

U.S. District Court for the District of Utah
Community Outreach Program

Mock Trials
Explanation of Responsibilities

Opening Statement -

Introduce yourself and your team members and explain that you represent the State or the United States OR you represent the defendant.

You have charged the defendant, _____, with _____ .
Which means _____.

OR

We represent the defendant, _____ . _____ is innocent of all of the charges pending before you until proven guilty. We are here to ensure that the prosecution (or plaintiff) meets its (or their) burden. We will show that there is more than enough doubt to satisfy you that the defendant is innocent of the charges before you.

Outline your case

We have the burden of proving beyond a reasonable doubt (or with a preponderance of the evidence) that the defendant is guilty of _____ .

OR

We will show without a doubt that the defendant could not have committed the crime he/she is accused of. OR We will show that the defendant is not guilty of the plaintiff's claims and that the plaintiff's arguments are without merit.

We will call _____ witnesses.

List each witness and what they will prove to the jury.

When our presentation is through, we will have shown that _____ .

Closing Statement -

Thank the jury for its service to the court.

Sum up what you have shown through each witness and each piece of evidence.

Urge the jurors to find for your side. Be lively and dramatic in your closing. Say something they will remember when they go back to deliberate.

A good way to end is by telling the story of events leading to one conclusion - guilt or innocence. Another good way to end is to pick your best piece of evidence and talk about what it means for your case.

Direct Examination -

Attorneys call and question their own witnesses.

Form of questions: cannot be leading (cannot suggest to the witness what the answer should be); usually are asked in the form Who What When Where Why How and ask the witness to tell their portion of the story of the case.

Cross Examination -

Attorneys question the witnesses of the other side.

Form of questions: can and usually are asked leading questions (You do _____, don't you? OR You saw _____, yes or no?); usually people avoid the story and concentrate on a detail that you want to challenge or put in doubt; do not ask a question that you do not know the answer to (such as what do you think of _____ or in your opinion, isn't this true - the witness may not say what you want; remember you didn't call them!)

Ask if your ideas are "possible"; after all, anything is possible.

The goal is to discredit whatever evidence hurts your case.

Redirect and recross -

If there is another question you want to ask, this is the way to do it.

You can only recross a witness who has received redirect.

This is a way to help your witness regain credibility after it has been attacked on cross examination. No new evidence can be discussed, but you can clarify what was originally testified to.

Jury Instructions -

As a jury member, your job is seeing that the accused is judged by his/her peers. Your role is to weigh the facts and the law given to you, and to give a verdict.

It is NOT up to you to determine the law but to use the law given to you and to use the facts to come to unanimous agreement as to the guilt or innocence of the defendant.

Your decision should be based upon the evidence that you have heard in court, not on what you may have heard in the media, the hallway, from your own investigation, or from any source other than the official trial itself.

You should be neutral and objective in carrying out your duty as a juror and not let your relationship to any person in this room effect your decision.

It is important that your decision be based on the total evidence presented and not on any first impressions or on immediate conclusions you made early on in the trial. Yes, those instant reactions can influence your decision, but they should not be the whole basis for the way you decide this case.