

## TIPS TO MOCK TRIAL TEACHERS

- ◆ If the attorney advisor does not contact you, do not hesitate to contact them first.
- ◆ If possible try to schedule regular bi-monthly visitations with the attorney.
- ◆ Meet with the team on a regular basis as a follow-up to the attorney visits.
- ◆ If possible, schedule practice sessions in front of an audience such as a classroom.
- ◆ Advise the students to dress and act professionally in the courtroom giving all due respect to ALL court officials and personnel. (*See attached Circuit Court dress code.*) The dress code WILL be enforced, and any student, whether they are serving as an attorney, witness, or juror, will not be allowed in the court room if they do not adhere to the dress code. To avoid any embarrassment for you, the student, the court, and the bar association, please emphasize this rule prior to the trial.
- ◆ To assist in efficiency of security clearance, advise students to leave book/duffel bags, purses and or briefcases home. Heavy metal jewelry, metal belts, and steel-toed shoes (among other things) should also be avoided. Pocket change will also activate the detector.
- ◆ We are also asking that students NOT bring any electronic devices into the courtrooms. These items include cellular phones, games, pagers, and other communication devices which are a distraction to the learning process. They are not needed for the Mock Trial experience.
- ◆ Please advise students that loud, obnoxious, unruly behavior is not acceptable. Remember we are guests of the court. Disciplined behavior is a necessary component to that visitation.

## DEBRIEFING THE MOCK TRIAL

- ◆ The debriefing may well be the most important part of the Mock Trial. It should bring into focus the role play which has taken place, relating the events of the Mock Trial to the American court system and its role in maintaining the rule of law. The videotapes that Circuit Court will provide, will assist with debriefing.
- ◆ The following outline is meant only to serve as a guide and can of course be adjusted to meet the specific needs and interests of your group. The participants should first be asked how they each felt in their roles and whether they perceive their mock trial to have been realistic. The group should then discuss the procedures of a trial, the participants in a trial, and the American court system.
  - I. What are the major parts of a trial?
    - A. Jury Selection
      1. How are jurors selected?
      2. Why might an attorney prefer that a particular juror not serve in his case?
        - a. How may an attorney challenge such a juror?
    - B. Opening Statement
      1. What is its purpose?
        - a. To inform the jury of the nature of the case.
        - b. To acquaint the jury with the essential facts.
      2. What should the opening statement include?
        - a. Name of case.
        - b. Name of attorney.

- c. Name of client.
  - d. Name of opponent.
  - e. Facts and circumstances of the case.
  - f. Simple and concise statement.
  - g. What the attorney will prove in the case.
- C. Direct Examination
- 1. What is its purpose?
    - a. To present enough evidence to warrant a favorable verdict.
    - b. To present facts with clarity and understanding.
    - c. To present your witness to the greatest advantage.
    - d. To establish your witness's credibility.
  - 2. How does one conduct a direct examination?
    - a. Clear and simple questions.
    - b. Elicit information through questions and answers.
    - c. Never ask a question to which you don't know the answer.
  - 3. How does one get evidence before the court?
    - a. Through the testimony of witness.
    - b. Through the introduction of real evidence (photographs, murder weapon, etc.).
- D. Cross Examination
- 1. What is the purpose?
    - a. To negate your opponent's case.
    - b. To discredit the testimony of his witness.
    - c. To discredit real evidence which has been presented.
  - 2. What is its scope?
    - a. Can usually only ask questions relating to testimony made during direct examination.
    - b. Attempt to explain, modify, or discredit that which has been introduced as evidence.
  - 3. How does one conduct cross-examination?
    - a. Use narrow, leading questions.
    - b. Do not have witness repeat statements unless you are leading somewhere.
    - c. Do not ask questions to which you do not know the answer.
- E. Redirect and recross examination
- 1. If either attorney wishes, he can conduct redirect or recross examination.
  - 2. This is most often done to either reestablish or again discredit statements by the witnesses.
- F. Closing Arguments
- 1. What is its purpose?
    - a. To synthesize for the jury all the facts and evidence and evidence of the case.
    - b. To state clearly, simply and logically the case for your client
    - c. To stress all the equities in the case, while advocating your

- clients' position.
- G. Judge's charge to the jury
    - 1. What is its purpose?
      - a. To indicate to the jurors the law in the case.
      - b. To summarize the arguments made for either side.
      - c. To explain possible alternative judgements to the jury.
    - 2. What should it contain?
      - a. Summary of the charges.
      - b. Summary of the law.
      - c. Summary of the arguments for each side.
      - d. Summary of the alternatives available to the jury.
  - H. Jury retires to determine verdict
    - 1. What does a jury do?
      - a. Each juror discusses his reaction to the arguments presented.
      - b. Jury discusses the validity of these arguments.
      - c. To reach a verdict bases upon their judgement and the law in the case.
    - 2. How many votes are necessary for a verdict?
      - a. Depends upon jurisdiction in which case is heard.
      - b. Usually a unanimous verdict is required.
      - c. If there is a hung jury (one which neither finds the defendant innocent nor the number of votes necessary to find him guilty) an entire new trial may be held.
  - I. Clerk reads verdict
  - J. Judge determines sentence
    - 1. What does the judge consider in determining the sentence?
      - a. Minimum and maximum sentence according to law.
      - b. The nature of the crime.
      - c. Defendant's prior record, if any.
      - d. Defendant's reputation in the community.
      - e. Defendant's responsibilities in the community.
    - 2. What kind of sentence can a judge impose?
      - a. Must conform to the limits prescribed by law.
      - b. Can, however, suspend the sentence or put the defendant on probation.
- II. Review the major participants in a trial
- A. Clerk
    - 1. Has charge of clerical side of court business.
    - 2. Keeps records, seals and care of papers pertaining to judicial process.
  - B. Judge
    - 1. Umpire between opposing attorney.
    - 2. Rules on objections of attorneys.
    - 3. Sees that the trial moves along.
    - 4. Charges jury as to the law.
    - 5. Decides sentence.

- C. Attorneys
    - 1. Plaintiff's or Prosecuting attorney-duty to overcome burden of proof and "sell" his case to the jury.
    - 2. Defendant's attorney-must anticipate Plaintiff's case and not allow him to overcome the burden of proof.
  - D. Foreman
    - 1. Acts as chairman and spokesman of the jury.
    - 2. Presides over discussions in the jury room.
    - 3. Delivers verdict to the court.
  - E. Witnesses
    - 1. Deliver testimony regarding relevant issues before the court.
    - 2. Serve to either validate or discredit allegations made by other witnesses.
- III. Questions about the actual case
- A. What was the charge against the defendant?
  - B. What issues were raised in the case?
  - C. What were the arguments of each attorney?
  - D. Why did they make these arguments?
  - E. What evidence was presented for each side?
  - F. What facts, evidence or arguments were not presented?
  - G. What was the decision of the court?
  - H. Why was that decision reached?
  - I. Can the losing party appeal his case to a higher court?
- IV. Questions about our trial system
- A. Does our judicial system insure that the defendant receives a fair trial?
  - B. What provisions in our system insure that the defendant receives?
  - C. Are some part of the trial more important than others?
  - D. What is the importance of the sequence of events of a trial?
  - E. Are some trial participants more important than others?
  - F. In what ways can this procedure be improved?
  - G. What changes, if any, would you recommend in our judicial system?