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Legal Action

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LEGAL ACTION

By JOHN ROBERTS

IN MOCK TRIAL, THE COURTROOM BECOMES A CLASSROOM AND STUDENTS EXPERIENCE JUDICIAL PROCEEDINGS FIRSTHAND.

AT 5:30 P.M. ON SATURDAY, APRIL 5, members of the Furman mock trial A-team gathered around a van on the Drake University campus in Des Moines, Iowa, listening to their coaches in quiet, disappointed silence.

Just a day before, the senior-led team had entered the American Mock Trial Association's National Championship Tournament with a quiet, self-assured confidence. The squad owned a dominating 28-2-2 record in mock trial competitions this year and had two tournament titles to its credit. Two months earlier, the team had played the University of Iowa — a tournament favorite and defending national champion — to a draw.

Furman had finished in the top 10 of its division at the national tournament each of the previous five years. Many mock trial coaches and officials felt 2003 would be Furman's year.

But the team suffered a major setback Friday evening in its first-round matchup against Florida A&M. One judge scored the trial for Furman, but the other gave his ballot to Florida A&M. The result: a split decision.

On Saturday morning, the team defeated Dartmouth, but during the Saturday afternoon trial, Furman earned a second split decision, this time against a polished UCLA team.

Now, gathered in the parking lot, coaches Linda Vallar Whisenhunt '86, David Gantt '86 and Scott Pfeiffer '88 told the team members that they were mathematically eliminated from winning the national championship.

"It was tough, because we had come in confident," says Brad Rustin '03, the senior attorney on the A-team. "We came in second last year and ninth the year before. We thought this would be our year."

During dinner at Cracker Barrel, though, the mockers soon realized that the Furman B-team, composed mostly of underclassmen, was still in the hunt for the national crown. Rustin pulled out his legal pad before dessert was served and began sketching the outline for an improved case strategy for the B-team's Sunday morning match against tournament power Howard University.

ILLUSTRATIONS BY JULIE BUNNER

In addition to their accomplishments on the national level, Furman mockers are the four-time undefeated champions of the South Atlantic Region, which includes five states.

When both Furman teams returned to their hotel at 9 p.m., they headed straight for a conference room. Drinking coffee and Mountain Dew, the students and coaches did not emerge until 2 a.m.

Successful mock trial participants must be persuasive orators, agile learners and critical thinkers. They must be sure of their facts and strategy. But during that late night strategy session, Pfeiffer, a Greenville attorney, began to realize that the students had taken something much more valuable away from the experience.

They had learned to sacrifice for one another and to work together as a team.

"I wouldn't trade what I saw that night for two or three national championships," says Pfeiffer. "That's what it's all about — developing students."

The next morning, the Furman B-team played Howard to a draw and went on to finish seventh in the tournament. The A-team finished in fourth place. Iowa defeated Howard for the title.

THE ROAD TO DES MOINES BEGAN LAST AUGUST, when professor Glen Halva-Neubauer received an e-mail from the AMTA directing him to a Web site. There he found the outline for a fictional case that would be tried more than a thousand times by college mock trial teams during 2002-03.

Halva-Neubauer, a political science professor who founded the Furman mock trial program in 1995, read this two-sentence summary of the case:

"On February 8, 2002, Derric Smith, a seven-year-old boy, died as a result of allegedly being struck by a vehicle in front of his home in State Center, Midlands. J.J. Thompson, the defendant, is being sued by the parents of Derric Smith for allegedly hitting their son, thereby causing his wrongful and untimely death."

The case package called for affidavits from 11 witnesses. They included Abe Brun, a forensic expert and specialist in accident reconstruction; Carter Palmer, a homemaker and eyewitness to the accident; Jo Blount, a bartender at McGee's Tavern where Thompson had been drinking before the accident; and Erin Harper, one of the worker's co-defendants.

Halva-Neubauer e-mailed the information to the 30 returning members of the Furman mock trial team. During the next seven months the case and its cast of characters would become an integral part of the students' lives. Some would get to know their fictional friends — their likes, dislikes and personalities — better than their hallmates.

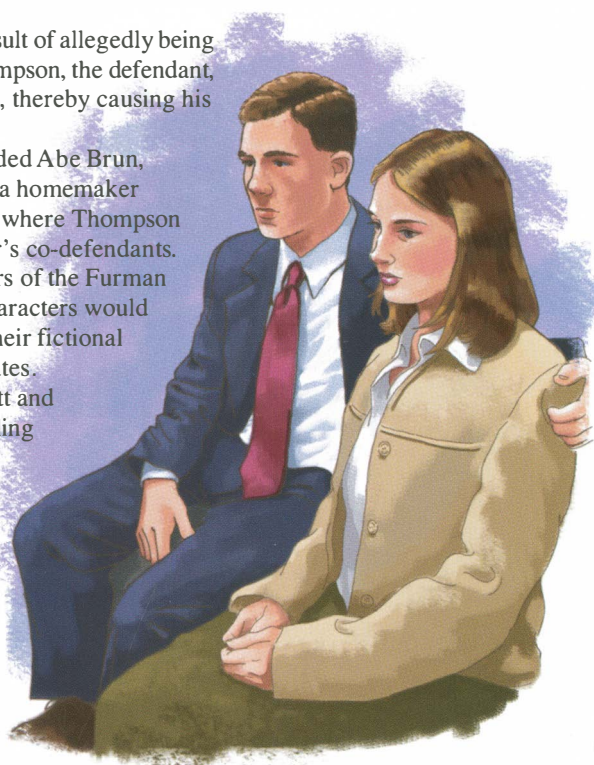
He also forwarded the information to volunteer coaches Pfeiffer, Gantt and Whisenhunt, who would spend a combined 700 hours coaching and traveling with the team during the school year.

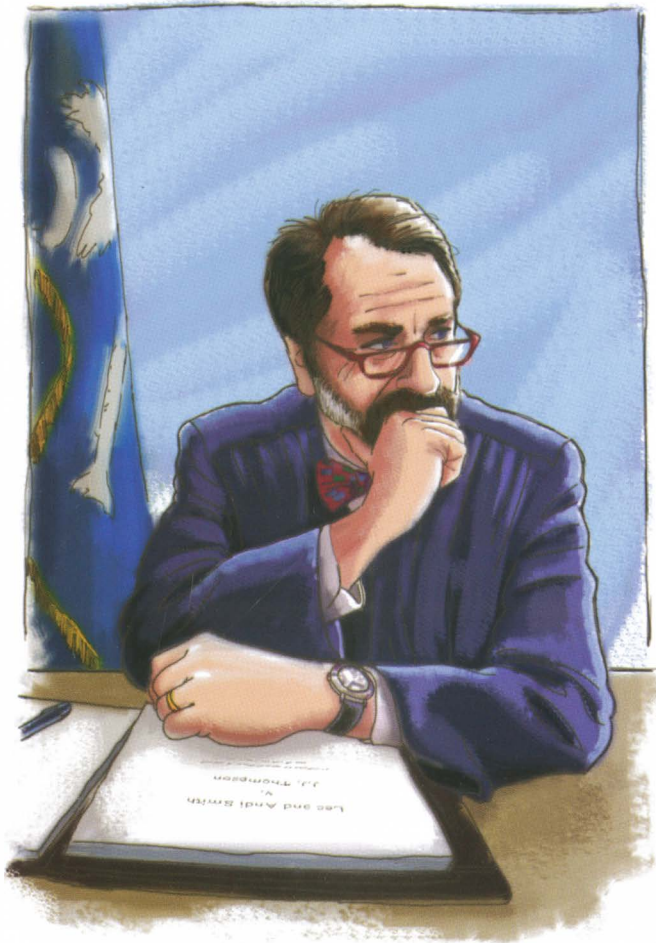
IN JUST ITS EIGHTH YEAR OF MOCK TRIAL COMPETITION, Furman has established itself as one of the largest and most successful competitive university teams. In addition to their accomplishments on the national level, Furman mockers are the four-time undefeated champions of the South Atlantic Region, which includes five states. The AMTA currently ranks the Furman mock trial program third in the country, behind the University of Iowa and Miami University of Ohio.

"Furman is one of the premier programs in the nation," says Brad Bloch, AMTA's national tournament director since 1988. "They have a deep, experienced program that allows their younger players to learn from the more experienced ones. Each year Glen and his coaches do a phenomenal job."

Although most mockers are political science majors, the program attracts students from a variety of academic backgrounds. And they join for the same reason: Mock trial is engaged learning at its best. Participants are not passive learners, memorizing case law and trial proceedings. By playing the roles of attorneys and witnesses, they take an active role in learning.

Mock trial teaches them to organize their thoughts, develop strategy and think on their feet. It's prelaw, philosophy, communication studies, sociology and theatre arts wrapped together in





a judge's robe and pounded home with a gavel. It instills teamwork, confidence and competitiveness.

"So much of academics is about the individual," says Gantt. "Furman has so many bright students, but some do not have great interpersonal skills. Many of the students in the program did not play a competitive sport in high school. Mock trial helps them improve their communication skills and also teaches them the importance of teamwork."

Indeed, Furman mockers often use sports terminology to describe their efforts, frequently slipping such terms as "game strategy," "sacrificing for the team" and "giving 110 percent" into the conversation. Catching a witness in contradictory testimony is the equivalent of snaring a touchdown pass, and driving a point home with the judge is comparable to driving home the game-winning run in the bottom of the ninth.

"It's an adrenaline rush," says Libby Weith, a freshman business administration major from St. Louis, Mo. "When you're out there you are focused on nothing else. Afterwards, you're drained. It's exhausting."

FIFTY-TWO STUDENTS BEGAN MOCK TRIAL IN THE FALL, enough to field five teams. By spring term, the group had been whittled to 20. Mockers spend about 10 hours per week in practices and meetings, not including two-day weekend tournaments several times a year. Some leave the program because they find the time requirements too demanding. Others are simply cut.

"It's like adding a class or joining a varsity sport," says Weith.

And like a varsity sports team, mock trial has specialized coaches. Gantt's bailiwick is courtroom strategy. A former prosecutor, he instructs students on case themes and theories. Pfeiffer, Gantt's law partner, is the expert on such topics as objections and the Federal Rules of Evidence. He works with students on tactics for questioning witnesses, both on direct and cross examination, and helps them understand how to ensure that exhibits will be entered into evidence.

Whisenhunt, who also practices in Greenville, serves as head coach. Although she has many roles to play, she specializes in showing students how to be convincing witnesses by helping them develop their characters and select appropriate courtroom apparel.

Says Pfeiffer, "We don't spoon-feed. We focus on teaching the kids the concepts and how to adapt [to unexpected developments]. Some teams are scripted. If you throw something at them that's out of context, they implode. We're not like that."

While the coaches play an important role, they agree that Halva-Neubauer is the program's foundation and driving force. He is the team manager, recruiter and biggest cheerleader.

Coaching aside, Halva-Neubauer takes care of everything. He rents vans, reserves hotels, organizes practices, lobbies for funds, and has been known to cover expenses from his own pocket when the program's budget has been exhausted. A native of Iowa, Halva-Neubauer has

a classic Midwestern work ethic. He frets over details and works tirelessly. "His passion and energy for mock trial are amazing," says Gantt.

For his outstanding contributions to law-related education, the AMTA awarded Halva-Neubauer the Congressman Neal Smith Award in 2002. He was also the recipient of the 2001 Liberty Award, given by the Greenville Bar to a non-lawyer who has promoted public understanding of the law in the local community.

Mockers spend about 10 hours per week in practices and meetings, not including two-day weekend tournaments several times a year.

TO ILLUSTRATE HALVA-NEUBAUER'S DEVOTION TO MOCK TRIAL, students and coaches point to the team's annual trip to the national tournament in Des Moines.

For the past six years, on the eve of the event, Halva-Neubauer has hosted the team on his 250-acre family farm near Garden City, Iowa. Students get to test the equipment, feed livestock and experience farm life.

In 1998, the team began a tradition of holding a pretournament “scrimmage” against an opposing school at the Garden City Community Building. The next year, curious spectators stopped by to watch the proceedings, and by 2000 the event had drawn so much interest that it was moved to the local American Legion Hall. This April, more than 100 people attended the scrimmage, which was presided over by Iowa district court judges.

During the summer, Halva-Neubauer helps teach a one-week course on mock trial to high school students through the Furman Summer Scholars program. Students and coaches from the Furman team participate in the course, which introduces high schoolers to proper courtroom etiquette and tactics, the structure of opening and closing statements, and other matters related to trying a civil case.

Mock trial programs are growing in high schools and are becoming recruiting tools for colleges. And once students begin participating on the college level, they tend to develop a camaraderie that extends beyond their undergraduate years.

Former Furman mocker Matt Holson '99, for instance, drove from Minneapolis to Des Moines to support the Furman team at nationals this year. The squads also received encouragement from David Cross '97, who coached his Columbia University team to a sixth-place finish in Des Moines, and Chris Bowden '01, a second-year law student and mock trial coach at Yale.

Brad Rustin graduates this spring, and the All-American attorney is ready to join the growing group of Furman mock trial alumni who faithfully monitor the team's success from afar.

“Once someone joins the program, they realize the passion that students, coaches and faculty have for mock trial,” says Rustin. “That passion extends to the alumni, too.

“There is a real sense of family.” ●



MOCK TRIAL: HOW IT WORKS

According to the American Mock Trial Association (AMTA), 236 colleges and universities in the United States have a mock trial program. Some schools, Furman among them, have more than one team. This year, more than 460 mock trial teams took part in at least one AMTA-sanctioned competition.

A mock trial team consists of at least six students. Three act as attorneys and three serve as witnesses. Each August, the AMTA distributes a case that will be argued throughout the upcoming season. The information includes a case summary, affidavits, case law and other supporting evidence.

More than 20 mock trial invitational tournaments are held throughout the United States during the fall, most of them at colleges or universities. Tournaments consist of four trials, and teams represent both the plaintiff and defense side of the case twice.

Usually a seasoned attorney or an actual jurist presides over the proceedings. Two practicing

attorneys serve as scoring judges, grading each component of the trial from the opening statements to the closing arguments. The student attorneys are evaluated on their effectiveness as advocates, while witnesses are assessed for their credibility. The team that wins the votes of the greatest number of judges over the four trials wins the tournament.

During the winter, the AMTA sponsors 17 regional qualifying tournaments. The top two finishers in each of these tournaments receive an automatic bid to the AMTA National Championship Tournament, a three-day competition held the first weekend of April in Des Moines, Iowa. In addition to these 34 teams, the AMTA also awards 30 other teams an at-large bid.

In Des Moines, the teams are split into two 32-member divisions. Competition begins Friday and concludes Sunday afternoon, when the winners of each division face off to determine the national champion.