

MCKERCHER CUP

GUIDELINES FOR TEACHERS

The following are guidelines that are intended to help teachers in preparing students for the mock trial competition. You should have also received a copy of the Mock Trial Tournament Guide. The guide is a comprehensive handbook of all of the practices and procedures to be adopted in the mock trial process.

1. Select team members. One way of doing this is to hold a mock trial in the classroom, or conduct an in-school tournament. The winning team then advances to the actual tournament. It is a good idea to have an alternate team member in case a regular team member gets sick. The alternate's name should be submitted along with the rest of the team members.
2. All students should read the entire set of materials, and discuss the information, procedures and rules used in the tournament.
3. Assuming the mock trial centers around a criminal case, it may be necessary to give the students some background information on criminal law and basic criminal trial principles. A visit to the local criminal court will help students to learn about courtroom decorum and layout. Visits can be arranged by contacting the local registrar at the court house or the mock trial coordinator in your area.
4. Outline the basic steps in a trial as well as the recommended time guidelines (See Tournament Guide and Trial Script Summary below).
5. Assign roles for the trial (See Tournament Guide under Roles). All roles, including both sides in the case, should be assigned and practiced. The team may have to present either or both sides of the case during the competitions.
6. Distribute the case notes. The facts of the case, witnesses' testimony, and the points for each side in the case should be examined and discussed. Key information should be recorded as discussion proceeds so that it can be referred to at some later time. It should be possible to elicit facts favorable to the prosecution, facts favorable to the defence and key legal issues.
7. Once team members are familiar with the facts, the opening statements for both sides of the case can be prepared. This can be a team exercise in which all members brainstorm questions such as:
 - What are the most important facts we want to tell the judge?
 - What evidence will we present that we should stress?
 - What kind of verdict do we want from the judge?
 - How will we ask for that?

Language should be avoided where its meaning is not completely understood by lawyers and witnesses.

8. The witness roles can now be developed. Credibility of witnesses is very important to a team's presentation of its case. As a result, students acting as witnesses need to really "get into" their roles and attempt to think like the persons they are playing. Students who are witnesses should read over their fact sheets many times and have other members of the team or their class ask them questions about the facts until they know them "cold".
9. Lawyers will be developing their questioning abilities when they start asking questions of the witnesses. Student team members have primary responsibility for deciding what possible questions should be asked of each witness on direct and cross-examination. Questions for each witness should be recorded. Practice drills can be held. For example, one lawyer does the direct examination of a witness, another lawyer cross-examines this witness, and so on.
10. At first, lawyers should be allowed to ask any conceivable question. Later it is necessary to start refining this skill. Introduce the simplified rules of evidence. Explain the purpose behind each rule. Give examples of rule violations. Have one lawyer question a witness while others listen and make appropriate objections. Design other evidence exercises. Your legal advisor will be helpful in explaining the rules of evidence to the team.
11. After the questions are prepared for witnesses, a team should hold several practice sessions where its lawyers question individual witnesses, and the rest of the class or team evaluates which questions are good, and which might be dropped or added. These sessions will also help prepare the witnesses for the tournament.
12. The final case step involves the preparation of closing statements for both sides of the case. This can be developed the same way as were the opening statements. However, it should be noted that closing statements should not be totally composed before trial. They are supposed to highlight the important developments which have occurred during the trial. The more relaxed and informal such statements are, the more effective they are likely to be. Students should be prepared for interruptions by judges who like to question the lawyers, especially during closing argument.
13. As a team gets closer to the first round of the contest, it is strongly suggested that the team conduct at least one complete trial as a kind of "dress rehearsal". All formalities should be followed and notes taken by the teacher and students concerning how the team's presentation might be improved. A team's legal adviser should be invited to attend this session and comment on the enactment. After assessing its performance, the team can work on improving its performance for the tournament. (It will be necessary to have someone acting as the court clerk and bailiff in the "dress rehearsal".)
14. The ability of a team to adapt to different situations is often a key in a mock trial enactment since each judge – or lawyer acting as a judge – has his or her own way of doing things. Since the proceedings or conduct of the trial often depend in no small part on the judge who presides, student lawyers and other team members should be prepared

to adapt to judicial rulings and requests, even if they appear contrary to outlined tournament procedures and rules.

15. Always set aside sufficient time for debriefing what happened in the trial. The debriefing should bring the experience into focus. Students should review the issues of the trial, the strengths and the shortcomings of each party's case. Does our judicial system assure a fair trial for the accused? Are some parts of the trial more important than others? Students should also explore their reactions to playing lawyers, witnesses, and the accused.
16. The following trial script summary and sample courtroom layout will assist you in running mock trials:

Trial Script Summary

1. Court clerk escorts judge to bench and calls order.
2. Counsel stand to identify themselves (Crown followed by Defence).
3. Court clerk reads the indictment and accused pleads to charges.
4. Crown Counsel makes opening statement.
5. First Crown witness called and sworn in by court clerk.
6. Crown examines witness (cross-examination).
7. Defence examines witness (cross-examination).
8. Steps 5-7 are repeated for each Crown Witness.
9. Defence makes opening statement.
10. Steps 5-7 are repeated for each Defence witness with Defence conducting direct examination and Crown conducting cross-examination
11. Defence presents closing statements.
12. Crown presents closing statements.
13. Judge leaves.
14. Court adjourns briefly to await return of judge.
15. Judge returns and tells the accused that he or she is "guilty" or "not guilty".
16. Judge evaluates teams.
17. Court is adjourned.

Sample Courtroom Layout

