

Mock Trial # _____

Name of Attorney Giving Opening Statement: _____

Opening Statement: Prosecution

1. Purpose To inform the jury of the nature and facts of the case. Argument, discussion of law, or objections by defense attorney are not permitted.

2. Include

Name of the case

Your name

Whom you represent

A description or story of the facts and circumstances that led to the case

What outcome you want (include the charges you are pressing)

Your theory of this case

A summary of the key facts each witness will bring out in testimony and the importance of any exhibits to be introduced.

3. Avoid

Too much detail. It may tire and confuse the jury.

Exaggeration and overstatement. Don't use such phrases as "prove it to a mathematical certainty" or "prove it absolutely beyond question."

Argument. It violates the function of the opening statement (which is to provide the facts of the case from your client's viewpoint), and you risk rebuke from the bench.

Anticipating what the defense attorney will say.

Walking or pacing. It distracts juries and irritates judges.

Opening Statement:

Mock Trial # _____

Name of Witness: _____ (this sheet is for witness to fill out)

Name of Attorney Questioning this Witness: _____

Direct Examination of Witness #1

Purpose

- To show that this witness is credible, worthy, and supports your side of case.
- To present the facts in the witnesses affidavit.
- To protect this witness from cross-examination questions that aren't in his/her favor.

Suggestions

- Ask "open-ended" questions. Those usually begin with *who*, *what*, *when*, *where*, or *how*, or by asking the witness to "explain" or "describe."
- Avoid complex or long-winded questions—questions should be clear and simple.
- Be a "friendly guide" for the witnesses as they tell their stories. Let the witnesses be the stars.

Witnesses should write down at least 15 pre-written questions that their attorneys can ask them in direct examination:

- 1.
- 2.
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- 14.
- 15.

Mock Trial # _____

Name of Witness: _____ (this sheet is for witness to fill out)

Name of Attorney Questioning this Witness: _____

Direct Examination of Witness #2

Purpose

- To show that this witness is credible, worthy, and supports your side of case.
- To present the facts in the witnesses affidavit.
- To protect this witness from cross-examination questions that aren't in his/her favor.

Suggestions

- Ask "open-ended" questions. Those usually begin with *who*, *what*, *when*, *where*, or *how*, or by asking the witness to "explain" or "describe."
- Avoid complex or long-winded questions—questions should be clear and simple.
- Be a "friendly guide" for the witnesses as they tell their stories. Let the witnesses be the stars.

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Mock Trial # _____

Name of Witness: _____ (this sheet is for witness to fill out)

Name of Attorney Questioning this Witness: _____

Direct Examination of Witness #3

Purpose

- To show that this witness is credible, worthy, and supports your side of case.
- To present the facts in the witnesses affidavit.
- To protect this witness from cross-examination questions that aren't in his/her favor.

Suggestions

- Ask "open-ended" questions. Those usually begin with *who*, *what*, *when*, *where*, or *how*, or by asking the witness to "explain" or "describe."
- Avoid complex or long-winded questions—questions should be clear and simple.
- Be a "friendly guide" for the witnesses as they tell their stories. Let the witnesses be the stars.

Witnesses should write down at least 15 pre-written questions that their attorneys can ask them in direct examination:

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Mock Trial # _____

Name of Witness: _____ (this sheet is an attorney to fill out)

Name of Attorney Questioning this Witness: _____

Cross-Examination of Opponents Witness

Purpose

- To discredit the witness
- To modify or elaborate on something they said in their direct-examination
- To confuse the witness
- To use the witnesses affidavit against them
- To use the witnesses affidavit in your side's favor

Suggestions

- Use narrow, leading questions that suggest an answer to the witness.
- Ask questions that require "yes" or "no" answers.
- Expose the existence of bias.
- Don't ask questions unless you know what kind of answer you are going to obtain.
- Avoid "fishing" too long for the answer you want.
- Don't bagger the witness, as it will be objected to and loses your credibility with the jury.

Attorneys should write down at least 15 pre-written questions that they can ask the opposing witnesses in cross- examination. These are just ideas as you may not need to ask some of them after their direct-examination.

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Mock Trial # _____

Name of Witness: _____ (this sheet is an attorney to fill out)

Name of Attorney Questioning this Witness: _____

Cross-Examination of Opponents Witness

Purpose

- To discredit the witness
- To modify or elaborate on something they said in their direct-examination
- To confuse the witness
- To use the witnesses affidavit against them
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Suggestions

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Mock Trial # _____

Name of Witness: _____ (this sheet is an attorney to fill out)

Name of Attorney Questioning this Witness: _____

Cross-Examination of Opponents Witness

Purpose

- To discredit the witness
- To modify or elaborate on something they said in their direct-examination
- To confuse the witness
- To use the witnesses affidavit against them
- To use the witnesses affidavit in your side's favor

Suggestions

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Mock Trial # _____

Name of Attorney Giving Opening Statement: _____

Opening Statement: Defense

1. Purpose To deny that the prosecution has a valid case and, in a general way, to outline the facts from the standpoint of the defendant. Interruptions by prosecution are not permitted.

2. Include

- Your name and your client's name.
- Whom you represent
- What outcome you want
- Your theory of this case
- A rundown of what each defense witness will testify to

3. Avoid

- Repetition of facts that are not in dispute.
- Exaggeration and argument.
- Mentioning strong points for the prosecution's case.
- Walking or pacing. It distracts juries and irritates judges.

Opening Statement:

Mock Trial # _____

Name of Witness: _____ (this sheet is for witness to fill out)

Name of Attorney Questioning this Witness: _____

Direct Examination of Witness #1

Purpose

- To show that this witness is credible, worthy, and supports your side of case.
- To present the facts in the witnesses affidavit.
- To protect this witness from cross-examination questions that aren't in his/her favor.

Suggestions

- Ask "open-ended" questions. Those usually begin with *who*, *what*, *when*, *where*, or *how*, or by asking the witness to "explain" or "describe."
- Avoid complex or long-winded questions—questions should be clear and simple.
- Be a "friendly guide" for the witnesses as they tell their stories. Let the witnesses be the stars.

Witnesses should write down at least 15 pre-written questions that their attorneys can ask them in direct examination:

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Mock Trial # _____

Name of Witness: _____ (this sheet is for witness to fill out)

Name of Attorney Questioning this Witness: _____

Direct Examination of Witness #2

Purpose

- To show that this witness is credible, worthy, and supports your side of case.
- To present the facts in the witnesses affidavit.
- To protect this witness from cross-examination questions that aren't in his/her favor.

Suggestions

- Ask "open-ended" questions. Those usually begin with *who*, *what*, *when*, *where*, or *how*, or by asking the witness to "explain" or "describe."
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Mock Trial # _____

Name of Witness: _____ (this sheet is for witness to fill out)

Name of Attorney Questioning this Witness: _____

Direct Examination of Witness #3

Purpose

- To show that this witness is credible, worthy, and supports your side of case.
- To present the facts in the witnesses affidavit.
- To protect this witness from cross-examination questions that aren't in his/her favor.

Suggestions

- Ask "open-ended" questions. Those usually begin with *who*, *what*, *when*, *where*, or *how*, or by asking the witness to "explain" or "describe."
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Mock Trial # _____

Name of Witness: _____ (this sheet is an attorney to fill out)

Name of Attorney Questioning this Witness: _____

Cross-Examination of Opponents Witness

Purpose

- To discredit the witness
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- To confuse the witness
- To use the witnesses affidavit against them
- To use the witnesses affidavit in your side's favor

Suggestions

- Use narrow, leading questions that suggest an answer to the witness.
- Ask questions that require "yes" or "no" answers.
- Expose the existence of bias.
- Don't ask questions unless you know what kind of answer you are going to obtain.
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Name of Witness: _____ (this sheet is an attorney to fill out)

Name of Attorney Questioning this Witness: _____

Cross-Examination of Opponents Witness

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Name of Witness: _____ (this sheet is an attorney to fill out)

Name of Attorney Questioning this Witness: _____

Cross-Examination of Opponents Witness

Purpose

- To discredit the witness
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