Luv Law3MI Civil Law- Mock Trial General Instructions

##### Part A: Roles in the Mock Trials

Your team will either be representing the Plaintiff or the Defendant. Each team will consist of approximately 3 students. The groups are smaller and students may play multiple witnesses.

|  |  |
| --- | --- |
| **Part B: Steps in the Process (Pre-Trial)** | Check once completed |
| **Read over the case summary and the witness sheets (if applicable)** |  |
| **Read over the assigned sections in the text book** |  |
| **Arrive at a theory of culpability (Plaintiff) or a theory of defence (Defence)**  *Why and how has the plaintiff been wronged? Why has the defendant not committed a wrong?* |  |
| **Identify and tabulate the remedies/damages that you are seeking (Plaintiffs only)**  *Complete handout-Summary of Damages and submit* |  |
| **Identify the most important facts and how they are going to be shared in court**  *Complete handout-Summary of Witnesses and submit* |  |
| Develop Your Witness roles Read over the guidelines for witnesses  Develop the questions that you need to ask so that each witness shares his/her information.  List the questions on a piece of paper. |  |
| **Develop any submissions, evidence, exhibits, or witness roles that will help your witnesses/position**  Bring in items/replicas, stage pictures, record statements, draw maps  Be sure the picture items are at least 8.5 X 11” and that all items have questioned within witness roles |  |
| **Write the opening statement and rehearse**  Use the handout Opening/Closing Statements; check off included elements once you have written up the opening |  |
| **Submit Opening for feed back**  *I will verify the completion of all the elements* |  |
| **Practice Questioning Witnesses and Rehearse Opening Speech**  The witnesses need to know the facts of the case;  Ask them the questions and let them answer it without the sheets  Ask them questions and then develop the character as they answer them. Evaluate each other and make suggestions so as to improve character, factual information, emotions, body language |  |
| **Cross-Examination**  Contemplate opposing arguments  Make a list of questions that you would ask the opposition.  Use the pool of questions when you cross-examine witnesses, whose story or identity you do not know at this stage. |  |
| **Course Review**  *Complete the course review and submit as part of the evaluation* |  |

#### Part C: Witnesses, Specific Rules

1. All witnesses, including the accused, must take the stand. You can create other witnesses, but again their stories must help **the balance of probabilities**, not hinder it, if their stories are too far-fetched.

Witnesses are not permitted to use notes when testifying during the trial.

#### 2. His/her fact sheet binds each witness. You can add information which is plausible, but without proof, you are risking *the balance of probabilities* in your favour, especially if you make outrageous claims.

**Part D: Evaluation**

There are several parts to the evaluation

1. **Evidence**:

You need to generate evidence, which does not deviate from the facts, but can help your case; this includes staged photos/videos, photos, witness stories, drawing, statistics, expert witnesses etc.

**Group Evaluation 10 Points**

1. **Lawyers**

* For the opening statement, the lawyer provided a clear and concise description of his/her team’s side of the case. During the closing statement, the lawyer made an organized and well-reasoned presentation summarizing the most important points for his/her team’s side of the case.

**Individual Evaluation: 10 Points**

* On direct examination, lawyers used questions, which required straightforward answers and brought out key information for their side of the case.

**Individual evaluation: 10 Points**

* On cross – examination, lawyers were able to bring out contradictions in testimony and weaken the other side’s case.

**Individual Evaluation: 15 Points**

* Throughout the questioning of witnesses, lawyers used properly phrased questions and exhibited a clear understanding of trial procedures.

**Individual Evaluation: 5 Points**

* Throughout the preparations, lawyers attended all classes, showed leadership, and on-time completion of tasks

**Individual Evaluation: 5 Points**

**Total: 55 points**

### 3. Witnesses

* Witnesses/accused were believable in their characterizations, convincing in their testimony and did not unfairly deviate from fact sheets

**Individual Evaluation: 10 Points**

* Witnesses were well prepared for answering the questions posed to them under direct examination.

**Individual Evaluation: 15 Points**

* Witnesses responded well to questions posed to them under cross – examination.

**Individual Evaluation: 10 points**

* Throughout the preparations, witnesses attend all classes, showed leadership, and on-time completion of tasks

**Individual Evaluation: 5 Points**

Witnesses are completing jury duty, following the trial of another group and are arriving at a settlement based on the balance of probabilities.

**Individual Evaluation: 5 Points**

**Total: 55 Points**