

# Center for Civic Values

## Gene Franchini High School Mock Trial Program

*The mock trial program is cosponsored by IOLTA,  
the State Bar of New Mexico and the UNM School of Law*

### MAKE THE MOST OF YOUR PRESENTATION

#### 1. Dress Appropriately

- a. Your personal appearance affects the way people view you and your performance, and, therefore, you should dress appropriately for the courtroom. What does appropriately mean? It means business, not casual, dress. For young women, this could be a dress, a skirt and jacket, or slacks and a jacket. (If you wear a skirt or dress, be conservative in your choice of hem length.) For young men, it could be slacks and a shirt and tie, or slacks with a jacket and tie or a suit. Costumes of any kind, including uniforms, are prohibited under the mock trial rules, but it is acceptable to dress "in character."

#### 2. Prepare the Courtroom

- a. Arrive at the courtroom at least 15 minutes early so that you can acquaint yourself with the layout, make any necessary adjustments and be ready to start the trial exactly on time.
- b. The prosecution team sits at the table closest to the jury box, and the defense team sits at the other table. You may not rearrange the room.
- c. If you are video taping the trial (allowed only if both teams agree), put the camera and the person who will be filming in the jury box. (Be unobtrusive -- draw no attention to yourself.)
- d. If you are representing the prosecution, ensure your timekeeper is seated where all participants, including the presiding judge, can easily see the time cards as they are being held.
- e. Confirm the trial tables seat three attorneys comfortably. Be sure that there is adequate room to rise from your chair and adequate passageway to approach the bench or the witness. If the mock trial case includes a defendant who is testifying, s/he may also be seated at the table with the attorneys. If the defendant will not be testifying, the rules prohibit placing anyone at the trial table to "represent" that character.
- f. Attorneys should neatly organize their materials on the tables. Get rid of all unnecessary papers, briefcases and pencils.
- g. Witnesses should seat themselves in separate areas of the spectators' section.
- h. Ensure neither team members nor spectators are wearing hats.

- i. Ensure neither team members nor spectators are chewing gum.

### **3. Remember Your Posture**

- a. Participants should remember that from the elevated bench the judge has a good view of the entire courtroom. Your seating posture has a definite impact on the judge's impression of you. Attorneys especially need to be conscious of how they are seated. Sit straight but not so stiff as to be uncomfortable. Put your feet flat on the floor or cross your legs in a professional manner. Avoid nervous mannerisms, such as shaking your leg or tapping your pencil.

### **4. Speak Effectively**

- a. All participants should speak clearly and carefully enunciate each word, as microphones are not usually available.
- b. For attorneys, all speaking is done from a standing position. For witnesses all speaking is done in a seated position from the witness stand.
- c. If you are an attorney and you are addressed by the Court, stand promptly before responding.

### **5. Deliver Your Best Opening Statement or Closing Argument**

Since these are extemporaneous speeches, attorneys should employ effective speech-making techniques. Do not assume you are allowed to move around the courtroom; instead, request the presiding judge's permission to move away from the podium. If permission is granted, be extremely cautious of getting too close to the jury box; you must avoid violating the "personal space" of those in the jury box.

- a. Organize any materials before beginning.
- b. Rise slowly.
- c. With confidence, walk slowly yet deliberately to the podium or the area from which you will deliver the opening or closing.
- d. Get your body ready by assuming a good speech-making posture. Your feet should be set apart a bit and your weight balanced on the balls of your feet.
- e. Before your first word, look the judge directly in the eyes saying, "May it please the court" and then begin to speak directly to the members of the jury (the scoring judges).
- f. Try for a conversational tone in your voice. Speak to the judges in a clear voice that is slow enough and loud enough for them to follow your ideas without straining.
- g. Avoid using slang, and always use your very best vocabulary.

- h. Use variety in your delivery. You can emphasize major points in several different ways, i.e., pause before an important idea; raise your volume slightly to accentuate an important idea; or slow down to draw attention to an important idea.
- i. If you concentrate on communicating directly to the judges, gestures should be no problem. Natural gestures are always good to emphasize ideas. They will come instinctively if your focus is on talking to the judges. Don't force gestures and always avoid repetitive or unnecessary gestures.
- j. Movement is often dictated by the courtroom situation. If you are at a podium with a microphone, don't move away from the podium. In cases where there is no podium, well-timed movement can help punctuate a point or help you release nervous energy. Be sure not to pace. Keep your focus on directing the speech to the judges.
- k. Never move so that you are in front of the opposing counsel's table. This applies when giving openings/closings and when you're questioning a witness. Opposing counsel may object on the grounds that you are obstructing their view.
- l. Be aware that judges may interrupt during your closing statement and ask you a question. Pause. Listen carefully to the question. Then answer to the best of your ability. The most important thing is to maintain your poise.
- m. When you have concluded your presentation, say, "Thank you, Your Honor," while looking directly at the presiding judge. Pause briefly and then take your seat. Show no signs of relief and don't immediately turn to speak to co-counsel. Always maintain that aura of poise and confidence.

## **6. Question Witnesses Skillfully**

- a. Always rise to do the questioning.
- b. You may have questions written out, but be ready to adapt when objections are made or when a witness doesn't respond as you had expected.
- c. Speak slowly!!!
- d. Listen to the witness' response. S/He may not say what you had anticipated and thus you may have to insert or reword questions for clarification.
- e. If opposing counsel makes an objection, stop speaking and give them the floor.
- f. Be prepared to respond to an objection. Do so as articulately and confidently as you possibly can. Do not ramble. Not all judges will

expect you to respond, and, in fact, sometimes you'll have to ask if the judge will allow you to do so.

- g. If the judge rules against you on an objection, show no signs of dismay. Simply proceed with another question. The key is to maintain your poise.
- h. If you honestly don't know how to proceed, ask the judge if you may confer with your co-counsel. Make the conference brief. Use this conference technique only when absolutely essential. Judges may become frustrated if you hold up the trial too often. Remember: this conference counts as part of your time allotment.
- i. Never ask a question to which you don't know the answer.
- j. When you have finished your questioning, say "No further questions, Your Honor," and take your seat in a confident manner.

## **7. Be a Great Witness**

- a. Generally, all witnesses will be sworn at the beginning of the trial as one group.
- b. When you are called, go to the witness stand. When the judge indicates that you may take your seat, respond by saying, "Thank you."
- c. Seat yourself in the witness box in a professional manner.
- d. Position yourself so that you can comfortably give your responses to the scoring judges, who are seated in the jury box.
- e. Speak loudly and clearly and in a manner best fitting the character you are portraying.
- f. Stay in character!
- g. Don't allow any unnecessary movement or gestures to distract from your testimony.
- h. When an objection is made, immediately stop talking.
- i. Wait until the objection is decided and even then don't respond until the attorney doing the questioning indicates that you should do so.
- j. Do not attempt to answer a question that you don't understand. Ask for clarification to be sure that you understand the question that is being asked.
- k. Never argue with the judge or the opposing counsel. Leave that to your attorney. Keep a cool head!
- l. Do not leave the witness box until the judge directs you to "step down." In an instance where a judge might forget, wait a bit and then ask, "May I step down, Your Honor?"

- m. Walk slowly and confidently back to your seat.
- n. Do not speak to anyone along the way or when you are seated.

**8. Maintain Your Demeanor During Recess and Debriefing**

- a. Rise when the judges leave the courtroom; maintain order and quiet while they are out; and, rise when the judges reenter the courtroom.
- b. Listen quietly and respectfully during the debriefing. When all the judges have concluded their comments, feel free to applaud, not only for them but also for your opponents and yourselves.

**9. Exhibit Good Sportsmanship**

- a. You now have the opportunity to meet the other team. Walk over to the other team members. Shake hands, and introduce yourself. It's always appropriate to congratulate them on a good aspect of their performance. Remember, good sportsmanship is part of being a winner.