**Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Due: Monday January 5th**

**Mock Trial Prep Assignments**

**Before writing openings, closings, directs, crosses you must have a fundamental understanding of the burden of proof, how to prove it and the facts of the case. Complete the following assignments in order to accomplish this:**

1. **Vocabulary (see next page)** define each word in one-two sentences.

**(Part I due 1/5, Part II and III due 1/12)**

1. **Elements of the Case (How to Prove the Case):**
   * 1. What is the burden of proof? What does that mean for the plaintiff? For the defense?
     2. Identify the **elements of the case** (hint, look at the **case law** in the back) that must be proven by the plaintiff/rebutted by the defense
     3. Look at the **case law** (precedent cases) to help with letter ii. – what do the cases say must be proved? Which cases help which side?
2. **Facts of the Case**
   1. **For Each Witness and Each piece of evidence:** 
      1. **Create one T-Chart (one separate T-chart for each witness and each piece of evidence)** of facts favorable to the plaintiff and facts favorable to the defense
         1. Go through the T-Chart and write down next to them what **elements of the case** they serve to prove
         2. make sure to label the page and line of the facts
3. **Developing Your Story and Theory:**

**\*\*\*\*\*Complete the following activities for BOTH the Plaintiff and Defense Side\*\*\*\***

**a)** Create a **story** (1-2 paragraphs) for each side; tell what happened and why that side is right, as if you were telling a friend.

b) Create a **theory for each side (2-3 paragraphs, 4-7 sentences each)** — The theory is: why, based on the law, the facts of the witnesses, and evidence must each side win the case. (a theory is more technical than a story)

c) Develop a **theme for each theory** -- one-two sentences that flow throughout and summarize your theory **(develop one theme for each side)**

**d)** Now that you have analyzed both sides, which side do you **feel more passionately about who was right**? Why? (1 paragraph)

***Bonus:***

***For each physical exhibit in the trial:***

*1. Identify which witness(es) (either on your side, or your opponents side), each piece of evidence can be introduced with.*

*2. Identify which witness(es) this piece of evidence can be a problem for on the cross examination (which evidence hurts a particular witness)*

**Mock Trial vocabulary, language and concepts**

**Vocab Part I**

1. Elements of the case
2. Embezzlement
3. Conversion
4. Opening
5. Closing
6. Direct Examination
7. Cross Examination
8. Burden of Proof
9. “Beyond a Reasonable Doubt”
10. “Beyond a Preponderance of Evidence”
11. Bench
12. Plaintiff
13. Defendant
14. Case Law
15. Precedent
16. Affidavit
17. Well of the Court
18. Counsel
19. Held
20. Allegation

**Vocab Part II**

1. Expert Opinion
2. Expert Witness
3. Non-expert Opinion
4. Verdict
5. Testimony

**Vocab Part III**

1. Objection
2. Foundation
3. Relevance
4. Objection
5. Credibility
6. Admissible
7. Hearsay
8. Exceptions to Hearsay
9. Relevance
10. Inadmissible
11. Argumentative
12. Speculation/Speculative
13. “Objection Stands”
14. “Objection Over-ruled”
15. “Objection Sustained”
16. Nonresponsive
17. Impeach (impeach the witness)
18. “Direct the…(court/witness/counsel)
19. Circumstantial evidence
20. Appeal

**Mock Trial vocabulary, language and concepts**

1. elements of the case
2. Embezzlement
3. Conversion
4. Voir Dire
5. Opening
6. Closing
7. Direct Examination
8. Cross Examination
9. “beyond a reasonable doubt”
10. Beyond a preponderance of evidence
11. Bench
12. Deliberation
13. Plaintiff
14. Prosecution
15. Defendant
16. Burden of Proof
17. **Case Law**
18. **Precedent**
19. **Held (legal definition)**
20. Foundation (legal definition)
21. Relevance (legal definition)
22. Objection
23. Admissible
24. Hearsay
25. Relevance
26. Inadmissible
27. Argumentative
28. Speculation/Speculative
29. “Objection stands”
30. Affidavit
31. Deposition
32. Bench trial
33. Well of the court
34. Move to strike from record
35. Nonresponsive
36. Impeach (impeach the witness)
37. “direct the…(court/witness/counsel)”
38. Preponderance
39. Allegation
40. Circumstantial evidence
41. Appeal
42. Counsel
43. Sidebar
44. Expert opinion
45. Expert witness
46. Non-expert opinion
47. Verdict
48. Testimony
49. Affidavit