Mock Trial

Procedure Basics



Simplified Steps in a Trial:

1. Calling of Case by Bailiff: "All rise. The Court of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is now in session. Honorable Judge \_\_\_\_\_\_\_\_\_\_\_\_\_\_presiding.

2. Opening Statement: First the prosecutor (criminal case) or plaintiff's attorney (civil case), then the defendant's attorney, explain what their evidence will be and what they will try to prove.

3. Prosecution’s or Plaintiff's Case: Witnesses are called to testify (direct examination) and other physical evidence is introduced. Each witness called is cross-examined '(questioned so as to break down the story or be discredited) by the defense.

4. Defendant's Case: Same as the third step except that defense calls witnesses for direct examination; cross-examination by prosecution/plaintiff.

5. Closing Statement: An attorney for each side reviews the evidence presented and asks for a decision in his/her favor.

6. Jury Instructions (Jury Trials Only): The Judge explains to the jury appropriate rules of law that it is to consider in weighing the evidence. As a general rule, the prosecution (or the plaintiff in a civil case) must meet the burden of proof in order to prevail. In a criminal case this burden is very high. In order for the accused? Are some parts of the trial more important than others? Would you trust a jury of your peers to determine your guilt or innocence? Students should also explore their reactions to playing attorneys, witnesses, jurors, and the judge. What roles do each play in the trial process?

**Roles in Criminal Trials**

**Attorneys**

Attorneys control the presentation of evidence at trial and argue the merits of their side of the case. They do not themselves supply information about the alleged criminal activity. Instead, they introduce evidence and question witnesses to bring out the full story.

**Prosecutors** present the case for the Crown against the defendant. By questioning witnesses, they try to convince the judge or jury that the defendants are guilty beyond a reasonable doubt. They suggest a motive for the crime and will try to refute any defense presented by the defendant.

**Defense Attorneys** present the case for the defendants. They offer their own witnesses to present their client’s version of the facts. They may undermine the prosecution’s case by showing that the prosecution has failed to prove its case beyond a reasonable doubt, that prosecution witnesses cannot be depended upon, or that their testimony makes no sense or is seriously inconsistent.

Each student attorney will act in one of the

following roles:

• conduct direct examination

• conduct cross-examination

• do the necessary research and be prepared to act as a substitute for any of the other attorneys.

Any of the three attorneys may make opening statements and closing arguments.

**Witnesses**

They supply the facts in the case. Witnesses may testify only to facts stated in or reasonably

implied from the witness sheets or fact situation. Practicing his testimony with the attorneys for his own team will help to uncover the gaps in the official materials that he will need to fill for himself.

**Court Clerk and Bailiff**

Court clerks and bailiffs aid the judge in conducting the trial. In an actual trial, the court clerk keeps track of the court records. The bailiff provides the security of the courtroom and also escorts witnesses and juries in the courtroom. When the judge arrives in the courtroom, the clerk and bailiff should introduce themselves and explain that they will assist as court clerk or bailiff. When the judge has announced that the trial shall begin, the clerk says: “All rise. For the Crown Court of the Province of Alberta the Honorable Judge \_\_\_\_\_\_\_presiding, is now in session. Please be seated and come to order.” When the bailiff has brought a witness to testify, the clerk may swear in the witness as follows: “Do you solemnly affirm that the testimony you may give in the case now pending before this court shall be the truth, the whole

truth, and nothing but the truth?”

**Jurors**

Your job as a juror is to listen to all the evidence presented at trial, then "decide the facts"-decide what really happened. The judge's job is to "decide the law"-make decisions on legal issues that come up during the trial. All must do their job well if our system of trial by jury is to work.

You do not need special knowledge or ability to do your job. It is enough that you keep an open mind, use common sense, concentrate on the evidence presented, and be fair and honest in your deliberations.

Remember: Don't be influenced by sympathy or prejudice. It is vital that you be impartial with regard to all testimony and ideas presented at the trial.

