Role play: a court trial

“EARTH AGAINST HUMANS“

Ein Bild, das Platz enthält.

Automatisch generierte Beschreibung

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# Getting started

## Goals of the role-play

* to develop the writing skill (speeches and court examinations)
* to present the obtained knowledge about environmental issues in a creative way
* to practice and perform speaking skill
* to strengthen argumentative skills
* to use the new vocabulary on the topics “Environmental issues and their possible sustainable solutions” and “Court trials in the USA”
* to use different media to persuade the audience

Form

a court trial in which the Earth accuses humans in all the harm they have done to it

Roles

judge, jurors (members of the jury), court reporter, court assistant, the Earth (main witness, plaintiff), the Human (defendant), witnesses: birds, animals, ocean, experts (scientists, politicians, etc.), attorneys of prosecution, attorneys of defense

## What will be evaluated

* writing skill (speech: line of arguments and language accuracy)
* speaking skill – (fluent speaking, language accuracy, the knowledge of the topic, argumentative skill)
* use of the media (of any kind: costumes, analogue props, digital evidence, etc.)
* acting skill

# Who Is Who in the US American Court? Level G

1. **Discussion:** What films or shows about law suits and court trials have you already watched? How did these law suits proceed? Who are the participants in such legal proceedings?
2. Match the terms with the definitions, write the number near each term (group A):
3. **Jurors/jury \_\_\_\_\_\_\_\_\_\_\_\_**
4. **Judge \_\_\_\_\_\_\_\_\_\_\_\_**
5. **Plaintiff \_\_\_\_\_\_\_\_\_\_\_\_**
6. **Prosecutor \_\_\_\_\_\_\_\_\_\_\_\_**
7. **Defendant \_\_\_\_\_\_\_\_\_\_\_\_**
8. **Defense \_\_\_\_\_\_\_\_\_\_\_\_**
9. **Witness \_\_\_\_\_\_\_\_\_\_\_\_**
10. **Evidence \_\_\_\_\_\_\_\_\_\_\_\_**
11. a person being sued in a civil case or accused in criminal cases; they usually plead not guilty and must answer questions from prosecutors, the judge, and their own lawyers during legal proceedings
12. they offer information about the facts or issues being discussed in the case; when testifying, they sit on the witness stand, facing the courtroom; they must promise to tell the truth by swearing or affirming. If they lie under oath, they can be charged with a crime
13. a group of individuals who make decisions based on evidence during a trial, determining a defendant's guilt or liability in criminal and civil cases, and then deciding the defendant's punishment
14. this person takes legal action against another person in court, accusing them of a crime or seeking justice for being a victim; they present evidence to prove the defendant's guilt
15. this person sits on a raised platform called the 'bench' and has three main jobs: keeping order in the court, deciding if the evidence is legal, and punishing guilty criminal defendant
16. Physical objects and documents that can be used by either side to prove or disprove issues.  An example would be DNA, fingerprints, or a photograph.
17. this lawyer's job is to highlight the facts that help their client, but they have to do it using the right legal methods; they do things similar to what prosecutors do but they defend the accused person
18. lawyers who advocate for the public and seek to prove in court that defendants committed the crimes they are accused of; they question suspects, witnesses, and experts, presenting evidence to judges and juries during trials, with their primary goal to pursuit justice
19. **What is the structure of a court trial like**?

**Match the terms with the definitions, write the number near each term (group B):**

1. Opening statement \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. Presenting the prosecution (plaintiff’s) evidence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. Presenting the defense’s evidence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
4. Direct examinations and cross-examinations \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
5. Ruling on objections \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
6. Closing argument \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
7. The jury’s verdict \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
8. Defining a sentence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
9. The defendant shares their evidence and has their witnesses answer questions through direct examination. The plaintiff or prosecutor can then ask questions in a process called cross-examination. In courtroom scenes on TV, you might have seen someone shout "I object!" In real trials, objections happen but are less dramatic. If the questioning doesn't follow the rules, the opposing party can formally object. Unlike TV, the attorney objecting must give a legal reason. Two examples are: *Hearsay:* Witnesses can only talk about things they personally know. Discussing what someone else said without direct experience is called "hearsay" and isn't allowed. *Irrelevant:* Witness testimony must be related to the issue or event. Talking about unrelated matters is not allowed.
10. The trial begins with these statements from both attorneys, providing the jury with an overview of their case. It's important to note that these statements are not considered evidence. The prosecutor goes first, the defense follows.
11. Once both sides' attorneys have shared their evidence, they give these speeches. This is their opportunity to sum up the case for the jury, highlighting facts that support their side. It's important to know that these arguments are not treated as evidence. The plaintiff or prosecutor goes first, followed by the defendant.
12. Types of questioning when a lawyer asks questions to their own witness to get information and when the opposing lawyer questions the witness to test or challenge their testimony
13. After closing arguments, the judge gives final instructions to the jury. The judge tells them to choose a foreperson who will lead and speak for them. Then, the jury goes to a room to discuss and reach this special decision. (In our mock exam, this will be done openly for others to hear the jury without interruptions.) Once they decide, the foreperson tells the court about the decision. In a criminal case, the verdict is either guilty or not guilty for each charge. If not guilty, the defendant is released and can't be retried for the same crime. If guilty, the judge decides about the punishment later.
14. A judge determines what consequences or penalties a person will face after being found guilty in a trial. This includes deciding what actions or restrictions the individual must follow as a result of their actions.
15. After the opening statements, the prosecutor or the plaintiff's presents items or documents and brings in witnesses who know about the situation. These witnesses answer questions from the prosecutor or lawyer in a process called direct examination. After that, the defendant's lawyer gets a turn to ask questions.
16. Judges interpret and apply the law, deciding on objections raised during the trial. If the judge agrees with an objection (sustained), the attorney stops that line of questioning. If the judge disagrees (overruled), the attorney can continue. The court reporter documents every objection and ruling in the official trial record.

## Solutions “Who Is Who in the US American Courtroom”. Level G

1. Shows: “Suits”, “The Lincoln Lawyer”, etc.

Films “Erin Brokovich”, “Monster”, etc.

1. 1e, 2g, 3a, 4c, 5b, 6h, 7f, 8d
2. 1c, 2a, 3f, 4d, 5g, 6h, 7b, 8e

# Where do people in a courtroom sit? What is what in a courtroom?

Match the terms on the right with the numbers in the illustration:

witness stand

judge’s door

jury door

judge’s bench

clerk and court reporter

jury box

defendant’s table

benches for public (2)

plaintiff’s table

swinging door

rail

public door

1

3

2

4

12

10

13

11

9

7

6

8

5

## Solutions “Where Do People in a Courtroom Sit?”

witness stand 5

judge’s door 1

jury door 3

judge’s bench 2

clerk and court reporter 4

jury box 8

defendant’s table 6

benches for public (2) 11, 13

plaintiff’s table 7

swinging door 9

rail 10

public door 12

# Who is Who in the US American Courtroom? Level H

**Internet research:** Visit these websites to deal with your task and share your findings later in groups:

<http://judiciallearningcenter.org/your-day-in-court/>

and <http://www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work/court_role.html>

**Group a:** Who is who in the US American court and what are their tasks and roles in a trial? Find the information online and take notes.

1. Jurors/jury
2. Judge
3. Plaintiff
4. Prosecutor
5. Defendant
6. Defense
7. Witness
8. Evidence

**Group b:** How the trials are structured and what is important? Find the information online and take notes.

1. Opening statement
2. Presenting the prosecution (plaintiff’s evidence)
3. Presenting the defense’s evidence
4. Direct examinations and cross-examinations
5. Ruling on objections
6. Closing argument
7. The jury’s verdict
8. Defining a sentence

## Solutions “Who is who is a US American Courtroom?”. Level H and higher

**Jury**

A jury is a team of people who are asked and promised to decide on the facts in question during a trial. They listen to the evidence, figure out what facts the evidence shows, and make conclusions based on those facts to make their decision. The jury decides if a defendant is "guilty" or "not guilty" in criminal cases, and "liable" or "not liable" in civil cases. If the jury decides the person is guilty or liable, the judge then decides the punishment for the defendant.

**Judge**

The judge leads the court proceedings from a raised platform called the "bench." The judge has these main responsibilities:

• overseeing the proceedings and making sure there is order;

• deciding if the evidence the parties want to use is against the law or improper;

• punishing criminal defendants who are found guilty.

**Plaintiff**

A plaintiff is someone who takes legal action against another person or accuses them of a crime in a court of law. They may also be the victim of the crime. The plaintiff provides evidence to prove the defendant's guilt.

**Prosecutor**

Prosecutors are lawyers who represent the People and aim to prove in court that defendants are guilty of the crimes they are accused of. They question suspects, witnesses, and experts, presenting incriminating evidence to judges and juries during both civil and criminal trials, with their main objective being the pursuit of justice.

*a) Presenting Evidence:*

Prosecutors create compelling opening and closing statements and provide evidence to counter the defense attorney's arguments, interpretations of the law, and questionable evidence.

*b) Calling Witnesses to the Stand:*

Following opening statements from both the prosecution and defense, prosecutors call witnesses to the stand to confirm alleged claims and evidence against the defendant. They focus on facts, eye-witness accounts, and evidence collected at the scene or from other sources, such as computer files, that the witness has firsthand knowledge of. Prosecutors may use photographs, diagrams, or evidence for identification.

*c) Cross-Examining the Defense Witnesses:*

Prosecutors cross-examine witnesses and experts presented by the defense. The aim is to challenge the truthfulness of the witnesses, determining if their testimony exhibits bias or unjustifiable opinions. Prosecutors seek to uncover lies, misleading statements, and irrelevant information that does not accurately represent the case's facts.

*d) Punishments and Sanctions:*

While the judge ultimately decides the sentence if the defendant is found guilty, prosecutors can propose specific punishments or sanctions based on the evidence presented during the trial.

**Defendant**

The defendant is the individual facing a lawsuit in a civil case or the one accused in criminal cases. They typically assert a plea of not guilty. The defendant is required to respond to questions posed by prosecutors, the judge, and their own defense during the legal proceedings.

**Defense**

This lawyer's job is to highlight the facts that help their client, but they have to do it using the right legal methods. They do things similar to what prosecutors do but they defend the accused person.

**Witnesses**

Witnesses provide information about the facts or matters in the case that are being argued. While giving their testimony, they sit on the witness stand, facing the courtroom. Depending on who calls them to testify, witnesses may be labeled as plaintiff's witnesses, government witnesses, or defense witnesses. Every witness must promise to tell the truth by swearing or affirming. If a witness lies while under oath, they can be accused of perjury, which is a crime in itself.

**Evidence**

Physical objects and documents can be used by either side to prove or disprove issues.  An example would be DNA, fingerprints, or a photograph.

## Solutions “General structure of a court trial”. Level H and higher

**Opening Statements**

Every trial follows a similar process. Both parties involved, including the prosecuting attorney representing the government and the defendant with their defense attorney, are seated in the courtroom during a criminal trial. The trial begins with the attorneys making their opening statements. During this time, the attorneys provide the jury with an overview of the case they plan to present. It's important to note that these statements are not considered as evidence by the jury. The party bringing the case, which is the one with the burden of proof, goes first. In a criminal case, this is the prosecuting attorney, and in a civil case, it's the plaintiff. The defense then follows with their opening statement.

As the trial progresses, the prosecutor or plaintiff presents their case, and the defense has the opportunity to respond.

**Presenting the Prosecution/Plaintiff’s Evidence**

After the opening statements, the prosecutor or plaintiff's attorney takes the lead. They present evidence, which can include physical items or documents, along with the testimony of witnesses. A witness is someone who has firsthand knowledge of a situation that could assist the jury in reaching a decision. This personal knowledge is conveyed to the judge and jury through a series of questions in a process known as direct examination, conducted by the plaintiff's attorney or prosecutor. Once the direct examination is finished, the defendant’s attorney gets an opportunity to question the witness.  This is called [cross examination](http://judiciallearningcenter.org/glossary/#C).

**Presenting the Defense’s Evidence**

Then the defendant presents their evidence and witnesses in a similar manner through direct examination. The plaintiff or prosecution has the opportunity to cross-examine.

In courtroom scenes, you might have seen a character shout "I object!" in fictional trials on television. In reality, objections do occur, but they are usually less dramatic. During testimony, the opposing party can formally object if the questioning doesn't follow the rules of evidence. Unlike what's often portrayed on television, the attorney making the objection must provide a legal reason for interrupting the testimony. There are various standard objections, and here are a couple of examples:

• Hearsay: Witnesses are generally allowed to testify only based on their own firsthand knowledge. Talking about something said by another person, without direct observation, is termed “hearsay” and is not permitted.

• Irrelevant: Witness testimony must be relevant for the issue or event in question. Testifying about unrelated matters is not allowed.

**Ruling on objections**

Judges are responsible for interpreting and applying the law, and therefore, they make decisions on each objection raised during the trial. If the objection is sustained, meaning it is accepted by the judge, the attorney must finish that line of questioning and proceed to the next one. On the other hand, if the objection is overruled, the attorney is allowed to continue with the question. Every objection and the judge's ruling are documented in the official record of the trial by the court reporter.

**Closing arguments**

After both sides' attorneys have presented their evidence, they each deliver closing arguments. This is their chance to summarize the case for the jury and emphasize the facts that favor their side. It's crucial to note that closing arguments are not considered as evidence. The plaintiff or prosecutor presents their closing argument first, followed by the defendant.

**The Jury’s Verdict**

Following the closing arguments, the judge will provide final instructions to the jury. The judge will direct the jury to choose a foreperson who will serve as their leader and spokesperson. Subsequently, the jury will retreat to a deliberation room to reach a verdict (*note: in our mock exam this will happen in front of the other participants in order to hear what the jurors think about the case; no one may interrupt or react to their discussion*).

Once a decision is reached, the foreperson informs the court. In a criminal case, the verdict can only be guilty or not guilty on each charge. If the defendant is found not guilty, they are released and cannot be retried for the same crime. If the defendant is found guilty, the judge will determine the punishment at a later date.

**Defining a sentence**

A judge determines what consequences or penalties a person will face after being found guilty in a trial. This includes deciding what actions or restrictions the individual must follow as a result of their actions

# Tips on writing speeches for a mock court trial (for prosecutors and lawyers of defense[[1]](#footnote-1))

## How to Write a Prosecution Opening Statement for Mock Trial. Level G

**1.** **Introduction:**

Good \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_! I'm \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and I'm the prosecutor for this case \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ against \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

I will be presenting the evidence against the accused \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_."

**2. Theme:**

The main idea of our case is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and it's important because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**3. Summarize Witnesses:**

We have some people who will speak and help prove our case.

First is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, who saw/knows that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The second witness is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and they can testify that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**4. Anticipate Defense Theories:**

Now, the defense might say \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, but we have evidence that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**5. Conclusion:**

To finish, I ask you to find the accused guilty because we've proven our case / based on the evidence we presented.

## How to Write a Prosecution Opening Statement for Mock Trial. Level H

1. **Introduction:** Begin by introducing yourself and the role you play as the prosecutor.
2. **Theme:** Clearly state the theme of your case, emphasizing the key points.
3. **Summarize Witnesses:** Briefly outline the witnesses you'll call, highlighting their testimony to support your case.
4. **Anticipate Defense Theories**: Address potential defense arguments, countering them with key points.
5. **Conclusion:** Conclude by requesting a guilty verdict, asserting that the state has met its burden of proof.

## How to Write a Defense Opening Statement for a Mock Trial. Level G

**1. Introduction:**

Greetings, everyone. I am \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, representing the defense today. I want to show you that the accusations against our client are not true.

**2. Theme:**

Our defense theme is focused on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and we have a few possible explanations, like \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**3. Contradict State's Theories:**

The prosecution says \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, but let me point out some problems with that. We have reasons to doubt that. For instance, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**4. Summarize Witnesses:**

Let me highlight what each defense witness is going to say. First up is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, who will testify about \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Secondly, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Our last witness is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_...

**5. Conclusion:**

To sum it up, you will see that the defendant not guilty because the state will never prove the case!

## How to Write a Defense Opening Statement for a Mock Trial. Level H

1. **Introduction:** Start by introducing yourself as the defense representative and emphasize the false accusation against the defendant.
2. **Theme:** Clearly state the defense theme, highlighting possible defenses such as mistaken identity, self-defense, or mental illness.
3. **Contradict State's Theories:** Address the prosecution's claims, pointing out inconsistencies or presenting alternative explanations for evidence.
4. **Summarize Witnesses**: Outline the key points each defense witness will testify to, supporting the defense's case.
5. **Conclusion:** Conclude by requesting a verdict of not guilty, asserting that the state has not met its burden of proof.

## How to write a Prosecution Closing Argument for a Mock Trial. Level G

**1. Introduction:**

Good \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, members of the jury. I'm \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the prosecutor for this case.

**2. Establish Facts:**

Let me share with you some crucial facts that have been proven without a doubt.

First, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, showing the defendant's intentional actions.

We are also certain about \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ indicating the defendant's deliberate actions.

**3. Reject Defense Theories:**

Now, the defense may suggest \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, but let me explain why that doesn't hold up. The witnesses we brought forward are credible, and there's no reason to doubt them.

The defendant has a motive to lie, and we'll discuss why: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**4. Emphasize Accountability:**

We live in a society where everyone is accountable for their actions.

We can't let \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ be used as an excuse. We need to see the truth behind these claims.

**5. Conclusion:**

To conclude, I ask you to find the defendant guilty based on the solid facts and arguments presented. Thank you for your attention, members of the jury.

## How to write a Prosecution Closing Argument for a Mock Trial. Level H

1. **Introduction:** Greet the jury in your role as the prosecutor.
2. **Establish Facts:** Summarize key facts proven beyond a reasonable doubt, including the defendant's intentional actions.
3. **Reject Defense Theories:** Address and refute each defense argument, emphasizing witness credibility and the defendant's motive to lie.
4. **Emphasize Accountability:** Stress the importance of accountability in society and dismiss defense arguments as mere excuses.
5. **Conclusion:** Request a guilty verdict based on the established facts and arguments presented. Thank the jury.

## How to write a Defense Closing Argument for a Mock Trial. Level G

**1. Introduction:**

Good \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, members of the jury. I'm \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, representing the defense in this case.

**2. Request Not Guilty Verdict:**

I stand before you today to request a verdict of not guilty. There simply isn't enough evidence to convict my client.

**3. Critique State's Case:**

Let's take a closer look at the state's case. The witnesses they brought in lack reliability, and there are clear inconsistencies in their testimonies. For example, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**4. Defendant's Burden:**

In our legal system, the responsibility to prove guilt rests with the prosecutor. The defense doesn't need to prove anything.

**5. Conclusion:**

In conclusion, I ask you to deliver a fair verdict of not guilty. The evidence presented by the prosecution falls short, and they have not met their burden of proof.

## How to write a Defense Closing Argument for a Mock Trial. Level H

1. **Introduction**: Greet the jury and remind them of your role as the defense lawyer.
2. **Request Not Guilty Verdict:** State clearly that there's insufficient proof for a conviction and ask for a not guilty verdict, echoing the defense theme.
3. **Critique State's Case:** Attack the reliability and credibility of state witnesses, point out inconsistencies, and question the thoroughness of the investigation. Address the lack of crucial evidence and emphasize that the burden of proof lies with the prosecutor.
4. **Defendant's Burden:** Highlight that the defendant doesn't need to prove innocence; it's the prosecutor's responsibility to prove guilt, and they have not met that burden.
5. **Conclusion:** Urge the jury to render a fair verdict of not guilty, emphasizing the lack of evidence and the prosecutor's failure to meet their burden.

# Words and useful phrases for the court trial

Jury/Juror Geschworene(r)

Judge Richter(in)

Justice Gerechtigkeit/Justiz

Courtroom Gerichtssaal

Trial Prozess

To abuse missbrauchen

To accuse anklagen

To justify rechtfertigen

Proof Beweis

Case Fall

To file suit eine Klage einreichen

Compensation for the damage caused Schadensersatz

To file a complaint eine Beschwerde einreichen

To offer a settlement einen Vergleich anbieten

A trial Gerichtsverhandlung

To negotiate verhandeln

A lawsuit Klage

Plaintiff Kläger

To defend smb for smth jemanden für etwas verteidigen

To present evidence Beweismittel vorlegen

Prosecution Staatsanwaltschaft

Witness Zeuge/Zeugin

To sue somebody for something jemanden wegen etwas verklagen

Defending lawyer Verteidiger(in)

Client Klient(in)

Judgment Urteil

Defendant Beklagte(r)

To sue for damages auf Schadensersatz klagen

Argument in support of an action Argument zur Unterstützung einer Klage

A subject of an action Gegenstand einer Klage

## Vocabulary exercise A: Fill in the gaps in the sentences.

1. The \_\_\_\_\_\_\_\_\_\_\_ is a group of individuals selected to hear and decide the facts of a case.

2. The \_\_\_\_\_\_\_\_\_\_\_ is the official in the courtroom who presides over legal proceedings and ensures that the trial is conducted fairly.

3. \_\_\_\_\_\_\_\_\_\_\_ is the concept of fairness and the administration of what is just, especially in legal proceedings.

4. \_\_\_\_\_\_\_\_\_\_\_ refers to the agencies and individuals responsible for enforcing laws and maintaining public order.

5. The \_\_\_\_\_\_\_\_\_\_\_ is the place where legal proceedings, such as trials and hearings, take place.

6. A \_\_\_\_\_\_\_\_\_\_\_ is a formal examination of evidence before a judge and, often, a jury, in order to decide guilt in a case.

7. To \_\_\_\_\_\_\_\_\_\_\_ means to misuse or mistreat something or someone for personal gain.

8. \_\_\_\_\_\_\_\_\_\_\_ means to provide a reasonable explanation or justification for something.

9. \_\_\_\_\_\_\_\_\_\_\_ is the factual evidence that helps establish the truth of a statement.

10. In legal terms, a \_\_\_\_\_\_\_\_\_\_\_ is a specific instance or occurrence that is the subject of a legal action.

11. \_\_\_\_\_\_\_\_\_\_\_ involves initiating a legal action by formally submitting a case to a court.

12. \_\_\_\_\_\_\_\_\_\_\_ is the money awarded to cover losses or injuries suffered as a result of someone else's actions.

13. If someone is dissatisfied with a situation, they may choose to \_\_\_\_\_\_\_\_\_\_\_.

14. During negotiations, parties may decide to \_\_\_\_\_\_\_\_\_\_\_ in order to resolve the dispute without going to trial.

## Vocabulary exercise B: Words to use while speaking about evidence

Match the English phrases with their German equivalents:

|  |  |
| --- | --- |
| Irrefutable | rechtlich erlangt |
| Legally obtained | falsche Aussagen vorbereiten |
| Testimonial | erfinden/fälschen |
| To fabricate | unwiderlegbar |
| To prepare false testimonials | zeugenschaftlich |

## Solutions

**A:** 1. jury 2. judge; 3. Justice; 4. Law enforcement; 5. courtroom; 6. trial; 7. abuse; 8. To justify; 9. Proof; 10. case; 11. Filing a suit; 12. Compensation for the damage caused; 13. file a complaint; 14. offer a settlement

**B:**

- Irrefutable: unwiderlegbar

- Legally obtained: rechtlich erlangt

- Testimonial: zeugenschaftlich

- To fabricate: erfinden/fälschen

- To prepare false testimonials: falsche Aussagen vorbereiten

## Phrases to be used by a judge in a court trial

|  |  |
| --- | --- |
| 1. Order in the court, please.  2. The court will now come to order.  3. The court will take a brief recess.  4. The jury will disregard that statement.  5. This court finds the defendant guilty/not guilty.  6. Bailiff, please swear in the witness. | 1. Ordnung im Gericht, bitte.  2. Das Gericht wird nun zur Ordnung kommen.  3. Das Gericht wird eine kurze Pause einlegen.  4. Die Jury wird diese Aussage ignorieren.  5. Dieses Gericht erklärt den Angeklagten schuldig/nicht schuldig.  6. Justizbeamter, bitte vereidigen Sie den Zeugen. |

## Phrases a judge might use when addressing attorneys and plaintiff

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| 1. Counsel for the plaintiff, you may proceed with your opening statement.  2. Objection sustained, counselor. Please rephrase the question.  3. Overruled.  4 Counsel, approach the bench for a moment, please."  5. The court appreciates the clarification, counsel.  6. Counsel for the defense, do you have any objections to the witness's testimony?"  7."I'll allow the line of questioning, but let's keep it relevant to the case.  8. Counsel, the court expects adherence to the rules of evidence.  9. Counsel for the plaintiff, you may cross-examine the witness.  10. The court reminds both parties to focus on the facts of the case.  11. The court commends both counsel for their professionalism.  12. The plaintiff has the burden of proof in this case.  13.Counsel for the defense, you may present your closing argument.  14. The court will now consider the evidence presented by both parties." | 1. Der Anwalt der Klägerin kann mit seiner Eröffnungsrede fortfahren.  2. Einwand angenommen, Rechtsanwalt. Bitte formulieren Sie die Frage um.  3. Abgelehnt.  4. Anwalt, bitte kommen Sie für einen Moment zum Richtertisch.  5. Das Gericht dankt für die Klarstellung, Anwalt.  6. Verteidigungsanwalt, haben Sie Einwände gegen die Aussage des Zeugen?  7. Ich erlaube die Befragung, aber lassen Sie uns sie relevant für den Fall halten.  8. Anwalt, das Gericht erwartet die Einhaltung der Beweisregeln.  9. Der Anwalt der Klägerin kann den Zeugen jetzt im Kreuzverhör befragen.  10. Das Gericht erinnert beide Parteien daran, sich auf die Fakten des Falls zu konzentrieren.  11. Das Gericht lobt beide Anwälte für ihre Professionalität.  12. Die Klägerin trägt in diesem Fall die Beweislast.  13. Verteidigungsanwalt, Sie können Ihr Schlussplädoyer vortragen.  15. Das Gericht wird nun die von beiden Parteien vorgelegten Beweise prüfen. |

## Phrases a judge might use when addressing witnesses or referring to them

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| --- | --- |
| 1. The court calls the first witness. Please state your name for the record.  2. Witness, you are under oath. Please answer the questions truthfully.  3. Objection sustained. The witness will disregard the last question and answer.  4. The court reminds the witness to answer only the question asked.  5. Witness, please keep your responses clear and concise.  6. The court appreciates the witness's cooperation in providing relevant information.  7. The witness is excused. Thank you for your testimony.  8. The court will take a short break before calling the next witness.  9. The court advises the witness to speak up and ensure their testimony is audible.  10. The witness's testimony will be considered by the jury in their deliberations.  11.The witness may answer the question. | 1. Das Gericht ruft den ersten Zeugen auf. Bitte geben Sie Ihren Namen für das Protokoll an.  2. Zeuge, Sie stehen unter Eid. Bitte beantworten Sie die Fragen wahrheitsgemäß.  3. Einspruch stattgegeben. Der Zeuge wird die letzte Frage und Antwort ignorieren.  4. Das Gericht erinnert den Zeugen daran, nur die gestellte Frage zu beantworten.  5. Zeuge, bitte halten Sie Ihre Antworten klar und prägnant.  6. Das Gericht schätzt die Zusammenarbeit des Zeugen bei der Bereitstellung relevanter Informationen.  7. Der Zeuge ist entlassen. Vielen Dank für Ihre Aussage.  8. Das Gericht wird eine kurze Pause einlegen, bevor der nächste Zeuge aufgerufen wird.  9. Das Gericht rät dem Zeugen, lauter zu sprechen und sicherzustellen, dass seine Aussage hörbar ist.  10. Die Aussage des Zeugen wird von der Jury bei ihren Beratungen berücksichtigt.  11. Der Zeuge darf die Frage beantworten. |

# Suggested evaluation aspects of the role-play

## Level G

1. **Line of arguments** (making a point)25%
2. **Language accuracy** (using English correctly) 25%
3. **Use of the media** (costumes, analogue props, digital evidence, etc.) 20%
4. **Spontaneous speech during the trial**  20%
5. **Acting skill (being in your role)** 10%

1. Line of arguments (Making a Point):

- (1): Doesn't understand the topic well and has trouble making a clear argument.

- (2): Makes a basic argument with some good points. It's somewhat clear but might have some gaps.

- (3): Makes a good argument with clear and logical reasoning. Supports points with good evidence.

- (4): Makes a very good and nuanced argument, understanding the topic deeply.

- (5): Makes an outstanding and insightful argument, expressing ideas very well.

2. Using English Correctly:

- (1): Many grammar mistakes and problems with words. Limited vocabulary.

- (2): Some mistakes, and the way of saying things might be a bit strange. Knows enough words but struggles with harder sentences.

- (3): Few mistakes, usually says things correctly. Knows different words and uses them well.

- (4): Uses English very well, with advanced words and difficult sentences.

- (5): Uses English exceptionally well, with a rich vocabulary and perfect language use.

3. Use of the Media:

- (1): Doesn't use pictures or objetcs much. Doesn't help the performance and might make it confusing.

- (2): Uses pictures and objects a bit, but they might not fit well with the performance. Not very creative.

- (3): Uses pictures and objects well. They fit with the performance and are creative.

- (4): Uses pictures and objects very well. They make the performance better and are creative.

- (5): Uses pictures and objects exceptionally well. They fit perfectly, show a deep understanding, and are very creative.

4. Spontaneous speech during the trial:

- (1): Stops a lot and has a hard time saying things without planning.

- (2): Stops a bit, but can still say things without planning too.

- (3): Talks easily without planning. Can handle unexpected questions well.

- (4): Talks very easily without planning. Handles hard questions well.

- (5): Talks exceptionally well without planning. Can say complex things easily.

5. Acting Skills:

- (1): Doesn't show feelings or get into a character well.

- (2): Shows some feelings and gets into a character a bit.

- (3): Shows feelings well and gets into a character convincingly.

- (4): Shows a lot of feelings and gets into a character very convincingly.

- (5): Shows outstanding feelings and gets into a character exceptionally well.

## Level H

1. **Line of arguments** 25%
2. **Language accuracy** 25%
3. **Spontaneous remarks during the trial** 20%
4. **Use of the media** (costumes, analogue props, digital evidence, etc.) 20%
5. **Acting skill (being in your role)** 10%

**1. Line of Arguments:**

(1): Demonstrates a limited understanding of the topic; lacks a clear and coherent argument. Presents irrelevant information and struggles to stay on topic.

(2): Presents a basic argument with some relevant points. The logic is somewhat clear, but there are gaps in reasoning. Limited use of evidence to support the argument.

(3): Presents a well-structured argument with clear and logical reasoning. Supports points with relevant evidence and effectively addresses counterarguments.

(4): Articulates a sophisticated and nuanced argument. Demonstrates a deep understanding of the topic, integrating multiple perspectives and addressing complexities.

(5): Presents an exceptionally compelling and insightful argument. Articulates ideas with precision, clarity, and creativity. Integrates a wide range of evidence and effectively persuades the audience.

**2. Language Accuracy:**

(1): Numerous grammatical errors and inaccuracies. Limited vocabulary and frequent misuse of language.

(2): Some grammatical errors and awkward phrasing. Adequate vocabulary but may struggle with more complex language structures.

(3): Few grammatical errors; language is generally accurate. Varied vocabulary and effective use of language structures.

(4): Demonstrates a high level of language proficiency, including advanced vocabulary and complex sentence structures.

(5): Exceptional language accuracy and fluency. High proficiency with a rich and precise vocabulary. Mastery of nuanced language use.

**3. Use of Media and Props:**

(1): Minimal or inappropriate use of media. Does not enhance the presentation and may distract from the main points.

(2): Basic use of media; visuals may not be well-integrated or relevant to the content. Limited creativity.

(3): Effective use of media to enhance the presentation. Visuals are relevant, well-integrated, and support key points. Demonstrates creativity in media selection.

(4): Highly effective use of media, enhancing the overall presentation. Visuals are compelling, relevant, and creatively employed to engage the audience.

(5): Exceptional use of media, seamlessly integrated into the presentation. Demonstrates a deep understanding of the media's impact on the audience. Creativity and innovation in media selection.

**4. Spontaneous Speaking:**

(1): Excessive pauses and hesitations. Difficulty expressing ideas coherently without prior preparation.

(2): Some hesitations, but able to communicate ideas with moderate fluency. May struggle with complex or unexpected questions.

(3): Fluent and articulate in spontaneous speaking. Can handle unexpected questions with ease and clarity.

(4): Highly fluent and eloquent in spontaneous speaking. Responds to questions with sophistication and clarity, demonstrating adaptability.

(5): Exceptional ability to speak spontaneously. Articulates complex ideas with ease, precision, and creativity. Demonstrates mastery in impromptu communication.

**5. Acting Skill:**

(1): Limited expressiveness and engagement. Struggles to convey emotions or maintain a character.

(2): Adequate expressiveness and engagement. Demonstrates some ability to convey emotions and maintain a character.

(3): Strong expressiveness and engagement. Conveys emotions effectively and maintains a convincing character.

(4): Exceptional expressiveness and engagement. Demonstrates a high level of emotional range and convincingly embodies a character.

(5): Outstanding acting skills. Displays exceptional expressiveness, emotional depth, and a masterful ability to inhabit a character convincingly.

# Sources:

Illustration:<https://pixabay.com/illustrations/court-judge-gavel-supreme-fair-5665886/>

Web sources on the topic “Court trial”:

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<http://judiciallearningcenter.org/your-day-in-court/>

<http://www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work/court_role.html>

1. If you want to find examples of such statements and speeches, find this file online: <https://rivercity.wusd.k12.ca.us/documents/Students/Mock-Trial/Opening%20and%20Closing%20Statements.pdf> [↑](#footnote-ref-1)