings?**
- **Parental contribution?**
- **Explain our instant loan program from our affiliate, *First Subsidy Loans*.**

- **Give our 1 page application and the First Subsidy Loan form to prospective student, explain both and leave the room to give the prospective student time (at least 20 minutes) to complete the forms if he/she wishes to go forward.**

- **Upon returning to the room, inquire again whether the student has any questions.**
- **Answer any questions.**
- **Review the forms for completeness.**

If the prospective student decides to attend CPU, give him/her a welcome packet containing a CPU tee shirt and instructions for obtaining an ID card and a class schedule.

Initial _____

Date_____



Morgan Martin
125 Bear Ridge Road
Fallsview, NY 14112

Degree received: Associate of Science in Information Systems Technology May 2012

Fall Semester 2010

	<u>Credits</u>		<u>Points</u>
Business English	C	3	6
Business Math	C-	3	5.1
Business Value Chain	B-	3	8.1
Intro to Information Systems	B	3	9
Principles of Accounting 1	C-	4	8

Semester Average 2.19

Cumulative Index 2.19

Spring Semester 2011

Business Finance	C-	1.7	5.1
Business Writing	C	3	6
Intro to Website Development	C	3	6
Marketing Principles	C	3	6
Principles of Accounting 2	C-	4	6.8

Semester Average 1.87

Cumulative Index 2.03

Summer Semester 2011

Intro to Software Application Tools	C+	3	6.9
Intro to Web Systems Design	C	3	6

Semester Average	2.15
Cumulative Index	2.05

Fall Semester 2011

Advanced Website Development	C-	3	5.1
Business Management	B-	3	8.1
Information Technology Software	C	3	6
Microeconomics	C-	3	5.1
Natural Science	C-	3	5.1

Semester Average	1.96
Cumulative Index	2.02

Spring Semester 2012

Building Web Applications	C	3	6
Designing the User Experience	C	3	6
Information Technology:Hardware	B	3	9
Macroeconomics	C-	3	5.1
Social Networking Design	C	3	6

Semester Average	2.14
Cumulative Index	2.05

NEW YORK STATE
HIGH SCHOOL
MOCK TRIAL
RELATED CASES
AND CASE LAW

PART VI

***Oswego Laborers' Local 214 Pension Fund v. Marine Midland Bank, N.A.*, 85 NY2d 20, 623 NYS2d 529, 647 NE2d 741 [1995]**

Case involved a union that had opened accounts with the bank for the union's pension fund and the welfare fund. Federal bank rules do not allow not-for-profit entities to earn interest on deposits in excess of \$100,000.00. In setting up the accounts, the bank presented the blue signature cards intended for for-profit entities, where there is no interest limitation, instead of the green card, which sets forth the limitation. In reversing the Appellate Division's decision granting summary judgment to the bank, the Court of Appeals held that to state a cause of action under GBL §349, a plaintiff must allege that the defendant's conduct was: (1) consumer oriented; (2) deceptive or misleading in a material way; and (3) that plaintiff suffered injury as a result. (See also *Small v. Lorillard Tobacco Co.*, 94 NY2d 43, 698 NYS2d 615, 720 NE2d 892 [1999] - intent to defraud and justifiable reliance by the plaintiff are not elements of a GBL §349 claim and *Stutman v. Chemical Bank*, 95 NY2d 24, 709 NYS2d 892, 731 NE2d 608 [2000]).

***Gomez-Jimenez v. New York Law School*, 36 Misc3d 230, 943 NYS2d 834 [March 21, 2012]**

Nine graduates of New York Law School alleged that data published by the law school pertaining to graduates' employment and salaries was misleading and deceptive in violation of GBL §349. In dismissing the complaint, the court held that the postgraduate employment statistics in the law schools marketing materials were not misleading or deceptive in a material way for a reasonable consumer acting reasonably.

***Drew v. Sylvan Learning Center Corp.*, 16 Misc3d 836, 842 NYS2d 270 [June 12, 2007]**

Finding that the defendant had violated General Business Law §349, the court determined that the defendant had deceived the plaintiff by guaranteeing that its services would improve her children's grade levels and thereby implying that its standards were aligned with the Board of Education's standards, thus allowing the plaintiff to believe that the defendant was in a position to assist in improving her children's grade levels. The court noted that the defendant's own written disclaimer proved that it had no valid basis for its guarantee, concluding that the deception led to the plaintiff incurring the expense of paying for the defendant's program.

***Vallery v. Bermuda Star Line, Inc.*, 141 Misc2d 395, 532 NYS2d 965 [1988]**

Based on the information given by defendant's agent and the material contained in the defendant's brochure, the plaintiffs decided to book passage with the defendant's cruise vessel for a seven-day cruise to Bermuda. The plaintiffs chose the category 1 cabin, which entitled them to a first-class accommodation. The cabin was less than satisfactory inasmuch as the room did not resemble the pictures in the brochure. Finding for the plaintiff, the court held that the test as to whether the representation is deceptive or misleading is measured not against the standard of a reasonable person but against the public, including the unwary or unthinking consumers who buy on impulse motivated by appearances and general impressions as affected by advertising and sales representations. In other words, the test is not whether the average man would be deceived but the individual consumer's sensitivity and vulnerability are to be considered in determining the validity of the advertising or sales representations. The court determined that the plaintiffs were induced into purchasing tickets for the Bermuda cruise from the printed material and pictures in the brochure, and the representations made by defendant's agent.

NY General Business Law §349.

(a) Deceptive acts or practices in the conduct of any business, trade or commerce or in the furnishing of any service in this state are hereby declared unlawful.

...

(h) In addition to the right of action granted to the attorney general pursuant to this section, any person who has been injured by reason of any violation of this section may bring an action in his own name to enjoin such unlawful act or practice, an action to recover his actual damages or fifty dollars, whichever is greater, or both such actions. The court may, in its discretion, increase the award of damages to an amount not to exceed three times the actual damages up to one thousand dollars, if the court finds the defendant willfully or knowingly violated this section. The court may award reasonable attorney's fees to a prevailing plaintiff.

(Added L.1970, c. 43, §2. Amended L.1980, c. 346, §1; L.1984, c. 157, §1.)

NEW YORK STATE HIGH SCHOOL MOCK TRIAL

APPENDECISES

MOCK TRIAL TOURNAMENT PERFORMANCE RATING GUIDELINES

POINTS	
1 Ineffective	<ul style="list-style-type: none"> • Not prepared/disorganized/illogical/uninformed • Major points not covered • Difficult to hear/speech is too soft or too fast to be easily understood • Speaks in monotone • Persistently invents (or elicits invented) facts • Denies facts witness should know • Ineffective in communications
2 Fair	<ul style="list-style-type: none"> • Minimal performance and preparation • Performance lacks depth in terms of knowledge of task and materials • Hesitates or stumbles • Sounds flat/memorized rather than natural and spontaneous • Voice not projected • Communication lack clarity and conviction • Occasionally invents facts or denies facts that should be known
3 Good	<ul style="list-style-type: none"> • Good performance but unable to apply facts creatively • Can perform outside the script but with less confidence than when using the script • Doesn't demonstrate a mastery of the case but grasps major aspects of it • Covers essential points/well prepared • Few, if any mistakes • Speaks clearly and at good pace but could be more persuasive • Responsive to questions and/or objections • Acceptable but uninspired performance
4 Very Good	<ul style="list-style-type: none"> • Presentation is fluent, persuasive, clear and understandable • Student is confident • Extremely well prepared—organizes materials and thoughts well and exhibits a mastery of the case and materials • Handles questions and objections well • Extremely responsive to questions and/or objections • Quickly recovers from minor mistakes • Presentation was both believable and skillful
5 Excellent	<ul style="list-style-type: none"> • Able to apply case law and statutes appropriately • Able to apply facts creatively • Able to present analogies that make case easy for judge to understand • Outstandingly well prepared and professional • Supremely self-confident, keeps poise under duress • Thinks well on feet • Presentation was resourceful, original and innovative • Can sort out the essential from non-essential and uses time effectively • Outstandingly responsive to questions and/or objections • Handles questions from judges and attorneys (in the case of a witness) extremely well • Knows how to emphasize vital points of the trial and does so
Professionalism of Team Between 1 to 10 points per team	<ul style="list-style-type: none"> • Team's overall confidence, preparedness and demeanor • Compliance with the rules of civility • Zealous but courteous advocacy • Honest and ethical conduct • Knowledge of the rules of the competition • Absence of unfair tactics, such as repetitive baseless objections and signals

NEW YORK STATE MOCK TRIAL TOURNAMENT PERFORMANCE RATING SHEET

In deciding which team has made the best presentation in the case you are judging, use the following criteria to evaluate each team's performance. For each of the performance categories listed below, rate each team on a scale of 1 to 5 as follows (use whole numbers only).

1=Ineffective 2=Fair 3=Good 4=Very Good 5=Excellent

Time Limits

Opening Statements	Direct Examination	Cross Examination	Closing Arguments
5 minutes for each side	7 minutes for each side	5 minutes for each side	5 minutes for each side

		Plaintiff/ Prosecution	Defense
Opening Statements			
Plaintiff/ Prosecution First Witness	Direct and Re-Direct Examination by Attorney		
	Cross and Re-Cross Examination by Attorney		
	Witness Preparation and Credibility		
Plaintiff/ Prosecution Second Witness	Direct and Re-Direct Examination by Attorney		
	Cross and Re-Cross Examination by Attorney		
	Witness Preparation and Credibility		
Plaintiff/ Prosecution Third Witness	Direct and Re-Direct Examination by Attorney		
	Cross and Re-Cross Examination by Attorney		
	Witness Preparation and Credibility		

		Plaintiff/ Prosecution	Defense
Defense- First Witness	Direct and Re-Direct Examination by Attorney		
	Cross and Re-Cross Examination by Attorney		
	Witness Preparation and Credibility		
Defense- Second Witness	Direct and Re-Direct Examination by Attorney		
	Cross and Re-Cross Examination by Attorney		
	Witness Preparation and Credibility		
Defense-Third Witness	Direct and Re-Direct Examination by Attorney		
	Cross and Re-Cross Examination by Attorney		
	Witness Preparation and Credibility		
Closing Statements			
Professionalism (1-10 points PER team) • Team's overall confidence, preparedness and demeanor • Compliance with the rules of civility • Zealous but courteous advocacy • Honest and ethical conduct • Knowledge of the rules of the competition • Absence of unfair tactics, such as repetitive baseless objections and signals			
	Total		

Judge's Name: _____ ***Please Print***

In the event of a tie, please award one point to the team you feel won this round
(circle your choice): Prosecution Defense

**NEW YORK STATEWIDE HIGH SCHOOL
MOCK TRIAL TOURNAMENT
REGIONAL CHAMPIONS**

2013

WILL IT BE YOUR TEAM?

2012

Clarence High School
Jamesville-Dewitt High School
Notre Dame-Bishop Gibbons High School
Nyack High School
Townsend Harris High School
William Floyd High School

2011

Buffalo Academy of the Sacred Heart
Seton Catholic Central
LEAH Schenectady Homeschool Team
Blind Brook High School
Bronx High School of Science
William Floyd High School

2010

Brighton High School
Vestal High School
LEAH Schenectady Homeschool Team
Scarsdale High School
James Madison High School
William Floyd High School

2009

Pittsford Mendon High School
Lehman Alternative Community School
Madrid-Waddington Central School
Rye Neck High School
Tottenville High School
W. Tresper Clarke High School

2008

Clarence High School
Bishop Ludden Jr./Sr. High School
Notre Dame-Bishop Gibbons High School
Nyack High School Tottenville High School
Tottenville High School
East Islip High School

2007

Clarence High School
Vestal High School
Potsdam High School
Blind Brook High School
Bronx School for Law, Government and Justice
Bay Shore High School

2006

Buffalo Academy of the Sacred Heart
Lehman Alternative Community School
LEAH Schenectady Homeschool Team
Blind Brook High School
Marymount High School of New York
William Floyd High School

2005

Buffalo Academy of the Sacred Heart
Vestal High School
Notre Dame-Bishop Gibbons High School
Blind Brook High School
James Madison High School
William Floyd High School

2004

McQuaid Jesuit High School
Union-Endicott High School
Notre Dame-Bishop Gibbons High School
Ramapo High School
Tottenville High School
William Floyd High School

2003

Albany Academy for Girls
Hunter College High School
Minisink Valley High School
Vestal High School
Williamsville North High School
W. Tresper Clarke High School

2002

Pittsford-Mendon High School
Vestal High School
Coxsackie-Athens High School
Ramapo High School
The Rabbi Joseph H. Lookstein Upper School of Rainaz
William Floyd High School

2001

St. Francis High School
Chittenango High School
Albany Academy for Girls
Kingston High School
The Kew-Forest School
William Floyd High School

2000

St. Francis High School
Norwich High School
Notre Dame-Bishop Gibbons High School
Sleepy Hollow High School
The Kew-Forest School
Roslyn High School

1999

Orchard Park High School
Dewitt High School
The Academy of the Holy Names
Mt. Vernon High School
Louis D. Brandeis High School
William Floyd High School

1998

Allendale Columbia School
Seton Catholic Central High School
Scotia-Glenville High School
John S. Burke Catholic High School
The Rabbi Joseph H. Lookstein Upper School of Rainaz
Stella K. Abraham High School for Girls

1997

Canisius High School
Susquehanna Valley High School
Waterford-Halfmoon High School
Mt. Vernon High School
St. Ann's School

Hebrew Academy of the Five Towns and Rockaway

1996

Canisius High School
Fayetteville-Manlius High School
Waterford-Halfmoon High School
Port Jervis High School
Townsend Harris High School
Port Washington Senior High School

1995

Clarence High School
New Berlin Central School
Scotia-Glenville High School
Spring Valley Senior High School
Sheepshead Bay High School
Hebrew Academy of the Five Towns and Rockaway

1994

Buffalo Seminary High School
Seton Catholic Central School
Waterford-Halfmoon High School
Kingston High School
York Preparatory School
Hebrew Academy of the Five Towns and Rockaway

1993

Pittsford Mendon High School
Seton Catholic Central School
Waterford-Halfmoon High School
Kingston High School
Martin Van Buren High School
Syosset High School

1992

Pittsford Mendon High School
Fayetteville-Manlius High School
Ballston Spa High School
Byram Hills High School
Edward R. Murrow High School
Half Hollow Hills High School—West

1991

Brighton High School
Fayetteville-Manlius High School
Academy of the Holy Names
Kingston High School
Andrew Jackson High School

Port Washington Senior High School

1990

Canisius High School
Seton Catholic Central High School
Ballston Spa High School
Kingston High School
Edward R. Murrow High School
Roslyn High School

1989

Canisius High School
Binghamton High School
Waterford-Halfmoon High School
Kingston High School
Riverdale Country School
Roslyn High School

1988

St. Francis High School
Chittenango Central School
Christian Brothers Academy Spring Valley High School
Packer Collegiate Institute
Half Hollow Hills High School—East

1987

Greece-Athena High School
Binghamton High School
Shenendehowa High School
Ossining High School
Packer Collegiate Institute
Roslyn High School

1986

Clarence Central High School
Binghamton High School
Albany High School
Mount Vernon High School
Jamaica High School
George W. Hewlett High School

1985

Pittsford Mendon High School
Union-Endicott High School
South Colonie High School
Harrison High School
Martin Van Buren High School
Brentwood High School

1984

R. L. Thomas
Fayetteville-Manlius High School
Colonie High School
Harrison High School
The Ramaz School
Bay Shore High School

1983

Pittsford Mendon High School
Union-Endicott High School Keveny Memorial Academy
Ossining High School
The Ramaz School
Half Hollow Hills High School—West

1982

Fairport High School
Maine-Endwell High School
Cohoes High School
North Rockland High School
Jamaica High School
Hewlett High School

Statewide Mock Trial Tournament

Regions

I. West

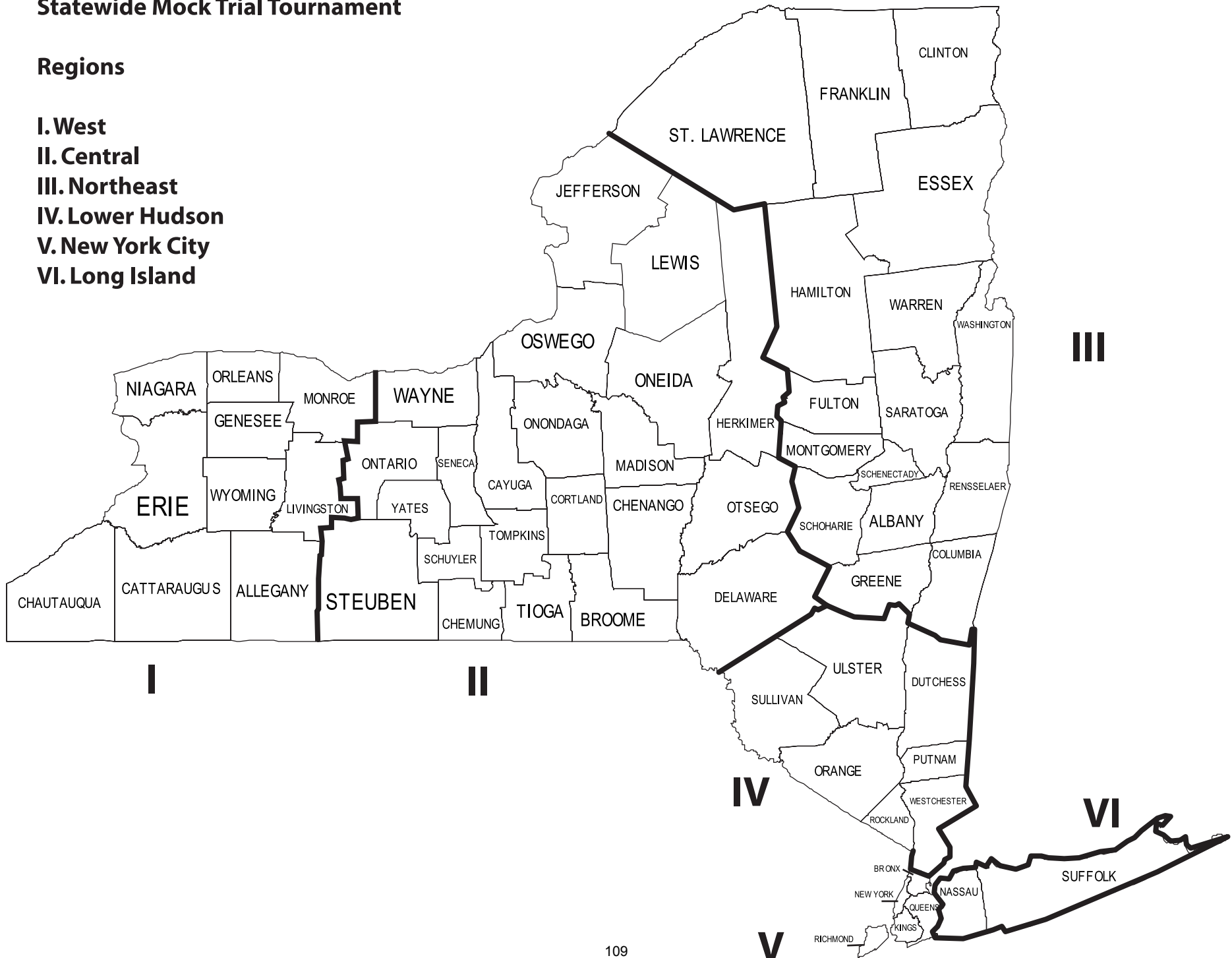
II. Central

III. Northeast

IV. Lower Hudson

V. New York City

VI. Long Island





**2013 Mock Trial
Summer Institute
July 14-19, 2013
Silver Bay YMCA
Lake George, NY.**

Send an email to Stacey Whiteley at swhiteley@nysba.org with 2013 MTSI in the subject line to be included on future email notifications!

SOCIAL MEDIA



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Law, Youth and Citizenship

www.lycny.org

YOUTH COURT...IS IT FOR YOU??

- Do you wish to practice your courtroom skills in more “real life” situations?
- Would you like to be an agent of change in another young person’s life?
- Do you want to be part of the solution?
- Would you like to work closely with attorneys, judges, and law enforcement officials as you further your legal and civic education?
- Would you like to work with like-minded students that are both passionate about the law as well as interested in providing positive peer pressure for those most at risk?

If you answered yes to any of the questions above, then you should become a Youth Court member.

If your school or community doesn’t have a Youth Court, let us help! LYC and the Association of NYS Youth Courts can assist in providing resources and training material to start a Youth Court in your school or in your community. With hands on help from one of the many Association members and from the NYSBA, along with the support of your community, you can get a Youth Court started too.

For a list of NYS Youth Courts and more information regarding Youth Courts please visit:

www.nysyouthcourts.org



Law, Youth and Citizenship

