



General Mock Trial Tips

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Trial Strategy

- o Theory
- o Theme
- o Witnesses
- o Exhibits

Case Theory

- o Trials are story-battles
- o Theory is your story of the case
- o Complete set of facts you must prove to justify the outcome you want
- o Must include all essential legal elements
- o Brainstorm
 - o Facts
 - o Law
 - o Emotions
 - o Motives

Case Theme

- o Recurring pattern used throughout trial
- o Title or label (attention step)
- o Catchy phrase, alliteration, movie quotes, etc.
- o Strongest argument on pivotal element
- o Common thread that unifies the case
- o Used as often as possible
- o Weaved throughout all stages of trial
- o Brainstorm

Witnesses

- Primacy/Recency

- People tend to remember what they hear first and what they hear last

- Order of witnesses and testimony

- Unfavorable facts

- Bias/Credibility

Witnesses, etc.

- o Word choice
 - o “how far” vs. “how close”
 - o “how light” vs. “how dark”
 - o “how long” vs. “how short”
 - o “perpetrator” vs. “robber”
 - o passive voice vs. active voice

Exhibits

- o MIRA
 - o Mark
 - o Identify
 - o Relevance
 - o Authenticate (already established here)
- o Triangle
 - o Opposing Counsel
 - o Witness
 - o Judge