

The “DOs” and Exaggerated “DON'Ts” of Mock Trial

By Lakeville North

In General

- Appearance
- Casualness before trial begins
- Body Language
- Organization
- Attentiveness
- Witnesses in and out of character
- Teamwork

Flashback to the state of “Felonia”

- The DON'T team will be demonstrated by the Plaintiff and the witnesses for the Plaintiff
- The DO team will be demonstrated by the Defense and the witnesses for the Defense

A “DON’T” Opening by the Plaintiff

- Mistaken names (gender included)
- A stumbling and distracting delivery
- An argument from top to bottom
- Incorrect language
- A focus on the opponent case and not the case of the Plaintiff

A “DO” Opening by the Defense

- Calmness of body language
- Movement with purpose
- An engaging story
- Gestures with purpose
- A focus on the Defense case

A “DON’T” Direct of Jo Staid

- Distracting witness appearance
- Long narrative answers without relevance
- Answering objections without asking judge to respond
- Lawyer using notes in an inappropriate and distracting way
- Lawyer looking down for next question, failing to listen to testimony of his witness
- Witness leaving the stand at the wrong time

A “DO” Cross-Examination

- Calm and polite respect for the Court
- Closed questions
- An appropriate objection

A “DON’T” Direct of Officer Just

- Poorly worded questions causing confusion
- Return to counsel table for inappropriate discussion
- Witness with an inconsistent accent
- Witness with body language completely out of character with witness role
- Poor eye contact by witness
- A clear violation of the costume rule

A “DO” cross-exam with a “DON’T” objection battle

- Closed questions
- A poorly thought out objection
- An ineffective redirect which is outside the scope of the cross examination

A “DON’T” Direct of Darby Flook

- Distracting use of notes
- Leading questions in Direct
- Ending the Direct without trying to reword/rephrase the question
- Witness who is unprepared to answer
- A distinct personality change of the witness between direct and cross-examination

A “DO” cross-exam with a “DON’T” objection

- A correct impeachment of the witness
- A panic on the part of the Plaintiff lawyer
- A witness becoming involved in the objection argument

A “DO” Direct with a Poor Cross Exam of Kim Rodriquez

- A ringing phone
- Cross-Exam questions that help the Defense
- Open Ended cross-exam questions

A “DO” direct of Pat Little and a “DON’T” Cross-Exam

- A witness that is cut off during an answer
- A poor hearsay objection
- An ending on an objection

The Closings

- DO

- Focus on what happened in the trial
- Adapt each closing to make it unique to the trial

- DON'T

- Ramble
- Use content that was not admitted or used during the trial

Thank-you

Have a great season!