**Witnesses**

Read your statement at least three times so you will be prepared to answer questions. Each witness should then work with the lawyers from their side to help prepare questions.

1) Write a brief reflection about the witness.

After reading the testimony of each witness, you will write a brief reflection. Give your impression of the witness and their statements – what did you think of their testimony? How do you feel about him/her as a person? How do you feel about their account of the incident? Give specific examples to support your thoughts and ideas. This must be at least one substantial paragraph. Some possible sentence starters/frames:

I think…

I feel….

I believe…..

I wonder…...

When \_\_\_\_\_\_\_ said \_\_\_\_\_\_\_\_\_\_\_\_\_, I thought...

\_\_\_\_\_\_\_\_\_\_\_\_\_ seems to be......

2) Create a witness statement fact t-chart.

According to this witness, list facts from the witness statement that will be useful to the Plaintiff's case. Write these in bullet points so it is a summary, not a rewrite of the statement. List facts from the witness statement that will be useful to the Defendant. Write these in bullet points so it is a summary, not a rewrite of the statement.

3) Create a time line for the witness.

Include all important events, including their date(s) and time(s).

4) List all exhibits that would apply to this witness and explain why.

List all exhibits that apply to this witness. Identify whether the exhibit helps the Prosecution’s case, the Defendant's case, or both. Explain why and how this exhibit applies to the witness.

**Lawyers: Plaintiff**

Read the facts and all of the witness statements (including the witnesses for the other side). They are to prepare an opening statement, questions for all witnesses, and a closing argument.

Ultimately as a team, you must figure out who is doing the following:

|  |  |  |  |
| --- | --- | --- | --- |
| Opening |  | Witness 4 Cross |  |
| Witness 1 Direct |  | Witness 5 Cross |  |
| Witness 2 Direct |  | Witness 6 Cross |  |
| Witness 3 Direct |  | Closing |  |

I would encourage you to create a master document using Google Docs to share everything online. In addition, be sure to share contact information to inform your teammates if you will be absent or late.

Guiding Question:

How will you tell the story from your side’s perspective?

What must you include?

Story for the Prosecution

• What story needs to be told for the jury to understand this case?

• What does the jury need to know to find that CJ Pearson is liable for causing emotional distress?

• What does the jury need to know to find that KHS was negligent and caused emotional distress??

• What is the “burden of proof” and the applicable law?

• What must be proven to show “a preponderance of evidence”?

• List the events of the case “in an orderly, easy to understand manner.” (If they aren’t written in the optimal order, number them when you’re done listing!)

• What exhibits should be mentioned?

• Be sure to include from whom the jury will be learning each piece of information.

Opening Statement Template

The opening statement is the first time the jury will hear the story of this case. It is the opening statement that will give the details from the beginning to the end, introduce the witnesses (not in a list), explain the circumstances of the case and tell YOUR side of the story. Include your case theory and motto. You have five (5) minutes!

TIPS: You can use emotion, story telling techniques, visualizations (“imagine, if you will….”)…any way to draw the jury into the story. You have to “hook” them in with the compelling aspects of your story.

Here’s how you start: “Your Honor, my name is\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and I will be making the Opening Statement for the Prosecution(Plaintiff)/Defense.”

“This case is about… \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ “We will call the following witnesses and they will testify that… (specify to what each witness will testify) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Continue on another paper.)

“We will establish that: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Continue on another paper.)

In addition, you must state the charges, use and define key legal terms related to the charges, and mention and explain the burden of proof.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Practice writing Direct Examination Questions

Direct Examination questions are questions that:

• Are considered “Friendly” questions.

• A direct examination attorney is your ‘friendly’ attorney

• The questions they ask are designed for the witness to tell the story of what happened from their point of view.

• Invite the witness to explain themselves

• Often start with: “Tell us what your qualifications are.” “Tell us a bit about yourself.”

• Explain the story: “Who else was at the scene?” “How long were you there?” “What did you do next?”

• Will shine a favorable light on your witness

Direct Examination questions AREN’T:

• Questions with yes or no answers without explanation

• Questions that will cause the witness to ramble

Practice writing Cross Examination Questions

Cross Examination questions are LEADING questions (‘yes’ or ‘no’ answers) and are NOT permitted on Direct Examination. Cross Examination questions are questions that :

• Directly follow the opposing attorney’s direct examination of a witness.

• Explore weaknesses in the opponent’s case

• Test the witness’s credibility

• Establish facts for your side (against the other side)

• Often start with: “Isn’t it a fact that….?.”, “Wouldn’t you agree that…?.” , “Don’t you think that….?”, “Weren’t you there (or not there) when this happened?”

• Suggests the answer you want from the witness: “So, Mr. Smith, you took Ms. Jones to the movie that night, didn’t you?”

Cross Examination questions AREN’T:

• Questions that allow the witnesses to explain themself

• Questions that are mean, sarcastic, aggressive but DO get to the point!

Identify one weakness of each witness. Hint: The questions should build on each other.

**Lawyers: Defense**

Read the facts and all of the witness statements (including the witnesses for the other side). Prepare an opening statement, questions for all witnesses, and a closing argument.

Ultimately as a team, you must figure out who is doing the following:

|  |  |  |  |
| --- | --- | --- | --- |
| Opening |  | Witness 4 Cross |  |
| Witness 1 Direct |  | Witness 5 Cross |  |
| Witness 2 Direct |  | Witness 6 Cross |  |
| Witness 3 Direct |  | Closing |  |

I would encourage you to create a master document using Google Docs to share everything online. In addition, be sure to share contact information to inform your teammates if you will be absent or late.

Guiding Question: How will you tell the story from your side’s perspective? What must you include?

Story for the Defense

• What story needs to be told for the jury to understand this case?

• What is preponderance of evidence?

• What does the jury need to know to find that CJ Pearson is not liable for causing emotional distress? What facts will help to prove this?

• What does the jury need to know to find that KHS was not negligent and caused emotional distress?? What facts will help to prove this?

• What is the “burden of proof” and what is the applicable law?

• List the events of the case “in an orderly, easy to understand manner.” (If they aren’t written in the optimal order, number them when you’re done listing!) What exhibits should be mentioned? • Be sure to include from whom the jury will be learning each piece of information

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(Continue on another paper.)

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• Will shine a favorable light on your witness

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**Juror Biography**

Imagine who they will be in twenty years and complete

Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Spouse’s name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Ages of children \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Parent’s name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Most memorable childhood event \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Education Completed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Physical condition that would make it hard to be on the jury \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Religious affiliation \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Occupation Employer \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Salary \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Organizations of which you are a member \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Other information about yourself

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**Juror’s Form**

Listen carefully to the trial and take good notes. These notes will help you during the deliberations.

|  |  |  |
| --- | --- | --- |
|  | Plaintiff | Defense |
| Opening Statement |  |  |
| Plaintiff Witness #1:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |
| Plaintiff Witness #2:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |
| Plaintiff Witness #3:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |
| Defense Witness #1:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |
| Defense Witness #2:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |
| Defense Witness #3:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |
| Closing Statement |  |  |

**Juror Preparation**

In addition to creating your personality profile, the jury must choose a foreman. The role of the foreman is to keep order during the jury’s discussion. The foreman will speak on behalf of the jury when asked for a verdict.

In addition, you will be expected to do the following:

Watch the movie Twelve Angry Men (either the 1957 or the 1997 version). Listen intently to the conversation.

Answer these questions as the movie progresses:

• Pick a juror in the movie. Describe the opinion that he initially formed about the case and why. Is this a proper way for a juror to form an opinion?

• Did the one dissenting juror believe that the defendant was guilty, did he think the man was innocent, or did he concern himself with these thoughts at all?

• Do you think that the dissenting juror planned to try to convince the others of his opinion all along? What were his methods of persuasion?

• Do you think that the jurors thought that the boy had killed his father? Should they have voted to convict if they held that belief?

• How would you have voted in this case? Why?

Submit a written reflection that incorporates your responses to the questions above.

**Judges**

Determine how many witnesses and defendants there are and calculate a general time limit for opening and closing statements, jury deliberation, reading instructions to jury, direct questioning of witnesses, cross examination questions, and then rebuttal questions. Remember, there are only about 180 minutes for the trial. Work with the bailiff to keep track of time.

Other Tips:

1. Learn the different grounds for objections and be ready to rule on them. Research them and create a cheat sheet for yourself.

2. Work with the bailiff to sketch out how the courtroom should be set up. Explain the set up to the Court Recorder, Court Artist, and Camera/Video Person(s).

3. Think about and write out the instructions that you will provide to the jury before they deliberate to decide whether the defendant is guilty or not guilty. Be sure to include the following information:

• The importance of being fair.

• Their choices for what the verdicts may be and the fact that it has to be a unanimous decision.

• They need to think about the constitutional issues in the trial.

• Finally, present them with a question about obeying the oath they took and have them answer in the affirmative if they understand the instructions.

4. Last but not least, write an editorial piece describing what it means to be a judge in a court of law. Conduct research online using legal websites as well as perspectives from current judges about the significance of their job.

In the event that other court staff are absent, you may be asked to fill in other roles such as organizing evidence, swearing in witnesses, and maintaining order and respect in the court room.

**Sequence of Events for Trial**

1

After the bailiff/clerk has called the court to order, judge enters courtroom and sits at bench. The judge tells everyone to be seated.

2

After introductory comments (from trial procedure handout), the judge conducts jury selection by asking questions to identify potential jurors who will not be able to be fair.

The judge should let the attorneys ask questions. Students who answer yes to these questions should be removed from the jury and ask to serve as media representatives. Instruct them to sit in an area away from the jury.

3

Thank the jury for serving. Instruct them to ignore anything they have heard about the case from sources outside of the courtroom. Also ask them to listen carefully to the testimony and to raise a hand if they cannot hear.

4

Ask prosecution/plaintiff to begin with the opening statement. Ask lawyers to stand at their table. Then ask defense to do the same.

5

Ask prosecution/plaintiff to call its first witness. Ask bailiff to swear in witness, then ask witness to state name. Instruct attorney to begin direct examination.

6

Ask defense to question the witness. This is called cross-examination.

7

If time permits, allow both sides to continue until there are no more questions.

8

Repeat steps 5-7 for each witness. When defense lawyers call their witnesses, they will conduct the direct examination of those witnesses and the prosecution/plaintiff will conduct the cross-examination.

9

Take a two-minute recess to give the attorneys time to complete their closing arguments. Ask both sides to present their closing arguments; plaintiff goes first.

10

Instruct the jury with the instructions provided at the end of each trial. Ask the jury to remove themselves from the courtroom and to decide the case.

11

When the jury returns with its decision, ask for the verdict.

**Court Clerk/Bailiff**

1. Gather all necessary materials for swearing in the witnesses.
2. Memorize what you will say to administer the oath.
3. Check with the judge to determine approximately how many minutes each portion of the trial will take. Find a stopwatch to help the judge keep track of the time limits.
4. Also check with the judge about how he or she wants the courtroom to be set up. Share this layout with the teacher to ensure that the room setup will work.
5. Refer to the room setup and make official signs for desks showing where everyone will sit. Write the appropriate names and roles on these signs. Type these signs up in a big font, if possible.
6. Talk to the attorneys to find out the witnesses’ names and who is playing them ahead of time so that you are prepared to call them when they are requested by the attorneys.
7. Work with the judge on anything else he/she needs.

General Tips for Being an Effective Bailiff

1. Escort the defendant into and out of the courtroom.

2. Be sure that the courtroom is quiet and orderly and remove any person who causes a disturbance.

3. You are responsible—and this is important—for making sure that everyone is seated and ready to go within 2 to 3 minutes after the bell rings so the trial can get started immediately. The teacher is not getting the courtroom ready for trial—the bailiff is!

4. Try to watch a television show such as Law and Order to get a sense of how courtroom flow, objections, and questions go in a trial.

5. If you need help or have any questions, ask the teacher.

**Court Artist/Media Reporter**

Research and Preparation Related to the Trial Procedure

1. During prep days, the court recorder, court artist, and camera/video person(s) will draw a large American flag and a large New York flag to put up on the wall for the courtroom.

2. Locate and test the recording devices that you will be using during the trial.

3. Check with the judge about how the courtroom will be set up.

4. Watch the movie Twelve Angry Men (either the 1957 or the 1997 version). Listen intently to the conversation.

Answer these questions as the movie progresses:

• Pick a juror in the movie. Describe the opinion that he initially formed about the case and why. Is this a proper way for a juror to form an opinion?

• Did the one dissenting juror believe that the defendant was guilty, did he think the man was innocent, or did he concern himself with these thoughts at all?

• Do you think that the dissenting juror planned to try to convince the others of his opinion all along? What were his methods of persuasion?

• Do you think that the jurors thought that the boy had killed his father? Should they have voted to convict if they held that belief?

• How would you have voted in this case? Why?

General Tips for Being an Effective Court Recorder, Court Artist, and Camera/Video Person

1. Pay attention and listen carefully to what is happening during the trial.

2. Try to watch a television show such as Law and Order to get a sense of how courtroom flow, objections, and questions go in a trial.

3. If you need help or have any questions, ask the teacher.

4. Good luck and have a good time with this!

Your final product whether it be a portfolio, a series of photos, or a news article but must be completed by the last day of the trial. Be sure to equally represent both parties in this trial as well as other courtroom staff.

Media Reporter