



TEACHING MOCK TRIAL:



*AN EDUCATIONAL GUIDE
FOR
TEACHER AND ATTORNEY COACHES*

A PUBLICATION BY THE
COLORADO BAR ASSOCIATION'S
PUBLIC LEGAL EDUCATION DEPARTMENT
AND THE CBA MOCK TRIAL SUBCOMMITTEE

2005



CHAPTER ONE

*INTRODUCTION
TO THE
COLORADO HIGH SCHOOL
MOCK TRIAL PROGRAM*

Introduction

Welcome to the Colorado State High School Mock Trial Program! The Colorado Bar Association is proud to provide a unique opportunity for high school students to learn what it is like to prepare and present a legal case before the court. There are many ways, positive and negative, to resolve a dispute and it is important that students are made aware of the positive venues for dispute resolution. When dispute resolution becomes impossible, the next step is taking the matter to court.

Students who participate in mock trial learn many things including:

- the importance of team work and collaboration
- oral presentation skills
- the importance and value of setting goals
- the value of planning
- productive argument or persuasion skills
- critical thinking skills, and
- the ability to face challenging obstacles with enthusiasm, professionalism and confidence

To the teachers, lawyers and parents of your school's program, thank you for contributing your time and talent. By doing so, you are making a wealth of educational opportunities available to your school's youth.

Goals of the Colorado High School Mock Trial Program

1. To promote and to further an understanding of and appreciation for American judicial system and court procedures;
2. To build and improve basic life skills such as critical thinking, public speaking, reading, reasoning, team collaboration, persuasive argument, and advocacy;
3. To increase communications and cooperation between the legal and educational communities;
4. To heighten the awareness of current social and legal issues; and
5. To provide an educational event that supports communication, cooperation and respect for students with diverse abilities, backgrounds and interests.

Teacher/Attorney Coaches' Responsibility as Role Models/Mentors

Not only the students, but the teachers and attorneys should have a comprehensive understanding of all the mock trial rules and procedures prior to beginning their work on the case materials. The Colorado Bar Association strives to conduct all mock trials fairly. Students, teachers and attorneys should avoid tactics that they know are wrong, unethical, or in violation of the rules, including the use of unfair extrapolations.

The Realities of Any Competition

The majority of the educational focus of this mock trial experience is in the hands of the teachers, lawyers and parents who assist in preparing the teams for the mock trial experience. It is up to these individuals to prepare the students for the mock trial experience, which includes taking the time to explain that with any dispute settled by trial, there will be a “winner” and there will be a “loser”, and sometimes the results are difficult to understand and may seem unfair or arbitrary.

Teachers and lawyers must take the time to prepare students for both possibilities and stress that both winning and losing are learning experiences. Accepting defeat with dignity, restraint and professionalism should be a component of all mock trial preparation and training. In doing so, you are preparing them for the many challenges they will face in their lives.

Remember, it is important to think of high school mock trials as a distinctive way to learn about the legal process used to remedy some disputes in Colorado. The actual mock trial presentation is a means to showcase team achievement. While “winners” are announced, it is important that the goals of the program are to provide an opportunity for students to learn, and to meet with others to show what has been learned. One weekend’s performance should not be the “be-all” and “end-all” of the mock trial experience. If students have achieved and met the goals set forth by their teachers, parents and themselves, then they have achieved an extraordinary level of success in their high school careers.

Mock Trial v. Real World – The Realities and Spirit of the Program

It is impossible to predict how a team will perform or how the scoring panelists will perceive individual presentations. In real life, judges and jurors may or may not have prior knowledge of the case; however, mock trial scoring panelists and presiding judges are sent case materials prior to the mock trial event and are asked to become familiar with the materials. It is our hope that familiarity with the rules and the case materials will help the panelists, and especially the presiding judges, in making determinations as to how students present the case with a solid understanding of these rules. Please remember that this is a voluntary educational program sponsored by the Colorado Bar Association with the assistance of volunteer lawyers and judges who donate their time and expertise in an effort to provide an educationally stimulating exercise for the

students. Again, challenges come up in the real world, and students must be prepared for, and prepared to deal with the reality of challenges in the Mock Trial Program and presentations.

The Purpose of this Information Packet

The Colorado Bar Association encourages new schools and teams to participate in this educational program each year. The purpose of this packet is to assist a new team's teachers, attorneys and students in the recruitment, planning, learning and preparation of the mock trial process; **however, this packet is not intended to be the "be all, end all" of information. The rules of evidence and procedures outlined in the Colorado High School Mock Trial case materials override any information provided within this document. When preparing your teams, be sure that teacher and attorney coaches, as well as students, become familiar with and understand the Colorado program's rules of evidence and procedures. Information contained within this document is provided as teaching information and an educational guide only and does not take precedent over the Colorado program case materials.**

Included in this packet is information about the various roles of mock trial team members, including students and coaches. Also included is educational information for teachers about the trial process, as well as student handouts and teaching tools. Suggested strategies on teaching the mock trial process are also provided for use by both the attorney and teacher coaches. Finally, there are several sample timelines and schedules to use as a model for planning and preparing your mock trial team.

The Colorado Bar Association is a resource to all teams, and is interested in the success of your team's learning experience and participation in this educational program. Video rentals of national championship performances are available for your team to view, as well as a two-hour performance workshop.

Our goal in providing this information is to assist in the organization and preparation of your mock trial team. We hope you'll find this packet helpful as you begin to prepare your mock trial team!

Colorado High School Mock Trial Program History

The Colorado Bar Association sponsors the Colorado High School Mock Trial Program annually. Colorado is one of over 40 states with a competitive high school mock trial program that is only three years younger than the national competition. For twenty years, Colorado's program has grown to include over seventy-five high school teams with over 800 students involved. Hundreds of attorneys, judges, teachers and other community leaders volunteer their time to help students in their local communities learn about the justice process through this competitive educational program.

The mock trial program offers Colorado students a hands-on trial experience through preparation and presentation of a legal case to a scoring panel. Additionally, team members develop and test critical thinking, persuasive argumentative, team collaborative, strategy and planning skills. They also learn about the judicial system court procedures and the legal profession.

Trial cases may be civil or criminal, and concern issues that are both challenging and topical. Past cases have addressed domestic violence, murder, physician assisted suicide, sexual harassment, drug abuse, police violence and constitutional rights. The Colorado Bar Association prepares cases, either based on Colorado history or on topical Colorado issues, or cases made available from other states from which Colorado obtains permission for our program. Each case generally includes a fact pattern, complaints/charging documents, stipulated facts, six witness statements (three on each side of the case), exhibits, law (statutory and case law) and jury instructions.

Colorado teams compete in regional tournaments where students are given the opportunity to present both sides of their case before a scoring panel. Top finishers of the regional tournaments advance to compete with other schools from across Colorado at the state tournament that is held the second weekend in March.

The Colorado State Championship team then goes on to participate in the National High School Mock Trial Championship tournament. Colorado teams have an outstanding record at the national tournament, capturing the championship in 1990 (Evergreen High School). Other teams have represented Colorado well in the national tournament, and include Regis Jesuit High School (2nd place, 1999), Glenwood Springs High School (3rd place in 2002, 2nd place in 2003 and 8th place in 2004) and Kent Denver High School (4th place in 1995). The Colorado Bar Association also supports the state championship team with a grant to defray travel costs to the national tournament.

2005 Colorado High School Mock Trial Program Dates

Case Announcement Brochure Released	October 1, 2004
Program Information Session for New Teams	October 14, 2004
Case Materials Available – Hardcopy -- Internet	Mailed-November 1, 2004 November 1, 2004
CLE Program for Mock Trial Attorney/Teachers Coaches	November 9, 2004
CELD Conference	December 3, 2004
Early Bird Registration Deadline - \$75 per team*	December 1, 2004
Late Registration Fee - \$150 per team*	January 1, 2005
Deadline to Drop a Team **	No Later than January 31, 2005

***Team Registration:** Schools should only register those teams they plan to take to local tournaments. Please do not register multiple teams if the intent is to drop teams as they approach tournament time.

The team sponsor is responsible for completing the registration process, i.e., responsible for not only the application but also the registration fee. **If your school/district requires an invoice for payment**, use the announcement brochure as the invoice for that purpose.

****Team Drop Penalties:** Dropping teams places a difficult burden on tournament coordinators, especially when doing so results in uneven numbers of teams in tournament fields, as well as volunteer and courtroom issues.

Any schools that drop a registered team prior to the deadline will be charged a \$35 administration fee that will be deducted from the registration refund. **All teams that drop must notify the State Coordinator.**

In an effort to prevent teams from dropping at the last minute, **registrations are not refundable IF the drop occurs after the team drop deadline. All team drops must notify the State Coordinator no later than January 31, 2005.** Failure to inform the State Tournament Coordinator promptly of the withdrawal of my school will result in an extreme hardship to the other schools, as well as to the other individuals who have volunteered their time to assist our school, and may prevent my school from participating in future competitions.

State Trials: March 11 & 12, Boulder, Colorado

National Championship: Charlotte, North Carolina, May 5-8, 2005

Regional Tournaments

Denver City/County

Date: February 25 & 26, 2005

Coordinator: Carolyn Ferber, 303-824-5323

Arapahoe County

Date: February 25 & 26, 2005

Coordinators: Magistrate Christine Chauche, 303-649-6237 and Judge Nancy Hopf, 303-649-6332

Weld/Larimer Counties

Date: February 25 & 26, 2005

Coordinator: Maria Liu, 970-336-6499

Western Slope

Date: February 25 & 26, 2005

Coordinator: John Siddeek, 970-242-4903

1st JD – Jefferson County

Date: February 22, 23, 24 & 25, 2005

Coordinator: Tom Walsh, 303-279-7229

Adams/Broomfield Counties & Boulder County

Date: February 25 & 26, 2005

Coordinator: Lori Hughes, 303-450-1665

Southern Colorado

Date: February 11, 12 & 15, 2005

Coordinators: Jack Donley, 719-471-1650, Jason Downie, 719-579-6500, Patricia Kelly, 719- 385-5909