

The 2007 Florida High School Mock Trial Competition

Sal Lantro

V.

Gates County School District

Version 1.6, November 2006

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TABLE OF CONTENTS

I.	Trial Overview	4
II.	Code of Ethical Conduct	5
III.	2007 Mock Trial Case	
	A. Complaint	6
	B. Answer	11
	C. Witnesses, Exhibits, and Stipulations	13
	D. Stipulated Statement of Facts	14
	E. Witness Statements	
	<u>For the Plaintiff</u>	
	1. Sal Lantro	20
	2. Chris Marks	24
	3. Pat Wilson	26
	<u>For the Defense</u>	
	1. Eddie U. Cation	28
	2. Francis Godwin	32
	3. Danny Sanders	35
	F. Trial Exhibits	37
	1. Gates High School Internet and Network use Policy	37
	2. Laptop Agreement signed by Plaintiff	38
	3. Memo of “Problem Students”	39
	4. Email message from Plaintiff to Chris Marks	40
	5. “Deliciously Demented” Web page created by Plaintiff	41
	6. “Late Breaking News” Web page created by Plaintiff	42
	7. Letter from Principal Cation to Plaintiff’s parents	43
	G. Relevant Case Law	44
	H. Appendix A	45
IV.	Rules of the Competition	47
	A. Rule I: Team Composition/Presentation	47
	B. Rule II: The Case	48
	C. Rule III: Trial Presentation	48
	D. Rule IV: Student Attorneys	49
	E. Rule V: Swearing of Witnesses	50
	F. Rule VI: Case Materials	50
	G. Rule VII: Trial Communication	50
	H. Rule VIII: Trial Start Time	50
	I. Rule IX: Conduct/Attire	50
	J. Rule X: Videotaping/Photography	50
	K. Rule XI: Witnesses	51
	L. Rule XII: Jury Trial	51
	M. Rule XIII: Viewing a Trial	51
	N. Rule XIV: Decisions	51
	O. Rule XV: Time Limits	51
	P. Rule XVI: Judging	52
	Q. Rule XVII: Dispute Settlement	53
	R. Rule XVIII: Reporting a Rules Violation Outside the Bar	54
	S. Rule XIX: Score Sheets/Ballot	54
	T. Rule XX: Power Matching/Seeding	55

U.	Rule XXI:	Completion of Score Sheet	56
V.	Rule XXII:	Team Advancement	56
W.	Rule XXIII:	Effect of a Bye/Default	56
X.	Rule XXIV:	Eligibility	57
Y.	Rule XXV:	Awards	57
Z.	Rule XXVI:	Interpretation of State Competition Rules	57
V.	Simplified Rules of Evidence and Procedure		58
	A.	Witness Examination/Questioning	58
	B.	Objections	62
	C.	Trial Motions	70
	D.	Attorney Demeanor	70
VI.	Guidelines for Teacher Coaches		71
VII.	Guidelines for Attorney Coaches		72
VIII.	Guidelines for Judges		
	A.	Score Sheet/Ballot	73
	B.	Ratings Used on Score Sheet	74
IX.	Ballots and Forms		75
	A.	Presiding Judge Ballot	75
	B.	Most Effective Attorney Award Ballot	76
	C.	Most Effective Witness Award Ballot	77
	D.	Legal Professionalism Award Ballot	78
	E.	Complaint Form	79
	F.	Team Dispute Form	80
	G.	Team Roster Form	81
X.	Professionalism		82
XI.	Oath of Admission to The Florida Bar		83

TRIAL OVERVIEW

- I. The presiding judge will ask each side if they are ready for trial. Team rosters/roles should be presented to the judges.
- II. Presiding judge announces that all witnesses are assumed to be sworn.
- III. Opening Statements - no objections allowed, however, after each opening has concluded, the opposing counsel may raise his/her hand to be recognized and state that if they could have objected they would have objected to...The presiding judge does **not** need to rule on this. No rebuttals allowed.
- IV. Cases presented. **Rule XV** lists the trial sequence and time limitations.
- V. Closing Statements - no objections allowed; however, after each closing statement has concluded, the opposing counsel may raise his/her hand to be recognized and state that if they could have objected - they would have objected to...The presiding judge does **not** need to rule on this. No rebuttals allowed.
- VI. No jury instructions need to be read at the conclusion of the trial.
- VII. Judges should complete score sheets **before** debriefing. This is crucial and ensures completed score sheets.
- VIII. If a material rules violation is entered, scoring judges should exit the courtroom but stay in the vicinity. The presiding judge will follow the rules for this type of dispute. Scoring judges will return to the courtroom to determine if the presiding judge feels the dispute may be considered in scoring. Specific forms are needed. See Rule XVII - DISPUTE SETTLEMENT.
- IX. ALL DECISIONS OF THE JUDGES ARE FINAL. Debrief/Critique ONLY.

JUDGES DO NOT ANNOUNCE SCORES OR PERFORMANCE DECISIONS!

Participants Code of Ethical Conduct

The purpose of the Florida High School Mock Trial Competition is to stimulate and encourage a deeper understanding and appreciation of the American legal system by providing students the opportunity to participate actively in the legal process. The education of young people is the primary goal of the mock trial program. Healthy competition helps to achieve this goal. Other important objectives include improving proficiency in speaking; listening, reading, and reasoning skills; promoting effective communication and cooperation between the educational and legal communities; providing an opportunity to compete in an academic setting; and promoting tolerance, professionalism, and cooperation among young people of diverse interests and abilities.

As a means of diligent application of the Florida High School Mock Trial Competition's Rules of the Competition, the Mock Trial Advisory/Policy Committee has adopted the following Code of Ethical Conduct for all participants.

1. Team members promise to compete with the highest standards of ethics, showing respect for their fellow team members, opponents, judges, evaluators, attorney coaches, teacher coaches, and mock trial personnel. All competitors will focus on accepting defeat and success with dignity and restraint. Trials will be conducted honestly, fairly, and with the utmost civility. Members will avoid all tactics they know are wrong or in violation of the rules, including the use of unfair extrapolations. Members will not willfully violate the rules of the competition in spirit or in practice.
2. Teacher coaches agree to focus attention on the educational value of the Mock Trial Competition. They shall discourage willful violations of the rules. Teachers will instruct students as to proper procedure and decorum and will assist their students in understanding and abiding by the competition's rules and this Code of Ethical Conduct.
3. Attorney coaches agree to uphold the highest standards of the legal profession and will zealously encourage fair play. They will promote conduct and decorum in accordance with the competition's rules and this Code of Ethical Conduct. Attorney coaches are reminded that they are in a position of authority and thus serve as positive role models for the students.
4. All participants (including observers) are bound by all sections of this code and agree to abide by the provisions. Teams are responsible for insuring that all observers are aware of the code. Students, teacher coaches, and attorney coaches will be required to sign a copy of this code. This signature will serve as evidence of knowledge and agreement to the provisions of the code. Teams will receive scores on ethical conduct during each round.
5. Staff and Mock Trial Advisory Committee members agree to uphold the rules and procedures of the Florida High School Mock Trial Competition while promoting ethical conduct and the educational values of the program.

**IN THE CIRCUIT COURT OF THE TWENTY-FIRST JUDICIAL CIRCUIT
IN AND FOR GATES COUNTY, STATE OF FLORIDA**

SAL LANTRO,

Plaintiff,

v.

Case No.: 06-CA 1966

**GATES COUNTY SCHOOL
DISTRICT,**

Defendant.

_____ /

COMPLAINT

Plaintiff, SAL LANTRO (Plaintiff), hereby sues Defendant, GATES COUNTY SCHOOL DISTRICT (School District or Defendant), and alleges the following:

NATURE OF THE ACTION

1. This is an action brought under Article 1, sections 4 and 23 of the Florida Constitution.
2. This is an action involving claims which are, individually, in excess of Fifteen-Thousand Dollars (\$15,000), exclusive of costs and interests.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this lawsuit pursuant to section 26.012, Florida Statutes.
4. Venue lies in this Court pursuant to section 47.011, Florida Statutes, because defendants reside in this district.

THE PARTIES

5. At all times pertinent hereto, Plaintiff Lantro has been a resident of Gates County, Florida and a student at Gates High School.

6. At all times pertinent hereto, Defendant School District has been a county governmental organization composed of seven elected members and one appointed superintendent. The School District is responsible for the maintenance, control, operation, organization, management and administration of schools in Gates County.

STATEMENT OF THE ULTIMATE FACTS

7. Gates High built the Murray Technology Lab, providing students access to technology, including laptop computers, which the students could “check out” for use during school hours.

8. Gates High implemented an Internet use policy stating that use of the school’s network and Internet would be for educational purposes only and required that all enrolled students must sign a form acknowledging this policy.

9. Additionally, Gates High required that students wishing to check-out a laptop computer sign an agreement, which reiterated the Internet policy.

10. On October 3, 2005, Plaintiff completed the agreement and checked out a laptop computer from the technology lab.

11. During his use of the laptop computer, Plaintiff’s actions were being monitored by a member of the technology department at Gates High, pursuant to the school district’s policies.

12. While monitoring Plaintiff’s Internet use, the technology administrator observed Plaintiff’s personal email message to another student and viewed Plaintiff’s personal Web sites.

13. Upon viewing, the technology administrator printed copies of the message and Web site and forwarded them to Principal Eddie U. Cation.

14. Based on these seized articles, Principal Cation punished Plaintiff with a one-week suspension from school and prohibited him from checking out a school laptop or using the Internet on campus for the remainder of the school year.

COUNT 1
Violation of Right of Privacy

15. Plaintiff hereby realleges and incorporates paragraphs 1 through 14 as if fully set forth herein.

16. Plaintiff exhibited an actual and reasonable expectation of privacy in his personal email messages.

17. The capability of monitoring did not create an implied consent by Plaintiff to any monitoring of his personal email that occurred.

18. There is no indication Plaintiff gave Gates High officials reason to believe he was using, or had used, the school laptop or Internet improperly. Therefore, the search of his private email was unreasonable under the circumstances.

19. Even if the initial search of the email was justified, which Plaintiff does not concede, nothing in the email warranted a further search of Plaintiff's personal Web sites.

20. Based on the foregoing, Gates High search was unreasonable and overly intrusive and constitutes a violation of his right to privacy under Article 1, Section 23 of the Florida Constitution.

COUNT 2
Violation of Freedom of Speech

21. Plaintiff hereby realleges and incorporates paragraphs 1 through 20 as if fully set forth herein.

22. Plaintiff's protected speech, as found in the email and personal Web sites, did not present any true threat or imminent danger to Gates High.

23. Imposition of suspension and sanctions against Plaintiff, pursuant to Gates High's computer monitoring policy, constitutes a violation of Plaintiff's rights in that:

(a) Gates High does not have a substantial interest sufficient to justify the imposition upon the exercise of free expression resulting from application of the monitoring policy and the threat of such application;

(b) Application of the policy would not effectively serve any purported interest of the school; and,

(c) The application is not narrowly drawn to effectuate any purported school interest.

24. Based on the foregoing, the disciplinary action imposed upon Plaintiff unconstitutionally impinged upon his right to freedom of speech under Article 1, Section 4 of the Florida Constitution.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following:

(a) a declaratory judgment that the disciplinary action imposed upon him by Defendant is void as a violation of Plaintiff's First Amendment rights;

(b) an injunction ordering the expungement of the incident from Plaintiff's official school record;

- (c) compensatory and punitive damages, and
- (d) such other relief as the court shall deem appropriate.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury on all issues set forth herein which are so triable.

DATED this 5th day of January, 2006.

Respectfully submitted,

ATTORNEYS FOR PLAINTIFF

**IN THE CIRCUIT COURT OF THE TWENTY-FIRST JUDICIAL CIRCUIT
IN AND FOR GATES COUNTY, STATE OF FLORIDA**

SAL LANTRO,

Plaintiff,

v.

Case No.: 06-CA 1966

**GATES COUNTY SCHOOL
DISTRICT,**

Defendant.

_____ /

**DEFENDANT GATES COUNTY SCHOOL DISTRICT'S
ANSWER AND AFFIRMATIVE DEFENSES**

The Defendant, **GATES COUNTY SCHOOL DISTRICT**, responds to the complaint as follows:

1. Defendant admits the allegations contained in paragraphs 1, 3-10, and 21.
2. Defendant denies the allegations contained in paragraphs 2, 15-20, 22-24, and all allegations in the Prayer for Relief.
3. Defendant is without knowledge of, and therefore denies, the allegations in paragraphs 11-13.
4. As to paragraph 14, Defendant admits that Plaintiff was suspended from school for one-week and prohibited from checking out a school laptop or using the Internet at school for the remainder of the school year. Defendant denies all other allegations of this paragraph, and specifically denies that Plaintiff's punishment was based on any seized articles.

AFFIRMATIVE DEFENSES

1. Defendant has, at all times, in its treatment of Plaintiff acted in good faith in accordance with all statutes, rules and regulations, and with its own internal policies, rules and procedures governing the workplace.

2. Defendant has, at all times relative hereto, made good-faith efforts to comply with Article 1, Sections 4 and 23 of the Florida Constitution, and to the extent that any of the actions complained of in the amended complaint did occur, which Defendant expressly denies, such actions run contrary to its good-faith efforts.

WHEREFORE, Defendant respectfully requests that this Court dismiss the complaint against Defendant in its entirety, with prejudice, and that Defendant be awarded its reasonable attorneys' fees and costs.

DATED this 25th day of January, 2006.

Respectfully submitted,

ATTORNEYS FOR DEFENDANT

**IN THE CIRCUIT COURT OF THE TWENTY-FIRST JUDICIAL CIRCUIT
IN AND FOR GATES COUNTY, STATE OF FLORIDA**

SAL LANTRO,

Plaintiff,

v.

Case No.: 06-CA 1966

**GATES COUNTY SCHOOL
DISTRICT,**

Defendant.

_____ /

WITNESSES, EXHIBITS, AND STIPULATIONS

Plaintiff's Witnesses:

1. Sal Lantro, Plaintiff – a student at Gates High School
2. Chris Marks – another student at Gates High School and friend of Plaintiff
3. Pat Wilson – basketball coach at Gates High School and character witness for Plaintiff

Defendant's Witnesses:

1. Eddie U. Cation, Ph.D. – principal of Gates High School
2. Francis Godwin – Technology Administrator at Gates High School
3. Danny Sanders – another student at Gates High School, who found and read Plaintiff's Web site

Exhibits:

1. Gates High School Internet and Network Use Policy
2. Laptop Agreement signed by Plaintiff
3. List of "problem students" whose computer use was subject to monitoring
4. Email message from Plaintiff to Chris Marks
5. "Deliciously Demented" Web page created by Plaintiff, showing a journal entry dated October 2, 2005
6. "Late breaking news" Web page created by Plaintiff
7. Letter dated October 10, 2005, from Dr. Eddie U. Cation to Plaintiff's parents

Stipulations: Both sides stipulate to the following:

1. All exhibits included in the case are authentic and accurate in all respects. No objections to the authenticity of the exhibits will be entertained.
2. Stipulations cannot be contradicted or challenged.
3. The original signatures on the witness statements are omitted due to the electronic delivery of the case.
4. The requirements for venue have been met.
5. Whenever a rule of evidence requires that reasonable notice be given, it should be considered to have been given.
6. All witnesses are assumed to have knowledge of the facts contained in the Stipulated Statement of Facts below.
7. This trial has been bifurcated to handle the equitable claims separately from the money damages claim. For purposes of this competition, the issue is constrained to the money damages claim, whether there has been a violation of law and, if applicable, the amount of damages that the jury should award.
8. The method by which Chris Marks connected to the internet to read Sal Lantro's email is irrelevant to the issues in this case.

Stipulated Statement of Facts:

1. Gates High School ("Gates High" or "GHS") is a small public high school located in Dell City, Gates County, Florida. Approximately 80,000 people reside in Gates County, and Gates High has 2,040 students currently enrolled. The high school includes grades nine through twelve and has between 400 and 600 students in each grade. Gates High has a distinguished reputation throughout the state for having a superior academic program and is known specifically for its math, science and computer classes. Each year, its graduating class ranks among the top schools in the state for its number of admissions to Ivy League and Engineering undergraduate programs. GHS' campus includes four large academic buildings and three additional complexes, which house the art, music and athletic programs. However, Gates High's technology center is what attracts many students and parents.

2. The Murray Technology Lab was built in June 2002, and was upgraded during the summer of 2005. The Lab now contains 150 state-of-the-art computers, ten color scanners and 50 laser printers. For the first time, Gates High also decided to purchase 40 brand new laptops

which the students may “check out” for use during class, lunch or study times. Although Gates High allows students to bring their own laptops to school, only the school’s laptops and computers may access the Gates High network. The school feared that if students were to use their personal laptops to access the Internet, the school network would become susceptible to various computer viruses.

3. Limiting student misuse of the Internet had been a hot topic among Gates High officials before the technology lab was upgraded. The school wanted to ensure that students on campus would have access to Internet sites that would assist the students in completing their assignments (e.g., on-line encyclopedias, reference materials, news providers) but at the same time was anxious to prevent access to lewd or inappropriate Web sites that were inconsistent with educational purposes. GHS considered implementing filtering software to prevent access to inappropriate sites. Following the discussion, the school concluded that such software would be too difficult to implement, given the endlessly changing Internet content, and might have the unintended effect of restricting access to legitimate, educational sites. Therefore, Gates High concluded that it would not use filtering software but would instead require enrolling students to sign an Internet and Network Use Policy (“Internet Policy”), implemented on a district-wide level by the school board. The Internet Policy sets forth guidelines as to what Web sites are appropriate for access on school property and with school computers and states in pertinent part:

Legitimate use of the Internet is specifically for educational purposes only. . . . Technology administrators may review student files and communications made over the school’s system to maintain system integrity and ensure that users are using the school’s system responsibly.

4. Each student is also assigned a username and password in order to log on to any school computer, and a school email address that he may use throughout his time at Gates High.

Additionally, GHS introduced a new Laptop Check-Out Program, whereby each time a student checks out an individual laptop, he must hand in a written permission form signed by a teacher, and he must sign a Laptop Agreement that reiterates his original agreement to abide by the school's Internet Policy. Gates High decided that they would implement a sliding scale to determine punishment for violations of either the Internet Policy or the Laptop Agreement: the more egregious the action (e.g., stealing a school laptop), the harsher the punishment (e.g., suspension or expulsion). Although no specific chart of appropriate punishment was ever devised, most violations of the Internet Policy were addressed by detentions, restricted computer privileges or required study halls. No previous violation received more than two days' suspension.

5. Gates High employs three Technology Administrators who offer technical assistance and support for all the student computers. These administrators also monitor use of the student network through the central server, which allows the technology department to view every student computer and laptop individually. Student-owned laptops cannot be monitored by the Gates High Tech Department because such computers cannot access the school network.

6. The monitoring process at Gates High is very similar to that used by most colleges and universities around the country. Through the server each Technology Administrator can access the programs, the files and the screen views of every single computer that is logged on to Gates High's network. The administrators conduct random searches throughout the day of student computer usage and student email accounts. However, Gates High also developed a more extensive monitoring system for those students whom it believed were "problem students." Soon after the computers were installed in the technology lab, Gates High officials drew up a list of those students who: 1) were involved in previous bad acts at Gates High, 2) had gotten into some

trouble with the police, or 3) were suspected troublemakers due to their poor attitude or performance in school. The Technology Administrators monitor each of these students by watching the student's screen view throughout their computer session, and by reading every email that the student sends or receives through their school email account.

7. When the 2005 school year began at Gates High, students were anxious to use the new computer lab and laptops. The Laptop Check-Out Program became increasingly popular and soon the Technology Administrators had to enforce time limits on student usage in order to ensure a fair distribution of the laptops. Even though the lab was consistently full and each laptop was always checked out, the Technology Administrators managed to monitor each student's computer usage, and continued with their random checks of student email accounts and computer screen views.

8. On October 3, 2005, Sal Lantro checked out a laptop during his/her lunch break so that s/he could research an extra credit assignment for English class. Lantro was an eighteen-year-old senior at Gates High and had been involved in a school vandalism prank the previous year. However, Lantro maintained a clean record and a steady 3.4 GPA throughout the rest of his/her junior year. Lantro was also a basketball player for the Gates High Eagles and was very popular on and off the basketball court. Notwithstanding the fact that the vandalism incident seemed to be an aberration on his record, Lantro still remained on the list of "problem" students who required extra monitoring. Therefore, whenever s/he used a school laptop or computer, one of the Technology Administrators would watch his/her computer screen remotely throughout the entire session and would read through any and all files on the computer once it was returned.

9. On this particular day, after s/he had finished researching the extra credit assignment, Lantro decided to check his/her Hotmail account and email a friend, Chris Marks, about a

personal Web site s/he had made over the weekend. The email to Marks stated in full, “i created a website this weekend, and after what we talked about in class, i thought you would find it funny. i’m so twisted. lol. check it out at www.slantro.net.” The Web site address in the email was an active hyperlink.

10. Francis Godwin, the Technology Administrator watching Lantro’s screen at the time, read over the email and printed out the screen view. Godwin then followed the link that was provided in the email and found Lantro’s site. The title of the Web site was “Deliciously Demented,” and there were dated journal entries written for the previous three days. The entry for October 2nd read:

Gates High is a prison. I can’t do anything and the teachers treat us like criminals. Everyone there is so lame and I can’t believe that the government has let the school stand this long. I hope it burns to the ground. The students shouldn’t stand for this mistreatment anymore. And for those psycho teachers reading this, find something better to do with your time. No this is not a threat, you losers.

11. The entry went on to express further critical views of the school and faculty and included vulgar language, which will not be repeated here. At the bottom of the Web site was a link to another webpage created by Lantro that was titled “Late Breaking News: Gates High Blows Up. Students Don’t Care.” That link led to a mock news story depicting how the school was blown up in a “suspicious” bombing. There was a picture of Gates High at the top of the page, and at the end of the story was a line that read, “For you idiots out there that didn’t catch on, this story is obviously NOT true” (capitalization in original). There were also various links on that page which led to sites about bomb preparation and one link to a page entitled “How to create a bomb.” There is no indication that Lantro had any involvement in the creation or maintenance of any of those linked sites.

12. Once Lantro returned the laptop, Godwin searched through Lantro's computer log from the beginning of the school year, but did not find any evidence that s/he had accessed that personal Web site from any school computer. Godwin printed out a copy of Lantro's homepage and the mock news story and brought all the documentation to the principal, Eddie U. Cation. Cation called Lantro into his office, told Lantro that s/he knew of the email to Marks and the Web site and warned Lantro that s/he would be appropriately disciplined. Cation also told Lantro, "You better clean up your Web site or take it down if you don't want to be punished even more than what I have in mind right now." Lantro removed his/her Web site from the Internet that same night. In a letter dated October 10, 2005, Cation informed Lantro's parents that s/he would be suspended for a week for violating the Internet Policy because s/he accessed personal email from a school computer. The letter further stated that Lantro would no longer be able to check out personal laptops and that s/he would not be allowed to use the Internet at school for the rest of the year. At that time, Lantro was still in the process of applying to colleges and a suspension on his/her record was reported to every college to which s/he had applied, including those that were scouting him/her for their basketball programs. In late November, Lantro's first choice college accepted him/her for early admission, but refused to offer him/her any athletic scholarship money because of the recent "indiscretion."

13. Lantro filed a lawsuit against Gates County School District, contending that Gates High School's monitoring policy, which includes reading personal emails, constituted an unreasonable search and violated his/her Fourth Amendment rights. His lawsuit further alleges that the one-week suspension from school for violating the Internet Policy infringed upon his/her First Amendment right to free speech. S/he seeks to have the monitoring policy declared unconstitutional, and the suspension expunged from his/her school record.

**IN THE CIRCUIT COURT OF THE TWENTY-FIRST JUDICIAL CIRCUIT
IN AND FOR GATES COUNTY, STATE OF FLORIDA**

SAL LANTRO,

Plaintiff,

v.

Case No.: 06-CA 1966

**GATES COUNTY SCHOOL
DISTRICT,**

Defendant.

_____ /

SWORN STATEMENT OF SAL LANTRO

1 My name is Sal Lantro. I'm a senior at Gates High School. My grandma, mom, step-
2 dad, and older brother live with me. Our address is 24 Outta Way – we live on a small acreage.
3 I've been a good student at Gates. I get good grades, and it's not an easy school to get
4 good grades, either. I'm on the basketball team, and I get a lot of playing time, although I'm not
5 one of the star players necessarily. OK, I got into a little bit of trouble in my junior year. I was
6 very annoyed at this one girl, Debbie. She just acts like she's the queen of everything. So she
7 was making the decorations for the prom, which involved her making hundreds of these
8 annoying little paper flowers. Debbie is just completely annoying about everything. Anyway,
9 just to make her mad, I stole four big plastic bags full of her stupid flowers and hid them in the
10 trunk of my friend, Chris', car. I mean, I didn't destroy them or anything – just hid them. Then I
11 went to all of these classrooms after school and wrote on the whiteboards, in big letters, "Where
12 have all the flowers gone?" You know, like that old folk song? We thought Debbie would see it
13 in all the classrooms she went to the next day and really get mad. But apparently one of her little
14 friends found out that I had done it, and she turned me in to the principal's office.

15 Since then, no matter how hard I try, the school seems to have it in for me. Every little
16 thing I do, they come down hard. That’s why this whole Web site thing got so blown out of
17 proportion. I’ll be so glad when I’m out of that place. “Hell’s Gates,” I call it.

18 Earlier this year, I set up a Web site just for me to write about my life, things that I think
19 are funny – you know. I called it “Deliciously Demented” – no idea where I got the title. It just
20 came to me. I keep a sort of a lame journal on the Web site, and on October 2nd I wrote a little
21 about my frustration with Gates High School. Maybe I got a little ugly with my language, but
22 come on. And I said some things about some of the teachers – but I think everything I said was
23 true and anyway, they deserve whatever I said.

24 Then I did another Web page that was supposed to be total satire, with this pretend news
25 story showing Hell’s Gates being blown up. I mean, I’m certainly had no intention of doing
26 anything like that—never have—but I can fantasize, can’t I? And I very carefully added these
27 disclaimers to these Web sites for the morons who need to be warned not to stick their fingers
28 into a live electrical socket, that it was all to be taken as a joke. But any idiot could look at the
29 site and tell it wasn’t real. And then just to round things out, I added some links to stuff that
30 anyone can easily find on the Internet, like how to make a bomb and stuff. But I had nothing to
31 do with those Web sites whatsoever! You can get instructions on how to make a nuclear bomb
32 on the Internet, for pete’s sake. Besides, I don’t even know if the information is true because
33 I’ve never tried it.

34 Then I went to school on Monday and at lunch time I checked out one of the school’s
35 laptops so I could do some quick research for an English paper I was working on for extra credit.
36 They mad me sign some paper, which I didn’t read. I was in a bit of a hurry. I did the research,
37 had a little time to kill, so I emailed my friend Chris Marks from my Hotmail account, to let

38 him/her know about the Web site I made over the weekend. I thought they were pretty funny.
39 So I gave him/her the link to the “Deliciously Demented” Web site. Thought s/he could use a
40 little humor during the long school day.

41 I took the laptop back to where it belonged, checked it back in, went on my merry way to
42 my next class. Next thing I know, I’m being told to go to Dr. Cation’s office, the principal! S/he
43 sits me down, says s/he knows about my email to Chris, my Web sites, etc. S/he practically
44 screamed at me: “You better clean up that Website or better yet, get rid of it! You have no idea
45 how difficult I can make your life, and I have some punishments in mind right now that you
46 really won’t like!” The first thing I thought was “How did s/he know about what I’d emailed
47 Chris?” When did the school start monitoring *my* computer use, especially what I do on my own
48 private email account let alone the school’s email? I can’t believe that! I mean, where’s the
49 privacy? That can’t be legal. I expected at least that my *personal* email would remain private.
50 What’s next – cameras in the bathrooms?

51 But, I can take a hint. I went home, I took down the Web sites, everything. Didn’t
52 matter: Cation sends my parents a letter, I’m suspended for violating the school’s Internet policy
53 because I accessed my personal email from a school computer. Suspended! I couldn’t believe it.
54 This totally ruined any chance I had of playing college basketball. I mean, I got into the school I
55 wanted, but forget about any scholarship money. \$55,000!! This is completely ridiculous! I
56 truly think Principal Cation just didn’t like the content of my Web site and the things that I said
57 about the school, and wanted to punish me for that. But I have the right to free speech in
58 America, and I don’t believe I lost that right once I became a student at Gates High.

_____/s/
Sal Lantro

**IN THE CIRCUIT COURT OF THE TWENTY-FIRST JUDICIAL CIRCUIT
IN AND FOR GATES COUNTY, STATE OF FLORIDA**

SAL LANTRO,

Plaintiff,

v.

Case No.: 06-CA 1966

**GATES COUNTY SCHOOL
DISTRICT,**

Defendant.

_____ /

SWORN STATEMENT OF CHRIS MARKS

1 My name is Chris Marks, and I'm a friend of Sal Lantro. We've been friends since the
2 first day of school in the seventh grade – we both were having trouble finding a place to sit in the
3 cafeteria at lunch time so we ended up together. We seem to have a lot in common, both have
4 pretty twisted senses of humor, what some – like our parents, for example – would call weird
5 tastes in music, whatever. We also both like surfing the Internet, and we pretty often email each
6 other funny or weird stuff that we've found.

7 We also are both pretty disgusted with Gates High School, and practically counting the
8 days until we're out of there. We're not going to the same college, at least not to start. I don't
9 know, I might transfer. Or I might bum around Europe for a while. I just don't know at this
10 point. But I think that Sal got a really raw deal from our esteemed high school and its esteemed
11 principal. Dr. Cation has just had it in for Sal for a long time, and I don't know why.

12 One Monday during school, I was playing around on my personal laptop (which is 10
13 times better than those things the school loans out), and I got this email from Sal. S/he says to go
14 look at this new Web site s/he created. Sal's a pretty creative person, I have to say. So I looked

15 at it. Mostly it was just Sal going off about how he hates Gates, but there was this funny part
16 where he put up a phony news story about Gates blowing up in a suspicious bombing. There
17 was this thing at the bottom that said, “For you idiots out there that didn’t catch on, this story is
18 obviously not true.” I didn’t feel that was necessary – anyone looking at the site could tell it was
19 a goof. Plus, Sal would never do anything like that—s/he isn’t that crazy. S/he also had a couple
20 of links to sites that supposedly tell you how to make a bomb – I have no idea if those are real
21 links or not. I didn’t bother to follow them.

22 It was a pretty funny Web site, not up to Sal’s usual standard though– they should hire
23 him/her to write for TV, they really should. Next thing I know, Sal’s being suspended from
24 school, totally wrecking any basketball scholarship, kiss that goodbye. Completely out of
25 proportion, but not very unusual for Gates High School and its treatment of athletes. Bunch of
26 fascists in that administration, if you ask me.

/s/
Chris Marks

SIGNED AND SWORN to this 31 st day of March 2006.

/s/
Patricia Stratigas, Notary Public
State of Florida
My Commission Expires: 11/02/07

**IN THE CIRCUIT COURT OF THE TWENTY-FIRST JUDICIAL CIRCUIT
IN AND FOR GATES COUNTY, STATE OF FLORIDA**

SAL LANTRO,

Plaintiff,

v.

Case No.: 06-CA 1966

**GATES COUNTY SCHOOL
DISTRICT,**

Defendant.

_____ /

SWORN STATEMENT OF PAT WILSON

1 My name is Pat Wilson, I'm the basketball coach at Gates High School, and I also teach
2 chemistry at the school. I've been teaching there for fifteen years, and I have tenure. Good thing
3 I do, too, because I don't think that the principal, Dr. Cation, is going to like what I have to say.
4 What I have to say is that Sal Lantro was treated terribly by the school administration.

5 Sal is not a perfect kid. But s/he is a good kid. S/he gets good grades, and s/he works
6 hard on the basketball team. No, s/he isn't a star player. But s/he shows up for practice, is a
7 good team player, doesn't cause problems on the court or in the locker room. The other players
8 like him/her, and so do I.

9 That prank that got Sal into trouble last year was a real tempest in a teapot. All s/he did
10 was to hide some paper flowers. That's it – no damage, no vandalism, nothing. The prom
11 decorating committee was composed of a clique of very snotty girls who would never consider
12 doing anything as sweaty as playing basketball. I thought Sal's prank was pretty funny, actually,
13 and kind of creative – that “where have all the flowers gone” thing was clever. I always liked
14 that song anyway.

15 But this computer thing really takes the cake. I saw the Web site shortly after Sal was
16 reported to the Principal, and I thought it was like the flower caper – clever, funny, witty. Took
17 some imagination and creativity. And it so clearly said that it was not to be taken seriously.
18 There wasn't a chance on this earth that any rational human being would think that Sal was
19 threatening to bomb Gates High School.

20 Even if Sal did violate the school's computer policy, the punishment far exceeded the
21 crime, especially considering students in the past have gotten lesser punishments, including
22 written reprimands. To suspend Sal from school instantly removed any possibility that s/he
23 would get a basketball scholarship to college. I know s/he wasn't a star player, but it's very
24 possible that there would be some basketball program somewhere that could use a player like
25 him/her. Dr. Cation's punishment was a complete overreaction, and I'm really sorry that s/he did
26 it to Sal.

27 Now I know I'm going to be in trouble with Dr. Cation, but his/her heavy handed style of
28 administration, especially when it comes to the school computers, has been bothering me in the
29 five years that he has been the principal. I felt I had to speak up in this case.

_____/s/
Pat Wilson

SIGNED AND SWORN to this 31 st day of March 2006.

_____/s/
Patricia Stratigas, Notary Public
State of Florida
My Commission Expires: 11/02/07

**IN THE CIRCUIT COURT OF THE TWENTY-FIRST JUDICIAL CIRCUIT
IN AND FOR GATES COUNTY, STATE OF FLORIDA**

SAL LANTRO,

Plaintiff,

v.

Case No.: 06-CA 1966

**GATES COUNTY SCHOOL
DISTRICT,**

Defendant.

_____ /

SWORN STATEMENT OF EDDIE U. CATION, Ph.D.

1 My name is Eddie U. Cation, and I am the principal of Gates High School. I've been the
2 principal there for five years. We have 2,040 students currently enrolled in grades nine through
3 twelve, with between 400 and 600 students in each grade. It's a good school; we have a good
4 reputation for our academic programs in general, and specifically for our math, science and
5 computer classes. Our graduating classes always rank in the top high schools in the state as far
6 as the number of admissions to Ivy League and engineering undergraduate programs.

7 Our physical plant includes four large academic buildings and three additional
8 complexes, which house the art, music and athletic programs. I have to say, though, that it's the
9 technology center that attracts many students and parents to Gates. It's called the Murray
10 Technology Lab, and it was built in June 2002, and upgraded during the summer of 2005. The
11 Lab now contains 150 state-of-the-art computers, ten color scanners and 50 laser printers. We
12 also decided to purchase 40 brand new laptops which the students can "check out" for use during
13 class, lunch or study times. We do allow students to bring their own laptops to school, but only
14 the school's laptops and computers can access the Gates High network. This is because we were

15 very concerned that if students were to use their personal laptops to access the Internet, the
16 school network would become susceptible to various computer viruses.

17 We also wanted to ensure that students on campus would have access to Internet sites that
18 would assist the students in completing their assignments, such as on-line encyclopedias,
19 reference materials, news providers) but at the same time we were anxious to prevent access to
20 lewd or inappropriate Web sites that were inconsistent with educational purposes. We decided
21 against using filtering software to prevent access to inappropriate sites because it would be too
22 difficult to implement and might have the effect of restricting access to legitimate, educational
23 sites, and we didn't want that. So we decided in favor of adopting the school board's Internet
24 and Network Use Policy and requiring students to sign it before checking out a laptop.

25 Each student is assigned a username and password in order to log on to a school
26 computer, and each student also gets a school email address that he/she may use throughout
27 his/her time at Gates High. We also introduced a new Laptop Check-Out Program, whereby each
28 time a student checks out an individual laptop, he/she must hand in a written permission form
29 signed by a teacher, and he/she must sign a Laptop Agreement in which he/she agrees to abide
30 by the school's Internet Policy.

31 We decided that we would implement a sliding scale to determine punishment for
32 violations of either the Internet Policy or the Laptop Agreement: the more egregious the action,
33 like stealing a school laptop, the harsher the punishment, like suspension or expulsion. We don't
34 have a specific chart of appropriate punishment, but we address most violations of the Internet
35 Policy by detentions, restricted computer privileges, required study halls, that sort of thing.

36 We have three Technology Administrators to provide technical assistance and support for
37 all the student computers. They also monitor use of the student network through the central

38 server, which allows the technology department to view every student computer and laptop
39 individually.

40 I've known Sal Lantro for three years now, and I know s/he gets good grades and does
41 OK on the school basketball team. I've always felt that s/he is someone I have to keep an eye
42 on, someone who too often displays lapses in judgment. For example, s/he was involved in that
43 little episode last year, stealing the prom decorations from the girls who had worked so hard to
44 make them. That was just malicious behavior, I thought – there was simply no basis for that kind
45 of behavior. After that happened, I knew we had to watch out for Sal.

46 Sure enough, s/he got into serious trouble with this Web site thing. Maybe s/he didn't
47 realize that we monitor the students' use of the school computers, but it's clearly a good thing we
48 did in this case. First, he used a school computer to access his/her personal email – completely
49 unnecessary, given that each student has a school email account, and given that the school's
50 policy clearly forbids accessing personal email. But even worse, s/he created this very
51 threatening Web site, with a detailed account of a bombing at Gates High School, and actual
52 links to Web sites that give you directions for making a bomb!

53 One student happened to stumble on Sal's Web site, and this student became very
54 concerned that maybe Sal was actually planning to bomb the school. At the very least, the Web
55 site gave clear directions as to how to bomb the school, and also it gave what appeared to me to
56 be strong encouragement to someone to do so. This goes way beyond freedom of expression, or
57 a kid's exercise of imagination. This is tantamount to criminal behavior, to me at least.

58 I insisted that s/he dismantle the Web site, or be punished, and I sent his/her parents a
59 letter explaining that s/he would be suspended from school for a week, and not allowed to use the
60 school computers for the rest of the year. Although no one has ever been suspended for this

61 specific type of violation at Gates High before, I do have discretion to handle each situation on a
62 case-by-case basis, and I felt this was an appropriate punishment for Sal's conduct. In fact, the
63 school district supported my decision. I'm fully aware of the repercussions of the penalty I
64 imposed; I know s/he won't get a basketball scholarship to college. I'm not sure that s/he was
65 good enough of a player to get a scholarship anyway, but that's neither here nor there. S/he
66 deserved every bit of that punishment for creating that very hostile and aggressive Web site, and
67 to be honest, s/he should be glad we didn't press charges against him/her.

/s/
Eddie U. Cation

SIGNED AND SWORN to this 30 th day of March 2006.

/s/
Patricia Stratigas, Notary Public
State of Florida
My Commission Expires: 11/02/07

**IN THE CIRCUIT COURT OF THE TWENTY-FIRST JUDICIAL CIRCUIT
IN AND FOR GATES COUNTY, STATE OF FLORIDA**

SAL LANTRO,

Plaintiff,

v.

Case No.: 06-CA 1966

**GATES COUNTY SCHOOL
DISTRICT,**

Defendant.

_____ /

SWORN STATEMENT OF FRANCIS GODWIN

1 My name is Francis Godwin, and I am one of three Technology Administrators at Gates
2 High School. I have been employed at GHS since 2002, when I was first hired as a technician in
3 the Murray Technology Lab. I have a Bachelor's Degree in computer information systems from
4 Dell City College, and approximately seven years of related experience in the field of
5 technology.

6 As a technology administrator, I provide technical assistance and support for all the
7 computers use at GHS, particularly the student computers. Since the school purchased the new
8 student laptops, my job has gotten increasingly more stressful. From day one, the Laptop Check-
9 Out Program has been incredibly popular, with more than 200 students signing up for one every
10 day. The lists were so long, some students would not receive a laptop for days. So we decided
11 to impose time limits on the students' usage in order to ensure a fair distribution of the laptops.

12 The process for checking out a laptop is pretty simple. A student must (1) obtain a
13 written permission form signed by a teacher; (2) sign a Laptop Agreement stating that the student
14 will abide by the school's Internet Policy; (3) bring the documents to the Technology

15 Department to check out a laptop. Laptops may only be checked out during class, lunch, or
16 study times, and absolutely must be returned by the end of the school day.

17 Also part of my duties is to monitor use of the student network through the central server.
18 Our monitoring process is very similar to that used by most colleges and universities around the
19 country. Through our Superscout monitoring software, I can see everything that happens on a
20 student computer and laptop that is logged on to the GHS network and track every Web site a
21 user visits. However, student-owned laptops cannot be monitored because those computers
22 cannot access the school network. To be sure the students are in compliance with the Internet
23 Policy, I randomly conduct searches throughout the day of student computer usage and student
24 email accounts. However, for the students on the “problem list,” I must monitor their entire
25 computer session and read every email that the student sends or receives through their school
26 email account.

27 One of the students on the list, Sal Lantro, came into the office during his/her lunch break
28 to check out a laptop on October 3, 2005. S/he brought a permission form from his/her English
29 teacher stating that Sal needed to research an extra credit assignment for class. While Sal was
30 completing the Laptop Agreement, I searched the “problem list” for his/her name, and found it
31 there. Although I didn’t mention anything about it to him/her, I made a note to tell the two other
32 administrators to be on alert. S/he received a laptop with Tag #GHS-37.

33 Not long after Sal had checked out the laptop, I noticed s/he had logged on to an external
34 email exchange, Hotmail, which is commonly used by young people. Accessing personal email
35 on school computers was prohibited, so I took note of this fact and paid close attention to his/her
36 next actions. Sal then sent an email to another GHS student, Chris Marks, encouraging him/her

37 to check out this Web site Sal had created. The Web site name was an active hyperlink, so I
38 clicked on it, but only after I had printed out a copy of the email in print screen view.

39 The Web site was called “Deliciously Demented.” I was curious as to what that meant,
40 so I read on. There were several journal entries there, mostly bashing GHS, and including
41 language that young kids, like Sal, should not be using. At the bottom of the page was a link to
42 another Web page titled “Late Breaking News: Gates High Blows Up. Students Don’t Care.”
43 Nervous and confused, I printed out a copy of the homepage and then clicked on the link for the
44 news story. I soon found out that the news story was bogus, and I released a sigh of relief. Good
45 thing I hadn’t told anyone else in the office before I found out the truth. I printed a copy of the
46 mock news story, and searched through the computer log from the beginning of the school year
47 to see whether Sal had accessed that personal Web site from any school computer. But there was
48 no evidence that s/he had.

49 At the end of his hour, when Sal returned the laptop to the office, I told him/her that I
50 noticed him/her accessing personal email from the laptop, and that I was reporting him/her to
51 Principal Cation. The puzzled look on Sal’s face made me believe s/he had no idea his/her
52 computer use was being monitored. I thought, “Oh well, s/he should have read the Internet
53 Policy more closely.” I immediately took all the documentation to Principal Cation personally. I
54 assume s/he took the matter seriously because I hear Sal was suspended from school the
55 following week.

/s/
Francis Godwin

SIGNED AND SWORN to this 4 th day of April 2006.

/s/
Patricia Stratigas, Notary Public
State of Florida
My Commission Expires: 11/02/07

**IN THE CIRCUIT COURT OF THE TWENTY-FIRST JUDICIAL CIRCUIT
IN AND FOR GATES COUNTY, STATE OF FLORIDA**

SAL LANTRO,

Plaintiff,

v.

Case No.: 06-CA 1966

**GATES COUNTY SCHOOL
DISTRICT,**

Defendant.

_____ /

SWORN STATEMENT OF DANNY SANDERS

1 My name is Danny Sanders, and I'm a junior at Gates High School. I love Gates High-
2 it's a great school, and the teachers are awesome. I wouldn't want to see anything bad happen
3 there. I worry about that sometimes, because my friend's cousin went to Columbine when all the
4 killings happened. It scares me to think that something like that could happen anywhere in
5 America – even at Gates High.

6 I'm a writer for the school newspaper, the *Gates Lance*. In October, I was working on an
7 article for the paper, about the history of the high school. I Googled the school to get
8 information about the school's history, and one of the web pages that came up was this horrible
9 mock newspaper article about a bombing incident at Gates! There was a picture of the school
10 and everything, and I couldn't believe what I was seeing. The article described in detail how the
11 school had been bombed, and people were hurt and I thought it was very scary.

12 I knew it wasn't a real news story – I knew that Gates wasn't really bombed, but people
13 are so suggestible, you know? There were actual links on the web page, which I clicked on, and
14 they told you exactly how to go about building a bomb, what stuff you have to get, where you

15 can get it, how to combine all the stuff together, how to detonate it. That *was* real, I know it. So
16 I was really scared by the whole thing, because who knows who would read the Web site and
17 make a bomb and put it at Gates High School? You never know who's going to read the stuff
18 you put out there – there are all kinds of crazies who surf the Internet.

19 I knew I had to report it to Dr. Cation, so I did. I'm really glad we have him/her for a
20 principal, because I feel very safe with him/her there. Dr. Cation went into action right away,
21 following up on the Web site, and getting Sal Lantro out of class. I wasn't surprised to find out
22 that Sal had done it, either. S/he is always making sarcastic remarks in class. Some people think
23 s/he is funny, but I don't. I wasn't sorry that Sal was suspended from school, but I made Dr.
24 Cation promise not to tell Sal that I was the one who told on him/her. Who knows? Maybe
25 s/he'd put a bomb at my house.

_____/s/
Danny Sanders

SIGNED AND SWORN to this 4 th day of April 2006.

_____/s/
Patricia Stratigas, Notary Public
State of Florida
My Commission Expires: 11/02/07

EXHIBIT 1

INTERNET AND NETWORK USE POLICY

Gates High School is committed to making advanced technology and increased access to learning opportunities available to all of our students and staff. We believe computer technology will help propel today's schools into the information age by allowing students and staff to access and use information with individuals or groups of other students and staff, and expand their knowledge base.

- 1) **Acceptable Use:** Legitimate use of the Internet is specifically for education purposes only, including research consistent with the school district policy. In addition, the following are prohibited: (1) unauthorized use of copyrighted material; (2) threatening or obscene material; (3) distribution of trade secret material; (4) use for commercial activities; and (5) product advertisement or political lobbying.

Technology administrators may monitor student files and communications made over the school's system to maintain system integrity and ensure that users are using the school's system responsibly. Training will be provided for each individual applying for an account.

- 2) **Privileges:** Access to the Internet is not a right, but a privilege. Therefore, any communication or material used on the computer system, including electronic mail or other files deleted from a user's account, may be monitored or read by school officials. Unacceptable usage will result in cancellation of account, at minimum, and may also include a complete revocation of GHS e-mail service, a revocation of all computer use at Gates Schools, and/or suspension/expulsion from school.

3) **"Netiquette":**

- Be polite
- Do not use vulgar or obscene language
- Use caution when revealing your address or phone number (or those of others)
- Do not intentionally disrupt the network for others

4) **Security Rules:**

- If you do identify a security problem, notify a system administrator immediately.
- Do not reveal your account password or allow another person to use your account.
- Do not use another individual's account. Attempts to log on as another user will result in cancellation of privileges.
- Any user identified as a security risk or having a history of problems with other computer systems may be denied access.
- User must notify the district system administrator of any change in account information.
- User may be occasionally required to update registration, password and account information in order to continue Internet access.

5) **Vandalism/Harassment**

- Vandalism and/or harassment will result in the cancellation of the offending user's account
- Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Internet or other networks. This includes, but is not limited to, creating and/or uploading computer viruses
- Harassment is defined as the persistent annoyance of another user or the interference in another user's work. This includes, but is not limited to, the sending of unwanted mail or spam.

6) **Penalties**

- Any user violating these provisions, applicable state and federal laws or posted classroom and district rules is subject to loss of network privileges and any other disciplinary options, including criminal prosecution.
- Local school and district administrators are the responsible parties for determining appropriate disciplinary action on a case-by-case basis and will make the final determination as to what constitutes unacceptable use. Their decision is final.

Student's Signature Sal Cantro
Parent's Signature _____

(If under age 18)

Date 08-28-05
Date _____

EXHIBIT 3



Gates High School

2006 Bill Gates Way
Dell City, Florida 34567
(508) 853-7536 ph (508) 853-7766 fax

MEMORANDUM

TO: All Faculty and Staff
FROM: Principal Eddie U. Cation
DATE: August 2, 2005
RE: Problem Students

The following students 1) were involved in previous bad acts at Gates High, 2) have been arrested or been charged with a criminal offense, or 3) are suspected troublemakers due to their poor attitude or performance in school:

Richard Bateman
Homer Brown
Jose C. M. Calvante
Gerald Carpenter
Ward Collins
William Crites
John Davenport
Harold Deane
Richard Glenn
John Hamilton
Richard Heard
Warren Heis
Andrew Hobbs
Sam Hollens
Harold Hutchinson
Doris Ingram
Freddie Jackson

Robert Jenkins
Frank Johnson
Paul Kelly
Dale Kline
Phillip Lane
Sal Lantro
James Lindberg
Dennis Lucas
James Newhour
Victor Olsen
Jon Osborne
Ranard Pickett
Rosalind Robinson
Ned Smith
Henry Thomas
Clay Warren
James Wilson

EXHIBIT 4

MSN Hotmail -



sal.lantro@hotmail.com

Printed: Monday, October 3, 2005 11:42 AM

From: Sal Lantro <sal.lantro@hotmail.com>
To: Chris Marks <Mr_GHS@hotmail.com>
Subject: check this out..

i created a website this weekend, and after what we talked about in class, I thought you would find it funny. i'm so twisted. lol. check it out at www.slanthro.net.

<http://by13fd.bay13.hotmail.msn.com/cgi-bin/getmsg?curmbox=F000000001&a=f62ac6a0...>

EXHIBIT 5

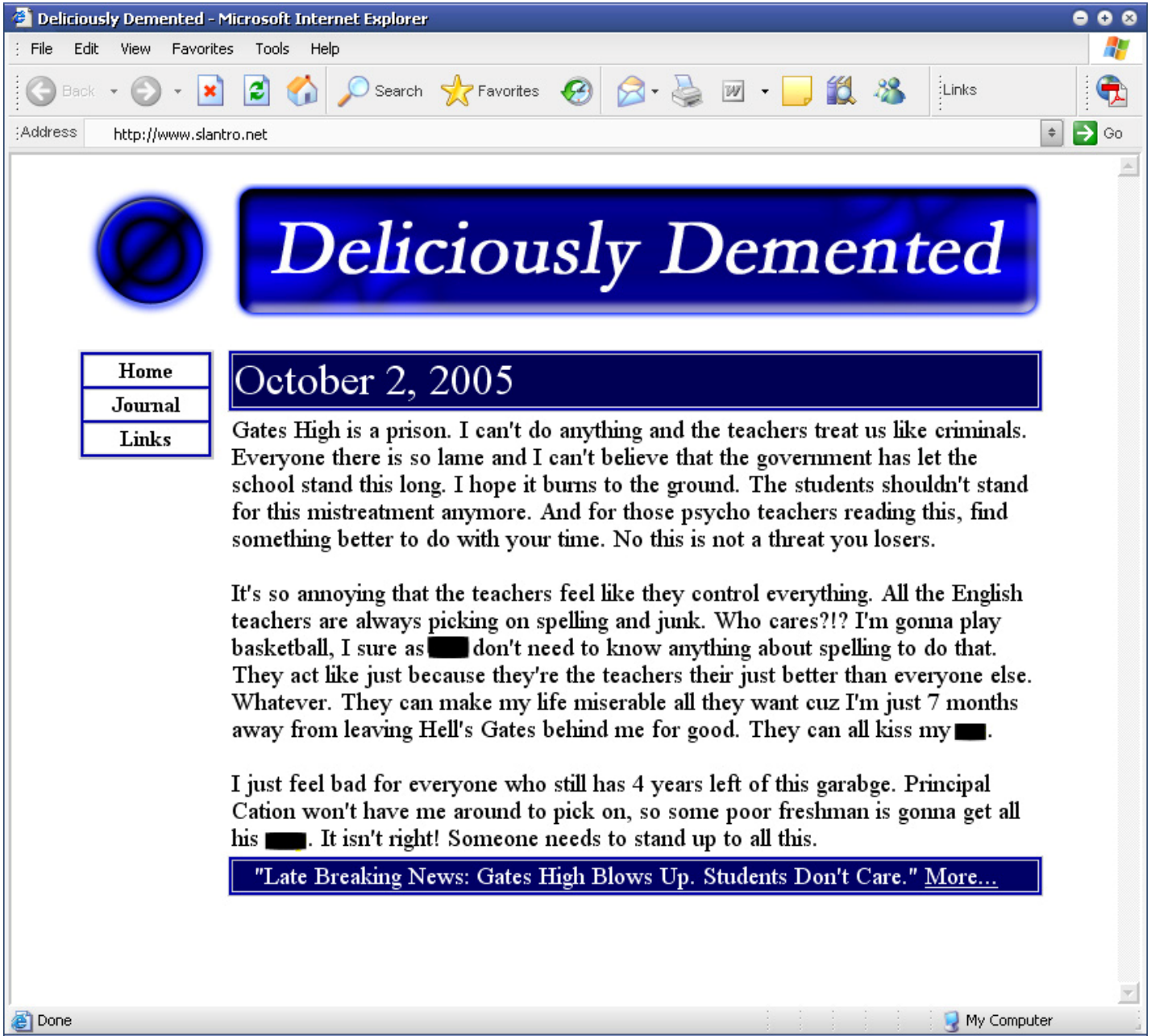


EXHIBIT 6

Late Breaking News: Gates High Blows Up. Students don't care. - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Home Search Favorites Refresh Mail Print Word Pad Find Favorites Links


Address http://www.slantro.net/news.html Go

Slantro.net NEWS

All The News You Need To Know

Late Breaking News: Gates High Blows Up. Students Don't Care

October 2, 2005 -



Gates High School after being destroyed by a "supicious bomb".

Students and teachers were shocked when a bomb blew up Gates High School earlier today. Just after lunch period, while students were returning from class, an explosion destroyed the building. Many people died in the bombing and many more were injured from the fire and falling chunks of building. The injured people were taken to the hospital.

Cops investigating the bombing called it "suspicious" and figured that a student must have set off the bomb. A police officer said, "It just makes sense, with the way they treat the kids here."

Students cheered the announcement that the school was so badly destroyed that they could not fix it and Gates High would be shut down permanently. "It's about time," said one student, "This place has been killing students for years with its terrible food, Nazi principals, and unfair rules."

For you idiots out there that didn't catch on, this story is obviously NOT true.

Important Links
How to make a bomb
Tips on bombing
Bombing without Guilt
Find a Good Lawyer

Done My Computer

EXHIBIT 7



Gates High School

2006 Bill Gates Way
Dell City, Florida 34567
(508) 853-7536 *ph* (508) 853-7766 *fax*

October 10, 2005

Mr. & Mrs. Lantro
24 Outta Way
Dell City, Florida 34568

Dear Mr. & Mrs. Lantro:

I regret to inform you that your child, Sal Lantro, has been suspended from school for one week, beginning today through October 14, for accessing personal email from a school computer in violation of the school's Internet Policy. In addition, Sal will no longer be allowed to check out a school laptop or use the Internet at school for the remainder of this school year.

Should you have any questions or concerns, please feel free to contact me at (508) 853-7536, or contact my assistant, Shelby Wise, to set up a conference.

Sincerely,

Eddie U. Cation

Eddie U. Cation
Principal

Relevant Case Law

New Jersey v. T.L.O., 469 U.S. 325 (1985) – Delinquency charges were brought against student in New Jersey juvenile court for possession of marijuana found in her purse. The Supreme Court held that: (1) the Fourth Amendment's prohibition on unreasonable searches and seizures applies to searches conducted by public school officials, and (2) the search of student's purse was reasonable.

Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969) – An action was brought against the school district, its board of directors and certain administrative officials and teachers to obtain an injunction against enforcement of a regulation promulgated by the principals of schools prohibiting wearing of black armbands by students while on school facilities. The Supreme Court held that, in the absence of a demonstration of any facts which might reasonably have led school authorities to forecast substantial disruption of, or material interference with, school activities or any showing that disturbances or disorders on school premises in fact occurred when students wore black armbands on their sleeves to exhibit their disapproval of Vietnam hostilities, a regulation prohibiting wearing armbands to schools and providing for suspension of any student refusing to remove such was an unconstitutional denial of the students' right of expression of opinion.

State v N.G.B., 806 So. 2d 567 (Fla. 2d DCA 2002) – A search in a school, initiated by a school official, is subject to the reasonable suspicion standard rather than the more stringent probable cause standard. A lessened standard of reasonable suspicion applies even where a school resource officer conducts the search at the instigation of a school official.

State v. J.A., 679 So. 2d 316 (Fla. 3d DCA 1996) – A school invoked a policy of conducting random searches of students' possession to discover whether the students were in possession of firearms. The Third District held that reasonableness was the standard to determine the constitutionality of the school's policy. In balancing the infringement against the students' rights against the legitimate interest of the school, the court ruled in favor of the school.

A.N.H. v State, 832 So. 2d 170 (Fla. 3rd DCA 2002) – A school official must have a reasonable suspicion to justify a search of a student, and the facts giving rise to the suspicion cannot be consistent with purely innocent conduct.

A.H. v State, 846 So. 2d 1215 (Fla. 5th DCA 2003) – Search of a student by a school official must be based upon a reasonable suspicion that the student has violated either the law or the rules of the school.

This is merely a list of suggested readings, and should not be viewed as a mandatory or comprehensive list to be relied upon for purposes of this competition.

APPENDIX A

THE FLORIDA CONSTITUTION

ARTICLE 1—Declaration of Rights

SECTION 4. Freedom of speech and press.—Every person may speak, write and publish sentiments on all subjects but shall be responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for defamation the truth may be given in evidence. If the matter charged as defamatory is true and was published with good motives, the party shall be acquitted or exonerated.

History.--Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

SECTION 23. Right of privacy.—Every natural person has the right to be let alone and free from governmental intrusion into the person's private life except as otherwise provided herein. This section shall not be construed to limit the public's right of access to public records and meetings as provided by law.

History.--Added, C.S. for H.J.R. 387, 1980; adopted 1980; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

THE 2005 FLORIDA STATUTES

26.012—Jurisdiction of circuit court.

(1) Circuit courts shall have jurisdiction of appeals from county courts except appeals of county court orders or judgments declaring invalid a state statute or a provision of the State Constitution and except orders or judgments of a county court which are certified by the county court to the district court of appeal to be of great public importance and which are accepted by the district court of appeal for review. Circuit courts shall have jurisdiction of appeals from final administrative orders of local government code enforcement boards.

(2) They shall have exclusive original jurisdiction:

(a) In all actions at law not cognizable by the county courts;

(b) Of proceedings relating to the settlement of the estates of decedents and minors, the granting of letters testamentary, guardianship, involuntary hospitalization, the determination of incompetency, and other jurisdiction usually pertaining to courts of probate;

(c) In all cases in equity including all cases relating to juveniles except traffic offenses as provided in chapters 316 and 985;

(d) Of all felonies and of all misdemeanors arising out of the same circumstances as a felony which is also charged;

(e) In all cases involving legality of any tax assessment or toll or denial of refund, except as provided in s. 72.011;

(f) In actions of ejectment; and

(g) In all actions involving the title and boundaries of real property.

(3) The circuit court may issue injunctions.

(4) The chief judge of a circuit may authorize a county court judge to order emergency hospitalizations pursuant to part I of chapter 394 in the absence from the county of the circuit judge; and the county court judge shall have the power to issue all temporary orders and temporary injunctions necessary or proper to the complete exercise of such jurisdiction.

(5) A circuit court is a trial court.

History.--s. 3, ch. 72-404; s. 1, ch. 74-209; s. 1, ch. 77-119; s. 1, ch. 80-399; s. 1, ch. 81-178; s. 22, ch. 81-259; s. 12, ch. 82-37; s. 2, ch. 84-303; s. 5, ch. 91-112; s. 27, ch. 94-353; s. 52, ch. 95-280; s. 3, ch. 98-280; s. 1, ch. 2004-11.

47.011—Where actions may be begun.

Actions shall be brought only in the county where the defendant resides, where the cause of action accrued, or where the property in litigation is located. This section shall not apply to actions against nonresidents.

History.--s. 7, Nov. 21, 1829; s. 1, ch. 3721, 1887; RS 998; GS 1383; RGS 2579; CGL 4219; s. 24, ch. 57-1; s. 12, ch. 63-572; s. 6, ch. 65-1; s. 3, ch. 67-254; s. 11, ch. 73-334.

Note.--Former s. 46.01.

Rules of the Competition

A. **Rule I: Team Composition/Presentation**

- a) The competition is open to students currently enrolled in grades 9-12 in Florida schools. All students on a team must be enrolled in the same school in the district they are representing.
- b) **Only one team may represent a high school at any level of competition.**
- c) Teams shall consist of six to eight students including alternates to be used in any manner deemed appropriate by the teacher and coach, as long as the distribution of duties does not conflict with competition Rule IV. For each trial round, teams shall use three students as attorneys and three students as witnesses.
- d) Students may switch roles for different **rounds** of trials (i.e. a student may be an attorney for the defense and a witness for the plaintiff during separate rounds).
- e) Each team must be fully prepared to argue both sides of the case. (Prosecution/Plaintiff and Defense/Defendant) using six team members.
- f) Students of either gender may portray the role of any witness. The competition will strive to make roles gender neutral. However, some cases will warrant a specific gender role. In such cases, students of either gender may portray the role but the gender of the witness may not change from the case as presented.
- g) Team Roster/"Roll" Call

Copies of the Team Roster form must be completed and returned prior to arrival at the competition site. Teams should be identified by the code assigned at registration.

Before beginning a trial, teams will be asked to prepare a "Roll Call" list to identify the students participating in each round and their corresponding roles. No information identifying team origin should appear on the list.

- h) All teacher coaches and students must attend the mandatory general assembly/orientation. Attorney coaches who accompany their team must also be present.

B. Rule II: The Case

- a) The case may contain any or all of the following stipulations: documents, narratives, exhibits, witness statements, etc.
- b) The stipulations (and fact statements, if any) may not be disputed at the trial. Witness statements may not be altered.
- c) All witnesses must be called.

C. Rule III: Trial Presentation

- a) The trial proceedings will be governed by the Florida Mock Trial Simplified Rules of Evidence. Other more complex rules may not be raised at the trial. Questions or interpretations of these rules are within the discretion of the State Mock Trial Advisory Committee, whose decision is final.
- b) Each witness is bound by the facts contained in his/her own witness statement, the Statement of Facts, if present, and/or any necessary documentation relevant to his/her testimony. Fair extrapolations may be allowed, provided reasonable inference may be made from the witness' statement. If, in direct examination, an attorney asks a question which calls for extrapolated information pivotal to the facts at issue, the information is subject to objection outside the scope of the problem.

If, on 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 or affidavit and does not materially affect the witness' testimony.

Adding facts that are inconsistent with the witness statement or with the Stipulated Facts and which would be relevant with respect to any issue in the case is not permitted. Examples include, but are not limited to (a) creating a physical or mental disability, (b) giving a witness a criminal or bad record when none is suggested by the statements, (c) creating facts which give a witness standing as an expert and (d) materially changing the witness' profession, character, memory, mental or physical ability from the witness' statement by testifying to "recent changes."

- c) If certain witnesses are stipulated to as experts, their expert qualifications may not be challenged or impeached by the opposing side. However, their testimony concerning the facts of the case may be challenged.
- d) On direct examination, the witness is limited to the facts given. If a witness testifies in contradiction to the facts given in the witness statement, that testimony may be impeached on cross-examination by the opposition through the correct use of the affidavit. The procedure is outlined in the Rules of Evidence.

- e) On cross-examination, no restrictions will be made on the witness or the cross-examination, except that the answer must be responsive and the witness can be impeached.

If the attorney who is cross-examining the witness asks a question, the answer to which is not contained in the stipulations or affidavit then the witness may respond to that question with any answer as long as the answer **does not contradict or materially change** the affidavit.

If the answer by the witness is contrary to the stipulations or the affidavit, the cross-examination attorney may impeach the witness.

- f) Use of **voir dire** examination of a witness is not permitted.

D. Rule IV: Student Attorneys

- a) Team members are to evenly divide their duties. During any single round, each of the three attorneys will conduct one direct and one cross; in addition, one will present the opening statements and another will present closing arguments. In other words, the attorney duties for each team will be divided as follows:
 1. Opening Statements
 2. Direct/Re-direct Examination of Witness #1
 3. Direct/Re-direct Examination of Witness #2
 4. Direct/Re-direct Examination of Witness #3
 5. Cross/Re-cross Examination of Witness #1
 6. Cross/Re-cross Examination of Witness #2
 7. Cross/Re-cross Examination of Witness #3
 8. Closing Arguments
 9. Prosecution's/Plaintiff's optional closing rebuttal (see rule XV)

Opening statements must be given by both sides at the beginning of the trial.

The attorney who will examine a particular witness on direct examination is the only person who may make the objections to the opposing attorney's questions of that witness on cross examination, and the attorney who will cross-examine a witness will be the only one permitted to make objections during the direct examination of that witness.

Each team must call the three witnesses listed in the case materials. Witnesses must be called only by their own team and examined by both sides. Witnesses may not be recalled.

- b) Attorneys may use notes in presenting their cases. Witnesses are not permitted to use notes while testifying during the trial.

- c) To permit judges to hear and see better, attorneys will stand during opening and closing statements, direct and cross-examinations, all objections, and **whenever addressing the presiding judge**. Students may move from the podium only with the permission of the presiding judge.

E. Rule V: Swearing of Witnesses

The presiding judge will indicate that all witnesses are assumed to be sworn.

F. Rule VI: Case Materials

Students may read other cases, materials, and articles in preparation for the mock trial. **However, students may cite only the case materials given, and they may introduce into evidence only those documents given in the official packet.** In addition, students may not use, even for demonstrative purposes, any materials that are not provided in the official packet. **The following are not permitted: props, costumes, enlargements, computers, phones, or electronic devices of any kind.**

G. Rule VII: Trial Communication

Instructors, alternates, and observers shall not talk to, signal, communicate with, or coach their teams during trial. This rule remains in force during any recess time that may occur. Team members within the bar area may, among themselves, communicate during the trial; however, no disruptive communication is allowed.

Non-team members, alternate team members, teachers, and coaches must remain outside the bar in the spectator section of the courtroom. **Only the six members participating in this round may sit inside the bar.**

H. Rule VIII: Trial Start Time

The starting time of any trial will not be delayed for longer than ten minutes unless approved by the Mock Trial Coordinator. Incomplete teams will have to begin without their other members or with alternates.

I. Rule IX: Conduct/Attire

All participants are expected to demonstrate proper courtroom decorum and display collegial sportsmanlike conduct. Appropriate courtroom attire is required. Adherence to the Code of Ethics is expected of all participants.

J. Rule X: Videotaping/Photography

Cameras and recording devices are permitted in certain courtrooms; however, the use of such equipment may not be disruptive **and must be approved in advance of the competition by The Florida Law Related Education Association, Inc.** When one

team requests to videotape during a trial, the opposing team must be consulted and their permission granted prior to taping.

K. Rule XI: Witnesses

Witnesses are to remain in the courtroom during the entire trial.

L. Rule XII: Jury Trial

For purposes of the competition, students will assume this is a jury trial. The scoring judges will act as the jury. The presiding judge is the trial judge. Students should address the scoring judges and the presiding judge.

M. Rule XIII: Viewing a Trial

Team members, alternates, attorney coaches, teacher coaches, and any other persons directly associated with a mock trial team, except those authorized by the State Advisory Committee, are not allowed to view other teams in competition so long as their team remains in the competition. Judges should maintain order in the courtroom. If observers are disorderly, they will be asked to vacate the premises.

N. Rule XIV: Decisions

ALL DECISIONS OF THE JUDGES ARE FINAL.

O. Rule XV: Time Limits

a) A total time will be given to each side for direct, cross, re-direct, and re-cross.

The sequence and time limits are:

Opening Statements	5 minutes per side
Direct Examination and Re-direct Examination (optional)	24 minutes total per side
Cross Examination and Re-cross Examination (optional)	21 minutes total per side
Closing Argument	5 minutes per side

None of the foregoing may be waived, **except the optional times**, nor the order changed.

The Prosecution/Plaintiff gives the opening statement first. The Prosecution/Plaintiff gives the closing argument first; **the Prosecution/ Plaintiff may reserve one minute or less of the closing time for a rebuttal.** Prosecution/Plaintiff must notify the judge

before beginning closing argument if the rebuttal time is requested. The Prosecution's/Plaintiff's rebuttal is limited to the scope of the defense's closing argument.

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

- b) Timing will halt during objections and responses to objections. **Timing will not halt during the admission of documentary evidence, unless there is an objection by opposing counsel.** In the interest of fairness, time extensions may be granted at the discretion of the presiding judge. All objections should be argued in open court, not at the bench. Timing will resume after the judge has ruled on the objection. Students should avoid the use of tactics to "run out the clock" during the admission of evidence. Judges will be instructed to consider this in the Team Ethics scoring category.
- c) A "timekeeper" will be provided and will keep the official time of the trial. The timekeeper's role will be expanded to time the 10 minute debrief session for each side. This will help ensure that the schedule is maintained. The timekeeper will announce to the court when time has expired in each of the separate segments of the trial. Further, the timekeeper will bring a calculator to each courtroom and double check the scores of scoring judges to ensure **no ties**. Judges will be instructed **not** to tie the teams during any round. This will eliminate the issue of vote assignments during ties.
- d) Teams are permitted to keep their own time. However, this will **not** be considered the official time of the trial. **Teams are not permitted to have an extra person be the timekeeper.** One of the six participants may be the timekeeper. Team timekeepers must not interfere with the trial or obstruct the view of any witness.

P. Rule XVI: Judging

- a) The **presiding judge** provides a mandatory performance vote during each round/trial for the team that he or she feels gave the better performance during that round/trial.

The presiding judge does not award points to the teams. The presiding judge's score sheet is a short form on which the judge declares which team in his or her opinion exhibited the best performance.

The presiding judge **should not** announce the mandatory performance vote.

- b) The **scoring** judges (jury) will utilize prepared score sheets to **rate** the quality of the students' **performances** in the round/trial. The judges will be instructed to rate the performance of all witnesses and attorneys on the team. Judges will **not** announce the

presentation decision. Judges should make field notes on students' performances during the round/trial.

- c) Judges will be instructed not to tie teams in any round/trial. In the event scores are computed by the judges and errors are found in the computations, score room staff will correct the errors and the corrected scores will be the official scores after adding the individual categories/assessments.
- d) The team receiving the majority of the performance votes from the three judges is declared the winner of the trial/round.
- e) To enhance the students' learning experience, the judges will be instructed to give each team an **oral critique** after their deliberation. The decision on **which team** gave the better performance will **not** be given to the participants. Students and their coaches will have the opportunity to meet informally with all the judges for 20 minutes (10 minutes per team) immediately following the round/trial. Score sheets should be completed **before** the debriefing. Debriefing sessions will be timed by the timekeepers to avoid lengthy debriefs.
- f) **ALL DECISIONS OF THE JUDGES ARE FINAL.**
- g) The **Team Ethics** category will score students on the standards recognized in the **Code of Ethical Conduct.**
- h) Attorney coaches of mock trial teams that do not advance from the local competition may **not** serve as a judge in any capacity at any level of competition during the remainder of the competition year.
Teacher coaches of mock trial teams may **not** serve as judges in any capacity. Teacher coaches may serve as timekeepers if their team does not advance from their local competition.

Q. Rule XVII: Dispute Settlement

a) **Reporting a Rules Violation Inside the Bar**

If any team has serious reason to believe that a **material rules violation** has occurred during a trial round, one student attorney member of the team shall communicate that a dispute exists to the presiding judge **immediately after** the trial is over and before the critique begins. The scoring judges will be excused from the courtroom, but should remain in the vicinity.

- b) The presiding judge will ask that both teams remain in the courtroom. A dispute form shall be completed by the student attorney to record in writing the nature of the dispute. The student attorney may communicate with other student attorneys and witnesses on the team before preparing the form. No more than 3 minutes may be taken to complete the form.

At no time in this process may **team sponsors or coaches communicate or consult** with the students. Only student attorneys may invoke the dispute procedure.

c) **Dispute Resolution Procedure**

The presiding judge will review the written dispute and determine whether the dispute should be heard or denied. If the dispute is denied, the judge will record the reasons for this, announce her/his decision to the Court, retire to complete his/her score sheet (if applicable), and turn the dispute form in with the score sheets. If the presiding judge feels the grounds for the dispute merit a hearing, the form will be shown to opposing student counsel for their written response. After the team has recorded its response and transmitted it to the judge, the judge will ask each team to designate a spokesperson. After the spokespersons have had time (not to exceed three minutes) to prepare their arguments, the presiding judge will conduct a hearing on the dispute, providing each team's spokesperson three minutes for a presentation. The spokespersons may be questioned by the presiding judge. At no time in this 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 her/his ruling on the dispute. The judge will make a final decision as to whether or not a rules violation has occurred. That decision will be recorded in writing on the dispute form. The presiding judge is **not** required to announce his/her decision to students.

d) **Effect of Violation on Score**

If the presiding judge determines that a substantial rules violation has occurred, the presiding judge will inform the **scoring** judges of the dispute and provide a summary of each team's argument. The scoring judges will consider the dispute before finalizing their scores. The dispute may or may not affect the final decision, but the matter will be left to the discretion of the scoring judges. All decisions of the judges are **FINAL**.

R. Rule XVIII: Reporting a Rules Violation Outside the Bar

- a) Disputes that (a) involve people other than student team members and (b) occur outside the bar only during a trial round may be brought by teacher or attorney-coaches exclusively. Such disputes must be entered on a complaint form and turned in to the registration area. The Mock Trial State Coordinator and/or Advisory Committee will review the dispute for appropriate action, if needed. Decisions and actions of the coordinator and/or committee are **FINAL**.

S. Rule XIX: Score Sheets/Ballots

- a) Score sheets will be completed individually by scoring judges. The presiding judge will cast a **mandatory** performance vote, but no points for each round. Judges may **not** inform students of score sheet results.

- b) The term “ballot” will refer to the decision made by a scoring judge as to which team made the best presentation in the round. The term “score sheet” is used in reference to the form on which speaker and team points are recorded. Score sheets are to be completed individually by the scoring judges. Scoring judges are not bound by the rulings of the presiding judge. **The team that earns the highest points on an individual judge’s score sheet is the winner of that ballot.** The team that receives the majority of the three ballots wins the round. The ballot votes determine the win/loss record of the team for power-matching and ranking purposes. While the judging panel may deliberate on any special awards (i.e., Outstanding Attorney/Witness) the judging panel should not deliberate on individual scores.
- c) Individual assessment categories **including team ethics and team performance** shall be judged on a 1-10 scale **by scoring judges only.**
- d) In the event of a mathematical error in tabulation by scoring judges, score room staff will enter the **correct tabulation** of the scores.

T. Rule XX: Power Matching/Seeding

- a) The Florida High School Mock Trial Competition uses a *power matching* system.
- b) A random method of selection will determine the opponents in the first round. A power match system will determine opponents for all other rounds. The two schools emerging with the strongest record from the four rounds will advance to the final round. **The first-place team will be determined by ballots from the championship round only.**
- c) Power matching will provide that:
 - 1. Pairings for the first round will be at random.
 - 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: (1) win/loss record; (2) ballots; (3) total points; then (4) point spread. 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 are 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. Teams will not meet the same opponent twice.

6. To the greatest extent possible, teams will alternate side presentation in subsequent rounds. Bracket integrity in power matching will supersede alternate side presentation.

U. Rule XXI: Completion of Score Sheets

- a) Each scoring judge shall record a number of points (1-10) for each presentation of the round/trial. At the end of the trial, each scoring judge shall total the sum of each team's individual points and place this sum in the **column totals** box. The team with the greater number of points wins that scoring judge's performance vote/ballot for that trial/round.
- b) The presiding judge shall circle either prosecution/plaintiff or defense/defendant on his or her score sheet/ballot to indicate which team the presiding judge feels gave the better performance during the trial/round. The team that the presiding judge circles on their score sheet/ballot receives that presiding judge's performance vote/ballot for that trial/round.

V. Rule XXII: Team Advancement

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

1. Win/Loss Record – equals the number of rounds won or lost by a team.
2. Total Number of Ballots – equals the total number of judge's votes a team earned in preceding rounds.
3. Total Number of Points Accumulated in Each Round.
4. Point Spread Against Opponents – 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 that largest cumulative point spread.

W. Rule XXIII: Effect of a Bye/Default

- a) A "bye" becomes necessary when an odd number of teams are present for the tournament. For the purpose of advancement and seeding, when a team draws a bye or wins by default, the winning team for that round will be given a win and the number of ballots and points equal to the average of all winning team's ballots and points of that same round. The Mock Trial State Coordinator may, if time and space allow, arrange for a "bye round" to allow teams drawing a bye to compete against one another in order to earn a true score.

- b) The Mock Trial State Coordinator has the discretion on how to handle a bye in all rounds of the tournament.

X. Rule XXIV: Eligibility

- a) All students on a team must be enrolled in the same public or private school in the district for which they are competing.
- b) Each judicial circuit may send only one team to compete in the Florida High School Mock Trial State Finals.
- c) The Mock Trial State Coordinator reserves the right to enlist participation from each district and circuit.

Y. Rule XXV: Awards

Trophies will be awarded to the top five teams. Four best witness awards and four best attorney awards will also be presented. Both the presiding judge and the scoring judges will vote on the best witness and best attorney awards. Additionally, two professionalism awards will be awarded based upon team recommendations. Student certificates and school plaques will be presented to all participants.

Z. Rule XXVI: Interpretation of State Competition Rules

- a) All rules of competition for the Florida High School Mock Trial Competition, as set forth above, are subject to the interpretation of the Advisory Committee of the Florida High School Mock Trial Competition.
- b) No exceptions are permitted at the competition site unless approval has been given by the Advisory Committee prior to the competition.
- c) The Advisory Committee and/or State Mock Trial Coordinator will serve as the final arbiter at the competition site.

Simplified Rules of Evidence and Procedure

In American courts, elaborate rules are used to regulate the kind of proof (i.e., spoken testimony by witnesses or physical evidence) that can be used in trials. These rules are designed to ensure that both parties receive a fair hearing. Under the rules, any testimony or physical objects deemed irrelevant, incompetent, untrustworthy, or unduly prejudicial may be kept out of the trial.

If it appears that a rule of evidence is being violated, an attorney may raise an objection to the judge. Usually, the attorney stands and says, "I object, your honor," and then gives the reason for the objection. Sometimes the attorney whose questions or actions are being objected to will then explain why he or she thinks the rule was not violated. The judge then decides whether the rule has been violated and whether the testimony or physical items must be excluded from the trial.

Official rules of evidence are quite complicated. They also differ depending on the kind of court where the trial occurs. For purposes of this mock trial competition, the rules of evidence you will use have been made less complicated than those used in actual courts. The ideas behind these simplified rules are similar to actual rules of evidence.

A. Witness Examination/Questioning

1. Direct Examination

Attorneys call and question their own witnesses using direct as opposed to leading questions.

Example:

Elyse Roberts is called by her attorney to explain the events leading up to her filing suit against Potomac County.

"Ms. Roberts, where do you work? How long have you worked there? Please describe your working relationship with Mr. Kevin Murphy during the first month of employment. Why did you meet with your supervisor, Fran Troy? Did you seek advice from a therapist during this time?"

Questions such as the above do not suggest the answer. Instead, they introduce a witness to a particular area of importance, leaving the witness free to relate the facts. Obviously, the witness will have been prepared to answer such questions in a particular way. But the question by its terms does not "lead" to the answer.

a) Leading Questions

A **leading question** is one that suggests the answer. It does not simply call the witness' attention to a subject. Rather, it indicates or tells the witness what the

answer should be about that subject. **Leading questions** are **not** permitted on direct examination, but questions on cross-examination should be leading.

Examples:

“Mrs. Roberts, despite repeated invitations, you chose not to participate in office social functions, correct?”

“Isn't it true, that due to all the stress from work you decided to go to a therapist?”

These questions are obviously in contrast to the direct examination questions in the preceding section. **Leading questions** suggest the answer to the witness. This is **not** proper for direct examination when a party is questioning its own witness.

b) **Narration**

While the purpose of direct examination is to get the witness to tell a story, the questions must ask for **specific information**. The questions must not be so broad that the witness is allowed to wander or "narrate" a whole story. At times, the witness' answer to a direct question may go beyond the facts asked for by the question asked. Narrative questions are objectionable.

Example Narrative Question:

“Ms. Roberts, please tell the court about the events that contributed to your decision to sue the county.”

Narrative Answer:

“It all began the night I found out that it was the county that was dumping on my land. At first I thought it was my neighbors, but they denied having any part in the dumping. I decided to watch my vacant lot and see if I could catch the person responsible. I drove down to my lot the night of the 13th and parked in a place where I could see the lot but no one could see me...”

c) **Scope of Witness Examination**

Direct examination may cover all facts relevant to the case of which the witness has first-hand knowledge.

d) **Character**

For the purpose of this mock trial, evidence about the character of a party may not be introduced unless the person's character is an issue in the case.

Methods of Proving Character (Section 90.405)

1. Reputation: When evidence of the character of a person or of a trait of his/her character is admissible, proof may be made by testimony about his/her reputation.
2. Specific Instances of Conduct: When character or a trait of character of a person is an essential element of a charge, claim, or defense, proof may be made of specific instances of his/her conduct.

e) Refreshing Recollection

When a witness uses a writing or other item to refresh his/her memory while testifying, an adverse party is entitled to have such writing or other item produced at the hearing to inspect it, to cross-examine the witness thereon, and to introduce it, or in the case of writing, to introduce those portions which relate to the testimony of the witness, in evidence.

2. Cross Examination (questioning the opposing side's witnesses)

Cross-examination **should** involve leading questions. In fact, it is customary to present a witness with a proposition and ask the witness to either agree or disagree. Thus, good cross-examination calls only for a yes or no answer.

Examples:

“Mr. Roberts, in direct examination you testified that litigation was very stressful for you, correct? In fact you were so stressed that you did work at home or called in sick. Isn't this true?”

“As an assistant district attorney, you knew that trying only three cases while settling 75 cases was not a job performance your supervisor would rate highly, didn't you?”

“Thus given the stress you felt, your poor attendance at work and poor job performance, it was not unusual for your supervisor to transfer you to another Bureau, was it?”

Leading questions are permissible on cross-examination. Questions tending to evoke a narrative answer should be avoided.

a) Scope of Witness Examination

Cross-examination is not limited. Attorneys may ask questions of a particular witness that relate to matters brought out by the opposing side on direct examination of that witness, matters relating to the credibility of the witness, and additional matters otherwise admissible, that were not covered on direct examination.

b) Impeachment

On cross-examination, the attorney may want to show the court that the witness should not be believed. A witness' credibility may be impeached by showing evidence of the witness' character and conduct, prior convictions, and prior inconsistent statements. If the witness testifies differently from the information in their sworn affidavit, it may then be necessary to "impeach" the witness. That is, the attorney will want to show that the witness previously said something that contradicts the testimony on the stand.

i. Impeachment Procedure

Impeachment may be done by comparing what a witness says on the witness stand at trial to what is contained in the witness' affidavit. By pointing out the differences between what a witness now says and what the witness' affidavit says, the attorney shows that the witness has contradicted himself or herself.

ii. Who May Impeach?

Any party, including the party calling the witness, may attack the credibility of a witness by:

- a. Introducing statements of the witness which are inconsistent with his/her present testimony;
- b. Showing that the witness is biased;
- c. Attacking the character of the witness in accordance with the state mock trial competition rules of evidence and procedure;
- d. Showing a defect of capacity, ability, or opportunity in the witness to observe, remember, or recount the matters about which he/she testified;
- e. Proof by other witnesses that material facts are not as testified to by the witness being impeached;

iii. Section 90.610 Conviction of Certain Crimes as Impeachment

A party may attack the credibility of any witness, including an accused, by evidence that the witness has been convicted of a crime if the crime was punishable by death or imprisonment in excess of 1 year under the law under which he was convicted, or if the crime involved dishonesty or a false statement regardless of the punishment, with the following exceptions:

- 1) Evidence of any such conviction is inadmissible in a civil trial if it is so remote in time as to have no bearing on the present character of the witness.
- 2) Evidence of juvenile adjudications is inadmissible under this subsection.

iv. Section 90.614 Prior Statements of Witness

- 1) When witness is examined concerning his prior written statement or concerning an oral statement that has been reduced to writing, the court,

on motion of the adverse party, shall order the statement to be shown to the witness or its contents disclosed to him.

- 2) Extrinsic evidence of a prior inconsistent statement by a witness is inadmissible unless the witness is first afforded an opportunity to explain or deny the prior statement and the opposing party is afforded an opportunity to interrogate him on it, or the interests of justice otherwise require. If a witness denies making or does not distinctly admit that he has made the prior inconsistent statement, extrinsic evidence of such statement is admissible. This subsection is not applicable to admissions of a party-opponent.
- 3) Re-direct and re-cross examination/questioning. If the credibility or reputation for truthfulness of the witness has been attacked on cross-examination, the attorney whose witness has been damaged may wish to ask several more questions. These questions should be limited to the damage the attorney thinks has been done and should be phrased so as to try to "save" the witness' truth-telling image in the eyes of the court. Re-direct examination is limited to issues raised by the attorney on cross-examination. Re-cross examination follows re-direct examination but is limited to the issues raised on re-direct only and should avoid repetition. The presiding judge may exercise reasonable control over questioning so as to make questioning effective to ascertain truth, avoid needless waste of time, and protect witnesses from harassment.

B. Objections

An attorney can object any time the opposing attorneys have violated the rules of evidence. The attorney wishing to object should **stand up and do so at the time of the violation**. When an objection is made, the judge may ask the reason for it. Then the judge may turn to the attorney whose question or action is being objected to, and that attorney usually will have a chance to explain why the judge should not accept the objection. The judge will then decide whether a question or answer must be discarded because it has violated a rule of evidence or whether to allow the question or answer to be considered as evidence. The legal term "objection sustained" means that the judge agrees with the objection and excludes the testimony or item objected to. The legal term "objection overruled" means that the judge disagrees with the objection and allows the testimony or item to be considered as evidence.

1. Standard Objections on Direct and Cross Examination

- a) **Irrelevant Evidence:** *"I object, your honor. This testimony is irrelevant to the facts of this case."*
- b) **Leading Questions:** *"Objection. Counsel is leading the witness."*
Remember, this is **only** objectionable when done on direct examination (Ref. Section A)

- c) **Narrative Questions and Answers:** may be objectionable (ref. Section A1.b).
- d) **Improper Character Testimony:** *“Objection. The witness’ character or reputation has not been put in issue or “Objection. Only the witness’ reputation/character for truthfulness is at issue here.”*
- e) **Hearsay:** *“Objection. Counsel’s question/the witness’ answer is based on hearsay.” If the witness makes a hearsay statement, the attorney should also say, “and I ask that the statement be stricken from the record.”*
- f) **Opinion:** *“Objection. Counsel is asking the witness to give an opinion.”*
- g) **Lack of Personal Knowledge:** *“Objection. The witness has no personal knowledge that would enable him/her to answer this question.”*
- h) **Lack of Proper Predicate:** Exhibits will not be admitted into evidence until they have been identified and shown to be authentic (unless identification and/or authenticity have been stipulated). Even after proper predicate has been laid, the exhibits may still be objectionable due to relevance, hearsay, etc.
- i) **Ambiguous Questions:** An attorney shall not ask questions that are capable of being understood in two or more possible ways.
- j) **Non-responsive Answer:** A witness’ answer is objectionable if it fails to respond to the question asked.
- k) **Argumentative Question:** An attorney shall not ask a question which asks the witness to agree to a conclusion drawn by the questioner without eliciting testimony as to new facts. However, the Court may, in its discretion, allow limited use of argumentative questions on cross-examination.
- l) **Unfair Extrapolation/Beyond the Scope of the Statement of Facts**

Attorneys shall not ask questions calling for information outside the scope of the case materials or requesting an 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.

Note: Fair extrapolations may be allowed, provided reasonable inference may be made from the witness’s statement. If, in direct examination, an attorney asks a question which calls for extrapolated information pivotal to the facts at issue, the information is subject to objection Outside the Scope of the Problem. 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 or affidavit and does not materially affect the witness' testimony.

m) **Asked and Answered:** *“Objection. Your honor, the question has already been asked and answered.”*

n) **Objections Not Recognized in This Jurisdiction:** An objection which is not contained in these materials shall not be considered by the Court. However, if counsel responding to the objection does not point out to the judge the application of this rule, the Court may exercise its discretion in considering such objection.

Note: Attorneys should stand during objections, examinations, and statements. No objections should be made during opening/closing statements but afterwards the attorneys may indicate what the objection would have been. The opposing counsel should raise his/her hand to be recognized by the judge and may say, “If I had been permitted to object during closing arguments, I would have objected to the opposing team’s statement that ____.” The presiding judge will not rule on this objection individually and no rebuttal from the opposing team will be heard.

2. Opinions of Witnesses

a) Expert Opinion

i. Section 90.702 Testimony by Experts

If scientific, technical, or other specialized knowledge will assist the trier of fact in understanding the evidence or in determining a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training or education may testify about it in the form of an opinion; however, the opinion is admissible only if it can be applied to evidence at trial.

ii. Section 90.703 Opinions on Ultimate Issue

Testimony in the form of an opinion or inference otherwise admissible is not objectionable because it included an ultimate issue to be decided by the trier of fact.

iii. Section 90.704 Basis of Opinion Testimony by Experts

The facts or data upon which an expert bases an opinion or inference may be those perceived by, or made known to, him at or before the trial. If the facts or data are of a type reasonably relied upon by experts in the subject to support the opinion expressed, the facts or data need not be admissible in evidence.

iv. Expert Opinion (additional information)

An expert shall not express an opinion as to the guilt or innocence of the accused.

b) Lay Opinion

i. Section 90.701 Opinion Testimony of Lay Witnesses

If a witness is not testifying as an expert, his testimony about what he perceived may be in the form of inference and opinion when:

- 1) The witness cannot readily, and with equal accuracy and adequacy, communicate what he has perceived to the trier of fact without testifying in terms of inferences or opinions and his use of inferences or opinions will not mislead the trier of fact to the prejudice of the objecting party; and
- 2) The opinions and inferences do not require a special knowledge, skill, experience, or training.

ii. Lay Opinion (additional information)

All witnesses may offer opinions based on the common experience of laypersons in the community and of which the witnesses **have first-hand knowledge**. A lay opinion may also be obtained. For example, Sandy Yu, as the personnel director, would know of other complaints of sexual harassment in the office and any formal reprimands, even though he is not an expert in sexual harassment. They may be asked questions within that range of experience. No witness, not even an expert, may give an opinion about how the case should be decided.

The cross-examination of opinions proceeds much like the cross-examination of any witness. Questions, as indicated above, may be based upon the prior statement of the witness. Inconsistencies may be shown. In addition, the witness may be asked whether he or she has been employed by any party, to show bias or interest. Or a witness giving an opinion may be asked the limits of certainty in that opinion, as follows:

“Dr. Isaacs, please read this portion of your sworn statement to the court.”

“I have studied the records of this case, and have conducted two one-hour interviews with Elyse Roberts on March 29 and 31st. In those interviews, she described to me her family history, her work environment, the actions of her co-workers and supervisor and her resulting feelings.”

“This is your statement, is it not, Dr. Isaacs? Ms. Roberts selected you because of your expertise in sexual harassment in the workplace, correct? During your two-hour interview you were only concerned with evaluating Ms. Roberts’ working environment and not other psychological factors that may have caused her problems. Thus you really can't say that Ms. Roberts’ difficulty on the job was only caused by the actions of Mr. Murphy, can you?”

The point of these questions is not to discredit the witness. Rather, the objective is simply to treat the witness as a responsible professional who will acknowledge the limits of her or his expertise and testimony. If the witness refuses to acknowledge those limits, the witness then is discredited.

It is always important in cross-examination to avoid arguing with the witness. It is particularly important with an expert. Thus, the cross-examination should be carefully constructed to call only for facts or to draw upon statements the witness has already made.

c) **Lack of Personal Knowledge**

A witness may not testify to any matter of which the witness has no personal knowledge. The legal term for testimony of which the witness has no personal knowledge is "incompetent."

3. Relevance of Testimony and Physical Objects

Generally, only relevant testimony may be presented. Relevant evidence is physical evidence and testimony that makes a fact that is important to the case more or less probable than the fact would be without the evidence. However, if the relevant evidence is unfairly prejudicial, may confuse the issues, or is a waste of time, it may be excluded by the court. Such relevant but excludable evidence may be testimony, physical evidence, or demonstrations that have no direct bearing on the issues of the case or do not make the issues clearer.

a) **)Introduction of Non-documents, Exhibits, Items, and Other Physical Objects Into Evidence.**

There is a special procedure for introducing physical evidence during a trial. The physical evidence must be relevant to the case, and the attorney must be prepared to its use on that basis. Below are the basic steps to use when introducing a physical object or document for **identification and/or use as evidence**.

- i. Show exhibit and have it marked by the judge. Say “Your Honor, I ask that this ___ be marked for identification as Plaintiff’s/Defendant’s Exhibit No. ___”

- ii. Show the exhibit to opposing counsel for possible objection. Ask the witness to identify the exhibit. “I now hand you what is marked as Exhibit No. 1. Do you recognize this document?”
- iii. At this point the attorney may proceed to ask the witness a series of questions about the exhibit.
- iv. If the attorney wishes to place the document into evidence, say, “Your Honor, I offer this ____ marked as Plaintiff's/Defendant's Exhibit No. 1 into evidence and ask the Court to so admit it.”

Court: “*Is there any objection?*”

Opposing Counsel: “*No, your Honor.*” or “*Yes, your Honor.*” (then state objection).

Court: “*Plaintiff's/Defendant's Exhibit No. 1 is (is not) admitted.*”

NOTE: A witness may be asked questions about his/her statement without its introduction into evidence; but to read from it or submit it to the judge, it must first be admitted into evidence. Exhibits can be pre-marked.

4. Hearsay and Exceptions to this Ruling

a) What is Hearsay?

Hearsay evidence is normally excluded from a trial because it is deemed untrustworthy. “Hearsay” is a statement other than one made by the witness testifying at the trial, offered in evidence to prove that the matter asserted in the statement is true. An example of hearsay is a witness testifying that he heard another person saying something about the facts in the case. The reason that hearsay is untrustworthy is because the opposing side has no way of testing the credibility of the out-of-court statement or the person who supposedly made the statement. Thus, for example, the following questions would be objectionable as “hearsay” if you are trying to prove that the color of the door was red:

“Mr. Edwards what color did Bob say the door was?”

This is **hearsay**. Mr. Edwards is using Bob's statement for him to prove the color of the door. Instead, Bob or someone who saw the door needs to be called to testify as to the color of the door.

b) Reasons for Prohibiting Hearsay

Our legal system is designed to promote the discovery of truth in a fair way. One way it seeks to accomplish this goal is by ensuring that the evidence presented in

court is “reliable”; that is, we can be fairly certain the evidence is true. Hearsay evidence is said to be “unreliable” for four reasons:

- i. The hearsay statement might be distorted or misinterpreted by the witness relating it in court.
- ii. The hearsay statement is not made in court and is not made under oath.
- iii. The hearsay statement is not made in court, and the person who made it cannot be observed by the judge or jury (this is important because the judge or jury should be allowed to observe a witness' behavior and evaluate his/her credibility).
- iv. The hearsay statement is not made in court and the person who made it cannot be challenged by cross-examination.

c) When Can Hearsay Evidence Be Admitted?

Although hearsay is generally not admissible, there are certain out-of-court statements that are treated as not being hearsay, and there are out-of-court statements that are allowed into evidence as exceptions to the rule prohibiting hearsay.

Statements that are not hearsay are prior statements made by the **witness himself** and admissions made by a **party opponent**.

d) Exceptions to the Hearsay Rule

Hearsay is not admissible, except as provided by these rules. For purposes of this mock trial, the following exceptions to the hearsay rule will be allowed; even though the declarant is available as a witness.

1) Spontaneous Statement

A statement describing or explaining an event or condition made while the declarant perceived the event or condition, or immediately thereafter, except when such statement is made under circumstances that indicate its lack of trustworthiness.

2) Excited Utterance

A statement or excited utterance relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.

3) Medical Statements

Statements made for the purpose of medical diagnosis or treatment by a person seeking the diagnosis, or made by an individual who has knowledge of the facts and is legally responsible for the person who is unable to communicate the facts, which statements describe medical history, past or present symptoms, pain, or sensations, or the inception or general character of the cause or external source thereof, insofar as reasonably pertinent to diagnosis or treatment.

4) Recorded Recollection

A memorandum or record concerning a matter about which a witness once had knowledge but now has insufficient recollection to enable the witness to testify fully and accurately, shown to have been made by the witness when the matter was fresh in his memory and to reflect that knowledge correctly. A party may read into evidence a memorandum or record when it is admitted, but no such memorandum or record is admissible as an exhibit unless offered by an adverse party.

5) Records of a Regularly Conducted Activity

- a. A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinion, or diagnosis, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity and if it was the regular practice of that business activity to make such memorandum, report, record, or data compilation, all as shown by testimony of the custodian or other qualified witness, unless the sources of information or other circumstances show lack of trustworthiness. The term “business” as used in this paragraph includes a business, institution, association, profession, occupation, and calling for every kind, whether or not conducted for profit.
- b. No evidence in the form of an opinion or diagnosis is admissible under paragraph (a) unless such opinion or diagnosis would otherwise be admissible if the person whose opinion is recorded were to testify to the opinion directly.

2) Learned Treatises

To the extent called to the attention of an expert witness upon cross examination or relied upon by the expert witness in direct examination, statements contained in public treatises, periodicals or pamphlets on a subject of history, medicine, or other science or art, established as a reliable authority

by the testimony or admission of the witness, or by other expert testimony, or by judicial notice.

3) Then Existing Mental, Emotional, or Physical Condition

- a. A statement of the declarant's then existing state of mind, emotion, or physical sensation, including a statement of intent, plan, motive, design, mental feeling, pain, or bodily health, when such evidence is offered to:
 - 1. Prove the declarant's state of mind, emotion, or physical sensation at that time or at any other time when such state is an issue in the action.
 - 2. Prove or explain acts of subsequent conduct of the declarant.
- b. However, this subsection does not make admissible:
 - 1. An after-the-fact statement of memory or belief to prove the fact remembered or believed, unless such a statement relates to the execution, revocation, identification, or terms of the declarant's will.
 - 2. A statement made under circumstances that indicate its lack of trustworthiness.

C. Trial Motions

No trial motions are allowed except for special jury instructions as permitted in these case materials.

Examples: Directed verdict, dismissal, acquittal, motion in limine, motion to sequester witnesses.

Exception: Motion for Recess may only be used in emergency situations.

D. Attorney Demeanor: **See Code of Ethical Conduct

Note: Refer to Official Case Materials for any specific additions relative to this trial.

Guidelines for Teacher Coaches

A. Role of the Teacher Coach

The teacher coach is expected to help the team members decide which students will play which parts in the mock trial and to assist the students in playing those roles. As part of the sizeable responsibility of acting as team coaches, teachers are responsible for the following areas:

1. **Rules of the Program:** All teachers and teams are expected to adhere to the rules, facts and all other materials provided in the 2005 Mock Trial Competition Case Materials. Therefore, please make sure you are familiar with the Competition rules.
2. **Role Assignments:** Team members should be strongly encouraged to select roles based on their interests and abilities and not on the basis of any gender or cultural stereotypes which might be drawn from the characterizations in the fact pattern.
3. **Team Preparation:** Attorneys will also help coach each team. Teams should prepare both sides of the case and are strongly urged to arrange and conduct preliminary mock trials with other teams prior to competing in the district and circuit competition. Preliminary trials require only one attorney or judge to act as the presiding judge, as it is not necessary to award points to the teams during these practice rounds.
4. **Education:** Education of the students is the primary goal of the Mock Trial Competition. Healthy competition helps to achieve this goal, but teachers are reminded of their responsibility to keep the competitive spirit at a reasonable level. The reality of the adversarial system is that one party wins and the other loses, and teachers should be sure to prepare their teams to be ready to accept either outcome in a mature manner. Teachers can help prepare students for either outcome by placing the highest value on excellent preparation and presentation, rather than on winning or losing the trial.
5. **Observers:** Other classes, parents and friends of the participants are welcome to attend the trials. **However, please note that space in the courtroom is limited.** The presiding judge may ask overflow observers to leave the courtroom. All observers must be seated during the trial.
6. **Arrival Times:** Teachers are responsible for getting their teams to the assigned courtroom 15 minutes prior to the starting time of each trial.

Guidelines for Attorney Coaches

1. Much as you will want to help the students, point them in the right direction and give them the benefit of your experience, remember that the students will develop a better understanding of the case and learn more from the experience if the attorney coaches do not dominate the preparation phase of the tournament. The preparation phase of the contest is intended to be a cooperative effort of students, teacher and attorney coaches.
2. Avoid (even the appearance of) “talking down” to students and/or stifling discussion through the use of complicated “legalese.”
3. The first session with a student team should be devoted to the following tasks:
 - a. Answering questions that students may have concerning general trial practices;
 - b. Explaining the reasons for the sequence of events/procedures found in a trial;
 - c. Listening to the students’ approach to the assigned case; and
 - d. Emphasizing the key points, such as the elements to be proved, and the relevance and importance of available legal authority.
4. Subsequent sessions with students should center on the development of proper questioning techniques by the student attorneys and sound testimony by the witnesses. Here an attorney can best serve as a constructive observer and teacher...listening, suggesting and demonstrating to the team.
5. Attorney coaches **should not** prepare opening statements, closing statements, or questions for the students. Students should be encouraged to do as much of their own preparation as possible.

EXPLANATION OF THE PERFORMANCE RATINGS USED ON THE SCORE SHEET
Florida High School Mock Trial Competition

Participants will be rated in the categories on the ballot on a scale of 1-10 points (10 being the highest), according to their roles in the trial. The Scoring Judges are scoring **STUDENT PRESENTATION** in each category. The Scoring Judges are **NOT** scoring the legal merits of the case. Each category is to be evaluated separately and fractional points **ARE NOT** to be awarded. One team **MUST** be awarded more total points than the other. The team winning the majority of the ballots shall win the round.

Judging panels also may recognize outstanding individual presentations by selecting one **MOST EFFECTIVE ATTORNEY** and/or one **MOST EFFECTIVE WITNESS** per round. The decision must be representative of the majority of the panel members.

Judges may **NOT** disclose the score sheet/ballot results or the identities of the Most Effective Attorney and/or Witness to anyone other than the mock trial coordinator. Sign your score sheet/ballot before turning it over to the presiding judge on your panel. **DO NOT ANNOUNCE SCORES OR RESULTS TO THE TEAMS DURING THE CRITIQUE!**

POINT(S)	PERFORMANCE	CRITERIA FOR EVALUATING STUDENT PERFORMANCE
1-2	Not Effective	<ol style="list-style-type: none"> 1. Exhibits lack of preparation/understanding of the case materials. 2. Communication unclear, disorganized, and ineffective. 3. Unsure of self, does not think well on feet, depends heavily on notes.
3-4	Fair	<ol style="list-style-type: none"> 1. Exhibits minimal preparation/understanding of the case materials. 2. Communication minimally clear and organized, but lacking in fluency and persuasiveness. 3. Minimally self-assured, but lacks confidence under pressure.
5-6	Good	<ol style="list-style-type: none"> 1. Exhibits adequate preparation/understanding of the case materials. 2. Communications are clear and understandable, but could be stronger in fluency and persuasiveness. 3. Generally self-assured, reads from notes very little.
7-8	Excellent	<ol style="list-style-type: none"> 1. Exhibits mastery of the case materials. 2. Communication is clear, organized, fluent and persuasive. 3. Thinks well on feet, poised under pressure, does not read from notes.
9-10	Outstanding	<ol style="list-style-type: none"> 1. Superior in qualities listed for 7-8 points' performance.

Florida High School Mock Trial Competition
Presiding Judge Ballot

Prosecution: _____ Defense: _____
(Team Code) (Team Code)

Round#: _____

Please make your decision, offer some written comments, and hand in this score sheet to the Timekeeper as soon as possible. Thank you for participating.

I. Performance Evaluation - MANDATORY

Performance Decision: In my opinion the better mock trial performance was shown
by the

PROSECUTION / DEFENSE (Circle One)

This is a team performance score based on the clarity and effectiveness of arguments presented and the professional demeanor exhibited by team members.

Note: Do not announce your performance decision.

II. Comments

Judge's Signature & Date

Florida High School Mock Trial Competition

MOST EFFECTIVE ATTORNEY FORM (Mandatory)

This form is to be completed by **All Judges**

Date of Competition Round

Enter Team Code

Round

ATTORNEY

*I wish to award the following team
member the title of*

***MOST EFFECTIVE
ATTORNEY***

For this round:

Name of Team Member from Team Roster

*Prosecution's or Defense's Attorney
(Circle One)*

Judge's Signature

Florida High School Mock Trial Competition

MOST EFFECTIVE WITNESS FORM
(Mandatory)

This form is to be completed by **All Judges**

Date of Competition Round

Enter Team Code

Round

WITNESS

*I wish to award the following team
member the title of*

***MOST EFFECTIVE
WITNESS***

For this round:

Name of Team Member from Team Roster

*Prosecution's or Defense's Witness
(Circle One)*

Judge's Signature

Florida High School Mock Trial Competition **Legal Professionalism Award Ballot**

Teachers: Please complete this ballot as your official recommendation for the Legal Professionalism Award. Only one entry per school will be accepted. You may wish to discuss with your students their feelings about the professionalism, spirit, and ethical conduct of other teams to aid in your decision. Please refer to the definition and quotes about professionalism. **Teams should NOT nominate themselves.**

Recommendation #1: _____

Comments:

Recommendation #2: _____

Comments:

Submitted By: _____

School: _____

District: _____

Signature: _____

Two awards will be presented.

Florida High School Mock Trial Competition Complaint Form

(Please Print)

Date: _____

Person Lodging Dispute/Complaint: _____

Affiliated With: _____ **(Enter Team Code Only)**

Nature of Dispute/Complaint:

NOTE: This form may be used to inform the Mock Trial Coordinator and Advisory Committee of any disputes or recommendations relating to the competition including complaints regarding judges. Please be specific regarding the nature of the dispute. This form in **no way** replaces the dispute resolution process as outlined in the rules.

Signature

Return to Box at Information Desk in Courthouse

Team Roster
Florida High School Mock Trial Competition

Each Prosecution and Defense team should complete this sheet in triplicate. Copies are to be made available to the judging panel (3 copies) before each round. The team code can be filled in after registration at the competition site.

Note: Do not place team or attorney coach or teacher coach identifying information on the forms used in competition rounds.

Please print or type

Team Code

In this round, students listed on this roster represent the:
(Circle One)

Prosecution Defense

Names of Team Attorneys

Identify Tasks to be Presented

Names of Team Witnesses

Identify Roles to be Performed

Professionalism

The Florida Bar's Standing Committee on Professionalism's working definition of professionalism:

Professionalism is the pursuit of practice of the highest ideals and tenets of the legal profession. It embraces far more than simply complying with the minimal standards of professional conduct. The essential ingredients of professionalism are character, competence, and commitment.

Other thoughts on professionalism:

"...To me, the essence of professionalism is a commitment to develop one's skills and to apply that responsibility to the problems at hand. Professionalism requires adherence to the highest ethical standards of conduct and willingness to subordinate narrow self-interest in pursuit of the more fundamental goal of public service. Because of the tremendous power they wield in our system, lawyers must never forget that their duty to serve their clients fairly and skillfully takes priority over the personal accumulation of wealth. At the same time, lawyers must temper bold advocacy for their clients with a sense of responsibility to the larger legal system which strives, however imperfectly, to provide justice for all."

Justice Sandra Day O'Connor

"Professionalism is no more, and no less, than conducting one's self at all times in such a manner as to demonstrate complete candor, honesty, and courtesy in all relationships with clients, associates, courts, and the general public. It is the personification of the accepted standard of conduct so long recognized and observed by able lawyers throughout history, that a lawyer's word is his bond. It encompasses the fundamental belief that a lawyer's primary obligation is to serve his or her client's interests faithfully and completely, with compensation only a secondary concern, and with ultimate justice as the final goal."

Don Jackson, former chair of the Senior Lawyer Division of the American Bar Association

Oath of Admission to The Florida Bar

The general principles which should ever control the lawyer in the practice of the legal profession are clearly set forth in the following oath of admission to the Bar, which the lawyer is sworn on admission to obey and for the willful violation to which disbarment may be had.

“I do solemnly swear:

“I will support the Constitution of the United States and the Constitution of the State of Florida;

“I will maintain the respect due to courts of justice and judicial officers;

“I will not counsel or maintain any suit or proceedings which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;

“I will employ for purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

“I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with their business except from them or with their knowledge and approval;

“I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

“I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay anyone’s cause for lucre or malice. So help me God.”