

Skills for a Lifetime—The CBA's High School Mock Trial Program

by David M. Johnson



It was a clear case of academic rivalry gone horribly wrong. Professor Henri Jones and Professor Benni Gates both were historians with a different point of view about Zebulon Pike. They were rivals in the history department at the University of Colorado and, by all accounts, there was no love lost between these two academics as each pursued “the truth” about the man whom history says was the first white man to see Pike’s Peak. According to the prosecution, Professor Jones broke into the home office of Professor Gates, bashed the good professor over the head with a wooden bludgeon and stole valuable historical documents that may have shown the esteemed Lt. Pike to actually be a traitor and a fraud. Defendant Jones, on the other hand, was a fervent admirer of the great explorer and worked tirelessly to defend his reputation. Jones denied all responsibility for the crime and pointed to a disgruntled former teaching assistant, Abby Chase, as the dastardly criminal.

—Excerpt from the 2009 High School Mock Trial case of “*People v. Jones*”

This past February and March, jurors and judges in court-houses all over the state of Colorado heard this sad tale of professional rivalry and violence. The twist was that the lawyers and witnesses were not members of the Bar or faculty and staff at the University of Colorado, but rather high school students who participated in the CBA's High School Mock Trial (Mock Trial) Program.

Now in its twenty-fourth year and under the capable direction of Carolyn Gravit, CBA Director of Public Legal Education, the Mock Trial Program involves approximately 600 students from high schools in twelve districts throughout Colorado. This year, eighty teams competed across the state in regional tournaments, and twenty-one teams competed in the State Mock Trial Tournament. Helping them were approximately 500 volunteers, including attorney coaches, state court judges, and community volunteers, who gave up countless hours of their own time to make the program a success.

J-Dawg and the Palmer High School Terrors Expose Academic Rivalry

I had the pleasure of coaching “The Terrors,” the team from Palmer High School in Colorado Springs. For those of you who have never had the experience of coaching one of these teams, I can tell you it is one of the most rewarding experiences I have had as a lawyer. I will confess, however, that working with a group of 15- to 17-year-old overachievers had its challenges.

The Making of a Team

We began our work last fall. I knew it was going to be interesting when, during the first week of practice, one of the team members dubbed me “J-Dawg”—as opposed to using a more conventional title like “Mr. Johnson” or “Coach.” As it turned out, this title was actually a compliment and established me as the leader of the team (although in retrospect, I’m not so sure that always was the case).

During the next four months, the team would meet two to three times a week for several hours to grapple with the incredibly convoluted fact pattern of the fictional case of *People v. Jones*, and to decide on theories of the case for both the prosecution and defense. A multitude of facts (including a talking raven and questionable fingerprints) were weighed and analyzed



The 2009 High School Mock Trial State Champions, Palmer High School, in a relaxed, playful pose with their mascot, Terror.

for their relevance and value to each side's presentation. Contradictions and inconsistencies in the statements of the witnesses were numerous and designed to challenge even the best trial lawyers. Hearsay and speculation were everywhere, and the rules of evidence were studied for hours on end.

Watching these young minds tackle this very difficult and multifaceted story, and working with them to develop a coherent and persuasive case for the defense and prosecution, was thrilling and energizing at once. Each student brought his or her unique perspective and talents to the case. We had our "fly specker," who could bring out the seemingly irrelevant facts and make them appear important. We had our "drama queens" and "drama kings," who could bring any jury to tears with their telling of the story. We had our aspiring lawyers, who could conduct a blistering cross-examination or deliver a closing statement that held judges and jurors in rapt attention. Of course, high school students being what they are, we had our clowns, too; when things were tense, they could break up the group with some smart aleck crack about the case or a team member. As we worked, it was almost miraculous to watch as these young advocates and character actors brought the story of *People v. Jones* to life.

The happy ending to this story is that, thanks to the hard work of these young people and the dedication of their teacher coach Mark Qualls and fellow coaches Regina Walter and Emma Adams, the Palmer Terrors prevailed at the Southern Regional Mock Trial Tournament and then went on to win the State Tournament at the Jefferson County Courthouse in Golden.

Skills for Life

As I reflect on my Mock Trial experience, it occurs to me that this program is a laboratory for learning skills that will prove to be invaluable in real life for these students. Some of the skills these future leaders have acquired through the Mock Trial Program are discussed below.

Public Speaking and the Art of Persuasion

It may not be exaggerating to say that 90 percent of the population would rather undergo root canal surgery than speak in public.



At the CBA party in May 2009 for the Palmer state champions: CBA Director of Public Legal Education Carolyn Gravit and teacher coach Mark Qualls.

In Mock Trial, hundreds of students are learning how to get up in front of strangers, present a cogent argument, and see if they can persuade the audience that theirs is the most rational and reasonable view of all. As these students move into their adult lives, an acquired skill of public speaking will stand them in good stead in board rooms, at public meetings, ceremonies, and family gatherings—and perhaps for some, even in courtrooms.

Analyzing a Problem From Both Sides

In Mock Trial, the students must present the prosecution side in one trial and the defense side in the next trial. Over the course of the tournaments, teams will present both sides at least four times. In this day of talking heads on TV and radio who shout down and belittle an opponent, the skill of understanding both sides of an issue is rare, indeed. The Mock Trial students are learning that there are always at least two sides to every story and that each side has its strengths and weaknesses. They are learning that



Glenwood Springs High School, 2005 State Champions, in the courtroom.

it is always necessary to look at both sides and make a determination about what really matters, and to decide the issue based on the most compelling facts and arguments.

Thinking on Your Feet

As any trial lawyer knows, the ability to think on one's feet and deal with unanticipated developments gives an advocate a tremendous advantage. In Mock Trial, the student lawyers and witnesses never know what the other side (or for that matter, the presiding judge) will throw at them. Learning how to adapt to surprises and unexpected twists in the evidence—or in the rulings from the judge—is a skill these students will use in their adult lives no matter what career path they pursue.

Teamwork and Work Ethic

Each Mock Trial team is composed of three lawyers and three witnesses. The six team members may be different for each side of the case and some students may have dual roles: one time serving as a lawyer on one side and another time serving as a witness on the opposing side. This means the team members must help one another. In our case, we had several students who were well-versed in the rules of evidence and, when objections were made or needed to be made, they would pass notes to their colleagues to assist them. Everyone would offer suggestions and ideas in practice and between tournament rounds that were designed to improve the team's performance.

Literally hundreds of hours were spent reviewing the case problem, studying the rules of evidence, writing direct and cross-examinations, working with witnesses to fine-tune their testimony, preparing opening and closing arguments, and then reworking everything as new ideas came up. They did all this in addition to completing their regular course work and participating in other school activities. I have never seen a harder working bunch of kids. I have no doubt that every other coach of every other Mock Trial team in Colorado has exactly the same story.

Understanding the Justice System

Few American adults have a clear understanding of how our system of justice works. These students are learning about statutory law; common law; burdens of proof; the roles of the lawyers, the judge, and the jury; and how our system works to resolve the problems that come before it. No better civics class could be imagined than this Mock Trial Program!

Courtesy and Professionalism

Perhaps the most important lesson Mock Trial teaches its student participants is that courtesy and professional behavior are ex-



Members of the Evergreen High School team respond to the announcement that they were the 2007 State High School Mock Trial Champions.

pected of them even in the heat of a courtroom battle. These young adults learn to curb their emotions and to refrain from shouting, losing their tempers, and making snide remarks as a method of arguing or persuading. They learn to be gracious when they win or lose an objection or a trial round. Finally, as with seasoned lawyers, they learn that one can disagree in the courtroom and be friends in the world outside the courtroom. Throughout the tournaments, the competing teams would shake hands before and after their matches and, as time permitted, team members would stick around to chat with one another about the match, sharing reactions and comments about the case.

Conclusion

The Mock Trial Program is an incredible learning experience for hundreds of bright high school students. The program could not happen but for the volunteer efforts of the teacher coaches, attorney coaches, and judges who give countless hours of their time to make the program a success. Their contributions to this program are invaluable. Many programs also had the help of volunteers from the business community and the schools, all of whom gave their time and talents to this wonderful program.

To my colleagues in the Bar association, if you have not had the opportunity to be involved in your local high school mock trial program or tournament, put it in your bucket list of things to do. Whether you volunteer as a coach, as a presiding judge, or as a scoring judge during the tournaments, you will find Mock Trial to be an incredibly uplifting experience. You will witness first-hand the talent and passion that bright and articulate students bring to the courtroom. At the end of the day, you will be convinced that the future of the law and the future of your community is in good hands. ■

Attention Readers: If you have participated as an attorney coach in the Mock Trial Program, please send me comments about your experience or feedback about the program. Write to me at dave.johnson@cobar.org. I look forward to hearing from you.