

The Rendell Center  
*for*  
Civics & Civic Engagement

*Inspiring the Next Generation of Citizens*

LITERATURE-BASED



MOCK TRIALS

RC



HANDBOOK

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## **HANDBOOK**

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## **INTRODUCTION**

Dear Educator,

The Rendell Center Literature-Based Mock Trials Handbook provides an easy-to-follow instructional framework for educators interested in developing literature-based mock trials with their students, grades K to 8. This activity builds knowledge and understanding of our judicial system, provides practice in democratic deliberation, and strengthens students' literacy skills. The framework for the literature-based mock trial is one that marries literacy and civic literacy in an ongoing effort to provide students with the knowledge and disposition of engaged citizens.

Each section of this Handbook contains a lesson plan and activities to reinforce the concept being taught, and/or provides a framework for the parts of the trial.

- ★ Part I of the Handbook provides lessons and activities that introduce the concept of a mock trial to the students. In addition, the introductory lessons build a common language and strengthen students' understanding of the concepts of rules and laws.
- ★ Part II of the Handbook provides guidance for the teacher as he/she chooses the novel or short story on which to base the mock trial and guides the teacher through the development of the all-important Fact Packet, the narrative that contains the information on which the trial is based.
- ★ Part III offers guidelines and activities for students to identify the witnesses on both sides of the case and to write witness statements, as well as their Opening Statement. This section also helps students to develop their questioning skills and learn to write direct and leading questions before having to write the trial. Lastly, an instructional framework for the mock trial is provided.

These lessons and activities should be regarded as a menu more than a step-by-step set of required plans. With enormous respect for teachers, the Rendell Center staff encourages each educator to decide what activities best meet his/her students' needs.

The Rendell Center Literature-Based Mock Trials Handbook also an overview of the Professional Development opportunities available for all staff on writing mock trials, a collection of sample trials, and activities that can be used to further increase each student's understanding of the work.

The Rendell Center for Civics and Civic Engagement is eager to provide additional support for teachers as they work with students to prepare their trials. Teachers are encouraged to contact The Rendell Center team at [info@rendellcenter.org](mailto:info@rendellcenter.org).



## OBJECTIVES

Through participation in literature-based mock trials students:

- ★ Gain an understanding of courtroom procedures and our legal system (roles of judges, lawyers and juries), thereby providing exposure to a wide variety of law-related careers.
- ★ Gain an understanding of the Constitutional Principles of the Rule of Law, Presumption of Innocence, Burden of Proof, Due Process, Rights and Responsibilities and the Concepts of Justice and Authority.
- ★ Develop higher level thinking skills (i.e., critical analysis of problems, strategic thinking, questioning skills).
- ★ Develop confidence, teamwork and communication skills.
- ★ Increase proficiency in basic skills such as reading, writing, speaking, analyzing, listening and reasoning — all in an interactive and engaging environment.
- ★ Develop skills in preparing, organizing, and presenting material.



***Judge Marjorie Rendell presides  
over the Literature-Based Mock Trial  
of “Goldie Locks.”***

# PART I



**HANDBOOK**

## PART I

### The Literature-Based Mock Trial Experience

#### *Introducing the Literature-Based Mock Trial to Students*

##### Objectives:

- Students will understand the difference between a rule and a law.
- Students will discover the challenges to writing a rule.
- Students will know & understand vocabulary used in connection with a trial.
- Students will know and understand the roles of the people in a trial.
- Students will understand what a literature-based mock trial is.

##### Materials:

- Thinking About Rules and Laws Information Sheet and Activity
- Writing a Rule Activity
- Creating a Common Language Activity
- What We Know About a Trial
- Sample Criminal Mock Trial: *The State vs. Steven Miller*
- Sample Civil Mock Trial: *The Case of the Stolen Bicycle*
- Verdict Form

##### Procedures:

This section provides an introduction to the language of the courtroom as well as the mock trial process. As is the case throughout the Handbook, the lessons should be considered a menu from which the classroom teacher can choose what material and what order work best for his/her students.

##### Lesson One:

When introducing a new concept to our youngest citizens, it is important to connect it to concepts with which the young student is familiar. To that end, the first lesson begins with activities that address rules and laws; that is, the ***Thinking About Rules and Laws Information Sheet and Activity*** and ***Writing a Rule Activity***. The teacher can use one or both of the activities.

##### Lesson Two:

For the second lesson, work with the ***Creating a Common Language Activity*** in order to develop a shared vocabulary for the students. There are several ways to present this activity depending on the grade level and/or ability level of the class. The activity can be done individually, with partners, in small groups, or as a whole class. If presenting to the whole class, the teacher might consider using a giant Post-It/ piece of chart paper or a SMART Board on which the words are written and on which there is room to capture the student responses. The objectives here are to assess what the students already know about the language of a trial, to correct any misinformation they might have, and to identify what more they would like to know about the different terms.

## PART I

### (continued)

#### Lesson Three:

Introduce the Sample Literature-Based Mock Trial. When possible, the Sample Mock Trial is introduced with a read aloud in keeping with the literacy/civic literacy connection that is highlighted throughout the *We the Civics Kids* materials. The Sample Criminal Mock Trial is based on Vera B. Williams' *A Chair for My Mother*. The Sample Civil Mock Trial: The Case of the Stolen Bicycle is not based on one particular read aloud but can be introduced with any read aloud that deals with rules and the ability to follow them. For example, a teacher could read *Bella's Rules* by Elissa Haden Guest or *Clark the Shark* by Bruce Hale. If a read aloud is not available, the Sample Mock Trial can be introduced by reading and discussing the *Fact Packet*, the narrative that provides the information on which the Mock Trial is based.

Review the *Fact Packet* and then assign the roles listed in the Sample Civil Mock Trial. The students who do not have a role should be part of the Jury. Provide the Jury with the Verdict Form, and reinforce the fact that the Jury plays a very important role in the Mock Trial experience. Once this is done, set up the classroom with chairs for the Judge, the Bailiff, and the Witnesses in the front of the room.

Read through the Literature-based Mock Trial.

Have the Jury choose a Foreperson. Poll each member of the Jury, asking each student to tell the class whether they think the defendant is guilty or not guilty in the case of a criminal trial, or libel or not libel in the case of a civil trial. Be sure to ask each juror to share why they decided on their verdict. Then have the Foreperson take a vote and report the \*verdict.

(\*Remember, a criminal trial requires a unanimous verdict, while a civil trial needs a verdict that represents the vote of one more than half the members of the jury.)

Reflect on the Literature-Based Mock Trial, reinforcing an understanding of the process and the people involved.

## PART I

### (continued)

### Thinking About Rules and Laws Information Sheet

It is important for students to learn about rules and laws, about how challenging it is to write a rule or law, and about the differences between rules and laws. Below is a brief description of the similarities and differences between rules and laws. In addition, there are activities to follow that help our youngest citizens better understand these concepts and, therefore, better understand our judicial system. After discussing the difference between rules and laws, choose one of the activities that follow (*No Hats in the Classroom*, *No Food in the Classroom*, or *No Animals in the Library*) to help students better understand the challenges of writing a clear and easy to follow rule. This might also be a good time to review and reflect on your classroom or school rules.

RULES	LAWS
The rules in our homes, classrooms, and schools help to guide behavior.	The laws in our communities, states, and nation help to guide behavior.
Rules are everywhere.	Laws are everywhere.
Rules describe acceptable behavior.	Laws describe acceptable behavior.
Rules help us keep order in our homes, classrooms, and schools.	Laws help to keep order in our communities, states, and nation.
Rules keep us safe.	Laws keep us safe.
Rules define our responsibility in our homes, classrooms and schools.	Laws define our responsibility in our communities, states, and nation.
Rules are made by parents/guardians, teachers, principals, other adults in our lives, and students.	Laws for our local community are made by local elected officials and laws for our country are made by the Congress of the United States.
Rules are what we follow in our own homes, classrooms, and schools.	Laws are rules that everyone must follow.



## PART I

(continued)

### Thinking About Rules and Laws Activity

**Directions:** Below is a list of statements that can be identified as either a rule or a law. Read each statement carefully and decide if you think it is a rule or a law. \* Circle your answer. Be prepared to share and support your answers. When finished the examples below, try having students make up examples of their own. (\*This activity can also be done out loud with the whole class.)

<u>Statement</u>	<u>Rule or Law?</u>	
1. Students must use a hall pass when leaving their classroom.	Rule	Law
2. Passengers in a car must wear seatbelts.	Rule	Law
3. Cars must come to a full stop at a STOP sign.	Rule	Law
4. Students may not bring cell phones to school.	Rule	Law
5. Students who ride the bus to school cannot talk in a loud voice on the bus.	Rule	Law
6. Students going on a Field Trip must have a signed permission slip in order to go.	Rule	Law
7. People who own dogs must clean up after their dog or receive a fine.	Rule	Law
8. Students cannot run in the hall in school.	Rule	Law
9. Students cannot wear hats in the classroom.	Rule	Law
10. A person must be 18 years old to vote in the presidential election.	Rule	Law

*Add some questions of your own or invite the students to add a few...*

## PART I

### (continued)

### Writing a Rule Activity

### No Hats in the Classroom

**Directions:** Ask students what they think is the difference between a rule and a law. Explain that writing a rule is a challenging experience. Then, read *A Three Hat Day* by Laura Geringer if available in the school library or in a classroom library and the scenario below entitled *No Hats in the Classroom*. Have the students decide if the exceptions should be made and why or why not. Then discuss if *No Hats in the Classroom* is a good rule.

The new Principal, Bonnie Beret, arrived at the Caps-Off-To-Reading Elementary School. Her first task was to bring the staff together to create the perfect set of school rules. Mrs. Beret pondered how the staff might promote the act of respect they all spoke about. Finally, it seemed that she had arrived at the answer.

Mrs. Beret's plan was simple. As she explained to her staff, taking one's hat off is a sign of respect. Her suggestion, therefore, was to have as one of her five key school rules:

#### *No Hats in the Classroom*

The rule seemed clear and easy to understand. It also seemed like a rule for which there would be no exceptions. Mrs. Beret felt that her new rule was a perfect one. Do you? Consider the possible exceptions below. Decide for yourself if Mrs. Beret's rule is a good rule.

1. Bobby's family is very religious. He always wears a hat to keep his head covered for religious reasons.
2. The gym teacher is teaching his classes how to play lacrosse. Each member of the class is given a helmet to wear for protection.
3. Jared and his friends think it is very cool to wear baseball caps backwards in class.
4. It is freezing outside and not too warm in the school building. Therefore, some students keep their hats on during class to try to stay warm.
5. The librarian's read aloud for the week is a Dr. Seuss book. Since she has a "Cat-in-the-Hat" hat, she decides to wear it for the lesson.
6. Randi needed chemotherapy. Because of the treatments, he has lost a lot of his hair and wants to wear a hat to cover his nearly bald head.
7. Tanisha is having a really bad hair day and decides to wear a scarf on her head to cover up her unruly hair.

## PART I

### (continued)

### Writing a Rule Activity

### No Food in the Classroom

**Directions:** Introduce the lesson by reading a book like *Yoko* by Rosemary Wells or any children's book that has to do with food in the classroom. Then read the scenario below, *No Food in the Classroom*. Following the read aloud, have the students decide if the exceptions should be made and why or why not. Then discuss if *No Food in the Classroom* is a good rule.

Principal Smith of George Washington Elementary School has a new concern. As he/she walks through the school building, he/she notices lots of crumbs on the floor and an increasing number of insects and little mice in many classrooms. Because Principal Smith is committed to maintaining a safe and welcoming school environment, he/she has decided to put the following rule into effect immediately:

#### *No Food in the Classroom*

Principal Smith's new rule seemed clear and easy to understand. It also seemed easy to enforce. Finally, the rule did not seem to contradict any other rule in the school. Consider the following possible exceptions to the rule and decide which ones should be exceptions to the rule. Then decide if you think Principal Smith's new rule is a good rule. Be prepared to support your answer.

1. Some students pack lunch and want to be able to store them in their desks.
2. Many students have birthdays during the school year and want to bring a treat for their class the day of their birthday.
3. A student has a medical issue that requires him/her to eat something every 30 minutes.
4. To raise money for school trips, several classes have decided to sell cookies and candy after school two days a week.
5. Since they want to be available to work with students, teachers have always had lunch in their classrooms.
6. There are small pets in many of the classrooms. They need to be fed twice a day.
7. Students have asked to be able to eat their snacks in the classroom during an indoor recess.

## PART I

### (continued)

### Writing a Rule Activity

### No Animals in the Library

**Directions:** In the book *Library Lion* by Michelle Knudsen, the librarian - Miss Merriweather - had a rule about no running in the library, but she did not have a rule about having a lion in the library. Do you think *No Animals in the Library* is a good rule for a librarian to have? Think about the possibilities below in which there are animals in the library. Consider each one and decide if it should be an exception to the rule and why or why not.

#### *No Animals in the Library*

1. A magician pulls a rabbit out of a hat as part of a children's show at the library.
2. Professor Steve, who is visually impaired, brings his Guide Dog into the library.
3. Nikki's pet snake escapes from its cage and is found in the library two weeks later. (Nikki's house is next door to the library.)
4. When the librarian reads *The Great Hamster Hunt*, she brings a hamster into the library.
5. The library suffers from an outbreak of mice. The custodian brings in a cat to catch the mice overnight while the library is closed.
6. While a family is dropping off their books, their dog jumps out of the car and follows them into the library.
7. The science teacher dissects a frog in the library during a lesson.

## PART I

(continued)

### Creating a Common Language Activity

An important step in learning about our judicial system is establishing a common language and clearing up any misinformation students might have around the vocabulary of the courtroom.

	What I already know	What I want to know	What I learned
 Judge			
Bailiff or Court Clerk			
Defense Attorney			
Prosecuting Attorney			
Witnesses			
Statute			
Verdict			
Voir Dire			
Jury			
Defendant			
Plaintiff			
Criminal Case			
Civil Case			

## PART I

(continued)

### What We Know About a Trial

**Directions:** On the left-hand side is a list of many of the words with which we will become familiar during our Literature-Based Mock Trial experience. On the right-hand side, and in no particular order, are the definitions for the words. Match the word on the left with its definition on the right.

<b>Judge</b>	The person who calls the Court to order and swears in the witnesses
<b>Statute</b>	A group who listens to witnesses and decide if the defendant is guilty
<b>Court Clerk or Bailiff</b>	A preliminary exam of a juror by the judge or lawyer
<b>Defendant</b>	The lawyer who represents the State in a criminal trial
<b>Plaintiff</b>	A written law that is created by the government
<b>Defense Attorney</b>	A person who tells the jury what he/she knows about the case
<b>Prosecuting Attorney</b>	The person accused of a crime
<b>Witness</b>	The person who is in charge of the Court and interprets the law if needed
<b>Verdict</b>	A person who starts a lawsuit in a civil case
<b>Jury</b>	The lawyer who represents the defendant
<b>Voir Dire</b>	The decision by the Jury

## PART I

(continued)

### Introducing the Literature-Based Mock Trial Experience to Students

Below are two short scripted Literature-Based Mock Trials a teacher can use as a way to introduce the Mock Trial experience to students. Scripted trials read like a play with individuals assigned to read specific parts. In the primary grades, this exercise could be acted out by students in the upper grades and/or by a few members of the school staff. In that case, the students could learn about what a *jury* does, and the class could serve as the *jury*. The key concept to get across to the primary grade student is that, as a member of the jury, his/her job is to decide whether or not the person/animal on trial is guilty or not guilty. Remember...all of the members of the jury have to agree with the verdict in a criminal trial, while only one more than half have to agree in a civil trial. In addition, each juror should be able to support the reason for his/her opinion. In the elementary and middle grades, the students should be able to read the trial in class. Students not reading a part should be assigned as members of the *jury*. For this age group, the teachers should also have the jury pick a *foreperson*, the person who tells the class the verdict. Then the jury can be polled and each member of the jury can tell why he/she arrived at his/her *verdict*.

To prepare the students for this sample Mock Trial, the teacher might read a book like *Bella's Rules* by Elissa Hadon Guest, *Clark the Shark* by Bruce Hale, or any book in the classroom library that has rules and responsibilities as a theme. In our mini mock trial below, Charles agrees to follow the rules, but has trouble doing so.

### Sample Mock Trial #1: The Case of the Stolen Bicycle: Fact Packet

Tony's parents, Mr. and Mrs. Miller, bought him a new bicycle for his \_\_\_\_ (include the age of your students) birthday. His best friend Charles Williams didn't have a bike because his parents could not afford to buy him one. Charles asked Tony if he could borrow his bike and take it for a ride. Tony didn't want his friend to miss out on the fun of having a bike so he decided to let Charles borrow it. Tony's parents were proud that their son was such a good friend, but concerned about the fact that he was lending his brand new bike to someone.

The day came that Charles was going to borrow the bicycle. Tony's parents met with Tony and Charles and spelled out a set of rules to which both boys had to agree. Charles had to ride with a helmet on, he had to obey all of the traffic lights and road signs, and he had to be back before dark.

Charles was very excited about his opportunity to ride Tony's new bike. He rode it for most of the day, making sure that he saw lots of his friends and that his friends saw him riding the bike. Late in the afternoon, Charles realized he would have to really hurry if he were going to get the bike back before dark. So as to not arrive after dark and, therefore, break Tony's family's rules, Charles took a detour and had to ride through an unfamiliar neighborhood, a neighborhood where he did not know anybody.

## PART I

### (continued)

On his way to Tony's house, Charles was chased by four boys. The boys teased Charles and finally caught up with him, took his bike, and raced off. Charles walked the rest of the way to Tony's house and explained what happened. Although Tony's parents were sorry that the boys pulled him off the bike, they felt that none of this would have happened if Charles had been more responsible.

Tony's family decided that Charles should have to pay for Tony's bike. They tried to *negotiate* with Tony and his family. When that didn't work, they went to *mediation* and *arbitration*. Neither worked. Tony's parents decided to take Charles and his family to court to have them pay for Tony's bike and for all of the time Tony lost on the bike.

### You Be the Judge

Do you think Charles should have to pay for Tony's bicycle and for the time Tony *lost* on his bike because it was stolen? Why or why not?

### The Miller Family vs. The Williams Family

#### Trial Participants:

- Court Clerk/Bailiff
- Judge
- Jury of 6, 8 or 12 people
- The Defense Attorney(s)
- The Plaintiff's Attorney(s)
- Witnesses for the Plaintiff:
  - Mr. Miller
  - Tony Miller
- Witnesses for the Defendant:
  - Mr. Williams
  - Charles Williams

#### Script:

Bailiff/Court Clerk: All Rise. The Court of Room \_\_\_\_\_ is now in session. The Honorable  
(\*the room in which the trial is being held)

Judge \_\_\_\_\_ presiding.  
(\*the name of person serving as Judge)

Judge: Please be seated. Today we will hear the case of the Miller Family v. the Williams family. Is the Plaintiff's attorney ready?

Plaintiff's Attorney: Yes, Your Honor.



## PART I (continued)

Judge: Is the Defense ready?

Defense Attorney: Yes, Your Honor.

Judge: Attorney for the Plaintiff may give the Opening Statement.

Plaintiff's Attorney: May it please the Court. Your Honor and Ladies and Gentlemen of the Jury, today we will show why Charles Williams must compensate the Miller family for both the loss of young Tony's new bicycle and the loss of time Tony would have had enjoying riding his new bicycle. Mr. Miller will describe the clear and easy to understand rules they asked Charles to follow that he did not follow. Tony Miller will describe why he decided to allow Charles to borrow his new bicycle and what he understood would happen when he did. When you are irresponsible like Charles Williams was, you must pay the consequences. Thank you, Your Honor.

Judge: Defense, you may give your Opening Statement.

Defense Attorney: May it please the Court. Your Honor and Ladies and Gentlemen of the Jury, today we will show how Charles Williams attempted to follow the Miller's rules and showed in his actions that he is a very responsible young man. We will hear from Charles about how what happened to him was clearly not his fault. We will also hear from Charles' father. Mr. Williams will describe his son as a very responsible and respectful young man. Charles Williams should not have to pay for Tony Miller's bicycle and any time Tony lost on his new bike. Thank you, Your Honor.

Judge: Plaintiff's Attorney, you may call your first witness.

Plaintiff's Attorney: We call Mr. Miller to the stand.

Bailiff/Court Clerk: Please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth.

Mr. Miller: I do.

Bailiff/Court Clerk: You may be seated,

Plaintiff's Attorney: Mr. Miller, can you please tell the Court your name and what you do for a living.

Mr. Miller: I am Thomas Miller and I am the owner and operator of Miller's T.V. Repair Shop.

Plaintiff's Attorney: Can you please describe what happened the day your son, Tony Miller, asked if his friend Charles Williams could borrow his new bicycle?

## **PART I** (continued)

Mr. Miller: It was my son Tony's \_\_\_\_\_ birthday and his mother and I knew that all he wanted was a new bicycle. We knew he deserved the new bicycle and we bought him the bicycle he wanted. And, since he is such a good person and such a good friend, we went along with Tony's request to let his friend Charles borrow his brand new bicycle. Charles' family could not afford a bike. Tony is like that. He has always been a good and generous friend. And Charles is one of his best friends.

Plaintiff's Attorney: Can you also talk about the rules you asked Charles to follow when he borrowed the bike.

Mr. Miller: We tried to make this simple but very clear. We told Charles he had to wear a helmet, obey all the traffic and road signs, and be back before dark.

Plaintiff's Attorney: Can you now share what happened to the bicycle when Charles borrowed it.

Mr. Miller: Charles came back to our house without the bicycle. He told us that he had to rush home because it was getting close to dark. Then he told us that four boys he did not know chased him and stole the bicycle. If Charles had only followed the rules and realized earlier that he had to start heading home, none of this would have happened.

Plaintiff's Attorney: Thank you. We have no further questions of this witness, Your Honor.

Judge: Defense may now cross-examine this witness.

Defense: Thank you, Your Honor. Does time ever sneak up on you?

Mr. Miller: Why yes, I guess.

Defense: You have described your son as a good friend, correct?

Mr. Miller: Yes.

Defense: Charles is one of Tony's best friends, right?

Mr. Miller: Yes.

Defense: From what you said, Tony is a good boy, yes?

Mr. Miller: Yes.

Defense: Then, wouldn't you say he would choose good people as friends, especially best friends?

Mr. Miller: Yes.

## **PART I** (continued)

Defense: You would describe Charles also as a good boy?

Mr. Miller: Yes.

Defense: We have no further questions, Your Honor.

Judge: The witness may step down. Plaintiff's Attorney, you may call your next witness.

Plaintiff's Attorney: We call Tony Miller to the stand.

Bailiff/Court Clerk: Please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth.

Tony Miller: I do.

Bailiff/Court Clerk: You may be seated.

Plaintiff's Attorney: Please tell the Court your name and what you do.

Tony: My name is Tony Miller and I am a \_\_\_\_\_ grade student.

Plaintiff's Attorney: Tony, can you tell the Court what happened the day you let Charles borrow your bicycle.

Tony: My parents said that Charles could borrow my new bike. They told him that he had to wear a helmet, follow the traffic signs, and be home before dark. I thought these rules were easy to understand and easy to follow.

Plaintiff's Attorney: How did you feel when Charles came back without your bicycle?

Tony: I was very upset. Charles had not followed the rules and now I do not have a bicycle to ride.

Plaintiff's Attorney: Can you please talk about how much you usually ride a bike?

Tony: I rode my old bike almost every day after school. My new bike was so much better and faster than my old bike so I was really looking forward to riding it every day.

Plaintiff's Attorney: Thank you, Tony. We have no further questions for this witness. The Plaintiff's side rests, Your Honor.

## **PART I** **(continued)**

Judge: Defense, you may now cross-examine this witness.

Defense: Thank you, Your Honor. Tony, you asked your parents to let Charles borrow your bicycle because his family could not afford to buy him one, is that correct?

Tony: Yes.

Defense: Charles must be a really good friend, right?

Tony: Yes.

Defense: Then we could say that Charles did not intend to break the rules your parents gave him when he borrowed the bicycle, right?

Tony: No, I guess not.

Defense: Isn't it true that Charles only went through a different neighborhood than he was used to so he could follow the rule about getting to your house before dark?

Tony: Well, yes.

Defense: Thank you, Tony. We have no further questions for this witness.

Judge: Tony, you may step down. Defense, you may call your first witness.

Defense: We call Mr. Williams to the stand.

Bailiff/Court Clerk: Please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth.

Mr. Williams: I do.

Bailiff/Court Clerk: You may be seated.

Defense: Please tell the Court your name and what you do for a living.

Mr. Williams: My name is Joseph Williams and I am currently unemployed but looking for a job. I used to work for the City but was laid off several months ago.

Defense: What do you know about the day your son borrowed Tony Miller's new bicycle?

Mr. Williams: My son told me and his mother that Tony had asked his parents if Charles could take a ride on Tony's new bike. His parents agreed and Charles was so excited. Charles and Tony are very good friends and he was delighted that Tony would share his new bike for the day.

## PART I

(continued)

Defense: Did you give your son any rules to follow?

Mr. Williams: We told Charles he had to listen to everything the Millers told him.

Defense: When Charles came home that day, what did he tell you?

Mr. Williams: Charles was so upset. He described what happened and how four boys he did not know chased him and stole Tony's bike.

Defense: What did you tell Charles to do?

Mr. Williams: Charles is a very good boy. We told him to tell the Millers everything he knew about where he was when the bike was stolen. We also told him to think real hard about the boys who stole the bike and what he could tell the Millers about them.

Defense: Then what happened?

Mr. Williams: Shortly after Charles went to tell the Millers everything he knew, we got a notice that the Millers were suing us as Charles' parents for the cost of the bicycle and the time Tony lost when he could have been enjoying riding his new bike.

Defense: Can you describe how you felt when you realized the Millers were suing you for the cost of the bike and time lost on the bike?

Mr. Williams: I was hurt and confused. We have all tried to help find the bike and identify the boys who stole it. I think Charles was only trying to follow the rules when he took a new route home.

Defense: Thank you, Mr. Williams. We have no further questions for this witness.

Judge: You may now cross-examine the witness, Plaintiff's Attorney.

Plaintiff's Attorney: Thank you, Your Honor. Mr. Williams, do you think Charles was acting responsibly when he lost track of time?

Mr. Williams: Not really.

Plaintiff's Attorney: So, the fact that Charles had to go through a neighborhood he did not know and was chased by boys he did not know was his own fault, right?

Mr. Williams: I guess so.

Plaintiff's Attorney: We have no further questions for this witness, Your Honor.

## PART I

(continued)

Judge: The witness may step down. Defense, you may call your next witness.

Defense: We call Charles Williams to the stand.

Bailiff/Court Clerk: Please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth.

Charles: I do.

Bailiff/Court Clerk: You may be seated.

Defense: Can you please tell the Court your name and what you do.

Charles: I am Charles Williams and I am a student in the \_\_\_\_\_ grade.

Defense: Can you please describe your relationship with Tony Miller.

Charles: Tony and I are best friends. We hang out together all of the time.

Defense: Can you describe what happened the day Tony let you borrow his new bicycle.

Charles: Tony knew that I wanted a new bicycle too but that my dad did not have a job right now and we could not afford a new bike. I do not have a bike and have borrowed Tony's old bike before. Since Tony knew I loved riding a bike, he agreed when I asked if I could try his new bike.

Defense: Can you talk about the rules the Millers asked you to follow.

Charles: They asked me to follow three rules. I had to wear a helmet, follow traffic and road signs, and bring the bike back before dark. I understood the rules and would follow them.

Defense: Can you describe how you tried to follow the rules?

Charles: I know I was having such a good time riding that I did not realize how late it was getting. As soon as I looked at the time, I decided to take a short-cut home. Following the rules is important to me.

Defense: Thank you, Charles. We have no further questions for this witness. The Defense rests.

Judge: Plaintiff's Attorney, you may cross-examine the witness.

Plaintiff's Attorney: Thank you, Your Honor. Charles, isn't it true that, if you had only paid attention to the time, this would never have happened?

## **PART I** (continued)

Charles: No. If I had only taken the longer way home, this would not have happened.

Plaintiff's Attorney: But, Charles, you had to take the shorter ride home because you would have been late otherwise, is that true?

Charles: Yes.

Plaintiff's Attorney: And, you were not being very responsible by losing track of time, right?

Charles: If you put it that way...I guess so.

Plaintiff's Attorney: So, you the only thing you are responsible for is the fact that Tony's bike is gone and he has no bike to ride, right?

Charles: Yes.

Plaintiff's Attorney: We have no further questions, Your Honor.

Judge: Charles, you may step down. Defense can give its Closing Argument.

Defense: Your Honor, and Ladies and Gentlemen of the Jury, Charles Williams is a problem solver who thought he came up with a solution to the challenge of getting the bicycle back to the Miller's house before dark. We heard from Mr. Williams how his son was committed to following the Miller's rules, and how he tried hard to help them find the bike and the boys who stole it. We also heard from Charles himself who described how he made a sincere effort to follow the rules the Miller family established because he was very aware of what those rules were. What we should be concerned about are the bullies who stole the bike, not the innocent friend who was trying to get it back to its owner on time. Thank you.

Judge: Plaintiff's Attorney may give their Closing Argument.

Plaintiff's Attorney: Your Honor, and Ladies and Gentlemen of the Jury, there is no question that Charles Williams was responsible for Tony Miller's new bicycle and should have watched his time more carefully. As we heard from both Mr. Miller and Tony, a good friend let Charles borrow his brand new bicycle. All he had to do was follow three simple rules. Now the generous friend has no bike and has not had one for some time. Charles Williams must pay a consequence for not following the rules!!!  
Thank you, Your Honor.

Judge: Jury, it is now your job to take what you have heard in this trial and decide if you think Charles Williams was negligent and, therefore, broke his agreement with the Miller family. It was this act that led to the loss of Tony Miller's new bicycle and his opportunity to ride that bicycle whenever he had the time and desire. The Jury may now leave the Courtroom for their deliberation. You are excused.

**PART I**

(continued)

**Sample Literature-Based Mock Trial #2: The State v Steven Miller****A Criminal Case: Fact Packet**(This trial is based on *A Chair for My Mother* by Vera B. Williams)

It is several years after the fire that destroyed everything in Mama's apartment. The Blue Tile Diner for which Mama worked had a very serious kitchen fire. The owner of the diner, Josephine, did not know what she was going to do. A lot of her equipment was either destroyed or in need of much repair. Mama suggested that Josephine put a big jar on the counter at the diner, explain to her customers what happened, and ask if they might support her effort to repair or replace her equipment. Since Josephine had owned the diner for many, many years, her customers were her friends. Therefore, the jar on the counter filled up quickly. Then one day, right before Josephine was going to cash in the coins, someone stole the jar.

The police got on the case right away. They identified the thief as Steven Miller, a former employee of the Blue Tile Diner. Steven lived in the community with his mom and older sister. Steven's older sister had a serious illness and he and his mom were always looking for a way to help her. When Steven saw the jar, he decided that he could really use the money to help his sister. Steven took the jar. Although Josephine did not want to file charges, she felt that a crime had been committed and that many people ... all of her customers... were going to lose out because the diner would have to close. Josephine filed charges and Steven went to trial for stealing the \$2000 that had been raised to fix the kitchen at the Blue Tile Diner.

**You Be the Judge**

*Your job is to decide if you think Steven should be found guilty of stealing. According to Pennsylvania law, taking something that is valued at or above \$2000 is considered a second degree felony.*

**The State vs. Steven Miller****Trial Participants:**

- The Court Clerk/Bailiff
- The Judge
- The Jury of 12 people
- The Defense Attorney/Attorneys
- The Prosecution Attorney/Attorneys
- Witnesses for the Prosecution:
  - Ms. Josephine Heller
  - Ms. Anna Moore
- Witnesses for the Defense:
  - Mrs. Emily Miller
  - Steven Miller



*Judge Rendell explains the people who comprise the trial like lawyers, witnesses, defendants, and the accused.*



## PART I

(continued)

### Script:

Court Clerk: All rise. The Court of Room \_\_\_\_\_ is now in session. The Honorable Judge \_\_\_\_\_ presiding.

Judge: Please be seated. Today we will hear the case of The State v Steven Miller. Prosecution are you ready?

Prosecution: Yes, Your Honor.

Judge: Is the Defense ready?

Defense: Yes, Your Honor.

Judge: Prosecution, you made proceed with your Opening Statement.

Prosecution: May it please the Court, Your Honor and Ladies and Gentlemen of the Jury, we are here today to prove, beyond a reasonable doubt, that Steven Miller stole the money that Ms Josephine Heller had raised to keep her neighborhood diner open. We will hear from Ms. Heller about the day that Steven Miller, a former employee at the Blue Rile Diner, came in to the Diner, saw the jar filled with several thousand dollars, and decided to take it for himself. Also, we will hear from Mama Moore, a waitress at the diner who had given Ms. Heller the idea for saving her diner. Both Ms. Heller and Ms. Moore will tell the jury about how the jar of money was stolen, how many community people eat at the Diner and will miss it if it cannot reopen after the fire, and how Steven returned to the Diner after not having worked there for over a year to see what he could take. We will prove that Steven Miller is guilty of a second degree felony and must be punished.

Defense: May it please the Court, Your Honor and Ladies and Gentlemen of the Jury, we are here today to prove that Steven Miller is not guilty of stealing. He will tell the jury how he only took the money to help with his sister's medical bills and that he intended to replace it as soon as he could. We will also hear from Mrs. Miller, Steven's mother. She will tell us that both she and Steven were upset at what Steven had done, but relieved that they had found a way to get their daughter/sister some much needed medical help. Steven did what many of us would have done. He should not be found guilty of anything but loyalty and love for his family.

Judge: Prosecution, you may call your first witness.

Prosecutor: The Prosecution calls Ms. Heller to the stand.

Bailiff/Court Clerk: Please raise your right hand. Do you promise to tell the truth, the whole truth, the nothing but the truth.

Ms. Heller: I do.

Bailiff/Court Clerk: You may be seated.

## **PART I** (continued)

Prosecution: Ms. Heller, can you please tell the Court your name and what you do for a living.

Ms. Heller: I am Ms. Josephine Heller and I own the Blue Tile Diner.

Prosecution: Describe what happened the day you realized the jar of money you had on your counter was stolen.

Ms. Heller: There was over \$2000 in a jar that my wonderful customers had given so that I could fix or replace the kitchen equipment that was destroyed when there was a fire at the Diner. Steven Miller visited the Diner the day I was going to cash in the coins from the jar. I had not seen Steven in months. After he left, I realized the jar was missing.

Prosecution: Can you please tell the Jury what would happen if you did not have the money to fix or replace the equipment that was destroyed by the fire.

Ms. Heller: Yes. If I had not raised more than \$2000 to fix or replace the kitchen equipment, I would have to close the Blue Tile Diner. That would make a difference in the lives of all of my loyal regular customers and my employees.

Prosecution: Thank you, Ms. Heller. Your Honor, we have no further questions for this witness.

Judge: Defense, you may cross-examine the witness.

Defense: Thank you, Your Honor. Ms. Heller, wouldn't you say that Steven Miller was a good, loyal employee?

Ms. Heller: Well, yes.

Defense: The Diner means a lot to you, doesn't it?

Ms. Heller: It means everything to me.

Defense: More than the life of someone you love?

Prosecution: We object, Your Honor. The question calls for the witness to guess what she thinks.

Judge: Your objection is sustained. Defense, please withdraw the question.

Defense: Ms. Heller, don't you think you would do anything to help someone you love?

Ms. Heller: I would not steal.

Defense: Then maybe borrow?

## **PART I** (continued)

Ms. Heller: Maybe.

Defense: We have no further questions, Your Honor.

Judge: The witness can step down. Prosecution, please call your next witness.

Prosecution: We call Mama Moore to the stand.

Bailiff/Court Clerk: Please raise your right hand. Do you promise to tell the truth, the whole truth, the nothing but the truth.

Mama Moore: I do.

Bailiff/Court Clerk: You may be seated.

Prosecution: Can you please tell the Court your name and what you do for a living.

Mama Moore: My name is Anna Moore and I am at a waitress at the Blue Tile Diner.

Prosecution: Can you please tell the jury about the idea you had for Ms. Heller to save her diner.

Mama Moore: Several years ago, my family saved enough money to buy an important piece of furniture that had been destroyed in a fire. I thought Ms. Heller could use the same idea when the Diner had a kitchen fire.

Prosecution: And could you also please tell the jury about your former colleague, Steve Miller.

Mama Moore: Steven is a nice young man. He was a good worker although he often missed work. He would tell me that his mom needed him to take care of his sick sister. I did not always believe that.

Prosecution: Please describe for the Jury what took place the day the jar was stolen.

Mama Moore: Well, Steven Miller showed up unexpectedly. We thought he came by to see if he could come back to work. But he never asked to come back. He just came in, said hello to everybody - customers included - and then seemed to disappear. Steven stole the jar, I am sure of it. And, with no money from the jar, I am out of work.

Prosecution: No further questions, Your Honor. The Prosecution rests.

Judge: Defense, you may question this witness.

Defense: Thank you, Your Honor. Ms. Moore, You didn't actually see Steven Miller steal the jar, did you?

Mama Moore: No

## **PART I** (continued)

Defense: You said you did not believe Steven when he said he had to be out because of his sister, right?

Mama Moore: Yes

Defense: Now that you know more about Steven and his family, don't you think he was telling the truth?

Mama Moore: Well...yes.

Defense: No further questions, Your Honor.

Judge: The witness can step down. Defense, you may call your first witness.

Defense: The Defense calls Mrs. Miller to the stand.

Bailiff/Court Clerk: Please raise your right hand. Do you promise to tell the truth, the whole truth, the nothing but the truth.

Mrs. Miller: I do.

Bailiff/Court Clerk: You may be seated.

Defense: Please state your name and what you do for a living.

Mrs. Miller: I am Emily Miller. Stephen Miller is my son. I do not work because I have to take care of my daughter. She has a serious illness and she requires a lot of care.

Defense: Can you please tell the jury about your son Steven.

Mrs. Miller: Steven is a good person. He works hard and he is a devoted son and brother.

Defense: Can you tell the Jury what Steven told you about the jar of money.

Mrs. Miller: Steven told me he had done something wrong but that he would make it right as soon as he could. Then he handed me over more than \$2000 and told me to call the doctor we had been waiting to call.

Defense: Thank you, Mrs. Miller. I have no further questions.

Judge: Prosecution, you may cross examine this witness.

Prosecution: Thank you, Your Honor. Mrs. Miller, you stated that you do not work, right?

Mrs. Miller: That is right.

**PART I**  
(continued)

Prosecution: Steven, your son, does not work either, correct?

Mrs. Miller: Not at the moment.

Prosecution: Don't you think Steven would be better off working and saving his money for his sister's care than stealing it from the Blue Tile Diner?

Mrs. Miller: I guess so.

Prosecution: Yes or no, Mrs. Miller.

Mrs. Miller: Yes.

Prosecution: No further questions, Your Honor.

Judge: The witness can step down. Defense, you may call your next witness.

Defense: We call Steven Miller to the stand.

Bailiff/Court Clerk: Please raise your right hand. Do you promise to tell the truth, the whole truth, the nothing but the truth.

Steven Miller: I do.

Bailiff/Court Clerk: You may be seated.

Defense: Steven, please describe what happened on the day in question.

Steven Miller: I did go to the Blue Tile Diner. I missed my old friends...the other waiters and waitresses and the customers.

Defense: What happened after you got there?

Steven Miller: I saw that jar of money and knew that it would be just what we needed to get my sister to this new doctor. I took the jar reluctantly but promised myself that I would pay the money back as soon as I could. Josephine Heller has been good to me and I did not intend to hurt her, her staff, or her customers.

Defense: No further questions, Your Honor. The Defense rests.

Judge: Prosecution, you may cross examine this witness.

Prosecution: Thank you, Your Honor. Steven, isn't it true that you knew you could not pay that money back quickly enough to really help Ms. Heller keep the Diner open?

## PART I (continued)

Steven Miller: I did not even think about that.

Prosecution: Didn't you say you were planning to pay the money back, right?

Steven Miller: Yes

Prosecution: You must have realized that Ms. Heller needed the money right away to keep her diner open?

Steven Miller: I guess so.

Prosecution: No further questions, your Honor.

Judge: The witness can step down. Is the Defense ready for its Closing Argument?

Defense: We are, Your Honor. Your Honor, and Ladies and Gentlemen of the Jury, Steven Miller is not a criminal. Steven Miller is a caring son and brother who saw a chance to help his sick sister. We heard from both Steven and his mother that he intended to return the money as soon as he could. Steven should be found not guilty. He can then arrange with the Court to start to pay Josephine Heller back as quickly as possible. Thank you, Your Honor.

Judge: Prosecution, your Closing Argument.

Prosecution: Your Honor, and Ladies and Gentlemen of the Jury, Steven Miller stole over \$2000 from Josephine Heller. We heard him say that he didn't think about Ms. Heller's needs, just his own. What Steven Miller did is against the law and he should be found guilty. Thank you, Your Honor.

Judge: Jury, now it is your turn to deliberate. Think about everything you heard during the trial. Because this is a criminal trial, all of you have to agree before letting the Court know your decision. Do you find Steven Miller guilty or not guilty of stealing? The jury is excused.



*Real judges and lawyers donate their time and talent to help teachers guide their classes through the mock trial.*

**PART I**  
(continued)

**Verdict Form for a Criminal Case**

**Case:** \_\_\_\_\_

As a member of the Jury, my responsibility is to decide whether the Defendant is guilty or not guilty. My decision, based on the facts in the trial, is that the Defendant is

\_\_\_\_\_.

I believe that the Defendant is guilty/not guilty for the following reason(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**PART I**  
(continued)

**Verdict Form for a Civil Case**

**Case:** \_\_\_\_\_

As a member of the Jury, my responsibility is to decide whether the Defendant is liable or not liable for damages. My decision, based on the facts in the trial, is that the Defendant is \_\_\_\_\_.

I believe that the Defendant is liable/not liable for the following reason(s):

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# PART II



**HANDBOOK**

## PART II

### The Literature-Based Mock Trial Experience

#### Choosing the Literature - Writing the Fact Packet: A Lesson for Teachers

##### Objectives:

- Teachers will understand how to choose an age-appropriate piece of children's literature for their classroom Mock Trial.
- Teachers will learn and understand the characteristics of a Fact Packet.
- Teachers will understand how to develop a literature-based Fact Packet for their class literature-based Mock Trial.

**Materials:** A Sample Fact Packet: **The Village of Greenville vs. Goldie Locks**

##### Procedure:

This section is one for which the classroom teacher's voice is critical. First, there is the choice of the piece of literature that serves as the basis for the trial. The best pieces to use have a clear-cut conflict in them and, with a little research on a website like [www.USA.gov](http://www.USA.gov), are connected to a law on which the trial will be based. Second, there is information about what a Fact Packet is and how to develop one for a class Mock Trial.

##### Specific Steps for Teachers

**Step 1:** Read the narrative, Choosing/Using Classic and Classroom Literature.

**Step 2:** Identify the book and the conflict(s) on which your trial will center. There may be more than one conflict. In that case, imbed the conflicts in your Fact Packet and have the students decide which one they want to use for their trial.

**Step 3:** Make sure there is a law connected to the conflict/conflicts in the story.

**Step 4:** Read the narrative, Developing a Fact Packet.

**Step 5:** Review the questions that the Fact Packet should address.

**Step 6:** Look at the Sample Fact Packet. The sample is based on the James Marshall version of *Goldilocks and the Three Bears*. Note the following:

- ✓ The date is a current one and could easily be a date in the present year.
- ✓ The Fact Packet is the story of the conflict(s).
- ✓ The Fact Packet contains details from the story and details the teacher adds.
- ✓ The Fact Packet includes characters from the story as well as characters the teacher includes so that there can be 3 to 4 witnesses on each side.

**Step 7:** Write the Fact Packet. Contact the Rendell Center with any questions you might have or electronically send us your Fact Packet for review at [info@rendellcenter.org](mailto:info@rendellcenter.org). Especially for the first Literature-Based Mock Trial experience, feel free to contact us for as much help as you need in preparing the Fact Packet.

## PART II

### (continued)

#### Choosing/Using Classic and Classroom Literature

There are no hard and fast rules for how to decide what piece of literature to use for a classroom Mock Trial. It can be a piece that is a classroom favorite, or it can be a challenging piece that a Mock Trial experience would make easier to comprehend. It could also be a piece that has an important message for students. There are a few criteria that would help the teacher in his/her selection. Criteria to consider include:

- ★ The piece of literature on which a classroom Mock Trial is based should have a clear-cut conflict. (Remember, there is conflict in almost all good pieces of literature.)
  - In Kindergarten, for example, we argued a civil case involving Mary of **Mary Had a Little Lamb** fame. When she brought her lamb to school, it disrupted the entire school day...which is against school law.
  - In Grades 1, 2 and 3, we argued the State vs. Goldilocks, a case of criminal trespass. We also considered Rumpelstiltskin for breach of promise; Jack of **Jack in the Beanstalk** fame for criminal trespass; the Monkey in **Why Mosquitoes Buzz** for involuntary manslaughter for a few examples. The stories were done as Intentional Read Alouds in preparation for the Mock Trial. In addition, we considered stories from classroom anthologies like **A Castle on Viola Street** by DyAnne DiSalvo, a story that would make a perfect civil case if one of the neighbors was hurt during the construction.
  - In Grade 4, we argued a criminal case based on Roald Dahl's **Fantastic Mr. Fox** and a civil case based on **The Gold Cadillac** by Mildred D. Taylor, for example. In the former, Mr. Fox felt he had to steal from the farmers so his family would not die of starvation. In the latter, the police pulled over and questioned an African American family for what they thought was just riding slowly through a predominantly white neighborhood.
  - Sixth through eighth graders argued criminal and civil cases based on novels such as **When I Reach You** by Rebecca Stead, **Monster** by Walter Dean Myers, and **Hoot** by Carl Hiaasen. In the first book, a character is killed because of the reckless behavior of another character. In the second, a character is either at the wrong place at the wrong time, or makes the wrong choice of friends when a store is robbed and the store owner dies. In **Hoot**, a young man vandalizes property to prevent the property owners from destroying the nesting place of the baby owls.

## PART II

### (continued)

- ★ The conflict in the story should be one with which the students can relate.
- There should be two sides to the conflict; that is, the conflict should be presented so that the verdict is not obvious. In other words, whether a defendant is guilty or not guilty is not predetermined. At The Rendell Center, we have described this as having students experience the gray.
  - The piece of literature should have well-defined characters, some of whom would serve as witnesses who think the defendant is guilty, and some who see the defendant as not guilty.
  - Whether you are arguing a criminal or a civil case, you should be able to identify a law that exists on which the trial is based. For example, in the case based on the novel *Monster*, the defendant - Steve Harmon - is being tried for murder of the second degree, \*Pennsylvania statute 2502b. (\*Check the statutes for your state when identifying the law on which your trial is based.)

Because the teacher has the ability to add witnesses and details through the development of the trial Fact Packet, he/she has a lot of latitude for selecting the piece of literature on which the Mock Trial is based. In reviewing the sample cases in the Appendix, you will note the different degrees to which a story/novel is enhanced in order to provide the basis for a Mock Trial. Look, for example, at the two Goldilocks trials, the one for grades K to 2 and the one for grade 3. For both trials Goldilocks is accused of criminal trespass, Pennsylvania Statute #3503. This statute states, *A person commits criminal trespass if, knowing that he is not licensed or privileged to do so, enters a building or structure unauthorized or secretly.* Both trials have characters added to the characters already in the story. These additional characters serve as witnesses. Adding characters is sometimes needed to support the goal to present a trial in which the verdict is not obvious. In addition to adding characters, you can add details to encourage two different points of view for the verdict.

**The Rendell Center for Civics and Civic Engagement is available to help all educators in this process. And, you can help us as well. If you want support for choosing your piece of literature or ideas for your Fact Packet, contact us at [info@rendellcenter.org](mailto:info@rendellcenter.org). We can help! If you have a good idea—and teachers always do—let us know your good idea for a piece of literature and/or a Fact Packet and we can share it on our website with teachers everywhere.**

## PART II

### (continued)

#### Developing A Trial Fact Packet

The Fact Packet tells the story of the conflict by naming the characters from the story who are involved in the conflict and describing the details of what happened. The Fact Packet can also include characters or events that are added to the story in order to make sure there are two clear cut sides to the conflict which serves as the basis for the trial. The Fact Packet can be developed with the whole class, by the teacher, or in partnership with The Rendell Center. For the first experience, we would recommend that the teacher write the Fact Packet and, depending on the class, invite students to add to what you have developed.

Use the steps below to develop the foundation for your Fact Packet:

**Step 1:** Determine whether your case is a civil one or a criminal one.

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 find if an accused person is guilty of committing a crime.

**Step 2:** Name the two sides of your conflict:

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

**Step 3:** Develop a Fact Packet, a brief retelling of the conflict that presents both sides of the story.

A. Questions to consider for writing the Fact Packet:

1. What is the event on which your trial is based?
2. What law has been broken?
3. When do you want the event to have taken place?
4. As you tell the story on which the event is based, who do you want to include as eye witnesses:

#### Eye Witnesses for the Prosecution/Plaintiff

- a.
- b.
- c.

#### Eye Witnesses for the Defense

- a.
- b.
- c.

## PART II

(continued)

5. Most of the witnesses for a trial are eye witnesses, people/animals who have seen something that the defendant has done that is connected to the trial. For our literature-based Mock Trials, we can also identify character witnesses, witnesses who can speak to the character of the defendant, either good or bad.

### Character Witnesses for Prosecution/Plaintiff

- a.
- b.
- c.

### Character Witnesses for the Defense

- a.
- b.
- c.

6. Where in the story do you want to start the Fact Packet?

**Remember the "gray"...**

7. With what information do you want to try to convince the Jury that the plaintiff/defendant is guilty?
8. With what information do you want to try to convince the Jury that the defendant is not guilty?



*Students learn how to write compelling direct and leading questions to present during the mock trial.*

## PART II

### (continued)

### A Sample Fact Packet

#### The Village of Greenville\* vs. Goldie Locks: *A Fact Packet*

*\*NOTE: In a criminal case, the State or a place verses the Defendant.*

*For this Sample Fact Packet we gave the name "The Village of Greenville" to represent the place.*

It is the year 2015. Goldie Locks and her family have just moved to Greenville, a little village right outside of a beautiful forest. Because it is so close to the forest, Goldie goes to school with children and animals alike. In fact, one of Goldie's best friends is Baby Bear. As their teacher Miss Muffet\* reports, they are both good students and have become good friends.

*\*We added this information—a character (Miss Muffet) and what the character knows.*

Since she is new to the village, Goldie Locks often wanders around the nearby towns and villages to get to know her neighborhood. Also, she often takes walks in the woods nearby.

One day Goldie is exploring her new neighborhood with Little Red\*, another friend from school, when she finds herself at the home of Baby Bear. Goldie remembers that Baby Bear has often said she should come over to play.

*\*Another new character added—Little Red.*

Goldie goes up to the front door and knocks many times. No one answers the door, but the door swings open. Goldie tells Little Red she thinks that *someone better check inside to make sure everyone is okay\**. Little Red runs off, but Goldie enters the Bears' house.

*\*We added this information to provide two sides to the story.*

As she enters, she smells the wonderful aroma of fresh-cooked porridge. If she is not already hungry, the smell makes her realize that it is close to lunch time and she should eat. After tasting the delicious porridge, Goldie begins to explore the Bear house. In doing so, Goldie breaks Baby Bear's chair and falls asleep in Baby Bear's bed.

When the Bear family returns, they quickly see what Goldie has done. They are very upset and call the police. Papa Bear tells the police that Goldie has trespassed into their home and should be punished. From the Bear family's point of view, Goldie entered uninvited, ate and broke things that did not belong to her, and used things in their home that were not hers.

**What do you think?**

**Is Goldie Locks guilty of trespassing or not?**

**Prove your point of view.**

# PART III



**HANDBOOK**



## PART III

### The Literature-Based Mock Trial Experience

#### Engaging Students in Writing a Literature-Based Mock Trial

This section involves the actual writing of a Literature-Based Mock Trial. It is divided into four parts, each representing a class period of approximately 45 to 60 minutes. Teachers know their class best and, therefore, can introduce the different steps according to the level of the students with whom they are working. In other words, the teacher can have the class work as a whole, in small groups, or individually.

#### Objectives:

- Students will understand the purpose for and be able to write an Opening Statement, Direct Questions, Leading Questions, and a Closing Statement for their Mock Trial.
- Students will develop skill in deliberating.
- Students will understand the importance of a Jury.
- Students will develop an understanding of the Judicial System.
- Students will gain a deeper understanding of a piece of classroom/classic literature.
- Students will develop higher level thinking skills – critical analysis of problems, strategic thinking and questioning.
- Students will develop skills in preparing and organizing material.

#### Materials:

- *The Law for Our Mock Trial Activity Sheet*
- *Witness Statements Activity Sheet*

#### Procedures:

**Step 1:** It is now time for the students to write their own Literature-Based Mock Trial. The first step focuses on the book you chose for your class Mock Trial. For primary grades, use the book as a read aloud. For elementary and middle grades, have the students read and discuss the book.

**Step 2:** Read the *Fact Packet* with the class.

**Step 3:** Invite the students to brainstorm the conflict/s in the *Fact Packet* and identify the one on which they would like to base their trial.

**Step 4:** After deciding on the conflict, use *The Law for Our Mock Trial Activity* with the students to identify the law that was broken.

**Step 5:** With the whole class, identify the Witnesses for the Defense and the Witnesses for the Prosecution.

**Step 6:** In the final step, have students write a one-to-two-sentence statement for each witness that summarizes what they will say at the trial. Use the *Witness Statements Activity Sheet* or have students dictate the statements for each witness to you and capture them on a SMART Board or Giant Post-It.

## PART III

(continued)

### The Law for Our Literature-Based Mock Trial Activity

**Directions:** After reading the piece of literature on which your Mock Trial will be based and the *Fact Packet*, think about the conflicts in the story. If there is more than one conflict, have students choose the one conflict on which to base the trial. Once the conflict is named, identify or write a law that the Defendant in your case has broken.

**Examples:** Goldilocks entered the Bears' house without permission and destroyed property. She is the *Defendant* in a case of *Criminal Trespass*; that is, she has broken a law that states the following: *A person commits an offense of criminal trespass if he/she knowingly enters a property without permission.*

**The conflict on which our trial is based:**

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**The law that has been broken:**

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## PART III

(continued)

### Witness Statements Activity Sheet

**Directions:** List the witnesses for each side and write the witness statement about what the witness saw happen (from an **eye witness perspective**) or about what the witness knows about the defendant's character (from a **character witness**).

There should be 3 to 4 witnesses for each side.

#### DEFENSE

Witness for the Defense: \_\_\_\_\_

Witness Statement: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Witness for the Defense: \_\_\_\_\_

Witness Statement: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Witness for the Defense: \_\_\_\_\_

Witness Statement: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

#### PROSECUTION

Witness for the Prosecution: \_\_\_\_\_

Witness Statement: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Witness for the Prosecution: \_\_\_\_\_

Witness Statement: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Witness for the Prosecution: \_\_\_\_\_

Witness Statement: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

## PART III

### (continued)

#### Engaging Students in Writing a Literature-Based Mock Trial

##### Part B

##### Materials:

- *Writing an Opening Statement Activity*
- *The Art of Questioning*
- *The Art of Questioning Activity*
- *Practicing Questioning Techniques*
- *Practicing Questioning Techniques Activity*

##### Procedures

**Step 1:** Divide the class into the two sides; that is divide the students into those who defend and those who prosecute. There are many ways this can be done. More frequently than any other way, we have put a “P” on half the 3 x 5 cards and a “D” on the other half and had the students randomly choose.

**Step 2:** Using the activity sheet *Writing an Opening Statement* and the information from the *Witness Statement* activity, students should work together to write the Opening Statement for their side. The Opening Statement should be like a story. One cannot argue in the Opening Statement. The purpose of the Opening Statement is to state the facts and foreshadow what the trial will be about. The higher the grade level with whom you are working, the more independent this activity can become. Have the students keep in mind what the purpose of the Opening Statement is, who the attorney is talking to and when the Opening Statement occurs in the trial. Most opening statements should contain:

- ✓ An introduction by the attorney
- ✓ Theory of the case
- ✓ Theme (this is a case about)
- ✓ Explanation of the charge/defense
- ✓ Introduction of the major witnesses and the key evidence
- ✓ Conclusion requesting a verdict

Once the Opening Statements are finished – whether completed in small groups or together as a whole class – both sides should share their statements and use them as guides for writing their questions.

**Step 3:** Once the Opening Statements are complete, it is time to teach the students about the questioning techniques in a trial. Have the students read *The Art of Questioning* or read it to them. Emphasize the characteristics of both types of questions; the standard questions that a lawyer asks his/her witness when they first begin; and the goal the students must keep in mind when developing their questions; that is, the goal of either proving that the Defendant is guilty or not guilty/liable or not liable.

**Step 4:** Individually, in small groups, or as a whole class, identify whether the sample questions on the activity *Identifying Questioning Techniques* are direct questions or leading questions.

**Step 5:** Then practice the questioning techniques using the narrative and activity *Practicing Questioning Techniques*.

## PART III

(continued)

### Writing an Opening Statement Activity

**Directions:** An Opening Statement is like the Table of Contents of a book; that is, it tells the jury what the case they are about to hear is all about. Write the Opening Statement for your trial below.

Your Honor and Ladies and Gentlemen of the Jury, we are here today to prove that \_\_\_\_\_  
is \_\_\_\_\_.

(Name of Witness) \_\_\_\_\_ will tell us that \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Name of Witness) \_\_\_\_\_ will testify that \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Name of Witness) \_\_\_\_\_ will tell us that \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Finally, we will hear from (Name of Witness) \_\_\_\_\_ who will tell us that \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you

**PART III**

(continued)

**The Art of Questioning**

In a trial there are two kinds of questions. There are **direct questions**, open-ended questions that guide witnesses to tell their side of the story. A lawyer asks **direct questions** of his/her own witnesses. These questions give lawyers the opportunity to bring out important points for their side. Then there are **leading questions**. In asking this type of question, the lawyers are **leading** the witnesses to get the answer that the lawyers want. It is a question that suggests an answer, usually one as simple as a *yes* or a *no*. Lawyers ask **leading questions** when given the opportunity to cross examine a witness from the other side.

When you are preparing Direct Questions for the witnesses on your side, you always need to have each witness answer the following:

- ✓ Please tell the Court your name and where you live.
- ✓ What do you do for a living?
- ✓ What is your relationship to the Defendant?

Then, before you write your additional Direct Questions, think about what you want the Jury to hear and what you are trying to prove. If your witness is a character witness, you want the Jury to know the positive things about the Defendant that your witness personally knows. If the witness is an eye witness, that is someone who actually saw what happened, you should consider all of the details that you want your witness to tell the Jury. If your witness forgets something you think is important - *you must be a good listener* - then ask a Direct Question that guides the witness to tell that important detail.

When you are preparing Leading Questions for the witnesses on the other side, your first job is to identify what you are trying to prove. Then write the leading questions you know will help you prove your case.

In summary...

***Direct Questions should include:***

**Who...?**  
**What...?**  
**When...?**  
**Why...?**

***Leading Questions should include:***

**Isn't it true...?**  
**Won't you admit...?**  
**Right...?**  
**Correct...?**

**PART III**  
(continued)**The Art of Questioning Activity Sheet**

**Directions:** Below is a list of questions. Read each question carefully and decide if you think it is a direct question or a leading question. Circle your answer.

- |   |               |                |
|---|---------------|----------------|
| 1. Can you tell the Jury what the weather was like on the day in question?  | <b>Direct</b> | <b>Leading</b> |
| 2. Isn't it true that it was raining heavily on the day of the incident?  | <b>Direct</b> | <b>Leading</b> |
| 3. Because it was raining so heavily, isn't it possible that you could not see things very clearly?   | <b>Direct</b> | <b>Leading</b> |
| 4. You are only 5 feet tall, right?   | <b>Direct</b> | <b>Leading</b> |
| 5. Please describe for the Jury what you were doing right outside of the scene of the crime?  | <b>Direct</b> | <b>Leading</b> |
| 6. Describe your relationship with the Defendant.   | <b>Direct</b> | <b>Leading</b> |
| 7. You have been accused of bullying other students in the past, correct?   | <b>Direct</b> | <b>Leading</b> |
| 8. You have stated that the victim had attacked you before.<br>Can you tell the Jury what happened the first time the victim tried to hurt you? | <b>Direct</b> | <b>Leading</b> |
| 9. The door to the apartment was already open, isn't that true?   | <b>Direct</b> | <b>Leading</b> |
| 10. How did you enter the apartment?  | <b>Direct</b> | <b>Leading</b> |

**Add a few sample questions of your own or have the students add some.**

## PART III

### (continued)

### Practicing Questioning Techniques

The Rendell Center's Literature-Based Mock Trial Program includes a focus on combining literacy and civic literacy materials. Therefore, in introducing an activity with which to practice questioning techniques, we would encourage teachers to use a read aloud to begin. For this activity, try reading a version of *Jack and the Beanstalk* before introducing the Fact Packet to the class.

#### The Village of Tall Trees vs. Jack of Jack and the Beanstalk: A Fact Packet

Jack and his mother lived together in the Village of Tall Trees. They were very poor, so poor that they could not afford to put food on their table. The only possession they had was a cow that had stopped giving milk. Jack's mother told Jack to sell the cow in the town near them. On his way to town, Jack met a peddler named Mr. Green who offered Jack magic beans in exchange for his cow. Jack traded the cow for the magic beans. After Jack's mother saw what Jack had done, she threw the magic beans out the window and sent Jack to his room.

By morning, the beans had become a very tall bean stalk that led to the home of the local Giant. Because he wanted to prove to his mother that the magic beans were truly magic, Jack decided to climb the beanstalk and bring something valuable back to his mom. The Giant's wife, Sally T. Giant, describes how Jack came to their house and, from his very first visit, began to steal things of value. Jack, on the other hand, describes how Mrs. Sally T. Giant seemed delighted to see him each time he came. He also felt that she was glad that Jack was taking some of the Giants' valuables in order to help his poor mother.

The question to ponder is whether Jack is a hero who robbed from the rich in order to feed his poor, starving mother, or a villain who trespassed into the home of the Giant and stole the Giants' possessions in order to make himself rich. The Village of Tall Trees has accused Jack of criminal trespass.

If you are lawyers for the defense, you are trying to prove that Jack is not guilty of criminal trespass. On the other hand, if you are lawyers for the prosecution, you are trying to prove that Jack is guilty of criminal trespass.

Use the activity sheet on the next page to brainstorm questions for your side of the trial of *The Village of Tall Trees vs. Jack of Jack and the Bean Stalk*.



## PART III

(continued)

### Practicing Questioning Techniques Activity Sheet

**Directions:** After you have read and discussed the Jack and the Beanstalk *Fact Packet* and named some possible witnesses, identify the goal your side is trying to achieve. If you are trying to prove that the Defendant is not guilty, you are on the **Defense** side. If you are trying to prove that the Defendant is guilty, you are on the side of the **Prosecution**. Fill in the goal you want to achieve. Then brainstorm three direct questions for the witnesses on your side that you think will help you reach your goal, and three leading questions of the witnesses for the other side that will help you reach your goal. You can brainstorm as a whole team, in small groups, or individually.

Possible \*Witnesses: (\*Name two for each side.)

Witnesses for the Defense: 1) \_\_\_\_\_ 2) \_\_\_\_\_

Witnesses for the Prosecution: 1) \_\_\_\_\_ 2) \_\_\_\_\_

Our goal is to prove that Jack is \_\_\_\_\_ of criminal trespass.  
Guilty or Not Guilty

#### Three direct questions:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

#### Three leading questions:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

## PART III

### (continued)

#### *Engaging Students in Writing a Literature-Based Mock Trial*

### Part C

#### Materials:

- *Practicing Questioning Techniques*
- *Direct Examination Questions Activity Sheet*
- *Leading Questions Activity Sheet*

#### Procedures:

**Step 1:** Review the questioning techniques with the whole class using some or all of the examples *Practicing Questioning Techniques*, Part 2 or some examples of your own.

**Step 2:** Divide the class into the Prosecution and Defense for a criminal case or the Plaintiff and Defense for a civil case. There are always several ways to divide the class. We have found that the best way is randomly.

**Step 3:** With the whole class, make a list of the names of the witnesses on each side and review the purpose of the questions for each of the witnesses. Make sure that the students know and understand that they should write direct examination questions for their witnesses so that they can tell their side of the story; and that they should write leading questions for the witnesses on the other side so that the jury questions the truth in their testimony.

**Step 4:** Individually, in pairs or in small groups, assign students to write the questions for specific witnesses. If there are six witnesses all together and the students are working in pairs, there will be 12 assignments. Half of the students will work with the activity sheet entitled *Direct Examination Questions*. These students will write the questions for the witnesses on their side. Their first few questions will be: *What is your name* and *What do you do*. The other half of the students will write leading questions for the witnesses on the other side with the goal of discrediting what they have said to the jury. Reinforce the fact that the leading questions are constructed in a way that calls for either a *yes* or *no* answer. Leading questions often begin with the phrase *isn't it true* or end with words like *correct* or *right*. For this step, the teacher might consider asking a lawyer or law student to be a guest who helps with the development of the questions.

## PART III

### (continued)

### Practicing Questioning Techniques

Read the scenarios below. Decide if you are going to ask questions as if you were on the side of the Defense or on the side of the Prosecution. Think of a direct question to ask the witness if that witness is on your side. Think of a leading question to ask the witness if that witness is on the other side.

#### Scenario #1:

An eyewitness is someone who saw something that could have an influence on how the jury decides whether the defendant is guilty or not guilty. Imagine that the witness says that he/she was standing right across the street from where the crime took place. If your job is to prove that the defendant is not guilty, what leading questions could you ask the witness?

**Example:** You were standing directly across the street from where the crime took place right?

Isn't it true that the street on which you were standing is heavily traveled?

So, there is *a lot of traffic*\* on this street, correct?

*\*This implies that the witnesses view might have been obstructed.*

#### Scenario #2:

We all remember Mary of *Mary Had a Little Lamb* fame. We know the lamb followed her to school? If you were trying to have Mary found guilty of breaking the rules, what questions would you ask her?

**Example:** Isn't it true that your lamb often follows you?

#### Scenario #3:

Rumpelstiltskin thought that the Queen had not kept her promise to give him her first born. Do you think she cheated when she sent her Faithful Servant into the forest to find out his name? Or, do you think she did the right thing? Rumpelstiltskin sued the Queen for breach of promise because he felt she did the wrong thing. If you were asking direct questions of your witness the Queen, what would you ask? If you were cross-examining the Queen, what leading questions would you ask?

**Example:**

**Direct Question** - Can you describe how your Faithful Servant discovered what Rumpelstiltskin's name was?

**Leading Question** - Isn't it true that you sent your Faithful Servant into the woods to spy on Rumpelstiltskin?

\*Notice the difference in the choice of the underlined words in the above questions. The lawyer for the Queen used the word "discovered." The lawyer for Rumpelstiltskin used the word "spy." Word choice is very important.

## PART III

(continued)

### Direct Examination Questions Activity Sheet

**Directions:** Make a list of the questions you would ask your witness to make sure he/she tells his/her whole story. Direct Examination Questions are questions you ask the witnesses who are on your side.

**Example:**

**Question** - Can you tell the jury what happened on the morning of the incident?

**Answer** - I was sitting on my porch when I saw a young boy running very fast because he was being chased by a bigger boy.

**Witness Name:** \_\_\_\_\_

**What are you trying to prove with your questions of this witness?** \_\_\_\_\_

\_\_\_\_\_

**Possible Direct Questions and Answers:**

1. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Feel free to write more on a separate page or on the back of this page.

## PART III

(continued)

### Leading Questions Activity Sheet

**Directions:** Cross examination questions are the questions a lawyer asks the witness from the other side. These questions are called *leading questions* because they *lead* the witness to a *yes* or *no* answer. Write the cross examination questions you would ask the witness to whom you have been assigned.

**Example:** Let's assume that the witness is 6 feet tall and that his height is important to the case because the person he/she is accused of hurting is only 4 feet 10 inches tall. As a lawyer, you might ask the witness the following...

**Question:** Isn't it true that you are 6 feet tall and have been accused of injuring an individual who is only 4 feet 10 inches? **Answer:** Yes.

**Witness Name:** \_\_\_\_\_

**What are you trying to prove with your questions of this witness?** \_\_\_\_\_

#### Possible Leading Questions and Answers:

1. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Feel free to write more on a separate page or on the back of this page.

## PART III (continued)

### *Engaging Students in Writing a Literature-Based Mock Trial*

#### Part D

##### Materials:

- Writing a Closing Statement Activity
- Jury Instructions
- Verdict Sheet

##### Procedures:

**Step 1:** With the whole class, do a read-through of the Opening Statement and the questioning of each of the witnesses.

**Step 2:** Review the directions on the activity sheet entitled *Writing a Closing Statement*.

**Step 3:** As a whole class, write the Closing Statements for each side.

**Step 4:** Then read the Jury Instructions, emphasizing the important role that the Jury plays.

**Step 5:** Share the *Verdict Sheet* with the whole class and poll the class to see who thinks the Defendant is guilty and who thinks he/she is not guilty and why!

*You are not quite finished your authentic literature-based Mock Trial. The teachers with whom we have worked have let students word process the trial whenever possible. They have also written the Openings and Closings on a SMART Board and either processed the questioning themselves or enlisted the help of older students. Once the Mock Trial is ready, copy it and practice it with your students. Then see if you can connect with a local lawyer or Judge who would be interested in serving as the Judge for your trial. If you need support for this, please contact us at: [info@rendellcenter.org](mailto:info@rendellcenter.org).*



**Judge Rendell hears a mock trial student witness questioned by the student prosecution.**

## PART III

### (continued)

### Writing a Closing Statement Activity

**Directions:** A Closing Statement is a (powerful) summary of what your side has proven. Write your Closing Statement going step-by-step and retelling the jury what each of your witnesses has proven. The Closing should also include any discrepancies in the oppositions case. If the opposition said they would do or show something in their Opening but did not, it is a good idea to point this out in your Closing Statement as well. Remember, you cannot add anything in the Closing Statement that has not already been stated in the trial.

Your Honor and Ladies and Gentlemen of the Jury, we have proven that \_\_\_\_\_  
(Name of Defendant)

is \_\_\_\_\_.  
(Innocent or Guilty)

We have heard from \_\_\_\_\_ who told us \_\_\_\_\_  
(Name of Witness)

In addition, \_\_\_\_\_  
(Name of Witness)

Finally, \_\_\_\_\_ testimony helped to prove that  
(Name of Witness)'s

In conclusion, Ladies and gentlemen of the Jury, we have proven that \_\_\_\_\_  
(Name of Defendant)

is \_\_\_\_\_ and therefore should be \_\_\_\_\_.  
(Innocent or Guilty)

Thank You.

## PART III

### (continued)

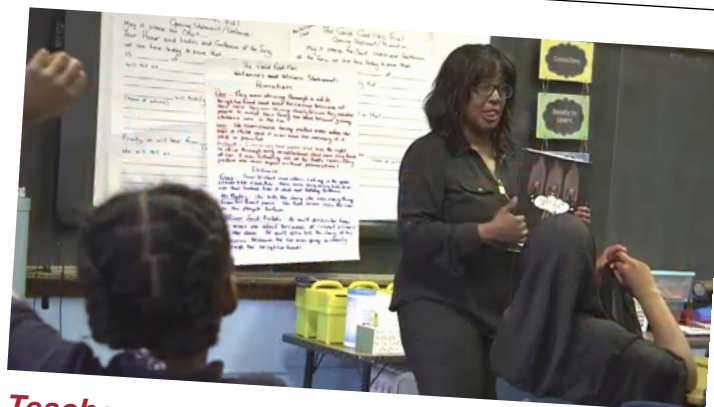
### Jury Instructions

**Judge:** Ladies and Gentlemen of the Jury, as members of the Jury, you are the only judges of whether the witnesses are believable. As you decide this case, you should pay attention to how the witnesses looked and acted when they were testifying, to what they said, and whether different witnesses said things that were the opposite of one another. You should pay attention to all the evidence which shows the witness is believable, and you should pay attention to whether a witness might have a reason to say what he/she did even though it might not be the truth. You should also ask yourself whether a witness actually saw the things that he/she testified to and whether he/she seems to have a good memory about what he/she saw. Finally, you should remember that two people who see something happen may see or hear it differently, and sometimes people don't remember things correctly and may make an honest mistake. When witnesses disagree with each other, you should decide whether they disagree on something important or on something that is unimportant. You should further decide whether the disagreement is a result of a person making a mistake or because someone told a lie.

Now you may all leave the Courtroom to deliberate. Please choose a person to serve as your Jury Foreperson — the individual who will tell the Court your decision.

**NOTE:** Remember, everyone on the Jury must agree before you can share that decision with the Court\*.

*\*This is true for criminal trials. If this is a civil trial, the Judge would tell the Jury that one more than half of the members of the Jury must agree before sharing the decision with the Court.*



**Teachers employing our Literature-Based Mock Trial program experience increased classroom engagement.**



## PART III

(continued)

# VERDICT SHEET

\_\_\_\_\_ has been accused of \_\_\_\_\_.

My opinion is based on the following facts from the Mock Trial:

**GUILTY**

**REASONS**

**NOT GUILTY**

**REASONS**

**CONCLUSION:  
GUILTY OR  
NOT GUILTY?**

# PART IV



**HANDBOOK**

## PART IV: USING OUTSIDE RESOURCE PEOPLE

### The Literature-Based Mock Trial Experience

#### How a Resource Person Can Help

Members of the legal community from judges to law school students can be used to assist in the Literature-Based Mock Trial Experience. They can:

1. Assist with the coordination and support activities including teaching a lesson.
2. Assist students in writing the Opening Statement, Examination Questions and Closing Statement. Lawyers and Judges can provide a wealth of experience to assist in the comprehension of trial procedures and proper questioning techniques.
3. Make arrangements to use an actual courtroom. A literature-based mock trial can come to life in a real courtroom.
4. Assist students in developing their roles by providing additional insights.
5. Oversee the trial as a Judge – real judges add authenticity and status to a mock trial. Their presence helps inspire the students, as well as recognize all of the work the students have done.

#### Benefits of Having a Resource Person

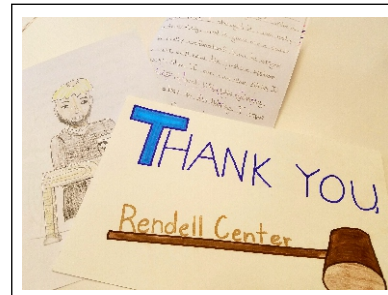
Adding an outside person has been shown to be a highlight for the students, providing a memorable educational experience. It also helps to bring credence to your law-related education work. They also help in providing strong content knowledge about the law and the judicial system.

#### Process

Contact your local Bar Association or The Rendell Center to help connect you with lawyers and judges. Make sure you contact the selected judge, lawyer or law school student in advance and review your goals for the project and for the day. Tell them a little bit about your students. Follow-up after the visit with thank you notes from your students. The letters can help ensure a long-term relationship. Please see some of the sample thank you notes and comments below received by The Rendell Center.



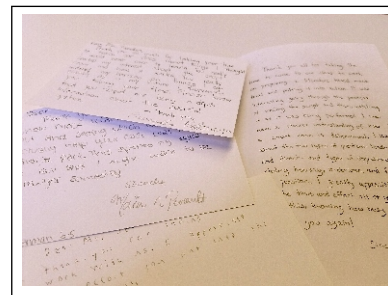
***"Thank you for giving us this wonderful experience...You have opened a bright path for me...so that I can hope and work hard to become a future lawyer, fighting for justice."***



***"Interesting...It gave me a chance to really argue a case and to really see how the justice systems works. I can use the skills I learned in real life."***



***"I learned a lot about cross examination. Making good questions that cannot be objected is really hard. Thank you for helping with these hurdles when forming a case."***



***"I loved getting involved...and having a real attorney and judge present. I will look back on this experience as one of my best moments in the 6th grade!"***

## ADDITIONAL RESOURCES

The Rendell Center for Civics and Civic Engagement is committed to helping educators teach American Civics in order to imbue school students of all grades with this important material. The work we do is divided into two program areas:

**Curriculum Development:** The Rendell Center creates and disseminates a multi-grade curriculum (We the Civics Kids) and other curricula and pedagogical tools that assist educators in developing the knowledge, skills, and dispositions of citizens in their students. More information on these tools can be found online:

<http://rendellcenter.org/teachers-tools/>

**Professional Development for Educators:** The Rendell Center will provide distinctive learning opportunities for educators and significant financial assistance to help make participation possible. The Rendell Center will host summer institutes, including a “Constitutional Scholars Institute” featuring an intensive, week-long course on the substance and teaching of American History, civics, and the Constitution. The Rendell Center will also create other professional development opportunities. More information on these tools can be found online:

<http://rendellcenter.org/>

**Additional Literature-Based Mock Trial Scripts:** The Rendell Center offers additional trial scripts online. You can access and download them from our website’s Literature-Based Mock Trials page:

<http://rendellcenter.org/teachers-tools/literature-based-mock-trials/>

**Stay in Touch:** If you have questions or need additional information that’s more specific to your teaching needs, feel free to email us at [info@rendellcenter.org](mailto:info@rendellcenter.org).

**Thanks for the Work You Do!**



**END**