

Mock trial

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A **mock trial** is a contrived or imitation trial. It is similar to moot court, but mock trials deal with trials, while moot court deals with appellate court. Attorneys preparing for a real trial might use a mock trial consisting of volunteers to test theories or experiment with each other. In a mock trial the rules are often abbreviated in order to focus on particular parts of the trial.

Mock trial is also the name of an extracurricular program in which students participate in contrived or fake trials to learn new skills and compete with each other. At some law schools, the term **trial advocacy** is used for the program. Various organizations such as state bar associations sponsor mock trial/trial advocacy competitions for middle school students, high school students, college students, and law students.

Interscholastic mock trials takes place on three levels. High school competitive mock trial has an annual national competition governed by the National Mock Trial Association (<http://nationalmocktrial.org/>). The competition on the college circuit is governed by the American Mock Trial Association (<http://collegemocktrial.org/>). The college circuit also has an unofficial online forum at Perjuries Mock Trial (<http://www.perjuries.com/>). Finally, there is mock trial/trial advocacy at the Law School level such as the National Trial Competition (http://www.tyla.org/advocacy_ntc.html) hosted by the Texas Young Lawyers Association.

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Competition framework

Trial information is sent out in summer to early fall (depending on the level) to each of the competing teams. This information consists of the charges and basis of the case, rules that must be followed, and affidavits of each of the testifying or potentially testifying witnesses.^[1] Additional information including documents, maps, and diagrams are often included to help teams understand the situation of

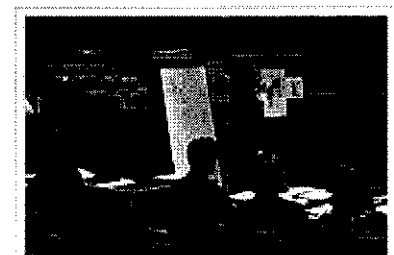
the case. These can often be introduced at trial as exhibits.

Teams have to study and analyze this information and form their case by the time of competition, typically held in winter to early spring.^[2] Each state has its own case every year that is different than the national case. This means that the winners of the state competitions, who move on to nationals, must study and prepare a completely different case in time for the National High School Mock Trial Competition in May.^[3]

The teams consist of a maximum of eight official members.^[4] These eight members must be organized into two teams of six for the prosecution/plaintiff and defense sides. Both of these six-member sub teams consist of three attorneys and three witnesses.^[5]

Trial procedure

The trial begins with the judge coming in. The judge then gives out the instructions to the jury (about what they to listen to). The judge then lets the prosecution/plaintiff give an opening statement followed by the opening statement of the defense. After the opening statements, examination of the witnesses begins. The prosecution/plaintiff calls up their witnesses first. An attorney for the prosecution/plaintiff does a direct examination of the witness. Once the direct examination is complete, the opposing team may cross-examine the witness. After the cross-examination, if the first team chooses, they may redirect the witness and, likewise, the other team may do a re-cross after this. This process is repeated for the two remaining plaintiff witnesses. Once the prosecution/plaintiff has finished with their witnesses, the process is repeated with the defense witnesses, having the defense attorneys direct and the plaintiff attorneys cross-examine.^[5]



A student giving his closing argument during a mock trial

Once all of the witnesses have been examined, the trial moves to closing arguments. The plaintiff again goes first. After the defense finishes their closing argument, the plaintiff may give a rebuttal argument if they still have time remaining. In some competitions, the rebuttal is limited to the scope of the defense's closing argument.^[5] Time limits are set at each level of competition to prevent the trials from running too long and to keep rounds of competition running smoothly.

Judging



Attorney evaluators give critique at the end of a mock trial competition.

There are several different ways that a mock trial can be judged. In one, the judges for scoring the mock trial consist of the presiding judge and two scoring judges, all of whom score the teams. In a second method, there are two scoring judges and the presiding judge, as in the first method, but the presiding judge does not score the teams, rather he simply votes or casts a ballot for one team or another.^[6] In yet another method of judging, there are three scoring judges and the presiding judge is not involved in the scoring of the teams.

The winning team is not necessarily the team that won the verdict in the traditional sense. Instead evaluators score individual attorneys and

witnesses on a 1-10 scale based on each stage of the trial. These consist of the opening statements for the plaintiff and defense, each of the witnesses' testimony, direct and cross-examination by attorneys, and the closing statements for both sides. The team with the highest total number of points is often, but not always, the team that wins the judge's verdict. So, it is possible for the defendant to be found guilty or lose the case but for the defense team to still win the round.

Points can be deducted from a team's score for testifying with information outside the scope of the mock trial materials and for unsportsmanlike conduct or abuse of objections.^[7]

Power Matching

In the first round of the tournament, all of the teams are randomly matched to compete with each other. After the first round of some tournaments, teams are "power matched" to go up against other teams with similar records (i.e. in the second round, a 1-0 team will be matched with another 1-0 team).^[5] If there is a tie in record, the judges will use the number of ballots and total points earned to decide the matching.

^[5] This allows for teams to compete with other teams of similar skill. In later rounds, the power matching forces the first and second place teams to compete against each other, making it easier to determine a winner of the overall competition.

Specific levels of competition

Large-scale competition exists at the high school, undergraduate, and law school levels.

High school mock trial

The National High School Mock Trial Championship was begun in 1984.^[5] This first competition consisted of teams from Illinois, Iowa, Minnesota, Nebraska, and Wisconsin. ^[5] The competition since has grown and now is considered to be an All-State tournament. Each year, various participating states around the country take turns hosting the tournament. The state of Delaware won its bid to host the 2008 National Championship in Wilmington. The tournament took place from May 8-11. The 2009 Championship will be held in Atlanta, Georgia, and Philadelphia, Pennsylvania will host in 2010. New York State does not participate in the national competition; rather, it has its own intrastate competition consisting of over 350 teams throughout the state. It follows similar rules to that of the national competition. New York has three levels of play, county competition, regional competition, and the finals, which is held in Albany, New York in May. The state of Maryland also does not compete in the National High School tournament, and thus has their own statewide mock trial competition similar to that of New York. ^[8]

The mock trial program was started to allow high school students to experience the courtroom in a hands-on role. The mock trials are set up and structured just like a real court, bound by the same rules. ^[9] This can help the students to know exactly what role each of the different people in a court (judges, lawyers, witnesses, etc.) do in the judicial system.

The following is the list of winners of the National High School Mock Trial Championships (since 2000), as well as the runners-ups: