

## **CODE OF ETHICS**

**At the first meeting of the Mock Trial team, this code should be read and discussed by students and their Teacher Coach.**

**All participants in the Mock Trial Competition must adhere to the same high standards of scholarship that are expected of students in their academic performance. Plagiarism<sup>1</sup> of any kind is unacceptable. Students- written and oral work must be their own.**

**In their relationships with other teams and individuals, the CNMI Mock Trial coordinators expects students to make a commitment to good sportsmanship in both victory and defeat.**

**Encouraging adherence to these high principles is the responsibility of each teacher sponsor. Any matter that arises regarding this code will be referred to the teacher or sponsors of the teams involved.**

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<sup>1</sup> Webster's Dictionary defines plagiarism as, "to steal the words, ideas, etc. of another and use them as one's own."®

## **Hints on Preparing for a Mock Trial Competition**

*The following tips were developed by the Maryland State Bar Association and long-time Mock Trial coaches.*

1. Every student, teacher and attorney participating in a team's preparation should read the entire set of materials (case and guide) and discuss the information, procedures and rules used in the mock trial competition. Students: you are ultimately responsible for all of this once Court is in session.
2. Examine and discuss the facts of the case, witness testimony and the points for each side. Record key information as discussion proceeds so that it can be referred to in the future.
3. Witness= credibility is very important to your team's presentation of the case. Witnesses: move into your roles and attempt to think as the person you are portraying. Read over your affidavits many times and have other members of your team ask you questions about the facts until you know them.
4. Student attorneys: you should have primary responsibility for deciding what possible questions should be asked of each witness on direct and cross examination. Questions for each witness should be written down and/or recorded. Write out key points in your opening and closing statements before trial. Concise, summary, pertinent statements which reflect the trial that the judge just heard are the most compelling and effective. Be prepared for interruptions by judges who like to question you, especially during closing arguments.
5. The best teams generally have student attorneys prepare their own questions, with the Teacher and Attorney Coaches giving the team continual feedback and assistance. Based on these practice sessions, student attorneys should revise their own questions and witnesses should

again study the parts of their affidavit they need to learn better.

6. As you approach the Mock Trial Competition, you should conduct at least one complete trial as a dress rehearsal. All formalities should be followed and notes should be taken by everyone. Evaluate the team's presentation together. Try to schedule this session when your Attorney Coach can attend.

7. **Some of the most important skills for team members to learn are:**

- \_ Deciding which points are the most important to prove your side of the case and making sure such proof takes place.
  
- \_ Stating clearly what you intend to prove in an opening statement and then arguing effectively in your closing that the facts and evidence presented have proven your case.
  
- \_ Following the formality of court; e.g. standing up when the judge enters or appropriately addressing as "Your Honor," etc.
  
- \_ Phrasing direct examination questions that are not leading (carefully review the rules of evidence and watch for this type of questioning in practice sessions).
  
- \_ Refraining from asking so many questions on cross-examination that well-made points are lost. When a witness has been contradicted or otherwise discredited, learn to limit additional questions, as they often lessen the impact of previously made points.

- \_ Thinking quickly on your feet when a witness gives you an unexpected answer, and attorney asks unexpected questions, or a judge throws questions at you.
  
- \_ Recognizing objectionable questions and answers, offering those objections quickly and providing the appropriate basis for the objection.
  
- \_ Paying attention to all facets of the trial, not just the parts that directly affect your presentation. All information heard is influential! Learn to listen and incorporate information so that your presentation, whether as a witness or an attorney, is the most effective it can be.
  
- \_ The Mock Trial should be as enjoyable as it is educational. When winning becomes your primary motivation, the entire competition is diminished. **Coaches and students should prepare AT LEAST as much for losing as they do for winning.** Each member of the teamCstudent or coachCis personally responsible for his/her behavior prior to, during, and at the close of the trial. There are schools and individuals across the state that are no longer welcome to participate based on previous behavior.

## BASIC TRIAL PROCEDURES

A. Pre-trial preparation  
information gathering (discovery) **pretrial**  
hearing **pretrial** order jury selection

B. Courtroom and participants  
judge attorneys witnesses  
jurors bailiff court reporter

C. Beginning the trial

Bailiff announces: "All rise. The Court of \_\_\_\_\_ is now in session, the Honorable Judge \_\_\_\_\_ presiding." Everyone remains standing until the judge enters and is seated. Next, the judge asks the bailiff to call the day's calendar (the "docket"), at which point the bailiff says, "Your Honor, today's case is \_\_\_\_\_ v. \_\_\_\_\_." The judge then asks the attorneys for each side of the case if they are ready to begin the trial.

D. The trial

Plaintiff/Prosecution rises and introduces him/herself: "May it please the court and ladies and gentlemen of the jury, my name is \_\_\_\_\_, counsel for \_\_\_\_\_ in this action." Attorney for Plaintiff/Prosecution always delivers his/her opening statement first. Defendant/Defense attorney generally gives his/her opening statement immediately after.

The actual trial is developed by testimony of witnesses.

Plaintiff/Prosecution witnesses are called first. Order of witness presentations is determined by strategy, i.e., chronologically into overall story. Direct examination of Plaintiff/Prosecution witnesses includes Cross-examination by Defense and Redirect examination by Plaintiff and **Recross** examination by Defense which occurs in real trials, but in mock trials it is strongly suggested that teachers allow only a very limited redirect, if at all. Defendant/Defense cross-in-chief proceeds when Plaintiff/Prosecution rests its case. Direct examination of witnesses called by Defense and Cross-examination by Plaintiff, etc. After each side has called all of its witnesses, cross-examines its opponent's witnesses, they enter all relevant documents or objects into evidence.

The Judge then permits Plaintiff/Prosecution closing argument, then Defense closing arguments. Only the Plaintiff may rebut the Defendant's closing argument. After closing arguments, the judge gives the jury their instructions, a brief explanation of the applicable law and then the jury leaves courtroom to deliberate in private. Illinois requires unanimous jury in both civil and criminal cases or "hung jury" requires re-trial before new jury.

When the Jury **returns** with decision on paper given to judge who announces the decision on open court. If a criminal case, guilty defendant scheduled to return at later date for sentencing.

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