



## Colorado High School Mock Trial Program

### SUGGESTIONS FOR ATTORNEY COACHES

As a mentor and a role model, you are critical the success of your team. Of primary importance is your ability to impart to the students that we are a society governed by the rule of law. By the end of the mock trial season, it is our hope they will have a keen understanding and an abiding respect for the law and the legal system. We realize this is not an easy charge, but who better than you the lawyer can help them develop that understanding and respect? Naturally, they will look to you for guidance in both their performance and their courtroom decorum. As a result, it is critical that you demonstrate for them professional and ethical behavior.

To achieve the educational goals of the mock trial program, the preparation phase of the contest must be a cooperative effort of students, teacher and attorney coach. Remember, it is critical to avoid (even the appearance of) "talking down" to students and/or stifling discussion through the use of complicated "legalese."

Finally, the session descriptions below are suggestions only. You and the teacher advisor should approach the tasks in whatever order you deem appropriate, *provided that all of them are covered.*

#### **Organizational Sessions**

1. Prior to meeting with the team, confirm the teacher advisor has already distributed the case materials among the team members, and they have read and are familiar with them.
2. At the first meeting, confirm the students understand the sequence of a trial, the steps in each sequence, the layout of the courtroom and the participants in a mock trial. If the team members are not clear on these concepts, review them prior to moving forward.
3. Discuss the law involved in the case and the burden of proof.

4. Provide an overview the Rules of Evidence with your team. They are available on the website. Ensure the team members know the hearsay rule and all its exceptions.

Examine and discuss the factual basis of the case, witnesses' testimony, and the strengths and weaknesses of each side of the case. Remember your team must prepare to present both sides. Key information might be listed on the blackboard as the discussion proceeds so that it can be referred to at some later time. Categorize facts: important, damaging, conflicting.

5. Explain your process for how and when you will determine 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 as soon as you determine it is appropriate. However, explaining your thought process for this decision and a timetable for when you will make the decisions will provide the students with a sense that the process is fair and that they have an incentive to work towards a defined goal.
6. Discuss appropriate courtroom decorum and etiquette.

### **Development Sessions**

1. Introduce the “Three-Column” format method for witnesses and attorneys.
2. Put the students on the stand WITH Notes and then have the attorney WITH Notes proceed with an example of direct and cross-examinations.
3. Put the students on the stand WITHOUT Notes and then have the attorney WITHOUT Notes proceed with an example of direct and cross-examinations.
4. 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.

### **Pre-Competition Sessions**

Go through the trial from beginning to end, ensuring all the following steps are covered.

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 an 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. Have witnesses called to the stand to be examined by student attorneys. Work with students to develop questioning techniques that 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 the style and substance of the objections thoroughly.
4. Have attorneys practice *responding* to objections. This is one of the most difficult skills for students to master, and it can only be achieved through knowing the rules inside and out.
5. 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.
6. Practice opening statements and closing arguments, how to lay a foundation for exhibits, what to do when the opposing team objects to your questions.

### **Final Sessions**

1. Conduct a final run through of the entire trial. Allow team members, attorney coach (es) and the teacher advisor(s) 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.
3. You are encouraged to attend the regional competition. This will not only bolster the team's courage, but it will also demonstrate to them your commitment and your interest in their achievements.
4. Scrimmage with other teams.

### **If Your Team Advances to State Finals**

Only a percentage of the teams competing in each region will advance to finals. If your team is among those that advance, the time between regional's and finals are the team's opportunity to improve its performance. The score sheets from regionals will be provided to the teacher advisor, and these should be reviewed to identify potential areas for improvement.

### **If Your Team Does Not Advance to State Finals**

First and foremost, let your team know you are aware of and respect the work they have invested to prepare for regional's. Naturally, if they didn't really work hard, that sentiment should be downplayed. But, any student who shows up for practice, learns her

or his role and actually works hard should be congratulated regardless of the outcome. Consider attending the championship round with your team. From the experience, your team members will have an accurate perception of the level of expertise that must be achieved to advance to the final round, and they may feel better about not advancing when they have the opportunity to view the presentations of those who did and compare it with their own performances at regional's.