

Center for Civic Values

New Mexico High School Mock Trial Program

The mock trial program is cosponsored by IOLTA, the State Bar of New Mexico and the UNM School of Law

GUIDELINES FOR TEACHER ADVISORS

ROLE OF THE TEACHER ADVISOR

Your role as a mentor and a leader is critical to the success of your team. Your general responsibilities include assisting your team members with the following:

1. Education and Sportsmanship

Learning about the law and the legal system, as well as the substantive issue around which the case is based, is the primary goal of the Mock Trial program. Healthy competition helps to achieve this goal; however, teacher advisors must remember their responsibility to keep the competitive spirit at a *reasonable level*. The reality of the adversary system is that one party wins and the other loses, and teacher advisors must prepare their teams to accept *graciously* either outcome in a mature manner. Teacher advisors can help prepare students for either outcome by placing the highest value on excellent preparation and presentation, rather than on winning or losing the trial.

2. Rules of the Competition and Procedure

Please ensure that you and your team members have read the rules thoroughly several times. You are expected to help your team members learn and adhere to them, as well as to the Code of Ethical Conduct.

3. Role Assignments

Team members should be strongly encouraged to select roles based on their interests and abilities, not on the basis of any gender or cultural stereotypes which might be drawn from the characterizations in the fact pattern. Note that all witnesses, unless otherwise noted, are gender neutral and may be played by males or females.

4. Team Preparation

Teams must learn and prepare to present both sides of the case. Once your team has done this, you are strongly encouraged to arrange and conduct practice mock trials (scrimmages) prior to regional and state final competitions. Scrimmages require only one attorney to act as a presiding judge because it is not necessary to award points to teams during these practice rounds. Your attorney coach may be able to help you obtain use of a courtroom, but classrooms or other facilities may also be used.

WORKING WITH AN ATTORNEY COACH

While the Center for Civic Values is available to help locate an attorney to coach a team entered in the competition, you, as a local teacher, are often the best judge of a suitable person to assist your team. Possible sources include the following: parents or relatives of students, alumni, acquaintances, local law firms, county attorney's office, school board members or local judges. (If *after exhausting all possible avenues*, you are still unable to find an attorney to work with your team, contact CCV by writing to mocktrial@civicvalues.org)

Since attorneys have time limitations, they should be used as consultants when their expertise is needed, but they do not need to be present at all team activities or practices, unless they wish to do so. As a consultant, the attorneys should **advise** students, but should not author any portion of the team's trial materials.

After You Have Identified Your Attorney Coach

1. Invite her/him to attend the training workshop in your area.
2. Provide her/him with a copy of the mock trial materials so s/he can become familiar with the case problem and rules of competition, evidence and procedure.
3. Discuss meeting times and places with students.
4. Discuss the case and the attorney's suggestions regarding strategy and arguments for both sides.

Before Meeting With Your Attorney Coach

1. Have the students learn the statement of facts and witness statements (in affidavits) as thoroughly as possible. You might try having the students quiz each other - one student looks at the facts and affidavits and asks the other student(s) questions; then reverse roles.
2. Try brainstorming with your students to elicit factual arguments for both the plaintiff/prosecution and the defense; i.e., which facts support the plaintiff's/prosecution's case and which facts support the defendant's case?
3. Have students try to string facts together to make a logical assumption about the case.
4. Have students read through the procedures for trial of civil/criminal cases, the simplified rules of evidence, and the mock trial rules. Discuss with your students and be sure to write down any questions they have for your attorney coach. For rules clarification, contact the Mock Trial Director at the Bar Association.

5. Conduct lessons designed to familiarize students with the court system and civil or criminal procedure. It will help your team if they observe a real trial before the mock trial. Contact the clerk of the district court in your county to find out when a trial is scheduled at the courthouse. The public is invited to attend these trials.

Together With Your Attorney Coach

Learn the problem, the rules of competition and procedure and the rules of evidence.

1. Develop a case strategy. The entire team should work together on this process. You should be sure your attorney understands that her/his role is to serve as a consultant to the students, not as a director or decision-maker for the team. For the educational goals of the mock trial program to be achieved, it is the team members who must be the ones who actually prepare their own presentations, which should be consistent with the strategy that has been established. Consider the following when developing your team strategy:
 - What are the strengths of your case? These are the points and issues you will want to emphasize.
 - What are the weaknesses of your case? These are the points and issues for which you must prepare a counter-argument.
 - Are your strategies integrated? That is, are the witnesses and attorneys all promoting the same "theme" and "theory?" You need to work as a team during the course of the trial, and each team members must always be certain about where you are headed.
 - Where are the possible holes in your strategy? You don't want to be confronted with surprises at trial, and you must be prepared to cope with the unexpected.
 - Is there a particular key witness whom you will want to exploit during cross-examination?
 - Will we need to use all our time? If your strategy has been achieved before you have used all your allotted time that is fine.
 - While it is not necessary for mock trial purposes, you may wish to research cases cited as references in order to better understand the trial.
2. Other considerations when preparing your case:
 - In which order to call your witnesses
 - Physical position in the courtroom

- What information should be contained in your opening statement and closing argument. (Again, remember that the coaches may give the students ideas, but should not write the statements for them.)
- What questions to ask on direct and cross-examination of each of the six witnesses.
- How to avoid asking objectionable questions and what to do if one of your questions is objected to.
- How and when to object to the opposition's questions.
- How to introduce exhibits and offer them into evidence.
- How to exhibit proper courtroom decorum and good sportsmanship.

Practicing With Your Attorney Coach

1. Observe a real trial in county or district court.
2. Consider asking a speech or drama teacher to observe your team in action and offer suggestions for improving the students' presentations.
3. Practice the trial in full, including direct and cross-examinations, in front of your attorney coach or another local attorney or judge who is willing to sit in and offer suggestions. Your team should have presented its entire case several times prior to the regional competition in February.
4. Set up a scrimmage among your own team members, if there are enough students participating. Have one group present the prosecution/plaintiff's side and the other group present the defense. If you do not have enough students on your team, set up a scrimmage with another school, to give teams the full flavor of participating in a mock trial. Arrange for a local attorney or judge to preside, if at all possible, conduct the trial in a courtroom setting.