



MOCK TRIAL

Suggestions for First Year Mock Trial Teachers/Attorney Coaches

Below please find suggestions from experienced coaches that have proved successful:

1. Meet together at least once a week. Please see practice suggestions in the '*Frequently Asked Questions*' document.
2. During the actual competition, consider holding a debriefing the day after to discuss what went well, what went wrong at the previous night's competition, and any new strategies gleaned from the opposition argument.
3. Divide, if possible, the team into prosecution and defense teams consisting of the trial attorneys and the witnesses.
4. Encourage these teams to meet individually, to rehearse the questioning of witnesses and the delivery of the opening and closing.
5. At joint team meetings, conduct a complete trial, giving both sides the chance to practice objections and observe possible strategies of the opposition.
6. Have the defense make comments on the strategy of the prosecution and vice-versa.
7. Decide, at the first meeting, which attorneys will question which witnesses and who will be delivering the opening and closing arguments. Although all attorneys should have an idea of each witness's testimony, it is important that those assigned to the witness know it as well as the witness does.
8. Have your trial attorneys look at their witnesses from both a prosecution and a defense point of view-they will have to be able to counter possible opposition strategies and be on the lookout for stumbling blocks.
9. Have your witnesses look at their own statements from an attorney's point of view. They will know their characters best, and thus are the most qualified to help the attorneys in preparing their testimony.
10. Practice objections. Make objections to questions, even if they are only trivial. Often the attorneys will be able to get around objections either by rewording the question or by argument - particularly to the hearsay rule. However, they will only become proficient in objecting and countering objections through practice.
11. Have the pretrial attorneys meet together to discuss possible arguments for each side and to practice rebuttals. They must know all of the case law. Flash cards work well.
12. Prepare for the eventuality that pretrial arguments could exclude evidence, no matter how small the probability. Being caught without a backup plan can be devastating to the overall performance of the team.
13. Time every practice, and leave a buffer for unexpected delays or redirects at the trial. Team members need to have a general sense of how long each witness's testimony takes. They also need to be able to know when to raise objections to the other team's timing, should there be a significant discrepancy.
14. Foster a sense of teamwork and emphasize that your prosecution and defense teams are on the same side, and that only by helping each other will team succeed. You either all win or all lose.
15. Most importantly, make it fun. If the students don't enjoy the process, not only will you lose experienced members for the next year, but they will resent spending the time needed to succeed.

Orange County Mock Trial

Frequently Asked Questions

Q: "What is Mock Trial?"

A: Mock Trial comes in a variety of shapes, sizes, and formats. At last count, there were 42 different states, territories and countries represented at the high school level National Mock Trial Championship, each conducting its own local competitions with varying rules, scoring procedures, and cases. The Constitutional Rights Foundation brought Mock Trial to California high schools in 1981, holding the first statewide competition the following year. The first place team from the Orange County Competition will participate in the California State Mock Trial Championship.

The Mock Trial competition tasks students with a unique responsibility – defend and prosecute a criminal court case. Participants compete in four to eight rounds of competition at the Central Justice Center in Santa Ana, alternately trying and defending the same hypothetical defendant. Volunteer judges from California State and Federal Court benches volunteer to preside over mock trials. Local attorneys give their time to help coach teams or score the rounds of competition, rating student performances based on their own legal experience.

In Orange County, we have experienced tremendous success with the program. Annually, mock trial draws more than 300 legal volunteers and nearly 1,000 student competitors from 35-40 area high schools.

Q: "How do I get started?"

A: The Constitutional Rights Foundation of Orange County (CRF-OC) coordinates the Mock Trial Program for Orange County. If you are interested in forming a team, feel free to contact the County Coordinator, Theresa Bernard, at bernard@crfoc.org or 949.679.0730 x101, for further details.

Q: "What if I can't find an attorney coach?"

A: Each year, hundreds of local attorneys volunteer for CRF-OC sponsored programs. If you are having difficulty finding an attorney to coach your mock trial team, just let us know. CRF-OC will be happy to offer assistance and ideas.

Q: "Who pays the registration fee for the Mock Trial Team?"

A: Check with your principal. Most school districts will pay the registration fee. CTE funds may also be applied towards the fee and any busing/transportation costs. Another source is your school's Student Body General Fund. Ask early when budgets are being set. Some school improvement programs may be of help. PTSA can usually be counted upon or your Mock Trial team can hold fundraisers. You know best what is the most effective way to raise money in your school community.

Q: "What is the best way to select a successful Mock Trial Team?"

A: A successful team is about providing a positive, academic-oriented experience for participating students. It should be an experience that allows students to cultivate their appreciation of the justice system, while recognizing the personal responsibilities of citizenship.

The team must have a minimum of twelve students, and must not exceed twenty-five participants. The team may be composed of any students currently eligible for school sponsored extra-curricular activities. They could be involved in a speech, drama, or a debate program. They could be selected from government or history classes.

What is important in selecting a successful Mock Trial Team, is gathering eager and committed team members. Successful teams require a significant commitment from students, teachers, and attorney coaches. The hours can be long, but the topics are always stimulating. Students bond easily, support each other, and become loyal friends.

Q: "Should Mock Trial Teams be composed of students only from Honors and AP classes?"

A: Honors and AP students are a great gift to any program. However, continuation high school students have also participated in mock trial. There is no one way to be successful in competitions, and there are many ways for young men and women to enjoy the experience.

Q: "Is there a simple recipe for a successful team?"

A: Yes...Practice.

Practices should be scheduled at a time that is convenient for students, teachers and attorney-coaches. The length of each practice is up to you. It primarily depends on the attention span of the students and the schedules of the parties involved. Two hours is the minimum recommended practice time. The number of meetings per week depends purely on how effective and efficient your team is during each practice. Most teams practice 5 to 10 hours per week.

Having a regular time frame enables the best planning for all and may allow mock trial students to also participate in athletics or music programs.

Most importantly, make it fun! Only students who enjoy the process can win the competition.

Q: "Any suggestions on how practices should run?"

A: It is best to identify the role each person will portray early on, so as not to create confusion. It will also help practices run smoothly. Trial attorneys should decide who will be making the opening and closing arguments and which witnesses they will be questioning. They need to be as familiar with their witnesses' testimony as the witness is. This is not to say that they only need to be familiar with their own witness. Each attorney must understand the testimony of all the witnesses. Have the trial attorneys look at their witness testimony from both the prosecution and defense point of view. This will help them be able to counter possible opposition strategies and be on the lookout for obstacles.

It is also helpful to have the witnesses look at their statements from an attorney's point of view. They will know their character best, and thus are the most qualified to help the attorneys in preparing their testimony.

During some of the practice times have the prosecution and defense teams (each team consists of the trial attorneys and the witnesses) practice separately, rehearsing the questioning of witnesses and the delivery of opening and closing arguments.

It is a good idea to have both prosecution and defense pre-trial attorneys meet to discuss possible arguments for each side and to practice rebuttals. They must know the relevant case laws -- flash cards work well. Prepare for the exclusion of evidence, no matter how small the probability. Being caught without a backup plan can be devastating to the overall performance of the team.

During joint practices, conduct a complete trial. This will give both the prosecution and defense a chance to practice objections. Practice is the only way students will become proficient in objecting and countering objections. Have the trial attorneys make objections to questions, even if trivial. Often the attorneys will be able to get around objections either by re-wording the question or by argument (particularly to the hearsay rule). Students should also watch the opposition to observe possible strategies. Make sure to allow time for the prosecution to make comments on the strategy of the defense and vice-versa.

It is important to time each practice. Leave a buffer for unexpected delays or redirects at the trial. The attorneys shouldn't have to ask for the time remaining during the trial. They need to have a general sense of how long each witness's

testimony takes. They also need to be able to know when to raise objections to the other team's timing, should there be a significant discrepancy.

During the actual competition, it is also helpful to hold a debriefing the day after your team competes to discuss what went well and what the team can improve upon.

Q: "Should parents be encouraged to get involved?"

A: Absolutely. At many schools, parents are actively recruited to participate. They ride buses to matches and fill the courtroom seats. One school commented that the increased amount of parent involvement has encouraged more participation in organizations like the PTSA or other booster clubs. Positive parent feedback improves the school's image in the community and word of mouth success stories help build successful teams year after year. Parental involvement is a winning solution for families, schools, and the community.

Q: "How early should the team arrive for the competition?"

A: Consider arriving at least 30 minutes to an hour before the competition is scheduled to begin (4:00pm-4:30pm). If unanticipated delays occur, your team will still be there before the beginning of the match. The cafeteria at the courthouse is open for mock trial participants; plan to arrive in time for the students to settle in and unwind before the matches begin. Note: While the cafeteria is open for mock trial participants, the cafeteria stops serving food and drinks before the students arrive. Students will need to bring their own snacks and drinks to the courthouse. All food and drink must be consumed in the cafeteria; absolutely no food or drink can be brought into the courtrooms.

Q: "What if I have other questions that weren't answered?"

A: Theresa Bernard is the County Coordinator for the Orange County Mock Trial program as well as the Program Director for the Constitutional Rights Foundation- Orange County. She will be happy to answer any Mock Trial related questions you may have and is available to assist you. You can contact Theresa at:

CRF-OC
4101 Westerly Place, Suite 101
Newport Beach, CA 92660
Email: tbernard@crfoc.org
Phone: 949.679.0730 x101

Best of luck!

SAMPLE PREPARATION TIMELINE FOR MOCK TRIAL

Tryouts (before case packet released)

- Hold informational meeting and announce tryout date. Returning students can discuss competition. Teacher can conduct this meeting, but helpful if attorney-coach attends.
- Tryout ideas:
 - Have prospective attorneys present a two to three-minute persuasive argument on a topic of their choice with prospective witnesses presenting a two-minute portrayal of a TV or movie character of their choice.
 - Provide a short witness outline to students from a previous season or create one. Briefly describe cross-examination and have prospective attorneys prepare and deliver cross-examination questions. Have prospective witnesses learn the witness role and then answer general questions while in character.

Scheduling

- Work with teacher on setting a practice schedule.
- Can be helpful to select a team manager to help coordinate meetings and to relay information to students.

After Case Packet Is Released

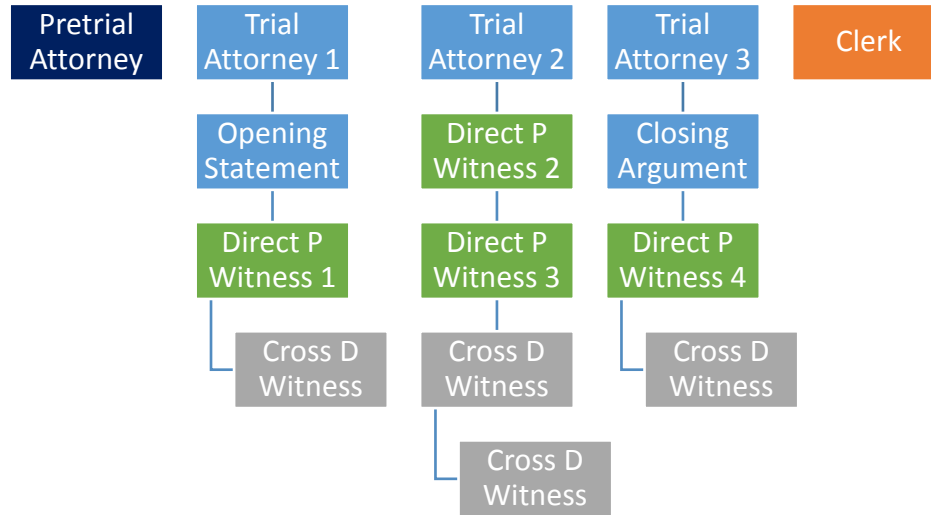
- **Week 1**
 - Group brainstorming activities
 - Discuss potential themes.
 - Discuss strengths and weaknesses of each side.
 - Assign roles.
- **Weeks 2-3**
 - Discuss the charges, the Rules of Evidence, how to conduct direct and cross examinations, how to prepare opening statements and closing arguments, and how to prepare the pretrial argument.
 - Group activities: Can have students debate both sides of pretrial argument. Can go through each witness and have all students discuss and suggest direct and cross examination questions, and character development.
 - Have students work on drafts of pretrial argument, witness questions, and opening statement/closing argument. Answer any questions students may have. Set deadlines.
- **Weeks 4-5**
 - Can be helpful if defense and prosecution teams meet separately.
 - Have students read their drafts, with witnesses responding to the direct examination questions. Have students provide feedback to each other. Provide tips to students on how they can improve their drafts.
 - Review objections. Help students avoid objectionable questions. Isolate some of the key objection debates and have students debate the objections.
- **Week 6**
 - Discuss appropriate courtroom decorum, etiquette, and trial procedures.

- Conduct practice trials with all attorneys and just prosecution witnesses during one practice session and just defense witnesses during next practice session. Time the examinations. Can provide feedback after each witness. Seek feedback from the team. Can re-run examinations that need work. Can engage in team discussion if certain questions not working. Can practice objections if students struggling with certain ones.
- **Weeks 7-8**
 - Conduct full-blown uninterrupted timed practice trials. Require students to dress up. Provide feedback afterwards.
 - Find another school to scrimmage against.
 - Review trial procedures. Help students relax. Answer questions.
- **Competition**
 - Take notes during trial. Ask students for their own feedback. What worked? What did not work? Provide positive feedback to students and suggestion on how they can improve. Tailor next practice to areas that need most improvement. Repeat same process after each trial.

Recommended Team Structure

Prosecution (P)

- 1 Pretrial Attorney
- 3 Trial Attorneys
- 4 Witnesses
- 1 Clerk



Defense (D)

- 1 Pretrial Attorney
- 3 Trial Attorneys
- 4 Witnesses
- 1 Bailiff
- 1 Shadow Timer (optional)

