

# Mock Trial Training

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## Mock Trial The Basics

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## What does Mock Trial look like?



Video Example to Follow

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## Mock Trial



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## Goals of the Program

- **Increase Understanding** of the judicial system, the operation of law, courtroom procedures, and judicial system.
- **Build bridges** between the community and legal profession.
- **Improve skills** such as listening, speaking, writing, reading and analysis.
- **Main goal** is not to win for the sake of winning, but to understand the meaning of good citizenship in a democracy through participation of our system of law and justice. Thus, all who participate in Mock Trial are winners.

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### What is Mock Trial?

- Pretend civil or criminal cases,
- Students perform various roles,
- Modified rules of evidence,
- Competitive in front of judges and attorneys, and
- Several opportunities for competition.

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### What are some things students learn from Mock Trial?

- Self confidence;
- Debate and speaking skills;
- Skills to evaluate both sides of an issue;
- Compromising skills;
- Courtroom procedures; and
- How the trial procedure solves conflict by presenting facts to an impartial judge and/or jury.

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### General Information

- Competition rules for all participants are “official” rules.
- Questions about anything not covered by the rules or a question about the case should be directed to the SC Bar LRE Division on the **Mock Trial Forum**.
- The Mock Trial program is available to public schools, private schools and home schools.

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# One Step Deeper

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**Purpose of a Trial**

Disputes violating the law requires solutions.

**The solution could be:**

- Clarifying each party's rights,
- Determining right from wrong or guilt vs. innocence, or
- Fining and/or sentencing as punishment.

**A trial is a widely recognized means for settling such disputes.**

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**3 Common Ways to Settle Disputes**

**Negotiation:** Parties talk face to face.

**Mediation:** Parties talk through a third person.

**Arbitration:** A third party listens to complaints from both sides and makes a decision that the parties have agreed in advance to abide by.

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## The Parties

The *parties* are the people who bring their argument to trial.

➤ A ***civil trial*** involves one person complaining about something another person did or failed to do.

➤ Example – Computer Crime

➤ ***Plaintiff*** - files or initiates complaint

➤ ***Defendant*** – object of complaint



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## The Parties (continued)

➤ A ***criminal trial*** is when a person is accused of a particular act, which under law is called a crime, ***such as murder, robbery, or fraud.***

➤ ***Prosecutor*** - files or initiates complaint, representing the state or nation

➤ ***Defendant*** – accused of crime



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## Facts of the Case

➤ An argument or incident occurs involving many facts.

➤ Both sides view facts differently, which forms the basis for a trial.

➤ Attorneys for the parties present their version of the facts before a judge and/or jury.

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## Evidence

Both sides present facts found in case, which is called **evidence**.



### Evidence comes in several forms:

- **Testimony** – what was seen, heard, done, or experienced in relation to the incident in question
- **Documents** – letters, notes, deeds, bills, receipts, etc. providing information about the case

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## Burden of Proof

In a *civil case -- the Plaintiff*

In a *criminal case -- the Prosecutor*

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## Questions?

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