

CLASSROOM LAW PROJECT proudly presents the 37<sup>th</sup> annual statewide

# 2022 – 2023 Oregon High School Mock Trial Competition



## Maren Murguia, Plaintiff v. Haden Hardy, Defendant

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# 2022 – 2023 Oregon High School Mock Trial

*Maren Murguia v. Haden Hardy*

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## CLASSROOM LAW PROJECT

# 2022 – 2023 OREGON HIGH SCHOOL MOCK TRIAL COMPETITION

## I. Introduction

This packet contains the official materials student teams need to prepare for the 37<sup>th</sup> annual Oregon High School Mock Trial Competition. Though all planning is being done with the understanding that the competition will be held in-person, the case materials and rules have been modified to accommodate the possibility of either an in-person or virtual competition experience for the 2022-23 competition season. Please review the materials *carefully* as they reflect the various competition scenarios.

Each participating team will compete in a regional competition which may be either in-person or virtual depending upon the region and feasibility of live competition in February 2023. The regional competitions will be held throughout **February 2023**. Regional winners will advance to the **State Competition on March 11<sup>th</sup>-12<sup>th</sup>, 2023**. The State Competition format (i.e., in-person or virtual) will be determined and announced by January, 2023. The winning team from the State Competition will represent Oregon at the National High School Mock Trial Competition in late May of 2023.

The mock trial experience is designed to teach invaluable skills to participants using a civil or criminal trial as the framework. Students will gain confidence and poise through public speaking, learn to better collaborate with others, develop critical-thinking and problem-solving skills, and become quick, precise thinkers.

Each year, Classroom Law Project strives to provide a powerful and timely educational experience by presenting an original case addressing serious matters facing society and young people. It is our goal that students will conduct a cooperative, rigorous, and comprehensive analysis of the materials with the guidance of their teachers and coaches.

## II. Program Objectives

For the **students**, the mock trial competition will:

- A) Increase proficiency in reading, speaking, analyzing, reasoning, listening, and collaborating with others;
- B) Teach students to think precisely and quickly;
- C) Provide an opportunity for interaction with positive adult role models in the community; and
- D) Provide knowledge about law, society, the Constitution, the courts, and the legal system.

For a **school or organization**, the competition will:

- A) Promote cooperation and healthy academic competition among students of varying abilities and interests;
- B) Demonstrate the academic achievements and dedication of participants to the community;
- C) Provide an avenue for teachers to teach civic responsibility and participation; and
- D) Provide a rewarding experience for teachers.



### III. Code of Ethical Conduct

The Code of Ethical Conduct should be read and discussed by students and their coaches as early as possible. **The Code governs participants (both students and adults), observers, guests, and parents at all mock trial events.**

All participants in the Mock Trial Competition must adhere to the same high standards of scholarship that are expected of students in their academic performance. Plagiarism of any kind is unacceptable. Students' written and oral work must be their own.

Attorney and other non-teacher coaches shall not practice or meet in-person with mock trial participants unless with a teacher or as part of a class with a teacher present. Teacher coaches will comply with their school's guidance on in-person meetings with students. Attorney and other non-teacher coaches shall not have one-on-one digital contact with students participating in mock trial. Two adults should be present during any digital interactions with students.

Coaches, non-performing team members, observers, guests, and parents **shall not talk to, signal, or communicate with** any member of the currently performing side of their team during competition. In virtual competition, if students are allowed to gather for their competition performance, only coaches may be in the same room as the performing students. Inappropriate communication between coaches and teams during a virtual trial will result in disqualification from the competition. Currently performing team members may communicate among themselves during the trial, however, no disruptive communication is allowed. Non-performing team members, teachers, and spectators must remain in a separate room from performing team members. No one shall contact the judges with concerns about a round; rather, these concerns should be taken to the Competition Coordinator. These rules remain in force throughout the entire competition.

Team members, coaches, parents, and any other persons directly associated with the Mock Trial team's preparation **are not allowed to view other teams** in competition. Violation of this rule will result in disqualification of the team associated with the person violating this rule. Except, the public is invited to view the state championship round on **March 12<sup>th</sup>, 2023**.

**Students** promise to compete with the highest standards of deportment, showing respect for their fellow students, opponents, judges, coaches, Competition Coordinators, and volunteers. All competitors will focus on accepting defeat and success with dignity and restraint. Trials will be conducted honestly, fairly, and with the utmost civility. Students will avoid all tactics they know are wrong or in violation of the rules. Students will not willfully violate the rules of competition **in spirit or practice**.

**Coaches** agree to focus attention on the educational value of the mock trial competition and zealously encourage fair play. All coaches shall discourage willful violations of the rules. Coaches will instruct students on proper procedure and decorum and will assist their students in understanding and abiding by the competition's rules and this Code. Coaches should ensure that students understand and agree to comply by this Code. Violations of this Code may result in disqualification from the competition. Coaches are reminded that they are in a position of authority and thus serve as positive role models for the students.

**Charges of ethical violations** involving persons other than the student team members must be made promptly to the Competition Coordinator who will ask the complaining party to complete a dispute form. Violations occurring during a trial involving students competing in a round will be subject to the dispute process described in the Rules of the Competition.

All participants are bound by this Code of Ethical Conduct and agree to abide by its provisions.

## I. The Case

On Saturday July 9, 2022, shocking news broke in the collegiate track and field community. An alleged attack took place, leaving star middle distance runner, Maren Murguia seriously injured and any prospects of sponsorships, endorsement deals, and Olympic glory dashed. Murguia, the consensus leading runner in the 1500- & 3000-meter races was found with a smashed right knee, making a return to the sport, even with extensive rehab, impossible. Making the story all the more bizarre is both the alleged weapon, and assailant. Devin Lannister, a track star in their own right, and Murguia's competition from Cascades State University, was arrested for the crime and plead guilty of attacking Murguia with a shotput only hours before the career defining race of both student athletes.

What at first glance seems to be a case of a bitter rivalry taken too far, has become something much more complicated. Though Lannister admitted to the police of perpetrating the attack on Murguia, Lannister claims that they did not act under their own volition. Lannister claims that they were under the control and guidance of Cascades State University's biggest and most influential sports booster, Haden Hardy. Hardy, a renowned supporter of all things CSU, has a checkered past when it comes to collegiate supports. A prominent university recruiter, and sports gambler, Hardy categorically denies any involvement in any alleged attack. Hardy, citing previous interactions with both Murguia and Lannister, suggests that the two former track stars are seeking to score a big pay day from Hardy's deep pockets.

Murguia has filed a complaint against Hardy, alleging that it was Hardy, who forced Lannister to attack and destroy Murguia's knee.

### A. Witness List

#### **Plaintiff Witnesses:**

- 1) Maren Murguia
- 2) Devin Lannister
- 3) Jesse Jupiter

#### **Defense Witnesses**

- 1) Haden Hardy
- 2) Fifi Ferrari
- 3) Dr. Lennon Watts Mapp

### B. List of Exhibits

**Exhibit 1:** Chart Showing Bitcoin Transaction History

**Exhibit 2:** NFT Lannister transferred to Hardy

**Exhibit 3:** Disciplinary Letter from CSU to Hardy

**Exhibit 4:** Text Messages Between Murguia and Lannister

**Exhibit 5:** Murguia's X-ray (after July 9, 2022) & Model of Healthy Knee

### C. Complaint, Answer, Stipulations, Jury Instructions

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF CHINOOK

MAREN MURGUIA, an individual,

Case No. 22CV54321

Plaintiff,

**COMPLAINT**

(Battery)

v.

HADEN HARDY, an individual,

Defendant.

---

**INTRODUCTION**

1. Plaintiff Maren Murguia (“Plaintiff”) brings this action against Defendant Haden Hardy (“Defendant”) for personal injuries inflicted by Defendant on Plaintiff.

**PARTIES AND VENUE**

2. Plaintiff is an individual who resides in Chinook County, Oregon.

3. Defendant is an individual who resides in Chinook County, Oregon.

4. Venue is proper in this Court because Defendant is a resident of, and Plaintiff’s cause of action arose in, Chinook County, Oregon.

**FACTS**

5. Plaintiff is a senior at the University of Rowe and is—or, more accurately, was—a world-class track and field athlete. Plaintiff was a middle-distance runner and typically competed in the 1500- and 3000-meter events.

6. On Saturday, July 9, 2022, Plaintiff was scheduled to compete at the Global Track and Field Championships in Rowe, Oregon. That morning, Plaintiff was walking through a corridor at Mallard Stadium, where the event was taking place, when a masked assailant attacked Plaintiff with a shot put.

7. The assailant struck Plaintiff repeatedly on Plaintiff’s right knee, causing catastrophic damage due to which Plaintiff was then unable to compete. The attack lasted 20 or 30 seconds, after which the assailant fled.

8. The assailant, it was later determined, was Devin Lannister. Lannister is a fellow athlete and regularly competed against Plaintiff. Later that afternoon, Lannister won the 1500-meter event in which Plaintiff was scheduled but unable to compete.

9. Lannister ultimately pleaded guilty to a criminal offense based on the attack. In connection with Lannister’s plea, Lannister admitted that the attack was instigated by Defendant, and was carried out on Defendant’s behalf.

10. As a direct result of injuries sustained in the attack, Plaintiff is now unable to compete at Plaintiff's previous level. Thus, in addition to Plaintiff's medical bills, Plaintiff has been deprived of the benefits of what otherwise would have been a rewarding career as a professional track and field athlete.

**CLAIM FOR RELIEF  
(Battery)**

11. Plaintiff incorporates and realleges paragraphs 1 through 10 above, each as if fully stated herein.

12. In carrying out the attack referenced above, Lannister intended to cause, and did cause, harmful or offensive physical contact with Plaintiff.

13. At all relevant times, Lannister was subject to Defendant's control and was acting on Defendant's behalf and for Defendant's benefit. In particular, Defendant verbally authorized, directed, and encouraged Lannister to attack Plaintiff. Thus, during the attack, Lannister was acting as Defendant's agent.

14. As a result of the attack, Plaintiff has suffered damages in an amount to be determined at trial. Plaintiff presently estimates Plaintiff's damages to be \$7,000,000.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for relief as follows:

1. An award of damages in an amount to be determined at trial; and
2. An award of the costs and disbursements that Plaintiff incurs in prosecuting this action; and
3. Such other relief as may be just and proper.

DATED: August 1, 2022.

CARLYLE, POLLARD & SCHMIDT LLP

*s/Shannon Schmidt*

SHANNON T. SCHMIDT, OSB No. 714520

ALLAN M. BEACH, OSB No. 911149

Telephone: (503) 234-4000

Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF CASCADE

MAREN MURGUIA, an individual,

Case No. 22CV54321

Plaintiff,

**ANSWER**

v.

HADEN HARDY, an individual,

Defendant.

---

In response to Plaintiff Maren Murguia's ("Plaintiff's") complaint, Defendant Haden Hardy ("Defendant") admits, denies, and alleges as follows:

**INTRODUCTION**

1. Defendant admits the allegations in paragraph 1, *i.e.*, that Plaintiff is bringing this action against Defendant. Defendant denies any and all responsibility for the attack referenced in the complaint.

**PARTIES AND VENUE**

2. Defendant admits the allegations in paragraph 2.
3. Defendant admits the allegations in paragraph 3.
4. In response to paragraph 4, Defendant admits that venue is proper in this Court.

**FACTS**

5. Defendant admits the allegations in paragraph 5.
6. Defendant denies the allegations in paragraph 6.
7. Defendant denies the allegations in paragraph 7.
8. In response to paragraph 8, Defendant admits that Devin Lannister is a fellow athlete and competed against Plaintiff, and that Lannister won the 1500-meter event in which Plaintiff was scheduled to compete. Defendant otherwise denies the allegations in paragraph 8.
9. In response to paragraph 9, Defendant admits Lannister pleaded guilty to an offense based on the attack referenced in the complaint, and that in connection with the plea Lannister indicated that the attack was instigated by Defendant. Defendant otherwise denies the allegations in paragraph 9. In particular, Defendant denies that Defendant actually instigated any attack on Plaintiff, or that any such attack was carried out on Defendant's behalf.
10. In response to paragraph 10, Defendant admits that Plaintiff has suffered an injury to Plaintiff's right knee. Defendant otherwise denies the allegations in paragraph 10.

**CLAIM FOR RELIEF**  
**(Battery)**

11. Defendant incorporates and realleges Defendant's responses to paragraphs 1 through 10 of the Complaint above, each as if fully set forth herein.

12. Defendant denies the allegations in paragraph 12.

13. Defendant denies the allegations in paragraph 13.

14. Defendant denies the allegations in paragraph 14.

**PRAYER FOR RELIEF**

WHEREFORE, Defendant prays for relief as follows:

1. An order dismissing Plaintiff's claim with prejudice;
2. An award of the costs and disbursements that Defendant incurs in defending this action; and
3. Such other relief as may be just and proper.

DATED: August 31, 2022.

McCOY & RUBEROSA LLP

s/Corrina M. Rubersoa

James J. McCoy (OSB No. 750046)

Corrina M. Ruberosa (OSB No. 083376)

Telephone: (541) 871-7000

Attorneys for Defendant

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF CASCADE

MAREN MURGUIA, an individual,

Case No. 22CV54321

Plaintiff,

**STIPULATIONS**

v.

HADEN HARDY, an individual,

Defendant.

---

Plaintiff and Defendant hereby stipulate as follows:

1. This phase of the trial shall deal with Defendant's liability only. If necessary, a determination as to damages and any other relief to which Plaintiff may be entitled will be made in a separate proceeding.
2. Devin Lannister is right-handed.
3. In Oregon, assault in the second degree is a felony offense punishable by up to ten years in prison.
4. AnalysisChain is a reliable tool that accurately traces Bitcoin transactions on the Blockchain.
5. Each of the Exhibits is authentic.
6. The Defendant, Haden Hardy, does or has in the past, online accounts with beththehouse.com, feelinglucky.net, forthewin.com, and DraftTrackTeams.com



IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF CASCADE

MAREN MURGUIA, an individual,

Case No. 22CV54321

Plaintiff,

**FINAL JURY INSTRUCTIONS**

v.

HADEN HARDY, an individual,

Defendant.

---

The Court will now submit the case to the jury; you need to decide, based on the law and the evidence presented to you at trial, whether the plaintiff has prevailed in proving the plaintiff's claims against the defendant.

**PREPONDERANCE OF THE EVIDENCE**

The plaintiff must prove the plaintiff's claims by what the law refers to as a "preponderance of the evidence." That means that the plaintiff must persuade you by evidence that makes you believe that the plaintiff's claims are more likely true than not true. After weighing all of the evidence, if you cannot decide that something is more likely true than not true, you must conclude that the plaintiff did not prove it. You should consider all of the evidence in making that determination, no matter who produced it.

**BATTERY/RESPONDEAT SUPERIOR**

In this case, the plaintiff has brought a claim for "battery." To establish a claim of battery, a plaintiff must prove that Devin Lannister:

1. Had an intent to cause harmful or offensive physical contact with the plaintiff; and
2. Engaged in an act that caused harmful or offensive physical contact with the plaintiff.

Additionally, because the plaintiff seeks to hold the defendant liable based on the doctrine of *respondeat superior*, the plaintiff must further prove the following:

3. Lannister was subject to the defendant's control;
4. Lannister engaged in the conduct that the plaintiff alleges on behalf of the defendant; and
5. The defendant intended for or authorized Lannister to engage in the conduct that the plaintiff alleges.

**EVALUATING WITNESS TESTIMONY**

The term "witness" includes every person who has testified under oath in this case. Every witness has taken an oath to tell the truth. In evaluating each witness's testimony, however, you

may consider such things as the manner in which the witness testifies; the nature or quality of the witness's testimony; evidence that contradicts the testimony of the witness; evidence concerning the bias, motives, or interest of the witness; and evidence concerning the character of the witness for truthfulness.

### **INFERENCES**

In deciding this case you may draw inferences and reach conclusions from the evidence, if your inferences and conclusions are reasonable and are based on your common sense and experience.

### **DIRECT OR CIRCUMSTANTIAL EVIDENCE**

There are two types of evidence. One is direct evidence—such as the testimony of an eyewitness. The other is circumstantial evidence—the proof of a chain of circumstances pointing to the existence or nonexistence of a certain fact. You may base your verdict on direct evidence or on circumstantial evidence, or on both.

### **WITNESS FALSE IN PART**

A witness who lies under oath in some part of his or her testimony is likely to lie in other parts of his or her testimony. Therefore, if you find that a witness has lied in some part of his or her testimony, then you may distrust the rest of that witness's testimony.

Sometimes witnesses who are not lying may give incorrect testimony. They may forget matters or may contradict themselves. Also, different witnesses may observe or remember an event differently. You have the sole responsibility to determine what testimony, or portions of testimony, you will or will not rely on in reaching your verdict.

Dated: \_\_\_\_\_, 2022.

*s/Adriana Neilsen*

Hon. Adriana Neilsen

Judge of the Circuit Court of the State of Oregon





## PLAINTIFF WITNESS STATEMENTS



## AFFIDAVIT OF MAREN MURGUIA

Hi there! I'm Maren Murguia, and I'm 22 years old. I was born and grew up right here in Rowe, Oregon, which I still call home. I just began my senior year at the University of Rowe, where I'm double majoring in History and French. I'm also on the track and field team. I compete primarily in the 1500- and 3000-meter events, although I've also competed in long-distance events as well. I love—or, well, maybe I should say I *loved*—running, and before all this, I was hoping that I'd be able to do it professionally for a while. Maybe it was a bit of a pipe dream, but I was hoping that I'd be able to compete in the 2024 Summer Olympics in Paris, France. Anyway... c'est la vie, I suppose.

I've been a runner for as long as I can remember. Beginning in about middle school, I started going on runs with my dad around the neighborhood. I had trouble keeping up at first, but as we both got older, he got slower and I got faster. I made the varsity track team at Hamilton High School when I was a freshman, and it was there that I really got serious about the sport. That year, I won second place in the 1500- and 3000-meter events at the Oregon high school track and field championships, and from then on, I never looked back. At each of the next three years' championships, I won first place in each event.

In high school, I got scholarship offers from tons of colleges around the country, I even remember Haden Hardy contacting me nonstop, trying to get me to go to Cascade State, guy wouldn't take no for an answer. But I had always had my heart set on the University of Rowe. It's basically the epicenter of track and field in the United States, so between that and the fact that Rowe is home, what could be better? Plus, they offered me a full ride, so I basically couldn't say no.

In college, my track and field career took off. As a college freshman, I managed a third-place finish in the 1500-meter event at the 2019-2020 Pac-15 track and field championships (which is the championship-level track and field event for a network of 15 large colleges and universities in the Pacific Northwest). The next year, I won first place in both that event and the 3000-meter event, and was invited to compete in my first Global Track and Field Championships, which we call the "Globals" and which, outside of the Olympics, is the biggest track and field event out there. I won first place in the 1500- and 3000-meter events there as well. Same deal the next year: two first place finishes in the 1500- and 3000-meter events at the Pac-15 track and field championships, and two first place finishes in the same events the Globals.

1           You can probably imagine, then, that going into my senior year I was feeling pretty confident. I  
2 was training harder than ever and that summer I was talking to Fifi Ferrari about my career after  
3 college. Specifically, we talked about me getting a sponsorship contract and all the money I would be  
4 making, especially if I took home Globals again and made it to the Olympics. We were talking six,  
5 seven figure contracts! As I was saying, senior year is really where the rubber meets the road, so to  
6 speak, in track and field. Sure, there's technique you need to learn, but most of it really comes down to  
7 eating well, sleeping well, and—most importantly—how much time you're spending in the gym and  
8 practicing on the track. You've got to be willing to push hard pretty much every day, and to deal with  
9 the pain, soreness, and fatigue that inevitably comes with all that. Believe me, at the end of a practice  
10 session, if your knees aren't aching a little bit, then you haven't pushed yourself hard enough! That's  
11 basically been my mantra for as long as I've been a runner. That's why recovery is important, too,  
12 though. If your body isn't prepped and ready for the high-level workouts that this sport requires, then  
13 you're never going to be successful.

14  
15           I first met Devin Lannister early in my college days. If memory serves, Devin was one of the  
16 runners in my 1500-meter event at the 2019-2020 Pac-15 track and field championships. Devin was  
17 pretty fast, not first or second fast, but right behind me. We competed against each other off and on over  
18 the years; Devin was my year over at Cascade State University, which is the University of Rowe's main  
19 in-state rival and a fellow member of the Pac-15. I can't remember a competition in which Devin ever  
20 beat me, but Devin never made it easy for me either. At first, Devin and I had what seemed to me to be a  
21 fairly cordial relationship, a bit of trash talk, nothing out of the ordinary, but especially over the last  
22 year, Devin became colder and colder toward me. For example, I remember an incident like a month  
23 before the attack in which we found each other walking toward each other in the corridor that runs  
24 between the track and the locker room at Mallard Stadium, which happens also to be the stadium at the  
25 University of Rowe where the Globals usually take place. Devin walked right toward me, and when I  
26 was about to stop and say hey, Devin bumped me in the shoulder and kept walking without looking up.  
27 We were totally alone at the time. It was really weird, I thought. In fairness, though, after a moment  
28 Devin looked back and said, "Sorry! My mind was elsewhere." There was also all those texts Devin sent  
29 on July 1<sup>st</sup>, but I didn't think much of it. Those seemed like they had less to do with me and more about  
30 something Devin was going through. And based upon everything that has happened, and happened to  
31 me, it was clear Devin was going through a lot.

32



1           Saturday, July 9, 2022 is a day I'll never forget. It was, as we all know, the 2022 Globals, and I  
2 was set to compete in the 1500- and 3000-meter races. As usual, it was taking place in Mallard Stadium.  
3 My right knee had been sore over the past month, but it wasn't anything too far out of the ordinary, and I  
4 felt like I was totally ready to race. The 1500-meter race was scheduled for Saturday afternoon, and the  
5 3000-meter race was schedule for the following afternoon. I arrived at Mallard Stadium pretty early on  
6 Saturday morning, mainly just because I wanted to warm up and get comfortable on the track. I ran a  
7 few easy laps, and while my right knee felt a little wobbly at first, it eventually warmed up and was fine.  
8 By about 10:30 a.m., I was ready to grab a drink of water and head back into the locker room.

10           I grabbed a water bottle and a towel and was headed toward the corridor that connects the locker  
11 room and the track when I noticed a figure at the other end of the corridor. The figure was dressed in  
12 black track pants, black running shoes, a black running pullover, and a black nylon mask. I honestly  
13 didn't think much of what I saw at first—I mean, lots of people, especially that weekend, were coming  
14 and going through that corridor—but, when I noticed what the figure had in the figure's hand, my blood  
15 ran cold. In the figure's right hand I saw a large, round ball that I soon recognized as a shot put. Between  
16 that and the way the figure was dressed, I immediately knew something was wrong. I only wish I had  
17 turned around and run the other way, but I suppose I was just too reluctant to believe that something was  
18 amiss. I quickened my pace, and I hoped that I would just pass by the figure without incident.

20           When I got within about five or ten feet of the figure, I remember thinking that the person was  
21 about the same height and weight as Devin Lannister. I also remember thinking that the person might  
22 actually be Devin Lannister, although, I have to admit, that I can't be 100% or even 90% sure about that.  
23 I was in the midst of trying to figure out whether I recognized the person when my world was turned  
24 upside down. Without warning, right as I was passing by the figure, the figure spun and smashed my  
25 right knee with the shot put. I fell to the floor and was too much in shock and pain to react. The next  
26 thing I knew, the figure was standing over me and hitting me again, and again, and again with the shot  
27 put on my right knee. I was screaming, crying, writhing . . . . It was absolutely, positive, one hundred  
28 percent the worst pain I've ever felt in my life.

30           It was over just as fast as it started, although it took me a minute or two to realize it. When I  
31 came out of the fetal position, my right knee was unrecognizable. My kneecap was about two inches  
32 higher and two inches to the right of where it was supposed to be. The swelling also started pretty much  
33 immediately. I tried, instinctively, to get up, but my leg immediately buckled at a weird angle, and I fell

1 down again. At that point, I started screaming for help. After a minute or two, two people who looked  
2 like trainers sprinted out from the track side of the corridor, saw me, and started calling 911. A few  
3 seconds after that, I'm pretty sure I saw Devin peek out from the locker room side of the corridor, and  
4 then quickly run back into the locker room itself. I didn't make the connection at the time, but with the  
5 benefit of hindsight, I'm sure it was Devin who attacked me.

6  
7 My knee will never be the same. It's healed enough that I can walk now, but I'm told that my  
8 ACL was torn almost fully in half. I don't understand the full extent of the medical diagnosis, but I'm  
9 told by my doctors that it's not good in terms of my would-be professional running career. I'm able to  
10 walk, and I'm told at some point I'll be able to run again, but as far as I've been told and as far as I feel,  
11 my prospects for having a professional track and field career are pretty much over.

12  
13 The next day, after the attack, the police stopped by my hospital room and asked me some  
14 question, like who could have attacked me like this. I mentioned Devin, since the attacker reminded me  
15 so much of Devin, and seeing Devin for that second in the corridor couldn't be a coincidence. The police  
16 later told me that Devin had said that Devin committed the attack on orders from Haden Hardy,  
17 something clicked in my mind. It all made sense! Before the attack, like I mentioned, Haden tried for  
18 years—since I was in high school—to get me to enroll at and later to Cascade State University. I  
19 consistently said no, but Haden just kept trying. In June 2022, after literally *years* of pestering, I  
20 eventually agreed to meet with Haden at Haden's car dealership in hopes that Haden would get the  
21 message that I wasn't going anywhere. When I got there, though, I couldn't get a word in edgewise.  
22 Haden insisted that we take a ride in some fancy-schmancy sportscar that had just arrived and talked the  
23 whole time Haden about how much happier I'd be at CSU. Finally, I was able to speak up. "Haden," I  
24 said, "I really appreciate the interest, but I'm going into my senior year, and I'm not going anywhere."  
25 Suddenly, Haden's tone changed. "Fine," Haden said coldly, "but I wouldn't be so sure your senior  
26 season is going to be as successful as you think." Haden then stopped the car and motioned for me to get  
27 out. I thought it was really weird at the time, but now it all makes sense: Haden is the one behind this  
28 terrible attack. Plus, Devin felt so bad about the attack, I received an apology text from Devin sometime  
29 later.

30  
31 I hereby attest to having read the above statement and swear or affirm it to be my own. I also  
32 swear or affirm to the truthfulness of its content. Before giving this statement, I was told it should

1 contain all relevant testimony, and I followed those instructions. I also understand that I can and must  
2 update this affidavit if anything new occurs to me until the moment before I testify in this case.

3  
4 *s/Maren Murguia*

5 Maren Murguia

6 Dated: October 3, 2022

7  
8  
9 Subscribed and sworn to me this 3rd day of October, 2022.

10 *s/Barbara Rust*

11 Barbara Rust

12 Dated: October 3, 2022

## AFFIDAVIT OF DEVIN LANNISTER

I'm Devin Lannister. I'm 22 years old and have lived in Rowe all my life. Until recently, I was also a lifelong athlete. I first got into running when I was a kid—I think my folks signed me up for track as a way to expend my endless childhood energy. It also helped that running is basically free. My family never had much money growing up, still really don't, so we couldn't afford for me to have expensive hobbies like guitars or skiing or anything like that.

As it turned out, I was pretty darn good at it, and running became a lifestyle for me. I mostly did distance running events and cross country, which might seem like a low-key sport but is actually super competitive and can be pretty cutthroat. In competitive track, every athlete dreams about the gold medals, the fancy scholarships, and sponsorships, and of course, the Olympics. We all want to be the next Usain Bolt or Galen Rupp or Gail Devers. You're always looking for that extra edge, that one thing that will shave a few seconds off your time or add a few seconds to the opponent's. It becomes a bit of an obsession, and it can make you do crazy things. Trust me, I know.

I first met Maren Murguia when we were in college and ran a lot of similar events. You can tell pretty early in a person's running career whether they have what it takes to make it big, and Maren had it. Maren's level of talent and focus was undeniable, and honestly, drove me crazy. Everyone loved Maren, on and off the track. Little kids would flock to Maren for autographs and stuff after competitions, and the running blogs couldn't get enough of Maren's face. The University of Rowe booster group might as well have been renamed the "Maren Fan Club." Meanwhile, I was always just... right behind Maren and what am I, chopped liver?

Anyway, Maren's skills and popularity were at least good for something: it made me train harder than I ever would have on my own. It fueled me. Whenever I was feeling unmotivated to train, or too tired for some extra track time, I'd think of Maren's face, smiling, taunting me, and that gave me the motivation to put in the work. We both were in college on full track and field scholarships. I went to Cascade State University and Maren went to the University of Rowe, CSU's main rival. A lot of my track and field success was a result of just wanting to beat Maren, I think. As we got closer to graduation, my performance was steadily improving, and things were looking up. My coach said there were rumors of possible endorsements for me, and I even collected a few fans of my own. I was still no Maren, but I was doing well.

I had known Haden Hardy since high school, but I say I really began to know Haden once I arrived at CSU. Haden is a CSU track and field superfan, a former collegiate runner, and one of the most involved boosters for our college athletics program. Haden came to every meet, even the away meets, and was a little obsessed with keeping "stats" on all the athletes, like you might see at horse races. It was the sort of thing you'd expect a person to fixate on if they were betting on a sport.

Anyway, I liked Haden at first, mainly because Haden was one of the only boosters who seemed equally enthusiastic to cheer for me and pay little mind to Maren. See, Haden was a CSU superfan, Haden always told me that Haden couldn't lose when I ran against Maren. Haden would say "I win in the short term if you win. I win in the long term if Maren wins." I didn't really get it, at the time, it seemed pretty charitable for Haden to take such a broad view of Oregon collegiate track and field, but now I think it's clear it was all about the money.

1 I remember one time in particular that Haden talked to me—it was after a 3000-meter race  
2 during a big invitational my junior year. Haden shook my hand and was throwing around all these tips  
3 for how I could end up medaling that weekend. At one point Haden laughed and said I ought to just  
4 untie my opponent’s shoelaces when they weren’t looking or even just “sweep the leg” to get first place,  
5 but at the time I thought Haden was joking.  
6

7 Anyway, Haden and I stayed in regular contact at competitions and even exchanged phone  
8 numbers. Haden would always let me know if there were rumors of big companies like Gnyke or Ferrari  
9 Ansari sending scouts to the meets, because Haden knew I really wanted a sponsorship contract. It was  
10 nice to feel like there was someone rooting for me, for once. It also turned out Haden and I were both  
11 pretty big nerds and were both fascinated by the big cryptocurrency trend over the past couple of years.  
12 Back at the end of June, I gifted Haden an NFT (a “non-fungible token”) after Haden showed me how to  
13 use a crypto wallet app that Haden highly recommended. That NFT is accurately depicted in Exhibit 2.  
14

15 As college went on, Maren and I both started getting more familiar with the big endorsement  
16 companies. We both met with Fifa Ferrari before our senior year, and at first it seemed like Fifa’s  
17 company might actually be interested in offering both of us good contracts. I tried to network with Fifa  
18 anytime Fifa was at an event, and it seemed like we were on the same page. I stopped trying so hard to  
19 meet with other companies because I really thought I had a future with Ferrari Ansari, Fifa’s sports  
20 agency. I let myself get excited that I might finally escape small-town life, maybe buy my folks a decent  
21 house, and make something of myself.  
22

23 Eventually, though, a week before the Global Track and Field Championships (which we all call  
24 the “Globals”), I learned it had all been lip service. Fifa was only interested in pursuing a contract with  
25 Maren, a big one, like \$500K or something like that. Basically, I was told that if I were offered anything,  
26 it’d be less compared to Maren’s deal, and only if Maren and them didn’t end up signing a contract. Fifa  
27 said there was “only room for one big name in this sport,” and that name wasn’t going to be Devin  
28 Lannister. It seemed like Fifa had made empty promises to me the whole time just in case Maren went  
29 with a different sponsor. I felt tricked, misled, and humiliated.  
30

31 I’m not going to lie, I kind of lost it during that conversation and stormed off. I was so angry  
32 with Fifa! I’m not sure Maren even knew about what had happened between me and Fifa, but in my  
33 mind, they were both the enemy that day. In addition to letting Fifa have it, I let Maren have it too, but  
34 through some unfortunate text messages. Like I said, on that day, they were both enemies.  
35

36 I apologized to Fifa two days later, hoping to mend bridges and not make a bad name for myself  
37 among the sponsorship crowd. I meant to send a message to Maren too, but it slipped my mind. The  
38 Globals were coming up around that time and I wanted to be focused on my running. Three days before  
39 Globals, when I got to the track, I was so upset I almost didn’t notice Haden was there watching some of  
40 the other athletes train. Haden came to say hello to me, and it seemed like Haden could tell I was feeling  
41 devastated. Without even thinking, I told Haden everything that had happened between me, Fifa, and  
42 Maren.  
43

44 Haden seemed truly sympathetic. Haden said something about how everyone knows how hard I  
45 had worked these past few years and that it wasn’t fair for Maren to be handed everything on a silver  
46 platter and “messing up everyone else’s situation.” That was the day that Haden came up with the plan:  
47 if we made sure Maren bombed at the Globals, Fifa would have no choice but to pull the deal and offer  
48 it to me. I don’t remember Haden’s exact words, but the message was clear to me: I needed to do  
49 something to guarantee that Maren wouldn’t win. I asked Haden why Haden was so invested in

1 destroying Maren’s deal, and Haden said something like, “You aren’t the only one with something on  
2 the line at these games. I’m invested. CSU has been on the back burner for years, and changes need to  
3 be made. For my sake and yours.”

4  
5 I’m not proud of what then happened before the Globals. Haden somehow managed to get  
6 Maren’s training schedule and learned that Maren planned to arrive at the stadium super early on the  
7 first day of the competition to “get in the zone.” Haden said that was my opportunity to strike, like  
8 literally, strike. It reminded me of the other times Haden had told me to sabotage my opponents, but this  
9 time I knew Haden was absolutely serious. Haden had agreed to and did pay me \$2,000 in exchange for  
10 injuring Maren enough to ensure Maren couldn’t compete. To keep things secret, Haden sent me the  
11 money via the same crypto wallet we used for the NFT. The transaction is depicted in Exhibit 1.

12  
13 The day before the competition, I couldn’t do it. I was feeling scared and regretful for even  
14 having that conversation with Haden. I saw Haden at the stadium that day and said I couldn’t do it, that  
15 it wasn’t something I was interested in. Then things got real scary. Haden, smiling real wide, said,  
16 “You’ll do it. You’ll win. It will be good, and I won’t have to get any of my friends involved. Trust me,  
17 that’s what you want.” I didn’t know what to say, so I just walked away. I was worried that if Haden  
18 would do something like this to Maren, who knows what Haden would do to me if I backed out? Who  
19 were Haden’s friends? Plus, Haden had already paid me the money, so it seemed like I had an  
20 obligation. Everyone knows a Lannister always... well, you know.

21  
22 The next day, I spotted Maren at the stadium that morning while I was hiding out in a dark  
23 entranceway in one of the corridors. I grabbed a shot put, walked slowly up to Maren (who was walking  
24 toward me from the track), and delivered a couple blows to the right knee. I knew from watching Maren  
25 over the last few months that Maren had issues with that leg—I often would see Maren clutching at it  
26 and grimacing—so I figured it wouldn’t take much to accomplish the task. Maren immediately bowled  
27 over in pain, screaming, and I ran. I was masked up, so I figured Maren would never know who the  
28 attacker was.

29  
30 Boy, was I wrong. Maren immediately told the police to investigate me, I heard. Then, police  
31 reviewed surveillance video from the stadium. Even though I was masked, and you couldn’t see my face  
32 in the video, the police said Maren was one hundred percent positive it was me because “nobody else  
33 could have run away so fast.” Oh, the irony.

34  
35 The guilt was killing me anyway. No matter how mad I was at Fifa, or how scared I was of  
36 Haden, Maren didn’t deserve that. The police told me I’d get a much better deal if I told them who was  
37 behind the attack, so I came clean pretty quickly and apologized to Maren. I told the police about the  
38 assault and Haden’s involvement and showed the cops the transaction records. The cops seemed like  
39 they really wanted me to implicate Haden in my plea deal, and since that’s the truth, I did, although I  
40 don’t know if they’re going to prosecute Haden or not. I pled guilty to assault in the second degree and  
41 have already been sentenced to six months in prison, although I haven’t yet begun my sentence. I also  
42 agreed with Maren’s lawyers to cooperate fully with this case.

43  
44 I guess I shouldn’t be surprised Haden is denying this, considering the shady behavior I saw from Haden  
45 myself, but the evidence is there. What reason would I possibly have for implicating anyone else? I’ve  
46 got absolutely nothing else to lose.

47  
48 I hereby attest to having read the above statement and swear or affirm it to be my own. I also  
49 swear or affirm to the truthfulness of its content. Before giving this statement, I was told it should

1 contain all relevant testimony, and I followed those instructions. I also understand that I can and must  
2 update this affidavit if anything new occurs to me until the moment before I testify in this case.  
3  
4

5 *s/Devin Lannister*

6 Devin Lannister

7 Dated: October 3, 2022  
8  
9

10 Subscribed and sworn to me this 3rd day of October, 2022.  
11

12 *s/Barbara Rust*

13 Barbara Rust

14 Dated: October 3, 2022

## AFFIDAVIT OF JESSE JUPITER

My name is Jesse Jupiter, and I'm 30 years old. I'm an investigator hired by Maren Murguia to look into Haden Hardy and trace the funds that Devin Lannister received as compensation for the attack on Maren. I have been a private investigator for the past five years running my own shop, Jupiter Investigations. Prior to opening my business, I was a forensic accountant at the FBI for three years. I have a bachelor's degree from Cascade State University in Economics.

A lot of private investigators make their money taking photos of people cheating on their partners. That doesn't interest me at all. My interest is, and always has been, following the money. You can prove anything if you just follow the money. I always tell people: "If someone got paid, we got a case made." I started my career at the FBI working with the local white-collar Squad. I worked numerous investigations where I analyzed bank records and traced money to prove bank fraud, wire fraud, money laundering, you name it. I even assisted with other squads tracing extortion payments and financial transfers for different crimes.

In my first cases, I was always just analyzing bank records. But in 2017, I started seeing Bitcoin show up in some of my cases. I got interested in it and started researching like crazy. I also took several training classes at the FBI about tracing Bitcoin transactions. I found out that if you have a bad guy's Bitcoin wallet address, you can learn just about everything that person did with that wallet. See, every transaction is recorded on the blockchain for every Bitcoin transaction. So, if I know a person's Bitcoin wallet address, I can use software to show all the inputs and outputs from that wallet. The challenge is figuring out who owns the Bitcoin wallet and why the transfer was made. There is obviously nothing illegal about receiving Bitcoin into your wallet—unless it was for a bad reason!

In late 2017, Bitcoin seemed to just keep increasing in value. I did *not* want to miss out. So, I took a high-end computer from the FBI evidence room that wasn't being used for anything special and started mining Bitcoin. Bitcoin mining is what powers the blockchain, you know. I don't know all the specifics, but it involves computing mathematical equations to verify transactions on the blockchain. In return, you make Bitcoin on the transaction. What's the matter with a little side hustle? I figured I wasn't hurting anyone, but the Special Agent in Charge of my FBI office sure disagreed! I never saw her face turn so red. I'm pretty sure she was going to fire me, so I figured it was time to pull the parachute and go



1 out on my own. The administrative discipline process didn't even get started before I put in my quittin'  
2 papers.

3  
4 Life out of the FBI has been pretty lucrative. Jupiter Investigations has a focus in tracing Bitcoin.  
5 I can't tell you how many divorce cases I've worked where I find that one spouse tried to hide tons of  
6 money in Bitcoin. But most of my money has been made with my crypto investments. Lately though,  
7 with the latest crypto crash, times have been much tougher. I have definitely been trying to get as much  
8 work as possible.

9  
10 Anyway, when Maren Murguia's attorney team hired me, they gave me two things, first, the  
11 name Haden Hardy and two, a Bitcoin wallet address for Devin. I remember Maren saying to me while  
12 the three of us were having lunch in a crowded restaurant: "Jesse, I need to get paid one way or another.  
13 And the best way for me to get paid right now is for you to show that Haden Hardy paid for this attack. I  
14 know Haden did it. I just need the evidence to prove it." Maren said that while our waiter was right  
15 there, pouring our waters. That put a lot of pressure on me, but I also knew that the blockchain does not  
16 lie. It just says what it says. The challenge is showing who and why someone made a transaction.

17  
18 I put Devin's Bitcoin wallet address (ending in T8oo) into some software I have, AnalysisChain,  
19 that allows you to search transactions on the blockchain. Fortunately, Devin Lannister's Bitcoin wallet  
20 had only one deposit. On Thursday, July 7, 2022, Devin's Bitcoin wallet (which I call "DL Wallet")  
21 received a deposit of Bitcoin that was worth about \$2,000 from another Bitcoin wallet ending in nHs1  
22 (which I call "HH Wallet"). Like I said before, AnalysisChain doesn't tell you who owns a Bitcoin  
23 wallet, but it was a start. I also saw that Devin's Bitcoin wallet immediately transferred the \$2,000 to  
24 another Bitcoin wallet (which I call "Exchange Wallet 1"). AnalysisChain told me that Exchange Wallet  
25 1 was associated with a cryptocurrency exchange called Basecoin. That is always great news because  
26 cryptocurrency exchanges usually can tell you who owns a wallet. See, they are kind of like a bank. You  
27 open an account with your name and other info and then they host your cryptocurrency wallets for you. I  
28 could have gone to Basecoin to get more information on who owned that Bitcoin wallet and what it was  
29 all used for, but I thought it would be easier to just ask Devin.

30  
31 When I asked Devin about the transaction, Devin initially said that it was a payment from Haden  
32 Hardy in exchange for Devin's attack on Maren, and that Haden paid by a direct bank to bank wire  
33 transfer. Devin said, "I remember I had to give Haden my checking account routing and account number

1 to get paid.” But then I showed Devin the chart, and Devin said “Oh, yeah, I guess Haden paid me with  
2 Bitcoin. I must have given Haden my Bitcoin wallet address, and I just immediately converted the  
3 Bitcoin to cash and deposited it into my bank account.” I was able to verify through Lannister’s bank  
4 records that Devin did convert the Bitcoin into cash and deposit it into Devin’s bank account. I made a  
5 chart showing the transaction in Exhibit 1.

6  
7 I later learned that Haden Hardy claimed that the Bitcoin was paid in exchange for an NFT. You  
8 can trace NFTs on the blockchain as well, but I didn’t do that because I understand that no one is  
9 disputing that Devin sent the NFT to Haden Hardy. I guess I could have done the tracing to check the  
10 date of the NFT transfer, but no one asked me to do it.

11  
12 However, based on my experience with cryptocurrency and NFTs, in my opinion, I don’t believe  
13 that anyone rational would have paid \$2,000 for Exhibit 2. In a lot of the divorce cases I work, I have  
14 had to value NFTs in splitting assets (remember how I said people are always trying to hide money), and  
15 I have testified as an expert several times about the value of particular NFTs. I don’t have any formal  
16 academic training in valuing NFTs, but then again, it’s a new enough field that basically nobody does. In  
17 lieu of any such training, I pay close attention to whatever publicly available information there is on  
18 NFT transactions, so I have a good sense of what the NFT market does and doesn’t like.

19  
20 Let me say it in simple terms: Exhibit 2 is *not* a valuable NFT. A truly valuable NFT would be  
21 something like an original, one-of-a-kind cartoon drawing of Garfield by Jim Davis himself or an NFT  
22 collection issued by a famous professional athlete, some of whom have sold NFTs for as much as  
23 \$400,000 apiece. This NFT, however, has all the hallmarks of something an amateur made on a meme  
24 generator online, which basically anyone can do; this is the sort of image that you can see pretty much  
25 anywhere online. Plus, the meme itself isn’t even funny!

26  
27 In addition to being a poor judge of NFT’s, it’s clear from my investigating that Haden Hardy is  
28 also a pretty shady gambler as well. After asking around, one word came up time and time again when  
29 describing Hardy, gambler. Well, a lot of people said booster, but gambler was right up there as well.  
30 After doing some really light internet searching, I found accounts associated with Hardy on several  
31 gambling sites, including betthehouse.com, feelinglucky.net, and forthewin.com. I found all these  
32 gambling ties interesting, especially since Hardy is supposed to be some big shot booster at CSU. I have  
33 a friend that works over at the university, so I inquired about all things Hardy related. Wouldn’t you

1 know? Just about as soon as I ask, do I receive a copy of a letter sent to Hardy from the school. The  
2 letter is from CSU, basically scolding Hardy for inappropriate behavior, including gambling and  
3 dealings with student athletes. The letter I received is Exhibit 3.

4  
5 I hereby attest to having read the above statement and swear or affirm it to be my own. I also  
6 swear or affirm to the truthfulness of its content. Before giving this statement, I was told it should  
7 contain all relevant testimony, and I followed those instructions. I also understand that I can and must  
8 update this affidavit if anything new occurs to me until the moment before I testify in this case.

9  
10 s/Jesse Jupiter  
11 Jesse Jupiter  
12 Dated: October 7, 2018  
13

14  
15 Subscribed and sworn to me this 3rd day of October, 2022.

16 s/Barbara Rust  
17 Barbara Rust  
18 Dated: October 7, 2022  
19

## DEFENSE WITNESS STATEMENTS



## AFFIDAVIT OF HADEN HARDY

My name is Haden Hardy. I'm 43 years old, and I'm a die-hard alum of Cascade State University. As a young kid growing up in the shadow of the University—we were about five minutes away from the campus—I dreamed of attending CSU. I would stay up late watching CSU games with my older brother and then I would wake up first thing in the morning to grab the sports page to read about everything I watched the night before. I loved all of CSU's sports, but I loved track most of all. I was especially interested in the middle- and long-distance running events. It was probably because I was a distance runner myself. In high school, all I wanted to do was run for CSU. I dreamed of people chanting the school motto while I ran: "CSU! See U Later!"

Alas, it wasn't to be. I got some interest from some Division 3 schools, but I never got a whiff from the coaches at CSU. I got a scholarship offer at the University of Rowe, but I couldn't stomach running for that school. I had to go to CSU. So, I enrolled at CSU and thought maybe I could walk on (run on?) to the track team. But it didn't work out. I had to work to pay for my school, and between the time commitment and physical decline from working and eating all the time at Buddy's Burgers, I was never able to walk on.

After college I started working as a salesman at the local car dealership, Wheelin' Dealin' Auto Sales, which I was able to purchase about ten years ago. It's a real thrill to own my own business, and let me just say, I am a heck of a salesperson. I can sniff out the value of something in seconds and get someone to pay more in minutes! True, sometimes you need to exaggerate some of the details to make a sale, but that's business, right? I am also great at selling all the extras at the dealerships. Clear coating, oil change packages, and best of all, extended warranties. Speaking of which, what is the status of your car warranty? Be sure to let me know if you need an extension.

Anyway, while I made a small fortune selling cars, my heart still ached for a connection to CSU. So, I joined up with the CSU boosters club, and it was the best decision I ever made. I finally got to be a part of the team. As boosters, our basic job is fundraising. We donate, and we get others to donate money to CSU's athletic program, which means better facilities, more scholarships, and all-around happier athletes. At the end of the day, we boosters do whatever we can to make our athletes happy and make sure CSU can get athletes that make CSU fans happy. For the last ten years, I have been the number one booster for CSU. I host events at the dealership, get sponsorships for the school, and of

1 course, donate a lot of money myself. Let me tell you, though, it's *way* easier to generate donations and  
2 sponsorships when you're selling a winning athletics program. As I always tell the athletes: second place  
3 just means that you're the first-place loser. CSU has been in a rough patch for the last few years, so I've  
4 had to make up what we're missing in donations myself. It's pretty hard on my bank account, but I love  
5 CSU and would do anything for the school.

6  
7 I also help out a lot with recruiting. As I said before, I'm a salesman. I know how to talk to the  
8 young athletes to get them to recognize that their future is with CSU! I will admit, I might push the  
9 boundaries of some of the recruiting rules, as well as the rules that apply after athletes enroll. But we all  
10 know the direction things are going. Everyone knows these athletes should get compensated. I remember  
11 one time I got in some trouble for paying CSU athletes a salary to intern at the dealership. I can't say  
12 they did that much work. They mostly gave me insider tips to help me gamble on games. When CSU  
13 found out about the salary (and the betting), boy were they furious! But I was too valuable to let go. I  
14 got a strongly worded letter to stop the salaries and stop talking to any athletes about gambling. A few  
15 years later though, the Supreme Court ruled unanimously to strike down restrictions on compensation in  
16 that case about internship compensation. How many things get that Court's *unanimous* approval? Even  
17 the college authorities see the writing on the wall and have started allowing some payments. So it turned  
18 out I was right (like I always am).

19  
20 I have a great relationship with pretty much every athlete at CSU. I met Devin Lannister when  
21 Lannister was a junior in High School. I got to know the Lannister family really well too, super nice  
22 folks, broke as all get out, but good, salt of the earth folks. Unfortunately, Devin has been a bit of a  
23 disappointment. Strange that such nice parents could raise such a hot head. Before, well... before the  
24 attack on Maren Murguia, Devin seemed more interested in having fun at school than becoming the best  
25 possible athlete. While I know Maren has more talent, Devin simply doesn't put in the time to be  
26 competitive, always blaming others when Devin doesn't succeed. As a booster, I did my best to help  
27 Devin along. Make connections with folks who could possibly help out. I tried sharing my thoughts on  
28 why Maren was always one step ahead. Devin never wanted to hear it, always brushing it off, mumbling  
29 about the "great Maren." Devin had this whole back and forth, mad at the world but not willing to put in  
30 the work. It was always something. I remember running into Lannister early in the track season in 2022,  
31 probably around April. I asked Devin how the prep was going, but Lannister wouldn't stop talking about  
32 NFTs. For months, every time I run into Devin, its NFTs this and NFTs that. It was clear Devin wanted  
33 me to buy one. Finally, in like June, maybe July, Devin showed me the one I eventually bought, which is

1 now Exhibit 2. I thought it was pretty funny (and so true!), but the only reason I bought it was to get  
2 Lannister to stop talking about NFTs and start focusing on the big race. I paid Lannister about \$2,000 in  
3 Bitcoin. It was steep, but I figured: 1) These NFTs are really taking off and this could be worth some  
4 money; and 2) If I overpaid, it was just another way to support CSU athletes (I told you I like to bend  
5 the rules, remember?).

6  
7 I came to know Maren around the same time I met Devin. Maren was definitely the better  
8 athlete. I tried really hard to bring Maren to CSU, and even after Maren decided to enroll at the  
9 University of Rowe, I kept trying to convince Maren to transfer, which I heard from one of the coaches,  
10 that Devin found out about, and dang near made Devin blow a gasket. Anyways, earlier this year, I took  
11 Maren in a ride in our newest sports car at the dealership and told Maren that Maren should picture  
12 driving one of these every day if Maren committed to CSU. I remember seeing Maren's eyes roll at that.  
13 It seemed like Maren had a real attitude problem and didn't understand the importance of good booster  
14 relationships. I remember Maren said I needed to give Maren's sister a job at the dealership in order for  
15 Maren to commit to CSU. I told Maren that was not going to happen. I remember Murguia saying to me:  
16 "Whatever. Trust me, I am going to remember who helped me and who didn't. And trust me, me and my  
17 family *will* get paid." After that, I stopped trying to convince Maren to transfer. Don't get me wrong,  
18 Maren was a heck of an athlete. But we care about character at CSU, unlike the folks at the University of  
19 Rowe, who only care about winning. I have to be honest though, it's been tough watching Maren beat  
20 Devin year after year at track meets. To Devin's credit, many of those races were close, but you know  
21 what they say? No cigar.

22  
23 Above all else though, I am a salesman, remember? Just because I rooted against Maren in  
24 college didn't mean I wanted Maren to have a failed career. I knew Maren was destined for gold. I even  
25 put down some futures bets (bets for things that will happen long in the future) that Maren would medal  
26 at the Olympics in the future. I put quite a bit of money on it actually. At the time it seemed like a sure  
27 bet, with a big ole payout. Alas, I don't remember how much exactly because I threw away the ticket  
28 after the incident.

29  
30 The whole thing is just incredible. The Global Track and Field Championships were happening  
31 right in Rowe, Oregon! I was so excited. I remember walking around the stadium that Friday, checking  
32 in on the athletes, seeing how everyone was doing. I even saw Devin that day, we talked a bit, and I was  
33 feeling real confident that Devin was good to go, come race time. We were smiling, joking and



1 something about Devin had me feeling real confident in CSU's chances this year. That Saturday I woke  
2 up early and did as much tailgating as my body could handle. In the process, I made a lot of bets on  
3 DraftTrackTeams.com for pretty much everyone competing for CSU. Normally I wouldn't put money  
4 on Devin and would usually place my bet on Maren because it was usually a sure thing. Sure I'm die-  
5 hard for CSU, but I'm also a businessman and like making money. That year, though, the Globals  
6 seemed different to me. I had a strong feeling that this year Devin would win. As I mentioned, Devin  
7 was looking incredibly focused, like I had never seen before. Devin told me: "Haden, I would put big  
8 money on me at the Globals. I am going to be a sure thing." I believed Lannister, also, rumor had it,  
9 Maren's knee problems were getting worse, limping and the such. So I made a huge bet on Devin,  
10 thousands more than I put on any runner that day. A loss would have been pretty rough financially, so I  
11 was elated to see Devin cross the finish line in first place. Maren wasn't in the race, which at the time  
12 struck me as really weird. I was so happy about Devin's win, though, that I don't think I thought too  
13 much of it at the time.

14  
15 When I heard Maren was injured, though, it really bummed me out. It even took the joy out of  
16 Devin winning. It wasn't as sweet of a victory with Maren out of the picture due to an assault. Now, it  
17 was better for my pocketbook, I am sure, but I don't pay that much attention to wins and losses when I  
18 gamble. It's all just for the fun of it.

19  
20 I can't believe that Devin is now blaming *me* for Devin's terrible crime. I still remember when  
21 the police came and interviewed me after Devin said I was to blame. The officer knew me because the  
22 officer was also an alum of CSU. The officer said they could never make a case against me because  
23 Devin is such an obvious liar. And now here I am being sued? Classic Maren, just looking to dig in my  
24 deep pockets again. It just doesn't make any sense. Why would I want to blow out Maren's knee? I  
25 could have made a *lot* of money on those futures bets.

26  
27 I hereby attest to having read the above statement and swear or affirm it to be my own. I also  
28 swear or affirm to the truthfulness of its content. Before giving this statement, I was told it should  
29 contain all relevant testimony, and I followed those instructions. I also understand that I can and must  
30 update this affidavit if anything new occurs to me until the moment before I testify in this case.

31  
32 s/Haden Hardy

33 Haden Hardy

1  
2  
3  
4  
5  
6  
7  
8  
9

Dated: October 3, 2022

Subscribed and sworn to me this 3rd day of October, 2022.

*s/Barbara Rust*

Barbara Rust

Dated: October 3, 2022

## AFFIDAVIT OF FIFA FERRARI

Hi, yeah, you want to know about—hold on, I’ve got a call coming in. What? There’s only basic cable in the locker room? Geez, these vendors really don’t know what they’re doing these days. What? Hey, *of course* I told them Kyrie wanted HBO in there before the game! We all know what happens when he’s without his Gossip Girl. What do you think I am, nuts? Okay, okay, calm down. I’ll get it fixed. Yeah. Okay, bye.

Sorry about that. You wanted to know about Maren Murguia and Haden Hardy, right? Geez, crazy stuff. Anyway, let me begin by telling you about me. I’m Fifi Ferrari, and I’m 39 years old. I went to the University of Southern California, where I earned a bachelor’s degree in sports management in 2005. And, as you probably know, I’m the founding partner at over Ferrari & Ansari, which I set up right after college. You haven’t heard of us? Wow, okay. Well, we’re only the most prestigious sports agency in the world. We’ve been in business for a little over 15 years, now. Over that time, I’ve represented athletes of all stripes. Basketball, baseball, soccer, golf, badminton, you name it—if you can play it professionally, we’ve probably got a client in that space. My first client was Erin “Warp Speed” Esparza, in fact. You know, the one who won the gold medal in the 100-meter dash at the 2008 summer Olympics? Since then, I’ve represented probably three or four other track and field athletes.

Yeah, I know Maren and Devin Lannister. It’s real shame, you know? Maren was about to sign with us—well, you know, before the whole thing with Maren’s knee. Such a loss, we had high hopes for Maren. There is some serious money to be made by A-list athletes. What could have been, ya know? I spent weeks working on that relationship with Maren. Calls, lunches, meetings, all to make sure I was positioned when the time was right. The contract details were just about ironed out, then... shot put. After that, we were on the verge of signing with Devin as well, but then the whole criminal thing blew up and, well, guilty pleas are bad for business.

I remember Devin had approached me a couple of times at events in maybe 2020? 2021? Devin asked me about the prospects of becoming a client. Devin was a really great runner, but at those events, I was there to watch Maren. All things considered, with some more commitment, and a dedicated staff around Devin, maybe there was a future there, but nothing like Maren’s. Since Devin was typically second fiddle to Maren, it was good to keep tabs, but just tabs. In this business it’s a balancing act, Maren was the prize, but you always need something in your back pocket in case of emergencies. While

1 cementing things with Maren, I would occasionally chat with Devin, but some things became clear to  
2 me during this time. Maren had *it* and Devin did not, and Devin knew it. Devin didn't seem to mind, and  
3 my plan was working great, but then I must have let something slip. It was the beginning of July—I  
4 can't remember exactly when it was, to be honest, but it was on the phone—Devin got really mad. I  
5 think I mixed up who I was talking to and said something about Maren's prospective contract. Figures  
6 were involved, big figures. It was the type of money that Maren and I would discuss and the type of  
7 money that blew Devin's mind. Devin practically screamed at me: "You know, Maren, isn't the only  
8 runner around here!" After that, Devin said some stuff about showing me, showing Maren, and  
9 everyone, and then hung up on the call.

10  
11 To Devin's credit, though, Devin called me a few days later and apologized. I wasn't sure I was  
12 buying it—I think Devin just wanted patch things up, so I'd reconsider signing Devin as a client—but I  
13 still appreciated it. Come to think of it, we actually ended up having a pretty nice conversation in which  
14 I basically explained the facts of life (by which I mean my business). See, track and field isn't like  
15 basketball or golf, where you can have multiple superstars with top-dollar endorsement deals. I hate to  
16 say it, but the level of fan interest just isn't there in the way it is with other sports. What that means,  
17 then, is that in track and field, sponsorship is more or less what we call a "zero sum game." In other  
18 words, there's really only room for one superstar at the top. Sure, some other people get sponsorships,  
19 but the difference between what the number one person makes and what the number two person makes  
20 is huge—like, *millions* of dollars. Don't believe me? Name as many professional basketball players as  
21 you can. Even if you're not a fan, you can still probably come up with five or six names. Now, try to  
22 name as many track and field athletes as you can. If you're not a fan, you'll get maybe one, right?  
23 You're welcome for the business lesson.

24  
25 Anyway, I explained all that to Devin, in response to which Devin said, "Well, I guess I've just  
26 got to do something to make myself number one." "Sure," I replied with a chuckle, "you need to start  
27 running like Maren." "Something like that," Devin said lazily, and then hung up the phone. It seemed to  
28 me like Devin's mind was elsewhere during that conversation, kind of like Devin was thinking of  
29 something else the whole time. I can't remember ever talking through that stuff with Maren, but it's  
30 possible that it would have come up at some point.

31  
32 The Global Track and Field Championships? Yeah, I was there, and I remember it well. In the  
33 United States, the Global Track and Field Championships, the Globals, are by far the biggest track and

1 field event of the year. (Think of it as the World Series of track and field.) Other than the Olympics, it  
2 probably plays the biggest role in determining who ends up getting sponsorship deals. And for the last  
3 several years, it's taken place at Mallard Stadium, right here at the University of Rowe.

4  
5 The event spans several days, and kicked off on the afternoon Friday, July 8, 2022, with  
6 sprinting events and a few field events like the shot put and the long jump. Maren and Devin are middle-  
7 distance runners, so they weren't yet competing. But they were there. At that point, Maren was  
8 beginning to become a bigger and bigger star, so I wasn't surprised to see Maren hanging out with some  
9 younger fans near the entrance to the locker room. I think I even saw Maren sign a few autographs.  
10 Maren had a natural sort of charisma with fans and seemed at ease the whole time. Maren was a true  
11 superstar in the making, I'm telling you.

12  
13 On Friday, I also saw Devin hanging around. A few times, it looked like Devin was trying to  
14 horn in Maren's fans, but the fans just weren't having it. I was far enough away that I couldn't hear what  
15 was being said, but I definitely saw Devin try a few times to strike up a conversation with a fan, in  
16 response to which the fan seemed obviously uninterested. After Devin's last attempt, I saw Devin throw  
17 up Devin's hands, roll Devin's eyes. Come to think of it, I also saw Devin having a lovely conversation  
18 with Haden Hardy as well. I saw them smiling, well, I saw Hardy smiling, I couldn't really make out  
19 from my angle Devin's face, but I think Devin was smiling. Anyway, Hardy was looking really  
20 encouraging. I wasn't too far away, but not close either, I heard Hardy say something to the effect of  
21 "you're going win it." Or "you'll win tomorrow." There was a lot happening, fans, stadium noise and  
22 the like, but it was something like that. To me, it was the sort of things boosters are always saying to  
23 their student athletes, even the perpetually second place ones.

24  
25 I was shocked the next day when I heard that Maren wouldn't be competing, and even more  
26 shocked when I heard that Maren had been attacked. The 1500-meter run took place that morning, and  
27 in Maren's absence, Devin ended up winning race—but only just barely. Devin broke down in tears  
28 when Devin realized Devin had won, which I thought was sort of weird. I mean, in that situation, you  
29 should be happy, right?

30  
31 That stuck out to me, also, I remembered Haden because Haden was shouting really loudly at  
32 Devin, saying things like "Go Devin!" and "You got it, Devin!" It ended up getting pretty annoying, but  
33 that's life at these sorts of events, I guess. Haden wasn't the only one shouting—there were plenty of

1 other parents, fans, and spectators who were getting into the races really vocally—so I guess I didn’t  
2 think anything of it at the time. What I *did* notice, though, happened at the end of the race. After Devin  
3 won, I saw Haden leave the stands and walk down on to the track itself. Haden walked right up to  
4 Devin, and it looked like Haden was trying to congratulate Devin. Haden had a hand up and out like  
5 Haden wanted a high five, but Devin walked right by Haden without acknowledging Haden. It didn’t  
6 seem to me like Devin was *trying* to avoid Haden; rather, it looked to me like Devin was making a  
7 beeline toward a person who I assume was Devin’s coach. At any rate, I remember Haden looking a  
8 little disappointed that Devin hadn’t given Haden a high five, especially after the pep talk from the day  
9 before. But now it seems clear right? Guilt, since it wasn’t a clean win. Can’t say I’m surprised. I  
10 couldn’t see Devin beating Maren, on Devin’s best day and Maren’s worse.

11  
12 I hereby attest to having read the above statement and swear or affirm it to be my own. I also  
13 swear or affirm to the truthfulness of its content. Before giving this statement, I was told it should  
14 contain all relevant testimony, and I followed those instructions. I also understand that I can and must  
15 update this affidavit if anything new occurs to me until the moment before I testify in this case.

16  
17 *s/Fifa Ferrari*

18 FIFA Ferrari

19 Dated: October 3, 2018

20  
21  
22 Subscribed and sworn to me this 3rd day of October, 2022.

23 *s/Barbara Rust*

24 Barbara Rust

25 Dated: October 3, 2022  
26  
27

AFFIDAVIT OF DR. LENNON WATTS

Good morning. My name is Dr. Lennon Watts. I'm an orthopedic surgeon at Neuberger Community Hospital, right here in Rowe, Oregon. I'm 31 years old, and I've been practicing orthopedic surgery for just about two years.

I grew up in Rowe and even went to Hamilton High. I guess you could say I was an overachiever in high school. I was both concertmaster of the Hamilton High orchestra and captain of the varsity basketball team. My senior year, though, I had to stop everything when I broke my right arm in a motorcycle accident. (I was probably the smartest kid in school, but apparently still not smart enough to stay off motorcycles!) It was the worst—nothing is quite as much of a bummer as being in your prime and being forced to stop doing what you're good at. Fortunately, something good came out of it: after looking at all those x-rays, and learning about how my arm healed over time, I decided I want to become an orthopedic doctor.

I was a top-achieving student, so I got into the Honor College at Cascade State University, where I majored in human biology and minored in sports medicine, all while playing basketball on a scholarship and running relay with the track team. After graduating *cum laude*, I studied medicine at New York University, Grossman, specializing in orthopedic surgery. I then returned to Oregon to do my residency at Oregon Health & Science University. From there, I really hoped to go on to work at a top West Coast hospital—UCLA, Stanford Health, UW Med—but for whatever reason, things didn't quite turn out that way. Instead, I just ended up back at Neuberger Community Hospital. I started there in July 2021. Err, well, I mean, I'm glad things worked out this way. You know, it's good to be back home. Right?

Actually, one thing that has been quite nice is reconnecting with old friends here. Best of all, I'm spending time with Haden Hardy again, just like back in the old days. See, Haden has been kind of like an older sibling to me while I was growing up, both in high school and when I was at CSU. Haden pulled me onto the relay squad, in fact. Haden was always supportive of young athletes like me, and even helped teach me to ride motorcycles for fun. (It was through Haden's auto dealership that Haden got that motorcycle I mentioned earlier). Haden was always generous about buying snacks for our basketball and orchestra parties, and not tattling on us when we'd have parties over someone's parents' house. Haden always looked out for me and encouraged me to do my best—often saying things for inspiration like “go for broke!” or “go all in!” or “if you don't gamble, you'll never win!” One classic “Hadenism,” as I call them, was reminding me that it was okay to take risks, but only if they are *calculated* risks. I've always

1 appreciated Haden’s wisdom; and sure enough, sometimes when I’ve taken calculated risks in my life, I’ve  
2 come out on top. I guess you could say that I owe a lot of my life success to Haden.

3  
4 To be sure, Haden has always been a bit of a risk-taker and gambler. I’m pretty sure Haden even bet  
5 on my basketball games all the way back in high school, though that’s just a guess. I’ve heard some people  
6 say that that sort of thing is unsavory, but I don’t see it that way. In my view, Haden has always been a  
7 nice, honest person. And Haden seems to know that gambling is all in good fun, and nothing to take too  
8 seriously, or else someone can get hurt. I’ve always thought that Haden’s support for upcoming athlete  
9 came first, and the gambling hobby second.

10  
11 I’m very aware of this lawsuit against Haden and all the allegations made in it. In fact, Maren  
12 Murguia is a patient of mine. I performed surgery on Maren in July 2022. I remember that case, well, for  
13 several reasons. First—wow, what a story. A world-class runner in their prime, attacked by a rival athlete  
14 just minutes before a career-defining race. It was all quite sad. I sympathized with Maren, who seemed to  
15 love running more than anything yet was forced to stop for a while because of an injury. I can only imagine  
16 what that’s like.

17  
18 I also remember Maren’s case because of the acute condition of Maren’s patella. But before I get  
19 into that, let me provide some background. As I think I mentioned, I’m an orthopedic surgeon. Orthopedics  
20 is medicine of the bone and ligaments. As an orthopedic surgeon, I deal with all sorts of bone, cartilage,  
21 and ligament injuries. Fractures, sprains, repetitive motion injuries, you name it. I work only on patients  
22 with the most serious injuries (that is, serious enough to require surgery). Full breaks, shatters, cartilage  
23 damage, severe dislocations, those kinds of things. Some doctors have the patience to deal with smaller  
24 stuff, but that’s just not for me. And yeah, I’ve seen some rough injuries in my time. (And I’ve read about  
25 even more in medical school; did I mention I went to NYU?)

26  
27 In all, I’ve probably done about 300 surgeries in my career, including during my residency. I do  
28 admit that 300 surgeries in two years is a little low (the average surgeon supposedly does about 32  
29 surgeries a month—you can do the math). But there’s just not quite as much demand for orthopedic surgery  
30 in the Chinook area, and I haven’t been in practice long enough to develop an extensive referral network in  
31 Oregon. Also, I became a doctor in a very strange time: the COVID era. While I started my residency  
32 expecting to do exclusively orthopedic surgery, I had to spend a ton of time caring for COVID patients. I



1 mean, I was happy to do it, of course. But I didn't get as much surgery experience as I would have  
2 otherwise.

3  
4 Anyway, as I was saying, I remember Maren's case because of the acute condition of Maren's  
5 patella, which is shown, along with a model healthy knee in Exhibit 5. According to Maren, Maren was  
6 assaulted repeatedly with an iron shotput directly upon the patella. Pardon—by patella, I just mean  
7 “kneecap.” (I must admit, I'm not so good yet at using non-doctor-speak when talking to patients and other  
8 folks.) As Maren tells it, the successive impacts of the shotput shattered the patella, chipped the cranial  
9 tibia—err, I mean, upper shinbone—and resulted in a torn ACL.

10

11 During the surgery, though, I also remember thinking that Maren's injuries didn't quite seem to  
12 match Maren's story. A shot put is, of course, a heavy, blunt object, and based on my experience, I'd  
13 expect successive hits to do catastrophic damage not only to the patella, but also to the cranial tibia and  
14 perhaps the femur (the upper legbone) as well. I've had several patients come to me after severe car  
15 accidents with those sorts of injuries, although I can't say I've ever operated on someone who's been  
16 attacked like this. But I don't think there is a surgeon out there who can. What Maren's injuries reminded  
17 me more of, though, are the dozens of patients I've operated on after a severe fall. In those cases, you often  
18 see precisely these sorts of injuries—a shattered patella, a torn ACL, and more minor damage to the  
19 surrounding areas. I can't say for certain whether it was an attack or a fall that caused Maren's injuries,  
20 though. I believe Maren's story, but if I had to choose, I'd say these injuries are more consistent with a fall  
21 than with a savage attack.

22

23 One other thing I noticed during Maren's surgery: Maren's right knee was showing signs of early  
24 osteoarthritis, which is more commonly known as “wear and tear” arthritis occurs when the cartilage within  
25 a joint breaks down. It wouldn't be severe at this stage, but it's quite likely that Maren would have been  
26 feeling modest, off-and-on pain in Maren's right knee as a result of the condition.

27

28 In one of our last check-ups (right before Maren filed this lawsuit), as we were saying our  
29 goodbyes, Maren bitterly said that Haden was really the one behind the attack. I have to say, that is quite an  
30 accusation. While I respect Maren personally, that just doesn't sound like Haden to me. I mean, ordering  
31 someone to be attacked in the knee with a shotput before a race? Maybe in the movies, but not reality.  
32 Besides, it just doesn't make sense. If you know anything about Haden, it's that Haden *supports* young and  
33 promising athletes; Haden isn't out to hurt them. Plus, Haden has always had a special interest in Maren.

1 Haden has “invested” in Maren, especially in Maren’s future. To tell the truth, Haden and I had a \$10,000  
2 bet going that Maren will medal in the Olympics before retiring. So, I don’t know why Haden would  
3 deliberately ruin that by injuring a favorite young athlete.

4  
5 Ordering someone to attack a runner’s knees would have a high likelihood of ending a runner’s  
6 career. Blunt force trauma to the patella and cranial tibia area can easily cause all sorts of long-term  
7 problems. The patella—or kneecap—protrudes out from the leg, so it’s not difficult to injure with any  
8 blunt-force-impact, and any such impact can easily shatter the bone and do other catastrophic damage to  
9 surrounding organs. Moreover, it is very common for these bones, ligaments, or tendons to not heal  
10 correctly in the many months after, which can cause reduced range of movement or a more fragile knee that  
11 often reinjures in the future. Similarly, tendons or ligaments can be torn or disconnected to such an extent  
12 that the leg simply never regains the strength it used to have. While I haven’t seen these specific situations  
13 arise in my own medical practice yet, I’ve read about them in school. And while I am not an Olympic  
14 runner, I’d imagine that any of these changes to the knee and leg could take a top-notch runner off their  
15 game so that they can never compete at the same level again (if not end the runner’s career entirely).

16  
17 This is all to say that, even if Haden wanted to do something as dirty as sabotage Maren’s big race,  
18 ordering someone to bust Maren’s kneecaps would be overkill. It would very likely ruin Maren’s career—  
19 indeed, this attack probably did end Maren’s career. To put it in Haden’s way of speaking, ordering an  
20 attack like that wouldn’t be a calculated risk. It would just be reckless. Besides, if Haden really wanted  
21 Maren to lose a particular race but not ruin Maren’s career, there are any number of other ways to achieve  
22 that. A moderate kick to the posterior gastrocnemius—err, the back of the calf—on the day of the race  
23 would probably do it.

24  
25 I hereby attest to having read the above statement and swear or affirm it to be my own. I also swear  
26 or affirm to the truthfulness of its content. Before giving this statement, I was told it should contain all  
27 relevant testimony, and I followed those instructions. I also understand that I can and must update this  
28 affidavit if anything new occurs to me until the moment before I testify in this case.

29  
30 s/Dr. Lennon Watts

31 Dr. Lennon Watts

32 Dated: October 3, 2022  
33  
34

1 Subscribed and sworn to me this 3rd day of October, 2022.

2

3

4

5

*s/Barbara Rust*

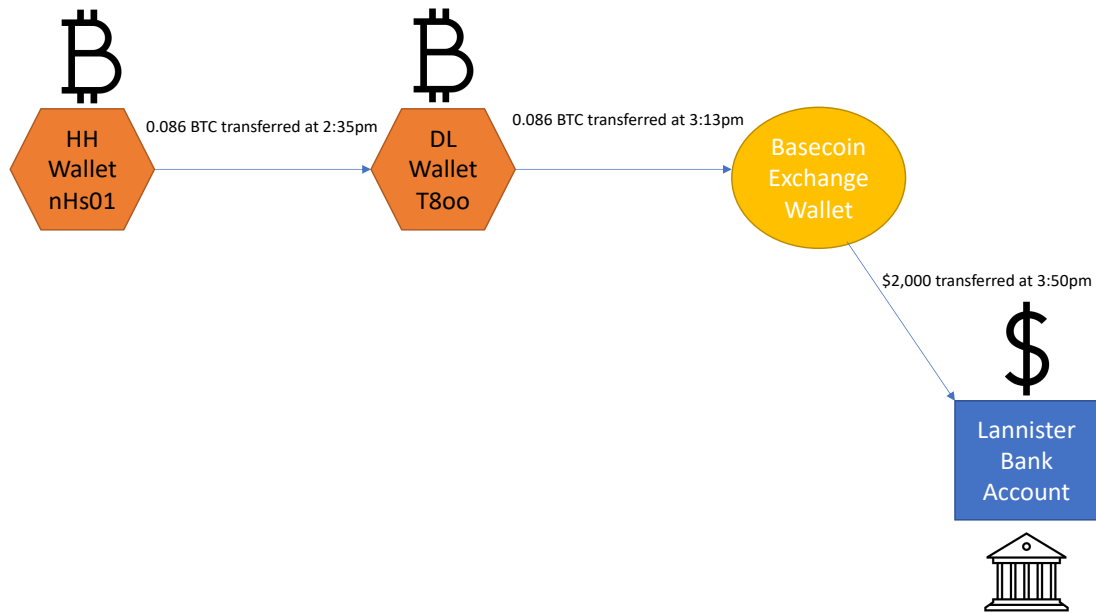
Barbara Rust

Dated: October 3, 2022

# EXHIBITS

## EXHIBIT 1: Chart Showing Bitcoin Transaction

Bitcoin Tracing – All Transfers on July 7, 2022



Historic price of Bitcoin approximately \$23,336.90 on July 7, 2022

EXHIBIT 2: NFT Lannister transferred to Hardy



### EXHIBIT 3: Disciplinary Letter from CSU to Hardy



## Cascade State University

*For Oregon, For Excellence*

October 20, 2018

Dear Haden,

It is with a heavy heart that I must write this letter. Your contributions to the CSU community these past years has been nothing short of incredible. As we mentioned in our in person meeting with you on October 1st, we here at Cascade State University are deeply appreciative of the moral, spiritual, and financial support you have provided the school. Your commitment to the well-being and success of our college athletes, especially those in our track & field program cannot be understated. The countless hours of your time, and significant financial contributions have certainly helped cement CSU as a leading destination for promising student athletes in the Pacific Northwest.


This makes it all the more disappointing in light of recent events and news that has been uncovered about your untoward, and immoral behavior. As we stated in our meeting, CSU prides itself on upholding the highest standards, academically, as well as ethically. Your disregard for those ethics flies in the face of over a century of this university's reputation, which has been built by hundreds of fine academics, students, professors, and others. Though we appreciate your forthrightness, in regards to your, undoubtedly, questionable actions, we have no choice but to act.

For your actions, specifically, engaging in immoral contact with three CSU student athletes, you will be banned from CSU activities for three months. You must not repeat your actions in the future, which include falsely employing students at no-show jobs, as a pretense to supplying endless amounts of cash to CSU students. Additionally, you are never to, as you have admitted to us, coerce information about competitive sports events from our athletes and suggest, in no uncertain terms, that our athletes modify or withhold performance from their sport, in order for your own financial gain. Please let this be the last time we need to discuss these types of matters with you.

Sincerely,

  
Dean Amy Honts-Hylton

EXHIBIT 4: Text Messages Between Murguia & Lannister

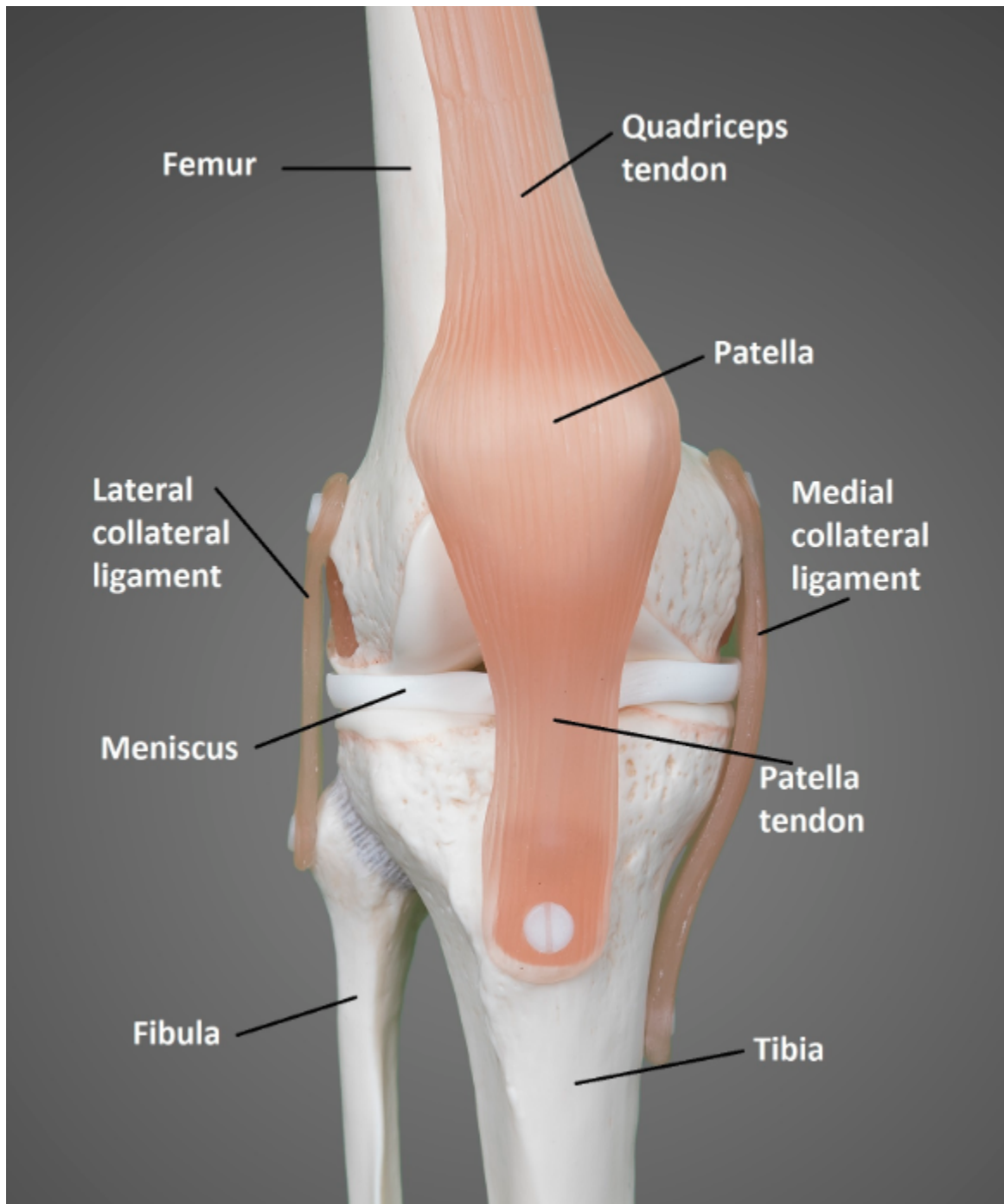
		
		July 1, 2022; 3:05pm
		July 1, 2022; 3:05pm
		July 1, 2022; 3:06pm
		July 1, 2022; 3:08pm
July 1, 2022; 5:17pm		
		July 12, 2022; 10:01am
July 12, 2022; 10:05am		
		July 12, 2022; 10:06am



**EXHIBIT 5: Murguia's X-Ray (after July 9, 2022) & Healthy Knee Model**



\*Arrows point to shattered kneecap sections



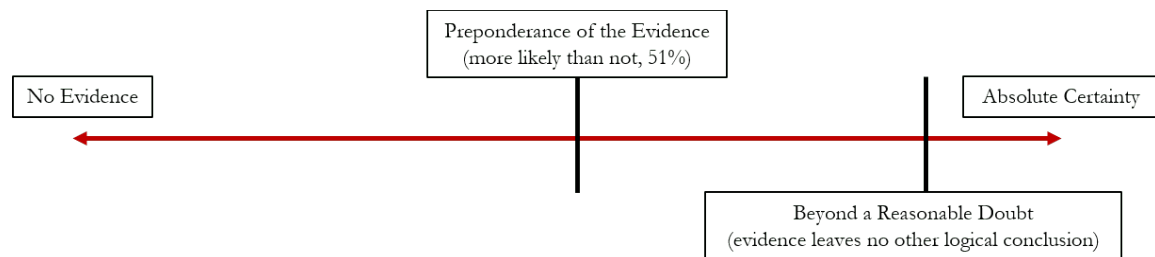
## II. The Form and Substance of this Criminal Trial

### A. The Elements of a Civil Case

In a civil lawsuit, when a person allegedly commits a wrong against another (other than a breach of contract), it is called a “tort”; a “tort” is a civil wrong committed by one person against another. The injured party (the plaintiff) may sue the wrongdoer (the defendant) in court for a remedy which is usually money damages.

### B. Preponderance of the Evidence

The plaintiff must prove the plaintiff’s claims by what the law refers to as a “preponderance of the evidence.” That means that the plaintiff must persuade you by evidence that makes you believe that the plaintiff’s claims are more likely true than not true. After weighing all of the evidence, if you cannot decide that something is more likely true than not true, you must conclude that the plaintiff did not prove it. You should consider all of the evidence in making that determination, no matter who produced it.



### C. Claims, Statutes, and Legal Foundation

#### BATTERY/RESPONDEAT SUPERIOR

In this case, the plaintiff has brought a claim for “battery.” To establish a claim of battery, a plaintiff must prove that Devin Lannister:

1. Had an intent to cause harmful or offensive physical contact with the plaintiff; and
2. Engaged in an act that caused harmful or offensive physical contact with the plaintiff.

Additionally, because the plaintiff seeks to hold the defendant liable based on the doctrine of respondeat superior, the plaintiff must further prove the following:

3. Lannister was subject to the defendant’s control;
4. Lannister engaged in the conduct that the plaintiff alleges on behalf of the defendant; and
5. The defendant intended for or authorized Lannister to engage in the conduct that the plaintiff alleges.

### D. Role Descriptions

## Attorneys

Trial attorneys present evidence to support their side of the case. They introduce physical evidence and elicit witness testimony to bring out the facts surrounding the allegations.

The Plaintiff's attorneys present the case for the plaintiff, Maren Murguia. By questioning witness, they will try to convince the jury that the Defendant, Haden Hardy, is liable by a preponderance of the evidence.

The Defense attorneys will present the case of the defendant, Haden Hardy. They will offer their own witnesses and evidence to show their client's version of the facts. They may undermine the Plaintiff's case by showing that the Plaintiff's witnesses cannot be depended upon, that their witness testimony makes no sense or is inconsistent, or by presenting physical evidence that contradicts that brought by the Plaintiff.

The demeanor of **all attorneys** is very important. It is easy to be sympathetic and supportive on direct examination of your own witnesses. While less easy, it is also important to be sympathetic on cross-examination. An effective cross-examination is one in which the cross-examiner, the witness, the judge, and the jury all agree on the outcome. It is poor form and unethical to be sarcastic, snide, hostile, or contemptuous on cross-examination. The element of surprise is a valuable tool in an attorney's tool belt, but it is best achieved by being friendly and winning in the courtroom, including when interacting with the other side.

Attorneys on both sides will:

- conduct direct and redirect (if necessary) examination;
- conduct cross-examination and recross (if necessary);
- make appropriate objections (**only the direct and cross-examining attorneys for a particular witness may make objections during that testimony**);
- be prepared to act as a substitute for other attorneys; and
- make an opening statement and a closing argument.

## Attorneys – Opening Statement

An opening statement outlines the case each side intends to present at trial. The attorney for the Plaintiff delivers the first opening statement and the Defense follows with the second. A good opening statement should explain what the attorneys plan to prove, what evidence they will use to prove it, mention the burden of proof and applicable law, and present the facts of the case in an orderly, easy to understand manner.

One way to begin your opening statement could be:

“Your Honor, members of the jury, my name is \_\_\_\_\_ and I represent the plaintiff/defendant in this case.”

Proper phrasing in an opening statement includes:

- “The evidence will indicate that...”
- “The facts will show that...”
- “Witness (use name) will be called to tell...”
- “The defendant will testify that...”

An attorney makes a successful opening statement when they appear confident, make eye contact with the judges, use the future tense when describing what their side will present, and uses notes sparingly and for reference.

## **Attorneys – Direct Examination**

Attorneys conduct direct examination of their own witnesses to bring out the facts of the case. Direct examination should:

- call for answers based on information provided in the case materials;
- reveal all of the facts favorable to your position;
- ask questions that allow the witness to tell the story (open-ended questions). Do not ask leading questions which call for only “yes” or “no” answers – leading questions are only allowed on cross-examination;
- make the witness seem believable;
- keep the witness from rambling.

Attorneys call a witness with a formal request:

“Your Honor, the Plaintiff/Defense would like to call \_\_\_\_\_ to the stand.”

The witness will have been sworn in by the Presiding Judge at the beginning of the trial or the clerk will swear in the witness before you begin asking questions. It is good practice to ask your witness some introductory questions to help the witness feel more comfortable. Appropriate introductory questions might include asking the witness’s name, residence, present employment, etc.

Some examples of the phrasing of questions on direct examination include:

“Could you please tell the court what occurred on \_\_\_\_\_?”  
“How long did you remain in that spot?”  
“What happened while you waited?”

Conclude your direct examination with:

“Thank you \_\_\_\_\_. I have no further questions, your Honor.”

To prepare for direct examination, an attorney should isolate the information each witness can contribute to proving the case and prepare a series of clear and simple questions designed to obtain that information. Good attorneys make certain that all items needed to prove the case are presented through the witnesses, never ask a question they don't know the answer to and listen very carefully to the answers given before asking the next question. It is appropriate to ask the judge for a brief moment to collect your thoughts or confer with co-counsel if needed.

## **Attorneys – Cross Examination, Re-Direct, Re-Cross, and Closing**

- For cross-examination, see explanations, examples, and tips for [Rule 611](#).
- For redirect and recross, see explanations, and note to [Rule 41](#) and [Rule 611](#).

- For closing, see explanation to [Rule 42](#).

## Witnesses

Witnesses supply the facts in the case. A witness's official source of testimony is the witness's statement, all stipulations, and exhibits a witness would reasonably have knowledge of.

A witness may testify to facts stated in or reasonably inferred from the record. If an attorney asks a witness a question and there is no answer to it in the official record, the witness may choose how to answer it. A witness may reply, "I don't know," or "I don't remember," or can infer an answer from the facts the witness officially knows. Inferences are only allowed if they are *reasonable*. If the inference contradicts the official statement, the witness can be impeached. [See Rule 3](#).

It is the responsibility of the attorneys to make the appropriate objections when witnesses are asked to testify about something that is not generally known or cannot be inferred from the witness statement. If an objection is not made, the testimony will stand.

## IN-PERSON COMPETITION

### Court Clerk and Bailiff

It is recommended that a team provide two separate team members for these roles. If a team only provides one person for both roles, then that person must be prepared to perform as clerk or bailiff in every trial. The court clerk and bailiff aid the judge during the trial. For the purpose of the competition, the duties described below are assigned to the roles of clerk and bailiff.

The **Plaintiff** is expected to provide the **clerk**. The **Defense** provides the **bailiff**.

When evaluating the team performance, the Presiding Judge will consider contributions by the clerk and bailiff.

### Duties of the Clerk – Provided by the Prosecution

When the judge arrives in the courtroom, the clerk should introduce themselves and explain that they will assist as the court clerk. The clerk's duties are as follows:

1. **Roster and rules of competition:** The clerk is responsible for bringing a roster of students and their roles to each trial round. The clerk should have enough copies to be able to give a roster to each judge in every round, one for the opposing team, and some extras (5-6 copies per round). The [roster form](#) contained in this packet should be used. In addition, the clerk is responsible for bringing a copy of the "Rules of Competition" to each round. In the event that questions arise, and the judge needs clarification, the clerk shall provide this copy to the judge.
2. **Swear in the Witnesses:** The clerk should swear in each witness as follows:

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

Witness responds, “I do.”

Clerk then says, “Please be seated, state your name for the court, and spell your last name.”

3. **Provide Exhibits:** The clerk should provide copies of the exhibits for attorneys or judges if requested (both sides should have their own copies of the exhibits, however, a well-prepared clerk has spare copies).
4. **Extra Duties:** A clerk may also be asked to perform other duties to assist the judges or Competition Coordinator. A clerk should be prepared to assist in whatever way possible to help the competition run smoothly.

A proficient clerk is critical to the success of a trial and points will be given on their performance.

### **Duties of the Bailiff – Provided by the Defense**

When the judge arrives in the courtroom, the bailiff should introduce themselves and explain that they will assist as the court bailiff. The bailiff's duties are to call the court to order and to keep time during the trial.

1. **Call to Order:** As the judges enter the courtroom, the bailiff says, “All rise. The Court with the Honorable Judge \_\_\_\_\_ presiding, is now in session. Please be seated and come to order.” Whenever the judges leave or enter the courtroom, you should ask the audience to rise.
2. **Timekeeping:** **The bailiff is responsible for bringing a stopwatch to the trial.** The stopwatch cannot be a cell phone; no electronic devices are permitted. A bailiff should practice with the stopwatch and know how it works before the competition. Time limits are provided for each segment of the trial. The bailiff should keep track of time used and time remaining for each segment of the trial using the timesheet provided in this packet.

**Time should stop when attorneys make objections and restart after the judge has ruled on the objection and the next question is asked by the attorney. The time should also stop if the judge questions a witness or attorney.**

After each witness has finished testifying, the bailiff should announce the time remaining in the segment. For instance, if after direct examination of two witnesses, the Prosecution has used 12 minutes announce, "Eight minutes remaining." (20 minutes total allowed for direct/redirect, less the 12 minutes already used). After each witness has completed his/her testimony, the bailiff marks the timesheet the time to the nearest 10 seconds. When three minutes remain, the bailiff holds up the "3 minutes" card, followed by the "1 minute" and "0" cards. When time has run out for a segment, the bailiff announces, "Time." The bailiff

should make certain the time cards are visible to all judges and attorneys when they are held up.

Timesheets for each round will be provided at the competition. The bailiff is responsible for bringing the sheets to each round. Each team will also be provided with time cards.

A proficient bailiff who times both teams in a fair manner is critical to the success of a trial. Points will be given on the bailiff's performance.

## **Team Manager and Unofficial Timer**

### **Team Manager (optional)**

Teams may wish to have a person acting as Team Manager. This person can be responsible for tasks such as keeping phone numbers of all team members and ensuring that everyone is well-informed of meeting times, Q&A posts, and so on. In case of illness or absence of a team member, the manager could keep a record of all witness testimony and a copy of all attorneys' notes so that someone else may fill in. This individual could also serve as the clerk or bailiff. This position is not required for the competition.

### **Unofficial Timekeeper (optional)**

Teams may provide an unofficial timekeeper during the trial rounds. The unofficial timekeeper can be a clerk or a currently performing attorney from the Plaintiff's side. This unofficial timekeeper must be identified before the trial begins and may check the time with the bailiff twice during the trial (once during the Plaintiff's case-in-chief and once during the presentation of the Defense's case). When possible, the unofficial timekeeper should sit next to the official timekeeper.

Any objections to the bailiff's official time must be made by the unofficial timekeeper during the trial before the judges score the round. The Presiding Judge shall determine if there has been a rule violation and whether to accept the bailiff's time or make a time adjustment. Only current-performing team members in the above-stated roles may serve as unofficial timekeepers.

To conduct a time check, the unofficial timekeeper should request one from the Presiding Judge and ask the bailiff how much time was recorded in every completed category for both teams. The unofficial timekeeper should then compare times with the bailiff. If the times differ *significantly*, the unofficial timekeeper should notify the judge and ask for a ruling as to the time remaining. If the judge approves the request, the unofficial timekeeper should consult with attorneys and determine if time should be added or subtracted in any category. If the judge does not allow a consultation, the unofficial timekeeper may request an adjustment. The following sample questions and statements may be used.

“Your Honor, before calling the next witness, may I compare time records with the bailiff?”

“Your Honor, there is a discrepancy between my records and those of the bailiff. May I consult with the attorneys on my team before requesting a ruling from the court?”



"Your Honor, we respectfully request that \_\_\_\_ minutes/seconds be subtracted from the Prosecution's direct/cross-examination."

"Your Honor, we respectfully request that \_\_\_\_ minutes/seconds be added to the Defense direct/cross-examination."

The trial should not be interrupted for minor time differences. A team should determine in advance a minimum time discrepancy to justify interrupting the trial. The unofficial timekeeper should be prepared to show records and defend requests. Frivolous complaints will be considered by judges when scoring for the round. Likewise, valid complaints will be considered against the violating team.

Time shall be stopped during a timekeeping request.

## **VIRTUAL COMPETITION**

### **Swearing in of the Witnesses**

In virtual competitions, all witnesses will be sworn in by the Presiding Judge as a preliminary matter. The Presiding Judge will use the following oath:

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

All witnesses respond, "I do."

Subsequently, the attorneys for each side will ask each witness to "state your name for the court, and spell your last name" as the first question when the witness begins their testimony.

### **Timekeepers**

**Both teams** will provide a timekeeper to keep time throughout the trial. Timekeepers are responsible for providing their own timekeeping devices. Time limits are provided for each segment of the trial. The timekeeper should keep track of time used and time remaining for each segment of the trial using the timesheet provided at the end of this packet.

**Time should stop when attorneys make objections and restart after the judge has ruled on the objection and the next question is asked by the attorney. The time should also stop if the judge questions a witness or attorney.**

Times should be announced by both timekeepers in the chat area of the Zoom courtroom. After each witness has finished testifying, the timekeepers should announce the time remaining in the segment. For instance, if after direct examination of two witnesses, a team has used 12 minutes, the timekeepers should type "8:00 remaining" in the chat area. (20 minutes total allowed for direct/redirect, less the 12 minutes already used). After each

witness completes his/her testimony, the timekeepers mark their timesheets with the time to the nearest 10 seconds. The timekeepers will announce a 3 minute, 1 minute, and TIME warning in the chat area of the Zoom courtroom. If the TIME announcement goes unnoticed, the timekeepers should unmute and announce TIME aloud.

Timekeepers are responsible for keeping time and providing time information if requested by performing students. Time should be stopped during a timekeeping request. Major discrepancies between the timekeepers should be settled by the Presiding Judge. The Presiding Judge will choose how to adjust the time in order to remedy the discrepancy. Minor time differences should not be brought to the Presiding Judge. Frivolous complaints concerning timekeeping will be considered by judges when scoring for the round.

## **Team Manager**

Teams may wish to have a person acting as Team Manager. This person can be responsible for tasks such as keeping phone numbers of all team members and ensuring that everyone is well-informed of meeting times, Q&A posts, and so on. In case of illness or absence of a team member, the manager could keep a record of all witness testimony and a copy of all attorneys' notes so that someone else may fill in. This individual could also serve as the timekeeper if needed. This position is not required for the competition.

### **III. General Rules of the Competition (Virtual & In-Person Applicable)**

#### **A. Administration**

##### **Rule 1. Rules**

All trials will be governed by the Rules of the Oregon High School Mock Trial Competition and the Federal Rules of Evidence – Mock Trial Version.

Rules of the competition, as well as rules of courthouse and courtroom decorum and security, must be followed. Classroom Law Project and Regional Coordinators have the authority to impose sanctions, up to and including forfeiture or disqualification, for any misconduct, flagrant rule violations, or breaches of decorum that affect the conduct of a trial or that impugn the reputation or integrity of any team, school, participant, court officer, judge, or mock trial program. Questions or interpretations of these rules are within the discretion of Classroom Law Project and its decisions are final.

##### **Rule 2. The Problem**

The problem is a fact pattern that contains statements of fact, stipulations, witness statements, exhibits, etc. Stipulations may not be disputed at trial. Witness statements may not be altered.

##### **Rule 3. Witness Bound by Statements**

Each witness is bound by the facts contained in their own witness statement, also known as an affidavit, and/or any necessary documentation relevant to their testimony. Fair extrapolations may be allowed, provided reasonable inference may be made from the witness' statement. If on direct examination, an attorney asks a question that calls for extrapolated information pivotal to the facts at issue, the information is subject to objection under Rule 4, Unfair Extrapolation.

If in cross-examination, an attorney asks for unknown information, the witness may or may not respond, so long as any response is consistent with the witness' statement and does not materially affect the witness's testimony. A witness may be asked to confirm (or deny) the presence (or absence) of information in their statement.

**Example.** A cross-examining attorney may ask clarifying questions such as, “Isn’t it true that your statement contains no information about the time the incident occurred?”

A witness is not bound by facts contained in other witness statements.

**MVP Tip continued:** In cross-examination, anticipate what you will be asked and prepare your answers accordingly. Isolate all of the possible weaknesses, inconsistencies, or other problems in your testimony and be prepared to explain them as best you can. Be sure that your testimony is never inconsistent with, nor a material departure from, the facts in your statement. You may be impeached if you contradict what is in your witness statement. See [Rule 607](#).

**MVP Tip:** As a witness, you will supply the facts in the case. You may testify only to facts stated in or reasonably inferred from your own witness statements or fact situation. On direct examination, when your side’s attorney asks you questions, you should be prepared to tell your story. Know the questions your attorney will ask and prepare clear answers that contain the information that your attorney is trying to elicit. However, do not recite your witness statement verbatim. Know its content beforehand so you can put it into your own words. Be sure that your testimony is never inconsistent with, nor a material departure from, the facts in your statement.

#### **Rule 4. Unfair Extrapolation**

Unfair extrapolations are best attacked through impeachment and closing arguments and are to be dealt with in the course of the trial. A fair extrapolation is one that is neutral. Attorneys shall not ask questions calling for information outside the scope of the case materials or requesting unfair extrapolation.

If a witness is asked information not contained in the witness’ statement, the answer must be consistent with the statement and may not materially affect the witness’s testimony or any substantive issue of the case.

Attorneys for the opposing team may refer to *Rule 4* when objecting and refer to the violation as “unfair extrapolation” or “outside the scope of the mock trial material.” Possible rulings a judge may give include:

1. no extrapolation has occurred;
2. an unfair extrapolation has occurred;
3. the extrapolation was fair; or
4. ruling taken under advisement.

When an attorney objects to an extrapolation, the judge will rule in open court to clarify the course of further proceedings. See [Rule 602](#) and [Rule 3](#). The decision of the Presiding Judge regarding extrapolation or evidentiary matters is final.

#### **Rule 5. Gender of Witnesses**

All witnesses are gender-neutral. Personal pronouns in witness statements indicating gender of the characters may exist but are inadvertent. Any student may portray the role of any witness of either gender. Teams are requested to indicate members’ gender pronouns on the Team Roster for the benefit of judges and opposing counsel.

#### **Rule 6. Student Accommodations (Students with Disabilities)**

The Rules of Competition will be interpreted and administered consistent with all applicable laws. Accordingly, should any applicable law require variance from these rules or accommodation of any competitor for any reason, including a legally-recognized disability, that team member or their coach may apply to Classroom Law Project for accommodation, and such reasonable accommodation shall be granted. Classroom Law Project will consider all requests and conduct an individualized assessment of the student with a disability’s request, to determine what reasonable accommodations can be made that will enable the student to participate to the fullest extent possible in Classroom

Law Project programming (i.e., Mock Trial). These accommodations may include adjustments of the Rules of Competition and program policies and practices, where appropriate. Classroom Law Project will consider the reasonableness of the accommodations; a request will not be granted that fundamentally alters the program. The timeliness of the request for accommodation may be material to whether an accommodation is granted. If a team is competing against a team for which an accommodation was granted, and the accommodation requires an alternation that impacts the opposing team, the team will be informed in advance of the accommodation, when possible, but will not be informed of the specific student nor their disability that led to the accommodation.

## B. The Trial

### Rule 7. Team Eligibility, Teams to State

Teams competing in the Oregon High School Mock Trial Competition must register by the registration deadline. A school may register **up to three teams**.

To participate in the state competition, a team must successfully compete at the regional level. Teams will be assigned to one of five regions when registration is complete. Every effort is made to allow teams to compete in the region in which their school or organization is physically located. If a region assignment causes substantial hardship to a team, the Competition Coordinator may change the assignment to address the hardship.

**All regional competitions will be held during the month of February, 2023.** Teams should be aware that the regional competition dates are subject to change by the Competition Coordinator due to scheduling requirements, availability of courtrooms, the needs of teams, or inclement weather. If dates change, teams will be notified through the Classroom Law Project’s “2022-2023 Oregon High School Mock Trial Hub” microsite.

All teams participating at the regional level must be prepared to compete at the state level should they finish among the top teams in their region. Students on the advancing team must be the same as those in the regional competition. Should a team be unable to compete in the state competition, Classroom Law Project may designate an alternate team. The **state competition** is scheduled for **March 11<sup>th</sup> – 12<sup>th</sup>, 2023**.

The number of teams advancing to the state competition will be determined as follows:

Number of Teams Competing in Region/Division	Number of Teams Advancing to State
5 or less	1
6-10	2
11-15	3
16-20	4
21-25	5
More than 25	TBD by Classroom Law Project

### Rule 8. Team Composition

A mock trial team must consist of a **minimum of six** and a **maximum of 18** students, all from the same school or organization. The timekeeper is not counted as a team member. Classroom Law

Project will determine on a case-by-case basis whether a team affiliated with an organization, rather than a school, is eligible to compete.

Additional students may be used in support roles as researchers, understudies, photographers, court reporters, and news reporters. However, none of these roles will be used in the competition.

**Note:** The National High School Mock Trial Competition limits teams to a maximum of nine members with no more than six competing in any given round. Oregon's advancing team may have to change the composition of the team in order to participate at the national level.

For a virtual competition, a mock trial team is defined as an entity that includes attorneys and witnesses for both the Plaintiff and Defense (students may play roles on both sides if necessary) and a timekeeper. For in-person competition, a mock trial team will be an entity that includes attorneys and witnesses for both the Plaintiff and Defense (again, students may play roles on both sides if necessary), a clerk and a bailiff.

All mock trial teams must submit a Team Roster listing the team name and all coaches and students to the Competition Coordinators prior to the beginning of the regional competitions. If a team fails to submit a Team Roster by the deadline, the team will forfeit their space in the competition. Once rosters have been submitted, students may not be added or substituted in a role. If there is an emergency causing a student to be absent from the competition, students must follow the emergency absence procedure contained in these materials. **If a school or organization enters more than one team in the competition, team members cannot switch teams at any time for any round of regional or state competition.**

Schools will provide a color to accompany the team name in order to differentiate between teams from the same school. For instance, West Ridge Green and West Ridge Purple.

For purposes of competition, all teams will be assigned a random letter code such as EQ or MZ. The code is assigned to maintain anonymity of the team for judging. Teams will be assigned a letter code by Classroom Law Project prior to the competition. Notification of the letter code assignments will be made via the Classroom Law Project's "2022-2023 Oregon High School Mock Trial Hub" microsite.

## **Rule 9. Team Presentation**

Teams must present both the Plaintiff and Defense sides of the case. All team members must be available to participate in all rounds. The Competition Coordinators will make certain that both the Plaintiff and Defense sides of each team will have at least one opportunity to argue its side of the case at competition.

**Note:** Because teams are power-matched after Round 1, there is no guarantee that a team will automatically switch sides for Round 2. However, if a team argues the same side in Rounds 1 and 2, they will be guaranteed to switch sides in Round 3. Parents/observers should be made aware of this rule.

## **Rule 10. Team Duties**

Team members should divide their duties as evenly as possible.

Opening statements must be given by both sides at the beginning of the trial. The attorney who will examine a particular witness on direct is the only person who may make objections to the opposing attorney's questions of that witness's cross-examination, and vice versa.

Each team must call all three witnesses. Failure to do so results in a mandatory two-point penalty. Witnesses must be called by their own team and examined by both sides. Witnesses may not be recalled by either side.

## **Rule 11. Swearing in the Witnesses**

In a virtual competition, the Presiding Judge will swear in all witnesses before the trial begins as a preliminary matter using the following oath:

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

In an in-person competition, the clerk, provided by the Plaintiff, swears in each witness as they are seated, using the same oath.

## **Rule 12. Trial Sequence and Time Limits**

Each side will have a maximum of 43 minutes to present its case. The trial sequence and time limits are as follows:

Introductory Matters/Swearing-In of Witnesses	5 minutes total (conducted by Presiding Judge)*
Opening Statement	5 minutes per side
Direct and Re-Direct (optional)	20 minutes per side
Cross and Re-Cross (optional)	15 minutes per side
Closing Argument	5 minutes per side**
Judges' Deliberations	7 minutes total (judges in private)*
Total Competition Time Per Side	45 minutes

\*Not included in 45 minutes allotted for each side of the case.

\*\*Plaintiff may reserve time for rebuttal at the beginning of its Closing Argument. The Presiding Judge should grant time for rebuttal (if any time remains) even if time has not been explicitly reserved.

The Plaintiff delivers its Opening Statement and Closing Argument first. The Plaintiff may reserve a portion of its closing argument time for rebuttal. The rebuttal is limited to the scope of the Defense's closing argument. Objections are not allowed during the Opening Statement or Closing Argument.

None of the foregoing may be waived (except rebuttal), nor may the order be changed.

The attorneys are not required to use the entire time allotted to each part of the trial. Time remaining in one segment of the trial may not be transferred to another part of the trial.

## **Rule 13. Timekeeping**

Time limits are mandatory and will be enforced. Timing will stop during objections or extensive questioning from a judge. Timing will **not** stop during the admission of evidence unless there is an objection by opposing counsel.

For in-person competitions, Three- and One-Minute card warnings must be given before the end of each segment. Students will be stopped by the bailiff at the end of the allotted time for each segment. The bailiff will also time the judges' scoring time after the trial. The judging panel is allowed 7 minutes to complete their ballots. The bailiff will notify the judges when time has elapsed.

In virtual competitions, Three- and One-Minute warnings must be given before the end of each trial segment in the chat area of the Zoom courtroom. Both timekeepers should announce the time warnings. When time has expired, timekeepers will state TIME in the chat area. If the TIME call goes unnoticed, timekeepers will unmute and announce TIME aloud. The timekeepers will also time the judges' scoring time after the trial. The judging panel is allowed 7 minutes to complete their ballots. The timekeepers will notify the judges when time has elapsed.

#### **Rule 14. Time Extensions and Scoring**

The Presiding Judge has sole discretion to grant time extensions, though they should be rare. If time has expired and an attorney continues without permission from the Court, the scoring judges may account for overruns in time in their scoring.

#### **Rule 15. Supplemental Material, Illustrative Aids, Costuming**

Teams may refer only to materials included in these trial materials. No illustrative aids of any kind may be used unless provided in the case materials. No enlargements of the case materials will be permitted unless a necessary accommodation for a participant's disability. The Competition Coordinator should be made aware prior to the competition of any accommodation needed. Absolutely no props or costumes are permitted unless authorized in these case materials or by Classroom Law Project. Use of easels, flip charts, and the like is prohibited. Violation of this rule may result in a lower team score.

#### **Rule 16. Trial Communication**

Coaches, non-performing team members, alternates, and observers (each team will be allowed three observers per round in a virtual competition) shall not talk, signal, communicate with, or coach their teams during trial. This rule remains in force during any recess time that may occur. Performing team members may communicate among themselves during trial, however, no disruptive communication is allowed. In virtual competitions, communication shall not occur in the Zoom courtroom chat area. Performing students may communicate among themselves by other means (Google Chat, text message, etc.) as long as the notifications are silent and the communication is not disruptive.

In virtual competitions, only team members participating in the round and coaches may be in the same physical room with the performing students. Spectators and non-performing team members must not be in the same physical room as performing team members during the trial.

For in-person competitions, everyone in the courtroom shall turn off all electronic devices except stopwatches being used by the timekeeper(s). Non-team members, alternate team members, teachers



and coaches must remain outside the bar in the spectator section of the courtroom. Only team members participating in the round may sit inside the bar.

Communication in violation of these rules is grounds for disqualification from the competition. Competition Coordinators may exercise their discretion in deducting points if they find a complaint is frivolous or the conversation was harmless.

### **Rule 17. Viewing a Trial**

Team members, alternates, coaches, teacher-sponsors, and any other persons directly associated with a mock trial team, except those authorized by the Competition Coordinator, are **not** allowed to view other teams in competition, so long as their team remains in the competition. Courtroom artists may compete in a courtroom that is not associated with their school or organization.

### **Rule 18. Videotaping, Photography, Media**

Any team has the option to refuse participation in videotaping, audio recording, still photography, or media coverage. However, media coverage shall be allowed by the two teams in the championship round of the state competition. Trials may be recorded by participating teams as long as the opposing team approves.

#### **C. Before the Trial**

### **Rule 19. Stipulations**

[Stipulations](#) shall be considered part of the record and already admitted into evidence.

### **Rule 20. The Record**

No stipulations, pleadings, or jury instructions shall be read into the record.

### **Rule 21. Motions Prohibited**

The only motion permissible is one requesting the judge strike testimony following a successful objection to its admission.

### **Rule 22. Objection During Opening Statement, Closing Argument**

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

**Note:** It will be the Presiding Judge's responsibility to handle any legally inappropriate statements made in the closing argument. All judges may consider the matter's weight when scoring.

#### **D. Presenting Evidence**

### **Rule 23. Objections**

#### **1. Argumentative Questions**

An attorney shall not ask argumentative questions.

**Example:** During cross-examination of an expert witness the attorney asks, “You aren’t as smart as you think you are, are you?”

## 2. Lack of Proper Foundation

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

## 3. Assuming Facts Not in Evidence

Attorneys may not ask a question that assumes unproven facts. However, an expert witness may be asked a question based upon stated assumptions, the truth of which is reasonably supported by the evidence (sometimes called a *hypothetical question*).

## 4. Questions Calling for Narrative or General Answer

Attorneys may not ask questions that are so general that they do not call for a specific answer.

**Example:** “Tell us what you know about the case.”

## 5. Non-Responsive Answer

A witness’ answer is objectionable if it fails to respond to the question asked.

**MVP Tip:** This objection also applies to a witness who talks on and on unnecessarily in an apparent ploy to run out the clock at the expense of the other team.

## 6. Repetition

Questions designed to elicit the same testimony or evidence previously presented in its entirety are improper if merely offered as a repetition of the same testimony or evidence from the same or similar source.

### Rule 24. Procedure for Qualifying Expert Witnesses

Only a witness who is qualified as an expert may give an opinion as to scientific, technical, or other specialized knowledge in the area of their expertise. The following steps will effectively qualify an expert:

1. Ask the expert to describe factors such as education, professional training, work experience, special skills, or publications they have authored.
2. Ask the Court to qualify the witness as an expert in a particular field.

3. Once qualified, ask for witness's expert opinion on\_\_.

**Example:** The wife of Harold Hart is suing General Hospital for malpractice. She claims the hospital did not treat Mr. Hart for an obvious heart attack when he was brought to the hospital. Mrs. Hart's lawyer is examining the hospital's expert witness, Dr. Jones:

**Attorney:** "Dr. Jones, what is your occupation?"

**Witness:** "I am a heart surgeon at the Oregon Health & Science University Knight Cardiovascular Institute."

**Attorney:** "Where did you attend medical school?"

**Witness:** "I graduated from OHSU Medical School in 1985."

**Attorney:** "Where did you do your internship?"

**Witness:** "I did a two-year internship in Cardiology at Johns Hopkins University from 1985-1987."

**Attorney:** "Did you then specialize in any particular field of medicine?"

**Witness:** "Yes, I specialized in the treatment of heart attacks and cardiothoracic surgery."

**Attorney:** "Have you published any books or articles on the topic?"

**Witness:** "Yes, I have written several chapters in medical texts on heart surgery and care for patients after heart attacks."

**Attorney:** "Do you hold any professional licenses?"

**Witness:** "Yes, I am certified by both the Oregon and Washington Boards of Medical Examiners to practice medicine in both states."

**Attorney:** "Your Honor, I ask that Dr. Jones be qualified as an expert in the fields of cardiothoracic surgery and heart attack care."

**Judge:** "Any objections?"

## **Rule 25. Redirect, Recross**

Redirect and recross examinations are permitted, provided they conform to the restrictions in [Rule 611\(d\)](#).

### **E. Closing Arguments**

## **Rule 26. Scope of Closing Arguments**

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

**MVP Tip:** A good closing argument summarizes the case in the light most favorable to your position. The Prosecution delivers the first closing argument and should reserve time for rebuttal before beginning. The closing argument of the Defense concludes that side's presentation.

A closing argument should:

- be spontaneous and synthesize what actually happened in the court;
- be emotionally charged and strongly appealing (unlike the calm, composed opening statement);
- review the witnesses' testimony and physical evidence presented, but not raise new facts;
- outline the strengths of your side's witnesses and the weaknesses of your opponent's witnesses;
- isolate the issues and describe briefly how your presentation addressed these issues;
- attempt to reconcile any inconsistencies in your presentation;

## F. Critique

### Rule 27. The Critique

There is **no oral critique** from the judging panel. At the conclusion of the trial, each judge may make a brief, general, congratulatory statement to each team. Substantive comments or constructive criticism may be included on judges' ballots at their discretion. Judges' written comments will be shared with teams following the competition.

## G. Judging and Team Advancement

### Rule 28. Decisions

All decisions of the judging panels are FINAL.

### Rule 29. Composition of Panel

The judging panel will consist of four individuals: one Presiding Judge and three scoring judges. All scoring judges shall score teams using the sample ballot provided in these materials. The Presiding Judge shall not cast a ballot, but provide a tiebreaker score to be used in case of a tie ballot. The scoring judges shall cast ballots based on the performances of the student attorneys and student witnesses. All judges receive the mock trial case materials, a memorandum outlining the case, orientation materials, and a briefing in a judges' orientation.

If necessary to continue competition, the Competition Coordinator may allow two judges to score a trial. In that instance, the third ballot will be either from the Presiding Judge or an average of the two scoring judges' scores.

### Rule 30. Ballots

The term "ballot" refers to the decision made by each judge as to which side had the better performance in a round. Each judge casts a ballot based on all team members' performances. Each

judge completes their own ballot. Fractional points are not allowed. The team that earns the most points on an individual judge's ballot is the winner of that ballot. In the instance of a tie ballot, the Presiding Judge's tiebreaker score will be used to determine the winner of the ballot. The team that wins the majority of the three ballots wins the round. The winner of the round shall not be announced during the competition.

### **Rule 31. Team Advancement**

Teams will be ranked based on the following criteria in the order listed:

1. Win/Loss Record – the number of rounds won or lost by a team;
2. Total Number of Ballots – the number of judges' votes a team earned in preceding rounds;
3. Points accumulated through Point Comparison system;
4. Point Spread Against Opponents – used to break a tie, the point spread is the difference between the total points earned by the team whose tie is being broken less the total points of that team's opponent in each previous round. The greatest sum of these point spreads will break the tie in favor of the team with the largest cumulative point spread.

### **Rule 32. Power Matching**

Pairings for the first round of each regional competition will be selected randomly. A power matching system will determine opponents for all other rounds. The teams emerging with the strongest record from the three rounds of regional competition will advance to the state competition. At the state competition, pairings for the first round will once again be selected randomly and the two teams emerging with the strongest records from the first three rounds will advance to the championship round, round, where the winner will be determined by the ballots from the championship round only.

Power matching provides that:

1. Pairings for the first round of competition at both the regional and state levels will be randomly selected;
2. All teams are guaranteed to present each side of the case at least once;
3. Brackets will be determined by win/loss record. Sorting within brackets will be determined in the following order: (a) win/loss record, (b) ballots, and (c) total points. The team with the highest number of ballots in the bracket will be matched with the team with the lowest number of ballots in the bracket; the next highest with the next lowest, and so on until all teams are paired;
4. If there is an odd number of teams in a bracket, the team at the bottom of that bracket will be matched with the top team from the next lower bracket;
5. Efforts will be made to assure teams do not meet the same opponent twice;
6. To the greatest extent possible, teams will alternate side presentation in subsequent rounds;
7. Bracket integrity in power matching supersedes alternate side presentation.

Competition Coordinators in smaller regions (less than eight teams) have the discretion to modify power matching rules to create a fairer competition.

### **Rule 33. Merit Decisions**

Judges **shall not** announce a ruling either based on the legal merits of the trial or based on the ballots and score sheets.

### **Rule 34. Effect of Bye, Default, or Forfeiture**

A bye becomes necessary when an odd number of teams compete in a region and a Bye-Buster team cannot be assembled. The bye in the first round is assigned randomly. In Rounds 2 and 3, the bye is given to the team with the lowest cumulative score at that point in the competition.

For the purposes of advancement and seeding, when a team draws a bye or wins by default in Round 1, that team will be given a win and, temporarily, the average number of ballots and points earned by all Round 1 winners. A team that wins by default or draws a bye in Round 2 will be given a win and, temporarily, the average number of ballots and points earned by all the Round 2 winners. A team that wins by default or draws a bye in Round 3 will be given a win and an average of that team's wins and ballots from Rounds 1 and 2. Once Round 3 is completed, the average ballots initially used by bye teams or default winners will be replaced with the average of their own ballots and points from the 2 rounds in which they competed.

For the purposes of advancement and seeding (not final scoring), a team that forfeits Round 1 will be given a loss and, temporarily, the average number of ballots and points earned by all Round 1 losers. A team that forfeits Round 2 will be given a loss and, temporarily, the average number of ballots and points earned by all Round 2 losers. A team that forfeits Round 3 will be given a loss and the average number of ballots and points earned by that team in Rounds 1 and 2. Once Round 3 is completed, the average ballots and points initially used by forfeiting teams will be replaced with an average of their own ballots and points from the 2 rounds in which they competed.

If a Bye-Buster team can be created for a round of competition, the Bye-Buster team will be the opponent of team that qualified for the bye. The Bye-Buster team will be made up of competitors from various teams, who are not performing in that specific round of competition. The Bye-Buster team members must be from teams and schools other than the team that qualified for the bye round (i.e, the opposing team). Bye-Buster team members will be chosen on a voluntary basis, but, if a Bye-Buster team requires members, and not enough volunteers come forward, the Competition Coordinator can task a non-competing student to participate in the Bye-Buster team.

The Bye-Buster Team will not have their score added to their overall team score, and will only serve as a live competitor for the team that qualified for the Bye. The team that qualified for the Bye will, per the pre-existing rules, be awarded a win, regardless of trial outcome, but will be awarded the total number of Ballots and Points, based upon the Judges' scores. Meaning, at the end of the round, the team that qualified for the Bye will have a Win, and their total Ballots and Points applied to their overall competition score and rankings.

## **H. Dispute Settlement**

### **Rule 35. Reporting Rules Violation – Inside the Bar**

At the conclusion of each trial round, the Presiding Judge will ask each side if it would like to bring a Rule 35 challenge. If any team has serious reason to believe that a material rule or ethical violation has occurred, one of its student attorneys shall indicate that the team intends to bring a challenge. The student attorney may communicate with co-counsel and student witnesses before lodging the notice of a challenge or in preparing the Rule 35 Reporting Form contained in these materials. **At no time in this process may team sponsors or coaches communicate or consult**

**with the student attorneys. Only student attorneys may invoke challenge procedures.** Teams filing frivolous challenges may be penalized.

### **Rule 36. Dispute Resolution Procedure**

At the conclusion of the trial, the Presiding Judge will ask both teams if they have Rule 35 challenges for *material* rule or ethical violations.

In a virtual competition, any team bringing a challenge will have **3 minutes** to complete the online violation form and place the link in the Zoom chat area. The judge will not provide the link to the blank form. If both teams have challenges, they should complete their forms at the same time.

The Presiding Judge will review the challenge and determine whether or not it merits a hearing. If the challenge is deemed not to merit a hearing, the Presiding Judge will deny the challenge outright.

If the Presiding Judge decides the challenge merits a hearing, the hearing will be held in open court. Each team will have **2 minutes** to argue the challenge. After arguments, the Presiding Judge will determine whether or not there was a *material* violation.

The Presiding Judge's decision **will not** be announced.

The timekeepers **MUST** time these proceedings. Time should not be extended or estimated.

In an in-person competition, the Presiding Judge will review the written dispute and determine whether the dispute deserves a hearing or should be denied. If the dispute is denied, the Presiding Judge will record the reasons for denial, announce the decision to the Court, and retire along with the other judges to complete the scoring process.

If the Presiding Judge determines the grounds for the dispute merit a hearing, the form will be shown to opposing counsel for their written response. After the team has recorded its response and transmitted it to the Presiding Judge, the Presiding Judge will ask each team to designate a spokesperson. Spokespersons will have 5 minutes maximum to prepare their arguments, after which the Presiding Judge will conduct a hearing, providing each spokesperson three minutes to present their argument. Spokespersons may be questioned by the judge. At no time during the process may team sponsors or coaches communicate or consult with the student attorneys. After the hearing, the Presiding Judge will adjourn the court and retire to consider a ruling on the dispute. That decision will be recorded on the dispute form with no further announcement.

### **Rule 37. Effect of Violation on Score**

If the Presiding Judge determines that a substantial rules violation or a violation of the Code of Ethical Conduct has occurred, the judge will inform the scorers of the dispute and provide a summary of each team's argument. Two penalty points will also be deducted from the violating teams score and indicated on the Presiding Judge's ballot. The decision of the Presiding Judge is FINAL.

### **Rule 38. Reporting Rules Violation – Outside the Bar**

Charges of ethical violations that involve people other than performing student team members must be made **promptly** to a Competition Coordinator, who will ask the complaining party to complete

the Rule 38 Reporting Form. The form will be submitted to the Competition Coordinator who will rule on any actions to be taken regarding the charge, including notification of the judging panel. Violations occurring during a trial involving competing students should be handled according to Rule 35.

#### **IV. In-Person Mock Trial Rules of Procedure**

##### **A. Before the Trial**

##### **Rule 39. Team Roster**

Copies of the [Team Roster](#) shall be completed and duplicated by each team prior to arrival at the courtroom for each round of competition. Teams must be identified by their letter code only; no information identifying team origin should appear on the form. Before beginning a trial, teams shall exchange copies of the Team Roster. Witness lists should identify the preferred gender pronouns of each witness for the benefit of the judges and the opposing team.

##### **Rule 40. Courtroom Setting**

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

##### **B. Beginning the Trial**

##### **Rule 41. Jury Trial**

The case will be tried to a jury; arguments are to be made to the Presiding Judge and jury. Teams may address the judges seated in the jury box as the jury.

##### **Rule 42. Motions Prohibited**

The only motion permissible is one requesting the judge strike testimony following a successful objection to its admission.

##### **Rule 43. Standing During Trial**

Unless excused by the Presiding Judge, attorneys will stand while giving opening statements and closing arguments, direct and cross-examinations, and for all objections.

##### **Rule 44. Objection During Opening Statement, Closing Argument**

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

##### **C. Presenting Evidence**

##### **Rule 45. Procedure for Introduction of Exhibits**

The following steps effectively introduce evidence:

##### **Introduce the Item for Identification**



1. Hand a copy of the exhibit to opposing counsel while asking permission to approach the bench. "I am handing the Clerk what has been marked as Exhibit \_\_\_\_\_. I have provided a copy to opposing counsel. I request permission to show Exhibit \_\_\_\_\_ to witness \_\_\_\_\_."
2. Show the exhibit to the witness. "Can you please identify Exhibit \_\_\_\_\_ for the Court?"
3. The witness identifies the exhibit.

#### **Offer the Item into Evidence**

1. Offer the exhibit into evidence. "Your Honor, we offer Exhibit \_\_\_\_\_ into evidence at this time. The authenticity of the exhibit has been stipulated."
2. Court: "Is there an objection?" If opposing counsel believes a proper foundation has not been laid, the attorney should be prepared to object at this time.
3. Opposing counsel: "No, Your Honor," or "Yes, Your Honor." If yes, the objection will be stated on the record. Court: "Is there any response to the objection?"
4. Court: "Exhibit \_\_\_\_\_ is/is not admitted."

The attorney may then proceed to ask questions. If admitted, Exhibit \_\_\_\_\_ becomes a part of the Court's official record and, therefore, is handed over to the Clerk. The exhibit should not be left with the witness or taken back to counsel table.

Attorneys do not present admitted evidence to the jury because they have exhibits in their case materials; thus, there is no publishing to the jury.

#### **Rule 46. Use of Notes; No Electronic Devices**

Attorneys may use notes when presenting their cases. Witnesses, however, are not permitted to use notes while testifying. Attorneys may consult with one another at counsel table verbally or through the use of notes. The use of laptops or other electronic devices is prohibited.

### **VI. Federal Rules of Evidence – Mock Trial Version**

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

For purposes of mock trial competition, the Rules of Evidence have been modified and simplified. They are based on the Federal Rules of Evidence. **The numbering of some rules does not match the Federal Rules of Evidence and some rule numbers or sections are skipped because those rules were not deemed applicable to mock trial procedure.**

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

## **Article I. General Provisions**

### **Rule 101. Scope**

The *Mock Trial Rules of Competition* and these *Federal Rules of Evidence – Mock Trial Version* govern the Oregon High School Mock Trial Competition.

### **Rule 102. Purpose and Construction**

These Rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.

## **Article II. Judicial Notice**

### **Rule 201. Judicial Notice of Adjudicative Facts**

1. This rule governs judicial notice of an adjudicative fact only, not a legislative fact.
2. The court may judicially notice a fact that is not subject to reasonable dispute because it is a matter of mathematical or scientific certainty. For example, the court could take judicial notice that  $10 \times 10 = 100$  or that there are 5,280 feet in a mile.
3. The court must take judicial notice if a party requests it and the court is supplied with the necessary information.
4. The court may take judicial notice at any stage of the proceeding.
5. A party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed.
6. In a civil case, the court must instruct the jury to accept the noticed fact as conclusive. In a criminal case, the court must instruct the jury that it may or may not accept the noticed fact as conclusive.

## **Article IV. Relevancy and Its Limits**

### **Rule 401. Definition of Relevant Evidence**

Evidence is relevant if:

1. it has any tendency to make a fact more or less probable than it would be without the evidence; and
2. the fact is of consequence in determining the action.

### **Rule 402. General Admissibility of Relevant Evidence**

Relevant evidence is admissible unless these rules provide otherwise. Irrelevant evidence is not admissible.

**Example:** Questions and answers must relate to an issue in the case. The following is likely inadmissible in a traffic accident case: “Mrs. Smith, how many times have you been married?”

### **Rule 403. Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, etc.**

The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.

### **Rule 404. Character Evidence; Crimes or Other Acts**

#### **a) Character Evidence**

1. Prohibited Uses. Evidence of a person's character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.
2. Exceptions for a Defendant or Victim in a Criminal Case. The following exceptions apply in a criminal case:
  - A. a defendant may offer evidence of the defendant's pertinent trait, and if the evidence is admitted, the prosecution may offer evidence to rebut it;
  - B. a defendant may offer evidence of an alleged victim's pertinent trait, and if the evidence is admitted the prosecution may:
    - i. offer evidence to rebut it; and
    - ii. offer evidence of the defendant's same trait; and
  - C. in a homicide case, the prosecution may offer evidence of the alleged victim's trait of peacefulness to rebut evidence that the victim was the first aggressor.
3. Exceptions for a Witness. Evidence of a witness's character may be admitted under Rules [607](#), [608](#), and [609](#).

#### **b) Crimes, Wrongs, or Other Acts**

1. Prohibited Uses. Evidence of a crime, wrong, or other act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.
2. Permitted Uses. This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident.

### **Rule 405. Methods of Proving Character**

- a) By Reputation or Opinion. When evidence of a person's character or character trait is admissible, it may be proved by testimony about the person's reputation or by testimony in the form of an opinion. On cross-examination of the character witness, the court may allow an inquiry into relevant specific instances of the person's conduct.
- b) By Specific Instances of Conduct. When a person's character or character trait is an essential element of a charge, claim, or defense, the character or trait may also be proved by relevant specific instances of the person's conduct.

### **Rule 406. Habit, Routine Practice**

Evidence of a person's habit or an organization's routine practice may be admitted to prove that on a particular occasion the person or organization acted in accordance with the habit or routine practice. The court may admit this evidence regardless of whether it is corroborated or whether there was an eyewitness.

### **Rule 407. Subsequent Remedial Measures**

When measures are taken that would have made an earlier injury or harm less likely to occur, evidence of the subsequent measures is not admissible to prove:

1. negligence;
2. culpable conduct;
3. a defect in a product or its design;
4. a need for a warning of instruction.

But the court may admit this evidence for another purpose, such as impeachment or – if disputed – proving ownership, control, or the feasibility of precautionary measures.

### **Rule 408. Compromise Offers and Negotiations**

- a) Prohibited Uses. Evidence of the following is not admissible – on behalf of any party – either to prove or disprove the validity or amount of a disputed claim or to impeach by a prior inconsistent statement or contradiction:
  1. furnishing, promising, or offering – or accepting, promising to accept, or offering to accept – a valuable consideration in compromising or attempting to compromise the claim; and
  2. conduct or a statement made during compromise negotiations about the claim – except when offered in a criminal case and when the negotiations related to a claim by a public office in the exercise of its regulatory, investigative, or enforcement authority.
- b) Exceptions. The court may admit this evidence for another purpose, such as proving a witness's bias or prejudice, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

### **Rule 409. Offers to Pay Medical and Similar Expenses**

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

### **Rule 410. Pleas, Plea Discussions, and Related Statements**

1. Prohibited Uses. In a civil or criminal case, evidence of the following is not admissible against the defendant who made the plea or participated in the plea discussions:
  - a. a guilty plea that was later withdrawn;
  - b. a nolo contendere plea;
  - c. a statement made during a proceeding on either of those pleas under Federal Rule of Criminal Procedure 11 or a comparable state procedure; or
  - d. a statement made during plea discussion with an attorney for the prosecuting authority if the discussions did not result in a guilty plea or they resulted in a later-withdrawn guilty plea.
2. Exceptions. The court may admit a statement described in Rule 410 1.c. or d.:
  - a. in any proceeding in which another statement made during the same plea or plea discussions has been introduced, if in fairness the statements ought to be considered together; or
  - b. in a criminal proceeding for perjury or false statement, if the defendant made the statement under oath, on the record, and with counsel present.

### **Rule 411. Liability Insurance (civil cases only)**

Evidence that a person was or was not insured against liability is not admissible to prove whether the person acted negligently or otherwise wrongfully. But the court may admit this evidence for another purpose, such as proving a witness's bias or proving agency, ownership, or control.

## **Article V. Privileges**

### **Rule 501. General Rule**

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

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

## **Article VI. Witnesses**

### **Rule 601. General Rule of Competency**

Every person is competent to be a witness.

### **Rule 602. Lack of Personal Knowledge**

A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may consist of the witness's own testimony. This rule does not apply to a witness's expert testimony under [Rule 703](#). See [Rule 3](#).

**Example:** Witness knows that Harry tends to drink a lot at parties and often gets drunk. Witness was not at the party and did not see Harry drink.

Attorney 1: "Do you think Harry was drunk at the party?"

Witness: "Harry gets drunk all the time, so yes he was probably drunk."

Attorney 2: "Objection, Your Honor. Lack of personal knowledge. Witness was not at the party and can't know if Harry was drunk or not."

Judge: "Sustained. The jury will disregard the witness's answer."

### **Rule 607. Who May Impeach**

Any party, including the party that called the witness, may attack the witness's credibility.

**MVP Tip:** An effective cross-examiner tries to show the jury that a witness should not be believed. This is best accomplished through a process called *impeachment* which may use one of the following tactics: (1) showing that the witness has contradicted a prior statement, particularly one made by the witness in an affidavit (see example below); (2) asking questions about prior conduct of the witness that makes the witness's truthfulness doubtful (see [Rule 608](#)); or (3) asking about evidence of certain types of criminal convictions (see [Rule 609](#)).

In order to impeach the witness by comparing information in the witness's affidavit to the witness's testimony, attorneys should use this procedure:

1. Introduce the witness's affidavit for identification (See [Rule 39](#));
2. Repeat the statement the witness made on direct or cross-examination that contradicts the affidavit.

Attorney: "Now, Mrs. Burns, on direct examination you testified that you were out of town on the night in question, didn't you?"

Mrs. Burns: "Yes."

3. Ask the witness to read the portion of the affidavit that contradicts the testimony.

Attorney: "Mrs. Burns, will you read Line 18 of your affidavit?"

Witness: Reading from affidavit, "Harry and I decided to stay in town and go to the theater."

4. Dramatize the conflict in the statements. Remember the point of this line of questioning is to show the contradiction, not to determine whether Mrs. Burns was in town.

Attorney: So, Mrs. Burns, you testified you were *out* of town the night in question, didn't you?"

Witness: "Yes."

Attorney: "Yet, in your affidavit, you said you were *in* town, did you not?"

Witness: "Yes."

### **Rule 608. Evidence of Character and Conduct of Witness**

- a) Reputation or Opinion Evidence. A witness's credibility may be attacked or supported by testimony about the witness's reputation for truthfulness or untruthfulness, or by testimony in the form of an opinion about that character. But evidence of truthful character is admissible only after the witness's character for truthfulness has been attacked.
- b) Specific Instances of Conduct. Except for a criminal conviction under [Rule 609](#), extrinsic evidence is not admissible to prove specific instances of a witness's conduct in order to

attack or support the witness's character for truthfulness. But the court may, on cross-examination, allow them to be inquired into if they are probative of the character for truthfulness or untruthfulness of:

1. the witness; or
2. another witness whose character the witness being cross-examined has testified about.

By testifying on another matter, a witness does not waive any privilege against self-incrimination for testimony that relates only to the witness's character for truthfulness.

**Example:**

Attorney 1 (on cross-examination): "Isn't it true that you once lost a job because you falsified expense reports?"

Witness: "Yes, but..."

Attorney 1: "Thank you."

Attorney 2 (on redirect): "Did you do anything to mitigate the falsified reports?"

Witness: "Yes, I paid back all of the money and entered a program for rehabilitation."

Attorney 2: "And how long ago was this?"

Witness: "25 years."

Attorney 2: "And have you successfully held jobs since then that required you to be truthful and to be trusted by your employer?"

Witness: "Yes."

## **Rule 609. Impeachment by Evidence of Conviction of Crime**

- a) In General. The following rules apply to attacking a witness's character for truthfulness by evidence of a criminal conviction:
  1. for a crime that, in the convicting jurisdiction, was punishable by death or by imprisonment for more than one year, the evidence:
    - A. must be admitted, subject to Rule 403, in a civil case or in a criminal case in which the witness is not a defendant; and
    - B. must be admitted in a criminal case in which the witness is a defendant if the probative value of the evidence outweighs its prejudicial effect to that defendant; and
  2. for any crime regardless of the punishment, the evidence must be admitted if the court can readily determine that establishing the elements of the crime required proving – or the witness's admitting – a dishonest act or false statement.

- b) Limit on Using the Evidence After 10 Years. This subdivision 2. applies if more than 10 years have passed since the witness's conviction or release from confinement for it, whichever is later. Evidence of the conviction is admissible only if its probative value, supported by specific facts and circumstances, substantially outweighs its prejudicial effect.
- c) Effect of a Pardon, Annulment, or Certificate of Rehabilitation. Evidence of a conviction is not admissible if:
  - 1. the conviction has been the subject of a pardon, annulment, or other equivalent procedure based on a finding that the person has been rehabilitated, and the person has not been convicted of a later crime punishable by death or by imprisonment for more than one year; or
  - 2. the conviction has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence.
- d) Juvenile Adjudications. Evidence of a juvenile adjudication is admissible under this rule only if:
  - 1. it is offered in a criminal case;
  - 2. the adjudication was of a witness other than the defendant;
  - 3. an adult's conviction for that offense would be admissible to attack the adult's credibility; and
  - 4. admitting the evidence is necessary to fairly determine guilt or innocence.
- e) Pendency of an Appeal. A conviction that satisfies this rule is admissible even if an appeal is pending. Evidence of the pendency is also admissible.

### **Rule 610. Religious Beliefs or Opinions**

Evidence of a witness's religious beliefs or opinions is not admissible to attack or support the witness's credibility.

### **Rule 611. Mode and Order of Interrogation and Presentation**

- a) Control by Court; Purposes. The Court should exercise reasonable control over the mode and order of examining witnesses and presenting evidence so as to:
  - 1. make those procedures effecting for determining the truth;
  - 2. avoid wasting time; and
  - 3. protect witnesses from harassment or undue embarrassment.



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

**MVP Tip:** Cross-examination follows the opposing attorney's direct examination of a witness. Attorneys conduct cross-examination to explore weaknesses in the opponent's case, test the witness's credibility, and establish some of the facts of the cross-examiner's case whenever possible. Cross-examination should:

- call for answers based on information given in witness statements or the fact pattern;
- use leading questions which are designed to get "yes" or "no" answers (see examples below);
- never give the witness a chance to unpleasantly surprise the attorney;
- include questions that show the witness is prejudiced or biased or has a personal interest in the outcome of the case;
- include questions that show an expert witness or even a lay witness who has testified to an opinion is not competent or qualified due to lack of training or experience.

Remember to stay relaxed and be ready to adapt your prepared cross questions to the actual testimony given on direct examination; always listen to the witness's answer; avoid giving the witness an opportunity to reemphasize the points made against your case on direct; don't harass or attempt to intimidate the witness; and do not quarrel with the witness. **Be brief and ask only questions to which you already know the answer.**

- c) Leading questions. Leading questions should not be used on direct examination except as necessary to advance the witness's testimony. Ordinarily, the court should allow leading questions:
1. on cross-examination; and
  2. when a party calls a hostile witness, an adverse party, or a witness identified with an adverse party.

**Example:**

Attorney 1 (on cross-examination): "So, Mr. Smith, you took Ms. Jones to a movie that night, didn't you?"

- d) Redirect/Recross. After cross-examination, additional questions may be asked by the direct examining attorney, but questions must be limited to matters raised by the attorney on cross-examination. Likewise, additional questions may be asked by the cross-examining attorney on recross, but such questions must be limited to matters raised on redirect examination and

should avoid repetition. **For both redirect and recross, attorneys are limited to two questions each.**

**MVP Tip:** Following cross-examination, the counsel who called the witness may conduct redirect examination. Attorneys redirect to clarify new or unexpected issues or facts brought out in the immediately preceding cross-examination only; they may not bring up new issues. Attorneys may or may not want to redirect. If an attorney asks questions beyond the issues raised on cross, they may be objected to as “outside the scope of cross-examination.” It is sometimes more beneficial not to conduct it for a particular witness. Attorneys should pay close attention to what is said during cross-examination to determine whether it is necessary to conduct redirect.

If the credibility or reputation for truthfulness of the witness is attacked on cross-examination, the direct examining attorney may wish to “save” the witness on redirect. If so, the questions should be limited to the damage the attorney thinks was done and should enhance the witness’s truth-telling image in the eyes of the court. Work closely with your coaches on redirect and recross strategies. Remember that time will be running during both redirect and recross and may take away from the time you need for questioning other witnesses.

- e) Permitted Motions. The only motion permissible is one requesting the judge to strike testimony following a successful objection to its admission.

### **Rule 612. Writing Used to Refresh a Witness’s Memory**

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

### **Rule 613. Witness’s Prior Statement**

- a) Showing or Disclosing the Statement During Examination. When examining a witness about the witness’s prior statement, a party need not show it or disclose its contents to the witness. But the party must, on request, show it or disclose its contents to an adverse party’s attorney.
- b) Extrinsic Evidence of a Prior Inconsistent Statement. Extrinsic evidence of a witness’s prior inconsistent statement is admissible only if the witness is given an opportunity to explain or deny the statement and an adverse party is given an opportunity to examine the witness about it, or if justice so requires. This subdivision 2. does not apply to an opposing party’s statement under [Rule 801 4.b.](#)

## **Article VII. Opinions and Expert Testimony**

### **Rule 701. Opinion Testimony by Lay Witness**

If the witness is not testifying as an expert, testimony in the form of opinion is limited to one that is:

- a) rationally based on the witness's perception;
- b) helpful to clearly understand the witness's testimony or to determining a fact in issue; and
- c) not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.

**Example:**

Inadmissible Lay opinion testimony: "The doctor put my cast on incorrectly. That's why I have a limp now."

Admissible Lay Opinion Testimony: "He seemed to be driving pretty fast for a residential street."

## **Rule 702. Testimony by Experts**

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify in the form of an opinion or otherwise. See Rule 40.

## **Rule 703. Bases of Opinion Testimony by Experts**

An expert may base an opinion on facts or data in the case that the expert has been made aware of or personally observed. If experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, they need not be admissible for the opinion to be admitted. But if the facts or data would otherwise be inadmissible, the proponent of the opinion may disclose them to the jury only if their probative value in helping the jury evaluate the opinion substantially outweighs their prejudicial effect.

**MVP Tip:** Unlike lay witnesses who must base their opinions on what they actually see and hear, expert witnesses can base their opinions on what they have read in articles, texts, records they were asked to review by a lawyer, or other documents which may not actually be admitted into evidence at the trial. **These records or documents *may* include statements made by other witnesses.**

## **Rule 704. Opinion of Ultimate Issue**

- a) In General – Not Automatically Objectionable. An opinion is not objectionable just because it embraces an ultimate issue.
- b) Exception. In a criminal case, an expert must not state an opinion about whether the defendant did or did not have a mental state or condition that constitutes an element of the crime charged or of a defense. Those matters are for the trier of fact alone.

## **Article VIII. Hearsay**

The following scenario will be used in all of the hearsay or hearsay exception examples below:

Mary is on trial for manslaughter. She allegedly drove after drinking, jumped a curb, and hit a pedestrian on the sidewalk. The pedestrian later died from his extensive injuries. Mary claims at

trial that she was not driving – her boyfriend, Nate, was – and he swerved to miss a dog in the street. Several bystanders saw the accident and told the police that Mary was driving.

### **Rule 801. Definitions**

The following definitions apply under this article:

- a) Statement. "Statement" means a person's oral assertion, written assertion, or nonverbal conduct if the person intended it as an assertion.
- b) Declarant. "Declarant" means the person who made the statement.
- c) Hearsay. "Hearsay" means a statement that:
  - 1. the declarant does not make while testifying at the current trial or hearing; and
  - 2. a party offers in evidence to prove the truth of the matter asserted.

**Example:** Mary's attorney calls Mary's friend Susan to testify.

Mary's Attorney: "And was Mary driving the car in question?"

Susan: "Well, Nate told me that he was driving, not Mary."

**Nate's statement is hearsay. Nate (the declarant) made an oral assertion to Susan. The statement was not made while testifying and Mary's attorney is (assuming no other facts) offering it to prove that Nate, not Mary, was driving (the truth of the matter asserted).**

- d) Statements that are not Hearsay. A statement that meets the following conditions is not hearsay:
  - 1. A Declarant Witness's Prior Statement. The declarant testifies and is subject to cross-examination about a prior statement, and the statement
    - A. is inconsistent with the declarant's testimony and was given under penalty of perjury at a trial, hearing, or other proceeding or in a deposition;
    - B. is consistent with the declarant's testimony and is offered to rebut an express or implied charge that the declarant recently fabricated it or acted from recent improper influence or motive in so testifying; or

- C. identifies a person as someone the declarant perceived earlier.

**Example:** Prior to Mary's criminal trial, the victim's family sued Mary for wrongful death and won. Nate was a witness in the civil trial and has now been called as a witness in Mary's criminal trial.

Prosecutor: "Nate, you say you were driving the vehicle before it hit the curb, correct?"

Nate: "Yes."

Prosecutor: "And you swerved and hit the curb because...?"

Nate: "I swerved to miss a dog."

Prosecutor (after properly introducing civil trial transcript for identification): "Nate, will you read Line 18 of this page?"

Nate: "Witness (Nate): 'I swerved to miss a giant pothole.'"

Mary's Attorney: "Objection! That statement is hearsay."

Prosecutor: "Your Honor, this is a prior statement made by the witness and is not hearsay."

Judge: "Objection is overruled. Witness's prior statement under oath is not hearsay and is admissible."

2. An Opposing Party's Statement. The statement is offered against an opposing party and:
- A. was made by the party in an individual or a representative capacity;
  - B. is one the party manifested that it adopted or believed to be true;
  - C. was made by a person whom the party authorized to make a statement on the subject;
  - D. was made by the party's agent or employee on a matter within the scope of that relationship and while it existed; or
  - E. was made by the party's coconspirator during and in furtherance of the conspiracy.

The statement must be considered but does not by itself establish the declarant's authority under iii.; the existence or scope of the relationship under iv.; or the existence of the conspiracy or participation in it under v.

**Example:** Prosecutor is cross-examining Susan, Mary's friend.

Prosecutor: "Mary actually called you after the accident, didn't she?"

Susan: "Yes."

Prosecutor: "And Mary told you all about the accident didn't she?"

Susan: "She talked about the accident, yes."

Prosecutor: "And Mary told you during that call that she'd driven her car into a person, right?"

Mary's Attorney: "Objection! Mary's statement to Susan is hearsay."

Prosecutor: "Your Honor, Mary's statement is an Opposing Party's statement."

Judge: "Objection overruled. Mary's statement is not hearsay and is admissible."

Prosecutor: "So, Mary told you she'd driven her car into a person, right?"

Susan: "Mary said, 'I can't believe I drove my car into a person.'"

## **Rule 802. Hearsay Rule**

Hearsay is not admissible, except as provided by these rules.

## **Rule 803. Exceptions to the Rule Against Hearsay – Regardless of Availability**

The following are not excluded by the hearsay rule, regardless of whether the declarant is available as a witness:

1. **Present Sense Impression.** A statement describing or explaining an event or condition made while or immediately after the declarant perceived it.

**Example:** Mary's attorney calls a bystander who was at the scene of the accident to testify.

Mary's Attorney: "Were you present when the accident occurred?"

Bystander: "Yes, I was across the street."

Mary's Attorney: "And what do you remember about the accident?"

Bystander: "I was across the street looking for an address. I had my back turned to the street and I heard an engine revving. Then, someone behind me said, 'That car is going really fast.'"

Prosecutor: "Objection! That statement is hearsay."

Mary's Attorney: "Your Honor, the statement is a present sense impression and is excepted from the hearsay rule."

Judge: "Objection overruled."

Mary's Attorney: "So you heard someone behind you say..."

Bystander: "That car is going really fast."

2. **Excited Utterance.** A statement relating to a startling event or condition made while the declarant was under the stress of excitement that it caused.

**Example:** Mary's attorney continues to question the bystander.

Mary's Attorney: "So, then what happened?"

Bystander: "I started to turn toward the street and as I turned I heard a woman yell, 'Oh my God, that man's car is out of control!'"

Prosecutor: "Objection, Your Honor. Hearsay."

Mary's Attorney: "Your Honor, the woman's statement is an excited utterance. She made the statement while watching the car drive out of control and it is related to the event."

Judge: "Overruled. The statement is admissible."

3. **Then-Existing Mental, Emotional, or Physical Condition.** A statement of the declarant's then-existing state of mind (such as motive, intent, or plan) or emotional, sensory, or physical condition (such as mental feeling, pain, or bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the validity or terms of the declarant's will.

**Example:** Mary's attorney continues to question the bystander.

Mary's Attorney: "Then what did you see?"

Bystander: "By the time I turned around, both people were out of the car. The man from the car staggered into a woman and she said, 'Oh my God, he reeks of alcohol!'"

Prosecutor: "Objection! Hearsay!"

Mary's Attorney: "Your Honor, the declarant's statement was a sensory condition. She smelled alcohol when my client's boyfriend fell into her and said so."

Judge: "The objection is overruled."

4. **Statement Made for Medical Diagnosis or Treatment.** Statements made for the purpose of medical diagnosis or treatment.
5. **Recorded Recollection.** A record that:
  - A. is on a matter the witness once knew about but now cannot recall well enough to testify fully and accurately;
  - B. was made or adopted by the witness when the matter was fresh in the witness's memory; and
  - C. accurately reflects the witness's knowledge.

If admitted, the record may be read into evidence but may be received as an exhibit only if offered by an adverse party.
6. **Records of Regularly Conducted Activity.** A record of an act, event, condition, opinion, or diagnosis if:
  - A. the record was made at or near the time by – or from information transmitted by – someone with knowledge;
  - B. the record was kept in the course of regularly conducted activity of a business, organization, occupation, or calling, whether or not for profit;
  - C. making the record was a regular practice of the activity;
  - D. all these conditions are shown by the testimony of the custodian or another qualified witness; and
  - E. the opponent does not show that the source of information or the method or circumstances of preparation indicate a lack of trustworthiness.



7. Absence of Regularly Conducted Activity. Evidence that a matter is not included in a record described in Rule 803.6. if:
  - A. the evidence is admitted to prove that the matter did not occur or exist;
  - B. a record was regularly kept for a matter of that kind; and
  - C. the opponent does not show that the possible source of information or other circumstances indicate a lack of trustworthiness.
8. Public Records. A record or statement of a public office if:
  - A. it sets out:
    - i. the office's activities;
    - ii. a matter observed while under a legal duty to report, but not including, in a criminal case, a matter observed by law enforcement personnel; or
    - iii. in a civil case or against the government in a criminal case, factual findings from a legally authorized investigation; and
  - B. the opponent does not show that the source of information or other circumstances indicate a lack of trustworthiness.
10. Absence of a Public Record. Testimony that a diligent search failed to disclose a public record or statement if the testimony or certification is admitted to prove that:
  - A. the record or statement does not exist; or
  - B. a matter did not occur or exist, if a public office regularly kept a record or statement for a matter of that kind.
16. Statements in Ancient Documents. A statement in a document that is at least 20 years old and whose authenticity is established.
18. Statements in Learned Treatises, Periodicals, or Pamphlets. A statement contained in a treatise, periodical, or pamphlet if:
  - A. the statement is called to the attention of an expert witness on cross-examination or relied on by the expert on direct examination; and
  - B. the publication is established as a reliable authority by the expert's admission or testimony, by another expert's testimony, or by judicial notice.
21. Reputation Concerning Character. A reputation among a person's associates or in the community concerning a person's character.
22. Judgment of a Previous Conviction. Evidence of a final judgment of conviction if:
  - A. the judgment was entered after a trial or guilty plea, but not a nolo contendere plea;
  - B. the conviction was for a crime punishable by death or by imprisonment for more than one year;
  - C. the evidence is admitted to prove any fact essential to the judgment; and
  - D. when offered by the prosecutor in a criminal case for a purpose other than impeachment, the judgment was against the defendant.

The pendency of an appeal may be shown but does not affect admissibility.

#### **Rule 804. Hearsay Exceptions; Declarant Unavailable**

- a) Criteria for Being Unavailable. A declarant is unavailable as a witness if the declarant:
  1. is exempted from testifying about the subject matter of the declarant's statement because the court rules that a privilege applies;
  2. refuses to testify about the subject matter despite a court order to do so;
  3. testifies to not remembering the subject matter;
  4. cannot be present or testify at the trial or hearing because of death or a then-existing infirmity, physical illness, or mental illness; or

5. is absent from the trial or hearing and the statement's proponent has not been able, by process or other reasonable means, to procure:
  - A. the declarant's attendance, in the case of a hearsay exception under Rule 804.b.1 or 804.b.6; or
  - B. the declarant's attendance or testimony, in the case of a hearsay exception under Rule 804.b.2, 804.b.3, or 804.b.4.

But this subdivision A. does not apply if the statement's proponent procured or wrongfully caused the declarant's unavailability as a witness in order to prevent the declarant from attending or testifying.

- b) The Exceptions. The following are not excluded by the rule against hearsay if the declarant is unavailable as a witness:
  1. Former Testimony. Testimony that:
    - A. was given as a witness at a trial, hearing, or lawful deposition, whether given during the current proceeding or a different one; and
    - B. is now offered against a party who had – or in a civil case, whose predecessor in interest had – an opportunity and similar motive to develop it by direct, cross-, or redirect examination.
  2. Statement Under the Belief of Imminent Death. In a prosecution for a homicide or in a civil case, a statement that the declarant, while believing the declarant's death to be imminent, made about its cause or circumstances.
  3. State Against Interest. A statement that:
    - A. a reasonable person in the declarant's position would have made only if the person believed it to be true because, when made, it was so contrary to the declarant's proprietary or pecuniary interest or had so great a tendency to invalidate the declarant's claim against someone else or to expose the declarant to civil or criminal liability; and
    - B. is supported by corroborating circumstances that clearly indicate its trustworthiness, if it is offered in a criminal case as one that tends to expose the declarant to criminal liability.
  4. Statement of Personal or Family History
    - A. the declarant's own birth, adoption, legitimacy, ancestry, marriage, divorce, relationship by blood, adoption, or marriage, or similar facts of personal or family history, even though the declarant had no way of acquiring personal knowledge about that fact; or
    - B. another person concerning any of these facts, as well as death, if the declarant was related to the person by blood, adoption, or marriage or was so intimately associated with the person's family that the declarant's information is likely to be accurate.
  5. Statement Offered Against a Party That Wrongfully Caused the Declarant's Unavailability. A statement offered against a party that wrongfully caused – or acquiesced in wrongfully causing – the declarant's unavailability as a witness and did so intending that result.

### **Rule 805. Hearsay Within Hearsay**

Hearsay included within hearsay is not excluded by the rule against hearsay if each part of the combined statement conforms with an exception to the rule.

## VII. Notes to Judges

### A. Judging Guidelines

Mock Trial is most successful when judges are familiar with the witness statements and the rules of competition. Please take time before the competition to review both of these sections of the materials. Being prepared is the best way to honor the time and effort the students have given to the Mock Trial. ***Note that Mock Trial rules often differ from the rules in an actual court of law.*** Particularly, the evidence rules are simplified and modified.

The Mock Trial competition differs ***significantly*** from a real trial situation in the following ways:

1. Students are prohibited from making objections or using trial procedures not listed in the Mock Trial materials. Students should request a bench conference (to be held in open court from counsel table) if they think the opposing attorneys are using trial procedures outside the rules.
2. Students are limited to the information in the witness statements and fact situation. If a witness invents information, the opposing attorney may object on the grounds that the information is beyond the scope of the Mock Trial materials. The Presiding Judge is encouraged to request a bench conference (to be held in open court from counsel table) to ask the students to find where the information is included in the case materials.
3. Exhibits should not be admitted into evidence merely because they are contained in the Mock Trial materials. Objections to admission of exhibits should be heard and argued.
4. Mock Trial rounds are timed. Each team provides an official timekeeper for a trial for two total official timekeepers per trial. Timekeepers time all phases of the trial, including the final remarks.
5. Students have been instructed to address their presentations to the judge and jury. The students will address the Presiding Judge as the judge in the case and the Scoring Judges as the jury.
6. Each trial round should be **completed in less than two hours**. To keep the competition on schedule, please keep within the time limits set out in [Rule 12](#). Objections stop the clock, so please be as efficient as possible when ruling while still allowing students to argue the objections.
7. Judges shall **not** give an oral critique at the end of the trial. At the conclusion of the trial, each judge may offer a general congratulatory comment to each team. Substantive comments or constructive criticism should be included in the judges' ballots, at their discretion. Ballots will be shared with teams following the competition. [See Rule 44](#). Additionally, judges shall **not** offer a verdict on the merits.

Each courtroom will be assigned a panel of three Scoring Judges. In extenuating circumstances, a courtroom may have only two Scoring Judges. See [Rule 20](#).

### B. Virtual Competition - Introductory Matters (Presiding Judge)

The Presiding Judge should handle the following introductory matters before beginning the trial:

1. Ask each side if it is ready for trial. Remind non-performing participants that their video and audio should be muted. Then, ask one team member from each team to state their team members' names, roles, and the team letter code (not school name).
2. Inquire of both teams whether they have objections to recording of the round.
3. Ask if there are people in the Zoom courtroom who are connected with other schools in the competition not performing in your courtroom. If so, they should be asked to leave the Zoom courtroom and be reassigned from the main Zoom room.
4. Remind observers of the importance of showing respect for the teams. Observers must remain muted with no video throughout the entire trial.
5. Remind teams that witnesses are permitted to testify only to the information in the fact situation, their witness statements, and what can be reasonably inferred from that information.
6. Remind teams that they must complete their presentations within the specified time limits. The timekeepers will signal you in the Zoom chat area as the time for each segment progresses. Three-minute, one minute, and TIME warnings will be posted by both timekeepers. At the end of each segment attorneys and witnesses will be stopped when time has run out, regardless of completion of the presentation.
7. All witnesses must be called and sworn in. If a team fails to call a witness penalty points will be assigned. See [Rule 11](#).
8. Only the following exhibits may be offered as evidence at the trial:

**Exhibit 1:** Chart Showing Bitcoin Transaction

**Exhibit 2:** NFT Lannister transferred to Hardy

**Exhibit 3:** Disciplinary Letter from CSU to Hardy

**Exhibit 4:** Text Messages Between Murguia and Lannister

**Exhibit 5:** Murguia's X-ray (after July 9, 2022) & Model of Healthy Knee

Finally, before you begin, indicate that you have been assured that the Code of Ethical Conduct has been read and will be followed by all participants in the Mock Trial competition. Should there be a recess at any time during the trial, the communication rule shall be in effect. See the [Code of Ethical Conduct](#). If there are no other questions, begin the trial.

At the end of the trial, the Presiding Judge shall ask teams if either side wishes to make a Rule 35 motion. If so, resolve the matter as indicated in Rule [35](#). Then, judges will complete their ballots. **Judges shall NOT inform the students of results of their scores or results from their ballots.** Judges should also **not** announce a verdict on the merits. Once ballots are complete, judges will immediately submit them before final remarks are made.

### **C. In-Person Competition - Introductory Matters (Presiding Judge)**

The Presiding Judge should handle the following introductory matters before beginning the trial:

1. Ask each side if it is ready for trial. If so, ask each side to provide each judge with a copy of its Team Roster. Then, ask each member to rise and state their name, role and team letter code (not school name).
2. If video or audio recorders are present, inquire with both teams whether they have objectives to recording of the round.
3. Ask if there are people in the courtroom who are connected with other schools in the competition not performing in your courtroom. If so, they should be asked to leave. They may contact the Competition Coordinator to determine the location of the courtroom in which their school is performing.
4. Remind spectators of the importance of showing respect for the teams. Ask spectators to silence electronic devices. Judges may remove spectators who do not adhere to proper courtroom decorum.
5. Remind teams that witnesses are permitted to testify only to the information in the fact situation, their witness statements, and what can be reasonably inferred from that information.
6. Remind teams that they must complete their presentations within the specified time limits. The bailiff will signal you as the time for each segment progresses. Three-minute, one minute and zero-minute cards will be held up by the bailiff. At the end of each segment attorneys and witnesses will be stopped when time has run out, regardless of completion of the presentation.
7. All witnesses must be called. If a team fails to call a witness penalty points will be assigned. See [Rule 11](#).
8. Only the following exhibits may be offered as evidence at the trial:

**Exhibit 1:** Chart Showing Bitcoin Transaction

**Exhibit 2:** NFT Lannister transferred to Hardy

**Exhibit 3:** Disciplinary Letter from CSU to Hardy

**Exhibit 4:** Text Messages Between Murguia and Lannister

**Exhibit 5:** Murguia's X-ray (after July 9, 2022) & Model of Healthy Knee

Finally, before you begin, indicate that you have been assured that the Code of Ethical Conduct has been read and will be followed by all participants in the Mock Trial competition. Should there be a recess at any time during the trial, the communication rule shall be in effect. See the [Code of Ethical Conduct](#). If there are no other questions, begin the trial.

At the end of the trial, the Presiding Judge shall ask teams if either side wishes to make a Rule 35 motion. If so, resolve the matter as indicated in Rule [34](#). Then, judges will complete their ballots. **Judges shall NOT inform the students of their scores or results from their ballots.** Judges should also **not** announce a verdict on the merits. Once ballots are complete, judges will immediately submit them before final remarks are made.

## D. Evaluation Guidelines

All teams will compete in all three rounds unless a team has a bye. Teams are randomly matched for Round 1 and power-matched based on win/loss record, total ballots, and total number of points.

You should use your team rosters (provided by each team) for note-taking and reference when evaluating performances.

Judges will be provided with the link to the online ballot. Ballots shall be completed and submitted **immediately** following completion of the round and before final remarks. If online ballots are not available, ballots shall be completed and given to the Clerk for delivery to the scoring room immediately following competition of the round and before the final remarks. Judges will **not** provide oral critique. Comments may be written on ballots. Teams will be provided with copies of their ballots after the competition.

Judges shall assign a score of 1-10 in each section of their ballots. Scoring is broken down as follows:

<b>1-2 pts</b>	<b>Poor, Unprepared:</b> does not meet criteria
<b>3-4 pts</b>	<b>Weak, Needs Practice:</b> developing the criteria, but inconsistent
<b>5-6 pts</b>	<b>Fair, Average:</b> meets the criteria some of the time
<b>7-8 pts</b>	<b>Good, Very Good:</b> proficient with the criteria nearly all of the time
<b>9-10 pts</b>	<b>Excellent, Amazing:</b> mastery or near mastery of the criteria at all times

Judges will be provided with a performance evaluation rubric for each role being evaluated. A good way to approach assigning points is to start each performance at a 5-6 (average). Then, the performance can either drop below or exceed average. This helps to avoid score inflation.

**Remember: a score of 1 OR 10 should be rare.**

## E. Penalty Points

Penalty Points should be assigned if a team member:

1. uses procedures beyond the Mock Trial rules (with intent, not mistakenly);
2. goes beyond the scope of the Mock Trial materials (with intent, not mistakenly);
3. does not follow mock trial rules in any other way (with intent, not mistakenly);
4. talks to coaches, non-performing team members or other observers. This includes during breaks and recesses, if any should occur, in the trial. This violation, if determined to be harmful, carries a mandatory **2-point penalty** to be indicated on the Presiding Judge's ballot.
5. does not call all witness. This violation carries a mandatory **2-point penalty** to be indicated on the Presiding Judge's ballot.

Note: The conduct of teachers and attorney coaches may impact a team's score.

Judges shall not engage in any discussion with students or coaches about scoring before, during, or after the trial. Any questions from teams about scoring should be referred to the Competition Coordinator.







## VIII. Appendices



## A. Often Used Objections in Suggested Form

This appendix is provided to assist students with the proper form of objections. It is **not** a comprehensive list of all objections. Permissible objections are those related to a rule in the Mock Trial materials. Impermissible objections are those not related to the Mock Trial rules (example: hearsay exception for business records). That is to say, an objection must be based on a rule found in the Mock Trial materials, not based on additional rules even if they are commonly used by lawyers in real trials.

The following are objections are often heard in mock trials but do not represent an exhaustive list of possible objections.

Note: Objections during the testimony of a witness will be permitted only by the direct examining and cross-examining attorneys for that witness.

### 1. **Leading Question.** See [Rule 611](#).

#### **Example:**

Attorney 1 (on cross-examination): “So, Mr. Smith, you took Ms. Jones to a movie that night, didn’t you?” (This question calls for a yes or no answer.)

Attorney 2: “Objection! Counsel is leading the witness.”

Attorney 1: “Your Honor, leading is permissible on cross-examination.”

Judge: “Objection is overruled.”

#### **OR**

Attorney 2 (on direct examination): “So, Mr. Smith, you took Ms. Jones to a movie that night, didn’t you?”

Attorney 1: “Objection! Counsel is leading the witness.”

Attorney 2: “I’ll rephrase Your Honor. Mr. Smith, where did you and Ms. Jones go that night?” (This question is open-ended and does not call for a yes or no answer.)

### 2. **Relevance.** See [Rule 402](#).

**Example:** In a traffic accident case defendant is accused of intentionally hitting her ex-husband’s car. Her defense is that she had no intention of hitting her ex-husband, but couldn’t stop in time to avoid the collision.

Plaintiff’s Attorney (on cross-examination): “You are divorced from the Plaintiff, correct?”

Defendant: “Yes.”

Plaintiff’s Attorney: “And the Plaintiff was your 4<sup>th</sup> husband, right?”

Defendant’s Attorney: “Objection, Your Honor. My client’s past marriages are not relevant here.”

Plaintiff’s Attorney: “Your Honor, this line of questioning goes toward showing the Defendant’s motive and a pattern of behavior based on her past divorces.”

Judge: “I’ll allow it, but Counsel please lay a better foundation for the question.”

3. **Hearsay.** See [Rules 801 – 805](#).

**Example:** Defense attorney questions bystander in a traffic collision case resulting in a death.

Defense Attorney: “So, then what happened?”

Bystander: “I started to turn toward the street and as I turned I heard a woman yell, ‘Oh my God, that man’s car is out of control!’”

Prosecutor: “Objection, Your Honor. The woman’s statement is hearsay.”

Defense Attorney: “Your Honor, the woman’s statement is an excited utterance. She made the statement while watching the car drive out of control and it is related to the event.” (This is an explanation of the exception/exclusion which the attorney asserts applies to the statement.)

Judge: “Overruled. The statement is admissible.”

4. **Personal Knowledge.** See [Rule 602](#).

**Example:** Witness knows that Harry tends to drink a lot at parties and often gets drunk. Witness was not at the party and did not see Harry drink.

Attorney 1: “Do you think Harry was drunk at the party?”

Witness: “Harry gets drunk all the time, so yes he was probably drunk the night of the party.”

Attorney 2: “Objection, Your Honor. Lack of personal knowledge. Witness was not at the party and can’t know if Harry was drunk or not.”

Judge: “Sustained. The jury will disregard the witness’s answer.”

5. **Opinions.** See [Rule 701](#).

**Example:**

Attorney 1: And what happened when you went home from the Emergency Room?”

Witness: “I figured out the doctor put my cast on incorrectly. That’s why I have a limp now.”

Attorney 2: “Objection, Your Honor. The witness is not a doctor and can’t offer an opinion on the sufficiency of his cast.”

Attorney 1: “The witness can offer his opinion about his own cast.”

Judge: “The objection is sustained. The witness does not have the expertise to evaluate his cast or whether it caused him to limp.”

6. **Outside the Scope of Mock Trial Materials/Rules.** See [Rule 4](#).

**Example:** Witness’s statement says that she is a mother of eight children and works two jobs.

Attorney 1 (on cross-examination): “So, you have *eight* children?”

Witness: “Yes.”

Attorney 1: “And you work *two* jobs?”

Witness: “Yes.”

Attorney 1: “So, you must be pretty exhausted most days.”

Attorney 2: “Objection, Your Honor. Question asks witness to testify to information not contained in the mock trial materials.”

Attorney 1: “Your Honor, she would be making a reasonable inference from her witness statement.”

Judge: “Objection is overruled. It is reasonable to infer from the mock trial materials that the witness might be tired.”



## B. Timesheet

### OREGON HIGH SCHOOL MOCK TRIAL Time Sheet (Civil Case)

ROUND: \_\_\_\_\_

Plaintiff Team Code \_\_\_\_\_

v.

Defense Team Code \_\_\_\_\_

	Plaintiff Time Used		Defense Time Used	
	<b>Opening:</b> 5-minute maximum Used: _____		<b>Opening:</b> 5-minute maximum Used: _____	
	<b>Direct* + Redirect* = Used**</b> <b>20:00</b>		<b>Cross* + Recross* = Used**</b> <b>15:00</b>	
W1	_____ + _____ = _____ > _____ = _____	- _____ = _____	_____ + _____ = _____ > _____ = _____	- _____ = _____
W2	_____ + _____ = _____ > _____ = _____	- _____ = _____	_____ + _____ = _____ > _____ = _____	- _____ = _____
W3	_____ + _____ = _____ > _____ = _____	- _____ = _____	_____ + _____ = _____ > _____ = _____	- _____ = _____
	<b>Cross* + Recross* = Used**</b> <b>15:00</b>		<b>Direct* + Redirect* = Used**</b> <b>20:00</b>	
W4	_____ + _____ = _____ > _____ = _____	- _____ = _____	_____ + _____ = _____ > _____ = _____	- _____ = _____
W5	_____ + _____ = _____ > _____ = _____	- _____ = _____	_____ + _____ = _____ > _____ = _____	- _____ = _____
W6	_____ + _____ = _____ > _____ = _____	- _____ = _____	_____ + _____ = _____ > _____ = _____	- _____ = _____
	<b>Closing: 5-minute max.</b> Used: _____ Unused: _____ Rebuttal: _____		<b>Closing: 5-minute max.</b> Used: _____ N/A N/A	
Judges' Deliberation: 7 min. max      Time Used: _____				

\*Round to the nearest 10 seconds before recording and adding together

\*\*Round to the nearest 30 seconds before recording and subtracting from time remaining.

## C. Team Roster

### OREGON HIGH SCHOOL MOCK TRIAL

## TEAM ROSTER

Team Code: \_\_\_\_\_

**Submit copies to:** (1) Competition Coordinator before trials begin; (2) Each of 3 judges in each round; and (3) Opposing team in each round (19 total copies not including spares). For the benefit of judges and the opposing team, please indicate pronouns for each student.

MOCK TRIAL ROLE	STUDENT NAME/PRONOUNS
<b>PROSECUTION TEAM</b>	
Witness –	
Witness –	
Witness –	
Attorney – Opening Statement	
Attorney – Direct Examination of Witness	
Attorney – Direct Examination of Witness	
Attorney – Direct Examination of Witness	
Attorney – Cross-Examination of Defense Witness	
Attorney – Cross-Examination of Defense Witness	
Attorney – Cross-Examination of Defense Witness	
Attorney – Closing Argument	
Clerk	
<b>DEFENSE TEAM</b>	
Witness –	
Witness –	
Witness –	
Attorney – Opening Statement	
Attorney – Direct Examination of Witness	
Attorney – Direct Examination of Witness	
Attorney – Direct Examination of Witness	
Attorney – Cross Examination of Plaintiff Witness	
Attorney – Cross Examination of Plaintiff Witness	
Attorney – Cross Examination of Plaintiff Witness	
Attorney – Closing Argument	
Bailiff	





Witness Scores		Attorney Scores	
		Plaintiff Opening Statement	Defendant Opening Statement
Plaintiff Witness One	Name:	Direct Examination One:	Cross Examination One:
Direct	Cross		
Plaintiff Witness Two	Name:	Direct Examination Two:	Cross Examination Two:
Direct	Cross		
Plaintiff Witness Three	Name:	Direct Examination Three:	Cross Examination Three:
Direct	Cross		
Defendant Witness One	Name:	Cross Examination One:	Direct Examination One:
Direct	Cross		
Defendant Witness Two	Name:	Cross Examination Two:	Direct Examination Two:
Direct	Cross		
Defendant Witness Three	Name:	Cross Examination Three:	Direct Examination Three:
Direct	Cross		
		Plaintiff Closing Argument	Defendant Closing Argument

## E. Scoring Rubric

	OPENING STATEMENT	DIRECT EXAMINATION	CROSS EXAMINATION	CLOSING ARGUMENT
<b>ATTORNEY SCORING CRITERIA</b>	<input type="checkbox"/> Provided a case overview and story <input type="checkbox"/> The theme/theory of the case was identified <input type="checkbox"/> Mentioned the key witnesses <input type="checkbox"/> Provided a clear and concise description of their team's evidence and side of the case <input type="checkbox"/> Stated the relief or verdict requested <input type="checkbox"/> Discussed the burden of proof <input type="checkbox"/> Presentation was non-argumentative; did not include improper statements or assume facts not in evidence <input type="checkbox"/> Professional and composed <input type="checkbox"/> Spoke naturally and clearly	<input type="checkbox"/> Properly phrased and effective questions <input type="checkbox"/> Examination was organized effectively to make points clearly; questions had clear purpose <input type="checkbox"/> Used proper courtroom procedures <input type="checkbox"/> Handled objections appropriately and effectively <input type="checkbox"/> Did not overuse objections <input type="checkbox"/> Did not ask questions that called for an unfair extrapolation from the witness <input type="checkbox"/> Demonstrated an understanding of the Modified Federal Rules of Evidence <input type="checkbox"/> Handled physical evidence appropriately and effectively <input type="checkbox"/> Professional and composed <input type="checkbox"/> Spoke confidently and clearly	<input type="checkbox"/> Properly phrased and effective questions <input type="checkbox"/> Examination was organized effectively to make points clearly; questions had clear purpose <input type="checkbox"/> Used proper courtroom procedures <input type="checkbox"/> Handled objections appropriately and effectively <input type="checkbox"/> Did not overuse objections <input type="checkbox"/> Did not ask questions that called for an unfair extrapolation from the witness <input type="checkbox"/> Used various techniques to handle a non-responsive witness <input type="checkbox"/> Properly impeached witnesses <input type="checkbox"/> Demonstrated an understanding of the Modified Federal Rules of Evidence <input type="checkbox"/> Handled physical evidence appropriately and effectively <input type="checkbox"/> Professional and composed <input type="checkbox"/> Spoke confidently and clearly	<input type="checkbox"/> Theme/theory reiterated in closing argument <input type="checkbox"/> Summarized the evidence <input type="checkbox"/> Emphasized the supporting points of their own case and mistakes and weaknesses of the opponent's case <input type="checkbox"/> Concentrated on the important facts <input type="checkbox"/> Applied the relevant law <input type="checkbox"/> Discussed burden of proof <input type="checkbox"/> Did not discuss evidence that was not included in the trial presentation <input type="checkbox"/> Persuasive <input type="checkbox"/> Use of notes was minimal, effective, and purposeful <input type="checkbox"/> Contained spontaneous elements that reflected unanticipated outcomes of this specific trial <input type="checkbox"/> Professional and composed <input type="checkbox"/> Spoke naturally and clearly
<b>WITNESS SCORING CRITERIA</b>		<input type="checkbox"/> Responses consistent with facts <input type="checkbox"/> Did not materially go outside case materials <input type="checkbox"/> Understood witness statements and exhibits <input type="checkbox"/> Used exhibits to enhance testimony <input type="checkbox"/> Voice was clear, audible, confident and convicted <input type="checkbox"/> Performance was compelling <input type="checkbox"/> Characterization was engaging and drew you in <input type="checkbox"/> Recovered after objections <input type="checkbox"/> Took command of courtroom without being overbearing <input type="checkbox"/> Responses were spontaneous and natural	<input type="checkbox"/> Responses consistent with facts <input type="checkbox"/> Did not materially go outside case materials <input type="checkbox"/> Understood witness statements and exhibits <input type="checkbox"/> Used exhibits to enhance testimony <input type="checkbox"/> Voice was clear, audible, confident and convicted <input type="checkbox"/> Performance was compelling <input type="checkbox"/> Characterization was engaging and drew you in <input type="checkbox"/> Recovered after objections <input type="checkbox"/> Answered cross questions responsibly <input type="checkbox"/> Stayed in character during cross	<b>Scoring Guide</b> <b>9-10: Excellent, Amazing:</b> mastery or near mastery of the criteria at all times <b>7-8: Good, Very Good:</b> proficiency with the criteria nearly all of the time <b>5-6: Fair, Average:</b> meets the criteria much of the time <b>3-4: Weak, Needs Practice:</b> developing the criteria, but inconsistent/poorly executed <b>1-2: Poor, Unprepared:</b> unpracticed; does not meet criteria

F. Rule 35 Reporting Form

**RULE 35 - REPORTING RULES VIOLATION FORM  
FOR TEAM MEMBERS INSIDE THE BAR  
(PERFORMING IN THIS ROUND)**

THIS FORM WILL BE ELECTRONIC FOR THE VIRTUAL MOCK TRIAL.

**Round** (circle one) **1 2 3** **Pros/Plaintiff:** team code \_\_\_\_\_ **Defense:** team code \_\_\_\_\_

**Grounds for Dispute:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Initials of Team Spokesperson: \_\_\_\_\_ Time Dispute Presented to Presiding Judge: \_\_\_\_\_

**Hearing Decision of Presiding Judge** (circle one): **Grant Deny** Initials of Judge: \_\_\_\_\_

**Reason(s) for Denying Hearing:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Initials of Opposing Team's Spokesperson: \_\_\_\_\_

**Presiding judge's notes from hearing and reason(s) for decision:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Presiding Judge



G. Rule 38 Reporting Form

**RULE 38 - REPORTING RULES VIOLATION FORM**  
**FOR USE BY PERSONS BEHIND THE BAR**  
(NOT PERFORMING IN THIS ROUND)

*Non-Performing team members wishing to report a violation must promptly  
submit this form to competition coordinator*

**Date:** \_\_\_\_\_ **Time Submitted:** \_\_\_\_\_

**Person Lodging:** \_\_\_\_\_ **Affiliated With:** (Team Code) \_\_\_\_\_

**Grounds for Dispute:** \_\_\_\_\_

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Initials of Competition Coordinator: \_\_\_\_\_ Time Dispute Presented to Coordinator: \_\_\_\_\_

**Notes From Hearing:** \_\_\_\_\_

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**Decision/Action of Coordinator:** \_\_\_\_\_

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\_\_\_\_\_  
Signature of Competition Coordinator

\_\_\_\_\_  
Date /Time of Decision