



MOCK TRIAL NEWS

A PUBLICATION OF THE MASSACHUSETTS BAR ASSOCIATION

FALL 2005

A letter from the Mock Trial chairman



Eric Schutzbank

Last year was a rich and rewarding experience being the chair of the MBA Mock Trial Committee. I have been on the committee for many years but this past year was my first year as chair. I was fortunate to have three amazing MBA staff members, Elizabeth O'Neil, Chantal Souffrant and Seth Boyd, who ensured that everything ran smoothly. The Mock Trial Program could not be as successful as it has been without their diligent efforts. Additionally, I would like to thank past committee chair, Arthur Carakatsane, who was kind enough to fill in for me as chair once the competition started so that I could continue to coach my team without conflict.

As we enter into the program's 21st season, I have found that the nature of this committee is what makes it most enjoyable. The creative process necessary to create a fact pattern that will both entice and educate the students is exhilarating. I am looking forward to again watching some of the brilliant minds of my fellow committee members, as it is like watching master artists at work. These volunteer committee members are some of the brightest and most entertaining people I have had the pleasure of working with.

Last year, the committee worked extremely hard to create a case that would raise a number of compelling questions. Was the defendant a gullible lab technician taken advantage of by fiery animal rights activists or someone willing to distort the truth in order to avoid the consequences for his or her actions? Was the security chief covering for the company or was the police work really that sloppy? Was it arson, or just a coincidence? Regardless of your position, I think last year's participating teams can agree that

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Introducing . . . Mock Trial News

Welcome to the first edition of the soon-to-be-renamed *Mock Trial News*. (See page 2 for contest details.) Whether your school has participated in Mock Trial in the past, or you are considering competing this year for the first time, we hope this newsletter will provide you with an informative look at last year's Mock Trial tournament and inspire you for the upcoming season.

Our next issue will be in the spring and will highlight the 2006 Mock Trial season. In the meantime, we look forward to hearing about your team's Mock Trial experiences. To contribute a story, please contact us by e-mail at mocktrial@massbar.org.

We hope you enjoy this issue of *Mock Trial News*.



Photo by Krista Zanin

In recognition of his four years presiding over the Mock Trial Finals, Supreme Judicial Court Justice Roderick L. Ireland receives the MBA Public Service Award from MBA President Kathleen M. O'Donnell. This ceremony took place on April 14, 2005 at the Sweet Sixteen Reception held at the John Joseph Moakley U.S. Courthouse

Dedication and long-standing support

The Mock Trial Program would not be possible without the long-standing support from the law firm of Brown Rudnick Berlack Israels LLP. The Brown Rudnick Center for Public Interest generously sponsored the MBA's 2005 statewide Mock Trial Program.

The firm has supported the MBA's Mock Trial Program for the past seven years, donating a total of \$175,000.



Photo by David Gordon

Albert W. Wallis, executive director of the Brown Rudnick Center for the Public Interest, addresses the Mock Trial Program finalists before the championship round begins.

The MBA would like to thank the firm for its ongoing support of this program and looks forward to our ongoing relationship.

BROWNRUDNICK
2004-05 MOCK TRIAL SPONSOR

A LOOK BACK

REPRINTED FROM *LAWYER'S JOURNAL*, MAY 2005

Pioneer Valley Performing Arts High School wins Mock Trial Finals

by Krista M. Zanin

For the second year in a row, two high schools battled to the end for the statewide Mock Trial Program Finals.

But with just a one-point lead, Pioneer Valley Performing Arts High School in Hadley toppled Newton North High School to become the victors of the competition. Pioneer Valley will now head to Charlotte, N.C., to compete in the national championship in May. Last year Newton North defeated Pioneer Valley for the title of state champ.

Pioneer Valley Performing Arts High won the competition Tuesday, March 29 following a bench trial before Supreme Judicial Court Justice Roderick L. Ireland in the historic Great Hall of Faneuil Hall in Boston.

"I will say to both teams, what an outstanding job both of them did," Ireland said. "I've been a judge for 28 years, a trial judge and an appellate judge, and this is really a high point in the year for me. I wish the lawyers whom I deal with on a regular basis were as talented as these student attorneys and witnesses."

Ireland hailed the Mock Trial Program for teaching students the values of competition, public speaking, analytic thinking and the legal system.

"It's exciting to think about their futures," Ireland said of the students. "These are the best and the brightest and you can see that."

This year's case involved a bench trial in federal court on a criminal matter. The charges were conspiracy, malicious destruction of property by arson causing death and malicious mischief. A researcher at a federally funded laboratory was charged after agreeing to permit some members of an animal rights organization to enter the facility. During the incident, several animals were released, a fire started and a fellow employee died in the fire. Did the defendant agree to release the animals and damage the facility or did s/he merely



Photo by David Gordon

Left to right: Alyssa Crowther, Amira Shulman-Kumin, Alana Horowitz-Friedman, Elias Sanchez-Eppler, Mock Trial Committee Chair Eric Schutzbank, Ian Cutler, Supreme Judicial Court Justice Roderick L. Ireland, David Sheppard-Brick, MBA President Kathleen M. O'Donnell, Gary Huggett, Emma Sokoloff-Rubin, Chelsea McGrath, Hannah Moriarity, Michael Fiorentino and Tiam Hamkins-Indik.

agree to allow the individuals in the facility to take pictures and learn the lay out so they could free animals from a different facility at a later date? In addition, the defendant raised as a defense that s/he withdrew from the conspiracy in a timely manner.

Ireland credited the depth of this year's case.

"It really had everything, it even had Romeo and Juliet," Ireland said.

Two characters, Romeo and Juliet, were a part of the animal rights organization that entered the facility.

Prior to the final round, MBA President Kathleen M. O'Donnell congratulated both Newton North High and Pioneer Valley Performing Arts High School for reaching the finals. Since 1985, high schools throughout the state have competed in Mock Trial, with many of the students going on to pursue legal careers.

"Mock Trial serves many, many purposes," O'Donnell said. "It provides students with a real life opportunity to improve basic skills

such as critical thinking, public speaking and advocacy."

This year 119 teams competed and 224 trials were held in two months. More than 130 individuals volunteered to judge the competitions, which were held in 51 different court-houses, libraries and town buildings throughout the state.

"Mock Trial brings in many segments of the community and gives them more information about the legal system," O'Donnell said.

For the seventh year, the law firm Brown Rudnick Berlack Israels, LLP sponsored Mock Trial by donating \$25,000.

Attorney Albert W. Wallis, executive director of the Brown Rudnick Center for the Public Interest, hailed Mock Trial as giving students a unique way to learn about the legal system.

"You can understand that when that system works well, there are no losers, we are all the winners," Wallis said.

"Lawyers are not just about the law, they are about giving back to the community, about generosity and about respect. Lawyers make a big difference. You can make a big difference as well," he added.

The Massachusetts Bar Foundation also donated \$2,500 to Pioneer Valley for the team's expenses for the trip to North Carolina for the finals. ■

CONTEST: NAME THIS NEWSLETTER!

This newsletter needs a name! E-mail your team's suggestions to mocktrial@massbar.org by Friday, Nov. 18, 2005, and if your suggestion is selected your school will receive **FREE** registration (a \$125 value) for the 2006 Mock Trial Season!



Ipswich High Mock Trial team pays visit to Supreme Court

REPRINTED FROM *LAWYER'S JOURNAL*, MAY 2005

They may not have made it to the finals, but the Ipswich High School Mock Trial Program team this year went national.

Mock Trial Program coach and attorney Thomas R. Murphy took his team of 14 students to Washington, D.C., in March to celebrate their hard work. In addition to paying a visit to the United States Supreme Court, the high school students, Murphy and chaperones visited Capitol Hill and many other historic buildings and museums.

"Every year at the end of the tournament, I take the team out to do something special," said Murphy, a civil trial lawyer with Giarusso, Norton, Cooley & McGlone, PC, of Quincy.

"The first year, Chinese food was on me," Murphy said. "Then as the years went by it got to be bigger. I'd take them to courthouses in Boston, to the finals at Faneuil Hall, and one year we went to the SJC. (Then) I decided that we should go to the Supreme Court."

For several years, Murphy has volunteered as a coach for the MBA's Mock Trial Program.

Murphy planned out the trip, which entailed a train ride on Amtrak's Acela. During the three-night, four-day trip, they also stopped in to visit with representatives from Congressman John F. Tierney's office and saw

the Lincoln Memorial, Washington Monument, botanical gardens and the United States Holocaust Memorial Museum. They concluded the trip with a dinner in Georgetown before taking the train home.

Some of the students were not able to afford the trip on their own. But, due to the help of some area lawyers, Murphy was able to raise about \$5,000 toward the cost of the trip.

"There are some kids that need a little help, so I reached out to some of the local businesses, banks and law firms," Murphy said. "I didn't get that much support so I wrote to a number of friends in the civil trial bar and was able to

raise \$5,000 from major leaders in the bar: Pat Jones, Paul Leavis, Brian Dever, Rick Heifetz, Owen Todd and a number of other civil trial lawyers who together donated \$5,000."

So while the Ipswich High Mock Trial team did not see much success in the competition (having not made it past the preliminary rounds), the trip was a big triumph – and gave the students a boost of energy for next year's program.

"We will live to another fight," Murphy said. "The competition is not over and they are excited about this for next year." ■



The Ipswich High Mock Trial team gathers on the steps of the United States Supreme Court. Pictured (from left) are (front row) coach and attorney Thomas R. Murphy, Emily Bailey, Tany Horgan, Sadie Soliozy and Harrison Sagris; (middle row) Axel Ringwood, Hillary Nardone, Eva Piras, Evie Fowler and Jon Loeb; and (back row) Kaleigh Knudsen, Becca Fanning, April Hoffman, Maya Cavallaro and Henry Clay.

Chairman's letter

(continued from page 1)

the case made for many extremely exciting, entertaining and educating trials.

As you may know, last year's final trial was a rematch between Newton North High School and Pioneer Valley Performing Arts High School. It was a close match that was decided by one point, as Pioneer Valley was able to avenge the prior year's loss to Newton North. Pioneer Valley went on to finish 18th at the Nationals held in May 2005, representing Massachusetts with honor and dignity.

The committee began meeting in August and is in the process of developing this year's case. I do not how we are going to top run-away animals on Independence Day, but I know that whatever case is developed it will be timely, interesting and thought-provoking. As in past years, I look forward to the process of creating this year's case.

See you in court!

Mock Trial 2004-05 committee members

ERIC SCHUTZBANK, CHAIR
MARY BASSETT-STANFORD
ANTHONY BENEDETTI
ELIZABETH ANNE BRODERICK
ARTHUR CARAKATSANE

DENISE COFFEY
RICHARD COFFEY
JERRY HOWLAND
SHARON V. JONES

ELLIOTT M. LOEW
WILLIAM B. McDIARMID
DAVID MCGLONE
JOSHUA MCGUIRE
DEBORAH L. SCHREIBER

The Massachusetts Bar Association expresses its sincere gratitude to the members of the Mock Trial Committee. This group of dedicated volunteers spent countless hours developing this year's case.

It is their commitment to this program and to law-related education in Massachusetts that gives thousands of students this unique educational experience. In addition, the Trial Court of the Commonwealth, the law firm of Brown Rudnick Berlack Israels LLP and the hundreds of volunteer attorney coaches and judges that participate in the tournament are true partners in this effort, providing staff, space and support that makes this program possible.

2005 Mock Trial Judge Participants

- | | |
|-----------------------------------|-------------------------------------|
| Alan H. Aaron, Framingham | Hon. Roderick L. Ireland, Boston |
| Dorothy Anderson, Boston | Robert Johnson, Quincy |
| Blair S. Bailey, New Bedford | Frank J. Kautz, II, Woburn |
| David G. Baker, Boston | John E. Keenan, Jr., Worcester |
| Ilan D. Barzilay, Wellesley | Victoria R. Kelleher, Boston |
| Mary Bassett-Stanford, Concord | David Kuzmeski, Easthampton |
| Anthony J. Benedetti, Boston | John Lalikos, Peabody |
| Edward F. Berlin, Greenfield | Keith G. Langer, Wrentham |
| Wayne A. Berube, Taunton | John F. Leahy, Hingham |
| John B. Bjorlie, Gloucester | Madeline K. Leone, Wayland |
| Barbra I. Black, Boston | Beth R. Levenson, Mansfield |
| David L. Boisvert, Lowell | Mark A. Lowery, West Roxbury |
| Sheryl M. Bourbeau, Lowell | Mark D. Mason, Springfield |
| James Breslauer, Lawrence | Ellen Mattingly, Brockton |
| Hodges Brown, Boston | Nancy Maule-McNally, Quincy |
| Karen Buckley, Newton | Liam J. McCarthy, Medford |
| Christopher Burke, Lynn | William B. McDiarmid, Boston |
| George B. Cannon, Springfield | David M. McGlone, Boston |
| Deborah Capuano, Westborough | John T. McInnes, Worcester |
| Arthur Carakatsane, Middleton | Edward McIntyre, Clinton |
| Tom Carrigan, Milford | Deborah McWade, Salem |
| John D. Casey, Attleboro | Jennifer S. Miguel, Attleboro |
| Scott Chapman, Springfield | Ginger Mimier, Boston |
| Juliane Clark, Taunton | Christopher H. Mingace, Framingham |
| Brian E. Concannon, Marshfield | Richard Morrissey, Springfield |
| Rosemary Connolly, Boston | Elizabeth A. Morrow, Methuen |
| Maryellen Cuthbert, Chelmsford | Brendan P. Murray, Worcester |
| Adam S. Dash, Somerville | Mark C. O'Connor, Boston |
| Christine G. DeBernardis, Malden | Paul P. O'Connor, Worcester |
| Peter DeGelleke, Concord | Wendy Olinsky, Methuen |
| John M. Dombrowski, Leominster | Denise Page, Boston |
| Marcia Doyle, Milford | Stephen Pagnotta, North Adams |
| Barry Dynice, Leominster | Scott Peterson, Hingham |
| Richard A. Eustis, Milford | Michael A. Poulos, Boston |
| Frederick M. Fairburn, Methuen | Edward Rabinovitz, Boston |
| Lois M. Farmer, Hyannis | Jennifer C. Roman, Boston |
| Veronica Fenton, Lenox | Richard N. Rougeau, Hyannis |
| Kenneth J. Fiandaca, Danvers | Hon. Alexander H. Sands III, Boston |
| Shannon M. Fitzpatrick, Boston | Sanjay K. Sankaran, Lowell |
| Bruce R. Fox, Auburn | Deborah Schreiber, Waltham |
| Frank Gaeta, Boston | David S. Slutsky, Brockton |
| David Gay, Taunton | James M. Stanton, Hyde Park |
| Samantha Gerlovin, Boston | Paul M. Stein, Framingham |
| George F. Gormley, Boston | Greg Sullivan, Hingham |
| Patricia Gould, Boston | Michael Talty, Lowell |
| Hon. Robert V. Greco, Framingham | Jeffrey C. Turk, Braintree |
| Elizabeth Gross, Great Barrington | Melissa M. Tzanoudakis, Pepperell |
| David Hallinan, Salem | Richard C. Van Nostrand, Worcester |
| Ed L. Hayden, Lynn | Lee B. Wernick, Sharon |
| Deirdre Heatwole, Boston | Hon. Kathryn White, Plymouth |
| Janel B. Hebert, Leominster | William M. White, Boston |
| William J. Hernon, Lynn | Hon. Howard J. Whitehead, Salem |
| John L. Holgerson, Taunton | Brian D. Widegren, West Chatham |
| Susan A. Huettner, Falmouth | Jim Winston, Springfield |
| Barbara A. Intraivaia, Salem | Kimberly E. Winter, Weston |

MBF supports MT state champs

MBF President Fran Ford presented Hadley's Pioneer Valley Performing Arts High School Mock Trial Team with a check for \$2,500, which they used to support their participation in the national championships in Charlotte, N.C., in May.

Funding for the mock trial state champs constitutes a special grant, voted on annually by the MBF Trustees. When asked about that day's events, Ford said, "If the students from Pioneer Valley Performing Arts High School and their competitors from Newton North High School are representative of the next generation of lawyers, rest assured that our profession will be in very good hands. They were awesome."



BY THE NUMBERS

A mathematical look at the 2005 Mock Trial Program

Trials won by the prosecution	96	Teams registered	122
Trials won by the defense	96	Charter schools	10
Tie-breakers/snow make-ups	37	Private schools	27
Volunteer judges.....	109	Public schools	84
Finals attendees.....	266	Home school programs.....	1
Trial host venues	54		



MOCK TRIAL NEWS

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