



Virginia Law Related Education Institute

Virginia High School Mock Trial Program

New Coaches Guide

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With special thanks to Mr. Jon Pepper, Falls Church City Public Schools, who volunteered his time and efforts to create this guide for the benefit of high school mock trial students in Virginia and Washington D.C.

Introduction

Greetings! I assume that you are reading this guide because you have found yourself in one of the following situations:

- A student (or students) have approached you about starting a mock trial program at your high school and you are looking for a place to start.
- An administrator (or department chair) has asked you to help expand extracurricular offerings in social studies and you are researching potential options.
- You are looking for a way to create real-world connections for your students in their understanding of law and government and want to incorporate problem-based learning into this instruction.
- You have taken over a mock trial program from another coach and unsure about everything you need to do.
- You have already started a mock trial program and are looking for ways to improve your team and their understanding of how to break down and apply case materials.

I am here to tell you *not to worry*. There are many coaches and potential coaches across the state and country that are in the exact same boat as you. Everyone had to start from scratch at some point and many still “wing it” up until they get their first taste of actual competition. My co-coach and I were in a similar position to you less than a year ago, and finally now know what to expect after experiencing our first state competition. As the old axiom goes, “You don’t know what you don’t know,” and this holds true with coaching a mock trial team.

The purpose of this guide is not to turn your team into a state champion on the first try. The purpose of this guide is to help you navigate how to create a team, find the necessary resources to support your team, break down case materials, and prepare for competition at the regional and state level. While some tips and tricks will be presented, it is truly only after experiencing several regional and state competitions that you will begin to master the nuances that take a good mock trial team and turn it into an elite mock trial team.

This guide is split into sections for easy navigation and we have provided a digital version so that you can access this guide whenever and wherever you need it. You may want to read the whole thing at once and then reference back to certain sections as you need them, or you

may only want to read the sections that pertain to your team at a specific time. Either way, this guide is your resource to use as you wish as you build you mock trial program

I wish you the best of luck in this adventure. Not only is high school mock trial a great way to incorporate project-based learning into your curriculum, but it is a fun way for students to build and practice a variety of skills that they will carry with them for the rest of their lives.

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About the Virginia High School Mock Trial Competition

Since 2016, the Virginia High School Mock Trial Program has been offered by the Virginia Law Related Education Institute (VLRE) to help students explore fundamental concepts related to the law and government through unique and authentic learning opportunities. VLRE provides these opportunities by working in partnership with the Center for Legal and Court Technology at the College of William and Mary Law School, and the College of William and Mary Law School graciously hosts the Virginia High School Mock Trial Competition (VHSMTC).

The VHSMTC is also affiliated with the National High School Mock Trial Championship (NHSMTC) and the winning team at the VHSMTC (the state champion) receives a paid entry into the national competition.

The VHSMTC is an integral part of law-related education in Virginia. Mock trial, which is a model of problem-based learning, requires students not to win a case based on its merits, but instead, deliver the best solution to a mock trial problem. While the competition itself is competitive in nature, the goal of the VHSMTC is to further the analytical education of Virginia students in four distinct ways:

- Increasing their understanding of the judicial process
- Developing and refining speaking, listening, writing, and analytical skills
- Encouraging teamwork, cooperation, and respect for fellow teammates
- Furthering an understanding of law-related education

All participants in the VHSMTC, whether they be students, coaches, sponsors, or volunteers, are reminded that the primary goal of this activity is educational.

More information about VHSMTC and VLRE can be found at <https://govlre.org/index.html>

What is Mock Trial?

Quite simply, mock trial is what the name implies -- students are going to take a fictional legal case and bring it to trial. But, mock trial is much more than that.

In mock trial, a team of six to ten students receive a set of case materials, including case statements, special instructions, stipulations of facts, witness statements/affidavits, and jury instructions, and are asked to create two structured presentations -- one that presents the merits of the case in the position of the prosecution or plaintiff and one that presents the merits of the case in the position of the defense. Once these presentations are created, students compete by presenting one side of the case against another school team that argues the other side of the case,

requiring students to respond to the arguments presented by the other side. These presentations and arguments are structured within the scope of the National High School Mock Trial Rules of Competition and Rules of Evidence and require students to think quickly, critically and creatively to respond to the arguments of their opponents.

Most importantly, however, mock trial is both project-based learning and community-based learning. Mock trial is an educational endeavor that empowers students to learn about case law and our legal system in a deep, conceptual-based manner, and share that learning in a format that helps students gain the skills of communication, collaboration, creativity, and critical thinking.

Mock Trial as Project-Based Learning

In project-based learning, students work on a single project or problem for an extended time, anywhere from a week, to several months or even a semester. This project focuses on solving a real-world problem or answering a complex question. At the end of the project, students demonstrate their knowledge and skills by either developing a public product or presenting their ideas and solutions to an audience. Through project-based learning, students develop deep content knowledge, critical thinking ability, creativity, and communication skills.

The VHSMTC is project-based learning in that it provides the same set of case materials for all students involved in the competition and requires them to present the cast from both sides (either prosecution and defense for a criminal trial or plaintiff and defense for a civil trial). To present each side of a case, students need to “dig deep” into the case materials, pulling out relevant facts related to their side of the case and working to create a coherent argument as to the merits of the case for their side. At the same time, students must also analyze the case materials from the other side, figuring out where the opposition will poke holes into their argument and evaluate possible plans of attack as to how the other side of the case will frame their solution.

All this planning and preparation needs to take place within the confines of the Rules of Competition and Rules of Evidence, requiring students to learn how a case is structured and how to present arguments in a formal manner in an actual court of law. Students will also learn how to enter exhibits into evidence, determine the validity of “expert” witnesses, and form relevant objections to interpretations that may harm their position by skirting the rules of evidence or rules of the competition.

Once the case is analyzed and prepared, students present one side of a case at “trial” during the actual competition. In presenting their case, students demonstrate their work and knowledge of the case using communication skills and respond to the case of their opponent through critical thinking and creativity. During a competition, students will have the opportunity to present both

sides of a case several times, with each presentation being slightly different due to the strategies and responses of the opponent presenting the other side of the case at trial.

Mock Trial as Community-Based Learning

Community-based learning is a teaching strategy that bridges academic learning and real-world practice. In community-based learning, student connect what is being taught in their classrooms to “field based” activities, which often take the part of experiential learning.

In the VHSMTC, students get to practice their skills in a real-world courtroom setting, with legal professionals serving as the judge and members of the jury. Students experience the formalities of court, learning how to address the judge, witnesses, and opposing counsel in a respectful manner, and examining how preparation, positioning, and demeanor affect how presented information is received. By presenting their case in a real courtroom, student learning goes beyond the classroom version of “moot court” and students gain a general respect for our legal system and how it is organized.

Furthermore, the VHSMTC also provides community-based learning as an application of the professional guidance of the legal community. Many (if not all) teams have one or more attorney coaches, who volunteer from outside of the school community and dedicate their time to help prepare students for this competition. Students utilize the advice of both these attorney coaches, as well as evaluations from the competition judges to improve performance and hone their skills prior to the next competition.

Regional and State Competitions

Students will have the first opportunity to present their case at one of several regional competitions throughout the Commonwealth of Virginia. Currently, regional competitions are scheduled for the weekend of February 2nd, 2019 and will occur in three focus regions, Richmond, Hampton Roads, and Northern Virginia. All registered teams are welcome to participate in the regional competition.

Regional competitions are set up as single-day competitions, with teams participating in three or four trials over the course of the day. After random paired matchups to start the competition, teams are scored and evaluated based on their performance. These scores are then used to determine future matchup pairings, ensuring a competitive balance for the remainder of the competition (scores from each round continue to be added in to determine matchup pairings). At the end of the regional competition, the top-scoring teams (number of which to be determined) will be invited to attend the state competition.

The state competition will take place on the weekend of March 2nd, 2019 at the College of William and Mary Law School in Williamsburg. Based on performance at the regional competition, up to 20 teams can be invited to attend the state competition. *Note that based on the number of teams participating, all teams from the regional competition may be invited to participate in the state competition. Additionally, if the number of teams registered for regional competition is low, the VHSMTTC may forego the regional competition and only hold a single, state competition, with the ability to hold regional scrimmages.*

The state competition is set up as a two-day competition, with teams participating in four or five trials over two days. Once again, random paired matchups will be used to start the competition, followed by ranked pair score matching for future rounds. Based on scores, the final round on the second day will feature a matchup between the #1 and #2 ranked teams in the competition, which will serve as the state championship match. The winner of the state championship match will be considered the state champion of Virginia and VHSMTTC and VLRE will provide the name and association fee of the winner to the National High School Mock Trial Championship.

National High School Mock Trial

The National High School Mock Trial Championship (NHSMTTC) will be held in Athens, Georgia on the weekend of May 16 through May 19, 2019. The team determined to be the state champion of Virginia may attend the NHSMTTC, and VHSMTTC will provide the association fee. If the team determined to be the state champion cannot attend the NHSMTTC, the runner up shall be invited in its place. This process will continue until a team is able to attend the NHSMTTC. Teams are responsible for providing the entry fee and funding their travel arrangements to the NHSMTTC.

The case materials for NHSMTTC are new and different from the state competition and teams will have approximately two and a half months past the state competition to learn these materials and plan for trial.

Further information about the NHSMTTC can be found at <http://www.nationalmocktrial.org>

Building Your Mock Trial Team

Building a mock trial team can be both a challenging and rewarding process. Depending on the size and location of your school, you may have far more students who wish to participate in mock trial than you have spots on your team, or you may struggle to fill roles right up until competition day. Students often have conflicts on weekends with other events, competitions for other events, or even sports and religious activities. Because of the nature of the competition and its presence as a culminating activity for project-based learning, it is important that students know competition dates and commit to mock trial well ahead of competition dates.

What follows is a description of how to build a mock trial team for the first time, based on my experiences with the program. It is by no means the only way to compose your team, run auditions, find coaches, or raise money, but it should provide some guidance as to how and when to get started.

Composition of a Mock Trial Team

According to the VLRE website, and the rules of the VHSMTTC (and NHSMTTC), mock trial teams consist of a roster of 6 to 10 student members. During each trial, only 6 team members may participate in the trial in the following roles:

Attorney #1: Delivers the opening statement, directly examines one of the three witnesses on your team and cross-examines one of the three witnesses on the other team

Attorney #2: Directly examines one of the three witnesses on your team and cross-examines one of the three witnesses on the other team.

Attorney #3: Directly examines one of the three witnesses on your team and cross-examines one of the three witnesses on the other team. Also delivers the closing argument.

One of the three attorneys will also participate in pre-trial motions and introductions of the team prior to the beginning of the trial. It does not matter which attorney this is.

Additionally, the attorneys will raise objections and argue objections made during their questioning of witness. The only attorney who should handle objections is the one who is currently conducting direct or cross examination or delivering a statement.

Witness #1: Receives direct examination questions from one of your attorneys and is cross-examined by one of the opposition attorneys.

Witness #2: Receives direct examination questions from one of your attorneys and is cross-examined by one of the opposition attorneys.

Witness #3: Receives direct examination questions from one of your attorneys and is cross-examined by one of the opposition attorneys.

Timekeeper: Although not a true participant in the trial, this individual (some teams use 2 people) keeps track of the time used in each portion of the trial and may have signs to alert the attorneys when they are close to the allotted time for each segment of the trial.

Note that some teams may not have a timekeeper and are often reliant on the timekeepers of the opposition team to keep track of the time remaining in each segment of the trial. A timekeeper, while very helpful, is not a necessary requirement to participate in mock trial.

If you notice, there are only 6 participants (not including the timekeeper) in each trial, but each team consists of 6 to 10 members. This means that there may be some members of the team who do not participate in certain rounds yet are still part of the team. For example, a student may play the role of attorney on the plaintiff/prosecution side and may not have a role when your team is on the defense side of a trial. Additionally, there may be some members (or all members) of your team that have a role on both sides of a case, such as a student who is an attorney on the plaintiff side and may play one of the witnesses on the defense side.

Furthermore, many teams have more than 10 members who are part of the team. In this case, the team has likely held an audition processes and selected what it believes to be its strongest members to participate in the trial. The remaining members of the team may act as “understudies” for one or more roles, filling in if there is an illness or absence, and learning the ropes of mock trial for future years.

Selection and Audition Process

Selecting student members for a role on your team depends on the type of student and sometimes the amount of time commitment that the student can put forward for the competition. In general, the types of students best-suited for each role is as follows:

Attorneys: These are students who can devote large amounts of time to building and preparing a case. They are poised under pressure and able to think quickly on their feet,

knowing several linear paths to get their side's version of the case presented. They have invested the energy into knowing not only their role in the case, but the minutia of the witness statement/affidavits for the witnesses they will examine, as well as cross examine. They have also memorized the rules of evidence and know when and how to raise objections and argue those objections in a professional manner. They are also required to adapt on the fly if questioning or points raised by the opposition do not go their way. These students do not need to be good "actors" but must speak clearly, loudly and concisely when presenting their case in court.

Witnesses: These are your students who are often your "actors". They work to convince the judge and jury that they are the character in the trial that they say they are and that they have an emotional investment in the case. These students need to have every single detail of their witness statement/affidavit committed to memory and use it to tell a story on direct examination. While not as intense as the preparation required for a lawyer, witnesses still need to be able to withstand the pressure of cross examination without giving away the salient details of a case.

Timekeepers: Know the rules of a trial and can keep time using stopwatches for multiple parts of a trial at once.

In selecting students for roles, remember that several students will need to hold more than one role in the competition. In this case, it is often beneficial for an attorney who directly examines one student on one side of a case to cross examine the same witness on the other side of the case. Or, if a student can handle different roles, have an attorney who cross examines a witness on one side of a case play that witness on the other side of a case.

Many times, you will have more students want to participate in mock trial than you have spots on your team and you will need to hold auditions. You can hold auditions however fits your team best, but in the past, here are two methods that we have used to hold auditions:

- Method #1: Students are given selected case materials from a case for prior years (usually the stipulation of facts and one witness statement/affidavit) and asked to prepare a series of direct examination questions based on the witness statement. If the student wishes to audition for the role of a witness, they are asked their direct examination questions by a coach or team veteran and then asked several cross-examination questions to see how they hold up under pressure. If a student wishes to audition for the role of an attorney, the student is also asked to prepare an opening statement for the trial based on the stipulation of facts. The auditioning student then delivers the opening statement, asks a few direct examination questions to the coaches and is given a basic test on the rules of evidence.

- Method #2: Students are given the stipulation of facts and the witness statement/affidavit of one witness for an old or current case. A student who wishes to audition as an attorney is paired with a student who wishes to audition as a witness. As a pair, the team is asked to develop and deliver a direct examination on the witness statement. The student auditioning as a lawyer is asked to also prepare an opening statement for the trial based on the stipulation of facts.

One thing that I do when auditioning is ensure that EVERYONE auditions -- even our top witnesses and attorneys from previous years. Usually these people go first to serve as exemplars for others, but by having them audition it shows that we are a democratically-selected team and don't play favorites based on past performance.

The other issue that I (and some other teams) had is that we often don't have enough people who want to try out for mock trial. You absolutely need 6 people on competition day to field a team and with the overscheduling of teenagers nowadays, it can be difficult to find people to commit to two different weekends. To find students, we advertise heavily in our school's morning announcements, as well as through our online learning management system. We also recruit through teachers in our social studies department and try to find students who do activities that are similar and related to mock trial, such as Model United Nations or forensics. Our team members also work to recruit their friends to participate in the club.

Registering Your Team

It is important to register your team as soon as possible, as early registration gives you the option of selecting your site for regional competition (as sites may fill up) and gives you a discount off the registration price. *Case materials for the upcoming year are available to all registered teams online as of September 1st.*

To register your team, you will need to create an account with the VLRE Portal, which can be accessed from the VLRE website, which is located at <https://govlre.org/vhsmtc.html> Registration can be done digitally through the portal or it can be done via paper for schools that need to register with a check/purchase order.

Team Costs and Fundraising

The breakdown of team costs is as follows:

- Registration fees (\$225 early registration by October 15th, \$275 normal registration prior to December 1st, \$325 late registration)
- Hotel rooms for state competition. For teams that need to travel a significant distance to Williamsburg for the state competition, they will need to book a hotel room for at least one overnight (although many teams book two overnights due to the early morning start of the competition on the first day). VLRE works to get a group rate for several nearby hotels, which in 2018 was roughly \$100 per night all inclusive. Based on the size and gender makeup of your team, you will need 3 or more hotel rooms, which can total up to several hundred dollars per night. Teams may also want to spend a hotel night close to the site of the regional competition, if they are required to travel significant distances.
- Transportation to competition. Some school districts require students to take school transportation to school-sanctioned events and may require a fee to use this transportation. This cost is variable and up to your school division.
- Incidentals. This includes meals during competition (many teams bring snacks, etc.), pens, legal pads, copying, and anything else you would need for trial.

In general, the cost of competing is relative to the size of your team, with larger teams costing more money. We found last year, with a small team of 6 students and 3 coaches, that our total cost to compete came in around \$1000.

There are several ways to finance this venture, and this includes having your school system pay for it (not always likely, particularly for new teams), having students and their parents fit the bill (we did this for the hotel and incidentals), and fundraising.

Fundraising opportunities and rules vary by school and district, and many different methods have been used to raise funds, including:

- In-school bake sales
- Dining out nights with local businesses, such as Chipotle or Chik-Fil-A
- The sale of team gear (like t-shirts and sweatshirts)
- Donations from local businesses

We reached out to our school division's business partnership person to try to find resources to help support our team and suggest that you work with similar programs or PTA (or like organizations) to do the same. Additionally, many schools have a large and supportive parent population that travels with the team and helps to defray some of the costs (like transportation and meals).

Finding Attorney Coaches

Although you may be a social studies teacher who understands the basics of the legal system, or perhaps have seen mock trial-type events in the past, you are not necessarily a trial lawyer, nor do you know the nuances of presenting trials in the American legal system. It behooves you to find an attorney (or team of attorneys) who are willing to volunteer their time to assist your team.

Attorneys are extremely beneficial in helping your students break down the case materials, pick out what is relevant, and build opening/closing statements and direct/cross examinations. They also help students work on courtroom positioning and word choice, allowing students to phrase things in manners that make them less vulnerable to cross examination and witness impeachment.

Because most of us work in schools, we often do not have direct access to lawyers who we can ask to assist us in mock trial. We suggest (and have used) many of the following practices to help find an attorney coach or coaches that can assist your team:

- Find parents! Many students are interested in mock trial because one or both of their parents are lawyers. Have students who audition ask their parents (or their friends' parents) if they are willing to help.
- Ask the community liaison for your school or school division. We are lucky that the school division we work in has a business-in-education person who is dedicated full time to providing community resources to schools. Many schools or divisions have someone in a similar role and who can be asked to find attorneys willing to donate their time.
- Ask school administrators. We also have a full-time lawyer who works for the school division and she was willing to help in many of our practices. She also asked some friends that she knew and was able to get us a cadre of four attorney coaches that helped our team break down the case.
- Go through the PTA -- many parents know somebody who is a lawyer who may be willing to help.

- Look for younger lawyers, particularly those who are clerking. Many younger lawyers are looking for activities to help build their resume and are willing to donate pro-bono time before they transition to a law firm.
- If all else fails, get in touch with the folks at VLRE! They may be able to assist you in finding a lawyer willing to help a new team (if only for a little bit!)

Practice Schedule and Location

Once your team and coaches are in place, it is important to create a practice schedule that helps your team to build its case. I recommend getting the team together and picking a single specific day (and time) of the week where you agree to meet; often you may have to base this around the availability of attorney coaches.

I would spend the first month (or two) dissecting the case with the attorney coaches:

- What are the stipulation of facts?
- What is each side (plaintiff/prosecution or defense) trying to argue?
- What pieces of information in each witness statement/affidavit helps that side of the case?
- Which pieces of information in each witness statement/affidavit hurts that side of the case?
- What are the exhibits and how would they be used in the trial?
- What is extemporaneous information and should be omitted from trial?
- Is there a theme that each side should use in the case?

Once the case is dissected (hopefully by mid-October/early November), lawyers and witnesses should get to work and team up to write direct examination and cross examination questions. Lawyers should also be writing opening and closing statements and firming up their understanding of the rules of evidence. Personally, I have my team work on this part outside of the regular practice hours so that they can begin to share these at practices.

Once these statements are “sketched out”, practice time should be reserved for modifying and tweaking these statements to best fit the trial. Often, I run one week of practice where we run through the entire prosecution/plaintiff side of the case (including cross-examination by defense lawyers) and the next week we will run through the defense side of the case.

Starting in the new year, we ramp our practice time up to two or three days per week, with at least one day where we run through the entire trial (sometimes this requires a coach or understudy to stand in for someone with multiple roles). This allows us to fine tune the trial and work on little things such as positioning in the courtroom or word choice, as well as enter our objections in the trial (to show understandings of the rules of evidence).

If available, I recommend finding a courtroom (or city hall, library, or other venue) to hold at least one or two practices in. This helps your students become acclimated with positioning in a real courtroom and take the comfort factor of working in a classroom out of the equation.

Of course, you do not need to follow this schedule exactly and situations may change that prevent you from practicing this much, or you may find that to get comfortable, some of your students need more practice. This is just a sample of how often we meet and what we are working on at each point in the year.

The Case Materials

Case materials are available on the VLRE website starting on September 1st. I would recommend downloading the case materials (usually a .pdf file) and sharing it with your team members as soon as possible. We uploaded the case materials to our school's learning management system in the Mock Trial team group, so that students had access to materials 24/7 and did not need a paper copy. In addition to case materials, we also uploaded the VHSMTC handbook, the NBSMTC rules of competition and the NBSMTC rules of evidence so that students have access to everything they need on September 1.

A new case is provided each year to teams to level the playing field (and keep things interesting). In general, if one year's case is a criminal trial, the next year's case will be a civil trial (and vice versa). This also adds a challenge to the case as the trial switches the burden of proof from a preponderance of evidence in a civil trial to beyond a reasonable doubt in a criminal trial.

Most (if not all) case materials, provide the following information:

Statement of the Case

This is a general introduction to the case that provides very basic facts such as the incident that happened, when it occurred, where it occurred, and what the plaintiff/prosecution allege the defendant is responsible for. It also includes the reasons the defense believes they are not responsible for what happened. Listed in this statement are the witnesses that are scheduled to appear for each side in the trial. Witnesses are usually given gender-neutral names so that they can easily be portrayed by team members of either gender at trial.

The statement of the case is usually no longer than a single page.

Special Instructions

Special instructions contain a list of important information and guidelines to the teams competing in the tournament. They are not an exhibit and may not be entered into evidence by any of the teams competing in the tournament. Teams agree to be bound by these instructions upon receiving the case materials and any attempt to circumvent these materials is a violation of mock trial rules and can result in a deduction of team points when a round concludes. Only when there is a dispute over the special instructions can a copy of the special instructions be presented to the presiding judge of a trial.

Not every trial contains specific instructions, but if they do occur, they will contain information about what materials (outside of those provided in the case materials) teams can bring into the

courtroom, what extrapolations about case facts are permitted (so long as they do not provide an advantage to either side in the presentation of a case), what possible charges the plaintiff/prosecution in a case may see, and that all affidavits were properly signed and notified by the witnesses in the case and that no witness may deny it is his or her signature.

Although not usually a long document, a good working knowledge of the case facts is essential as it ensures that your team (and your opponent) remain in compliance with the rules of the VHSMTTC. Additionally, a quick dive into the case facts (a good thing to ask is, “I wonder why this provision is there?”) may help your team gain a slight advantage in the presentation of your case.

Stipulation of Facts

This is a provided list of statements that both parties in the case have agreed to prior to the beginning of the trial. This often applies mostly to simple facts, like agreeing that the materials presented in the exhibits are what they purport to be. Additionally, this is where it states that both parties agreed to the instructions provided to members of the jury.

It is important to read through the stipulation of facts prior to digging into the trial because it can help you chart the course you plan to take at trial. For example, civil cases are often bifurcated, which means that the trial for liability in a civil suit and the trial for damages are separated, and any argument that runs into the scope of damages can be objected to in this trial.

Witness Statements/Affidavits

The affidavits are the “meat” of the trial. Each witness has a roughly three to four-page statement regarding the incident that occurred, and what they knew of the defendant/situation prior to the event on question in the trial. Witnesses are 100% bound to their statements and all direct examination and cross examination questions are based off these statements. Witnesses are not allowed to make up any information outside of the scope of these statements, particularly if it will aid in shifting the balance of the case to their side. If a witness makes up information that shifts the balance of the case, their statements can be object to on the grounds of “unfair extrapolation” and, if found to be substantiated by the judge, can result in a significant point deduction for their team.

In addition to the witness statements, you will often find the report of one (or possibly two, if each side of the case has one) expert witness in the trial. This report is usually a little longer than the witness statements and goes into scientific detail about findings related to the case. In addition to the report of the expert witness, the curriculum vitae (resume) of the expert witness is provided to present background as to what qualifies the witness as an expert. While *voir dire of*

expert witnesses is not permitted per the rules of VHSMTTC, several questions relating to background information should be asked prior to proffering the witness as an expert. Likewise, attorneys on the other side of the case should look for reasons in the curriculum vitae as to why the expertise of the witness should be possibly called into question, and therefore, why the report of the expert witness may or may not be entirely valid.

Exhibits

These are signs, pictures, or diagrams of material pertinent to the case itself. Per the stipulation of facts, both sides of the case have agreed to the exhibits and no additional exhibits may be entered into evidence. In past competitions, VHSMTTC has provided poster boards with blown-up pictures of each exhibit for use in each courtroom during trial. Before being used in trial, exhibits must be officially entered into evidence, and not all exhibits are always entered at each trial. It is up to your team to go through the exhibits and decide which ones are relevant to your case and how and when you plan to utilize each exhibit.

Jury Instructions

These are the instructions provided to the jury during the case and, per the stipulation of facts, they have been agreed upon by both parties in a case. These instructions usually contain the alleged crime or claim by the plaintiff/prosecution, and the level of burden of proof required in the case. Additionally, the jury instructions list (often numerically) a set of findings that must occur for the jury to rule in favor of one side or another. There are also definitions for some legal terms, such as “proximate cause” that are provided to aid the jury in their deliberations.

Using jury instructions as a basis for determining your legal theory is highly encouraged.

The instructions contain a lot of information that is helpful in crafting both opening statements and closing arguments, as well as identifying important information that needs to be extracted from each of the witness statements/affidavits.

Preparing for Trial

Most of the heavy lifting of the VHSMTC occurs outside of the courtroom. As case materials are available starting September 1st, teams are given roughly five months to build their team, assign roles and responsibilities, break down the case materials, create lines of questioning for direct and cross examination, prepare opening and closing statements, and rehearse prior to competition. Of course, VHSMTC has the added degree of difficulty of not knowing what to expect from your opponent and thereafter adjusting on the fly during the competition.

By preparing meticulously and carefully, your team can be ready for anything that your opponent throws at you, and you are ready from almost any angle of the case they plan to pursue. While every year's case is different and has its own unique challenges, this section of the guide takes you through a general method of preparing for trial and breaking down the case materials provided so that you can prepare your lines of questioning and arguments. Then, in the section on the trial itself, we will go over the aspects of writing and presenting opening statements, direct and cross examinations, and closing arguments.

Virginia High School Mock Trial Handbook

The Virginia Mock Trial Handbook provides basic information about VLRE and the VHSMTC, including the history of the competition in Virginia, the structure of state, regional, and possible district-level competition, and rules for the competition. It also includes provisions on scouting and scrimmages against other teams prior to the competition itself. For new coaches, this document should be the starting point before delving into the case materials so that they can properly prepare their team for competition.

The Virginia High School Mock Trial Handbook is located at:

https://govlre.org/media/documents/vhsmtc_handbook.pdf

Rules of Competition (National High School Mock Trial)

Before breaking down the case materials, it is important to review the NHSMTTC rules of competition, which are the same rules of competition used by the VHSMTC. The rules contain everything from team composition, to whether or not voir dire of witnesses is allowed. The rules of competition are available at:

http://www.nationalmocktrial.org/files/6315/1387/0391/NHSMTTC_Rules_of_Competition_12-1-17.pdf

Rules of Evidence (National High School Mock Trial)

One of the most important things that attorneys can prepare for prior to trial is to familiarize themselves with the NHSMTTC Rules of Evidence. Rules of evidence outline the scope of the trial, as well as what is permissible during direct and cross examination. It goes into detail about what makes evidence relevant, how to impeach a witness, and how to use an affidavit to “refresh” the memory of a witness. Also included in this document is a detailed description of what constitutes hearsay.

The Rules of Evidence are located here:

http://www.nationalmocktrial.org/files/1115/1387/0326/NHSMTTC_Rules_of_Evidence_11-1-15.pdf

In learning the Rules of Evidence, we have created Quizlet question to help our attorneys practice the rules of evidence. They are linked below:

Beginning Rules of Evidence Quizlet: <https://quizlet.com/245423071/mock-trial-rules-of-evidence-beginner-term-definitions-flash-cards/>

Intermediate Rules of Evidence Quizlet (including Rule Numbers): <https://quizlet.com/245422476/mock-trial-rules-of-evidence-intermediate-rule-numbers-flash-cards/>

One of the things I teach our attorneys is that when they make an objection, they should cite the rule of evidence they are objecting to when explaining their objection. For example, in arguing an objection over hearsay, an attorney may argue that the material being objected to is not hearsay because, “According to Rule 801 (d) (1), a witnesses’ prior statement is not hearsay”

Breaking Down the Case Materials (Facts/Instructions/Jury Instructions)

Once your team has a working knowledge of the rules of evidence and rules of competition, it is a good time to begin breaking down the case materials. The first thing that that should be looked at are the special instructions, stipulation of facts, and jury instructions. Often, these documents provide clues as to how to proceed in the trial. For example, we often start with the jury instructions so that we are aware of the burden of proof required for the trial as well as a list of what each side of the case needs to show to be successful in the trial. Then, by looking at the stipulation of facts, we see which pieces of evidence provided no advantage to either side. Finally, we will look at any special instructions to see if there are possible advantages embedded

in the way we structure our trial. Once we have examined each of these documents, we often will make a chart that looks like this:

Case		
	Plaintiff/Prosecution	Defense
Burden of Proof		
Things we need to show to judge/jury prior to end of trial to support our side of case		
Advantages in special instructions (if any)?		

A good example of an advantage found in the special instructions occurred in the 2018 VHSMTTC case of *Zora v. Apex*, which involved a civil case of a restaurant worker who lost his life in a meat grinder accident. One of the special instructions provided for the admittance of a picture of the deceased and the rules governing this picture. While many teams thought nothing of this instruction, the state champions got an approved picture of the deceased and used and presented it when delivering their closing argument to sway the sympathy of the jury.

Breaking Down the Witness Statements/Affidavits

This is what you should spend the most time on before creating your opening statements and direct/cross examination questions. We often spend two to three practices at the beginning of our season analyzing the witness statements for facts that support each side of the case as well as possible holes that poke at the testimony or personal credibility of a witness. In looking at each witness statement, we look for the following information and create a chart that goes as follows:

Witness:			
Fact that supports witness's side of case.	Question(s) to ask in direct examination to elucidate the fact:	Statements that do not support the witness's side of the case or may impact witness credibility	Question(s) to ask in direct examination to mitigate impact of negative fact in cross examination (if needed or possible)

We make a chart like this for each witness and then compare the three witnesses on one side of the case for common themes or common information. This allows us to formulate a theme or plan of attack for that side of the case, and then we repeat the process for the other side of the case. Additionally, this also helps us allot our time for direct and cross examination, as some witness statements contain minimal information that helps or hurts a case and some witness statements are quite robust and need a lot of time to bring out everything inside. We are also able to plan the order of witnesses from this exercise.

Utilizing Exhibits

Most state-level mock trial cases come with anywhere from 4 to 6 exhibits that can be entered into evidence at any time. While VHSMTC provides blown-up versions of exhibits on poster boards for use in each courtroom, exhibits must be entered into evidence before becoming part of a trial. The process for entering an exhibit into evidence is as follows:

- The attorney must inform the judge that they are approaching the opposing counsel with an exhibit
- The attorney will show opposing counsel the exhibit and ensure that the exhibit has not been altered in any way.
- Once the opposing counsel has approved the exhibit (this is a quick process), the attorney will approach the witness with the exhibit and ask them if the exhibit is what it is purported to be.
- Once the witness agrees, the attorney makes a motion to the judge to enter the exhibit into evidence, and it can be used in the trial

In breaking down a case, it is important to determine what information can be gleaned from each exhibit and whether the exhibit supports your case, hurts your case, or has no effect on your case. If the exhibit supports your case, it is then important to determine when the best time (during the direct of examination of which witness/witnesses), the exhibit should be entered into evidence.

It is extremely likely that if there is an expert witness involved in a trial, they will need to explain some sort of technical diagram exhibit as part of their testimony. Even if you feel as though entering an exhibit will damage your side of a case or is not necessary, your student portraying an expert witness should be thoroughly versed in the ins and outs of the diagram (including what helps and hurts their side of a case), and be able to explain the diagram in a manner that helps the case, as it is likely the exhibit will be introduced during cross examination.

The Trial and Competition

Now that case materials are broken down, the general rules of competition are understood, and the facts of the case debated and sorted, it is time to prepare for trial. Although the basic rundown of what to expect on the day of competition is included below, the materials in this section should be well prepared and rehearsed prior to competition day.

One of my strongest beliefs about mock trial is that you and your students don't really know what to expect until you compete. There is so much to be learned -- courtroom positioning, how to object, how to ask questions -- by doing and observing that no matter the amount of time taken to prepare for trial, nobody is going to have a "perfect" trial the first time through. Additionally, minor tweaks will be made on the fly, both to things you thought would work well and didn't, or in response to unforeseen strategies by your opponent.

Where possible, I included videos (or links to videos) of actual mock trial competition in this section. These are just exemplars of how things can possibly occur in a trial and are not meant to be taken as verbatim ways of how to do things in a mock trial courtroom.

What to Bring to the Courtroom

On competition day, it is not unusual to see teams lugging roller carts with crates stacked with papers and evidence around the courthouse. Although you may not necessarily use them, you will want the following things with you on trial day:

- Several copies of the case materials. This is to ensure that at the very least, each attorney has a copy of the case at their fingertips in case something unusual happens. This will allow for a quick refresher of the stipulation of facts, jury instructions and any other special instructions that may need review if there is a question or possible violation of competition rules.
- Copies of the Rules of Competition
- Copies of the Rules of Evidence -- perhaps even a cheat sheet to be placed on the attorney's table for quick reference of number in case of objection.
- Copies of the affidavit of each witness, which can be used during direct or cross examination either for dramatic effect or to refresh the memory of the witness.
- Copies of your direct and cross examination questions that you have created as well as a general outline for your path of direct/cross examination

- Copies of the opening statement and closing argument.
- Copies of exhibits in case they are not available from VHSMTC.
- Pens/pencils and yellow legal pads for jotting down notes of things that occur during trial so that attorneys are ready for rebuttal arguments.
- Time cards for the timekeeper to hold up to alert attorneys about timing for each section. A good set of cards will include times of 15 minutes remaining, 10 minutes remaining, 5 minutes remaining, 2 minutes remaining, 1 minute remaining, 45 seconds remaining, 30 seconds remaining, and 15 seconds remaining.
- Any special materials that are allowed in the trial that you may want to use.
- Bottles of water for attorneys (if permitted)

Teams will also bring scoresheets into the competition, and many coaches will quietly assess the trial on their own to see how their predicted scores match up with the actual scores of the judges. Additionally, many teams also will have team members not participating in the trial, quietly reviewing questions or trial materials for their side of the case.

Courtroom Behavior (Including Dress)

Proper courtroom etiquette is something that many teams struggle with, particularly in the “heat” of competition. Some of the basic rules of courtroom etiquette (including many that teams struggle with) are listed below:

- The moving party (either the prosecution in criminal case or the plaintiff in a civil case) sits closest to the jury box or, if the jury is sitting in front of the courtroom, to the right of the judge’s bench.
- When the judges (judge and jury members) enter a courtroom, everyone should stand until told to be seated by the presiding judge.
- Attorneys should always stand before speaking (unless unable to do so because of disability).
- When addressing the judge, attorneys should refer to him or her as “Your Honor”.

- Attorneys should ask permission before moving things in the courtroom, such as displays of exhibits. This also applies to asking witnesses to step down from the witness stand to explain exhibits.
- Unless quietly showing an exhibit or other material being entered into evidence, attorneys should never speak directly to opposing counsel during a trial. This is particularly challenging during objections, when you wish to argue your point directly. Instead, all communication should go through the presiding judge, as he or she will be deciding on objections and motions.
- Visible frustration is never okay. Things may not go well in court, but eye rolls, deep sighs and other signs that a student is frustrated will cause them to score negatively.
- Witnesses, no matter how upset they may be with the line of questioning on cross-examination, should never show frustration with the opposing counsel. This includes snarky remarks in answers to cross-examination questions.
- Attorneys should thank the judge for decisions on motions or objections, no matter the outcome.

In addition to proper courtroom behavior, proper dress is essential. We encourage our attorneys and witnesses to dress conservatively, no matter the role the witness is playing. Attorneys are expected to wear dark suits (pants suits/blazers for ladies) and witnesses are encouraged to wear either suits or long skirts and blouses for the ladies. Excessive makeup or piercings should be removed prior to court. ***With this said, judges are specifically instructed to not base their decisions and scoring on the attire of either team.***

Introduction and Pre-Trial Matters

Once the judges have entered the courtroom, and everyone has been seated, the trial begins with introductions of the members of each team. This is where one of the attorneys will hand a pre-populated trial roster to the judges so that they can get the spelling of attorney and witness names correct on their scoresheet.

During introductions, each team will stand up, give their actual names and explain their role(s) in the trial today. For example:

“My name is John Doe and I will be delivering the opening statement, giving the direct examination of Bill Smith, and cross-examining George Washington today”

“My name is Jane Doe and I will be playing the role of Kim Roberts today”

After introductions, the presiding judge may or may not ask if a team has any pre-trial matters to discuss. If the judge does not ask, one (or both) teams may ask for several pre-trial matters, including, but not limited to:

- Permission for attorneys to move freely about the courtroom
- Asking whether a witness should be pre-sworn in to testify
- Acknowledgement that a case is bifurcated
- Clarification or justification of any other pre-trial rules

Once introductions are complete, the judge will instruct the plaintiff/prosecution to deliver their opening statement.

Opening Statement

The opening statement (particularly of the prosecution/plaintiff) is the only part of a mock trial that is always 100% scripted. This occurs because neither side has had the opportunity to argue the merits of their case yet and there is nothing to respond to.

The opening statement is given a maximum of 5 minutes to present and usually contains the following components:

- A story or “hook” to introduce the judges and jury to the case -- this is usually modeled after something in the statement of facts in the case materials.
- A backstory as to the events that occurred up to the incident on trial.
- An asking of the jury as to what the side is encouraging them to find, including a description of the burden of proof in a case.
- A description of each witness that the side will present and what that witness will describe that supports the side’s position.
- A description of what the opposition side may try to tell, including a description of what they expect to hear from each opposition witness and how their testimony either supports the position or should be disregarded.

- A recap of the case, possibly including the side's theme or "catchphrase" (if they have one) of the trial.
- A reminder to the jury that at the end, an attorney is going to come back up in front of them and ask to show that the burden of proof lies in their favor.

Direct Examination

Direct examination is your team's opportunity to present your side of the case through the testimony embedded inside of the witness statements/affidavits, or the reports of expert witnesses.

Each team has 25 minutes TOTAL to conduct their direct examinations. While teams are required to directly examine each witness on their side of the case, the order of witnesses and the amount of time spent directly examining each witness is up to you as part of your trial strategy.

Direct examination questions are prepared in advance, and we provide a list of advice to our attorneys/witnesses who work in concert to write direct examinations. This list of advice is as follows:

- Keep the questions open-ended (attorneys are not allowed to 'lead' witnesses to answers on direct examination)
- Each answer should connect or transition to the next question
- Almost every answer should consist of a direct answer to the question (less than one sentence) followed by an explanation
- The direct examination is the time for the witness to be the star -- make sure you incorporate elements of your witness' character into your answers
- Jokes and quirky mannerisms are totally fine, so long as they don't detract from the jury's ability to understand the witness
- There should be a clear connection between the question and the narrative -- the aim to help the jury understand your facts/opinions and come to the same conclusions you (as a witness) come to

- Most answers should be between 2 and 3 sentences; answers should rarely be longer than 5 sentences
- Your direct is a story -- each element of the story needs to lead to the next element to aid the jury in understanding the facts of the case. This means that, as much as possible, your direct should be in chronological/sequential order.
- Opinions are OK -- witnesses may give their opinions, just make sure you explain why that is your opinion and how you arrived at that opinion
- Back up all statements with evidence -- unless your witness has personal knowledge of the subject matter being discussed, your witness cannot testify as to that subject matter
- You need to be able to trace everything in your direct examination back to a line in your statement or an exhibit. You'll need to make sure that you can reference a line number or page number for every single statement in your direct.
- Highlight the important points for your side -- your story needs to lead to an important point
- Every question/answer needs to relate to an important point in the case -- you cannot include irrelevant information in your direct
- However, questions to establish a witness' character or background are acceptable, so long as it eventually ties into testimony about the important points of the case
- Your witness is not the sole person responsible for proving your side's important points. Don't include testimony on important facts that is better left up to another witness (on your side) and don't try to explain the entire case in your direct examination; focus on the facts and important points that your witness can clearly articulate.
- It's ok to disclose "bad facts" -- admitting wrongdoing or a "bad fact" on direct examination helps to mitigate the damage to your witness' credibility on cross examination.
- Your direct examination should be 3 pages or less and should consist of approximately 20 questions -- the direct should be about 7-8 minutes long.

- Avoid overly legalistic language in your direct (i.e. don't try to reiterate verbatim what the jury instructions say) -- the goal is to use language that will help the jury understand what you're trying to say about the case

Remember that if you are directly examining a witness who you want to be considered an expert witness, you will need to review his or her qualifications (based on the provided curriculum vitae) and then proffer the witness as an expert to the court. Voir dire of witnesses is not allowed per the rules of mock trial.

Occasionally, objections to material in direct examination may stray the course of questioning from what was prepared. It is important to practice rephrasing questions or altering the path of direct examination in case of unforeseen events.

After direct examination, an attorney from the other side of the case will cross-examine your witness. This is a time for the attorney to take notes and make objections relating to the case. After cross-examination is completed by the other side (see below), the attorney may perform redirect examination. Redirect is an opportunity for the attorney and witness to clarify anything that was misconstrued or possibly damaging during cross examination. Redirect examination questions are limited in scope to material presented during cross examination.

Cross Examination

Cross examination is your opportunity to support the argument of your side of the case by poking holes in the testimony of witnesses from the other side of the case. This can be done by finding facts or statements from the witness and his or her affidavit that help support your side of the case, or it can be done by calling the character of the opposition witness into question, hoping that it will make his or her testimony less believable.

Each team is limited to 20 minutes TOTAL for the three cross examinations and witnesses must be cross examined directly after their direct examination. This means that you do not get to choose the order in which witnesses are cross-examined.

When preparing questions for cross examination, we provide the following pieces of advice to our attorneys:

- Keep the questions closed-ended -- structure your questions so that they require only simple "yes" or "no" answers

- Presuppose (suggest) the answer you want to hear in the question -- you *should* 'lead' witnesses to answers on cross examination
- Don't ask the question unless you know what they answer will be
- Phrase your questions as statements/facts (i.e. "You were at the scene of the crime." instead of "Were you at the scene of the crime?")
- Ask specific questions -- you don't want to give the witness 'wiggle room'
- The cross examination is the time for the attorney to be the star -- make sure you're not letting the witness steal the spotlight
- Organize sets of questions into "pockets" -- these pockets consist of question on a single topic/issue. Your cross should have 2-3 pockets each with around 10 short questions
- Cross examinations can either be "constructive" or "destructive" (or both in some cases) -
- a constructive cross looks to elicit evidence that is helpful to your side, whereas a destructive cross discredit and detracts from the evidence presented by the other side (including by discrediting the witness herself)
- You're not trying to weave a cohesive narrative on cross, you're just trying to either pick apart certain specific pieces of evidence or elicit certain evidence to either poke or fill in holes in the case, respectively.
- Your cross examination does not have to pertain to the subject matter contained in the direct examination of the witness you're crossing -- you can therefore ask questions on any topic the witness has knowledge of
- Every question needs to relate to an important point in the case -- you cannot ask for irrelevant information in your cross
- However, questions to discredit the witness by questioning their truthfulness, character or trustworthiness are acceptable
- Your direct examination should be 1 page or less and should consist of approximately 20-30 questions -- the cross should be about 5-6 minutes long.

- Avoid overly legalistic language in your cross (i.e. don't try to reiterate verbatim what the jury instructions say) -- the goal is to use language that will help the jury understand what you're trying to say about the case

One very important technique to know in cross examination is the technique of witness impeachment. Often, this is phrased as "refreshing the memory of the witness". This is used when the witness says something on cross examination (usually to help his or her side of the case) that contradicts information provided in the witness statement. When this happens, the witness's memory should be refreshed in the following manner:

- Ask the judge to approach opposing counsel with a copy of the witness statement
- Show the witness statement to opposing counsel to ensure it is the statement for the witness on the stand and that it has not be altered in any way.
- Once approved, ask the judge permission to approach the witness with the statement
- Ask the witness if it is his or her statement.
- If the witness agrees (they should have no reason not to), have them read from the statement starting at an identified point, "*Mr. Smith, could you please read from your statement starting at line 47 and ending at line 51.*"
- The attorney can then make the point that what was in the statement contradicts what was just said in trial.

Occasionally, the attorney may receive an answer from a witness that gives your side of the case everything you need to support your argument -- basically this is the opposition admitting that your side's argument is correct. If this happens it is okay to stop cross examination right there and then without going into the details. Your team's score will not be penalized for the length of its cross examination so long as you elucidate all of the details you need.

After cross examination, the other side may perform redirect examination of the witness, which is limited in scope to material presented in cross examination. If you feel further clarification is needed after redirect examination, you can perform re-cross examination on the witness, but it is limited in scope to what was questioned during redirect examination.

Closing Arguments

After direct and cross examination of the witnesses, there is often a short recess to gather materials prior to closing arguments. Closing arguments are limited to 5 minutes TOTAL and the plaintiff/prosecution goes first in presenting their closing argument.

Closing arguments usually contain the following information:

- A “hook” or reintroduction of theme to grab the attention of the jury
- A brief recap of the general facts of the case
- A recap of what you heard in trial, both the facts from your side’s witnesses that support your case and information from the other side’s witnesses that help support your case.
- A review of pertinent jury instructions and an ask of the jury to find the burden of proof in the favor of your side.
- A possible concluding statement involving your theme of the case.

Because closing arguments are reliant on what happened in the case, they are not as canned as opening statements. While a script should be prepared in advance, it will need to be modified throughout the trial itself as salient points come out. The last thing an attorney wants to say in a closing argument is that something was said or happened during testimony that did not occur. This is where taking careful notes of what happens during trial is vital for attorneys.

After the defense’s closing argument, the plaintiff/prosecution is also allowed to provide a rebuttal to the defense argument. This should be limited to what was mentioned in the closing argument of the defense and highlight the most important points of the trial. Time for rebuttal is part of the total 5 minutes allotted for closing arguments, which is why most teams keep plaintiff/prosecution closing arguments close to 4 minutes in length to save around a minute of time for rebuttal.

Scoring and Results

Each judge during the trial (whether they are the presiding judge or member of the jury) keeps a scoring ballot of the trial. The scoring ballot and rubric are available in the VHSMTTC handbook on pages 22 through 25. As a reminder, the VHSMTTC handbook is linked here:

https://govlre.org/media/documents/vhsmtc_handbook.pdf

Ideally, all trials at competition will have three judges keeping ballots. A team is considered to “win” the trial if they receive higher scores on at least 2 of the 3 ballots. When a trial only has two judges keeping ballots, a team will be considered to “win” the trial if they either win both judges’ ballots or get a higher combined score on both ballots.

While students will receive compliments and constructive advice from the judges after the trial, they may not see their scores and individual ballots until after the competition is over.

As mentioned previously, while the first round in the competition is a random draw, further rounds are based on the results of the scores of previous rounds, with teams matching up in ranked pairs, so long as they have not already faced one another. This helps to ensure that the trials are competitively balanced throughout the day.

Example Trial

While we are unable to provide copies of VHSMTC trials due to file size and sound quality, there are high school mock trial competitions linked on YouTube. The 2017 NHSMTC championship video is linked below if you would like to view an exemplar:

<https://www.youtube.com/watch?v=ZxrvKyB81YM>

Tips and Tricks

What follows is a list of tips and tricks to help improve your teams' scores at trial. While this does not get into the subtle nuances that elite mock trial teams use, it will help your students find more success on competition day.

Using Notes vs. Memorization

First and foremost, IT IS COMPLETELY OKAY FOR YOUR ATTORNEYS TO USE NOTES. Witnesses are unable to use notes and will need to have their part of the case memorized, but attorneys can have notes to help them with their opening and closing arguments and their line of questioning.

That said, teams that score higher in competition usually have almost everything memorized. The only times that these teams may use notes is when they are performing redirect examination or a rebuttal to a closing argument, so that they can ensure their arguments relate directly to material presented in the cross examination or closing argument of the other side.

Courtroom Positioning

Where attorneys position themselves in the courtroom can affect their performance. While attorneys with notes will often tether themselves to the podium, this is not always the most effective strategy. Instead, moving carefully around the courtroom so that they can show exhibits, get proper responses from witnesses, speak directly to the judge and jury at important times all help improve the score. Many times, an experienced mock trial attorney will carefully choreograph their movement around the courtroom ahead of time, knowing where he or she should stand for each part of an opening statement or closing argument.

Witnesses, while usually limited to the witness stand (unless asked to explain an exhibit), should position themselves so that they are speaking to the judge and jury. It is very tempting for a witness to want to speak to the lawyer, and this is fine, but to emphasize important points, they need to be made to the judge and jury. One strategy that can be used is to have the witness look at the lawyer to receive the question, and then turn to the jury to emphasize their response. If a witness is struggling with this, the attorney can position themselves in the courtroom in a manner that forces the witness to look towards the jury in response.

Scrimmages

Scrimmages provides students with an opportunity to practice skills in a real-time environment. Students become comfortable competing in a competition setting, as well as refine techniques.

VLRE will not sanction scrimmages but will help find legal professionals to attend a scrimmage. During the registration period, VLRE will provide teams with a running list of the cities, counties, or towns where other registered teams reside. Teams wishing to scrimmage another team should contact the Virginia High School Mock Trial Program director, setting forth the cities, counties, or towns of interest to that team. The program director will then forward the requesting team's information to teams in the chosen cities, counties, or towns.

The Virginia High School Mock Trial Program welcomes the registration of multiple teams from the same school, as well as cooperation by teams from different schools and the homeschool community. Prior to the competition, teams may prepare, practice, and scrimmage each other, as well as discuss strategy and any other issues related to the Virginia High School Mock Trial Competition. Once a team enters a region or state competition site, that team may not share any information related to the actions, strategy, solution, or presentation by any opposing team to any other team. This includes information gleaned from any qualifying competition. The state coordinator or designee will determine the appropriate penalty for both the offering and offered team.

Daily Improvement

At state competitions, we tend to focus on the idea of daily improvement. That means we go to our team room and run through the round, evaluating what we did well and where we struggled. We then look for areas of improvement prior to the next trial. The comments of the judges after the round are especially helpful in this aspect.

Additionally, we learn from our opponents; if we see a thing in the trial that they did well, we often borrow some aspects of that idea (if they fit our idea of the case) and use them. If we see mistakes they make, we try to not make the same mistake when we are presenting that side of the case.

Opportunities to Improve Outside of VHSMTTC

Once our kids participated in mock trial for the first time, they were hooked. Our first year, my school brought a team to competition that consisted of 5 freshmen with important roles in the case. These students were dedicated and wanted to get better so that they could win a state championship, and to do this, we needed to improve our skill set outside of VHSMTTC. Here are several ways to do this:

- Audition and practice. Take a case from previous years (they are available online) and break it down and present that case.

- Attend a VLRE workshop (even as a coach). Our best way to learn strategies as a coach is from each other.
- Attend a national competition outside of NHSMTTC. Empire Mock Trial runs three very challenging (far more rules than VHSMTTC but also more fun) competitions in different U.S. cities and they are looking for relatively new mock trial teams to help improve their skill sets. More information is available at <https://empiremocktrial.org/>

Coaches' Timeline to Prepare for Competition

Summer

- Attend a workshop from VRLE (there is one on August 10th for Mock Trial as Project-Based Learning in Fairfax – sign up at www.govlre.org)

September

- September 1st: Case Materials available on VRLE website
- Advertise in your school and start to gather interested students
- Mid-September: Hold auditions and select team members
- Set practice schedule and hold first practice by third week of September
- Determine preliminary cost to compete and begin fundraising
- September 30: Have attorney coaches and volunteers in place

October

- Should be practicing roughly once a week breaking down case materials
- Continue fundraising (if needed)
- October 15th: Early registration deadline. Register your team to participate in the VHSMTTC

November

- Should be practicing roughly once a week and beginning to build direct/cross examinations and opening/closing statements
- Continue fundraising (if needed)
- November 30: Rough drafts of all presentations should be complete

December

- December 1: Regular registration deadline for VHSMTTC
- Reserve hotel rooms for state (and regional if needed) competition -- there are usually discount information available from VRLE
- Begin practicing twice a week, running through one side of the case or the other and adjust as needed
- Continue fundraising (if needed)

January

- Increase practice time to 2 to 3 days a week, with at least one day of running through the full trial
- Reach out to other teams in the same region for possible scrimmages

- Seek out possible courtroom/alternative room to practice running trials in different environments

February

- February 2nd: ATTEND REGIONAL COMPETITION
- Continue practicing and refining your case based on results of regional competition

March

- March 3rd: ATTEND STATE COMPETITION