



International Association of Defense Counsel

Trial Academy

Hertz v. Aycup

Student Hypothetical
(Automobile Accident – Head Injury)

INTRODUCTORY NOTE

This hypothetical will be one of the problems used for the student demonstrations during the afternoon sessions at the International Association of Defense Counsel Trial Academy. This hypothetical problem is designed to simulate the material you would receive on the eve of trial. You should read and study this case as soon as possible. Advance preparation will serve you well during the Trial Academy.

All years in this problem are stated in the following form:

YR-0 indicates the actual year in which the case is being tried (i.e., the present year);

YR-1 indicates the next preceding year (i.e., the present year minus one);

YR-2 indicates the second preceding year (i.e., the present year minus two); etc.

The day of the week that may be stated in the problem may not coincide with the date on the calendar. In the case of conflict, the date applies and the day of the week should be adjusted accordingly.

Assume the following for every deposition: The witness was sworn in by a certified shorthand court reporter. All objections, except those as to form, were reserved for trial. The witness was given standard instructions and admonitions concerning deposition testimony.

IADC TRIAL ACADEMY

Hertz v. Aycup

Index of Materials

1. Statement of the Case
2. Flagstaff Police Department Motor Vehicle Report
3. Deposition of Margaret A. Hertz taken on December 2, YR-1
4. Statement of Margaret A. Hertz
5. Deposition of Phillip Aycup taken on December 3, YR-1
6. Operator's Report of Phillip Aycup
7. Relevant Photographs
8. Report of Cyrus Coe, Ph.D.
9. Report of I. M. Newrough, M.D.
10. Progress Notes of I. M. Newrough, M.D.
11. Flagstaff General Hospital Emergency Room Discharge Summary
12. Bolder Corporation Employee Evaluation (M. Hertz)
13. New State General Laws
14. Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) – Major Depressive Episode