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**NOTICE:**

This tryout packet was authored for the sole purpose of providing aspiring USC Mock Trial Team members with a dynamic tryout opportunity. The characters are intentionally edgy and eccentric for that reason.

Nothing as to intentions should be inferred, interpreted or gleaned from the extremities these characters traverse or the issues their affidavits encompass. These materials are not intended to communicate or advance any member (coaches & students, alike) of the Team's political, religious or socio-economic beliefs. Please prepare carefully and completely. Good luck!

1 **Tryout Instructions**

2

3 **TRYOUTS: YOU MUST TRYOUT FOR ATTORNEY AND WITNESS -- \*\*\***

4 **Do a GREAT job, WE WANT YOU ON THE TEAM!!!**

5

6 Attorney Tasks:

7

8 You must perform a three to five minute **closing argument** for the PLAINTIFF

9 (explain facts and make an argument for the benefit of Danny/I Johnson, the

10 Plaintiff) in this case. A case summary, as well as affidavits from three witnesses,

11 have been provided to assist you effectively communicate your version of the story.

12 You may assume that all three witnesses testified during the trial. You may use any

13 of the facts from any or all of the affidavits.

14

15 You must also perform a PLAINTIFF side **cross examination** of Reverend Jones

16 (bring out facts to benefit Danny/i Johnson). This task must be performed in three to

17 five minutes. Witnesses will be provided. Don't worry about bringing your own.

18

19 When performing these exercises, please exhibit the most skill you can muster. We

20 are looking for poise, intensity, oral dynamics and mental acuity. Remember, first

21 impressions last longest.

22

23

24 Witness Tasks:

25

26 You will portray Danny/i Johnson, the plaintiff in this matter. Danny can be male or

27 female (i.e. Danni). Create a character for this witness and be prepared to perform as

28 the character would when questioned on direct examination at trial. You will have

1 three to five minutes to answer questions based on the attached affidavit. During  
2 those minutes, do the best you can to make us believe that you are the character you  
3 have created. Make use of whatever creative attire or props you choose. **WHEN**  
4 **YOU ARE THE CHARACTER, WE WANT TO FEEL IT!!! BE CREATIVE!!! BE**  
5 **BOLD!!! BE GREAT!!!**

6  
7 As the character, you will be required to (A) have a three-minute conversation with  
8 us about your life-related aspirations, and (B) creatively answer questions  
9 concerning:

- 10
- 11 1. You personally (name, residence, likes, dislikes, etc)
  - 12 2. Your occupation (what, where, how long, your major, etc.)
  - 13 3. Personal faults & assets (what’s good/bad about you, etc.)
  - 14 4. Familiarity with Defendant & his show (Rev. Jones & the “Hour of Power”)
  - 15 5. Specifics about character’s interests

16  
17 For the sake of context, a case summary and other affidavits are attached (this is the  
18 information you will use to answer the questions). Make this LIVE! Mediocrity will  
19 not get you far!

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1 **Case Introduction**

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3 “The Jim Jones Hour of Power” is a nationally syndicated religious television show.  
4 During his hour of power, Rev. Jones “heals the sick, punishes the evil and collects  
5 offerings from God’s children.” The format of the show is part sermon and part talk  
6 show panel. Sometimes they overlap.

7

8 Anyone may join Rev. Jones studio audience for show tapings by signing up every  
9 Tuesday at 6:00 p.m. at Imperial Studios, located in Burbank, California. Each  
10 week’s panelists are selected from the personal referrals of prior panelists.

11

12 On November 3, 2002, Danny/Danni “D” Johnson, and his/her mother Sonya  
13 Johnson, appeared as panelists on “The Jim Jones Hour of Power.” At the time, D  
14 was 15 years old and D’s mother was 45 years old. During their appearance as  
15 panelists, Rev. Jim identified them as “evil.” Subsequently, incited true-believing  
16 audience members, seeking to purge The Johnsons of their demons, rushed the stage  
17 and attacked the Johnsons. D was seriously hurt and required medical treatment.

18

19 D has now filed suit against Reverend Jones in attempt to recover money damages  
20 for pain and suffering and reimbursement for medical bills. The sole cause of action  
21 in D’s lawsuit is negligence. Sonya is not suing.

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1 **Law of the Packet**

2

3 Assume for this exercise that California law provides as follows:

4

5 Cal Civil Code § 1-101 - Negligence - A plaintiff proves a cause of action for  
6 Negligence by establishing all of the following:

7

8 (a) the defendant had a duty to conform to a specific standard of conduct to protect  
9 the plaintiff from reasonably foreseeable risks of harm;

10

11 (b) a breach of that duty by the defendant;

12

13 (c) harm to the plaintiff (i) would not have occurred without the defendant’s breach  
14 of duty, and (ii) occurred as a natural and foreseeable result or event in an unbroken  
15 chain of events following the defendant’s breach of duty;

16

17 (d) harm to the plaintiff.

18

19 Cal Civil Code § 2-201 - Assumption of the Risk - Assumption of the Risk is a  
20 complete defense to a cause of action for Negligence. A defendant establishes the  
21 defense of Assumption of the Risk by proving the following:

22

23 (a) the plaintiff knew of the risk of harm posed by his actions; and

24

25 (b) the plaintiff voluntarily proceeded regardless of the known risk.

26

27 Cal Civil Code § 3-300 - Burden of Proof - The burden of proof, of all matters, in all  
28 civil cases shall be proof by a preponderance of the evidence. A “preponderance of

1 the evidence” exists when the greater weight of the evidence, however slight,  
2 supports one side as opposed to the other.

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**Affidavit of Reverend Jim Jones**

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3 My name is Jim Jones. I am an ordained minister with the Hollywood Church of  
4 God's Amazing Grace. I have been spreading the word and love of God for the past  
5 five years. Prior to my position with the church, I was a meter reader with the local  
6 gas company. I became very religious one day two years ago when I set a bug bomb  
7 fogger and forgot to turn off the pilot on my gas stove. As I was walking out of the  
8 door, the fumes exploded, threw me fifty feet into the bushes, and leveled my  
9 guesthouse apartment. The police investigated it as arson -- something about  
10 lightening striking twice by the same person. It probably had something to do with  
11 my prior apartment burning down. Anyhow, as a man of the cloth, people eventually  
12 leave you alone about things. I now reside with my mother at 726 Hudson Street in  
13 Hancock Park, here in Los Angeles. Some folks seem to think it's strange that a 55  
14 year old man resides with his mother, but she doesn't mind. Since her stroke on that  
15 day my second apartment exploded, she hasn't minded much of anything. It sure  
16 beats living with either of my daughters' mothers. They'll never get hitched. I  
17 wouldn't do it -- and neither will any other man -- or woman in Boston or Los  
18 Angeles, I suppose.

19  
20 As for those two con artists who found their way onto my Hour of Power back in  
21 November of 2002, they should be ashamed of themselves. I think that they are  
22 simply trying to take advantage of the fact that my audience of true believers despise  
23 evil. Prior to that day, November 3, 2002, we had a few instances of audience  
24 members punishing the evil, but by and large they know that they are supposed to do  
25 that on their own time, not during my Hour of Power.

26  
27 The altercation started just after I declared that D, the child, was evil because s/he  
28 engaged in premarital sex. I think this whole situation could have been avoided if the

1 mother would have simply spanked D when I told her to, right there on stage. The  
2 fact is that the evil must be punished, so when Mrs. Johnson failed to punish D, I  
3 declared her evil too. I guess the true believers figured that since Mrs. Johnson's  
4 mother wasn't around to spank the both of them, they'd have to spank them instead.  
5 When Mrs. Johnson said she was not going to spank D, and I declared her evil,  
6 someone in the audience yelled, "They are both harlots, evil harlots! The acts of one  
7 hath begat the other and both doeth the same!" It came as quite a surprise to me that  
8 someone would remember part of my sermon verbatim. I considered the concept of  
9 the acts of one resulting in similar acts of another quite complex. Before I could  
10 finish patting myself on the back for my clever phrase catching on so well, the whole  
11 front row, twenty-five true believers, rushed past the security guards and onto the  
12 stage. They attacked the Johnsons, but were quickly dispersed by my security force.

13

14 As I said, audience members are supposed to punish the evil on their own time, not  
15 on my show. Our stage is raised three feet high, with no steps in the front. We also  
16 post four security guards in the ten foot wide space between the five hundred  
17 audience members and the stage. The choir risers are on a separate stage off to the  
18 left of the main stage. We took these measures after the first true believer attack in  
19 2001.

20

21 I am very saddened by this entire ordeal. My show is just like any other. I simply  
22 heal the sick, punish the evil and collect offerings from God's children. I have  
23 offered to pay the Johnsons' hospital bills, but apparently that is not enough to satisfy  
24 them.

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26 SIGNED & SWORN:

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*Jim Jones*

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**Affidavit of Danny/i Johnson**

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My name is Danny/i Johnson. I go by “D.” I am seventeen years old and I just started my freshman year at UCLA. I am majoring in religious studies. One day I hope to be a minister. The year before last, I had just finished a study session with my high school sweetheart when my mother burst into my room and shouted, “D I figured it out! I know how we can get your name out into the religious community!” She then started to explain that we should be guests on “The Jim Jones Hour of Power.” It was her feeling that if I had a problem of mine solved by Reverend Jones, I would be able to put together a congregation quicker because people would see me as someone who God allowed Reverend Jones to work a miracle on. We quickly began trying to think of a problem that I had. The two of us were stumped until she noticed that my sweetheart’s shirt was on inside out. It was then that we decided that I had broken a commandment and would approach the show with that as my problem.

My mother suggested that I watch the show to see what it was all about. I tried but I never quite had enough time to sit down and catch it. Even when I was at home in time for the show, my sweetheart would distract me with one thing or another. I don’t know if my mother ever saw the show, however she did tell me that the man she convinced to refer us to the producers thought that the best description of the “Jim Jones Hour of Power” was a “cross between the Jerry Springer Show & a speech by President Bush ... very rowdy and lots of talk about evildoers.”

The night of November 3rd, 2002, Mom and I arrived at Imperial Studios in Burbank, just 20 minutes north of West Hollywood at 7:00 p.m. for the taping. When we walked in the front door, two production assistants took us to two separate make-up rooms. Just after I sat in the chair, the PA asked me how old I was. When I told her that I was fifteen years old, she mumbled something about how “the whole studio

1 is going to get shut down if these youngins keep ...” something or other. I asked her  
2 what she said but she replied, “never mind.” She then said she would have to get  
3 some waivers signed by my mother and I. The make-up artist finished with me in  
4 about five minutes. Just then, the PA returned with a document titled, “Waiver of  
5 Possible Injury Form.” The document was five pages long, front and back. The PA  
6 said that we were short on time and that I should sign the last page on the line right  
7 above my mother’s signature. I recognized my mother’s signature and signed.

8  
9 After I gave her the form back, I was taken to a room where my mother sat talking  
10 with Reverend Jones. They told me that when I was on the panel, I was to explain  
11 that I had a problem with fornication. Then Rev. Jones and my mother would say a  
12 prayer and I would be healed. Rev. Jones assured my mother and me that no harm  
13 would come to us as a result of appearing on the show. We all then walked down the  
14 hall to the green room. Rev. Jones excused himself to go perform the introductory  
15 sermon.

16  
17 Oddly enough, the topic of Rev. Jones’ sermon was about the evil nature of  
18 fornicators. When he said people who engaged in premarital sex were “hell-spawn,”  
19 the studio audience went crazy. People were chanting things that I could not  
20 understand and stomping their feet. Reverend Jones calmed the crowd and then  
21 invited us out onto the stage. At that point I thought to myself, now that these people  
22 have had their passions aroused about my problem, they will be prime candidates for  
23 my ministry once Rev. Jones cures me with the divine assistance of the Almighty.  
24 Two of four big, burly security guards directed us to our chairs and turned on our  
25 microphones.

26  
27 Boy, oh boy, was I wrong! As soon as Rev. Jones pointed out my evil, and my  
28 mother refused to spank me, the crowd went wild again. I didn’t even get a chance to

1 explain.

2

3 Reverend Jones raised his hand to quiet the crowd, but instead of quieting down, they  
4 rushed the stage. The true believers began to batter my mother and me. They  
5 knocked my mother out and broke my nose. We were both taken to St. Joseph's  
6 hospital a few blocks down Imperial Boulevard from the studio. I eventually blacked  
7 out too.

8

9 If I had even the slightest idea that trying to do good could feel so bad, I would have  
10 been content doing bad and feeling so good. There's nothing so bad about fornication  
11 anyway. As long as everybody involved participates willingly, who cares? Reverend  
12 Jones and that damned "Hour of Power" are going to pay for the pain they have  
13 caused me. This is nobody's fault but theirs. I am proud of who I am.

14

15 SIGNED & SWORN:

16 *Danny/i Johnson*

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**Affidavit of Sherman Richards**

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I am Sherman Richards, Attorney at Law. I handled all legal matters for Reverend Jim Jones and Imperial Studios between 1998 and 2001. This sworn affidavit is given pursuant to an order by the court to do so. I object to being so ordered because I feel this is a violation of attorney-client privilege. That being said, in 2001, just after the first incident of true believers rushing the stage during “The Jim Jones Hour of Power,” I inspected the studio and the documents the studio uses. I found that there were various measures that could be taken to lessen the potential for injury to guests and the potential for the show to be liable for injury to guests. I told Jim about all of them.

Some of the recommendations I made were implemented and some were not. For example, I wrote the form waiver that the studio requires that panel guests sign. It includes provisions describing, and waiving, any claims for physical injury resulting from audience attacks, slip and falls, and acts of God. I also directed the crew to put up large signs on the walls of the inside of the studio that say: “Do not rush the stage. True believers who attack panelists will be prosecuted.” I also directed the set crew to put at least 15 feet of space between the first row of the audience and the stage, and to elevate the stage 4 feet.

Though there is a new attorney who handles Reverend Jones’ legal work now, I am still on the premises on a regular basis. I handle other matters for Imperial Studios and maintain an office on their premises, at no charge. To the best of my knowledge, the signs and waiver have been in use from 2001 to the present. Aside from liability matters, I also handled syndication matters for the “Hour of Power.” I never really thought about it at first, but there was substantial growth in the number of stations

1 buying the program in 2001 and 2002. That's when there were the most true believer  
2 stage rushes.

3

4 In addition to the liability reduction measures I already mentioned, I also  
5 recommended that the stage be elevated at least six feet and that there be eight  
6 security guards present at all times. I felt that would lower the number of stage  
7 rushes. I am sure Jim will get that done as soon as he can.

8

9 SIGNED & SWORN:

10 *Sherman Richards*

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GOOD LUCK!

the USC Mock Trial Team