



TEXAS HIGH SCHOOL MOCK TRIAL COMPETITION

Preparing a Mock Trial Team
New Sponsor Handbook

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TEXAS HIGH SCHOOL MOCK TRIAL COMPETITION

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**PROGRAM
DESCRIPTION:**

Participation in the Texas High School Mock Trial Competition is a fun and challenging way to provide students, both in public and private schools, with an operational understanding of the judicial system and legal processes. The mock trial is a popularly accepted educational experience because by participating in and preparing for a mock trial, students develop useful knowledge about good communication skills, critical thinking, quick analysis and oral advocacy. Also, members of the legal profession have the opportunity to share their knowledge and experiences with the participants in the mock trial.

Teams, consisting of 7-10 students, officially enter the competition, receive the competition packet, prepare for trial, and then participate in a district or regional level of competition. Winning teams advance to the State Championship. The top winning team represents Texas at the National High School Mock Trial Championship in May. Each year, more than 200 schools participate and more than 4,500 students benefit by the program in some way. More than 1,000 attorneys and judges participate annually. Case materials are prepared by the Dallas Bar Association. Teacher/student workshops and clinics are offered through regional education service centers and are presented by local bar association volunteers.

DATE OF ORIGIN:

1979: Dallas Independent School District Competition
1980: Texas High School Mock Trial Competition
1984: Bi-State Competition: Oklahoma and Texas
1984: National High School Mock Trial Championship

SPONSORS:

Dallas Bar Association, Dallas Bar Foundation, and Texas Education Agency's Regional Service Centers

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TEXAS HIGH SCHOOL MOCK TRIAL COMPETITION
SPONSORING A MOCK TRIAL TEAM

I. Steps to Follow

- A. Select a Team
- B. Secure an Attorney-Advisor
- C. Study Case, Rules, and Terminology
- D. Plan Strategies
- E. Practice, Practice, Practice

II. Following the Steps

- A. Selecting the Team
 - 1. Considerations
 - a. need 7 - 10 members, no alternates (you should have more for preparation to help “build” your team for “next year”)
 - b. students interested in analysis, speaking, competition, and role playing
 - c. time involvement – how many *other* activities will take a student’s time?
 - d. cooperative attitude (a must)
 - 2. Method of Selection
 - a. volunteers from class or school-wide canvass
 - b. class assignment
 - c. try-outs
- B. Securing an Attorney-Advisor
 - 1. Call local bar association for speakers committee
 - 2. Someone recommended by associates or team members
 - 3. Time commitment for attorney
 - a. at least 8 - 10 meetings with the team
 - b. most helpful for “trial tactics” rather than for crafting specific questions
 - c. critique the practices and give pointers
- C. Studying
 - 1. All materials necessary for the competition are found in the case packet
 - 2. Make copies for each team member, attorney-advisor, self – maintain “master copy”
 - 3. Team members should read and re-read materials and read again
 - 4. Team members are responsible for learning terminology
 - 5. View prior competitions on videotapes; view and discuss good and not so good techniques and questions used in trial
- D. Planning Strategies
 - 1. Team members should highlight general flaws in witnesses’ testimonies
 - 2. Team members should analyze both sides, citing favorable and unfavorable points from the stipulations, exhibits and witnesses’ testimonies
 - 3. Invite attorney-advisor to sessions after students have spent time in preparation
 - a. questions of witnesses and strategies for trial
 - b. questions to ask attorney-advisor
- E. Practice
 - Hold regular practices and “dress” rehearsals with critiques; arrange for *scrimmages*.

TEXAS HIGH SCHOOL MOCK TRIAL COMPETITION
TASKS OF THE TEACHER COACH

There is much to “teach” in preparing a mock trial team; however, please keep all of the students’ tasks in proper perspective. What the students learn about themselves and the law while preparing for mock trial is one of the purposes of the program. Healthy competition helps to achieve this objective; however, keeping the proper competitive spirit is one of the greatest challenges for the advisors and the team. A reality of the adversary system is that one party wins; the other party loses. Results are to be accepted graciously by the coaches, team, and the observers.

1. Be the liaison between district/regional/state coordinator and your team;
2. Contact an attorney to serve as an attorney-advisor to your team – schedule meetings;
3. Distribute mock trial materials to all team members and attorney-advisor;
4. Develop student understanding of rules of the competition;
5. Develop student understanding of trial procedure;
6. Develop understanding of the Federal Rules of Evidence (Mock Trial version) included in the case materials;
7. Assist team members in developing and evaluating strategies for each side of the case;
8. Assist team members in case organization and preparation;
9. Make role assignments;
10. Evaluate team members’ performances in practice sessions;
11. Accompany team to each round of competition and stay with your team during each round;
12. Assist team in arriving **on time** for each round of competition;
13. Keep school informed about team’s participation and advancement in competition by making announcements on P. A., in school newspaper, bulletin boards, etc.; and,
14. Invite parents, school administrators, and other interested person to attend the trials.
15. Remember: It has been said, “Advocacy is an art, not a science.” The judges have no way to evaluate your team’s depth of devotion to this activity, the incredible amount of time you and your team give to prepare; they do not judge your team in terms of your intense desire to win. In this subjective arena, the judges make their decisions based upon thoughtful consideration of the presentation that they just witnessed in the courtroom, what they believe is the best way to present a case, and their own ideas of what a jury would do in a “real” court.

TEXAS HIGH SCHOOL MOCK TRIAL COMPETITION
TASKS OF THE ATTORNEY ADVISOR

1. Read the materials, paying particular attention to the Rules of the Competition and the Federal Rules of Evidence (Mock Trial Version). Rules of Evidence that are not included in the case packet are not to be used by the students and are not permitted in the trial.
2. Meet with the team 8 - 10 times for approximately an hour each prior to the competition. This would be a *minimal* amount of time spent by the attorney advisor. Some schedule team meetings each day for at least a month prior to the tournament. All meetings should be approved by school district personnel. Scheduling meetings, of course, is a discretionary decision of the individual attorneys and teams.
3. Assist the team with “technical” legal questions; provide legal expertise; and help students recognize, understand, and be able to use legal terminology.
4. Provide information about proper courtroom attire and demeanor, trial presentation and procedure, and adapting presentation to various juries.
5. Demonstrate and help develop effective trial techniques in trial sequence: opening statements, direct and cross-examination, and closing arguments.
6. Demonstrate and help develop effective techniques in the following:
 - Proper foundation for entering documents into evidence
 - Entering documents into evidence
 - Use of objections and responding to objections
 - Impeaching witnesses
7. Be available for the team throughout the trials in which they compete; and, if possible, attend the rounds. Help team prepare for both winning and losing. Remind the team to keep the competitive spirit at a reasonable level. Help team members to understand the reality of our adversary system and to accept the outcome of the trial gracefully and in a mature manner (this applies to adults, as well).
8. Coaches are not permitted to communicate with their team during the trial. **Do not** communicate at all with your team during a recess, in the event one occurs.
9. Permit the students to develop strategies for each side of the case before you make your first visit. Convey to the students that they are responsible for the “substance” of the preparation; you are providing “technical” assistance.
10. Discuss extrapolations, and, in particular, “unfair” extrapolations. Discuss appropriate ways of handling unfair extrapolations during the course of the trial.

TEXAS HIGH SCHOOL MOCK TRIAL COMPETITION
TRAINING FOR A MOCK TRIAL

TASKS INVOLVED

1. Teaching facts and issues of the case
2. Teaching the law involved in the case
3. Teaching trial procedure
4. Teaching Rules of Evidence (Mock Trial Version)
5. Developing student understanding of strategies for each side of the case
6. Organizing students to prepare the case
7. Role assignments
8. Scheduling practice sessions
9. Conducting the mock trial
10. Viewing and analyzing videotapes of previous mock trials

TASKS FOR TEAM

1. Read facts and all witness statements – many times
2. Discuss all facts of the case and plot facts on a timeline
3. Discuss issues of the law in the case
4. List the steps in a trial: define and discuss the Rules of Evidence (Mock Trial Version)
5. Brainstorm Opening and Closing Statements
6. Brainstorm questions for witness examinations
7. Discuss and evaluate strategies for both sides of the case
8. Conduct trial (invite spectators to view and critique trial (strategy, presentation skills, etc.) and specific points in the trial (opening, cross-examination, etc.)
9. Practice, practice, practice
10. View and analyze videotapes or DVDs of previous mock trials

TASKS FOR SMALL GROUPS OR INDIVIDUALS

1. Outline, prepare, revise opening statements
2. Organize and write direct examinations for each witness
3. Organize and write cross-examinations for each witness
4. Outline, prepare, and revise closing arguments
5. Drill attorneys on statements and questions
6. Drill both attorneys and witnesses on direct and cross-examination questions
7. Discuss and evaluate strategies for each segment of the case for both sides

TRAINING FOR A MOCK TRIAL
CONT.

- I. Introduction to Facts and Issues of the Case
 - A. Have students read the Stipulations, the Witness Statements and the Documents of the case.
ASK:
 - What kind of case is this? (civil or criminal?)
 - What do the terms *plaintiff*, *prosecution*, *defendant* mean?
 - If a civil case, who is the Plaintiff?
 - Who is the Defendant?
 - B. Draw a timeline of the events in this case, marking significant dates.
ASK:
 - What happened at each point?
 - Do we know what happened in-between plotted points? If so, what?
 - Do we need to know that information? Why? Why not? How can we get that information?
 - C. Read the statute involved in this case.
 - Define terms in the statute; discuss answers and develop an agreeable definition of terms.
 - Probe the law of the case; ask the team's attitude toward what happened to the Defendant; the actions of the Defendant; the attitude toward what happened to the Plaintiff; the actions of the Plaintiff (or victim, if discussing a criminal case), etc.
 - D. Divide team into two groups. Assign one group the Plaintiff's/Prosecution's side and the other group the Defendant's side.
 - Review stipulations.
 - Make statements to summarize side.
 - Read and discuss summary statements for each side.
 - E. Write one sentence telling who is suing whom and why.
- II. Analysis of the Plaintiff's/Prosecution's Case
 - A. Read the statements for the witnesses for the Plaintiff or the State if a criminal case.
 - B. Review the dates plotted on the timeline and describe what happened at each point.
 - C. Name and identify each of the witnesses for this side.
 - D. Ask for a volunteer to take a seat at the front of the group and assume the role of Plaintiff/Prosecution Witness #1. Say, "In your own words, describe (why you are bringing this lawsuit) or (what happened that caused the arrest of the Defendant)."
 - Continue by asking the volunteer additional questions about the facts contained in statement of Witness #1.
 - Allow team to ask questions, keeping in mind only the facts stated in the witness' own statement.
 - E. Do the same as above for Witness #2 and then Witness #3 roles.
 - F. ASK: Based upon what we have read and heard what facts are in dispute in this case? Make a list of these.
 - G. List and discuss the following:
 - the strong points of the Plaintiff's/Prosecution's case
 - the weak points of this side's case

TRAINING FOR A MOCK TRIAL

CONT.

III. Analysis of the Defense Case

- A. Read the statements for witnesses for the Defense.
- B. Review the dates plotted on the timeline and describe what happened at each, according to the Defense witnesses.
- C. Name and identify the witnesses for the Defense.
- D. Ask a volunteer to enact the role of Defense Witness #1 and answer questions from the witness statement, as was done for the Plaintiff/Prosecution witnesses.
- E. Do the same as above for Defense Witnesses #2 and #3.
- F. Role-play witnesses and attorneys.
 - Divide into six groups with each group being assigned one witness role.
 - Have each group choose one member to be the witness and one to be the “recorder.” Others act as attorneys.
 - Attorneys take turns asking the witness *direct examination* questions, in logical order; recorder notes the questions (these are useful when composing actual questions for trial).
 - Debrief by asking what kinds of questions were asked. What was learned about the questioning and answering process? Adapt questioning into a “conversational” format rather than reading each question from notes.

IV. Trial Procedure

Read *Mock Trial Procedure and Presentation* section in the Competition Packet, pp. 64-68, to review the steps in a trial.

- Recall steps in order; make list.
- ASK: what happens at each step?
- Insert examples from current case to illustrate trial procedure and what will happen at each stage of the trial.

V. Case Preparation

- A. Divide into Plaintiff/Prosecution and Defense teams. Have team assume roles (Team “captains” are helpful here to manage the team’s work on the case and to help keep team focused.)

As an alternative, have everyone operate as one group, following the directions found below.
- B. Focusing on own side of the case, discuss the following:
 - What does side want to achieve in this case?
 - How will we achieve this?
 - What evidence will help us?
 - What evidence will hurt us?
 - What is important to include in the opening statement?
 - What testimony should be emphasized with regard to each witness? What testimony should *not* be emphasized?
 - What documents/exhibits are useful to our case? What may hurt case? How are we going to get favorable documents/exhibits into evidence? How are we going to keep unfavorable document/exhibit out?

TRAINING FOR A MOCK TRIAL
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- What must be covered in direct and cross-examinations of each witness? What kind of legal argument should we make in the closing argument?
- What information, favorable to our side, may be subject to objection? How are we going to respond?

C. Divide team (Plaintiff/Prosecution or Defense) into working groups, as described below:

Plaintiff/Prosecution:

Witnesses

Examining Attorneys

Opening Statement and Closing
Argument Attorneys

Defense:

Witnesses

Examining Attorneys

Opening Statement and Closing
Argument Attorneys

INSTRUCTIONS:

Witnesses:

1. Discuss character of the witness and describe a “profile” for each witness. As an example, how would the person look, talk, act when under pressure, or answer a question?
2. Each witness should be quizzed by the other witnesses. Direct and cross-examination questions may be asked. Continue questioning until witness can answer **without** looking at the statement or notes. Once witnesses can answer any question without assistance, then each should critique the other on style and characterization.
3. Resume drill, and practice responses with appropriate characterizations.

Examining Attorneys:

1. Attorneys develop questions for each witness based upon the strategies the entire team has discussed.
2. Attorneys refine, revise and, most importantly, “conceptualize” questions and the purpose of each question for own witness on direct and opposing witnesses on cross-examination.
3. The “attorney team” should become very familiar with all witnesses by discussing both direct and cross-examination questions.
4. Discuss possible questions and objections that opposing counsel might use.
5. “Attorney team” should LISTEN to each other’s questions and anticipated responses, remembering to use short, simple questions.

Opening Statement and Closing Argument:

One attorney is responsible for making the opening statement; another is responsible for making the closing argument and rebuttal. Each should assist the other with the basic outline of both the opening and the closing. When composing statements, anticipate the following:

- What will be covered by your side in the trial; and

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CONT.

- What would you expect opposing counsel will bring out in the trial?

Each should listen to and critique each other's statements. Practice giving statements *without* referring to notes.

D. Introduce the Rules of Evidence and procedure by reading Rules section in Competition Packet. ASK:

- What is the purpose of the Rules of Evidence?
- What rules are familiar to you?
- How are they used?
- Define: *leading question, hearsay, opinion, argumentative question, relevance, ambiguous question*, etc.

Discuss thoroughly and give examples. Team should give additional examples.

- What happens when a Rule is violated?
- Give an example.

How would you respond if an opponent asked an objectionable question? Discuss making objections and *demonstrate* the proper manner in which to make objections. Demonstrate other examples, with the team making appropriate objections and responses.

E. Witnesses and attorneys practice with each *direct examination* attorney drilling his/her witness on questions. Entire team should be sure that everyone is on target with strategy. (Individual attorney-witness pairs should plan for additional practice sessions.) Other team members should listen to questions and answer and critique both attorney and witness. NOTE: follow criteria on sample score sheet in Competition Packet. Also discuss what might lead to a team losing points in presentation.

Witnesses and attorneys practice *cross-examination* questions, drilling his or her witness. Entire team should be sure that everyone is on target with strategy for this witness. (Additional practice sessions may be necessary for individual attorney-witness pair.) Team members should listen to questions and answers and critique both attorney and witness. (Follow criteria on sample score sheet in Competition Packet.)

F. Introduce, demonstrate, and drill *impeachment* and *fair/unfair extrapolation*. ASK:

- What is a *fair* extrapolation?
- What are examples of fair extrapolation?
- Make a list and explain why these may or may not be "fair." Be sure to explain that in many cases, determining an extrapolation as fair or unfair is a subjective determination. Some attorneys may deem an extrapolation unfair while others may see the same extrapolation as fair. The objective is to (a) keep to the witness statements with little or no extrapolation, and (b) if an objection of unfair extrapolation (Rule 2.2) is made, the questioning attorney should be able to explain the "reasonable inference" allowed under the rules. Remember, however, that judges are instructed to penalize for creation of facts.
- What should happen if, during the trial, the examining attorney hears an answer from the witness that contradicts the facts in his/her witness statement? What is the best way to handle a contradiction? What should happen if your co-counsel hears a contradiction

TRAINING FOR A MOCK TRIAL

CONT.

that you do not notice?

- Practice the sequence of questions under *Impeachment*, p. 69 of the Competition Packet.
- G. Review and discuss the procedure for introducing documents/exhibits into evidence. Practice the step by step procedure found on p. 17, Rule 4.20 of the Competition Packet.

VI. Mock Trial Rehearsal

- A. Present trial in an actual courtroom, if possible. If not, arrange room as a courtroom. Since this is practice for the competition, team should dress the way the team will be dressed on the actual day of competition. Generally, men wear dark suits or pants and jackets, light-colored shirts and dark ties; women wear dark suits or dresses and low heels. Team members should be clean and neat regardless of attire.
- B. Invite an attorney to serve as “judge” and ask 3-4 people to serve as the “jury” in the trial.
- C. Present both sides of the case, observing the time limits outlined in the Competition Packet.
- D. Have team “timekeeper” signal time with time cards according to timing guidelines outlined in the Competition Packet, pp. 73-77, just as will be done on the day of the competition.
- E. Have judge and jury complete a score sheet and give a critique of the trial presentation, looking for weaknesses in questions, demeanor, strategy, etc., and suggest ways to revise questions, answers, and responses to objections.

NOTE: Don’t be discouraged if there are many pointers given during your preparation and practice sessions. Keep in mind that there is no exact formula for being victorious in the courtroom, whether in “real life” or in mock trial competition. Remember, a good presentation, that is – presenting a persuasive argument to the jury, impeaching an erring witness who contracts his or her written statement, effective use of the Rules of Evidence, making pertinent objections and responding appropriately to the judge when opposing counsel makes an objection, etc. – is an art, not a science. Because “evaluators” make subjective decisions about presentation skills, critiques of your strengths and weaknesses may vary. Incorporate your own style and personality and discern that which is preference and which is substance in evaluations.

VII. Tips for Sponsors

- A. Thoroughly read stipulations and witness statements; study exhibits.
- B. Make and keep a master copy of the case. You will need clean copies of all documents to introduce into court at the time of the trial (one clean copy for each round in all tournaments for which you qualify).
- C. Thoroughly research the topic of this year’s case. For example: define unfamiliar terms found anywhere in the case packet; know meaning of initials, if any are found in the case.
- D. View videotapes or DVDs of previous competitions.
- E. Get the help of an attorney.
- F. Attend a mock trial clinic and or workshop in your area, if offered.
- G. Attend an actual court in session
- H. Invite teams to “scrimmage,” including a critique for both teams.

Adapted from *Street Law* (NICEL) materials.

TEXAS HIGH SCHOOL MOCK TRIAL COMPETITION

HOW TO TRAIN STUDENTS TO BE ATTORNEYS AND WITNESSES

The following suggestions are intended to help you prepare for your “day in court.”

1. Have team members read all of the materials – individually and as a group. Then have students *brainstorm* the points for each side, listing them as you go along. If you can arrange it, keep the list visible so that team members can continually refresh their memories.
2. The credibility of witnesses is vitally important; therefore, students acting a witnesses should “get into their role” and to think and react like the person they are portraying. The students should read over the statements many times and have other people quiz them until they can answer all questions without assistance. NOTE: Witnesses may not take their statements or notes from their statements to the witness stand.
3. Teams will present both sides of the case during the competition. To help witnesses become familiar with the entire scope of the case, switch roles during practices.
4. Students should decide what possible questions could be asked of each witness on direct and cross examination. This work can be done individually and in groups or as an outside assignment. (Questions should be short and simple; avoid elaborate sentences with formal language.) Coaches should not “spoon feed” the questions to the team but should have them prepare questions themselves, then give the students feedback and assistance as needed.
5. After questions are prepared for witnesses, practice sessions should be conducted where attorneys question witnesses and the others evaluate which questions are good and what should be dropped or added. These sessions also will help prepare the witnesses. As a good set of questions is developed for each witness, they should be written on the board so that all students in the room can become familiar with them. Based upon the experience of these practice sessions, attorneys should revise their questions, and witnesses should re-study they witness statements. The attorney’s goal should be to have a “conversation” with the witness. Do not read a series of questions; listen to what the witness says!
6. Some of the things that are difficult for students to learn to do are:
 - (a) to phrase non-leading questions in direct examination;
 - (b) to introduce exhibits quickly and methodically;
 - (c) to follow the formality of the court; e.g. when to stand;
 - (d) not to ask so many questions on cross-examination that well-made points are lost (students tend to ask “one too many questions” and thereby lose the opportunity to effectively impeach the witness) – recognize what answers to questions make good points – then STOP;
 - (e) to think on their feet when a witness gives an unexpected answer, an attorney asks an unexpected question, or a judge asks a question; practice session in which such unexpected questions are emphasized will help prepare for this;
 - (f) to decide which are the most important points to prove the elements of the case and to make sure such proof takes place;

HOW TO TRAIN STUDENTS TO BE ATTORNEYS AND WITNESSES

CONT.

- (g) to tell what they intend to prove in an opening statement and to argue that the facts and evidence presented have proven their case; and
- (h) to identify objectionable questions, to tell the court which objection is offered, and to know when and when not to make an objection.

7. Opening and closing statements should be well organized. Teams should not incorporate language (legal or non-legal) which is not *easily* understood. Students should not totally compose closing arguments before trial as closing arguments are to highlight the important developments which have occurred during the trial itself. The more relaxed and informal statements are, the more effective they are likely to be.

8. Be thoroughly familiar with Rule 2.2 which contains, in part, the following:

- (a) material or relevant facts contained in the witness statements **MAY NOT** be changed;
- (b) if a witness contradicts his or her statement, the attorney for the other side may use it to impeach the witness (statements are considered as sworn affidavits);
- (c) teams, during trial preparation, and witnesses during the trial **MAY NOT** “create” facts or incidents which materially effect the case or which contradict the witness’ statement. An exception to (c) above is when a *cross-examining attorney* asks a question, the answer to which is not contained in the witness’ statement, the witness answer as long as the answer does not contradict his or her written fact statement or materially effect the outcome of the case.

9. The completed trial should be conducted all the way through as a “dress rehearsal.” All formalities should be followed and notes taken by coaches and students concerning what could be improved. This should take place a week or so before competition so that time still permits changes.

TEXAS HIGH SCHOOL MOCK TRIAL COMPETITION
ADVICE FOR WITNESSES IN MOCK TRIALS

The following outlines various techniques and tips to be followed in preparing to be a witness in a mock trial. Included are suggestions for both the preparation before the trial and the presentation during the trial. Credible, convincing, and believable witnesses are essential to a good case.

PREPARATION:

- A. Learn the case **thoroughly** (your own part and also the entire scope of the trial);
- B. Know the questions that your side's attorney will ask and prepare clear and convincing answers that contain the information that the attorney is trying to elicit from your testimony;
- C. Prepare for all of the possible questions the opposing attorneys may ask and prepare clear and convincing answers that are consistent with your witness statement;
- D. Practice with the attorneys; and
- E. *Always be prepared for and anticipate the unexpected.*

PRESENTATION:

- A. Be as relaxed and in control as possible – an appearance of confidence and trustworthiness is important;
- B. Don't recite your witness statement verbatim, you should know its contents beforehand (and backwards, forwards, and inside out);
- C. Be sure that your testimony is never inconsistent with the facts set forth in your witness statement;
- D. Don't panic if an attorney or the judge asks you a question you haven't rehearsed – simply state that you cannot recall the information; and,
- E. Act the part; become the person you are portraying; answer questions as your character would answer; think like your character would think.

SUGGESTION:

In a small group, each witness takes a turn being questioned by the other witnesses. Direct and cross-examination questions should be asked. This drilling should continue until the witness can answer all expected and unexpected questions without looking at the statement and without drawing a blank. Once each witness can answer any question cold, the witnesses should begin to critique each other on style and characterization. After such critique, witnesses resume drilling each other and practicing responses within appropriate characterizations. Throw in some objectionable questions so that witnesses will be able to recognize improper questions.

TEXAS HIGH SCHOOL MOCK TRIAL COMPETITION
ADVICE FOR ATTORNEYS IN MOCK TRIALS

The following outlines various techniques and tips to be followed in preparing to be an attorney in a mock trial. Included are suggestions for both the preparation before trial and the presentation during trial. Throughout the trial, remember to be flexible and to LISTEN.

OPENING STATEMENT

Objective: To acquaint the judge and jury with the case and to outline what will be proven through witness testimony and admission of evidence

Preparation:

- A. Write a short summary of the facts.
- B. Mention the burden of proof (the amount of evidence needed to prove a fact) and who has it in this case.
- C. Cite the applicable law (found within the competition case packet ONLY).
- D. Give a clear and concise overview of the witnesses and the physical evidence to be presented and how each contributes to proving the case.
- E. Learn the case thoroughly.
- F. Never promise to prove something which will not or cannot be proven.

Presentation:

- A. Introduce yourself and your colleague.
- B. Exhibit confidence in what you are saying.
- C. Make eye contact with the judge and jury.
- D. Use the future tense in describing what you will do (e.g., “The facts will show...”).
- E. Do not read your statement.

DIRECT EXAMINATION

Objective: To obtain favorable information from your witnesses to prove the facts of your case.

Preparation:

- A. Study your witness’ statements; look for all the good points that are favorable to your case.
- B. Prepare a series of questions based on these good points.
- C. Avoid leading questions (except for such questions that pertain to name, address, etc.).
- D. Do not ask questions requiring *opinion* testimony unless the witness has been certified as an expert by the court.
- E. Practice questioning your witnesses until everyone can respond *spontaneously*.

Presentation:

- A. Keep to the questions you have practiced with your witnesses, but in a **conversational** style – do not read a series of questions in a rote-presentation style
- B. Do not waste time asking questions that are not pertinent.

ADVICE FOR ATTORNEYS IN MOCK TRIALS

CONT.

- C. Be able to think quickly if the witness gives you an unexpected answer and add a short follow-up to be sure you obtain the testimony you want.
- D. Be relaxed and clear in the presentation of your questions; do not appear “rehearsed.”
- E. **Listen to the answers coming from the witness** (a most important skill to develop!).
- F. If you need a moment to think, ask the judge if you can briefly discuss a point with co-counsel.
- G. Become familiar with all documents, exhibits and exhibit numbers. After witness identifies exhibit, you may or may not want to ask the judge to admit it as evidence and only if doing so is advantageous to your case.

CROSS EXAMINATION

Preparation:

- A. Study opponent’s witness statements; look for all points that are not favorable to his or her case.
- B. Prepare a series of questions based upon these unfavorable points.
- C. **Listen to the answers coming from the witness** (a most important skill to develop!).
- D. Anticipate how each witness will answer your questions so that you can adapt your questions during trial according to what is actually said.
- E. DO NOT ask so many questions; many times well-made points are lost by asking that one-question-too-many.
- F. Prepare short questions using easily understood language.
- G. Ask only questions to which you already know the answer – no “why” questions.

Types of Questions to Ask:

- A. Leading questions that require only a “yes” or “no” answer;
- B. Questions that will show that the witness is lying on important points so as to question his or her credibility (this may be done by asking the witness to identify his or her statement and then reading that portion of the statement which is contrary to what he or she just said);
- C. Questions that reveal the witness’ biases;
- D. Questions that weaken the testimony of the witness by showing that his or her opinion is questionable; and,
- E. Questions that show that an expert witness, or even a lay witness, who has testified to an opinion is not competent or qualified due to lack of training or experience.

Presentation:

- A. Be relaxed but ready to adapt your prepared questions to the testimony actually heard during the direct examination; employ a “conversational” style of questioning.
- B. Always LISTEN to the witness’ answers; do not ask prepared questions in a rote style.
- C. Do not give the witness the opportunity to re-emphasize the strong points made during the direct examination.

ADVICE FOR ATTORNEYS IN MOCK TRIALS

CONT.

- D. Do not argue with, harass, or intimidate the witness.
- E. **Do not ask the witness to “explain” anything.**

CLOSING ARGUMENT

Objective: To outline the case from your perspective by pointing out testimony that supports your case and damages your opponent's.

Preparation:

- A. Be positive and well organized in your approach.
- B. Give a clear and concise overview of the witnesses and the physical evidence that you presented and how each contributes to proving your case.
- C. Put the pieces together for the judge and jury.
- D. Present information in a persuasive and dynamic manner - believe in your point of view.

Presentation:

- A. Be flexible and relaxed; adjust your statement to the weaknesses, contradictions, etc., in the other side's case that actually come out during the trial.
- B. Argue your side but don't appear to be vindictive - fairness is important to a jury.
- C. Be ready for interruptions by a judge who may ask questions during closing arguments.
- D. Make eye contact with judge and jury.
- E. Do not read closing arguments - do not use notes during rebuttal phase of the closing arguments.

TEXAS HIGH SCHOOL MOCK TRIAL COMPETITION
“JUST THE FACTS, MA’AM”
A Mock Trial Activity

A difficult task for new mock trial teams is knowing how to begin preparing for a mock trial. This activity is designed to help teams “get started” by discovering the facts of the case and identifying which statements are relevant and to which side of the case. Here’s how it should work:

1. Distribute copies of the case.
2. Read the facts of the case together.
3. Divide into four groups:
 - Group I: Plaintiff/Prosecution Attorney
 - Group II: Defense Attorney
 - Group III: Witness for Plaintiff/Prosecution
 - Group IV: Witness for Defense
4. Distribute role cards with instructions to each group. Allow each group reasonable time (10 minutes or so) to brainstorm the assignment listed on each card.
5. After group assignments are completed, have each attorney-group give a two-minute “opening statement,” outlining what each side intends to prove.
6. Attorney groups then ask questions of each witness group. (Avoid questions which are not answered in the brief witness statement.)
7. Conclude by discussing the questioning process. (For example: *Did witnesses’ responses differ from those you expected? If so, how did you respond? How might you re-phrase your question to solicit your desired response? How do questions asked on cross-examination differ from those asked on direct examination? What is the difference between “fact” and “opinion,” etc?)*
8. As a follow-up activity, the moderator may ask several questions which could be used by either side. Each group should state how the question and response could be beneficial to its side of the case.

PLAINTIFF/PROSECUTION ATTORNEY

1. From the summary of the case, the stipulations, the witness statements and the exhibits (if germane), list the facts which are **relevant** and **favorable** to your case.
2. Prepare a two-minute opening statement based upon the list you made from #1 above.
3. Write questions for each fact to ask you own witness on direct examination.
4. Write questions for each fact to ask the opposing witness on cross-examination.

JUST THE FACTS, MA'AM – A MOCK TRIAL ACTIVITY
CONT.

DEFENSE ATTORNEYS

1. From the summary of the case, the stipulations, the witness statements and the exhibits (if germane), list the facts which are **relevant** and **favorable** to your side of the case.
2. Prepare a two-minute opening statement based upon the list you made in #1 above.
3. Write questions for each fact to ask your own witness on direct examination.
4. Write questions for each fact to ask the opposing witness on cross-examination.

PLAINTIFF/PROSECUTION WITNESS

1. From the summary of the case, the stipulations, your witness statement, and exhibits (if germane), list the facts which are **relevant** and **favorable** to your side of the case.
2. Prepare a list of questions which you believe should be asked by the Plaintiff/Prosecution attorney on direct examination. Prepare your response to each. (Think about how your responses may help or hurt your case.)
3. Prepare a list of questions which you believe will be asked by the Defense attorney on cross-examination. Prepare your response to each. (Think about how your responses may help or hurt your case.)

DEFENSE WITNESS

1. From the summary of the case, the stipulations, your witness statement, and exhibits (if germane), list the facts which are **relevant** and **favorable** to your side of the case.
2. Prepare a list of questions which you believe should be asked by the Defense attorney on direct examination. Prepare your response to each. (Think about how your responses may help or hurt your case.)
3. Prepare a list of questions which you believe will be asked by the Plaintiff/Prosecution attorney on cross-examination. Prepare your response to each. (Think about how your responses may help or hurt your case.)

WORKSHEET

*Facts	Questions	Responses
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*Underline facts favorable to plaintiff/prosecution in (red) and favorable facts for the defense in (blue).

TEXAS HIGH SCHOOL MOCK TRIAL COMPETITION
“I OBJECT!”
A Role-Play Activity

Listed below are several examples of “case scenarios” with assigned tasks for groups to “role-play.” Other scenarios may be added to give students additional practice in recognizing objectionable questions sometimes asked by attorneys. Here’s how to play the game:

1. Before you begin, invite an attorney to assist groups in preparing the demonstrations and to act as “judge.” On the day of the activity, divide participants into small groups.
2. Distribute a scenario to each group and allow time for the group to compose a question as instructed on the role-play assignment.
3. One at a time, have groups briefly describe the case and then role-play the assigned task.
4. Other groups are to observe demonstration and make appropriate objections. The group making the objection must “explain” the objection. Groups are to use the proper form for making objections, “Your Honor, I object, (state the objection), (state the reason).”
5. Before presenting the next scenario, have the large group discuss the situation just presented in terms of the following: (a) appropriate response to the objection; (b) re-phrasing the question; (c) avoiding objections; (d) reaction to the judge’s decision.
6. Points may be given to the group for (a) making the proper objection and for (b) stating correctly the reason for the objection.

CASES:

1. The case: A delinquent proceeding in juvenile court resulting from serious assault on a school playground

The witness: Mother of the victim

Your task: Ask the witness a *hearsay* question.

2. The case: A dispute concerning the return of a security deposit to a tenant who has moved out of an apartment

The witness: The landlord

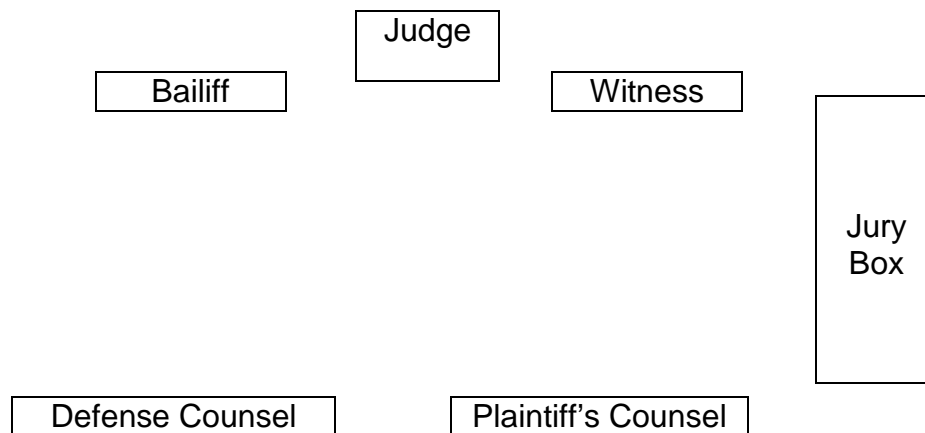
Your task: Ask the witness a question which would be subject to an objection based upon *relevance*.

3. The case: A dispute over the amount of money owed under a written contract

The witness: One of the parties to the contract

Your task: Ask the witness questions to identify the contract and have it entered into evidence.

4. The case: A dispute over the custody of two children
- The witness: The mother of the children, the examining attorney's client and the party seeking custody of the children
- Your task: Ask a *leading* question.
-
5. The case: A dispute over workmanship performed by a contractor in building a house
- The witness: A contractor who was not involved in this particular job who has been called by the owner of the house to testify about the quality of the workmanship
- Your task: Ask the witness an objectionable *opinion* question.
-
6. The case: A lawsuit over damages to a car in a crash caused by a truck running a red light
- The witness: A bystander who witnessed the accident
- Your task: Ask the witness a *hearsay* question and another that is an *exception* to *hearsay*.
-
7. The case: A criminal trial for burglary; the defendant claims he was in New Mexico at the time of the crime
- The witness: The defendant
- Your task: Ask the witness an objectionable *character* question.
-
8. The case: A dispute between a customer and a TV seller resulting from the failure of the seller to fix the set
- The witness: The consumer
- Your task: Ask the witness a *hearsay* question.



(Layout of Classroom/Courtroom)

MOCK TRIAL CLINIC OUTLINE

Simplified Steps in a Trial:

1. Calling of case by Bailiff: "All Rise. The Court of Petro County is now in session. Honorable Judge Howard Cleveland presiding."
2. Opening statements: First counsel for the Plaintiff/Prosecution and then the Defense counsel explain what their evidence will be and what they will try to prove.
3. Plaintiff's/Prosecution's case: Witnesses are called to testify (direct examination) and physical evidence is introduced. Each witness called is cross-examined (questioned so as to break down the story or be discredited) by the Defense.
4. Defendant's case: Same as step 3, except the defense calls witnesses for direct examination and counsel for the Plaintiff/Prosecution cross-examines the witnesses.
5. Closing arguments: An attorney for each side reviews the evidence presented and asks the jury for a decision in favor of that side.
6. Jury instruction: The judge explains to the jury appropriate rules of law which it is to consider in weighing the evidence. As a general rule, the Plaintiff/Prosecution must meet the burden of proof to prevail. In a criminal case, this burden is very high. In order that innocent persons do not lose their freedom, the Prosecution must set out such a convincing case against the Defendant that the jurors believe "beyond a reasonable doubt" that the Defendant is guilty. In a civil case, the Plaintiff has the burden of proving the case by "a preponderance of the evidence." In most states the entire jury has to be convinced, although a Supreme Court case permits 9-3 verdicts in state non-capital criminal cases. Understanding that a unanimous (or 9-3) decision by the jury is required will help students understand why jury deliberations are sometimes so lengthy.
7. Deliberation and decision: In making a decision, the judge or jury considers the evidence presented and decides which witnesses were most credible.
8. Sentencing (criminal trials only): If a defendant is found guilty, a study of the defendant's background is usually prepared by a probation officer, who then makes a sentencing recommendation. The judge pronounces sentence.

PRACTICE PROBLEM

Facts: Jill goes to a grocery store to buy some grapes. While walking through the produce department, she slips on something and falls, hurting her knee. Jack, another store customer, was on the next aisle and heard Jill fall. Jack walked around the corner and saw Jill lying on the floor, holding her knee and moaning in pain. Bob, who works part-time at the store stocking the produce department, had restocked the grapes about 20 minutes before the accident. Betty is the store manager and was the first store employee on the scene of the accident. Jill sues the store to recover compensation (damages) for her injuries.

Witnesses and their Statements:

For Plaintiff Jill:

1. Jill
2. Jack

For the Defendant grocery store:

1. Bob
2. Betty

Jill: “I went to the grocery store on the way home from work to buy some grapes. I was walking through the produce department when I stepped on something slippery and fell. I must have hit my knee, because it hurt really badly and I could not stand up on it. I did not see what I stepped on, but I know it was something slippery and I think it may have been a grape on the floor. I had to have knee surgery and can no longer do many of the things I used to enjoy doing. Something also got on my dress. I tried to wash clean it, but the spot would not come out and the dress is ruined.”

Jack: “I was at the store picking up a few things on my way home from work. I was on the cereal aisle when I heard something fall on the next aisle over. I rushed around the corner and saw a woman lying on the floor, holding her knee. She was right next to a display of grapes and I noticed some smashed grapes on the floor next to the woman. I asked her what had happened and she said she did not know. The next thing I remember is the store manager walking up. I gave my name and phone number to the manager and then finished my shopping.”

Bob: “I am a student at Petro City High School and work at the grocery store part-time. My main job is to make sure the produce displays are kept stocked and looking fresh. I was working on the day of the accident and recall that we were having a special on grapes that day. I also recall that I had restocked the grape display about 20 minutes before the accident. I can not remember if I spilled any of the grapes, but I do know that if I spill anything while restocking the produce, I always pick it up and I would not have left anything on the floor. I do not remember being in the area of the grape display between the time I restocked the display and the time of the accident.”

Betty: “I am the manager of the grocery store and was working on the day of Jill’s accident. One of other employees announced a Code Blue in the produce department, which is our store code for a customer accident. Since I was the manager on duty, I immediately went to the produce department. When I got there, I saw a customer sitting on the floor in front of the grape display. The customer, whose name was Jill, told me that she had slipped on something and that her knee was hurt. I looked around and did not see anything on the floor. We offered to call an ambulance for Jill, but she said she would just go to see her doctor. I personally completed an accident report and Jill then walked out of the store. The report was completed the same day as the accident and was kept by the store in the regular course of business. I am the custodian of records for the store and have attached an exact duplicate of the original report. I was surprised to hear that Jill later sued the store, claiming that she slipped on

something and that the store was negligent. I do not think anything was on the floor which would have caused Jill to fall, although I had not been in the produce department during the last hour or so before the accident.”

Jury Instructions:

1. “Negligence” means the failure to use ordinary care, that is, failing to do that which a person of ordinary prudence would have done under the same or similar circumstances or doing that which a person of ordinary prudence would not have done under the same or similar circumstances.

2006- “Ordinary care,” when used with respect to an owner or occupier of premises, means that degree of care that would be used by an owner or occupier of ordinary prudence under the same or similar circumstances.

Jury Question:

Did the negligence, if any, of those named below proximately cause the injury in question?

With respect to the condition of the premises, the Defendant store was negligent if –

- a. the condition posed an unreasonable risk of harm, and
- b. the Defendant store knew or reasonably should have known of the danger, and
- c. the Defendant store failed to exercise ordinary care to protect Plaintiff from the danger, by both failing to adequately warn Plaintiff of the condition and failing to make that condition reasonably safe.

Answer “Yes” or “No” for each of the following:

- a. Plaintiff Jill _____
- b. Defendant Store _____

Jury Deliberation:

Once instructed, the jury deliberates the verdict. They must decide from the evidence presented whether the Plaintiff has shown by a preponderance of the evidence that the Defendant store was negligent. The jury may also decide that Plaintiff was negligent or that both Plaintiff and Defendant were negligent. The jury foreperson fills in the answer to the question and then hands it to the Judge, who reads it in “open court.”

TEXAS HIGH SCHOOL MOCK TRIAL COMPETITION

RULES OF EVIDENCE: HYPOTHETICALS

Following a reading of the Rules of Evidence (Mock Trial Version) and a general discussion about the purpose of the Rules and what might happen without them, students may review the information by considering the following hypothetical situations. Allow students time to explain the rule which applies to each situation.

- a. Doug told Sue he killed his brother and Doug is on trial for the murder. Should Sue be able to testify to what he told her?
- b. During direct examination, the attorney wants to show that the witness, David, was at school on November 30. Can he ask, "You were at school on November 30, isn't that true?"
- c. Same situation as in b. Can the attorney ask David, "Where were you on November 30?"
- d. Mike is being sued in a civil trial for breach of contract. Can the plaintiff introduce evidence that Mike has been unfaithful to his wife?
- e. Can Mike's unfaithfulness be introduced in a contested divorce case?
- f. Steve made a sworn statement two days after the automobile accident that he had witnessed. When the case finally comes to trial and he is called as a witness, Steve cannot remember what happened. Can his attorney, Nancy, show Steve the statement that may help him remember? Must the attorney introduce the statement into evidence? What are the requirements and procedures for introducing a document into evidence?
- g. Same situation as in f, only Steve does remember and testifies on direct examination. However, his testimony contradicts his earlier sworn statement. On cross-examination, can the opposing counsel bring up the inconsistencies?
- h. Christina is in a car accident and she sues the driver of the other car. On her direct examination, damage to the car is never mentioned. Can the defense, on cross-examination, ask about the repair costs of the car?
- i. Tim is a doctor. The attorney has Tim testify to this when Tim is on the stand. Can Tim testify that in his expert opinion, the victim, Melton, was suffering from a fracture of the right leg?
- j. Can Mark, a plumber who worked with the victim, testify that Melton, the victim, testify that Melton was suffering from a fracture of the right leg?
- k. Randy has never seen Alicia with her baby. Can Randy testify that Alicia is a terrible mother?

Adapted from *Street Law Mock Trial Manual*, a Publication of the National Institute for Citizen Education in the Law.

TEXAS HIGH SCHOOL MOCK TRIAL COMPETITION
RULES OF EVIDENCE: HYPOTHETICALS

ANSWERS:

- a. This is allowed as a statement by a party (the defendant here) as an exception to the general rule against hearsay. The defendant is present and can, of course, deny having made the statement.
- b. This is a leading question as it has the answer the attorney wants in the question. Leading questions cannot be asked on direct examination, but can be asked on cross-examination.
- c. Yes, this is not a leading question.
- d. No, this is not relevant to the contract issue.
- e. Yes, this may be relevant to issues in a divorce case.
- f. Yes, if the witness could not remember, he may be shown a written statement to refresh his recollection. The attorney does not have to introduce the statement into evidence.
- g. Yes, this is proper, to impeach the credibility of a witness.
- h. No, on cross-examination an attorney may only bring up issues raised on direct examination; this is called a question outside the scope of the direct examination. For mock trial purposes, however, the scope on cross is unlimited.
- i. Yes, if Tim is first certified as an expert witness through being questioned about his prior training and experience.
- j. No, not as an expert, but he can testify to the fact that the victim appeared to be in pain or to other facts from his direct observation.
- k. No, one can testify only to things one knows from direct knowledge.

TEXAS HIGH SCHOOL MOCK TRIAL COMPETITION
DEBRIEFING A MOCK TRIAL

- A. Team members should form small groups to discuss questions such as:
- What were the strong points in our presentation?
 - What were the weak points?
 - How could weak points have been avoided?
 - Did we make good objections and respond properly when opposing counsel objected?
 - Did we achieve our goal? Why or why not?
- B. After the small groups have completed this discussion, summaries of their responses should be given to the entire group or team, with any appropriate additional discussion led by the teacher or an attorney, if one was present at the trial. An attorney or judge can be especially effective in debriefing a mock trial by comparing what took place in the mock trial and what usually occurs in a real courtroom.

Large group discussion about the mock trial activity may focus on questions such as these:

- Who are the major characters or participants in a trial?
- What do you think is the purpose or function of each?
- How are the functions of each participant related?
- How did you feel in playing your particular role?
- How well did the participants in the mock trial fulfill their roles?
- What would you have done differently?

Case:

- What was the nature of the case?
- What legal questions or issues were raised?
- What arguments did the State (Plaintiff) present? Why?
- What arguments did the Defense present? Why?
- What evidence did the State present in support of its arguments?
- What evidence did the defense present in support of its arguments?
- What was the decision? Do you agree or disagree with the decision? Why?
- If the verdict was against the defendant, do you think there are grounds for an appeal? Why or why not?

Experience:

- Does our trial system insure that a defendant receives a fair trial? Explain.
- What changes, if any, would you recommend? Explain.

Method:

- What did you learn from taking part in or observing the mock trial?
- Are there other activities that would contribute to the learning experience?

Case Summaries of Past Texas High School Mock Trial Competition Cases: 1981-2017

Case Materials (paper/electronic versions) from the Texas High School Mock Trial Competition are available for teams to use and study. Cases prior to 2000 are available for free (see below), other years, will require a fee of \$20.00 each.

All State Cases from the year 2003-Present are \$20/each and can be ordered online by clicking on the *Register Now* tab on our website.

___ 2003 [*State of Texoma v. Splash Davis*](#) (Criminal) Criminally negligent homicide case brought against the captain of a prestitious college swim team for the death of a freshman swimmer allegedly resulting from hazing.

___ 2004 [*Fleenk v. Synthetic Imaginistics*](#) (Civil) Products liability suit against a videogame manufacturer for allegedly making a violent videogame that caused a troubled 12-year-old ward of the Plaintiff to severely injure Plaintiff's child.

___ 2005 [*State of Texoma v. Kelly Cooper*](#) (Criminal) Manslaughter case against the driver of a car for the death of a passenger in another vehicle during a street racing incident.

___ 2006 [*Kerry Grandt v. Special Operations Security, Inc.*](#) (Civil) A negligence suit brought against the owners of a security company responsible for the safety and security of the town's water treatment facility after a toxic substance was found to have been introduced into the water supply.

___ 2007 [*State of Texoma v. Casey Malvern*](#) (Criminal) Was it cold-hearted murder or mercy when a nurse, charged with intentionally or knowingly causing the death of a terminally ill patient, allegedly administered poison?

___ 2008 [*Dabney Hamlin v. Orange, Inc.*](#) (Civil) A negligence lawsuit stemming from the Plaintiff's purchase of a popular cellular "smartphone," the MePhone manufactured by Orange, Inc. Allegedly the phone has a defect which lets someone take control of the phone and access the owner's personal information and, possibly, lead to identity theft.

___ 2009 [*State of Texoma v. Bo Tyde*](#) (Criminal) This is a prosecution of the crime of arson and/or the conspiracy to commit arson.

___ 2010 [*Orange, Inc. v. Yarbros Motors LLC*](#) (Civil) This is a civil action with one corporation suing another under a claim for contribution & indemnity based on the theory of products liability.

___ 2011 [*State of Texoma v. Sitka Spruce*](#) (Criminal) It is alleged that the Defendant, by means of coercion, influenced or attempted to influence a public servant to drop charges against an adult child.

___ 2012 [*R.C. Brahman v. Mahal Amrit*](#) (Civil) The case of a bull in the road. The cause of action on which Plaintiff is going to trial is a claim for damages based on the theory of negligence, specifically, Defendant was negligent in operating the vehicle owned and operated by Defendant.

___ 2013 [*State of Texoma v. Irion Wilbarger*](#) (Criminal) Defendant has been charged by indictment with the criminal offense of aggravated robbery of property from a truck.

___ 2014 - [*Campbell Colquitt v. Perri Hogg*](#) (Civil)

The Defendant has been charged by indictment with the criminal offense of aggravated robbery by use or exhibition of a firearm.

___ 2015 - [*State of Texoma v. Lang Tigris*](#) (Criminal) The Defendant has been charged by information with the criminal offense of manslaughter.

___ 2016 - [*Colfax Barkley v. Nixon Agnew*](#) (Civil)
Who is liable for shooting down the drone that killed beloved show dog, Pixel Poo Poo?

___ 2017 - [*State of Tecoma v. Houston Whit*](#) (Criminal) When international pop star named, "Pauper" is found dead in his mansion, his longtime manager, Houston Whit is charged with murder. Did he do it? Or was it something or someone else?

All State Cases from the years 1982-1999 are Free for Download below or can be obtained by emailing the State Coordinator.

___ 1982 [*State v. William Jordan*](#) (Criminal) Theft of a strand of pearls involving oral confession and refusal to sign written confession

___ 1983 [*William Rayburn v. Curie Memorial Hospital*](#) (Civil) Reverse sex discrimination case brought by male hospital nurse

___ 1984 [*Pat Sims v. Chris Berling*](#) (Civil) Consumer fraud involving high school student's sale of a used automobile to fellow student

___ 1985 [*In the Estate of Mildred Rodgers, Deceased*](#) (Civil) Will contest by adult son claiming elderly mother was tricked into cutting him out of her will and leaving her entire estate to his in-laws

___ 1986 [*In the Interest of Hope Putnam Johnson, a Child*](#) (Civil) Child custody: Biological father seeks to regain custody of his daughter from her maternal grandparents, based upon claims of abuse and neglect

___ 1987 [*State of Texoma v. Clifford T. Bryant, III*](#) (Criminal) Delivery of 3/4 oz. of marijuana on school campus, with the teenage defendant raising defense of entrapment by undercover officer posing as a high school student

___ 1988 [*Felske v. Myer*](#) (Civil) Social host liability: high school basketball star, who was injured while diving in a swimming pool at a victory party, sues hosts of party for serving alcohol to teenagers

___ 1989 [*Bison City School District v. Ossicles*](#) (Civil) Contract dispute between well-known rock band and local high school involving failure to perform according to contractual agreement and failure to pay

___ 1990 [*State of Texoma v. Patricia Ryan*](#) (Criminal) Homicide of famous baseball player with "battered-wife syndrome" raised as defense

___ 1991 [*State of Texoma v. Jesse Goodall*](#) (Criminal) Criminal prosecution for inciting a riot at a public demonstration to protest opening of a toxic waste disposal site

___ 1992 [*In the Matter of Jerry Spillers, a Child*](#) (Civil) Termination of parental rights of a young single mother of a special needs child based upon claims of parental neglect

___ 1993 [*State of Texoma v. Jeffrey Hawthorne*](#) (Criminal) Homicide of two known drug dealers where defendant claims self-defense based upon obscure law of "perceived threat"

___ 1994 [Neighbors Against AIDS Homes \(NAAH\) v. The Jamie King Trust, Vic\(kie\) G. Knight, Trustee](#) (Civil) Injunction to close a group home established for persons with AIDS, on grounds that location of home within a residential neighborhood constituted a "public nuisance"

___ 1995 [State of Texas v. Kelly O'Brien](#) (Criminal) Arson of a women's health care center where an anti-abortion demonstration occurred

___ 1996 [Wheaton v. Made in America](#) (Civil) Wrongful death suit against retail store for negligence in selling a handgun to the deceased, a mentally disabled person

___ 1997 [State of Texoma v. Dorian Craig](#) (Criminal) Homicide prosecution arising from death of two individuals who were killed by the detonation of a bomb at the State Fairgrounds

___ 1998 [December Dewey v. Kelly Conway and KBAR Channel 10 Television, Inc.](#) (Civil) Defamation suit by prominent plaintiff's personal injury lawyer against local investigative reporter for news story about lawyer's handling of a mass tort case

___ 1999 [State of Texoma v. Aurora "Rory" Greenway](#) (Criminal) Criminal case based upon Texas author Larry McMurtry's *Terms of Endearment*, wherein Aurora "Rory" Greenway is charged with the murder of her terminally ill daughter, Emma "Em" Greenway.

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For more resources, visit our Official Mock Trial website at: <http://www.texashighschoolmocktrial.com/>

Thank you for your participation in
Texas High School Mock Trial!