



Mock Trials

Duration: 4(ish) hours | **Overview:** Facilitate a “Mock Trial” on a court case.

Steps:

1. Select a case: Keeping your instructional goal in mind, select a case. If your goal is to have students learn the legal process, there are hundreds of student mock trial cases available online for a variety of age groups. If your goal is other content knowledge, you may need to create your own materials.
2. Assign roles: Divide students into prosecution and defense teams, with additional students serving as witnesses, a judge, and bailiff.
 - a. Attorneys: Responsible for preparing opening and closing statements and working with witnesses to prepare direct examination and predict cross-examination.
 - b. Witnesses: Become experts on their testimony. You can have them draft potential direct examination questions that would allow them to tell their story.
 - c. Judge: Create a script for the trial. They should explain to the jury what they will be deciding and explain the basics of the legal argument.
 - d. Bailiff: Works with the judge to prepare the script for the trial.
 - e. Jury: You will bring in outside students to serve as a jury. Jurors should be brand new to the topic to allow for a fair decision based on the case.
3. Prepare the case: Teams research their side, gather teacher-provided evidence, prepare witness testimony, and craft their legal arguments. Witnesses work with their team’s attorneys to prepare for direct examination and anticipate cross-examination questions.
4. Conduct the trial: The trial will start with opening statements from each side, then witness examination (first direct, then cross), and finally, closing arguments. The judge maintains order and rules on objections. The jury listens and takes notes.
5. Jury deliberation: The jury discusses the evidence presented and reaches a verdict based on what they heard in the classroom.

**Variations:**

Although mock trials naturally fit government or civics classes, the format works across history courses with a bit of reframing. Here are a few examples:

- Put the Robber Barons “on trial” for their contributions to society. Your witnesses could be workers, journalists, beneficiaries of philanthropy.
- Put the Articles of Confederation on trial. Witnesses could be representatives from different states, ambassadors to other countries, and leaders representing different interests.
- Put the New Deal on trial—witnesses could be economists, farmers, workers from the WPA or CC, a Supreme Court justice, or groups excluded from benefiting from the programs.

Why this works: Students will learn about the legal process in an authentic way. Because every role carries responsibility, from attorneys to witnesses to the judge and jury, students rely on one another to make the experience successful. The format naturally encourages collaboration, accountability, and careful listening, since outcomes depend on how effectively students use evidence and respond in real time.