



# TEXAS YOUTH AND GOVERNMENT

TO: Trial and Appellate Teams  
FROM: State Judicial Section  
DATE: January 10, 2018  
RE: Questions Submitted by Teams

1. The affidavits are not signed and dated. Does the following clause constitute a stipulation that the affidavits are signed? But what would be their dates?  
**Please see Rules of Procedure, Trial Preparation -Materials, Witness Testimony, No. 1. Teams should assume all affidavits are signed, date has been provided in updated case.**
2. In the Plaintiff's original petition, it mentions a Right To Sue Letter. Is this something we need to have? **No, it is not pertinent to the case.**
3. Obviously we are trying this case in Texas Youth and Government, but everything in the case takes place in the Carolinas. Nothing establishes that a Texas Court has jurisdiction. Will revisions be made to make it all happen in Texas or is there some legal reason that Texas has jurisdiction? **Assume that Federal District Court has Jurisdiction of the case and is using Texas Rules of Evidence.**
4. On page 20, it says "You are too damn old." The kids are concerned about that being deemed inappropriate for students by evaluators. Will it count against them if the witness/attorney quote the affidavit? **Document has been edited to state, "you are too old."**
5. Some students found that some judges would allow extra time to be applied to opening and closings while others would not. What is the actual rule on this? **Please see Rules of Procedure, Trial Rules, No. 6.**
6. Is everyone on defense considered Party Opponent to the plaintiff since they all represent the company? **That is for each team to determine.**
7. In the YMCA Moot Court case material, the dates on the Memorandum go from January 10th to January 3rd. In the Mock Trial version of the same case, the dates go from January 10th to \*July\* 3rd. Which is correct? **The Trial/Moot Court memo dates are correct. A correction will be made to the Appeals Case Memos to reflect January 3, 2012, July 10, 2012, and August 2012.**
8. What is Ted Finnell's age? In Allison Young's affidavit, Ted Finnell is described as 33 years old. In James O'Callahan's affidavit, Ted Finnell is described as 40 years old. **The affidavits are accurate.**
9. In the affidavits it gives the witnesses ages in 2012. Are we supposed to go with these ages or go with the ages 5 years later? **That is a determination to be made by the attorneys after reviewing the law.**
10. My students have a question about the "facts" listed on page 12. Are these "facts" according to the plaintiff? **Yes, the facts are part of a document, entitled "Plaintiff's Original Petition."**
11. On page 21 #13, It seems to contradict itself. "I was aware that Jim did not have some problems." Jim did or did not have some problems? **This has been corrected in both Trial and Appeals case (page 2-19) to read ".....Jim did have some problems."**

12. On the Bailiff's Study Guide, I think the front cover might be misspelled; it has two "L"s in the word "bailiff."  
**This has been corrected.**
13. Ted Arts's affidavit says that he never has been convicted of a crime involving moral turpitude, but he is under investigation for filing a fraudulent tax report to the IRS. **The affidavit is accurate.**
14. Edward Williams's affidavit says that he never has been convicted of a crime involving moral turpitude, but he was sentenced for negligent supervision of his own great-grandfather. **The affidavit is accurate.**
15. The first two sentences of paragraph 20 on page 42 contradict each other. One says Williams did not know of the restructuring on July 10; the other says that Williams did know of the restructuring by that date. I think it should say "before" instead of "after." **This is not a contradiction, please read again.**
16. Paragraph 6 on page 46 states that Williams transferred the 3 territories to Kiser from O'Callahan "about a month later" than mid-July 2012, which directly conflicts with the timeline set out elsewhere (on pages 13, 29, 36, 40, and 49). **This is not a contradiction, please read that paragraph again to work out the timeline.**
17. On page 47, paragraph 10, "here" is a misspelling of "hear." **The misspelling has been corrected in both Trial and Appeals case.**
18. The Bailiff's Study Guide and Judge and Attorney Study Guide have last year's court and case name/number. It should be changed to the "U.S. District Court for Northern District of Texas" and "394-CV-2291-D James O'Callahan v. Continental Catering Consolidated Company" to match the petition on page 11 of the case materials. **This has been corrected.**
19. The Judge and Attorney Study Guide script still includes references to reading the charges, which would not happen in a civil case like this one. **Please follow the rules for civil case and disregard reading of the charge.**
20. The Judge and Attorney Study Guide script still makes references to the "State," which is not a party to this case. It could be changed to "Plaintiff" or "Prosecution." **Teams should discern this is a civil case and use the term plaintiff for this year's case. This has not been changed throughout the documents since year to year cases change from criminal to civil.**
21. Is it true that none of the witnesses have enough background to be an expert witness? **That is a determination to be made by the attorneys.**
22. I was asked if the dates were going to be updated for the trial court case. We have a judge who is helping out with CLPS who is saying that if the dates stay the same that the statute of limitations has run out. **Statute of limitations does not apply in this case.**
23. **(Appellate)** So the appeals team at my school and I were wondering if Texas is a right to work state and we're hearing O'Callahan's case in Texas why wouldn't this case be thrown out on entrance? **The court has determined to hear this case, as the Plaintiff/Appellant has standing.**
24. **(Appellate)** How exactly are we going about hearing a case that occurred in the Carolina's in the state of Texas? **The Appeal is being heard in Texas as jurisdiction was established in Texas.**



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25. (Appellate) At training, I was told that appellate would definitely be closed universe this year. However, the instructions indicate that it is open universe in three different sections. *Research Tips and Researching and Writing Briefs*. Could we please get clarification on this? Both Trial and Appeals cases are closed cases and only the cases referenced within the case should be used.
  
26. (Appellate) The links to the cases are dead—they don't take us anywhere—additionally the materials say that irrelevant portions have been deleted. The links to the cases are now hyperlinked in the updated Appellate Case. Teams should use whatever portions of these case that are relevant to their argument, but only these cases should be referenced.