



## MOCK TRIAL NEWSLETTER

MAY 2017

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Carolina Center for Civic Education*  
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### **25<sup>th</sup> ANNIVERSARY SEASON: NC TEAM WINS NATIONAL CHAMPIONSHIP!**

*By Sue H. Johnson, MPH  
CCCE State Coordinator*



Saturday, May 13 dawned cold and gloomy in Hartford, CT, the site of the 2017 National High School Mock Trial Championship. Yet the impending storm did not faze our N.C. champs, the Central Carolina Homeschoolers ("CCH"), or the other 45 teams competing for the title of National Champion.

Nearly 1,000 students, coaches, and supporters had traveled to Hartford from as far away as South Korea, Guam, and Hawaii.

While some schools were attending nationals for the first time, others – including CCH, making their fifth consecutive appearance – had experienced the stress and excitement before. Whether novices or "old hands," though, the students were eager to get underway.

At last the festivities began. On Thursday evening, teams mingled at the Opening Ceremony, held at the Hartford "Yard Goats" minor league baseball stadium. Trading memorabilia from their state, territory, or nation, students enjoyed ball park food and made new friends while also sizing up the competition.

On Friday morning, everyone got down to business as they argued for the State or the defense in the trial of *State of Connecticut vs. Wilbur Merritt IV*. In this fictional case, the State alleged that a high school student, spurned by a classmate, brutally murdered the victim at a party on Halloween night of 2014. The defense argued that the crime was actually committed by a jealous ex-boyfriend. In arguing the case, the students dealt with issues



of underage drinking, use of illicit substances, and peer pressure. The case materials were sobering, but the students were up to the challenge.



On Friday, May 12, North Carolina represented the defense in both rounds, facing strong teams from Virginia and Colorado. Our witnesses and attorneys put on a convincing case to raise reasonable doubt in the jury's minds. On Saturday, our team switched gears as they argued twice for the State against skilled opponents from Minnesota and Arizona. Always professional, calm, and prepared, our team held their own against defense counsel, leaving little doubt that Merritt was guilty.

But had they done enough to advance to the final round? Eagerly we gathered in the lobby of the Hartford Convention Center, awaiting announcement of the two advancing teams. Finally the tournament host arrived, and the first finalist was revealed: Michigan (a team we had scrimmaged only days before). Waiting with bated breath, we soon erupted into shouts of joy as North Carolina was proclaimed as the second finalist! In fact, our team had won, not only all four rounds, but all 12 ballots – the only team in Hartford to do so. During the coin toss to determine sides, we learned we would represent the defendant. Piling into shuttles and cars, we traveled to the historic state Supreme Court, where the case would be argued before a panel of seven distinguished attorneys.



The championship round was intense. Both teams were polished and well prepared, adroitly arguing objections while skillfully applying case law and the Rules of Evidence. Witnesses for both teams were believable and engaging, and the attorneys delivered examinations, openings, and closings worthy of an actual murder case. When the gavel banged at the conclusion of the trial, both teams received a well-deserved standing ovation from supporters and observers alike. Soon, we all headed back to the Convention Center to await the final results.

The Awards Ceremony began with several speeches from the hosts and event sponsors. Next, the host announced the top ten Outstanding Witnesses and Outstanding Attorneys. We were thrilled when one of our own – David Bainbridge – was announced as the 4<sup>th</sup> Place Outstanding Attorney! On to the team placements. Everyone held their breath as the tenth through third place teams took the stage for photos and congratulations. When Michigan was announced as the runner-up, we could hardly contain ourselves! For the first time in our program's history, a North Carolina team was National Champion! The Central Carolina Homeschoolers proved that they are not only the best team in our state, but the best team in the entire nation.



In reflecting on their season and the factors behind their success, attorney coach Darren Allen notes, "We've never had a team this cohesive. Whenever we'd finish practice, we couldn't get them to leave the courtroom. When they'd finally get to the parking lot, we couldn't get them into their cars. And when we'd go out to eat dinner, we'd still be lingering while the restaurant staff

swept the floors and turned off the lights. These kids are inseparable.”

Student Madysen Bailey agrees. “It was an honor to represent North Carolina. While the trial rounds were exciting, I’ll always remember the time spent laughing, debriefing and enjoying life together as a team.”

Mr. Allen adds, “One of the key components to success in mock trial is composure. When things don’t go well, how do you respond? When someone treats you with contempt, what is your reaction? That’s perhaps the defining characteristic of this team. They didn’t react negatively to unexpected rulings, difficult witnesses, or aggressive questioning. Whenever other teams would act rudely, they didn’t respond in kind. They never let the pressures of competition change who they are as people.”

CCCE President Gordon Widenhouse concurs. “It was beyond exciting to watch the team win the championship in our program’s twenty-fifth year. While everyone was impressed by the courtroom efforts of our students, I was especially pleased by and proud of the professional and gracious way they conducted themselves.”

Team captain Caitlyn Kelly sums up the year: “Nationals was an exhilarating experience....Words cannot express my appreciation for my teammates and coaches. Of course, they are talented public speakers, actors, and persuaders. Far more importantly, they are people of strong character, with diligence, humility, and a love for others. They worked hard this year, and they are much more than teammates. They are some of my closest friends.”

**The CCCE extends hearty congratulations to the Central Carolina Homeschoolers and to the parents and friends who supported them along the way. We are so proud of all of you! Well done.**



## 25<sup>th</sup> ANNIVERSARY SEASON: STANDING UP INSTEAD OF SITTING BACK

By Rebecca J. Britton

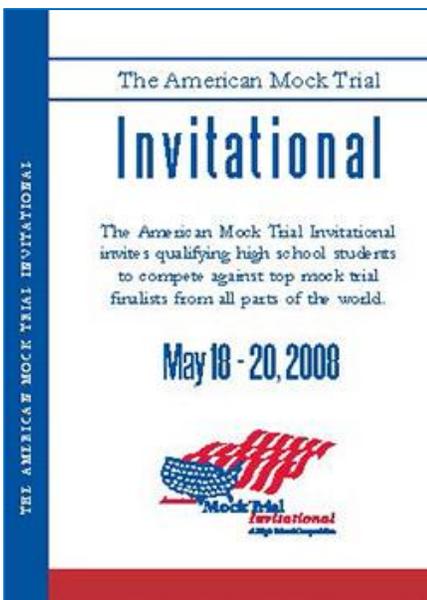
CCCE Vice President/Treasurer

In 2005 NCATL (now NCAJ) hosted the National High School Mock Trial Championship (NHSMTTC) in Charlotte. Forty-six teams from forty-two states and two territories would take part in the event, which was more than three years in the planning. But only six weeks out, a request came from New Jersey to change the competition dates.

The Torah Academy – an Orthodox Jewish high school – had won the New Jersey state championship. The students could not compete from sunset Friday to sundown Saturday due to their religious observances. They had earned the right to compete, but the schedule prohibited their meaningful participation.

While it was impossible to change dates so close to the event, NCATL, in spite of fierce opposition by the NHSMTTC Board, devised and implemented a reasonable accommodation that would allow the Torah Academy to fully compete. We knew we did the right thing; we saw it in the faces of the Torah Academy team and their families and we saw it in the faces of the rest of the students who learned the importance of making this kind of accommodation.

At their 2005 fall board meeting, the NHSMTTC Board resolved never to make such an accommodation again. In response, our North Carolina representatives on the national board (myself and Andy McVey) resigned. North Carolina and New Jersey pulled out from the NHSMTTC and joined forces to start our own national competition, the American Mock Trial Invitational (AMTI). Dick Taylor and Kim Williams took charge with Sheila Boro from New Jersey and made the AMTI happen, alternating hosting the event for four years.



In the spring of 2009, the issue of accommodation arose again for the NHSMTTC when the Orthodox Jewish Maimonides School won the Massachusetts State Championship. The school faced the same issue with NHSMTTC in Atlanta that New Jersey faced in 2005 in Charlotte. Unfortunately, the Georgia host did not take a stand as North Carolina did, and their contract with the NHSMTTC was drafted in a manner to prohibit them from making any accommodation.

According to Jeffrey Kosowsky, an alumnus and parent of one of the Maimonides School team members, the initial reaction of many of the parents and students was a mix of disappointment and resigned understanding that there was nothing they could do. Then they learned about North Carolina's accommodation in 2005, the resignation of our representatives from the NHSMTTC Board in protest of the board's position, and the joint effort between New Jersey and North Carolina to create the AMTI.

Inspired, the Maimonides School participants, parents, and supporters decided it was not a moral option to sit back and quietly forfeit, so they stood and they fought. They requested accommodation from the NHSMTTC Board and were denied. Not backing down, they gained the support of pro bono civil rights

legal counsel and turned to Dick Taylor at NCAJ and NCAJ member Hampton Dellinger who provided guidance, support, and assistance behind the scenes to mobilize legal and political connections in Georgia.

A week before the National Championship was to occur, the Justice Department sent a letter to the Georgia court system telling the judges that as recipients of Federal funds, they were bound by the Safe Streets Act of 1968 (42 U.S.C. § 3789D) that prohibits the administration of programs that have the \*effect\* (not just intent) of subjecting individuals to discrimination on the basis of religion. The DOJ cited that a reasonable accommodation could be made and referred to North Carolina as that clear example of reasonable accommodation. The story received extensive coverage in the local law newspaper (*Fulton County Daily Reporter*), made top billing in local newspapers and TV, and even featured prominently in the *New York Times* and on the national Fox network. Finally, many prominent lawyers, judges, and politicians began exerting pressure on the Georgia Bar to follow our example and use the prerogative of Host to compel the NHSMTTC to accommodate.

Ultimately, Chief Judge Doris Downs of the Fulton County Superior Court personally intervened and gave the Georgia Bar and the NHSMTTC an ultimatum: either accommodate the team's religious observance or move the entire competition out of the public courtrooms. The NHSMTTC had no choice but to comply and accommodate. In the end the Maimonides School, inspired and motivated by our efforts and support in North Carolina, fought for an accommodation and won.

Following these events and some significant changes to the NHSMTTC Board, a committee was formed to draft an accommodation policy. In the fall of 2009, the NHSMTTC adopted a clear policy to accommodate religious beliefs and practices of students who are eligible to compete. In response, both North Carolina and New Jersey returned to the NHSMTTC and the AMTI competition was discontinued. It was particularly satisfying to attend the 2010 NHSMTTC held in Philadelphia, Pennsylvania, with our North Carolina State Championship team, knowing where we had been and how far we had all come.

Since 2010, North Carolina has not only enjoyed a renewed relationship with the NHSMTTC, we have also contributed significantly to the organization's success. In 2012, when the competition's continued existence appeared to be threatened with too few states willing to host the national championship, North Carolina stepped up to host the 2015 NHSMTTC in Raleigh, North Carolina. We came full circle.

Since 2012 and 2013, both Gordon Widenhouse and I have participated on the NHSMTTC Board and will continue to serve going forward in 2017 on the Board's executive committee as Treasurer and Secretary, respectively. The NHSMTTC and its Board have come a long way and are, in many ways, stronger and healthier than ever, due in no small part to NCAJ's decision in 2005 to stand up rather than sit back.

### **CALENDAR 2016 – 2017 MOCK TRIAL SEASON**

Summer Camp, Chapel Hill, NC

July 26 – 29, 2017

### **THANK YOU TO OUR 2016 – 2017 COMPETITION SPONSORS AND SUPPORTERS!**

State Finals:	Rudolf Widenhouse
Asheville:	Melrose Law, PLLC
<i>Supporters:</i>	28 <sup>th</sup> Judicial District Bar Association & Asheville Area Paralegal Assn.
Fayetteville:	Britton Law, P.A.
<i>Supporter:</i>	Cumberland County Bar Association
Gastonia:	The Sumwalt Law Firm
Greenville:	Hardee & Hardee, LLP

High Point: Manger Law Firm  
Pittsboro: Glenn Mills Fisher & Mahoney, P.A.  
    *Supporter:* Durham County Bar Association  
Raleigh: Twiggs Strickland & Rabenau, and Maurer Law, Co-Sponsors  
Salisbury: Rowan County Bar Association  
Wilmington: Shipman & Wright

**CAMPBELL UNIVERSITY SCHOOL OF LAW** - partnering with CCCE to host our State Finals!  
**NORTH CAROLINA STATE BAR** – also hosting rounds at State Finals!

**THANK YOU TO OUR 2016 – 2017 OUTREACH PROGRAM SPONSOR!**

**Lawyers Mutual Liability Insurance Company of North Carolina**

***IT TAKES A VILLAGE . . .***

***Special thanks to our 2016-17 Regional Coordinators and CCCE Board Members:*** Asheville Regional Coordinator Mark Melrose, Fayetteville Regional Coordinator Rebecca Britton, Gastonia Regional Coordinators Holden Clark and Daniel O’Shea, Greenville Regional Coordinators Jeffrey Cannon and Phil Entzminger, High Point Regional Coordinator Rich Manger, Pittsboro Regional Coordinators Liz Barber and Robert Jessup, Raleigh Regional Coordinators Christine Scheef and Lindsey Granados, Salisbury Regional Coordinator Darrin Jordan, Wilmington Regional Coordinator John H. Anderson, Jr.; and CCCE Board Members Gordon Widenhouse, Rebecca Britton, Rich Manger, Bradley Bannon, Adrienne Blocker, Christine Scheef, Brooke Schmidly, Mark Sumwalt; Bill Powers (ex officio) and David Henson (ex officio).

***Special thanks also to our 2016-17 Site Coordinators:***

***Asheville:*** Brett Pinkston, ***Fayetteville:*** Tanja Shurling and Karen Kueny, ***Gastonia:*** Beverly K. Moore, ***Greenville:*** Jessi Cannon, ***High Point:*** Rose Pratt and Jane Goeke, ***Pittsboro:*** Patti Clapper and Lakisha Chichester, ***Raleigh:*** Michelle Keely and Sandra Strickland, ***Salisbury:*** Emily Applewhite, and ***Wilmington:*** Brandy Jo Lea.

***\*\*If you are interested in supporting or learning more about the NCAJ High School Mock Trial program, please contact Sue Johnson, State Coordinator, at [sueheathjohnson@gmail.com](mailto:sueheathjohnson@gmail.com), or Rebecca Britton or Gordon Widenhouse, Mock Trial Committee Co-Chairs, at [rebecca@brittonlawfirm.com](mailto:rebecca@brittonlawfirm.com) or [mgwidenhouse@yahoo.com](mailto:mgwidenhouse@yahoo.com).***