



CLASSROOM LAW PROJECT
MOCK TRIAL IN THE CLASSROOM

Finley MacPherson v. Coho Community Association
Witness Preparation

Witness: _____

Preparing your Case:

You and your group members will work together to review the case testimony, case law and evidence. Then prepare to present your side of the story to the jury/judges explaining why you should win the case. Your goal is to frame the facts, the evidence, and the law in a way that is persuasive to the jury. Be prepared to answer questions from the jury!

Testimony

Review the Complaint, Answer, and Witness Affidavits - then do a close reading of your own witness' affidavit. **What are you claiming?** In other words, what do you allege went wrong?

With your group members, list three arguments you can make using the Complaint, Answer, and Witness Affidavits to support your theory of the case.

1.

2.

3.

Public Nuisance Law

In this case, *MacPherson v. CCA*, the plaintiff has brought a claim for “public nuisance.” To establish a claim of public nuisance, a plaintiff must prove the following elements:

1. The existence of a **right of the general public** to use and enjoy land, water, or other property;
2. **Substantial** and **unreasonable interference** with that right;
3. The defendant's **culpable conduct**;
4. A **causal connection** between the defendant's culpable conduct and the interference; and
5. A resulting **“special injury”** to the plaintiff.

Interference is “substantial” if it would offend a reasonable person in the ordinary use and enjoyment of the land. Interference is “unreasonable” if the harm to the plaintiff and the public outweighs the utility of the defendant's actions towards the defendant and the public.

A defendant's conduct is “culpable” if it poses a foreseeable risk of harm to a third person or to the public.

A “causal connection” means the interference would not have happened without the defendant's culpable conduct.

Which of these issues does your witness either prove or disprove? How?

Evidence

A. What pieces of evidence are most helpful to your case? WHY?

B. In what ways do you anticipate the other side might use the same pieces of evidence in making their case?