



HIGH SCHOOL MOCK TRIAL
2026 VOLUNTEER BRIEF

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Introduction to Volunteers

On behalf of the Colorado Bar Association's High School Mock Trial Committee, thank you for volunteering. This brief is a case and rule summary to help you prepare for trial and your role as a volunteer.

Since 1985, the Colorado Bar Association (CBA) has proudly sponsored the CBA High School Mock Trial Program. This program is funded by the CBA Litigation Section and the Colorado Bar Foundation. This educational is one of the leading and most respected programs in the country.

More than 100 high school teams participate in Colorado's mock trial program. Approximately 1,500 students perform as attorneys and/or witnesses in a court case. Hundreds of attorneys, judges, teachers, and other community leaders volunteer their time to instruct students about the judicial system and the trial process through this educational program.

The trial, or trials, you will observe will each last approximately 2 hours and will consist of the following components:

- Opening Statements by each team
- Plaintiff/Prosecution's case-in-chief (required to call three witnesses)
- Proponent/Defendant's case-in-chief (required to call three witnesses)
- Closing Arguments by each team

The trials are performed by teams of students from high schools throughout Colorado, who have been preparing since October for this tournament. The "team" includes both the attorneys and the witnesses, and each team must be prepared to present both sides of the case. The case is constructed to be equally balanced; either side can be "won" by the way in which it is performed.

Three attorneys, paralegals or community members comprise the scoring panel. The score is based on presentation and NOT on the legal merits of the team's case. However, substance of the presentation is important. "A performance rating" scoresheet is completed by the scoring panel.

During the competition the presiding judge acts as the voice of the panel, controls the conduct of the courtroom and trial participants, and supervises the time constraints

imposed by the rules of competition. The presiding judge rules on motions and objections based on the rules of evidence. The presiding judge does not announce a verdict on the legal merits of the case, but in all other respects conducts the trial as if it were a real trial.

Case Summary

A high school student suffers a complete loss of smell (anosmia) after using a wellness supplement powder as a nasal spray, following viral social media content from a popular influencer. The influencer had promoted the powder supplement for its intended oral use but later posted content showing alternative "creative" uses, including as a nasal spray for "opening pores" and achieving a "healthy glow." The plaintiff used the product in this unintended manner and experienced severe nasal tissue damage resulting in permanent anosmia. The case explores influencer liability, product misuse, and the intersection of civil claims.

Available Witnesses

Plaintiff

1. Jordan Peterson
2. Taylor Peterson
3. Dr. Sam Chen – Expert

Defense

1. Riley Quinn
2. Emerson Vale
3. Dr. Casey Torres – Expert

Exhibits

Exhibit 1 – Dr. Sam Chen’s CV

Exhibit 2 – Dr. Casey Torres’s CV

Exhibit 3 – Text Exchange Between Vale and Peterson

Exhibit 4 – Riley Quinn Social Media Post

Exhibit 5 – Culinary Newspaper Clipping

Exhibit 6 – Instagram Messages Between Quinn and Synera LifeTech

Exhibit 7 – Email Exchange Between Quinn and Synera LifeTech

Exhibit 8 – TheraBloom Label and Ingredients

Exhibit 9 – Medical Bills Exhibit

10 – ER Discharge summary

Stipulated Facts

1. The Case Summary is not a part of the case materials, and its contents are not admissible and no reference to the Summary contents may be entered or referenced during the trial.
2. All exhibits included in the problem are true and accurate copies/depictions of what they purport to be and as a result, no objections to the authenticity of the exhibits will be entertained.
3. All witness statements and signatures are authentic.
4. All witnesses have knowledge of the facts contained in each of the stipulations.
5. The parties are properly before the Court, and jurisdiction and venue are proper.
6. Jordan Peterson has been diagnosed with and is experiencing permanent anosmia.
7. Riley Quinn received \$3,500 from Synera LifeTech, and the “Beauty Hacks” video had received 45,000 views in the first 24 hours.
8. The parties agree that the amounts of the Plaintiff’s medical bills are reasonable, and no further documents or testimony are necessary to prove those medical bills. The Parties also agree that the medical expenses total \$15,847.32. Plaintiff may make a claim for other economic and/or non-economic losses during Plaintiff’s testimony without giving rise to an unfair extrapolation objection. Defendant may cross examine Plaintiff on the nature and amount of these other economic and noneconomic losses.
9. Dr. Chen and Dr. Torres have reviewed the other’s witness statements. Both experts have had access to and have reviewed the same background medical reports of Plaintiff along with all witness statements. Dr. Torres has reviewed Dr. Chen’s report of Jordan Peterson’s physical examination. The parties have also agreed that each Doctor may comment on the other’s witness statement, so long as the comments are supported by the information found in the commenting Doctor’s witness statement.
10. The Defendant asserts the affirmative defense of comparative negligence, claiming that Plaintiff Jordan Peterson was negligent in relying solely on an influencer’s video and a cousin’s recommendation without reasonably verifying the safety or intended use of the TheraBloom product.
11. Stipulations cannot be contradicted or challenged.

Jury Instructions

Instruction No. 1

1. The plaintiff has the burden of proving the plaintiff's claims by a preponderance of the evidence.
2. The defendant has the burden of proving the defendant's affirmative defense by a preponderance of the evidence.
3. To prove something by a "preponderance of the evidence" means to prove that it is more probably true than not.
4. "Burden of proof" means the obligation a party has to prove a claim or defense by a preponderance of the evidence. The party with the burden of proof can use evidence produced by any party to persuade you.
5. If a party fails to meet the burden of proof as to any claim or if the evidence weighs so evenly that you are unable to say that there is a preponderance on either side, you must reject that claim.

Instruction No. 2

Any finding of fact you make must be based on probabilities, not possibilities. You should not guess or speculate about a fact.

Instruction No. 3

You must find that a person knew a fact, if that person had information that would have led a reasonable person to inquire further and that inquiry would have revealed that fact.

Instruction No. 4

Evidence may be either direct or circumstantial. Circumstantial evidence is the proof of facts or circumstances from which the existence or nonexistence of other facts may reasonably be inferred. All other evidence is direct evidence. The law makes no distinction between the effect of direct evidence and circumstantial evidence.

Instruction No. 5

The weight of evidence is not necessarily determined by the number of witnesses testifying to a particular fact.

Instruction No. 6

You must not be influenced by sympathy, bias, or prejudice for or against any party in this case.

Instruction No. 7

A witness qualified as an expert by education, training, or experience may state opinions. You should judge expert testimony just as you would judge any other testimony. You may accept it or reject it, in whole or in part. You should give the testimony the importance you think it deserves, considering the witness's qualifications, the reasons for the opinions, and all of the other evidence in the case.

Instruction No. 8

You are the sole judges of the credibility of the witnesses and the weight to be given their testimony. You should take into consideration their means of knowledge, strength of memory and opportunities for observation; the reasonableness or unreasonableness of their testimony; the consistency or lack of consistency in their testimony; their motives; whether their testimony has been contradicted or supported by other evidence; their bias, prejudice or interest, if any; their manner or demeanor upon the witness stand; and all other facts and circumstances shown by the evidence which affect the credibility of the witnesses.

Based on these considerations, you may believe all, part or none of the testimony of a witness.

Instruction No. 9

The fact that an instruction on measure of damages has been given to you does not mean that the Court is instructing the jury to award or not to award damages. The question of whether or not damages are to be awarded is a question for the jury's consideration.

Instruction No. 10

Difficulty or uncertainty in determining the precise amount of any damages does not prevent you from deciding an amount. You should use your best judgment based on the evidence.

Instruction No. 11

The plaintiff, Jordan Peterson, has the burden of proving, by a preponderance of the evidence, the nature and extent of the plaintiff's damages. If you find in favor of the plaintiff, you must determine the total dollar amount of plaintiff's damages, if any, that were caused by the negligence of the defendant, Riley Quinn, and the negligence, if any, of the plaintiff.

In determining such damages, you shall consider the following:

1. Any noneconomic losses or injuries which plaintiff has had to the present time or which plaintiff will probably have in the future, including physical and mental pain and suffering, emotional trauma and distress, inconvenience, emotional stress, and impairment of the quality of life.
2. Any economic losses or injuries which plaintiff has had to the present time or probably will have in the future, including: loss of earnings or damage to their ability to earn money in the future and reasonable and necessary medical, hospital, and other expenses. In considering damages in this category, you shall not include actual damages for physical impairment, since these damages, if any, are to be included in a separate category.
3. Any physical impairment. In considering damages in this category, you shall not include damages again for losses or injuries already determined under either numbered paragraph 1 or 2 above.

Instruction No. 12

The plaintiff, Jordan Peterson, claims damages from the defendant, Riley Quinn, for injuries caused by defendant's negligence or by defendant's negligent misrepresentations regarding the use of Synera LifeTech's product, TheraBloom Radiant Skin Wellness Powder. If you find that the defendant's negligence, if any, was a cause of any such injuries, then the plaintiff may recover all damages caused by that event. If you find there were extenuating circumstances that could have contributed to the damage, you must separate out those damages from the original damages.

Instruction No. 13

Negligence means a failure to do an act which a reasonably careful person would do, or the doing of an act which a reasonably careful person would not do, under the same or similar circumstances to protect oneself from injury.

Instruction No. 14

The word "cause" as used in these instructions means an act or failure to act which in natural and probable sequence produced the claimed injury. It is a cause without which the claimed injury would not have happened.

If more than one act or failure to act contributed to the claimed injury, then each act or failure to act may have been a cause of the injury.

One's conduct is not a cause of another's injuries, however, if, in order to bring about such injuries, it was necessary that their conduct combine or join with an intervening cause that also contributed to cause the injuries then that intervening cause is a one that would not

have been reasonably foreseen by a reasonably careful person under the same or similar circumstances.

Instruction No. 15

More than one person may be responsible for causing injuries.

Instruction No. 16

The negligence, if any, of the defendant, Riley Quinn, is not a cause of any injuries to the plaintiff, Jordan Peterson, unless the defendant could have reasonably foreseen that their negligence could injure a person in the plaintiff's situation. The specific injury need not have been foreseeable. It is enough if a reasonably careful person, under the same or similar circumstances, would have anticipated that injury to a person in the plaintiff's situation might result from the defendant's conduct.

Instruction No. 17

For the plaintiff, Jordan Peterson, to recover from the defendant, Riley Quinn on the plaintiff's claim of negligence, you must find all of the following have been proved by a preponderance of the evidence:

1. The plaintiff had injuries;
2. The defendant was negligent; and
3. The defendant's negligence was a cause of the plaintiff's injuries.

If you find that any one or more of these three (3) statements has not been proved, then your verdict must be for the defendant.

On the other hand, if you find that all of these three (3) statements have been proved, then your verdict must be for the plaintiff, but you must then consider the defendant's affirmative defense of comparative negligence.

Instruction No. 18

For the plaintiff, Jordan Peterson, to recover from the defendant, Riley Quinn, on their claim of negligent misrepresentation, you must find all of the following have been proved by a preponderance of the evidence:

1. The defendant negligently gave false information to the plaintiff;
2. The plaintiff relied upon such information; and
3. This reliance was a cause of physical harm to the person of the plaintiff.

If you find that any one or more of these three (3) statements has not been proved, then your verdict must be for the defendant.

On other hand, if you find that all of these three (3) statements have been proved, then you must consider the defendant's affirmative defense of comparative negligence. However, if you find that this affirmative defense has not been proved, then your verdict must be for the plaintiff.

Instruction No. 19

The affirmative defense of the comparative negligence of the plaintiff, Jordan Peterson, is proved if you find all of the following:

1. The plaintiff was negligent; and
2. The negligence of the plaintiff was a cause of the plaintiff's own claimed injuries.

Instruction No. 20

If you find the plaintiff, Jordan Peterson, was injured and that the plaintiff's injuries were caused by both the negligence of the plaintiff, Jordan Peterson, and the defendant, Riley Quinn, then you must determine to what extent the negligent conduct of each contributed to the injuries of the plaintiff, expressed as a percentage of 100 percent.

If you find that both the plaintiff and the defendant were negligent and that the negligence of the plaintiff was equal to or greater than the negligence of the defendant, then the plaintiff will not be allowed to recover.

On the other hand, if you find that both the plaintiff and the defendant were negligent and that the negligence of the defendant was greater than the negligence of the plaintiff, then the plaintiff will be allowed to recover.

If the plaintiff is allowed to recover, the total damages you award will be reduced by the Court by the percentage of the plaintiff's negligence.

Criteria for Scoring

The responsibility of the scoring panelists is to score the students' skills in each element of the trial round, not the merits of the facts and law as written in the case materials. In other words, the scoring panelists are scoring the individual skills and talents of each of the students as attorneys and witnesses, and their ability as a team to present a coherent and consistent case, to determine the winning team.

Scoring Opening Statements

- The theory of the case and the case strategy are clear: provides a clear and concise description of their team's side of the case, including the burden of proof
- Includes key witnesses
- States the outcome sought
- Captures and holds jurors' attention
- Uses time effectively
- Presentation is non-argumentative
- Does not use notes

Scoring Direct Examinations By Student Attorneys

- Properly phrased open-ended questions: e.g., who, what, why, when, where, how
- Uses proper courtroom procedure
- Demonstrates understanding of facts, law and procedure
- The examination furthers the examining attorney's theory of the case
- Handles objections appropriately and effectively, and did not overuse objections
- Does not ask questions that call for unfair extrapolation
- Demonstrates understanding of the Rules of Evidence
- Demonstrates ethical behavior, professionalism, and good sportsmanship.
- Handles exhibits appropriately and effectively
- Does not use notes

Scoring Cross Examinations By Student Attorneys

- Properly phrased questions - leading
- Effective questioning that furthers the cross-examining attorney's theory of the case
- Proper impeachment
- Handles objections appropriately and effectively
- Does not overuse objections

- Does not ask questions that call for unfair extrapolation
- Uses appropriate techniques to handle a non-responsive witness, as necessary
- Demonstrates understanding of the Rules of Evidence
- Demonstrates ethical behavior, professionalism, and good sportsmanship.
- Handled exhibits appropriately and effectively
- Does not use notes

Scoring Direct Examination by Witnesses

- Credible, believable
- Uses the facts of the case to tell their story as a witness
- Demonstrates understanding of the facts of the case, and the theory of the case, going beyond the witness's own statement as appropriate
- Credible portrayal of the character
- Poised and maintains appropriate courtroom decorum consistent with the character's role
- Does not use notes

Scoring Cross Examination by Witnesses

- Gives responsive, factually accurate answers that show the benefits of active listening skills and extemporaneous responses
- Credible, believable
- Does not introduce material new facts to case. Does not unfairly extrapolate.
- Demonstrates understanding of the facts of the case, and the theory of the case, going beyond the witness's own statement as appropriate
- Credible portrayal of the character
- Poised and maintains appropriate courtroom decorum consistent with the character's role
- Does not give unnecessarily long and/or non-responsive answers on cross examination: does not filibuster in an effort to use the cross-examiner's time unfairly.
- Does not use notes

Closing Argument

- Case theory and strategy continued in closing argument
- Summarizes the evidence. Does not refer to evidence that was not submitted.
- Emphasizes the supporting points of their own case and weaknesses of the opponent's case

- Concentrates on the vital, not the trivial
- Applies the applicable law
- Discusses burden of proof
- Overall, the closing argument is persuasive
- Captures and holds jurors attention
- Uses time effectively

Professionalism Points

- As part of their score, teams will be rated on their professionalism and will be rated on a scale of **1-10** professionalism points each round.
- Points should not be awarded to teams that behave in a contentious or unprofessional manner.
- No fractions or decimal points.

Performance Ratings

- Individual participants will be rated on a scale of 1-10 points, according to their role(s) in the trial, as indicated in the Chart below.
- Scoring panelists may individually consider penalties for violation(s) of the Rules of the Competition.
- Penalties and/or a lack of professionalism will reduce point awards in the appropriate performance categories below.
- Penalties and/or a lack of professionalism will not be indicated separately on the official score sheet.
- Scoring panelists may NOT assign FRACTIONS in any scoring category.
- The team with the highest number of total points on a score sheet wins that scoresheet (ballot).
- The team winning the majority of score sheets per trial wins that trial.
- Scoring Panelists need to fill out their nomination forms for outstanding attorney or outstanding witness if the tournament uses these forms. The appropriate form should be completed and signed by each member of the scoring panel and returned to the trial coordinator/courtroom monitor with score sheets. Some regionals use the students scores to determine the outstanding attorney and witness.

POINT	PERFORMANCE	CRITERIA FOR EVALUATING STUDENT PERFORMANCE
1 – 2	Not Effective	Unsure of self, illogical, uninformed, not prepared, speaks incoherently, definitely ineffective in managing time.
3 – 4	Fair	Minimally informed and prepared. Performance is passable but lacks depth in terms of knowledge of task and materials. Communication lacks clarity and conviction.
5 – 6	Good	Good, solid, but less than spectacular performance. Can perform outside the script but with less confidence than when using script. Logic and organization are adequate, but not outstanding. Grasps major aspects of the case but does not convey mastery of it. Communications are clear and understandable but could be stronger in fluency and persuasiveness.
7 – 8	Excellent	Fluent, persuasive, clear and understandable. Organizes materials and thoughts well and exhibits mastery of the case and materials.
9 – 10	Outstanding	Outstanding demonstration of those qualities listed for 7-8 points. Additionally, thinks well on feet, is logical, and keeps poise under duress. Can sort essential from nonessential and use time effectively to accomplish major objectives. Demonstrates the ability to utilize resources to emphasize vital points of the trial.

Scoring Panelists: Remember to check your score sheet for items below:

- Total all scores
- Check for blanks
- Check all totals closely
- Print your name and sign the Official Score Sheet
- Return your Score Sheet to the courtroom monitor assigned to your courtroom or electronically submit your ballot.