

MSBA

High School Mock Trial COACHING MATERIALS

for the Attorney Coach

SUGGESTIONS FOR ATTORNEY COACHES

This outline will provide you with some suggested guidelines for use in preparing your student attorneys and witnesses for the mock trial competition.

Much as you will want to help the students, to point them in the right direction, and to give them the benefit of your experience, remember that the students and teachers will develop a better understanding of the case and learn more from the experience if the attorney-advisors do not dominate the preparation phase of the competition. The preparation phase of the contest is intended to be a cooperative effort of students, teacher and attorney coach.

Avoid (even the appearance of) "talking down" to students and/or stifling discussion through the use of complicated "legalese."

SUGGESTED PREPARATION TIME: At least five or six 2-hour sessions before the first trial date.

SUGGESTED MEETING PLACE: Meetings can take place at the school or at a home or office. If possible, one of the meetings should take place in a local courtroom to help students feel comfortable in a courtroom setting.

PROPS: Easel or blackboard for visual aids in explaining trial procedure concepts.

First Session

1. If teacher has not already done so prior to the first meeting, distribute case materials and instruct the team to read them before the next meeting.
2. Explain trial procedures, i.e., opening statements and closing arguments, voir dire, direct and cross-examination, calling witnesses, objections (e.g., hearsay, improper foundation, leading the witness).
3. Review the Simplified Rules of Evidence included in the case materials.

Second Session

1. Examine and discuss the factual basis of the case, witnesses' testimony, and the points for each side. Key information might be listed on the blackboard as discussion proceeds so that it can be referred to at some later time.

Categorize facts: important, damaging, conflicting.

2. Discuss the law involved in the case and the burden of proof.
3. Put the students on the stand with the notes, then have the attorney coach proceed with an example of direct and cross-examinations.
4. Define the roles of the team members, establishing who will act as witnesses and attorneys. Since each team is required to represent both sides of the case during the competition, all roles in the case should be assigned and practiced.

Emphasize that team members should not memorize their roles since, in a real trial, they would have to play it by ear. Rather than memorizing his/her role(s), each student should concentrate on knowing all the facts of the case.

Third Session

Go through the trial:

1. Work with the student attorneys, concentrating on what should be covered in an opening statement and a closing argument.

Remember that the role of the attorney coach is that of a consultant, not the author. Give the students ideas, but don't write statements for them. Ask other members of the team what they think should be included in the opening and closing.

2. Witnesses are called to the stand and student attorneys examine them. Witnesses must be sworn in using the mock trial oath provided in the rules. Work with students to develop questioning techniques which will elicit testimony to support either side of the case.

Have other team members make suggestions, to both witnesses and attorneys.

3. Have attorneys practice making objections, and discuss both style and substance of objections thoroughly. See mock trial rules of evidence for mock trial objections.

Subsequent Sessions

1. Conduct cross-examination and define possible areas where objections could occur; look for other areas that your team's attorneys might want to focus on during cross-examination; have all team members make suggestions.
2. Practice opening statement and closing argument, how to lay foundation for exhibits, what to do when the opposing team objects to your questions.
3. Discuss appropriate courtroom decorum and behavior.

Final Session

1. Have at least one practice run of the entire trial. Allow team members, attorney coach(es), and the teacher coach(es) to act as the presiding judges and the opposing team's attorneys.
2. Enlist the support of community members, especially attorneys or judges, to sit in and offer suggestions.

REMEMBER THAT TEAMS MUST PREPARE BOTH SIDES OF THE CASE.