



*TEACHER
ATTACHMENTS*

TEACHER ATTACHMENT #1

WHO ARE THE CHARACTERS IN A MOCK TRIAL?

Directions: Match each of the characters that participate in a trial with the description of what they do.

- | | |
|-----------------------------------|---|
| 1. Bailiff | a. Responsible for timekeeping |
| 2. Plaintiff/Prosecution Attorney | b. Records everything said and done at the trial |
| 3. Plaintiff/Prosecution | c. Gives his or her account of what he or she believes to be the facts in the case. Is asked questions by attorneys from both sides. |
| 4. Presiding Judge | d. The person in charge of the court. Rules on the admissibility of evidence, instructs the jury on the principles of law which apply to the case or, in a bench trial, serves as the finder of fact. |
| 5. Clerk | e. Gives his or her opening and closing statements last, cross examines the plaintiff/prosecution witnesses and objects to improper questions asked by the opposing attorney. Tries to show that there is not enough evidence to justify judgment against the defendant. |
| 6. Court Reporter | f. Announces that the court is in session and which judge is presiding, calls and swears in witnesses, and marks evidence for identification. |
| 7. Defendant | g. Initiates legal action against the defendant |
| 8. Defendant Attorney | h. Person accused of some wrong-doing. May be found guilty of a crime or liable for money damages (depending on the type of case) if he or she loses. |
| 9. Witness | i. Gives his or her opening and closing statement first, cross-examines the defense witnesses, and objects to improper questions asked by the opposing attorney. Tries to show enough evidence to persuade the judge or jury that judgment should be in favor of the plaintiff/prosecution. |

CHARACTERS IN THE MOCK TRIAL

Answers

1 = f	4 = d	7 = h
2 = l	5 = a	8 = e
3 = g	6 = b	9 = c

TEACHER ATTACHMENT #2

THE STEPS IN A TRIAL QUICK QUIZ

Directions: Re-order the following sentences in the order that the events would occur in a real trial. (Fill in the blanks that follow the sentences below.)

Facts of the Case: Mark is on trial for murder.
His attorney is Ms. Heath.
The prosecuting attorney is Mr. Stevens.
Judge Kelly is presiding.

The Trial:

- a. Mr. Stevens delivers his closing argument.
- b. Ms. Heath cross-examines the prosecution's witness.
- c. Mr. Stevens examines the prosecution's witness.
- d. Ms. Heath gives her opening statement.
- e. Mr. Stevens cross-examines the defense witness.
- f. Mr. Stevens gives the prosecution's opening statement.
- g. Ms. Heath delivers her closing argument.
- h. Mr. Stevens briefly rebuts Ms. Heath's closing argument.
- i. Ms. Heath conducts her direct examination of the defense witness.

- | | | |
|----------|----------|----------|
| 1. _____ | 4. _____ | 7. _____ |
| 2. _____ | 5. _____ | 8. _____ |
| 3. _____ | 6. _____ | 9. _____ |

STEPS IN A MOCK TRIAL

Answers

1 = f	4 = b	7 = a
2 = d	5 = i	8 = g
3 = c	6 = e	9 = h

**TEACHER ATTACHMENT #3A
RULES OF EVIDENCE HYPOTHETICALS**

Indicate the correct answer. If an objection should be raised, fill in the letter of the appropriate objection.

1. Doug told me he had killed his brother and Doug is on trial for the murder. Should I be able to testify to what he told me? Yes ____ No ____ []

2. On direct examination, the attorney wants to show that the witness, David, was at school on November 30. Can he or she ask, "you were at school on November 30, isn't that correct?"
Yes ____ No ____ []

3. Same situation as in #2. Can the attorney ask David, "Where were you on November 30?"
Yes ____ No ____ []

4. Harry is being sued in a civil trial for breach of contract. Can the plaintiff introduce evidence that Harry has been unfaithful to his wife? Yes ____ No ____ []

5. Can Harry's unfaithfulness be introduced in a civil trial for divorce? Yes ____ No ____ []

6. John made a sworn statement two days after the automobile accident he witnessed. When the case finally came to trial and he is called as a witness, John cannot remember what happened.
Can the attorney show John the statement that will help him remember? Yes ____ No ____ []
Must the attorney introduce the statement into evidence? Yes ____ No ____ []

7. Same situation as #6, only John does remember and testifies on direct examination. However, his testimony contradicts his earlier sworn statement. On cross-examination, can the other attorney bring up the inconsistencies? Yes ____ No ____ []

8. Michelle is a doctor. The attorney has Michelle testify to this when Michelle is on the stand. Can Michelle testify that, in her expert opinion, the victim was suffering from a spiral fracture of the right tibia and fibula? Yes ____ No ____ []

9. Can Debi, a plumber who worked with the victim, testify that the victim was suffering from a spiral fracture of the right tibia and fibula? Yes ____ No ____ []

10. Sally has never seen Orren with the baby. Can Sally testify that Orren is a terrible father?
Yes ____ No ____ []

TEACHER ATTACHMENT #3B
RULES OF EVIDENCE HYPOTHETICALS
Answer Sheet

1. Yes Although this is hearsay, (an out of court statement being used to prove the contents of the statement, it is an admission by the defendant that goes against him or her – one of the exceptions to the hearsay rule.
2. No [B] Leading questions are not allowed on direct examination, so it will have to be rephrased (e.g., “Where were you on November 30?”)
3. Yes See #2 above.
4. No [A]
5. Perhaps The evidence is admissible only if Harry’s wife has sued for divorce on the grounds of adultery, or in some other way the issue has become relevant to the divorce action.
6. Yes/No The attorney can show John the statement he made after the accident. He or she can use the statement to refresh John’s recollection by showing it to him. The statement need not be admitted into evidence.
7. Yes This is called impeaching the witness by pointing out a prior inconsistent statement.
8. Yes Michelle was properly qualified as an expert in this area.
9. No [E] Debi is not an expert in this area.
10. No [F] Sally has no personal knowledge of this.

TEACHER ATTACHMENT #4A OBJECTION HYPOTHETICALS

In each of the situations below, the defendant is on trial for murder and is claiming self-defense. Would you object to any of the following testimony or evidence? If so, how would you phrase your objection?

1. On direct examination the defense attorney asks. *"You could hear the voices from Mr. Eldon's apartment very clearly, couldn't you, Ms. Spencer?"*
2. Mr. Wirtz, an English teacher who has known Joe and Steve since they were in high school, testifies that Joe did not do well in high school because he had deep psychological problems.
3. Miss Cook, who lives in the apartment below Ray (the defendant), testifies that she heard Matt (the victim) yell, *"Put down that gun, Ray! Enough's enough!"*
4. Police Officer Jones testifies that when he entered Ray's apartment, he saw Matt's body on the floor, bleeding all over.
5. The same police officer says that the defendant told him, *"I killed him; the filthy swine had it coming to him."*
6. The police officer says that he talked to the defendant in the police car and that he was quite drunk in a matter of minutes.
7. Roger McClanahan, a bartender at the Wanderer Saloon, says that drinking seven "boilermakers" would make anyone drunk.
8. The defendant, on direct examination, stated that the police officer did not say a word to him from the time of his arrest until they reached the police station. On cross-examination, the prosecuting attorney hands the defendant a sworn statement that he made before the trial and says, *"The story you told in this pre-trial statement isn't the same, is it Mr. Eldon?"*
9. Terry Robinson, a waiter at the Wanderer Saloon, says that Pam Sullivan, a waitress at the same saloon, mentioned to him how sweet the defendant was to be *"so protective"* of her when his friend, Matt, was *"hitting on her"* and *"acting like an animal."*
10. Joanne testifies that she has known the defendant since high school and that he is an extremely nice and considerate guy.

TEACHER ATTACHMENT #4B
ANSWERS: OBJECTION HYPOTHETICALS

1. *"Objection, Your Honor. That's a leading question."*
2. *"Objection, Your Honor. Counsel is asking the witness to give an opinion, but the witness is not an expert."*
3. This is hearsay, but it probably fits within the "state of mind" exception and is therefore admissible. (It can be argued that the victim's state of mind is important where the defendant is claiming self-defense.)
4. The officer can't say he saw Matt's body unless he previously testified that he knew Matt; otherwise, he has no personal knowledge that it was Matt and could only state that he saw a body on the floor.
5. This is hearsay but it is admissible because it is an admission by the defendant.
6. Although he is not an "alcohol expert," the police officer can testify as to his opinion about things that do not necessarily require an expert to describe—like drunkenness, size, speed of a moving object, etc. (He might have to say that the defendant "SEEMED quite drunk.")
7. This is not objectionable if McClanahan has been qualified as an expert in this area.
8. This is proper impeachment through the use of a prior inconsistent statement.
9. *"Objection, Your Honor. This is hearsay."*
10. Joanne can testify about the defendant's good character since it is an issue in the case (because he is claiming self-defense).

TEACHER ATTACHMENT #5A
INTRODUCING PHYSICAL EVIDENCE
Hypothetical Scenarios

1. Sam is on trial for murder. The prosecution is trying to prove that he got the gun that was used to kill the victim from a friend's (Jeff's) gun cabinet. Jeff, who has an extensive collection of both revolvers and shotguns, is on the witness stand. You are the prosecuting attorney and you want to get the murder weapon admitted into evidence. What do you do?

2. Mr. Slumlord is being sued in a personal injury case. A tenant in his building tripped on the back stairs and hurt her back. She claims that the stairs had been in terrible condition for some time. Mr. Slumlord wants to prove that the stairs were actually in good condition the day before the tenant's accident, so he had brought a picture of the stairs that was taken just before the tenant fell. Another tenant from the building is not testifying and, as the attorney for Mr. Slumlord, you want to get the photograph of the stairs admitted into evidence. What do you do?

3. Rose was walking one morning when she saw a car and a bus collide at an intersection. When the police arrived, Rose told them that Jim, the driver of the car, had been going about 20 mph. She later signed a statement to that effect at the police station. At trial, in the case between Jim and the bus company, Rose testifies that Jim was traveling at 45 mph. On cross-examination, she now denies that she ever said that Jim was driving at 20 mph. You are Jim's attorney and you want to get Rose's sworn statement to the police into evidence in order to impeach her. What do you do?

TEACHER ATTACHMENT #5B
INTRODUCING PHYSICAL EVIDENCE
Hypothetical Scenarios Answer Sheet

1. Have the gun marked as an exhibit. Show opposing counsel and then Jeff the gun and ask Jeff if he can identify it and, if so, how. (This is called “laying a foundation” and it must always be done before physical objects can be entered into evidence.) Once a witness has clearly identified the object (in this case, the gun), then the attorney asks the judge to have it admitted into evidence. Remember that it is marked and given to opposing counsel before questions are asked. If opposing counsel doesn’t object, it is admitted into evidence; if counsel does object, the court rules whether or not to admit it into evidence.
2. Same as #1 above.
3. The statement need not be introduced into evidence here but can still be used to impeach Rose. Once she denies having made the earlier statement, the attorney should hand her a copy of it and ask her if she recognizes her signature. When she identifies the signature, the attorney should then point out the part in which she says Jim was only going 20 mph and have her read it aloud. If the attorney still wants the written statement in the record, it may be marked for identification and shown to opposing counsel even after the witness has been questioned about it, and then the attorney may request the judge to admit it into evidence.

TEACHER ATTACHMENT #6A
MORE HYPOTHETICALS

1. Amos is a witness in a personal injury trial. Before trial he told you, the plaintiff's attorney, that the plaintiff's car was facing north after the crash. A photo was taken which shows the accident scene. At trial, you ask Amos which way plaintiff's car was facing after the crash. He answers, "*I can't remember.*" You want the jury to hear that the plaintiff's car was facing north. What do you do?
2. Willie is on trial for murder. He says that he stabbed Jane in self-defense. You are the state's attorney. Willie's attorney has a witness, Tom, who testifies that he knew Jane, and that she was a bum who never paid her bills. What do you do?
3. Willie is indicted for murder. He claims that he stabbed Jane in self-defense. You are the defense attorney. You have a witness, Sally, who testifies that she knew Jane and that Jane was a brute who had once beaten and kicked her for no good reason. Will this be admitted into evidence?
4. This is a personal injury case arising from an auto crash with Bill and Ed. Ed is suing Bill for his medical expenses and car repair bills. Tom is Bill's best friend, but he has never driven with or seen Bill drive. He has heard from other people that Bill is a great driver and has never broken the speed limit or broken any of the rules of the road. Can Bill's attorney ask Tom what kind of driver Bill is?

TEACHER ATTACHMENT #6B
ANSWERS: MORE HYPOTHETICALS

1. Refresh Amos' recollection. First, ask if there is anything that would help him to remember (so he would answer something like, "Yes, *there was a photo taken at the accident scene that I saw— it might help me remember.*") Or, more directly, ask if a photo of the scene of the accident would help jar his memory. Remember that: a) anything may be used to help a witness remember; and b) it need not be introduced into evidence.

2. Object on the ground that this evidence is irrelevant. Since Willie is claiming self-defense, Jane's (the victim's) potentially violent character is an issue in the case; however, her bad credit has nothing to do with whether she had a mean or violent disposition that would have forced Willie to kill her in self-defense.

3. Yes. See the explanation in #2 above.

4. No. Tom has no personal knowledge of this. Also, what he has heard from others is hearsay.

**TEACHER ATTACHMENT #7
SAMPLE**

High School Mock Trial Team Application/Information Form

Name: _____

Grade: _____

Address: _____

Home Phone: _____

Cell Phone: _____

Beeper: _____

Other Emergency Phone: _____

Name of Emergency Contact: _____

Email: _____

Date of Birth: _____

Parent/Guardian(s): _____

Parent/Guardian Work Phone: _____

Second Semester Schedule:

Period	Course	Teacher	Room
1	_____		
2	_____		
3	_____		
4	_____		
5	_____		
6	_____		

Please list any extracurricular activities (including work) in which you will be involved from January through May. How much time will each activity require of you per week? Is any activity likely to conflict with mock trial? If so, how much?

Do you know of any conflicts you have for the regional tournament date or state tournament dates? (please list any conflicts)

Previous Speaking Experience:

State succinctly why you want to be on the Mock Trial Team:

Preferred Position: (circle one)

Attorney

Witness

Either

Tryout notes (for coaches only)

Date:

Position:

Comments: