Introduction

To the Parent/Teacher: How to Organize Your Class

This class can be taught at a brisk pace, where one legal concept or topic is discovered each month, a related case summary is provided to students in the second week, and a mock trial is held in the fourth week. This provides a lot of variety and keeps students interested.

Or the class can be taught at a slower pace, possibly leaving the mock trial itself until the end of the course (and can be adapted whether the course is a year-long one, semester-long, or six weeks long—or anywhere in between). You can add enrichment activities or take your time teaching the concepts.

While a mock trial is included every month, it need not take the form of a full-blown mock trial. Instead, it could be a very informal acting out of parts, or involve writing an essay taking one side of the case, or having two parties debate the case in class. Feel free to be creative and do what works for your group, family, or co-op!

The following information should be reviewed with your students during the course of the mock trial class.

Who’s Who—or, What Role Will Your Student Assume?

There are a number of participants in the judicial system and an opportunity for all types of students to participate:

Judge/Justice—the person in charge of the courtroom. A judge presides over a trial court, while a justice presides over an appellate court.

Jury—a group of people who decide whether the defendant is guilty or not guilty (in a criminal case) or responsible for the injury (in a civil case). This is to be a group of the defendant’s peers, with no preconceived notions about the case, who listen to the evidence and make their decision.

Plaintiff—the person who believes he/she has been wronged and brings the case to court. (Civil cases)

Prosecution—government representative who brings the case on behalf of the people represented.

Defendant—the person accused of committing a wrongful act; the person being sued or prosecuted.

Attorney—the person licensed to practice law who will passionately argue the side of the case for which he/she is the attorney.
Witness—a person who testifies in court under oath.

Bailiff—assists the judge in maintaining order in the courtroom and may administer the oath to witnesses.

During your class, you may assign roles to participants or you may allow the students to pick the role with which they are most comfortable. In that case, explain the various parts and ask the students to write their top three roles on an index card and give it to you. In my years of handling mock trials in this fashion, I have never had to assign a role that was lower than second choice to a student—and the vast majority of times, students have performed their number one pick! Isn’t God amazing that way?

Mock trials have a place for all types of students. Of course, the extroverted, confident child may be eager to perform the role of attorney. But what about the shy child? The bailiff or juror roles might be better suited. What about the younger child? Perhaps answering previously rehearsed questions as a witness would suit him. The older student? Challenge them in an appellate case or have them work together with an ambitious younger student to prepare trial strategy and pertinent questions as a trial team. Gifted students, and those who are gifted, but have learning disabilities, thrive on the challenge of a mock trial.

Children who lack social skills can improve them by working as a team for a trial—whether lawyer, witness, or represented party, they must all work together toward a common goal. The activity involved makes it enjoyable and interesting to children with ADHD or autism. Children with reading or writing disabilities can be accommodated by having a lot of that type of work completed at home.

Steps in a Trial or Appeal

In the first week’s lesson, the student will learn about the difference between trial and appellate courts. If you are facilitating a mock trial, the makeup of your class will determine if your mock trial will be a trial or an appellate case. A very small class size would most likely necessitate an appellate case—although utilizing family members and friends may make a trial case possible. No matter what the case summary provided in a particular month, use your creativity to make the most of it. If you are not going to actually perform a mock trial with the materials, you can still have the students engage in a debate with that topic, or write a persuasive essay.

Steps in a Trial

Court is called to order by bailiff
Plaintiff Opening Statement
Defense Opening Statement
Plaintiff’s/Prosecution’s Witnesses—The bailiff swears in each witness. After the direct testimony is elicited, the Defense will have the opportunity to cross-examine each witness.

Defense’s Witnesses—The bailiff swears in each witness. After the direct testimony is elicited, the Plaintiff/Prosecution will have the opportunity to cross-examine each witness.

Plaintiff Closing Statement
Defense Closing Statement

Any jury instructions will be read by the Judge to the Jury.

Jury Deliberations and Verdict Announced

*Steps in an Appeal

Court is called to order

Appellant—Opening Statement
Appellee—Opening Statement
*Opening statements should incorporate a brief explanation of the case and what has happened thus far.

Appellant—Argument
Appellee—Argument

Appellant—Closing Statement
Appellee—Closing Statement

Justices discuss and reach a decision—whatever the majority decides. They will then announce their decision and can state the reasoning behind the decision (which is normally be reported in written form).