



MOCK TRIAL IN THE CLASSROOM ACTIVITY FRAMEWORK & GUIDE

Mock Trial is a strategy that can make any content material across academic subjects more engaging and authentic for students. Because of the nature of our adversarial court system, it is naturally an inquiry-based project that allows students to ask the important questions and use a variety of skills to find solutions.

Concepts that are practiced in a mock trial and can be expanded on by teachers include:

- Criminal v. Civil Law
- Prosecution & Prosecutors
- Defense and Defendants
- Witnesses (including expert witnesses)
- Telling the truth
- Understanding different perspectives
- Responsibility for actions
- Questioning (differences between direct and cross examination)
- Developing a theory or explanation of a case
- The roles of people in the courts

Skills included in mock trial projects include (but aren't limited to):

Teamwork	Working with alternative solutions	Collaboration
Effective questioning	Building a theory of a case (or situation)	Reaching consensus
Identifying facts	Understanding different perspectives	Persuasive writing and speech
Identifying responsible parties	Public speaking	Understanding consequences for actions
Problem solving		
Analysis of evidence		

Objectives:

- Increase proficiency in reading, writing, speaking and critical thinking. Also analyzing and reasoning, listening and questioning
- Actively engage in the justice system and understand how it works
- Practice civic participation and prepare students to learn further about important justice issues

Oregon Social Studies 7th Grade Standards: Social Science Analysis

- 7.28 Draw on multiple disciplinary lenses to analyze how a specific problem can manifest itself at local, regional, and global levels over time, identifying its characteristics and causes, and the challenges and opportunities faced by those trying to address the problem.
- 7.30 Construct arguments using claims and evidence from multiple sources and diverse media, while acknowledging the strengths and limitations of the arguments.

Participants

This mock trial can be done with a small number of participants or up to a class of 30 or more. Suggested roles up to 30 participants are included here.

Activity Steps

1. Discuss with the class what they know about trials and how they work. This might be a good time to introduce trial/legal vocabulary (such as defendant, prosecutor, judge, bailiff, witness, jury, etc.)
2. Talk about why we have trials to solve conflicts and the difference between criminal law (breaking a rule) and civil law (a conflict between people).
3. Give a quick summary of the case to the students and either ask for volunteers to fill the roles, or assign the roles.
4. Describe the steps of a trial for the students - it can be drawn out or demonstrated physical (see "Steps in a Trial" in this packet)
5. For purposes of this mini mock trial, depending on the age and experience of your students, you can either employ the use of objections or not. A guide to objections is also included.
6. Students should be given enough lead time to read and prepare so that they understand their roles and the stories that go with them:

Attorneys should:

- read the facts of all the witness statements or ones assigned to them
- prepare an opening statement to the judge or jury that explains their theory of the case, or their story
- prepare questions for the witnesses
- prepare a closing argument (that can be added to if they learn new things during the trial)

Witnesses should:

- Read their statement at least 3 times so they can pick out all the important facts in their story
- Think about what questions might be asked of them
- Work with the lawyers on their own side to think of questions and how they want to make sure they tell their side of the story

Judge(s) or Jury should:

- Read through the "Steps in a Trial" so they know how a trial should go
- Read through the objections guide (if you plan to include objections)

Bailiff should:

- Read through the "Steps in a Trial" so they know how a trial should go
- Practice the oath they will administer to each witness

If journalists are included, they should:

- Read through the witness statements to get an idea of the different stories
- Be prepared to write down ideas about what parts of the trial might the public be interested in and what they think about the verdict

7. See "Steps in a Trial" for the trial procedure itself - conduct the trial!
8. Debrief the Trial: there is a handout attached that has debrief questions for students to consider, or you can use them as a starting point for a discussion.

Another option is to have students draw or artistically create their impression of the trial or what they agreed or disagreed with about the verdict.

STEPS IN A TRIAL

1. Opening Statements

The attorneys from both sides present their perspectives to the judge and/or jury. This is their opportunity to start right off with their version of the story foremost in the minds of the people who will decide the verdict.

- A. The Prosecution/Plaintiff attorney introduces themselves to the court ("Your honor, members of the jury, I am... and I represent...") and states what their side intends to prove and what their version of the story is (how will you get the judge and jury to decide your way?)
- B. The Defense attorney introduces themselves to the court ("Your honor, members of the jury, I am... and I represent...") and states what their side intends to prove and what their version of the story is (how will you get the judge and jury to decide your way?) Be sure to ask for a verdict of *not guilty* (in a criminal case) or a verdict for the defense (in a civil case).

Brief Opening Statement Guide:

<p>Your Honor, members of the jury, my name is</p> <p>_____ and I represent</p> <p>_____ in this case. We intend to</p> <p>prove that _____. When you</p> <p>have heard all the facts, please decide a verdict of</p> <p>_____.</p>

2. The Oath

All witnesses should be sworn in before they begin answering questions. This is to remind them that they must tell the truth.

When they get to the witness stand, the Bailiff faces them and says:

“please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth?”

Each witness should say “Yes” or “I do” before they can be questioned.

3. Direct Examination

- Prosecution/plaintiff calls their first witness.
- Ask clear and simple questions that allow the witness to tell their story in their own words.
- Witnesses should not try to make up facts that aren't in the witness statements.
- Witnesses can answer “I don't know”
- Some suggested questions for direct examination:
 - How do you know the defendant?
 - In your own words, what happened on the day of this event?
 - What do you remember about your experience?

4. Cross Examination

- Defense attorney questions each witness from the other side to try to prove that they are either lying or not telling the whole story.
- For example, they might ask “isn't it true that it was very stormy that day and hard to see through the forest?”
- Try to ask questions that have “yes” or “no” answers so you can limit what the witnesses for the other side might say that could impact your own version of the story.

5. Defense's Case

After all the prosecution/plaintiff witnesses have had direct and cross-examination, then the process starts again with each of the defense witnesses. The Defense attorney does the direct examination and the prosecution or plaintiff attorney does the cross examination.

6. Closing Arguments

Each side gets to summarize their version of the events and the facts. They should try to present their story in a way that shows the witnesses' testimony agrees with them. The prosecution should ask for a verdict of guilty (in a criminal trial), and the defense attorney should ask for a verdict of not guilty.

Brief Closing Statement Guide:

Your Honor, members of the jury, today you heard testimony about _____ . I would like to remind you of important information about this case that you should think about when you make your decision:

When you decide your verdict, please find _____ . Thank you.

7. Judge/Jury Deliberation

After hearing all the arguments and closing statements, the judge(s) and/or jury will meet to decide guilty or not guilty. They make the announcement to the courtroom.

8. The judge or head of the jury call the trial "adjourned" or complete, and it's over!

OBJECTIONS

Objections are called by attorneys when they feel that the attorney(s) on the opposing side have broken a rule of the trial or are not being fair with their questions.

The judge can either “sustain” the objection - which means the question (and any answer to it) is NOT allowed. OR the judge can “overrule” the objection - which means the question (and any answer to it) IS allowed.

Here are some reasons you might object to the opposing attorney's questions:

- | | |
|---------------------------|--|
| Leading questions: | This means attorneys must allow the witnesses to tell their own stories. They cannot lead the witness through the story or describe the story themselves and ask the witness to agree. |
| “Immaterial”: | This means that the question asked is not actually related to the story and has nothing to do with it. |
| Opinions and conclusions: | This means that witnesses or attorneys can not say their opinion about facts, just the facts as they know them. |
| Nonresponsive answer: | This is when the witness doesn't actually answer the question asked. |

JUDGE/JURY OBSERVATION CHECKLIST: PLAINTIFF

The jury will decide whether the defendant is guilty or not guilty based on the facts that they hear in the case and whether they believe the witnesses. This checklist helps jurors to keep track of what they hear and observe in the trial.

Plaintiff Opening Statement - What is the plaintiff going to try to prove?

What did you learn from:

Witness #1:

Witness #2:

Witness #3:

Do you Believe or Not Believe?

Circle the response which is closest to what you think of each plaintiff witness:

Witness #1 _____ was:
(Name)

- Very believable
- Sort of believable
- Not really believable
- Not believable at all

Witness #2 _____ was:
(Name)

- Very believable
- Sort of believable
- Not really believable
- Not believable at all

Witness #3 _____ was:
(Name)

- Very believable
- Sort of believable
- Not really believable
- Not believable at all

Plaintiff Closing Statement - did the plaintiff prove their case? Why or why not?

JUDGE/JURY OBSERVATION CHECKLIST: DEFENSE

The jury will decide whether the defendant is guilty or not guilty based on the facts that they hear in the case and whether they believe the witnesses. This checklist helps jurors to keep track of what they hear and observe in the trial.

Defense Opening Statement - What is the defense going to try to prove?

What did you learn from:

Witness #1:

Witness #2:

Witness #3:

Do you Believe or Not Believe?

Circle the response which is closest to what you think of each defense witness:

Witness #1 _____ was:
(Name)

- Very believable
- Sort of believable
- Not really believable
- Not believable at all

Witness #2 _____ was:
(Name)

- Very believable
- Sort of believable
- Not really believable
- Not believable at all

Witness #3 _____ was:
(Name)

- Very believable
- Sort of believable
- Not really believable
- Not believable at all

Defense Closing Statement - did the defense prove their case? Why or why not?

Mini Mock Trial Parts for up to 30 participants:

1. Judge _____
2. Judge _____

(you may also want to include a jury - but one that is not too large and has a defined role)

3. Opening statement prosecution _____
4. Opening statement prosecution _____
5. Opening statement defense _____
6. Opening statement defense _____
7. Witness Papa Bear (P) _____
8. Prosecuting attorney direct examination of Papa Bear _____
9. Defense attorney cross examination of Papa Bear _____
10. Witness Mama Bear (P) _____
11. Prosecuting attorney direct examination of Mama Bear _____
12. Defense attorney cross examination of Mama Bear _____
13. Witness Baby Bear (P) _____
14. Prosecuting attorney direct examination of Baby Bear _____
15. Defense attorney cross examination of Baby Bear _____
16. Witness Woodcutter (D) _____
17. Defense attorney direct examination of Woodcutter _____
18. Prosecuting attorney cross examination of Woodcutter _____
19. Witness Goldilocks (D) _____
20. Defense attorney direct examination of Goldilocks _____
21. Prosecuting attorney cross examination of Goldilocks _____
22. Prosecution closing argument _____
23. Prosecution closing argument _____
24. Defense closing argument _____
25. Defense closing argument _____
26. Prosecution rebuttal _____
27. Prosecution rebuttal _____
28. Clerk/Bailiff _____
29. Journalist _____
30. Journalist _____