



Pretrial Matters

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Message from the Editor

Welcome to the AMTA Newsletter! AMTA is delighted to use this Newsletter as a way to keep current and former competitors, coaches, Board members and friends of AMTA informed about our organization. This issue features articles by AMTA President Glen Halva-Neubauer, Virginia's Toby Heytens and Sarah Sawtelle, former Georgia competitor Lauren Litton, as well as a review of the latest edition of John Vile's excellent mock trial handbook, *Pleasing the Court*. The review is authored by Buffalo State's David Ben-Merre. AMTA would like to take this opportunity to thank Dr. Ben-Merre for using his desktop publishing expertise to lay out the Newsletter.

The Newsletter welcomes your submissions for upcoming issues. Articles can be about any topic of interest to the AMTA community. Please email articles and announcements to **Grant Keener**, Newsletter editor, at gwk101@psu.edu. For the next Newsletter, we would like to hear what your favorite mock trial memory is. Please email the editor with the subject heading "Mock Memory."



History of AMTA

The American Mock Trial Association was founded in 1985 by Dean Richard Calkins of Drake Law School. AMTA serves as the governing body for intercollegiate mock trial competition. Through engaging in trial simulations in competition with teams from other institutions, students develop critical thinking and public speaking skills, as well as a knowledge of legal practices and procedures. AMTA sponsors regional and national-level competitions, as well as providing interesting and complex case materials for academic use.

Presently, AMTA hosts 24 regional tournaments, eight opening round championship tournaments and a national championship tournament each season. Approximately 600 teams from over 350 universities and colleges will compete in these tournaments. In total, AMTA provides a forum for over 5,300 undergraduate students each academic year to engage in intercollegiate mock trial competitions across the country.



“Membership in the bar is a privilege burdened with conditions.”

--Benjamin Cardozo

AMTA 2020: Planning for Our Future

Welcome to the 2013-2014 season. While it has been the off-season for most members of our community, many of AMTA’s most dedicated and selfless supporters have been busy lining up regional, ORCS, and championship hosts, writing *Midlands v. Whit Bowman*, updating the Rulebook, Tabulation Manual, Regional Host Manual, and Judges’ PowerPoint. The exemplary efforts of many have ensured that AMTA will have another banner year.

As AMTA’s president, it is my job to look at the health of our organization through the most global of lenses. As such, I am making strategic planning the number one priority of my presidential agenda. If we are to maximize our impact on higher education, marshal resources effectively, and develop the organizational capacity to realize our goals, then we must develop a mission and vision statement, identify our core values, and formulate a strategic plan that will guide our decision making. I view strategic planning not as a chore, but as an exciting adventure that will lead AMTA to an even more glorious future than its past.

Strategic planning will look at all aspects of our organization from the critical issues of mission and identity to the more tangible, but equally important items of Board governance and administration. While this process will be guided by the seven-person Strategic Planning Committee, chaired by Professor DeLois Leapheart (Northwood University), your opinion and that of your program is important to us.

Here are just a few items that the Strategic Planning Committee and eventually the Board will consider? What’s your vision of AMTA 2020? What are AMTA’s strengths? weaknesses? How can the organization better assist its members? How can mock trial be a more high profile activity on campus and nationally—one that is equal to its impact in the lives and education of its participants?

Send your thoughts to Professor DeLois Leapheart leapheart@northwood.edu.

The strategic planning committee kicks off its work with a meeting in Indianapolis in mid-September, and we will be working throughout the year. If you see one of the committee members at a tournament, share your thoughts with them. In addition to Professor Leapheart and myself, the committee members are: Michael Smith (Cal-Irvine), Kyle Kopko (Elizabethtown), John Vile (Middle Tennessee), Johnny Pryor (Indiana University-Indianapolis), and Ryan Seelau (University of Arizona’s Native Nations Institute).

Best wishes for a productive and successful 2013-2014 academic year.

Sincerely,



Glen A. Halva-Neubauer

President

Dana Professor of Political Science
Furman University

Earning a Bid: The Backstory of the 2013 NCT

“Are we sure?”

“Do it.”

Toby clicked “send” and our bid was gone, out of our hands, and submitted to AMTA. For years we’d been talking about what we’d do if we hosted the NCT, but even after years of hosting GAMTI and other AMTA tournaments we were nervous.

We’d just submitted a bid to host in one of our favorite cities, one we’d hosted in numerous times, but we knew this would be several orders of magnitude bigger. We’d need two courthouses and teams who could run operations in each. We’d need space for openings and a place that could seat 700+ for the banquet. We’d need all of this within (arguable) walking distance. We’d need far more judges than we’d ever attempted to recruit before. This wasn’t just hosting a tournament: it was an event that we realized would be five times the size of our wedding and vastly more complicated.

But we also knew we had a team that was second to none. Toby’s parents, Bill and Sally, “encouraged” him to join his high school team in Wisconsin. In the 1990s, they traveled to numerous tournaments throughout the Midwest as we both competed for Macalester College and since 2007 they had come from Wisconsin to DC multiple times to help us plan and throw tournaments.

Ron and Gail Wiley are the ultimate UVA booster parents, the seed that sprouted an army. Their son, Paul, was on the 2007 UVA championship team, and they always had a spare bedroom in Charlottesville for out-of-town coaches. They have also been a steady force helping behind the scenes at tournaments, even since Paul graduated, and they have built a network of friends among the other parents that is second to none.

But we also knew that drive and the willpower would only get us so far: We also knew that we’d need money. Lots of it. There, we fortunately had the generous support of the UVA Law School Foundation. Their only demand was that we make the NCT a first-class event, one they would be proud to be affiliated with.

With our overhead covered and each of the Wileys and Heytens running a courthouse, we knew we could put on

the top-notch nationals that the teams deserved. We also had the help of countless other parents, alums, parents of alums, and other friends throughout the weekend setting things up and directing events. Students and team members helped film the videos, sitting judges offered up their courtrooms, and lawyers had who judged for us at other tournaments spread the word and brought their friends. NCT 2013 was built by literally hundreds of people who generously gave their time, workspace, and money to help students they don’t know.

There were some tricky moments along the way. We worked with AMTA to figure out how many judges we had to recruit before committing to three-judge panels and when that decision should be made. We worried that information about our special guests would leak and we’d end up with too many people at openings to fit everyone. (Seriously, most of the AMTA board was in the dark). Sarah became obsessed with the cherry blossom [Bloom Watch](#)

when she realized there was a chance the trees would still be in bloom when the teams arrived. We worried about teams and judges getting stranded by races and road closings. Mostly we wanted to provide an experience that every team would look back on and feel happy to be a part of, regardless of their record.

There was only one time that we had serious second thoughts.

“So, it turns out the other bid is from the University of Central Florida”

“Is it too late to retract? I want to go to Orlando.”

Toby Heytens is an Associate Professor at the University of Virginia School of Law and the Coach of the University of Virginia’s mock trial team. **Sarah Sawtelle** is a data analyst for the University of Virginia. Together, Toby and Sarah hosted the 2013 National Championship in Washington, DC. They may finally visit Orlando when the University of Central Florida hosts the 2014 NCT April 11-13.



“This wasn’t just hosting a tournament: it was an event that we realized would be five times the size of our wedding and vastly more complicated.”

From Courtroom to Classroom: One Mocker's Journey



When Forbes recently ranked the companies with the most difficult interview processes, Teach for America ranked thirteenth on the list. But if you have ever been cross-

examined as a fake expert witness, answering questions about overcoming challenges in your own life does not seem difficult at all. Those experiences give many mock trial competitors the skills that are attractive to an organization like Teach for America.

Anyone who competes in undergraduate mock trial has heard it from coaches and judges alike: juries typically have an education level below that of the average adult. Even though competitors have a greater understanding of the case as a whole, we present material to an uninformed group of people. We must learn as witnesses to deliver our statement in a way that is easy to follow; as experts we use simple analogies to make difficult scientific testimony digestible, and as closing attorneys we break down our logic in a more comprehensible way. These are the same skills that allow effective teachers to break down curriculum in a way that an 8th grader with a 1st grade reading level can understand.

In just my first month of teaching, thoroughly planned lessons have gone awry, students have defied my directions, and administrators have evaluated me in front of 35 people. Mock trial provided me the tools necessary to overcome these obstacles: the ability to

think on my feet, speak comfortably in front of large groups, and effectively resolve conflict. Mock trial competitors have many of the talents needed to be successful in a classroom.

Maybe this is why so many American Mock Trial Association alumni have gone on to join Teach for America. In fact, the University of Pennsylvania Mock Trial program has so many that they use their annual Christmas party as a supply drive for their Teach for America corps members. Former mockers lead classrooms across the country. Some start mock trial programs at the middle and high schools where they work, some coach for the local university, but all of them help push their students towards their goals by passing on some of the skills they learned in the courtroom.

“Mock trial provided me with the tools... to think on my feet, speak comfortably in front of large groups, and effectively resolve conflict.”

Lauren Lutton is a 2013 graduate of the University of Georgia, where she competed on Georgia's mock trial team. She is currently a Teach for America teacher at Brick Church Middle School in Nashville, TN.

To learn more about how you can make a difference as a Teach for America educator, visit www.teachforamerica.org.



State of Midlands v. Whit Bowman Released

Aug. 15, 2013 - The 2013-2014 AMTA case problem of the State of Midlands v. Whit Bowman has been released. If any errors, omissions or typos are noted in the case, please report these instances to the [AMTA Criminal Case Committee](#). An announcement will be made whenever updated materials are available on the AMTA website.





Book Review: *Pleasing the Court*

Review of John R. Vile's *Pleasing the Court: A Mock Trial Handbook*, 5th ed.

Mock Trial novices and veterans will find much to admire in the 5th edition of Professor John R. Vile's *Pleasing the Court: A Mock Trial Handbook*. Vile, a world-renowned constitutional law scholar and author of books on topics ranging from great American judges and lawyers to the Founding Fathers to presidential victory and concession speeches, has an extensive background with collegiate mock trial. He was awarded the Congressman Neal Smith Award in 2000 by the American Mock Trial Association, and he was named to the Coaches Hall of Fame eight years later. His years as a mock trial coach at Middle Tennessee State University introducing mock trial to newcomers and honing the intricacies of trial procedure are clearly on display in *Pleasing the Court*. (A portion of the royalties from this book are donated to AMTA.)

The clear organization of the handbook will be especially helpful for instructors teaching mock trial classes. The opening chapters, which provide an overview of mock trial process, are designed for newer participants, but they will also be valuable for coaches who want to explain concisely the benefits that mock trial might have for academic study and future career paths. The following chapters focus on the rules of the mock trial competition. Vile offers clear introductions to the Midlands Rules of Evidence with amusing and enlightening examples, which serve as refreshers for those already familiar with mock trial. For instance, elaborating on why a "prior statement" may not be hearsay, Vile offers the following frosty example: "if a witness named Rebekah testifies that another witness named Virginia, who is on trial for breaking into an ice cream store, told her that her favorite flavor of ice

cream was vanilla and Virginia testifies in court that her favorite flavor is chocolate, Rebekah may be asked about this (especially if Virginia is accused only of stealing vanilla ice cream)" (42-3). Were there to be a "strawberry exception" to the hearsay rule, Vile, no doubt, would have included mention of that too.

Participants and instructors teaching a mock trial class will also be happy to find an extended "Further Reading" section, as well as a helpful "Dictionary of Mock Trial Terms" and a brief quiz. Vile also provides a short list of judges' instructions, which will help coaches and participants know what the competition judges are asked to look for. A few humorous "Top Ten" lists round out the collection. The "Top Ten **Professor John R. Vile** Warning Signs that You are



Spending Too Much Time on Mock Trial" include at #3: "You make 'narrative' or 'hearsay' objections during dinner conversations," and at #5: "You communicate regularly with 'the spirit of AMTA'" (49). Readers familiar with earlier editions of Vile's text will find the inclusion of the updated AMTA rules very helpful. Newer mock trial programs looking to enter mock trial competition at the national level will benefit considerably from the author's guidance. In a few words, Professor Vile pleases the court.

David Ben-Merre is an associate professor of English at Buffalo State – SUNY and a former competitor for Johns Hopkins's mock trial team.