

2018 Missouri High School Mock Trial Competition

Requests for Clarifications of Facts or Rules

~ Preliminary Round I ~

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1. Regarding the music... are we permitted to have a witness tap a beat on the table? We were thinking of having a witness demonstrate via tapping the difference between 3/4 time and 4/4 time. We know they can't hum or vocalize the music, but is there anything prohibiting them from tapping?

RESPONSE: Please refer to the Final Pretrial Order. Pursuant to that Order, a witness may not attempt to or be required to perform (sing, hum, etc.) either *A Song for Sam* or *Young Americans*. Whether a demonstration of time signatures is covered by that order will be left to the trial judge.

2. When introducing the music, are teams permitted to simply play it during examination, or do lawyers need to go through the process of introducing evidence.

RESPONSE: Please refer to Stipulation No. 4. The songs are evidence, and subject to admission under the Federal Rules of Evidence, as modified by Stipulation No. 4.

3. A. Is it permissible to cut the music files to present only ONE part of the song? (Provided absolutely no other alterations are made)

B. Since Stipulation 4 says parties can play "any portion of any of the songs," is it okay if we use software to clip a song to just the portion we want to play? (This is easier than having students do something like move a cursor to 14 seconds into the song.)

RESPONSE: No. Please see Local Rule 4.11. However, a portion of the song may be played. It is not necessary to play the entire clip.

4. Is the sheet music correct? I'm out of my element on this one, but I have two musicians on my team who went to play it and found it to be VERY different from the recordings. One of our music teachers confirmed this. This is the explanation they put together:

The first two lines of the song do not have correct notes. If you play "A Song For Sam" based on these lines, it does not sound remotely the same as the recordings supplied. The given sheet music begins with the note A, while it should begin with the note C. The following notes are also incorrect as the original states that the piece should be:

A F E D C D A D D C A G G A

While when listening to the recording, it should be:

C E D C B C A C C B A G G A

RESPONSE: For purposes of Round I, the sheet music is correct.

5. What is being considered an "audio device" in Stipulation 4? Does it have to be solely an audio device (like an MP3 player)? Or can it be a laptop or phone hooked up to speakers?

RESPONSE: Any electronic device may be used to play the songs. However, no team may use any electronic device for any other purpose other than playing the song clip exhibits. Any team using an electronic device for purposes other than playing the song clips during the trial is subject to sanctions pursuant to the Mock Trial Rules. Any team using a cell phone, laptop, tablet, or similar device for playing the song must do so in a way that permits the opposing team to see the device's screen to ensure fairness.

6. How old is Ricky Springfield?

RESPONSE: You will be guided by the case materials.

7. Please provide pronunciation for Bowe and Haggar. *(Added January 12, 2018)*

REPNSE: Bowe is pronounced like "Bowie" (see Sam Haggar's depo; lines 3-4), and Haggar is pronounced with a soft "a".