## Mock Trial Preparation

Name: Prosecutor/Defense?

1. Determine your theory of the case. Your theory consists of a simple, logical story explaining your version of “what really happened.” It must be consistent with the evidence you have, and with the jury’s common-sense notions about how things occur. What is your theory of the case?
2. Carefully read the statements made by the witnesses you will be questioning. done
3. What is the main point you want the jury to understand after hearing each witness testify?
4. How does that point support your theory of the case?
5. Read any other witness statements that discuss interactions with or observations of your witness, to check for any inconsistencies in stories. done
6. List all inconsistencies and potential weaknesses in your witness’ story / testimony:
7. Write a list of questions designed to address the weaknesses and inconsistencies in your witness’ testimony in a light most favorable to your case. Think of ways your witness can explain these weaknesses to the jurors in a truthful way that will generate empathy for the witness. In the right-hand column, write the answer you expect the witness to give, with a reference to the page of the trial packet where you found that information.

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1. Write a list of questions you will use to introduce your witnesses to the jury and provide background on the witness. Ask for only one small piece of information in each question. (NOT: “What is your name, age, date of birth, address, and dog’s name?”) In the right-hand column, write the answer you expect the witness to give, with a reference to the page of the trial packet where you found that information.

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1. Write questions designed to establish your witnesses’ relation to the case. (Do you remember the night of XX? Where were you that night? Do you recognize anyone sitting in the courtroom? How do you know her?) In the right-hand column, write the answer you expect the witness to give, with a reference to the page of the trial packet where you found that information.

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1. Write a list of questions that will elicit from your witnesses a description of the “scene.” The questions should evoke only one small piece of information at a time. Write questions that evoke a vivid description of what the witness observed about the place, the people, the atmosphere of the day/ night that is the focus of the testimony. The jury should be able to visualize the scene. In the right-hand column, write the answer you expect the witness to give, with a reference to the page of the trial packet where you found that information.

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1. Write a list of questions about the actions your witnesses observed. Focus on open- ended questions, beginning with the words who, what, when, where, why, how. Start at the beginning. Avoid jumping around in time and instead design questions that get the witness to tell the story chronologically one step at a time. In the right- hand column, write the answer you expect the witness to give, with a reference to the page of the trial packet where you found that information.

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1. What is the information you want the jury to hear last, in order to make a lasting impression? Write a question designed to drive home the main thing you want the jury to learn from this witness.