

2023 National Animal Law Competitions
Closing Argument Competition
Registration Round

You are an attorney in the State of Utopia representing a client in the matter of MFUME V. TENDER CARE ANIMAL HOSPITAL, P.C. AND AMELIA PHILOFELIS, DVM, which is being tried in the in the Superior Court for the County of Glee.

The problem consists of the Trial Record, which includes a transcript of testimony, documents received in evidence, exhibits, and jury instructions.

Using the trial record, you will be preparing to present your 20-minute closing argument in person to the jury. You are free to choose to represent either the plaintiff or the defendant(s).

For this Registration Round you need to prepare and submit the following written and video components of the application:

Written Component:

Assume that the jury has found Mfume 50% at fault, Philofelis 25% at fault, and PinkPearl 25% at fault, awarding Mfume \$150 for Pyewacket and \$7015.25 for other damages. Also assume that Utopia is a modified comparative fault State (which means no recovery if plaintiff is >50% at fault) but note that Utopia also adopts Restatement (2nd) Torts 457 (concerning downstream negligence).

Based on those assumptions, draft a memo of no more than three (3) pages that highlights all the potential posttrial motions you could make in the case, as well as any appeal issues, and then explains which motions and appeals you would make for tactical considerations and which you would not.

Video Component:

You have been contacted by a local television news reporter who is interested in airing a feature about the case before the jury has been empaneled but after the trial has begun. Being mindful of Rule 3.6 of the Utopia Rules of Professional Conduct reprinted below, record and upload a video of yourself giving a summary of the case and your client's position. The video must be no longer than 2 minutes and in mp4 format.

Rule 3.6: Trial Publicity

- (a) A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.
- (b) Notwithstanding paragraph (a), a lawyer may state:
- (1) the claim, offense or defense involved and, except when prohibited by law, the identity of the persons involved;
 - (2) information contained in a public record;
 - (3) that an investigation of a matter is in progress;
 - (4) the scheduling or result of any step in litigation;
 - (5) a request for assistance in obtaining evidence and information necessary thereto;
 - (6) a warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest.

(c) Notwithstanding paragraph (a), a lawyer may make a statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the lawyer's client. A statement made pursuant to this paragraph shall be limited to such information as is necessary to mitigate the recent adverse publicity.

(d) No lawyer associated in a firm or government agency with a lawyer subject to paragraph (a) shall make a statement prohibited by paragraph (a).