



## Lesson 4: Writing a Mock Trial: An Instructional Framework

### Objectives:

- Students will demonstrate an understanding of being in a courtroom.
- Students will learn and be able to apply a variety of questioning techniques.
- Students will learn and be able to apply effective oral communication skills.
- Students will learn that disputes can be settled without violence.

### Procedure for writing a literature-based mock trial:

**Step 1:** Choose a piece of classroom or classic literature that has a clear conflict.

**Step 2:** Read or revisit the piece of literature and have a whole-class retelling.

**Step 3:** In small group, large group, or whole group, have your students brainstorm all of the conflicts in the story.

For example: Rumpelstiltskin

- a. Rumpelstiltskin is in conflict with the Queen for breaking her promise.
- b. The King is in conflict with Rumpelstiltskin for trespassing.
- c. The King is in conflict with the Queen's father for telling the lie to the King that his daughter could weave straw into gold.

**Step 4:** Work with the whole class to identify the conflict that the group feels is the most important.

**Step 5:** Teach or review the difference between a rule and a law.

**Step 6:** Write a law that should have prevented the conflict from occurring.

For example: If the King is suing Rumpelstiltskin for criminal trespass, your law might read:

***No one is to enter the castle of the King without the written permission of the King.***

**Step 7:** Check if your law is a good law by evaluating it according to the following:

1. Is the law easy to understand?
2. Is the law clear?
3. Does the law apply evenly to everyone?
4. Can the law be easily followed?

**Step 8:** Organize your trial

A. Decide whether your case is civil or criminal.

1. **Civil Case** - A court action brought against a person by another person.
2. **Criminal Case** - A court action by the government to try to determine whether an accused person is guilty of committing a crime.

B. Name the two sides of your conflict:

1. If your case is a civil one, the sides are labeled Plaintiff vs. Defense.
2. If your case is a criminal one, the sides are labeled Prosecution (the Government) vs. Defense.

C. List the witnesses you would call on both sides. In order to tell the whole story, you may want to create a character or two to the characters already in the story to add to your list of witnesses. For example, to tell Rumpelstiltskin's side of the story, you may want to



- give him a wife or a mother who can talk about his character.
- D. After all of the witnesses have been identified, the class should establish the purpose of the testimony of each.

**Example:** Rumpelstiltskin

**Conflict:** Breach of promise is a civil case

**Rumpelstiltskin vs. The Queen**

**Plaintiff's Witnesses**

Rumpelstiltskin  
 Mrs. Rumpelstiltskin  
 A former servant

**Defense Witnesses**

Queen  
 King  
 Faithful servant

**Step 9:** Write a fact sheet that tells both sides of the story and then have your students choose the side on which each would like to argue. (This is a good time to ask your students why they chose the side they did.)

**Step 10:** Write the Opening Statement. Why an opening statement? Because the jury needs an overview of the case to put the witnesses into context. The higher the grade level with whom you are working, the more independent this activity can become.

**The Opening Statement**

**Your Honor, and Ladies and Gentlemen of the Jury,** \_\_\_\_\_  
**(name of the first witness)**

**will tell us** \_\_\_\_\_

\_\_\_\_\_.

**Then** \_\_\_\_\_ **will testify that** \_\_\_\_\_  
**name of second witness**

\_\_\_\_\_.

**Finally, we will hear from** \_\_\_\_\_ **who will tell us**  
**name of third witness**

\_\_\_\_\_.

\_\_\_\_\_.

**Step 11:** Learn to write Direct Questions

- A. A lawyer asks direct questions of his/her own witnesses. The direct question is used to make sure the witness gets to tell his/her whole story.
- B. There are standard questions a lawyers begins with. They include who, what, why, where and when.



Students in primary grades should work as a whole class to write their direct questions. Older students can be assigned to write direct questions for a witness individually or in small groups. It is always helpful to invite a lawyer, law student, or someone in a law-related field when you begin writing your Mock Trial.

**Step 12: Writing the Cross Examination Questions**

A. The cross examination questions are the questions a lawyer asks the witnesses from the other side. The job of the lawyer asking the questions is to have the jury doubt the testimony of the witness. In the cross examination, the lawyer really gets to testify. For the Cross Examination, a lawyer asks **leading questions**, questions that lead the witness to a "yes" or "no" answer. For example, Did the Miller's daughter, known as the Queen, ask you to come to help her?

**Step 13: Write the Closing Statement.**

The Closing Statement can also be written collaboratively and should include a summary of everything that was said during the trial. No new information can be introduced during the Closing Statement. The Closing Statement includes what you proved and why the jury should find in your favor.

**Step 14: Practice ...and then practice some more**

**Step 15: Present the Mock Trial**

Oyez, Oyez, the Court of Room \_\_\_\_\_ is now in session, the Honorable Judge \_\_\_\_\_ presiding.