

## Running A Mock Trial: Teacher's Notes

- **Format:** This does not follow the actual format of a traditional mock trial; instead, it's been modified to give all students equal opportunities to examine the evidence and participate.
- **Rebuttal:** The rebuttal portion of the trial is the most difficult as those students will have the least amount of time to prepare and will need to think on their feet. Students who can think critically about information and are fast thinkers are ideal for this part. Remind the students on each team that they need to share evidence to support their team, no matter what they may think personally.
- **Class size:** If you have a very large class, you might break the defense and the prosecution down further into smaller groups and have each one prepare for one of the speeches given by that side. Remind each group to choose one speaker and to work together to find evidence for that person to share. If your students are accustomed to this type of critical thinking, challenge them to have multiple speakers for each portion and to present as a team.
- **Jury:** The size of your jury may vary. If you have a larger jury, you could have them prepare for the trial in smaller groups to make the work more manageable and to engage all learners.
- **Judge:** Give your students time to examine the evidence and prepare their statements. You can choose to have a student as the judge, but if your students are inexperienced with mock trials, it may be better if you act as the judge. If you have access, use a black robe and gavel!
- **Modifications:** Setting up your classroom to look like a traditional courtroom can increase student engagement. Divide your classroom into two parts for the prosecution and defense with a chair for the judge at the front and seats at the front side for the jury. The jurors will need desks or tables so that they can take notes about the evidence they hear.
- Do you have an assistant or parent who likes to volunteer? Bring them in as the bailiff to introduce you as the judge, lead the pledge, and administer oaths.



### *Trial Order of Events*

Prosecution – Opening Statement

Defense - Opening Statement

Prosecution – Presentation of Evidence

Defense - Presentation of Evidence

Prosecution – Rebuttal

Defense - Rebuttal

Defense – Closing Statement

Prosecution – Closing Statement

Jury – Deliberation

Jury – Verdict Announcement



# Put the MeckDec on Trial!

*Did the Mecklenburg Declaration of Independence really happen on May 20, 1775?*  
Your class will now hold a trial to decide whether to keep that date on the state flag. Students will examine the evidence and prepare for their roles.

- **The Prosecution:** This team of lawyers wants to remove the MeckDec dates from the state flag. They must use the evidence to prove their point.
- **The Defense:** This team of lawyers is defending the MeckDec dates being on the state flag. They must use the evidence to prove their point.
- **The Judge:** The judge is a neutral person who will not take sides but will keep order in the courtroom and give directions.
- **The Jury:** The jury is a group of open-minded listeners, considering the evidence and arguments of both sides and then making a decision.

*In court, people talk in a certain order. This court session will have these parts:*

- **Opening Statements:** Each team, the prosecution and the defense, will have a chance to say what they want to prove during this trial. The prosecution will go first. This part often includes statements like, "We will prove that ...."
- **Presentation of Evidence:** Each team will have a chance to share the evidence that proves their point. The prosecution will go first. It's important to refer to the evidence during this part. Show why the jury should believe you.
- **Rebuttals:** These are statements given by each side to argue back against the evidence given by the other team.
- **Closing Statements:** Each team will share what they most want the jury to remember as they make their decision. The defense will go first. Say what you want the jury to decide and why it matters.
- **Deliberation:** The jury will talk among themselves and make a decision, called a verdict, about the case.
- **Decision:** After taking time to think and discuss the evidence, the jury will announce their decision.



# LAWYER

## *Opening Statement*

**Craft your opening statement. Speak slowly, pause for drama, and have fun!**

- Give the jury a preview of the case. Ask questions and then answer them.
- Tell the jury what you're going to do. "We will prove that..."
- Say things like, "You'll see that..."
- Address the jury directly. Speak right to them. "Members of the jury, ..."
- End with a call to action. Opening statements aren't for arguing, so you can't tell the jury what to do here – but you can tell them, "Later we will ask you to choose..."

## *Argument*

**Lead the jury through the evidence. Why should they agree with you?**

- Conclusion: Tell the jury what you want them to do.
- Rule: State what you believe to be true.
- Analysis: Show how the evidence supports your argument.
- Conclusion: Restate your conclusion and summarize your argument.

## *Rebuttal*

**The rebuttal is your opportunity to push back against a statement made by the other team.**

- Listen carefully to the other team's argument.
- Choose one point to flip the jury to your perspective.
- End with a strong statement that reflects your point.

## *Closing Statement*

**The closing statement is the final thoughts that you want to leave the jury with.**

- Statement of purpose: The trial is being held to determine \_\_\_\_.
- Argument and impact: Walk the jury through the highlights of your argument, refer to the evidence to show why you are correct, and show them why this matters.
- Call to action: What do you want the jury to do?

## JUDGE & JURY

*Study the evidence.* Understand the strengths and weaknesses of each piece.

**EXHIBIT A:** Resolves 1-3 & 18, "Charlotte Town May 31, 1775...Resolves," *North-Carolina Gazette*, June 16, 1775, p. 3

**EXHIBIT B:** Resolves 1-3, Mecklenburg "Declaration of Independence," *Raleigh Register*, April 30, 1819, p. 1

**EXHIBIT C:** Adams-Jefferson correspondence, June-July 1819

**EXHIBIT D:** Depositions—Francis Cummins, November 1819; Captain James Jack, December 1819; Joseph Graham, October 1830



*Consider the motives* behind those who believe the MeckDec is real and those who don't. *Who would benefit* from the MeckDec date remaining on the flag? Who would not? Why?

**Evidence FOR** keeping the MeckDec date on the flag:

**Evidence AGAINST** keeping the MeckDec date on the flag: