

## Lesson 4 Preparing for Trial

### Lesson Objectives

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Students will be able to:

- Understand the fundamental rules of evidence.
- Prepare questions and documents for a mock trial.

### Material

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- Handout 8: Evidence Overview
- Handout 9: Trial Structure
- Handout 10: Courtroom Roles

### Lesson Assessments

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- Character Roles Response Sheet

### Instructional Activities

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- Distribute **Handout 8: Evidence Overview**. Ask students to read through the rules of evidence and respond to the following question.
  - What types of evidence is permitted?
  - How can lawyers admit evidence into the trial?
  - What types of questions can lawyers ask witnesses?
  - When should you object to the opposing counsel's questioning?Students will share out their responses.
- Distribute **Handout 9: Trial Transcript**. Inform students that the mock trial will follow proper court procedure. Briefly review the transcript to provide students with the structure of the trial. Remind students that once they have received their roles they will want to review the transcript to make sure they know what they have to say during the trial. Explain to the students that because the main issue in this case is the requested declaration and court order, not damages, it is appropriately tried to a judge, not a jury. (If the plaintiff wins, the next step would be to have a damages trial in front of a jury, but this exercise does not include that additional proceeding.)
- Assign roles to students. Roles can be combined or broken up based on the number of students in the room:

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Prisoners' Rights

1. Judge: In a real case, there would be just one, but you can choose to have more than one, assigning each to run the courtroom during a different part of the proceeding. At the end of the case the judge[s] will render and explain their verdict in a written opinion. Alternatively, the teacher can serve as the judge.
  2. Clerk who will call the case.
  3. Plaintiff's team, including
    - Witness 1: Betty Pale
    - Witness 2: Thomas Davis
    - Witness 3: Elizabeth Hewitt
    - Witness 4: Katherine Cahill
    - Witness 5: Austin Cahill
    - Attorneys to do the following (one or two students per attorney role):
      - Opening statement
      - Direct examination of Betty Pale
      - Direct examination of Thomas Davis
      - Direct examination of Elizabeth Hewitt
      - Direct examination of Katherine Cahill
      - Direct examination of Austin Cahill
      - Cross-examination of Bryan Cutright
      - Cross-examination of Kevin Parson
      - Cross-examination of Jeremy Meyer
      - Closing argument
  4. Defendants' team, including
    - Witness 1: Bryan Cutright
    - Witness 2: Kevin Parson
    - Witness 3: Jeremy Meyer
    - Attorneys to do the following (one or two students per attorney role):
      - Opening statement
      - Cross-examination of Betty Pale
      - Cross-examination of Thomas Davis
      - Cross-examination of Elizabeth Hewitt
      - Cross-examination of Katherine Cahill
      - Cross-examination of Austin Cahill
      - Direct examination of Bryan Cutright
      - Direct examination of Kevin Parson
      - Direct examination of Jeremy Meyer
      - Closing argument
  5. Media Reporters, who provide an oral or written account at different points throughout the trial.
- Provide students the appropriate section of **Handout 10: Courtroom Roles** based on their assigned roles. Give them with time to complete assigned tasks independently and to meet with group
  - Set aside time with each team to go over their roles and to make sure there are no questions before the trial begins.