

# Investing in our Future Leaders—30 Years and Beyond

BY REBECCA J. BRITTON

**A**s we celebrate 30 years of High School Mock Trial in North Carolina

this year, I cannot help but remember the first team I coached at Westover High School in Fayetteville. It was 1995. My kids had worked



hard to prepare their case for the regional competition. When we arrived at the Cumberland County courthouse that morning, I knew they were ready. They were excited sitting in the large courtroom for the welcome ceremony before we were sent to our respective courtrooms to start the first round of trials.

It all appeared to come crashing down, however, when my team walked into their courtroom and realized they were matched against a local private school in the first competition round. They looked crushed as they quietly said to me, “Mrs. B, we are going to get humiliated. Those kids are really smart.” I

promised them they were ready and they would not be humiliated. I asked them to trust me. I sat back behind the bar in the courtroom and watched them. They were scared. What really bothered me the most about their fear was they didn’t think they should be there—they did not think they were smart enough.

But that very quickly changed. As the opposing team’s attorney began to give their opening statement, reading from notes, one of our team attorneys turned around and looked at me with her eyebrows raised. I smiled and gave her a reassuring nod. When she stood to give her opening, without notes, and walked over

to the jury box, each word she spoke cultivated confidence and she delivered a fantastic opening statement. During her four-minute opening, I could actually see the entire team transform from self-doubt and fear to a belief in themselves and what they were really capable of doing that day. Late in the afternoon there were tears when they did not make the final round, but there was also a determination that next year they would win regionals...and they did. The year after, they won state finals and traveled to Albuquerque, New Mexico, to compete at nationals, taking fifth in the nation—the highest placement at nationals for a North Carolina state champion at the time.

This transformation for high school students is the “secret sauce” of mock trial. I could easily fill hundreds of pages with stories of students over these 30 years who found their voices, their confidence, their ability to think on their feet, and their leadership skills through their participation in this program. I could do the same of students whose successes in their chosen career path and beyond were substantially built upon foundational bricks of mock trial. Anyone who has coached a team, whether an educator or attorney, can do the same. High School Mock Trial, you see, is not about making lawyers, it is about making leaders. It takes the students who participate in it and creates citizens who have a better understanding of the importance of trial by jury; the judicial system; and the judges, attorneys, and legal professionals that are part of it.

In a nutshell, this is how high school mock trial works: A new case is prepared each year for the season which begins with a case release in early September as schools across North Carolina begin registering their teams to compete. Cases are written for balance, with good and bad facts for each side, and alternate between civil and criminal from year to year. Case materials include witness statements, exhibits, pretrial rulings, stipulations, some statutes and case law, and limited jury instructions. Rules of evidence and rules of competition are also included, and students are limited strictly to the materials provided. Student teams, with the help of teacher advisors and volunteer attorney coaches, prepare to try both sides of the case at competition. The teams consist of six to nine students each and are comprised of three student attorneys and three student witnesses for each side of the case, a bailiff, and a time keeper. Currently the North Carolina Advocates for

Justice (NCAJ) High School Mock Trial Competition holds ten regional competitions around the state, all on the same day—on a Saturday usually in early February. Each regional competition site has anywhere from eight to 12 teams competing. The winner of each regional is invited to state finals, typically held in early to mid-March. At state finals, a state champion is determined and that state champion earns the right to compete at the National High School Mock Trial Championship (NHSMTTC), which is hosted by a different state each year typically during the first or second weekend in May. A new case written by the host state is released for nationals by April 1 for the participating state champions to similarly prepare.

The High School Mock Trial Program began in North Carolina 30 years ago with a Wake Forest University initiative called Creative Research Activities Development and Enrichment (CRADLE), which had an office at the Wake Forest School of Law. One of CRADLE's projects was to educate students about the Constitution of the United States, including the role of trial by jury, so they began conducting mock trials for high school students<sup>1</sup> and they enlisted the help of Wake Forest law students<sup>2</sup> as coaches. With their limited staff and support, however, CRADLE very quickly faced an inability to continue the program they started. Fortunately, Erin Reynolds, who was part of the North Carolina Academy of Trial Lawyers (NCATL) staff at that time, learned about the program and convinced NCATL's Public Education Committee to take a look at it. Gordon Widenhouse of Rudolph Widenhouse & Fialko, who was then VP of public education for NCATL, along with Rich Manger of the Manger Law Firm in High Point, and others who served on the Public Education Committee, volunteered to judge the student trials. They were so impressed with what they saw, they went back to NCATL and encouraged the association to take on the program because it was a perfect fit for NCATL's public education mission. Leadership at NCATL agreed, and staff and volunteers came together to make the program happen. NCATL ran with the program, multiplying its size and reach from year to year. High School Mock Trial became NCATL's flagship public education program because it truly transformed the lives of students who participated in it, while educating the public about trial by jury and about lawyers and judges and what they do. NCATL recog-

nized that the program not only educated its participants, it also educated parents, family members, and educators who were awed by its impact and realized a very different picture of the legal profession than the stereotypes they had often come to expect.

In 2002, as NCATL continued to grow the program, Burton Craige of Patterson Harkavy was serving as president of NCATL and took the association's commitment to mock trial a step further. Burton wanted North Carolina to host the National High School Mock Trial Championship. As public education vice-president at that time, I, along with NCATL CEO Dick Taylor, flew to St. Paul, Minnesota, for the national competition and meeting of the NHSMTTC Board, where we pitched our bid to host the 2005 nationals. We had some strong competition from other states, but won the bid to host in 2005 in Charlotte. At that point the planning and fundraising began.

The National High School Mock Trial Championship is truly a massive event and has a life-long impact on the students who are fortunate enough to participate as state champions. Typically, around 44 to 48 state championship teams come from their respective states around the country to compete, as well as teams from Guam, the Commonwealth of Northern Marianas Islands, and South Korea. The students have about four to five weeks from case release to prepare for nationals. Students arrive to social events and scrimmages on Thursday, two rounds of trials on Friday with a social event to blow off steam on Friday evening, and two rounds of trials on Saturday before the final two teams are announced for the national championship round late Saturday afternoon. After the championship round, an awards gala is held and there is typically a dance afterward. This is really just the 10,000-foot view, however. The in-the-trenches details of planning, funding, and pulling off this massive event for over 450 participants and their coaches and family members (1,000+ people) as well as the logistics of over 200-300 attorneys and judges volunteering for trial rounds and another 100+ site volunteers to make it happen is mind boggling.

All of NCATL's planning for the 2005 nationals went very well and relatively smoothly, until one huge issue arose about four weeks before the event when an accommodation request came from the New Jersey state championship team. The Torah

Academy was an Orthodox Jewish high school and its students could not compete from sunset Friday through darkness Saturday due to their religious observances. They had earned the right to compete, but the established nationals schedule prohibited their meaningful participation. While it was impossible to change dates so close to the event, NCATL started looking for ways to accommodate. As host director, I began getting emails and calls from all over the country and the globe as we attempted to work through this issue with the NHSMTTC Board. Stories about this team and their plight were making national and international news. Ultimately, in spite of significant opposition by the NHSMTTC Board at the time, NCATL came up with and implemented a reasonable accommodation that would allow the Torah Academy to fully compete. It was honestly a great moment in the history of the mock trial program. We knew we had done the right thing. We saw it in the faces of the Torah Academy team and their families, and we saw it in the faces of the rest of the students who learned the importance of making this kind of accommodation. Teams from around the country volunteered to participate in the accommodation in order to help make it happen.

To its credit and to the credit of its amazing staff, NCATL pulled off a wonderful nationals in 2005, despite our big bump in the road leading up to the event. In the process we also fostered partnerships and financial support from multiple organizations and associations around the state. Our case committee wrote a fantastic fictional case centered around a race car crash at the Lowe's Motor Speedway. The speedway even hosted the Friday night social event on site, and students and their families had free pace car rides. It was tremendously rewarding to see all of the hard work our volunteers and the NCATL staff put into that event turn out so well. I fondly recall Allen Bailey, one of NCATL's founding members, coming to the competition to watch some of the trials. Allen was in failing health at the time and was unable to judge a round, but he was determined to be there and to at least go into a few courtrooms to see some of the action unfolding. He was proud of the work his NCATL family had done and proud of what the mock trial program had accomplished in North Carolina.<sup>3</sup>

When the dust settled from the national event in 2005, the NHSMTTC Board, at its

fall meeting, resolved and voted that the accommodation made by North Carolina for the Torah Academy team would never be made again. It was at this point that both North Carolina members of the NHSMTTC Board, myself and Andy McVey with Murchison, Taylor & Gibson in Wilmington, resigned from the board. Both North Carolina and New Jersey withdrew from the NHSMTTC, and NCATL and the New Jersey Bar Foundation worked together to offer our own "national" competition called the "American Mock Trial Invitational," which successfully allowed North Carolina and New Jersey to continue to compete at a higher level after our state finals competition. In fact, several states and South Korea also sent teams to compete at the AMTI. NCATL and the New Jersey Bar Foundation alternated hosting the event, and it worked out really well.

Our North Carolina program experienced more growth after hosting nationals, and by 2009 we had expanded the program to ten regional competitions and around 95 teams competing annually. The growth of the mock trial program, however, and other factors in the challenging economic environment of the time, required a move away from having the North Carolina Advocates for Justice (previously NCATL) and its staff manage the program in-house. It was then that past-presidents and NCAJ board members, at the initiation and urging of past-president Janet Ward Black of Ward Black Law of Greensboro, personally contributed funds to continue the program, and the decision was made to utilize a nonprofit that would take over the responsibility of operating the program. That is where the Carolina Center for Civic Education, now called the North Carolina Mock Trial Program, came in. Once again, Gordon Widenhouse and Rich Manger stepped up to lead with Gordon serving as president and Rich as secretary of the CCCE, and I served as vice-president and treasurer. Together, we, along with our board and a lot of dedicated volunteer attorneys, paralegals, and legal staff around the state, managed to keep the program afloat for the 2009/2010 season. We were able, with the donations from past-presidents and board members of NCAJ, and sponsorships of our regional competitions by firms across the state, to get a foothold to reshape, improve, and grow the program going forward.

As fate would have it, just as we were beginning to worry about our arrangement with

New Jersey and how we would possibly be able to pull off another joint AMTI competition with our slim budget, something happened at the NHSMTTC. Georgia was hosting in 2009 and the Maimonides School in Brookline, Massachusetts, won their state championship. They, like the Torah Academy, were an Orthodox Jewish school and, like the Torah Academy, would need accommodation to compete at nationals. The NHSMTTC Board, citing its 2005 decision, was recalcitrant not to make any accommodation. In the end, however, the Justice Department as well as the Georgia State Bar and Fulton County's Superior Court Chief Judge Doris Downs disagreed with the board's position and advised the NHSMTTC Board if it wished to use courthouse facilities for their national competition that year, it needed to make an accommodation. All entities cited the fact that a reasonable accommodation could obviously be made because North Carolina had done it in 2005.<sup>4</sup> Clearer heads then prevailed and the NHSMTTC Board vacated its earlier decision, accommodated the Maimonides School just as we had the Torah Academy, and began writing an official accommodation policy going forward.

I received an email from Jeffrey Kosowski, a parent of one of the Maimonides School team members, in the midst of their challenge for accommodation:

Perhaps surprisingly, the initial reaction of many of the Maimonides School parents and students was a mix of disappointment and resigned understanding that perhaps nothing could be done to allow our students to participate while observing the Jewish Sabbath without seriously disrupting the entire tournament schedule. The students were still excited about winning the Massachusetts state championship. Believing that there was no alternative, the team accepted the fact that at the 2009 Atlanta championship they would be forced to forfeit the Saturday rounds and give up on any chance of winning or even placing in the top half. Such is the price that sometimes must be paid for remaining faithful to one's beliefs and traditions. However, our reaction changed from acceptance to dogged activism as we learned about the noble behavior of the North Carolina Trial Lawyers Association in the face of an intransigent NHSMTTC Board when a similar situation occurred in 2005, the year that North Carolina hosted the championship.



Yes, North Carolina and New Jersey rejoined the NHSMTTC in the fall of 2009 after it was clear the accommodation issue was resolved going forward, and both states returned to the national competition in May 2010 in Philadelphia, Pennsylvania...the city of brotherly love.

After surviving our first year, our little non-profit hired our first contract employee in late 2010, which greatly increased our ability to administer the program effectively. Ultimately, we hired a full-time program coordinator, Sue Johnson, in 2012. Sue had worked part-time in health care and had been homeschooling four children when she first reached out to me in 2009 about getting her son involved in the mock trial program. We helped her get a homeschool team started and Sue coached her son's mock trial team to Nationals in Phoenix, Arizona in 2011. When her son graduated, she went ahead and completed a paralegal studies program. As she and I talked, it became clear that she had a lot of energy for the mock trial program and would be a good fit. Sue happily took on the administrative side of operating the program and helped us reach several milestones. With the donated help of a freelance web developer, Justin Scheef, Sue not only got the program website up and running that we had all been talking about for quite a while, she also organized the first Mock Trial Summer Camp Program in North Carolina in 2013, which we have since held annually, offering education and training to students who have beginner and advanced interest in honing their mock trial skills. We developed the camp because so many students in North Carolina were looking at summer mock trial camp options out-of-state that were prohibitively expensive. Our goal was to offer basically the same camp experience right here at home at a very reasonable cost.

In 2013, our board recognized the NHSMTTC Board was facing some significant challenges which we felt potentially jeopardized the future of the national competition program. Where previously states were competing to host the national championship, the board was seeking out states to host and not readily coming up with volunteers. With our ties returned to the NHSMTTC, we felt some obligation to step up and support the NHSMTTC. With trepidation and Sue Johnson's unending optimism and encouragement, our little nonprofit offered to again host nationals, this time in Raleigh. The NHSMTTC Board readily

accepted our bid. Of course, this time around we did not have the luxury of dedicated NCAJ staff to put nationals together, so we formed a Nationals Steering Committee of amazingly dedicated volunteers,<sup>5</sup> as well as a Nationals Advisory Committee of leaders in the legal community who we knew and relied on as stalwart supporters of the program.<sup>6</sup> Both Gordon Widenhouse and I took seats on the NHSMTTC Board, Gordon as host director for North Carolina and myself as a regularly elected board member. I particularly appreciated returning to the NHSMTTC Board and resuming old friendships and making new friendships with like-minded folks who are deeply dedicated to the mission of high school mock trial and the impact it has on the students who participate in it. On the NHSMTTC Board the focus is and always will be on what is "best for the kids."

In hosting nationals in 2015, we renewed partnerships and support from many organizations and groups who had been there for us in 2005. One of our big questions as we planned the event was "how do we top Lowe's Motor Speedway and pace car rides?" Well, Gordon Widenhouse had the answer to that question. He suggested we invite Supreme Court Justice Antonin Scalia to speak at the awards gala following the championship round. We all thought this was a great idea, but really did not think it would happen and continued to explore other ideas and options. Meanwhile, Gordon sent Justice Scalia a letter along with a copy of a drawing of Gordon and Justice Scalia both wielding lightsabers (a gift to Gordon from friend and past-president of NCAJ, David Teddy of Teddy Meekins & Talbert in Shelby). Justice Scalia obviously appreciated the lightsabers and agreed to come. At that point the entire committee felt the weight and pressure of the event clearly reaching a new level.

With the combined financial support of NCAJ, the North Carolina Bar Association Foundation, Lawyers Mutual, the ABOTA Foundation, FindLaw, and many law firm and individual contributors<sup>7</sup> and with the work of so many dedicated volunteers (including NCAJ staff who voluntarily pitched in to help), nationals in Raleigh was a huge success. The competition case was loosely based upon the recovery of North Carolina's original copy of the Bill of Rights through an FBI "sting" operation in 2003, which now Chief Justice Paul Newby was involved with when he worked as an assistant US attorney. Competition trials

(93 of them total) were held at the Wake County courthouse, Wake Justice Center, Campbell Law School, and the State Bar building. Then Chief Justice Martin graciously attended and spoke at a reception for all judges and jurors hosted at the State Bar building during the event. Justice Antonin Scalia not only eloquently spoke to and with our students at the awards gala, but he also participated in a ticketed fundraising dinner beforehand. He was very gracious.

After hosting nationals in 2015, the mock trial program continued to thrive and grow with our annual NCAJ High School Mock Trial Competition and our summer camp program. In the summer of 2018, however, change was once again in the air for the mock trial program. Sue Johnson was offered a most deserved position at Patrick Henry College in Virginia as their forensics program director, and Gordon Widenhouse, long time president of CCCE, determined it was time for him to step back from leadership. With these two very significant changes to the mock trial program, we worked once again to pivot and maintain. We were very lucky to find Liz Jones, a former NCAJ staffer whose responsibilities in years past had been the oversight of the mock trial program for NCAJ. We hired Liz as our new program administrator and restructured our leadership as I stepped in as president, Rich Manger as vice-president, Adrienne Blocker of DeMayo Law Offices in Charlotte as secretary, and Andy McVey as treasurer. The board also evaluated and decided the name "Carolina Center for Civic Education" really did not convey what we did as an organization, and voted to change the name to the "North Carolina Mock Trial Program."

Liz Jones had big shoes to fill as program administrator, but as we expected she would, Liz hit the ground running. Her special way of handling circumstances and situations with the kindest tone and highest level of professionalism was inspiring. Liz ran our existing programs like a champ, and was the right person to have at the right time. She exemplified such wonderful leadership that the NCMTP Board made her executive director of the NCMTP by fall 2019. Under Liz's excellent leadership and support, we had maintained and were well on our way with a successful season, having completed our regional competitions in February 2020 and were gearing up for state finals, which were to be hosted at Campbell Law School in Raleigh

in March 2020. Then the COVID pandemic hit. In the two weeks leading up to state finals, we went from thinking we could pull off state finals to thinking we could do it with some adjustments and precautions, to having to make the difficult decision to cancel altogether as information, increases in risks, and closures exponentially changed from day to day. Nationals was also cancelled. There were so many unknowns at that time, and the uncertainty of what lay ahead was daunting.

The NCMTP Board<sup>8</sup> met by Zoom in the aftermath of the cancellations. We were determined, with what we knew our students were going through, to put on our summer camp as well as the NCAJ High School Mock Trial Competition in the coming season. Students had lost so much and we did not want them to lose the opportunity and challenge of mock trial. We formed a committee and Liz Jones dug in and began putting together a way to do summer camp and, ultimately, our regional and state finals competition in 2020/2021 online. The NCSMTC Board was also working to make the national competition remote for 2021 and were generous in sharing their work as well. Our summer camp was our “test case” for the online format, and I was both surprised and pleased at how well it came together with Liz running Zoom conferences, interactive training sessions with volunteer instructors, and mock trials at the close of camp. Liz created a “play book” and educated and trained us all on how to pull off a remote competition, and in February 2021 we had our first successful online NCAJ High School Mock Trial regional competition with ten regions competing on the same day in five different massive Zoom calls that contained two competition sites each. Pre-pandemic I was a person who was unfamiliar with and resistant to Zoom, but Liz educated me and she educated our other “Zoom managers” to run their events. We also “zoomed” for state finals in 2021. We had a wonderful response from lawyers and judges around the state for both the regional and state finals competitions, which went amazingly smooth under the circumstances. Chief Justice Paul Newby was very kind to preside over the state finals championship round for 2021, and our students were thrilled to still be able to compete.

The NCMTP Board had hoped to go back to a live competition for this 2021/22 season, although we were prepared to pivot if we had to. Unfortunately, by December

2021, with the Omicron variant surging numbers again, and surveying our teachers and coaches, it became clear to us that we had to go remote for regionals once again. After nationals opted to go remote for 2022 and numbers were still peaking here in North Carolina, our board also had to opt for a remote state finals for 2022.

As I write this article, the NCMTP is gearing up for our remote state finals on March 18 and 19. We have, again, had a wonderful response from our judge and attorney volunteers, and Chief Justice Paul Newby has again graciously agreed to preside over our championship round and to speak at a reception we will hold during the two-day online competition. At least for now it appears that we can go back to a live competition next season. I know all of our regional coordinators<sup>9</sup> and site coordinators around the state will be happy to return to the regular format, and, especially, our students and their coaches. While Zoom is better than not having the competition at all, the live format brings so much more to the experience. Our regional and state finals sponsors, I am sure, will also be happy to see us back “live.”<sup>10</sup> We will see what the 2022/23 season holds, but meanwhile we need to step back and look at where we have been and where we go from here.

As we celebrate 30 years of high school mock trial, I think about 30 years of judges and attorneys stepping up to preside and score trials, 30 years of attorneys and teachers who have dedicated themselves to coaching students for this program, 30 years of lawyers and paralegals and legal assistants stepping up to serve as regional and site coordinators to make our competitions happen. And then I remember my kids from Westover High School in 1995 fearing they were not smart enough, overcoming their fear, and succeeding beyond their imaginations, and I multiply that, in some form, by thousands of other high school students here in North Carolina over these 30 years. Such a legacy of learning, and it is exciting to think about the years to come!

For our 30th anniversary celebration we have created a t-shirt that has all of our mock trial “slogans” on it, which we started using each year at state finals beginning in 2009. The t-shirts can be purchased online<sup>11</sup> and part of the proceeds will go to the NCMTP. I mention this because in thinking about our 30-year history, my favorite slogan, for so many reasons, is the one we are using this year: “KEEP CALM AND MOCK ON.”

Thank you to everyone reading this article who has participated in and supported the North Carolina Mock Trial Program and the NCAJ High School Mock Trial Competition. We could not do it without you! For any of you who have not joined us before, I hope to see you next season. If you would like to know more about our program and how support it, please visit our website at [ncmocktrial.org](http://ncmocktrial.org). ■

*Rebecca Britton is a certified superior court mediator, having litigated plaintiff personal injury and wrongful death claims since 1992. She is the president of the North Carolina Mock Trial Program and an adjunct professor of advanced trial advocacy at Campbell University School of Law. She is also a former president of the North Carolina Advocates for Justice and a recipient of the North Carolina State Bar John B. McMillan Distinguished Service Award.*

## Endnotes

1. One of the high school participants at that time was Brooke Schmidly, who currently practices in Asheboro and is a Certified Family Financial Mediator, former district court judge, and a member of the NCMTP Board.
2. One of those Wake Forest law student coaches was a 2L named Chris Nichols, who currently practices in Raleigh, is a past-president of NCAJ, a past board member of NCMTP, and is, once again, coaching a team.
3. It is fitting and appreciated that the Allen A. Bailey Endowment, among the important educational opportunities it supports from year to year, includes support of the North Carolina Mock Trial Program.
4. [bit.ly/3Msl8pt](http://bit.ly/3Msl8pt).
5. Nationals 2015 Steering Committee members: Adrienne Blocker, Rebecca Britton, Lindsey Granados, Frankford Johnson, Susan Johnson, Carlos Mahoney, Richard Manger, Beth Nichols, Chris Nichols, Katy Parker, Christine Scheef, Amy Smith, Mark Sumwalt and M. Gordon Widenhouse Jr.
6. Nationals 2015 Advisory Committee members: Janet Ward Black, Rebecca Britton, Hampton Dellinger, Justice Robert H. Edmunds Jr., Hon. N. Lorrin Freeman, Rep. Richard B. Glazier, Dean J. Rich Leonard, Justice Paul M. Newby, Judge Mary Ann Tally, Richard M. Taylor Jr., Justice Patricia Timmons-Goodson, M. Gordon Widenhouse Jr., Melvin E. Wright Jr.
7. Nationals 2015 sponsors and supporters: Carolina Center for Civic Education, North Carolina Advocates for Justice, North Carolina Bar Association Foundation, Lawyers Mutual Insurance of North Carolina, ABOTA Foundation, NCBA Litigation Section, FindLaw, Wisconsin State Bar, Britton Law, PA, Murchison, Taylor & Gibson, PLLC, The Sumwalt Law Firm, Rudolph Widenhouse and Fialko, Ward Black Law, Chief Justice's Commission on Professionalism, J. David Stradley, Janet Ward Black, Adrienne Blocker, A Better Image Printing, Hon. Mary Ann Tally. In kind supporters: Creative Visions (Awards Gala), Campbell Law School (facility), North Carolina State Bar (Judge's Reception), Marco Promotional Products (gifts and

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