# **Developing and Executing a Mock Trial Game Plan**

To begin, everyone on your side has to realize they are part of a team — either the Defense or the Prosecution. Like any team sport, there must be an overriding grand strategy for victory, and the individual roles have to be structured very deliberately so as to contribute to this agreed-upon master plan. This plan is called your "theory of the case," and each side has to have a comprehensive, accurate, and supportable theory (like the thesis of a paper) that frames a story (like the body of your paper).

After reading the facts of the case, you should answer the following questions:				
-	What does your side want to achieve in the case?			
-	How will you accomplish this goal?			
-	What evidence do you have to help you?			
-	What evidence do you have that hurts you?			
-	What could you claim you will prove in your opening statement?			
-	What are the most important facts that you would want to tell the judge in your opening statement?			
-	How can you rebut what the other side will say about you?			

What kind of ruling do you want from the judge?

# **Mock Trial Score Sheet**

Prosecution:	D-f
Prosecution:	Defense:
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Rate the performance of each team member on a scale of 1 to 10, recording one score in each box. **Do NOT use fractions.** 1-2= not effective 3-4= fair 5-6= good 7-8= excellent 9-10= outstanding

Ballot		Prosecution	Defense
Opening statements		()	
Prosecution first witness	Direct Examination	()	
	Cross Examination		()
	Witness Performance	()	
Prosecution second witness	Direct Examination	()	
	Cross Examination		
	Witness Performance	()	
Prosecution third witness	Direct Examination	()	
	Cross Examination		()
	Witness Performance	()	
Defense first witness	Direct Examination		()
	Cross Examination	()	
	Witness Performance		()
Defense second witness	Direct Examination		()
	Cross Examination		
	Witness Performance		()
Defense third witness	Direct Examination		()
	Cross Examination	()	
	Witness Performance		()
CLOSING ARGUMENTS		()	()
TEAM TOTALS (add scores in each of	column)		

POINTS	PERFORMANCE	CRITERIA FOR EVALUATING STUDENT PERFORMANCE
1-2	Not Effective	Unsure of self, illogical, uninformed, not prepared, speaks incoherently, definitely ineffective in communication.
3-4	Fair	Minimally informed and prepared. Performance is passable but lacks depth in terms of knowledge of task and materials. Communications lack clarity and conviction.
5- 6	Good	Good, solid, but less than spectacular performance. Can perform outside the script but with less confidence than when using script, logic and organization are adequate, but not outstanding. Grasps major aspects of the case, but does not convey mastery of same.  Communications are clear and understandable, but could be stronger in fluency and persuasiveness.
7-8	Excellent	fluent, persuasive, clear and understandable. Organizes materials and thoughts well and exhibits mastery of the case and materials.
9-10	Outstanding	Superior in qualities listed for "Excellent" rating. Thinks well on feet, is logical, keeps poise under duress. Can sort out essential from the nonessential and use time effectively to accomplish major objectives. Demonstrates the unique ability to utilize all resources to emphasize vital points of the trial.

#### Mock Trial Scoring Rubric Self Reflection

Scoring: Students can obtain a maximum of 100 points on this exercise. To determine the score, assign a point value to each category (e.g., Preparation and Research) and multiply that value by the number in parenthesis (e.g., 6).

#### PREPARATION AND RESEARCH (X6)

- 9-10 Witness statement/Attorney Questions/Opening Statement/Closing Statement fully developed, completely consistent with historical record, accurately performed. Attorney questions relevant, logical, and clear; questions properly formed and delivered.
- 7-8 Witness statement/Attorney Questions/Opening Statement/Closing Statement adequately developed, fairly consistent, and accurately performed. Attorney questions clear, logical, and relevant most of the time; most questions properly formed.
- 5-6 Written work or performance shows a lack of preparation.

#### VOICE (X1)

- 9-10 Easily understood; consistent use of appropriate rate, volume, and intonation.
- 7-8 Understood most of the time; appropriate rate, volume, and intonation most of the time.
- 5-6 Not easily understood; delivery needs work.

## **EYE CONTACT (X1)**

- 9-10 Establishes appropriate eye contact for the situation and setting.
- 7-8 Establishes appropriate eye contact most of the time.
- 5-6 Does not establish eye contact.

#### **AUTHENTICITY (X1)**

- 9-10 Seems very real; excellent use of body and facial expression; words and gestures match; well adapted to setting; appropriate dress/costume.
- 7-8 Believable; adequate use of body and facial expression; fairly well adapted to setting.
- 5-6 Needs to be more convincing.

## **COURTROOM DECORUM (X1)**

- 9-10 Appropriate interaction with Justices and attorneys; stays in character. Remained quiet and respectful during trial.
- 7-8 Appropriate interaction with others most of the time.
- 5-6 Distracted, inappropriate behavior. Judge had to ask team to quiet down.

# Reflection Questions:

- 1. What were the strong points in the defense's presentation?
- 2. What were the strong points in the prosecution's presentation?
- 3. What were the weak points in the defense's presentation?
- 4. What were the weak points in the prosecution's presentation?
- 5. What did you learn from the mock trial?
- 6. Do you think accused should receive a guilty verdict?