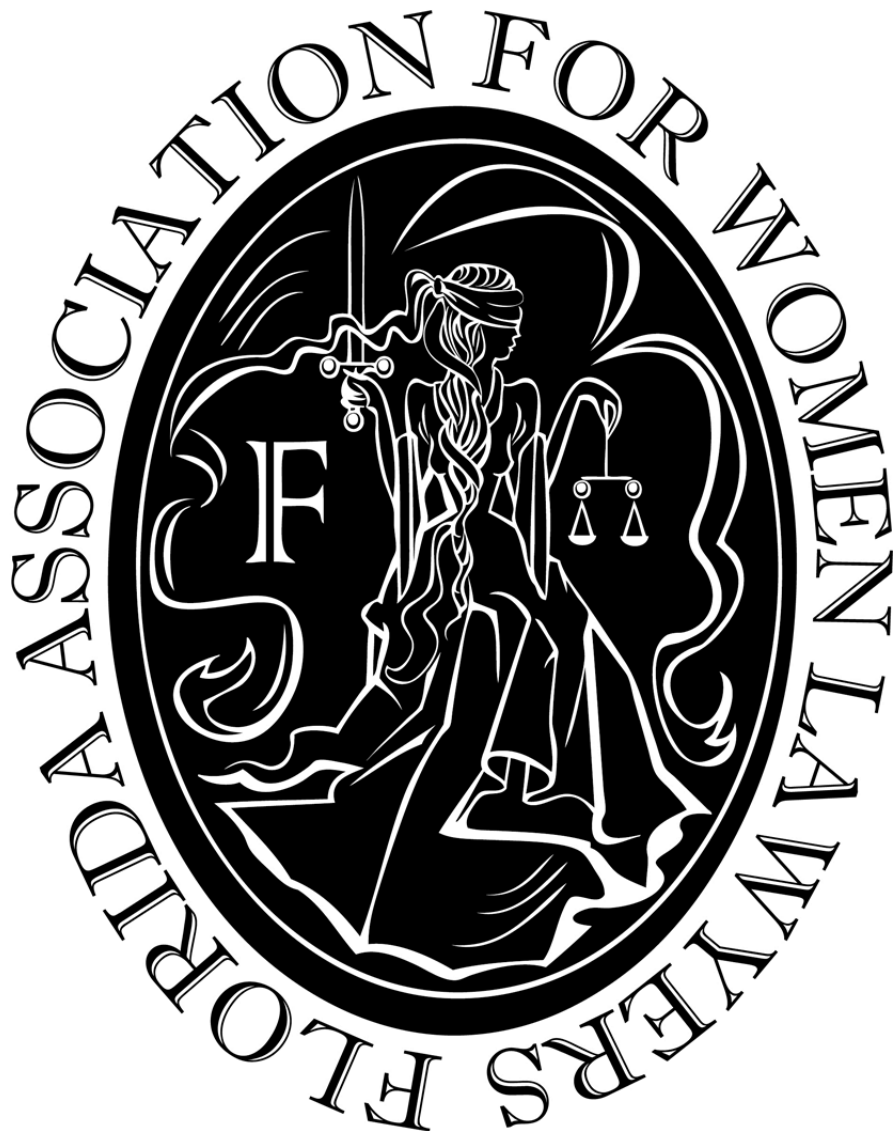


Florida Association for Women Lawyers
Young Lawyers Section

Middle School Mock Trial Competition 2012

State v. Max Paulson



FLORIDA ASSOCIATION FOR WOMEN LAWYERS

YOUNG LAWYERS SECTION

**MIDDLE SCHOOL MOCK TRIAL COMPETITION
DIRECTIONS FOR FAWL CHAPTERS
2012-2013**

Dear FAWL Chapter,

The FAWL Young Lawyers Section is proud to present you with a new program you may choose to participate in this year along with sister chapters around the state. If you choose to take part in the program, young lawyers and law students in your chapter, working in concert with seasoned members of the legal profession, will partner with a middle school level teacher in order to put on a mini-mock trial with students in his or her classroom.

The mock trial fact pattern has been designed to be age appropriate and take place in just one class room session. The mock trial will be recorded and the top team in the state will be selected by the FAWL Young Lawyers Section Committee according to the criteria of the attached evaluation rubric.

The winning team will be recognized in the FAWL newsletter with a photo. Awards will be given to the teacher and the individual students participating and some funds will be provided for a pizza party final celebration to be held in the classroom with the sponsoring local FAWL chapter. Grant funding has been provided for this project from the Young Lawyers Division of The Florida Bar. Further details are included below, but be aware that all registration packets and recordings should be mailed to the address below no later than **December 31, 2012**.

The program objectives are as follows:

- Aid in the public's understanding of the legal system
- Increase middle school age children's understanding of and interest in the legal system
- Enable younger generations to see that female attorneys are prevalent and have a great impact on the legal profession.
- Generate interest in becoming a lawyer in young women
- Create a positive image of the legal system
- Create a positive image of female attorneys

Thank you for considering participating in the middle school mock trial program. We hope participating will help the young lawyers in your chapter feel connected to the statewide organization and foster a bit of friendly competition. The main goal of this project is education.

Sincerely,

FAWL Young Lawyers Section, Middle School Mock Trial Committee

Proposed Timeline

- August/September
 - Form Mock Trial Committee within chapters including young lawyers and law students
 - Approach a Middle School/Get in touch with a teacher that would like to include this project in her curriculum (It is important to get in touch with the teacher you will work with early on.)
 - Determine Date for Trial which is amenable to both teacher and FAWL volunteers
 - May want to meet twice for a preparation session/introduction of the project to the students and then the trial
 - Or can arrange to meet once for the trial
 - Ask the teacher to have the students read the materials before the trial date
 - Determine who will be responsible for recording the trial.
 - Fill out FAWL Information before giving registration sheet to teacher
- September through December 31, 2012
 - Have the trial (FAWL members-especially young lawyers- should actively participate in conducting trial)
 - Mail in packet for judging by December 31, 2012
 - The trial should be recorded and sent on a CD, DVD, or thumb drive that can be played on a regular PC (For example: QuickTime or AVI format)
- January 14, 2013 Winning class will be announced.
- Spring 2013 Pizza party and awards ceremony for winning class to be held with FAWL chapter volunteers
- Chapters are encouraged to plan and take part in a field trip to a local state or federal court house as a follow-up to the mock trial regardless of the results of the competition

Checklist to Turn in Packet

- FAWL Chapter and School Registration Form
- DVD, CD or Thumb Drive with recording of trial saved in a universal format
- Photo of Participants (Students, Teacher, and attorney/law student volunteers)
- Evaluation Form

Mail packets to: Jennifer Shoaf Richardson
 Creed & Gowdy, P.A.
 865 May St.
 Jacksonville, FL 32304

Registration forms can be emailed to jrichardson@appellate-firm.com

ACKNOWLEDGMENTS

This project would not have been possible without generous grant funding from the Young Lawyers Division of The Florida Bar distributed at the 2012 Affiliate Outreach Conference. Thanks to Paige Greenlee for founding the FAWL Young Lawyers Section and Robin Featherstone for drafting and presenting the grant application.

The FAWL Young Lawyers Section would also like to thank Minnesota Center for Community Legal Education for developing mock trial materials appropriate for middle schools and making them available for classroom use.

Feedback from current Hillsborough County School middle school teachers Steven C. Johnson and Jennifer R. Smith proved invaluable in developing these materials.

Laura Wendell, President of FAWL, Brittany Maxey, FAWL President-Elect, and Karen Howe, FAWL Executive Director, have also provided great support for this project.

Lastly, thanks to the members of the 2012-2013 FAWL Young Lawyers Section Committee for contributing their time and efforts to develop the packet and review the submissions. Members of the FAWL Young Lawyers Section Committee include:

Jennifer Shoaf Richardson, Creed & Gowdy, P.A., Chair
Sarah E. Kay, Mason, Black & Caballero, P.A.
Melanie Griffin, Dean Mead
Jessica Thomas, Camy B. Schwam-Wilcox, P.A.
Heather Kozlowski, Esq.
Heather Mallon, Stetson Law Student
Crystal Potts, FAMU Law Student
Janel Paige, Barry Law Student

**FLORIDA ASSOCIATION FOR WOMEN LAWYERS
YOUNG LAWYERS SECTION**

**MIDDLE SCHOOL MOCK TRIAL COMPETITION
REGISTRATION FORM
2012-2013**

Please complete all of the following information. Please type or print legibly. Please complete this sheet for each entry. Participation is restricted to students enrolled in grades 6–8 in the 2012-2013 academic year.

Participating FAWL Chapter Information

Name of Chapter: _____

Chair of Mock Trial Program: _____

Preferred E-mail Address: _____

Names of Participating attorneys, judges, law students: _____

☐ Check here if attaching additional sheet with names.

School Information

Name: _____

Mailing Address: _____

City: _____ State: Florida Zip: _____ County: _____

Phone Number: _____ Fax Number: _____

Principal Name: _____

Sponsoring Teacher Information

Name: _____

Phone Number: _____ Fax Number: _____

Preferred E-mail Address: _____

Class/Student Information

Name of Class or Club Participating: _____

Grade Level: _____

Names of Each of the Students Participating: _____

☐ Check here if attaching additional sheet with student names.

Date of Trial: _____

1. What were the most useful aspects of the program?
2. What were the least useful aspects of the program?
3. Do you have suggestions for future similar programs?

**FLORIDA ASSOCIATION FOR WOMEN LAWYERS
YOUNG LAWYERS DIVISION**

**MIDDLE SCHOOL MOCK TRIAL COMPETITION
EVALUATION RUBRIC
2012-2013**

TOTAL SCORE ____ out of 100

PROFESSIONALISM

Professional Appearance – Set Up	
1	Does not appear like a courtroom. Missing many pieces to typical courtroom.
2	Somewhat resembles a courtroom. May be missing several pieces to a typical courtroom.
3	Mostly resembles a courtroom. May be missing a piece or two to a typical courtroom.
4	Closely resembles a courtroom. All pieces to a typical courtroom present.

Professional Appearance - Speech	
1	Inconsistent use of proper names and titles. Mistakes throughout.
2	Some participants consistently use proper names and titles. Has several mistakes.
3	Almost everyone consistently uses proper names and titles. May have some mistakes.
4	Everyone consistently uses proper names and titles (i.e. your honor, Mr. Smith, Ms. Smith)

Professional Appearance – Behavior	
1	Participants do not exhibit any (or only minimal) courtesy or respect to each other and the law.
2	Participants exhibit some courtesy and respect to each other and the law.
3	Participants fairly consistently exhibit courtesy and respect to each other and the law.
4	Participants consistently exhibit courtesy and respect to each other and the law.

Professional Appearance – Honor/Integrity	
1	Participants do not exhibit any honor or integrity.
2	Participants exhibit some honor and integrity.
3	Participants fairly consistently exhibit honor and integrity
4	Participants consistently exhibit honor and integrity.

TOTAL IN PROFESSIONALISM ____ out of 16.

UNDERSTANDING OF PARTICIPANTS IN A TRIAL

Understanding Role of the Parties	
1	Performance demonstrates a poor understanding of who the parties are and the purpose of the parties to a case.
2	Performance somewhat demonstrates an understanding of who the parties are and the purpose of the parties to a case.
3	Performance mostly demonstrates an understanding of who the parties are and the purpose of the parties to a case.
4	Performance clearly demonstrates an understanding of who the parties are and the purpose of the parties to a case.

Understanding Role of Judge	
1	Performance demonstrates a poor understanding of the purpose of a judge.
2	Performance somewhat demonstrates an understanding of the purpose of a judge.
3	Performance mostly demonstrates an understanding of the purpose of a judge.
4	Performance clearly demonstrates an understanding of the purpose of a judge.

Understanding Role of Bailiff	
1	Performance demonstrates a poor understanding of the purpose of a bailiff.
2	Performance somewhat demonstrates an understanding of the purpose of a bailiff.
3	Performance mostly demonstrates an understanding of the purpose of a bailiff.
4	Performance clearly demonstrates an understanding of the purpose of a bailiff.

Understanding Role of Jury	
1	Performance demonstrates a poor understanding of the purpose of a jury.
2	Performance somewhat demonstrates an understanding of the purpose of a jury.
3	Performance mostly demonstrates an understanding of the purpose of a jury.
4	Performance clearly demonstrates an understanding of the purpose of a jury.

Understanding Role of Plaintiff Attorney(s)	
1	Performance demonstrates a poor understanding of the purpose of plaintiff attorney(s) (or prosecutors).
2	Performance somewhat demonstrates an understanding of the purpose of plaintiff attorney(s) (or prosecutors).
3	Performance mostly demonstrates an understanding of the purpose of plaintiff attorney(s) (or prosecutors).
4	Performance clearly demonstrates an understanding of the purpose of plaintiff attorney(s) (or prosecutors).

Understanding Role of Defense Attorney(s)	
1	Performance demonstrates a poor understanding of the purpose of defense attorney(s).
2	Performance somewhat demonstrates an understanding of the purpose of defense attorney(s).
3	Performance mostly demonstrates an understanding of the purpose of defense attorney(s).
4	Performance clearly demonstrates an understanding of the purpose of defense attorney(s).

Understanding Role of Witnesses	
1	Performance demonstrates a poor understanding of the purpose of witnesses.
2	Performance somewhat demonstrates an understanding of the purpose of witnesses.
3	Performance mostly demonstrates an understanding of the purpose of witnesses.
4	Performance clearly demonstrates an understanding of the purpose of witnesses.

Understanding Role of Court Reporter	
1	Performance demonstrates a poor understanding of the purpose of a court reporter.
2	Performance somewhat demonstrates an understanding of the purpose of a court reporter.
3	Performance mostly demonstrates an understanding of the purpose of a court reporter.
4	Performance clearly demonstrates an understanding of the purpose of a court reporter.

Understanding Role of Clerk	
1	Performance demonstrates a poor understanding of the purpose of the clerk.
2	Performance somewhat demonstrates an understanding of the purpose of the clerk.
3	Performance mostly demonstrates an understanding of the purpose of the clerk.
4	Performance clearly demonstrates an understanding of the purpose of the clerk.

TOTAL IN PARTICIPANTS IN A TRIAL _____ out of 36.

UNDERSTANDING OF PARTS OF THE TRIAL

Understanding Purpose of Trial	
1	Performance demonstrates a poor understanding of the purpose of a trial.
2	Performance somewhat demonstrates an understanding of the purpose of a trial.
3	Performance mostly demonstrates an understanding of the purpose of a trial.
4	Performance clearly demonstrates an understanding of the purpose of a trial.

Understanding of Plaintiff's Case	
1	Performance demonstrates a poor understanding of the purpose of the plaintiff's case.
2	Performance somewhat demonstrates an understanding of the purpose of the plaintiff's case.
3	Performance mostly demonstrates an understanding of the purpose of the plaintiff's case.
4	Performance clearly demonstrates an understanding of the purpose of the plaintiff's case.

Understanding Defendant's Case	
1	Performance demonstrates a poor understanding of the purpose of the defendant's case.
2	Performance somewhat demonstrates an understanding of the purpose of the defendant's case.
3	Performance mostly demonstrates an understanding of the purpose of the defendant's case.
4	Performance clearly demonstrates an understanding of the purpose of the defendant's case.

Understanding Direct Examination	
1	Performance demonstrates a poor understanding of the purpose of direct examination.
2	Performance somewhat demonstrates an understanding of the purpose of direct examination.
3	Performance mostly demonstrates an understanding of the purpose of direct examination.
4	Performance clearly demonstrates an understanding of the purpose of direct examination.

Understanding Cross Examination	
1	Performance demonstrates a poor understanding of the purpose of cross examination.
2	Performance somewhat demonstrates an understanding of the purpose of cross examination.
3	Performance mostly demonstrates an understanding of the purpose of cross examination.
4	Performance clearly demonstrates an understanding of the purpose of cross examination.

Understanding Jury Instructions	
1	Performance demonstrates a poor understanding of the purpose of jury instructions.
2	Performance somewhat demonstrates an understanding of the purpose of jury instructions.
3	Performance mostly demonstrates an understanding of the purpose of jury instructions.
4	Performance clearly demonstrates an understanding of the purpose of jury instructions.

Understanding Opening Statements	
1	Performance demonstrates a poor understanding of the purpose of opening statements.
2	Performance somewhat demonstrates an understanding of the purpose of opening statements.
3	Performance mostly demonstrates an understanding of the purpose of opening statements.
4	Performance clearly demonstrates an understanding of the purpose of opening statements.

Understanding Closing Arguments	
1	Performance demonstrates a poor understanding of the purpose of closing arguments.
2	Performance somewhat demonstrates an understanding of closing arguments.
3	Performance mostly demonstrates an understanding of closing arguments.
4	Performance clearly demonstrates an understanding of closing arguments.

TOTAL IN PARTS OF THE TRIAL _____ out of 32

UNDERSTANDING OF GOVERNMENT STRUCTURE

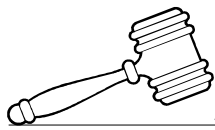
Understanding Role of the Constitution	
1	Performance demonstrates a poor understanding of the purpose of a constitution and its relationship with statutes and case law.
2	Performance somewhat demonstrates an understanding of the purpose of a constitution and its relationship with statutes and case law.
3	Performance mostly demonstrates an understanding of the purpose of a constitution and its relationship with statutes and case law.
4	Performance clearly demonstrates an understanding of the purpose of a constitution and its relationship with statutes and case law.

Understanding Role of Statutes/Ordinances	
1	Performance demonstrates a poor understanding of the purpose of statutes/ordinances and their relationship with case law.
2	Performance somewhat demonstrates an understanding of the purpose of statutes /ordinances and their relationship with case law.
3	Performance mostly demonstrates an understanding of the purpose of statutes /ordinances and their relationship with case law.
4	Performance clearly demonstrates an understanding of the purpose of statutes /ordinances and their relationship with case law.

Understanding Role of the Judiciary	
1	Performance demonstrates a poor understanding of the role of the judiciary.
2	Performance somewhat demonstrates an understanding of the role of the judiciary.
3	Performance mostly demonstrate an understanding of the role of the judiciary.
4	Performance clearly demonstrates an understanding of the role of the judiciary.

Understanding Role of the Legislative Branch	
1	Performance demonstrates a poor understanding of the role of the legislative branch.
2	Performance somewhat demonstrates an understanding of the role of the legislative branch.
3	Performance mostly demonstrates an understanding of the role of the legislative branch.
4	Performance clearly demonstrates an understanding of the role of the legislative branch.

TOTAL IN GOVERNMENT STRUCTURE _____ out of 16



Mini-Mock Trial Manual

Teacher Instructions

Mock trials conducted within one or two class periods help students learn about courts and trials in an interesting and enjoyable way. Although students obviously will not be as polished as they are in more lengthy mock trial programs, their abilities to quickly become familiar with trial process, to learn their roles, and to discuss rules of evidence and constitutional protections will surprise even the most seasoned observer.

In addition to the value of the learning experience for students, mini-mock trials are an excellent activity for lawyers who want a “guaranteed” success. With only little advance preparation, a lawyer can guide the students through the mock trial experience, helping them develop appropriate questions and then serving as the judge for the trial. Most lawyers are so comfortable with this activity, and find the positive student response so rewarding, that they are usually willing to schedule return engagements.

Students will:

1. Become familiar with the role of a trial court in solving disputes. They will also be introduced to court procedure and decorum.
2. Develop an appreciation for the importance of various people in the courtroom.
3. Practice communication and critical thinking skills as they prepare and present their case.

Materials needed: **Student Handout: MOCK TRIAL PROCEDURE**
 Student Handout: JUROR BIOGRAPHY
 Selected Mini-Mock Trial Cases

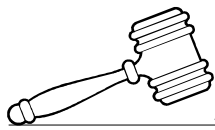
Time needed: 2 class periods

Grade level: Grades 5-12

Procedure:

1. Begin the class session by discussing trials. Because most students have seen television programs about trials and courts, they already have some basic information. Ask them what programs they have seen. For younger students or students who have limited knowledge of courts and trials, ask the students to list the people who are present in the courtroom. This list will include:

- | | |
|------------|------------------|
| ♦lawyers | ♦bailiff |
| ♦judge | ♦police officers |
| ♦jurors | ♦clerk |
| ♦witnesses | ♦court reporter |
| ♦defendant | ♦public |
| ♦plaintiff | ♦sketch artists |



Mini-Mock Trial Manual

Teacher Instructions: Procedures continued

2. Discuss what these people do in the courtroom. For students with more knowledge of courts and trials, begin the discussion by asking who is the most important person in the courtroom. As they answer, ask them why they think the person is important. This will have the students think about the role of the different people in the courtroom.

Depending upon the sophistication of the audience and the time available, short discussions of the following topics can be conducted: trial by judge or jury; civil v. criminal trials; the need for a court reporter and court record; the constitutional right to a public trial; the controversy surrounding cameras in the courtroom; the reason for courtroom decorum.

3. Select one of the cases and read the one paragraph summary of the facts to the students. If the students are skilled in mock trials, do not read the fact summary.

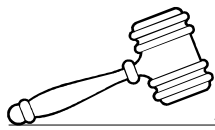
4. Ask the students to volunteer for the parts in the mock trial. Four students should be selected to be the lawyers for each side of the case. One student may present the opening statement, one the direct examination, one the cross examination, and the other the closing argument, or students may share the tasks. Ask one or two students to help judge the trial. To keep the trial moving, it is extremely helpful to use a lawyer to co-judge the trial. Reserve discussion of objections for later.

5. Also assign students to roleplay the witnesses, bailiff, media representatives and sketch artists (these students can write articles and prepare drawings for the articles), and members of the jury.

6. Before the start of the actual trial preparation, briefly (in a couple of minutes) describe the steps of a trial as presented in the **Student Handout: MOCK TRIAL PROCEDURE**. Remind students that they will be helped through the process by the judge and that confusion at this point is expected.

7. If students have sufficient background and understanding of the trial process, explain the reasons and grounds for objections. (It is recommended that only a limited number of objections be allowed.) Refer to the list of objections in the **Student Handout: MOCK TRIAL PROCEDURE**. If they lack knowledge, reserve discussion of objections until one occurs during the trial. (No matter how old the students are, one will object to a question during the trial. The objection might be made in the form of “She can’t do that, can she?” or “This isn’t fair!” Regardless of the language used, the students usually have made the objections at appropriate times. They are now ready to learn about objections.)

Explain to the students that objections are used when lawyers feel that the other side is not obeying the rules. All court procedures are governed by many rules. Lawyers are required to conduct the trial according to the rules. It is the judge’s responsibility to decide if a lawyer has broken a rule. If a judge agrees that a rule has been violated, the judge *sustains the objection*. If the judge feels that the lawyer has not violated the rules, he or she *overrules the objection*. If an objection is sustained, the witness’s answer is **not allowed**. If an objection is overruled, the witness is **allowed to answer the questions**. (The rulings by the judge can be the grounds for appeals.)



Mini-Mock Trial Manual

Teacher Instructions: Procedures continued

8. Tell students they will have approximately 10 minutes to prepare. Although this is a short period of time, the facts of the cases are simple, and a longer period of time results in a restless jury.

9. Provide the following instructions:

Lawyers - Tell them to read the facts and all of the witness statements (including the witnesses for the other side). They are to prepare an opening statement, questions for all witnesses, and a closing argument. Have them use the **Student Handout: MOCK TRIAL PROCEDURE** in their preparation.

Witnesses - Tell each witness to read his or her statement at least three times so that he or she will be prepared to answer questions. Each witness should then work with the lawyers from their side to help prepare questions.

Judge - Tell the judge to read **Student Handout: MOCK TRIAL PROCEDURE** and be prepared to call the witnesses.

Bailiff - Tell the bailiff to review the procedure for the oath that he or she will administer to each witness. The Bailiff and Judge should fill in the blanks on the first page of the **Student Handout: MOCK TRIAL PROCEDURE**.

Jurors - Ask them to imagine who they will be in twenty years and complete **Student Handout: JUROR BIOGRAPHY** form.

10. Begin the trial with jury selection. This step allows the jury to play an active role. Have the judge (either student or adult) and lawyers ask questions of the prospective jurors. Questions are limited to matters relevant to the particular case and those that help attorneys decide whether or not to challenge a person's participation on the jury. Sample questions include:

Q. Is there anyone who feels he or she cannot be fair in this case?

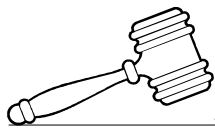
Q. Is anyone related to or does anyone know persons involved in this case?

Q. Does anyone stand to benefit from a decision in this case?

Q. Has anyone already formed an opinion about the case?

Explain to the students that jurors are removed from the jury for various reasons. Attorneys can **challenge for cause** any juror who exhibits a bias for or against any one of the parties. Each attorney also has a certain number of challenges called **peremptory challenges** which can be used to strike a juror without giving a reason. For example, a defense attorney may get the impression that a prospective juror simply doesn't like the defendant and will then use a peremptory challenge to prevent that person from being on the jury. For mock trials, each side is limited to one peremptory challenge.

Make certain to leave enough people in the jury to decide the case. Persons removed from the jury should be assigned the role of media representatives and moved from the jury box. Ask them to pretend that they are going to write a news story about the trial and that they should take notes on points they think are important.

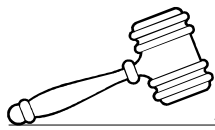


Mini-Mock Trial Manual

Teacher Instructions: Procedures continued

- 11.** The trial begins with opening statements from both sides (plaintiff/prosecution first), followed by the examination (questioning) of the witnesses (plaintiff/prosecution case first) and, finally, closing arguments (plaintiff/prosecution first). The trial will take 45 minutes to 1 hour. Remember, the goal of this activity is to increase the students' knowledge of courts and trials. Do not expect them to sound like experienced trial lawyers. You will enjoy watching them develop their questions and arguments on objections and listen to the answers with great care.
- 12.** Instruct the jury at the end of the trial using the jury instructions contained in each trial. Mock trial juries usually require only a few minutes to reach a verdict. After they have announced the verdict, ask them to explain how they decided on it.
- 13.** Ask the media representatives what kind of story they would have written. What was most newsworthy about the trial? What would grab the reader's attention? Did they agree with the jury's decision? Who gave the strongest testimony? (If time is running out, this step can be done while the jury is deliberating.)
- 14.** Debrief the trial. Encourage all students to participate in the discussion of the trial. Questions that facilitate discussion include:

 - Q.** What were the strong and weak points of each side?
 - Q.** What additional information would have been helpful?
 - Q.** Who was the most believable witness? Why?
 - Q.** Did any of the students change their minds during the trial? When and why?
 - Q.** Are there other ways that the problem could have been settled? What would have been the advantages or disadvantages?
- 15.** Complete the activity with a short discussion of the need for citizens to participate in the process. Ask them what they will remember to do if they witness an action or are asked to serve on a jury.



Mini-Mock Trial Manual

Student Handout: MOCK TRIAL PROCEDURE

Participants:

- ◆ Judge
- ◆ Prosecution attorneys
- ◆ Defense attorneys
- ◆ Jury
- ◆ Representatives of the media (sketch artists, reporters)
- ◆ Bailiff
- ◆ Witnesses for prosecution/petitioner
- ◆ Witnesses for defense

Opening of Trial:

Bailiff: "Please rise. The Court of _____ is now in session, the Honorable _____ presiding."

Everyone remains standing until the Judge is seated.

Judge: "Ms./Mr. _____ (Bailiff's name), what is today's case?"

Bailiff: "Your Honor, today's case is _____."

Judge: "Is the prosecution ready? Is the defense ready?"

Attorneys: "Yes, your Honor." (Always say "your Honor" when speaking to the judge.)

Trial Procedure:

1. Opening Statement - prosecution/plaintiff attorney introduces himself or herself and states what their side hopes to prove. Being with "Your Honor, members of the jury," then state what the facts on your side will show and ask for a verdict in favor of your side.

Defense attorney then says, "Your Honor, members of the jury," introduces himself or herself and explains the evidence on his or her side that will deny what the other side is attempting to prove. Ask for a verdict of not guilty (criminal case) or for the defense (civil cases).

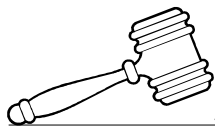
Attorneys: "Your Honor, members of the jury, my name is _____ and I and my classmates are representing _____ in this case. We intend to prove _____."

Please find _____.

2. The Oath - All witnesses are sworn in before they begin answering questions. This is to remind them that they must tell the truth.

Bailiff: "Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?"

3. Direct Examination - prosecution/plaintiff calls it's first witness to the stand and asks clear and simple questions that allow the witness to tell his or her side of the story in his or her own words. Witnesses may make up answers to questions that are not included in the witness statements or the witnesses may say "I don't know."



Mini-Mock Trial Manual

Student Handout: MOCK TRIAL PROCEDURE continued

Suggestions for questions:

How do you know the defendant?

What do you know about the case?

What happened?

What do you remember?

What happened next?

Remember to ask questions that will let the witness tell the complete story.

?? ? Your Questions ? ? ?

?
?
?
?

- 4. Cross Examination** - defense/respondent attorney questions witnesses for the other side to try to prove that the witness is lying or can't remember. For example, the lawyer may ask "Isn't it true that you really couldn't see because it was almost dark outside?"

Suggestions for questions:

Isn't it true that....

If possible, ask questions that call for a yes or no answer.

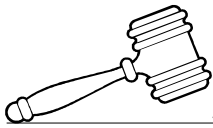
?? ? Your Questions ? ? ?

?
?
?
?

- 5.** After all the prosecution/plaintiff witnesses have been questioned and cross-examined, the defense calls its witnesses and questions them under direct examination. Then the prosecutor/plaintiff cross-examines.

- 6. Closing Argument** - each side summarizes the testimony presented during the questioning in a way that will convince the jury to believe his or her side of the case. In a criminal case, prosecution asks the jury to find the defendant guilty.

Defense asks the jury to find the defendant not guilty.



Mini-Mock Trial Manual

Student Handout: MOCK TRIAL PROCEDURE continued.

Attorneys: “Your Honor, members of the jury, today you have heard testimony about _____

I would like to remind you of some important information that you should consider in your decision. These facts include _____

Please find _____.

7. Jury Deliberation - after hearing the judge’s instructions, the jurors meet to decide guilty or not guilty (criminal case) or to find for the plaintiff or defendant (civil case), and then gives their decision to the judge.

Objections

Any attorney may object to a question or the admission of an exhibit. The judge will usually ask the person objecting “on what rule of evidence are you relying?” Then the judge either *sustains* the objection preventing the evidence from being introduced or *overrules* the objection allowing the question or exhibit to be admitted as evidence.

Reasons for objections (also known as *grounds for objection* or the *Rules of Evidence* being relied upon);

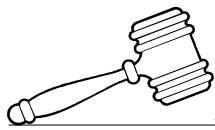
Leading questions: Prosecutors must allow their witnesses to tell their own stories; they must not lead their witnesses through the story. Defense attorneys must follow the same rule when questioning their witnesses.

Immaterial and irrelevant: The information is not closely related to the case, and is therefore not important.

Opinions and conclusions: Unless the witness is an expert, (such as a doctor testifying about medical issues, he or she should not give professional opinions or conclusions.

Nonresponsive answer: The witness is not answering the question asked.

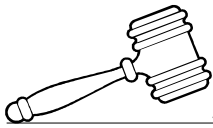
These are only a few objections. They are probably the most common ones used. They will adequately serve your needs.



Mini-Mock Trial Manual

Student Handout: Juror Biography

Name/Address	Salary
	Organizations of which you are a member.
County	Military service
Phone	Public service
Spouse's name	Hobbies/Interests
Name/Ages of children	Most memorable childhood event.
Parent's name	
Education Completed	Have you had any contact with the legal system? If so, what.
Height/Weight/Eye Color	
Physical condition	
Religious affiliation	
Occupation	
Employer	
Other information about yourself	



Mini-Mock Trial Manual

Student Handout: JURY OBSERVATION SHEET AND CHECKLIST

The jury will determine whether the defendant is guilty or not guilty based upon the facts of the case, the credibility of the witnesses' testimony, and the law which applies to the case. Use this sheet to follow the proceedings of the trial. As the prosecution presents its case, record the legal argument made by the attorneys, facts presented by the witnesses and your impressions of the credibility (believability) of the witnesses.

Prosecution

Prosecution's Opening Statement: What did the prosecution say it would try to prove in this case?

FACTS learned from witness testimony

Witness #1 _____

Witness #2 _____

Witness #3 _____

To Believe or Not to Believe

Circle the response which most closely corresponds with what you think of each witness:

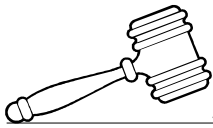
SA - Strongly Agree **A**=Agree **D**=Disagree **SD**=Strongly Disagree

Witness #1 _____ was a believable witness SA A D SD

Witness #2 _____ was a believable witness SA A D SD

Witness #3 _____ was a believable witness SA A D SD

Prosecution's Closing Arguments: How did the prosecution use the facts from the witnesses to prove its case?



Mini-Mock Trial Manual

Student Handout: JURY OBSERVATION AND CHECKLIST cont.

Defendant

Defendant's Opening Statement: What did the defense say it would try to prove in this case?

FACTS learned from witness testimony

Witness #1 _____

Witness #2 _____

Witness #3 _____

To Believe or Not to Believe

Circle the response which most closely corresponds with what you think of each witness:

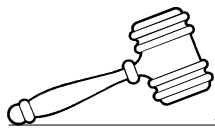
SA - Strongly Agree **A**=Agree **D**=Disagree **SD**=Strongly Disagree

Witness # 1 _____ was a believable witness SA A D SD

Witness #2 _____ was a believable witness SA A D SD

Witness #3 _____ was a believable witness SA A D SD

Defendant's Closing Arguments: How did the defense use the facts from the witnesses to prove its case?



Mini-Mock Trial Manual

INSTRUCTIONS FOR JUDGES

1. After the bailiff has called the court to order, judge enters courtroom and sits at bench. The judge tells everyone to be seated.

2. After introductory comments (from trial procedure handout), the judge conducts jury selection by asking questions to identify potential jurors who will not be able to be fair. Suggested questions:

- ◆Is there anyone who feels he or she cannot be fair in this case?
- ◆Is anyone related to or does anyone know persons involved in the case?
- ◆Has anyone already formed an opinion about the case?
- ◆other questions related to the subject matter of the case.

The judge should let the attorneys ask questions. Students who answer yes to these questions should be removed from the jury and ask to serve as media representatives. Instruct them to sit in an area away from the jury.

3. Thank the jury for serving. Instruct them to ignore anything they have heard about the case from sources outside of the courtroom. Also ask them to listen carefully to the testimony and to raise a hand if they cannot hear.

4. Ask prosecution/plaintiff to begin with their opening statement. Ask them to stand at their table. Then ask defense to do the same.

5. Ask prosecution/plaintiff to call its first witness. Ask bailiff to swear in witness, then ask witness to state name. Instruct attorney to begin direct examination.

6. Ask defense to question the witness. This is called cross examination.

7. If time permits, allow both sides to continue until there are no more questions.

8. Repeat steps 5-7 for each witness. When defendant calls their witnesses, they will conduct the direct examination of those witnesses and the prosecution/plaintiff will conduct the cross examination.

9. Take a two-minute recess to give the attorneys time to complete their closing arguments. Ask both sides to present their closing arguments, prosecution/plaintiff goes first.

10. Instruct the jury with the instructions provided at the end of each trial. Ask the jury to remove themselves from the courtroom and to decide the case.

11. When the jury returns with its decision, ask for the verdict.

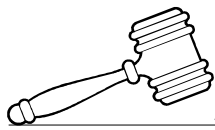
OBJECTIONS

Sustain:

agree that a rule has been broken

Overrule:

do not think a rule has been broken



Mini-Mock Trial Manual

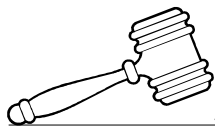
Student Handout: *State of Minnesota v. Max Paulson*

Reckless/Careless Driving Case District Court

State)
Prosecutor)
v.)
)
Max Paulson)
Defendent)

Facts

On April 23 at approximately 6 p.m., an automobile driven by Max Paulson made a left turn from the northbound lane of Elm Street to Third Avenue, colliding in the crosswalk with a bicycle ridden by Sam Smith, throwing Sam Smith across the street, breaking his leg. Max Paulson is charged with violating Minn. Stat. 169.13 Reckless or Careless Driving.



Mini-Mock Trial Manual

Student Handout: WITNESSES FOR THE DEFENSE

Max Paulson, defendant
Sara Firestone
Cynthia Murray

Max Paulson

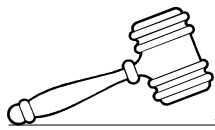
I am 19 years old. I am a good driver. I have never had a ticket or been involved in a car accident. On April 23 I was driving home from work on Elm Street, going north. I got to 3rd Avenue and signaled my left turn as I do every day. There were a lot of cars driving south on Elm. I waited a long time for an opening. Finally, a gap in the traffic occurred letting me turn left. It was only a brief break in the traffic so I made a quick turn. I was surprised, and frankly somewhat embarrassed, when my tires squealed because of my quick turn. The next thing I remember is hitting this bike that came out of nowhere. I mean, one minute I looked and the intersection was clear and the next minute I hit a bike. I am very sorry, but I think the bicyclist is partly to blame.

Sara Firestone

I was shopping on April 23 just after dinner. I picked up a few items at the speedy market and a prescription at the drug store. When I came out of the drug store I was nearly hit by a bike driven by Sam Smith. Sam was riding on the sidewalk in a fast, rather reckless manner. I didn't think it was legal to ride bikes on the sidewalk downtown. I think I have seen some signs about it. Sam raced by me and entered the intersection, riding in the crosswalk. The light was green. There was a lot of traffic, especially on Elm Street. I heard the tires of a car squeal as it turned from Elm onto 3rd Avenue and hit him. He was thrown across the street, almost hitting a light pole. I ran inside to call 911. Sam was not wearing reflective clothing. I remember thinking that because I had just purchased some reflector tape to put on the jacket that my daughter wears when she rides her bike.

Cynthia Murray

I am the director of the Minnesota Bike Safety Project. As part of my job, I run a bike camp where young people learn how to ride their bikes safely. I have been doing this for seven years. During the camp, we focus on the rules of the road, which include getting off of your bike and walking when you are going to cross the street in a pedestrian crosswalk. Also, under Minnesota law, a person may not ride a bike upon a sidewalk within a business district unless permitted by local authorities. If a person doesn't obey the bike laws, he or she can be given a ticket, much like a driver of a car gets a ticket.



Mini-Mock Trial Manual

Student Handout: WITNESSES FOR THE PROSECUTION

Officer Mike Rudy
Sam Smith, victim of accident
Eric Featherstone

Officer Mike Rudy

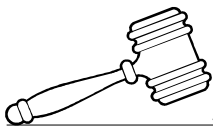
The intersection of Elm Street and Third Avenue is probably the busiest intersection in our town. There are a lot of cars and a lot of people on the sidewalk and shopping in the nearby stores. Because of this, the city council decided last year that bicycling on the sidewalk is not safe in the downtown area. Signs saying “No bicycles on the sidewalk” were placed on every other block. There is not one on the intersection of Elm and Third, but there is one at Elm and Second. There is also a manufacturing plant nearby that causes major traffic and safety problems. The folks who work there race to get home and sometimes are not careful about watching for pedestrians in the crosswalk. We have had several near accidents recently. On April 23, Max Paulson was driving home after work. Like all of the rest, he was in a hurry to make the turn onto Third Avenue. He made a turn between two cars that required him to accelerate very quickly to get out of the way of the oncoming traffic. The accident investigation found black tire marks on Elm Street where he started his turn. There was no evidence that he tried to slow down before he hit the bicyclist. The force threw the bicyclist across the street. I was in my squad car waiting to enter Third from a parking lot.

Sam Smith

I am 17 years old. On April 23, I was riding my bike south on the sidewalk on Elm Street. I was in a hurry because it was starting to get dark and I don’t have a light on my bike. I rode past the speedy mart, the hardware store and the drug store. I was riding on the sidewalk because the traffic was heavy. There were a few people walking on the sidewalk so I had to weave in and out so I wouldn’t hit them. When I looked at the traffic light it was green so I rode into the intersection in the crosswalk. Before I knew it, I was hit by a car that was turning from Elm Street onto 3rd Avenue. I only remember thinking “I’m gonna die.” I woke up in the ambulance with a badly broken leg. I had surgery to put pins in my leg to help it heal. It still hurts sometimes.

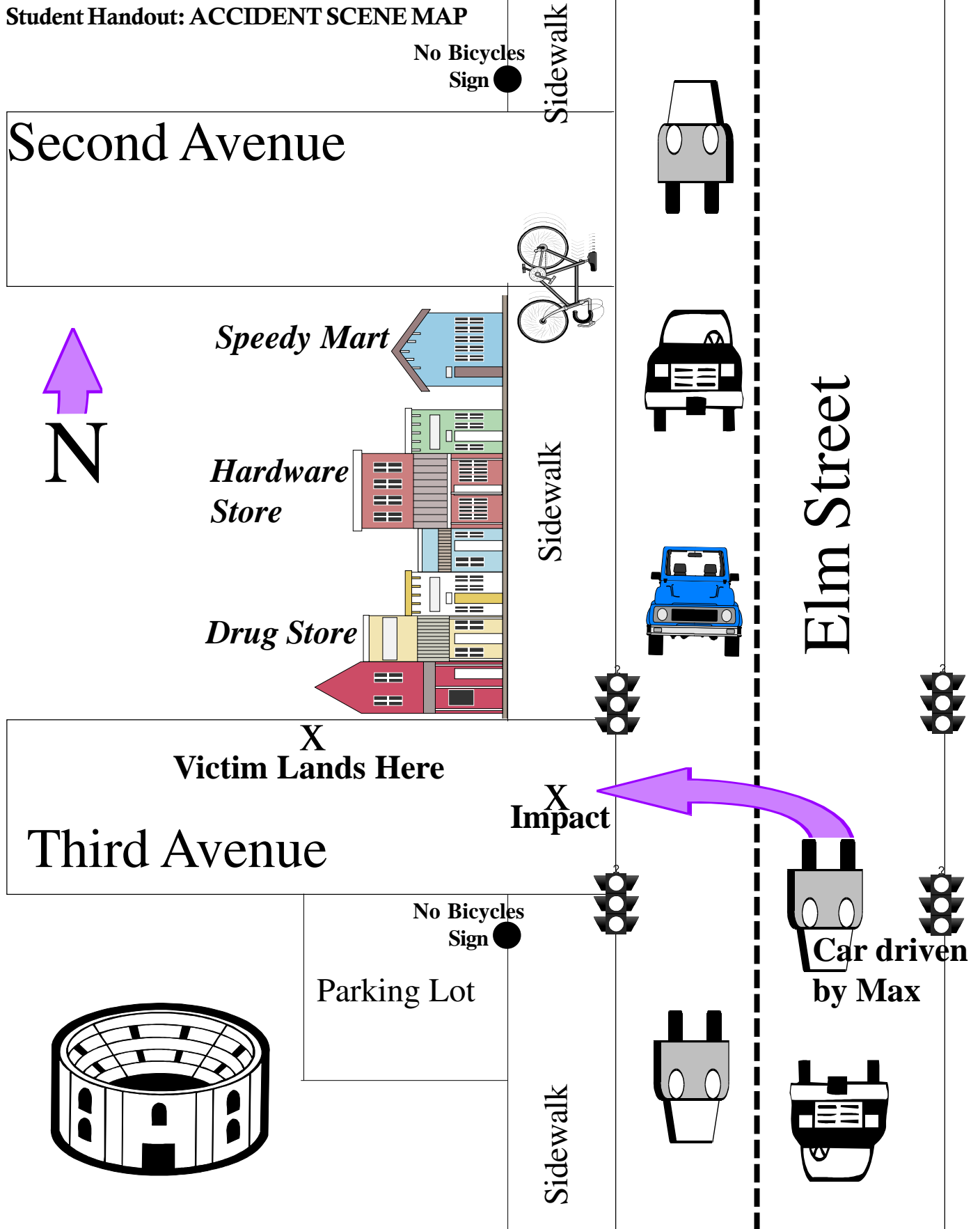
Eric Featherstone

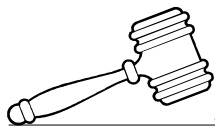
I was riding bikes with my friend Sam Smith. It was starting to get dark so we decided to head home. We rode together from the park down Second Avenue toward Elm Street. At Elm Street we separated. Sam turned right, and I turned left. I didn't know anything had happened to Sam until I got home and his dad called me to see if Sam was at my house. I guess the hospital called his dad a couple of minutes later.



Mini-Mock Trial Manual

Student Handout: ACCIDENT SCENE MAP





Mini-Mock Trial Manual

Jury Instructions: *State of Minnesota v. Max Paulson*

BEFORE EVIDENCE IS PRESENTED

Members of the jury, you are to decide this case solely on the evidence presented here in the courtroom. This evidence includes the testimony of witnesses and any documents that are entered into the court record. You will not use any objections made by the lawyers and arguments concerning the objections, testimony that the court tells you to disregard, or anything you may have seen or heard outside the courtroom.

During this trial you are going to hear testimony of witnesses, and you will have to make judgements about the believability of the witnesses. I ask you to be patient, and listen carefully to the testimony of all the witnesses, and keep it all in mind until you hear the entire case. In making your decision, rely on your own experience, your own judgement, and your own common sense.

If at any time during the trial you are unable to hear, please raise your hand. The parties will be asked to speak up.

AFTER EVIDENCE IS PRESENTED

Members of the jury, you have heard all of the testimony concerning this case. It is now up to you to determine the facts. You, and you alone, are the judges of the facts. You will then have to apply the facts to the law as I give it to you.

The law in this case involves:

Minnesota Statute 169.13 Reckless or Careless Driving.

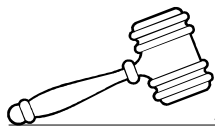
Subdivision 1. **Reckless driving.** Any person who drives any vehicle in such a manner as to indicate either a willful or a wanton disregard for the safety of persons or property is guilty of reckless driving and such reckless driving is a misdemeanor.

Subd. 2. **Careless driving.** Any person who operates or halts any vehicle upon any street or highway carelessly or heedlessly in disregard of the rights of others, or in a manner that endangers or is likely to endanger any property or any person, including the driver or passengers of the vehicle, is guilty of a misdemeanor.

Minnesota Statute 609.02 Definitions.

Subd. 3. Misdemeanor. "Misdemeanor" means a crime for which a sentence of not more than 90 days or a fine of not more than \$700, or both, may be imposed.

If you find Mr. Paulson guilty of Reckless or Careless Driving you will be finding in favor of the State. If you find Mr. Paulson not guilty of Reckless or Careless Driving, you will be finding in favor of Mr. Paulson. You must all agree on the verdict.



Mini-Mock Trial Manual

Jury Instructions: Elements

M.S.A. 169.13 Reckless Driving

If you find that each of these three elements has been proved beyond a reasonable doubt, defendant is guilty of reckless driving. If you find that any of these elements has not been so proved, defendant is not guilty.

First, defendant was the driver of a vehicle

Second, the manner in which defendant drove the vehicle indicated either a willful or wanton disregard for the safety of either persons or property. This means conscious and intentional driving which defendant knows, or should know, creates an unreasonable risk of harm to others. Defendant need not have intended, however, to cause harm.

Third, defendant's act took place on April 23 in the State of Minnesota.

M.S.A. 169.13 Careless Driving

If you find that each of these three elements has been proved beyond a reasonable doubt, defendant is guilty of careless driving. If you find that any of these elements has not been so proved, defendant is not guilty.

First, defendant operated a vehicle.

Second, defendant drove the vehicle carelessly or heedlessly in disregard of the rights of others, or in a manner that endangers or is likely to endanger any property or any person, including the driver. [That is to say that defendant was negligent in the operation of the vehicle. The defendant was negligent if the defendant failed to use such care as a reasonable person would use under similar circumstances.]

Third, the defendant's act took place on April 23 in the State of Minnesota.

Mini-Mock Trial

M A N U A L



Minnesota Center for Community Legal Education

Center for 4-H Youth Development
University of Minnesota Extension Service

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The Minnesota Center for Community Legal Education was established in 1981. The Center promotes law-related education throughout the state of Minnesota and nationally by assisting teachers, lawyers, judges, and law enforcement personnel teach law and citizenship. Located in the Center for 4-H Youth Development, University of Minnesota Extension Service, the Center joins with other youth programs that are committed to helping young people develop the skills and knowledge needed to be productive citizens.

Mini-Mock Trials were developed in 1978 and have proven to be very popular with students (grades 5-12), teachers, and lawyers. If you have developed your own mini-mock trials and would like to share them with other teachers and lawyers throughout the state, please send us a copy and we will include it in the revised versions of the Mini-Mock Trial Manual.