



# *CHAPTER FOUR*

*MOCK TRIAL  
SAMPLE  
PREPARATION SCHEDULES*

## Mock Trial Preparation Sample Schedules

This section offers sample preparation schedules that may be used to prepare your team for their regional tournament.

The preparation schedule will depend on a number of factors: your students' availability, the team's goals for participation in this program, and the availability of volunteer resources.

Each mock trial attorney and teacher coach has a specific process for preparing a mock trial team for program participation. No team prepares for competition day in the same way. The following sample schedules are not intended to take the place of a successful method a team has already developed; but new teams may use these as a starting point to develop their own preparation process and schedule that will work best for your team.

## **SUGGESTED SCHEDULE FOR MOCK TRIAL PARTICIPATION**

### **AUGUST:**

- Call a meeting of the mock trial team from the previous season during the first week of school (unless there was not team at that school during the last season) or call a meeting of all students interested in being a part of a new mock trial team
- Talk to the students about the Colorado Mock Trial Program and about the deadlines for registering a team, pass out Colorado Mock Trial Program brochures to interested students

### **SEPTEMBER:**

- Put out posters in prominent places such as in the school hallways (with the permission of your administration, of course!) announcing an informational meeting about Mock Trial (also use school intercom and teacher peers to make these announcements)
- Hold an informational meeting around the middle to end of the month to tell interested (new and veteran) students about the program (contact your attorney coaches and invite them to join you or call the state mock trial coordinator to visit your school to speak about mock trial)
- Have students fill out an application form at this time
- Announce the try-out date(s) (if you plan on doing auditions) or dates of the first practice
- Consult other teachers of the interested students and their sponsors in other extra-curricular activities to determine whether they will be a good addition to your team
- Remind interested students of the deadline for student applications for participation

### **OCTOBER:**

- Hold try-outs (if applicable and/or necessary) late in the month (in Colorado, a mock trial team consists of a maximum 12 members, at minimum 6-8. If you have more students interested, consider developing additional teams.)
- Contact your attorney coaches to assist in try-outs or your first practice, if you'd like, or when the final team is set
- Begin holding weekly meetings (before, during a class or after school) to go over the basics, especially with new students (the rules, how to do an opening, closing, direct and cross, objections and entering evidence) — Practice these skills with past mock trial cases and use this teaching packet.
- Contact the State Mock Trial Coordinator if you are not successful in finding your own attorney coach

### **NOVEMBER/DECEMBER:**

- Teams receive their case materials for the competition season at the beginning November.
- Begin applying lessons learned about openings, closings, directs and crosses to the current competition case.
- Give any assignments for students to work on over holiday break.

### **JANUARY:**

- Continue with weekly practices — many teams hold 2 or 3 practices/week during this month as tournaments near.
- Attempt to get into a courtroom to practice — your attorney coach can assist in accessing a courtroom. Contact the State Mock Trial Coordinator for information about other teams within or outside of your region with whom to scrimmage.
- If you haven't already, begin assigning attorney, witness and timekeeper roles
- Meet with Plaintiff/Prosecution and Defense squads separately
- Discuss dress for the competition with your team — you may find you'll need to make arrangements for some of your team members. Also a good time to begin discussing code of ethical conduct and courtroom decorum, if you haven't already.

### **FEBRUARY:**

- Increase the number of practices/week as needed.
- Begin run-through practices of the current mock trial case from start to finish, with objections; many attorney coaches “bench” these rehearsals
- Try to practice in a courtroom, if one is available to you, for your dress rehearsal — your attorney coach can set up access to a courtroom. Contact the State Mock Trial Coordinator for information about other teams within or outside of your region with whom to scrimmage.
- Ask your attorney coach if he or she knows someone (an attorney or judge) in your community (that will not be an judge or evaluator at your regional competition) that would be willing to “bench” a rehearsal session for your team (or several!) — exposing your team to different judges will prepare them for the different rulings a presiding judge may make on tournament day
- Make sure your team understands what they are expected to wear before competition day!
- Finalize all tournament details team needs before entering competition (see *Preparing You and Your Teams for Tournament*)
- Hold a dress rehearsal the week before your competition with a guest “judge;” and require your team to dress appropriately; let them know that this rehearsal will be straight run-through, just like at tournament.
- GOOD LUCK AT YOUR REGIONAL TOURNAMENT!

## **MARCH**

- For regional advancing teams, make sure you meet all deadlines for state tournament, including hotel reservations, transportation, etc.
- Step-up the intensity of your rehearsals in the 2-3 weeks before state tournament
- Consult with your administration about transportation to the state tournament
- Participate in State Tournament
- GOOD LUCK AT STATE TOURNAMENT!

## **APRIL**

- State Championship team receives national case April 1<sup>st</sup> and prepares for Nationals
- Work with State Mock Trial Coordinator on all details for registration, etc. for National Mock Trial Tournament
- Work with State Mock Trial Coordinator on scheduling Wyoming scrimmage before national tournament
- Schedule scrimmages with other states at national tournament

## **MAY:**

- State Championship Team attends National Tournament

## **SAMPLE TEACHING SCHEDULE FOR MOCK TRIAL AFTER CASE IS RELEASED**

**Days 1 & 2:** Discuss trial procedure generally, the substantive law involved in the mock trial being enacted and the applicable burden and standard of proof in your case. Divide the class in half and assign each half the P/P's or Defendant's case. Students should read all trial materials as homework in advance.

**Day 3:** Using an overhead projector, chalkboard or flipchart, discuss the relevant facts in the case and possible theories for each side. Discuss purpose and format of opening statements. Assign (temporarily or permanently) roles on each side. Have students prepare a draft of an opening statement for their side.

**Day 4:** Review the opening statements with each student individually while the others practice presenting their opening statements.

**Day 5:** Have each student present her/his opening statement to the team. List on the board important facts/ideas raised on each side. Retain the list for future use.

**Day 6:** Rules of evidence worksheets and practice in class. (e.g., getting exhibits submitted) (See *Student* and *Teacher Handouts*)

**Days 7 & 8:** Rules of evidence continued.

**Day 9:** Direct and cross-examination, working on and reinforcing student understanding of rules of evidence at the same time. Students should prepare direct questions of one of their side's witnesses. Practice when questions are complete.

**Days 10 through 13:** Direct and cross-examination continued

**Day 14:** Study closing arguments, their purpose and how they differ from opening statements. Students should start work on a closing statement for their side in class and finish a rough draft as homework.

**Day 15:** Review student closing arguments with them individually, then have each student present hers/his in front of the class (use of note cards only).

**Day 16:** Court visit or review a videotape of a mock trial (contact State Coordinator for more info).

**Day 17:** Students review the case and rehearse their parts

**Day 18:** Scrimmage the case (either against another school team or against each other if there are enough team members)

**Day 19:** Debrief the scrimmage. It is important to discuss the proceedings with the class. This is referred to as “debriefing;” it is designed to put the whole mock trial experience into perspective by relating the mock trial and the process of the American court system to the students. The discussion should focus on a review of the legal issues in the trial and courtroom procedure, as well as broader questions about our trial system. Questions (and topics for short composition) that may be pertinent include:

- Were the procedures used fair to both parties?
- Were some parts of the trial more important than others?
- Did either side forget to introduce any important evidence?
- Could either side have been more effective or successful in its direct or cross-examinations of the witnesses?
- Were the witnesses effective against the cross-examinations?
- Did the witnesses misrepresent any important facts of their testimonies?
- What changes could be made to improve the performance?

**Day 20:** Students review the case and rehearse their parts.

**Day 21:** Trial – Regional Tournament

## **SAMPLE SCHEDULE FOR PREPARATION – A “TO DO” LIST**

**Teachers:** Before meeting with your attorney coach:

- Conduct lessons designed to familiarize students with the court system and civil procedure. Meet with your attorney coach as soon as possible. (If assistance is required in obtaining coaches, please contact your state coordinator. Two coaches are ideal for a team so one may work with P/P and the other with Defense. Your attorney coaches may also wish to be involved in conducting the lessons of the court system and civil procedure.)
- Have students read through the procedures for trial of a civil/criminal case, the simplified rules of evidence, and the mock trial rules. Discuss with your students and be sure to write down any questions they have for your attorney-coach. For rules clarification, contact your attorney coaches and/or state coordinator

**Teachers/Attorneys:** After the case problem has been released:

- Have the students learn the statement of facts and witness statements as thoroughly as possible. You might try having the students quiz each other—one student looks at the facts and asks the other student(s) questions; then reverse roles.
- Try brainstorming with your students to elicit factual arguments for both the plaintiff and the defense (i.e., what facts support the plaintiff’s case and what facts support the defendant’s case?)
- Have students try to string facts together to make a logical assumption about the case.
- Discuss the case and the attorney’s suggestions regarding arguments for both sides. With your attorney-coach, work on:
  - Knowledge of the facts, procedures, and mock trial rules.
  - How to present an opening statement and what information it should contain.
  - Questions to ask on direct and cross-examination of all plaintiff and defense witnesses.
  - How to present a closing argument and what information it should contain.
  - How to avoid asking objectionable questions and what to do if one of your questions is objected to.
  - How and when to object to the opposition’s questions.
  - How to introduce exhibits and offer them into evidence.

**Before your regional tournament:**

- Conduct the trial in full, several times if possible, in front of local attorneys or judges who are willing to sit in and offer suggestions.
- Observe a real trial in a county or district court. Contact the clerks or judges regarding trials scheduled.

## THE TEN-SESSION SAMPLE SCHEDULE

**Suggested Preparation Time:** Ten two-hour sessions prior to competition (minimum).

**Suggested Place for Meeting:** Meet in the local courtroom to help students feel comfortable in a courtroom setting. Other sites may include your law office, the school, or student homes.

**Props:** Easel or blackboard for visual aids that explain trial procedure concepts. Go easy on providing lengthy essays (or lectures) on trial steps or courtroom demeanor. The mock trial manual provides all the material you will really need. Keep the students actively involved.

### FIRST SESSION

- Distribute mock trial handouts and copies of the Mock Trial Case Problem. Some students will come to you better prepared than others. Stress that *everyone* is to read all the materials, or some portion thereof, between the first and second meeting
- Explain trial procedures (i.e., opening statements and closing arguments, direct examination, cross-examination, calling witnesses, and objections).

### SECOND SESSION

- Determine the factual basis of the case.
- Put the students on the stand with their notes; then have the attorney-coach(es) proceed with an example of direct examination.
- Define the division of the students into plaintiff and defense teams. From this point forward, attorney-coaches may prefer to work with their separate teams in developing strategy and reaching role assignment decisions.

### THIRD SESSION

- Students should be assigned roles and understudy (alternate) roles, establishing who will act as witnesses and student attorneys.
- Emphasize that team members should not memorize their roles, since, in a real trial, they would have to play it by ear. Rather than memorizing his/her role, each student should concentrate on knowing all the facts of the case. Reinforce this knowledge by more exercises that test the students' knowledge of the facts and get them more comfortable with the role playing challenges.

### FOURTH SESSION

- Go through the trial in outline/summary fashion. Review the case law.
- Work with the student attorneys, concentrating on what should be covered in an opening statement and closing argument. Give them ideas, but do not write the statements for them.
- Ask other members of the team what they think should be included in the opening statement and closing argument.
- Call witnesses to the stand and have them examined by the student attorneys. Have other team members make suggestions to both witnesses and attorneys.

## **FIFTH SESSION**

- Concentrate on Rules of Evidence, especially the raising of objections. Refer to the *Student* and *Teacher Attachments* in this packet. Then have the students use material from the case, raising objections and defending against them.
- Review the fact pattern of witnesses by having student attorneys examine them while attorney coaches challenge with objections.

## **SIXTH SESSION**

- Step back from the case facts and review other important parts of the rules:
  - Time limitations and timekeeper duties (see Colorado Mock Trial Rules of Evidence and Procedure)
  - Extrapolations—how these relate to objections and impeachment
  - Review the score sheet and performance rating explanation and evaluate student performance to date (found in Case materials).

## **SUBSEQUENT SESSIONS**

- Conduct cross-examination and define possible areas where objections could occur; look for other areas that your team's attorneys might want to focus on during cross-examination. Have all team members make suggestions.
- Review the use of evidence in trial—how to lay a proper foundation, how to introduce the exhibits, how to object to problems with exhibits or procedure.
- Challenge the opposing team within the school or school district to a practice round, preferably at a local courtroom. If possible, recruit another attorney or judge to preside over the trial, and other attorneys or law school students to sit in the jury box as evaluators. Run through the trial without help from the coaches, and allow the evaluators to complete score sheets. Then debrief the performance thoroughly.
- Hold a mock trial session before a school assembly, following the same format as above. If possible, videotape the trial for further evaluation of student performance. Critically evaluate the presentations.
- Enlist the support of community members, especially other members of the legal profession, to observe and offer suggestions at practice rounds.

## **A SUGGESTED TRAINING CALENDAR**

This schedule is designed to move an entire class along the mock trial process. Team assignments are made much later in the study process. This plan also assumes the students have already studied the mock trial, all its components, and the Rules of Evidence.

**DAY 1:** Discuss trial procedure generally and the applicable burden and standard of proof in your case. Divide the group in half, assign each half the P/P's or defendant's case. Students should read all trial materials as homework.

**DAY 2:** Using an overhead projector, a flipchart or the black board, talk about the relevant facts in the case and possible theories for each side. Discuss purpose and format of opening statements. Assign roles on each side. Have all students prepare a draft of an opening statement for their side as homework.

**DAY 3:** Review opening statements with students individually and let them practice presenting them.

**DAY 4:** Each student presents an opening statement, while teacher keeps list on board of important facts/ideas raised on each side. Retain list for future use.

**DAY 5:** Rules of evidence worksheets and practice in class (especially getting exhibits submitted).

**DAY 6:** Rules of Evidence continued.

**DAY 7:** Rules of Evidence continued.

**DAY 8:** Direct and cross examination, working on and reinforcing student understanding of rules of evidence at same time. Students should prepare direct questions of one of their side's witnesses. Practice when questions are complete.

**DAY 9:** Direct and cross-examination continued.

**DAY 10:** Direct and cross-examination continued.

**DAY 11:** Direct and cross-examination continued.

**DAY 12:** Direct and cross-examination continued.

**DAY 13:** Study closing arguments, their purpose and how they differ from opening statements. Students should start work on a closing statement for their side in class and finish a rough draft as homework.

**DAY 14:** Review students' closing statements with them individually, then have each student present his/hers in front of class (use of note cards only).

**DAY 15:** Field trip: court visit.

**DAY 16:** Debrief the court visit; review what was seen and discuss.

**DAY 17:** Make final decision on attorney and witness roles for plaintiff and defense teams.

**DAY 18:** Practice trial and debriefing.

**DAY 19:** Practice trial and debriefing.

**DAY 20:** Practice trial and debriefing.

# MOCK TRIAL LESSON PLANS

*A sample 4-week calendar offered by the Illinois State Bar Association's Mock Trial Competition  
They were designed for a civil case but may be adapted to any criminal case.*

## DAY 1: INTRODUCTION TO FACTS AND ISSUES OF THE CASE OBJECTIVES

As a result of this day's activities, the students will be able to:

1. Read the "Statement of Facts" aloud.
2. Identify new vocabulary words.
3. Define new vocabulary words.
4. Identify the parties in the case.
5. Describe the stipulated facts on a timeline.
6. Define "custody."
7. Describe the process by which a judge decides which parent should be awarded custody.
8. Summarize what each party in a case problem wants (sample cases available from CBA)
9. Write one sentence describing the parties and legal issue in the case.

### ACTIVITIES:

1. Make a brief introductory statement, e.g., "*Today we're going to begin to learn about a very interesting case involving separated parents who both want custody of the children. We are going to be working on this case for the next three weeks, and at the end of that time, we are going to participate in our regional mock trial tournament. Today, we're going to learn the facts of the case.*"
2. Distribute packets.
3. Open to page one. Ask a student to read the party identifications in the Statement of Facts. Stop reading.
  - a. What is a plaintiff? Who is the plaintiff in this case?
  - b. What is a defendant? Who are the defendants?
4. Call on another student to continue reading. Stop reading. Write the names of any persons mentioned in the statement of facts. Ask the class to identify each person.
  - a. What was the relationship between the case players?
  - b. Ask other factual questions that are appropriate to stimulate discussion about the case, the facts, etc.
5. Factual Summary: Ask class to summarize the sequence of events that led up to the case before us. Ask the class:
  - a. What happened at each point?
  - b. Do we know what happened in between?
  - c. Do we need to know that information? Why?
  - d. How can we get that information?
6. Tell students to take out a piece of paper and write one sentence telling who is suing whom and why. Collect papers.

### ASSIGNMENTS:

#### Reading:

1. Review Statements of Facts and Issues.
2. Read statements of plaintiff's witnesses.

#### Written:

1. Identify five new vocabulary words; list them; go to dictionary and find definitions; write definitions.
2. Make a timeline, from the reading, listing the important facts in the case and what events are particularly relevant

#### Evaluation:

1. Student participation in discussion.
2. Sentences students write at end of class.
3. Vocabulary and timeline written homework.
4. Review activities on Day 2's class.

## DAY 2: ANALYSIS OF THE PLAINTIFF/PROSECUTION'S CASE OBJECTIVES

As a result of this day's activities, the students will be able to:

1. Recall and plot facts on a timeline.
2. Orally state the parties and issues in the case.
3. Summarize the plaintiff's case.
4. Identify the witnesses for the plaintiff.
5. Describe the role of each witness.
6. List the strong points and weak points in the plaintiff's evidence.
7. Write a two-paragraph statement describing the facts in a manner most favorable to the plaintiff, and summarizing the evidence the plaintiff will produce at trial.

### ACTIVITIES:

1. Collect homework papers.
2. Review:
  - a. Ask: Who is suing whom and why? What is the name of the case? Where is this suit being brought?
  - b. Call student to board. Direct student to draw a timeline, plot important events, and verbally describe to the class what happened at each important time; ask another student to make any additions necessary.
  - c. Erase board. Direct students to take out paper, draw timeline of the case, make brief notation about important occurrences. Collect papers.
3. Write names of two plaintiff witnesses on board. Ask class to identify each.
4. Call on a student to be the attorney. Ask that student to take a seat in the front of the room. Proceed to ask the attorney questions about the facts he has gathered. Invite other students to ask questions as well. \*Of course, the attorney is not questioned at trial.
5. After spending about five minutes summarizing the attorney's role as described in #4 above, do the same for the witness' role. You can demonstrate responses by asking students to play the witness while teacher and students ask fact questions from the affidavits.
6. Summarize: Based on what we've read and heard from the witnesses, what facts are in dispute in this case? List disputed facts on board.
7. Small Group Directions: Discuss and List:
  - a. What are the strong points of the P/P's case?
  - b. What are the weak points of his/her case?
  - e. As each group agrees upon a list, recorder should go to the blackboard where teacher has made this chart:

	Strong Points	Weak Points
Group 1		
Group 2		
Group 3		
Etc.		

Or, lists could be made on butcher-block paper. Teacher should retain lists to start next class.

8. After groups have concluded, teacher should review the strong point/weak point list and instruct students to retain copy for future reference.

### ASSIGNMENTS:

Reading: Read defense witness statements.

Written: Write a two-paragraph essay that describes the facts in a manner most favorable to the plaintiff.

Evaluation:

1. Student participation in class on Day 2.
2. Fact essay.
3. Student participation in review on Day 3.

**DAY 3: ANALYSIS OF THE DEFENSE CASE OBJECTIVES/ACTIVITIES:** Same as Day 2, substitute "defense" for "plaintiff."

**ASSIGNMENTS:**

Reading: Review facts and witness statements in preparation for a quiz.

Evaluation:

1. Student participation in-class activities.
2. Written homework.
3. Student performance on written quiz on Day 4.

**DAY 4: REVIEW OBJECTIVES:** Review student accomplishment of all objectives from Days 1-3. Also, the student will be able to recall steps in a trial and describe what occurs in each step.

**ACTIVITIES:**

1. Written quiz on facts and witness identification. To get immediate feedback on student performance, have students exchange papers and grade each other while going over the answers to the quiz. Collect papers.
2. Small Group Activity: Witness and Attorney role-play. Divide class into six small groups. Assign one witness role to each group. Each group chooses one member to be the witness, one to be a recorder. The other students act as attorneys. Attorneys take turns asking the witness direct exam questions, in logical order. Recorder notes the questions. At the end of allotted time, teacher should collect recorded questions to save for future use in designing witness examinations.
3. Review: Steps in a Trial.
  - a. Teacher asks class to recall steps in order; teacher lists on board as students respond.
  - b. Teacher asks students to describe what happens at each-step.
  - c. Teacher gives examples from case and asks students to make additional examples.
4. Summarize.

**ASSIGNMENTS:**

Written: Write Opening Statement for (P or D).

Evaluation:

1. Quiz results.
2. Student participation in small groups and class discussion.
3. Written homework assignment.

**DAY 5: CASE PREPARATION OBJECTIVES:** As a result of this day's activities, the students will be able to:

1. Identify the role each will play in the Mock Trial and summarize the purpose of the role at trial.
2. Analyze the strengths and weakness of P or D case (whichever side they're assigned to represent).
3. Analyze the strengths and weaknesses of each witness with regard to P or D case in chief.
4. Develop a strategy for presentation of the case.
5. Begin to develop questions for witness examination.

**ACTIVITIES:**

1. If the class is large enough to have both a plaintiff and defense team, divide the class into two groups. Have students pick the roles they want to play (teacher may have a form for team captain to fill out), or teacher assigns roles. (Re: captains? teams should elect one or two students to be captains responsible for managing the team's work on the case.) If the class is not large enough to have both sides of the case, whole class group then operates as one team, with all other directions remaining the same.
2. Captains lead groups in team discussion\*+
  - a. What does our side want to achieve in this case?
  - b. How will we achieve this?
  - c. What evidence will help us?
  - f. What evidence will hurt us?
  - g. What is important to include in the opening statement?
  - h. What testimony should be emphasized/de-emphasized with regard to each witness?
  - i. What evidence is useful or hurts our case?
  - j. What kind of legal argument should we make in the closing statement?

\*For this discussion, the team should focus on its own case. The other side's case will be discussed next session.

+Teachers may want to give out questions on a form for students to take notes.

**ASSIGNMENTS:**

Written: Students write one paragraph stating their role, purpose, and how they intend to accomplish that goal.

Evaluation:

1. Student participation in team discussions.
2. Written homework.

**DAY 6: CASE PREPARATION OBJECTIVES:** As a result of this day's activities, the student will be able to:

1. Draft an opening statement, or a direct examination, or a cross examination, or an outline of a closing argument, or
2. Recall facts and witness statements from memory when interrogated.

**ACTIVITIES:**

Depending upon the number of students in the class, divide the students in each team into working groups. This configuration is recommended:

<b>PLAINTIFF TEAM</b>	<b>DEFENSE TEAM</b>
Witnesses	Witnesses
Examining Attorneys	Examining Attorneys
OS and CA Attorneys	OS and CA Attorneys

OS = Opening Statement CA = Closing Argument

Groups should proceed as follows:

**Witnesses:** In small group, each witness takes a turn being interrogated by the other two. Direct and cross examination questions may be asked. This drilling should continue until the witness can answer without looking at the witness statement. Once each witness can answer any question cold, then the witnesses should begin to critique each other on style and characterization. After such critique, witnesses resume drilling each other and practicing responses with appropriate characterizations.

**Examining Attorneys:** In small group, attorneys responsible for questioning begin to develop questions with the advice and assistance of their colleagues. The time devoted to developing the basic pattern of questions for each witness should be allocated equally, with each attorney responsible for continuing to develop question patterns outside the group process.

**OS and CA Attorneys:** Those students responsible for making opening statements and closing arguments should meet in small group to assist each other with the basic outline of the statements. This helps to ensure that the statements will be congruent. After the outline is planned together, the students write the statements on their own. Once the statements are written, the students meet again to hear and critique each other's statements.

**ASSIGNMENTS:**

Written: Student attorneys write out their questions or statements.

Oral: Student witnesses practice reciting facts from memory. Friends can help by drilling witnesses after school and at home.

Evaluation:

1. Student participation in class discussion.
2. Written work.
3. Ultimately, student participation in the Mock Trial.

**DAY 7: CASE PREPARATION OBJECTIVES:** Same as Day 6. In addition, students will be able to define and give an example of a leading question, a hearsay statement, and a non-allowable opinion.

**ACTIVITIES:**

1. For the first part of the class, ask the students to resume their small group work as in Day 6.
2. For the second part of class, working with the whole group, introduce concept of rules of evidence and procedure to the class. (Save impeachment and introduction of physical evidence for another day.) This procedure is recommended:
  - a. What are rules of evidence? (As in a game, rules that help ensure fairness in the way the trial is conducted).
  - b. Brainstorm: Who can give an example of a rule of evidence? (List on board.)
  - c. Lecture: For this trial, we're going to be very concerned about the following rules. Discuss each briefly, and give an example. Ask students to give an example.
    1. leading questions
    2. hearsay
    3. opinions
  - d. What happens when a rule of evidence is violated? Give an example. Ask a student attorney how he/she would respond if an opponent asked a particular question. After discussion, talk about making objections, and demonstrate the proper manner in which to make an objection. Demonstrate some other examples, with the class making appropriate objections. It would be a good idea to get your attorney-coach to help-explain the Rules of Evidence and give some examples.
3. Summarize

**ASSIGNMENTS:**

Written/Oral: Continue to work on questions, statements, and witness recall.

Reading: Read Mock Trial Simplified Rules of Evidence. Be ready to answer questions on a written quiz.

Evaluation:

1. Class participation.
2. Written questions, statements.
3. Witness recall demonstrated.
4. Quiz performance

**DAY 8: CASE PREPARATION OBJECTIVES:** Same as Days 6 and 7. In addition, students will be able to explain the concept of witness impeachment, and to demonstrate an example using correct procedure for introduction of documentary evidence.

**ACTIVITIES:**

1. For the first half of class, arrange students to meet in these groups:

<b>Plaintiff</b>	<b>Defense</b>
OS and CA Attorneys	OS and CA Attorneys
W#1 attorney	W#1 attorney
W#2 attorney	W#2 attorney
W#3 attorney	W#3 attorney
Cross-Examining Attorneys	Cross-Examining Attorneys

**OS and CA Attorneys** hear each other's statements, critique, practice interrupting and asking questions as if the judge.

**Witness-Attorney Groups** (whole group or one-on-one, as time allows) practice with each direct examination attorney drilling his or her witness on questions. Whole group should meet at some point to be sure that everyone is on target with strategy. Individual attorney-witness pairs should make plans for individual practice outside of class.

**Cross-Examining Attorneys** should review each other's potential questions, practice each other by role-playing opposing witnesses and attorneys making objections.

2. For the second half of class, using same method as in Day 7 for rules of evidence, introduce, demonstrate, and drill impeachment, use of documents.

**ASSIGNMENT:** Prepare for Mock Trial Rehearsal

Evaluation: Mock Trial Rehearsal and Mock Trial

**DAY 9: MOCK TRIAL REHEARSAL OBJECTIVE:** Students will demonstrate achievement of all previous objectives through participation in the Mock Trial rehearsal.

**ACTIVITY:** Mock Trial Rehearsal

**ASSIGNMENT:** Based on problems discovered in the Mock Trial rehearsal, students are assigned to revise questions, statements, and responses.

Evaluation: Student trial participation.

**DAY 10: TEAM MEETINGS OBJECTIVE:** Teams meet in whole group, and later in small groups, to work out problems in their case presentation, and to continue rehearsal.

**DAY 11: COMPETITIVE MOCK TRIAL**

**DAY 12: MOCK TRIAL DEBRIEFING**

## OTHER SUGGESTIONS FOR ATTORNEY AND TEACHER COACHES

*Prepared by the South Carolina Bar Association's  
Subcommittee on Public Education in 1992  
Adapted for Georgia in 1999*

This educational opportunity demands quite a bit of time from teachers and attorneys, but we know the benefits will make it worthwhile. Some of the educational benefits for students are the following:

- Acquisition of knowledge of practical law and trial procedure;
- Increase in student motivation and participation;
- Development of research, organization, and preparation skills;
- Development of advocacy skills;
- Enhancement of communication skills: speaking, listening, writing;
- Enhancement of reasoning skills;
- Development of self-confidence and self-esteem;
- Knowledge of strategies for conflict resolution;
- Experience in team effort;
- Career education in legal fields.

The following are tips for teachers and attorneys in the joint efforts that will take place in case preparation.

- Attorneys should try to participate in 2-3 in-class sessions during initial preparation.
- Attorneys can be of assistance to the teacher by participating in discussions of the following:
  - Procedures in civil/criminal trials; burden of proof
  - Rules of evidence (explain only simplified rules of evidence'. Included in the mock trial manual.)
  - The roles of each participant, i.e., attorney, witness;
  - Law relevant to the competition case given in the manual. (This last point is an example of training that must be extracurricular.)
- Brainstorming is a good teaching technique to use for case preparation. Attorneys should avoid lecture. Attorneys and teacher should elicit ideas from students rather than spoon-feed them. Use the brainstorming technique in reviewing steps of a trial, identifying important Issues, developing arguments, deciding what should be included in opening and closing statements, and questioning techniques.
- During group work, attorneys can take one group and the teacher can work with the other group.
- Teachers and attorneys must be thoroughly familiar with the rules of evidence and rules of competition.
  - It is important to de-emphasize the competitive aspects of the experience and stress the educational benefits and enjoyment.

## KEY POINTS TO REMEMBER

- All participants should speak loudly and clearly; practice this by having each student attorney stand at the far end of the room while interrogating the student witness.
- As soon as possible, student attorneys should begin formulating questions for use in examination of witnesses, and student witnesses should rehearse their testimony; student preparation will progress more rapidly by simulating actual conduct of the trial than by merely conducting general classroom discussion of the steps in the trial.
- Leading questions are not allowed on direct examination, but can and should be asked on cross-examination.
- Courtroom etiquette and decorum should be stressed at practice and observed at trial (e.g., standing when addressing the court, calling the judge, "Your Honor").
- Cross-examination should be short and to the point; questions on cross-examination are designed to elicit a particular response from the witness, asking open-ended questions which call for a narrative or explanation (e.g., "how," "why," or "could") may result in testimony which is unexpected and harmful to the cross examiner's case.
- Each attorney should be prepared to state the reasons for overruling an objection raised by the opposing counsel during questioning of the witnesses.
- The witness' statements should not be read verbatim in the trial. They serve merely as a point of departure for oral testimony. However, testimony must not be inconsistent with facts set forth in the witness' statements.
- Credibility of witnesses is very important; therefore, students acting as witnesses should be encouraged to "get into" the roles and to attempt to think like the person they are playing. These students should read over their statements many times and have other people ask them questions about the facts until they know them "cold."
- The witnesses are not permitted to refer to their statements during the trial, except to refresh recollection (direct) or impeach (cross). If asked questions outside the scope of their affidavits, they may respond with creative inferences as long as they are not unfairly introducing new facts that would alter the case fact pattern (unfair extrapolation). (See Rule 6.5 and all its subsections of the Mock Trial Rules and Procedures.)
- During practice rounds, you may wish to get students from another class to constitute the jury. The "jury" should not be allowed to read the statement of facts or witness statements prior to the trial in order to avoid predisposition, to simulate more precisely an actual trial, and to determine more adequately your team's effectiveness.
- Students should write opening and closing statements with editing assistance from the attorney and teacher coaches. Coaches should not tell students to incorporate legal or non-legal language that the students do not understand. Closing arguments should not be totally composed before trial as they are supposed to highlight the important developments for the P/P and D that have occurred during the trial.

- It should be made clear to students that material or relevant facts that significantly alter the case fact pattern cannot be changed from their witness' statement. If they contradict this statement on the witness stand, the opposing attorney may use it to impeach the witness. Students also may not "invent" relevant material facts or incidents that are not in the statements. However, when an attorney on cross-examination asks a question, the answer to which is not included in the statement of facts, the witness will be forced to respond with an answer consistent with his character and the facts. This should be a warning to cross-examiners to avoid asking questions that are not included in the statement of facts or witness statements, as the responses will be accepted (see Rules of Competition involving Extrapolations).
- Always conduct a debriefing session after a practice round in order to identify and correct possible deficiencies. Include questions such as:
  - Was the opening statement an accurate picture of what the trial actually produced?
  - Did the examining attorneys elicit all the necessary facts from the witnesses?
  - Were the witnesses convincing and adequately prepared?
  - Did the closing statements-effectively summarize the main points the witnesses made which helped his side of the case and identified deficiencies of the opposing side's case?
- Some of the things most difficult to learn are:
  - To phrase questions on direct examination that are not leading;
  - To introduce documentary or physical evidence;
  - To follow the formality of court;
  - Not ask so many questions on cross-examination that well-made points are lost. When they have contradicted a witness or made him/her otherwise look bad, student attorneys tend to ask additional questions that often lessen the impact of points previously made. Students should be encouraged to recognize what answers to questions make good points so that they know when to stop;
  - To tell what they intend to prove in an opening statement and to argue that the facts and evidence presented have proven their case.