

MOCK TRIALS!

START WITH THE END IN MIND!

1. Ask, “what’s my goal?”
2. Ask, “how do I reach that goal?”
3. Reach the goal.

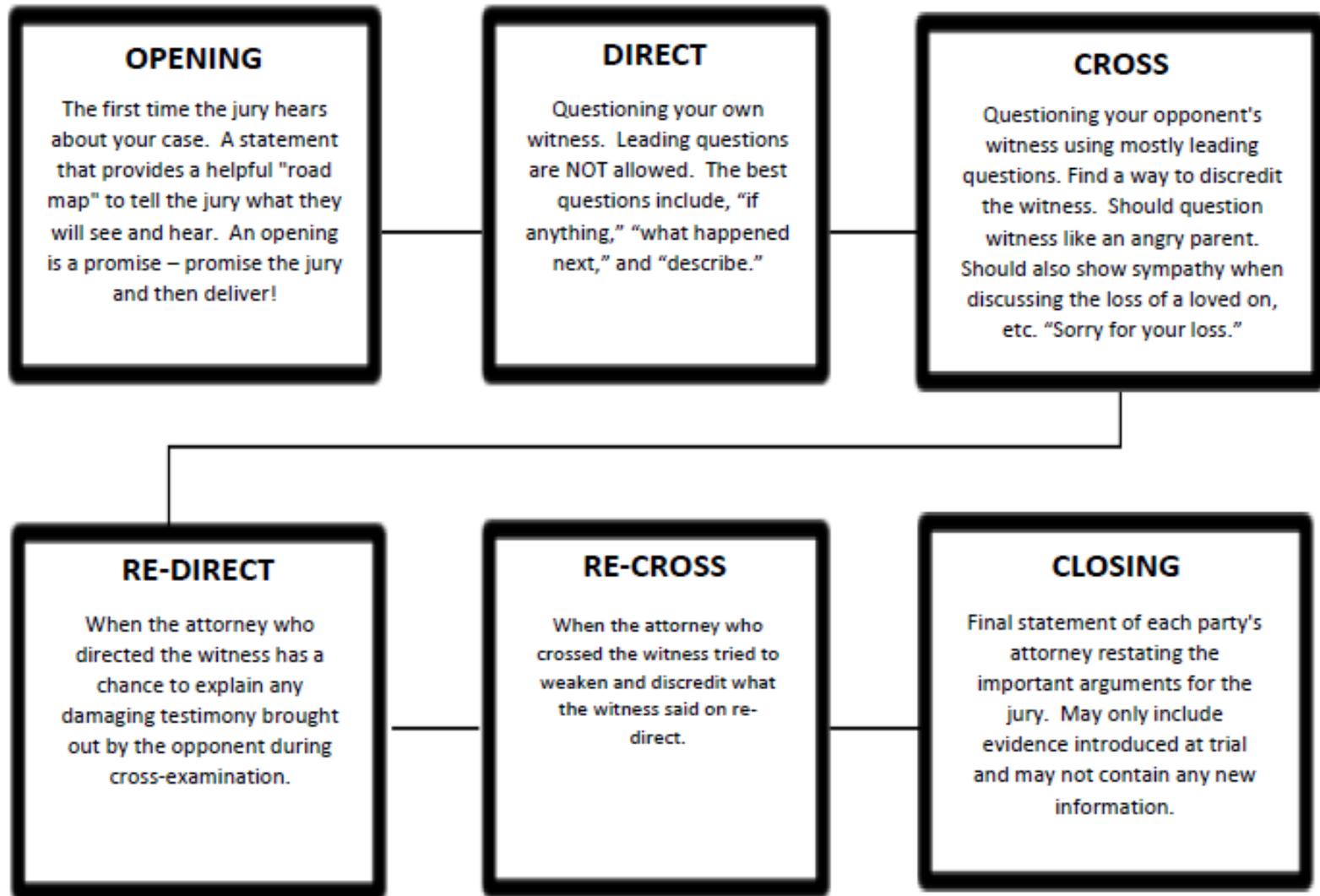
STARTING A MOCK TRIAL

1. Read the entire case!
2. What statute(s) are at issue?
3. What are the elements the Π needs to prove?
4. What will be the most difficult element(s) to prove?
5. Is there a defense the Δ needs to prove?
6. What's the burden of proof?
7. What evidence do you have to meet your burden? Focus on this evidence.

TRIAL SEQUENCE OF EVENTS

1. Tell the jury what the witnesses and evidence is going to tell them.
2. Let the witnesses and evidence tell them.
3. Tell them what the witnesses and evidence told them.

TRIAL SEQUENCE OF EVENTS



Before Trial

Pre-Trial hearings: Judge makes decisions on various motions.

After Trial

Jury Deliberation: The jury reviews the law, and determines which side wins the case.

THEORY OF THE CASE

- Your side's version of what happened.
- A statement of what actually occurred and what the law says should happen to the Δ .
- Must be credible and believable.
- Must be consistent with bad facts and explain away bad facts at the same time.
- Should be interesting and entertaining.
- Must include a theme (explained on next slide).

THEME OF THE CASE

- Memorable word or phrase that summarizes your theory
 - Emotionally compelling
 - Simple
 - Repeated *several* times throughout the trial

Examples (the theme is underlined):

- This is a case about taking chances.”
- “If the glove doesn’t fit, you must acquit.”
- John Smith was caught red-handed.
- This is a case about jealousy.
- Pat Jones took the law into her own hands.

OPENING STATEMENT

REQUIREMENT	DESCRIPTION	DONE
Attention-Getting Introduction	Immediately capture the jury's attention. Do this by opening with a strong quote from the case, stating a strong statistic, or asking a rhetorical thought-provoking question and then introducing yourself. Example: "At least 340 innocent people have been executed since 1973. Hi, my name is _____ and I represent the defendant, John Smith."	
Theme & Theory	<p><u>Theme</u>: Your entire case summed up in as few words as possible. A theme is repeated throughout the case. Examples, greed, responsibility, refused to take 'no' for an answer.</p> <p><u>Theory</u>: Summarize your case in one short, emotional paragraph. Use simple, powerful language, use your best facts, deny your worst facts and explain motives. Justify the verdict you are seeking. Everything you do at trial is controlled by your case theory.</p> <p>The entire team must agree on your theme and theory. A good way to start this section is, "This is a case about (insert theme). That's because (insert theory)."</p>	
The Parties	Discussed the parties and who they are. Make your client seem sympathetic by discussing their activities at work, home, and/or play.	
The Scene	Describe the who, what, where, when and why of the case in as few sentences as possible. Give the jury enough information to form a mental picture of the scene that brought them to court. Make it dramatic and easy to understand. Include the date, time, lighting, weather, etc. Make sure it is phrased in a way that is good for your side and is in chronological order.	
Key Witnesses	Tell the jury who the key witnesses are and why what they have to say is important. Explain why your witnesses are credible. Did they see something happen? Did they do something?	
Evidence	Describe any evidence, vehicles, equipment, or other products that are important to the case. Make it dramatic. Include the size, weight, height, etc.	
Issues	Why are we here? Describe to the jury the reason this case is in court. The plaintiff/prosecution should state the claims/charges and say the defendant is guilty/liable. The defense should state the claims/charges and aggressively deny them.	
Statute(s)	What law(s) apply? <i>Discuss the statute elements and facts that support why those elements entitle your side to win.</i> A plaintiff's attorney/prosecutor should deliver this section forcefully. A defense attorney should suggest that the other side's version will not be convincing and emphasize their version of what happened.	
Burden of Proof	Explain the burden of proof to the jury. Plaintiff attorneys/prosecutors, explain that you <i>will</i> be able to meet your burden. Defense attorneys, explain that the other side will <i>not be able</i> to meet their burden. Remember, in a civil case, the burden of proof is preponderance of the evidence and, in a criminal case, it is beyond a reasonable doubt.	
Conclusion	Tell the jury the verdict you want. Tell the jury the facts that will support that verdict. Restate the theme. Thank the jury for their time.	
Presentation	Highlight words in your opening that you should emphasize. While presenting, make sure you speak at a comfortable pace (fast for exciting parts and slow down for important parts), use good volume, and make a lot of eye contact. Do not say "like" or "um" a lot.	

OPENING STATEMENT

1. Speak in future tense (“the evidence will show you that...”)
2. Tell a story!
 - Who are the important people?
 - How do you want to portray those people?
 - Look at the testimony to find good descriptors of the person
3. Make the story **vivid**
 - Re-create the incident
 - Make it emotional and dramatic
4. Walk the jurors through the events in chronological order.
5. Anticipate the other side’s weaknesses.

OPENING STATEMENT

Don't include your
personal opinions!

OPENING STATEMENT

A Standard Outline

In the opening, if you tell the jury they will hear something, make sure they hear it come out of a witness's mouth during the trial!

Example:

In the opening, you say: “Today, you will hear from Lisa Jones. She will tell you that she witnessed the murder.”



Future tense

When Lisa is on the witness stand, make sure you ask her, “did you witness the murder?”