

Affiliates Give Back Through Mock Trial Programs

By Phillip Long

Since the 1970s, high school students have participated in “mock trial” programs throughout the United States. Affiliates have often helped organize and conduct these programs, which involve intensive training for participants and a significant need for volunteer attorneys. For affiliate groups, mock trial programs are a unique public service project, offering a chance to enrich high school education. Although organizing a program may seem complex for anyone looking to start one from scratch, established mock trial programs offer an excellent blueprint for success.

What Is a Mock Trial Program?

Mock trial programs involve a fictitious trial. Participating students start with a packet of information containing an overview of the case, the applicable rules of evidence, a list of witnesses involved with an affidavit from each, and other additional documents. Volunteer attorneys work with students to help them understand this information, determine its relevance, and prepare for competition.

In competition, students participate in an actual trial, with a judge presiding and delivering jury instructions, followed by opening statements. Next, the trial begins in earnest, with examination of the witnesses: direct examination by prosecution or plaintiff, cross-examination by defendant, with possible re-direct and re-cross. Parties are allowed to object based on the applicable rules of evidence, and witnesses can be questioned with their affidavits or any of the other materials. Finally, the mock trial concludes with closing statements.

A Need for Volunteers

A successful mock trial competition requires many people. Within the competition, students play lawyers and witnesses. Students work as a team, supervised and assisted by teachers and volunteer attorneys. Affiliates, such as the Hawaii Young Lawyers Division, often organize the case problem and the competition structure, which both require significant drafting and preparation.

In competition, volunteer attorneys play judges and jury members. They assess and score participants (mock attorneys and mock witnesses) on a scale of 1 to 10 based on how well they performed in their roles. In assessing opening statements, for example, the Texas High School Mock Trial Competition looks at whether the attorney provided a case overview, identified a case theory and provided a clear and concise description of their team’s case, stated the relief requested, and discussed the burden of proof.

“Witnesses” must not use notes, give a credible portrayal of character, sound spontaneous, not memorized, demonstrate appropriate courtroom decorum, and avoid unnecessarily long or nonresponsive answers. Through the rubric, judges and jury members give numerical scores for all aspects of the presentation to decide the winner.

Getting Everyone Together

First, teams must be organized to participate in the program. High school teachers often take the lead in organizing high school teams in the over 45 states that have mock trial programs. Even in those states, however, affiliates can take the lead in ensuring that all high schools are aware of the program as well as help pair volunteer attorneys to act as coaches to specific teams.

Second, once a competition gears up, the greatest need for volunteers surfaces. Volunteer attorneys are critical to the competition because in their roles as judge and jury they provide experienced assessments of student performances. Texas helps fill this critical need by offering CLE credit for attorneys who participate as a coach, judge, or jury member.

Finally, many state bars offer financial support to encourage participation and organize how a “state winner” is determined. For its competition, Louisiana is divided into eight regions, each of which organizes a competition and sends the winners to state finals. The winners of state finals are sent to the national competition, with funding. The Louisiana State Bar Association funds competitions through an allocation of \$15,000 per year, which is spent on conducting the state competition and sending the state winners to national competitions.

American Bar Association Young Lawyers Division
The Affiliate

Starting Your Own Competition or Improving Your Program

Through these important public service programs, affiliates impart critical analytical, reasoning, listening, oral presentation, leadership, and teamwork skills to high school students, skills that are invaluable even if participants will not ultimately practice law. Because of these benefits that enrich the high school education, all affiliates should find a way to participate in mock trial programs.

While starting any new program involves substantial work, starting a mock trial program has the special problem of needing detailed case materials. Fortunately, the National Mock Trial website (www.nationalmocktrial.org) has a database of past problems and a wealth of other materials, which can greatly aid in creating a new program. Further, the over 45 states that have mock trial programs have materials and tips that they can share.

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