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2020 YMCA Virtual Judicial Competition Case FAQ Clarifications

ALL

- If students from the same team are physically in the same place during the competition, can they share a stream? **There will be a few times where we will move individual students to break out rooms for social activities. If possible, students should be prepared with at least a smartphone and a headset (i.e. apple earbuds with microphone)**

MOCK TRIAL

- Is it necessary to establish chain of custody before entering an exhibit into evidence? **Generally, yes. However, chain of custody is normally only an issue with physical evidence (shirts, biological samples, gun casings). For our case, there are not really any issues related to chain of custody. These exhibits are electronic records (e-mails, photo, letters, and autopsy) and are not physical evidence. The attorney still needs to lay a proper foundation to satisfy the Judge that the exhibit is what the witness is saying it is and that the exhibit has not been altered in any way. Ultimately, this decision is up to the Judge.**
- How should we film student competitors? Should they stand/sit? Will we use Zoom? **Attorneys can remain seated throughout the trial -- including during objections.**

APPELLATE

- Do/can we have access to the affidavit that resulted in the search warrant? **Yes, you can reference the affidavit and warrant found in the trial court case**

packet.

- Will each team be arguing only once? **No, each team will have multiple rounds,**
- When will we find out which side we are arguing for? **Rounds will be posted at orientation on Monday, August 4.**
- How many cases will we be serving as justices for? **They will say at orientation on Monday, August 4.**
- What is the recommended number of reference cases used per issue when arguing either side? **The "right" answer is that the attorney needs to reference a sufficient number of cases to support their positions. This does not provide much guidance. Just like with plagiarism when writing a paper for school, when you refer to an idea that is now your own, you should cite to where you got that idea.**
- Should we include the evidence and information from the original trial in any way? How are the given witness statements and police/autopsy reports relevant to the appeal? **Attorneys can reference the mock trial case packet. You can assume that the Judge had the information contained in the packet when she ruled on issue one and also that the judge/jury had the information when they found the defendant guilty. Remember, you are appellate attorneys – your arguments should not revolve around arguing about the facts of the case. Focus on why the case law shows that an error was made or was not made at the lower court. This note does not alter the "four corners" rule.**
- Should the appellate court address materials such as witness statements/police reports in their arguments? **See the answer above.**
- Are the facts listed in the search warrant the only information that was submitted to the judge in the affidavit? (Issue 1) **How the warrant is formatted in the case packet is obviously not ideal. Normally search warrants have an affidavit and then a separate document that is the warrant. The appellate argument doesn't challenge the form of our warrant, only the content. You should assume that the content in Page 5 and 6 is the only content that the Judge had before her when she signed the warrant.**