

**MOCK TRIAL: EXAMINATION OF WITNESSES REGARDING THE USE AND BASIS OF
DEMONSTRATIVE EXHIBITS IN A CASE INVOLVING A REFINERY'S ALLEGED
VIOLATION OF THE CLEAN AIR ACT'S NSR/PSD REGULATIONS**

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This year's mock trial is designed to familiarize environmental scientists with the proper presentation and defense of demonstrative exhibits used to explain theories that rely upon factual evidence that cannot be readily seen in the environment. The mock trial involves witness examination and testimony by experienced trial lawyers and expert witnesses. It focuses on the direct and cross examination of witnesses related to more complex demonstrative exhibits such as graphs, tables, and diagrams that depict the correlation between equipment changes and past and projected air emission increases at a refinery, and the common situation where a witness relies upon hypothetical and maybe erroneous factual assumptions to support the theories depicted in the demonstrative exhibits.

The mock trial involves the hypothetical case Agency v. Alpha Refinery, Inc., in which a government agency seeks to recover penalties from a refinery for past violations of the Clean Air Act's New Source Review and Prevention of Significant Deterioration regulations, and the selection of pollution control equipment meeting Best Available Control Technology standards. Witnesses will be impeached and cross-examined based on inconsistent statements in expert reports, actual data and deposition testimony.

The "court" (i.e. the audience) will hear the expert testimony and then discuss their opinions of the testimony and exhibits. This mock trial should serve as a valuable tool for conference attendees that prepare demonstrative exhibits in expert reports, and testify in depositions and trial regarding their meaning.

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