The 2017-2018
FLORIDA HIGH SCHOOL
MOCK TRIAL
Official Competition Packet

FRANCES MALLORY,
as the Personal Representative of the Estate of Sammy
Mallory
v.
TAYLOR SMITH

Version 1.2
January 11, 2018

The Florida Bar Law Related Education Committee Mock Trial Subcommittee for their
contributions to the development of this year’s case materials:
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And thank you to Kristi Desoiza, Bebar Bebar

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The Florida Bar Foundation

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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. See Rule XV for 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. An optional rebuttal (up to 1 minute) reserved in advance will be permitted for the Plaintiff.

VI. No jury instructions need to be read at the conclusion of the trial.

Judges should complete score sheets before debriefing. This is crucial and ensures completed score sheets.

VII. 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.

VIII. Critique (One team exits the courtroom during the critiques). Judges do not announce scores or performance decisions!

IX. All decisions of the judges are final. Debrief/Critique ONLY.
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 on 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.

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 JUDICIAL CIRCUIT
IN AND FOR EVERGLADES COUNTY, FLORIDA
Civil Division

FRANCES MALLORY, as the
Personal Representative of the Estate
of Samy Mallory,

Plaintiff,

v.

TAYLOR SMITH

Defendant.

NOW COMES Plaintiff, FRANCES MALLORY, as the Personal Representative of the Estate of Samy Mallory and sues the Defendant, TAYLOR SMITH (“Defendant”) and alleges:

PARTIES, VENUE, AND JURISDICTION
1. Frances Mallory is the duly appointed Personal Representative of the Estate of Samy Mallory.
2. Samy Mallory, deceased, was a resident of Everglades County, Florida.
3. Frances Mallory is the parent of the deceased Samy Mallory and resides in Everglades County, Florida.
4. Upon information and belief, Defendant resides in Everglades, Florida.
5. Venue is appropriate in Everglades County, Florida, as the cause of action accrued in Everglades County, Florida, and the Defendant resides in Everglades County, Florida.
6. This is an action for damages that exceed $15,000.00 exclusive of interest, costs, and attorney’s fees, therefore jurisdiction lies with this Court.

FACTUAL BACKGROUND
7. On or about July 5, 2016, Sammy Mallory was a scout participant in an overnight camping trip to Camp Kindle (the “Camping Trip”).

8. Taylor Smith was Sammy Mallory’s scoutmaster and served as the chaperone for the Camping Trip and supervised Sammy Mallory along with other scouts participating in the Camping Trip.

9. Defendant, negligently, carelessly, or recklessly supervised the scouts on the Camping Trip.

10. Defendant owed a duty to Sammy Mallory and to supervise the scouts on the Camping Trip in a safe and reasonable manner.

11. Defendant breached his duty owed to Sammy Mallory.

12. During the Camping Trip, one of the scouts under the supervision of Defendant started a fire.

13. The fire was caused by the negligence, carelessness, or recklessness of Defendant for that among other acts and omissions the Defendant:

   a. Failed to properly supervise the scouts or exercise reasonable care in the supervision of the scouts under the circumstances then and there existing; and

   b. In other respects not now known to the Plaintiff but which may become known prior to or at the time of trial.

14. As a result of the fire and the negligence of Defendant, Sammy Mallory sustained injuries which resulted in death.

COUNT I- WRONGFUL DEATH

15. The allegations of paragraphs 1 through 14 of the Complaint are incorporated herein by reference.
16. At the time of death, Sammy Mallory, was survived by Frances Mallory, the Estate of Sammy Mallory.

17. Defendant committed a tortious act causing the death of Sammy Mallory.

18. Sammy Mallory possessed, prior to his death, a cause of action for damages due to Defendant’s negligence.

19. As a direct and proximate result of the above described negligence of the Defendant causing the death of Sammy Mallory, Frances Mallory, as Personal Representative of the estate of Sammy Mallory, in accordance with Section 768.21 of the Florida Statutes, on behalf the Estate and on behalf of the survivors, makes the following claims for damages:

   a. Frances Mallory: loss of Sammy Mallory’s companionship and protection and for mental pain and suffering; the value of loss, support and services; medical and funeral expenses paid by Frances Mallory;

   b. The Estate of Sammy Mallory: Medical and funeral expenses due to Sammy Mallory’s death; loss of prospective net accumulations of the estate; personal property belonging to the deceased;

   **WHEREFORE**, Plaintiff demands trial by jury and judgment for compensatory damages including costs of this action against Defendants

   Dated this 10th day of August, 2017.

   ____________________________
   Anderson K. Myers
   Myers Mills & Macon
   Mainland, Florida  50934
   ATTORNEY FOR THE PLAINTIFF
IN THE CIRCUIT COURT OF THE JUDICIAL CIRCUIT
IN AND FOR EVERGLADES COUNTY, FLORIDA

Civil Division

FRANCES Mallory, as the
Personal Representative of the Estate
of Sammy Mallory,

Plaintiff,

v.

Taylor Smith

Defendant.

Case No. 16CA0135

ANSWER AND AFFIRMATIVE DEFENSES

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted.

6. Denied that such amount is due.

7. Admitted.

8. Admitted.


10. Without knowledge.

11. Denied.
12. Denied.


15. Defendant incorporates his responses to paragraphs 1-14 above as though fully restated herein.


17. Denied.

18. Without knowledge.

19. Denied.

**AFFIRMATIVE DEFENSES**

First Affirmative Defense

Defendant asserts that any injuries or damages sustained by Plaintiff, while denying the same, were due solely to, caused wholly by, and were a direct and proximate result of a third party not under Defendant’s control or supervision. Therefore, Plaintiff is barred from recovery against Defendant.

Second Affirmative Defense

Plaintiff waived any right that it would have to sue Defendant by executing a waiver of liability form.

Sandra K. Milton
Milton & Watkins
Everglades, Florida 50932
ATTORNEY FOR THE DEFENDANT

COPY TO:

Anderson K. Myers
Myers Mills & Macon
Mainland, Florida 50934
ATTORNEY FOR THE PLAINTIFF
STIPULATIONS

1. There is no issue of jurisdiction, venue, service of process, property of parties, or ownership or control of the premises.

2. The applicable law is contained in the jury instructions and legal authorities set forth in this packet.

3. The relief sought by Plaintiff is available under the governing and controlling law to a person who proves entitlement to such relief.

4. The exhibits are true and accurate copies and their authenticity may not be challenged. Unless stated otherwise, herein, the admissibility of exhibits on other grounds may be challenged.

5. All signatures on letters, witness statements and other documents are authentic. Those statements not including a signature are presumed to have been signed and authenticated.

6. The Court’s instructions on the law are accurate in all respects; no objections to the Charge will be entertained.

7. All causes of action have been filed within the limitations period. There is no defense based upon the statute of limitations.

8. Whenever a rule of evidence requires that reasonable notice be given, it has been given.

9. The trial has been bifurcated. This means that you will be trying the matter as to liability only. If the jury finds that defendant is liable, a second trial would occur to determine damage amount.

10. Investigator Sloan Barnes and Fire Chief (ret) Bailey Burns are stipulated as expert witnesses.

11. Witness statements, with the exception of Fire Chief (ret) Bailey Burns, were taken in October of 2016. Fire Chief Bailey Burns’ statement was taken in July of 2017.

12. All witness statements were taken under oath.

13. Sammy Mallory is female; however, all other witnesses may be male or female. That means that Sammy's cabin mates may have been male or female or both. It also means that a male defendant may have been chaperoning females, or vice versa. Teams shall not use the genders of the witnesses as evidence of the defendant's negligence or to bolster either side case. Teams shall not conduct examinations or make arguments that would lead the jury to make favorable or adverse inferences based on the genders of the witnesses.

14. Blaze Thompson was 16 at the time statements were taken.
WITNESS LIST

The following witnesses are available and must be called by the parties:

For the Plaintiff
Frances Mallory, Plaintiff
Personal Representative of
The Estate of Sammy Mallory
Investigator Sloan Barnes
Adrian Sutler

For the Defendant
Scoutmaster Taylor Smith
Fire Chief (ret.) Bailey Burns
Blaze Thompson

*All witnesses may be female or male.
**All witnesses must be called.

EXHIBITS AVAILABLE TO BOTH PARTIES

The parties have stipulated to the authenticity of the trial exhibits listed below. The court will, therefore, not entertain objections to the authenticity of these trial exhibits. The parties have reserved any objections to the admissibility of any of these exhibits until the trial of the above-captioned matter. The trial exhibits may be introduced by either the Plaintiff or the Defendant, subject to the Rules of Evidence and stipulations of the parties contained in the materials. The exhibits are pre-marked and are to be referred to by number, as follows:

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<tr>
<th>Exhibit No.</th>
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IN THE CIRCUIT COURT OF THE JUDICIAL CIRCUIT
IN AND FOR EVERGLADES COUNTY, FLORIDA
Civil Division

FRANCES MALLORY, as the
Personal Representative of the Estate
of Sammy Mallory,

Plaintiff,

Case No. 16CA0135

v.

TAYLOR SMITH

Defendant.

___________________________________________________/

SWORN STATEMENT OF FRANCES MALLORY

My name is Frances Mallory and, although Sammy is no longer with us, I will always be
Sammy’s parent. I was born on December 15, 1979, in Everglades, Florida. I live at 10588 NW
Mourn Street, Everglades, Florida 33476. I was a Drama teacher at Sunshine Academy- a local
private school.

My first child, Sammy Mallory, was born on July 1, 2001. My youngest child, Hannah, is
currently four years old. My spouse was in the United States Marines Corps and was killed during
a mission in Afghanistan when Sammy was 9 years old. He/she was a hero. I really do miss
her/him. I thought that I would never experience sadness like I did the day when I learned that my
spouse was killed overseas. I couldn’t have been more wrong. When I was told that Sammy was
dead, I was overcome with the same pain that I’d felt when I learned my spouse was killed in
Afghanistan.

The year after my spouse died, I was deeply depressed. I started drinking alcohol heavily,
and someone called in a complaint against me to the Florida Department Children and Family
Services for child endangerment. Although I was investigated by authorities, my children were
never taken from me. However, this woke me up and made me realize that my actions had
consequences. I sobered up.
As you can imagine, being a single widow of two kids can be difficult. Sammy was my everything and helped me so much. She was very bright and always inquisitive. Sammy was very good friends with everyone. She excelled in school. I never needed to check to see if homework was completed. She wanted to be there, wanted to learn, and wanted to make a difference in this world. Sammy reminded me of my spouse so much. I miss her so much. It’s difficult for me to go into her room because I am flooded with emotions. Hannah always asks me when Sammy is coming home. I struggle explaining to a four (4) year old that her older sister is in a better place looking down upon her as a guardian angel. I just keep telling Hannah that Sammy is visiting mommy/daddy for a little bit. I hope that soon she will just stop asking. She helped me raise Hannah by getting her ready for VPK everyday (getting Hannah dressed, brushing teeth, and getting her dressed). Sammy would always take the time prepare Hannah’s snacks for school. Sammy knew what food Hannah liked even more than me I think. She always placed a sticker and a drawing of a smiley face in Hannah’s snack pack with a small note reminding her of how much we love her.

Financially, money has always been a little tight but I’ve always managed to make things work. I knew that Sammy needed to take part in extracurriculars with other kids. Sammy was twelve (12) years old when I enrolled her/him into the local scout program. Sammy was very excited to join. Troop 55 was a very warm and professional society and treated all of their scouts with dignity, which I appreciated. Her father/mother was a Scout so I figured it was also a way for them to Sammy to still be able to connect with her father/mother.

Sammy’s first scoutmaster was a wonderful. She was incredibly knowledgeable about nature, exercise, teaching activities, and seemed to always be on top of things. Her name was Margaret and I was very fond of her. She organized great events like “movie nights” and beach clean ups. She liked the Troops and wanted them to be upstanding citizens. We even ended up becoming friends outside of the troop and still have a lasting relationship. When she left her role as Scoutmaster I was very sad to see her depart. It never has been the same.

When Scoutmaster Smith took leadership of Troop 55, it was clear that the level of attention to the children would be drastically different. When I would attend the meetings, I could see how the entire tone of the program changed. Instead of teaching about nature and specific skills, Scoutmaster Smith focused on his/her own talents and knowledge. It became “Smith-Storytime”, as the parents used to jokingly call it, and the children were forced to listen about Smith’s
unyielding intellect and talent. I was disappointed with this shift as it became less about the
children and all about Smith. This was in direct opposition to what I thought the Wilderness Scouts
were all about, which was the children.

The only thing I appreciated about Scoutmaster Smith was the level of attention to detail
regarding communications. I never had to contact Smith because Smith would be the first to let
us know if there was something going on. This made me at least comfortable with leaving my
child in Smith’s responsibility. I would always receive emails from Smith about information on
the weekly meetings and to be perfectly frank, I was annoyed at the abundant emails I would
receive from Smith.

In an effort to try to follow Margaret’s leadership, Scoutmaster Smith continued the
monthly Scout-Parent meetings. This was a way for all of the parents to come together with the
Scoutmaster and discuss upcoming events and get to know the other Scout’s parents. I’ll never
forget the meeting when Smith informed us about this camping trip, I was shocked as I had thought
the Wilderness Scouts did not allow such outings. But at the same time I was happy for Sammy
as I knew it would be a fun weekend with friends. When I approached Smith about whether or not
this was something that we could do, knowing that the Troop had never been allowed to do this
before, Smith was as cocky and confident as ever. Smith told me “Do not worry, I will take full
responsibility for these children and nothing will happen on my watch. I’ll got this all planned.”
This was something I believed to be said with full confidence and so I hold Smith to it.

When I learned that there was a fire and that Smith had allowed my Sammy to perish in it
I was beyond heartbroken. Scoutmaster Smith was really singing a different tune at the Troop
Parents’ meeting after the fire. All of the parents were concerned about the safety of their scouts.
I remember I was beside myself at the meeting. I really was not sure why I was even there as my
precious Sammy was no longer with us. I guess Troop 55 had become a second home for us all
and it just became habit for me to be at the meetings. I am so glad that I attended. At the meeting,
I learned that Blaze’s parents warned Smith via email about the potential for this type of accident,
I was livid! Some things just happen for a reason. Blaze’s parents were rarely, if ever, at the
meetings, yet, they even knew about the dangers and warned Smith. There is no way that Smith
did not see such an email. Smith never missed an email, text, or phone call. I’m pretty sure Smith’s
phone is attached to him/her at all times. Smith even has one of those smart-watch contraptions
that lets him/her see text messages and emails at any time on his/her watch. Of course, s/he showed
us this prior to the camping trip. It was arrogance that lead my Sammy to die and I know that if
Smith had watched the kids closely, instead of just focusing on him/herself, Sammy would be alive
today.

Yes, I did call the incident an accident to Smith, but I do not remember saying that I know
that s/he did everything that he could do to protect the kids. Anyone in my shoes would hope it
was an accident the moment they learn their child is no longer with them. After losing my
husband/wife, my first reaction is not to blame, so that is why I called it an accident to Smith. But,
now that I know Smith knew about the dangers and, yet, still opened the door for Sammy to be
exposed to danger, someone must be held responsible. I’m glad that Scoutmaster Smith was able
to save both Blaze and Adrian. However, I’m really angry that he did not save Sammy first. I
learned at the last meeting that Sammy was in the top bunk. Smith should have saved Sammy.
What is the purpose of a Scoutmaster if they cannot even save your own children from dangers
that they are trained for?

I was so irate that Scoutmaster Smith never apologized to me in person after the
incident. Sure, s/he called me the night of the fire to tell me what had happened; but, s/he never
came to my home after Sammy’s passing to apologize. Not once has Smith sent a card. Every
parent and every scout was present at Sammy’s celebration of life. Smith was there although s/he
arrived late. All s/he said was “I wish I could have done more.” As Smith spoke to me the evening
we lost Sammy, I was in complete and utter shock that the words “sorry” were never spoken.
Perhaps this lawsuit wouldn’t have been filed if I would have received a true apology.

Since Sammy’s death, I’ve started drinking again; and, I’ve lost my teaching job. My home
is currently in foreclosure because I cannot afford the mortgage. I’m worried about how Hannah
and I are going to survive without Sammy. Although no money in the world can take the place of
Sammy, we are all at a loss without her.
IN THE CIRCUIT COURT OF THE TWENTY-FIRST JUDICIAL CIRCUIT
IN AND FOR EVERGLADES COUNTY, FLORIDA
Civil Division

FRANCES MALLORY, as the
Personal Representative of the Estate
of Sammy Mallory,

Plaintiff,                                                                 Case No. 16CA0135

v.

TAYLOR SMITH

Defendant.

SWORN STATEMENT OF INVESTIGATOR SLOAN BARNES

My name is Sloan Barnes and I am a Fire Investigator for Everglades Fire Analytics ("EFA"). In an effort to prevent future fires and keep the area safe, we have been in contract with Everglades County since March 4, 2001. As agreed in the contract, we conduct all fire investigations that occur within the Everglades Forest. We are committed to ensuring that all fire incidents in Everglades county are investigated fully and professionally. We essentially think of ourselves as the Smokey-the-Bear for Everglades County. Through our investigations over the years, EFA has concluded that eighty-four (84) percent of the fires were intentionally set.

With respect to my ability to render an opinion on the fire that occurred on July 5, 2016, I have extensive and specialized training and experience in evaluation and testing of industrial, vessel, vehicular, residential fires, and explosions, including fire ignition and propagation research and human factors associated with systems safety. I have over twenty (20) years of fire cause and origin investigative experience including research and development projects for a private fire investigation firm. Prior to this, I was a former Special Agent with the Federal Bureau of Investigation who worked intimately in investigating serious arson crimes. The Everglades County fee and charge schedule is $260.00 per hour for any time spent testifying, investigating, and/or researching. EFA receives sixty (60) percent of the revenue received from these investigations and I, personally, receive the remaining forty (40) percent as commission.
Regarding this specific investigation, I will receive an approximate total of $7,488.00. A
pretty humble sum of money given the level of investigation required. Specifically, Everglades
County was requested to provide technical assistance concerning a July 5, 2016, fire incident in
which a Campground Bunk was set fire to and caused injury/death of a minor. Following usual
protocol, the focus of the investigation was to determine the relationship of the evidence to the
cause and origin of the fire incident. To date, I have received, reviewed, and analyzed the following
materials: Complaint; Plaintiff Report; Photos (taken by Everglades Fire Department), and
relevant reports within the case file.

I personally conducted the investigation and analysis associated with this project. According to the fire report, the fire call came in at 2145 p.m. and the fire rescue arrived at 2157
p.m. The structure at Camp Kindle in the Everglades Forest was inspected by EFA on July 16,
2016, and the EFA took its own photographs as part of its inspection. Based on the EFA’s findings,
it appeared that the fire began to spread and impact Camp Kindle for approximately five (5) to ten
(10) minutes prior to the fire call. On July 18, 2016, several ignition and propagation tests were
conducted using exemplar conductors and materials.

The structure was constructed with a CBS wall frame with wooden panels attached the
interior walls and vaulted wooden framed roofing. The roof shingles were constructed of dried
palm leaf overlay. The entrance and only exit to the structure was located at the Southern face of
the cabin. All of the evidence from the investigation revealed that this was a very fast and a high
intensity fire. The distinct V pattern on the northern cabin wall indicates that the fire originated
inside the Structure at the North end of the cabin. The fire then spread throughout the structure as
the fires ignited the roof, with a slower progression rate and diminishing intensity to the Southern
end of the structure. Further evidence of the intensity and fast spread of the fire was revealed by
the relatively short time it took this fire to reach wooden lavatory located six (6) feet west of the
Structure. This type of hot fire requires a sufficient fuel source that allows the fire to intensify and
spread quickly. This type of fuel source was available in the roofing material of the cabin and was
likely ignited from inside.

No evidence was found to indicate an electrical fire. From previous investigations and from
the actual burn tests performed, electrical fires, including instrument cluster fires from a short will,
typically require a continuous supply of significant amperage current from the battery that persists
a long enough time to ignite and support the initial fire event. All of the circuits inside the cabin
compartments were GFI circuits, which would cause a fuse short. A short in the system sufficient
to cause melting evidence of the wire will cause the fuse to blow in a short time (seconds) and
prevent further current flow. This type of evidence was not found in the structure’s fuse box
indicating that an alternative source caused the fire to start and quickly intensify to such consuming
temperatures causing the windows in the cabin to break.

The search for firework cartridge remnants found no evidence of gunpowder or fuse
materials at the fire site. The hypothesis that fireworks started the fire by landing on the palm
thatched roof is unlikely as it would have left distinctive gunpowder residue. It would have also
resulted in a different char pattern on the structure walls as the fire would have reached the ground
level with even burn patterns. Firework remnants were found approximately a quarter of a mile to
the west of the cabin. However, it is implausible and unlikely that fireworks caused the initial fire
due to the lack of material evidence at the site.

For all intents and purposes, the results of the EFA’s investigation can be summarized as
follows: This fire originated inside the structure and was caused by a single source of heat at
ground-level below at the Northern wall. The fire was accelerated by CampRite Fuel or another
like accelerant. Once the wooden wall paneling was exposed and ignited, the palm roofing erupted
into flames and spread the fire within. Lastly, the burn patterns are inconsistent with a conclusion
that the fire originated from the outside.

On top of the EFA’s findings, I have applied my experience, training, and professional
knowledge in arriving at my opinions and conclusions which are based on a reasonable degree of
professional certainty. In short, based on my training and experience, I have learned that (1) the
subject fire started inside the structure with high intensity and spread; (2) the available evidence
to date indicates that the fire was intentionally set; (3) the cause of the subject fire was not due to
electrical shorting; and (4) the lack of any evidence of gunpowder or firework casings directly near
the fire origin site indicates that fireworks did not cause or originate the fire.

I was made the subject of a very unfair investigation on the show American Greed. It
features those who have engaged in white collar crimes. I was employed by a fire investigation
firm in the research and development sector. They were busted for some shady business practices,
but I was never linked to any of those issues nor was I charged with a crime. I considered filing a
defamation suit against the show American Greed, but decided it would
probably all blow over in time.
IN THE CIRCUIT COURT OF THE TWENTY-FIRST JUDICIAL CIRCUIT
IN AND FOR EVERGLADES COUNTY, FLORIDA
Civil Division

FRANCES MALLORY, as the
Personal Representative of the Estate
of Sammy Mallory,

Plaintiff,

v.

TAYLOR SMITH

Defendant.

___________________________________________________/

SWORN STATEMENT OF ADRIAN SUTLER

My name is Adrian Sutler. I am seventeen (17) years old and will turn eighteen (18) on
November 5, 2016. I live in Everglades, Florida, with my mom and two sisters. For the last six
(6) years I have proudly belonged to Troop 55 of the Wilderness Scouts and have earned the status
of Khaki Scout. Khaki Scout is only given to those who demonstrate the best qualities of the
Wilderness Code. To become a Khaki Scout, the Scoutmaster and parents of other scouts all have
to cast an unanimous vote that you are hardworking and honest.

Taylor Smith has been the Scoutmaster of Troop 55 since 2015. Although I love being a
Khaki Scout, I wish Scoutmaster Smith had never come to Troop 55 because maybe my best friend
Sammy might still be alive. Sammy and I have known each other a really long time and do, I mean
did, everything together. Sammy actually talked me into joining the Troop 55 of the Wilderness
Scouts in the first place, she knew that I’d join him in anything that involves s’mores. We were
actually inducted as Khaki Scouts on the same night at the same ceremony. Outside of scouting,
we played sports together like soccer and lacrosse. We were even Co-Captains of the soccer
team. We were both in Student Government together, I was the treasurer, and Sammy served as
the President. She really was a natural leader.

My first (and last) ever camping trip was in July of 2016 and was entirely organized by
Scoutmaster Smith. I should have known that the trip was going to be bad when only a few scout
parents ended up allowing their kids to go camping. Including me, only three scouts went along with Scoutmaster Smith. At the time, I tried not to focus too much on the fact that Scoutmaster Smith planned the trip and was so excited because Sammy was going. The first day was mostly all packing, traveling, and unpacking. The real bummer, though, was that we had to bunk with Blaze Thompson. Blaze and I were not, and are still not, friends. Frankly, I think s/he’s a weirdo. Even though I am Khaki Scout, Blaze just seems to think s/he’s better than everybody. Blaze always asks a ton of questions during meetings and always treats everyone like they’re dumb. If Blaze isn’t annoying someone, s/he is walking around with her headphones on to avoid all human contact.

Not only is Blaze a weirdo, Blaze had a thing with my ex-girlfriend/boyfriend. What my ex saw in him/her, I’ll never know. I first suspected something when I saw a SnapGram on Blaze’s account that he/she hearted and made a comment to. Something about Blaze being hot or something. S/he even grammed Blaze at one of the local Flames basketball games. S/he would never go to a Flames game with me. I really felt burned about the whole thing.

Anyways, back to the camping trip, before anyone was allowed to even go on the trip, Scoutmaster Smith had to contact our parents and get their permission. To make it seem like s/he actually planned the trip properly, my parents told me that s/he included a lot of information, like maps, itineraries, food menus, allergy lists, important phone numbers and a list of each scout’s assigned “buddy”. This is how I first learned that Blaze was my “buddy”. Not really sure why Scoutmaster Smith even bothered to make a buddy list since there was only three of us going. Doing the math, it doesn’t even add up. Not surprised Scoutmaster Smith didn’t realize this though. Whatever, either way, I could hang out with Sammy and that’s all that mattered.

After we arrived at the campsite, everyone helped unpack the van except Blaze and Scoutmaster Smith. Shocker. Smith was always on the cell phone checking email or texts and pretending to have everything planned perfectly. The only thing that I saw Blaze do was stack firewood and arrange the rocks like Scoutmaster taught us to during one of our weekly meetings. That didn’t even last long though because a few minutes later, Scoutmaster yelled at everyone to get ready to turn it in and go to bed. Scoutmaster Smith seemed really upset that Blaze was setting up the campfire area. Maybe he was also annoyed to see that it had taken Blaze so long to help us.

After Scoutmaster Smith made us all head to the cabin, as soon as we got there, Blaze showed me matches that s/he found near the campfire. S/he kept doing this dumb trick where you
put a matchstick between the book flap and tug on it to make it snap on fire. When s/he did the trick, it would make a loud popping sound and the match would light up really quickly, but would immediately blow out because of the air conditioner unit in the cabin. I told him/her to get rid of the matches because we weren’t supposed to have matches at the campsite. S/he told me s/he would throw them away later but I saw him/her just hide them in his/her pocket.

After we set up our beds in the cabin, Sammy on the top bunk and me on the bottom, Blaze walked out and I heard him/her ask Scoutmaster Smith if we could start a campfire. Scoutmaster Smith said it was getting late but did not put up much of a fight because he was already starting to get sleepy. Eventually Smith said that he would light a small campfire so we could eat dinner and make s’mores. After we ate dinner, Scoutmaster Smith went back to his/her cabin and went to sleep. First, s/he asked Blaze to help him/her put the campfire out, basically watched Blaze do it, and then walked around the back of the cabins. We all went to our cabin to go to bed – we knew the next day was going to be busy.

Once we got into the bunks, we all started to doze off pretty quickly. There had been distant fireworks in the sky that night and we were all happy that they stopped so that we could fall asleep. All of the beds were being used except for the other top bunk that was located kind of near the window on the north side of the building – Blaze had taken the bottom bunk on that bed. I remember some canisters in that same north corner of the cabin, but I really don’t know what they were. Although I later heard that Blaze got hungry again and started cooking hotdogs, I don’t remember.

I laid in my bunk around 9:45 p.m. and I was so tired I don’t even remember falling asleep. I awoke to a loud crackling noise and the smell of smoke filling the cabin. It sounded like a gunshot or like a firecracker had gone off right in our cabin. I’m not sure really how to describe it, but if I had to try, I would say it sounded like lightning directly hitting our cabin during a really bad thunderstorm. It all happened so fast. Next thing I knew, I was surrounded by smoke and I couldn’t see anything in front of me. I started to feel really warm in my longjohns and when I turned around, I saw huge flames rushing up towards me. I wanted to stand up and run but I didn’t, I don’t know why. I couldn’t move. I couldn’t even scream. I went into total shock. I heard these voices saying, “Those nerdy scouts. I knew we’d find them here.” That’s the last thing I remember. Next thing I know I blacked out and, somehow, I ended up outside. I was on the ground and I
remember Scoutmaster Smith standing over me. I was coughing terribly but was alright otherwise.

I learned later that night that Sammy was dead. I couldn’t believe it.

If Smith had been paying attention, none of this ever would have happened. If s/he was so tired, s/he shouldn’t have even planned the trip in the first place. Maybe then I would still have my best friend.
My name is Taylor Smith, and I am the Scoutmaster for Troop 55 of the Wilderness Scouts in North Everglades, Florida. Wilderness Scouts is, or was, a non-profit organization providing wilderness exploring and educational opportunities for Florida youth through age eighteen (18). Troop 55 consists of only fourteen (14) to sixteen (16) year olds. We met weekly to discuss animals and vegetation of Florida. Wilderness Scouts primarily offered classroom style tutorial sessions to student participants. Although Wilderness Scouts promoted hands on learning experiences for children, it discouraged Troops from taking overnight field trips. It may have a rule that addresses that issue, but I’m not sure. If it does, I don’t remember receiving a copy of that rule.

I’ve lived in the North Everglades for the past seven years and I’m very familiar with the area, and everything that North Everglades has to offer. I studied North Everglades fauna and vegetation at the local university- Everglades Coastal University. I received a Bachelor’s degree in Biology with a concentration in Florida Fauna and Vegetation and my Master’s degree in Science Education with honors from the institution and graduating in the 3% of my class. I am certified in CPR, First Aid; and, I also received a Certificate in Child Safety last year. I received Scoutmaster status after receiving a Certificate.

It’s true that in college I was arrested for a DUI because I had taken sleeping pills and gotten behind the wheel of a car. That was over 10 years ago, and I was never charged with any
crime. Some nights I don’t sleep well so I take prescribed sleeping pills, but I did not take sleeping pills on the night of the incident or in the nights leading up to it.

This was my first year as Scoutmaster for Troop 55. Before serving as the Scoutmaster, I was a volunteer assistant for Troop 47 of South Everglades. While serving as a volunteer for Troop 47, I received numerous awards for my experience, knowledge and dedication. I received an award for Volunteer of the Year, Most Reliable Volunteer and Most Dedicated Volunteer. In fact, I received the Most Reliable Volunteer Award by the parents of Troop 47 and the Wilderness Scouts after I organized and chaperoned an overnight trip to Camp Kindle - the very camp where this tragic incident occurred. On that trip, I was a chaperone with two other parents, and we were responsible for nine kids. I’m proud of these awards because they were the highest honors that you could receive from the organization based on parent nominations.

July 5, 2016, is a day that I will not soon forget. At this point, I wish that I would have never been talked into taking the kids on what was supposed to be a three-day camping excursion at Camp Kindle. But I cannot change what happened.

When I took over Troop 55, I knew that I had a special group of kids. They were all very intelligent, inquisitive, and truly interested in everything that they were learning. I remember a lesson that I gave on invasive species, re-sprouting, and prescribed burns. Blaze Thompson seemed very interested in that lecture, especially about learning about prescribed burns and their use in conservation and preservation efforts. Sammy was just a great kid – mature, funny, smart. A real joy. Adrian was a little more challenging, but definitely a smart kid. You could tell s/he was a little catty when it came to others, Blaze in particular. Teaching kids to get along with others is all part of this kind of experience.

The kids had so many great questions about invasive species such as Brazilian Pepper (which I did my thesis on). A parent of each child was supposed to attend each one of the troop meetings. Blaze was the only exception, given the unique situation. S/he has been in the care of the foster system for a while. His/her foster mom does a great job - Blaze is at every meeting but his/her mom is really busy and hasn’t been able to attend the meetings.

Anyway, at one meeting in June, the parents asked where the best place would be to see the impact of invasive species, and I let them know that it would be Everglades State Park. The parents at the meeting begged me to organize a trip to Camp Kindle. After hearing about the success of my trip with Troop 47, the parents asked if the trip could be an extended, three-day,
overnight trip around the July 4th Holiday. I said, yes as long as everyone signed the necessary permission slips/ paperwork from Wilderness Scouts.

I thought it would be great to take the scouts to Camp Kindle because you can see the annual Fireworks After the Fourth Festival put on by the City. Although the fireworks do not take place on the Camp Kindle grounds, they are viewable from the area.

Camp Kindle is the campground located Everglades State Park where the incident took place. Although six (6) kids are in Troop 55, only three (3) signed up to attend the Camp Kindle trip. I am so thankful that more kids did not sign up for that trip.

Everglades National Forest is an 800-acre site, with five (5) small campsites with either cabins or primitive (i.e. tent only) sites. Camp Kindle is one of the cabin sites consisting of two cabins.

Camp Kindle is an awesome place. Although most campgrounds are filled with people. It is a little more isolated. Not a soul around for miles. I think the closest Walmart, Starbucks, police station, and fire station is like ten (10) miles away, but I haven’t measured the distance. So I’m really not sure.

We arrived at Camp Kindle a little late. I believe right as the sun was about to go down on July 5. It was approximately 8:00 p.m. I was pretty tired when we arrived after the drive to Camp Kindle. The night before, I was up until 3:00 a.m. celebrating my friend’s birthday at Club Fuego.

Upon arrival I checked out both of our cabins (Cabin 1 and Cabin 2) and helped the Scouts unload the car. I unloaded my gear including my hand-shovel. I conducted a perimeter check to look for anything that may be unsafe to the scouts. I was looking for things such as camping gear or food left-over by previous campers that would create an unsafe condition for my Scouts. On a previous camping trip, I found a gun and an axe that were left at a campsite. You also have to make sure no food products are left outside that would attract animals like bears. Nothing seemed out of the ordinary in Cabin 1, Cabin 2, in the campsite or around the perimeter. I did not see any canisters of CampRite Fuel in Cabin 1. I also checked the cabins and perimeter for a water hose or fire extinguishers. Each cabin had its own water hose and fire extinguisher.

I knew that we had a lot of hiking to do the next day. I told the kids I was ready to turn in for the night. We had made a very small, well-constructed fire to make s’mores. I extinguished the fire – teaching Blaze the appropriate way to do so in the process - asked the kids to go to bed, did my perimeter check, and went to bed. I didn’t see them when I entered my cabin, but I saw a light
on in Cabin 1 and heard them talking. It was about 9:40 p.m. The kids were placed in Cabin 1 (which had four single beds); and, I was in Cabin 2 (which also had four single beds). I thought it would be most appropriate for the kids to all sleep in the same Cabin 1 to get to know one another better. Also, I don’t think Wilderness Scouts would want its Scoutmasters sleeping in the same Cabin as the Scouts. Cabin 1 and Cabin 2 are very close in proximity.

I laid down to go to sleep around 9:45 p.m. I know the Scouts were still up, because I could hear them laughing and talking; but, I fell right asleep because I was absolutely exhausted by that point. I woke to a crackling sound around 9:55 p.m. or so. I’m positive it was fireworks because I looked out my cabin window and saw a flash of red, blue, and white in the sky. I’m not sure how close the flashes were but it lit up my room. I thought about closing my window, but I sleep better with fresh air. I saw a group of teenagers shooting firecrackers and bottle rockets. They were probably thirty (30) feet from my window. As I was about to lay back down, I hear one of the teens shout, “I bet I can hit that chimney with my next shot.” The next thing I heard was a whistle and a pop, but I didn’t think much of it. Thinking about it now, I think they were probably drunk. After this incident, Marley Jones, a teacher at a local high school told me that “Drunk kids are always going out to Camp Kindle and causing problems.” I didn’t know this before the incident.

Less than two minutes after I laid back down, I hear BOOM! I then heard a loud noise that sounded like a truck was peeling out. I was startled and yelled from my bed out to the teenagers to quit messing around that folks were trying to get some sleep. But something wasn’t right. I could hear an unmistakable sizzling sound and my cabin was starting to feel awfully hot. I rushed to the window and looked out and saw that Cabin 1 was on fire. I looked over to where the teenagers had been to tell them to call the fire department and THEY WERE GONE.

I rushed as fast as I could out of my Cabin and into Cabin 1 to check on the scouts. Nobody else was at the campground. I had to think fast. I ran into Cabin 1 and grabbed Adrian. I got Adrian out of Bunk 1 and laid him/her on the ground. She/he was responsive, coughed a little, and said “you’re my hero.” I quickly told Adrian to wait right there.

I ran back in and smoke was filling up the bunk really fast. I found Blaze, and I took him/her out of the bunk. S/he was unconscious. As I ran back in to find Sammy, another explosion occurred burning the left side of my body. I still have scars today. I continued through the smoke-filled cabin in attempt to find Sammy. I found her, but she was burned badly, and you could tell
that she was no longer alive. I took her out of the cabin and placed her on the ground. I went back
to Blaze who was still unconscious. In all, it took about one minute for me to bring each of my
Scouts out of Cabin 1 because my adrenaline was going so fast. I did not have time to use a water
hose or fire extinguisher - I was just focused on getting the kids out.

Remembering my training from my Child Safety Certification Class, I gave Blaze mouth
to mouth and chest compressions. After a grueling nerve wracking three (3) minutes, Blaze was
revived, s/he coughed up some soot/smoke and exclaimed, “You saved my life, thank you!” When
the local newspaper reported on the incident, it referred to me as a hero for saving Blaze and
Adrian’s lives. Yes, I was interviewed by the newspaper reporter and did make those comments
as reported.

It’s hard for me to now fathom being sued by Sammy’s parent, Frances. I’ve had
conversations with Frances; but, I really don’t remember the specifics of what has or hasn’t been
said. As you can imagine each of our conversations have been emotional. I do remember once
that Frances said to me at a Parent-Scout meeting, “This was such a horrible accident. I know that
you did everything you could to help those kids.” She continued to come to the meetings even after
Sammy passed. I think it was a security net for her and we were happy to fill that role.

I’ve been told that it’s clear that the fire started due to the fireworks. I wish that those
teenagers, whoever they were, would come forward and explain what happened that night. They
probably drove off really fast because they were drunk and knew that they were going to be in a
lot of trouble. It’s unfortunate that Wilderness Scouts has shut its doors.

I think it might be helpful if I draw a diagram for you of where the cabins and teenagers
were located.
My name is Fire Chief Bailey Burns and I am the past Fire Chief of South Everglades, Florida. I retired three (3) years ago and started my own legal consulting business serving as an expert witness. I have testified on point of origin testing in fifty (50) different trials in Florida alone. Nationwide, I have testified at over eighty (80) trials and my opinion has never been disallowed by the Court. I have lived in South Everglades for the past ten (10) years. I am very familiar with both North and South Everglades. I am also very familiar with Camp Kindle and the entire Everglades Forest.

I was contacted by counsel for Masterscout Smith in March 2017 to provide my expert opinion as to what caused the fire on July 5, 2016. They contacted me because of my education, experience and expertise in this very area.

I received my Bachelor’s Degree in Mechanical Engineering from Everglades University, followed by Master’s Degree in Forensic Studies, and a doctorate in Fire Engineering. It is true that I failed my oral examination to receive my doctorate on two occasions, but the third time was my lucky charm. I think that one of my professors didn’t like me because he knew that I was going to be so successful so that’s why he kept failing me. Later, I received certification for Investigating Fires from the Elite Fire Academy (which has the number one school in the nation for this course of study), but the certification lapsed in July 2015. I did not renew my Certification.
I have written three (3) textbooks currently used at nationally recognized universities on Fire Engineering and forensics called, “What’s the Cause?”; “Burning on the Midnight Oil” and a “Handbook on Wildfire Origin and Cause.” I am currently a member of the National Association of Fire Investigators. I am the past president-elect of the organization.

I spent about twenty (20) years in the engineering and manufacturing industry before becoming a firefighter and then working my way up to Chief after twenty (20) years in various positions, holding numerous licenses in the fire investigation field.

What it comes down to in this particular case is point of origin fire testing. Where did the fire on July 5 originate?

I began my evaluation in April 2017 after I received my retainer check. An analysis such as this is very expensive. All in all, I received payment in the amount of $30,000.00 for my time evaluating and determining the point of origin of the fire. It is true that I will also receive separate compensation for my time spent testifying at the trial of this matter. I will be paid $450/hour for my time spent preparing with Scoutmaster Smith counsel and $450/hour for my time spent testifying in court (and I also charge for my time spent travelling to and from the Courthouse).

To conduct my investigation, I utilized standard procedures accepted by my peers in the community. The standard procedures you can use to conduct a point of origin evaluation include a review of the premises to look for telltale signs of flames/pattern studies, review of photographs, review of satellite images, and chemical tests. I did not conduct a review of satellite imagery or chemical tests.

First, you must determine the area of origin which is a broad area like a room in a house, and then you can find the point of origin which is the smallest area you can identify. After you’ve determined the origin, you look for things that could have served as an ignition source, campfire, flare, hunting ammunition, firework or match, etc.

Although I never physically visited the premises, I reviewed photographs (153 photographs to be exact). It took about three (3) hours to review all relevant photographs. I didn’t think that I needed to physically visit the premises because I felt that I could conduct all necessary tests from my state of the art laboratory. I’m not sure if I reviewed all of the photographs that were available. Even if I reviewed all of the photographs my opinion in this matter would not change.
Looking at the photographs of the interior of the cabin, I could quickly tell that the area of origin could not have been the interior of the Cabin from a burning mattress, burning grill, or burning canisters located in the corner of the room. If you look at the resulting aftermath of a fire, a distinct pattern results. Notice in the pictures that I reviewed all you see is dark colored/burned/charred walls that are uniform in nature. The uniform color evidences that the fire expanded evenly across the surface of the wall in these locations rather than traveling in a plume upward. In my expert opinion, if the fire would have started from the mattress, grill, or gas canisters there would be a V-shaped smoke/burn pattern, with the v pointing toward the point of ignition. I did not see that V-Shape in the photographs presented.

I also conducted a photographic review of the roofing material that were left. Unfortunately, most of the roofing material was either destroyed completely or removed by the time I conducted my evaluation. However, through process of elimination, I believe that it is more likely than not that the fire started from the roof rather than the interior of the Bunk through the process of elimination. My opinion is within a reasonable degree of probability based on my education, experience, and training.

Yes, my company does have a website at www.fireoriginexpertforhire.com, and the company’s motto is “Don’t get burned by opinions you don’t want to hear. Justice for YOU!” I wasn’t asked to provide a written report, but I would have if asked to do so.

I am aware of Sloan Barnes. In fact, I trained him/her. She/he served as my intern/apprentice while he/she was receiving her Associate’s Degree. Such a small world. I like Sloan. It’s a real shame that he/she was a subject on that television show American Greed. You know that show on CNBC that tells the story of high profile white collar crimes. I don’t know the specifics because I didn’t want to watch the episode, and I know that he/she was never been arrested or charged with a crime. I just guess that the negative press probably affected his/her business.
IN THE CIRCUIT COURT OF THE TWENTY-FIRST JUDICIAL CIRCUIT
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FRANCES MALLORY, as the
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Plaintiff,

Case No. 16CA0135

v.

TAYLOR SMITH

Defendant.

SWORN STATEMENT OF BLAZE THOMPSON

My name is Blaze Thompson, and I am 16 years old. I attend North Everglades High School and I am in the tenth grade. When I was 7 years old I entered the foster system. I did not have contact with my biological parents for a while and I have been with a few foster families for the last 9 years with periodic visitation with my parents in the last 4 years. I am an excellent, high-achieving student – I very much enjoy school and invest myself in every educational opportunity I am given. I’ve had perfect grades (straight As, nothing below 98% in any class since second grade). I have test at near-genius levels, scoring a 140 consistently on IQ tests.

Because of the instability I experienced growing up, I suffer from anxiety. I have also been diagnosed as having bipolar disorder. If you didn’t know, Bipolar disorder affects about 2.6% of the American population. I have been receiving counseling and engage in weekly meditation to help me cope with my issues and past. Learning to center myself had been really effective. I’m really outspoken about my issues – I refuse to hide who I am. It’s important to bring attention to these issues and help people understand me instead of pass judgement. I had an incident when I was really young involving a shed in our back yard. It was no big deal really, but it always ends up in a case file so people immediately think I am a problem child. It was just a fluke thing.

A friend let me know about the Wilderness Scouts 2 years ago, so I joined Troop 55. Not being allowed to have experiences like this in my childhood was really challenging, so I was
excited to take part in an educational extra-curricular activity that got me out into nature. I really enjoyed Scoutmaster Smith’s curriculum. You could tell that he/she really cared about each of the scouts individually and is a wealth of knowledge on Florida flora and fauna. He/she would even take the time to answer questions and fully explain the answer, unlike some teachers at school that just say, “Figure it out,” or “Research it and let me know.” Clearly, they don’t know the answer, but Scoutmaster Smith always seemed to know the answer or at least would say he/she didn’t know, research it, and then let us know the answer at our next meeting. Scoutmaster Smith was and is a role model, I don’t care what anyone says. S/he cares for each of us and would never have done anything to put us in danger.

I was so excited when Scoutmaster Smith announced that s/he would organize an overnight trip to Camp Kindle for July 4th. We were going to have the opportunity to camp, explore, and see fireworks. I have always had an interest in fire and pyrotechnics, so this trip was a dream. My last science fair project was based on rates of combustion and what household items would burn the fastest. My research primarily focused on the combustibility and burn rate of mattresses. Results showed that the specific burn rate depended on mattress size, weight and material. As part of my conclusion, I did express an interest in researching how specific accelerants (such as CampRite Fuel would affect the burn rate). Studies like this are critical in preventing household tragedies, I am just sad that the tragedy that would unfold at Camp Kindle took place – I wish that night had never happened.

When the trip rolled around, I was so excited. I had been transferred back to the custody of my parents the weekend before the trip and, honestly, I was already ready to get away from them. I packed up everything I would need for the trip - I brought a pint of CampRite Fuel with me so that I could make sure my lantern remained lit. Scoutmaster Smith always insists that a scout is always prepared. I knew the area we were in would be very secluded and dark, so I wanted to make sure my bunkmates and I had enough fuel.

We arrived to Camp Kindle on the evening of July 5. We got there right as the sun was going down. We had already eaten dinner on the car ride over. At least everyone else ate dinner. I’m not a fan of Mia Taco or any fast food. I was looking forward to the experience of a campfire meal, so I elected to wait until we got to the campsite to make something from our provisions. There’s something magical about the way a grill lights, and the smell of the burning propane or
coal (depending on what you are using) is a pleasure to the senses. Anyway, it seemed a little contradictory to me to get fast food when we were supposed to be roughing it in nature.

On the way to the campsite, I rode next to fellow Scout Adrian Sutler. Adrian is one of the people I mentioned earlier who likes to pass judgement and has never made an effort to understand me. S/he has been mad at me ever since his ex-girlfriend/boyfriend commented on one of my selfies, “Blaze, You’re sooooooo hot… I had so much fun watching movies with you the other night…Call me xoxoxo.” Jealous and judgmental people are not those I wish to surround myself with so instead of talking to Adrian, I just tried to keep to myself and watch V for Vendetta on my cell phone on the ride to the campsite.

Anyway as we arrived to the campsite, I saw some other people at the next site over, probably 50 feet away. They were blasting music, drinking, and had a pretty big and impressive bonfire going. There were also little popping sounds we could hear – not sure if that was the fire or something else, like small fireworks. Scoutmaster Smith took a moment to note that they hadn’t properly constructed their fire – s/he said something about the containment not being well done and that people need to be more responsible. Scoutmaster Smith is a stickler for the rules, especially when it comes to safety.

The biggest bummer of the trip was the Firework Festival. We thought we would be able to see it from our campground, but as it turns out there was too much vegetation and cloud cover. I was really hoping to see some awesome fireworks, but whatever. I asked Scoutmaster Smith if we could drive to see the festival, but s/he said that was not authorized on the trip form. We could only stay on the designated campground.

I guess I got distracted because, next I know my bags were unpacked in the cabin for me. I didn’t have anything to do. So, I decided to set up the campfire area. I really wanted to cook hotdogs on a campfire, but didn’t get to. But, after some convincing, we did get to set up a small fire to make some s’mores. After a little bit, Scoutmaster Smith directed us to “turn in for the night” because we had a long day the next day. S/he showed me how to put out the fire said goodnight, walked around the cabins, and then went to his/her cabin. I’m not sure what time that was. Adrian Sutler, Sammy, and I took Cabin 1, and Scoutmaster Smith took Cabin 2.

I don’t think Scoutmaster Smith should have stayed in the same cabin as us, but I guess he could have if he wanted to. Pretty sure s/he wanted us to have the opportunity to “bond”. After we unloaded our camping gear, and got settled into our Bunk around 9:45 p.m., I told Adrian and
Sammy that I was hungry – the s’mores didn’t quite hit the spot. Luckily, I was prepared. I knew that I could use my CampRite Fuel to light my portable grill and cook a couple of the hotdogs that I had brought. I didn’t even have to use my own pint of CampRite Fuel because of the left-over fuel that was tucked in the corner near one of the beds.

I set up my portable grill under the window in our Bunk. I looked over and saw that Adrian and Sammy were both sound asleep. I used some of the CampRite Fuel from the larger left-over containers. Some of the fuel spilled on the unused bed, and I started to clean up the spilled fuel. Luckily, it does not have a strong odor. In fact, it smells kind of pleasant. Luckily, I had matches in my pocket that I found on the ground so I could easily light the grill.

That’s when I saw it, magnificent bursts of colors- blue, red and white out the window. I was so excited because I thought we weren’t going to be able to see the fireworks from this vantage point – they seemed closer than the festival would have been, which I thought was really cool. It was gorgeous. Absolutely, positively breathtaking. Fireworks burn as hot as 1600 degrees Celsius or 3,000 degrees Fahrenheit.

I continued cooking my hot dogs, and I sat down to see if I could get my phone to pick up enough signal to stream some videos on my phone. Unfortunately, streaming services were down that far in the woods. So I listened to my favorite song by my favorite band- Prodigy’s “Fire Starter.” I consider myself to be somewhat of a child prodigy so I fell in love with the band’s name. When I heard the song, it resonated with me, especially the lines that go “I’m the trouble starter, punkin’ instigator, I’m the fear addicted, danger illustrated, I’m a firestarter, twisted fire starter.” I put those lyrics on my SnapGram page to celebrate the 20th anniversary of the song’s release. They don’t make music like they used to.

Anyway, I started to smell something burn. I ran over to check on my hotdogs and that’s when I heard a boom and felt a blast of heat. I’m not sure what happened after that.

When I came to, there were firefighters and EMS everywhere. The air was thick with smoke and I could hear people yelling. The worst thing though was seeing Sammy. He didn’t make it out in time. Scoutmaster Smith was standing nearby, covered in what looked like soot, wringing his/her hands and pacing. S/he looked really upset. Come to find out, s/he pulled me out of the cabin. Without his/her swift action, I wouldn’t be here today. I can’t believe someone would try to place the blame for this awful accident on him/her – Scoutmaster Smith is a hero. I just don’t see how s/he could be responsible for what happened to Sammy.
EXHIBITS
EXHIBIT 1

WILDERNESS SCOUT OUTDOOR ADVENTURE POLICY

What are typical Scout outdoor activities? For younger Scouts, less-rugged activities are more appropriate as they begin to acquire outdoor knowledge and skills. These may include:

**Day Hikes**—Reasonably short hikes (three to 10 miles) in terrain without a lot of elevation gain or loss.

Single-day overnight camping trips are discouraged by the Wilderness Scouts. Multiple-day overnight camping trips are prohibited.

However, a Wilderness Scout squad may participate in patrol activities with the permission of its Scoutmaster or Coach and parents/guardians. Appropriate adult leadership must be present for all single-day overnight Scouting activities. If an overnight trip is organized, all participating Scout parents must execute a permission slip. The Scoutmaster is not permitted to sleep in the same Tent as a Scout.

**Summer Camp**—Summer camp is what many Scouts enjoy most. Camp programs provide numerous opportunities for Scouts to earn merit badges along their advancement trail. Resident Scout camping includes at least five nights and six days of fun outdoor activities.

**Jamborees**—Every four years, the Wilderness Scouts host a national Scout jamboree. More than 40,000 Scouts and leaders from across the country participate in this 10-day event filled with the most popular and highest-quality outdoor activities Scouts enjoy. To participate, a Scout must be at least 12 years of age by July 1 of the jamboree year and be a First Class Scout from their adult leaders.

**Trek Safely**

Trek Safely is designed to help Scouting groups be fully prepared for a backcountry trek. It will help each youth member and adult leader recognize situations that could develop in which the group will have to adjust its schedule or route, or even make camp for the night because of weather circumstances or an injured or ill crew member. Crews that address possible scenarios in advance are less likely to be surprised on the trail. Contingency planning is critical to the success of every trip.
RENTAL AGREEMENT
Campground and Special Events Area at Camp Kindle Recreation Area & Campsite

1. RESERVATIONS: Reservations are taken up to one year in advance. Reservations are not made or confirmed until the rental fee and Rental Agreement is accepted.

2. RENTAL FEE: Individual camping sites for tents only accommodate up to eight people and can be rented for $15 per site, per night limited to seven consecutive days within a given month. The entire campground or special events area can be rented for $120.

3. HOURS: Campers must remain in the campground and adjoining areas, including restrooms and parking area after dark. Quiet hours are 11:00 p.m. to 8:00 a.m. Special events must be concluded with the area vacated by dark unless otherwise permitted by the Hancock Park District. A daily rental is 12:00 pm to 12:00 pm the following day.

4. SUPERVISION: An adult must accompany juvenile campers under 18 years of age. There must be one adult for the first four juveniles and one adult for every four juveniles thereafter.

5. CAMPGROUND AMENITIES: The primitive campground offers eight designated tent camping sites with no outdoor lighting. Campers should bring flashlights and/or lanterns. Each camping site includes a picnic table and fire ring. Waste water drains, trash receptacles, and a barrel containing non-potable water with a bucket for extinguishing campfires are located along the edge of the woods.

6. FIRES: Fires are permitted in designated fire rings only during the winter months. Winter months are defined as November, December and January. Fire bans are in effect during all non-winter months. Fire bans prohibit the following activities:
   - Building, maintaining, attending or using ANY fire or campfire.
   - Burning trash or debris.
   - Using ANY fireworks, including sparklers, Roman candles, sky lanterns or any other device containing an explosive substance.

Activities prohibited during all months, including winter months:
   - Use of model rockets.
   - Smoking, except in an enclosed vehicle or an area 6 feet in diameter that is barren or cleared of all combustible material. All smoking materials must be discarded in approved containers.
   - Failing to take adequate measures, such as having a fire extinguisher, hose or shovel nearby to prevent uncontrolled fires.
   - Burning in a careless manner, leaving a fire unattended or failing to extinguish any fire.

7. REFUND POLICY: No refunds and no rescheduling for individual camping sites. If a reservation is cancelled by a group renting the entire campground or special events area, the facility can be rescheduled one time within a year from the original reservation date or a full refund will be issued.

ACKNOWLEDGEMENT: Renter agrees to occupy and use the campground or special events area in a responsible manner and comply with all applicable local, state, and federal laws. Renter agrees to waive all claims or causes of action arising from the use of the campground or special events area and agrees to release Camp Kindle and its agents, employees, and volunteers and their heirs, executors, and assigns from liability.

Please sign after reading the entire Agreement and ACKNOWLEDGMENT Policy:

Taylor Smith
Renter’s Signature

7/1/16
Date
EXHIBIT 3
Permission Form and Liability Waiver

I, Frances Mallory, the parent of Sammy Mallory ("my child"), give permission for my child to attend the camping trip at Camp Kindle on July 5, 2016.

I understand that personal injury can and may occur to my child, and I hereby authorize Scoutmaster Smith, or another appointed chaperone, to seek and consent to emergency medical attention for my child as needed; and I further agree to be liable for and to pay all costs incurred in connection with such medical attention.

I hereby release Wilderness Scouts, from any and all liability, claims, demands, causes of action and possible causes of action whatsoever arising out of or related to any loss, damage or injury that may be sustained by my child while participating in or traveling to and from this event.

I agree that camping may be inherently dangerous and my child assumes the risk of such activity. I give permission for my child to ride in any vehicle designated by Wilderness Scouts, while participating in and traveling to and from this event.

I agree and consent to all of the above stated.

Frances Mallory                                          June 29, 2016
(Parent Signature)                                      (Date)
I, Andrew Sutler, the parent of Adrian Sutler (“my child”), give permission for my child to attend the camping trip at Camp Kindle on July 5, 2016.

I understand that personal injury can and may occur to my child, and I hereby authorize Scoutmaster Smith, or another appointed chaperone, to seek and consent to emergency medical attention for my child as needed; and I further agree to be liable for and to pay all costs incurred in connection with such medical attention. I hereby release Wilderness Scouts, from any and all liability, claims, demands, causes of action and possible causes of action whatsoever arising out of or related to any loss, damage or injury that may be sustained by my child while participating in or traveling to and from this event.

I agree that camping may be inherently dangerous and my child assumes the risk of such activity. I give permission for my child to ride in any vehicle designated by Wilderness Scouts, while participating in and traveling to and from this event.

I agree and consent to all of the above stated.

Andrew Sutler ______________________ 7/1/16 ______________________
(Parent Signature) (Date)
EXHIBIT 5
Permission Form and Liability Waiver – Thompson

I, Michaela Ridge, the parent of Blaze Thompson ("my child"), give permission for my child to attend the camping trip at Camp Kindle on July 5, 2016.

I understand that personal injury can and may occur to my child, and I hereby authorize Scoutmaster Smith, or another appointed chaperone, to seek and consent to emergency medical attention for my child as needed; and I further agree to be liable for and to pay all costs incurred in connection with such medical attention. I hereby release Wilderness Scouts, from any and all liability, claims, demands, causes of action and possible causes of action whatsoever arising out of or related to any loss, damage or injury that may be sustained by my child while participating in or traveling to and from this event.

I agree that camping may be inherently dangerous and my child assumes the risk of such activity. I give permission for my child to ride in any vehicle designated by Wilderness Scouts, while participating in and traveling to and from this event. I agree and consent to all of the above stated.

Michaela Ridge ___________________________ 6/16/16 ___________________________
(Parent Signature) (Date)
**EXHIBIT 6**

Blaze Thompson Guardian E-mail

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**Subject:** Camping Trip – Important  
**Sent:** Thu, June 16, 2016 5:38 PM  
**From:** Michaela Ridge <mridge@qmail.com>  
**To:** Scoutmaster Smith <scoutmastersmithtroop55@wildernessscoutseverglades.com>

Good Evening Scoutmaster Smith,  
My name is Michaela Ridge and I am Blaze’s foster mom. We have met briefly a few times when I have picked up Blaze from Wilderness Scouts. We have confirmation that Blaze can go on the trip and I will be providing consent on the form. It is possible Blaze will be transferred to the custody of the parents prior to the trip – just so you are aware. Another form might be needed, but that is up to you.  
I appreciate all of your efforts with Blaze. Wilderness Scouts has been an excellent experience, satiating Blaze’s inquisitive nature and curiosity with the world. Such a bright kid! As you know, Blaze has had a challenging past. Between the family situation, changing homes and schools, and a run in with the police when Blaze was younger (incident with a shed being burnt down apparently), the kid had a lot to deal with, including issues still ongoing with relation to a personality disorder and anxiety. Blaze doesn’t always relate well to kids the same age because Blaze is so intelligent.

That said, I just wanted to drop you a line and ask that you **provide dedicated attention to Blaze** given the unique situation. I want this to be a positive experience for all.

Thank you for all you do and your excellent volunteer efforts – it’s really making a difference. Please feel free to call me with any questions.  
Best,  
Michaela Ridge
EXHIBIT 7
Blaze Thompson Incident Report

Incident Report

Printed by: 27478
Printed date/time: 3/7/07 13:40

CITY OF EVERBLADES POLICE DEPARTMENT
7738 NW 2 AVENUE
EVERBLADES, FLORIDA 394873 Incident Number: 28493-293839

Incident Summary
Incident Type: FIRE Report Type: ORIGINAL INCIDENT
Inc Occurred Address: 12983 NW PROMETHEUS AVENUE Sector/beat: 3jff
Inc Occurred Start: 3/7/07 07:03 Inc Occurred End: 3/7/02 9:07 Report Taken: 3/7/07 18:29
Domestic: N Blas Motivation: Gang Related: N Substance: N
Contact Nature: DISPATCHED Reporting Officer: Sanchez, Paul

Offenses
Status Code Enhancers:
Status Desc:
Counts:
Status Severity:

Officers
Event Association Emp# Badge# Name Squad#
REPORTING OFFICER 9293 9293 SANCHEZ, PAUL
Primary Responding Officer 9293 9293 SANCHEZ, PAUL

Persons Involved
Persons #: 78 MNI: 9384948
Event Association: SUSPECT
Name: THOMPSON, BLAZE
SNS: XXX-XX-1234 DOB: 10/20/02 Age: 5 Sex: Fe/Male
Height: 2' 4" Weight: Eye Color: BROWN
Address: 12983 NW PROMETHEUS AVENUE, EVERBLADES, FLA
Race: WHITE/CAUC
Hair Color: BLACK
Sector/Beat: 3jff

Phone Type 1: Phone#1: Ext1:
Phone Type 2: Phone#2: Ext2:
DL State: DL#: DL Exp: Date:

Characteristics
Characteristic Type: Further Defined By: Description:
HAIR LENGTH SHORT
HAIR STYLE NATURAL
FACIAL HAIR CLEAN SHAVEN
COMPLEXION MEDIUM
TEETH VERY WHITE
APPEARANCE/ DEMEAN CALM
SPEECH SOFT
R/L HANDED LEFT
BUILD SMALL
CLOTHING JEAN SHORTS, BLACK SHIRT
EXHIBIT 8

Investigation Photos from Everglades County Fire Office Report

Timestamp: 2210, 5 July 2016

Timestamp: 2216, 5 July 2016

Timestamp: 0955, 6 July 2016
Detail note: Room of neighboring structure; no damage
Timestamp: 1306, 6 July 2016
Detail note: Aerial of cabin remains

Timestamp: 1049, 6 July 2016
Detail note: Bed at north end of cabin

Timestamp: 1311, 6 July 2016
Detail note: Interior cabin remains
EXHIBIT 9

Everglades Enquirer Article

Everglades Enquirer

July 6, 2016

CAMP KINDLE FIRE AND HERO

A fire was reported last evening at Camp Kindle. A cabin was burned to the ground. Unfortunately, Wilderness Scout Troop 55 was camping at Camp Kindle at the time of the fire. Significant injuries have been reported; but, the names of the scouts injured are not being released at this time.

Scoutmaster Taylor Smith is being called a hero for saving the lives of two scouts. Scoutmaster Smith said, “I have no clue how this fire started, but I did whatever I could to save my scouts.” Scoutmaster Smith has received numerous accolades for service with the Wilderness Scouts and volunteer efforts associated with the organization.

This is a breaking news story and will be updated.
EXHIBIT 10

Diagram of Camp Kindle Provided by Scoutmaster Taylor Smith
EXHIBIT 11

Blaze Thompson SnapGram Account Screenshot

Blaze Thompson
July 7 at 2:30 a.m.

“I'm the trouble starter, punkin' instigator
I'm the fear addicted, danger illustrated
I'm a firestarter, twisted firestarter”

7 Like  Show More Reactions
0 Comments
0 Shares

Comments
View 5 more comments

@Blaze

You’re So HOT...Had so much fun tonight and watchin' movies with u the other night... Better than that stupid ceremony...xoxoxo" #BlazenHot #AdrianWhoo! #MovingOn #BlazesLit

Posted April 15, 2016
Wrongful Death

Elements of Cause of Action-

To establish a cause of action for negligence in a wrongful death action, a plaintiff must allege and prove:
1. The existence of a legal duty owed to the decedent;
2. Breach of that duty;
3. Legal or proximate cause of death was that breach; and
4. Consequential damages.


It has been well stated that such an action should be tried in the same manner and be governed by the same general principles of practice as it would have been had the injured person not died and was suing to recover damages for the wrongful act.

See Gadboury v. Flagler Hospital, Inc., 316 So.2d 642, 644 (Fla. 4th DCA 1975).
See also, Florida Statutes 768.16-768.26 (Florida Wrongful Death Act).

768.19 Right of action.—When the death of a person is caused by the wrongful act, negligence, default, or breach of contract or warranty of any person, including those occurring on navigable waters, and the event would have entitled the person injured to maintain an action and recover damages if death had not ensued, the person or watercraft that would have been liable in damages if death had not ensued shall be liable for damages as specified in this act notwithstanding the death of the person injured, although death was caused under circumstances constituting a felony.
History.—s. 1, ch. 72-35.

768.20 Parties.—The action shall be brought by the decedent’s personal representative, who shall recover for the benefit of the decedent’s survivors and estate all damages, as specified in this act, caused by the injury resulting in death. When a personal injury to the decedent results in death, no action for the personal injury shall survive, and any such action pending at the time of death shall abate. The wrongdoer’s personal representative shall be the defendant if the wrongdoer dies before or pending the action. A defense that would bar or reduce a survivor’s recovery if she or he were the plaintiff may be asserted against the survivor, but shall not affect the recovery of any other survivor.
JURY INSTRUCTIONS

The claims and defenses in this case are as follows. Frances Mallory, as personal representative of the estate of Sammy Mallory, claims that Taylor Smith, was negligent in the supervision which caused the death of Sammy Mallory.

Taylor Smith denies that claim and claims that Sammy Mallory’s death was due to negligence of an unnamed party to this case. The parties must prove their claims by the greater weight of the evidence. I will now define some of the terms you will use in deciding this case.

**Negligence**

Negligence is the failure to use reasonable care, which is the care that a reasonably careful person would use under like circumstances. Negligence is doing something that a reasonably careful person would not do under like circumstances or failing to do something that a reasonably careful would do under like circumstances.

**Legal Cause**

Negligence is a legal cause of death if it directly and in natural and continuous sequence produces or contributes substantially to producing such death so that it can be reasonably be said that, but for the negligence, the death would not have occurred.

In order to be regarded as a legal cause of injury, negligence need not be the only cause. Negligence may be a legal cause of death even though it operates in combination with the act of another, some natural cause, or some other cause if the negligence contributes substantially to producing such death.

**Burden of Proof**

If the greater weight of the evidence does not support Plaintiff’s claim, your verdict should be for Defendant on that claim. The issue you must decide on Plaintiff’s claim against Defendant is whether Defendant was negligent in his supervision, and, if so, whether that negligence was a legal cause of Sammy Mallory’s death. Plaintiff has the burden to prove his claim by the greater weight of the evidence.

If, however, the greater weight of the evidence supports Plaintiff’s claim, then you shall consider the defenses raised by Defendant. On Defendant’s affirmative defense, you must determine whether another unnamed party was a legal cause of Sammy Mallory’s death. Defendant has the burden to prove this affirmative defense by the greater weight of the evidence.

**Greater Weight of the Evidence**

“Greater weight of the evidence” means the more persuasive and convincing force and effect of the entire evidence in the case.

In reaching your verdict, you must think about and weigh the testimony and any documents, photographs, or other material that has been received in evidence. You may also consider any facts that were admitted or agreed to by the lawyers. Your job is to determine what the facts are. You may use reason and common sense to reach
conclusions. You may draw reasonable inferences from the evidence. But you should not guess about things that were not covered here. And, you must always apply the law as I have explained it to you.

Let me speak briefly about witnesses. In evaluating the believability of any witness and the weight you will give the testimony of any witness, you may properly consider the demeanor of the witness while testifying; the frankness or lack of frankness of the witness; the intelligence of the witness; any interest the witness may have in the outcome of the case; the means and opportunity the witness had to know the facts about which the witness testified; the ability of the witness to remember the matters about which the witness testified; and the reasonableness of the testimony of the witness, considered in the light of all the evidence in the case and in the light of your own experience and common sense. Some of the testimony before you was in the form of opinions about certain technical subjects.

You may accept such opinion testimony, reject it, or give it the weight you think it deserves, considering the knowledge, skill, experience, training, or education of the witness, the reasons given by the witness for the opinion expressed, and all the other evidence in the case.

That is the law you must follow in deciding this case. The attorneys for the parties will now present their final arguments.
The Florida High School Mock Trial Official Rules of Competition
RULES OF THE STATE COMPETITION

Rule I: Team Composition/Presentation

1) 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.

2) Only one team may represent a high school at any level of competition.

3) 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.

4) 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).

5) Each team must be fully prepared to argue both sides of the case. (Plaintiff/Prosecution and Defense/Defendant) using six team members.

6) 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.

7) 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.

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

9) Immediately following the mandatory general assembly, all teachers and attorney coaches affiliated with participating Mock Trial teams must attend a Teacher and Coaches Meeting, which will include a review of the rules and power matching system.

Rule II: The Case

1) The case may contain any or all of the following stipulations: documents, narratives, exhibits, witness statements, etc.

2) The stipulations (and fact statements, if any) may not be disputed at the trial. Witness statements may not be altered.

3) All witnesses must be called.
Rule III: Trial Presentation

1) 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.

2) 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."

3) 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.

4) 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.

5) 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.

6) Use of voir dire examination of a witness is not permitted.

Rule IV: Student Attorneys

1) 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:
a) Opening Statements

b) Direct/Re-direct Examination of Witness #1

c) Direct/Re-direct Examination of Witness #2

d) Direct/Re-direct Examination of Witness #3

e) Cross/Re-cross Examination of Witness #1

f) Cross/Re-cross Examination of Witness #2

g) Cross/Re-cross Examination of Witness #3

h) Closing Arguments

i) Plaintiff’s/Prosecution’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.

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

3) 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.

Rule V: Swearing of Witnesses

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

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.
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.

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.

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.

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.

Rule XI: Witnesses

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

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.

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.
Rule XIV: Decisions

**ALL DECISIONS OF THE JUDGES ARE FINAL.**

Rule XV: Time Limits

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

The sequence and time limits are:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Opening Statements</td>
<td>5 minutes per side</td>
</tr>
<tr>
<td>Direct Examination and Re-direct Examination (optional)</td>
<td>24 minutes total per side</td>
</tr>
<tr>
<td>Cross Examination and Re-cross Examination (optional)</td>
<td>21 minutes total per side</td>
</tr>
<tr>
<td>Closing Argument</td>
<td>5 minutes per side</td>
</tr>
</tbody>
</table>

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

The Plaintiff/Prosecution gives the opening statement first. The Plaintiff/Prosecution gives the closing argument first; the Plaintiff/Prosecution may reserve one minute or less of the closing time for a rebuttal. Plaintiff/Prosecution must notify the judge before beginning closing argument if the rebuttal time is requested. The Plaintiff’s/Prosecution’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.

2. 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.

3. 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.

4. 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.
Rule XVI: Judging

1) 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.

2) 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.

3) 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.

4) The team receiving the majority of the performance votes from the three judges is declared the winner of the trial/round.

5) 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.

6) ALL DECISIONS OF THE JUDGES ARE FINAL.

7) The Team Ethics category will score students on the standards recognized in the Code of Ethical Conduct.

8) 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.

Rule XVII: Dispute Settlement

1) 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.

   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.

3) 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.

4) 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.

Rule XVIII: Reporting a Rules Violation Outside the Bar

1. 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.

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.

**Rule XX: State Competition Power Matching/Seeding Model**

1) The Florida High School Mock Trial Competition uses a power matching system.

2) 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.

3) Power matching will provide that:

   a) Pairings for the first round will be at random.

   b) All teams are guaranteed to present each side of the case at least once.

   c) 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.

   d) 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.

   e) Teams will not meet the same opponent twice.

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

**Rule XXI: Completion of Score Sheets**

1. 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.

2. The presiding judge shall circle either Plaintiff/Prosecution 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.
**Rule XXII: State Competition 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.

**Rule XXIII: Effect of a Bye/Default**

1. 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.

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

**Rule XXIV: Eligibility**

1. All students on a team must be enrolled in the same public or private school in the district for which they are competing.

2. Each judicial circuit may send only one team to compete in the Florida High School Mock Trial State Finals.

3. The Mock Trial State Coordinator reserves the right to enlist participation from each district and circuit.

**Rule XXV: State Competition 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.
Rule XXVI: Interpretation of State Competition Rules

1. 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.

2. No exceptions are permitted at the competition site unless approval has been given by the Advisory Committee prior to the competition.

3. The Advisory Committee and/or State Mock Trial Coordinator will serve as the final arbiter at the competition site.

4. The Florida High School Mock Trial Competition Advisory Committee may invite additional circuit teams to participate in the State Finals Competition if it determines, in its sole discretion, that doing so would provide for diversity within the competition, would resolve disputes at the circuit level in a fair manner, or would otherwise advance the goals of the competition and serve the students who have competed at the circuit level.

Rule XXVII: Circuit Competitions

1. The State competition power matching and seeding system is optional for use during circuit competitions.

2. Team advancement procedures will be the responsibility of circuit coordinators.

3. Circuit coordinators should contact The Florida Law Related Education Association, Inc. for approved alternate models.
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.

i. **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:

1. Introducing statements of the witness which are inconsistent with his/her present testimony;
2. Showing that the witness is biased;

3. Attaching the character of the witness in accordance with the state mock trial competition rules of evidence and procedure;

4. Showing a defect of capacity, ability, or opportunity in the witness to observe, remember, or recount the matters about which he/she testified; and

5. 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 examinations 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**

   1. **Irrelevant Evidence**: “I object, your honor. This testimony is irrelevant to the facts of this case.”

   2. **Leading Questions**: “Objection. Counsel is leading the witness.” Remember, this is only objectionable when done on direct examination (Ref. Section A1.a).

   3. **Narrative Questions and Answers**: may be objectionable (Ref. Section A1.b).

   4. **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.”

   5. **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.”

   6. **Opinion**: “Objection. Counsel is asking the witness to give an opinion.”

   7. **Lack of Personal Knowledge**: “Objection. The witness has no personal knowledge that would enable him/her to answer this question.”

   8. **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.

   9. **Ambiguous Questions**: An attorney shall not ask questions that are capable of being understood in two or more possible ways.

   10. **Non-responsive Answer**: A witness’ answer is objectionable if it fails to respond to the question asked.

   11. **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.

   12. **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.

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

14. 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.

15. Opinions of Witnesses

1. Expert Opinion

   1. 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.

   2. 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.

   3. 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.

   4. Expert Opinion (additional information)

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

2. Lay Opinion

   1. 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.

2. **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.

3. **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."

16. **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.

1. **Introduction of 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.

   a. All evidence will be pre-marked as exhibits.
   b. Ask for permission to approach the witness. “Your Honor, may I approach the witness with what has been marked for identification purposes as Exhibit No. ___?”
   c. Show the exhibit to opposing counsel.
   d. Ask the witness to identify the exhibit. “I now hand you what has been marked for identification as Exhibit No. ____. Would you identify it please?” Witness should answer to identify only.
   e. Ask the witness a series of questions that are offered for proof of the admissibility of the exhibit. These questions lay the foundation or predicate for admissibility, including questions of the relevance and materiality of the exhibit.
   f. Offer the exhibit into evidence. “Your Honor, we offer Exhibit No. ___ into evidence.”
   g. Court: “Is there an objection?” (If opposing counsel believes a proper foundation has not been laid, the attorney should be prepared to object at this time.)
   h. Opposing Counsel: “No, Your Honor,” OR “Yes, Your Honor.” If the response is “yes”, the objection will be stated for the record. Court: “Is there any response to the objection?”
   i. Court: “Exhibit No. ___ (is/is not) admitted.” If admitted, questions on content may be asked.

   **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.

17. Hearsay and Exceptions to this Ruling

   1. **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.

2. **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:

   1. The hearsay statement might be distorted or misinterpreted by the witness relating it in court.
   2. The hearsay statement is not made in court and is not made under oath
   3. 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).
   4. The hearsay statement is not made in court and the person who made it cannot be challenged by cross-examination.

3. **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**.

   1. **Exceptions**

      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**

1. 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.

2. 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.

6. **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.

7. **Then Existing Mental, Emotional, or Physical Condition**

1. 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.
2. 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: Please 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 2011 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:
   1. Answering questions that students may have concerning general trial practices;
   2. Explaining the reasons for the sequence of events/procedures found in a trial;
   3. Listening to the students’ approach to the assigned case; and
   4. 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.
Florida High School Mock Trial Competition
SCORE SHEET/BALLOT

P = Plaintiff: ____________________________  D = Defense: ____________________________
(Team Code)                                      (Team Code)
Date: ______________________  Round: (circle one)  1  2  3  4  F

Using a scale of 1 to 10, rate the P and D in the categories below.
Do NOT use fractional points. Please use a ballpoint pen.

<table>
<thead>
<tr>
<th></th>
<th>Not Effective</th>
<th>Fair</th>
<th>Good</th>
<th>Excellent</th>
<th>Outstanding</th>
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<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5 6  7 8  9 10</td>
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</table>

Score Sheet/ Ballot

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<thead>
<tr>
<th>Score Sheet/ Ballot</th>
<th>P</th>
<th>D</th>
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<tbody>
<tr>
<td>Opening Statement</td>
<td>(____)</td>
<td>(____)</td>
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<tr>
<td>Plaintiff's First Witness Direct Examination</td>
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<td>(____)</td>
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<tr>
<td>Witness Presentation</td>
<td>(____)</td>
<td>Cross Examination (____)</td>
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<tr>
<td>Plaintiff's Second Witness Direct Examination</td>
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<td>(____)</td>
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<tr>
<td>Witness Presentation</td>
<td>(____)</td>
<td>Cross Examination (____)</td>
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<tr>
<td>Plaintiff's Third Witness Direct Examination</td>
<td>(____)</td>
<td>(____)</td>
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<tr>
<td>Witness Presentation</td>
<td>(____)</td>
<td>Cross Examination (____)</td>
</tr>
<tr>
<td>Defense’s First Witness Cross Examination</td>
<td>(____)</td>
<td>Direct Examination (____)</td>
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<tr>
<td>Witness Presentation</td>
<td>(____)</td>
<td>Witness Presentation (____)</td>
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<tr>
<td>Defense’s Second Witness Cross Examination</td>
<td>(____)</td>
<td>Direct Examination (____)</td>
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<tr>
<td>Witness Presentation</td>
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<td>Witness Presentation (____)</td>
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<tr>
<td>Defense’s Third Witness Cross Examination</td>
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<td>Direct Examination (____)</td>
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<td>Witness Presentation</td>
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<td>Witness Presentation (____)</td>
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<tr>
<td>Closing Argument</td>
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<tr>
<td>Ethical Conduct</td>
<td>(____)</td>
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<tr>
<td>Team Performance</td>
<td>(____)</td>
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<tr>
<td>Column Totals: DO NOT TIE TEAMS</td>
<td>(____)</td>
<td>(____)</td>
</tr>
</tbody>
</table>

Note: Any errors in ADDITION will be corrected by score room staff. Please review your individual scores and return to trial coordinator.

Judge’s Signature

__________________________________________
Florida High School Mock Trial Competition
EXPLANATION OF RATINGS USED ON THE SCORE SHEET/BALLOT

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!

<table>
<thead>
<tr>
<th>POINT(S)</th>
<th>PERFORMANCE</th>
<th>CRITERIA FOR EVALUATING STUDENT PERFORMANCE</th>
</tr>
</thead>
</table>
                                                      2. Communication unclear, disorganized, and ineffective.  
                                                      3. Unsure of self, does not think well on feet, depends heavily on notes. |
| 3-4      | Fair        | 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        | 1. Exhibits adequate preparation/understanding of the case materials.  
                                                      2. Communications are clear and understandable, but could be stronger in fluency and persuasiveness.  
| 7-8      | Excellent   | 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 | 1. Superior in qualities listed for 7-8 points' performance. |
Florida High School Mock Trial Competition
PRESIDING JUDGE BALLOT

Plaintiff: ___________________ 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

PLAINTIFF / 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

Plaintiff’s or Defense’s Attorney
(Circle One)

Judge’s Signature

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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

Plaintiff’s or Defense’s Witness
(Circle One)

____________________________
Judge’s Signature
Florida High School Mock Trial Competition
LEGAL PROFESSIONALISM AWARD BALLOT

Teaches: 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: __________________________________________________________
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*
Florida High School Mock Trial Competition
TEAM DISPUTE FORM

Date:_________________________ Round (Circle one) 1 2 3 4 Final

Plaintiff: __________________________ Defense: __________________________
(Team Code) (Team Code)

TEAM LODGING DISPUTE: __________________________ (Enter Team Code)
Grounds for Dispute:
_____________________________________________________________________________________________
_____________________________________________________________________________________________
_____________________________________________________________________________________________
_____________________________________________________________________________________________

Initials of Team Spokesperson: _______ Time Dispute presented to Presiding Judge: ________
Hearing decision of Presiding Judge (Circle one): GRANT / DENY Initials of Judge: ________

Reason(s) for Denying Hearing or Response of Opposing Team:
_____________________________________________________________________________________________
_____________________________________________________________________________________________
_____________________________________________________________________________________________
_____________________________________________________________________________________________

Initials of Opposing Team's Spokesperson: __________

Presiding Judge's Notes from Hearing:
_____________________________________________________________________________________________
_____________________________________________________________________________________________
_____________________________________________________________________________________________
_____________________________________________________________________________________________

Decision of Presiding Judge Regarding Dispute (Circle one): Refer to Panel/Not Refer to Panel

Reason(s) for Presiding Judge's Decision:
_____________________________________________________________________________________________
_____________________________________________________________________________________________
_____________________________________________________________________________________________
_____________________________________________________________________________________________

This form must be returned to the Mock Trial Coordinator along with the score sheets of the Scoring Judges and the ballot of the Presiding Judge.

______________________________
Signature of Presiding Judge
Florida High School Mock Trial Competition  
TEAM ROSTER FORM

Each Plaintiff 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)

<table>
<thead>
<tr>
<th>Plaintiff</th>
<th>Defense</th>
</tr>
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</table>

Names of Team Attorneys

<table>
<thead>
<tr>
<th>Name</th>
<th>Identify Tasks to be Presented</th>
</tr>
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<tbody>
<tr>
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</table>

Names of Team Witnesses

<table>
<thead>
<tr>
<th>Name</th>
<th>Identify Roles to be Performed</th>
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</table>
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

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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 the 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 clients, and will accept no compensation in connection with their business except from them or with their knowledge and approval;

"To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications;

"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."