

Name: \_\_\_\_\_ Date: \_\_\_\_\_

# Preparing for a Mock Trial

**Directions:** Read the following explanations of the components of a mock trial. Use the notes and questions to prepare for your role in the class mock trial.

## Opening Arguments

In their opening statements, attorneys representing both sides introduce their case to the judge/jury as clearly and persuasively as possible. It is given in the future tense, as in "testimony will show" or "evidence will show." The statement is not intended to be argumentative, but rather to lay out a general picture of the facts.

Questions to consider: Why are you being taken to trial or being tried? In what ways has the defendant done injury to your client? In what way is the plaintiff mistaken in its case against you? Why should your client be found not guilty, or why should the defendant be found guilty? What evidence do you intend to present and what witnesses to you intend to call to support your case? How will you prepare to counter the opposing side's opening arguments during the next phase?

## Presenting Evidence and Questioning Witnesses

In this phase, the prosecution and then the defense lays out its case.

Questions for attorneys to consider: Why are you questioning these witnesses? What do you hope their testimony will show? What questions will you ask? What questions will you try to avoid? Why? How might you try to ask questions in a way that might help the truth come to light? What else do you need to consider in questioning the witnesses?

Questions for witnesses to consider: What is your background and/or relationship to the case? How do you feel about the defendant and the case? How does the case affect you directly? Does you have any stake in the outcome? Do you have any particular motive here?

## Cross-Examination and Redirect

Before the trial, attorneys should try to anticipate witness testimony to prepare a list of prospective questions to ask when you cross-examine and redirect witnesses. During the trial, take note of witness testimony so that you are ready for cross-examination and redirect.

## Closing Statements

Here the attorneys summarize their main arguments, highlighting the main pieces of evidence in the case, to try to persuade the judge/jury to support your perspective and rule in your favor.

Questions to consider: How did the evidence support your argument? What specific points did opposing counsel offer that you can directly refute? What do you hope to gain from winning the case? Why should the judge/jury decide in your favor?

## Deliberation and Verdict

The judge/jury considers the evidence and delivers a verdict and, if appropriate, a recommended sentence. The judge might prepare a statement to explain the verdict and put it into context.

Questions to consider: What evidence was most compelling? Why? Which side made a stronger case?