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Make no mistake, the members of Furman’s Mock Trial team may not wear pads, but they are elite athletes who mean to crush you—eloquently.

Cage Match of the Mind

BY RON WAGNER ’93
PHOTOGRAPHY BY SUSANNAH KAY
Furman’s Mock Trial Team A wasn’t surprised in the least to hear “Objection!” ring out across the United States District Courtroom in Washington, DC, on a late November Sunday afternoon.

“It was Harvard, so ...” says John Gillespie ’18, a youthful looking sophomore with brown hair and a big smile, the words trailing off but the meaning clear. He and the rest of the Paladins weren’t exactly going against a bunch of nitwits at the Great American Mock Trial Tournament hosted by the University of Virginia.

Harvard, the defending Mock Trial national champion, knew as well as the Paladins did that there was a chance the presiding judge could strike some of the cross examination by Liam Simkins-Walker ’18 of a key defense witness—and the Crimson competitors had nothing to lose and everything to gain by swinging for the fences.

It’s doubtful, however, that even Harvard dared dream of such a mammoth home run as its objections were sustained to the point where seemingly nothing Simkins-Walker’s witness could say would be admissible. Team A’s case had been turned on its head, and every set of eyes in the room—including those of the three scoring judges—rested on Simkins-Walker as he teetered on the edge of a legal cliff reaching for a lifeline only his wits could throw.

Welcome to collegiate Mock Trial, where law meets sport meets theatre and the fierce desire to win is as real as the case is not—and Furman is as good as anybody in the country. →

Dress Rehearsal
Abigail Emerson ’19 and Scott Harvey ’17 prepare outside the courtroom at Georgia Tech.
THE STORM BEFORE THE CALM
From left: Mock Trial teammates Samin Mossavi ’17, Emerson, and Hannah Dubois ’16 talk strategy before their first foray.

The 2015–2016 Mock Trial season began last October. As the leaves changed and fell, normally empty weekend courthouses from California to Maine became populated with crisply dressed college students striding confidently into tournaments, with polished briefcases at their sides, every hair on its best behavior, and faces set in expressionless, analytical scrutiny. These students—approximately 5,000 nationwide—look like actual attorneys, and when the legal-speak starts flying, they sound like them, too.

They’re there to argue—and argue and argue—a fictional case set forth by the American Mock Trial Association (AMTA), which this year created “State of Midlands vs. Avery Bancroft and Chase Covington,” a case that examines whether an invented Avery Bancroft offered a bribe to an invented Chase Covington for the benefit of Bancroft’s casino. Sometimes schools are the prosecution (the State of Midlands), and sometimes they’re the defense (either Bancroft or Covington). There are 11 potential witnesses, but before every round a random three are specified as eligible to be called. The competitions quickly take on a Groundhog Day feel as teams dive headlong into the same scenario four or more times per weekend, obsessing over minutia in hopes of working their way to the ultimate goal: a trip to the national tournament.

What makes Mock Trial such an odyssey of the mind is that every eventuality must be explored and prepared for, so in that sense Harvard did Simkins-Walker—who is considered by teammates and coaches to be the resident legal authority among legal authorities—a favor. At the very least, the math major will not fail to heed future warnings from Alynna Knaub ’18, who before the match told her teammate she was worried about a repeat of an earlier competition when some objections to this witness’s testimony had been sustained.

“I kind of said, ‘I don’t think it’s gonna get stricken,’” Simkins-Walker says a few weeks later in the safety of a Johns Hall classroom. “I didn’t see that as a problem. To me it was obviously relevant. I guess I learned from my mistake.”

For the judge presiding over Furman’s match with Harvard, the testimony of the fictional witness J.D. Lorean was not only “not obviously relevant,” but not relevant at all. He ruled that Lorean’s status as a “former FBI agent” didn’t qualify her as an expert to testify on whether or not the Midlands police had documented its evidence properly, and just like that, what had been a standard direct examination suddenly became a desperate quest to salvage anything at all for the record.
Mock Trial coaches, many of whom are attorneys, tell you these things can happen, but knowing sudden chaos is possible isn’t the same as sudden chaos. Total failure is what Simkins-Walker was facing, which is the equivalent of striking out with bases loaded or forgetting your lines during a touring musical. Either metaphor will do when dealing with a decidedly peculiar competitive activity Furman team founder and Professor Glen Halva-Neubauer only half-jokingly refers to as “forensic ice skating.”

As authentic as things seem from the uncomfortable wooden spectator benches where friends and admiring parents gather, the fact that this is a case that is not a real case, being tried by attorneys who aren’t actually real attorneys, only scratches the surface of the fantasy world that Mock Trial creates. Although the students portraying legal counsel are still more or less themselves as they impersonate the lawyers they often aspire to be, the same can’t be said of the “witnesses,” who truly put the “mock” in Mock Trial.

Outside of provided AMTA witness bios, which sometimes consist of a single word beside unisex names, Mock Trial witnesses are entirely the result of every team’s imagination—and the acting ability of the men or women chosen to portray them. Their performance is every bit as important as opening statements or cross examinations to the team’s score.

“It’s not what you say. It’s how you say it,” says Shannon Cherney ’18. “And so after eight months of trying the same case you know what you’re saying, and then it goes to the best orator, who has the best rhetoric, who has the fanciest demonstratives.”

That’s why Furman uses professional acting coaches in addition to its rotating crew of five to 10 volunteer attorneys. It was also why Knaub had as much reason to be worried as Simkins-Walker about Lorean’s testimony: She was Lorean.

One role filled by Gillespie (he of the big smile) is to bring the thespian chops. In this case, it was his responsibility to embody Ali Thomas, the “dealer at the Black Bear” casino, which he accomplishes largely through use of a south-Georgia drawl that routinely elicits compliments and high numbers on scorecards—especially in places where Georgia drawls are considered exotic.

Top to bottom: Coach Glen Halva-Neubauer, a Furman political science professor, grabs a quiet moment. The team arrives in Atlanta. From left: Arielle Comer ’16, Melissa Temple ’17, and Dubois head to the game.
“One of the biggest things in Mock Trial...is authenticity,” says Gillespie—a veteran of theatre since elementary school in North Augusta, SC—in that same South-Georgia drawl, without a trace of irony. “So you have to get up there and you have to play a realistic witness that you would see on the stand if you walked into the Greenville County courthouse. From what we’ve seen, (the accent) scores better in other regions besides the South, because in the South it’s not really like you’re playing a character at all.”

If it’s starting to sound like the point of Mock Trial isn’t actually to win the trial, that’s because it isn’t. No verdicts are given, which Halva-Neubauer thinks isn’t always for the best. “There’s a part of me that does not like this because it encourages students to call witnesses and create case theories that would never be employed in real life when a client’s freedom or resources were on the line,” he says.

Convincing simulation is the real name of the game, which is won by accumulating more points than the other side on highly subjective score cards that rate, on a scale of 0 to 10, legal arguments, examinations, and, for lack of a better term, acting performance while giving testimony. There’s even a home-court advantage. “When they get to a different jurisdiction, how much aggression should you use on cross-examination? That’s a big legal culture difference,” Halva-Neubauer explains. “If we’re in New York, we are going to be far more aggressive than anything we would try here in Greenville.”

That means ultimate Mock Trial success doesn’t come simply from being the best memorizers of case law or most eager debaters or liveliest entertainers. It comes from being all three. “When you get to the highest levels, every single element has to be almost perfectly,” says Nathan Thompson ’16. “You’ll see teams that have extremely strong case theories, complete mastery of case law and rules of evidence, but then they also have characters.”

Cherney got into Mock Trial in the sixth grade because she thought it was theatre. She can give a mean closing argument but really excels at playing witnesses like Bancroft and Thomas. “My favorite thing in the world with Mock Trial is to be a witness,” she says. “Witnesses only talk for about 20 minutes...but I really appreciate a good witness as an attorney, and as a witness I feel a lot of pressure because attorneys just match points. Witnesses have the ability to win rounds.”

Simkins-Walker, on the other hand, has zero interest in pretending to be someone else. “I have absolutely no experience with theatre. I could never play a crying witness. I could never pull off the Southern accents that John does on the stand,” the Atlanta native says. “I really like the logic that’s involved. Given my math background, that really appeals to me. I know my team knows me as the evidence guy.”

People with specialized skills that were honed in increasingly serious high school Mock Trial programs have become very desirable to their college counterparts, and Halva-Neubauer figured out a long time ago not enough of them were walking the halls at Furman. Recruiting talented students became not only a way for Halva-Neubauer to elevate his teams, but also to fulfill what could easily be seen...
REST FOR THE WEARY

Whitney Busch ’17 takes a break at the hotel. “These kids are competitors,” says their coach. “I don’t think we ever want to say that’s not one of the strengths of the activity. But on the other hand, I think there’s something different about Mock Trial from a sport.”

as his “life calling.” Indeed, behind all of this collective and channeled hyper-elocuence within Furman’s cadre of Mock “Tri- alers,” is the man they affectionately call “HN.” This year, Furman has nearly 40 Mock Trial competitors, enough for four teams. Team A—known as 584 to the rest of the country—was ranked 10th in the nation heading into February, and most of its members wouldn’t be at Furman if not for the Mock Trial scholarships Furman allowed Halva-Neubauer to begin awarding four years ago.

“The students in DC, I recruited the heck out of them to get them here,” Halva-Neubauer says. “It was hours of work in 2014 to get this remarkable group that is our sophomores. We can’t compete if we don’t get these good high school kids. We’re just too small.”

As Furman’s Dana Professor of Political Science, it’s not like Halva-Neubauer doesn’t have a life outside of Mock Trial. It’s just that nobody is quite sure when he lives it.

“I met him long before I actually came here and knew that I was going to come here,” says Cherney with a laugh. “He was the Mock Trial man who always had a table set up and wanted to talk to you about Furman Mock Trial.”

“I have never met a man who has poured so much of himself into something that he gains absolutely nothing from. He does it solely for the students,” adds Samin Mossavi ’17. “I know that if I ever have a problem or question I can go to him, and he will do his best to help. There is not a single person in our program that will disagree with that.”

A recent interview with Halva-Neubauer about Mock Trial first hit 30 minutes, then an hour, then two before it ended. His knowledge is surpassed only by an enthusiasm tinged with a bit of nervous energy. HN wants people to know Mock Trial is about more than winning, or at least it should be.

“There’s a fine line, because on the one hand I’m a competitor, these kids are competitors,” he says, “and I don’t think we ever want to say that’s not one of the strengths of the activity. But on the other hand, I think there’s something different about Mock Trial from an athletic activity or a sport.”

Halva-Neubauer loathes the team cheers many schools have adopted as pre-match rituals, for example. He notes, incredulously, he once saw a student have to be carried out of a courthouse on a stretcher because of an injury suffered during a particularly enthusiastic version of this phenomenon.

“I’m like, no! You are pursuing justice... You have clients on the line,” he says. “They may be mythical, but this is the pursuit of justice. There is nothing about getting pumped up to go and do this. This is not winning a rugby contest.”

Still, Mock Trial does give trophies. A wall in the political science department dedicated to those awarded to HN’s squads over the years will attest to this, and the C team added another when it captured the 11th annual Ramblin’ Wreck Tournament.
in January in Atlanta, marking the first time Furman had won a tournament in more than two years.

The competition featured less than half of its scheduled field because of a snowstorm, but that didn’t lessen the sense of accomplishment for the students involved, who were clear that reaching No. 1 was on their list of motivations.

“It was a big deal for us, especially being the C team. It was really nice,” says Hannah Dubois ’17, who received an Outstanding Attorney award. “We win a lot of trophies, but winning a lot of tournaments is something that we haven’t been able to do in a while.”

And with that you start to see the straw that stirs this strange cocktail of intellectuals, artists, and athletes: It is the primal thrill of beating someone else. Like Thompson, Julia Reynolds ’17 was a high-level runner in high school, while Ben Longnecker ’17 came to Furman to play on the lacrosse team.

“The competition for me is definitely a big part of it,” Simkins-Walker says. “Probably most of us in Mock Trial are super-competitive people, and this is how we channel that.”

After Atlanta, the focus of that energy was directed toward the goal of keeping Furman’s run of 19 consecutive trips to the National Championship Tournament alive. The pressure was magnified by Furman hosting the most important Mock Trial tournament of all for the first time this April, culminating years of hard work by Halva-Neubauer that began in 2006.

“We’re the second host that didn’t have a law school, and (Greenville is) by far the smallest place that’s ever attempted to host the championship,” he says, attributing the AMLTA awarding the championship—which brought a thousand people to Greenville—to Furman’s reputation, its tradition of outstanding teams, and a long history of hosting well-run regional qualifier tournaments.

That tireless devotion to building the program is not lost on members of his team, nor is his tireless devotion to them as people and students.

“Somehow Dr. Halva-Neubauer was able to find funding for us to travel all over the country. We had everything we needed. There was never a question,” David Koysha ’03, now a member of Boeing’s legal team, says. “I know for a
fact he paid for many trips out of his own pocket.”

Back in DC, it may have looked like a disaster to the uninitiated as Simkins-Walker endured uncomfortable silences and repeated admonishments from the judge during his struggle to find a chink in Harvard’s fusillade of objections. But you don’t always need a walk-off home run. Sometimes a sacrifice fly will do, and on the final scoreboard Furman ended up winning the round on two out of three cards on its way to finishing ninth in a field that included the likes of Duke, Baylor, Columbia, Miami of Ohio, Princeton, California, UCLA, and Vanderbilt.

“Liam, I think, artfully kept trying to get around back to having the witness say something, because you can’t just stop the questions and sit down. That is awful. That’s a big no-no,” Cherney says. “So, he was trying his best, and I know this because I know Liam. His gears were turning to figure out something to have her say.”

“[Mock Trial] teaches you to formulate arguments in the heat of the moment and to learn that if something doesn’t go your way, then it’s not the end of the world. Things like that happen,” Simkins-Walker says, which is an actual-world lesson.

It’s not the only one. Thompson is headed to the London School of Economics next year to pursue a master’s degree in international relations and has no plans to be an attorney.

That may or may not be because of what Mock Trial taught him. “You learn that a lot of court in real life is as much theatre as it is law. It’s sort of a frightening and helpful thing to think about,” he says. “You’d like to think justice is completely blind, and whoever is telling the truth wins in court. But a lot of times it’s really a matter of whoever’s attorney is better and what mood the jury is in that day.”

When asked how she would describe Mock Trial, Cherney pauses for a second before breaking into a smile. “It’s nerd club,” she says. “That’s what it feels like all the time. My favorite thing about it is that it isn’t going and doing it. It’s the people that you meet doing it, because I’ve met people that are going to be my lifelong friends.”

Koysza remembers early in his freshman year pondering whether to try out for Mock Trial or go to the kickoff for Sigma Chi rush. Nerd club or frat guy. Hours working as a team with people with whom you may otherwise have nothing in common, or hours partying with people picked because they’re most like you.

It was a tough call then. It wouldn’t be now.

“I chose Mock Trial and never looked back,” he says. “I learned more from Mock Trial than I did from any class or any other activity in college and law school. I use it more every day... It really meant that much to me.”

Nearly two decades later, it’d be hard to give nerd club a higher score than that.