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In Any Case: Conducting a Mock Trial

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Overview | What are the main components of a court proceeding? How can holding a mock trial provide insights into curricular material? In this lesson, students learn the key terms associated with the United States court system, then engage with core texts and subjects through the mock trial process.

Materials | Computers with Internet access or copies of resources about legal proceedings (see below); copies of the handout [Preparing for a Mock Trial](#) (PDF)

Warm-up | Divide students into pairs and tell them that they are going to participate in a timed competition called "How Well Do You Know the Courts?"

Ask: Who are the key players in a courtroom? What are the stages of a trial? Write down as many words associated with courts and trials as you possibly can within two minutes.

When time is up, invite pairs to indicate how many terms they wrote down, and then invite them to share and compare lists. [Fill in any key terms](#) as necessary.

Ask: How do you know these terms? Have you watched "Judge Judy," "The People's Court," "Law and Order," or live coverage of trials on cable TV? What words do you hear often but cannot define, like *arraignment* or *indictment*? You might have students go back to their lists and circle the words that they can't totally define.

If you have Internet access, have students watch [a video of a mock trial competition](#) while taking notes, comparing their word lists with what they see in the video.

Related | In the article "[In Miami Re-enactment, Capone Has New Day in Court](#)," Damien Cave describes the scene in a century-old Florida courtroom where Al Capone's perjury trial was recently re-enacted:

Arrest the bum and run him out of town: that was the approach of the Miami police when Alphonse Gabriel Capone moved to South Florida in 1928. But when he sued the city for harassment two years later and was then tried for perjury, the authorities ended up looking like chumps.

The public safety director, S. D. McCreary, testified to his own legal ignorance; the judge would later be indicted for taking bribes.

Why then would the Eleventh Judicial Circuit Court and Miami-Dade County go out of their way to re-enact the perjury trial on Tuesday - in a courthouse already overwhelmed with a backlog of cases? Partly to celebrate the court's 100th birthday; partly for reasons more profound.

"This is where we come from," said William Altfield, an assistant state attorney tasked with playing Mr. McCreary. "This is the actual courtroom where the trial happened, and it's magical."

Read the entire article with your class, using the questions below.

Questions | For discussion and reading comprehension:

- What was Al Capone tried for?
- Why would a busy court go out of its way to reenact a trial held 70 years ago?
- What was the ultimate outcome of the Capone trial?
- What accusations did Capone make about the Miami police? What is the value of seeing selections from the original court transcript?
- How, according to the article, has Miami both changed and stayed the same over the last half-century or so?

Activity | Ask students: What is the purpose of a mock trial? How do you think holding a mock trial in class would give us a different perspective on what we are studying? (Here, refer to relevant course content, like "Hamlet.") Discuss the value of in-depth questioning, close attention to statements and documentation, witness testimony and argumentation. How does looking at curricular content through a legal lens give us fresh insights as well as teach us about the justice system?

Explain to students that they will now delve further into the mock trial process, requiring them to mine core texts for quotes, facts, insights and perspectives.

But first, in any course, start by familiarizing students with the process, especially the players in a trial courtroom (prosecutor, defending attorney, juror, bailiff, defendant, witness) and the stages of a trial. Provide them with related resources (in the list above right) as well as the American Bar Association's [guide to mock trials](#) (PDF), the New Hampshire Bar Association's [Overview of the Legal System](#) for students (PDF), Classroom Law Project's [Manual for Mock Trial](#) (PDF) and FindLaw's explanations of the stages of [criminal](#) and [civil](#) cases .

Here are ideas for exploring curriculum with mock trial:

Language Arts:

- Teams present opening and closing arguments for trials based on literary works, from [fairy tales](#) to "[Macbeth](#)" and "[Frankenstein](#)."
- Students analyze a literary trial, like that in "[The Crucible](#)" or "[To Kill a Mockingbird](#)." They might analyze the text in and of itself, compare the proceedings in the text with those in the film version or determine how historically and legally accurate the literary trial is.

- Students conduct research and collect evidence to conduct a trial based on a writer's life, like the [1920 mock trial](#) where Mark Twain was accused of being "the greatest liar in the world" or a proceeding designed to settle [the question of Shakespearean authorship](#).
- Students put a writer accused of plagiarism (like [Ian McEwan](#)) or [literary fraud](#) on trial.

History and Civics:

- Students create new witness lists and questions for a [historical trial of a famous figure](#) like [Socrates](#), [John Scopes](#) or even [O. J. Simpson](#). Is there any possibility that the case, if it were retried, could yield a different verdict?
- Students develop outlines for the prosecution and defense of an imagined [trial of a historical figure](#) like [President Truman](#) or [Stalin](#). Who in history should have been prosecuted? How would his or her actions be defended in a legal proceeding? Would he or she be found guilty or innocent? How would such a trial have changed history?
- Teams find newspaper coverage of a youth crime, either local or national, then create a document which lists the plaintiff(s), defendant(s), witnesses and evidence that could be brought to a [peer court](#). They then fill out a [deliberation process](#) form for a [peer court hearing](#).
- Students make storyboards for an imagined criminal case based on an [article in the news about a crime](#).

The Arts:

- Students find examples of song lyrics, music, paintings or other artwork implicated in accusations of "borrowing" or plagiarism and place them alongside the supposed source material (example: the case of [Bob Dylan](#)), then prepare posters or digital slides for both defense and prosecution to use in court.
- How is the justice system portrayed in television shows and movies? How are mundane court procedures dramatized? Students watch a famous trial in a film, like "A Few Good Men" or "Philadelphia," then [deconstruct a key scene](#).

Science and Math:

- Students research a scientific theory or [mathematical theorem](#) in preparation to put it on trial. What might constitute evidence and witness testimony? What arguments could be made? They might draw from history for ideas, looking at trials like that of [Galileo](#).

Going further | Students conduct a full mock trial, starting with opening arguments, presentation of evidence and questioning of witnesses, cross-examinations and closing statements. Each student participates. Roles to play include judge, jury member, prosecutor(s), defense attorney(s), defendant(s) and witnesses. (The teacher may want to reserve the role of judge for him or herself.)

They might develop the idea they were working on for the main activity or use that work as background for a mock trial they execute from scratch. In any case, the trial should be on curricular content.

Students work independently or on teams, as appropriate, to prepare for the trial. They might use our handout [Preparing for a Mock Trial](#) (PDF).

Afterwards, debrief the process, starting with feedback from the judge. They should discuss what specific evidence or argument was particularly convincing or weak and whether the facts spoke for themselves or whether presentation and performance

mattered. Finally, they should discuss how the process shed light on the material at hand. Did they see the characters and issues in a different way? And, what new understanding do they have of the legal process?

Standards | This lesson is correlated to [McREL's national standards](#) (it can also be aligned to the new [Common Core State Standards](#)):

Civics

3. Understands the sources, purposes, and functions of law, and the importance of the rule of law for the protection of individual rights and the common good

Historical Understanding

2. Understands the historical perspective

Language Arts

1. Uses the general skills and strategies of the writing process
2. Uses the stylistic and rhetorical aspects of writing
4. Gathers and uses information for research purposes
5. Uses the general skills and strategies of the reading process
8. Uses listening and speaking strategies for different purposes

Behavioral Studies

4. Understands conflict, cooperation, and interdependence among individuals, groups, and institutions

Life Skills: Thinking and Reasoning

1. Understands and applies the basic principles of presenting an argument
2. Understands and applies basic principles of logic and reasoning
3. Effectively uses mental processes that are based on identifying similarities and differences
6. Applies decision-making techniques

Life Skills: Working With Others

1. Contributes to the overall effort of a group
4. Displays effective interpersonal communication skills
5. Demonstrates leadership skills