

GENERAL INTRODUCTION TO THE CASES

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A. VALUE OF MOCK TRIALS

Holding a mock trial in a class room is an exceptional teaching method in many ways. Students engage in the same activities lawyers, witnesses, jurors and spectators engage in every day in the courtroom. As a result, students gain insight into the trial process and courtroom procedure. This, in turn leads to an understanding of how the legal system deals with factual and legal disputes.

In the cases presented here, the sides are balanced to create a fair contest. Excitement and interest are generated by the intensity of the process and the type of case. Participating in a mock trial is intellectually stimulating. It challenges students analytic and communication skills. As students prepare to serve as lawyers or witnesses, they will have to analyze the facts and the values involved in the case, develop an argument both logical and persuasive and then communicate effectively to convince the trier of fact.

The entire exercise offers both educational and personal growth experiences for those involved.

Note, while this manual addresses high school teachers, mock trials are an effective educational activity at higher and lower levels of schooling as well.

B. NUMBER OF STUDENTS, LOGISTICS

Regardless of class size, any high school teacher could hold a mock trial using one of the cases here. At a minimum, six students willing to spend time in advance preparing, are needed. A volunteer (layer, judge, teacher or student) is needed to be the judge. The case can be tried with the balance of the class as jurors and/or spectators. The number of witnesses and lawyers can be expanded and the evidence can be taken over several days.

A classroom can easily be arranged into a courtroom. The teacher's desk can serve as the bench, with a chair behind it for the judge and one next to it as the witness stand. One or two tables in front of the bench can serve as counsel tables. The jury should sit along the side of the court room, in one or two rows. The jury should be on the same side as the witness stand. The plaintiff and plaintiff's lawyers should sit at the counsel table nearest the jury. The defense will sit at the other table.

C. PRE- AND POST-TRIAL CLASS DISCUSSIONS

The educational value of a mock trial can be greatly increased by pre- and post-trial class discussions. Teachers should schedule time to discuss the trial before hand. This time could coincide with the time allotted to student lawyers and witnesses who are working on their pretrial preparation. The teacher should be prepared to provide some details of the case and to explain the issue to be tried. This pretrial discussion should also layout specifically what occurs during a trial; the order of arguments, testimony, direct and cross examinations, jury instruction and deliberation. Be sure to explain that the jury is the trier of facts. It is supposed to follow the rules of law as stated by the judge.

After the trial is complete, time should be take to reflect on what was seen and learned. If a local lawyer or judge volunteered to serve as judge, include them in this review. Do not try to compress the trial and post discussion into one class period. It is better to schedule several class periods to accomplish the pre trial discussion, trial and post trial review.

D. INTRODUCTION TO THE CASES

The sections that follow contain the mock trial materials for the 11 trials listed below and a set of Rules of Procedure and Evidence. The divider that precedes each set of case materials contains a summary of the case comments and suggestions regarding that case. The balance of this section contains suggestions and explanations that are applicable generally to all of the cases.

1. City of Rockville v Jones - Ordinance violation/First Amendment
2. People v McGrew - Murder; self-defense
3. People v Noonan - Child abuse; accident/parental authority
4. People v Beck - Unlawfully taking an auto
5. People v Jackson - Shoplifting
6. People v Stevens - Assault w/ deadly weapon; self-defense
7. People v Green - Assault w/ deadly weapon; self-defense
8. Miles v Washington - Civil Rights; First Amendment
9. Roman v Colby - Civil Rights/ Unreasonable Search
10. Martin v Big Burger - Wrongful discharge from employment
11. Bruno v Tuebor - Wrongful discharge/ discrimination against homosexual

These cases offer a variety of choices, with respect to the kind of case and the complexity of the issues. First, there are the obvious differences that can be seen from the above listing. (Civil or criminal; constitutional issues or not.) Furthermore, some are more complicated legally (e.g. numbers 9 and 10); some are complicated factually (e.g. Number 1) and some are not (Numbers 3 and 5). Clearly, a case involving an anti-abortion button (Number 8) or a homosexual teacher (Number 11) will be different than a shoplifting case.

The Miles and Roman cases are designed as bench (non-jury) trials. They create the challenge for students of making legal arguments directly to the judge, based on Supreme Court opinions.

E. WITNESSES

All witness roles are meant to be gender-neutral. Chose the appropriate pronoun for the gender of the person playing each role.

In all of the cases, the number of witnesses can be increased. The commentary for each case contains suggestions for doing this. The legal issues can also be expanded in some of the cases. Again see the