

## **Guidelines for Attorney Coaches**

As a mentor and role model, you are critical to the success of your team. You must impart to the students that the rule of law governs our society. By the end of the mock trial season, student participants should have a keen understanding of, and abiding respect for, the law and the legal system. Although we realize this is not an easy charge, there is no one better than a conscientious attorney to help them develop that understanding and respect. Naturally, the students will look to you for guidance in both their performances and their courtroom decorum. As a result, you must always demonstrate professional and ethical behavior.

As much as you will want to help the students and give them the benefit of your experience, the students and teachers will develop a better understanding of the case materials and learn more from the experience if the attorney coaches do not dominate the team's preparation. To achieve the educational goals of the mock trial program, the preparation phase of the contest should consist of a cooperative effort involving students, teacher and attorney coach. Remember, also, that one must avoid (even the appearance of) "talking down" to students and/or stifling discussion through the use of complicated "legalese."

Finally, the session descriptions below are suggestions only. You and the teacher coach should approach the tasks in whatever order you deem appropriate, provided that all of them are covered.

### **First Session**

1. Prior to meeting with the team, confirm that the teacher coach has already distributed the case materials, and that the students are familiar with them. Likewise, you should be familiar with the case materials.
2. Confirm that the students understand the sequence of a trial, the steps in each sequence, the layout of the courtroom and the participants in a mock trial. If the team members do not understand these concepts, review them before moving forward.
3. Review the Rules of Evidence (mock trial simplified version) with your team. They are available on the mock trial web site: [www.arkbar.com/pages/mock\\_trial.aspx](http://www.arkbar.com/pages/mock_trial.aspx). Ensure that the team members understand the hearsay rule and common exceptions.

### **Second Session**

1. Examine and discuss the factual basis of the case, with an emphasis on the witnesses' testimony, and the relative strengths and weaknesses of each side of the case. Remember that your team must prepare to present both sides. One can create a list of critical information as the discussion proceeds, so that the team can refer to it at some later time. Categorize the facts: what is important? What is damaging? Is there any conflicting testimony?
2. Discuss the law governing the case and the applicable burden of proof.
3. Put some of the students on the witness stand with notes and then provide examples of effective direct and cross-examinations.

4. Determine the roles of the various team members, establishing who will act as witnesses and attorneys. Since a team may be required to present both sides of the case during the competition, all roles in the case should be assigned and practiced.
5. Emphasize that team members should not memorize their roles, since in a real trial they would have to play it by ear. Rather than memorizing his/her role(s), each student should concentrate on knowing all the facts of the case.

### **Third Session**

Go through the trial from beginning to end, ensuring that all the following steps are covered.

1. Work with the student attorneys, concentrating on what should be covered in an opening statement and a closing argument. Remember that the role of the attorney coach is that of a consultant, not an author. Give the students ideas, but don't write statements for them. Ask other members of the team what they think should be included in the opening and closing.
2. Have witnesses called to the stand to be examined by student attorneys. Work with students to develop questioning techniques that will elicit testimony to support either side of the case. Have other team members make suggestions to both witnesses and attorneys.
3. Have attorneys practice making objections, and discuss both the style and substance of the objections thoroughly.
4. Have attorneys practice responding to objections. This is one of the most difficult skills for students to master, and it can only be achieved by knowing the rules inside and out.

### **Subsequent Sessions**

1. Conduct cross-examination and define possible areas where objections could occur; identify other areas that your team's attorneys might want to focus on during cross-examination; have all team members make suggestions.
2. Practice opening statements and closing arguments, how to lay a foundation for exhibits, and what to do when the opposing team objects to your questions.
3. Discuss appropriate courtroom decorum and etiquette.

### **Last Session Prior to Competition**

1. Conduct a final run-through of the entire trial. Allow team members, attorney coach(es) and the teacher coach to act as the presiding judge and/or the opposing team's attorneys.
2. Enlist the support of community members, especially attorneys or judges, to sit in and offer suggestions.
3. Plan to attend the state tournament. This will not only bolster the team's courage, but it will also demonstrate your commitment and interest in their achievements.

## **If Your Team Does Not Advance to the Final Round**

Only the top two teams will advance to the final round of the state tournament. First and foremost, inform your team of your respect for the hard work they invested to prepare for the state tournament. Naturally, if the students did not work hard, that sentiment should be downplayed. But, any student who shows up for practice, learns his or her role, and works hard should be congratulated regardless of the outcome.

Consider attending state championship round with your team. From the experience, your team members will have an accurate perception of the level of preparation and expertise that must be achieved to advance to the final round, and they may feel better about not advancing when they have the opportunity to view the presentations of those who did and compare it with their own performances at the state tournament.