



TRYOUT PACKET

2019 – 2020

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Overview

We are Daniel Zahn and Caitie Conway, respectively acting in our roles of President and Chair of the Team Selection Committee. We hope you find this packet useful in preparing your tryout, and we look forward to working with you in the future.

The tryout is an important step in your journey through with our organization. It determines which team you will be placed on for the Tom Richards Memorial Fall Invitational Tournament (which everyone calls Fall IM). You get to compete with this team against other Penn State Fall IM teams. Further, your team placement also determines in which house you will be placed for this year. There are three houses: Judge, Jury, and Executioner. Each house contains two Fall IM teams.

Some things to think about:

No experience necessary. We hold everyone to the same standard—no matter what they did or didn't do in high school or college. Some students in our organization did things in high school that have made them better at mock trial, such as theatre, debate, and (this one's the shocker) mock trial. Some of our best members did none of those things. We are evaluating your tryout, not your life experience. Put in the effort, and we will notice—regardless of what you did high school.

Tryout as an attorney or a witness. You get to pick whether you want to tryout as an attorney or a witness. This does not limit what role you'll play in mock trial but lets us know which one you are more interested in and which skillset you think you have (although we may see a hidden skillset). If you don't know which to do, feel free to ask someone to help you decide. However, if you really don't want to be one or the other, it's let us know at your tryout.

Please reach out if you have any questions!

Sincerely,

Daniel Zahn – daniel@psu.edu
President | Penn State Mock Trial Association

Caitie Conway – cxc5690@psu.edu
Team Selection Committee Chair | Penn State Mock Trial Association



Table of Contents

Overview	2
Format.....	4
Set Up.....	4
Timeframe	4
When You Arrive	4
What Happens After.....	4
Attorney Tryout	5
The Memorized Speech.....	5
The Impromptu Logical Argument.....	5
Speech 1	6
Speech 2.....	6
Witness Tryout	7
The Known Questions.....	7
The Unknown Questions	7
Bobbi Farmer III	8
Dr. Lar Gil	10
Known Questions – Bobbi Farmer III.....	12
Known Questions – Dr. Lar Gil.....	13
Unknown Questions – Example	14
How to Succeed.....	15
Practice.....	15
Remain Calm	15
Contact Us!.....	15
Tryout Information.....	16



PENN STATE MOCK TRIAL
2019 – 2020
TRYOUT PACKET

Tryouts: 5 – 11pm Tuesday September 3rd (008 Huck Life Science) and Wednesday September 4th (008 Huck Life Science). 6:30 – 11pm Thursday September 5th (008 Huck Life Science)

Sign up here: <https://tinyurl.com/1920mtatryouts>

Format

We understand that tryouts may be nerve-wracking, so we want to make you as comfortable as possible before the tryout. In this section, you can read about how the room will be set up, how long the tryout to take, what to do when you arrive, and what will happen after.

Set Up

There is going to be at least six people in the room when you tryout. Each team has two captains, so there may be up to twelve people in the room at any given time. That may seem like a lot, but the more people that get to see your tryout, the better informed the decision will be. The captains will be lined up on one side of the room behind desks. There will be a large space in the middle of the room where your tryout will happen. Attorneys will deliver both parts of their tryout standing up. Witnesses will deliver both parts of their tryout sitting down.

Timeframe

Each tryout will last five minutes for each role. We try to run everyone on time, but just in case please plan to stay five minutes over time. Please also try to arrive five minutes before hand. For example, if you signed up to tryout at 6:30pm for one role, please try to arrive by 6:25pm and plan to leave at 6:40pm.

When You Arrive

If the door is closed, then a tryout or discussion is currently happening. Do not knock on or open the door. Wait outside the door or in the couch area until someone opens the door and gets you. In the room, you'll be asked to fill out a quick online survey and then the tryout will begin.

What Happens After

If your tryout is successful, you will receive an email Thursday, September 5th toward midnight with further instructions.



Attorney Tryout

The attorney tryout is meant to be a two-part, five-minute simulation of some of the most essential skills for attorneys to have. We can't test them all, but we try to highlight some essentials with our tryout. **If you do not complete both the memorized speech and the logical argument, you will not be considered for membership.**

The Memorized Speech

Each person trying out as an attorney must choose one speech to memorize and deliver. We've provided two different speeches on the next page. You can choose either speech. The choice doesn't matter to us: choose whichever plays to your strengths.

Why the memorized speech? A good attorney is able to memorize material and deliver it as if they were naturally coming up with it. We want you to be comfortable with your material and bring it to life. We want you to show emotion whether it's sad or happy or something else. We want you to move around and show your presence in the room. We want you to be articulate and make us feel the speech.

What do we look for? We look for a lot of things. Some of the following are the big questions we ask ourselves: Did the person prepare adequately? Did the person practice enough? Is the person showing emotion? Is the person varying their tone, speed, attitude, and movement? Is the speech coming across as it should (e.g. sad, funny, playful, etc.)?

The Logical Argument

Each person trying out as an attorney will give a two-minute logical, persuasive speech on anything the person wants. Speeches should be written and memorized ahead of time and should persuade the captains of something—anything. Persuade us to eat candy, drop out of college, quit mock trial, or anything you want. After, we'll ask a few questions to introduce some hypotheticals and understand your argument.

Why the logical argument? A good attorney is able to think logically and think on their feet. They are able to construct logical and persuasive speeches and react to new information.

What do we look for? Some big questions: Was the person overly thrown off by a question? Did the person adapt to the new information? Did the person create a logical argument? Did the person still display good public speaking skills, movement, and variance? Was it an argument of persuasion, and not just a personal narrative or belief?



Speech 1

Your honor, opposing counsel, members of the jury, may it please the court. The defendant had access to everything. Today's case members of the jury, is about a brutal attack that took place on July 16th, 2017. On that night, Kerry Bell Leon enters her apartment at around 10:30 pm. He walks towards the bathroom and sees a reflection in the mirror. A reflection of the defendant holding a gun to his head. Kerry Bell Leon is terrified, but he is able to get the gun away from the defendant. Then, the defendant smashes Kerry's head into a table and pins him down to the ground. The defendant grabs an extension cord and starts to wrap it around Mr. Bell Leon's neck and pulls and pulls until Kerry's body fell limp. Thank goodness however that Kerry was able to escape with his life. Thank goodness that Kerry was able to go see his daughter again. Thank goodness that today you're going to learn that with access to everything, the defendant tried to get Kerry out of the way and have the opportunity to find the defendant guilty of attempted homicide.

Today, we have a rare opportunity to get justice for someone who almost didn't make it out alive. We cannot waste this opportunity. Members of the jury, there is only one truth today: with access to everything, the defendant tried to get Kerry out of the way.

Speech 2

Your honor. Members of the jury. Opposing counsel. May it please the court. The prosecution came up here and told you that Mr. Hendricks had access to everything. They can't just tell you that. They must prove it beyond a reasonable doubt because when Dylan Hendricks walked in the courtroom today, he walked in innocent. As he sits here in court, he is innocent. When the prosecution calls witnesses and introduces evidence, he remains innocent. He remains innocent unless the prosecution proves otherwise.

The state, and the state alone, has the burden of beyond a reasonable doubt. It is the highest burden in our criminal justice system and they have to prove to you two elements by this burden. First, they must prove to you that Dylan Hendricks acted knowingly and they must prove to you that, if his actions had been successful, they would have resulted in the death of Kerry Bell-Leon. The prosecution must call credible witness and show you compelling evidence for them to ask you to strip Mr. Hendricks of his freedom. They must prove that he alone committed this crime. You must believe this without a reasonable doubt. If you have any nagging feeling, a reasonable alternative to explain the evidence, then you have reasonable doubt. And if you have reasonable doubt, then Mr. Hendricks must leave this court as he entered it—not guilty.



Witness Tryout

The witness tryout is meant to be a two-part, five-minute simulation of some of the most essential skills for witnesses to have.

The Known Questions

Each person trying out as a witness must choose **one** of two witnesses to portray: Bobbi Farmer III or Dr. Lar Gil. You must memorize the witness statement attached to this packet. You will be asked questions for three minutes from one of the captains. These questions are also attached to this packet. We've included the answers to the questions, *however* you should customize the answers to the character you've created with the witness. (Lines are continuously numbered; only choose one witness.)

Why the direct examination? A good witness is able to memorize material and deliver it as if they were naturally coming up with it. We want you to be comfortable with your material and bring it to life. We want you to show emotion whether it's sad or happy or something else. We want you to create a believable character that is credible and entertaining.

What do we look for? We look for a lot of things. Some of the following are the big questions we ask ourselves: Did the person prepare adequately? Did the person practice enough? Is the person showing emotion? Is the person varying their tone, speed, attitude, and movement? Are the answers correct? Is the character believable and credible?

The Unknown Questions

The same witness you chose for the known questions will then be asked a series of unknown questions. A captain will ask you questions for two minutes that are leading and go against your case. You do not know these questions beforehand, but we've attached a sample of the type of questions asked. You won't be asked these questions.

Why the unknown questions? A good witness is able to both keep a convincing and credible character that advocates for their side and think on their feet. They are able to react to different questions and change their answer accordingly.

What do we look for? Some big questions: Was the person overly thrown off? Did the person keep their character (e.g. accent, idiosyncrasies, etc.)? Did the person still advocate for their side? Did the person remain entertaining and credible? Did the person have control?



1 Bobbi Farmer III

2 My name is Bobbi Farmer III. I am over 18 years old and competent to make this affidavit.
3 All statements made herein are based on my own personal knowledge.

4 I am familiar with Third National Bank because I used to make weekly deposits there as
5 part of my job. From May 2015 to October 31, 2017, I made the deposits every Tuesday at 11 a.m.
6 They were always cash deposits. That might sound suspicious, but the job is entirely legal.

7 Because I visited Third National so often, I got to know it pretty well. Exhibit 1 shows its
8 layout and the location of its one security camera. I also got to know Third National’s employees.
9 There were a few tellers, including Eric Love; the manager, Josh Simmons; and an assistant
10 manager. Usually two of those employees would be in the bank—sometimes two tellers,
11 sometimes a teller and Simmons, sometimes a teller and an assistant manager. But on Tuesdays at
12 11 a.m., Love was always there. When I came in, there were never more than a few customers and
13 sometimes none at all. That’s probably a function of coming in on Tuesdays at 11 am. And I never
14 saw any security guards at Third National Bank, but that never really bothered me. After all,
15 Midlands has such a low crime rate (I heard it used to be about one crime every other year, but
16 that’s doubled recently).

17 October 31, 2017 was my last visit to Third National Bank. After what happened, I don’t
18 think I can go back. It was traumatizing. On October 31, 2017, I entered Third National Bank at
19 about 11 a.m., just like usual. When I walked in, I saw only one person—Love. Love was sitting
20 behind the teller’s counter. Love looked anxious, but I don’t know what makes me say that. Love
21 wasn’t saying or doing anything unusual. It was just a vibe, I guess. It was a little strange not to
22 see anyone else in the bank—no manager, no assistant manager, no other customers—but I don’t
23 think this was the first time I’d seen the bank so empty. Anyway, I didn’t think much of it, except
24 I was pleased I wouldn’t have to wait in line. I approached Love and took out my envelope, which
25 was filled with cash for my deposit. I handed Love the envelope. To this point, it was a normal
26 Tuesday.

27 That’s when everything got crazy. I heard a voice behind me yell, “Everybody be cool, this
28 is a robbery!” I can’t remember anything about the voice, but I am sure those are the words the
29 person used. I turned around instinctively and saw two people, both wearing masks. I’m positive
30 they had not been in the bank when I entered. Both had guns—one had the gun in their hand and
31 the other had a gun in their waistband. I didn’t recognize either robber but, like I said, they were
32 both wearing masks. I admit, after I saw those guns, everything is hazy. But there is one thing I
33 remember distinctly. It happened after I heard a robber yell, “Everybody be cool, this is a robbery!”
34 and before I turned to see the robbers. I look at Love’s face. Love had no reaction. Love didn’t
35 seem at all surprised. In the moment, I didn’t know what to make of that—everything was
36 happening so fast—but looking back, I now believe Love wasn’t surprised because Love was in
37 on the robbery.



PENN STATE MOCK TRIAL
2019 – 2020
TRYOUT PACKET

38 One robber stayed near the door, and the other robber walked towards me and Love. The
39 robber who approached us whispered, “Don’t worry, I won’t hurt you as long as you cooperate.
40 Hand me your phone. Sit in the chair. Don’t speak.” I sat down in one of the chairs to the side,
41 where customers can chat with a manager.

42 When I sat down, I looked over at Love, who was about twenty feet from me. One of the
43 robbers (I don’t remember which) approached Love, handed Love a large bag, and instructed Love
44 to fill it. The robber yelled at Love, “Fill it with cash, Eric.” The robber called Love by Love’s
45 first name, but that doesn’t mean anything. Love was wearing a nametag that said “Eric Love,”
46 and Love’s name is easy to pronounce. Those are the only words I heard the robbers say to Love.

47 I saw Love put a lot of cash into the large bag, including the cash I had been there to deposit.
48 One of the robbers said something quietly to Love but I couldn’t at all make out what the robber
49 said. During the entire robbery, I never heard Love say anything and never saw Love do anything
50 except fill the bag with cash and hand it to one of the robbers. The bag with cash was the only
51 thing I saw the robbers take from Love.

52 As the robbers turned to leave, one of them said to me, “Close your eyes. Count to one
53 hundred. And then leave.” I closed my eyes for just a couple seconds and then I heard another
54 voice yell, “Drop your guns and get on the floor!” I opened my eyes. It was a police officer, dressed
55 in police uniform. Both robbers got on the floor. Pretty soon, the bank was filled with police and
56 the robbers were handcuffed.

57 The police immediately unmasked the robbers. I feel like I had seen them before, but I
58 couldn’t place them—and still can’t. The police talked to me for a while before releasing me. I
59 told them everything I knew, which is the same information I have reported in this statement. I
60 continued to communicate with the authorities over the next few weeks, including Agent Juice.

61 I swear or affirm the truthfulness of everything stated in this affidavit. Before giving this
62 statement, I was told it should contain everything I know that may be relevant to my testimony,
63 and I followed those instructions. I also understand that I can and must update this affidavit if
64 anything new occurs to me before opening statements begin in this case.

65 Bobbi Farmer III

66 Bobbi Farmer III

67 Subscribed and sworn before me on this, this 2nd day of April, 2018.

68 Kaitlyn Colon

69 Kaitlyn Colon, Notary



70 **Dr. Lar Gil**

71 **CREDENTIALS**

72 I hold a Ph.D. in Criminology from The University of Midlands. Currently I am a tenured
73 professor of Criminology at Western Midlands State University. I am also Vice-President of the
74 National Board of Criminology Consultants, where we establish professional guidelines for
75 consultants, particularly consultants who work with law enforcement to reconstruct serious crimes
76 like robbery, cybercrime, terrorism, or murder. I often consult on bank robbery cases, as I offer a
77 unique perspective that many experts cannot offer. I am a reformed bank robber.

78 In the 1990's I was part of a ring that robbed 17 banks across Midlands. The ring was
79 caught when we crossed state lines and the full force of the FBI was brought to the investigation.
80 I was the youngest and most inexperienced member of the group, and when we were caught, the
81 FBI offered me a deal: I would assist the FBI in investigating high-profile robberies and financial
82 crimes in exchange for receiving only time served plus seven years of house arrest. After my house
83 arrest, I embarked on the educational path described above.

84 I was a valuable member of the FBI team because I was able to think like the criminal. As
85 a Special Consultant to the FBI's financial crimes unit, I helped investigate over 70 high-profile
86 robberies. I specialized in bank robberies and financial fraud, but I was also instrumental in
87 bringing down the infamous "Ring of Fire" operation, which targeted museums. With my help,
88 the FBI has recovered over \$8.3 million in stolen cash and goods. I have consulted with six national
89 banks in developing their security policies, and I have testified as an expert witness in 14 robbery
90 cases. My CV, Exhibit 14, provides further detail regarding my credentials. Other than those
91 contained in CV or this report, I have no qualifications relevant to my opinions in this case.

92 **ENGAGEMENT**

93 In January 2018, Eric Love's lawyer, Caitie Bailey, engaged me to reconstruct the robbery
94 at Third National Bank (the "Robbery") and analyze the likelihood Love was criminally involved.
95 Love's lawyers paid me \$30,000 (50 hours of work at my standard fee of \$600 per hour). My
96 compensation does not depend on the outcome of this case.

97 This report contains all of my conclusions, all of which were drawn using common methods
98 in the fields of the investigation of bank robberies and criminology and are provided to a reasonable
99 degree of certainty as would be expected in those disciplines. I am familiar with only the following:
100 Exs. 1 and 2 (diagrams/maps of the bank and neighborhood), Exs. 4-6 (the mask, gun, and phone
101 used by the two robbers: Brittany Etters and Mary Lawrence); Ex. 7 (ladder allegedly used to
102 divert camera), Exs. 8 and 9 (interrogation transcripts); Ex. 10 (sketch of alleged getaway driver),
103 Exs. 12 and 13 (information provided by Mid-Cell), Agent Juice's report, and the affidavit of Josh
104 Simmons. I had no other information or sources in this case.

105 **Problems with Eyewitness Testimony**



PENN STATE MOCK TRIAL
2019 – 2020
TRYOUT PACKET

106 I have been asked to provide an opinion on eyewitness identifications. Many pieces of
107 evidence in the case file are based on a witness claiming to have seen an unidentified woman
108 connected to the crime (referred to hereafter as Jane Doe) or Love in certain places. I do not believe
109 that this testimony was properly discounted by the prosecution in this case. From my experience
110 with the FBI, eyewitness testimony is only reliable when it is sufficiently corroborated with
111 specific details combined with a lack of prompting by law enforcement. These conditions are
112 necessary to ensure an eyewitness is not creating a memory.

113 As any veteran investigator will tell you, eyewitness testimony is an extremely problematic
114 type of evidence. To begin with, eyewitness testimony is, at the very least, subject to a witness's
115 memory reconstruction. That is to say, even without questioning or prompting, a witness will shape
116 the narrative of the crime to fit his or her preconceived notions. Studies show that an "unbiased"
117 eyewitness might give a perpetrator any number of traits, ranging from racial identification to
118 personality traits.

119 My work with the FBI in Midlands confirmed this impression. As part of a case toward the
120 end of my tenure, I was asked to scour the literature on eyewitness identifications leading to
121 wrongful convictions. As part of this review, I learned that the Midlands Innocence Project
122 determined that inaccurate eyewitness identifications contributed to approximately 70% of the
123 hundreds of previous convictions overturned based on post-conviction DNA evidence. I also found
124 a consensus in the academic literature that eyewitness testimony in circumstances like this case--
125 where witnesses were shown a particular sketch and asked if they recognized the person in the
126 sketch--has a strong tendency to impact memory because of its suggestive nature.

127 More particularly, eyewitnesses claim to have seen Jane Doe in a number of locations.
128 However, nearly all of these identifications came after being shown a sketch that was suggestive
129 of the result. Thus, the credibility of each of those identifications independently must be
130 questioned. In addition, one of the robbers, Brittany Eppers, failed to provide any detailed
131 description of Jane Doe to the police during Eppers's recorded police interview, and the discussion
132 between Eppers and the sketch artist was not recorded. Failure to follow these best practices raises
133 significant questions and, in any event, the sketch produced by the sketch artist does not contain
134 defining characteristics that would allow for identification of the sketched individual with any
135 meaningful certainty beyond identifying that the individual was a woman.

136 Based on my review of the police investigation in this case, I have concluded that there are
137 several potential issues that raise meaningful questions that the jury should consider. Of course,
138 no investigation is perfect. However, I do not believe that the investigation in this case shows that
139 Love was guilty beyond a reasonable doubt, even if there admittedly is evidence suggesting Love's
140 involvement to a less exacting standard. In particular, there are real questions as to whether the
141 robbery was an inside job and whether eyewitness accounts attempting to link Jane Doe to Love
142 and the crime are credible.



Known Questions – Bobbi Farmer III

Line numbers are provided to make this easier. Please do not memorize the statement or line numbers verbatim. Showcase what you think is important and deliver it. Create a character.

Can you please introduce yourself to the members of the jury?

Ln. 2 and character elements

Do you remember where you were on October 31st, 2017?

Ln. 17

Why were you there?

Ln. 4 – 6

When you first went to Third National Bank on the day of the robbery, was anyone else in the building?

Ln. 19

Can you tell us who Eric Love is?

Ln. 9 – 12

Did anything happen that day?

Ln. 17 – 26

Was that all that happened?

Ln. 27 – 37

Did the robbers say anything to the defendant?

Ln. 42 – 46

Did anything happen next?

Ln. 47 – 51

Do you know how the robbery ended?

Ln. 52 – 60



Known Questions – Dr. Lar Gil

Line numbers are provided to make this easier. Please do not memorize the statement or line numbers verbatim. Showcase what you think is important and deliver it. Create a character.

Can you please introduce yourself to the members of the jury?

Ln. 70 and optional character elements (see ln. 78 – 83)

What's your educational background?

Ln. 72

And your professional background?

Ln. 72 – 77

Do you have any specific experience working on bank robberies?

Ln. 84 – 90

How did you draw your conclusions in this case?

Ln. 97 – 99

I'd like to talk about eyewitness testimony. Do you have experience with this type of testimony?

Yes

What is your expert opinion on eyewitness testimony?

Ln. 112 – 117

What's the basis for that opinion?

Ln. 118 – 125

What about the eyewitness testimony specifically in this case?

Ln. 126 – 134

Dr. Gil, what is your final conclusion on eyewitness testimony in regards to this case?

Ln. 135 – 141



Unknown Questions – Example

The following style of questions is what you can expect for the unknown questions portion. However, as the name clearly states, you will not know these questions beforehand.

You previously told this court that you were Penn State Mock Trial, correct?

Yes

And just to be clear, you are the number one ranked, student-run team in Pennsylvania?

Yes

Pitt has a mock trial team, doesn't it?

Yes

And Temple?

Yes

Carnegie Mellon?

Yes

Even the University of Pennsylvania?

That's correct.

Expanding nationally, it would be correct to say that over 700 teams competed in the American Mock Trial Association last year?

I'm not sure on the exact number, but that sounds right.

And Penn State is ranked in the top 5% of all those teams?

Yes

Penn State doesn't have a coach, does it?

No, unlike most other competitive mock trial programs, we are entirely student-coached. No professors, no attorneys.

So, Penn State is student-coached, student-run, in the top 5% of all mock trial programs, and the best ranked in Pennsylvania?

That's correct.



How to Succeed

Practice

The best advice we can give you is to practice by yourself, with friends, or with people in mock trial. You can reach out to any current member, and we're sure they would love to help you. Or, stop by an exec member's office hours and get help from them! This may not be anything you're used to doing, so make sure you reach out for help.

Remain Calm

The tryout seems hard but trust us: if you put effort into it, you will do fine. We aren't looking for skill; we aren't looking for perfection; we are looking for *potential*.

Contact Us!

Position	Current Member	E-mail	Office Hours (may change)
President	Daniel Zahn	daniel@psu.edu	M 10:00 – 11:00am
Vice President	Kevin Victor	kxv46@psu.edu	Tu 12:00 – 1:00pm
Treasurer	Alex Rowland	afr5301@psu.edu	Tu 3:00 – 4:00pm
Secretary	Dan Cohen	dxc5527@psu.edu	M/W/F 2:30 – 4:00pm
Tournament Director	Paul Bateman	bateman@psu.edu	W 1:30 – 2:30pm
Judging & Alumni Coordinator	Eva Rhule	ekr5141@psu.edu	Th 12:00 – 1:00pm
Education Director	Jack Quinn	jquinn@psu.edu	Th 3:00 – 4:00pm
Public Relations Chairperson	Noelle Musolino	nmm5854@psu.edu	Th 4:00 – 5:00pm
Fundraising Coordinator	Kendall Beard	kzb55@psu.edu	W 11:00am – 12:00pm



PENN STATE MOCK TRIAL
2019 – 2020
TRYOUT PACKET

Tryout Information

Please fill out the following information and bring this page to your tryout.

Name _____ Expected Graduation Year _____

Expected Major(s) _____

PSU Email _____ Permanent Email _____

Cell Phone _____ PSU ID Number (e.g. 912345678) _____

Role for Tryouts: Attorney Witness

Date of Tryout: _____ Time of Tryout: _____ Witness Role: _____

Conflicts: *Please check the weekends (if any) that you **cannot** travel to compete.*

- October 11th – 13th
- October 18th – 20th
- October 25th – 27th
- I can make myself available all three weekends

Can you speak in an accent? (If yes, which one(s)?)

Do you have any prior public speaking, debating, drama, or acting experience? (If yes, explain)

How'd you hear about us?

Any fun fact or something you want us to know?