



## **North Carolina Mock Trial Program**

### **Suggestions for Attorney Advisors**

Thank you for your willingness to serve as an advisor for a high school mock trial team! By mentoring these students, you play a key role in creating tomorrow's leaders. These suggested guidelines are meant to help while you prepare your student attorneys and witnesses for the mock trial competition. If the teacher coach has not already sent the case materials to you, you can access them on our website at <http://ncmocktrial.org/competitions/case-materials>.

As much as you will want to help the students, to point them in the right direction, and to give them the benefit of your experience, remember that the students and teachers will develop a better understanding of the case and learn more from the experience if the attorney advisors do not dominate the preparation phase of the competition. The preparation phase of the contest is intended to be a cooperative effort of students, teacher coach, and attorney advisor.

Remember that these are high school students, and the mock trial case may be the first introduction to the legal system for many of them. While some of the students may plan to attend law school, the majority of them probably will not. Nonetheless, their critical thinking skills, enthusiasm, and ability to grasp legal principles may surprise you, so do not be afraid to "stretch" them and expect much of them!

**SUGGESTED PREPARATION TIME:** The time spent working with teams varies from team to team based on the attorney's availability. It is expected that attorney advisors will spend at least five or six 2-hour sessions with their team before Regional competition.

**SUGGESTED MEETING PLACE:** Meetings can take place at the school, or at a home or office. If possible, one meeting should take place in a local courtroom to help students feel comfortable in a courtroom setting.

#### **First Session**

1. The students and teacher should read all of the case materials before your first meeting. Ideally, you should read the case beforehand as well, so that you can answer any questions which they have already jotted down to ask you.

2. Explain trial procedures, i.e., opening statements and closing arguments, calling witnesses, direct and cross-examination, objections (e.g., hearsay, improper foundation, leading the witness, etc.).
3. Review the NCMTP Rules of Evidence and Procedure included in the Rules of Competition.

### **Second Session**

1. Examine and discuss the factual basis of the case, witnesses' testimony, and the points for each side. Key information might be listed on the blackboard or on a large paper pad as discussion proceeds so that it can be referred to at some later time. Categorize facts: important, damaging, conflicting.
2. Discuss the law involved in the case and the burden of proof.
3. Put the students on the stand with the case materials. Then you can proceed with an example of direct and cross-examinations.
4. Emphasize that team members should not memorize their roles since, in a real trial, they would have to play it by ear. Rather than memorizing his/her role(s), each student should concentrate on knowing all the facts of the case.

### **Third Session**

1. Go through the different phases of the trial. Work with the student attorneys, focusing on what should be covered in an opening statement & closing argument.
2. Remember that your role is that of a consultant, not an author. Give the students ideas, but don't write statements for them. Ask other members of the team what they think should be included in the opening and closing.
3. Witnesses are called to the stand and student attorneys conduct direct examinations of them. Work with students to develop questioning techniques that will elicit testimony to support either side of the case.
4. Have other team members make suggestions to both witnesses and attorneys.
5. Have student attorneys practice making objections, and discuss both style and substance of objections thoroughly.

### **Subsequent Sessions**

1. Conduct cross-examination and define possible areas where objections could occur; look for other areas that your team's attorneys might want to focus on during cross-examination; have all team members make suggestions.
2. Practice opening statements and closing arguments, how to lay the foundation for exhibits, and what to do when the opposing team objects to your questions.
3. Discuss appropriate courtroom decorum and etiquette.

### **Final Session**

1. Conduct at least one practice run of the entire trial. You may choose to preside, or you may recruit another legal professional. Allow team members or the teacher coach(es) to act as the opposing team's attorneys, and/or conduct your own cross-examination of the witnesses to test them. Enlist the support of community members, especially attorneys or judges, to sit in and offer suggestions.