

## Mock Trial Preparing for the Clinic

ANY LEVEL OF PREPARATION IS OKAY. If your team doesn't have it together enough to do anything more than read through the Clinic case, they will still benefit from the Clinic, and it will help them learn enough to start tackling *Gossan Flint v. Texoma Development Corp.*

BUT...The students will be able to absorb much more from the tips and suggestions that are given by the instructors if the students take a few hours to prepare. They will also be more confident and ready to step-up and participate, which will enhance their learning. For coaches new to Mock Trial, the following suggestions may help you prepare your students.

Start by asking the students to read through the Clinic Case (it's short!), including the Exhibit, before you meet. When you meet, cover the following:

### STIPULATIONS:

1. Have the students identify: WHAT QUESTION IS THE JURY BEING ASKED TO DECIDE? *This should be the starting place, and the prism through which they view the witness statements and exhibits.*
2. If we are Plaintiff/Prosecution ("P"), what do we have to prove for the jury to answer this question in the affirmative? If we are Defense ("D"), what are we trying to refute or keep P from proving?
3. Review any stipulated facts (things you will not have to prove at trial).

WHAT'S OUR STORY/THEME? For each side, what do we want the jury to hear? For example, "Facebook cared more about getting advertising dollars than they did about your vote being protected" or "The Government is blaming Facebook because the Government failed to protect our election." Keep it simple and concise.

WITNESS STATEMENTS: You may find it helpful to have each student be responsible for knowing one witness statement - both for being ready to "play" the witness at the Clinic as well as for direct or cross-examination of the witness at the Clinic.

1. Have the students read aloud each of the P witness statements, so the whole group is up to speed (trust me, some will not have read the case). Giving the witnesses some personality will make it more fun.
2. Have the students identify what one (or two) things the witness says that is important to P's case.
  - a. Have the student(s) responsible for that witness attempt to come up with 2-5 questions for direct examination that elicits this testimony. *For beginning mock trialers, you don't need to "teach" leading/non-leading, etc. The people teaching the Clinics will work with them on this.* Just having questions in mind will help them see the difference and give the instructors teaching material.

- b. If the witness talks about an exhibit, do you want to use it with the witness? If so, ask a question about it. *Similarly, you don't need to teach the beginners how to get an exhibit in. Intermediate students may want to try to follow the proper process.*
  3. Identify one or two weaknesses that D can use from the witness statement of the P witness (something that shows bias, or is bad for the P's case, etc.)
    - a. Have the student(s) responsible for that witness come up with a few cross-examination question that shows the weakness to the jury.
    - b. Any exhibits you want to use with this witness on cross?
  4. Go through the same process for the two D witnesses.

#### OPENINGS AND CLOSINGS:

Have a few students prepare a 4-5 sentence opening and closing for the case for each side. At the Clinic, they are unlikely to be able to give a "full" opening, but being able to state the theme of the case and what they believe the evidence will show (for opening) or what they have proved (for closing) will be helpful. More experienced Mock Trial students may want to prepare something fuller. Anything that gets the student up on their feet and thinking about it will improve their Clinic experience.

Come prepared to have fun. There are no "fails" at Mock Trial Clinic. We are all there to learn, stretch ourselves, and practice new skills.